

# ARTICLE 98

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Notes

## ARTICLE 98

### TEXT OF ARTICLE 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

### INTRODUCTORY NOTE

1. Except as indicated below, the organization of the present study generally follows that of the previous studies of Article 98 in the *Repertory* and its *Supplements Nos. 1, 2, 3 and 4*; however, the material has, as in other parts of this Supplement, been considerably condensed. In the Analytical Summary of Practice, several subsections under section C, "Financial functions of the Secretary-General", and section D, "Functions of the Secretary-General with respect to political and security matters", have been deleted since the actions taken by the Secretary-General thereunder came to an end in the period covered by Supplement No. 4; a considerable number of subsections have however been added, corresponding to activities initiated during the period under review. The material dealt with under subsection 2 of section B has been placed under two subheadings.

### I. GENERAL SURVEY

2. In the period under review the functions of the Secretary-General in the political area experienced a considerable expansion, particularly as regards peace-keeping operations. Three new operations of this type were established by the Security Council to perform functions in the Middle East, namely, the United Nations Emergency Force (UNEF), the United Nations Disengagement Observer Force (UNDOF) and the United Nations Interim Force in Lebanon (UNIFIL). The functions of an operation of this type already active in the Middle East, namely the United Nations Truce Supervision Organization (UNTSO), were extended to the Israel-Lebanon sector, which had not previously been covered by it, and to include co-operation with the three newly created peace-keeping operations. The activities carried out by the Secretary-General in Cyprus through the United Nations Peace-keeping Force in Cyprus (UNFICYP), and by him directly, became considerably more involved, particularly as a result of the events that took place in the island in July and August 1974. With regard to Namibia (the former South West Africa), the Security Council entrusted the Secretary-General with tasks involving negotiations as well as the submission of proposals for the establishment of an operation of an entirely unprecedented nature, the United Nations Transition Assistance Group (UNTAG), charged with the supervision and control of elections for a constituent assembly in Namibia and also with peace-keeping functions. Following the formal establishment of UNTAG by the Security Council in September 1978, the efforts made by the Secretary-General to put that decision into effect involved him in a difficult negotiating process, which had not yet borne fruit at the end of the period under review.

3. In addition, the Secretary-General continued to discharge other responsibilities, pursuant to many specific mandates covering a wide range of activities in the political field. He was requested, for example, to nominate candidates for the post of United Nations Commissioner for Namibia,<sup>1</sup> to appoint a representative to assist in

efforts to effect a transition to majority rule in Southern Rhodesia,<sup>2</sup> to enter into consultations with the parties concerned and interested with regard to the situation prevailing in 1975 with respect to Western Sahara,<sup>3</sup> to appoint a special representative to investigate the events that had led to a complaint by Iraq against Iran in 1974,<sup>4</sup> and to send a special representative to East Timor to assess the situation prevailing there at the end of 1975.<sup>5</sup> In connection with complaints of aggression against their territories submitted by two African Member States to the Security Council, the Secretary-General was given a role by the Council in the selection of the members of missions composed of members of the Council charged with investigating the complaints.<sup>6</sup> He was also requested to take an initiative in favour of negotiations regarding the question of the Comoran island of Mayotte between the Governments of France and the Comoros,<sup>7</sup> to assist, together with the President of the General Assembly, in the re-establishment of human rights in Chile<sup>8</sup> and to assist in negotiations between nuclear and non-nuclear-weapon States with a view to reaching agreement on the complete and general prohibition of nuclear weapon tests.<sup>9</sup>

4. The Secretary-General continued to exercise actively functions under the powers inherent in his office. His activities in this area included the issue of appeals, the holding of discussions and consultations, the exercise of good offices, fact-finding and the appointment of a personal representative or officials for specific missions. The exercise of good offices by the Secretary-General under his inherent powers was endorsed in a specific case by the Security Council.<sup>10</sup> Also on his own authority the Secretary-General participated in international conferences, made arrangements for the establishment of a liaison office by a provisional government in Geneva and lent assistance to persons of uncertain nationality in obtaining travel documents and resettling. On several occasions the Secretary-General elaborated on the principles applicable

to such activities, emphasizing, in particular, his right to take action on his own initiative whenever the Governments concerned agreed thereto. The administrative and executive functions of the Secretary-General, as well as his technical functions, continued to expand and to become more diversified. In the field of public information, a significant development was a request by the General Assembly that the Secretary-General make new efforts in that field and convey to the general public comprehensive information regarding the political, economic, social, cultural and humanitarian activities and undertakings of the United Nations system, including the

principles and aims related to the new international economic order.<sup>11</sup> As in the past, great emphasis was laid on the need for publicizing the work of the United Nations in the field of decolonization and for the dissemination of information intended to combat *apartheid*.

5. The subdivisions used in the Analytical Summary of Practice are to some extent arbitrary, since in the execution of any one request or the implementation of any one resolution or decision, a strict division is not always possible between the Secretary-General's political, administrative, executive, technical and financial functions.

## II. ANALYTICAL SUMMARY OF PRACTICE

### A. General administrative and executive functions of the Secretary-General

#### 1. FUNCTIONS OF THE SECRETARY-GENERAL IN CONNECTION WITH MEETINGS OF UNITED NATIONS ORGANS

##### a. Drawing up of the agenda

6. The Economic and Social Council requested the Secretary-General to communicate to members of the Council and its sessional committees, as soon as possible after the Council had considered the provisional agenda for the following session, an annotated provisional agenda for the next session.<sup>12</sup>

7. The Secretary-General was requested by the Security Council to draw up, in consultation with the members of the Council and in accordance with the relevant provisions of the provisional rules of procedure, the provisional agenda of periodic meetings of the Council in accordance with Article 28 (2) of the Charter<sup>13</sup>.

##### b. Convening of sessions and meetings

8. During the period under review, the General Assembly and the Economic and Social Council frequently requested the Secretary-General to convene or make arrangements for conferences and meetings. For example, he was requested by the General Assembly to convene two sessions of the Preparatory Committee for the United Nations Conference on the Human Environment,<sup>14</sup> to convene a joint meeting of the Special Committee on *Apartheid*, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations Council for Namibia,<sup>15</sup> to convene, first in January 1971 and thereafter as frequently as appropriate, the Informal Joint Committee on Host Country Relations,<sup>16</sup> to invite the participants in and to make other preparations for the United Nations Conference on the Human Environment,<sup>17</sup> to convene the United Nations Conference on Prescription (Limitation) in the International Sale of Goods,<sup>18</sup> to convene the Consultative Committee for the Conference of the International Women's Year,<sup>19</sup> to convene a conference of plenipotentiaries for the establishment of the International Fund for Agricultural Development,<sup>20</sup> to convene the Advisory Committee for the International Year for Disabled Persons,<sup>21</sup> to convene a United Nations Conference on Contracts for the International Sale of Goods,<sup>22</sup> and to make the necessary arrangements for a conference of plenipotentiaries to finalize and adopt the constitution of the United Nations Industrial Development Organization as a specialized agency.<sup>23</sup> He was requested by the Economic and Social Council to call a conference of plenipotentiaries for the adoption of the Protocol on Psychotropic Substances,<sup>24</sup> to convene the

*Ad Hoc* Group of Experts on Tax Treaties between Developed and Developing Countries,<sup>25</sup> to convene a plenipotentiary conference to amend the Single Convention on Narcotic Drugs,<sup>26</sup> and to convene working groups of interested Member States with regard to the question of export credits.<sup>27</sup>

9. The Secretary-General was frequently requested by the General Assembly to convene pledging conferences.<sup>28</sup>

10. On a regional basis, the Secretary-General was requested by the General Assembly to convene meetings within the framework of the regional commissions, to establish guidelines for the co-ordination of action with respect to human settlements,<sup>29</sup> and by the Economic and Social Council to make the necessary arrangements to convene the Seventh and Eighth United Nations Regional Cartographic conferences for Asia and the Far East.<sup>30</sup>

11. With respect to certain other conferences, the Secretary-General was asked to appoint officials to make the necessary arrangements.<sup>31</sup> By its resolution 1484 (XLVIII) the Economic and Social Council requested the Secretary-General, in association with the executive heads of interested specialized agencies and the non-governmental organizations involved in the study of population and of population problems, to establish a small preparatory committee to make arrangements for the Third World Population Conference.

### ••c. Examination of credentials

#### d. Provision of staff, experts and services

12. By its resolution 31/18 the General Assembly requested the Secretary-General to arrange for the presence at the United Nations Conference on Succession of States in Respect of Treaties, as an expert, of the International Law Commission's latest Special Rapporteur on the subject matter of the Conference. By its resolution 331 (1973), the Security Council requested the Secretary-General to invite Mr. Gunnar Jarring, his Special Representative, to be available during the Council's meetings in order to render assistance to the Council in the course of its deliberations.

13. By its resolutions 2165 (XLV) and 2166 (XLV) the Trusteeship Council requested the Secretary-General to provide the necessary staff and facilities to visiting missions to the Trust Territory of the Pacific Islands.

14. On several occasions the Secretary-General was requested to provide services to meetings of non-United Nations organs or conferences, such as an ILO conference, two conferences of States parties to treaties and meetings of working groups of the Intergovernmental Oceanographic Commission.<sup>32</sup>



## 2. TRANSMISSION OF COMMUNICATIONS

15. During the period under review many resolutions were adopted by which the Secretary-General was requested to transmit communications. The kinds of communications transmitted varied widely. They included: resolutions,<sup>33</sup> records,<sup>34</sup> reports and studies,<sup>35</sup> comments of Governments on reports by the Secretary-General,<sup>36</sup> communications received from an individual Government,<sup>37</sup> decisions of a conference,<sup>38</sup> a draft declaration,<sup>39</sup> a proposal submitted to the General Assembly,<sup>40</sup> draft conventions,<sup>41</sup> the conclusions and recommendations of an advisory group,<sup>42</sup> the views expressed during the discussion of a question in the General Assembly,<sup>43</sup> the results of the work of an informal working group,<sup>44</sup> statements made by a Member State in the General Assembly,<sup>45</sup> draft general principles regarding certain social problems,<sup>46</sup> and a study by a special rapporteur.<sup>47</sup> Among the addressees of communications were Member States,<sup>48</sup> Member States and observers to the United Nations,<sup>49</sup> States,<sup>50</sup> all States,<sup>51</sup> States Members of the United Nations or members of the specialized agencies,<sup>52</sup> two particular States,<sup>53</sup> a group of States,<sup>54</sup> the nuclear-weapon States,<sup>55</sup> the parties to a convention,<sup>56</sup> Governments,<sup>57</sup> and diplomatic conferences.<sup>58</sup> The Secretary-General was also requested to transmit communications to the General Assembly,<sup>59</sup> the Economic and Social Council,<sup>60</sup> and various other United Nations bodies.<sup>61</sup> Communications were also transmitted to the specialized agencies as well as individually to the IAEA, ILO and UNESCO.<sup>62</sup> The Secretary-General was further instructed to transmit communications to all conferences on the Middle East held under the auspices of the United Nations,<sup>63</sup> the International Narcotics Control Board,<sup>64</sup> non-governmental organizations,<sup>65</sup> intergovernmental organizations other than the specialized agencies,<sup>66</sup> the International Committee of the Red Cross,<sup>67</sup> the International Criminal Police Organization,<sup>68</sup> and international sports organizations.<sup>69</sup>

## 3. INTEGRATION OF ACTIVITIES

### a. Calendar of meetings

16. Through the twenty-ninth regular session of the General Assembly, the Secretary-General, acting under General Assembly resolution 1202 (XII), continued to submit to the Assembly, at each regular session, a programme of conferences and meetings for the following year.<sup>70</sup> At the twenty-ninth regular session, the Assembly, by resolution 3351 (XXIX), section II, decided to establish, on an experimental basis, a Committee on Conferences, composed of Member States and entrusted with responsibility for proposing to the Assembly the annual calendar of conferences. Accordingly, during the remainder of the period under review the Secretary-General did not, with regard to the calendar of meetings, report to the Assembly but to the Committee on Conferences, which the Assembly, by its resolution 32/72, decided to retain.

17. In paragraph 3 of its resolution 1907 (LVII), the Economic and Social Council requested the Secretary-General to present to the Council at its organizational session for 1975 a report containing recommendations for the purpose of achieving the objectives laid down in the preceding paragraph, and decided that its pattern of meetings, in addition to making provision for the regular spring and summer sessions, should take into full account the need for a better distribution throughout the year of the questions included in the Council's programme of work for each year.

18. In section (i) of its decision 65 (ORG-75), the Economic and Social Council requested the Secretary-General to explore the possibility of scheduling more meetings of the functional commissions and expert bodies of the Council during the second half of the year, at Geneva, and, in due course, when facilities became available, at Vienna.

### b. Planning of work programmes and priorities

19. By its resolution 3010 (XXVII), the General Assembly requested the Secretary-General to prepare, in consultation with Member States, specialized agencies and interested non-governmental organizations, a draft programme for the International Women's Year.

20. By its resolution 3199 (XXVIII) the General Assembly requested the Secretary-General to implement the programme of work contained in the 1974-1975 programme budget and to report to the General Assembly at its twenty-ninth session on any impediments he might foresee in completing the work programme during the biennium within the approved level of resources.<sup>71</sup>

21. In its resolution 3534 (XXX) the Assembly requested the Secretary-General to submit to it information on programmes, projects or activities within the United Nations which had been or were nearly completed, or were considered by the appropriate bodies as obsolete, of marginal usefulness or ineffective. By its resolution 31/93, the General Assembly reaffirmed and stressed the responsibility of the Secretary-General to draw the attention of the competent intergovernmental bodies to activities that were obsolete, of marginal usefulness or effectiveness, indicating the resources which could be released so that those bodies might take the necessary action. In its resolution 32/201, the General Assembly urged the Secretary-General to ensure the implementation of that provision of resolution 31/93 in preparing the proposed programme budget for the biennium 1980-1981.

22. By its resolution 31/93 the Assembly requested the Secretary-General to take measures to involve more closely the sectoral, functional and regional programme-formulating organs in the planning and programming process.

23. By its resolution 1644 (LI) the Economic and Social Council laid down detailed guidelines on how the Secretary-General was to prepare his reports on work programme performance in the economic, social and human rights fields. By its resolution 1910 (LVII) the Economic and Social Council gave the Secretary-General guidance on how to prepare the draft programme budget and medium-term plan in the economic, social and human rights fields. The Secretary-General was requested, by resolution 1929 (LVIII) of the Economic and Social Council, to give priority to certain activities in implementing the work programme and medium-term objectives of the Organization.

### c. Integration of activities relating to operational programmes

24. Several requests made to the Secretary-General during the period under review regarding the integration of operational programmes called for co-operation between him and the Administrator of UNDP.

25. By its resolution 2659 (XXV) the Assembly requested the Secretary-General to appoint the Administrator of UNDP as the Administrator of the United Nations Volunteers and, in consultation with him, to appoint a co-ordinator, within the framework of UNDP, to promote and co-ordinate the recruitment, selection, training

and administrative management of the activities of the Volunteers within the United Nations system in collaboration with the United Nations agencies concerned and in co-operation with organizations dealing with national and international voluntary service and, where appropriate, with relevant youth organizations.

26. By its resolution 31/131 the Assembly requested the Secretary-General and the Administrator of UNDP to hold joint intersecretariat consultations at least once every year to discuss the implementation of youth programmes carried out by the United Nations Volunteers and to take the necessary administrative action to implement those programmes.

27. By its resolution 1896 (LVII), Section II, the Economic and Social Council requested the Secretary-General, in consultation with the Administrator of UNDP, to make the necessary arrangements for the delegation of the appropriate functions of an executing agency to the regional economic commissions for regional, sub-regional and interregional projects financed by UNDP, in cases where such delegation was requested by the countries concerned and recommended by the Administrator. By its resolution 1952 (LIX) the Economic and Social Council requested the Secretary-General and the Administrator of UNDP to expedite those arrangements.

d. *Co-ordination of services to United Nations organs*

28. A number of resolutions adopted by the General Assembly and the Economic and Social Council during the period under review with regard to the co-ordination of services to United Nations organs concerned the question of the control and limitation of documents and publications:

(a) By its resolution 2836 (XXVI), the Assembly requested the Secretary-General to continue, without detriment to the work programmes of the United Nations, his efforts to reduce expenditures on documentation in areas within his competence and authority, keeping in mind the suggestions specifically made in the Fifth Committee for greater economy in this regard.

(b) By its resolution 2836 (XXVI), the Assembly requested the Secretary-General to reduce in 1972 the volume of documentation originating in the Secretariat, other than meetings records, by 15 per cent over-all, compared with the volume of such documentation in 1970 and, to that end, to take such administrative action as might be necessary, including the establishment of departmental quotas, to achieve that target.

(c) By its resolution 33/56, section II, the General Assembly requested the Secretary-General to take a series of measures to eliminate duplication of documentation and ensure the timely issue and adequate drafting of documents.

(d) In sections II and III of its resolution 1623 (LI) and in its resolution 1624 (LI) the Economic and Social Council requested the Secretary-General to take a number of steps with a view to improving the documentation of the Council.

29. By its resolution 1724 (LIII), the Economic and Social Council requested the Secretary-General to arrange for a number of senior officials of the United Nations, executive heads of specialized agencies and heads of other relevant organizations in the United Nations system, particularly UNCTAD and UNIDO, to participate, at the beginning of the Council's summer session, in the discussion of the item on international economic and social policy. In the same resolution, the Council requested the Secretary-General to arrange for the Executive Secretaries

of the regional economic commissions and the Director of the United Nations Economic and Social Office in Beirut or their authorized representatives to take part in the Joint Meetings of the Committee for Programme and Co-ordination and the Administrative Committee on Co-ordination.

30. By its resolution 1894 (LVII), the Economic and Social Council requested the Secretary-General, when preparing the basic programme of work of the Council for the year in pursuance of Council resolution 1807 (LV), to indicate in respect of each agenda item the documents to be submitted and the legislative authority for their preparation, in order to enable the Council to consider the documents from the point of view of their contribution to the work of the Council, and of their urgency and relevance. In the same resolution, the Council decided, with certain exceptions, not to consider any report exceeding 32 pages, unless the Council authorized a waiver of the guidelines set out in resolution 1623 (LI).<sup>72</sup>

4. CO-ORDINATION WITH SPECIALIZED AGENCIES AND OTHER INTERGOVERNMENTAL ORGANIZATIONS

\*\*a. *Functions of the Secretary-General set forth in the agreements with the specialized agencies*

b. *Functions of the Secretary-General with regard to programme co-ordination*

31. As in the past, the Secretary-General was requested by the General Assembly and the Economic and Social Council to collaborate with the appropriate specialized agencies in implementing decisions and in undertaking concerted action in specific fields. During the period under review, these activities covered such diversified matters as the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the other international institutions associated with the United Nations,<sup>73</sup> implementing a programme of action against *apartheid*,<sup>74</sup> the review and appraisal of the objectives and policies of the International Development Strategy,<sup>75</sup> a unified approach to economic and social planning in national development,<sup>76</sup> multilateral food aid,<sup>77</sup> the question of Territories under Portuguese administration,<sup>78</sup> the establishment of a United Nations University,<sup>79</sup> human rights and scientific and technological developments,<sup>80</sup> the question of the elderly and the aged,<sup>81</sup> aid to the Sudano-Sahelian populations threatened with famine,<sup>82</sup> the question of special measures related to the particular needs of the land-locked developing countries,<sup>83</sup> economic co-operation among developing countries,<sup>84</sup> the question of women in rural areas,<sup>85</sup> the question of effective measures to implement the purposes and objectives of the Disarmament Decade,<sup>86</sup> institutional arrangements for international co-operation in the field of human settlements,<sup>87</sup> the Transport and Communications Decade in Africa,<sup>88</sup> the interagency programme for the United Nations Decade for Women,<sup>89</sup> international relations in the sphere of information and mass communications,<sup>90</sup> the conduct of a comprehensive policy review of operational activities,<sup>91</sup> the making of the necessary arrangements for the Third World Population Conference,<sup>92</sup> trends in the social situation of children,<sup>93</sup> social policy and planning in national development,<sup>94</sup> housing, building and planning,<sup>95</sup> the application of computer technology for development,<sup>96</sup> the measures to be taken for famine relief in the Yemen Arab Republic,<sup>97</sup> assistance to the developing countries in the strengthening of their statistical systems,<sup>98</sup> mineral resources of the sea,<sup>99</sup> container

standards for international multimodal transport,<sup>100</sup> marine co-operation,<sup>101</sup> the outflow of trained personnel from developing to developed countries,<sup>102</sup> the welfare of migrant workers and their families,<sup>103</sup> uses of the sea and coastal area development,<sup>104</sup> budgeting and planning for development,<sup>105</sup> youth in the contemporary world,<sup>106</sup> and consumer protection.<sup>107</sup>

32. During the period under review the Economic and Social Council requested the Secretary-General to consult with the Director General of the IAEA in order to avoid duplication between their respective organizations in respect of multi-mineral or single-mineral surveys<sup>108</sup> and to prepare proposals and a comprehensive plan for the co-ordination of the activities of the United Nations system in the field of natural resources.<sup>109</sup>

*c. Functions of the Secretary-General with regard to co-ordination in administrative and financial matters*

33. During the period under review the Secretary-General continued to co-operate closely with the executive heads of the specialized agencies for the purpose of achieving uniform financial and administrative policies. Eight resolutions of the General Assembly concerned the administrative and budgetary co-ordination of the United Nations with the specialized agencies and the IAEA.<sup>110</sup> One resolution and two decisions of the Economic and Social Council concerned the substance of the work of the Administrative Committee on Co-ordination (ACC).<sup>111</sup>

34. By its resolution 3357 (XXIX) the Assembly approved the statute of the International Civil Service Commission, annexed thereto, which assigned to the Commission extensive functions and powers in respect of staff administration.<sup>112</sup>

35. By its resolution 2741 (XXV) the Assembly requested the Secretary-General, in his capacity as Chairman of the Administrative Committee on Co-ordination (ACC), to enter into consultations with a view to reaching final agreement at the Secretariat level on the terms of reference and administrative arrangements for the proposed Inter-Organization Board for information systems and related activities.<sup>113</sup>

36. By its resolution 32/180, the Assembly requested the Secretary-General to ensure, through the appropriate machinery of the ACC, effective co-ordination of activities within the United Nations system in support of measures of economic co-operation among developing countries.<sup>114</sup>

37. By its resolution 33/119, section I, the Assembly requested the Secretary-General and his colleagues on the ACC to study the feasibility of establishing a single administrative tribunal for the entire common system and to report to it on the matter at its thirty-fourth session.<sup>115</sup>

38. By its resolution 33/142 B, in which it took note of the report of the ACABQ on the administrative co-ordination of electronic data processing and information systems and approved the conclusions and recommendations contained in that report, the Assembly requested the Secretary-General to take such remedial action as might be necessary in the light of those conclusions and recommendations.

**5. FUNCTIONS OF THE SECRETARY-GENERAL WITH REGARD TO THE PREPARATION OF WORK AND IMPLEMENTATION OF DECISIONS**

39. During the period under review, the Secretary-General was requested to undertake such diverse tasks as

giving advice to the President of the General Assembly regarding the designation of the Member States that were to compose the Working Group on the Financing of UNRWA,<sup>116</sup> arranging for members of a panel previously convened by him to visit Governments,<sup>117</sup> continuing the construction project for the expansion of the Palais des Nations and the programme of major maintenance of and improvements to it,<sup>118</sup> proceeding with the reconstruction of the General Assembly Hall,<sup>119</sup> reporting to the General Assembly on the work of conferences he had attended as an observer,<sup>120</sup> assisting the participants at a non-United Nations conference,<sup>121</sup> reporting to the Economic and Social Council on his consultations with a Government concerning the arrangements for holding a conference on its territory,<sup>122</sup> arranging for the circulation to all Member States of a document reproducing instruments of historical interest,<sup>123</sup> acting as depositary of unilateral declarations by States expressing their intention to comply with the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,<sup>124</sup> initiating appropriate activities at the United Nations level to celebrate the thirtieth anniversary of the Universal Declaration of Human Rights,<sup>125</sup> taking steps to honour the memories of persons who had made significant contributions to the struggles of the oppressed peoples,<sup>126</sup> undertaking to promote the establishment of an emergency fund for disasters among States Members of the United Nations and members of the specialized agencies,<sup>127</sup> inviting member States interested in providing experts for the rendering of certain special advisory services to submit rosters of such experts to him,<sup>128</sup> appointing, in consultation with Governments, a study group of eminent persons to study the role of multinational corporations and their impact on the process of development,<sup>129</sup> inviting the International Union of Official Travel Organizations to make a study on the impact of international tourism on the economic development of developing countries,<sup>130</sup> taking steps to give the World Plan of Action for the Application of Science and Technology to Development a wide exposure among the decision-makers and the scientific and technological community in developing countries,<sup>131</sup> bringing certain proposals calling for action by States urgently to the attention of all Member States, with an appeal for an urgent and positive response,<sup>132</sup> seeking the consent of a Government to the referral of allegations regarding infringements of trade union rights allegedly committed on its territory to a body of the International Labour Organisation,<sup>133</sup> and calling on Member States to provide fellowships to nationals of developing countries in a certain field.<sup>134</sup>

40. By a number of resolutions adopted during the period under review the Secretary-General was requested to seek voluntary contributions or take other steps with a view to obtaining financial resources to defray activities of the Organization, such as those of the United Nations University, the United Nations Revolving Fund for Natural Resources Exploration and the United Nations Fund for Land-locked Developing Countries.<sup>135</sup>

**6. FUNCTIONS OF THE SECRETARY-GENERAL IN CONNECTION WITH INTERNATIONAL TREATIES, CONVENTIONS AND AGREEMENTS**

41. By its resolution 2788 (XXVI) the General Assembly requested the Secretary-General, on the basis of communications from Governments, to report to it, at its next regular session and at such other times as he might deem appropriate, on the progress of the ratification of the

International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto. By its resolution 3142 (XXVIII) the Assembly requested the Secretary-General to prepare, on the basis of reports from Governments, and submit to it at its twenty-ninth session, a report on the measures taken or envisaged by Member States with a view to accelerating the ratification of those instruments. Requests to the Secretary-General for reports on the status of the Covenants and the Protocol to be submitted, in each case, at the next regular session of the General Assembly, are contained in General Assembly resolutions 31/86, 32/66 and 33/51.

42. By its resolution 3380 (XXX) the General Assembly requested the Secretary-General to submit to it annual reports on the status of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*. By its resolutions 31/80 and 32/12 the Assembly requested him also to include in the next annual reports thereon a special part on the implementation of the Convention. By its resolution 33/103 the Assembly requested the Secretary-General to include this part in all such reports.

43. By its resolution 1677 (LII) the Economic and Social Council requested the Secretary-General to submit to the Commission on the Status of Women at each session analytical reports on the implementation of the Convention on the Political Rights of Women and the Declaration on the Elimination of Discrimination against Women.

#### 7. FUNCTIONS OF THE SECRETARY-GENERAL IN RESPECT OF THE SUBMISSION OF AN ANNUAL REPORT

44. The form and content of the annual report of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-second session marked a departure from past procedure.<sup>136</sup> That report was similar in form, length and content to what had formerly been the separate introduction to the annual report.<sup>137</sup> Together with the report, the Secretary-General submitted an addendum thereto,<sup>138</sup> which was divided into the same parts and chapters as the former reports on the work of the Organization; instead, however, of giving a narrative account of the work done and activities undertaken, the addendum merely listed the corresponding documentary references. The report on the work of the Organization that the Secretary-General submitted to the thirty-third session of the Assembly consisted solely of material corresponding to the introduction to the pre-thirty-second session reports, and no longer had any addendum.<sup>139</sup>

#### B. Technical functions of the Secretary-General

##### 1. FUNCTIONS OF THE SECRETARY-GENERAL WITH REGARD TO THE COLLECTION OF INFORMATION AND THE UNDERTAKING OF STUDIES

45. The Secretary-General's functions in this field continued to be extensive and varied. He was requested by the General Assembly to prepare reports and collect information on such diverse subjects as the increase in the production and use of edible protein,<sup>140</sup> the protection of journalists engaged in dangerous missions in areas of armed conflict,<sup>141</sup> human rights and scientific and technological developments,<sup>142</sup> the international law relating to international watercourses,<sup>143</sup> youth, its problems and needs, and its participation in social development,<sup>144</sup> the world social situation,<sup>145</sup> scientific work on peace

research,<sup>146</sup> napalm and other incendiary weapons,<sup>147</sup> development and environment,<sup>148</sup> the economic and social consequences of the armaments race,<sup>149</sup> the great Powers' military presence in the Indian Ocean,<sup>150</sup> the reduction by 10 per cent of the military budgets of the permanent members of the Security Council,<sup>151</sup> respect for human rights in armed conflicts,<sup>152</sup> the use of scientific and technological developments in the interests of peace and social development,<sup>153</sup> national experience in achieving far-reaching social and economic changes for the purpose of social progress,<sup>154</sup> peaceful settlement of international disputes,<sup>155</sup> the transit problems of the land-locked developing countries,<sup>156</sup> the question of diplomatic asylum,<sup>157</sup> the role of the public sector in promoting the economic development of developing countries,<sup>158</sup> the state of international economic activities,<sup>159</sup> a unified approach to development analysis and planning,<sup>160</sup> the acceleration of the transfer of real resources to developing countries,<sup>161</sup> national experience in promoting the co-operative movement,<sup>162</sup> the implementation of the Declaration of the Rights of Disabled Persons,<sup>163</sup> the living conditions of the Palestinian people,<sup>164</sup> the improvement of the status and role of women in education,<sup>165</sup> foreign corporations operating in Namibia,<sup>166</sup> the preparations for a new international development strategy,<sup>167</sup> the establishment of a network for the exchange of technological information,<sup>168</sup> the interrelationship between disarmament and national security,<sup>169</sup> the experience gained in the application of a multilateral treaty adopted under United Nations auspices,<sup>170</sup> multilateral development assistance for the exploration of natural resources,<sup>171</sup> the reverse transfer of technology,<sup>172</sup> the technical, legal and financial implications of establishing an international satellite monitoring agency,<sup>173</sup> regional disarmament,<sup>174</sup> the unmarried mother and her child,<sup>175</sup> the question of slavery and the slave trade,<sup>176</sup> the mobilization of financial resources for the developing countries,<sup>177</sup> agrarian reform,<sup>178</sup> capital punishment,<sup>179</sup> the aged and social security,<sup>180</sup> special measures in favour of the least developed among the developing countries,<sup>181</sup> the regional structures of the United Nations system,<sup>182</sup> international river basin development,<sup>183</sup> the situation in the Far East Region with respect to the traffic in illicit drugs,<sup>184</sup> the availability and supply of certain natural resources,<sup>185</sup> non-conventional sources of energy,<sup>186</sup> the establishment of a worldwide population information system,<sup>187</sup> the effects of inflation on low-income groups,<sup>188</sup> training for social development,<sup>189</sup> coal resources,<sup>190</sup> and public administration and finance for development.<sup>191</sup> As in the past, the Secretary-General continued to be requested to ascertain the views of or consult with Governments.<sup>192</sup>

##### 2. OPERATIONAL FUNCTIONS OF THE SECRETARY-GENERAL

###### a. *Functions undertaken by the Secretary-General pursuant to requests by United Nations organs*

46. As before, various resolutions adopted by the General Assembly and the Economic and Social Council during the period under review contained requests to the Secretary-General with regard to various operational programmes administered by him. For example, he was requested to provide assistance with regard to the United Nations Educational and Training Programme for Southern Africa,<sup>193</sup> to carry out a programme of educational and other assistance for South African student refugees in Botswana, Lesotho, Swaziland and Zambia,<sup>194</sup> and to organize training programmes for the women of Southern Africa.<sup>195</sup> The Secretary-General was further requested

to give technical assistance in such areas as the teaching, study, dissemination and wider appreciation of international law,<sup>196</sup> disaster relief (through a Disaster Relief Co-ordinator appointed by him and authorized to perform, on his behalf, a variety of operational functions),<sup>197</sup> planning for the elderly and the aged,<sup>198</sup> the launching of an emergency operation to provide assistance to the countries most affected by the economic crisis,<sup>199</sup> the establishment of techniques for controlling illicit traffic in narcotics,<sup>200</sup> the reduction of the illicit demand for drugs,<sup>201</sup> satisfying the needs of children,<sup>202</sup> strengthening national statistical systems,<sup>203</sup> the promotion of foreign investment in developing countries,<sup>204</sup> the relief, rehabilitation and resettlement of refugees,<sup>205</sup> the relations between host countries and transnational corporations,<sup>206</sup> the carrying out of censuses,<sup>207</sup> and the expansion of the United Nations programme of technical co-operation in the field of population.<sup>208</sup> In addition, the Secretary-General was frequently requested to provide or promote assistance to individual countries or regions.<sup>209</sup> He was also requested to provide assistance to countries stricken by natural disasters.<sup>210</sup>

47. The practice of requesting the Secretary-General to undertake studies and make reports to the General Assembly or the Economic and Social Council concerning operational programmes was continued during the period under review. For example, by its resolution 33/201, the Assembly requested the Secretary-General to entrust to the Director-General for Development and International Economic Co-operation, under his authority and subject to certain conditions of a procedural nature, the preparation of a report on policy issues pertaining to operational activities for development of the United Nations for consideration by the Economic and Social Council and subsequently the General Assembly. By its resolutions 1664 (LII) and 1902 (LVII), the Economic and Social Council requested the Secretary-General to develop, in co-operation with the appropriate specialized agencies, detailed plans for specific projects to be financed by the United Nations Fund for Drug Abuse Control and to undertake, with the co-operation of the Advisory Committee on the Application of Science and Technology to Development and the competent organizations of the United Nations system, a feasibility study on the progressive establishment of an international information exchange system for the transfer and assessment of technology.

*b. Functions initiated by the Secretary-General on his own authority*

48. Immediately after the outbreak of civil strife in East Pakistan in March 1971, the Secretary-General expressed his concern over the situation to the President of Pakistan and thereafter remained in continuous touch with the Governments of Pakistan and India. It became clear that international assistance on an unprecedented scale was urgently needed, both for the relief of the distressed people in East Pakistan and for aid to the refugees who had fled to India.<sup>211</sup>

*(i) Activities up to 16 July 1971*

*(a) Humanitarian effort for the relief of East Pakistan refugees*

49. The United Nations humanitarian effort for the relief of East Pakistan refugees in India was initiated by the Secretary-General following a request for assistance addressed to him on 23 April 1971 by the Government of India. The Secretary-General agreed to the request and,

after consultation with the ACC, designated the United Nations High Commissioner for Refugees as the focal point for the co-ordination of assistance from all the organizations and programmes of the United Nations system.<sup>212</sup> The High Commissioner appointed a three-man team which visited India.

50. On 19 May 1971 the Secretary-General launched an appeal to Governments, intergovernmental and non-governmental organizations and private sources to help meet the urgent needs for humanitarian assistance to relieve the plight of the refugees. It was subsequently agreed that the High Commissioner would provide assistance to Pakistan in arranging the return and rehabilitation of the refugees and maintain contact with the local authorities in East Pakistan through a representative in Dacca, whose work was to be closely co-ordinated with that of the United Nations East Pakistan Relief Operation (UNEPRO).

*(b) United Nations East Pakistan Relief Operation (UNEPRO)*

51. In a letter to the President of Pakistan dated 22 April 1971, the Secretary-General stated that, although he had always scrupulously observed Article 2 (7) of the United Nations Charter and would continue to do so, he was also deeply conscious of the responsibility of the United Nations, within the framework of international economic and social co-operation, to help promote and ensure human well-being and humanitarian principles. He therefore offered to the Government of Pakistan, on behalf of the United Nations family of organizations, all possible assistance to help it provide urgently needed relief to the population of East Pakistan.<sup>213</sup>

52. The reply of the President of Pakistan, dated 3 May 1971, welcomed the Secretary-General's offer, adding however that any international assistance would be administered by Pakistan relief agencies. On 28 May 1971 the Secretary-General announced that the Assistant Secretary-General for Inter-Agency Affairs, Mr. Kittani, would travel to Pakistan for consultations, as had in the meantime been suggested by the Pakistan Government. The President of Pakistan indicated to Mr. Kittani that he shared the Secretary-General's concern that the United Nations must be in a position to assure the international community, and donors in particular, that all relief assistance would reach its intended destination—the people of East Pakistan. In June 1971 the Secretary-General, who had appointed a representative in East Pakistan to co-ordinate assistance, appealed to Governments, intergovernmental and non-governmental organizations and private sources to contribute in cash and kind to the United Nations humanitarian effort in East Pakistan and also appointed a Headquarters co-ordinator of international humanitarian assistance to East Pakistan. On 23 August 1971 Mr. Paul-Marc Henry was designated Assistant Secretary-General in charge of UNEPRO. The purpose of the operation was to plan, organize and conduct humanitarian relief activities and to enable the Secretary-General to assure the international community, and donors in particular, that all relief supplies reached those for whom they were intended. On 15 July 1971 the Secretary-General issued a comprehensive United Nations review of the relief needs of East Pakistan.

*(ii) Consideration by the Economic and Social Council in July 1971*

53. At a meeting of the Economic and Social Council on 16 July 1971, the United Nations High Commissioner for Refugees and the Assistant Secretary-General for

Inter-Agency affairs reported on the humanitarian effort and UNEPRO respectively. After the discussion, the President of the Council made a statement expressing full support for the Secretary-General's actions in the face of the emergency in the subcontinent.<sup>214</sup>

(iii) *Subsequent developments in the field up to December 1971*

(a) *Humanitarian effort for the relief of East Pakistan refugees*

54. On 19 July 1971, after noting the failure of the efforts to bring about the voluntary repatriation of refugees, the Secretary-General submitted to the Governments of India and Pakistan a proposal aimed at facilitating that process by stationing on both sides of the border a limited number of representatives of the United Nations High Commissioner for Refugees. The Government of Pakistan accepted the proposal but the Government of India did not, on the grounds that India was not preventing the refugees from returning to East Pakistan.<sup>215</sup>

(b) *United Nations East Pakistan Relief Operation (UNEPRO)*

55. In a letter dated 20 September 1971 to the President of Pakistan, the Secretary-General recalled that UNEPRO had been initiated on the sole basis of the President's acceptance of the Secretary-General's offer of assistance and of his assurances to Mr. Kittani. It was now necessary to fill in the legal and other details to ensure good working relationships and provide the requisite assurances to donor Governments and agencies. Discussions held on the basis of that letter at Headquarters with the Permanent Representative of Pakistan resulted in an agreed statement of conditions for the effective discharge of the functions of UNEPRO. The agreement was formalized by an exchange of letters between the Secretary-General and the Permanent Representative of Pakistan dated 15 and 16 November 1971.<sup>216</sup>

(iv) *Action by the General Assembly and the Security Council in December 1971*

56. The programmes for humanitarian assistance to the refugees in India and to the people in East Pakistan were considered by the General Assembly at its twenty-sixth session in connection with the item "Report of the United Nations High Commissioner for Refugees". The item was referred to the Third Committee, which, on 18 November, heard an account by the High Commissioner of his activities as focal point, including his efforts to arrange for the voluntary repatriation of refugees.<sup>217</sup> On 18 November the Third Committee heard a statement by the Assistant Secretary-General in charge of UNEPRO.<sup>218</sup>

57. On 7 December 1971 the General Assembly adopted resolution 2790 A (XXVI) on the report of the Third Committee. Paragraphs 2 and 3 of that resolution read as follows:

"The General Assembly,

" . . .

"2. Endorses the designation by the Secretary-General of the United Nations High Commissioner for Refugees to be the focal point for the co-ordination of assistance to East Pakistan refugees in India, from and through the United Nations system, as well as the Secretary-General's initiative in establishing the United Nations East Pakistan relief operation;

"3. Requests the Secretary-General and the High Commissioner to continue their efforts to co-ordinate international assistance and to ensure that it is used to the maximum advantage to relieve the suffering of the refugees in India and of the people of East Pakistan."

58. On the same day, the General Assembly adopted resolution 2793 (XXVI), by which it called for the co-operation of all States for rendering assistance to the refugees and urged every effort to safeguard the civilian population in the area of conflict; it also requested the Secretary-General to keep the General Assembly and the Security Council informed of the implementation of the resolution.

59. On 21 December 1971, the Security Council adopted resolution 307 (1971), paragraphs 4 and 6 of which read:

"The Security Council,

" . . .

"4. Calls for international assistance in the relief of suffering and the rehabilitation of refugees and their return in safety and dignity to their homes, and for full co-operation with the Secretary-General to that effect;

" . . .

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

(v) *Subsequent developments*

60. On 8 and 21 December 1971, the Secretary-General reported to the General Assembly and the Security Council on the evacuation of part of the UNEPRO and other international personnel who had remained in Dacca after hostilities had broken out between Pakistan and India.<sup>219</sup> After consultations with the Governments of India and Pakistan, four neutral zones had been established in Dacca, under the protection of the United Nations and the Red Cross, as temporary safe havens for evacuated groups and for general humanitarian purposes. Efforts had been made to reactivate the United Nations relief operation in the area. The activities of the High Commissioner for Refugees as focal point, resumed on 10 December after a few days' suspension, would therefore assign high priority to the voluntary repatriation of refugees, as specified in paragraph 4 of Security Council resolution 307 (1971).<sup>220</sup>

61. An account of action taken under General Assembly resolution 2790 A (XXVI) and the humanitarian provisions of Security Council resolution 307 (1971) was contained in reports by the Secretary-General dated 15 February 1972 and 28 April 1972.<sup>221</sup> The phase of relief would continue until 31 March 1973, with the United Nations relief operation primarily responsible for co-ordination and operations. The phase of reconstruction would follow, when the normal agencies of the United Nations system might take over within their respective spheres and with the usual patterns of United Nations representation. Concerning the activities of the focal point, the High Commissioner had been informed by the Government of India that all the refugees had been repatriated from that country. As agreed between the Government and the focal point, a sizable part of the equipment and commodities made available through the latter had been transferred to Bangladesh.

62. Towards the end of May 1972,<sup>222</sup> the Secretary-General made a further appeal, on behalf of the people of Bangladesh, to a selected group of potential donor countries for additional food grains in order to avert human suffering on a vast scale.

63. In his final report as focal point, submitted in June 1972,<sup>223</sup> the High Commissioner described the evolution of the refugee operation and gave an estimate of the value of the commodities and supplies provided for the benefit of the refugees.

64. In a report dated 1 January 1973,<sup>224</sup> the Secretary-General stated that although the United Nations relief operation in Bangladesh had been successful in averting famine, it was clear that further massive imports would be needed in 1973. In the light of that situation, the Prime Minister of Bangladesh had requested the Secretary-General to provide continued relief assistance after the planned termination of the United Nations Relief Operation in Dacca (UNROD) on 31 March 1973. After consultations with interested Governments, the Secretary-General had announced that the operation would continue in a modified form after that date. On 1 April 1973 the modified organization, the United Nations Special Relief Office in Bangladesh (UNROB) came into being.<sup>225</sup> It terminated its activities on 31 December 1973, ending the United Nations emergency relief and rehabilitation operation in Bangladesh.<sup>226</sup>

### 3. FUNCTIONS OF THE SECRETARY-GENERAL IN CONNECTION WITH ASSISTANCE IN PROCEDURAL PROBLEMS

65. During the period under review the General Assembly requested the Secretary-General to report, as appropriate, on the extent to which the conclusions of the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly had been reflected in the practice of the General Assembly.<sup>227</sup>

66. In its resolution 1730 (LIII) on the rationalization of its work and that of its subsidiary organs, the Economic and Social Council requested the Secretary-General to facilitate the deliberations of the working group established by that resolution by preparing a short note containing information on certain procedural aspects of the prior work of the Council and its subsidiary organs.

67. In its resolution 1807 (LV), the Economic and Social Council requested the Secretary-General, when preparing the programme of work for the year, to arrange the agenda items in an integrated manner, so that similar and connected issues might be discussed in one debate and under a single heading.

68. By its decision 1 (LVI), paragraph 1 (a), the Economic and Social Council decided to review its rules of procedure at its fifty-sixth session. To facilitate consideration of the matter, the Secretariat prepared a comprehensive revision of the rules of procedures of the Council. This comprehensive draft was before the *Ad Hoc* Working Group on the rules of procedure of the Council and its subsidiary bodies, established under Council decision 21 (LIV). On the basis of the report of that Working Group,<sup>228</sup> the Council, by its resolution 1949 (LVIII), adopted a revised version of its rules of procedure.

69. In its decision 210 (ORG-77) the Economic and Social Council requested the Secretary-General to undertake a review of the methods in use for the confirmation of representatives on functional commissions of the Council and to report to it thereon at its sixty-second session.

### 4. FUNCTIONS OF THE SECRETARY-GENERAL IN CONNECTION WITH THE DRAFTING OF DOCUMENTS AND LEGAL ASSISTANCE

70. During the period under review the General Assembly requested the Secretary-General to prepare a draft

declaration on the human environment,<sup>229</sup> to submit a draft statute covering the terms of reference and procedures of the proposed International Civil Service Commission,<sup>230</sup> to prepare draft statutes for a proposed fund,<sup>231</sup> and to prepare a draft document describing the structure, composition, responsibilities and programme of a proposed International Research and Training Institute for the Advancement of Women.<sup>232</sup> The Economic and Social Council requested him to prepare a draft declaration on social and legal principles relating to adoption and foster placement of children.<sup>233</sup>

71. By its resolution 33/136 the General Assembly requested the Secretary-General to explore with Member States and in co-operation with the United Nations agencies, particularly the ILO, the possibility of drawing up an international convention on the rights of migrant workers.

72. By its resolution 32/48 the General Assembly requested the Secretary-General to prepare a report on the techniques and procedures used in the elaboration of multilateral treaties.

73. By its resolution 33/106 the General Assembly requested the Secretary-General to make available to the Commission on Human Rights the provisions of existing international instruments relating to the problem of religious intolerance.

74. In its resolution 283 (1970) the Security Council requested the Secretary-General to undertake a detailed study and review of all multilateral treaties to which South Africa was a party and which either by direct reference or on the basis of relevant provisions of international law might be considered to apply to the Territory of Namibia.

75. By paragraph 7 of its decision 137 (ORG-76), the Economic and Social Council requested the Secretary-General to conduct on its behalf the consultations provided for in Article 17 of the International Covenant on Economic, Social and Cultural Rights and to prepare a note concerning recommendations to be formulated on procedures for the Covenant, taking into account the provisions thereof, as well as the relevant decisions of the Council. By its resolution 1988 (LX) the Council requested the Secretary-General to draw up, in co-operation with the specialized agencies concerned, general guidelines for the reports to be submitted by States parties to the Covenant.

76. On a number of occasions legal opinions were given, orally or in writing, by the Legal Counsel or other officials of the Office of Legal Affairs of the Secretariat to United Nations organs, at the request of the organ or its presiding officer, with regard to questions pertaining to their work. The Secretariat each year selected for publication in the *United Nations Juridical Yearbook* those of the legal opinions it considered to be of particular interest. Two examples of such opinions were a statement made by the Legal Counsel to the General Assembly at its twenty-seventh session on what questions might be characterized as budgetary ones for the purposes of Article 18 (2) of the Charter<sup>234</sup> and a statement by the same official at a meeting of the Fourth Committee, at its thirty-third session, on whether that Committee could grant a hearing to a representative of the Puerto Rican Socialist Party notwithstanding that Puerto Rico was not included in the list of the territories, approved by the General Assembly, to which the Declaration on the Granting of Independence to Colonial Countries and Peoples then applied.<sup>235</sup>

### C. Financial functions of the Secretary-General

#### 1. AUTHORITY TO ENTER INTO COMMITMENTS TO MEET UNFORESEEN AND EXTRAORDINARY EXPENSES

77. Through its twenty-seventh regular session, the General Assembly continued the practice of renewing each year the Secretary-General's authority to enter into commitments to meet unforeseen and extraordinary expenses during the next succeeding financial year.<sup>236</sup> As a consequence of the introduction, by Assembly resolution 3043 (XXVII), of a biennial budget cycle, beginning on 1 January 1974, that authority was, as from the twenty-eighth regular session, renewed by the Assembly, every odd year, for the following biennium.<sup>237</sup>

78. The conditions under which the authority in question was to be exercised, as laid down in the six resolutions on unforeseen and extraordinary expenses adopted during the period under review,<sup>238</sup> remained as described in the *Repertory, Supplement No. 4*,<sup>239</sup> except for the scope of the exceptions to the rule that its exercise normally required the prior consent of the ACABQ. No change was made in the modalities of one of those exceptions, namely, that relating to commitments certified by the Secretary-General as relating to the maintenance of international peace and security. Certain changes were made, however, with regard to the exception relating to expenses connected with the functions of the International Court of Justice. The same was the case with the exception relating to emergency aid in connection with natural disasters.<sup>240</sup>

#### 2. AUTHORITY TO BORROW FROM SPECIAL FUNDS AND ACCOUNTS OR FROM GOVERNMENTAL SOURCES

79. Through its twenty-seventh regular session, the General Assembly continued the practice of renewing each year the Secretary-General's authority to borrow, on payment of normal current rates of interest, cash from special funds and accounts in his custody for purposes normally related to the Working Capital Fund.<sup>241</sup> As a consequence of the introduction, by Assembly resolution 3043 (XXVII), of a biennial budget cycle beginning on 1 January 1974, that authority was, as from the twenty-eighth regular session, renewed by the Assembly, every odd year, for the following biennium.<sup>242</sup>

#### 3. AUTHORITY RELATING TO SPECIAL ACCOUNTS AND FUNDS

a. *Authority relating to the special accounts for the United Nations Emergency Force (UNEF), the United Nations Disengagement Observer Force (UNDOF) and the United Nations Interim Force in Lebanon (UNIFIL)*

80. In its resolution 3101 (XXVIII), by which it appropriated, for a period of six months beginning on 25 October 1973, \$30 million for the question of UNEF, which had been established by Security Council resolution 340 (1973), the General Assembly requested the Secretary-General to establish a special account for the Force and to enter into commitments, at a rate not to exceed \$5 million per month, for the period from 25 April to 31 October 1974, should the Security Council decide to continue the Force beyond the initial period of six months. The special account established by the Secretary-General pursuant to that request was continued from session to session by the General Assembly, which made appropriations thereto, for both UNEF and UNDOF, at each

session, authorizing the Secretary-General to enter into commitments within the account.<sup>243</sup>

81. By its resolution S-8/2, section I, in which it made an appropriation of \$54 million for the operation of the United Nations Interim Force in Lebanon (UNIFIL), established by Security Council resolution 425 (1978) for the period from 19 March to 18 September 1978, the General Assembly requested the Secretary-General to maintain a special account for UNIFIL, and authorized him to enter into commitments for UNIFIL, for the period 19 September to 31 October 1978, at a specified monthly rate.

82. By sections I, II and III of its resolution 33/14, the Assembly made further appropriations to the special account for UNIFIL and authorized the Secretary-General to enter into additional commitments for it.<sup>244</sup>

#### b. *Authority relating to other accounts and funds*

83. By its resolution 3049 A (XXVII), the General Assembly requested the Secretary-General to establish a special account under Financial Regulation 6.6 into which voluntary contributions might be paid and used for the purpose of clearing up the past financial difficulties of the United Nations and especially for resolving the short-term deficit of the Organization.

84. By its resolution 33/174 the Assembly decided to establish a voluntary fund, called the United Nations Trust Fund for Chile, administered in accordance with the Financial Regulations of the United Nations by the Secretary-General with the advice of a Board of Trustees, composed of five individuals to be appointed by him with due regard to equitable geographical distribution and in consultation with their Governments. The purpose of the Fund was to receive contributions and distribute legal and financial aid to persons whose human rights had been violated in Chile, to persons forced to leave the country and relatives of persons in either category. An annex to the resolution set out the arrangements for the management of the Fund.

85. By its resolution 1559 (XLIX) the Economic and Social Council requested the Secretary-General, in keeping with the recommendation of the Commission on Narcotic Drugs, to establish, as an initial measure and a matter of urgency, a United Nations Fund for Drug-Abuse Control to be made up from voluntary contributions, such Fund to be initially used for the purposes approved by the Commission and administered by the Secretary-General pending the development and consideration by the Council of the proposed long-term plan of action, including permanent arrangements for administration and financing.

86. By its resolution 1987 (LX) the Economic and Social Council requested the Secretary-General, for the convenience of the international community, to establish a special account to facilitate the channelling through the United Nations of international assistance to Mozambique.

#### 4. AUTHORITY TO ACCEPT VOLUNTARY CONTRIBUTIONS

87. As pointed out earlier, by a number of resolutions adopted during the period under review the Secretary-General was requested to seek voluntary contributions or take other steps with a view to obtaining financial resources to defray activities of the Organization.<sup>245</sup>

88. In the annex to resolution 33/174,<sup>246</sup> by which it decided to establish the United Nations Trust Fund for



Chile, the General Assembly provided that the procedure for soliciting voluntary contributions to the Fund was to be determined by the Controller, in consultation with the Under-Secretary-General for Political and General Assembly Affairs and the Director of the Division of Human Rights, and with the advice of the Board of Trustees of the Fund. The annex further provided that proposals for voluntary contributions by prospective donors were to be forwarded, with the comments of the two last-mentioned officials, to the Controller for determination that the proposal was acceptable under the Financial Regulations and Rules of the United Nations, including the determination of whether or not any proposed gift or donation might directly or indirectly involve additional financial liability for the Organization. The annex also laid down that, before acceptance of any gift or donation involving such liability, the Controller was to request and obtain the approval of the General Assembly.

5. **AUTHORITY RELATING TO UNITED NATIONS ACCOMMODATION IN BANGKOK, ADDIS ABABA, SANTIAGO AND NAIROBI**

89. In reports on United Nations accommodation in Bangkok and Addis Ababa, submitted to the General Assembly at its twenty-fifth session,<sup>247</sup> the Secretary-General proposed that the General Assembly approve construction projects, accept offers of land upon which to construct the new buildings from the two Governments concerned and make appropriations in specified amounts to meet expenses in 1971, the funds appropriated for the projects to be placed, in each case, in a building account which would be carried forward annually until the completion of the projects. The remaining balances might, the Secretary-General suggested in his reports, be met by the inclusion of installments in specified amounts in the budget estimates for 1972 and 1973. By its resolution 2745 (XXV) the Assembly accepted with gratitude the offers of land of the two host countries and authorized the Secretary-General to proceed in accordance with his proposals.<sup>248</sup>

90. In a report submitted to the General Assembly at its thirty-second session,<sup>249</sup> the Secretary-General recommended that the Assembly accept the offer of the Government of Kenya for a grant of land on which to build a United Nations Headquarters at Nairobi and that it should make an appropriation of \$4,541,000 for the initial phase of the project, the appropriated funds being placed in a construction account, and that any unexpended balance be carried forward until the completion of the project. By its resolution 32/208, the Assembly authorized the Secretary-General to proceed in accordance with those recommendations.

6. **AUTHORITY TO RENDER PROVISIONAL ASSISTANCE TO NAMIBIANS**

91. In its resolution 2679 (XXV), by which it decided to establish a United Nations Fund for Namibia and requested the Secretary-General to make a detailed study and report to it at its twenty-sixth session on different aspects of a comprehensive programme of assistance to Namibians in various fields, the General Assembly authorized the Secretary-General, in the meantime, in consultation with the Chairman of the Advisory Committee on the United Nations Educational and Training Programme for Southern Africa, the Chairman of the Committee of Trustees of the United Nations Trust Fund for South Africa and the United Nations High Commissioner for Refugees, to make interim grants from the regular budget of the United Nations for 1971, not

exceeding a total amount of \$50,000 over and above the assistance provided at the time, in order to enable the existing United Nations programmes to provide greater assistance, as necessary, to Namibians.

7. **AUTHORITY RELATING TO THE REGIONAL AND SUB-REGIONAL ADVISORY SERVICES PROVIDED UNDER THE UNITED NATIONS REGULAR PROGRAMME OF TECHNICAL CO-OPERATION**

92. By section I of its resolution 2803 (XXVI), the General Assembly requested the Secretary-General to provide directly, as appropriate, to the regional economic commissions and the United Nations Economic and Social Office in Beirut, the respective amounts earmarked for regional and subregional advisory services and to authorize the executive secretaries of the commissions and the Director of the Office to administer the funds.

8. **AUTHORITY RELATING TO THE UNITED NATIONS DEVELOPMENT PROGRAMME**

93. By its resolution 31/165 the General Assembly authorized the Secretary-General to lend money to the United Nations Development Programme from appropriate voluntary trust funds in his custody for the purpose and under the conditions specified in the resolution, on the understanding that in all such cases a consensus decision of the Governing Council of the Programme was to be required.<sup>250</sup>

9. **AUTHORITY RELATING TO THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT**

94. In its resolution 3503 (XXX), by which it requested the Secretary-General to prepare for and convene a conference of plenipotentiaries on the establishment of an International Fund for Agricultural Development, the General Assembly authorized the Secretary-General, in consultation with the Chairman of ACABQ, to make available to the conference amounts, including expenses for summary records, not exceeding \$22,000 and to the proposed Preparatory Commission for the Fund amounts not exceeding \$272,000, provided that those amounts, together with other expenses to be incurred by the United Nations or by FAO in connection with the establishment of the Fund subsequent to the adoption of the resolution, were to be repaid by the Fund as soon as possible after it had been established and resources had become available to it.

10. **AUTHORITY RELATING TO THE PROVISION OF ASSISTANCE IN CASES OF NATURAL DISASTERS AND OTHER DISASTER SITUATIONS**

95. By paragraph 10 of resolution 2816 (XXVI), the General Assembly authorized the Secretary-General to draw on the Working Capital Fund in the amount of \$200,000 for emergency assistance in any one year, with a normal ceiling of \$20,000 per country in the case of any one disaster. By its resolution 2900 (XXVI), on unforeseen and extraordinary expenses, the General Assembly dispensed with the requirement of the prior concurrence of ACABQ for such commitments made in accordance with paragraph 10 of resolution 2816 (XXVI) as the Secretary-General might certify related to emergency aid in connection with natural disasters, subject to the normal ceiling mentioned in that paragraph.

96. By paragraph 1 of its resolution 2959 (XXVII) the General Assembly decided, as an interim measure, to

authorize the Secretary-General to draw on the Working Capital Fund in the amount of \$25,000 in 1973 for assistance to Governments, at their request, in the elaboration of national preparations to meet natural disasters. By its resolution 3045 (XXVII), on unforeseen and extraordinary expenses, the General Assembly dispensed with the requirement for the prior concurrence of the ACABQ as a condition for the Secretary-General to draw on the Working Capital Fund in the amount of \$200,000 for emergency assistance in any one year, with the normal ceiling referred to in the preceding paragraph in the case of any one disaster, and for such commitments made in accordance with paragraph 1 of resolution 2959 (XXVII) as the Secretary-General might certify related to assistance to Governments at their request in the elaboration of national preparations to meet natural disasters. Similar authorizations, subject to slightly different monetary limits, were given by resolutions 3152 (XXVIII) and 3196 (XXVIII).

#### 11. FUNCTIONS EXERCISED IN CONNECTION WITH CERTAIN BUDGETARY MATTERS

97. By its resolution 32/210 on the form of presentation of the United Nations budget, the General Assembly requested the Secretary-General to endeavour, in preparing the proposed programme budget for the biennium 1980-1981, to improve its form, content and structure and to submit a summary of the proposed programme budget containing information on a number of points specified in the resolution.

#### D. Functions of the Secretary-General with respect to political and security matters

##### 1. SCOPE OF THE PRESENT STUDY OF THE FUNCTIONS OF THE SECRETARY-GENERAL WITH RESPECT TO POLITICAL AND SECURITY MATTERS

98. As before, the General Assembly and the Security Council adopted, during the period under review, resolutions dealing with political or security matters that contained requests for action by States and other entities but called for no action by the Secretary-General other than obtaining and providing information on their implementation to the organ that adopted the resolution (or, exceptionally, another organ). In the majority of those cases the Secretary-General fulfilled his responsibility by merely requesting the addressees of the requests to inform him of their compliance therewith and at an appropriate time submitting reports to the organ concerned embodying the texts of the replies received. In view of their constitutional importance, two of the cases falling within this category are dealt with in the text of this study.<sup>251</sup> The others are merely cited in the note hereto.<sup>252</sup>

99. In other resolutions adopted during the period under review with respect to matters of a political or security nature the General Assembly and the Security Council specifically requested the Secretary-General only to perform tasks exclusively or predominantly of a ministerial character. These cases are merely cited in the note hereto.<sup>253</sup>

##### 2. FUNCTIONS EXERCISED UNDER SECURITY COUNCIL AND GENERAL ASSEMBLY RESOLUTIONS WITH RESPECT TO THE SITUATION IN THE MIDDLE EAST

###### a. Functions exercised by the Special Representative of the Secretary-General to the Middle East

100. In a note issued for the information of the members of the Security Council on 7 August 1970,<sup>254</sup> the

Secretary-General stated that he had been informed by the Government of the United States that a peace proposal initiated by that Government had been accepted by Israel, Jordan and the United Arab Republic. Ambassador Jarring, his Special Representative to the Middle East, having received confirmation of those acceptances, had accordingly informed the Secretary-General by letter that the three Governments had advised him of their agreement (a) that having accepted and indicated their willingness to carry out resolution 242 (1967) in all its parts, they would designate representatives to discussions to be held under the auspices of the Special Representative; (b) that the purpose of the discussions was to reach agreement on the establishment of a just and lasting peace between them based on (1) mutual acknowledgement by the three States of each other's sovereignty, territorial integrity and political independence and (2) Israeli withdrawal from territories occupied in the 1967 conflict; (c) that the parties would strictly observe, effective 7 August until at least 5 November 1970, the cease-fire resolutions of the Security Council. The Secretary-General and Ambassador Jarring therefore believed that there was a reasonable basis on which to renew immediately the Special Representative's contacts with the parties.

101. Ambassador Jarring invited the parties to discussions opening at New York on 25 August 1970 and met on that day with representatives of each. However, the representative of Israel had stated that he had been recalled to Israel. On his return to New York on 8 September, he informed Ambassador Jarring that Israel's acceptance of the United States peace initiative was still in effect but that, in view of Egypt's grave violation of the cease-fire standstill agreement, Israel would be unable to participate in the talks under the auspices of the Special Representative so long as the agreement was not observed in its entirety and the original situation restored.<sup>255</sup>

102. On 4 November 1970, the General Assembly adopted resolution 2628 (XXV) on the situation in the Middle East. Paragraphs 4 to 7 of that resolution read:

"The General Assembly,

" . . .

"4. Urges the speedy implementation of Security Council resolution 242 (1967), which provides for the peaceful settlement of the situation in the Middle East, in all its parts;

"5. Calls upon the parties directly concerned to instruct their representatives to resume contact with the Special Representative of the Secretary-General to the Middle East in order to enable him to carry out, at the earliest possible date, his mandate for the implementation of the Security Council resolution in all its parts;

"6. Recommends to the parties that they extend the cease-fire for a period of three months in order that they may enter into talks under the auspices of the Special Representative with a view to giving effect to Security Council resolution 242 (1967);

"7. Requests the Secretary-General to report to the Security Council within a period of two months, and to the General Assembly as appropriate, on the efforts of the Special Representative and on the implementation of Security Council resolution 242 (1967);"

103. Immediately after the adoption of resolution 2628 (XXV), the Special Representative invited the representatives of the parties to resume talks under his auspices. Although the representatives of Jordan and the United Arab Republic were willing to do so, the representative of Israel stated that the matter was under consideration by his Government. The Special Representative wrote to Israel's Foreign Minister formally inviting that

Government to resume its participation in the discussions. On 30 December 1970, he received in Moscow (where he had returned to resume his duties as Sweden's Ambassador) a letter from Israel's Foreign Minister stating his Government's readiness to resume its participation in the talks.<sup>256</sup>

104. On 5 January 1971, the Special Representative resumed his discussions with the parties at Headquarters. At the request of the Israeli Government, he held meetings in Jerusalem with the Prime Minister and the Foreign Minister from 8 to 10 January. That Government presented to Ambassador Jarring, for transmission to the other Governments concerned, papers containing its views on the "essentials of peace" and subsequently the United Arab Republic and Jordan presented papers containing their views on the implementation of Security Council resolution 242 (1967). Ambassador Jarring also held meetings with the Permanent Representative of Lebanon. After expressing the hope that the talks would continue in a constructive manner, the Secretary-General, in his report of 1 February 1971 on the activities of the Special Representative, appealed to the parties to withhold fire, to exercise military restraint and to maintain the quiet that had prevailed since August 1970.<sup>257</sup>

105. In response to that appeal, Israel announced on 2 February its intention to preserve the cease-fire on a mutual basis and the President of the United Arab Republic declared his decision to refrain from opening fire for a period of 30 days ending on 7 March. The Special Representative shared the Secretary-General's cautious optimism that the parties had been defining their positions seriously and wished to move forward to a permanent peace, but noted with growing concern that each side had been insisting that the other should make certain commitments before it itself would formulate the provisions of a final peace settlement.<sup>258</sup>

106. In the same report, the Secretary-General stated that, at that stage of the talks, his Special Representative had reached the conclusion, which he shared, that the only possibility of breaking the imminent deadlock arising from the different views of Israel and the United Arab Republic as to the priority to be given to commitments and undertakings was for him to seek from each side the parallel and simultaneous commitments that seemed to be the unavoidable prerequisites of an eventual peace settlement. Thereafter, it would be possible to proceed to formulate the terms of a peace agreement also for other topics, in particular the refugee question.

107. In identical *aides-mémoire*, dated 8 February 1971, to Israel and the United Arab Republic, Ambassador Jarring requested them to make certain prior commitments to him. His initiative was on the basis that the commitments should be made simultaneously and reciprocally and subject to the eventual satisfactory determination of all other aspects of a peace settlement. Israel would commit itself to withdraw its forces from occupied United Arab Republic territory to the former international boundary between Egypt and the British Mandate of Palestine. The United Arab Republic would commit itself to make explicitly to Israel, on a reciprocal basis, various undertakings and acknowledgements arising directly or indirectly from paragraph 1 (ii) of Security Council resolution 242 (1967).

108. In an *aide-mémoire* received by the Special Representative on 15 February 1971, the United Arab Republic indicated that it would accept the specific commitments requested of it, as well as other commitments arising directly from resolution 242 (1967), and that it would be ready to enter into a peace agreement with

Israel, provided Israel would likewise give commitments covering its own obligations under resolution 242 (1967).

109. On 17 February 1971, the Special Representative informed Israel of the United Arab Republic's reply to his *aide-mémoire* and, on 26 February, he received from Israel a paper in which, without reference to the commitment he had sought from Israel, it was stated that Israel viewed favourably "the expression by the United Arab Republic of its readiness to enter into a peace agreement with Israel" and reiterated its readiness for meaningful negotiations on all subjects relevant to a peace agreement. Israel considered that the stage had been reached when the two sides should pursue the negotiations in a concrete manner without prior conditions. On the crucial question of withdrawal, the Israel position was that it would give an undertaking to withdraw from "the Israeli-United Arab Republic cease-fire line" to secure, recognized and agreed boundaries to be established in the peace agreement and that it would not withdraw to the lines existing prior to 5 June 1967. Israel's reply was communicated to the United Arab Republic on 28 February 1971.

110. In his report of 5 March 1971, the Secretary-General appealed to Israel to give further consideration to the question of a commitment on withdrawal to the international boundary of the United Arab Republic and to respond favourably to Ambassador Jarring's initiative; he concluded his report by appealing again to the parties to withhold fire, to exercise military restraint and to maintain the quiet that had prevailed in the area since August 1970.<sup>259</sup>

111. In response to that appeal, Israel again indicated its willingness to continue to observe the cease-fire on a basis of reciprocity. On 7 March 1971, however, the President of the United Arab Republic declared that his Government no longer considered itself committed to a cease-fire. Subsequently, the talks under Ambassador Jarring's auspices lapsed. In his report of 30 November 1971, addressed to both the General Assembly and the Security Council, the Secretary-General also noted that during much of the reporting period two separate initiatives had been taken outside the United Nations to promote agreement between the parties; these constituted an additional reason for Ambassador Jarring not to take personal initiatives.

112. The Secretary-General felt that recent developments had added urgency to his views on the situation in the Middle East. He felt that appropriate organs of the United Nations must review the situation again to find ways and means to enable the Jarring mission to move forward.<sup>260</sup>

113. By a letter dated 9 December 1971<sup>261</sup> the representative of Israel transmitted to the Secretary-General the text of a communication from the Prime Minister recalling Israel's agreement to resume negotiations without prior conditions under the auspices of Ambassador Jarring pursuant to Security Council resolution 242 (1967) and agreeing that the secure and recognized boundaries should be embodied in the peace agreement and that further arrangements for ensuring their security could be negotiated. In accordance with resolution 242 (1967), free navigation in all international waterways, including the Suez Canal and the Strait of Tiran for all ships and cargoes, including those of Israel, would be provided for in the peace agreement.

114. By a letter dated 10 December 1971<sup>262</sup> the representative of Egypt transmitted to the Secretary-General the text of a memorandum by his Government stating that the Arab Republic of Egypt would agree to indirect negotiations under the auspices of Ambassador Jarring for the implementation of Security Council resolution 242

(1967) and of Ambassador Jarring's initiative of 8 February 1971 for the conclusion of a peace agreement. Egypt was also ready to undertake the required arrangements for re-opening the Suez Canal in return for the first stage of Israeli withdrawal. Secure and recognized boundaries should be embodied in a peace agreement, subject to the withdrawal of Israeli forces from all the Arab territories to the lines existing prior to June 1967. Furthermore, Egypt would accept as guarantees for peace United Nations guarantees, the establishment of demilitarized zones astride the borders and the stationing of international forces at strategic points.

115. On 13 December 1971, the General Assembly adopted resolution 2799 (XXVI) on the situation in the Middle East. Paragraphs 3 to 8 of that resolution read:

"The General Assembly,

" . . .

"3. Requests the Secretary-General to take the necessary measures to reactivate the mission of the Special Representative of the Secretary-General to the Middle East in order to promote agreement and assist efforts to reach a peace agreement as envisaged in the Special Representative's *aide-mémoire* of 8 February 1971;

"4. Expresses its full support for all the efforts of the Special Representative to implement Security Council resolution 242 (1967);

"5. Notes with appreciation the positive reply given by Egypt to the Special Representative's initiative for establishing a just and lasting peace in the Middle East;

"6. Calls upon Israel to respond favourably to the Special Representative's peace initiative;

"7. Further invites the parties to the Middle East conflict to give their full co-operation to the Special Representative in order to work out practical measures for:

"(a) Guaranteeing freedom of navigation through international waterways in the area;

"(b) Achieving a just settlement of the refugee problem;

"(c) Guaranteeing the territorial inviolability and political independence of every State in the area;

"8. Requests the Secretary-General to report to the Security Council and to the General Assembly, as appropriate, on the progress made by the Special Representative in the implementation of Security Council resolution 242 (1967) and of the present resolution;"

116. Although Ambassador Jarring held further talks with officials of Egypt, Jordan and Israel in January, February and March 1972, and returned to New York in the course of the next two months for further reviews of the position of the parties, the Secretary-General reported that, in spite of those continued efforts, it had not been possible, in his opinion, to make any substantial progress but that efforts would continue.<sup>263</sup>

117. On 8 December 1972, the General Assembly adopted resolution 2949 (XXVII) on the situation in the Middle East. Paragraphs 10 and 11 of that resolution read:

"The General Assembly,

" . . .

"10. Requests the Security Council, in consultation with the Secretary-General and his Special Representative, to take all appropriate steps with a view to the full and speedy implementation of Security Council resolution 242 (1967), taking into account all the relevant resolutions and documents of the United Nations in this connection;

"11. Requests the Secretary-General to report to the Security Council and the General Assembly on the progress made by him and his Special Representative in the implementation of Security Council resolution 242 (1967) and of the present resolution;"

118. In the comprehensive report he submitted to the Security Council on 18 May 1973,<sup>264</sup> pursuant to its resolution 331 (1973), the Secretary-General, noting that the Council was currently resuming the search for peace in the Middle East, said that he, his Special Representative, the Secretariat and the various instrumentalities of the United Nations were at the disposal of the Governments concerned and of the Council itself to assist the Council's efforts in any way possible. Those efforts could be useful only if the parties concerned wished to avail themselves of them.

119. In the course of meetings held by the Security Council from 20 to 26 July 1973 to consider the situation in the Middle East on the basis of the report mentioned in the preceding paragraph, a draft resolution<sup>265</sup> was submitted by eight Powers whereby the Council would have supported the initiatives of the Special Representative and would have requested him and the Secretary-General to resume their efforts to promote a just and peaceful solution of the Middle East problem. At the 1735th meeting, on 26 July 1973, the draft resolution received 13 votes in favour to 1 against (United States of America), China not participating in the vote, and was not adopted owing to the negative vote of a permanent member of the Council.

b. *Functions exercised in connection with the Peace Conference on the Middle East*

120. In paragraphs 2 and 3 of its resolution 338 (1973) of 22 October 1973, by which it called upon the parties to the fighting that had broken out that month in the Middle East to terminate all military activity immediately, the Security Council also called upon them "to start immediately after the cease-fire the implementation of Security Council resolution 242 (1967) in all of its parts" and decided that "immediately and concurrently with the cease-fire, negotiations shall start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East".

121. At its 1760th meeting, held on 15 December 1973 to consider the question of the arrangements for the proposed Peace Conference on the Middle East, the representative of Guinea, a member of the Council, stated that the "appropriate auspices" mentioned in paragraph 3 of resolution 338 (1973) were clearly those of the United Nations, and introduced a draft resolution. This was adopted at the same meeting as resolution 344 (1973), paragraphs 1 to 3 of which read:

"The Security Council,

" . . .

"1. Expresses the hope that the Peace Conference will make speedy progress towards the establishment of a just and durable peace in the Middle East;

"2. Expresses its confidence that the Secretary-General will play a full and effective role at the Conference, in accordance with the relevant resolutions of the Security Council and that he will preside over its proceedings, if the parties so desire;

"3. Requests the Secretary-General to keep the Council suitably informed of the developments in negotiations at the Conference, in order to enable it to review the problems on a continuing basis;"

122. By a letter dated 18 December 1973,<sup>266</sup> the Secretary-General transmitted to the President of the Security Council identical letters from the Permanent Representatives of the Soviet Union and the United States indicating that they had been informed by the parties concerned of their readiness to participate in the Peace Conference which would be convened under the auspices of the United Nations and under the co-chairmanship of the Soviet Union and the United States and which would begin in Geneva on 21 December 1973. The two representatives hoped that the Secretary-General would serve as convener and would preside during the opening phase and that he would assign a representative to keep him informed as the Conference proceeded. They also requested the United Nations to provide the necessary facilities for the work of the Conference.

123. By a letter dated 19 December 1973<sup>267</sup> the President of the Security Council informed the Secretary-General that the members of the Council had taken note of the Secretary-General's letter and the documents attached to it, which they considered to be in accordance with Council resolution 344 (1973). He added that the French delegation had reaffirmed the reservations that had led it to abstain in the vote on that resolution and that the Chinese delegation, in conformity with the position it had taken on resolutions 338 (1973) and 344 (1973), had dissociated itself from the Council's position.

124. In a report submitted to the Security Council pursuant to resolution 344 (1973)<sup>268</sup> the Secretary-General stated that the Peace Conference on the Middle East had been convened by him on 21 December 1973 in Geneva. The Governments of Egypt, Israel, Jordan, the Soviet Union and the United States of America had been represented. The Secretary-General, as Chairman, had opened the Conference and made a statement. The Conference, after holding two public meetings that day, followed by informal consultations among the delegations and with the Secretary-General, had met again in a closed meeting the next day. At the close of that meeting, the Secretary-General had summed up the conclusions of the Conference about its future work by stating that it had reached a consensus to continue its work through a military working group, as well as other working groups it might wish to establish. The military working group was to start discussing forthwith the disengagement of forces.

125. By paragraph 5 of its resolution 3414 (XXX) on the situation in the Middle East, adopted on 5 December 1975, the General Assembly requested the Secretary-General to inform all concerned, including the Co-Chairmen of the Peace Conference on the Middle East. In a report submitted pursuant to that resolution on 18 October 1976,<sup>269</sup> the Secretary-General said that, on 27 January 1976, he had addressed identical letters to the Co-Chairmen of the Conference, stating his concern and requesting them to inform him of their views as to how to progress towards a solution of the Middle East problem. By letters dated 17 and 20 February 1976<sup>270</sup> the representatives of the Soviet Union and the United States transmitted the replies of their Governments to the Secretary-General's letters.

126. By paragraph 1 of its resolution 31/62 on the Peace Conference on the Middle East, adopted on 9 December 1976, the General Assembly requested the Secretary-General to resume contacts with all the parties to the conflict and with the Co-Chairmen of the Conference, in accordance with his initiative of 1 April 1976,<sup>271</sup> in preparation for the early reconvening of the Conference, and to submit a report to the Security Council on the results of his contacts and on the situation in the Middle East not later than 1 March 1977.

127. Pursuant to General Assembly resolution 31/62, the Secretary-General submitted a report to the Security Council on 28 February 1977 on the results of his contacts with all the parties to the conflict and with the Co-Chairmen of the Peace Conference on the Middle East.<sup>272</sup> After consultations in New York in December and January with all the parties concerned, the Secretary-General had visited Egypt, the Syrian Arab Republic, Saudi Arabia, Lebanon, Jordan and Israel between 31 January and 12 February, when he had met with leaders involved in the Middle East problem. He had also met in Damascus with the Chairman of the Palestine Liberation Organization (PLO). All the parties had expressed their desire for an early resumption of the negotiating process through the convening of the Peace Conference, but the problem was to find agreement on the conditions under which the Conference could be convened. The Secretary-General observed that it would be necessary, first, to make a determined effort to overcome the lack of confidence and the mutual distrust and fears of all the parties as to the consequences of making compromises and concessions. Diplomatic efforts were under way which might contribute to such changes and it was vital that the prevailing spirit of moderation and realism be caught before it evaporated and that the parties be assisted to channel that spirit into the arduous process of negotiation.

128. Requests to the Secretary-General bearing on his relations with the Co-Chairmen of the Peace Conference on the Middle East are also contained in General Assembly resolution 3375 (XXX), by which it invited the PLO to participate in the work of the Conference as well as in all other efforts for peace as well as in resolutions 3414 (XXX), 31/61, 32/20 and 33/29 on the situation in the Middle East.<sup>273</sup>

c. *Functions exercised pursuant to Security Council resolutions and decisions calling for cease-fires or establishing peace-keeping operations*

(i) *Functions exercised up to the outbreak of hostilities on 6 October 1973*

129. Prior to the establishment, on 25 October 1973, of the United Nations Emergency Force (UNEF), there was only one United Nations peace-keeping operation in the area, namely, the United Nations Truce Supervision Organization (UNTSO).<sup>274</sup> Immediately prior to the period under review, UNTSO had conducted cease-fire observations in two areas, namely, the Israel-Syria sector and the Egypt-Israel or Suez Canal sector;<sup>275</sup> these were continued and from April 1972, such observations were also carried out by UNTSO in a third area, namely the Israel-Lebanon sector.

(a) *The cease-fire observation operation in the Israel-Syria sector*

130. Reports submitted by the Chief of Staff of UNTSO from 1 January 1970 to 6 October 1973 described the very frequent incidents that had taken place in the sector. They involved firing, the aerial bombardment of Syrian positions and other aerial activities, the crossing of the cease-fire line, the occupation of United Nations observation posts by Israeli forces, damage to several posts and the holding up of observers at gunpoint.<sup>276</sup>

(b) *The cease-fire observation operation in the Egypt-Israel or Suez Canal sector*

131. Reports submitted by the Chief of Staff of UNTSO from 2 January 1970 to 17 August 1970 and then,

following a period of quiet, from 10 March 1971 to 6 October 1973, described frequent incidents of firing, overflights, air raids and damage to United Nations installations. One United Nations observer was killed and others wounded.<sup>277</sup>

132. On 8 June 1970 the Secretary-General transmitted to the members of the Security Council the text of a letter he had addressed to the States whose nationals were serving as United Nations military observers in the Suez Canal sector.<sup>278</sup> After commending the services which the observers were rendering to the cause of peace through their implementation of an operation instituted by the Security Council and were maintaining to the extent possible in the absence of any contrary action by the Council, the Secretary-General stated that the physical safety of peace-keeping personnel was always a foremost consideration, particularly under the hazardous conditions prevailing in the Suez Canal sector. He drew attention to the fact that representations and protests concerning firing on or close to United Nations personnel, installations and equipment had been of no avail in reducing the number of such incidents and that, on the contrary, there had recently been an increase in such firings from the United Arab Republic side. Recognizing the difficulties involved in limiting firing in what amounted to a war situation, the Secretary-General nevertheless registered his deep concern at the constant and increasing danger to which United Nations personnel were exposed in that sector and his distress that the risks were greater than at any previous time. Because of conditions beyond his control, the Secretary-General was, therefore, no longer able to guarantee the physical safety of the men engaged in the observation operation and was painfully aware that, in the existing situation, where near-misses were an almost daily occurrence at the observation posts in the Canal, it was something of a miracle that casualties among the observers had not been much higher.

(c) *The cease-fire observation operation in the Israel-Lebanon sector*

133. As recalled in a memorandum dated 4 April 1972 from the Secretary-General to the President of the Security Council,<sup>279</sup> on 29 March 1972 the President of the Security Council received from the Permanent Representative of Lebanon a request for the necessary action by the Council to increase the number of observers in the Lebanon-Israel sector, on the basis of the Armistice Agreement of 1949, because of repeated Israeli aggression against Lebanon and because the work of the Lebanon-Israeli Mixed Armistice Commission had been paralysed since 1967. The President orally informed the Secretary-General, on 31 March 1972, that it was the members' view that the request of Lebanon should be met and, pending a final decision, he asked the Secretary-General to determine the number of additional observers required for the Israel-Lebanon sector.<sup>280</sup> Accordingly, the Secretary-General requested the Chief of Staff of UNTSO to recommend to him arrangements to be made in that respect, making it clear that the action requested was of a preliminary nature, its sole purpose being to inform the Council before a final decision was taken. On 3 April 1972, the Chief of Staff informed the Secretary-General that Lebanon had proposed the establishment of three observation posts on its territory. In that connection, the Chief of Staff proposed that, at the initial stage, the number of new observers needed, in addition to the existing 7, should be 14, with 8 more to be added if necessary. He indicated further that the proposed observation posts could be set up at short notice, all the required personnel and equipment being provided from existing UNTSO

resources, and pointed out that the posts must be considered as a limited United Nations presence on one side of the line, which would provide only a measure of observation and a somewhat more rapid supply of information from UNTSO sources than that currently provided.<sup>281</sup>

134. On 19 April 1972 the Security Council issued the text of a consensus reached by its members.<sup>282</sup> It began by stating that the President of the Council had held consultations with its members following the request of the Permanent Representative of Lebanon and went on to state that the President had also informed and consulted the Secretary-General and that, exceptionally, a formal meeting of the Security Council had not been considered necessary. The remainder of the consensus read:

"In the course of these consultations, the members of the Security Council reached without objection a consensus on the action to be taken in response to the request of the Lebanese Government and invited the Secretary-General to proceed in the manner outlined in his above-mentioned memorandum. They further invited the Secretary-General to consult with the Lebanese authorities on the implementation of these arrangements.

"They also invited the Secretary-General to report periodically to the Security Council and in doing so to give his views on the need for the continuance of the above measures and on their scale."

135. In a report dated 25 April 1972 on the implementation of the consensus of 19 April 1972,<sup>283</sup> the Secretary-General stated that he had instructed the Chief of Staff of UNTSO to implement the arrangements envisaged in his memorandum of 4 April 1972. Following discussions with Lebanese military authorities between 20 and 22 April, the Chief of Staff had informed him that the sites of the three proposed observation posts had been selected and full agreement had been reached on various arrangements regarding the functioning of the Israel-Lebanon Mixed Armistice Commission. On 24 April those observation posts had become operational and the Chief of Staff had informed Israel authorities of their location and the initial date of their operation.

136. Accordingly, as from 25 April 1972, the Secretary-General proceeded to issue reports on incidents in the Israel-Lebanon sector. The incidents involved crossings of the border by Israeli soldiers, overflights by Israeli aircraft, the entry of Israeli warships into Lebanese territorial waters, artillery or mortar fire directed into Lebanese territory causing casualties and damage, raids by Israeli aircraft, attacks by Israeli troops inside Lebanese territory, and the temporary occupation of positions inside Lebanese territory by Israeli forces. The reports also contained complaints by the Lebanese authorities, some of which UNTSO had been able to confirm.<sup>284</sup>

137. In a memorandum to the President of the Security Council dated 25 October 1972,<sup>285</sup> the Secretary-General stated that, on 23 October 1972, Lebanon had requested an increase in the number of observation posts and observers in the Israel-Lebanon sector. Subsequently, he had requested the Chief of Staff of UNTSO to submit recommendations to him on the arrangements to be made, in particular the number of additional observation posts to be established and the number of additional observers, supporting staff and equipment required for that purpose.

138. In a memorandum to the President of the Security Council dated 27 October 1972,<sup>286</sup> the Secretary-General set forth the recommendations made by the Chief of Staff to meet the request of Lebanon, adding that, if there was no objection, he would proceed with the recommended arrangements.

139. By a letter dated 30 October 1972,<sup>287</sup> the President of the Security Council informed the Secretary-General that, following consultations with the members of the Council on the Secretary-General's memoranda of 25 and 27 October, the members of the Council, referring to its consensus of 19 April 1972, had no objection to acceding to Lebanon's request for an increase in the number of observation posts in the Israel-Lebanon sector.

140. In a report dated 2 November 1972,<sup>288</sup> the Secretary-General stated that, following receipt of the letter of 30 October, he had instructed the Chief of Staff of UNTSO to proceed immediately with the implementation of the arrangements he had recommended.

141. In a report dated 22 February 1973<sup>289</sup> the Secretary-General noted that the Chief of Staff had reported that, by taking certain measures, he could manage without the additional observers originally requested. The Secretary-General intended to implement the recommendations not later than 15 March 1973.

142. In a letter dated 30 March 1973<sup>290</sup> the President of the Council informed the Secretary-General that, with regard to his report of 22 February 1973, he had consulted with the members of the Council who, referring to their consensus of 19 April 1972, had expressed no objection to his putting into effect the recommendations of the Chief of Staff as set forth in the report.

143. In an additional report dated 2 April 1973,<sup>291</sup> the Secretary-General, recalling that he had informed the Security Council of his intention to implement the recommendations of the Chief of Staff not later than 15 March, stated that, at the request of the President of the Council, he had agreed to postpone the proposed action until the end of March.

(ii) *Functions exercised from the outbreak of large-scale hostilities on 6 October 1973 until 27 October 1973*

144. On 6 October 1973, the Chief of Staff of UNTSO reported general heavy air and ground activity along the Israel-Syria, Suez Canal and Israel-Lebanon sectors. Egyptian forces had crossed the Suez Canal to the east bank, where ground fighting had been reported. Syrian forces had crossed the area between the limits of the forward defended localities indicating the cease-fire lines.<sup>292</sup>

145. In a report dated 6 October 1977, the Secretary-General stated that since receiving the first news of the outbreak of fighting, he had been in constant consultations with the parties concerned and with the President and members of the Security Council. In the field, the Chief of Staff of UNTSO had addressed an appeal to the parties to cease all military activities and adhere strictly to the cease-fire.<sup>293</sup>

146. In a letter dated 8 October 1973 to the President of the Security Council,<sup>294</sup> the Secretary-General, after recalling the Council consensus of 9 July 1967 to station United Nations military observers in the Suez Canal sector under the Chief of Staff of UNTSO,<sup>295</sup> stated that, on the evening of 7 October 1973, the chief of Staff of UNTSO had received a request from the Egyptian military authorities that the United Nations military observers be immediately evacuated to Cairo. The Chief of Staff had replied that, in view of the Security Council consensus, he would appreciate it if the Egyptian Government would make this request for the withdrawal of the military observers direct to the Secretary-General. The Secretary-General had asked the Chief of Staff for a complete report on developments. On the morning of 8 October the Secretary-General had spoken with the Permanent Representative of Egypt on this matter. The latter had

subsequently informed the Secretary-General that he had been instructed by his Government to express its thanks for the work and help of the United Nations military observers. Since the observers were now behind the Egyptian lines, which put them in physical danger and made their presence unnecessary, the Government of Egypt requested the Secretary-General to take measures for their transfer to Cairo for their security. The Secretary-General immediately informed the President of the Security Council of this development.

147. On 9 October 1973, the Secretary-General addressed a letter<sup>296</sup> to the President of the Security Council referring to his letter of 8 October and continuing as follows:

"Late on the evening of 8 October you informed me that, during the consultations which you had held with the members of the Security Council on this matter, it was agreed that, in the circumstances, I should accede to the request of the Government of Egypt. By this letter I wish to confirm this understanding."

148. The Chief of Staff, in a report dated 9 October 1973,<sup>297</sup> said that, in view of the request by Egypt's military authorities in the field that all observers be evacuated without delay, he had had no alternative but to allow the evacuation. In a subsequent report the same day<sup>298</sup> he stated that, following the evacuation of the remaining two observation posts in the Suez Canal sector, observation operations had come to an end there. The observation posts in the Israel-Lebanon sector continued to function normally.<sup>299</sup>

149. In a note dated 11 October 1973<sup>300</sup> the President of the Security Council indicated that he had received from the Secretary-General a letter dated 9 October, in reply to the questions put to the latter by the representative of Egypt at the 1743rd meeting of the Council on 8 October 1973, at which that representative had asked whether United Nations observers were at El Sukhna and El Zaafarana. In his letter, the Secretary-General stated that the United Nations military observers had been 30 and 60 miles respectively from El Sukhna and El Zaafarana on the Gulf of Suez, which Egypt claimed Israel had attacked on 6 October 1973, for which reason they had been unable to confirm or deny any incidents there.<sup>301</sup>

150. On 22 October 1983 the Security Council adopted resolution 338 (1973), in which it called upon the parties to the fighting to cease all firing and to terminate all military activity immediately and no later than 12 hours after the moment of adoption of the resolution, in the positions then occupied. On the following day, the Council adopted resolution 339 (1973), by which it urged that the forces of the two sides be returned to the positions they occupied at the moment the cease-fire became effective. In the resolution the Council requested the Secretary-General to take measures for the immediate dispatch of United Nations observers to supervise the observance of the cease-fire between the forces of Israel and the Arab Republic of Egypt, using for that purpose the personnel of the United Nations then in the Middle East and, first of all, those in Cairo.

151. In a statement made in the Security Council immediately following the adoption of resolution 339 (1973),<sup>302</sup> the Secretary-General said that, pending a Council directive, he had instructed the Chief of Staff of UNTSO to hold the United Nations observers in readiness in their present locations. Now that the Council had decided that the military observers should be stationed to observe the cease-fire called for in resolution 338 (1973), he would immediately take steps to put them in

place in the shortest possible time. It would in all probability be necessary to increase the number of observers available in the area to carry out the intentions of the Council effectively. The Chief of Staff would be in immediate contact with the military authorities concerned with a view to working out the details of the observation operation.

152. Later on at the same meeting, the Secretary-General said that he had just received a communication from the Deputy Prime Minister and Minister for Foreign Affairs of Syria<sup>303</sup> to the effect that, subject to certain understandings, the Syrian Government had accepted resolution 338 (1973). He added that observation teams were being deployed in the Suez Canal area.

153. In a report dated 24 October 1973<sup>304</sup> the Secretary-General described the steps taken by the Chief of Staff of UNTSO to implement Security Council resolution 339 (1973). Three observer teams had proceeded from Cairo to designated areas on the Egyptian side of the forward defended localities. Arrangements were also being made to deploy observers on the Israeli side. The Chief of Staff recommended an increase of the observer teams to 12, 6 on each side, which would require 43 additional observers for the sector. The Secretary-General had approached a number of Governments already providing observers in the Suez Canal sector to obtain the required additional observers.<sup>305</sup>

154. At a Security Council meeting on 24 October 1973,<sup>306</sup> the Secretary-General informed the Council of the action he and the Chief of Staff of UNTSO had taken in implementation of resolution 339 (1973). He had been in constant touch with the Chief of Staff and the representatives of the parties concerned. The Chief of Staff had also been in contact with both Egyptian and Israeli military authorities for the dispatch of United Nations observers. On the Egyptian side seven patrols had been dispatched towards the forward defended localities. No observers had, however, been deployed as yet on the Israeli side.<sup>307</sup> The Secretary-General pointed out that two conditions were essential for the United Nations observers to fulfil their task effectively: first, the complete acceptance of the cease-fire by the parties; second, full co-operation by them with the United Nations observer operation.

155. Later during the same meeting,<sup>308</sup> the Secretary-General stated that he had discussed the cease-fire operation in the Syrian sector with both the Deputy Foreign Minister of Syria and with the Permanent Representative of Israel. He had requested the Chief of Staff of UNTSO to contact the military authorities on both sides concerning the possibility of adjusting the observation arrangements to the existing situation. The Chief of Staff had formulated a plan for this purpose. The Secretary-General understood that the reaction of the Syrian authorities to the plan was favourable and that the Israeli authorities had undertaken to give their reaction by the next morning. The United Nations difficulties in immediately setting up an observation system had arisen from the conflict situation in the area and the fact that the cease-fire called for by the Security Council had not been observed.<sup>309</sup>

156. By a letter dated 25 October 1974<sup>310</sup> the Secretary-General transmitted to the President of the Security Council the text of a letter he had addressed to the Permanent Representative of Israel on 24 October and the latter's reply, concerning arrangements for the observation of the cease-fire between Israel and Syria. The Secretary-General's letter read:

"I have been informed by the Syrian Government of its acceptance of the cease-fire called for by the Security Council in its resolution 338 (1973) of 22 October 1973.

This acceptance applies to all Arab forces in Syria. The Syrian Government has also agreed to the deployment of United Nations military observers to facilitate the strict observance of the cease-fire.

"Can I assume that Israel accepts the cease-fire with Syria and that, if so, your Government is in agreement to the deployment of United Nations military observers in areas under the control of the Israel defence force for purposes of observing this cease-fire?"

157. In his reply the representative of Israel stated, on behalf of his Government, that he accepted the cease-fire with Syria, adding that his Government agreed to the deployment of United Nations military observers to observe the cease-fire.

(iii) *Functions exercised from the end of the large-scale hostilities of October 1973 to 31 December 1978*

(a) *Establishment and functioning of the United Nations Emergency Force (UNEF)*

i. *The creation of UNEF*

158. On 25 October 1973 the Security Council adopted resolution 340 (1973), in the preamble of which it recalled resolutions 338 (1973) and 339 (1973), noted with regret the reported repeated violations of the cease-fire in non-compliance with those two resolutions and noted with concern from the Secretary-General's report<sup>311</sup> that the United Nations military observers had not yet been enabled to place themselves on both sides of the Egyptian-Israeli cease-fire line. The operative part read:

"The Security Council,

" . . .

"1. Demands that immediate and complete cease-fire be observed and that the parties return to the positions occupied by them at 1650 hours GMT on 22 October 1973;

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

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

"4. Requests the Secretary-General to report to the Council on an urgent and continuing basis on the state of implementation of the present resolution, as well as resolutions 338 (1973) and 339 (1973);

"5. Requests all Member States to extend their full co-operation to the United Nations in the implementation of the present resolution, as well as resolutions 338 (1973) and 339 (1973)."

159. Following the vote, the Secretary-General stated<sup>312</sup> that he would do his utmost to respond to the requests made in the resolution just adopted, regarding paragraph 2 of which he referred to a prior report on the measures taken to increase the number of observers on both sides of the Egyptian-Israeli cease-fire line.<sup>313</sup> Later during the meeting, the representative of Egypt said that his Government accepted resolution 340 (1973) and would grant the United Nations Emergency Force (UNEF) all the assistance and co-operation necessary to enable it to discharge its tasks; the first task of UNEF was to let the forces of the two sides return to the positions they had occupied when the cease-fire had gone into effect.<sup>314</sup>



Subsequently, at the same meeting,<sup>315</sup> the Secretary-General read out the text of a letter he had sent to the President of the Security Council that afternoon, the text of which is as follows:

"Security Council resolution 340 (1973), adopted by the Council on 24 October 1973, requested the Secretary-General, *inter alia*, to report within 24 hours on the steps taken to set up immediately, under the authority of the Council, a United Nations emergency force. I shall deliver to the Council within the time-limit set the report required.

"In the meantime, as an urgent interim measure and in order that the emergency force may reach the area as soon as possible, I propose to arrange for the contingents of Austria, Finland and Sweden now serving with the United Nations Peace-keeping Force in Cyprus (UNFICYP) to proceed immediately to Egypt. I also propose to appoint General Siilasvuo, the Chief of Staff of UNTSO, as the interim Commander of the emergency force and to ask him to set up a provisional headquarters staff of personnel from UNTSO.

"I am consulting the parties concerned on this interim arrangement. I am also consulting the Permanent Representatives of the three countries whose contingents are involved and also the Governments of Cyprus, Greece and Turkey, in relation to the temporary reduction of the strength of UNFICYP. I propose to replace these units in Cyprus as soon as possible.

"I should be grateful if you would let me know urgently whether this proposal is acceptable to the members of the Security Council. This step—if accepted—would, of course, be without prejudice to the more detailed and comprehensive report on the emergency force which I shall submit to the Council on 26 October."<sup>316</sup>

160. The President of the Security Council stated that, since there was no objection, he would take it that the Council authorized the Secretary-General to proceed in accordance with his proposal.<sup>317</sup>

161. At a meeting of the Security Council on 26 October 1973<sup>318</sup> the Secretary-General said that General Siilasvuo had set up a provisional headquarters in Cairo and that the contingents of Austria, Finland and Sweden were being transferred from Cyprus to Cairo, an operation to be completed by the next morning. He had instructed General Siilasvuo to move advance elements of the Force forward with the maximum possible speed.

162. In a report dated 27 October 1973<sup>319</sup> the Secretary-General, after setting out general guidelines and principles for the proposed Force,<sup>320</sup> stated that, if the Council agreed, he intended to take the following urgent steps:

"(a) I propose, with the consent of the Security Council, to appoint the Commander of the Emergency Force as soon as possible. Pending the Commander's arrival in the mission area, with the consent of the Council given at its meeting of 25 October 1973 (1750th meeting), I have appointed the Chief of Staff of UNTSO, Major-General E. Siilasvuo, as interim Commander of the Emergency Force, and have asked him to set up a provisional headquarters staff consisting of personnel from UNTSO.

"(b) In order that the Force may fulfil the responsibilities entrusted to it, it is considered necessary that it have a total strength in the order of 7,000.

"(c) The Force would initially be stationed in the area for a period of six months.

"(d) In my letter of 25 October to the President of the Security Council (S/11049), I proposed, as an urgent interim measure and in order that the Emergency Force may reach the area as soon as possible, to arrange for the contingents of Austria, Finland and Sweden now serving with the United Nations Peace-keeping Force in Cyprus (UNFICYP) to proceed immediately to Egypt. I am at present actively engaged in the necessary consultations with a view to making requests to a number of other Governments to provide contingents of suitable size for the Force at the earliest possible time. As the Members of the Council are aware, this is a complex matter in which a number of factors have to be taken into account. I shall report further to the Council as soon as possible.

"(e) In addition to the countries requested to provide contingents for the Force, I propose to request logistic support as necessary from a number of other countries, which may include the permanent members of the Security Council."

163. The report also dealt with the question of the estimated costs of the operation. In this regard the Secretary-General observed that there were at the time many unknown factors. The best possible preliminary estimate, based upon past experience and practice, was approximately \$30,000,000 for a Force of 7,000, all ranks, for a period of six months. The costs of the Force were to be considered as expenses of the Organization to be borne by Members in accordance with Article 17 (2) of the Charter.

164. By a letter dated 27 October 1973<sup>321</sup> the Permanent Representative of Egypt communicated to the Secretary-General the following:

"1. The Government of the Arab Republic of Egypt accepts Security Council resolution 340 (1973) as a first step in the implementation of the decisions adopted by the Security Council.

"2. The Government of the Arab Republic of Egypt declares its readiness to co-operate with the United Nations in the implementation of Security Council resolutions 338 (1973), 339 (1973) and 340 (1973).

"3. The Government of the Arab Republic of Egypt considers that the presence of the United Nations Emergency Force on its territory is of a temporary nature and is, moreover, governed by the Charter of the United Nations, its purposes and principles and the general principles of International Law which safeguard Egypt's sovereignty and territorial integrity.

"4. The Government of the Arab Republic of Egypt declares that when exercising its sovereign rights on any matter concerning the presence and functioning of United Nations Emergency Force, it will be guided by its acceptance of the Security Council resolutions."

165. On 27 October 1973, the Security Council adopted resolution 341 (1973), which read:

"*The Security Council*

"1. Approves the report of the Secretary-General on the implementation of Security Council resolution 340 (1973) contained in documents S/11052/Rev.1 dated 27 October 1973;

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

166. As stated in the first progress report by the Secretary-General on the establishment and functioning of UNEF, issued on 28 October 1973,<sup>322</sup> with the arrival in

Cairo, on 26 October 1973, of the Finnish, Austrian and Swedish contingents serving in Cyprus, UNEF had become established. On the evening of that day, General Ensio Siilasvuo, acting as interim Force Commander, assumed command of the first elements of the Force.

ii. *The mandate of UNEF*

(1) *The original mandate*

167. The initial section of the report submitted by the Secretary-General to the Security Council on 27 October 1973 on the implementation of Security Council resolution 340 (1973) was entitled "Terms of reference".<sup>323</sup>

168. By paragraph 2 of its resolution 341 (1973) the Security Council decided that the Force was to be established "in accordance with" that report. The original mandate of UNEF is therefore contained in sub-paragraphs 2 (a), (b) and (c) of the report.<sup>324</sup>

(2) *Widening of the mandate resulting from subsequent agreements between the parties*

169. On 11 November 1973, at a meeting held under the auspices of the UNEF Force Commander, Egypt and Israel concluded an agreement on the implementation of Security Council resolutions 338 (1973) and 339 (1973), the text of which was communicated to the Security Council.<sup>325</sup> Agreements on disengagement of forces, observance of the cease-fire, limitations of armaments and forces in the area of confrontation and surveillance in that area were concluded by the parties, in 1974 and 1975, in pursuance of the Geneva Peace Conference and with the participation of General Siilasvuo, Force Commander of UNEF and later Chief Co-ordinator of the United Nations Peace-keeping Missions in the Middle East. Those agreements, the texts of which were communicated to the Security Council upon their conclusion,<sup>326</sup> contained both provisions assigning functions to UNEF and provisions by which the parties assumed mutual undertakings. Only the former provisions related directly to the mandate of UNEF. Since, however, they were intimately related to the latter provisions, the following account of the contents of the agreements in question is not confined to those of their provisions referring specifically to UNEF.

170. Requests initially made by the UNEF Commander to the Israeli authorities for the return of the Israeli armed forces to the positions occupied by them at 1650 hours GMT on 22 October 1973 had been to no avail<sup>327</sup> when, by a letter dated 9 November 1973,<sup>328</sup> the Permanent Representative of the United States transmitted to the Secretary-General the following message from the Secretary of State of the United States:

"I have the honour to inform you that the Governments of Egypt and Israel are prepared to accept the following agreement which implements paragraph 1 of Security Council resolution 338 (1973) and paragraph 1 of Security Council resolution 339 (1973).

"The text of this agreement is as follows:

'It has also been agreed by the two parties that they will hold a meeting under the auspices of the Commander of the United Nations Force at the usual place (kilometre 109 on the Suez-Cairo road) to sign this agreement and to provide for its implementation. I would be most grateful if you would take the appropriate steps to ensure that a meeting is held on Saturday, 10 November 1973, or at such other time, as may be mutually convenient, by representatives of the parties in order to take the appropriate steps.'

"We intend to make public this letter at noon, New York time, 7 p.m. Cairo and Tel Aviv time, on Friday, 9 November 1973."

171. Upon receipt of the message, the Secretary-General instructed the Force Commander to take the necessary measures and to make available his good offices, as appropriate, for carrying out its terms. General Siilasvuo entered into contact with both parties and they agreed to hold a meeting under his auspices, on 11 November, at 1300 GMT, at kilometre marker 101 on the Cairo-Suez road. At the meeting, the following agreement was signed:<sup>329</sup>

"AGREEMENT REGARDING THE IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS 338 (1973) AND 339 (1973)

"The military representatives of the Arab Republic of Egypt and of Israel, acting on behalf of their Governments, and with a view to implementing paragraph 1 of Security Council resolution 338 (1973) and paragraph 1 of Security Council resolution 339 (1973), have agreed as follows:

"A. Egypt and Israel agree to observe scrupulously the cease-fire called for by the United Nations Security Council.

"B. Both sides agree that discussions between them will begin immediately to settle the question of the return to the 22 October positions in the framework of agreement on the disengagement and separation of forces under the auspices of the United Nations.

"C. The town of Suez will receive daily supplies of food, water and medicine. All wounded civilians in the town of Suez will be evacuated.

"D. There shall be no impediment to the movement of non-military supplies to the East Bank.

"E. The Israeli checkpoints on the Cairo-Suez road will be replaced by United Nations checkpoints. At the Suez end of the road, Israeli officers can participate with the United Nations to supervise the non-military nature of the cargo at the bank of the Canal.

"F. As soon as the United Nations checkpoints are established on the Cairo-Suez road, there will be an exchange of all prisoners of war, including wounded.

"IN WITNESS WHEREOF the undersigned military representatives, in the presence of the interim Force Commander of the United Nations Emergency Force (UNEF), have signed the present agreement, which shall forthwith enter into force.

"DONE at kilometre marker 101 on the Cairo-Suez road, this eleventh day of November 1973, in the English language, in three originals, one for each of the signatories and the third for the United Nations.

(Signed) Major-General Mohamed EL-GAMASY  
(Signed) Major-General Aharon YAARIV  
(Signed) Major-General Ensio SIILASVUO"

After signing the agreement, the parties, under the auspices of the Force Commander, started discussions on the modalities of its implementation.

172. In a progress report on UNEF, dated 11 January 1974,<sup>330</sup> the Secretary-General outlined the efforts made to implement paragraph B of the Agreement of 11 November 1973. Bilateral discussions during November under the auspices of General Siilasvuo at kilometre 101 on the Cairo-Suez road had not achieved concrete results. Discussions on the same subject had been

held under General Siilasvuo's chairmanship in the Military Working Group established by the Peace Conference on the Middle East and which had met at Geneva from 26 December 1973 to 9 January 1974.<sup>331</sup> The Secretary-General warned that the situation in the Suez Canal sector, with troops of both parties deployed in close confrontation on both sides of the Canal, was unstable and potentially explosive. Conditions in the area made it difficult for UNEF to interpose its troops effectively; hence the importance of efforts to achieve a disengagement of forces.

173. By a letter dated 18 January 1974<sup>332</sup> the Secretary-General informed the President of the Council that, on that day, at a meeting held at kilometre 101 on the Cairo-Suez road, the following Agreement had been signed:

**"EGYPTIAN-ISRAELI AGREEMENT ON DISENGAGEMENT OF FORCES IN PURSUANCE OF THE GENEVA PEACE CONFERENCE**

"A. Egypt and Israel will scrupulously observe the cease-fire on land, sea and air called for by the United Nations Security Council and will refrain from the time of the signing of this document from all military or paramilitary actions against each other.

"B. The military forces of Egypt and Israel will be separated in accordance with the following principles:

"1. All Egyptian forces on the east side of the canal will be deployed west of the line designated as Line A on the attached map. All Israeli forces, including those west of the Suez Canal and the Bitter Lakes, will be deployed east of the line designated as Line B on the attached map.

"2. The area between the Egyptian and Israeli lines will be a zone of disengagement in which the United Nations Emergency Force (UNEF) will be stationed. UNEF will continue to consist of units from countries that are not permanent members of the Security Council.

"3. The area between the Egyptian line and the Suez Canal will be limited in armament and forces.

"4. The area between the Israeli line (B on the attached map) and the line designated as Line C on the attached map, which runs along the western base of the mountains where the Gidi and Mitla Passes are located, will be limited in armament and forces.

"5. The limitations referred to in paragraphs 3 and 4 will be inspected by UNEF. Existing procedures of UNEF, including the attaching of Egyptian and Israeli liaison officers to UNEF, will be continued.

"6. Air forces of the two sides will be permitted to operate up to their respective lines without interference from the other side.

"C. The detailed implementation of the disengagement of forces will be worked out by military representatives of Egypt and Israel, who will agree on the stages of this process. These representatives will meet no later than 48 hours after the signature of this Agreement at kilometre 101 under the aegis of the United Nations for this purpose. They will complete this task within five days. Disengagement will begin within 48 hours after the completion of the work of the military representatives and in no event later than seven days after the signature of this Agreement. The process of disengagement will be completed not later than 40 days after it begins.

"D. This Agreement is not regarded by Egypt and Israel as a final peace agreement. It constitutes a first step toward a final, just and durable peace according to the provisions of Security Council resolution 338 (1973) and within the framework of the Geneva Conference.

FOR EGYPT:  
Mohammad Abdel Ghani EL-GAMASY  
Major-General  
Chief of Staff of the  
Egyptian Armed Forces

FOR ISRAEL  
David ELAZAR  
Lieutenant-General  
Chief of Staff of the  
Israel Defence Forces

WITNESS:  
Ensio P. H. SIILASVUO  
Lieutenant-General  
Commander of the  
United Nations Emergency Force"

174. In a report dated 2 September 1975,<sup>333</sup> the Secretary-General informed the Security Council of the preliminary action he had taken in relation to a new Agreement between Egypt and Israel, which the parties had initialled on 1 September 1975 and would sign in Geneva on 4 September 1975. General Siilasvuo had been instructed to proceed to Geneva to preside at the forthcoming meetings of the Military Working Group of the Geneva Peace Conference, where the parties were to begin preparing a detailed protocol for the implementation of the Agreement.

175. In an addendum issued the same day,<sup>334</sup> the Secretary-General transmitted to the Security Council the text of the Agreement between Egypt and Israel, including the annex thereto. In a further addendum dated 4 September,<sup>335</sup> he informed the Council that the Agreement had been signed that day.<sup>336</sup>

176. This Agreement consisted of nine articles and an annex.<sup>337</sup> The parties agreed that the conflict between them and in the Middle East should not be resolved by military force and that they were determined to continue their efforts to reach a final and just settlement by means of negotiations within the framework of the Geneva Peace Conference called for by Security Council resolution 338 (1973). They further agreed to continue to observe the cease-fire and to refrain from all military and paramilitary actions against each other. Article IV of the Agreement laid down the principles for the new deployment of the military forces of the parties. It provided for a buffer zone, in which UNEF would continue to perform its functions under the Egyptian-Israeli Agreement of 18 January 1974; it also specified that the details concerning such redeployment and all other relevant matters, including the definition of lines and areas, the buffer zones, the limitations of armament and forces, aerial reconnaissance, the operation of the early warning and surveillance installations and the United Nations functions would all be in accordance with the provisions of the annex to the agreement and map and, when concluded, its Protocol of implementation, which was to result from negotiations pursuant to the annex. The Agreement also provided that UNEF was essential and should continue its functions and that its mandate should be extended annually. A joint commission was established under the Agreement to function under the aegis of the chief co-ordinator of the United Nations peace-keeping missions in the

Middle East in order to consider any problems arising from the Agreement and to assist UNEF in the execution of its mandate. Article IX provided that the Agreement would come into force upon signature of the Protocol and remain in force until superseded by a new agreement. The Agreement was signed by General Siilasvuo as witness. The annex to the Agreement provided that, within five days after the signature of the Agreement, representatives of the parties would meet in the Military Working Group of the Geneva Peace Conference on the Middle East to begin preparation of the Protocol. It stated further that, in order to facilitate the preparation of the Protocol and the implementation of the Agreement, the two parties had agreed to a number of principles set forth in the annex relating to definitions of lines and areas, buffer zones and an area in which UNEF was to ensure the absence of military or paramilitary forces of any kind, military fortifications and installations. The principles likewise related to aerial surveillance, the limitation of forces and armaments and a process of implementation.

177. The Agreement was also supplemented by a "Proposal", signed by the Secretary of State of the United Nations and separately by representatives of the two parties,<sup>338</sup> relating to the early warning system referred to in article IV of the Agreement, in which the United States proposed that there should be (a) two surveillance stations to provide strategic early warning, one operated by Egyptian and one operated by Israeli personnel; (b) three watch stations operated by United States civilian personnel in the Mitla and Gidi Passes to provide tactical early warning; and (c) three unmanned electronic sensor fields at both ends of each pass and in the general vicinity of each station. The document provided additional details regarding the number of technicians involved, their status and the functions they were to perform.

178. In a report dated 23 September 1975,<sup>339</sup> the Secretary-General informed the Security Council that, on 22 September, the Military Working Group had completed its work on the Protocol to the Agreement between Egypt and Israel and that the Protocol had been signed by the representative of Egypt and initialled by the representatives of Israel. In a further report, dated 10 October 1975,<sup>340</sup> he stated that the representatives of Israel had also signed the Protocol, which had thus entered into force. At the request of the two parties, General Siilasvuo had signed as witness.<sup>341</sup> Annexed to the report were the full text of the Protocol, which contained detailed rules for the implementation of the Agreement and relevant maps.

179. The new functions entrusted to UNEF by the Agreement and the Protocol fell into two categories, namely: (a) functions of a limited duration, to be performed during the initial stage, and (b) long-term functions. The former functions consisted in the exercise of UNEF's good offices in the transfer of oilfields, installations and infrastructures, monitoring the redeployment of forces and escorting Egyptian personnel to and from an Egyptian surveillance station and ensuring their protection. The long-term functions included the supervision of certain limitations, the establishment and manning of check-points and observation posts, patrolling functions and escorting activities. UNEF's other long-term functions were to ensure the non-military character of a civilian area specified on the map attached to the Agreement, see to it that traffic on certain road sections for common use was conducted in accordance with a time schedule agreed to by the parties and discharge responsibilities in connection with the Joint Commission established by the Agreement.

### iii. *Terms of reference and guiding principles of UNEF*

#### (1) *General*

180. In pursuance of Security Council resolution 340 (1973) concerning the establishment of a United Nations Emergency Force, the Secretary-General submitted to the Council a report dated 26 October 1973,<sup>342</sup> in which he outlined the terms of reference of the Force and general considerations related to its effective functioning.

181. The terms of reference and general considerations read as follows:

#### "TERMS OF REFERENCE"

"2. (a) The Force will supervise the implementation of paragraph 1 of resolution 340 (1973), which reads as follows:

1. *Demands* that immediate and complete cease-fire be observed and that the parties return to the positions occupied by them at 1650 hours GMT on 22 October 1973.

"(b) The Force will use its best efforts to prevent a recurrence of the fighting, and co-operate with the International Committee of the Red Cross in its humanitarian endeavours in the area.

"(c) In the fulfilment of its tasks, the Force will have the co-operation of the military observers of UNTSO.

#### "GENERAL CONSIDERATIONS"

"3. Three essential conditions must be met for the Force to be effective. Firstly, it must at all times have the full confidence and backing of the Security Council. Secondly, it must operate with the full co-operation of the parties concerned. Thirdly, it must be able to function as an integrated and efficient military unit.

"4. Having in mind past experience, I would suggest the following guidelines for the proposed Force:

"(a) The Force will be under the command of the United Nations, vested in the Secretary-General, under the authority of the Security Council. The command in the field will be exercised by a Force Commander appointed by the Secretary-General with the consent of the Security Council. The Commander will be responsible to the Secretary-General.

"The Secretary-General shall keep the Security Council fully informed of developments relating to the functioning of the Force. All matters which may affect the nature or the continued effective functioning of the Force will be referred to the Council for its decision.

"(b) The Force must enjoy the freedom of movement and communication and other facilities that are necessary for the performance of its tasks. The Force and its personnel should be granted all relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations. The Force should operate at all times separately from the armed forces of the parties concerned. Consequently separate quarters and, wherever desirable and feasible, buffer zones will have to be arranged with the co-operation of the parties. Appropriate agreements on the Status of the Force will have to be concluded with the parties to cover the above requirements.

"(c) The Force will be composed of a number of contingents to be provided by selected countries, upon

the request of the Secretary-General. The contingents will be selected in consultation with the Security Council and with the parties concerned, bearing in mind the accepted principle of equitable geographic representation.

“(d) The Force will be provided with weapons of a defensive character only. It shall not use force except in self-defence. Self-defence would include resistance to attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council. The Force will proceed on the assumption that the parties to the conflict will take all the necessary steps for compliance with the decisions of the Security Council.

“(e) In performing its functions, the Force will act with complete impartiality and will avoid actions which could prejudice the rights, claims or positions of the parties concerned which in no way affect the implementation of paragraph 1 of resolution 340 (1973) and paragraph 1 of resolution 339 (1973).

“(f) The supporting personnel of the Force will be provided as a rule by the Secretary-General from among existing United Nations staff. Those personnel will, of course, follow the Staff Rules and Regulations of the United Nations Secretariat.”

182. On 27 October 1973 the Security Council adopted resolution 341 (1973), by which it approved the report of the Secretary-General and decided that the Force was to be established in accordance therewith for an initial period of six months and was to continue in operation thereafter, if required, provided that the Council so decided.

183. During the period under review no changes were made in the terms of reference of UNEF and its guiding principles.

(2) *Difficulties relating to the freedom of movement of UNEF*

184. In paragraph 71 of his report of 1 April 1974 on the Force for the period 26 October 1973 to 1 April 1974, the Secretary-General referred to two problems that had arisen, one of which, namely, the principle of the freedom of movement of all contingents of the Force, was not being observed fully and required an urgent solution.<sup>343</sup> He added that he was giving very close attention to the problems and would continue to exert every effort to resolve them in a satisfactory way.

185. In paragraph 5 of its resolution 346 (1974) of 8 April 1974, by which it extended the mandate of UNEF for the first time, the Security Council noted with satisfaction that the Secretary-General was exerting every effort to solve in a satisfactory way the problems of UNEF, “including the ones referred to in paragraph 71 of his report of 1 April 1974”.

186. In the report on UNEF for the period 2 April to 12 October 1974,<sup>344</sup> the Secretary-General said that the problems in question still existed, that UNEF had to function as an integrated and efficient military unit, that its contingents had to serve on an equal basis under the command of the Force Commander and that no differentiation could be made regarding the United Nations status of the various contingents, adding that the matter was being pursued.

187. Paragraph 4 of resolution 362 (1974) of 23 October 1974, by which the Security Council extended the mandate of UNEF for the second time, read:

“*The Security Council*

“ . . .

“4. *Reaffirms* that the United Nations Emergency Force must be able to function as an integral and efficient military unit in the whole Egypt-Israel sector of operations without differentiation regarding the United Nations status of the various contingents, as stated in paragraph 26 of the report of the Secretary-General (S/11536) and requests the Secretary-General to continue his efforts to that end.”

188. In subsequent reports the Secretary-General continued to refer to the problem of restrictions on the freedom of movement of personnel of certain contingents, reiterating his position in that regard.<sup>345</sup>

iv. *Extensions of the mandate of UNEF*

189. As the initial six-month mandate of UNEF was due to expire in April 1974, the Secretary-General submitted a comprehensive report on the operation of the Force from its inception on 26 October 1973 until 1 April 1974.<sup>346</sup>

190. After stressing the effectiveness and usefulness of the Force, the Secretary-General cautioned that, as the disengagement of forces was only a first step towards the settlement of the Middle East problem, the situation remained unstable and potentially dangerous. The continued operation of UNEF was essential not only to maintain the existing quiet in the Egypt-Israel sector, but also to assist in further efforts for the establishment of a just and durable peace in the area. Consequently, he considered it necessary to recommend that the Security Council extend the mandate of UNEF for another period of six months. Having made that recommendation, he felt that the mandate, as approved by the Security Council, was still adequate and he pledged to refer to the Security Council all matters which might affect the nature or the continued effective functioning of the Force.<sup>347</sup>

191. On 8 April 1974 the Security Council adopted resolution 346 (1974), in the preamble of which the Council recalled its resolution 340 (1973) and the agreement reached by its members on 2 November 1973 and noted from the report of the Secretary-General that in the circumstances the operation of UNEF was still required. Paragraph 4 of the resolution read:

“*The Security Council,*

“ . . .

“4. *Notes* the Secretary-General’s view that the disengagement of Egyptian and Israeli forces is only a first step towards the settlement of the Middle East problem and that the continued operation of the United Nations Emergency Force is essential not only for the maintenance of the present quiet in the Egypt-Israel sector but also to assist, if required, in further efforts for the establishment of a just and durable peace in the Middle East and accordingly decides that, in accordance with the recommendation in paragraph 68 of the Secretary-General’s report of 1 April 1974, the mandate of the United Nations Emergency Force, approved by the Security Council in its resolution 341 (1973), shall be extended for a further period of six months, that is, until 24 October 1974;”.

192. During the remainder of the period under review, the Security Council extended the mandate of UNEF, which remained in existence at the end of the period, seven times. The mandate was extended twice for three months,<sup>348</sup> once for six months,<sup>349</sup> once for nine months,<sup>350</sup> and three times for one year.<sup>351</sup> Each extension was decided upon on the recommendation of the Secretary-General.<sup>352</sup>

v. *Composition and size of UNEF*

193. In paragraph 3 of its resolution 340 (1973), the Security Council provided that UNEF was to be "composed of personnel drawn from States Members of the United Nations except the permanent members of the Security Council."

194. As noted above, one of the guiding principles of UNEF was the following: "The Force will be composed of a number of contingents to be provided by selected countries, upon the request of the Secretary-General. The contingents will be selected in consultation with the Security Council and with the parties concerned, bearing in mind the accepted principle of equitable geographical representation."<sup>353</sup>

195. In his report on the implementation of Security Council resolution 340 (1973) of 27 October 1973—approved by the Security Council in its resolution 341 (1973)—the Secretary-General stated that in order that the Force might fulfil its responsibilities it was considered necessary for its total strength to be in the order of 7,000.<sup>354</sup>

196. As pointed out earlier, the Secretary-General arranged for military personnel of the contingents of Austria, Finland and Sweden serving with UNFICYP to proceed immediately, with the concurrence of the Governments of those three countries, to Egypt as the first elements of UNEF. They arrived there between 26 and 28 October 1973.<sup>355</sup>

197. In a report dated 30 October 1973, the Secretary-General stated that the Governments of Austria, Finland and Sweden had responded affirmatively to a request that they bring their contingents up to the strength of a battalion. The Irish Government had agreed to a request that personnel of the Irish contingent of UNFICYP be transferred to UNEF and that additional personnel be sent from Ireland.<sup>356</sup>

198. At a meeting of the Security Council, held on 2 November 1973, the President of the Council made the following statement representing the agreement of the members of the Council:<sup>357</sup>

"UNITED NATIONS EMERGENCY FORCE (SECURITY COUNCIL RESOLUTION 340 (1973) OF 25 OCTOBER 1973): IMPLEMENTATION—SECOND PHASE

"1. The members of the Security Council met for informal consultations on the morning of 1 November 1973 and heard a report from the Secretary-General on the progress so far made in the implementation of Security Council resolution 340 (1973).

"2. After a lengthy and detailed exchange of views it was agreed that in regard to the next stage of implementation of resolution 340 (1973):

"(a) The Secretary-General will immediately consult, to begin with, Ghana (from the African regional group), Indonesia and Nepal (from the Asian regional group), Panama and Peru (from the Latin American regional group), Poland (from the Eastern European regional group) and Canada (from the Western European and other States group), the latter two with particular responsibility for logistic support, with a view to dispatching contingents to the Middle East pursuant to Security Council resolution 340 (1973). The Secretary-General will dispatch troops to the area from these countries as soon as the necessary consultations have been completed. The Council members agreed that at least three African countries are expected to send contingents to the Middle East. The present decision of the

Council is intended to bring about a better geographical distribution of the United Nations Emergency Force.

"(b) The Secretary-General will regularly report to the Council on the results of his efforts undertaken pursuant to paragraph (a) so that the question of balanced geographical distribution in the force can be reviewed.

"3. The above-mentioned agreement was reached by members of the Council with the exception of the People's Republic of China which dissociates itself from it."

199. In reports dated 30 October and 4 November 1973, the Secretary-General referred to requests he had made for additional troops from Austria, Ireland, Finland and Sweden.<sup>358</sup>

200. In a further report dated 11 November 1973,<sup>359</sup> the Secretary-General stated that advance logistic evaluation teams had been dispatched from Canada and Poland, and consultations continued with a view to implementing the agreement adopted by the Security Council. Requests for contingents had been submitted to Ghana, Indonesia, Nepal, Panama and Peru, as well as, after the necessary consultations, Kenya and Senegal.

201. On 20 November 1973, the President of the Security Council received a letter dated 20 November from the Secretary-General which stated:<sup>360</sup>

"I wish to inform you that in conformity with the agreement reached among the members of the Security Council on 2 November 1973, I have the intention of adding to the United Nations Emergency Force in the Middle East contingents supplied by the Governments of Kenya and Senegal. Consultations with representatives of both these Governments are being held with a view to clarifying all matters relating to the provision of contingents by them."

202. On 23 November 1973, after consultations with all members of the Security Council, the President addressed the following letter to the Secretary-General:<sup>361</sup>

"I wish to inform you that I have brought your letter of 20 December 1973, in which you stated that you had the intention of adding to the United Nations Emergency Force in the Middle East contingents supplied by the Governments of Kenya and Senegal, to the attention of the members of the Security Council.

"In reply, I wish to notify you that the members of the Security Council, with the exception of China which dissociates itself from this agreement, agree with the addition of contingents supplied by the Governments of Kenya and Senegal to the United Nations Emergency Force in the Middle East."

203. With regard to the organization and composition of the logistic support elements for UNEF, a report of the Secretary-General dated 24 November 1973 indicated that, as a result of discussions between the Secretariat and the delegations of Canada and Poland, an agreement had been reached on the detailed requirements and division of tasks for the logistic support of the Force, providing a clear and practical division of responsibilities between Canada and Poland.<sup>362</sup>

204. In paragraph 6 of its resolution 346 (1974) of 8 April 1974 the Security Council noted with satisfaction "the Secretary-General's intention to keep under constant review the required strength of the Force with a view to making reductions and economies when the situation allows".

205. In a report dated 20 May 1974,<sup>363</sup> the Secretary-General stated that, on 18 May, he had been informed by the Permanent Representative of Ireland of his Government's decision to withdraw the Irish contingent serving

with UNEF. The Irish Government had indicated that it would send air transport in order to repatriate the contingent on 22 May. The Commander of UNEF had reported that the Irish contingent would be relieved by the Nepalese battalion. On the same day the Secretary-General had informed the President of the Council of the request of the Government of Ireland with a view to his informing the members of the Council.

206. On 23 May 1974 the President of the Security Council issued a note<sup>364</sup> stating that on 22 May he had addressed the following letter to the Secretary-General:

"I wish to refer to the progress report on the United Nations Emergency Force which you transmitted to the Security Council on 20 May 1974 (S/11248/Add.3) concerning the request of the Irish Government for repatriation of the Irish contingent now serving with the United Nations Emergency Force. You noted in that report that the Government of Ireland had indicated that it would send suitable air transport to the area in order to carry out the repatriation operation. You added that the Commander of UNEF had reported that in view of the situation he was making arrangements for the Irish contingent to be relieved by the Nepalese battalion which had been acting as Force reserve.

"After having informed the members of the Security Council of the situation and after having consulted with them, I am now in a position to inform you that the members of the Council have no objection to the request of the Government of Ireland being complied with and, accordingly, agree to the course of action set out in your report. The Chinese delegation dissociated itself from this matter."

207. In a report dated 5 June 1974 the Secretary-General indicated that, in response to his request, the Governments of Austria and Peru had agreed to the transfer to the United Nations Disengagement Observer Force (UNDOF) of their contingents serving with UNEF.<sup>365</sup>

208. In this report of 30 August 1974 the Secretary-General informed the Council that, as originally agreed with the Government of Nepal, the Nepalese contingent had been withdrawn but not replaced, with the Swedish battalion taking over responsibility for the extended Nepalese sector.<sup>366</sup>

209. At a Security Council meeting held on 23 October 1974, the Secretary-General informed the Council that the Government of Panama had communicated to him its decision to withdraw its contingent from UNEF at the end of the year.<sup>367</sup>

210. In his report on UNEF for the period 15 July to 16 October 1975,<sup>368</sup> the Secretary-General stated that, owing to the more extensive responsibilities entrusted to UNEF under the agreement between Egypt and Israel of 4 September 1975, the non-logistic contingents of UNEF needed to be strengthened by about 750 men. The Polish and Canadian logistic contingents also had to be strengthened. The air unit had to be reinforced by additional equipment, including four helicopters, and a naval unit for coastal patrol had to be added.<sup>369</sup> The Secretary-General also indicated the additional equipment required by the Force.

211. In a note dated 27 May 1976<sup>370</sup> the President of the Security Council referred to a note he had received from the Secretary-General on 20 May 1976. Owing to the more extensive responsibilities entrusted to UNEF under the Agreement between Egypt and Israel of 4 September 1975, UNEF would require additional military personnel and equipment, including four helicopters with their crews and support personnel. The Canadian

Government, which had supplied the air unit for UNEF, had replied to a request by the Secretary-General for helicopters and personnel by stating that it could not accede thereto. The Australian Government would, however, be prepared to supply the helicopters and personnel required. The Secretary-General had consulted the parties, who had no objection to the arrangement. Accordingly, if there were no objections on the part of the Council, the Secretary-General would accept the offer of the Australian Government. After holding the necessary consultations with the members of the Council, the President replied to the Secretary-General on 27 May that the members of the Council had duly taken note of the Secretary-General's intention to accept the offer, adding that the Soviet Union had expressed reservations about any additional expenditure and that China and the Libyan Arab Republic dissociated themselves from the matter.

212. In his report on UNEF for the period 17 October 1975 to 18 October 1976<sup>371</sup> the Secretary-General stated that, in response to requests he had made to the Governments of countries contributing contingents to UNEF, reinforcements had been made available by the Governments of Finland, Ghana, Indonesia and Sweden, as well as Canada and Poland.

213. In the same report the Secretary-General stated that, on 2 March 1976, the members of the Security Council had been informed of the decision of the Government of Senegal to withdraw its contingent from UNEF and that the contingent, which had not been replaced, had been repatriated in May and June.

214. During the period under review, the Secretary-General kept the Security Council informed of the strength of the Force and of its composition.<sup>372</sup>

#### vi. *Appointment of the Commander of UNEF*

215. The terms of reference of UNEF, contained in the report of the Secretary-General approved by the Security Council in its resolution 341 (1973), provided that the command of the Force "in the field will be exercised by a Force Commander appointed by the Secretary-General with the consent of the Security Council", adding that the Commander was to be responsible to the Secretary-General.<sup>373</sup>

216. At its 1755th meeting, on 12 November 1973, the Security Council considered a letter dated 8 November from the Secretary-General to the President of the Council<sup>374</sup> in which the former, after recalling that he had appointed Lieutenant-General Ensio Siilasvuo, the Chief of Staff of UNTSO, as interim Commander of UNEF, stated his intention, if the Security Council consented, to appoint him as the Force Commander. As there was no objection, the President was authorized to reply that the members of the Security Council gave their consent to the appointment, with the exception of the People's Republic of China which dissociated itself from it.<sup>375</sup> In a report dated 14 November 1973<sup>376</sup> the Secretary-General stated that he had appointed General Siilasvuo as Commander of the Force.

217. In August 1975, the Secretary-General obtained, through the President of the Council, the consent of the Council to the appointment of General Siilasvuo as Chief Co-ordinator of the UNEF, UNTSO and UNDOF operations in the Middle East and of Major-General Bengt Liljestrand, then Chief of Staff of UNTSO, as Commander of UNEF.<sup>377</sup>

218. By a communication dated 30 November 1976, the Secretary-General informed the President of the Security Council that he had agreed to release Lieutenant-General Liljestrand from his assignment as Commander of UNEF

as from 1 December 1976 and that, pending the necessary consultations for the designation of a replacement, the Deputy Commander of UNEF, Major-General Rais Abin, would officiate as Acting Commander of the Force.<sup>378</sup> In January 1977 the Secretary-General, after consulting the parties concerned and so informing the President of the Council, obtained, through him, the consent of the Council to the appointment of General Abin as Commander of UNEF.<sup>379</sup>

vii. *Implementation of the mandate of UNEF*

219. By paragraph 11 of its resolution 340 (1973), by which it established UNEF, the Security Council requested the Secretary-General to keep it informed on an urgent and continuing basis on the state of implementation of the resolution. This request was reiterated by the Council in its resolution 346 (1974), by which it extended the mandate of UNEF for the first time. Except for resolution 362 (1974), by which the mandate of UNEF was next extended, all the resolutions by which the Security Council subsequently extended the mandate of UNEF called for a report by the Secretary-General on the developments in the situation, to be submitted at the end of the period for which the mandate had been extended.

(1) *Functions in connection with the cease-fire, the prevention of a recurrence of fighting and other matters of a military nature*

220. The initial contingents of UNEF were deployed on 27 October 1973, by which time a United Nations presence had been established in the Israel-controlled area west of Suez City. The Force's initial activities thus took place in areas of actual confrontation and involved supervision of the cease-fire in co-operation with UNTSO observers. On 27 and 28 October 1973, at kilometre marker 109 on the Cairo-Suez road, the first meeting of high-level military representatives of Egypt and Israel was held, in the presence of UNEF officers, to discuss observance of the cease-fire and humanitarian questions.<sup>380</sup>

221. At a Security Council meeting held on 2 November 1973<sup>381</sup> the Secretary-General recalled that, at an informal meeting held on 27 October 1973, before the adoption of resolution 341 (1973), the members of the Council had requested him to instruct the interim Force Commander immediately to request the Commander of the Israeli armed forces to return his troops to the positions occupied by them at 1650 hours GMT on 22 October 1973. The Secretary-General had cabled instructions to that effect to the interim Force Commander, stating that subsequent discussion in the Council had made it clear that authority to take that action had been given through the adoption of resolutions 338 (1973), 339 (1973) and 340 (1973).

222. In a progress report on UNEF dated 4 November 1973<sup>382</sup> the Secretary-General stated that, pursuant to the Council's decision in resolution 340 (1973), the Force Commander had met with the Israeli Minister of Defence on 29 and 30 October 1973 to request that Israeli armed forces return to positions occupied by them at 1650 hours GMT on 22 October. No reply had been received. On 3 November 1973 the Commander had met the Egyptian Minister of Defence. Four more meetings of Egyptian and Israeli representatives had been held at kilometre 109, in the presence of UNEF representatives, to discuss possible withdrawals, mutual disengagement and the exchange of war prisoners.

223. In a progress report dated 11 November 1973<sup>383</sup> the Secretary-General stated that, in accordance with resolution 340 (1973), the Force Commander had again

requested the return of Israeli troops to positions occupied on 22 October 1973.

224. After signing, on 11 November 1973, the Agreement regarding the implementation of Security Council resolutions 338 (1973) and 339 (1973),<sup>384</sup> the parties, under the auspices of the Commander, started discussions on the modalities of its implementation.<sup>385</sup> On 14 November the parties had reached an accord on the implementation of paragraphs C, D, E and F of the Agreement and the Force Commander had made a summing-up of that accord which had been accepted by the two parties.<sup>386</sup>

225. The efforts initially made to implement paragraph B of the Agreement of 11 November 1973, concerning the return to the positions occupied on 22 October 1973, were not successful. A breakthrough was achieved, however, by the signing, on 18 January 1974, of the Agreement on Disengagement of Forces to which reference was made above.<sup>387</sup>

226. In a progress report dated 24 January 1974<sup>388</sup> the Secretary-General stated that, in pursuance of the Agreement on disengagement of forces of 18 January 1974, further meetings held under the chairmanship of the Force Commander had resulted, on 24 January, in the parties signing maps representing the different phases of disengagement and a timetable for action. In a report dated 28 January 1974<sup>389</sup> the Secretary-General stated that the implementation of the Agreement had begun on 25 January 1974 with the redeployment of forces of the parties in accordance with the agreed plan and the hand-over by Israeli forces to UNEF of the areas involved.

227. In further progress reports on UNEF dated 4, 12 and 21 February and 4 March 1974,<sup>390</sup> the Secretary-General indicated that the redeployment of the forces had proceeded smoothly without incident, while UNEF Forces had been interposed and had begun patrolling the UNEF zone of disengagement as well as inspecting the areas limited in armaments and forces. Thus, by 4 March 1974 the disengagement process had been completed. In accordance with the Agreement, the exchange of prisoners of war had taken place by stages and had been completed on 25 February 1974 in the presence of UNEF officers and representatives of the International Committee of the Red Cross. The activities carried out by UNEF, with the co-operation of UNTSO, also included the survey and marking of the lines defining the zone of disengagement, the supervision of the cease-fire and the implementation of the disengagement of forces, the inspection of the areas of limited armaments and forces and mine-clearing operations carried out in co-operation with the parties.

228. In a report issued on 1 April 1974 and covering the period since 26 October 1973<sup>391</sup> the Secretary-General stated that the military situation in the area of responsibility of UNEF had passed from one of direct and active military confrontation to a state of disengagement of forces and of substantial compliance with the cease-fire provisions of Security Council resolutions 338 (1973), 339 (1973) and 340 (1973). In this process, the tasks of the Force had gone through three main phases, first as an interposing force and observation element between the Egyptian and Israeli forces, later in controlling the separation and disengagement process and, at the time of issuance of the report, in manning the zone of disengagement and inspecting the zones of limited armament and forces. Since the beginning of the implementation of the Agreement on Disengagement of Forces under UNEF supervision on 25 January 1974, the military situation had remained quiet.

229. Addenda to the report of 1 April 1974 covering the subsequent period up to 30 August 1974 stated that



the situation had continued to be quiet and the Force continued to man, patrol and control the zone of disengagement. It also conducted weekly inspections of the Egyptian and Israeli areas of limited armaments and forces, as well as other areas agreed to by the parties. The Force Commander had continued his assistance and good offices in cases where one of the parties raised questions concerning the observance of the agreed limitation on armaments and forces.<sup>392</sup>

230. In subsequent reports concerning developments up to 16 October 1975,<sup>393</sup> the Secretary-General gave similar accounts. He also stressed that the responsibilities entrusted to UNEF under the Agreement between Egypt and Israel of 4 September 1975 and spelled out in detail in the related Protocol concluded on 22 September 1975 were more varied and extensive than the ones UNEF had been discharging under the Egyptian-Israeli Agreement on Disengagement of Forces of 18 January 1974 and had resulted in UNEF's operational areas becoming much larger than before.

231. In the report covering the period 17 October 1975 to 18 October 1976,<sup>394</sup> the Secretary-General stated that UNEF had continued to supervise the cease-fire, no significant violations of which had occurred. It had also assisted in the implementation of the Agreement between Egypt and Israel of 4 September 1975 and the related Protocol. UNEF's first task under the Agreement had been to mark on the ground the new lines of disengagement. In November 1975, UNEF had begun its assistance to the parties in the redeployment of their forces; this had been completed by 22 February 1976, in accordance with the timetable. In the southern area, UNEF's task had been to ensure that no military or paramilitary forces, military fortifications or installations were in the area. In the northern area, UNEF's function had been to prevent unauthorized entries into buffer zone 1 and to ensure, by conducting inspections, the maintenance of the agreed limitations of forces and armaments within the areas specified in the Agreement. The Joint Commission established under the Agreement had met under the chairmanship of the Chief Co-ordinator. UNEF had received the full co-operation of the parties in carrying out its functions. There had been no significant violations of the Agreement.

232. In the two reports subsequently submitted during the period under review and which covered the period up to 17 October 1978,<sup>395</sup> the Secretary-General stated that the situation in the Egypt-Israel sector had remained calm and that both parties had generally complied with the cease-fire and with the Agreement of 4 September 1975 and its Protocol. UNEF had continued to carry out its functions under those instruments. The Chief Co-ordinator and the Force Commander had continued the practice of separate meetings with the military authorities of Egypt and Israel on matters concerning the Force.

## (2) *Humanitarian functions*

233. In his first progress report on UNEF, covering developments up to 28 October 1973, the Secretary-General stated that, at a meeting between high-level military representatives of Egypt and Israel held on 27 October in the presence of UNEF representatives, an agreement had been reached to allow the transfer of non-military supplies through Israeli-held territory to Egyptian troops on the east bank of the Suez Canal by lorries driven by UNEF soliders.<sup>396</sup> As stated in further progress reports covering developments up to 24 November 1973, other humanitarian matters were discussed at further meetings held in October and November.<sup>397</sup>

234. The reports subsequently submitted during the period under review stated that UNEF continued to maintain close contact with the International Committee of the Red Cross and had, in co-operation with it, as appropriate, been instrumental in carrying out the recovery of the bodies of soldiers killed during the hostilities, exchanges of prisoners of war and transfers of civilians, the conveying of supplies, a family reunification and student exchange programme, and the transfer of school books and other supplies.<sup>398</sup>

## (b) *Establishment and functioning of the United Nations Disengagement Observer Force (UNDOF)*

### i. *Creation of UNDOF*

#### (1) *Report of the Secretary-General on the Agreement on Disengagement between Israeli and Syrian forces*

235. By a report dated 29 May 1974<sup>399</sup> the Secretary-General informed the Security Council about arrangements for signing an Agreement on Disengagement between Israeli and Syrian forces. The signing would take place on 31 May in the Egyptian-Israeli Military Working Group of the Geneva Peace Conference on the Middle East. He had asked Lieutenant-General Ensio Siilasvuo, Commander of UNEF, to be available there at that time, and had also designated his personal representative to the Geneva Conference, Mr. Roberto Guyer, to represent him at the signing.

236. On 30 May 1974<sup>400</sup> the Secretary-General transmitted to the Security Council the text of the Agreement on Disengagement between Israeli and Syrian Forces, together with a Protocol to that Agreement. He pointed out that those documents called for the creation of a United Nations Disengagement Observer Force. If the Security Council decided to establish the Force, he would take the necessary steps in accordance with the provisions of the Protocol. It was his intention to draw the Force, in the first instance, from United Nations military personnel in the area. The text of the Agreement on Disengagement read as follows:

#### “AGREEMENT ON DISENGAGEMENT BETWEEN ISRAELI AND SYRIAN FORCES

“A. Israel and Syria will scrupulously observe the cease-fire on land, sea and air and will refrain from all military actions against each other, from the time of the signing of this document, in implementation of United Nations Security Council resolution 338 (1973) dated 22 October 1973.

“B. The military forces of Israel and Syria will be separated in accordance with the following principles:

“1. All Israeli military forces will be west of the line designated as Line A on the map attached hereto, except in the Quneitra area, where they will be west of Line A-1.

“2. All territory east of Line A will be under Syrian administration, and Syrian civilians will return to this territory.

“3. The area between Line A and the line designated as Line B on the attached map will be an area of separation. In this area will be stationed the United Nations Disengagement Observer Force established in accordance with the accompanying protocol.

“4. All Syrian military forces will be east of the line designated as Line B on the attached map.

"5. There will be two equal areas of limitation in armament and forces, one west of Line A and one east of Line B as agreed upon.

"6. Air forces of the two sides will be permitted to operate up to their respective lines without interference from the other side.

"C. In the area between Line A and Line A-1 on the attached map there shall be no military forces.

"D. This Agreement and the attached map will be signed by the military representatives of Israel and Syria in Geneva not later than 31 May 1974, in the Egyptian-Israeli Military Working Group of the Geneva Peace Conference under the aegis of the United Nations, after that group has been joined by a Syrian military representative, and with the participation of representatives of the United States of America and the Soviet Union. The precise delineation of a detailed map and a plan for the implementation of the disengagement of forces will be worked out by military representatives of Israel and Syria in the Egyptian-Israeli Military Working Group who will agree on the stages of this process. The Military Working Group described above will start their work for this purpose in Geneva under the aegis of the United Nations within 24 hours after the signing of this Agreement. They will complete this task within five days. Disengagement will begin within 24 hours after the completion of the task of the Military Working Group. The process of disengagement will be completed not later than 20 days after it begins.

"E. The provisions of paragraphs A, B and C shall be inspected by personnel of the United Nations comprising the United Nations Disengagement Observer Force under this Agreement.

"F. Within 24 hours after the signing of this Agreement in Geneva all wounded prisoners-of-war which each side holds of the other as certified by the International Committee of the Red Cross will be repatriated. The morning after the completion of the task of the Military Working Group, all remaining prisoners-of-war will be repatriated.

"G. The bodies of all dead soldiers held by either side will be returned for burial in their respective countries within 10 days after the signing of this Agreement.

"H. This Agreement is not a peace agreement. It is a step towards a just and durable peace on the basis of Security Council resolution 338 (1973) dated 22 October 1973."

237. The Protocol read:

"The function of the United Nations Disengagement Observer Force (UNDOF) under the Agreement will be to use its best efforts to maintain the cease-fire and to see that it is scrupulously observed. It will supervise the Agreement and the Protocol thereto with regard to the areas of separation and limitation. In carrying out its mission, it will comply with generally applicable Syrian laws and regulations and will not hamper the functioning of local civil administration. It will enjoy freedom of movement and communication and other facilities that are necessary for its mission. It will be mobile and provided with personal weapons of a defensive character and shall use such weapons only in self-defence. The number of UNDOF shall be about 1,250 who will be selected by the Secretary-General of the United Nations in consultation with the parties from Members of the United Nations who are not permanent members of the Security Council.

"UNDOF will be under the command of the United Nations, vested in the Secretary-General, under the authority of the Security Council.

"UNDOF shall carry out inspections under the Agreement, and report thereon to the parties, on a regular basis, not less often than once every 15 days, and, in addition, when requested by either party. It shall mark on the ground the respective lines shown on the map attached to the Agreement.

"Israel and Syria will support a resolution of the United Nations Security Council which will provide for the UNDOF contemplated by the Agreement. The initial authorization will be for six months subject to renewal by further resolution of the Security Council."

### (2) Action by the Security Council

238. At a meeting of the Security Council on 29 May 1974<sup>401</sup> the Secretary-General said that he would take the necessary steps, in accordance with the provisions of the Protocol, if the Council so decided. In that event, it would be his intention to set up the Force on the basis of the same general principles as those defined in his report on the implementation of Security Council resolution 340 (1973),<sup>402</sup> which the Council had approved in resolution 341 (1973).

239. At the Security Council's 1774th meeting, on 31 May 1974,<sup>403</sup> the representative of the United States announced that the Agreement on Disengagement had been signed that day. At that meeting, the Security Council adopted resolution 350 (1974), which read:

"The Security Council,

"Having considered the report of the Secretary-General contained in documents S/11302 and Add.1, and having heard his statement made at the 1773rd meeting of the Security Council,

"1. Welcomes the Agreement on Disengagement between Israeli and Syrian Forces, negotiated in implementation of Security Council resolution 338 (1973) of 22 October 1973;

"2. Takes note of the Secretary-General's report and the annexes thereto and his statement;

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

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

### (3) Subsequent action by the Secretary-General

240. Following the adoption of resolution 350 (1974), the Secretary-General, speaking at the meeting at which the resolution had been adopted,<sup>404</sup> presented his proposals for interim arrangements to give effect to resolution 350 (1974). He suggested that the initial composition of UNDOF should comprise the Austrian and Peruvian contingents from UNEF, supported by logistic elements from Canada and Poland. UNDOF would also comprise those United Nations military observers, in accordance with the terms of the Protocol, who were already deployed in the area. He also proposed to appoint as interim Commander of UNDOF Brigadier-General Gonzalo Briceño Zevallos, of Peru, who was serving with UNEF and would be assisted by staff officers drawn from UNEF and UNDOF. The parties concerned had accepted those arrangements. While the new operation would inevitably

involve additional expenditure, he would make every effort to keep it to the minimum. The Council agreed to the Secretary-General's proposals.

241. In his first progress report, dated 5 June 1974, on the implementation of resolution 350 (1974)<sup>405</sup> the Secretary-General stated that Austria and Peru had agreed to his request for the transfer to UNDOF of their contingents serving with UNEF. Furthermore, Canada and Poland had also agreed to the transfer of elements of their contingents serving with UNEF to UNDOF to provide logistic services. The Secretary-General added that following discussions in Geneva with his personal representative to the Geneva Peace Conference and the Commander of UNEF, he had given instructions to move advance elements of UNDOF to the operational area, with a view to making the Force operational there by 5 June. On 3 June he had, with the agreement of the Government of Peru, appointed Brigadier-General Gonzalo Briceño Zevallos as interim Commander of UNDOF, and the latter had established temporary offices in Damascus on the same day. The report added that 90 UNTSO military observers deployed in the area were to be transferred to UNDOF.

(4) *Plan of separation of forces adopted in the Military Working Group of the Geneva Peace Conference on the Middle East*

242. In an addendum issued on 6 June 1974 to his original report,<sup>406</sup> the Secretary-General gave an account of the proceedings of the Egyptian-Israeli Military Working Group of the Geneva Peace Conference from 31 May to 5 June 1974. During that period the Working Group had held six meetings in Geneva, at which military representatives of Syria had participated, as well as the Co-Chairmen of the Conference. Following a number of meetings held after the signing, on 31 May 1974, of the Agreement on Disengagement and a map attached to it, the Working Group had reached full agreement on a map showing different phases of disengagement, a disengagement plan and areas and a timetable, as well as a statement read by General Siilasvuo, who presided over the meetings. The plan of separation of forces involved the redeployment of Israeli forces from the area east of the 1967 cease-fire line and for Israeli redeployment from Quneitra and Rafid and the demilitarization of the area west of Quneitra still held by Israel. Paragraphs 5 and 6 of the report, which directly concerned UNDOF, read:

"5. Prior to any Israeli deployment, the United Nations Disengagement Observer Force (UNDOF) will occupy, between 6 and 8 June, a buffer zone between the parties. The plan is to be implemented in the area of separation as specified in the Agreement. Separation of forces should be completed by 26 June.

"6. UNDOF will carry out an inspection of the redeployment of forces after the completion of each phase on dates fixed in the timetable attached to the plan of separation of forces and will report its findings forthwith to the parties. In order to determine that both parties have redeployed their forces in the limited forces areas, UNDOF will verify on 26 June 1974 that the limitation of forces agreed to by the parties is observed by the parties, and it will thereafter effect regular bi-weekly inspections of the 10-kilometre restricted forces areas."

243. Agreement had also been reached in the Military Working Group that both sides would repatriate all prisoners of war by 6 June 1974; that they would cooperate with the International Committee of the Red

Cross in carrying out its mandate, including the exchange of bodies, also to be completed by 6 June, and make available all information and maps of minefields in their respective areas and the areas to be handed over by them. Provision was also made for the return of Syrian civilian administration to the UNDOF area of operation.

ii. *The mandate of UNDOF*

244. As pointed out by the Secretary-General in his report on UNDOF from its inception to 26 November 1974,<sup>407</sup> UNDOF differed from previous United Nations peace-keeping forces in that it was set up for the purpose of supervising a specific agreement concluded by the parties, in accordance with the stipulations agreed to by them.

245. Thus, the mandate of UNDOF is not contained in the resolution of the Security Council by which it was established, namely, resolution 350 (1974), but in the relevant provisions of the Agreement on Disengagement between Israeli and Syrian Forces of 22 October 1973 and the Protocol thereto,<sup>408</sup> quoted in paragraphs 236 and 237 above.<sup>409</sup>

246. In addition, UNDOF was assigned certain tasks by the arrangements agreed upon for the implementation of the Agreement and the Protocol at the June 1974 meeting of the Egyptian-Israeli Military Working Group of the Geneva Peace Conference to which reference has been made.<sup>410</sup> The tasks of UNDOF under those arrangements involved the implementation of paragraphs B.1 and B.4 of the Agreement on Disengagement and verification by inspection of the strict observance by the parties of the agreed levels of forces and armaments within the zones mentioned in paragraph B.5 of the Agreement.

iii. *Guiding principles of UNDOF*

247. Certain of the principles governing the functioning of UNDOF are contained in the Protocol to the Agreement on Disengagement between Israeli and Syrian Forces signed on 31 May 1974.<sup>411</sup>

248. As noted above, at a Security Council meeting held on 30 May 1974,<sup>412</sup> the Secretary-General stated that, if the Council so decided, he would take the necessary steps in accordance with the provisions of the Protocol, adding that, in that event, it would be his intention to set up the Force on the basis of the same general principles as those defined in his report on the implementation of Security Council resolution 340 (1973), which the Council had approved in resolution 341 (1973) and are set out in paragraph 181 above. That statement was noted by the Security Council in paragraph 2 of its resolution 350 (1974).

249. In paragraph 11 of his report on UNDOF from its inception to 26 November 1974,<sup>413</sup> the Secretary-General stated that discussions were under way in New York between United Nations officials and officials of Israel and Syria, respectively, in connection with the negotiation of agreements on the status of the Force. The main object of the discussions was to conclude agreements that would embody the principles of the Charter and of the Convention on the Privileges and Immunities of the United Nations, as well as the experience of previous United Nations peace-keeping operations, so as to ensure the independent functioning of the Force in accordance with the resolutions of the Security Council. It was also to be noted that under the provisions of the Protocol to the Agreement on Disengagement, UNDOF was to "enjoy freedom of movement and communication and other facilities that are necessary for its mission".

#### iv. *Renewals of the mandate of UNDOF*

250. As the initial six-month mandate of UNDOF was due to expire on 30 November 1974, the Secretary-General submitted a comprehensive report on the operations of the Force from its inception on 3 June 1974 until 26 November 1974.<sup>414</sup>

251. In concluding the report, the Secretary-General observed that, with the signing of the Agreement on Disengagement and the establishment of UNDOF, fighting between Israeli and Syrian forces had ended on 31 May, following which the situation in the Golan Heights had been quiet. He warned, however, that the situation would remain fundamentally unstable and potentially explosive so long as progress towards a settlement of the underlying problems was not achieved. He therefore considered the continued operation of UNDOF essential not only to maintain the prevailing quiet in the area but to assist any further efforts towards the establishment of a just and durable peace in the Middle East. Accordingly, and in the light of discussions on the matter with the Governments concerned, he recommended that the Security Council extend the mandate of UNDOF for a further period of six months. On 29 November 1974 the Security Council adopted resolution 363 (1974), by which it decided to renew the mandate of UNDOF for another period of six months.

252. During the remainder of the period under review, the Security Council renewed the mandate of UNDOF, which remained in existence at the end of the period covered by this *Supplement*, eight times. Each renewal was for six months and was made on the recommendation of the Secretary-General who, except in one case,<sup>415</sup> each time informed the Council that Israel and Syria assented to the renewal or that he had consulted with the parties concerned.<sup>416</sup>

#### v. *Composition and size of UNDOF*

253. As noted above, the guiding principles of UNDOF are the same as those of UNEF. Accordingly, the principles governing the composition of UNEF quoted in paragraphs 193 and 194 above were also applicable to UNDOF.

254. The Protocol quoted in paragraph 237 above provided that the strength of UNDOF was to be about 1,250, to be selected by the Secretary-General, in consultation with the parties, from Members of the United Nations not permanent members of the Security Council.

255. As pointed out above,<sup>417</sup> UNDOF initially consisted of the Austrian and Peruvian contingents of UNEF, together with elements of the Canadian and Polish logistic contingents of UNEF.

256. In his report on UNDOF for the period 3 June to 26 November 1974 the Secretary-General informed the Council that the Peruvian Government had indicated to him its intention to withdraw its contingent from UNDOF during the first half of 1975.<sup>418</sup>

257. In a letter dated 18 December 1974 to the President of the Security Council, the Secretary-General stated that he was considering the most appropriate arrangements for replacing the Peruvian contingent in UNDOF when it was withdrawn in April 1975, and would report to the Council shortly on the matter.<sup>419</sup>

258. On 8 January 1975, the President of the Council, after consultations with all the members, addressed a letter<sup>420</sup> to the Secretary-General stating that he was able to inform the latter that the Council took note of the intention of the Government of Peru. In order to continue their consultations on the matter, the members of the

Council awaited a communication from the Secretary-General on which country of Latin America would be able to provide a substitute contingent.

259. In his report on UNDOF for the period 27 November 1974 to 21 May 1975 the Secretary-General stated that, in response to his request, the Government of Peru had agreed to maintain its contingent with UNDOF until the end of July 1975.<sup>421</sup>

260. On 3 July 1975, the Secretary-General addressed a letter<sup>422</sup> to the President of the Security Council stating that the Government of Peru wished its contingent to be withdrawn as of 20 July 1975. Accordingly, the Secretary-General had instructed the Officer-in-Charge of UNDOF and the competent services of the Secretariat to make the necessary arrangements to that effect. Since the Government of Peru had first announced its intention to withdraw its contingent, the Secretary-General had been in contact with Latin American Governments as well as with the Chairman of the Latin American Group at United Nations Headquarters with a view to ascertaining which Latin American country would be able to provide a substitute contingent. In spite of intensive efforts, it had not been possible to solve the problem. Consequently, the Secretary-General was approaching Governments from other regional groups with a view to ascertaining the availability of a suitable replacement contingent. The Officer-in-Charge of UNDOF had indicated that, in the event that no replacement could be made available before the departure of the Peruvian contingent, he would be able, for a strictly limited period, to continue to discharge his responsibilities by redeploying the remaining military personnel. The Secretary-General considered it imperative that a replacement be found in the shortest possible time.

261. On 21 July the Secretary-General, in the course of informal consultations among the members of the Security Council, informed them orally that, as the Government of Iran was ready to participate in UNDOF with a contingent, he would propose to replace the Peruvian contingent by a contingent from Iran.<sup>423</sup> On the same day, the President of the Council addressed the following letter to the Secretary-General:

"I would like to refer to your note of 3 July 1975 concerning replacement of the Peruvian contingent in the United Nations Disengagement Observer Force (UNDOF) in view of the wish of the Government of Peru that its contingent be withdrawn as of 20 July 1975.

"After consultations with the members of the Security Council I can inform you that the Council, in expressing to you its appreciation for your efforts, has taken into account that your contacts with Latin American Governments as well as with the Chairman of the Latin American Group at the United Nations have shown that it is not possible at the present time to obtain a Latin American contingent to UNDOF to replace the Peruvian contingent.

"In view of the present circumstances and in consideration of the necessity stressed in your letter that a replacement be found in the shortest possible time the Security Council agrees to the replacement of the Peruvian contingent by a contingent of a non-Latin American country, bearing in mind the need to maintain the effectiveness of the Force while taking also into account the accepted principle of equitable geographical distribution.

"The Security Council agrees also with your proposal made known today to the members of the Council to replace the Peruvian contingent by an Iranian contingent.

“The Council expresses its appreciation to the Government of Peru for the outstanding fulfilment by the Peruvian contingent of the important duties assigned to it.

“The Chinese delegate declared that China dissociates itself from this matter.”<sup>424</sup>

262. In the reports he submitted during the period under review, the Secretary-General kept the Council informed of the strength of the Force and of its composition.<sup>425</sup>

vi. *Appointment of the Commander of UNDOF*

263. As pointed out in paragraph 248 above, the general principles applicable to UNEF also applied to UNDOF. Accordingly, the provisions concerning the Commander of UNEF quoted in paragraph 215 above also applied to the Commander of UNDOF.

264. Pursuant to the decision by which, on 31 May 1974, the Security Council agreed to the Secretary-General's proposals for interim arrangements to give effect to resolution 350 (1974), the Secretary-General, on 3 June 1974, with the agreement of the Government of Peru, appointed Brigadier-General Gonzalo Briceño Zevallos, who was serving with UNEF, as Interim Commander of UNDOF.<sup>426</sup>

265. In a note dated 10 January 1975<sup>427</sup> the President of the Security Council stated that, on 18 December 1974, the Secretary-General had addressed to him a letter of which the substantive part read:

“I have the honour to inform you that, at the request of the Government of Peru, I have agreed to release Brigadier-General Gonzalo Briceño Zevallos from his assignment as Interim Commander of the United Nations Disengagement Observer Force (UNDOF) as of 15 December 1974.

“I am now considering the most appropriate arrangement for replacing the Peruvian contingent in UNDOF when it is withdrawn in April 1975 and shall be reporting to the Security Council on this matter shortly. In this connection, it is also my intention to appoint as soon as possible, with the consent of the Council, a general officer from an appropriate Latin American country to succeed General Briceño. In the meantime, I have asked the Chief of Staff of UNDOF, Colonel Hannes Philipp of Austria, to act as officer-in-charge.”

266. The above-mentioned note of 10 January 1975 by the President of the Security Council went on to state that he had addressed a letter to the Secretary-General to the effect that the Council had taken note of his agreement to release General Briceño and had no objection to having Colonel Philipp carry out his functions on a temporary basis. The President added that the Council was awaiting the Secretary-General's proposal concerning a successor to General Briceño in order that the question of the appointment of a Commander of UNDOF might be settled; the Chinese delegation had dissociated itself from the matter.<sup>428</sup>

267. In a note dated 9 July 1975<sup>429</sup> the President of the Security Council stated that the Secretary-General, on 7 July, had informed him of his intention, if the Security Council so consented, to appoint Colonel Hannes Philipp to be Commander of UNDOF and that, after consultations with the members of the Council, he had informed the Secretary-General on 8 July that the Council consented to the proposed appointment and that China dissociated itself from the matter.

vii. *Implementation of the mandate of UNDOF*

268. In paragraph 4 of its resolution 350 (1974), by which it established UNDOF, the Security Council requested the Secretary-General to keep it fully informed of further developments. This request was reiterated in all the resolutions by which the Council subsequently renewed the mandate of UNDOF.

269. On 30 November 1974 the Secretary-General submitted a comprehensive report on the operations of the Force from its inception on 3 June 1974 until 26 November 1974.<sup>430</sup> During that period, UNDOF had co-operated with the parties in controlling the process of separation and disengagement of forces, which had been completed on 27 June 1974, and had since been supervising the area of separation, in which Syrian civil administration had been established, in accordance with the agreed timetable, and had also been inspecting the areas of limitation of armaments and forces. By these activities UNDOF had contributed to the stabilization of the cease-fire called for in resolution 338 (1973).

270. Since its establishment, the Force had, with the assistance of both parties, overcome a number of difficulties in order to be in a position to carry out its tasks effectively. One remaining problem was that of restrictions on the freedom of movement of some UNDOF personnel. On that matter, the Secretary-General had taken the position that UNDOF must function as an integrated and efficient military unit with the freedom of movement specified in the Protocol to the Disengagement Agreement, that its contingents must serve on an equal basis under the command of the Interim Force Commander and that no differentiation could be made regarding the United Nations status of various contingents. As in the case of UNEF, the matter was being actively pursued.<sup>431</sup>

271. The Secretary-General had asked General Siilasvuo, Commander of UNEF, who was Chairman of the Military Working Group of the Geneva Peace Conference and had a long acquaintance with the area, to take part in high-level contacts and, as occasion required, in meetings between the Interim Force Commander of UNDOF and military representatives of Israel and Syria concerning the functioning of the Force. The maintenance of full co-operation with the parties was an essential element for carrying out the tasks of the Force. Consequently, UNDOF maintained close contact with the military liaison staffs of Israel and Syria.

272. With the exception of three shooting incidents, the cease-fire was maintained during the period covered by the report. A number of overflights by unidentified aircraft had been observed in the area of separation and in that regard both parties had been requested to observe the maximum restraint.<sup>432</sup> There had been no progress in the negotiations to enable a large mine-clearing operation to be carried out, a problem the Secretary-General considered important to resolve at an early date, as the return of civilians to the area of separation was being hampered by the presence of uncleared mines.<sup>433</sup>

273. In conclusion, the Secretary-General observed that, with the signing of the Agreement on Disengagement and the establishment of UNDOF, fighting between Israeli and Syrian forces had ended on 31 May 1974 and since then the situation in the Golan Heights had been quiet.

274. As stated in the reports subsequently submitted by the Secretary-General during the period under review,<sup>434</sup> the situation in the area of operation of UNDOF remained generally quiet and UNDOF continued, with the co-operation of the parties, to fulfil the tasks entrusted to it. This was facilitated by the close contact maintained by the Force Commander and his staff with the military

liaison officers of Israel and the Syrian Arab Republic. Major General Siilasvuo, in his capacity as Chief Co-ordinator of the United Nations Peace-keeping Missions in the Middle East, continued to have high-level contacts and, as occasion required, held meetings with the Force Commander of UNDOF and military representatives of Israel or the Syrian Arab Republic. UNDOF continued to supervise the observance of the cease-fire between Israel and the Syrian Arab Republic. It also continued to supervise the area of separation to make sure, in accordance with its mandate, that there were no military forces within it and conducted inspections of the areas of limited armament and forces.

(c) *Establishment and functioning of the United Nations Interim Force in Lebanon (UNIFIL)*

i. *Creation of UNIFIL*

275. At its 2074th meeting, held on 19 March 1978 at the request of the representatives of Israel and Lebanon, the Security Council adopted resolution 425 (1978), which read:

*"The Security Council,*

*"Taking note of the letters from the Permanent Representative of Lebanon (S/12600 and S/12606) and from the Permanent Representative of Israel (S/12607),*

*"Having heard the statements of the Permanent Representatives of Lebanon and Israel,*

*"Gravely concerned at the deterioration of the situation in the Middle East and its consequences to the maintenance of international peace,*

*"Convinced that the present situation impedes the achievement of a just peace in the Middle East,*

*"1. Calls for strict respect for the territorial integrity, sovereignty, and political independence of Lebanon within its internationally recognized boundaries;*

*"2. Calls upon Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory;*

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

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

276. Pursuant to paragraph 4 of resolution 425 (1978), the Secretary-General on 19 March 1978 submitted to the Security Council a report outlining the terms of reference of the Force, the immediate purpose of which would be to determine compliance with paragraph 2 of that resolution, as well as general considerations related to its effective functioning.<sup>435</sup> The Secretary-General went on to say that, if the Security Council was in agreement with the principles and conditions he had outlined, he intended to take the following steps:

*"(a) I shall instruct Lieutenant-General Ensio Siilasvuo, Chief Co-ordinator of the United Nations Peace-keeping Missions in the Middle East to contact immediately the Governments of Israel and Lebanon and initiate meetings with their representatives for the purpose of reaching agreement on the modalities of the*

*withdrawal of Israeli forces and the establishment of a United Nations area of operation. This should not delay in any way the establishment of the Force.*

*"(b) Pending the appointment of a Force Commander, I propose to appoint Major-General E. A. Erskine, the Chief of Staff of UNTSO, Interim Commander. Pending the arrival of the first contingents of the Force, he will perform his tasks with the assistance of a selected number of UNTSO military observers. At the same time, urgent measures will be taken to secure and arrange for the early arrival in the area of contingents of the Force.*

*"(c) In order that the Force may fulfil its responsibilities, it is considered, as a preliminary estimate, that it must have at least five battalions each of about 600 all ranks, in addition to the necessary logistics units. This means a total strength of the order of 4,000.*

*"(d) Bearing in mind the principles set out in paragraph 4 (c) above, I am making preliminary inquiries as to the availability of contingents from suitable countries.*

*"(e) In view of the difficulty in obtaining logistics contingents and of the necessity for economy, it would be my intention to examine the possibility of building on the existing logistics arrangements. If this should not prove possible, it will be necessary to seek other suitable arrangements.*

*"(f) It is proposed also that an appropriate number of observers of UNTSO should be assigned to assist UNIFIL in the fulfilment of its task in the same way as for UNEF.*

*"(g) It is suggested that the Force would initially be stationed in the area for a period of six months."*

277. With regard to the estimated costs of the operation, the Secretary-General, after observing that at the time there were many unknown factors, stated that the best possible preliminary estimate, based upon current experience and rates with respect to other peace-keeping forces of comparable size, was approximately \$68 million for a Force of 4,000 all ranks for a period of six months. He added that that figure was made up of initial setting-up costs (excluding the cost of initial airlift) of \$29 million and ongoing costs for the six-month period of \$39 million. The costs of the Force were to be considered as expenses of the Organization to be borne by the Members in accordance with Article 17 (2) of the Charter.

278. At its 2075th meeting, on 19 March 1978, the Security Council adopted resolution 426 (1978), reading as follows:

*"The Security Council*

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

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

279. Subsequently at the same meeting the Secretary-General informed the Council of his intention to have certain units of UNEF and UNDOF transferred temporarily, with the consent of the Governments concerned, to serve with UNIFIL in its initial stage.<sup>436</sup>

280. In a progress report dated 23 March 1978<sup>437</sup> the Secretary-General informed the Council that, upon the approval of his report of 19 March 1978, he had

appointed Major-General E. A. Erskine, Chief of Staff of UNTSO, Interim Commander of UNIFIL and that a forward headquarters had been set up at Naqoura, in Southern Lebanon. The observers assigned to the Israel-Lebanon sector were assisting UNIFIL under the direction of the Interim Commander. Arrangements were in progress to transfer certain units of UNEF and UNDOF to UNIFIL to serve with it in the initial stage.

ii. *Mandate, terms of reference and guiding principles of UNIFIL*

281. The report<sup>438</sup> on the implementation of Security Council resolution 425 (1978) that the Council approved in its resolution 426 (1978) provided, in paragraph 2, that the terms of reference of UNIFIL were as follows:

“2. (a) The Force will determine compliance with paragraph 2 of Security Council resolution 425 (1978);

“(b) The Force will confirm the withdrawal of Israeli forces, restore international peace and security and assist the Government of Lebanon in ensuring the return of its effective authority in the area;

“(c) The Force will establish and maintain itself in an area of operation to be defined in the light of subparagraph (b) above;

“(d) The Force will use its best efforts to prevent the recurrence of fighting and to ensure that its area of operation will not be utilized for hostile activities of any kind;

“ . . .

“(e) In the fulfilment of this task, the Force will have the co-operation of the Military Observers of the United Nations Truce Supervision Organization (UNTSO), who will continue to function on the Armistice Demarcation Line after the termination of the mandate of UNIFIL.”

282. Under the heading “General Considerations,” the report provided, in paragraphs 3 and 4, as follows:

“3. Three essential conditions must be met for the Force to be effective. First, it must have at all times the full confidence and backing of the Security Council. Secondly, it must operate with the full co-operation of all the parties concerned. Thirdly, it must be able to function as an integrated and efficient military unit.

“4. Although the general context of UNIFIL is not comparable with that of the United Nations Emergency Force (UNEF) and the United Nations Disengagement Observer Force (UNDOF), the guidelines for those operations, having proved satisfactory, are deemed suitable for practical application to the new Force. These guidelines are, *mutatis mutandis*, as follows:

“(a) The Force will be under the command of the United Nations, vested in the Secretary-General, under the authority of the Security Council. The command in the field will be exercised by a Force Commander appointed by the Secretary-General with the consent of the Security Council. The Commander will be responsible to the Secretary-General. The Secretary-General will keep the Security Council informed of developments relating to the functioning of the Force. All matters which may affect the nature or the continued effective functioning of the Force will be referred to the Council for its decision.

“(b) The Force must enjoy the freedom of movement and communication and other facilities that are necessary for the performance of its tasks. The Force and its personnel should be granted all relevant privileges and immunities provided for by the Convention

on the Privileges and Immunities of the United Nations.

“(c) The Force will be composed of a number of contingents to be provided by selected countries, upon the request of the Secretary-General. The contingents will be selected in consultation with the Security Council and with the parties concerned, bearing in mind the accepted principle of equitable geographic representation.

“(d) The Force will be provided with weapons of a defensive character. It will not use force except in self-defence. Self-defence would include resistance to attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council. The Force will proceed on the assumption that the parties to the conflict will take all the necessary steps for compliance with the decisions of the Council.

“(e) In performing its functions, the Force will act with complete impartiality.

“(f) The supporting personnel of the Force will be provided as a rule by the Secretary-General from among existing United Nations staff. Those personnel will, of course, follow the rules and regulations of the United Nations Secretariat.

“UNIFIL, like any other United Nations peace-keeping operation, cannot and must not take on responsibilities which fall under the Government of the country in which it is operating. These responsibilities must be exercised by the competent Lebanese authorities. It is assumed that the Lebanese Government will take the necessary measures to co-operate with UNIFIL in this regard. It should be recalled that UNIFIL will have to operate in an area which is quite densely inhabited.”

283. Under the same heading, the Secretary-General stated, in paragraph 6, that he envisaged: “the responsibility of UNIFIL as a two-stage operation. In the first stage, the Force will confirm the withdrawal of Israeli forces from Lebanese territory to the international border. Once this is achieved, it will establish and maintain an area of operation as defined. In this connection, it will supervise the cessation of hostilities, ensure the peaceful character of the area of operation, control movement and take all measures deemed necessary to assure the effective restoration of Lebanese sovereignty.”

284. The Secretary-General concluded his general considerations by stating that the Force was being established on the assumption that it represented an interim measure until the Government of Lebanon assumed its full responsibilities in Southern Lebanon and that the termination of the mandate of UNIFIL would not terminate the continued functioning of the Israel-Lebanon Mixed Armistice Commission, as set out in the appropriate Security Council decision.

285. Still under the heading “General Considerations”, the Secretary-General stated finally that, with a view to facilitating the task of UNIFIL, particularly as it concerned procedures for the expeditious withdrawal of Israeli forces and related matters, it might be necessary to work out arrangements with Israel and Lebanon as a preliminary measure for the implementation of the Security Council resolution, it being assumed that both parties would give their full co-operation to UNIFIL in that regard.

iii. *Renewal of the mandate of UNIFIL*

286. In a report on the activities of UNIFIL submitted on 13 September 1978,<sup>439</sup> that is, three days before its

mandate was due to expire, the Secretary-General pointed out that the situation then obtaining, through no fault of UNIFIL, was unacceptable, since the fact that the Israeli forces had handed over control of the border area to *de facto* armed groups rather than to UNIFIL had prevented the full deployment of the Force and the restoration of the authority of the Lebanese Government in the whole area of operation. He considered that the removal of UNIFIL would be disastrous. As the Government of Lebanon had informed him that it was in full agreement, he recommended that the mandate of UNIFIL be extended for a further six-month period.

287. On 18 September 1978, the Security Council adopted resolution 434 (1978), by which it renewed the mandate of UNIFIL for four months, that is, until 19 January 1979.

#### iv. *Composition and size of UNIFIL*

288. As noted above,<sup>440</sup> the Secretary-General's report on the implementation of Security Council resolution 425 (1978) stated that the Force would be composed of a number of contingents to be provided by selected countries upon the request of the Secretary-General and that the contingents would be selected in consultation with the Security Council and with the parties concerned, bearing in mind the accepted principle of equitable geographic representation. The report also stated that the total strength of the Force should be about 4,000.

289. Following the adoption on 19 March 1978, at the 2075th meeting of the Security Council, of resolution 425 (1978), the Secretary-General informed the Council, at that meeting, that he had been in touch with a number of Governments in all the geographical regions with a view to ascertaining their willingness to provide contingents for UNIFIL, which was initially composed of units of UNEF and UNDOF temporarily transferred to it.<sup>441</sup>

290. In a letter to the President of the Security Council dated 21 March 1978<sup>442</sup> the Secretary-General reported that, for the Asian region he had received a positive response from Nepal and, for Western Europe, an offer of a contingent from Norway and an offer of a contingent from France, which would be immediately available. The Secretary-General added that he would continue his contacts to secure other contingents. He had further contacted the Governments of Austria, Iran and Sweden with a view to gaining their assent to the use of detachments from their contingents already in the Middle East to serve temporarily with UNIFIL. The Government of Iran had given its consent. The Secretary-General intended, subject to the usual consultations, to accept the offers of the Governments of France, Nepal and Norway and hoped to be able to station detachments of the Austrian, Iranian, and Swedish contingents already in the Middle East to join those three contingents. The Secretary-General stated finally that, in view of the urgency of the situation and if the Council expressed no objection, he intended to proceed forthwith with the arrangements outlined and that he would undertake the other necessary consultations.

291. In a letter dated 22 March 1978,<sup>443</sup> the President of the Security Council informed the Secretary-General that the members of the Council had considered his letter in informal consultations on 21 March 1978 and had agreed with the proposals contained therein. China had dissociated itself from the matter.

292. In his first progress report on UNIFIL, dated 23 March 1978,<sup>444</sup> the Secretary-General stated that, upon receipt of the concurrence of the Governments concerned, Iranian, Swedish and Canadian contingents had

been transferred to UNIFIL from UNDOF and UNEF. The Secretary-General had accepted the offers of the French, Nepalese and Norwegian Governments to provide contingents totalling 1,350.

293. In a progress report dated 2 April 1978<sup>445</sup> the Secretary-General stated that, in response to an approach by him, Senegal had agreed to provide a battalion of about 600 men. Moreover, 68 military observers of UNTSO were serving with UNIFIL.

294. In a letter to the President of the Security Council dated 10 April 1978<sup>446</sup> the Secretary-General recalled that the Government of Senegal had agreed to provide a contingent for UNIFIL and expressed his intention to proceed with arrangements for it to arrive in the area at the earliest possible moment. In a letter dated 12 April 1978<sup>447</sup> the President informed the Secretary-General that the members of the Council had considered his letter and agreed with the proposals contained therein; China had dissociated itself from the matter.

295. In a letter to the President of the Security Council dated 25 April 1978<sup>448</sup> the Secretary-General informed the Council that the Government of Nigeria had agreed to make a battalion available for service with UNIFIL, which it was his intention to accept, subject to the usual consultations. Inclusion of the Nigerian battalion would bring the Force to a total "in the order of 4,000", as authorized by the Security Council. In a letter dated 26 April 1978<sup>449</sup> the President of the Security Council informed the Secretary-General that he had consulted the members of the Council regarding his letter and that they agreed with the proposal concerning the Nigerian contingent; China had dissociated itself from the matter.

296. In a letter to the President of the Security Council dated 1 May 1978,<sup>450</sup> the Secretary-General informed the Council that the Chief Co-ordinator of United Nations Peace-keeping Missions in the Middle East and the Force Commander of UNIFIL had reported to him that, in view of the very difficult conditions on the ground, and in light of the experience acquired, the total strength of the Force should be brought to about 6,000. During his visit to the area, the Secretary-General had observed the delicacy and difficulty of the tasks of UNIFIL. He considered it necessary to increase its strength to about 6,000 if the Force was to be able effectively to carry out the tasks entrusted to it, and he so recommended to the Council. He added that the Governments of Fiji, Iran and Ireland had indicated that they would each be prepared to make a battalion available and that, if the Council agreed to the proposed increase in the Force, he would seek additional contingents from those Governments.

297. By its resolution 427 (1978), adopted on 3 May 1978, the Security Council, after stating in the preamble that it had considered the letter of 1 May 1978 from the Secretary-General, approved the increase in the strength of UNIFIL requested by him to approximately 6,000 troops.

298. In a report dated 5 May 1978<sup>451</sup> the Secretary-General informed the Security Council that, following the adoption of resolution 427 (1978), he had accepted the offers of the Governments of Fiji, Iran and Ireland to provide a battalion each for service with UNIFIL, and that discussions had been initiated with their Permanent Missions in that connection.

299. In the reports which he submitted during the period under review, the Secretary-General kept the Council informed of the strength of the Force and of its composition.<sup>452</sup>



v. *Appointment of the Commander of UNIFIL*

300. The terms of reference and other principles applicable to UNIFIL cited in paragraphs 281 to 283 above provided that the command of the Force "in the field will be exercised by a Force Commander appointed by the Secretary-General with the consent of the Security Council", adding that the Commander would be responsible to the Secretary-General.

301. Upon the Security Council's approval, by resolution 426 (1978), of the Secretary-General's report on the implementation of Security Council resolution 425 (1978), wherein he had said he would appoint Major-General E. A. Erskine, then Chief of Staff of UNTSO, as Interim Commander of UNIFIL, the Secretary-General appointed him to that position.<sup>453</sup>

302. In a letter to the President of the Security Council dated 10 April 1978<sup>454</sup> the Secretary-General informed the Council of his intention, subject to the consent of the Council, to appoint Major-General Erskine, Chief of Staff of UNTSO, to be Commander of the Force. In a letter dated 12 April 1978<sup>455</sup> the President informed the Secretary-General that the members of the Council had considered the matter in informal consultations and had agreed with the proposals contained in his letter; China had dissociated itself from the matter. In a progress report dated 17 April 1978 the Secretary-General stated that he had appointed Major-General Erskine to be Commander of UNIFIL.<sup>456</sup>

vi. *Implementation of the mandate of UNIFIL*

303. In his first progress report on UNIFIL,<sup>457</sup> submitted on 23 March 1978, the Secretary-General stated that, in accordance with his instructions, Lieutenant-General E. Siilasvuo, Chief Co-ordinator of the United Nations Peace-keeping Missions in the Middle East, had had contacts with all the parties concerned on the steps to be taken for the speedy implementation of resolution 425 (1978) and on the arrangements to facilitate the return of the displaced persons who had fled southern Lebanon during the military operations. The cease-fire appeared to be holding.

304. In a progress report dated 2 April 1978,<sup>458</sup> the Secretary-General stated that he had maintained contact with the Lebanese and Israeli Governments and with the PLO, with a view to the rapid implementation of resolution 425 (1978), especially in respect of the cease-fire and withdrawal of the Israeli force. According to Major-General Erskine, the situation in the area had remained generally quiet, although there had been a number of firing incidents.

305. In a progress report dated 8 April 1978,<sup>459</sup> the Secretary-General said that the general situation in southern Lebanon was quiet. In the western sector, considerable tension, with occasional exchanges of fire, had continued to prevail, and in the eastern sector there had been repeated exchanges of fire, mainly involving Christian *de facto* armed elements south of the Litani River and PLO armed elements north of the river. The Secretary-General also described the contacts he and the Chief Co-ordinator of the United Nations Peace-keeping Missions in the Middle East had had with the parties, with a view to the speedy implementation of resolution 425 (1978), especially in respect of the cease-fire and the withdrawal of Israeli forces. The Government of Israel had expressed its willingness to withdraw those forces prior to the completion of the deployment of UNIFIL in southern Lebanon.

306. In a progress report dated 17 April 1978<sup>460</sup> the Secretary-General stated that, according to reports submitted by UNIFIL, the general situation in southern Lebanon had remained quiet and there had been no serious incidents. On 11 and 14 April 1978, Israeli forces had withdrawn from two areas east and south of the Litani River under a plan submitted to Lieutenant-General Siilasvuo on 6 April 1978, and their positions had been taken over by UNIFIL troops. Traffic of returning refugees had continued heavy throughout the area. The Secretary-General described the continuing contacts of Lieutenant-General Siilasvuo with all the parties concerned with regard to the implementation of resolution 425 (1978) and the further withdrawal of Israeli forces.

307. By a letter dated 19 April 1978<sup>461</sup> the Secretary-General informed the Security Council, on completion of a visit to the area, that he had had extensive talks with the President, the Prime Minister and the Foreign Minister of Lebanon, with Mr. Arafat, and with the Prime Minister, the Foreign Minister and the Defence Minister of Israel. He had been assured of the firm intention of Israel to withdraw completely from Lebanese territory and indicated that Israel had proposed that that withdrawal take place in two phases. Israeli defence forces would be completely withdrawn from a central area by 30 April 1978 and further withdrawals would be arranged in the near future.

308. On 3 May 1978 the Security Council adopted resolution 427 (1978), paragraphs 2 to 4 of which read:

"The Security Council,

" . . .

"2. Takes note of the withdrawal of Israeli forces that has taken place so far;

"3. Calls upon Israel to complete its withdrawal from all Lebanese territory without any further delay;

"4. Deplores the attacks on the United Nations Force that have occurred and demands full respect for the United Nations Force from all parties in Lebanon."

309. In a statement made immediately following the adoption of resolution 427 (1978),<sup>462</sup> the Secretary-General informed the Council of very serious incidents that had taken place the day before in the Tyre area. In those incidents, two members of the French contingent and one member of the Senegalese contingent had been killed and 10 members of the French contingent wounded, including the Commanding Officer; a PLO escort officer had also been killed. Upon learning of the incidents, he had contacted Mr. Arafat, who had assured him of his co-operation in attempts to resolve the situation and to prevent any recurrence of such tragic developments. He added that the Israeli forces had completed another phase of their withdrawal on 30 April, which removed them from 65 per cent of the area originally occupied, and that he was pursuing his efforts to secure a timetable and plan for the total withdrawal of Israeli forces called for in resolution 425 (1978).

310. On 5 May 1978, in a further progress report on UNIFIL,<sup>463</sup> the Secretary-General informed the Council that, according to reports submitted by UNIFIL, the situation had remained stable in the central and western sectors but that tension had increased significantly in the Tyre area. On 30 April, the third phase of the withdrawal of Israeli forces had taken place, the positions vacated being taken over by UNIFIL units. With the completion of that phase, UNIFIL was deployed in a much more extensive area, extending roughly from the Litani River in the north to a line running about 18 kilometres from the river in the western and central sectors and about

2 to 7 kilometres in the eastern area. After indicating the deployment of the Force as of 5 May, the Secretary-General described the incidents which he had brought to the attention of the Council orally. United Nations troops, the Secretary-General stressed, were provided only with defensive weapons and were authorized to use force only in self-defence when attacked or when attempts were made to prevent them from performing their duties under the Security Council's mandate. Accordingly, he had appealed to all the Governments and other parties concerned to extend all possible support and co-operation to UNIFIL.

311. In a further progress report on UNIFIL,<sup>464</sup> submitted on 13 June 1978, the Secretary-General stated that the fourth and last phase of the withdrawal of Israeli forces from southern Lebanon had taken place on that date and had been completed according to schedule. At his request, the Under-Secretary-General for Special Political Affairs, Mr. Roberto E. Guyer, had visited the area from 19 to 24 May to discuss certain urgent problems with the parties concerning the implementation of resolutions 425 (1978) and 426 (1978). Mr. Guyer had been informed of the decision of the Government of Israel to withdraw its forces completely from Lebanon by 13 June 1978. The President of Lebanon had emphasized to him that the objective of UNIFIL was to assist ultimately in the restoration of the authority of the Lebanese Government in southern Lebanon, which presupposed both total withdrawal of Israeli forces and prevention of armed elements not under the command of the Lebanese Government from infiltrating into or undertaking hostile activities in the UNIFIL area of operations.

312. Paragraphs 14 to 16 of the report read:

"14. During his meeting with Mr. Arafat, Mr. Guyer reviewed with him the PLO commitment to co-operate fully with UNIFIL in the fulfilment of its tasks in southern Lebanon. This question was later pursued by General Erskine with Mr. Arafat and his advisers. Mr. Arafat confirmed that, in pursuance of the guarantees already given to the Secretary-General, PLO would co-operate with UNIFIL and that it would not initiate hostile acts against Israel from southern Lebanon, although it would continue such acts from other areas. While the question of the PLO presence in southern Lebanon was a matter to be settled between PLO and the Lebanese Government, PLO would facilitate UNIFIL's tasks in response to the Secretary-General's appeal. In particular, PLO would refrain from infiltrating armed elements into the UNIFIL area of operation. The assurances given by PLO are in line with a five-point agreement concluded between Prime Minister El-Hoss and Chairman Arafat. Arrangements have been worked out to improve liaison between UNIFIL and PLO in order to avoid incidents. In the context of that agreement, for humanitarian as well as practical reasons and as an *ad hoc* interim arrangement, UNIFIL has agreed to allow the delivery, under UNIFIL control, of certain non-military supplies—food, water and medicine—to limited Palestinian groups still in its area of operation.

"15. Following the announcement of the Israeli decision to withdraw from the remaining occupied area by 13 June, intensive discussions were held between United Nations representatives and the Government of Lebanon regarding the deployment of UNIFIL in the area to be evacuated and, in particular, regarding its relationship with the Christian armed elements under the command of Major Haddad in that area.

"16. Pending full establishment of Lebanese authority, including military forces, in the UNIFIL

area of operation, the Lebanese Government has taken the following position:

"(a) That Major Haddad is provisionally recognized by the Lebanese Government as *de facto* commander of the Lebanese forces in his present area for the purpose of facilitating UNIFIL's mission.

"(b) That the army command will issue instructions to Major Haddad to facilitate UNIFIL's mission and deployment. To this end, the Lebanese army will appoint two senior officers to liaise with UNIFIL headquarters and will, as soon as possible, take measures to regularize the situation of Lebanese regular forces in the South.

"(c) That the Lebanese Government has decided to move Lebanese army units to the South as soon as possible.

"(d) That all border problems shall henceforth be discussed with UNIFIL and in the framework of a reactivated Israel-Lebanon Mixed Armistice Commission, a meeting of which was held on 12 June, the Lebanese Government being represented by senior military officers from Beirut.

"(e) That the Government of Lebanon wishes UNIFIL to exercise its full functions under resolutions 425 (1978) and 426 (1978) and will lend all assistance and support to this end."

313. The Secretary-General added that, in the light of the above position of the Lebanese Government, UNIFIL was engaging in the necessary discussions in the area, with a view to working out practical arrangements for its deployment and the fulfilment of its mission throughout the area of operation. By 1700 hours on 13 June 1978, the Commander of UNIFIL had confirmed to the Secretary-General that the Israeli forces had completely withdrawn from southern Lebanon. Five of the positions evacuated had been taken over by UNIFIL and discussions were continuing on practical arrangements for deployment in additional positions. The first part of the mandate entrusted to UNIFIL had thus been fulfilled and the second phase had begun in the entire area of operations.<sup>465</sup>

314. By a letter dated 13 June 1978<sup>466</sup> the representative of Israel transmitted a letter to the Secretary-General from the Minister for Foreign Affairs of Israel, stating that the withdrawal of Israeli troops from southern Lebanon had been completed on 13 June 1978 and that Israel had accordingly fulfilled its part in the implementation of resolution 425 (1978). The Foreign Minister stated that, in the wake of the Israeli withdrawal, hundreds of terrorists, members of PLO, had returned to the area and that UNIFIL was permitting the transit of supplies to the terrorists, who were clandestinely introducing arms and other military equipment into the area. He charged that some units of UNIFIL treated the PLO elements with indulgence and even co-operated with them, having official PLO liaison officers in touch with UNIFIL, a situation that was not only in violation of the Secretary-General's statement made at the meeting at Jerusalem but also boded ill for the future. The Minister added that it was the duty of UNIFIL to ensure the full implementation of the as yet unaccomplished purposes of resolution 425 (1978) and that only strict implementation of that resolution and resolution 426 (1978) would ensure that tranquillity would prevail in southern Lebanon. The Minister looked to the Secretary-General for immediate action in conformity with his undertaking to prevent the entry into the area of PLO elements or units and to expel those already there.

315. The substantive portion of the Secretary-General's reply to the charges made in the letter from the Foreign

Minister, contained in a letter dated 14 June 1978,<sup>467</sup> was as follows:

"I am surprised at the allegations made in your letter, most of which, as you know, General Siilasvuo and General Erskine have already responded to in a meeting with your military authorities. As regards the transit of non-military supplies to small groups in the area, this matter is dealt with in the report that I have just issued to the Security Council (S/12620/Add.5, para. 14). It is true that there are PLO liaison officers with UNIFIL, as indeed there are liaison officers of all parties concerned. As you are certainly aware from public statements both by the Lebanese Government and by Mr. Arafat, PLO has undertaken to co-operate with UNIFIL in the implementation of resolution 425 (1978). I have already informed the Security Council officially of this on several occasions.

"In light of the above, I must take exception to the implications and to the context of your statement that the present situation 'bodes ill for the future'. In extremely difficult circumstances, UNIFIL has made great efforts and will continue to make great efforts to carry out all parts of its mandate. While I do not underestimate the many difficulties to be overcome, I can assure you that UNIFIL will continue to discharge in good faith its responsibilities under resolutions 425 (1978) and 426 (1978). Its task has certainly not been facilitated by the decision of the Israeli Government not to turn over control of the remainder of the area of operation to UNIFIL, although I am making efforts to deal satisfactorily with the consequences of this development in co-operation with the Lebanese Government.

"I shall continue to make all possible efforts to assure the full implementation of resolutions 425 (1978) and 426 (1978), but this will require the full co-operation and understanding of all concerned at all stages. I am sure you will agree with me that, in such a situation, it would be helpful if those concerned refrained from making unsubstantiated public statements about this or that aspect of an extremely difficult operation."

316. In a report on developments up to 13 September 1978,<sup>468</sup> the Secretary-General said that, in accordance with its mandate which included the control of movements and prevention of infiltration, UNIFIL had taken measures to counter attempts by Palestinian and Lebanese armed elements to enter the UNIFIL area of operation following the Israeli withdrawal in April. Those elements had agreed to stop the infiltration but only on condition that UNIFIL allow non-military supplies to reach Palestinian groups that, according to the PLO, had remained in the area throughout the Israeli military action. For humanitarian reasons, *ad hoc* arrangements had been worked out for the delivery, under UNIFIL control, of non-military supplies to those groups and infiltration had lessened. UNIFIL dealt with armed elements within its area of operation by sealing off the area while negotiating for the withdrawal of the elements. In withdrawing on 13 June, the Israeli forces had, instead of handing over evacuated areas to UNIFIL, as had been done earlier, turned over those areas to *de facto* Lebanese armed groups. Every effort had nevertheless been made to widen the deployment of UNIFIL in the area occupied by those groups. There had been some progress but very much remained to be done. The Secretary-General had made it known to all the parties concerned that he intended to utilize peaceful and diplomatic means to achieve that objective. UNIFIL had also assisted in the maintenance of the cease-fire and had ensured against the use of its area of deployment for hostile activities. After

13 June, UNIFIL activities had been further complicated by fire directed at UNIFIL forces. UNIFIL had also sought to assist the Government of Lebanon in restoring its authority in the area but its efforts had been largely unavailing. The Secretary-General had addressed a personal appeal on the problem to the Prime Minister of Israel on 1 August, while UNIFIL had conducted high-level meetings with the Lebanese army command, on the one hand, and the *de facto* armed groups and the Israeli forces on the other. During his visit to the area, Under-Secretary-General Urquhart had also sought to resolve the problem. The report gave an account of humanitarian activities carried out by UNIFIL, which had rendered assistance to the Special Representative of the Secretary-General for Humanitarian Assistance in Lebanon and the United Nations Development Programme.

317. On 18 September 1978 the Security Council adopted resolution 434 (1978), in paragraph 1 of which, as has been noted, it decided to renew the mandate of UNDOF for four months. In the preamble of the resolution the Council expressed grave concern at the serious conditions in Lebanon, commended the outstanding performance of UNIFIL in seeking to carry out its mandate, expressed regret at the loss of life suffered by UNIFIL and noted the progress already achieved by UNIFIL towards the establishment of peace and security in southern Lebanon. In the preamble the Council also noted with concern the obstacles encountered by the Force in deploying throughout its area of operation and the Lebanese Government's inability to restore fully its authority over all its territory in accordance with resolution 425 (1978), expressed support for the efforts of the Secretary-General, stated its determination to secure urgently the total fulfilment of the mandate and objectives of the Force and observed that it had acted in response to the request of the Government of Lebanon. Paragraphs 2 and 3 of the resolution read:

"The Security Council,

"...

"2. Calls upon Israel, Lebanon and all others concerned to co-operate fully and urgently with the United Nations in the implementation of Security Council resolutions 425 (1978) and 426 (1978);

"3. Requests the Secretary-General to report to the Security Council in two months on the implementation of the present resolution in order to allow it to assess the situation and to examine what further measures should be taken, and to report again at the end of the four-month period."

318. In an interim report on UNIFIL submitted on 18 November 1978<sup>469</sup> in pursuance of resolution 434 (1978), the Secretary-General stated that the Force had continued to use its best efforts to ensure that its area of operation would not be used for hostile activities of any kind and that a progressive normalization of life had been observed in the area where it exercised full control. However, despite UNIFIL efforts to secure full deployment and control in the area handed over by Israel to the *de facto* armed groups, little progress had been achieved and the Force had been subjected to periodic harassment.

319. The Secretary-General reaffirmed that an essential pre-condition for the success of UNIFIL was the co-operation of all concerned but that co-operation on the part of the Lebanese *de facto* forces in the area and the Government of Israel was still lacking; the complete deployment of UNIFIL and the re-establishment of Lebanese authority in the area was therefore blocked. The Secretary-General observed that restoration of the authority and sovereignty of the Lebanese Government in

southern Lebanon was the only durable and reliable way to secure normality in the area and that UNIFIL was there to protect all groups of the population.

320. At a meeting of the Security Council on 8 December 1978<sup>470</sup> the Secretary-General said that, since the last-mentioned report had been issued, there had been no significant improvements either in the situation as a whole or in the deployment of UNIFIL, although his efforts both at United Nations Headquarters and in the area were continuing through contacts with the parties principally concerned.

321. Later on, at the same meeting, the President read out the following statement representing the consensus of the members of the Council:

"The Security Council has studied the Secretary-General's report contained in document S/12929, submitted in pursuance of resolution 434 (1978). The Council associates itself with the views of the Secretary-General set forth in the report regarding the obstacles placed against the full deployment of the United Nations Interim Force in Lebanon and against the total implementation of resolutions 425 (1978) and 426 (1978).

"The Council expresses its deepest concern over the grave situation in southern Lebanon.

"The Council is convinced that these obstacles constitute a challenge to its authority and a defiance of its resolutions. The Council therefore demands the removal of these obstacles, specifically described and referred to in the Secretary-General's report under consideration, as well as in his previous reports submitted to the Council.

"The Council believes that the unimpeded deployment of the Force in all parts of southern Lebanon will contribute significantly to the restoration of the authority of the Lebanese Government and the preservation of Lebanese sovereignty within Lebanon's internationally recognized boundaries.

"The Council therefore calls upon all those not fully co-operating with the Force, particularly Israel, to desist forthwith from interfering with the operations of the Force in southern Lebanon and demands that they comply fully without any delay with the implementation of resolutions 425 (1978) and 426 (1978).

"The Council also calls upon Member States that are in a position to do so to bring their influence to bear on those concerned so that the Force may discharge its responsibilities unimpeded.

"The Council notes with appreciation the efforts made by the Secretary-General and the United Nations staff, and the commanders and soldiers of the Force for the implementation of resolution 425 (1978). It also takes this opportunity to express its particular appreciation to the countries that have contributed troops or are assisting in the deployment and facilitating the task of the Force.

"The Council decides to remain seized of the problem, and to review the situation if and when necessary, before 19 January 1979, so as to consider practical ways and means that will secure the full implementation of its resolutions."

(d) *Developments relating to the United Nations Truce Supervision Organization (UNTSO)*

i. *Activities of UNTSO*

322. At a meeting of the Security Council held on 25 October 1973, the Secretary-General, speaking immediately after the adoption of resolution 340 (1973),<sup>471</sup>

said that with regard to the cease-fire in the Israel-Syria sector, both parties had agreed to the adjustment of the observation machinery and he had instructed General Siilasvuo to proceed immediately to implement the agreed plan.

323. At the next meeting of the Council, on 26 October 1973, the Secretary-General reported that in the Egypt-Israel sector there were nine patrols of UNTSO observers on the Egyptian side and six on Israeli-held territory, adding that they were then in the vicinity of the forward positions of the respective forces.<sup>472</sup> As pointed out above, the Secretary-General's report of 26 October 1973 on the terms of reference of UNEF, which was approved by the Security Council in its resolution 341 (1973), stated that UNEF would have the co-operation of the military observers of UNTSO.<sup>473</sup>

324. In a report dated 29 October 1973 the Secretary-General gave details of the status of the cease-fire operations being carried out by UNTSO and the deployment of the United Nations observers in their areas of operation since the establishment of UNEF.<sup>474</sup>

325. As from 6 November 1973 the reports on the status of the cease-fire in the Egypt-Israel sector were based on information received from the headquarters of UNEF and UNTSO.<sup>475</sup>

326. The reports issued by the Secretary-General from 29 October 1973 until the end of 1973 showed that military activities had lessened in all sectors following the establishment of UNEF. However, there had been many firing incidents and overflights.<sup>476</sup>

327. Daily reports submitted by the Chief of Staff of UNTSO from 3 January to 31 May 1974 on the Israel-Syria sector described a continuous pattern of incidents.<sup>477</sup> On 20 March 1974, the Secretary-General expressed his concern at the deterioration of the situation and appealed to the parties concerned to exercise the utmost restraint and strictly to observe the cease-fire.<sup>478</sup>

328. However, in a report dated 1 June 1974, the day after the signing of the Agreement on Disengagement between Israeli and Syrian forces, the Chief of Staff reported that all firing had ceased in the Israel-Syria sector as of 1109 (GMT) on 31 May 1974.<sup>479</sup> No further reports on violation of the cease-fire in the Israel-Syria sector were issued thereafter by UNTSO, whose observers in that sector were, as noted above, transferred to UNDOF upon the establishment of the latter.

329. In the Israel-Lebanon sector, the reports of the Chief of Staff from 1 January to 15 June 1974 indicated frequent incidents of firing and overflights of Lebanese territory by Israeli aircraft.<sup>480</sup>

330. From 16 June 1974 to 15 March 1978 the situation in the Israel-Lebanon sector continued to be the subject of reports on the status of the cease-fire in that sector submitted by the Chief of Staff of UNTSO, first on a weekly, then on a monthly basis, and transmitted to the Security Council by the Secretary-General.<sup>481</sup> As noted above, on 23 March 1978 the Secretary-General informed the Security Council that the observers assigned to the Israel-Lebanon sector were assisting UNIFIL, whose terms of reference provided that, in the fulfilment of its task, UNIFIL would have the co-operation of the military observers of UNTSO who, as provided in those terms of reference, were to continue to function on the Armistice Demarcation Line after the termination of the mandate of UNIFIL.<sup>482</sup>

ii. *Appointment of a Chief of Staff of UNTSO*

331. By a note dated 11 February 1974<sup>483</sup> the President of the Council stated that the Secretary-General had, by

a letter dated 9 January 1974, asked him to bring to the attention of its members his intention to appoint Major-General Bengt Liljestrand, of Sweden, Chief of Staff of UNTSO as of 1 April 1974, to replace Major-General Siilasvuo, who had been appointed Commander of UNEF on 25 November 1973. In the interim, Colonel R. W. Bunworth, of Ireland, would serve as Acting Chief of Staff. As stated in his note, the President of the Council informed the Secretary-General, on 5 February 1974, that the Council had taken note of his letter and would have no objection to the appointment of Major-General Liljestrand as Chief of Staff of UNTSO. The delegation of China dissociated itself from the matter.

(e) *Appointment of a Chief Co-ordinator of the United Nations Peace-keeping Missions in the Middle East*

332. By a communication dated 4 August 1975,<sup>484</sup> the Secretary-General asked the President of the Security Council to bring to the attention of the members of the Council his intention to appoint Lieutenant-General Ensio Siilasvuo as the Chief Co-ordinator of the UNTSO, UNEF and UNDOF operations in the Middle East. On 19 August 1975 the President issued a note regarding the text of the communication and stating that, taking into consideration the Secretary-General's observations on the desirability of establishing a co-ordinating mechanism for the activities and administration of the three operations, the Council agreed with that proposal. It noted that, as Chief Co-ordinator, General Siilasvuo would continue as necessary to discharge his functions in relation to the Military Working Group of the Geneva Peace Conference and would be responsible for liaison and contact with the parties on matters relating to the operations of UNTSO, UNEF and UNDOF in the Middle East. It further noted that the three operations would maintain their operational identities.<sup>485</sup>

d. *The Secretary-General's reporting responsibilities in connection with the implementation of Security Council resolutions 338 (1973) and 339 (1973) on the situation in the Middle East*

(i) *Security Council resolution 338 (1973)*

333. On 22 October 1973 the Security Council adopted resolution 338 (1973) by which it called upon the parties to terminate immediately all military activities in the positions then occupied by them and to start immediately to implement Security Council resolution 242 (1967) and also decided that, concurrently with the cease-fire, they were to begin negotiations aimed at establishing a just and durable peace in the Middle East.

(ii) *Requests for reports contained in resolutions concerning UNEF*

334. In paragraph 4 of its resolution 340 (1973) of 25 October 1973, by which it established UNEF, the Security Council requested the Secretary-General to report on an urgent and continuing basis on the state of implementation of the resolution as well as of resolutions 338 (1973) and 339 (1973). This request was reiterated in paragraph 8 of resolution 346 (1974) of 8 April 1974 by which the Council extended the mandate of UNEF for the first time.

335. In its resolution 368 (1975) of 17 April 1975, by which it renewed the mandate of UNEF for a period of three months, the Security Council also called upon the parties concerned to implement immediately resolution 338 (1973) and called upon the Secretary-General to

submit at the end of that period a report on the developments in the situation and the measures taken to implement resolution 338 (1973).

336. In its resolution 378 (1975) of 23 October 1975, by which it renewed the mandate of UNEF for a period of one year, that is, until 24 October 1976, the Security Council requested the Secretary-General to submit at the end of that period a report on the developments in the situation and the steps taken to implement resolution 338 (1973). Resolutions 396 (1976) of 22 October 1976, 416 (1977) of 21 October 1977 and 441 (1978) of 30 November 1978, by each of which the Council renewed the mandate of UNEF for one year, each contained an operative paragraph *mutatis mutandis* identical with operative paragraph 1 of resolution 378 (1975).

(iii) *Requests for reports contained in resolutions concerning UNDOF*

337. In its resolution 363 (1974) of 29 November 1974, by which it renewed the mandate of the UNDOF for another period of six months, the Security Council requested the Secretary-General to submit at the end of that period a report on the developments in the situation and the measures taken to implement resolution 338 (1973).

338. Security Council resolutions 369 (1975), 390 (1976), 398 (1976), 408 (1977), 420 (1977), 429 (1978) and 441 (1978), by which the Council renewed the mandate of UNDOF for further successive periods of six months, reiterated the last-mentioned request for those periods.

(iv) *Action taken by the Secretary-General*

339. The Secretary-General fulfilled his reporting responsibilities under the above-quoted resolutions by including, in the reports on UNEF and UNDOF which he submitted as from 21 May 1975, observations on the implementation of resolution 338 (1975).<sup>486</sup>

e. *Submission of a comprehensive report on the efforts undertaken by the United Nations pertaining to the Middle East since June 1967*<sup>487</sup>

340. By paragraph 1 of its resolution 331 (1973) of 20 April 1973 the Security Council requested the Secretary-General to submit to it as early as possible a comprehensive report giving a full account of the efforts undertaken by the United Nations pertaining to the situation in the Middle East since June 1967.

341. The Secretary-General submitted a report to the Council pursuant to that resolution on 18 May 1973.<sup>488</sup> The first part of the report covered the efforts to deal with particular aspects of the Middle East situation, namely, the status of the cease-fire, the situation in the occupied territories, the question of Jerusalem and the Palestine refugee problem. The second part, which was based largely on previous comprehensive reports, gave details of the efforts of Ambassador Jarring to promote a peaceful settlement between the parties. The Secretary-General concluded that the basic deadlock between the parties remained and observed that a settlement was long overdue. The tensions and conflicts of the Middle East were a heavy burden not only on the countries of the area but also on the international community itself. It was his earnest hope that all those concerned would find it possible to look to the future and take advantage of the international instrumentalities at their disposal and of the general and fervent desire of the international community to open a new and more harmonious chapter in the history of the Middle East.

f. *Functions exercised under General Assembly resolutions on the situation in the Middle East*<sup>489</sup>

342. On 5 December 1975 the General Assembly adopted resolution 3414 (XXX) on the situation in the Middle East. In paragraph 4 of that resolution the Assembly requested the Security Council to take all necessary measures for the speedy implementation of all relevant resolutions of the Assembly and the Security Council aimed at the establishment of a just and lasting peace in the region through a comprehensive settlement. In paragraph 5 of the resolution the Assembly requested the Secretary-General to inform all concerned, including the Co-Chairmen of the Peace Conference on the Middle East, to follow up the implementation of the resolution and to report thereon to the Security Council and to the Assembly at its thirty-first session.

343. On 18 October 1976 the Secretary-General submitted a report in conformity with the General Assembly's request in paragraph 5 of resolution 3414 (XXX).<sup>490</sup> The report described the action he had taken in December 1975 following the adoption of the resolution, the consideration by the Security Council of relevant issues between January and June 1976, the views expressed by the Co-Chairmen of the Peace Conference on the Middle East, the exploratory mission to the Middle East carried out by his Personal Representative for that Conference from 25 February to 2 March 1977, followed by meetings with senior Soviet and United States officials in Moscow on 10 March and in Washington on 26 March, respectively, and the replies by all parties concerned to identical *aide-mémoires* handed to them on 1 April. It seemed clear from those replies that, while there generally was agreement on the necessity of resuming negotiations for a just and lasting settlement of the Middle East problem, there were still important differences of view among the parties concerned. The Secretary-General said that he would continue his efforts towards the resumption of the negotiating process.

344. In paragraph 6 of its resolution 31/61 on the situation in the Middle East, adopted on 9 December 1976, the General Assembly requested the Secretary-General to take effective measures, within an appropriate time-table, for the implementation of all relevant resolutions of the Security Council and the Assembly on the Middle East and Palestine. By paragraph 7 of the resolution, the Assembly requested the Secretary-General to inform the Co-Chairmen of the Peace Conference on the Middle East of the resolution and to submit a report on the follow-up of its implementation to the Assembly at its thirty-second session.

345. Pursuant to paragraph 7 of General Assembly resolution 31/61, the Secretary-General submitted a report to the Security Council on 18 October 1977,<sup>491</sup> in which he pointed out that the implementation of resolution 31/61 was closely related to that of resolution 31/62 calling for the early convening of the Peace Conference on the Middle East under the auspices of the United Nations and the Co-Chairmanship of the United States and the Soviet Union not later than the end of March 1977. The Secretary-General observed that the obstacles in the way of reconvening the Geneva Conference could not be overcome by purely procedural means, as changes of attitude on all sides were necessary. The Secretary-General also referred in his report to the fighting between *de facto* forces which had flared up again in southern Lebanon and noted that a deterioration of that situation might have considerable implications in the wider context of the Middle East problem. In conclusion, the Secretary-General expressed his hope that it would prove possible

to bring about an early resumption of the negotiations as a first step towards the achievement of a just and lasting peace in the Middle East. He stressed that, if it were not to happen, the world would be facing a major international crisis in the not too distant future.

346. On 25 November 1977 the General Assembly adopted resolution 32/20 on the situation in the Middle East, by which it reaffirmed that the withdrawal by Israel from the Arab territories occupied since June 1967 was a prerequisite to the achievement of peace in the Middle East, called anew for an early convening of the Peace Conference on the Middle East, urged all interested parties to work for the achievement of a comprehensive settlement and requested the Security Council to take measures to ensure the implementation of relevant United Nations resolutions. In the resolution, the Assembly also requested the Secretary-General to follow up on its implementation and to inform all concerned, including the Co-Chairmen of the Conference, to report to the Security Council periodically on the development of the situation and to submit to the General Assembly at its thirty-third session a comprehensive report covering the developments in the Middle East in all their aspects.

347. Pursuant to General Assembly resolution 32/20, the Secretary-General on 11 October 1978 submitted a comprehensive report<sup>492</sup> dealing with the status of the cease-fire; the establishment of UNEF, UNDOF and UNIFIL; the efforts to deal with the situation in the occupied territories and Jerusalem; the Palestinian refugee problem; the question of the rights of the Palestinian people; and the measures taken in pursuance of the search for a peaceful settlement. In the last part of his report, the Secretary-General stated that he had been informed by the President of the United States that two agreements had been concluded between Egypt and Israel: one on a framework for peace in the Middle East, and the other on a framework for the conclusion of a peace treaty between Egypt and Israel. The Secretary-General added that, except for the comments of a number of speakers during the general debate of the General Assembly at its thirty-third session and views he had received from the Chairman of PLO, he had had no additional information on the subject from the parties concerned and therefore did not feel in a position to put forward any considered views at that stage, except to express his earnest hope that urgent efforts would be pursued by all concerned until a comprehensive, just and durable peace settlement covering all aspects of the Middle East problem could be fully achieved.

348. On 7 December 1978 the Assembly adopted resolution 33/29 on the situation in the Middle East, by which the Assembly reiterated, with some variations, the provisions of resolution 32/20 and requested the Secretary-General to submit to it, at its thirty-fourth session, a comprehensive report on all the aspects of the developments in the Middle East.

g. *Functions exercised in connection with the question of Palestine*

349. By its resolution 3236 (XXIX), the General Assembly reaffirmed the inalienable rights of the Palestinian people in Palestine and, in paragraph 7, requested the Secretary-General to establish contacts with the PLO on all matters concerning the question of Palestine. In paragraph 8 the Assembly requested the Secretary-General to report to it at its thirtieth session on the implementation of the resolution.

350. In the report which he submitted to the General Assembly at its thirtieth session pursuant to that

request,<sup>493</sup> the Secretary-General gave a detailed account of the contacts that had taken place between the United Nations and the PLO, with particular reference to the appointment of permanent observers to the United Nations by the PLO and the relations between the latter and UNRWA.

351. By its resolution 3375 (XXX) the General Assembly called for the invitation of the PLO, as the representative of the Palestinian people, to participate in all efforts, deliberations and conferences on the Middle East held under the auspices of the United Nations, on an equal footing with other parties, on the basis of its resolution 3236 (XXIX). The Assembly also requested the Secretary-General to inform the Co-Chairmen of the Peace Conference on the Middle East of the resolution and to take all necessary steps to secure the invitation of the PLO to participate in the work of the Conference as well as in all other efforts for peace.

352. In the report he submitted on 18 October 1976 to the General Assembly at its thirty-first session, pursuant to that request,<sup>494</sup> the Secretary-General noted that the implementation of resolution 3375 (XXX) was of course closely connected with the efforts undertaken within the framework of the United Nations towards a peaceful settlement in the Middle East. These efforts were described in the report. In accordance with the request contained in General Assembly resolution 3375 (XXX), the Secretary-General had, on 19 November 1975, addressed identical letters to the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and the Secretary of State of the United States of America,<sup>495</sup> in their capacity as Co-Chairmen of the Peace Conference on the Middle East, to bring the resolution to their attention. In that connection, the Secretary-General had requested the Co-Chairmen to keep him informed of any action they might take in relation to the resolution. In his reply to the Secretary-General, dated 9 January 1976,<sup>496</sup> the Minister for Foreign Affairs of the Soviet Union had advocated the speediest possible resumption of the Geneva Peace Conference with the full and equal participation of the representatives of PLO. The Secretary-General then described the participation of PLO in the deliberations of the Security Council on the Middle East problem and related matters that had taken place in December 1975 and in 1976. In taking steps, following the Security Council debate of January 1976 on the Middle East problem, aimed at promoting the resumption of the negotiating process in the Middle East, the Secretary-General had given due attention to the provisions of resolution 3375 (XXX). Thus, in the statement which he had made to the Council on 26 January 1976 announcing his new initiative, he had noted that the discussions of the Council had emphasized the Palestinian dimension of the problem. He had drawn attention to that dimension in identical letters addressed to the Co-Chairmen of the Geneva Peace Conference on 27 January 1976. During his exploratory mission to the Middle East in February and March 1976, and also during subsequent talks in Moscow and Washington, Under-Secretary-General Roberto E. Guyer had discussed the participation of PLO in the peace efforts. Moreover, he had met with representatives of PLO on 28 February. Following Mr. Guyer's mission, the Secretary-General had, on 1 April 1976, addressed identical *aide-mémoires* to the parties concerned, including the PLO, requesting their views on the action to be taken by the United Nations to break the impasse in the peace efforts. The Secretary-General observed, finally, that one of the questions that had to be resolved before the negotiating process could usefully be resumed was that of the participation of the PLO in the Geneva Peace Conference.

h. *The Secretary-General's mandate with respect to the measures taken by Israel to change the status of the city of Jerusalem*

353. On 18 February 1971, the Secretary-General, in pursuance of Security Council resolutions 252 (1968), 267 (1969) and 271 (1969) and General Assembly resolution 2254 (ES-V), submitted a report concerning Jerusalem that included the texts of notes from him to the Permanent Representative of Israel and the replies thereto.<sup>497</sup>

354. In a note of 10 December 1970 the Secretary-General stated that, after publication of a press report on 19 August 1970 concerning a master plan for an area within and outside the Old City walls of Jerusalem in which the United Nations premises at Government House had been classified as a residential area, the representatives of UNTSO, on instructions from the Secretary-General, had approached the Israeli authorities on the matter and, on 12 November, had been informed that the plan in question had not yet been made public, but had not received any reply to the question whether the plan affected the Government House premises. In order to meet his responsibilities to the Security Council and to the General Assembly in relation to the status of the City of Jerusalem, the Secretary-General requested Israel to supply him with detailed information on the reported master plan together with a copy thereof. The Secretary-General underscored the importance he attached to the status of the United Nations premises at Government House and requested clarification from the Israeli authorities on whether the reported master plan envisaged any development affecting those premises, either in its current limits or those before June 1967. In a reply dated 8 January 1971 it was indicated that the Israeli position as regards Government House continued to be the same as in August 1967 and that no changes were contemplated in the arrangements made then.<sup>498</sup>

355. On 26 January, the report continued, the Secretary-General had sent two further notes to the representative of Israel. In the first note, the Secretary-General again requested detailed information on, and a copy of, the master plan. In the second note, the Secretary-General stated that he had been informed by UNTSO that a bulldozer had commenced working on the south-eastern side of those premises. That, together with recent press reports about the immediate implementation of a housing project in the area, indicated a further and serious violation of the inviolability of the United Nations premises under the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations. The Secretary-General remained of the view that there was no basis for any curtailment of United Nations rights to Government House as constituted on 5 June 1967. Accordingly he requested the unreserved return to the United Nations of the remainder of its Government House premises. As of 18 February 1971 no reply had been received to the two notes.

356. On 20 April 1971 the Secretary-General issued an addendum to his report of 18 February 1971,<sup>499</sup> in which he stated that on 8 March he had received a note in reply to his two notes of 26 January. The representative of Israel had stated that the position of his Government remained as it had been conveyed to the Secretary-General in previous communications on the subject. The Government placed on record its reservations to the considerations advanced by the Secretary-General, particularly to claims of the United Nations to the occupancy and possession of the whole of the premises of Government House. In his reply dated 12 April 1971 the

Secretary-General observed that the reservations made in Israel's note had been raised for the first time and had not been mentioned when part of the Government House premises had been returned to the United Nations in August 1967, although the Secretary-General had expressly preserved the rights of the United Nations to the occupancy and possession of the whole of the Government House premises as constituted when UNTSO had been forced to evacuate them on 5 June 1967. He further observed that it was in reliance on the preservation of those rights that he had authorized the return of the UNTSO staff to a lesser area. He added that as Israel's reservations related in part to legal considerations, one way of resolving any differences would be to resort to the procedure of settlement provided for in the Convention on the Privileges and Immunities of the United Nations. In the circumstances, the Secretary-General was constrained to reiterate his request for the unreserved return to the United Nations of the remainder of its Government House premises.

357. With further reference to his reports of 18 February and 20 April 1971 under Security Council resolutions 252 (1968), 267 (1969) and 271 (1969) and General Assembly resolution 2254 (ES-V) concerning Jerusalem, the Secretary-General issued a report on 20 August 1971,<sup>500</sup> containing a further exchange of communications between himself and the representative of Israel. In a note dated 18 August that representative had stated that no changes were contemplated with regard to the situation as stated in the exchange of letters of July and August 1967. On the following day, in a note to the representative of Israel, the Secretary-General had indicated that he understood the representative's note to mean that his Government, having already discontinued all construction and other works within the area of the United Nations premises at Government House, would refrain from re-initiating such construction until the difference of opinion reflected in the 1967 exchange of letters had been resolved. If that understanding were incorrect, the Secretary-General reiterated that one way of resolving any differences would be to resort to the procedure for settlement laid down in the Convention on the Privileges and Immunities of the United Nations.

358. On 25 September 1971 the Security Council adopted resolution 298 (1971), in which it urgently called upon Israel to rescind all previous measures and actions regarding Jerusalem and to take no further steps in the occupied section of the city which might purport to change the status of Jerusalem or be otherwise prejudicial, and requested the Secretary-General, in consultation with the President of the Security Council and using such instrumentalities as he might choose, including a representative or a mission, to report to the Council as appropriate and in any event within sixty days of the implementation of the resolution.

359. In a report dated 19 November 1971 submitted pursuant to Security Council resolution 298 (1971)<sup>501</sup> the Secretary-General stated that he had held consultations with the President of the Council on the implementation of the resolution 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 as members of the mission the representatives of Argentina, Italy and Sierra Leone, whose Governments had signified their willingness to serve on that mission, and recalled the 60-day limit for reporting. Having received no reply from Israel, he had again, on 28 October, stated that he would appreciate receiving its comments as soon as possible. On 15 November, the representative

of Israel had transmitted a letter containing his Government's views concerning the call made upon Israel in resolution 298 (1971), without, however, touching upon the question of Israel's response to the proposal for a mission. In the letter, the representative of Israel had defended the measures taken by his Government with regard to Jerusalem. On 16 November, the Secretary-General had again addressed a letter to the representative of Israel in which, after having recalled that Israel's reply had not referred to the question of a mission, he had indicated that, inasmuch as the time-limit for his report would expire on 24 November, he had no alternative but to submit his report to the Security Council without taking further action to activate the three-man mission. Consequently, he informed the Council that, since September 1967, he had had no means of obtaining first-hand information in the fulfilment of his reporting responsibilities under resolution 298 (1971). After careful consideration of that resolution, he and the President of the Council had concluded that the best way to fulfil those responsibilities was through a mission of three members of the Council, for which the co-operation of Israel would obviously be required. However, Israel had not indicated willingness to comply with the resolution. 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). Annexed to the report of the Secretary-General were copies of his exchange of letters with the Government of Israel.

i. *Functions exercised with respect to certain Israeli measures in the occupied territories*

360. On 28 October 1977 the General Assembly adopted resolution 32/5 in which it determined that the measures and actions taken by Israel, as the occupying power of the occupied Arab territories, and designed to change the legal status, geographical nature and demographic composition of those territories, had no legal validity and constituted a serious obstruction of efforts aimed at achieving a just and lasting peace in the Middle East, called upon Israel to comply strictly with its international obligations in accordance with the principles of international law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War and called once more upon the Government of Israel, as the occupying Power, to desist forthwith from taking any action which would result in changing the legal status, geographical nature or demographic composition of the territories in question. By that resolution the Assembly also requested the Secretary-General to undertake urgent contacts with the Government of Israel to ensure the prompt implementation of the resolution and to submit a report on the results of those contacts to the General Assembly and the Security Council not later than 31 December 1977.

361. In a report submitted to the General Assembly and the Security Council pursuant to resolution 32/5<sup>502</sup> the Secretary-General stated that, following initial contacts with the Permanent Representative of Israel, he had sent him a *note verbale* asking for all available information relevant to the implementation of that resolution by 12 December 1977. In his reply, dated 9 December 1977, the Permanent Representative had stated that the position and views of his Government had been explained in detail in his statements made in the plenary meetings of the General Assembly on 26 and 28 October 1977 in the course of the debate on agenda item 126.

362. In its resolution 2672 D (XXV) the General Assembly called once more upon the Government of Israel to take immediately and without any further delay effective steps for the return of the persons who had fled the



Israel-occupied areas as a result of the hostilities of June 1967 and requested the Secretary-General to follow the implementation of the resolution and report thereon to the Assembly. In a report submitted to the Assembly at its next session,<sup>503</sup> pursuant to resolution 2672 D (XXV), the Secretary-General stated that he had asked Israel to inform him of the steps it had taken to implement that resolution and reproduced the substantive portion of the reply of the Government of Israel.

363. In eleven resolutions, adopted from the twenty-sixth to the thirty-second sessions inclusive, the General Assembly reiterated that call on Israel, also calling upon it to desist from punitive measures concerning refugees in the Gaza strip and likewise to desist from measures affecting the physical and demographic structure of the occupied territories as well from attacks on refugee camps.<sup>504</sup> In each of the resolutions the Assembly requested the Secretary-General to report on its implementation.<sup>505</sup> All the resolutions, except one of the two adopted at the twenty-sixth session and one of the two adopted at the twenty-seventh,<sup>506</sup> provided that the Secretary-General was to report after consulting the Commissioner-General of UNRWA. The report called for by each of the resolutions was submitted to the General Assembly at its next session. In each report the Secretary-General stated that he had asked the Government of Israel for information on the implementation of the corresponding resolution and reproduced the text of the reply of that Government as well as the information received from the Commissioner-General of UNRWA.<sup>507</sup>

364. In resolution 33/112 F the General Assembly reiterated the calls made upon Israel in resolutions 31/15 D and 32/90 E<sup>508</sup> and requested the Secretary-General, after consulting with the Commissioner-General of UNRWA, to report to it by the opening of the thirty-fourth session on Israel's compliance with the resolution. Similarly, in its resolution 33/112 E, the Assembly reiterated the calls made upon Israel in resolutions 31/15 E and 32/90 C<sup>509</sup> and requested the Secretary-General to submit corresponding reports.

j. *Functions exercised in connection with the deteriorating situation in Beirut and its surroundings that prevailed in October 1978*

365. On 6 October 1978 the Security Council adopted resolution 436 (1978) in the preamble of which the Council noted with grave concern the deteriorating situation in Beirut and its surroundings, expressed deep regret at the consequent loss of life, human suffering and physical destruction and noted the appeal made on 4 October 1978 by the President of the Council and the Secretary-General.<sup>510</sup> In the operative part of the resolution the Council called for an adequate and effective cease-fire and the cessation of hostilities and called upon all involved to allow units of the International Committee of the Red Cross into the area of conflict to evacuate the wounded and provide humanitarian assistance. The Council also supported the Secretary-General in his efforts and requested him "to continue these efforts to bring a durable cease-fire and to keep the Security Council informed on the implementation of the cease-fire." No report was submitted under this resolution during the remainder of the period under review.

3. FUNCTIONS EXERCISED WITH RESPECT TO THE SITUATION IN CYPRUS

a. *Maintenance in force of the mandate of the Secretary-General and certain related provisions*

366. In connection with the events that occurred beginning on 15 July 1974, the Security Council adopted a

number of resolutions, some of which affected the functioning of the United Nations Peace-keeping Force in Cyprus (UNFICYP) and, in some cases, required it to perform certain additional or modified functions. Nevertheless, Security Council resolution 186 (1964), which defined the mandate of the Secretary-General in respect of the situation in Cyprus and had been reaffirmed by the Council during the period covered by *Supplement No. 4*,<sup>511</sup> was further reaffirmed by the Council during the period under review,<sup>512</sup> in which the stationing in Cyprus of UNFICYP was extended by the Council for additional periods of six months.<sup>513</sup> No changes were made in the various agreements concerning UNFICYP, its regulations and its methods of financing. The guiding principles governing the operation of UNFICYP, as formulated by the Secretary-General in 1964, remained in effect.<sup>514</sup>

b. *Developments during the period 1 January 1970 to 14 July 1974*

367. Throughout this period UNFICYP continued to use its best efforts to prevent a recurrence of fighting, to contribute to the restoration and maintenance of law and order and to facilitate the return to normal conditions.<sup>515</sup> Pursuant to paragraph 7 of Security Council resolution 186 (1964) the Secretary-General continued his efforts towards achieving a resumption of the mediation function.<sup>516</sup> Owing primarily to the widely differing and firmly held views on the matter of the three Governments most directly concerned, namely, Cyprus, Greece and Turkey, his efforts were, however, unavailing. Up to 18 June 1972 the Special Representative of the Secretary-General continued to be available for the exercise of his good offices in accordance with his prior terms of reference.<sup>517</sup>

(i) *Participation by the Special Representative of the Secretary-General, in the exercise of the latter's good offices, in the intercommunal talks*

368. In September 1971 the Secretary-General held talks at New York with the Foreign Minister of Cyprus, the Under-Secretary of State for Foreign Affairs of Greece and the Foreign Minister of Turkey.<sup>518</sup> As a consequence of those exchanges of views, the Secretary-General, on 18 October 1971, handed to representatives of these Governments the following *aid-mémoire* formalizing his procedural suggestions:

"The presence at United Nations Headquarters of the Foreign Ministers of Cyprus, Greece and Turkey and of the Secretary-General's Special Representative in Cyprus made possible an exchange of views with the Secretary-General on steps that might usefully be taken to facilitate the search for a settlement of the long-term problems of Cyprus. As a consequence of these conversations, the Secretary-General made a suggestion designed to reactivate and make more effective the intercommunal talks in Cyprus. Although certain aspects of this suggestion did not prove immediately acceptable to all the parties concerned, the proposal as a whole still seems to the Secretary-General to provide a new basis for achieving the ends which all the parties have in mind. For this reason the Secretary-General feels that it may be useful to put his suggestion in writing for the convenience and continued consideration of the parties.

"The Secretary-General's suggestion is that with a view to facilitating the future conduct of the intercommunal talks, his Special Representative in Cyprus, Mr. B. F. Osorio-Tafall, should, in the exercise of the

Secretary-General's good offices, take part in the talks between the representatives of the two communities. It is also suggested that the Governments of Greece and Turkey should each make available a constitutional expert who would attend the talks in an advisory capacity."

369. In that connection the Secretary-General had the opportunity to make it clear that the role in the intercommunal talks of his Special Representative, as envisaged in the *aide-mémoire*, would be in the context of the good offices which he had been exercising on behalf of the Secretary-General and which had continued to be available to the parties directly concerned. It was not intended that the Special Representative act as mediator or put forward substantive proposals.

370. Visits to Nicosia, Athens and Ankara in January and February 1972, by Mr. Roberto E. Guyer, Under-Secretary-General for Special Political Affairs, resulted in an agreement in principle for the reactivation of the intercommunal talks on the basis of the *aide-mémoire* of 18 October 1971 under a United Nations formula applicable to all concerned.<sup>519</sup> The formula specified that the participation in the reactivated intercommunal talks pursuant to the suggestion of the Secretary-General contained in the *aide-mémoire* of 18 October 1971 would not prejudice the well-known legal and political positions of all concerned.

371. On the basis of further statements of position by the three Governments, the Secretary-General considered that the time had come to call on all concerned to reactivate the intercommunal talks without delay and to resume the search for settlement of the long-term problem of Cyprus. He submitted identical copies of an *aide-mémoire* to this effect on 18 May 1972 to the Permanent Representatives of Cyprus, Greece and Turkey. Copies were also handed on 19 May to the President of Cyprus, the Vice-President and the interlocutors in the talks, Mr. Clerides and Mr. Denktash.

372. In his *aide-mémoire* of 18 May 1972, the Secretary-General expressed the understanding that it was the desire of all concerned that the reactivated talks should continue to be, as they had been since 1968, based on the equal status of the representatives of the two communities, exploratory in nature and limited to the internal situation of the independent State of Cyprus and to the constitutional matters relevant thereto. His Special Representative would take part in the talks between the representatives of the two communities in the context of the good offices which he had been exercising on behalf of the Secretary-General and subject to the clarifications mentioned in paragraph 369 above. The Secretary-General voiced the hope that with the agreement of all concerned the talks as suggested would begin shortly. The Special Representative would be at the disposal of those concerned in arranging a convenient time and place.

373. The Permanent Representative of Greece on 22 May and the Chargé d'Affaires of Cyprus and the Acting Permanent Representative of Turkey on 23 May 1972 informed the Secretary-General that they accepted his call for the speedy resumption of intercommunal talks in their new form. Mr. Clerides and Mr. Denktash similarly expressed their agreement on 24 May to the Special Representative in Nicosia. The representatives of Greece and Turkey also notified the Secretary-General that their Governments had designated Mr. Michael Dekleris and Mr. Orhan Aldikacti, respectively, as constitutional experts to attend the talks in an advisory capacity.

374. The inaugural meeting of the reactivated intercommunal talks was held in Nicosia on 8 June 1972 in the presence of the Secretary-General.<sup>520</sup> They were pursued

thereafter on the basis set forth in the *aide-mémoire* of 18 October 1971 and under the "United Nations formula" to which reference has been made.<sup>521</sup>

(ii) *Functions exercised in connection with the importation of arms by the Government of Cyprus in January 1972*<sup>522</sup>

375. On 16 March 1972 the Secretary-General submitted to the Security Council a special report on developments in Cyprus,<sup>523</sup> which dealt with the importation of a quantity of arms by the Government of Cyprus in January 1972 and the efforts made by UNFICYP to minimize the resultant increase of tension in the island. The representatives of Greece and Turkey and the Vice-President of Cyprus had made representations to the Secretary-General on the matter and, as a result, the Secretary-General had conveyed his concern to the President of Cyprus and had offered United Nations assistance in resolving the situation. He had also instructed his Special Representative to draw the attention of the Government to the difficulties created for UNFICYP by the importation of weapons. On 10 March the Minister of Foreign Affairs of Cyprus and the Special Representative had worked out an arrangement concerning storage of the weapons and their inspection at any time by the Force Commander of UNFICYP. The Government, moreover, had undertaken not to distribute those or any other imported weapons. On 15 March 1972 the weapons were inspected by the Force Commander at the Cyprus Police Headquarters.

376. On 21 April 1972, in an addendum to his special report, the Secretary-General said that his Special Representative and the Force Commander had continued discussions with President Makarios and Foreign Minister Kyprianou that had resulted in an improved arrangement for the storage and inspection of the weapons.<sup>524</sup>

(iii) *Arrangements made for reducing the size of the United Nations Peace-keeping Force in Cyprus (UNFICYP)*

377. In his report on the United Nations operation in Cyprus for the period 1 June to 1 December 1973,<sup>525</sup> the Secretary-General outlined a plan for reducing the size of the Force and said that, after consultation with the interested parties and upon the recommendation of the Force Commander, a two-phase arrangement had been worked out. Under the first phase, a reduction of 439 personnel had already been carried out. The second phase would result in a further reduction of 383 personnel. As a result of these two phases a 26 per cent over-all reduction of the strength of the Force would be achieved that would bring about savings of \$1.52 million for each six-month period.

(iv) *Transfer of UNFICYP personnel to Egypt to form the advance elements of the United Nations Emergency Force (UNEF)*

378. In his report on UNFICYP for the period 1 June 1973 to 1 December 1973,<sup>526</sup> the Secretary-General gave an account of the temporary transfer to the Middle East, at the end of October and in November, of personnel of the Austrian, Finnish, Irish and Swedish contingents serving with UNFICYP. The transfer had formed part of the interim measures the Secretary-General proposed to the Security Council, following the adoption of resolution 340 (1973), by which UNEF had been established.<sup>527</sup> The Council having approved the interim measures, the Secretary-General had issued instructions to the Force

Commander, with the agreement of the Governments concerned, to dispatch immediately to Egypt personnel of the Austrian, Finnish and Swedish battalions (to which the Irish infantry group was later added) serving with UNFICYP. Replacements for the personnel thus transferred were sent promptly by the Governments concerned.

c. *Developments from the coup d'état of 15 July 1974 to the end of the period under review*

379. Grave and unexpected events occurring in Cyprus in July and August 1974 brought about fundamental changes that profoundly affected the functioning of UNFICYP and the role of the Secretary-General with respect to Cyprus. The first of these events was a *coup d'état* launched on 15 July 1974 by the Cyprus National Guard against President Makarios. It was followed, on 20 July and 14 August 1974, by landings on the island of Turkish military forces resulting in large-scale hostilities between the National Guard on one side and the Turkish army and Turkish Cypriot fighters on the other. UNFICYP was thus faced with a new situation, not foreseen in its mandate. Although this situation did not result in an explicit modification of the provisions of the mandate of UNFICYP, as laid down in Security Council resolution 186 (1974), the Security Council adopted a number of resolutions of which some affected the functioning of UNFICYP and, in certain cases, required it to perform additional or modified functions. While no large scale hostilities recurred subsequent to 16 August 1974, the occupation by Turkish forces, as from that time, of most of the northern part of Cyprus, which brought about a fundamental change in the operations of UNFICYP, subsisted throughout the remainder of the period under review.

(i) *Security Council and General Assembly resolutions bearing on the mandate of the Secretary-General as a whole*

380. By a letter dated 16 July 1974<sup>528</sup> the Secretary-General requested the President of the Security Council to convene a meeting of the Council in order that he might report to it on the information which he had received through his Special Representative in Cyprus and the Commander of UNFICYP. At a meeting of the Council<sup>529</sup> held the same day the Secretary-General informed it of the *coup d'état* that had occurred in Cyprus the day before and its immediate aftermath.

381. At a meeting of the Council on 20 July 1974<sup>530</sup> the Secretary-General, after reporting on the landing that day of Turkish forces in Cyprus, provided information on the efforts of his Special Representative and UNFICYP to prevent the fighting between Turkish forces and the Cyprus National Guard from spreading into inter-communal fighting. The Secretary-General felt that an enormous responsibility had fallen to the Security Council, namely, the responsibility to put a halt to the fighting, prevent further escalation and find a way to begin to restore the peace. At the meeting the Council adopted resolution 353 (1974), in the preamble of which the Council expressed grave concern about the situation, which had led to a serious threat to international peace and security, and about the necessity to restore the constitutional structure of the Republic of Cyprus, recalling its resolution 186 (1964) and its subsequent resolutions on the matter. The operative part read:

“The Security Council,

“ . . .

“1. *Calls upon* all States to respect the sovereignty, independence and territorial integrity of Cyprus;

“2. *Calls upon* all parties to the present fighting as a first step to cease all firing and requests all States to exercise the utmost restraint and to refrain from any action which might further aggravate the situation;

“3. *Demands* an immediate end to foreign military intervention in the Republic of Cyprus that is in contravention of the provisions of paragraph 1 above;

“4. *Requests* the withdrawal without delay from the Republic of Cyprus of foreign military personnel present otherwise than under the authority of international agreements, including those whose withdrawal was requested by the President of the Republic of Cyprus, Archbishop Makarios, in his letter on 2 July 1974;

“5. *Calls upon* Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland to enter into negotiations without delay for the restoration of peace in the area and constitutional government in Cyprus and to keep the Secretary-General informed;

“6. *Calls upon* all parties to co-operate fully with the United Nations Peace-keeping Force in Cyprus to enable it to carry out its mandate;

“7. *Decides* to keep the situation under constant review and asks the Secretary-General to report as appropriate with a view to adopting further measures in order to ensure that peaceful conditions are restored as soon as possible.”

382. At a meeting of the Council on 23 July 1974<sup>531</sup> the Secretary-General reported on the contacts he had had with various Governments and representatives concerning the instability of the cease-fire and referred to an appeal he had addressed to the Governments concerned for an end to violations of the cease-fire. At that meeting the Security Council subsequently adopted resolution 354 (1974), in which it demanded that all parties to the fighting comply immediately with the provisions of paragraph 2 of its resolution 353 (1974).

383. In a statement made at a meeting of the Security Council on 31 July 1974<sup>532</sup> the Secretary-General noted that a Declaration adopted on 30 July, at the negotiations being held pursuant to resolution 353 (1974), envisaged certain tasks for UNFICYP. The relevant part of the Declaration, the text of which had been transmitted to the Secretary-General by the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom and forwarded by the former to the President of the Security Council, read:<sup>533</sup>

“ . . .

“2. The three Foreign Ministers declared that in order to stabilize the situation the areas in the Republic of Cyprus controlled by opposing armed forces on 30 July 1974 at 2200 hours (Geneva time) should not be extended; they called on all forces, including irregular forces, to desist from all offensive or hostile activities.

“3. The three Foreign Ministers also concluded that the following measures should be put into immediate effect:

“(a) A security zone of size to be determined by representatives of Greece, Turkey and the United Kingdom in consultation with the United Nations Peace-keeping Force in Cyprus (UNFICYP) should be established at the limit of the areas occupied by the Turkish armed forces at the time specified in paragraph 2 above. This zone should be entered by no forces other than those of UNFICYP, which should supervise the prohibition of entry. Pending the determination of the

size and character of the security zone, the existing area between the two forces should be entered by no forces.

“(b) All the Turkish enclaves occupied by Greek or Greek-Cypriot forces should be immediately evacuated. These enclaves will continue to be protected by UNFICYP and to have their previous security arrangements. Other Turkish enclaves outside the area controlled by the Turkish armed forces shall continue to be protected by an UNFICYP security zone and may, as before, maintain their own police and security forces.

“(c) In mixed villages the functions of security and police will be carried out by UNFICYP.”

In the Declaration, the three Foreign Ministers also agreed to have further talks in Geneva beginning on 8 August 1974, to convey the contents of the Declaration to the Secretary-General of the United Nations and to invite him to take appropriate action in the light of it.

384. On 1 August 1974, the Security Council adopted resolution 355 (1974), in the preamble of which the Council recalled its resolutions 186 (1964), 353 (1974) and 354 (1974), noted that all States had declared their respect for the sovereignty, independence and territorial integrity of Cyprus and took note of the statement made by the Secretary-General at the 1788th meeting. The operative part of the resolution read:

“*The Security Council,*

“ . . .

“*Requests* the Secretary-General to take appropriate action in the light of his statement and to present a full report to the Council, taking into account that the cease-fire will be the first step in the full implementation of Security Council resolution 353 (1974).”

385. On 14 August 1974 the negotiations of the three Foreign Ministers, which had been resumed at Geneva, ended without agreement. On the morning of that day a second Turkish military operation was started, resulting in the occupation of most of the northern part of Cyprus.

386. On 14 August 1974 the Security Council adopted resolution 357 (1974) in which it called for the resumption of negotiations without delay for the restoration of peace in the area and constitutional government in Cyprus, in accordance with resolution 353 (1974).

387. At a meeting of the Security Council held on 15 August 1974<sup>534</sup> the Secretary-General said that he deeply deplored the resumption of fighting and the breakdown of negotiations. He added that in the existing situation it was impossible for UNFICYP to continue with the task of implementing resolution 353 (1974), although it was doing its utmost to assist the population, arrange local cease-fires, de-escalate the fighting and prevent the recurrence of intercommunal strife.

388. Later on at the same meeting the Security Council adopted resolutions 358 (1974) and 359 (1974). By the former, the Council insisted on the full implementation of resolutions 353 (1974), 354 (1974), 355 (1974) and 357 (1974), and on the immediate and strict observance of the cease-fire. In the preamble of resolution 359 (1974) the Council noted with concern that casualties were increasing among the personnel of UNFICYP, recalled that UNFICYP was stationed in Cyprus with the full consent of the Governments of Cyprus, Turkey and Greece and observed that the Secretary-General had been requested by the Council, in resolution 355 (1974), to take appropriate action in the light of his statement at the 1788th meeting of the Council.<sup>535</sup> The operative part of resolution 359 read:

“*The Security Council,*

“ . . .

“1. *Deeply deplores* the fact that members of the United Nations Peace-keeping Force in Cyprus have been killed and wounded;

“2. *Demands* that all parties concerned fully respect the international status of the United Nations Force and refrain from any action which might endanger the lives and safety of its members;

“3. *Urges* the parties concerned to demonstrate in a firm, clear and unequivocal manner their willingness to fulfil the commitments they have entered into in this regard;

“4. *Demands further* that all parties co-operate with the United Nations Force in carrying out its tasks, including humanitarian functions, in all areas of Cyprus and in regard to all sections of the population of Cyprus;

“5. *Emphasizes* the fundamental principle that the status and safety of the members of the United Nations Peace-keeping Force in Cyprus, and for that matter of any United Nations peace-keeping force, must be respected by the parties under all circumstances.”

389. At a meeting of the Security Council on 16 August 1974<sup>536</sup> the Secretary-General stated that the Prime Minister of Turkey had announced the acceptance by his Government of a cease-fire as from 1200 hours New York time that day, and that reports from UNFICYP indicated that it had gone into effect. The Security Council then adopted, at the same meeting, resolution 360 (1974), by which the Council recorded its disapproval of the unilateral military actions undertaken against the Republic of Cyprus, urged the parties to comply with all the previous resolutions of the Council and resume without delay the negotiations called for in resolution 353 (1974), and also requested the Secretary-General to report to the Council, as necessary, with a view to the possible adoption of further measures designed to promote the restoration of peaceful conditions.

390. At a meeting on 30 August 1974, the Security Council had before it a report by the Secretary-General informing it of a meeting held in August under his chairmanship between the leaders of the two communities in Cyprus.<sup>537</sup> At that meeting the Security Council adopted resolution 361 (1974), in the preamble of which it recalled its earlier resolutions on Cyprus, noted that a large number of people in Cyprus had been displaced and were in dire need of humanitarian assistance, expressed the view that one of the foremost purposes of the United Nations was to lend humanitarian assistance in situations such as the one then prevailing in Cyprus and noted that the United Nations High Commissioner for Refugees had been appointed Co-ordinator of United Nations Humanitarian Assistance for Cyprus. Operative paragraphs 1 and 2, 4 to 6, and 8 of the resolution read:

“*The Security Council,*

“ . . .

“1. *Expresses its appreciation* to the Secretary-General for the part he has played in bringing about talks between the leaders of the two communities in Cyprus;

“2. *Warmly welcomes* this development and calls upon those concerned in the talks to pursue them actively with the help of the Secretary-General and in the interests of the Cypriot people as a whole;

“ . . .

“4. *Expresses its grave concern* at the plight of the refugees and other persons displaced as a result of the situation in Cyprus and urges the parties concerned, in conjunction with the Secretary-General, to search for peaceful solutions to the problems of refugees and

take appropriate measures to provide for their relief and welfare and to permit persons who wish to do so to return to their homes in safety;

"5. *Requests* the Secretary-General to submit at the earliest possible opportunity a full report on the situation of the refugees and other persons referred to in paragraph 4 above and decides to keep that situation under constant review;

"6. *Further requests* the Secretary-General to continue to provide emergency United Nations humanitarian assistance to all parts of the population of the island in need of such assistance;

"8. *Reiterates* its call to all parties to co-operate fully with the United Nations Peace-keeping Force in Cyprus in carrying out its tasks;"

391. On 1 November 1974 the General Assembly adopted resolution 3212 (XXIX) in the preamble of which it expressed grave concern about the continuation of the Cyprus crisis and stated that it should be solved without delay by peaceful means in accordance with the purposes and principles of the United Nations. Paragraphs 4 and 6 to 10 of the operative part read:

"*The General Assembly,*

"4. *Commends* the contacts and negotiations taking place on an equal footing, with the good offices of the Secretary-General, between the representatives of the two communities and calls for their continuation with a view to reaching freely a mutually acceptable political settlement, based on their fundamental and legitimate rights;

"6. *Expresses the hope* that, if necessary, further efforts including negotiations can take place, within the framework of the United Nations, for the purpose of implementing the provisions of the present resolution, thus ensuring to the Republic of Cyprus its fundamental right to independence, sovereignty and territorial integrity;

"7. *Requests* the Secretary-General to continue to provide United Nations humanitarian assistance to all parts of the population of Cyprus and calls upon all States to contribute to that effort;

"8. *Calls upon* all parties to continue to co-operate fully with the United Nations Peace-keeping Force in Cyprus, which may be strengthened if necessary;

"9. *Requests* the Secretary-General to continue to lend his good offices to the parties concerned;

"10. *Further requests* the Secretary-General to bring the present resolution to the attention of the Security Council."

392. On 13 December 1974 the Security Council adopted resolution 365 (1974) in which, after noting with satisfaction that General Assembly resolution 3212 (XXIX) had been adopted unanimously, endorsed that resolution, urged the parties concerned to implement it as soon as possible and requested the Secretary-General to report on the implementation of resolution 365 (1974).

393. On 12 March 1975 the Security Council adopted resolution 367 (1975), in the preamble of which it expressed deep concern at the continuation of the crisis in Cyprus and recalled its previous resolutions, in particular resolution 365 (1974). In paragraphs 1, 2 and 3 the Council called once more upon States to respect the sovereignty, independence and territorial integrity of Cyprus, expressed regret over the unilateral decision of 13 February 1975 by which a part of the Republic of Cyprus

would become "a Federated Turkish State" and affirmed that that decision did not prejudice the final settlement of the problem of Cyprus. Paragraphs 4 to 9 of the resolution read:

"*The Security Council,*

" . . .

"4. *Calls* for the urgent and effective implementation of all parts and provisions of General Assembly resolution 3212 (XXIX), endorsed by Security Council resolution 365 (1974);

"5. *Considers* that new efforts should be undertaken to assist the resumption of the negotiations referred to in paragraph 4 of resolution 3212 (XXIX) between the representatives of the two communities;

"6. *Requests* the Secretary-General accordingly to undertake a new mission of good offices and to that end to convene the parties under new agreed procedures and place himself personally at their disposal, so that the resumption, the intensification and the progress of comprehensive negotiations, carried out in a reciprocal spirit of understanding and of moderation under his personal auspices and with his direction as appropriate, might thereby be facilitated;

"7. *Calls upon* the representatives of the two communities to co-operate closely with the Secretary-General in the discharge of this new mission of good offices and asks them to accord personally a high priority to their negotiations;

"8. *Calls upon* all the parties concerned to refrain from any action which might jeopardize the negotiations between the representatives of the two communities and to take steps which will facilitate the creation of the climate necessary for the success of those negotiations;

"9. *Requests* the Secretary-General to keep the Security Council informed of the progress made towards the implementation of resolution 365 (1974) and of the present resolution, and to report to the Council whenever he considers it appropriate and, in any case, before 15 June 1975;"

394. In its resolution 370 (1974) of 13 June 1975 the Security Council requested the Secretary-General, in operative paragraph 6, to continue the mission of good offices entrusted to him by paragraph 6 of resolution 367 (1974), to keep the Council informed of the progress made and to submit an interim report by 15 September 1975 and a definitive one not later than 15 December 1975.

395. On 20 November 1975, the General Assembly adopted resolution 3395 (XXX), in the preamble of which it noted with concern that four rounds of talks between the representatives of the two Cypriot communities in pursuance of Security Council resolution 367 (1975) had not yet led to a mutually acceptable settlement and expressed deep concern at the continuation of the crisis in Cyprus. Paragraphs 5 and 7 to 9 of the operative part read:

"*The General Assembly,*

" . . .

"5. *Calls* for the immediate resumption in a meaningful and constructive manner of the negotiations between the representatives of the two communities, under the auspices of the Secretary-General, to be conducted freely on an equal footing with a view to reaching a mutually acceptable agreement based on their fundamental and legitimate rights;

" . . .

"7. *Requests* the Secretary-General to continue his role in the negotiations between the representatives of the two communities;

"8. *Also requests* the Secretary-General to bring the present resolution to the attention of the Security Council and to report on its implementation as soon as appropriate and not later than 31 March 1976;

"9. *Calls upon* all parties to continue to co-operate fully with the United Nations Peace-keeping Force in Cyprus;"

396. On 12 November 1976 the General Assembly adopted resolution 31/12, in the preamble of which it expressed deep concern over the prolongation of the Cyprus crisis and deep regret over the fact that the United Nations resolutions on Cyprus had not yet been implemented. In operative paragraphs 1 and 2 of the resolution the Assembly reaffirmed its resolutions 3212 (XXIX) and 3395 (XXX); other paragraphs read:

"*The General Assembly,*

" . . .

"3. *Calls upon* all parties concerned to co-operate fully with the Secretary-General in this regard;

"4. *Requests* the Secretary-General to continue to provide his good offices for the negotiations between the representatives of the two communities;

" . . .

"6. *Requests* the Secretary-General to follow up the implementation of the present resolution and report thereon to the General Assembly at its thirty-second session;"

397. On 15 September 1977 the Security Council adopted resolution 414 (1977) in which it expressed concern over recent developments, called upon the parties concerned to refrain from all unilateral actions in Cyprus that might affect adversely the prospects for a just and peaceful solution and called once more for the urgent implementation of its resolution 367 (1975) and General Assembly resolution 3212 (XXIX). The Council also expressed concern at the lack of progress at the intercommunal talks, called upon the representatives of the two communities to resume negotiations, under the auspices of the Secretary-General, as soon as possible, on the basis of comprehensive and concrete proposals, and requested the Secretary-General to keep the Council informed of developments that might adversely affect the implementation of the resolution.

398. On 9 November 1977 the General Assembly adopted resolution 32/15 in which it called for the urgent resumption of the negotiations between the representatives of the two communities, demanded that the parties concerned refrain from unilateral actions, called upon them to co-operate fully with the Secretary-General in the performance of his tasks under the relevant General Assembly and Security Council resolutions, as well as with UNFICYP, and requested the Secretary-General to follow the implementation of the resolution and report thereon to the Assembly at its thirty-third session.

399. On 9 November 1978 the General Assembly adopted resolution 33/15 in which it demanded the effective implementation of the relevant General Assembly and Security Council resolutions, called for the withdrawal of foreign armed forces and foreign military presence from Cyprus and for the respect of human rights in Cyprus, repeated the call upon the parties to refrain from unilateral actions and requested the Secretary-General to follow up on the implementation of the resolution and report on all its aspects to the Assembly at its thirty-fourth session.

(ii) *Implementation of the overall mandate of the Secretary-General*

(a) *Bearing on the mandate of UNFICYP of the events of July 1974 and the resulting situation*

400. The Secretary-General commented on several occasions on the manner in which the situation resulting from the events of July and August 1974 bore on the mandate of UNFICYP.

401. At a meeting of the Security Council held on 16 July 1974, that is, following the *coup d'état* but before the landing of Turkish forces on the island, the Secretary-General recalled that "the mandate of UNFICYP is in the context of the conflict between the two communities in Cyprus", this being why UNFICYP was "deployed along the lines of confrontation between those two communities" and therefore "did not have direct observation of most of the areas of current fighting, which is related to rivalries within one community" and not "on those lines of confrontation".<sup>538</sup> He also said that while "the mandate of UNFICYP is specifically related to the conflict between the two communities in Cyprus and the Force cannot therefore be involved in the internal affairs of one of the communities, the repercussions of violent disturbances such as those of the past two days can very easily extend beyond the confines of one community." He added that when "this happens the matter becomes one of direct concern to UNFICYP under its mandate".

402. In a report dated 25 July 1974<sup>539</sup> the Secretary-General observed that the situation then prevailing in Cyprus had not been envisaged when the Council had adopted resolution 186 (1964), noting, however, that in paragraph 5 of that resolution the Council had recommended that one of the functions of the Force should be "in the interest of preserving international peace and security, to use its best efforts to prevent a recurrence of fighting". After pointing out that resolution 353 (1974), which had called for a cease-fire, had also called on all parties "to co-operate fully with the United Nations Peace-keeping Force in Cyprus to enable it to carry out its mandate", he stated that it had been his understanding that UNFICYP should, and indeed must, use its best efforts to ensure, as far as its capabilities permitted, that the cease-fire called for by the Council was maintained.

403. At a meeting of the Security Council on 27 July 1975<sup>540</sup> the Secretary-General said that the question of interposing UNFICYP between the Turkish forces and the Cypriot National Guard in order to stabilize the cease-fire had been raised. He added the following:

"You will remember that the mandate of UNFICYP was written in the context of preventing a recurrence of fighting between the two communities in Cyprus. It did not envisage the interposition of UNFICYP between the armed forces of another Member State and the armed forces of Cyprus."

404. The Secretary-General went on to say that he had instructed his representative in Geneva to discuss with the three Foreign Ministers carrying on the negotiations the best way in which UNFICYP could actively assist in limiting further hostilities and cease-fire violations.

405. At a meeting of the Security Council held on 29 July 1974<sup>541</sup> the Secretary-General observed that "the present situation was not envisaged when the UNFICYP mandate was established in 1964, and the elements of UNFICYP which are now stationed within the area controlled by Turkish forces find themselves in a position which is not covered by that mandate". At a Council meeting held on 31 July 1974<sup>542</sup> the Secretary-General stated that the question of the nature of UNFICYP's

continued presence in the Turkish area of control still needed clarification. At a Council meeting on 15 August 1974<sup>543</sup> the Secretary-General said it was "obvious that under its present mandate and at its present strength UNFICYP could not interpose between two armies engaged in full scale hostilities."

406. In a report to the Security Council dated 28 August 1974<sup>544</sup> the Secretary-General said that the situation in Cyprus was clearly not the one in which the original mandate of UNFICYP had been established. In the situation prevailing then it was clear, he added, that the functions of UNFICYP would soon have to be redefined. He went on to say that there was by no means full agreement among the parties as to how, and with what objectives, UNFICYP should function and pointed out that the nature of the negotiated settlement which would, he hoped, soon be achieved, would also be a decisive factor in the future role of UNFICYP.

(b) *Functions exercised by UNFICYP and the Secretary-General to prevent fighting and in connection with the cease-fire called by the Security Council in its resolutions 353 (1974), 354 (1974), 357 (1974) and 358 (1974)*

i. *From the coup d'état to the cease-fire of 16 August 1974*

407. In his report for the period 23 May to 5 December 1974<sup>545</sup> the Secretary-General stated that on 15 July 1974, as soon as the *coup d'état* had been reported, UNFICYP had immediately been brought to a high state of readiness. Additional liaison officers were deployed at all levels and increased observation was maintained throughout the island in all areas of likely intercommunal confrontation. It was not necessary to carry out any redeployment of the Force but certain special measures were taken to ensure the security of the Turkish Cypriot community. A few cases of firing into the Turkish enclave north of Nicosia were reported; the firing was stopped through liaison with the National Guard.

408. On 20 July 1975, the date of the Turkish landing, UNFICYP was placed on full alert. An increased level of observation was maintained throughout the island and additional precautions were taken to safeguard isolated Turkish Cypriot villages. The National Guard reacted to the Turkish operations by strong simultaneous attacks in other parts of the island against most of the Turkish Cypriot quarters and villages. The best UNFICYP could achieve under the circumstances was to arrange local cease-fires to prevent further damage to life and property, as the Turkish Cypriot fighters, who were mainly deployed to protect isolated villages and town sectors, were heavily outnumbered. In all areas, including the Kyrenia sector, intensified United Nations patrolling was carried out, a close watch was maintained over the battle zone and all possible efforts were made to promote the safety of civilians.<sup>546</sup>

409. On 21 July 1974 the Secretary-General addressed appeals to the Foreign Ministers of Greece and Turkey for urgent and positive response to resolution 353 (1974).<sup>547</sup> At a meeting of the Security Council on 22 July 1974,<sup>548</sup> the Secretary-General reported that the two Governments had agreed to a cease-fire to take effect at 1600 hours that day in Cyprus.

410. On 23 July 1974 the Secretary-General addressed an appeal to the Prime Ministers of Greece and Turkey and the Acting President of Cyprus, asking them most urgently to give instructions to their military forces that no further violations of the cease-fire should take place

and that, where territory had been taken after the time of the cease-fire, troops should return to the positions occupied when the cease-fire had come into effect.<sup>549</sup>

411. At a meeting of the Security Council held on 24 July 1974<sup>550</sup> the Secretary-General informed the Council that he had received a letter from the Foreign Minister of Turkey to the effect that, without prejudice to the contention of his Government as to the legality of the United Nations presence at the Nicosia airport,<sup>551</sup> the Government undertook not to assume possession of it by force, the threat of force or other means of coercion.

412. Following the cease-fire of 22 July 1974 UNFICYP endeavoured to assist the parties in making the cease-fire effective and in delineating the positions of the parties as at 1600 hours on 22 July. Additional United Nations observation posts were established in the confrontation areas and extensive patrolling was carried out in order to maintain a United Nations presence throughout the island.<sup>552</sup> UNFICYP was redeployed to meet the new situation and two new operational districts were established on either side of the Turkish bridgehead. In the rest of the island no major redeployments were necessary but all districts were reinforced and the general level of surveillance throughout the island was increased accordingly.

413. In a report dated 10 August 1974<sup>553</sup> the Secretary-General informed the Security Council that the military representatives of Greece, Turkey and the United Kingdom, together with a representative of UNFICYP, had begun meeting in Nicosia on 2 August 1974. On 9 August they had signed an agreement on the demarcation line which had been submitted to the Foreign Ministers meeting at Geneva. Since the military representatives had not as yet determined the size of the security zone to be established at the limit of the areas occupied by the Turkish armed forces on 30 July 1974 at 2200 hours, Geneva time, the action of UNFICYP in relation to paragraph 3 (a) of the Geneva Declaration (quoted in paragraph 383 above) had been limited to the participation of a representative of UNFICYP in the deliberations of the military representatives.

414. Upon the breakdown of the Geneva Conference in the morning of 14 August 1974, all contingents were warned that further large-scale hostilities were imminent. Following the resumption of the fighting that day, armoured reconnaissance units of UNFICYP maintained observation over the battle zone wherever possible. Throughout the day UNFICYP continually tried to bring about a further cease-fire, particularly within the Nicosia area. During the night of 14-15 August, a partial cease-fire was achieved in Nicosia to allow non-combatants to be evacuated, but by the early morning of 15 August fighting had again broken out. On the night of 15-16 August a further cease-fire was achieved in the Nicosia area. UNFICYP made a major effort to prevent intercommunal fighting but it was unable to do so in certain combat areas where UNFICYP posts had to be withdrawn.<sup>554</sup>

415. At a meeting of the Security Council held on 16 August 1974<sup>555</sup> the Secretary-General, after referring to the announcement by the Prime Minister of Turkey that his Government accepted a cease-fire as from 12 hours New York time that day, said that at 2300 hours local time the cease-fire was holding in all districts.

ii. *During the remainder of the period under review*

416. Immediately after the cease-fire on 16 August 1974 an intensive patrolling programme was carried out by UNFICYP to establish and record the forward limits of

the positions of both sides. A surveillance system of observation posts and patrols was then established to monitor all military activity, with particular emphasis on the sensitive areas. In addition a large number of local cease-fire agreements were negotiated by units of UNFICYP.<sup>556</sup>

417. In his reports on the United Nations operation in Cyprus for the period from 6 December 1974 to 8 December 1975<sup>557</sup> the Secretary-General stated that the surveillance system had been improved and developed and that following the transfer to the north, in September 1975, of the bulk of the Turkish Cypriot population, the Force had been redeployed in the areas of confrontation between the Turkish forces and the Cyprus National Guard.

418. In supervising thenceforth the areas of confrontation between the National Guard and the Turkish forces and later on the cease-fire lines of the two, UNFICYP used its best efforts to prevent a recurrence of fighting by persuading both parties to refrain from violations of the cease-fire by shooting, by forward movements or by construction of new defensive positions.<sup>558</sup> UNFICYP also endeavoured to detect minefields.<sup>559</sup>

(c) *Functions with respect to the intercommunal talks*

i. *Prior to the adoption of Security Council resolution 367 (1975)*

419. In a report to the Security Council dated 28 August 1974 the Secretary-General stated that he had presided over a meeting on humanitarian matters between Mr. Clerides and Mr. Denktash. He had also met with the Prime Ministers and Foreign Ministers of Greece and Turkey and had, despite the existing obstacles, found on all sides a strong desire to achieve a negotiated settlement.<sup>560</sup>

420. At meetings held in September and October 1974 Mr. Clerides and Mr. Denktash discussed a number of humanitarian matters with the assistance of the Special Representative. Agreements concluded at those meetings provided for a mutual release of prisoners and detainees, which was completed on 31 October 1974. Agreement was also reached on a number of other humanitarian matters.<sup>561</sup>

421. In a report dated 18 February 1975<sup>562</sup> the Secretary-General gave an account of further talks between Mr. Clerides and Mr. Denktash that had taken place that month and the preceding one and had produced an agreement to begin negotiations by discussing the powers and functions of the central government in a federal state. Annexed to the report was a statement issued by Mr. Denktash on 13 February announcing the restructuring and reorganization of the Turkish Cypriot Administration on the basis of a secular and federated state until the Constitution of the Republic was amended to become the Constitution of the Federal Republic of Cyprus and until that Federal Republic was established. Also annexed to the report was a statement by President Makarios criticizing the Turkish Cypriot decision and stating that in the circumstances it was not possible to carry out constructive negotiations as provided by General Assembly resolution 3212 (XXIX).<sup>563</sup>

422. At a meeting of the Security Council held on 21 February 1975<sup>564</sup> the Secretary-General said that he still believed that the talks between Mr. Clerides and Mr. Denktash in the presence of his Special Representative, suspended as a result of the developments described in his report, could provide a basis for progress, although he fully recognized the need for a new and fresh approach in the negotiating process.

ii. *Following the adoption of Security Council resolution 367 (1975)*

423. In operative paragraph 6 of Security Council resolution 367 (1975) of 12 March 1975, quoted in paragraph 393 above, the Secretary-General was requested to undertake a new mission of good offices in accordance with modalities laid down therein. This request was reiterated in paragraphs 9, 7 and 4 of General Assembly resolutions 3212 (XXIX), 3395 (XXX) and 31/12, respectively, as well as in paragraph 4 of General Assembly resolution 33/15. It was also reiterated in paragraphs 6 of Security Council resolutions 370 (1975), 383 (1975), 391 (1976), 401 (1976), 410 (1977), 422 (1977), 430 (1978) and 443 (1978), by each of which the Council extended the stationing of UNFICYP for six months. Resolution 370 (1975) called for an interim report by 15 September 1975 and a definitive one by 15 December 1975. Each of the seven other resolutions set a time limit of from three and a half to five and a half months for the submission of a report.

424. Following the adoption of Security Council resolution 367 (1975) the President of the Council said that its members requested the Secretary-General to report to it whenever he considered it appropriate and, taking account of the views of the parties concerned, on additional new elements which he believed might facilitate the early and successful conclusion of the negotiations in fulfilment of the provisions of resolution 367 (1975). He believed that he also spoke for the Council in noting that it would be the most practical arrangement if the talks between the parties were normally to take place at United Nations Headquarters, adding that it was his understanding that the Secretary-General intended to consult with the parties on all modalities of the talks.<sup>565</sup>

425. On 4 May 1975 the Secretary-General submitted an interim report<sup>566</sup> to the Council on the first round of negotiations between the leaders of the two communities, held in Vienna from 28 April to 3 May 1975 with his participation. It had been agreed that an expert committee of the two parties would examine proposals on governmental issues. Agreement had also been reached in principle on the reopening of Nicosia International Airport and its repair by the United Nations. The second round of talks, held in early June 1975 in Vienna, produced agreement on certain procedural matters.<sup>567</sup>

426. On 5 August 1975 the Secretary-General submitted a report to the Council on the third round of talks, held in Vienna from 31 July to 2 August 1975.<sup>568</sup> A communiqué attached to the report stated that, among other points, agreement had been reached that the Turkish Cypriots in the south of the island would be allowed, if they so wished, to proceed north with UNFICYP assistance; that a number of Greek Cypriots would be transferred to the north; that Greek Cypriots in the north would be free to stay and would be helped to lead a normal life; that those who wished to move south would be free to do so. Both sides had affirmed that they were not holding undeclared prisoners of war but agreed to facilitate searches. The two sides declared that the Nicosia International Airport could be used, as a first step, by the United Nations for its needs.<sup>569</sup>

427. On 10 September 1975 the Secretary-General submitted an interim report on the fourth round of talks, held at United Nations Headquarters.<sup>570</sup> A communiqué reproduced in the report stated that the Secretary-General had had extensive discussions with Mr. Clerides and Mr. Denktash and that a formal meeting had been held on 10 September. In the absence of concrete proposals the talks had been adjourned but it had been agreed



that the Secretary-General would remain in contact with the parties regarding future action.

428. On 12 December 1975 the Foreign Ministers of Greece and Turkey signed, in Brussels, a *procès-verbal* by which they asked the Secretary-General to appeal to the representatives of the two communities to continue their talks without prior conditions with a view to arriving at a package deal on an agenda containing the following subjects: territorial issues, federal structure, powers of a central government.<sup>571</sup>

429. In an interim report of 24 February 1976 on the fifth round of talks,<sup>572</sup> held in Vienna from 17 to 21 February 1976, the Secretary-General transmitted the text of an agreed press communiqué issued at the conclusion of the talks. Agreement had been reached on certain matters of procedure. It had been agreed, in particular, that the two Cypriot representatives would meet in Cyprus with the Special Representative to examine a number of humanitarian problems.<sup>573</sup>

430. In his report<sup>574</sup> for the period from 9 December 1975 to 5 June 1976 the Secretary-General stated that both he and his Special Representative had remained in close touch with the parties. He expressed the conviction that, despite the difficulties, the best hope of achieving a just and lasting settlement of the Cyprus problem was through negotiations between the representatives of the two communities. Both sides, while expressing certain reservations, had indicated publicly that they shared his views in that regard. He felt, however, that for those negotiations to serve any useful purpose, the parties must be willing to show the necessary flexibility and to respect and carry out agreements reached at previous rounds of talks.

431. In a report dated 30 October 1976<sup>575</sup> the Secretary-General described the contacts his Special Representative had had with President Makarios and Mr. Denktash in Nicosia and with the Foreign Ministers of Turkey and Greece and other high officials in Ankara and Athens, as well as his own consultations with the representatives of the two communities, in New York, before the opening of the General Assembly. He regretted to report that the difficulties in the way of resuming meaningful negotiations had yet to be overcome and the differences between the two sides had, in practice, shown little sign of narrowing.

432. In his report for the period 6 June to 6 December 1976<sup>576</sup> the Secretary-General stated that, since 30 October 1976, he and his Special Representative had maintained close contact with the parties concerned in a continuing effort to overcome the difficulties that stood in the way of a resumption of the intercommunal talks under his auspices. While both sides favoured a resumption of the negotiating process, their conflicting positions as outlined in the report remained unaltered.

433. At a meeting of the Security Council on 14 December 1976<sup>577</sup> the Secretary-General assured the Council that he and his Special Representative would continue their efforts to bring about a resumption of the negotiations between the representatives of the two Cypriot communities at an early date.

434. In a report dated 30 April 1977<sup>578</sup> the Secretary-General reviewed developments that had led to a high-level meeting of President Makarios and Mr. Denktash under his personal auspices on 12 February 1977. He set out the texts of the agreed instructions (guidelines) for the intercommunal talks as a basis for future negotiations that had been issued following the meeting. These instructions read:

“1. We are seeking an independent, non-aligned bi-communal Federal Republic.

“2. The territory under the administration of each community should be discussed in the light of economic viability or productivity and land ownership.

“3. Questions of principles like freedom of movement, freedom of settlement, the right of property and other specific matters are open for discussion, taking into consideration the fundamental basis of a bi-communal federal system and certain practical difficulties which may arise for the Turkish Cypriot community.

“4. The powers and functions of the central federal government will be such as to safeguard the unity of the country, having regard to the bi-communal character of the State.”

A new series of intercommunal talks had been held in Vienna from 31 March to 7 April 1977, as had been decided at the high-level meeting. Each side had presented certain proposals which the other had not accepted. The Secretary-General stated that although it had been impossible to bridge the considerable gap between the views of the two sides, it had been agreed that talks would resume in Nicosia about the middle of May under the auspices of his Special Representative, in preparation for a further round in Vienna.

435. In his report for the period 7 December 1976 to 7 June 1977<sup>579</sup> the Secretary-General stated that, although the intercommunal talks had been resumed in Nicosia in May under the auspices of his Special Representative, the situation had remained unchanged. It was evident that certain political developments were being awaited before the next step was taken.

436. In his report for the period 8 June to 30 November 1977<sup>580</sup> the Secretary-General stated that the political differences confronting the people of Cyprus were no nearer a solution. It had not been possible since 3 June 1977 to continue the intercommunal meetings. Consultations he had held in New York in September and October and those held in Nicosia by his Special Representative would be continued at Athens and Ankara. For the resumed talks to be useful it was necessary to obtain assurances that the parties were prepared to negotiate concretely and substantively on all major aspects of the problem.

437. In his report for the period 1 December 1977 to 31 May 1978<sup>581</sup> the Secretary-General described in detail his efforts to facilitate concrete and substantive negotiations between the parties on the major aspects of the Cyprus problem. In January 1978 he had met at Ankara with the Prime Minister of Turkey and other Turkish officials, at Nicosia with the President of Cyprus and Mr. Denktash and at Athens with the Prime Minister of Greece. In April 1978 he had met at Vienna with representatives of the Turkish Cypriot community, following which he had personally transmitted Turkish Cypriot proposals to the President of Cyprus, who had found them unacceptable.

438. In his report for the period 1 June to 30 November 1978<sup>582</sup> the Secretary-General stated that a basis of negotiations acceptable to the two sides was still lacking, despite intensive consultations undertaken by himself and his Special Representative in Cyprus with all concerned over the preceding months. While both parties stressed their acceptance of the existing intercommunal arrangements and vowed their support for the Makarios-Denktash guidelines, there remained the practical problem of finding certain mutually acceptable negotiable concepts on the basis of which meaningful talks could be held.

(d) *Humanitarian activities*

439. At a meeting of the Security Council held on 16 July 1974<sup>583</sup> the Secretary-General stated that UNFICYP had been authorized to extend protection to Archbishop Makarios but that in the meantime he had left Cyprus.

440. In a report dated 21 July 1974<sup>584</sup> the Secretary-General stated that he had asked his representatives in Cyprus to communicate to all the parties concerned an appeal by the Secretary-General reading as follows:

"Reports reaching me from Cyprus indicate that the fighting is extremely violent and bitter and that the civilian population in many parts of the island is living in grave danger, fear and great suffering.

"I appeal most urgently to all the parties involved in the fighting, pending the achievement of a cease-fire, to exercise extreme restraint, and to respect the accepted international rules for the treatment of civilian populations in time of war. I urge them to take every possible measure to avoid actions which may cause further suffering to the civilian population and which can only further embitter the already tragic situation."

441. Reports issued from 21 July to 19 August 1974 by the Secretary-General on the developments in Cyprus referred to cases in which UNFICYP had provided protection to civilians, assisted in relief work and carried out other activities of a humanitarian nature.<sup>585</sup> Greek and Turkish Cypriots were assisted by UNFICYP escorts, vehicles and drivers, with medical and food supplies and blankets, and by inspections and visits where personnel were being held in custody.

442. At a meeting of the Security Council held on 15 August 1974<sup>586</sup> the Secretary-General said that, for practical reasons, humanitarian activities had been largely delegated to UNFICYP by the International Committee of the Red Cross.

443. In a report dated 27 August 1974<sup>587</sup> the Secretary-General outlined the activities of UNFICYP in providing protection to the Turkish-inhabited areas outside the area under Turkish control, in investigating alleged atrocities, providing relief convoys to Greek and Turkish Cypriot towns and villages and negotiating for the restoration of electrical and other power facilities.

444. On 4 September 1974, pursuant to resolution 361 (1974), the Secretary-General submitted a report<sup>588</sup> in which he announced that the United Nations High Commissioner for Refugees (UNHCR), in his capacity as Co-ordinator of United Nations Humanitarian Assistance for Cyprus, had visited the island from 22 to 27 August to study the problem at first hand. Attached to the report was the High Commissioner's report, which estimated the number of refugees in the south to be 163,800 Greek Cypriots and 34,000 Turkish Cypriots. The Co-ordinator also described the assistance already provided and expressed the hope for further support from the international community.

445. To obtain such increased support, the Secretary-General, on 6 September 1974, appealed for voluntary contributions from all States Members of the United Nations and members of the specialized agencies and estimated that some \$22 million would be required for humanitarian assistance to Cyprus from 1 September to the end of 1974.<sup>589</sup>

446. In a further report dated 31 October 1974<sup>590</sup> the Secretary-General, referring to the progress report of the Co-ordinator, who had assigned a team from his Office to the island, indicated that the response to his appeal had been prompt and generous, amounting to approximately \$20 million in cash. In the annex to his report,

the Co-ordinator, after having outlined the magnitude of the refugee problem, gave details about the assistance that had been provided by the United Nations.

447. In his report for the period from 23 May to 5 December 1974<sup>591</sup> the Secretary-General stated that co-ordination meetings were being held every week by UNHCR, with the participation of diplomatic missions in Nicosia, the Cyprus Red Cross, the Turkish Red Crescent, UNFICYP, the United Nations Development Programme, ICRC and voluntary agencies. The principal activities engaged in by the Force, in co-operation with UNHCR, and also UNDP, ICRC and local relief agencies, had been deliveries of supplies to villages in need, checking on the condition of displaced persons and providing information on the situation in isolated villages, giving medical assistance and arranging evacuations, providing escorts for working parties in confrontation areas and assisting in the search for missing persons.

448. The United Nations High Commissioner for Refugees continued to act as Co-ordinator of United Nations Humanitarian Assistance in Cyprus throughout the period under review. UNFICYP continued to support the Co-ordinator's relief programmes by delivering supplies and other items, and by rendering a wide variety of other services, some of which were provided by the United Nations Civilian Police (UNCIVPOL) of UNFICYP.<sup>592</sup>

(e) *The contribution of UNFICYP to the maintenance of law and order*

449. In his report for the period from 23 May to 5 December 1974<sup>593</sup> the Secretary-General gave an account of the activities carried out by UNCIVPOL, the civilian police element of the Force, in investigating a large number of complaints of killings of civilians made in the wake of the events of July and August 1974. Subsequent reports described the assistance provided by UNCIVPOL in promoting law and order and fostering an atmosphere of quiet. Its responsibilities included the investigation of intercommunal problems, providing escorts for persons being transferred to and from the north, assisting in the control of the movement of civilians between the cease-fire lines, the distribution of social welfare benefits and pensions to Greek Cypriots in the north and, in co-operation with ICRC, enquiries into cases of missing persons.<sup>594</sup>

(f) *Composition and size of UNFICYP*

450. At a meeting of the Security Council on 22 July 1974<sup>595</sup> the Secretary-General, after stating that the strength of UNFICYP was obviously insufficient for it to maintain the cease-fire effectively, said that he therefore intended, in compliance with Security Council resolution 186 (1964), as a first step, to ask the troop-contributing countries to reinforce urgently their contingents already serving with UNFICYP. In the absence of objection, the President expressed the Council's agreement that the Secretary-General should proceed to take those measures.

451. At a meeting of the Security Council on 23 July 1974<sup>596</sup> the Secretary-General informed the Council that the day before he had met with the Permanent Representatives of the Governments providing contingents for UNFICYP and made an urgent request to them for reinforcements of their contingents in Cyprus. In response to that appeal, Denmark, Finland, Sweden and the United Kingdom had already undertaken to provide reinforcements of a total of approximately 1,400 men.

452. At a meeting of the Security Council on 31 July 1974<sup>597</sup> the Secretary-General said that the total strength of UNFICYP as of that day was 3,484 men and that by 7 August it would, according to estimates, be 4,238 men. He added that when all the reinforcements then pledged had arrived, which would be about 12 August, the total strength of the Force would be approximately 4,443.<sup>598</sup>

453. In his report for the period 6 December 1974 to 9 June 1975<sup>599</sup> the Secretary-General stated that, during that period, the Governments of Canada and the United Kingdom had withdrawn part of the reinforcements they had provided in connection with the events of July and August 1974.

454. In his report for the period from 10 June to 8 December 1975 the Secretary-General gave the details of a further plan that had been initiated to reduce the strength of UNFICYP by about 17 per cent.<sup>600</sup>

(g) *Co-operation with the parties*

455. In paragraph 6 of resolution 353 (1974) the Security Council called upon "all parties" to co-operate fully with UNFICYP to enable it to carry out its mandate. Similar requests were made by the Council in resolutions 359 (1974), paragraph 4, 361 (1974), paragraph 8, 364 (1974), paragraph 6, 391 (1976), paragraph 5, 401 (1976), paragraph 5, 410 (1977), paragraph 5, and 411 (1977), paragraph 5.

456. At a meeting of the Security Council on 23 July 1974<sup>601</sup> the Secretary-General said that, at his request, the Prime Minister of Turkey had appointed a senior liaison officer between the Turkish forces and UNFICYP. At a meeting of the Council on 15 August 1974,<sup>602</sup> the Secretary-General said that the essential basis for peace-keeping operations was their acceptance by the parties concerned and the assumption that the parties would co-operate with them in carrying out their duties under the mandate decided upon by the Security Council. If that acceptance and co-operation were in practice withheld, a United Nations peace-keeping operation could not function effectively. On the other hand, if the parties co-operated, experience had shown that peace-keeping operations would be very effective. He therefore appealed to the parties concerned to renew in a clear and unequivocal manner their commitment to the unimpeded functioning of UNFICYP in accordance with the relevant resolutions of the Security Council.

457. The Secretary-General's report for the period 23 May to 5 December 1974<sup>603</sup> contained, in a subsection entitled "Liaison and co-operation", an account of liaison and co-operation with the Cyprus Government, including the National Guard and the Cyprus police, as well as with the headquarters of the Turkish forces, together with information on liaison with both parties at the local level.

458. The report for the next six-month period<sup>604</sup> also contained a similar subsection. The subsection began by referring to operative paragraph 5 of resolution 364 (1974), then stated that UNFICYP had continued to emphasize liaison with both sides at all levels and gave specific information on the matter. Liaison and co-operation with the Turkish forces had continued to improve at both the headquarters and the local level.

459. All the reports for the subsequent six-month periods submitted during the period under review contained similar accounts of liaison and co-operation.<sup>605</sup>

(h) *Difficulties experienced by UNFICYP with respect to its freedom of movement*

460. As reported by the Secretary-General at a meeting of the Security Council on 16 July 1974,<sup>606</sup> the UNFICYP Force Commander had the previous day raised with the National Guard the importance of having UNFICYP enjoy full freedom of movement in accordance with its mandate.

461. At a meeting of the Security Council on 29 July 1974<sup>607</sup> the Secretary-General stated that, according to reports he had received early that morning from the Force Commander, the Turkish Corps Commander in Cyprus had informed the latter that all UNFICYP personnel should be evacuated from the area controlled by the Turkish forces. The Secretary-General had thereupon contacted the Prime Minister of Turkey by telephone and asked him to use his best efforts to ensure that all aspects of the matter be discussed between the two Commanders so that an agreed solution could be reached. The Secretary-General underlined in that connection the humanitarian task of UNFICYP in relation to all the people of Cyprus. The Prime Minister had assured the Secretary-General that he would respond to his request and follow up on the matter. The Commander of UNFICYP had subsequently informed the Secretary-General that arrangements had been made for a discussion of the question with the Commander of the Turkish forces the next day or so.

462. At a meeting of the Security Council on 31 July 1974<sup>608</sup> the Secretary-General referred to the question of the nature of UNFICYP's continued presence in the Turkish area of control, a matter which in his opinion needed clarification. He added that UNFICYP had been playing, and should continue to play, a humanitarian role in all parts of the island in assisting the civilian population, Turkish and Greek Cypriots alike, who had been afflicted by the hostilities. The matter was, he pointed out, under discussion by UNFICYP with the Turkish Military Command in Cyprus.

463. At a meeting of the Security Council on 1 August 1974<sup>609</sup> the Secretary-General said that he had just received word from his Special Representative in Cyprus that agreement had been reached on the maintenance of UNFICYP presence in the area under Turkish control, a development he considered a positive one.

464. At a meeting of the Security Council on 15 August 1974<sup>610</sup> the Secretary-General said that in some cases UNFICYP had been compelled to cease its functions in the Turkish area of control. The Secretary-General reiterated that UNFICYP should carry on its tasks in all areas of Cyprus and that it could not fulfil its role if it was excluded from one or other area, this being particularly true of humanitarian activities.

465. In his report for the period from 23 May to 5 December 1974<sup>611</sup> the Secretary-General stated that, since the start of the Turkish intervention in Cyprus, UNFICYP had in general been restricted in its freedom of movement in areas controlled by the Turkish forces and that in several cases the Turkish military authorities had demanded the removal of UNFICYP observation posts and camps from such areas. The exercise of its freedom of movement had become particularly important to UNFICYP as a result of the efforts it began to make, following the entry into effect of the cease-fire of 16 August 1974, to promote the safety and well-being of the civilian population of both communities finding themselves in territory under the military control of the other side. In contrast to what had occurred in the southern area, the restriction imposed in the northern area by the military

authorities had made it difficult to carry out some of those humanitarian tasks there. In response to representations by the Secretary-General to the Government of Turkey, UNFICYP humanitarian teams distributing UNHCR and other relief supplies had been granted access to the northern area, provided they were accompanied by a Turkish liaison officer. Although there had been a gradual relaxation of restrictions, UNFICYP continued to be denied permission to set up observation posts or arrange military or police patrols in that area. The inability of UNFICYP to provide the same protection for Greek Cypriots in the north as for Turkish Cypriots in the south had been the subject of repeated protests by the Cyprus Government.<sup>612</sup>

466. In his report for the period 9 December 1974 to 5 June 1975<sup>613</sup> the Secretary-General pointed out that some progress had been made in easing the restrictions on UNFICYP's freedom of movement in the northern area, but that they had not, however, been lifted.

467. In his report for the next six-month period<sup>614</sup> the Secretary-General stated that, although the agreements reached at the third round of the Vienna talks on 2 August 1975 provided that UNFICYP should have free and normal access to the Greek Cypriot villages and habitations in the north, UNFICYP access to that area remained restricted, a situation that had hampered UNFICYP's humanitarian work.

468. As pointed out in the following reports, the restrictions were subsequently eased. In particular, UNFICYP was granted access to Greek Cypriot habitations in the north. UNFICYP access from its installations in the north to installations between the cease-fire lines continued, however, to be limited.<sup>615</sup>

(i) *The mediation effort*

469. In his report for the period from 23 May to 5 December 1974 the Secretary-General stated that the situation regarding a resumption of the mediation function under paragraph 7 of Security Council resolution 186 (1964) had remained unchanged since his last report, owing primarily to the widely differing and firmly held views on the matter of the three Governments most directly concerned.<sup>616</sup> Further reports did not contain any reference to the mediation effort.

(j) *Action by the Secretary-General pursuant to Security Council resolution 365 (1974)*

470. In the operative part of its resolution 365 (1974) the Security Council endorsed General Assembly resolution 3212 (XXIX),<sup>617</sup> urged the parties concerned to implement it as soon as possible and requested the Secretary-General to report on the progress of the implementation of the resolution.

471. In a special report dated 18 February 1975<sup>618</sup> the Secretary-General stated that, in order to be able to fulfil that request, he had addressed identical notes to the parties asking them to provide at an early date all relevant information concerning steps taken or contemplated by them in regard to resolution 3212 (XXIX). The replies received from the Governments of Greece and Cyprus were produced in the annex to the report.

(k) *Action taken by the Secretary-General pursuant to General Assembly resolution 31/12*

472. In paragraph 6 of its resolution 31/12<sup>619</sup> the General Assembly requested the Secretary-General to follow

up the implementation of the resolution and to report thereon to the Assembly at its next session.

473. In the report he submitted to the General Assembly pursuant to resolution 31/12<sup>620</sup> the Secretary-General stated that, having in mind that certain provisions of the resolution and of earlier resolutions were addressed to the parties, he had requested the parties concerned to provide information available to them regarding its implementation. The texts of the replies received, which were from the Permanent Representatives of Cyprus, Greece and Turkey and from Mr. Denktash, were annexed to the report. Following a summary of his activities with regard to the provision of his good offices to the representatives of the two communities during the preceding six months, he mentioned problems concerning the continuation of the talks at Nicosia, developments relating to the new quarter of Famagusta (Varosha) and the constitutional question raised following the death of President Makarios.

474. Regarding the withdrawal of foreign armed forces from Cyprus, the Secretary-General stated that the Turkish forces continued to constitute the bulk of military personnel stationed on the northern side of the cease-fire lines. Although from time to time there had been reports concerning reductions in the number of Turkish troops stationed in Cyprus, UNFICYP had no independent source of information on the subject, for which reason the Secretary-General was unable to report on the extent of the withdrawals. He added that, on the Cyprus Government side, a number of officers, especially senior commanders and staff officers of the National Guard, appeared to be Greek national military personnel. The report went on to provide information on the assistance of the United Nations High Commissioner for Refugees and UNFICYP to displaced persons in Cyprus.

(l) *Action taken by the Secretary-General pursuant to General Assembly resolution 32/15*

475. In paragraph 7 of its resolution 32/15<sup>621</sup> the General Assembly requested the Secretary-General to follow-up the implementation of the resolution and report thereon to the General Assembly at its next session.

476. In the report which he submitted to the General Assembly pursuant to resolution 32/15<sup>622</sup> the Secretary-General stated that, having in mind that certain provisions of the resolution and of earlier resolutions were addressed to the parties, he had requested the parties concerned to provide information with regard to the implementation of the resolution. The texts of the replies received, which were from the Permanent Representatives of Cyprus, Greece and Turkey and Mr. Denktash, were annexed to the report. Following a summary of his activities regarding the provision of good offices to the representatives of the two communities since January 1978, the Secretary-General stated that, with regard to the withdrawal of foreign armed forces, the situation continued as described in his report pursuant to resolution 31/12. The report then provided information on the assistance of the United Nations High Commissioner for Refugees and UNFICYP to displaced persons in Cyprus.

(iii) *Functions exercised by the Secretary-General under General Assembly resolutions with respect to missing persons in Cyprus*

477. On 9 December 1975 the General Assembly adopted, under the agenda item entitled "Report of the Economic and Social Council", resolution 3450 (XXX), in the preamble of which the Assembly noted resolution 4 (XXXI) of the Commission on Human Rights, expressed

concern about the fate of a considerable number of Cypriots who were missing as a result of armed conflict in Cyprus and appreciation for the work of the International Committee of the Red Cross in that field and reaffirmed the basic human need of families in Cyprus to be informed about missing relatives. In the operative part of the resolution the Assembly requested the Secretary-General to exert every effort, in close co-operation with the ICRC to assist in tracing and accounting for persons missing as a result of armed conflict in Cyprus and to provide the Commission on Human Rights with information relevant to the implementation of resolution 3450 (XXX).

478. Pursuant to resolution 3450 (XXX), the Secretary-General submitted to the Commission on Human Rights, at its thirty-second session, held in February-March 1976, a report<sup>623</sup> containing information on the tracing of and accounting for missing persons as a result of the events in Cyprus.

479. In his report to the Security Council for the period 7 December 1976 to 7 June 1977<sup>624</sup> the Secretary-General stated that, at the high level meeting held at Nicosia on 12 February 1977 to which reference was made earlier,<sup>625</sup> it had been agreed to set up new investigatory machinery covering missing persons of both communities. The views of each of the two sides on the possible establishment of a committee in this connection had been transmitted to the other, but no agreement had yet been reached.

480. On 16 December 1977, the General Assembly adopted, under the agenda item entitled "Report of the Economic and Social Council", resolution 32/128, in the preamble of which it expressed concern at the lack of progress towards the tracing and accounting for missing persons in Cyprus and the hope that the informal discussion then taking place to establish a joint committee to trace missing persons would be successful. In paragraph 1 of the resolution, the Assembly requested the Secretary-General to provide his good offices, through his Special Representative, to support the establishment of an investigatory body with the participation of the ICRC which would be in a position to function impartially, effectively and speedily so as to resolve the problem without undue delay. In paragraph 1 of the resolution the Assembly invited the parties to continue co-operating in the establishment of the investigatory body.

481. In his report for the period 1 December 1977 to 31 May 1978<sup>626</sup> the Secretary-General stated that, as indicated in a report he had submitted to the Commission on Human Rights, although both sides reiterated their support for a joint investigatory body, it had not been possible, despite intensive consultations, to reach agreement on its terms of reference.

482. At its thirty-third session the General Assembly, under the item entitled "Report of the Economic and Social Council", adopted resolution 33/171 in the preamble of which, after recalling its two earlier resolutions, the Assembly expressed regret over the delay in their implementation. In paragraph 1 the Assembly urged the establishment of an investigatory body under the chairmanship of a representative of the Secretary-General with the co-operation of the ICRC, which would be in a position to function impartially, effectively and speedily so as to resolve the problem without undue delay, that representative being empowered, in cases of disagreement, to reach a binding independent opinion. In paragraph 2 of the resolution the Assembly called upon the parties to co-operate fully with the investigatory body and to appoint their representatives thereto forthwith. In paragraph 3 the Assembly requested the Secretary-General to continue to provide his good offices through his Special

Representative to support the establishment of the investigatory body.

#### 4. FUNCTIONS EXERCISED UNDER GENERAL ASSEMBLY AND SECURITY COUNCIL RESOLUTIONS WITH RESPECT TO THE QUESTION OF NAMIBIA<sup>627</sup>

##### a. *Nomination by the Secretary-General of the Commissioner for Namibia*

483. By its resolution 2871 (XXVI) the General Assembly urged the Secretary-General, in view of the recommendation of the Council for Namibia that the Assembly appoint a full-time United Nations Commissioner for Namibia upon his nomination, to undertake the necessary consultations to nominate such a Commissioner as soon as possible.

484. In a note submitted to the Assembly at its twenty-seventh session<sup>628</sup> the Secretary-General observed that, in pursuance of a previous decision of the General Assembly, Mr. Agha Abdul Hamid had continued as Acting Commissioner for Namibia during 1972, adding that Mr. Hamid had been functioning as full-time United Nations Commissioner for Namibia since 1 May 1972. He stated further that, having completed the necessary consultations in that regard, he wished to propose to the General Assembly, for its approval, the extension of the appointment of Mr. Hamid as Commissioner until 31 December 1973. At its 2114th plenary meeting, on 18 December 1972, the General Assembly accepted this proposal.

485. In its resolution 3031 (XXVII), adopted earlier at the last-mentioned meeting, the General Assembly urged the Secretary-General, in conformity with resolution 2871 (XXVI), to undertake the necessary consultations to nominate as soon as possible a full-time United Nations Commissioner for Namibia.

486. In a note submitted to the General Assembly at its twenty-eighth session,<sup>629</sup> the Secretary-General stated that, having completed the necessary consultations, he wished to propose for the Assembly's approval the appointment of Mr. Sean McBride, former Foreign Minister of Ireland, as United Nations Commissioner for Namibia, for an initial period of one year. At its 2318th plenary meeting, on 13 December 1974, the Assembly accepted that proposal.

487. In notes submitted to the General Assembly at its twenty-ninth and thirtieth sessions,<sup>630</sup> the Secretary-General proposed the extension of the appointment of Mr. McBride for two additional one-year terms, until 31 December 1975 and 31 December 1976, respectively. At its 2318th and 2419th plenary meetings, on 13 December 1974 and 26 November 1975, respectively, the Assembly accepted those proposals.

488. In a note submitted to the General Assembly at its thirty-first session<sup>631</sup> the Secretary-General, after pointing out that Mr. McBride's current term was to expire on 31 December 1976, stated that, having completed the necessary consultations, he wished to propose to the Assembly the appointment of Mr. Martti Ahtisaari, Ambassador of Finland to the United Republic of Tanzania, as United Nations Commissioner for Namibia for a one-year term beginning on 1 January 1977. At the 107th plenary meeting of the session, on 22 December 1976, the Assembly accepted that proposal.

489. In a note submitted to the General Assembly at its thirty-second session,<sup>632</sup> the Secretary-General stated that, having completed the necessary consultations, he wished to propose to the Assembly the extension of the appointment of Mr. Ahtisaari for a further one-year term until 31 December 1978. At the 57th plenary meeting of the session, on 4 November 1977, the General Assembly accepted that proposal.

b. *Functions with respect to the enlargement of the United Nations Council for Namibia*

490. In its resolution 2817 (XXVI), the General Assembly requested the Secretary-General "... bearing in mind the recommendation of the United Nations Council for Namibia concerning the enlargement of its membership with a view to ensuring broader representation on the Council, to hold consultations among the permanent members of the Security Council and other regional groups not represented on the United Nations Council for Namibia and to report thereon to the General Assembly".

491. In a report submitted to the General Assembly at its twenty-seventh session<sup>633</sup> the Secretary-General gave an account of the consultations he had undertaken pursuant to resolution 2871 (XXVI) and their results. Two of the permanent members of the Security Council, China and the Soviet Union, wished to be represented on the enlarged Council. The African group wished to have one additional African State included in the membership of the Council. The Eastern European group desired that Poland and Romania should become members of the Council.

492. By resolution 3031 (XXVII) the General Assembly decided to enlarge the membership of the United Nations Council for Namibia and requested the President of the General Assembly, in the light of the report of the Secretary-General, to nominate additional members during the current session.<sup>634</sup>

493. By section VII of its resolution 3295 (XXIX), the General Assembly requested its President, on the basis of consultations to be undertaken by the Secretary-General with the regional groups, to nominate during the current session of the Assembly additional members of the United Nations Council for Namibia with a view to ensuring a broader representation in the Council.

494. At the 2325th plenary meeting of the General Assembly, on 18 December 1974, the President, in the light of the Secretary-General's consultations with the regional groups, nominated seven States to be additional members of the United Nations Council for Namibia.

c. *Other functions exercised by the Secretary-General*

(i) *Functions under Security Council resolutions 309 (1972), 319 (1972), 323 (1972) and 342 (1973)*

495. On 4 February 1972, the Security Council adopted resolution 309 (1972), which read in part:

"*The Security Council,*

"...

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

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

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

496. On 17 July 1972 the Secretary-General submitted a report on the implementation of Security Council resolution 309 (1972),<sup>635</sup> giving an account of the contacts he had initiated with all parties concerned pursuant to that resolution. Following an exchange of communications with the Government of South Africa, the Secretary-General had visited South Africa and Namibia between 6 and 10 March and had held discussions with the Prime Minister and the Minister for Foreign Affairs of South Africa on all aspects of the Namibian question, in the course of which the possibility of the appointment of a representative of the Secretary-General was discussed. The Secretary-General had also contacted and consulted other parties concerned who, in spite of their expressed reservations regarding South Africa's willingness to co-operate, did not wish to oppose his efforts to fulfil his mandate. After his return to New York, the Secretary-General had pursued his contacts with the Foreign Minister of South Africa, in the course of which the following three points concerning the terms of reference of a representative of the Secretary-General emerged: the task of the representative of the Secretary-General would be to assist in achieving the aim of self-determination and independence and to study all questions relevant thereto; in carrying out his task, the representative might make recommendations to the Secretary-General and, in consultation with him, to the South African Government, and in so doing he should assist in overcoming any points of difference; the South African Government would co-operate in the discharge of the representative's task by providing him with the requisite facilities to go to South Africa and to Namibia as necessary and to meet all sections of the Namibian population. The Secretary-General concluded that, on the basis of his discussions with the Government of South Africa, he believed it would be worthwhile to continue the efforts to implement the mandate of the Security Council with the assistance of a representative of the Secretary-General.

497. In introducing his report at a meeting of the Security Council held on 31 July 1972,<sup>636</sup> the Secretary-General stated his belief, on the basis of his discussions with the Government of South Africa, that it would be worthwhile to continue to implement the Council's mandate and that further efforts should be made with the assistance of a representative of the Secretary-General. He drew particular attention to the fact that, at all stages of his contact with South Africa, he had kept all interested parties informed. The Government of South Africa had expressed its willingness to co-operate with the representative, who would assist the Secretary-General on a full-time basis and receive instructions from and report to him. Should the Council agree, the Secretary-General would continue to discharge his mandate in close co-operation with the Council's Group of Three.

498. On 1 August 1972 the Security Council adopted resolution 319 (1972), paragraphs 4 to 6 of which read:

"*The Security Council,*

"...

"4. *Invites* the Secretary-General, in consultation and close co-operation with the group of the Security Council established in accordance with resolution 309 (1972), to continue his contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia, freely and with strict regard to the principle of human equality, to exercise their right to self-determination and

independence, in accordance with the Charter of the United Nations;

"5. *Approves* the proposal of the Secretary-General to proceed, after necessary consultations, with the appointment of a representative to assist him in the discharge of his mandate as set out in paragraph 4 above;

"6. *Requests* the Secretary-General to keep the Security Council informed as appropriate and in any case to report to it on the implementation of resolution 309 (1972) and of the present resolution not later than 15 November 1972."

499. In a report on the implementation of resolution 309 (1972) submitted on 15 November 1972,<sup>637</sup> the Secretary-General stated that he had appointed Mr. Alfred Martin Escher of Switzerland as his representative and that, following consultations in New York, Mr. Escher had visited South Africa and Namibia from 8 October to 3 November and had subsequently submitted a report on his mission.

500. Prior to his representative's visit to South Africa and Namibia, the Secretary-General had made available to him a copy of an *aide-mémoire* submitted by the Group of Three (Argentina, Somalia and Yugoslavia) of the Security Council outlining certain points to be taken into account in the process of implementing resolution 319 (1972), in particular that all United Nations resolutions on the question of Namibia remained in effect and should be actively pursued and that the representative's main task should be to obtain a complete and unequivocal clarification from the Government of South Africa with regard to its policy of self-determination and independence for Namibia, so as to enable the Council to decide whether that policy coincided with the United Nations position and whether the efforts made under resolutions 309 (1972) and 319 (1972) should be continued.

501. In his report, the representative of the Secretary-General gave an account of his discussions with the Government of South Africa, which centred on the clarification of South Africa's policy of self-determination and independence for Namibia, the discontinuance of the policy of separate developments or "homelands", the abolition of all discriminatory measures and the establishment of equality for all Namibians. Concerning the interpretation of the South African Government's policy of self-determination and independence with regard to Namibia, the Prime Minister felt that it was not the appropriate stage to go into a detailed discussion of that question and that this could be done with better results once the necessary conditions were established and the inhabitants had had more administrative and political experience, which could be best achieved on a regional basis. The Prime Minister had indicated that he was prepared to establish an advisory council composed of representatives from various regions, was willing to assume over-all responsibility for the Territory as a whole, and would examine the possibility of removing restrictions on political activity and freedom of movement, subject to the requirements of influx control.

502. The representative stressed that many issues regarding South Africa's interpretation of self-determination and independence for Namibia still remained to be clarified. He gave an account of the views expressed to him by representatives of political organizations and other groups and individuals in Namibia, the majority of whom supported the establishment of a united, independent Namibia. Finally, the representative expressed the opinion that, taking all factors into consideration, the contacts between the Secretary-General and the Government of South Africa, as well as other parties concerned, should be continued.

503. At a meeting of the Security Council on 28 November 1972<sup>638</sup> the Secretary-General noted that the report of his representative left unanswered or unresolved a number of important issues, the most pressing of which was that of clarification by South Africa of its policy of self-determination and independence for Namibia and bringing that policy into conformity with the United Nations objectives of self-determination, national unity and independence for the Territory. However, the report had removed any doubts about the political aspirations of the people of Namibia, the majority of whom supported the establishment of a united independent Namibia. Though some of the proposals made by the Prime Minister, if implemented, might represent a partial shift in attitude on the part of the South African Government, they did not measure up to the expectations of the Council. Other proposals put forward by the Prime Minister seemed to be in conflict with the principles of the United Nations with respect to Namibia and would require further clarification before they could be assessed. Having regard to all the circumstances, it still appeared desirable that in the months ahead the United Nations should remain in touch with developments in Namibia; hence the door should not be closed to further contacts.

504. On 6 December 1972 the Security Council adopted resolution 323 (1972), in which it observed with satisfaction the opportunity the people of Namibia had had of expressing their aspirations clearly and unequivocally, in their own Territory, to representatives of the United Nations and noted with interest that the overwhelming majority of those consulted favoured the immediate abolition of the "homelands" policy, withdrawal of the South African Administration from the Territory, Namibia's accession to national independence and the preservation of its territorial integrity. In the resolution, the Council also expressed deep regret at the lack of a complete and unequivocal clarification of the policy of the Government of South Africa regarding self-determination and independence for Namibia and solemnly reaffirmed the right of the people of Namibia to self-determination, national independence and the preservation of their territorial integrity. Paragraphs 5, 6, 7 and 9 read:

"*The Security Council,*

" . . .

"5. *Invites* the Secretary-General, on the basis of paragraph 4 above, to continue his valuable efforts, in consultation and close co-operation with the group of the Security Council established in accordance with resolution 309 (1972) and, as appropriate, with the assistance of representatives, to ensure that the people of Namibia, freely and with strict regard to the principle of human equality, exercise their right to self-determination and independence, in accordance with the Charter of the United Nations;

"6. *Again calls* upon the Government of South Africa to co-operate fully with the Secretary-General in the implementation of the present resolution in order to bring about a peaceful transfer of power in Namibia;

"7. *Requests* the other parties concerned to continue to extend their valuable co-operation to the Secretary-General with a view to assisting him in the implementation of the present resolution;

" . . .

"9. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution as soon as possible and not later than 30 April 1973."

505. In a report submitted on 30 April 1973 pursuant to Security Council resolution 323 (1972),<sup>639</sup> the

Secretary-General stated that, in consultation and close co-operation with the Group of Three of the Security Council,<sup>640</sup> he had sought to obtain from the South African Government a more complete and unequivocal statement of its policy regarding self-determination and independence for Namibia as well as clarification of its position on other questions arising from the report of his representative and from the debate in the Council. To that effect he had transmitted to the South African Government on 20 December 1972 a series of questions on South Africa's policy regarding self-determination and independence for Namibia; the composition and functions of the proposed advisory council; the removal of restrictions on movement and measures to ensure freedom of political activity, including freedom of speech and the holding of meetings; and the discontinuance of measures in furtherance of South Africa's "homelands" policy. In the course of extensive discussions at Headquarters with the Permanent Representative of South Africa, the Secretary-General and his representatives had again emphasized the firm stand of the United Nations with regard to the international status of Namibia, its national unity and territorial integrity.

506. Following further discussions between the Secretary-General and the Minister for Foreign Affairs of South Africa, the Government of South Africa submitted on 30 April 1973 a statement in clarification of its position, which stressed that South Africa would fully respect the wishes of the whole population of the Territory with regard to its future constitutional organization, and that any exercise to ascertain their wishes would not be compromised by any existing political and administrative arrangements. All political parties of the Territory would have full and free participation in the process leading to self-determination and independence, for the attainment of which the Government, in co-operation with the Secretary-General and in consultation with the people, would take the necessary measures. The South African Government did not envisage that individual population groups might suddenly become independent as separate entities. It recognized and accepted, subject to the requirements of public safety, the need for freedom of speech and political activity in the process leading to self-determination; it reiterated that South West Africa had a separate international status, reaffirmed its position that South Africa did not claim any part of the Territory and anticipated that it might not take longer than ten years for the people of the Territory to reach the stage where they would be ready to exercise their right to self-determination.

507. The Secretary-General concluded that the position of the Government of South Africa was still far from coinciding with that established in the resolutions of the United Nations concerning Namibia. While the statement had made South Africa's position clearer on some of the basic questions which had arisen during earlier contacts with the Government or during the discussions in the Security Council, it did not provide the complete and unequivocal clarification of South Africa's policy in regard to self-determination and independence for Namibia envisaged in resolution 323 (1972). The question thus arose whether, in the light of the results achieved thus far, the contacts and efforts initiated pursuant to resolutions 309 (1972), 319 (1972) and 323 (1972) should be continued. Should the Security Council decide to continue these efforts, it should bear in mind the Secretary-General's earlier statement that time and protracted discussion would be required if any progress was to be achieved.

508. In introducing his report, at a meeting of the Security Council on 10 December 1973,<sup>641</sup> the Secretary-

General stated that subsequent to its submission he had obtained the views of several of the parties concerned other than the Government of South Africa, namely, the United Nations Council for Namibia, the Organization of African Unity (OAU), the President of the South West Africa People's Organization (SWAPO) and Chief Clemens Kapuuo, Chairman of the National Unity Convention in Namibia, and had discussed the matter with many heads of State and Government during his visits to Zambia and the United Republic of Tanzania and while attending the OAU Conference in Addis Ababa in May and the Conference of Non-Aligned States in Algiers in September. The Secretary-General concluded that the general view, in the light of the statement of the Government of South Africa of 30 April 1973, was that no useful purpose would be served by continuing the policy envisaged in Security Council resolution 309 (1972) and that that approach should be resumed only if the Government were to make a substantial move towards reconciling its position with that of the United Nations.

509. On 11 December 1973, the Security Council adopted resolution 342 (1973), the operative part of which read:

"The Security Council,

" . . .

"1. Takes note with appreciation of the report of the Secretary-General;

"2. Decides, in the light of the report and the documents attached thereto, to discontinue further efforts on the basis of resolution 309 (1972);

"3. Requests the Secretary-General to keep the Security Council fully informed of any new important developments concerning the question of Namibia."

510. During the period under review no reports were submitted by the Secretary-General under Security Council resolution 342 (1973).

(ii) *Proposed establishment of a United Nations Transition Assistance Group (UNTAG)*

(a) *Security Council resolution 431 (1978)*

511. In its resolution 385 (1976) of 30 January 1976 the Security Council declared it imperative for free elections under the supervision and control of the United Nations to be held for the whole of Namibia as one political entity at such a time, to be decided upon by the Security Council, as would enable the United Nations to establish the necessary machinery within Namibia to supervise and control the elections, and the people of Namibia to organize politically therefor.

512. By a letter dated 10 April 1978<sup>642</sup> the representatives of Canada, the Federal Republic of Germany, France, the United Kingdom and the United States, which were then all members of the Security Council, transmitted a proposal for the settlement of the Namibian situation designed to bring about independence for Namibia in accordance with Security Council resolution 385 (1976). In the view of the five Governments, the key to an internationally acceptable transition to independence was free elections for the whole of Namibia as one political entity with an appropriate United Nations role in accordance with that resolution. A resolution of the Security Council would be required requesting the Secretary-General to appoint a United Nations Special Representative whose central task would be to make sure that conditions were established that would allow free and fair elections and an impartial electoral process. The Special Representative would be assisted by a United Nations



Transition Assistance Group. In carrying out his responsibilities the Special Representative would work together with the official appointed by South Africa (the Administrator-General) to ensure the orderly transition to independence. This arrangement would in no way constitute recognition of the legality of the South African presence in and administration of Namibia.

513. The annex to the proposal was in the form of a timetable listing the successive steps to be taken and their timing. It provided that the conclusion of the process, that is, the independence of Namibia, was to be by 31 December 1978 at the latest.

514. On 27 July 1978 the Security Council adopted resolution 431 (1978), in the preamble of which it took note of the proposal for a settlement of the Namibian situation contained in the letter mentioned in paragraph 512 above. The operative part of the resolution read:

*"The Security Council,*

*"..."*

*"1. Requests the Secretary-General to appoint a Special Representative for Namibia in order to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations;*

*"2. Further requests the Secretary-General to submit at the earliest possible date a report containing his recommendations for the implementation of the proposal for a settlement of the Namibian situation in accordance with Security Council resolution 385 (1976);*

*"3. Urges all concerned to exert their best efforts towards the achievement of independence by Namibia at the earliest possible date."*

(b) *Recommendations of the Secretary-General for the implementation of the proposal for a settlement of the Namibian situation*

515. Pursuant to paragraph 2 of resolution 431 (1978), on 29 August 1978 the Secretary-General submitted a report<sup>63</sup> containing his recommendations for the implementation of the proposal for a settlement of the Namibian situation in accordance with resolution 385 (1976). The report dealt successively with a survey mission that had just been effected, the general guidelines of the United Nations Transition Assistance Group (UNTAG), the establishment of UNTAG, the plan of operations and financial implications.

i. *The survey mission*

516. Immediately following the adoption of resolution 431 (1978) the Secretary-General had appointed Mr. Martti Ahtisaari, the United Nations Commissioner for Namibia, as his Special Representative for the purposes of the resolution. He had then requested him to undertake a survey mission to Namibia for the purpose of gathering all the information necessary for the preparation of the report. The Special Representative, accompanied by a staff of United Nations officials and military advisers, had visited Namibia from 6 to 22 August. During that period he had held meetings with the Administrator-General of the Territory, as well as with the South African military and police commanders and local authorities. He had also consulted extensively with representatives of political parties, churches, the business community and individuals. Among the principal subjects discussed were: the repeal of all the remaining discriminatory or restrictive laws, regulations or administrative measures which might abridge or inhibit

the objective of free and fair elections; arrangements for ensuring the release of political prisoners and detainees, as well as the voluntary return of Namibians; the arrangements required to ensure the cessation of all hostile acts; the electoral process; the composition and work of the Constituent Assembly; the timetable for the accomplishment of the above stages; and the military aspects of the operation. The Special Representative had also discussed with the Administrator-General the manner of ensuring the good conduct of the police and the arrangements necessary to assure the free and unrestricted discharge by the United Nations staff of the tasks assigned to them.

ii. *General guidelines of UNTAG*

517. The Secretary-General pointed out that the implementation of the proposal referred to in paragraph 2 of resolution 431 (1978) would require the establishment of a United Nations Transition Assistance Group (UNTAG) in the Territory, consisting of a civilian component and a military component, both of which would be under the overall direction of the Special Representative, who would report to the Secretary-General. The latter, in accordance with the mandate entrusted to him by the Security Council, would keep the Council fully informed of developments relating to the implementation of the proposal and the functioning of UNTAG. All matters which might affect the nature or the continued effective functioning of UNTAG would be referred to the Council for its decision. In performing its functions UNTAG would act with complete impartiality. In order that the proposal might be effectively implemented, the Administrator-General and all other officials from within the Territory would be expected to exhibit the same impartiality.

518. For UNTAG to carry out all its tasks effectively, three essential conditions would have to be met. First, it must at all times have the full support and backing of the Security Council. Second, it must operate with the full co-operation of all the parties concerned, particularly with regard to the comprehensive cessation of all hostile acts. Third, it must be able to operate as a combined operation, of which the military component would constitute an integrated efficient formation within the wider framework of UNTAG. Moreover, in view of the conditions in which the operation would take place, the co-operation and support of the neighbouring countries would be most important, particularly during the early stages.

519. UNTAG would have to enjoy the freedom of movement and communication and other facilities necessary for the performance of its tasks. For this purpose UNTAG and its personnel must necessarily have all the relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations, as well as those especially required for the proposed operation.

520. The military component of UNTAG would not use force except in self-defence. Self-defence would include resistance to attempts to prevent it from discharging its duties under the mandate of the Security Council. UNTAG would proceed on the assumption that all the parties concerned would co-operate with it and take all the necessary steps for compliance with the decisions of the Council.

521. The implementation of the proposal, and thus the work of UNTAG, would have to proceed in successive stages as follows:

(a) Cessation of all hostile acts by all parties and the withdrawal, restriction or demobilization of the various armed forces;

(b) Conduct of free and fair elections to the Constituent Assembly, for which the pre-condition included the repeal of discriminatory or restrictive laws, regulations or administrative measures, the release of political prisoners and detainees and voluntary return of exiles, the establishment of effective monitoring by the United Nations and an adequate period for electoral campaigning;

(c) The formulation and adoption of a Constitution for Namibia by the Constituent Assembly;

(d) The entry into force of the Constitution and the consequent achievement of independence of Namibia.

522. The Secretary-General estimated that an appropriate date for elections would be approximately seven months from the date of the approval of his report.

### iii. *Establishment of UNTAG*

523. The functions to be performed by the military component of UNTAG would, in addition to the provision of assistance and support to the civilian component, include the following:

(a) Monitoring the cessation of hostile acts by all parties, the restriction of South African and SWAPO armed forces to base, the phased withdrawal of all except the specified number of South African forces and the restriction of the remainder to specified locations;

(b) Prevention of infiltration as well as surveillance of the borders of the Territory;

(c) Monitoring the demobilization of citizen forces, commandos and ethnic forces, and the dismantling of their command structure.

524. The military component of UNTAG would be under the command of the United Nations, vested in the Secretary-General, under the authority of the Security Council. The command in the field would be exercised by a Commander appointed by the Secretary-General with the consent of the Council. The Commander would report through the Special Representative to the Secretary-General on all matters concerning the functioning of the military component of UNTAG.

525. The military component would comprise a number of contingents to be provided by Member States upon the request of the Secretary-General. The contingents would be selected in consultation with the Security Council and with the parties concerned, bearing in mind the accepted principle of equitable geographical representation. In addition, a body of selected officers to act as monitors would form an integral part of the military component. In order that the military component, which would be provided with weapons of a defensive character, might fulfil its responsibilities, it should have a strength of the order of seven infantry battalions and, in addition, command, communications, engineer, logistic and air support elements. It would be essential to establish an adequate logistic and command system at the very outset of the operation. It would therefore be necessary to obtain urgently from Governments the elements of such a system. In this connection, it might well be necessary also to use the services of civilian contractors for some logistic functions, as appropriate. In the nature of the physical circumstances pertaining to the operation, UNTAG might have to rely to a considerable extent on existing military facilities and installations in Namibia.

526. The civilian component of UNTAG would consist of two elements. One would be the civil police, whose functions would include taking measures against any intimidation or interference with the electoral process from whatever quarter, accompanying the existing police forces, when appropriate, in the discharge of their duties

and assisting in the realization of the function to be discharged by the Administrator-General to the satisfaction of the Special Representative of ensuring the good conduct of the existing police forces. It was considered, as a preliminary estimate, that approximately 360 experienced police officers would be required.

527. The main functions of the non-police element of the civilian component of UNTAG would be to:

(a) Supervise and control all aspects of the electoral process, consider the fairness and appropriateness of the electoral procedures, monitor the balloting and the counting of votes, in order to ensure strict compliance with all procedures, and receive and investigate complaints of fraud or challenges relating to the electoral process;

(b) Advise the Special Representative as to the repeal of discriminatory or restrictive laws, regulations or administrative measures which might abridge or inhibit the objective of free and fair elections;

(c) Ensure the absence of or investigate complaints of intimidation, coercion or restrictions on freedom of speech, movement or peaceful political assembly which might impede the objective of free and fair elections;

(d) Assist in the arrangements for the release of all Namibian political prisoners or detainees and for the peaceful, voluntary return of Namibian refugees or Namibians detained or otherwise outside the Territory;

(e) Assist in any arrangements which might be proposed by the Special Representative to the Administrator-General and implemented by the Administrator-General to the Special Representative's satisfaction intended to inform and instruct the electorate as to the significance of the election and the procedures for voting.

528. The Secretary-General also intended to conduct consultations concerning the designation of a jurist of international standing as provided for in the proposal for a settlement of the Namibian situation, to advise the Special Representative on disputes concerning the release of political prisoners or detainees.

### iv. *Plan of operations*

529. The Secretary-General went on to state that, subject to the approval of his report by the Security Council, it would be his intention to initiate the operation as quickly as possible and to appoint Major-General Hannes Philipp of Austria as Commander of the military component of UNTAG. Immediately following such a decision by the Security Council, the Special Representative, accompanied by the Commander of the military component, the key elements of their staffs and the essential command and logistic elements, would proceed to Namibia in order to establish the headquarters of UNTAG and begin operations as quickly as possible.

530. A number of Governments had already expressed their interest in providing military contingents for UNTAG. Immediately upon the approval of the report by the Security Council, it would be the intention of the Secretary-General to consult the Council and the parties concerned on the composition of the military component, bearing in mind the principle of equitable geographical representation, on the one hand, and the necessity of obtaining self-sufficient units, on the other. Every effort would be made to begin the deployment of the military component within three weeks and bring it to its full strength within 12 weeks. For this to be achieved, it would be necessary to determine the composition of the military component at the earliest possible time.

531. The Secretary-General also intended to approach Governments to provide military personnel to serve as monitors. In the initial stages, given the urgency of deploying at least some of the monitors, it might be possible to draw upon officers already serving with other existing United Nations operations.

532. As regards civilian personnel, the Secretary-General likewise intended to approach Governments to make available on secondment or loan experienced police officers to serve as police monitors and other experienced officials to serve in the civilian component of UNTAG. In recruiting civilian staff for UNTAG, the Secretary-General would bear in mind both the accepted principle of equitable geographical representation and the urgent need to deploy a large number of experienced staff within the shortest possible time.

#### v. *Financial implications*

533. The Secretary-General stated that, although there were still too many unknown factors to permit an accurate assessment of the cost of UNTAG, the indications were that the financial requirements could be as high as \$300 million. He added that the costs of the operation would be considered expenses of the Organization to be borne by the Member States in accordance with Article 17 (2) of the Charter.

#### (c) *Security Council resolutions 435 (1978) and 439 (1978)*

534. At a meeting of the Security Council on 29 September 1978<sup>644</sup> the Secretary-General made an explanatory statement concerning the operation envisaged in his report. After commenting on the cost of the exercise, as well as the size and build-up of the military component of UNTAG, the authorized upper limit of which would be 7,500 men, he stressed that no commitments concerning military contingents had been made, adding that none could have been made in view of the statement in his report that the contingents were to be selected in consultation with the Security Council and the parties concerned. He then observed that the objective of the United Nations under Security Council resolution 431 (1978) was the supervision and control of the entire electoral process, adding that the Special Representative would also have to satisfy himself that conditions would be established which would allow free and fair elections and an impartial electoral process. He noted that the South West Africa People's Organization and South Africa had each indicated its willingness to observe a cease-fire provided the other did the same. In accordance with the proposal for a settlement, primary responsibility for maintaining law and order in Namibia would rest with the existing police. The Special Representative would, however, have explicit responsibility to satisfy himself that the Administrator-General ensured the good conduct of the police and its suitability for continued employment during the transition period, and to arrange, when appropriate, for United Nations personnel to accompany the police forces in the discharge of their duties. In conclusion, the Secretary-General emphasized that the implementation of his report would depend on the co-operation and understanding of all the parties concerned, as well as of all the members of the Security Council.

535. Later in the meeting, the Security Council adopted resolution 435 (1978), in the preamble of which the Council recalled resolutions 385 (1976) and 431 (1978), took note of the relevant communications from the Government of South Africa and the President of the South West Africa People's Organization and reaffirmed the legal

responsibility of the United Nations over Namibia. The operative part read:

“*The Security Council,*

“ . . .

“1. *Approves* the report of the Secretary-General on the implementation of the proposal for a settlement of the Namibian situation and his explanatory statement;

“2. *Reiterates* that its objective is the withdrawal of South Africa's illegal administration from Namibia and the transfer of power to the people of Namibia with the assistance of the United Nations in accordance with Security Council resolution 385 (1976);

“3. *Decides* to establish under its authority a United Nations Transition Assistance Group in accordance with the above-mentioned report of the Secretary-General for a period of up to 12 months in order to assist his Special Representative to carry out the mandate conferred upon him by the Security Council in paragraph 1 of its resolution 431 (1978), namely, to ensure the early independence of Namibia through free elections under the supervision and control of the United Nations;

“4. *Welcomes* the preparedness of the South West Africa People's Organization to co-operate in the implementation of the Secretary-General's report, including its expressed readiness to sign and observe the cease-fire provisions as manifested in the letter from its President of 8 September 1978;

“5. *Calls upon* South Africa forthwith to co-operate with the Secretary-General in the implementation of the present resolution;

“6. *Declares* that all unilateral measures taken by the illegal administration in Namibia in relation to the electoral process, including unilateral registration of voters, or transfer of power, in contravention of resolutions 385 (1976), 431 (1978) and the present resolution, are null and void;

“7. *Requests* the Secretary-General to report to the Security Council not later than 23 October 1978 on the implementation of the present resolution.”

536. On 21 October 1978 the Secretary-General submitted to the Council a report pursuant to resolution 435 (1978).<sup>645</sup> He had initiated action to review the necessary administrative and other arrangements regarding the United Nations Transition Assistance Group (UNTAG) as a whole, including the military component, within the context of his explanatory statement. A small nucleus of Secretariat staff had been detailed to assist the Special Representative in the performance of his duties at Headquarters, pending further developments in relation to the full implementation of resolution 435 (1978). The residual administrative and technical staff which had remained at Windhoek after the return of the survey mission had continued with the preparatory tasks assigned to it in regard to local administrative arrangements for UNTAG. Throughout this period, the Secretary-General and his Special Representative had been making preliminary contacts with Member States and with the specialized agencies and institutions associated with the United Nations, particularly in regard to the availability of skilled personnel. Exploratory consultations with a number of Governments indicated that national contingents of experienced civilian police, selected in accordance with the principle of equitable geographical representation, could be made available for service in Namibia.

537. Further, as indicated in his explanatory statement, he had instructed his Special Representative to explore with the Governments of the African States neighbouring

Namibia practical ways to facilitate his task. In consultations with the Governments of Angola, Botswana and Zambia, he and his Special Representative had received reiterated assurances of their fullest co-operation in the implementation of resolution 435 (1978).

538. Immediately following the adoption of resolution 435 (1978), the Secretary-General had communicated the text of the resolution to the Government of South Africa. Further, at meetings held at his request with the Chargé d'Affaires of the Republic of South Africa to the United Nations, he had discussed questions concerning the implementation of resolution 435 (1978) within the context of his explanatory statement.

539. The Secretary-General had entered into further consultations with the five Governments which had submitted the proposal for a settlement of the Namibian situation in the light of the assurances they had given him of their continued good offices to facilitate the implementation of his mandate. On 20 October 1978, the Secretary of State for External Affairs of Canada, accompanied by representatives of the other four Western Governments, on behalf of their Foreign Ministers, had informed the Secretary-General of the results of talks held at Pretoria with the Government of South Africa, following which those officials and the Secretary-General had an exchange of views on the matter. In the light of those exchanges, the Secretary-General had initiated further consultations with others concerned.

540. On 13 November 1978, the Security Council adopted resolution 439 (1978), by which it condemned the decision of the South African Government to hold elections in Namibia in December 1978 in contravention of its resolutions 385 (1976) and 435 (1978), called upon South Africa immediately to cancel those elections, demanded once again that South Africa co-operate with the Council and the Secretary-General in the implementation of the relevant resolutions and requested the Secretary-General to report on the implementation of the resolution by 25 November 1978.

541. In a report submitted on 24 November 1978<sup>646</sup> to the Security Council pursuant to resolution 439 (1978), the Secretary-General said that immediately following the adoption of that resolution he had communicated its text to the Government of South Africa. At subsequent meetings with the Deputy Permanent Representative of South Africa the Secretary-General had emphasized the need for the Foreign Minister or another high-ranking official of the Government of South Africa to meet him for discussions on issues concerning the submission of his report to the Security Council by 25 November.

542. At meetings he had held in New York with the South African Secretary for Foreign Affairs on 23 and 24 November, the Secretary-General had demanded that the South African Government co-operate with the Council and himself in the implementation of resolutions 385 (1976), 431 (1978) and 435 (1978). He had further stated that, having regard to the concerns expressed by the Government of South Africa, among others, about his report, he had made the explanatory statement referred to in paragraph 516 above, which had taken those concerns into account. He emphasized that his report was in conformity with the proposal for a settlement of the Namibian situation made by the five Western Governments and that he had been assured by them that it was in line with that proposal; he had asked his interlocutor for a clarification of the position of the South African Government concerning the demands by the Security Council that the Government co-operate with the Council and with the Secretary-General (paragraph 5 of both resolutions 435 (1978) and 439 (1978)), regarding the

commencement of UNTAG activities in Namibia effective 1 January 1979 and, subject thereto, regarding the agreement of the South African Government and the United Nations to establish provisional dates for the various stages and steps projected in the timetable annexed to the proposal for a settlement as well as a provisional date for the election to be fixed approximately seven months from the date of commencement of UNTAG in Namibia. The Secretary-General had also asked for confirmation that, regard being had to the explanatory statement, South Africa's concern over the civil police component of UNTAG had been removed; he had also sought confirmation regarding the finalization, prior to the commencement of UNTAG's operations in Namibia, of an agreement between the United Nations and the Government of South Africa on the status of UNTAG in Namibia and regarding practical arrangements for a cease-fire to be effected by South Africa and SWAPO, each addressing to the Secretary-General a written undertaking to discontinue all hostile acts.

543. The Secretary for Foreign Affairs replied that the Government of South Africa had extended its co-operation to the Security Council by agreeing to and negotiating the proposal for a settlement on the basis of resolution 385 (1976) and had co-operated in the implementation of resolution 431 (1978) during the visit of the Special Representative to Namibia in August. As regards co-operation for the implementation of resolution 435 (1978), he said the gap between the Security Council and his Government had been narrowed through subsequent talks; the remaining outstanding issues could be resolved through consultations as envisaged in the joint statement of 19 October 1978 by the South African Government and the Foreign Ministers of the five Western members of the Security Council.<sup>647</sup> The South African Government was willing to co-operate in the implementation of resolution 435 (1978) but there were a few points on which agreement must be reached, namely, a date for elections for a constituent assembly, and further consultations on the composition and strength of the military component of UNTAG. The date for the emplacement of UNTAG would depend on reaching conclusions on those points. On the question of a date for elections, he referred to paragraphs 3 and 4 of the above-mentioned statement, which called for further consultations in Windhoek between the Administrator-General and the Special Representative of the Secretary-General. He further reaffirmed the position of his Government that a firm rather than a provisional date should be set for the elections.<sup>648</sup> The date should be adhered to whether or not there was a cessation of hostilities and a subsequent reduction of South African troops.

544. The Secretary for Foreign Affairs confirmed that, while the South African Government considered the number of personnel envisaged for police monitoring excessive, the explanatory statement of the Secretary-General had removed its concern about the character and role of the United Nations police. The exact number could be determined by the Special Representative of the Secretary-General and the Administrator-General on the ground. He also stated that substantial progress had been made on the proposed draft agreement on the status of UNTAG. However, finality had still to be reached between the Government of South Africa and the United Nations on a limited number of issues concerning the agreement. The Secretary for Foreign Affairs reaffirmed the position of his Government on a cease-fire as stated in a communication addressed by the South African Government to the five Western members of the Security Council on 12 September 1978<sup>649</sup> and added that the reduction of South African troops in Namibia would only commence if and

when a comprehensive cessation of hostilities had been brought about.

545. In reply to earlier questions raised by the Secretary-General concerning the December elections, including the call for their immediate cancellation, the Secretary for Foreign Affairs reaffirmed that the elections would take place as scheduled by his Government and announced by the Prime Minister.<sup>650</sup> It was left to the Secretary-General and the five Western Governments to decide whether, after the elections in December, they would wish to continue to negotiate with the Government of South Africa. South Africa had never suggested that they should not do so. In response to a question by the Secretary-General, the Secretary for Foreign Affairs confirmed that the elections to be held under United Nations supervision and control would, as provided in the proposal for a settlement, be for a constituent assembly. The Secretary-General emphasized to the Secretary for Foreign Affairs that there were a number of important points relating to the question put by the Secretary-General on which the Security Council would certainly require more specific answers.

546. In a supplemental report dated 2 December 1978<sup>651</sup> the Secretary-General described meetings he had held with the Minister for Foreign Affairs of South Africa from 27 to 29 November 1978 to follow up on the previous discussions. At the opening meeting the Secretary-General had referred the Minister in particular to the following subparagraphs of paragraph 11 of his report of 24 November 1978:

"11. Within the context of relevant Security Council decisions, which I outlined to the Secretary for Foreign Affairs of South Africa I asked him for a clarification of the position of his Government on the following additional matters:

"(a) Paragraph 5 of resolution 435 (1978) and paragraph 5 of resolution 439 (1978);

"(b) Commencement of UNTAG activities in Namibia, effective from 1 January 1979, which I had proposed to the Secretary for Foreign Affairs during our discussions;

"(c) Subject to subparagraph (b) above, the agreement of the Government of South Africa and the United Nations to establish provisional dates for the various stages and steps projected in the timetable annexed to document S/12636;

"(d) Related to the above, establishment of a provisional date for the elections to be fixed approximately seven months from the date of commencement of UNTAG in Namibia;

" . . .

"(g) Practical arrangements for a cease-fire to be effected by South Africa and SWAPO, each addressing to me a written undertaking to discontinue all hostile acts. That would be in accordance with the proposal for a settlement and would come into force with the commencement of UNTAG on a specified date. These procedures would be finalized after acceptance of resolution 435 (1978) by South Africa."

547. The Secretary-General informed the Foreign Minister that he would appreciate any further clarifications the Foreign Minister might wish to give, for the information of the Security Council, in addition to the answers given by the Secretary for Foreign Affairs on those matters. He emphasized to the Minister the urgency of clarifications in connection with the establishment of an operational calendar for the emplacement of UNTAG in Namibia.

548. In reply, the Foreign Minister first gave an account of discussions with the five Western Governments during negotiations for the proposal of a settlement, as reflected in two letters dated 6 and 20 September 1978 from him to the Secretary-General.<sup>652</sup> He wished to focus on those discussions in order to show the context of South Africa's agreement to the proposal for a settlement and thus seek to remove any doubts about his Government's intentions in regard to it. In particular, he referred to the strength of the military component of UNTAG and to the South African decision to hold elections in the Territory in December 1978. He stated that South Africa had, during the discussions prior to the conclusion of the proposal for a settlement, made certain commitments to the parties concerned in the Territory relating to such matters. South Africa therefore desired to have consultations on the strength and composition of the military component of UNTAG.

549. In reply, the Secretary-General informed the Foreign Minister that, as the United Nations had not participated in the negotiation of the proposal for a settlement, he was not in a position to comment on the account the Foreign Minister had given. In regard to the strength and composition of the military component, the Secretary-General referred to the relevant part of his explanatory statement of 28 September 1978,<sup>653</sup> adopted by the Security Council in its resolution 435 (1978). He then once again recalled the terms of paragraph 11 of his report and asked the Foreign Minister if he was prepared to offer further clarifications on the issues raised therein.

550. The Foreign Minister stated that he was authorized to give the following clarification:

(a) The South African Government was willing in the course of the coming month to recommend strongly to the parties concerned that resolution 435 (1978) should be implemented; in the meantime, consultations on the few outstanding points would be continued;

(b) The South African Government would be prepared to recommend to the parties concerned that a date should be set for the elections seven months after the commencement of the emplacement of UNTAG.

551. In subsequent discussions, the Secretary-General impressed on the Foreign Minister that his reply did not clarify South Africa's position in regard to the basic issues described in paragraph 11 of his report. The Secretary-General emphasized that those were crucial matters on which the Security Council would need to be satisfied as to the willingness of South Africa to co-operate in the implementation of resolution 435 (1978). In that connection, the Secretary-General requested further clarifications from the Foreign Minister, taking into account South Africa's refusal to cancel the December elections. Those points covered South Africa's willingness to co-operate in the implementation of resolution 435 (1978), a time-limit for the consultations deemed necessary by South Africa and for the communication of its final position on the implementation of the resolution to the Secretary-General, the continuation of the exercise of South Africa's authority in Namibia pending the full implementation of the proposal for a settlement, and the resolution of some outstanding points on which further consultations were considered necessary by the Government of South Africa.

552. In the light of the discussions described above, the Deputy Permanent Representative of South Africa conveyed to the Secretary-General on 2 December the approval of his Government on the following:

(a) South Africa reiterated its willingness to co-operate in the implementation of resolution 435 (1978);

(b) South Africa was willing, during the month of December, to conclude consultations with the parties concerned on the principles of resolution 435 (1978) and to communicate the results to the Secretary-General;

(c) South Africa reaffirmed that it would retain authority in Namibia pending the implementation of the proposal.

553. By a letter dated 22 December 1978 the representative of South Africa transmitted to the Secretary-General two letters from the Minister for Foreign Affairs of South Africa.<sup>654</sup>

554. The first letter stated that the leaders of South West Africa had expressed their support for an internationally acceptable settlement with a view to achieving international recognition of South West Africa's independence. The South African Government had therefore decided to co-operate in the expeditious implementation of resolution 435 (1978). The Foreign Minister went on to say that as a consequence of this:

“(a) There shall be no reduction of the South African troop strength in the Territory until there has been a comprehensive cessation of violence and hostilities;

“(b) A date for an election will be determined in consultation between the Special Representative and the Administrator-General on the understanding that the election will take place not later than 30 September 1979;

“(c) Questions on which there should be further consultations, such as the size and composition of the military component of the United Nations Transition Assistance Group (UNTAG), and other matters which have already been brought to the attention of the Western Powers, will be resolved satisfactorily with the Administrator-General; special reference is made to paragraph 12 of the settlement plan (S/12636) accepted by the South African Government on 25 April 1978, with a view to monitoring of SWAPO bases in neighbouring States;

“(d) The maintenance of law and order in South West Africa/Namibia remains the primary responsibility of the existing police forces.

“(e) The Administrator-General shall exercise the legislative and administrative authority in South West Africa/Namibia during the transitional period until independence.”

The Foreign Minister then stated that he would appreciate it if the Secretary-General could arrange for his Special Representative to visit South Africa and Namibia as soon as possible for the purpose of completing the consultations on the outstanding issues, such as the size, composition and location of UNTAG, the finalization of UNTAG's status agreement and other practical matters.

555. In the second letter the Foreign Minister transmitted the request of the leaders of South West Africa that:

“(a) Impartiality towards all political parties in the Territory should be strictly maintained by the United Nations and, in the event that the United Nations or individual States directly should continue with their support of SWAPO, all friendly Governments should lend their support to the democratic parties of South West Africa/Namibia;

“(b) All parties participating in the political process should declare in advance that they would participate peacefully and renounce violence and intimidation;

“(c) All political prisoners and detainees should be released on a reciprocal basis;

“(d) The United Nations should publicly dissociate itself from the forces of anarchy and terror by indicating that any existing association with SWAPO would be terminated in the event that SWAPO did not cease and desist from violence as the basis for its activities.”

In closing, the Foreign Minister said that the leaders insisted on the Security Council expressing its final decision on the implementation of resolution 435 (1978) by 28 January 1979 and that the South African Government would be grateful if those matters could urgently receive serious attention.

(d) *Functions that were to be assigned to the Secretary-General by a draft resolution that failed of adoption by the Security Council*

556. At the 1962nd meeting of the Security Council, on 18 October 1976, the representative of Guyana introduced a draft resolution sponsored by Guyana and seven other members of the Council. In the operative part of the draft resolution the Council would have reiterated its demand that South Africa withdraw its illegal administration from Namibia and, acting under Chapter VII of the Charter, would have requested all States to apply certain restrictions in their relations with South Africa. In paragraphs 13 and 14 the Council would have requested the Secretary-General to arrange for the collection and systematic study of all available data concerning international trade in the items which were not to be supplied to South Africa, to follow the implementation of the resolution and to report to the Council on or before a date to be specified in the draft resolution.

557. At the 1963rd meeting of the Security Council, on 19 October 1976, the draft resolution received 10 votes in favour and 3 against (France, the United Kingdom and the United States), with two abstentions (Italy and Japan), and was not adopted, owing to the negative votes of three permanent members of the Council.

## 5. THE QUESTION OF SOUTH AFRICA

558. In its resolution 417 (1977) of 31 October 1977, the Security Council demanded that the South African régime take a number of specific measures, including the abandonment of the policy of *apartheid*, to end its repression of the black people in South Africa, requested all Governments and organizations to lend assistance for that purpose and requested the Secretary-General, in co-operation with the Special Committee against *Apartheid*, to follow the situation and report to the Council, as appropriate, on the implementation of the resolution and to submit a first report not later than 17 February 1978. No report was submitted by the Secretary-General pursuant to this resolution.

559. In its resolution 418 (1977) of 4 November 1977 the Security Council, acting under Chapter VII of the Charter, decided that all States were to cease forthwith any provision of arms and related *matériel* to South Africa and to take a number of measures to reinforce that embargo and also decided that all States were to refrain from co-operating with South Africa in the manufacture and development of nuclear weapons. In paragraph 5 of the resolution the Council called upon all States, including States not Members of the United Nations, to act strictly in accordance with the provisions of the resolution. In paragraph 6 the Council requested the Secretary-General to report to it on the progress of the implementation of the resolution, the first report to be submitted not later than 1 May 1978.

560. In a report dated 28 April 1978<sup>655</sup> the Secretary-General said that, by a telegram dated 4 November 1977, he had transmitted the text of resolution 418 (1977) to the Foreign Ministers of all States. On 10 November 1977 he had addressed notes to those Ministers, drawing attention to certain paragraphs of the resolution and requesting information on the relevant measures taken by the Government concerned. By a note dated 29 March 1978 to the Permanent Representatives or Observers of the States which had not yet replied to his note of 10 November 1977, the Secretary-General had pointed out that in the light of the requirement that he report to the Security Council by 1 May 1978, he would appreciate receiving information as soon as possible. The Secretary-General had also addressed a note to the Permanent Representatives or Observers of all States, requesting any information that might be relevant in the context of the terms of reference of the Committee established by Security Council resolution 421 (1977). The Secretary-General stated in his report that, as of 28 April, he had received replies from 90 Member and non-member States in response to his request for information on the measures taken by their Governments in accordance with the provisions of the resolution. Between 29 April 1978 and the end of the period under review, 77 additional replies were received from 77 States.<sup>656</sup>

## 6. THE QUESTION OF SOUTHERN RHODESIA<sup>657</sup>

### a. Security Council resolution 277 (1970)

561. In its resolution 277 (1970) of 18 March 1970 the Security Council, acting under Chapter VII of the Charter, condemned the illegal proclamation of republican status of the Territory by the illegal régime in Southern Rhodesia and called upon Member States as a whole and the United Kingdom in particular, to take certain specific measures to sever their relations with that régime. The resolution also contained a number of analogous requests to the specialized agencies and the international organizations concerned and a request to States not Members of the United Nations to comply with it. In the resolution, the Council requested Member States to report to the Secretary-General by 1 June 1970 on the measures taken to implement its provisions.

562. In a report dated 1 July 1970<sup>658</sup> the Secretary-General stated that, by a letter dated 23 March 1970, he had transmitted the text of resolution 277 (1970) to the Government of the United Kingdom, drawing attention to the requests made therein to that Government as the administering Power. The letter also referred to the request to Member States that they report to the Secretary-General by 1 June on the measures taken to implement the resolution. On 26 March 1970 the Permanent Representative of the United Kingdom had forwarded the reply of his Government, the substantive part of which was annexed to the report of the Secretary-General.

563. By notes dated 30 March the Secretary-General had transmitted the text of the resolution to all States Members of the United Nations or members of specialized agencies, drawing attention to the provisions of the resolution addressed to Member States and pointing out that the Council had also urged States not Members of the United Nations to act in accordance therewith. He had also transmitted the text of the resolution to the executive heads of the specialized agencies and the IAEA, the Chairman of the Committee established under Security Council resolution 253 (1968), the executive heads of UNCTAD, UNIDO, UNDP, UNICEF and the United Nations High Commissioner for Refugees, the executive

secretaries of the regional economic commissions, the Secretary-General of the Organisation for Economic Co-operation and Development, the President of the International Committee of the Red Cross, and the Administrative Secretary of the OAU. The report contained, in addition to the reply received from the United Kingdom, sixty replies received from States Members of the United Nations or members of the specialized agencies and from the specialized agencies and other international organizations. An addendum to the report containing 7 additional replies was issued on 1 October 1970.<sup>659</sup>

### b. Action taken by the Secretary-General pursuant to Security Council resolution 333 (1973), in connection with the work of the Security Council Committee established pursuant to resolution 253 (1968)

564. In its resolution 320 (1972) the Security Council requested the Security Council Committee established pursuant to resolution 253 (1968) concerning the question of Southern Rhodesia to examine proposals and suggestions made at meetings of the Council for extending the scope and improving the effectiveness of sanctions against Southern Rhodesia. In its resolution 333 (1973) the Security Council approved the recommendations and suggestions put forward in paragraphs 10 to 22 of the second special report of the Committee pursuant to that request and requested the Committee, as well as Governments and the Secretary-General as appropriate, to take urgent action to implement those recommendations and suggestions.

565. In its sixth report<sup>660</sup> the Committee gave an account of the action taken by the Secretary-General in connection with the work of the Committee. As part of that action the Secretary-General had addressed a note to the Governments of States trading with South Africa, Mozambique and Angola, drawing their attention to discrepancies between the quantities of certain commodities reported to have been imported from those countries and the quantities reported to have been exported by them, requesting their comments on those discrepancies and information on the precautions taken to ensure that products purporting to be imported from the three countries were not disguised Rhodesian exports.

### c. Functions discharged in connection with the transition to majority rule in Southern Rhodesia

566. By a letter dated 1 September 1977 to the President of the Security Council<sup>661</sup> the representative of the United Kingdom transmitted certain proposals for the restoration of legality in Southern Rhodesia and the settlement of the Southern Rhodesia problem. The proposals had been drawn up with the full agreement of the Government of the United States and after consulting all the parties concerned. The proposals were based on: (a) the surrender of power by the illegal régime and a return to legality; (b) an orderly and peaceful transition to independence in 1978; (c) the establishment by the United Kingdom Government of a transitional administration, with the task of conducting the elections for an independent Government. The United Kingdom Government was to appoint, during the transition period, a Resident Commissioner, who would administer the country, organize and conduct a general election within six months, and take command of armed forces in Rhodesia, except for a United Nations Zimbabwe Force also envisaged. The Secretary-General was to appoint, on the authority of the Security Council, a Special Representative who would work with the Resident Commissioner, observe

the administration of the country and ensure that the organization and conduct of the election were fair and impartial.

567. By a letter dated 23 September 1977 to the President of the Security Council<sup>662</sup> the representative of the United Kingdom, referring to the above-mentioned proposal for a Special Representative, said that the United Kingdom Government now wished to extend, through the Security Council, an invitation to the Secretary-General to appoint the representative and requested the President to convene a meeting of the Council.

568. At the second of the two meetings held pursuant to that request, specifically the 2034th meeting, the Security Council, on 29 September 1977, adopted resolution 415 (1977), in the preamble of which the Council took note of the above-mentioned invitation. The operative part read:

*"The Security Council,*

*" . . .*

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

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

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

569. Speaking at the meeting at which the resolution was adopted, following its adoption,<sup>663</sup> the Secretary-General said that he would immediately take action to implement the request addressed to him and hoped to be able to inform the Council in the near future, after appropriate consultations, of the name of his representative. He added that, in seeking for a representative he would of course pay particular attention to experience and the special circumstances. After observing that success would depend in very large measure on the co-operation and understanding of the parties concerned and the degree of their determination to find a peaceful solution, he stated that he would report to the Council as soon as possible on the results of his representative's discussions with the British Resident Commissioner and with all the parties concerned.

570. In a note dated 4 October 1977<sup>664</sup> the President of the Security Council stated that, on 30 September, he had received a communication from the Secretary-General, informing him of the Secretary-General's intention to appoint Lieutenant-General D. Prem Chand, who had been Force Commander of UNFICYP from 1969 to 1976, as his representative and requesting any views the members of the Council might have on the matter. The President then noted that, in his reply of 4 October, he had informed the Secretary-General that the consultations he had held with the members of the Council had indicated that the proposed appointment was acceptable to 14 members of the Council and that China disassociated itself from the matter. The President also noted that he had received a further communication on the same day from the Secretary-General, informing him that, in the light of the President's consultations, the Secretary-General had appointed General Prem Chand as his representative.

571. On 14 March 1978 the Security Council adopted resolution 423 (1978) by which it declared that the speedy termination of the illegal régime and the replacement of its military and police forces were prerequisites for the restoration of legality in the country so that arrangements might be made for a peaceful and democratic transition to majority rule and independence in 1978, such arrangements to include the holding of elections under United Nations supervision. In the resolution, the Council also called upon the Government of the United Kingdom to bring the régime to an end and decolonize the Territory, stating that the United Kingdom, as administering Power, should, with the assistance of the Secretary-General, consult the parties concerned to effect the decolonization of the Territory and achieve the other objectives of the resolution, which also contained a request to the Secretary-General that he report, not later than 15 April 1978, on the results of its implementation.

572. On 1 May 1978 the Secretary-General issued a report on the implementation of Security Council resolution 423 (1978).<sup>665</sup> He had held comprehensive discussions with the United Kingdom representative and also with the Secretary of State for Foreign and Commonwealth Affairs. He had been in close touch with the United States Secretary of State and had been kept informed by the administering Power and by his representative, General Prem Chand, of developments that had taken place in the course of consultations between the United Kingdom and all the parties concerned. As those consultations had continued during March and most of April, the Secretary-General, with the consent of the Security Council, had delayed the submission of his report in order to cover all developments during that period. Although the parties had not been able to arrive at a negotiated settlement, he had been informed that it remained the stated intention of the Governments of the United Kingdom and the United States to continue contacts with all the parties to define further the issues that could be discussed at the proposed roundtable talks. They further intended to pursue the search for a negotiated settlement based on the principles of their proposals and, should the occasion require, they would call upon the Secretary-General to make his good offices available. In this connection, both Governments had found it valuable that the Secretary-General's representative had been able to participate in many of the discussions.

## 7. THE QUESTION OF SPANISH (LATER WESTERN) SAHARA

### a. Action pursuant to General Assembly resolutions

573. In its resolution 2711 (XXV) the General Assembly repeated its invitation to the Government of Spain, as administering Power of Spanish Sahara, to determine, in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous people of the Sahara to exercise freely their right to self-determination, asking the Government of Spain to fulfil certain requirements that included, in particular, receiving a United Nations mission and providing to it the necessary facilities to enable it to participate actively in the organization and holding of the referendum, in accordance with General Assembly resolution 2591 (XXI). In paragraph 10 of the resolution the Assembly requested the Secretary-General, in consultation with the Administering Power and the Special Committee, immediately to appoint the special mission and expedite its dispatch to the Sahara



in order to recommend practical steps for the implementation of the relevant resolutions of the General Assembly, in particular to confirm United Nations participation in the preparation and supervision of the referendum, and to submit a report to the Secretary-General for transmission to the Assembly at its twenty-sixth session.

574. By a letter dated 21 January 1971,<sup>666</sup> the Secretary-General transmitted the text of the resolution to the representative of Spain, drawing particular attention to paragraph 10.

575. In his reply of 22 November 1971,<sup>667</sup> the representative of Spain reiterated his support for the application of the principle of self-determination to the Spanish Sahara. He added that the census had not yet been completed and that, once it had been, the Spanish Government would await the moment when the rightful population of the Sahara would express its desire to exercise its right of self-determination. When that time came, a date would be set on which that population would be able to make its wishes known. At that point, the Spanish Government would notify the United Nations in due time so that it could arrange for its presence during the event.

576. In its resolutions 2983 (XXVII) and 3162 (XXVIII) the General Assembly repeated its invitation to the administering Power to determine the procedures for the holding of a referendum under United Nations auspices and once again requested the Secretary-General, in consultation with the administering Power and the Special Committee, to appoint immediately the special mission provided for in paragraph 5 of resolution 2229 (XXI).

577. In its resolution 3458 A (XXX) of 10 December 1975 the General Assembly requested the Government of Spain, as the administering Power, in accordance with the observations and conclusions of the Visiting Mission and in accordance with the advisory opinion of the International Court of Justice,<sup>668</sup> to take immediately all necessary measures, in consultation with all the parties concerned and interested, so that all Saharans originating in the Territory might exercise fully and freely, under United Nations supervision, their inalienable right to self-determination; it also requested the Secretary-General, in consultation with that Government and the Special Committee, to make the necessary arrangements for the supervision of the act of self-determination.

578. In its resolution 3458 B (XXX) of 10 December 1975 the General Assembly took note of the tripartite agreement of 14 November 1975 between the Governments of Mauritania, Morocco and Spain<sup>669</sup> and requested the interim administration of the Territory to take all necessary steps to ensure that all the Saharan population originating in the Territory would be able to exercise their inalienable right to self-determination through free consultations organized with the assistance of a representative of the United Nations appointed by the Secretary-General.<sup>670</sup>

#### b. *Action pursuant to Security Council resolutions*

579. In its resolution 377 (1975) of 22 October 1975 the Security Council, after stating that it acted without prejudice to any action by the General Assembly under its resolution 3292 (XXIX) or to negotiations that the parties concerned and interested might undertake under Article 33 of the Charter, requested the Secretary-General to enter into immediate consultations with those parties and report to the Security Council as soon as possible on the results of his consultations to enable it to adopt the appropriate measures to deal with the situation concerning the Western Sahara. It also appealed to the parties concerned

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

580. Pursuant to request addressed to him in resolution 377 (1975), the Secretary-General submitted a report to the Security Council on 31 October 1975.<sup>671</sup> Following consultations in New York with representatives of the parties concerned, he had visited Mauritania, Morocco, Algeria and Spain, in that order, from 25 to 28 October, and had had extensive discussions with the respective heads of State and Government. Upon leaving Madrid, as he had previously agreed during his earlier consultations, he had sent Mr. André Lewin as his personal representative to Marrakesh and Algiers, in order to inform the respective heads of State of the latest position of Spain and of certain suggestions that had emerged during the prior discussions. Mr. Lewin had also had occasion to brief the Foreign Minister of Mauritania. The positions of the four Governments were set forth in the report. While not all the parties had arrived at a final decision, it seemed to the Secretary-General that they would be prepared to recognize the United Nations as an essential element in the search for an acceptable solution. In the framework of such a solution, the United Nations might be called upon to play an appropriate role. He would continue his consultations with the parties. Meanwhile, the situation in the area remained grave and it was of the greatest importance to avoid any action which might escalate the tension.

581. In its resolution 379 (1975) of 2 November 1975 the Security Council, after having considered the report of the Secretary-General, urged all the parties concerned and interested to avoid any unilateral or other action which might further escalate tension in the area and requested the Secretary-General to continue and intensify his consultations with the parties concerned and interested and report to the Council as soon as possible on the results of the consultations to enable the Council to adopt any further appropriate measures that might be necessary.

582. Speaking in the Council immediately after the adoption of resolution 379 (1975),<sup>672</sup> the Secretary-General said that, during informal consultations of the members of the Council, he had informed the Council on various aspects of the situation not mentioned in detail in his report. The members of the Council were thus in a position fully to assess the situation.

583. On 6 November 1975 the Security Council adopted resolution 380 (1975), in which it deplored the holding of the march on Western Sahara from Morocco that had begun that day, called upon Morocco to withdraw all the participants in the march from the Territory of Western Sahara immediately and called upon Morocco and all the other parties concerned and interested, without prejudice to any action which the General Assembly might take under resolution 3292 (XXIX) or any negotiations which the parties concerned and interested might undertake, to co-operate fully with the Secretary-General in the fulfilment of his mandate under resolutions 377 (1975) and 379 (1975).

584. Speaking in the Council immediately after the adoption of resolution 380 (1975),<sup>673</sup> the Secretary-General said that since the adoption of resolution 379 (1975) he had been in constant touch with the parties concerned and interested, through their representatives to the United Nations and also through his special envoy, Mr. Lewin, whom he had sent to the area. He had kept the members of the Council fully informed of all developments as they were reported to him. His special envoy had returned that day and the Secretary-General should be in a position to submit a comprehensive report under resolution 379 (1975).

585. Pursuant to resolution 379 (1975) the Secretary-General submitted a report to the Security Council on 8 November 1975,<sup>674</sup> in which he described the consultations he had held at the United Nations with the representatives of the parties concerned and interested and the visit of his special envoy to Morocco, Mauritania, Algeria and Spain. After reporting the positions of the parties, among which considerable differences still existed, the Secretary-General stated that the entry of the "Green March" into Western Sahara had seriously increased the tension in the area and that, should the situation deteriorate further, the chances for a satisfactory settlement would be seriously jeopardized. He called for the utmost restraint to avoid a tragedy and keep open the path towards a peaceful settlement.

586. On 12 November 1975,<sup>675</sup> in a second report, the Secretary-General informed the Council that, on 9 November, King Hassan had announced at Agadir that he was asking the "Green March" volunteers to return to their starting point, a decision that had helped to dispel tension in the region. The Secretary-General believed that, although the position of the parties continued to differ, a solution to the problem within the United Nations framework remained the only approach capable of achieving a peaceful settlement satisfactory to all parties concerned.

587. On 19 November 1975, in a third report,<sup>676</sup> the Secretary-General stated that, after the participants in the march had been withdrawn, Spain had informed him that it had agreed with Morocco and Mauritania on a declaration of principles, the text of which was annexed to the report, according to which Spain would terminate its presence in Western Sahara by 28 February 1976 at the latest and, in the interim, would transfer its responsibilities as administering Power to a temporary tripartite administration to be constituted by the addition to the Governor General of two Deputy Governors to be appointed on the nomination of Morocco and Mauritania respectively. The new administration would represent the views of the Saharan population. The Secretary-General also reported that Algeria had, in a document of which the text was annexed to the report, formally taken the position that the declaration was contrary to the relevant Security Council resolutions and therefore null and void.

#### 8. THE SITUATION IN THE INDIA/PAKISTAN SUBCONTINENT<sup>677</sup>

588. In March 1971 civil strife broke out in East Pakistan, which later became the independent State of Bangladesh. As millions of refugees arrived in neighbouring India, tension increased in the subcontinent, leading to severe problems between India and Pakistan. On 3 December 1971 large-scale hostilities broke out between the two countries.

589. In a report issued on 4 December 1971 and addenda of 5 and 6 December,<sup>678</sup> the Secretary-General made available to the Council information regarding the situation along the cease-fire line in the State of Jammu and Kashmir based on reports from the United Nations Military Observation Group in India and Pakistan (UNMOGIP). That was the only part of the subcontinent where the United Nations had observation machinery. The Chief Military Observer of UNMOGIP had awarded overall violations to both Indian and Pakistan as from 21 October for breaches and in certain cases non-observance of the Karachi Agreement of 1949. On 3 December he had reported that hostilities had commenced along the cease-fire line and had instructed the observers to remain at their stations.

590. In the course of the consideration of the matter by the Security Council at its 1606th to 1608th meetings, held between 4 and 6 December 1971, two draft resolutions containing requests to the Secretary-General were put to a vote and not adopted, owing each time to the negative vote of a permanent member of the Council. In the first draft resolution,<sup>679</sup> proposed by the United States, the Council would have called upon the Governments of India and Pakistan to take all steps required for an immediate cessation of hostilities and invited them to respond affirmatively to a proposal of good offices by the Secretary-General, who would have been authorized, at the request of the Government of India or Pakistan, to place observers along those borders to report on the implementation of the cease-fire and troop withdrawals. In the second draft resolution, proposed by Argentina, Belgium, Burundi, Italy, Japan, Nicaragua, Sierra Leone and Somalia, the Council would have called upon the Governments of India and Pakistan to take forthwith all measures for an immediate cease-fire and would have requested the Secretary-General to keep the Council promptly and currently informed of its implementation.<sup>680</sup>

591. During the debate on the situation in the subcontinent at the twenty-sixth session of the General Assembly, the Secretary-General appealed to all the parties to the conflict to take every possible measure to spare the lives of the innocent civilian population, to observe the terms of the Geneva Conventions of 1949 and do their utmost to ward off yet another senseless sacrifice of human lives on a vast scale. He had also instructed his representative in Dacca to examine urgently, in full co-operation with the International Red Cross, what practical measures could be taken to that end.<sup>681</sup>

592. At its 1611th and 1613th to 1621st meetings, held between 12 and 21 December 1971, the Security Council again took up the question of the situation in the India/Pakistan subcontinent. At the last of those meetings, the Security Council adopted resolution 307 (1971), by paragraph 1 of which it demanded that a durable cease-fire and cessation of all hostilities in all areas of conflict be strictly observed and remain in effect until withdrawals took place of all armed forces to their respective territories and to positions which respected the cease-fire line in Jammu and Kashmir supervised by UNMOGIP. In the resolution the Council called for international assistance to the refugees and for their return to their homes and full co-operation with the Secretary-General to that effect. By paragraphs 5 and 6 of the resolution the Council authorized the Secretary-General to appoint, if necessary, a Special Representative to lend his good offices for the solution of humanitarian problems and requested him to keep the Council informed without delay on developments relating to the implementation of the resolution.

593. On 21 December 1971 the Secretary-General reported to the General Assembly and the Security Council on the implementation of General Assembly resolution 2790 A (XXVI) with particular reference to the implementation of Security Council resolution 307 (1971) setting forth the relevant developments in East Pakistan and the United Nations humanitarian efforts there.<sup>682</sup>

594. In a report dated 22 December 1971<sup>683</sup> the Secretary-General, in compliance with Security Council resolution 307 (1971), set out information received from the Chief Military Observer of UNMOGIP and pointed out that he was not in a position to report to the Council on other areas because the United Nations had no military observation machinery in other parts of the subcontinent. In later reports, issued on 29 December 1971, 4 January, 29 January and 12 May 1972, he supplied further details received from UNMOGIP.<sup>684</sup>

595. On 25 December 1971<sup>685</sup> the Secretary-General reported that, in accordance with paragraph 5 of Security Council resolution 307 (1971), he had appointed Mr. Vittorio Winspeare-Guicciardi, the Director-General of the United Nations Office at Geneva, as his Special Representative and had asked him to proceed to the sub-continent immediately. By reports dated 17 January 1972<sup>686</sup> and 26 February 1972,<sup>687</sup> the Secretary-General informed the Council of the Special Representative's activities.

9. FUNCTIONS EXERCISED UNDER GENERAL ASSEMBLY OR SECURITY COUNCIL RESOLUTIONS WITH RESPECT TO VARIOUS OTHER QUESTIONS

a. *The situation in the Territories under Portuguese administration*<sup>688</sup>

596. On 14 November 1972 the General Assembly adopted resolution 2918 (XXVII), in paragraph 3 of which it called for negotiations to be initiated at an early date between the Government of Portugal and the national liberation movements of Angola, Guinea (Bissau) and Cape Verde and Mozambique with a view to the implementation with respect to those countries of the Declaration on the Granting of Independence to Colonial Countries and People. In the resolution the Assembly also appealed to Governments, the specialized agencies and other organizations within the United Nations system to render to the peoples of those Territories the assistance necessary to continue their struggle for the achievement of their independence and also requested all Governments to withdraw any assistance to Portugal enabling it to prosecute the colonial war in the territories, reiterating the provision in Security Council resolution 312 (1972) about the sale and supply of arms. In paragraph 8 of the resolution the Assembly requested the Secretary-General to follow its implementation, in particular to provide such assistance as might be necessary with respect to the negotiations referred to in paragraph 3 and to report thereon, as appropriate, to the Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

597. In a report submitted to the General Assembly at its twenty-eighth session<sup>689</sup> the Secretary-General stated that, in transmitting the text of the resolution, he had requested Governments to furnish information on the steps taken or envisaged by them in the implementation of the various provisions of the resolution. The substantive parts of the replies he had received from the twelve Governments that had complied with the request were reproduced in the report and its two addenda. Having regard to the request addressed to him concerning the provision of assistance with respect to the negotiations referred to in paragraph 3 of the resolution, the Secretary-General, in a letter dated 20 November 1972 to the Permanent Representative of Portugal, had made the following statement:

"In transmitting the text of the resolution, I wish to draw the particular attention of your Government to operative paragraphs 3 and 8 thereof.

"With regard to the request addressed to me by the General Assembly in operative paragraph 8 of the resolution, I stand ready to provide such assistance as may be necessary and would appreciate receiving any comments which your Government may have in that connection."

598. In its resolution 3113 (XXVIII) the General Assembly made a number of requests for action by the

specialized agencies, all Governments in general, and the Government of Portugal in particular, in connection with the Territories under Portuguese administration, and requested the Secretary-General to follow the implementation of the resolution and report to it at its twenty-ninth session.

599. In a report submitted to the General Assembly at its twenty-ninth session,<sup>690</sup> the Secretary-General said that, in transmitting the text of the resolution, he had requested the Governments to furnish information on steps taken or envisaged in the implementation of the various provisions of the resolution. The substantive portions of the twelve replies received were reproduced in the annex to the report. The Secretary-General added that, pursuant to his mandate under the relevant resolutions of the General Assembly and the Security Council, he had visited Lisbon between 2 and 4 August 1974, at the invitation of the President of Portugal. An account of his visit was contained in the relevant chapter of the report of the Special Committee on the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.<sup>691</sup> The text of the memorandum from the Government of Portugal handed to him at the end of his visit had been circulated in a document of the General Assembly and the Security Council.<sup>692</sup>

b. *Complaint by Guinea*

600. At the 1558th meeting of the Security Council, held on 22 November 1970 at the request of the Permanent Representative of Guinea, to consider a complaint by that State about an armed attack on its territory by Portuguese forces, the Secretary-General read out the text of a message on the matter from the President of Guinea.<sup>693</sup> Later that afternoon, the Secretary-General received a message from the UNDP resident representative in Conakry confirming that external forces had debarked in Conakry.<sup>694</sup>

601. At the same meeting the Security Council subsequently adopted resolution 289 (1970), in which it demanded the immediate cessation of the armed attack against the Republic of Guinea and the immediate withdrawal of all external armed forces and mercenaries together with the military equipment they had used. In the resolution the Council decided that a special mission be sent to the Republic of Guinea to report on the situation immediately and that it be formed after consultation between the President of the Security Council and the Secretary-General.

602. In a report submitted jointly to the Security Council on 24 November 1970,<sup>695</sup> the President of the Council and the Secretary-General stated that, in accordance with resolution 289 (1970), and following consultations between themselves and between the President and members of the Council, it had been decided that the Special Mission would be composed as follows: Major General Padma Bahadur Khatri (Nepal), Chairman; Mr. Augusto Espinosa (Colombia); Mr. Max Jakobson (Finland); Mr. Eugeniusz Kulaga (Poland); and Mr. Vernon Johnson Mwaanga (Zambia).

603. Following consideration of the report of the Special Mission at further meetings of the Council held in December 1970, the Council adopted, on 8 December 1970, resolution 290 (1970), in which it endorsed the conclusions of the report and condemned Portugal for its invasion of Guinea. In paragraph 5 of the resolution the Council demanded that the Government of Portugal pay full compensation to the Republic of Guinea for the damage caused and requested the Secretary-General to

assist the Government of Guinea in the assessment of the extent of the damage. The resolution also contained certain requests to all Governments and to the Government of Portugal in particular aimed at preventing a recurrence of the attack, as well as a request to the President of the Council and the Secretary-General to follow closely the implementation of the resolution.

604. On 22 December 1970<sup>696</sup> the President of the Security Council and the Secretary-General, pursuant to resolution 290 (1970), jointly submitted an interim report on its implementation. The report stated that, as of 21 December, no replies had been received in response to the Secretary-General's request in a note dated 18 December for information from States Members of the United Nations or members of the specialized agencies on measures taken by them to implement the resolution. On 8 December 1970 the Secretary-General had sent a cable to the Government of Guinea, informing it of his readiness to dispatch a team of officials to assist it in assessing the damage. In a reply dated 16 December 1970 the President of Guinea had asked the Secretary-General to cancel the dispatch of the appraisal mission to Guinea, as the only reparation acceptable to the Government would be the immediate recognition and proclamation of national independence for the African Territories of Angola, Mozambique and Guinea (Bissau).

#### c. *Complaint by Senegal*

605. In a letter dated 6 July 1971<sup>697</sup> the representative of Senegal complained of violations of his country's territorial integrity by Portuguese armed forces based in Guinea (Bissau) and requested an urgent meeting of the Security Council.

606. The Security Council considered the complaint at meetings held from 12 to 15 July 1971, at the last of which the Council adopted resolution 294 (1971), in which it demanded that the Government of Portugal immediately stop any acts of violence and destruction in Senegalese territory. In paragraph 4 of the resolution the Council requested its President 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 enquire into the facts of which the Council had been informed, to examine the situation along the border between Guinea (Bissau) and Senegal and report to the Council, making any recommendations aimed at guaranteeing peace and security in the region.

607. In a report submitted pursuant to resolution 294 (1971) on 21 July 1971,<sup>698</sup> the President of the Security Council and the Secretary-General stated that they had decided that the Special Mission was to be composed as follows: Mr. G. Sevilla-Sacasa (Nicaragua), Chairman; Mr. J. Gérard (Belgium); Mr. Nsanzé Térance (Burundi); Mr. R. Ishikawa (Japan); Mr. E. Kulaga (Poland) and Mr. R. Jouejati (Syria).

#### d. *Complaint by Kenya, on behalf of the African Group of States at the United Nations, concerning the act of aggression committed by South Africa against the People's Republic of Angola*

608. In a letter dated 23 February 1976 to the Secretary-General the representative of Cuba referred to the presence of South African armed forces in Angola.<sup>699</sup> In a letter dated 10 March 1976 to the Secretary-General, the representative of Kenya, on behalf of the African Group of States at the United Nations, requested a meeting of the Security Council to consider "the act of aggression committed by South Africa against the People's Republic of Angola".<sup>700</sup>

609. The Security Council considered the complaint at meetings held from 26 to 31 March 1976. At the last of those meetings the Council adopted resolution 387 (1976) in which it demanded that South Africa respect the independence, sovereignty and territorial integrity of Angola, desist from using the international territory of Namibia to mount provocative or aggressive acts against Angola or any other neighbouring African State and called upon the Government of South Africa to meet the claims of the People's Republic of Angola for full compensation for the damage and destruction inflicted on its State. In paragraph 5 of the resolution the Council requested the Secretary-General to follow its implementation. No report was submitted by the Secretary-General during the period under review on action pursuant to this request.

#### e. *Complaint by Benin*

610. In a letter dated 26 January 1977<sup>701</sup> the representative of Benin requested the President of the Security Council to convene a meeting of the Council to consider an act of aggression committed against the People's Republic of Benin, namely, an attack on Cotonou on 16 January 1977 by mercenaries, brought by a military aircraft, who had been forced to retreat, abandoning weapons and ammunition after causing some loss of life and material damage.

611. At the last of the three meetings which it held to consider this complaint, the Security Council, on 8 February 1977, adopted resolution 404 (1977), in which it decided to send a special mission composed of three members of the Council, to be appointed after consultations between the President and its members, to Benin to investigate and report not later than 28 February 1977.

612. On 14 April 1977 the Security Council adopted resolution 405 (1977), by which it took note of the report of the Special Mission,<sup>702</sup> strongly condemned the act of armed aggression perpetrated against Benin, and called upon all States to take specific measures to ensure against the recurrence of such incidents, to provide it with information they might have in connection with the events that had given rise to the complaint and to give assistance to Benin to enable it to repair the damage sustained. In paragraphs 7 and 11 of the resolution the Council requested the Secretary-General to provide appropriate technical assistance to help the Government of Benin in assessing and evaluating the damage and follow closely the implementation of the resolution.

613. By a letter dated 13 October 1977<sup>703</sup> the representative of Benin transmitted the text of a revised report by his Government evaluating the damage in question. The revised report, which superseded one circulated on 5 April 1977,<sup>704</sup> was based on new statistical data and on the reports prepared by two expert consultants who had visited Cotonou in accordance with paragraph 7 of Security Council resolution 405 (1977).

614. On 24 November 1977 the Security Council adopted resolution 419 (1977) in which it took note of the report by Benin, called upon all States to co-operate in gathering information on the mercenaries involved in the aggression against Benin, appealed to all States and appropriate international organizations, including the United Nations and its specialized agencies, to assist Benin to repair the damage sustained, requesting the Secretary-General to provide assistance to it for that purpose and to watch over the implementation of the resolution, and asked for a report not later than 30 September 1978.

615. On 29 September 1978 the Secretary-General submitted a report<sup>705</sup> pursuant to resolution 419 (1977)

providing information on the kinds of aid requested by Benin and the response of the international community to an appeal by the Secretary-General for assistance to Benin.

f. *Question of the Comorian island of Mayotte*

616. In its resolution 31/4 the General Assembly declared that the occupation by France of the Comorian island of Mayotte constituted a flagrant encroachment on the national unity of the Comorian State, a Member of the United Nations, and called upon the Government of France to withdraw immediately from the island.

617. In its resolution 32/7 the General Assembly called upon the Governments of the Comoros and France to work out a just and equitable settlement for the problem of Mayotte and mandated the Secretary-General to take, in close consultation with those Governments, any initiative in favour of negotiations between the two Governments and to contact the Administrative Secretary-General of the Organization of African Unity with a view to obtaining any assistance which might help him to discharge his mission. In the resolution the Assembly also requested the Secretary-General to report on its implementation at the next session.

618. In the report that he submitted to the Assembly at its thirty-third session pursuant to that request,<sup>706</sup> the Secretary-General described the initiatives he had taken prior to and following 13 May 1978, when a *coup d'état* in the Comoros had resulted in the proclamation that day of a new Government.

619. Prior to that date, the Secretary-General had held separate meetings at United Nations Headquarters with the Foreign Minister of the Comoros and the Permanent Representative of France. The first of the meetings with the Foreign Minister had also been attended by the Assistant Secretary-General of OAU, who had stressed the importance his organization attached to the matter. The Foreign Minister informed the Secretary-General that the Comoros was ready to enter into a dialogue with France to settle the question of Mayotte and normalize relations between the two countries. He added in response to a suggestion by the Secretary-General that the Comoros would be prepared to receive a representative of the Secretary-General to assist, if necessary, in the initiation of negotiations with France. The representative of France stated that France was ready to try to facilitate a dialogue between Mayotte and the rest of the Comoros and willing to receive a representative of the Secretary-General to discuss the situation. The French Government, however, did not consider itself bound by resolution 31/4.

620. Following the *coup d'état*, the Secretary-General sent a cable to the new Foreign Minister of the Comoros, informing him of the prior developments and stating that, in view of the changed situation, he wished to ascertain the position of the Government. In the two cables by which, on 2 July 1978, the Minister replied, he stated that the new Government would comply with resolution 31/4 and that diplomatic relations were being established between the Comorian and the French Governments. The Minister believed that with this approach and the help of the Secretary-General his Government would be able to settle more easily the question of the island of Mayotte with respect for the political unity and the integrity of the Comoros.

621. At a meeting with the Secretary-General on 28 July, the Foreign Minister of France confirmed that his Government would have no objection to a visit by a special representative of the Secretary-General. The following month the Secretary-General received information

from the Permanent Mission of France indicating an improved state of relations between France and the Comoros. The Secretary-General concluded his report by stating that he had informed the parties concerned of his readiness to continue his efforts in favour of a settlement of the question.

g. *Complaint by Iraq concerning incidents on its frontier with Iran*

622. By a letter dated 12 February 1974 to the President of the Security Council,<sup>707</sup> the representative of Iraq requested an urgent meeting of the Council to consider the situation arising from continuing acts of aggression by Iranian armed forces against the territorial integrity of Iraq.

623. The Security Council considered the matter at meetings held from 15 to 28 February 1974. At the last of those meetings the President of the Council announced that, following consultations, he had been authorized to make a statement representing the agreement of the members of the Council.<sup>708</sup> The statement referred to a consensus reached by them except China, which dissociated itself from it, in which the Council expressed the belief that it was important to deal with a situation which could endanger peace and stability in the region and appealed to the parties to refrain from all military action and any move which might aggravate the situation. The consensus stated further that the cause of the events lay in the fact that the legal basis for the delimitation of the boundary was contested. The Council expressed the hope that the recent exchange of ambassadors between the two States could constitute a channel through which problems affecting relations between them might be resolved. Noting in the consensus the need for additional information, the Council requested the Secretary-General to appoint as soon as possible a special representative who would conduct an investigation of the events that had given rise to the complaint and report within three months.

624. On 20 May 1974 the Secretary-General submitted a report<sup>709</sup> to the Council on the implementation of its consensus of 28 February. On 18 March Ambassador Luis Weckmann-Muñoz, of Mexico, had been appointed Special Representative of the Secretary-General to investigate the events that had given rise to the complaint. Mr. Weckmann-Muñoz had held extensive consultations in the capitals of both parties to the dispute and gathered information, in particular by visiting the areas of the frontier that had been the scene of recent incidents. The text of a report he had submitted on 16 May was annexed to that of the Secretary-General.

625. The Secretary-General stated that the Governments of Iraq and Iran had agreed through Mr. Weckmann-Muñoz, who was acting in the exercise of the good offices of the Secretary-General, to the following points: (a) a strict observance of the 7 March 1974 cease-fire agreement; (b) prompt and simultaneous withdrawal of concentrations of armed forces along the entire border, in accordance with an arrangement to be agreed upon; (c) total avoidance of any hostile actions against each other, in order to create an atmosphere conducive to achieving the purpose stated in point (d); and (d) an early resumption of conversations, without any preconditions, with a view to a comprehensive settlement of all bilateral issues.

h. *The situation in East Timor*

626. In a letter dated 7 December 1975<sup>710</sup> the representative of Portugal requested the President of the Security

Council to convene an urgent meeting of the Council to consider the situation arising from the offensive action launched that day by Indonesian forces against the Territory of East Timor, in which a civil war had broken out. The action of Indonesia constituted, in the view of Portugal, an act of aggression affecting peace and the exercise by the people of the Territory of their right to self-determination.

627. In its resolution 384 (1975), adopted on 22 December 1975, the Security Council called upon the Government of Indonesia to withdraw all its forces from the Territory without delay and upon the Government of Portugal, as administering Power, to co-operate fully with the United Nations so as to enable the people of East Timor to exercise freely their right to self-determination. In the resolution the Council requested the Secretary-General to send a special representative to East Timor urgently for the purpose of making an on-the-spot assessment of the situation and of establishing contact with all the parties in the Territory and all States concerned in order to ensure the implementation of the resolution. It also requested the Secretary-General to follow the implementation of the resolution and, taking into account the report of his special representative, to submit recommendations to the Council as soon as possible.

628. On 12 March 1976<sup>711</sup> the Secretary-General, pursuant to resolution 384 (1975), submitted a report to the Security Council by which he transmitted the report prepared by his Special Representative, Mr. Vittorio Winspeare Guicciardi, Director-General of the United Nations Office at Geneva, whom he had appointed on 29 December 1975 to make an on-the-spot assessment of the situation in East Timor and to establish contact with all the parties in the Territory and all the States concerned in order to ensure the full implementation of the resolution. The Secretary-General expressed the hope that the report would provide a useful basis for the Council's further consideration of the question and suggested that consultations by his Special Representative with the parties concerned should be continued for the time being on the understanding that any developments would be reported to the Council.

629. In the account he gave of his mission, the Special Representative indicated that he had held talks with the Portuguese and Indonesian Governments and with leaders of the various parties concerned with the East Timor question. Apart from the enclave of Ocussi, he had visited in East Timor Ataúro, the capital city of Dili, Manatuto and Baucau. Communications difficulties, as well as security reasons, had prevented him from travelling more widely. In the circumstances, he had concluded that any accurate assessment of the situation as a whole remained elusive. In connection with his talks with the parties, the Special Representative pointed out that the Indonesian Government had informed him, with regard to the request contained in paragraph 2 of resolution 384 (1975), that the Indonesian volunteers present in East Timor were there at the request of the "Provisional Government of East Timor" which alone could decide to terminate their presence in the Territory.

630. He also indicated that Portugal and the "Government of the Democratic Republic of East Timor" had called for the withdrawal of Indonesian forces. The latter entity had also called for the organization of a referendum; Portugal, however, while in principle favourable thereto, felt that any referendum should be preceded by consultations with all political groups. The "Provisional Government", on the other hand, had opted for complete

integration of the Territory with Indonesia. The Government of Indonesia, for its part, took the position that it was for the people of East Timor themselves to decide on the political future of the Territory. While welcoming the call of the "Provisional Government" for the integration of East Timor with Indonesia, it remained of the view that such a decision should first be ratified by the people of the Territory.

631. In conclusion, the Special Representative pointed out that, while the "Governments" and parties concerned in East Timor held divergent views, there was one common element among them, namely the need for consultation; that, however, was interpreted very differently, in both its scope and procedure. As a first step, he suggested that it might be possible to build on the slender common assumption that the people of East Timor should be consulted on the future status of the Territory.

632. In its resolution 389 (1976) of 22 April 1976 the Security Council called upon all States to respect the territorial integrity of East Timor and upon the Government of Indonesia to withdraw its forces from the Territory without further delay. It also requested the Secretary-General to have his Special Representative continue the assignment entrusted to him under resolution 384 (1975) and pursue consultations with the parties concerned. It requested the Secretary-General, further, to follow the implementation of the resolution and submit a report as soon as possible, and called upon all States and other parties concerned to co-operate fully with the United Nations to achieve a peaceful solution to the situation and facilitate the decolonization of the Territory.

633. Pursuant to resolution 389 (1976) the Secretary-General submitted to the Security Council on 22 June 1976 a report<sup>712</sup> on the continuing assignment of his Special Representative and transmitted the second report on the latter's contacts with the parties concerned. The Special Representative described his consultations with representatives of the Governments of Indonesia and Portugal, as well as of the "Provisional Government of East Timor". He had been unable to arrange a meeting with representatives of the party advocating full independence for the Territory (FRETILIN), but had received various communications by letter and telegram on behalf of the "Government of the Democratic Republic of East Timor". Since his mandate derived specifically from resolutions 384 (1975) and 389 (1976), it had been decided that it would not have been appropriate for him to respond to invitations received from the Government of Indonesia to visit East Timor on 24 June, concurrent with the mission to be sent there by the Indonesian Government. Under the circumstances outlined in his report, the Special Representative concluded that it had not been possible to assess accurately the prevailing situation in East Timor, particularly with regard to the implementation of resolutions 384 (1975) and 389 (1976).

634. In its resolution 32/34 of 28 November 1977 the General Assembly requested the Secretary-General, in consultation with the Chairman of the Special Committee of 24, to send urgently to East Timor, pending the dispatch of a visiting mission by the Special Committee, a special representative for the purpose of making a thorough, on-the-spot assessment of the situation in the Territory and of establishing contact with the representatives of FRETILIN and the Government of Indonesia, as well as the Governments of other States concerned, in order to prepare the ground for a visiting mission of the Special Committee and to report thereon to the Special Committee. No report was submitted by the Secretary-General on action pursuant to that request.

i. *Restoration of the lawful rights of the Royal Government of National Union of Cambodia in the United Nations*

635. In its resolution 3238 (XXIX), entitled "Restoration of the Lawful Rights of the Royal Government of National Union of Cambodia in the United Nations", the General Assembly called upon all the Powers which had been influencing the two parties to the conflict concerning Cambodia to use their good offices for conciliation between those parties with a view to restoring peace in Cambodia. In the resolution the Assembly further requested the Secretary-General, after due consultation, to lend appropriate assistance to the two contending parties claiming lawful rights in Cambodia and to report on the results to the Assembly at its thirtieth session. In the resolution the Assembly also decided not to press for any further action until Member States had had an opportunity to examine the report of the Secretary-General.

636. In connection with item 28 of the provisional agenda of the thirtieth session, entitled "Restoration of the Lawful Rights of the Royal Government of National Union of Cambodia in the United Nations", the Secretary-General issued, on 12 September 1975, a note<sup>713</sup> recalling that, by a telegram dated 30 April 1975, the Foreign Minister of the Royal Government of Cambodia had transmitted to him a declaration by his Government stating that Cambodia's seat in the United Nations and its affiliated organizations, which by right had always belonged to the Royal Government of National Union of Cambodia, automatically reverted to it. This communication had been transmitted to the Permanent Missions of States Members of the United Nations, at the request of the Minister. In the note the Secretary-General further stated that a delegation of the Royal Government of National Union of Cambodia had represented Cambodia at the seventh special session of the General Assembly.<sup>714</sup>

j. *Functions discharged in connection with the protection of human rights in Chile*

637. In paragraphs 3 to 5 of its resolution 3219 (XXIX) the General Assembly urged the Chilean authorities to respect fully the principles of the Universal Declaration of Human Rights and to take all necessary steps to restore and safeguard basic human rights and fundamental freedoms and requested the President of the twenty-ninth session of the General Assembly and the Secretary-General to assist in any way they might deem appropriate in the re-establishment of basic human rights and fundamental freedoms in Chile. In paragraph 6 of the resolution the Assembly requested the Secretary-General to report to it at its thirtieth session on the action taken and the progress achieved under paragraphs 3 to 5.

638. In a note submitted to the Assembly at its thirtieth session,<sup>715</sup> the Secretary-General said that, in consultation with the President of the twenty-ninth session of the General Assembly, he had continued to exercise his good offices towards the re-establishment of basic human rights and fundamental freedoms in Chile. Following the adoption of resolution 3219 (XXIX), the Secretary-General, or the Under-Secretary-General for Political and General Assembly Affairs on his behalf, had held frequent meetings with the Permanent Representative of Chile to the United Nations. The Secretary-General had also met with the Foreign Minister of Chile. During those discussions it had been urged that basic human rights and fundamental freedoms in Chile be restored and safeguarded. At the same time the attention of the Government had

been drawn to reports of specific violations of human rights. In February 1975 the Under-Secretary-General for Political and General Assembly Affairs had, in response to an invitation from the Government of Chile, visited the country, where he had been received by the President and had met with the Minister for External Relations and other officials. During those meetings he had raised the matters on which concern had been expressed at the twenty-ninth session of the General Assembly and which had led to the adoption of resolution 3219 (XXIX). The Chilean authorities had denied that, under the Constitution, violations of human rights had been occurring in Chile. The Under-Secretary-General had also visited certain detention camps and met with individuals who had asked to see him. During his meeting with the Secretary-General in New York in May 1975 the Foreign Minister had submitted a series of documents of a legal nature bearing on the situation in Chile with respect to human rights. In September 1975 the Government of Chile had provided the Secretary-General with information on the number of detainees who had opted to leave the country and on recently promulgated decrees exonerating former ministers of the deposed Government from responsibility for contravening the rules of internal State security. During discussions with the Chilean authorities it had been pointed out that exile of a citizen was incompatible with article 9 of the Universal Declaration of Human Rights. The Secretary-General concluded that he was unable to report that the objectives identified by the General Assembly in its resolution had been achieved.

639. General Assembly resolutions 3448 (XXX), 31/124 and 32/118 each contained a paragraph in which the Assembly requested the President of the current session and the Secretary-General to assist in any way they might consider appropriate in the re-establishment of basic human rights and fundamental freedom in Chile, but without calling for a report. No report was submitted during the period under review on action taken pursuant to those requests.

k. *The situation in Nicaragua*

640. In its resolution 33/76, the General Assembly demanded that the Nicaraguan authorities stop military and other activities that endangered the security of the region and urged the continuation of international efforts to achieve a peaceful settlement of the internal conflict in Nicaragua. In paragraph 7 of the resolution the Assembly requested the Secretary-General, through the appropriate channels, to follow carefully developments in the situation in Nicaragua and to provide the assistance needed to achieve the purposes of the resolution.

l. *Implementation of the Declaration on the Denuclearization of Africa*

641. In its resolution 3471 (XXX) the General Assembly requested the Secretary-General to render all necessary assistance to the Organization of African Unity towards the realization of the Declaration on the Denuclearization of Africa, in which African heads of State and Government had announced their readiness to undertake, in an international treaty to be concluded under the auspices of the United Nations, not to manufacture or acquire control of nuclear weapons. This request was reiterated in General Assembly resolutions 31/69, 32/81 and 33/63. No report on action pursuant thereto was submitted by the Secretary-General during the period under review.

m. *Establishment of a nuclear-weapon-free zone in the region of the Middle East*<sup>716</sup>

642. In its resolution 31/71 the General Assembly invited the Secretary-General to explore the possibilities of making progress towards the establishment of a nuclear-weapon-free zone in the Middle East, an invitation that the General Assembly renewed in its resolutions 32/87 and 33/64.

n. *Establishment of a nuclear-weapon-free zone in South Asia*

643. In its resolution 3265 B (XXIX) the General Assembly invited the States of the South Asian region and such other neighbouring non-nuclear-weapon States as might be interested to initiate necessary consultations with a view to establishing a nuclear-weapon-free zone and requested the Secretary-General to convene a meeting for the purpose of those consultations, to render such an assistance as might be required and to report to the General Assembly at its thirtieth session.

644. In the report which he submitted to the General Assembly at its thirtieth session pursuant to that request,<sup>717</sup> the Secretary-General stated that, having been in contact with the States of the region, he had been informed that, although some discussions had taken place, differences existed in the approach to the question of the declaration and establishment of a nuclear-free zone in South Asia. The Secretary-General had therefore not convened the meeting envisaged in resolution 3265 B (XXIX).

645. In its resolution 31/73 the General Assembly once again urged the States mentioned in resolution 3265 B (XXIX) to continue to make all possible efforts to establish a nuclear-weapon-free zone in South Asia and requested the Secretary-General to render such assistance as might be required to promote those efforts and report on the subject to the Assembly at its thirty-second session.

646. In the report which he submitted to the Assembly at the thirty-second session pursuant to that request,<sup>718</sup> the Secretary-General stated that he had been in contact with the States of the South Asian region with regard to the resolution and wished to inform the Assembly that there had been no request, on behalf of the States concerned, for his assistance in connection with the subject. In the course of those contacts, a view had been expressed that the Secretary-General would continue to be available for that purpose.

647. In its resolution 32/83 the General Assembly once again urged the States in question to make all possible efforts to establish a nuclear-weapon-free zone in South Asia and requested the Secretary-General to render such assistance as might be required to promote those efforts and to report to the Assembly, at its special session devoted to disarmament (tenth special session), and at its thirty-third regular session.

648. The report submitted by the Secretary-General to the General Assembly at its tenth special session pursuant to that request,<sup>719</sup> was along the same lines as the one submitted to the thirty-second session.

649. In its resolution 33/65 the General Assembly once again urged the States to which reference has been made to continue to make all possible efforts to establish a nuclear-weapon-free zone in the region and requested the Secretary-General to render such assistance as might be required to promote those efforts.

o. *Establishment of a nuclear-weapon-free zone in the South Pacific*

650. In its resolution 3477 (XXX) the General Assembly endorsed the idea of the establishment of a nuclear-weapon-free zone in the South Pacific, invited the countries concerned to carry forward consultations about ways and means of realizing that objective and requested the Secretary-General to render all necessary assistance to the States of the region in giving effect to the purpose of the resolution.

p. *Conclusion of a treaty on the complete and general prohibition of nuclear weapon tests*

651. In its resolution 3478 (XXX) the General Assembly took note of a draft treaty on the complete and general prohibition of nuclear weapon tests submitted by the Soviet Union, invited twenty-five to thirty non-nuclear-weapon States, to be appointed by the President of the General Assembly after consultations with the regional groups, to participate in negotiations among all the nuclear-weapon States with a view to reaching agreement on the complete and general prohibition of nuclear weapon tests and requested the Secretary-General to render such assistance as might be necessary to the negotiations.

652. In notes submitted to the General Assembly on 8 April and 24 September 1976<sup>720</sup> the Secretary-General reproduced communications from the President of the Assembly explaining why the conditions set forth in the resolution for the initiation of the negotiations had not been met. In the second note the Secretary-General informed the Assembly that, in June 1976, informal consultations on the question of implementing resolution 3478 (XXX) had been held by a group of non-nuclear-weapon States. Those had not, however, made it possible for the negotiations envisaged in that resolution to take place.

653. In its resolution 31/89 the Assembly again called upon all nuclear-weapon States, in accordance with its resolution 3478 (XXX), to proceed as soon as possible with the negotiations referred to in that resolution. It also requested the Secretary-General to render such assistance as might be necessary to the negotiations.

654. In a note submitted to the General Assembly at its thirty-second session<sup>721</sup> the Secretary-General stated that the group of non-nuclear-weapon States nominated by the President of the thirtieth session of the Assembly to participate in the negotiations called for in resolution 31/89 had met for informal consultations in May 1977. The nuclear-weapon States had been contacted by the Secretariat and the indications received corresponded to the position as set forth in the communication from the President of the General Assembly reproduced in the above-mentioned note of 8 April 1976. Negotiations as envisaged in resolution 31/80 had therefore not taken place.

q. *Strengthening of the role of the United Nations in the field of disarmament*

655. In its resolution 31/90 the General Assembly requested the Secretary-General to implement as soon as possible the measures recommended by the *Ad Hoc* Committee on Disarmament falling within his area of responsibilities (see paragraph 656 below) and to report thereon to the Assembly at its thirty-second session. Those measures were endorsed by the Assembly in the resolution.

656. In the report he submitted to the General Assembly at its thirty-second session pursuant to that request,<sup>722</sup>



the Secretary-General stated that the measures recommended by the *Ad Hoc* Committee falling, at least in part, within his area of responsibility, were: (a) the role of the United Nations in providing assistance on request, in multilateral and regional disarmament negotiations; (b) the improvement of existing United Nations facilities for the collection, compilation and dissemination of information on disarmament issues; (c) assistance by the Secretariat, on request, to States parties to multilateral disarmament agreements in their duty to ensure the effective functioning of such agreements, including appropriate reviews; and (d) strengthening of the resources of the Secretariat. The report then gave an account of the specific recommendations made by the *Ad Hoc* Committee under each of the four heads and the related action by the Secretary-General.

r. *Implementation of the Declaration on the Strengthening of International Security*

657. In its resolution 2880 (XXVI) the General Assembly requested the Secretary-General to submit to it at its twenty-seventh session a report on measures adopted pursuant to the Declaration on the Strengthening of International Security (contained in General Assembly resolution 2734 (XXV)). The report was to contain: (a) an introduction by the Secretary-General regarding events within the context of the implementation of the Declaration; (b) communications from Member States relating thereto and (c) relevant information on compliance with the provisions of the Declaration by United Nations organs and other international bodies.

658. The report submitted by the Secretary-General to the Assembly at its twenty-seventh session pursuant to that request<sup>723</sup> reproduced the substantive parts of communications from a number of States and from the Security Council, giving their views on the subject. In the introduction to his report the Secretary-General stated that, if the United Nations was expected to play a crucial and meaningful role in the complex relationship among States, greater efforts must be exerted to make it more relevant to the manifold problems of the times. In order to make the Organization more effective, the obligation assumed by Member States, under Article 25 of the Charter, to comply with the decisions of the Security Council, should be scrupulously respected by all. Furthermore, it was essential that Member States try to resolve all outstanding conflicts by peaceful means in accordance with the procedures for peaceful settlement provided for in the Charter.

659. At each of the regular sessions held from 1972 to 1977 the General Assembly adopted a resolution requesting the Secretary-General to submit to it, at its next session, a report on the implementation of the Declaration on the Strengthening of International Security.<sup>724</sup>

660. The Secretary-General acted on those requests, in each case, by addressing a note to the Governments of States Members of the United Nations or members of a specialized agency or the IAEA transmitting the text of the corresponding resolution and asking for relevant information and suggestions concerning the implementation of the Declaration. The report submitted to the next session reproduced the substantive parts of the replies received.<sup>725</sup>

661. In its resolution 33/75 the General Assembly requested the Secretary-General to prepare a report on the implementation of the Declaration and on the views communicated by the Governments of Member States concerning measures to be taken in order to implement those provisions of the Declaration which had not yet been put into effect.<sup>726</sup>

s. *Ways and means of enhancing the effectiveness of the Security Council in accordance with the principles and provisions of the Charter of the United Nations*

662. In its resolution 2864 (XXVI), by which it took note of the report submitted by the Security Council to the General Assembly at its twenty-sixth session, the Assembly requested the Secretary-General to present, in a report to be submitted to it at its twenty-seventh session, due consideration having been given to the views of interested Governments, suggestions concerning ways and means of enhancing the effectiveness of the Security Council in accordance with the principles and provisions of the Charter of the United Nations.

663. The report submitted by the Secretary-General to the General Assembly at its twenty-seventh session pursuant to that request<sup>727</sup> contained the substantive portions of the replies he had received from Member States in response to a request for views on the subject. In his report the Secretary-General noted that Member States had also expressed views with regard to enhancing the effectiveness of the Security Council in connection with two other items<sup>728</sup> which were on the agenda of the twenty-seventh session of the General Assembly. The Secretary-General shared the view that, its membership having been enlarged in 1965, the Council was a more representative organ, both politically and geographically, and that the Council's procedures, based on written rules and established practice, seemed to satisfy the requirements for speedy and effective action. The Council had also developed new procedural practices which had so far facilitated reaching agreement among its members. The Secretary-General also drew attention to the introduction to his report on the work of the Organization,<sup>729</sup> which contained reflections on the work and effectiveness of the Security Council.

664. In its resolution 2991 (XXVII) the General Assembly appealed to Member States which had not yet expressed their views on ways and means of enhancing the effectiveness of the Security Council in accordance with the principles and provisions of the Charter, to do so by 30 June 1973 and requested the Secretary-General to report to it on the matter at its twenty-eighth session.

665. The report submitted by the Secretary-General to the twenty-eighth session of the General Assembly pursuant to that request<sup>730</sup> contained the substantive parts of 16 replies received from Member States expressing their views on enhancing the effectiveness of the Security Council. In his report the Secretary-General pointed out that Member States had also expressed views concerning the matter in connection with two other agenda items.<sup>731</sup>

666. In its resolution 3186 (XXVIII) the General Assembly requested the Secretary-General to submit to the Security Council any further views and suggestions which might be submitted by Member States in response to resolutions 2864 (XXVI) and 2991 (XXVII). No action was taken by the Secretary-General during the period under review pursuant to that request.

t. *Functions in connection with the Declaration on the Preparation of Societies for Life in Peace*

667. In paragraph 3 of section III of its resolution 33/73, in which it adopted the Declaration on the Preparation of Societies for Life in Peace, the General Assembly requested the Secretary-General to follow the implementation of the Declaration and to submit periodic reports thereon, the first report to be submitted not later than at the thirty-sixth session of the Assembly.

## 10. POWERS INHERENT IN THE OFFICE OF THE SECRETARY-GENERAL

### a. Diplomatic functions

668. For the period under review the study of the diplomatic functions exercised by the Secretary-General under the powers inherent in his office encountered difficulties similar to those described in *Repertory Supplement No. 4*.<sup>732</sup> Given the rules of diplomatic discretion, the activities undertaken in this area can be dealt with here only insofar as they are described or referred to in statements and documents already available to the public. Moreover, diplomatic functions continued to be often of a mixed character, so that classification of certain functions in one category rather than another is again based on the apparently predominant features of the activity in question.<sup>733</sup>

669. Good offices, "including those of the Secretary-General", are mentioned in paragraph 6 of the Declaration on the Strengthening of International Security, adopted by the General Assembly in its resolution 2734 (XXV), among the means enumerated in that paragraph for settling disputes and situations the continuance of which is likely to endanger the maintenance of international peace and security.

670. In the introduction to the Report of the Secretary-General on the Work of the Organization submitted to the General Assembly at its twenty-sixth session, the Secretary-General briefly reviewed the efforts he had made, at the request of Governments, to resolve differences between particular States during his ten years of office.<sup>734</sup> Among the comments he made in this regard are the following:

"... There is no prohibition in the Charter preventing parties to a dispute from seeking the Secretary-General's help in resolving their difficulties. It would be anomalous, at the very least, if the head of a principal organ of an Organization designed 'to save succeeding generations from the scourge of war' were excluded from any political role in the realization of this aim. Therefore, I have come to the clear conclusion that I am competent, under the Charter, to use my good offices.

"I do not assert that the Secretary-General's political role is unlimited or is possible in every circumstance. Indeed it is subject to legal and, in many cases, severe practical limitations. It is here that the level of expectation, particularly of the general public, is often so much greater than reality will permit. The general public expects the Secretary-General to act in crisis situations, and when he makes no pronouncements there is a consequent reaction of disappointment and an assumption that the Secretary-General is doing nothing. The requirements of discretion and the essential need for 'quiet diplomacy', if useful results are to be achieved, are not always adequately recognized.

"...  
 "When the Secretary-General considers exercising a political role on his own initiative, or at the request of the parties, he must necessarily arrive at his decision taking into account specific legal limitations, such as Article 2, paragraph 7, of the Charter, and practical limitations such as a determination whether action on his part would be likely to produce useful results. The Secretary-General has no means of enforcement, no economic power at his disposal: he can rely only upon the prestige of his office and his own powers of persuasiveness. These are fragile instruments with which

to tackle an international conflict, and it is important that they should be preserved. If a move by the Secretary-General were to give rise to the impression that he was intervening in a matter essentially within the domestic jurisdiction of a Member State, or taking a particular side in a conflict, or that he was abandoning his impartiality, his usefulness would be at an end, as any measure of success is in turn a measure of the confidence which he enjoys with the Governments concerned.

"When the Secretary-General decides that he may usefully act, it is in nearly every case essential that he should, in the initial stages, act privately and without public fanfare. Governments are not likely to entrust a matter to him, or to entertain any of his proposals, in the full glare of publicity. This is not to say that, at an appropriate state, the Secretary-General should not inform—as has always been my policy—the competent deliberative organs either privately or in a public report; but the element of confidentiality is an essential one at the start, or when a matter is at a stage when public opinion on both sides is strongly committed.

"Although the Secretary-General's powers of initiative in political matters are circumscribed and rather modest, practice has shown that many governments appreciate the availability of an institution such as the office of the Secretary-General as a possible means of seeking a solution to particular international differences. In a world so crowded with differences any new possibility for finding solutions—even a circumscribed and modest one—should be welcomed."

671. In a speech delivered in May 1972, the Secretary-General made the following observations:

"... efforts at peace-keeping through the United Nations cover many... areas which are seldom publicly mentioned. Quiet diplomacy, good offices, and the many contacts and efforts at conciliation that go on at the United Nations almost every day must be listed. The objective of most of these efforts is to deal with international problems before they reach the public crisis stage. This general effort has sometimes been called 'preventive diplomacy'. When it succeeds it is far more effective—and much cheaper—than trying to deal with a fully developed political or military confrontation. Much of the day-to-day work of the Secretary-General and of the Permanent Representatives of the Member States in New York comes under this general heading of preventive diplomacy."<sup>735</sup>

672. In a statement made at the General Assembly during its thirty-first session, the Secretary-General observed as follows:

"A day seldom passes without approaches to the Secretary-General from one or more of the Member Governments for assistance in solving problems which have defied solution by other means. Even if the Secretary-General, as often happens, cannot succeed where others have failed, the fact that Governments can, in certain situations of crisis, place their worries before him and discuss them in full confidence can in itself be helpful to Governments. Certainly the Secretary-General must make every possible effort to find means and ways of helping in such cases through quiet diplomacy and discreet approaches to the Governments concerned. I mention this function because, although by its very nature it cannot be publicized, it represents a large part of the Secretary-General's workload and, in my opinion, a valuable part."<sup>736</sup>

(i) *Examples of diplomatic functions exercised under the inherent powers*

(a) *Communications concerning démarches and appeals*

673. In a report to the Security Council of 3 December 1971 on the situation in East Pakistan, the Secretary-General referred to an appeal he had made on 10 August 1971 in favour of Sheikh Mujibur Rahman.<sup>737</sup>

674. On 13 September 1973 the Secretary-General, at the request of the Chargé d'affaires of Cuba to the United Nations, sent a cable to the Military Junta in Chile asking that all measures be taken to ensure the safe departure from Chile of the members of the diplomatic mission of Cuba in Santiago.<sup>738</sup>

675. On 16 November 1974, the Secretary-General sent a cable to the Foreign Minister of Chile appealing for the release of Mrs. Laura Allende Gossens and her daughter. The Secretary-General based his appeal on humanitarian grounds since it was reported that Mrs. Allende was suffering from a serious illness and her life might be jeopardized if regular treatment were not available.<sup>739</sup>

676. By a letter dated 11 October 1973, the Secretary-General requested the President of the Security Council to circulate to its members the text of a statement by the Secretary-General concerning the conflict in the Middle East. In the statement the Secretary-General, after observing that after more than five days of a terrible war, he felt it was his duty to urge the members of the Council to consider once again how the obstacles to effective and peaceful action could be surmounted, appealed earnestly to the conflicting Governments to consider alternative courses, before it was too late, so that fighting and bloodshed might cease.<sup>740</sup>

677. On 15 July 1974, the day on which a *coup d'état* was launched in Cyprus, the Secretary-General sent identical messages to the Prime Ministers of Greece and Turkey appealing for maximum restraint and the avoidance of any action that might give rise to further violence.<sup>741</sup>

678. On 26 November 1974 the Secretary-General sent a cable to the Dergue, Government Headquarters, Addis Ababa, referring to the concern expressed throughout the international community at the execution of a large number of persons held in custody by the authorities. After disclaiming any intention to intervene in matters within the domestic jurisdiction of Ethiopia, the Secretary-General appealed to the Dergue to suspend further executions so that the lives of the remaining detainees might be spared.<sup>742</sup> A joint appeal for clemency was sent to the Dergue the following day by the President of the General Assembly and the Secretary-General.<sup>743</sup>

679. On 10 November 1975, the eve of the accession to independence of Angola, the Secretary-General addressed an appeal to the three liberation movements active there to "take urgent and resolute steps to end the conflict which is causing so much suffering and hardship to the people of Angola and to work together in peace and unity for the future of their great country".<sup>744</sup>

680. A statement by the Secretary-General issued as a press release on 8 July 1976 referred to two messages sent to the President of Uganda in connection with the hostages then being held in Uganda following a hijacking incident. In the messages the Secretary-General urged that every effort be made to obtain the release of the hostages and stated his readiness to lend assistance. The press release also referred to a meeting held by the Secretary-General with the President of Uganda on 3 July 1976, during which the former had discussed various ways in

which the United Nations could be helpful in efforts to obtain the release of the hostages.<sup>745</sup> In a press conference held on 28 February 1977, the Secretary-General said that he had requested the President of Uganda to allow an impartial international investigation into the death of an Anglican Archbishop in Uganda and two former Cabinet members.<sup>746</sup>

681. In September 1977 the Secretary-General, in personal contacts with the Foreign Ministers of Ethiopia and Somalia, requested them to convey to their Governments his concern at the potential threat to international peace and security which could be posed by an expansion of the conflict between their two countries and appealed to both parties to do whatever they could to achieve a cease-fire and start a negotiating process towards a peaceful settlement of the problem.<sup>747</sup>

682. A statement by the Secretary-General issued as a press release on 28 March 1978 referred to a meeting held that day by the Interim Commander of UNIFIL with the Chairman of the Executive Committee of the PLO, Mr. Yasir Arafat, during which the former had conveyed an appeal by the Secretary-General for a general cease-fire in Southern Lebanon. Mr. Arafat had accepted the Secretary-General's call for a general cease-fire.<sup>748</sup>

683. A press release issued on 25 April 1978 contained the text of an appeal by the Secretary-General, which had been taped and recorded in English and Italian for broadcast in Italy, urging the immediate release of Mr. Aldo Moro.<sup>749</sup>

(b) *Discussions and consultations*

684. In a statement issued on his behalf by a United Nations spokesman on 23 December 1972, the Secretary-General expressed the earnest hope that the negotiations for a cease-fire in Viet-Nam would be resumed without delay and urged the parties concerned to cease all acts of violence which might impede the success of those negotiations. In reply to questions, the spokesman said that the ideas and concerns in the statement had been conveyed to each of the five permanent members of the Security Council during consultations the Secretary-General had held earlier that week.<sup>750</sup>

685. According to a statement made by a United Nations spokesman on 26 November 1977, the Secretary-General was consulting with the two Co-Chairmen of the Geneva Conference on the Middle East and the other parties concerned to clarify their position in regard to a proposal made by President Sadat about a preparatory meeting in Cairo concerning the Middle East problem. According to a statement made by a United Nations spokesman on 28 November 1977, the Secretary-General would decide on his response to an invitation to designate a representative to participate in the meeting in the light of those consultations.<sup>751</sup> The Secretary-General subsequently announced that he had appointed Lieutenant General Ensio Siilasvuo, Chief Co-ordinator of the United Nations Peace-keeping Missions in the Middle East, to be present at the meeting.<sup>752</sup>

(c) *Good offices*

686. By a note dated 28 March 1970<sup>753</sup> the Secretary-General informed the members of the Security Council that, in response to requests by the Governments of Iran and the United Kingdom and following extended consultations with the two parties, he had agreed to exercise his good offices in a matter pertaining to Bahrain. In agreeing to that, he had had in mind that such action by the Secretary-General, at the request of Member States,

had become customary in United Nations practice and in certain situations had proved to be a valuable means of relieving and preventing tension which could otherwise be prolonged or aggravated by premature disclosure and public debate. The note contained the text of an announcement issued by the Secretary-General, after consultation with the parties, in which he outlined the events leading to his decision to exercise his good offices and quoted the terms of reference agreed upon by the Governments of Iran and the United Kingdom as follows:

“Having regard to the problem created by the differing views of the parties concerned about the status of Bahrain and the need to find a solution to this problem in order to create an atmosphere of tranquillity, stability and friendliness throughout the area, the Secretary-General of the United Nations is requested by the parties concerned to send a personal representative to ascertain the wishes of the people of Bahrain.”

The announcement went on to state that, following consultations with the parties, the Secretary-General had designated Mr. Vittorio Winspeare Guicciardi, Under-Secretary-General and Director-General of the United Nations Office at Geneva, as his personal representative. It also indicated that it had been agreed that all costs of the mission would be borne by the parties. The Secretary-General had been assured that the people of Bahrain would have ready and full access to his personal representative and would be enabled to express their wishes to him freely and privately. The personal representative was to submit his findings in a report to the Secretary-General, who would, in turn, as agreed by the parties concerned, transmit them to the Security Council for its consideration and endorsement.

687. In a note dated 30 April 1970,<sup>754</sup> transmitting to the Security Council the report of his personal representative, the Secretary-General recalled that the Governments of Iran and the United Kingdom had undertaken to accept the results of his findings after, and subject to, their endorsement by the Security Council. The Secretary-General indicated that, with the submission of his personal representative's report, his responsibilities in the exercise of his good offices with regard to Bahrain had been fully discharged.

688. In his report, the personal representative, who had arrived in Bahrain on 30 March 1970 and, having completed his mission, had returned to Geneva on 18 April, had set forth his terms of reference, given the background of the question, described the manner in which consultations with individuals and organizations in Bahrain had been held and outlined his findings. He was confident that the methods followed had been appropriate and sufficient to ascertain the wishes of the people of Bahrain on the question at issue. He believed that the total number of persons whose views had been presented to him had been adequate. Ready and free access had been assured at all times and all consultations had taken place in private. To the best of his knowledge, no one had been intimidated, influenced or prevented from communicating with the mission. The inquiry had been conducted throughout in a peaceful and orderly manner. In conclusion, the personal representative stated that his consultations had convinced him that the overwhelming majority of the people of Bahrain wished to gain recognition of their identity in a fully independent and sovereign State, free to decide itself its relations with other States.

689. In its resolution 278 (1970) of 11 May 1970, the Security Council endorsed the report of the personal representative and welcomed its conclusions and findings.

690. At a press conference held on 24 September 1971 the Secretary-General gave an account of his efforts in

response to the many requests and appeals he had received over the preceding two years from Soviet citizens of the Jewish faith wishing to leave the Soviet Union for Israel. He had received such appeals, individually or collectively, from some 800 persons and had in all cases undertaken to do all within his power to help, while at the same time pointing out that in such matters the greatest discretion and lack of publicity were essential. The preceding month he had been gratified to be informed officially that more than 400 out of the 800 appellants on his list had reached Israel.<sup>755</sup>

691. In a report to the Security Council dated 3 December 1971<sup>756</sup> the Secretary-General reproduced the texts of communications he had addressed to the President of the Council and the Governments concerned with regard to the situation in the India/Pakistan subcontinent. Among those communications figured identical messages of 20 October 1971 from the Secretary-General to the Prime Minister of India and the President of Pakistan offering his good offices in the potentially dangerous situation between the two nations and the reply of the President of Pakistan of 22 October, welcoming his good offices. Also reproduced in the report of the Secretary-General was the reply to the message from the Prime Minister of India, dated 16 November 1971. In that reply the Prime Minister stated that the root of the problem was the fate of the 75 million people of East Bengal and their inalienable rights, that the problem of East Bengal could be solved only by peaceful negotiations between the military rulers of West Pakistan and the elected and accepted leaders of East Bengal, and that only such a solution could bring normalcy to that region, stop the further influx of refugees into India, and enable those then in India to return, and that the offer of the Secretary-General's good offices could play a significant role in the situation.

692. In his reply to that communication, the text of which was also reproduced in his report, the Secretary-General explained his intentions in offering his good offices and concluded with regret that, under the circumstances, there did not seem to be a basis for their exercise. In the report in question the Secretary-General also stated that he had used his good offices in various ways since the events of March 1972 in East Pakistan, adding that for obvious reasons he had acted with complete lack of publicity. He had nevertheless made an exception to that rule with regard to the case of Sheikh Mujibur Rahman.<sup>757</sup>

693. At a press conference held on 10 February 1972 the Secretary-General said that he had offered his good offices to the Government of the United Kingdom with regard to the situation in Northern Ireland, pointing out however that the question came under Article 7 (2) of the Charter of the United Nations. The Government had replied that it did not think that the matter lent itself to intervention.<sup>758</sup>

694. In the introduction to the report on the work of the Organization submitted to the General Assembly at its twenty-sixth session, the Secretary-General said that he had made it clear time and again to the parties involved in the Viet-Nam conflict that the Organization and the Secretary-General were ready to use their best efforts in the service of peace in the area, adding that on several occasions he had lent his good offices.<sup>759</sup> During a press conference held on 25 April 1972 the Secretary-General stated that he had offered his good offices to all the parties concerned with regard to the new outbreak of hostilities in Viet-Nam, making it clear that his offer stood only if all the parties concerned agreed to it.<sup>760</sup> At a press conference held on 12 September 1972 he stated

that he had not received any concrete answer to his offer of good offices.<sup>761</sup> In the introduction to his report on the work of the Organization submitted to the General Assembly at its twenty-seventh session,<sup>762</sup> the Secretary-General recalled that he had offered his good offices to the parties to the Viet-Nam conflict when the hostilities had escalated in April 1972. He added that the offer had not been accepted but, needless to say, still stood.

695. At a meeting of the Security Council held on 18 July 1972<sup>763</sup> the President of the Council read out a message from the Secretary-General. In the message the Secretary-General informed the Council that the Permanent Representatives of Lebanon and Syria had expressed to him their Governments' concern regarding the implementation of resolution 316 (1972) and had requested his good offices for the return of the Lebanese and Syrian officers abducted by the armed forces of Israel on 21 June 1972 on Lebanese territory.<sup>764</sup> The remainder of the message read:

"From reactions so far to contacts made by me and my representatives, both in Europe and in New York, in the exercise of my good offices, it appears at the moment that in the present circumstances a generally acceptable solution is not yet in sight. Since the meeting of the Security Council on this matter, originally requested by the representatives of Lebanon and Syria on 5 July, will now take place on 18 July, I feel it my duty to give you this brief report, it being understood, of course, that I shall pursue my efforts with all parties concerned on this matter by any means available to me. I know, Mr. President, of the efforts which you yourself have been, and are, making in this matter, and I am sure that you also will continue your endeavours. I still hope that our efforts, and others now being made, may yet result in arrangements acceptable to all the parties concerned."

696. In a statement issued on 5 March 1973 concerning the execution of one Belgian and two American diplomats held as hostages with two other diplomats in Khartoum, the Secretary-General said that he had conveyed his concern about the matter to the Permanent Representative of the Sudan to the United Nations, offering whatever good offices he might be able to extend to secure the release of the hostages.<sup>765</sup>

697. In the report he submitted to the Security Council on 20 May 1974 pursuant to its consensus of 28 February 1974 concerning a complaint by Iraq concerning incidents on its frontier with Iran,<sup>766</sup> the Secretary-General stated that the personal representative he had appointed pursuant to the consensus had acted in the exercise of the good offices of the Secretary-General.

698. In a press release on the unsettled situation in Timor issued on 26 August 1975,<sup>767</sup> the Secretary-General stated that a special envoy of the President of Portugal had requested him to use his good offices on humanitarian grounds in obtaining an urgent response from Australia and Indonesia, whose assistance had been sought by the Portuguese Government in the evacuation of Portuguese and other foreign nationals concentrated in the harbour area of Dili. The Secretary-General had immediately conveyed the message to the two Governments and had remained in continuous contact with their representatives and with the special envoy. The Secretary-General had been informed that the evacuation was well under way, that nearly 1,200 of the 1,400 people mentioned by the special envoy had reached Darwin and that efforts were being made to evacuate the remaining people of different nationalities who wished to leave Timor.

699. In a press release dated 15 December 1977 the Secretary-General referred to several meetings he had had

recently with the representative of the *Frente POLISARIO* for external relations in an effort to secure the release of eight French nationals being held in the Western Sahara by the *Frente POLISARIO*. He added that he was pleased to announce that the *Frente POLISARIO* had conveyed a message to him through the representative that it had decided to release the prisoners.<sup>768</sup>

700. As pointed out above,<sup>769</sup> the Secretary-General's report of 1 May 1978 on the implementation of Security Council resolution 423 (1978) on Southern Rhodesia stated that the Governments of the United Kingdom and the United States intended to pursue the search for a negotiated settlement and, should the occasion require, they would call upon the Secretary-General to make his good offices available.

701. In a press release issued on 5 October 1978 concerning events in Lebanon and particularly the hostilities then taking place in and around Beirut, the Secretary-General stated that, in view of the gravity of the situation, he had asked Prince Sadruddin Aga Khan to undertake a humanitarian mission to the area with a view to extending the Secretary-General's good offices to facilitate the cessation of hostilities.<sup>770</sup>

#### (d) *Fact-finding activities*

702. The good offices function assigned to the Secretary-General in connection with Bahrain by the Governments of Iran and the United Kingdom in 1970<sup>771</sup> was to ascertain the wishes of the people of Bahrain and was therefore a fact-finding activity.

#### (e) *The practice of appointing a personal or special representative*

703. The good offices function assigned to the Secretary-General in connection with Bahrain by the Governments of Iran and the United Kingdom in 1970 was carried out through a personal representative sent to Bahrain.<sup>772</sup>

704. In another one of the cases dealt with above, good offices functions were carried out by an official sent by the Secretary-General to the area concerned.<sup>773</sup>

#### (f) *Participation in international conferences of a political nature*

705. Article 19 of the Agreement on Ending War and Restoring Peace in Viet-Nam<sup>774</sup> called for the convening of an International Conference on Viet-Nam and provided that the Secretary-General would be invited to participate in the Conference.

706. Having received messages from two of the participants in the Conference, namely, the United States and the Democratic Republic of Viet-Nam, requesting him to attend the Conference, the Secretary-General informed the President of the Security Council on 31 January 1973 that it was his intention to accept the invitations. On 15 February, the Governments of the United States and the Democratic Republic of Viet-Nam sent identical notes to the Secretary-General formally inviting him to be a participant at the Conference. On 20 February, the Secretary-General sent identical notes to the two Governments accepting their invitations. The Conference took place in Paris from 26 February to 2 March 1973, on which date the participating Governments, in the presence of the Secretary-General, signed the Act of the International Conference on Viet-Nam. In its article 6 (b), the Act stipulated that the four parties to the Paris Agreement or the two South Viet-Namese parties should also, either

individually or through joint action, forward information regarding implementation of the Agreement and the protocols, as well as the reports and views of the International Commission of Control and Supervision, to the Secretary-General for his information.<sup>775</sup>

707. The Secretary-General also participated in the Conference of Non-Aligned States held in Algiers in September 1973.<sup>776</sup>

- (g) *Arrangements for the establishment of a liaison office in Geneva by the Provisional Revolutionary Government of South Viet-Nam*

708. In a statement issued on 15 January 1975 by a United Nations spokesman<sup>777</sup> it was recalled that, in October 1974, the Provisional Revolutionary Government of South Viet-Nam had requested to be allowed to establish a liaison office in Geneva to facilitate its co-ordination and contacts with the United Nations agencies providing humanitarian assistance. After clarifying with the Swiss authorities the modalities involved, the Director-General of the United Nations office at Geneva, acting on behalf of the Secretary-General, had forwarded to the authorities the names of the three officials designated to staff the office, following which the Government had stated that the necessary arrangements would be made for its establishment. The statement recalled that, in his statement before the International Conference on Viet-Nam, the Secretary-General had said that:

“Should the Governments of the area so desire, the United Nations and its family of organizations could play a significant role in receiving, co-ordinating and channelling international relief and rehabilitation assistance to the Governments and peoples of the area. Such aid would, of course, be provided without discrimination of any kind.”

- (h) *Assistance to persons of uncertain nationality in obtaining travel documents and resettling*

709. In October and November 1972 the Secretary-General, at the request of the Government of Uganda, assisted the persons of Asian origin residing in Uganda whose nationality was uncertain, in obtaining travel documents and places of temporary or permanent resettlement.<sup>778</sup>

- (ii) *Principles governing the exercise of diplomatic functions under the inherent powers*

- (a) *Prerequisite of the agreement of Governments*

710. In two of the cases dealt with above in connection with the good offices functions of the Secretary-General, he was unable to exercise such functions as his offers to do so were not accepted by the parties concerned.<sup>779</sup>

- (b) *Right of initiative of the Secretary-General*

711. In a letter to the Secretary-General dated 2 April 1970 concerning the Secretary-General's note of 28 March 1970 on the exercise of his good offices with respect to Bahrain,<sup>780</sup> the Mission of the Soviet Union commented on the fact that the Secretary-General had considered it possible to communicate information to the members of the Security Council, on an *ex post facto* basis and without consulting those members beforehand on the matter, with regard to that question. It was a matter of common knowledge that, according to the Charter of the United Nations, questions which, as was the case with the subject of the note, could lead to complications in international

relations and the decisions taken on them came within the jurisdiction of the Security Council. The statement in the note that such actions by the Secretary-General “have become customary in United Nations practice” could not serve to justify them, for it was widely known that that illegal practice had been forced upon the United Nations in the past by certain Powers contrary to and in violation of the Charter. The Soviet Mission considered it necessary to emphasize once again that, under the Charter, decisions on matters connected with action by the United Nations relating to the maintenance of international peace and security were taken by the Security Council. The Mission recalled, finally, that the Soviet Union had taken the same position on previous occasions, particularly in two letters from the Permanent Representative of the Soviet Union, namely, one dated 27 August 1966 to the President of the Security Council and one dated 19 March 1969 to the Secretary-General.<sup>781</sup>

712. In his reply, dated 6 April 1970,<sup>782</sup> the Secretary-General stated that he found himself at variance with some aspects of the views expressed by the Soviet Mission regarding the exercise of good offices by him. He recalled that his position in that respect, to which he adhered, had been clearly set forth in his letter of 7 March 1969 to the President of the Security Council.<sup>783</sup> The Secretary-General believed that it was not necessary to restate that position. The remainder of the substantive part of the letter read:

“The views set forth in this note have been carefully noted by the Secretary-General, who wishes the Mission to know that he fully understands those views. However, as the Mission is aware, the Secretary-General has found himself at variance with some aspects of the views expressed by the Mission on the subject of the exercise of good offices by the Secretary-General. In this regard, the position of the Secretary-General, to which he adheres, has been clearly set forth in his letter dated 7 March 1969 to the President of the Security Council (S/9055). The Secretary-General believes that it is not necessary to restate that position at this time.

“The Secretary-General feels, none the less, that it may be useful to call attention to one aspect of this question. From time to time, as in the present case affecting Bahrain, Member States of the United Nations approach the Secretary-General directly asking for the exercise of his good offices on a delicate matter. They explain that they do so because they feel that a difference between them may be capable of an amicable solution if dealt with at an early stage quietly and diplomatically and, therefore, it would be inadvisable to take the particular matter before the Security Council or to consult its members individually on it. They express the wish to have the matter worked out through the good offices of the Secretary-General on a completely confidential basis. In all such cases the Secretary-General, naturally, examines the proposals carefully. If those proposals are fully consistent with the principles and purposes of the United Nations Charter, and if they in no way impinge upon the authority of the Security Council or any other organ of the United Nations, he unavoidably feels obligated to afford the Member States the assistance in the matter requested. To do otherwise would be to thwart a commendable effort by these Member States to abide by a cardinal principle of the Organization, namely, the peaceful settlement of disputes.

“In the case in question, the good offices mission to Bahrain is engaged only in a fact-finding exercise. The facts found will, in due course, be presented to the Security Council in the form of a report from the

Secretary-General. Any substantive action would be taken at that time and only by the Security Council.”

\*\* (c) *Role of the Secretary-General as representative of the United Nations with regard to Governments*

\*\* (d) *Subject matter of the diplomatic functions exercised under the inherent powers*

\*\* (e) *Effect of Charter provisions and United Nations resolutions*

(f) *Principles specifically concerned with good offices or fact-finding activities*

713. At a press conference held on 5 November 1970 the Secretary-General made the following observations:

“It is difficult to explain in the brief space of time at our disposal the instances where I have exercised my good offices at the request of Member States. There are many. At the request of the Member States concerned, I have exercised my good offices privately, informally, and on a personal basis, without publicity in the last eight years and more. I have dealt with Governments to ease tensions between two or more Member States while previously the relationship was not normal. I have exercised my good offices in many areas, for instance between Thailand and Cambodia, Malaysia and Indonesia, Netherlands and Indonesia, Ivory Coast and Guinea, and so on. This is one area where the Secretary-General has to perform his functions privately, informally and without publicity.”<sup>784</sup>

714. In a speech delivered on 16 September 1971, the Secretary-General commented as follows on his good offices functions:

“I have never had any doubt that the Secretary-General, with Article 33 of the Charter in mind, must exercise his good offices in the settlement of disputes or difficulties, even without specific authorization from the Security Council or another organ of the United Nations, when the States concerned request it.

“ . . .  
“The exercise of good offices has proved on occasion to be a useful method of preventing differences between States from developing into major crises and getting results on sensitive problems before they reach the insoluble stage. Preventive diplomacy of this kind is far more effective—and incidentally much cheaper—than attempting to cure a conflict which has been allowed to reach an acute stage. It requires total discretion and the co-operation, restraint and goodwill of the parties concerned. It also requires from them courage and vision, as well as confidence in the discretion and integrity of the Secretary-General. When these conditions are present, much can be done quietly.

“ . . .  
“Much of the Secretary-General’s time is spent in attempts to exercise good offices in one form or another, and the less publicity there is during or after these efforts, the more successful they are likely to be. Scarcely a day passes without appeals to the Secretary-General for help from some corner of the world. These appeals range from approaches from Governments through requests for help from minority groups, to calls from individuals in an infinite variety of dilemmas. Sometimes the Secretary-General can help, and sometimes he must frankly state that he can not, because in his judgement his intervention will be

ineffective, or even positively harmful, or perhaps outside the scope of his functions under the Charter.

“In the last 10 years I have also offered my good offices in situations which seemed to me to be so serious as to require me to do so even without specific request from other parties. I did this in the Cuban missiles crisis, for example, and on a number of occasions such as over Viet-Nam, as well as in the Nigerian civil war.”<sup>785</sup>

715. In a speech delivered on 24 September 1971 the Secretary-General said that in “many ways the Secretary-General’s activities in the sphere of good offices may be compared to an iceberg; only a small portion is actually visible and a very substantial part remains submerged.”<sup>786</sup>

716. In the report on the work of the Organization he submitted to the General Assembly at its thirty-second session, the Secretary-General commented on the exercise of his good offices in specific human rights cases as follows:

“I have usually found my efforts to be most effective when undertaken confidentially, although I have not hesitated to speak out when I felt that this was necessary and in the general interest. In most cases, however, little or nothing can be said publicly about particular efforts without jeopardizing their success. In practical and urgent cases, in the present circumstances of international affairs, I feel that my actions must be governed by one overriding criterion—namely, what approach will best serve the welfare of the individuals concerned.”<sup>787</sup>

717. In an address delivered on 8 March 1978 the Secretary-General said that the organs of the United Nations, including his good offices, were readily and permanently available if Member States wished to use them, this being a service that Governments had a right to expect of the United Nations. He added the following:

“One aspect of human rights, where, I believe, the United Nations can continue to make a significant contribution in a practical sense is through the good offices of the Secretary-General. While Governments disagree over the language of resolutions or object to the discussion of violations in United Nations forums, many have, I am glad to say, been responsive to private approaches by the Secretary-General to resolve individual cases on a humanitarian basis.

“Some of these approaches have been well-publicized, such as my mission to Algeria this past Christmas in obtaining the release of several French citizens held captive by the Polisario. But less publicized are the many more individual instances where families have been reunited or individuals freed from prisons or had their sentences reduced as a result of intercession by the Secretary-General’s Office.

“These efforts must necessarily go unannounced and unnoticed. I am content this should be so if a life can be saved or an injustice corrected through the acceptance by a Government, in private confidence, of the Secretary-General’s good offices.”<sup>788</sup>

718. In the report on the work of the Organization submitted to the thirty-third session of the General Assembly, the Secretary-General stated that his own direct efforts in exercising good offices in specific humanitarian cases had met with some success and went on to say:

“To secure the maximum benefit for the individuals involved, past experience has demonstrated that it is best to proceed on purely humanitarian grounds, and usually with the utmost confidentiality. Not only does this approach work to the advantage of the victims,

but it also avoids the political sensitivity often associated with such cases. I shall continue these efforts whenever and wherever they best serve the welfare of the individuals concerned.<sup>77789</sup>

b. *Other functions*

\*\* (i) *Exploration of political situations*

\*\* (ii) *The question of the right of the Secretary-General to make statements and to submit proposals to United Nations organs*

\*\* (a) *The question of the right of the Secretary-General to make statements*

\*\* (b) *The question of the right of the Secretary-General to submit proposals*

\*\* (iii) *Appointment of ad hoc arbitrators*

(iv) *Submission of special reports*

719. On 3 December 1971 the Secretary-General, acting on his own initiative, submitted a report to the Security Council on the grave deterioration that had occurred in the situation along the borders of East Pakistan and elsewhere in the subcontinent.<sup>790</sup>

720. In the introduction to the report on the work of the Organization submitted to the General Assembly at its twenty-seventh session, the Secretary-General said that, in May 1972, he had submitted a memorandum on Viet-Nam to the President of the Security Council.<sup>791</sup>

721. In a letter dated 30 March 1976 addressed to the President of the Security Council the Secretary-General drew the attention of the Council to the gravity of the deteriorating situation in Lebanon.<sup>792</sup>

(v) *Action taken by the Secretary-General concerning the situation created by increasing incidents involving the hijacking of commercial aircraft*

722. In a telegram dated 8 June 1972 the President of the International Federation of Air Line Pilots Associations (IFALPA) transmitted to the Secretary-General a request by the governing body of IFALPA for a meeting of the Security Council no later than 16 June to take certain measures in connection with the situation created by increasing incidents involving the hijacking of commercial aircraft. The telegram stated that, if the request was not complied with, IFALPA would institute a worldwide 24-hour stoppage of air services on 19 June.<sup>793</sup>

723. In a reply by telegram dated 11 June 1972, the Secretary-General assured IFALPA that he would make every possible effort to help solve the problem and, after informing IFALPA that he had relayed its message to the President of the Security Council and that consultations on the matter were being conducted among members of the Council, he offered to discuss the possibility of United Nations action with IFALPA representatives.<sup>794</sup>

724. At a press conference held on 19 June 1972, the Secretary-General gave an account of the efforts he had made to avoid the stoppage, which had nevertheless taken place.<sup>795</sup>

(vi) *Action taken by the Secretary-General at the request of Member States concerning the work of the Security Council*

725. On 27 May 1977 a statement by the Secretary-General was issued in connection with a meeting he had

held that day with the Permanent Representatives to the United Nations of Italy and Yugoslavia. At that meeting those two officials had requested the Secretary-General to inform the Security Council of the view of their Governments that, in light of the coming into force of the Treaty of Osimo, it was no longer necessary for the Security Council to remain seized of the two items on its agenda concerning Trieste. In his statement the Secretary-General welcomed that joint *démarche*.<sup>796</sup>

(vii) *Transmittal to the Security Council of statements on political matters by Governments at their request*

726. By a letter dated 16 March 1978 the Secretary-General transmitted to the members of the Security Council a number of communications he had received from the Governments of Algeria, the Libyan Arab Jamahiriya and the Syrian Arab Republic, as well as from certain organizations, concerning the situation in Lebanon.<sup>797</sup>

E. *Representational functions of the Secretary-General*

1. *FUNCTIONS OF THE SECRETARY-GENERAL WITH REGARD TO NEGOTIATION AND CONCLUSION OF AGREEMENTS*

a. *Agreements negotiated and concluded at the request of United Nations organs*

727. In its resolutions 308 (1972) and 325 (1973) concerning meetings of the Council to be held in Addis Ababa and Panama City, respectively, the Security Council requested the Secretary-General to enter into negotiations with the Governments of Ethiopia and Panama, respectively, with a view to concluding conference agreements in connection with those meetings.<sup>798</sup>

728. In its resolution 31/115, by which it decided to establish a United Nations Audio-Visual Information Centre on Human Settlements, the General Assembly requested the Secretary-General to conclude an agreement with the appropriate Canadian authorities in that connection.<sup>799</sup>

729. In resolution 32/208 the General Assembly accepted the grant by the Government of Kenya of a site at Nairobi upon which to construct the United Nations Headquarters at Nairobi, subject to a suitable agreement between the Secretary-General and the Government.<sup>800</sup>

730. In its resolution 33/187 on the International Research and Training Institute for the Advancement of Women, the General Assembly requested the Secretary-General to continue the necessary consultations concerning an agreement with the host country of the Institute.

b. *Agreements concluded by the Secretary-General and approved by the General Assembly*

731. In section IV of its resolution 32/74, the General Assembly concurred in the agreement approved by the United Nations Joint Staff Pension Board with the Commission of the European Communities under article 13 of the Regulations of the United Nations Joint Staff Pension Fund with respect to continuity of pension rights between the Commission and the Fund.<sup>801</sup>



- c. *Assistance provided to a United Nations organ, at the request of another one, with a view to the conclusion of an agreement between the former and a State*

732. In its resolution 1600 (LI) the Economic and Social Council invited the Secretary-General to enter into consultations and take the steps necessary for the Swiss Confederation and the General Assembly to reach agreement on the contributions which that State would be required to make to the United Nations budget as a result of the decision taken by the Council, in the same resolution, that it was to become a member of the Economic Commission for Europe.<sup>802</sup>

- d. *Agreements concluded under the implied powers of the Secretary-General*

733. The Secretary-General continued to conclude numerous agreements, on a wide range of subjects, on behalf of the Organization, either on his own initiative or for the purpose of giving effect to resolutions of United Nations organs that did not explicitly request him to enter into agreements.

## 2. REPRESENTATIONAL FUNCTIONS OF THE SECRETARY-GENERAL IN LEGAL PROCEEDINGS

- \*\*a. *Court proceedings*

- \*\*b. *Arbitration proceedings*

- c. *Prosecution of claims*

734. In the reports on the work of the Organization he submitted to the General Assembly from its twenty-fifth to its thirty-first sessions inclusive, the Secretary-General gave an account of the prosecution of claims presented by him to Egypt, Israel and Jordan in respect of United Nations property losses incurred during the Middle East hostilities in 1967 and certain other claims of the same nature against Egypt, India, Israel and Pakistan.<sup>803</sup>

## 3. FUNCTIONS OF THE SECRETARY-GENERAL WITH REGARD TO UNITED NATIONS HEADQUARTERS

- a. *Implementation of the Headquarters Agreement*

735. In its resolution 33/95 the General Assembly requested the Secretary-General to enter into consultations with the host country concerning procedures for consultations with the host country and the Member States or the Secretary-General, pursuant to section 13 (b) of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, and to report to the Committee on Relations with the Host Country in 1979.

- \*\*b. *Headquarters regulations*

## 4. OTHER REPRESENTATIONAL FUNCTIONS OF THE SECRETARY-GENERAL

- \*\*a. *Functions of the Secretary-General with regard to privileges and immunities*

- b. *Representation by the Secretary-General at conferences and meetings of other agencies*

736. During the period under review the Secretary-General attended, personally, sessions of the Assembly

of Heads of State and Government of the Organization of African Unity and, through an observer, sessions of the Council of Ministers of that Organization.<sup>804</sup>

- \*\*c. *Authorization by the Secretary-General to use the United Nations emblem, flag and insignia*

## 5. FUNCTIONS OF THE SECRETARY-GENERAL IN THE FIELD OF PUBLIC INFORMATION

737. In its resolution 2897 (XXVI) the General Assembly recommended that the Secretary-General review the composition of the Consultative Panel on Public Information to ensure that it reflected the current situation in the United Nations and to ascertain the publicity and promotional needs of the various bodies of the United Nations undertaking universal causes approved by the General Assembly, in order that those needs be taken into account when considering the budgetary requirements of the Office of Public Information for 1973 and subsequent years.<sup>805</sup>

738. In its resolution 3535 (XXX) the General Assembly requested the Secretary-General to make new efforts in the field of information activities of the Organization and convey to the general public comprehensive information regarding the political, economic, social, cultural and humanitarian achievements and undertakings of the United Nations system, including the principles and aims related to the new international economic order. In the resolution, the Assembly also called upon the Secretary-General to collaborate closely in this effort with the national information media, the United Nations associations and other non-governmental organizations concerned throughout the world, and requested him to submit to the Assembly at its thirty-third session a report on the activities of the Office of Public Information of the Secretariat.<sup>806</sup>

739. In its resolution 1806 (LV) the Economic and Social Council requested the Secretary-General to investigate, with the assistance of the Consultative Panel on Public Information, at an intergovernmental expert level, the possibilities of making increased use of modern techniques of mass information to encourage the mobilization of public opinion, especially that of developed countries, in favour of the purposes, objectives and measures set out in the International Development Strategy and further requested him to submit to the Council at its fifty-eighth session his comprehensive proposals for action, taking into account the advice of these experts in the application of modern means of mass communication.<sup>807</sup>

740. By its resolution 1911 (LVII), section II, the Economic and Social Council requested the Secretary-General and the executive heads of agencies to arrange for the timely co-ordination of their activities in the field of public information relating to the International Development Strategy and to the Declaration and Programme of Action, and to that end to report to the Council at its fifty-eighth session.<sup>808</sup>

741. In its resolution 1978/64 the Economic and Social Council requested the Secretary-General to renew and intensify efforts in order to mobilize public opinion, with a view to obtaining a full understanding of the objectives and benefits of the new international economic order and of the relevance for international co-operation of ensuring full respect for and application of the provisions of the Charter of Economic Rights and Duties of States.

742. In resolutions adopted by the General Assembly during the period under review the Secretary-General was

requested to publicize the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations work in the field of decolonization. Thus, in its resolutions 32/14 and 33/24, the General Assembly requested the Secretary-General to give maximum publicity to the Declaration on the Granting of Independence to Colonial Countries and Peoples. By resolutions 2708 (XXV), 2709 (XXVI), 2909 (XXVII), 3164 (XXVII) and 3329 (XXIX), the General Assembly requested the Secretary-General to take concrete measures through all the media at his disposal, including publications, radio and television, to give widespread and continuous publicity to the work of the United Nations in the field of decolonization, to the situation in the colonial Territories and to the continuing struggle for liberation waged by the colonial peoples. In resolution 3482 (XXX) the Assembly requested him to continue to collect, prepare and disseminate basic materials, studies and articles relating to the problems of decolonization and, in particular, to continue to publish the periodical *Objective: Justice* and other publications, special articles and studies of the Office of Public Information and select from them material for wider dissemination by means of reprints in various languages. This request was reiterated in Assembly resolutions 31/144, 32/43 and 33/45.

743. Several resolutions of the General Assembly contained requests to the Secretary-General that he publicize the evils of *apartheid*. Thus, in its resolution 2671 C (XXV), the Assembly requested the Secretary-General to take appropriate steps to ensure the widest dissemination of information on the evils and dangers of *apartheid*, to arrange for the preparation of special studies and papers on the subject, to continue to make available and adequate number of radio programmes and material to Member States willing to provide facilities on their national radio stations for broadcasts to southern Africa of programmes of international concern over *apartheid* and to continue consultations with the Organization of African Unity on the means of collaboration between it and the United Nations in order to intensify the international information campaign against *apartheid*. Additional requests to the Secretary-General regarding the dissemination of information on *apartheid* were made by the General Assembly in resolutions 2775 G (XXVI), 2923 D (XXVII), 3515 C (XXVIII), 3411 E (XXX), 31/6 C and 33/183 I. The last-mentioned resolution contained a request to the Secretary-General that he intensify and expand the production of radio programmes for broadcast to southern Africa.

744. Several resolutions adopted during the period under review requested the Secretary-General to intensify and carry out specific public information activities in connection with Namibia.<sup>809</sup> Those activities included radio programmes beamed to Namibia and radio and television programmes intended for local consumption in all areas where there are United Nations offices, including the United States and other major western countries, advertisements in the news media of Member States, the acquisition and distribution as well as the preparation of films on Namibia, the issue of United Nations postage stamps, the preparation of a comprehensive United Nations map of Namibia reflecting the territorial integrity of the Territory, a programme of publications on military, political, economic and social conditions in Namibia, the maintenance of permanent exhibits at the United Nations information centres around the world and the preparation of radio programmes of information on the work of the United Nations Council for Namibia for dissemination through the radio services of Member States.

745. In resolution 2785 (XXVI) the General Assembly requested the Secretary-General to pursue a world-wide programme intended to build up public opinion, especially through radio and television broadcasts and the distribution of appropriate literature, with a view to eradicating false racial beliefs based upon distortion or lack of scientific knowledge and showing how the different races complement one another. In its decision 33/422 the General Assembly requested the Secretary-General to proceed with the production of a United Nations film on wars and their consequences.

746. The Secretary-General was further requested to publicize such diverse subjects as information on the conditions in the Territory of Oman,<sup>810</sup> the adverse effects of the activities of foreign economic and other interests in colonial Territories,<sup>811</sup> the situation in the Territories under Portuguese administration,<sup>812</sup> the need for humanitarian assistance for the victims of repression in South Africa, Namibia and Southern Rhodesia,<sup>813</sup> the objectives and policies of the United Nations Habitat and Human Settlements Foundation,<sup>814</sup> the problems to be dealt with at the United Nations Water Conference,<sup>815</sup> the cause of persons persecuted for their opposition to *apartheid*,<sup>816</sup> the accomplishments of the International Conference in Support of the Peoples of Zimbabwe and Namibia,<sup>817</sup> the International Year of the Child,<sup>818</sup> the World Conference to Combat Racism and Racial Discrimination,<sup>819</sup> and the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.<sup>820</sup>

747. The Secretary-General was also called upon to publicize various reports, studies and other material. Thus, he was requested to give publicity to the "Principles and recommendations for a vital statistics system",<sup>821</sup> a study of equality in the administration of justice,<sup>822</sup> the report of the *Ad Hoc* Working Group of Experts on Namibia,<sup>823</sup> the Declaration on the Elimination of Discrimination Against Women,<sup>824</sup> the Standard International Trade Classification, Revision 2,<sup>825</sup> a study on the rights of persons belonging to national, ethnic, religious and linguistic minorities,<sup>826</sup> the Special Study of Racial Discrimination in the Political, Economic, Racial and Cultural Spheres prepared by a Special Rapporteur,<sup>827</sup> the report of the *Ad Hoc* Working Group of Experts on the Treatment of Political Prisoners in South Africa,<sup>828</sup> a report by the Secretary-General on the economic and social consequences of the arms race and of military expenditures,<sup>829</sup> the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories,<sup>830</sup> the International Convention on the Suppression and Punishment of the Crime of *Apartheid*,<sup>831</sup> the report of the Working Group on Technical Co-operation among Developing Countries,<sup>832</sup> a study on nuclear-weapon-free zones,<sup>833</sup> the Charter of Economic Rights and Duties of States,<sup>834</sup> the report of the Special Committee Against *Apartheid* concerning relations between Israel and South Africa,<sup>835</sup> the Programme of Action Against *Apartheid*,<sup>836</sup> the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People,<sup>837</sup> a report containing an analysis and examination of issues regarding a system of international measurement, reporting and comparison of military expenditures,<sup>838</sup> the arbitration rules of the United Nations Commission on International Trade Law,<sup>839</sup> the Lagos Declaration for Action Against *Apartheid*,<sup>840</sup> and a study on the work of the Committee on the Elimination of Racial Discrimination.<sup>841</sup>

## NOTES

- 1 G A resolutions 2871 (XXVI) and 3031 (XXVII).  
 2 S C resolution 415 (1977).  
 3 S C resolution 379 (1975).  
 4 S C, consensus of 28 February 1974, at its 1764th mtg.  
 5 S C resolution 384 (1975).  
 6 S C resolutions 289 (1970), 294 (1971) and 404 (1977).  
 7 G A resolution 32/77.  
 8 G A resolutions 3219 (XXIX), 3448 (XXX) and 32/118.  
 9 G A resolutions 3478 (XXX) and 31/89.  
 10 S C resolution 278 (1970) concerning Bahrain.  
 11 G A resolution 3535 (XXX).  
 12 E S C decision adopted by the Council at its 1837th mtg. on 28 July 1972.  
 13 Statement expressing the consensus of the views of the members of the Security Council, approved by it at its 1544th mtg., on 12 June 1970.  
 14 G A resolution 2657 (XXV).  
 15 G A resolution 2671 F (XXV).  
 16 G A resolution 2747 (XXV).  
 17 G A resolution 2850 (XXVI).  
 18 G A resolution 3104 (XXVIII).  
 19 G A resolution 3277 (XXIX).  
 20 G A resolution 3503 (XXX).  
 21 G A resolution 32/133.  
 22 G A resolution 33/93.  
 23 G A resolution 33/161.  
 24 E S C resolution 1474 (XLVIII).  
 25 E S C resolution 1541 (XLIX).  
 26 E S C resolution 1577 (L).  
 27 E S C resolution 1630 (LI).  
 28 See, for example, G A resolutions 2805 (XXVI), 3121 (XXVIII) and 31/177.  
 29 G A resolution 31/109.  
 30 E S C resolutions 1570 (L) and 1838 (LVI).  
 31 G A resolutions 3180 (XXVIII), 31/184 and 33/148, and E S C resolutions 2035 (XLI) and 2057 (LXII).  
 32 G A resolutions 2923 F (XXVII), 33/57 and 33/59 B and E S C resolution 1893 (LVII).  
 33 G A resolution 2666 (XXV) and E S C resolution 1599 (L).  
 34 G A resolutions 2655 (XXV) and 2916 (XXVII).  
 35 G A resolutions 2657 (XXV) and 32/138, E S C resolution 2002 (LX).  
 36 G A resolution 2677 (XXV).  
 37 E S C resolution 1996 (LX).  
 38 E S C resolution 2121 (LXIII).  
 39 G A resolution 3269 (XXIX).  
 40 G A resolution 33/71 I.  
 41 G A resolutions 2786 (XXVI) and 2922 (XXVII).  
 42 G A resolution 3022 (XXVII).  
 43 G A resolution 3267 (XXIX).  
 44 G A resolution 33/179.  
 45 G A decision 33/426.  
 46 E S C resolution 1787 (LIV).  
 47 E S C resolution 1792 (LIV).  
 48 G A resolutions 3269 (XXIX) and 3456 (XXX).  
 49 G A resolution 2750C (XXV).  
 50 G A resolution 2922 (XXVII).  
 51 G A resolution 2707 (XXV).  
 52 G A resolution 3027 (XXVII).  
 53 G A resolution 3262 (XXIX).  
 54 G A resolution 3478 (XXX).  
 55 G A resolutions 2666 (XXV) and 2830 (XXVI).  
 56 E S C resolution 1978/9.  
 57 G A resolution 33/87.  
 58 G A resolutions 3058 (XXVIII) and 3220 (XXIX).  
 59 G A resolution 2841 (XXVI) and E S C decision 1978/24.  
 60 G A resolution 2657 (XXV).  
 61 G A resolutions 2743 (XXV), 2783 (XXVI), 2916 (XXVII), 3108 (XXVIII) and 31/117; E S C resolutions 1678 (LII) and 1683 (LII).  
 62 G A resolutions 2731 (XXV) and 2763 (XXVI), E S C resolution 1599 (L), and G A resolution 33/109.  
 63 G A resolution 32/40 A.  
 64 E S C resolution 1474 (XLVIII).  
 65 G A resolutions 2906 (XXVII) and 2923 A (XXVII).  
 66 G A resolution 2906 (XXVII).  
 67 G A resolution 2677 (XXV).  
 68 E S C resolution 1474 (XLVIII).

69 G A resolution 2775 D (XXVI).

70 In its resolution 2960 (XXVII), the General Assembly requested the Secretary-General to continue to submit to it, in close co-operation with the Advisory Committee on Administrative and Budgetary Questions, programmes of meetings and conferences at each session for its approval.

71 By its resolution 3043 (XXVII) the General Assembly approved on an experimental basis a new form of presentation of the United Nations regular budget on a programme basis and the introduction of a biennial budget cycle.

72 For an example of such a waiver, see E S C decision 66 (ORG-75).

73 See, for example, G A resolutions 2704 (XXV), 2908 (XXVII), and 3421 (XXX).

74 G A resolution 31/77.

75 G A resolution 2641 (XXV).

76 G A resolution 2681 (XXV).

77 G A resolution 2682 (XXV).

78 G A resolution 2795 (XXVI).

79 G A resolution 2951 (XXVII).

80 G A resolutions 3026 B (XXVII) and 3268 (XXIX).

81 G A resolution 3137 (XXVIII).

82 G A resolution 3153 (XXVIII).

83 G A resolution 3311 (XXIX).

84 G A resolution 3442 (XXX).

85 G A resolution 3523 (XXX).

86 G A resolution 31/68.

87 G A resolution 31/116, Part III.

88 G A resolution 32/160.

89 G A resolution 32/138.

90 G A resolution 33/115 B.

91 G A resolution 33/201.

92 E S C resolution 1484 (XLVIII).

93 E S C resolution 1493 (XLVIII).

94 E S C resolution 1494 (XLVIII).

95 E S C resolution 1507 (XLVIII).

96 E S C resolution 1538 (XLIX).

97 E S C resolution 1519 (XLIX).

98 E S C resolution 1566 (L).

99 E S C resolution 1641 (LI).

100 E S C resolution 1742 (LIV).

101 E S C resolution 1802 (LV).

102 E S C resolution 1904 (LVII).

103 E S C resolution 1926 (LVIII), Section A.

104 E S C resolution 1970 (LIX).

105 E S C resolution 2018 (LXI).

106 E S C resolution 2078 (LXII).

107 E S C resolution 2111 (LXIII).

108 E S C resolution 1550 (XLIX).

109 E S C resolutions 1673 (LII), Section C and 1957 (LIX), Section A.

110 G A resolutions 2731 (XXV), 2884 (XXVI), 2989 (XXVII), 31/94 A, 31/94 B, 31/94 C, 33/142 A and 33/142 B.

111 E S C resolution 1728 A (LIII); E S C decision adopted at its 1876th mtg. on 7 August 1973, and E S C decision 121 (LIX), adopted at its 1978th mtg., on 30 July 1975.

112 See this *Supplement*, under Article 101.

113 At its spring 1971 session, the ACC approved the terms of reference for the Board. See G A (26), Suppl. No. 1, p. 270.

114 For an account of the action taken pursuant to this request, see paragraphs 10-11 of the Secretary-General's report to the General Assembly at its 33rd session, A/33/367.

115 A/C.5/34/31 (mimeographed).

116 G A resolution 2656 (XXV).

117 G A resolution 2848 (XXVI).

118 G A resolution 2891 and 2892 (XXVI).

119 G A resolution 31/195.

120 G A resolutions 3076 (XXVIII), 3255 (XXIX), 3506 (XXX) and 31/64.

121 G A resolution 3515 (XXX).

122 G A resolution 3378 (XXX).

123 G A resolution 31/142.

124 G A resolution 32/64.

125 G A resolution 32/123.

126 G A resolution 33/183 C.

127 E S C resolution 1533 (XLIX).

128 E S C resolution 1572 (L), Part B.

129 E S C resolution 1721 (LIII).

130 E S C resolution 1758 (LIV).

131 E S C resolution 1823 (LV), Part II.

<sup>132</sup>E S C resolution 1836 (LVI); for a somewhat similar request see E S C resolution 1933 (LVIII).

<sup>133</sup>E S C decision 85 (LVIII); see also E S C decision 150 (LX).

<sup>134</sup>E S C resolution 2031 (XLI).

<sup>135</sup>G A resolutions 2951 (XXVII) and 3167 (XXVIII), and E S C resolution 1978/57.

<sup>136</sup>See *Repertory*, under Article 98, paras. 67-70; *ibid.*, *Supplement No. 1*, under Article 98, para. 28 and *ibid.*, *Supplement No. 4*, under Article 98, para. 40.

<sup>137</sup>G A (32), Suppl. No. 1.

<sup>138</sup>*Ibid.*, Suppl. No. 1A.

<sup>139</sup>G A (33), Suppl. No. 1.

<sup>140</sup>G A resolution 2684 (XXV).

<sup>141</sup>G A resolution 2673 (XXV).

<sup>142</sup>G A resolution 2721 (XXV).

<sup>143</sup>G A resolution 2669 (XXV).

<sup>144</sup>G A resolution 2770 (XXVI).

<sup>145</sup>G A resolution 2771 (XXVI).

<sup>146</sup>G A resolution 2817 (XXVI).

<sup>147</sup>G A resolution 2852 (XXVI).

<sup>148</sup>G A resolution 3002 (XXVII).

<sup>149</sup>G A resolution 3075 (XXVIII).

<sup>150</sup>G A resolution 3080 (XXVIII).

<sup>151</sup>G A resolution 3093 B (XXVIII).

<sup>152</sup>G A resolution 3102 (XXVIII).

<sup>153</sup>G A resolution 3150 (XXVIII).

<sup>154</sup>G A resolution 3273 (XXIX).

<sup>155</sup>G A resolution 3283 (XXIX).

<sup>156</sup>G A resolution 3311 (XXIX).

<sup>157</sup>G A resolution 3321 (XXIX).

<sup>158</sup>G A resolution 3335 (XXIX).

<sup>159</sup>G A resolution 3343 (XXIX).

<sup>160</sup>G A resolution 3409 (XXX).

<sup>161</sup>G A resolution 3489 (XXX).

<sup>162</sup>G A resolution 31/37.

<sup>163</sup>G A resolution 31/82.

<sup>164</sup>G A resolution 31/110.

<sup>165</sup>G A resolution 31/134.

<sup>166</sup>G A resolution 31/148.

<sup>167</sup>G A resolution 31/182.

<sup>168</sup>G A resolution 31/183.

<sup>169</sup>G A resolution 32/87 C.

<sup>170</sup>G A resolution 32/195.

<sup>171</sup>G A resolution 32/176.

<sup>172</sup>G A resolution 32/192.

<sup>173</sup>G A resolution 33/71 J.

<sup>174</sup>G A resolution 33/91 E.

<sup>175</sup>E S C resolution 1514 (XLVIII).

<sup>176</sup>E S C resolution 1593 (L).

<sup>177</sup>E S C resolution 1631 (LI).

<sup>178</sup>E S C resolution 1707 (LIII).

<sup>179</sup>E S C resolution 1745 (LIV).

<sup>180</sup>E S C resolution 1751 (LIV).

<sup>181</sup>E S C resolution 1753 (LIV).

<sup>182</sup>E S C resolution 1756 (LIV).

<sup>183</sup>E S C resolution 1761 E (LIV).

<sup>184</sup>E S C resolution 1845 (LVI).

<sup>185</sup>E S C resolution 1954 A (LIX).

<sup>186</sup>E S C resolution 2031 (LXI).

<sup>187</sup>E S C resolution 2052 (LXII).

<sup>188</sup>E S C resolution 2074 (LXII).

<sup>189</sup>E S C resolution 2080 (LXII).

<sup>190</sup>E S C resolution 2118 (LXIII).

<sup>191</sup>E S C resolution 1978/6.

<sup>192</sup>See, for example, G A resolutions 2633 (XXV), 2770 (XXVI), 2968 (XXVII), 3221 (XXIX), 31/91, 32/50 and 33/89; E S C resolutions 1553 (XLIX), 1572 (L), Section D, 1750 (LIV), 1761 (LIV), Section B, and 2060 (LXII).

<sup>193</sup>G A resolutions 3119 (XXVIII) and 3301 (XXIX).

<sup>194</sup>G A resolution 33/164.

<sup>195</sup>E S C resolution 1978/33.

<sup>196</sup>G A resolutions 2698 (XXV), 2838 (XXVI), 3502 (XXX), and 32/146.

<sup>197</sup>G A resolution 2816 (XXVI).

<sup>198</sup>G A resolution 3137 (XXVIII).

<sup>199</sup>G A resolution 3202 (S-VI).

<sup>200</sup>G A resolution 3279 (XXIX).

<sup>201</sup>G A resolution 32/126.

<sup>202</sup>E S C resolution 1493 (XLVIII).

<sup>203</sup>E S C resolution 1566 (L).

<sup>204</sup>E S C resolution 1629 (LI).

<sup>205</sup>E S C resolution 1655 (LII).

<sup>206</sup>E S C resolution 1908 (LVII).

<sup>207</sup>E S C resolution 1947 (LVIII).

<sup>208</sup>E S C resolution 2053 (LXII).

<sup>209</sup>See, for example, G A resolutions 3054 (XXVIII), 3253 (XXIX), 31/17, 31/43, 31/187, 31/188, 32/100, 32/101; E S C resolutions 1832

(LVI), 1987 (LX), and 1978/43; E S C decisions 386 (1976) and 411 (1977).

<sup>210</sup>See, for example, E S C resolutions 1828 (S-II), 1611 (LI) and 1833 (LVI).

<sup>211</sup>G A (25), Suppl. No. 1, pp. 194-195.

<sup>212</sup>*Ibid.*, pp. 195-196. See also E S C (LI), 1873rd mtg., paras. 3-56.

<sup>213</sup>G A (25), Suppl. No. 1, pp. 195-196. See also E S C (LI), 1783rd mtg., paras. 70-80.

<sup>214</sup>E S C (LI), 1783rd mtg., paras. 3-56, 70-80 and 153-159.

<sup>215</sup>G A (26), Suppl. No. 1, p. 196.

<sup>216</sup>*Ibid.*, p. 196.

<sup>217</sup>G A (26), 3rd Comm., 1876th mtg., paras. 1-15.

<sup>218</sup>*Ibid.*, 1877th mtg., paras. 1-16.

<sup>219</sup>S C (26), Suppl. for Oct.-Dec. 1971, S/10433 and S/10466.

<sup>220</sup>*Ibid.*, S/10466.

<sup>221</sup>S C (27), Suppl. for Jan.-Mar. 1972, S/10539; and *ibid.*, Suppl. for April-June 1972, S/10539/Add.1.

<sup>222</sup>*Ibid.*, S/10539/Add.2.

<sup>223</sup>*Ibid.*, Suppl. for July-Sept. 1972, S/10539/Add.3.

<sup>224</sup>S C (28), Suppl. for Jan.-Mar. 1973, S/10853.

<sup>225</sup>*Ibid.*, Suppl. for April-June 1973, S/10853/Add.3.

<sup>226</sup>*Ibid.*, Suppl. for Oct.-Dec. 1973, S/10853/Add.4.

<sup>227</sup>G A resolution 2837 (XXVI).

<sup>228</sup>E/5634 (mimeographed).

<sup>229</sup>G A resolution 2850 (XXVI).

<sup>230</sup>G A resolution 3042 (XXVII).

<sup>231</sup>G A resolution 3504 (XXX).

<sup>232</sup>G A resolution 32/137.

<sup>233</sup>E S C resolution 1925 (LVIII).

<sup>234</sup>*United Nations Juridical Yearbook*, 1972, p. 160.

<sup>235</sup>*Ibid.*, 1978, p. 167.

<sup>236</sup>G A resolutions 2739 (XXV), 2900 (XXVI) and 3045 (XXVII).

<sup>237</sup>G A resolutions 3196 (XXVIII), 3540 (XXX) and 32/214.

<sup>238</sup>See footnotes 236 and 237.

<sup>239</sup>See *Repertory, Supplement No. 4*, under Article 98, paras. 53-55.

<sup>240</sup>See paras. 95 and 96 below.

<sup>241</sup>G A resolutions 2740 (XXV), 2901 (XXVI) and 3046 (XXVII).

<sup>242</sup>G A resolutions 3197 (XXVIII), 3541 (XXX) and 32/215.

<sup>243</sup>G A resolutions 3211 A (XXIX), 3211 B (XXIX), 3374 A (XXX),

3374 B (XXX), 3374 C (XXX), 31/5 A, 31/5 B, 31/5 C, 32/4 A, 32/4 B, 32/4 C, 33/13 A, 33/13 B, 33/13 C and 33/13 D.

<sup>244</sup>For additional information concerning the financial aspects of UNEF, UNDOF, and UNIFIL, see this *Supplement* under Article 17.

<sup>245</sup>See para. 40 above.

<sup>246</sup>See para. 83 above.

<sup>247</sup>G A (25), Annexes, a.i. 73, A/C.5/1325 and A/C.5/1328.

<sup>248</sup>See also G A resolution 2894 (XXVI).

<sup>249</sup>A/C.5/32/19 (mimeographed).

<sup>250</sup>No such decision was taken during the remainder of the period under review.

<sup>251</sup>See paras. 561-565 below.

<sup>252</sup>The resolutions in question concerned (1) the question of the measures taken by Israel in connection with the Al-Ibrahimi Mosque in the City of Al-Khalil (General Assembly resolution 3525 D (XXX)); (2) the question of Namibia (General Assembly resolutions 3031 (XXVII), 3111 (XXVIII) and 31/146) and Security Council resolution 310 (1972); (3) the policies of *apartheid* of the Government of the Republic of South Africa (Security Council resolution 282 (1970) and General Assembly resolutions 2624 (XXV), 2671 B (XXV), 2671 F (XXV), 2775 D (XXVI), 2775 F (XXVI), 2775 G (XXVI), 2923 D (XXVII) and 2923 E (XXVII)); (4) the question of Southern Rhodesia (General Assembly resolution 2796 (XXVI)); (5) the situation in the territories under Portuguese administration (Security Council resolution 312 (1972)); (6) co-operation between the United Nations and the Organization of African Unity (General Assembly resolutions 2863 (XXVI), 2962 (XXVII), 3066 (XXVIII), 3280 (XXIX), 3412 (XXX), 31/13, 32/19, and 33/27), and (7) the establishment of a nuclear-weapon-free zone in the region of the Middle East (General Assembly resolution 3263 (XXX)). For the corresponding reports of the Secretary-General, see (1) A/31/235, (2) A/9728 and A/32/281; S C (27), Suppl. for July-Sept. 1972, S/10752 and Add.1, and *ibid.*, Suppl. for Oct.-Dec. 1972, S/10752/Add.2, (3) S C (26), Suppl. for Jan.-March 1971, S/10092, A/8208 and Add.1, A/8467, A/8833 and A/9165, (4) A/8759 and Add.1, (5) S C (27), Suppl. for July-Sept. 1972, S/10734, (6) A/8859, A/9162, A/9734, A/10254, A/31/127, A/32/207 and A/33/253 and (7) S C (30), Suppl. for July-Sept. 1975, S/11778 and Add.1-3, also submitted to the General Assembly as A/10221 and Add.1-2. The request to the Secretary-General contained in Security Council resolution 301 (1971) on the question of Namibia also called for purely informational activity on the part of the Secretary-General. No report was, however, submitted by him pursuant thereto.

<sup>253</sup>The resolutions in question concern (1) the Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (General Assembly resolutions 2708 (XXV), 2874 (XXVI), 2980 (XXVII), 3118 (XXVIII), 3300 (XXIX), 3421 (XXX), 31/30 and 32/36), and (2) a complaint by Lesotho against South Africa (Security Council resolution 402 (1976)), for the

corresponding reports of the Secretary-General and other relevant documents, see (1) A/8314 and Add.1-6, A/8480, A/8647 and Add.1-2, A/8862, A/9051 and Add.1-5, A/9277, A/9638 and Add.1 and Corr.1 and Add.2-5, A/9830, A/10080 and Add.1-4, A/10319, A/31/65 and Add.1-5, A/31/238, A/32/87 and Add.1-3 and (2) S C, 32nd yr., Suppl. for Jan.-March 1977, S/12315, *ibid.*, Suppl. for April-June 1977, S/12325 and *ibid.*, Suppl. for Oct.-Dec. 1977, S/12438.

<sup>254</sup> S C (25), Suppl. for July-Sept. 1970, S/9902.

<sup>255</sup> See the Secretary-General's report of 4 January 1971 in S C (26), Suppl. for Jan.-Mar. 1971, S/10070.

<sup>256</sup> *Ibid.*, paras. 36-38.

<sup>257</sup> *Ibid.*, S/10070/Add.1.

<sup>258</sup> *Ibid.*, S/10070/Add.2.

<sup>259</sup> *Ibid.* Paras. 105-110 are a summary of the contents of the report.

<sup>260</sup> Paras. 111 and 112 are a summary of the Secretary-General's report of 30 November 1971. *Ibid.*, Suppl. for Oct.-Dec. 1971, S/10403.

<sup>261</sup> *Ibid.*, S/10438.

<sup>262</sup> *Ibid.*, S/10443.

<sup>263</sup> See S C (27), Suppl. for July-Sept. 1972, S/10792.

<sup>264</sup> S C (28), Suppl. for Jan.-Mar. 1973, S/10929. See paras. 340 and 341 below.

<sup>265</sup> *Ibid.*, Suppl. for July-Sept. 1973, S/10974.

<sup>266</sup> S C (28), Suppl. for Oct.-Dec. 1973, S/11161.

<sup>267</sup> *Ibid.*, S/11162.

<sup>268</sup> *Ibid.*, S/11169.

<sup>269</sup> S C (31), Suppl. for Oct.-Dec. 1976, S/12210.

<sup>270</sup> *Ibid.*, Suppl. for Jan.-Mar. 1976, S/11985 and S/11991.

<sup>271</sup> See para. 352 below.

<sup>272</sup> S C (32), Suppl. for Jan.-March 1977, S/12290.

<sup>273</sup> See paras. 342-348 and 351 below.

<sup>274</sup> For background information on UNTSO, see S C (28), Suppl. for Oct.-Dec. 1973, S/7930/Add.2210, para. 2.

<sup>275</sup> See *Repertory, Supplement No. 4*, vol. II, under Article 98, paras. 108-153. See also S C (28), Suppl. for April-June 1973, S/10929, paras. 3-10.

<sup>276</sup> S C (25), Suppl. for Jan.-Mar. 1970, S/7930/Add.482, 488, 491, 492, 499, 501, 503, 505, 507, 509, 511, 517, 519, 521, 524, 529, 531, 533, 535, 543, 545, 547, 549, 551, 553, 556, 558, 565, 568, 571, 574, 576, 578, 580, 582, 584, 586, 588, 590, 594, 596, 599, 601, 603, 607, 609, 612, 616, 618, 620, 623, 625; *ibid.*, Suppl. for April-June 1970, S/7930/Add.627, 629, 631, 633, 635, 639, 641, 647, 649, 651, 653, 655, 658, 660, 662, 664, 666, 667, 669, 672, 673, 675, 677, 679, 681, 683, 685, 687, 689, 691, 693, 695, 697, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 725, 727, 729, 731, 733, 736, 738, 740, 742, 744, 746, 748, 750, 751, 753, 756, 758, 761, 763, 765, 767, 769, 771, 773, 775, 777, 779, 781, 783, 785, 787, 789, 791, 793, 795-797, 799, 802, 804, 806, 808; *ibid.*, Suppl. for July-Sept. 1970, S/7930/Add.810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 841, 843, 845, 847, 849, 851, 853, 855, 857, 859, 861, 863, 865, 867, 869, 871, 873, 876, 878, 880, 882, 884, 886, 888-892, 894-906, 908-914, 916-937, 939-945; *ibid.*, Suppl. for Oct.-Dec. 1970, S/7930/Add.946-1030; S C (26), Suppl. for Jan.-Mar. 1971, S/7930/Add.1031-1042, 1044-1065, 1067-1084, 1086-1103, 1105-1110, 1112-1114, 1116, 1118, 1119, 1121-1127, 1129, 1131; *ibid.*, Suppl. for April-June 1971, S/7930/Add.1132, 1133, 1135-1137, 1139-1143, 1145-1152, 1155-1161, 1163, 1165, 1167, 1169-1173, 1175-1178, 1180, 1181, 1183-1185, 1187, 1189-1208, 1210, 1212-1219, 1221-1226, 1228, 1229, 1231, 1233, 1234, 1236, 1237, 1239-1242; *ibid.*, Suppl. for July-Sept. 1971, S/7930/Add.1243, 1245-1249, 1251, 1253-1255, 1258, 1260, 1261, 1263, 1265-1267, 1269, 1271-1276, 1278-1280, 1282-1285, 1287, 1288, 1290, 1291, 1293, 1295-1299, 1301-1306, 1308-1310, 1312, 1313, 1316-1318, 1320, 1322-1324, 1326-1328, 1330, 1332, 1333, 1335, 1336, 1338-1340, 1342, 1343, 1345-1347, 1349, 1350, 1354-1362, 1364-1366; *ibid.*, Suppl. for Oct.-Dec. 1971, S/7930/Add.1367, 1369-1374, 1376, 1377, 1379, 1380, 1382-1385, 1387, 1389, 1391, 1392, 1394-1396, 1398, 1399, 1401-1406, 1408-1413, 1415, 1417-1421, 1423-1425, 1427-1436, 1438-1440, 1442-1450, 1452-1458, 1460-1470: (mimeographed documents S/7930/Add.1471-1503, 1505-1514, 1516-1523, 1525-1532 and Corr.1, 1533-1538, 1540-1558); S C (27), Suppl. for April-June 1972, S/7930/Add.1640, 1643, 1644 and 1647: (mimeographed documents S/7930/Add.1584-1592, 1594, 1596-1615, 1618-1623, 1625-1634, 1639, 1649-1652); S C (27), Suppl. for July-Sept. 1972, S/7930/Add.1654, 1665, 1674, 1676-1681, 1721-1722, 1724-1728, 1731-1736, 1738-1743, 1751: (mimeographed documents S/7930/Add.1559-1582, 1584, 1655-1664, 1666-1672, 1675, 1682-1687, 1689, 1691-1708, 1710-1720, 1744, 1746-1750); S C (27), Suppl. for Oct.-Dec. 1972, S/7930/Add.1754, 1763, 1765, 1768, 1771-1773, 1783-1785, 1788, 1791, 1796, 1797, 1809-1811, 1817, 1818, 1826, 1832, 1848-1850: (mimeographed documents S/7930/Add.1752, 1753, 1755-1761, 1764, 1766, 1769-1770,

1774-1782, 1786, 1787, 1789-1790, 1792-1795, 1798-1808, 1812-1816, 1819-1822, 1829, 1831, 1833, 1834, 1836, 1841-1843, 1845, 1847, 1852); S C (28), Suppl. for Jan.-Mar. 1973, S/7930/Add.1853-1856, 1858, 1860-1862, 1864, 1866, 1874, 1876, 1882, 1883, 1891, 1896, 1899, 1901, 1903, 1905, 1912-1914, 1929, 1940: (mimeographed documents S/7930/Add.1867, 1870, 1872, 1873, 1877, 1890, 1892, 1893, 1895, 1897, 1902, 1909-1911, 1916, 1917, 1919-1921, 1923, 1924, 1926, 1928, 1931, 1934, 1935, 1937, 1941-1945); *ibid.*, Suppl. for April-June 1973, S/7930/Add.1950, 1953, 1958, 1959, 1969, 1971, 1972, 1974, 1975, 1979-1981, 1999, 2000, 2014, 2021, 2028, 2035, 2038, 2039: (mimeographed documents S/7930/Add.1947, 1949, 1954-1956, 1961, 1962, 1964-1968, 1970, 1973, 1976-1978, 1982-1990, 1992, 1993, 1996-1998, 2001, 2009-2011, 2015, 2018-2020, 2022, 2024, 2026-2033, 2039); *ibid.*, Suppl. for July-Sept. 1973, S/7930/Add.2042, 2048, 2052, 2053, 2058, 2065, 2073, 2079, 2092, 2097, 2101, 2108, 2115, 2116, 2118, 2120 and 2126: (mimeographed documents S/7930/Add.2040, 2041, 2043, 2050, 2051, 2055-2057, 2059, 2060-2063, 2067-2069, 2071-2072, 2078, 2081, 2084, 2086, 2104, 2106 and Corr.1, 2109, 2111-2113, 2123, 2125, 2127-2131); *ibid.*, Suppl. for Oct.-Dec. 1973, S/7930/Add.2135-2137, 2139, 2141-2145, 2147-2153, 2155-2160, 2162-2174, 2176-2177, 2179-2193.

<sup>277</sup> S C (25), Suppl. for Jan.-Mar. 1970, S/7930/Add.481, 483-487, 489, 490, 493-498, 500-502, 504, 506, 508, 510, 512-516, 518, 520, 522, 523, 525, 526, 528, 530, 532, 534, 536, 537, 538-542, 544, 546, 548, 550, 552, 554, 555, 557, 559-564, 566, 567, 569, 570, 572, 573, 575, 577, 579, 581, 583, 585, 587, 589, 591, 593, 595, 597, 598, 600, 602, 604-606, 608, 610, 611, 615, 617, 619, 621, 622, 624; *ibid.*, Suppl. for April-June 1970, S/7930/Add.626, 628, 630, 632, 634, 636-638, 640, 642-646, 648, 650, 652, 654, 656, 657, 659, 661, 663, 665, 668, 670, 671, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 699, 701, 703, 705, 707, 709, 711, 713, 715, 717, 719, 721, 723, 726, 728, 730, 732, 734, 735, 737, 739, 741, 743, 745, 747, 749, 752, 754, 755, 757, 759, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 798, 800, 801, 803, 805, 807; *ibid.*, Suppl. for July-Sept. 1970, S/7930/Add.809, 811, 813, 815, 817, 819, 821, 823, 825, 827, 829, 831, 833, 835, 837, 839, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 875, 877, 879, 881, 883, 885, 887, 893; S C (26), Suppl. for Jan.-Mar. 1971, S/7930/Add.1104, 1111, 1115, 1117, 1120, 1128, 1130; *ibid.*, Suppl. for April-June 1971, S/7930/Add.1134, 1138, 1144, 1153, 1154, 1162, 1166, 1168, 1174, 1179, 1182, 1186, 1188, 1209, 1211, 1220, 1227, 1230, 1232, 1235, 1238; *ibid.*, Suppl. for July-Sept. 1971, S/7930/Add.1, 1244, 1250, 1252, 1256, 1257, 1259, 1262, 1264, 1268, 1270, 1277, 1281, 1286, 1289, 1292, 1294, 1300, 1307, 1311, 1314, 1315, 1319, 1321, 1325, 1329, 1331, 1334, 1337, 1341, 1344, 1348, 1351, 1353, 1363; *ibid.*, Suppl. for Oct.-Dec. 1971, S/7930/Add.1368, 1375, 1378, 1381, 1386, 1388, 1390, 1393, 1397, 1400, 1407, 1414, 1416, 1422, 1426, 1437, 1441, 1451, 1459: (mimeographed documents S/7930/Add.1515, 1524, 1539, 1582, 1583, 1596, 1598, 1605, 1620, 1631, 1633); S C (27), Suppl. for July-Sept. 1972, S/7930/Add.1657; *ibid.*, Suppl. for Oct.-Dec. 1972, S/7930/Add.1762, 1772, 1773, 1826; S C (28), Suppl. for April-June 1973, S/7930/Add.2028, 2037, 2038; *ibid.*, Suppl. for July-Sept. 1973, S/7930/Add.2073 and 2092.

<sup>278</sup> S C (25), Suppl. for April-June 1970, S/9825.

<sup>279</sup> S C (27), Suppl. for April-June 1972, S/10611, annex.

<sup>280</sup> *Ibid.*

<sup>281</sup> *Ibid.*

<sup>282</sup> S C (27), Suppl. for April-June 1972, S/10611.

<sup>283</sup> *Ibid.*, S/10617.

<sup>284</sup> Mimeographed documents S/7930/Add.1582-1585, 1587, 1588, 1593, 1595-1599, 1600, 1601, 1603, 1604, 1610, 1611, 1613-1622, 1624-1628, 1630, 1632, 1633, 1635-1637. S C (27), Suppl. for April-June 1972, S/7930/Add.1640-1648; *ibid.*, Suppl. for July-Sept. 1972, S/7930/Add.1654, 1665, 1674, 1676-1681, 1721-1728, 1731-1737, 1741-1743; *ibid.*, Suppl. for Oct.-Dec. 1972, S/7930/Add.1754, 1763, 1768, 1771-1773, 1791, 1797, 1811, 1818, 1825, 1826, 1832, 1839, 1840, 1844, 1849, and 1850: (mimeographed documents S/7930/Add.1857 and 1859); S C (28), Suppl. for Jan.-Mar. 1973, S/7930/Add.1853, 1856, 1858, 1860, 1862, 1866, 1874-1876, 1881-1883, 1891, 1896, 1900, 1901, 1903, 1905-1907, 1912-1914, 1929, 1938-1940; *ibid.*, Suppl. for April-June 1973, S/7930/Add.1950, 1952, 1953, 1957-1960, 1969, 1971, 1972, 1974, 1975, 1979-1981, 1991, 1999, 2000, 2014, 2021, 2028, 2035, 2038, 2039; *ibid.*, Suppl. for July-Sept. 1973, S/7930/Add.2042, 2048, 2053, 2058, 2065, 2073, 2076, 2079, 2082, 2085, 2092, 2097, 2101, 2108, 2115, 2116, 2118, 2120, and 2126; *ibid.*, Suppl. for Oct.-Dec. 1973, S/7930/Add.2134, 2139: (mimeographed documents S/7930/Add.1582, 1584, 1585, 1587, 1588, 1593, 1595-1601, 1603, 1604, 1610, 1611, 1613-1622, 1624-1628, 1630, 1632, 1633, 1635-1637, 1650-1653, 1656-1659, 1661, 1663, 1664, 1667, 1670-1673, 1675-1688, 1690-1720, 1744, 1753, 1755-1761, 1766, 1768-1770, 1774-1787, 1789, 1790-1795,

1798-1808, 1814, 1816, 1819-1824, 1831, 1833-1838, 1841-1843, 1845-1847, 1851, 1852, 1853-1855, 1858, 1859, 1863, 1865, 1867-1873, 1877-1880, 1884-1890, 1892-1895, 1897, 1898, 1904, 1908-1911, 1915-1928, 1930-1937, 1941-1949, 1951, 1954-1956, 1961-1968, 1970, 1973, 1976-1978, 1982-1990, 1992-1998, 2001-2013, 2015-2020, 2022, 2023, 2024-2034, 2036, 2040, 2041, 2043-2047, 2049-2051, 2054-2056, 2059-2064, 2066-2072, 2074, 2075, 2077, 2078, 2080, 2081, 2083, 2084, 2086-2091, 2093-2096, 2098-2100, 2102-2107, 2109-2114, 2117, 2119, 2121-2125, 2127, 2128, 2129, 2130, 2132, 2133).

<sup>285</sup> S C (27), Suppl. for Oct.-Dec. 1972; S/10818, annex I.

<sup>286</sup> *Ibid.*, annex II.

<sup>287</sup> *Ibid.*; reservations expressed by China are contained in S C (27), Suppl. for Oct.-Dec. 1972, S/10819.

<sup>288</sup> *Ibid.*, S/10824.

<sup>289</sup> S C (28), Suppl. for Jan.-Mar. 1973, S/10824/Add.1.

<sup>290</sup> *Ibid.*, S/10907.

<sup>291</sup> *Ibid.*, Suppl. for April-June 1973, S/10824/Add.2.

<sup>292</sup> *Ibid.*, Suppl. for Oct.-Dec. 1973, S/7930/Add.2141. Further reports were issued by the Chief of Staff between 6 and 8 October 1977 on developments in the three sectors, in which generally heavy activity continued. The personnel of two observation posts in the Israel-Syria sector had to be evacuated. *Ibid.*, S/7930/Add.2141-2160.

<sup>293</sup> *Ibid.*, S/7930/Add.2143.

<sup>294</sup> *Ibid.*, Suppl. for Oct.-Dec. 1973, S/11013.

<sup>295</sup> See *Repertory, Supplement No. 4*, vol. II, under Article 98, para. 135.

<sup>296</sup> S C (28), Suppl. for Oct.-Dec. 1973, S/11017.

<sup>297</sup> *Ibid.*, S/7930/Add.2161. This report also provided information on the transfer, at the request of the Syrian forces, and the evacuation of certain observers in the Israel-Syria sector.

<sup>298</sup> *Ibid.*, S/7930/Add.2165.

<sup>299</sup> *Ibid.*, S/7930/Add.2162-2198, 2200, 2201, 2203, 2208, 2211, 2214 and 2218. Reports issued by the Chief of Staff between 8 and 23 October on the Israel-Syria sector, where nine observation posts had had to be closed, the Suez Canal and the Israel-Lebanon sectors indicated the continuation of generally heavy activity. *Ibid.*, S/7930/Add.2162-2209, 2211 and 2214-2218.

<sup>300</sup> *Ibid.*, S/11020.

<sup>301</sup> *Ibid.* On 22 October 1973 the Chief of Staff reported in detail on the location of the United Nations observers and the situation with respect to the observation posts (*ibid.*, S/7930/Add.2210).

<sup>302</sup> S C (28), 1748th mtg., paras. 149-152.

<sup>303</sup> *Ibid.*, paras. 250-252.

<sup>304</sup> *Ibid.*, Suppl. for Oct.-Dec. 1973, S/7390/Add.2219.

<sup>305</sup> *Ibid.* Reports subsequently submitted by the Chief of Staff up to 27 October 1977 described the incidents that, although less serious than those that had immediately preceded them, continued to take place in the three sectors. See *ibid.*, S/7930/Add.2210, 2220-2223, 2226, 2227, 2230, 2232, 2233, 2235 and 2236.

<sup>306</sup> *Ibid.*, 1749th mtg., paras. 20-25.

<sup>307</sup> By 29 October 1973, United Nations observers had been deployed on the Israeli side. See *ibid.*, Suppl. for Oct.-Dec. 1973, S/7930/Add.2224 and S/11057.

<sup>308</sup> *Ibid.*, 1749th mtg., paras. 203-210.

<sup>309</sup> For information on plans for the redeployment of United Nations observers in the Israel-Syria sector and the steps taken to implement them, see S C (28), Suppl. for Oct.-Dec. 1973, S/7930/Add.2223 and S/11057, paras. 7-10.

<sup>310</sup> *Ibid.*, S/11047.

<sup>311</sup> The report referred to is the one made orally at the 1749th mtg. of the Security Council; see para. 154 above.

<sup>312</sup> S C (28), 1750th mtg., pp. 58-60.

<sup>313</sup> S C (28), Suppl. for Oct.-Dec. 1973, S/7930/Add.2219.

<sup>314</sup> *Ibid.*, 1750th mtg., paras. 122-125.

<sup>315</sup> *Ibid.*, para. 159.

<sup>316</sup> S C (28), Suppl. for Oct.-Dec. 1973, S/11049.

<sup>317</sup> *Ibid.*, 1750th mtg., para. 161.

<sup>318</sup> *Ibid.*, 1751st mtg., paras. 87-90.

<sup>319</sup> S C (28), Suppl. for Oct.-Dec. 1973, S/11052/Rev.1.

<sup>320</sup> For the text of the General Guidelines and Principles, see para. 181 below.

<sup>321</sup> S C (28), Suppl. for Oct.-Dec. 1973, S/11055. In the letter, the Permanent Representative requested that it be issued as a Security Council document.

<sup>322</sup> *Ibid.*, S/11056. As stated in para. 4 of this report, the concurrence of the three Governments concerned was obtained prior to the movement of the troops. The Governments of Cyprus, Greece and Turkey were also consulted and raised no objections.

<sup>323</sup> For the text of that section see para. 181 below.

<sup>324</sup> In his report on UNEF for the period from its inception to 1 April 1974, the Secretary-General stated that, despite the changes that had taken place since the establishment of UNEF, he felt that the original mandate as approved by the Security Council was still generally adequate to cover the activities UNEF was then undertaking (S C (29), Suppl. for April-June 1974, S/11248, para. 69). In his report for the period 2 April to 12 October 1974, the Secretary-General once again stated that the original mandate was adequate to cover the activities being undertaken by UNEF. (*Ibid.*, Suppl. for Oct.-Dec. 1974, S/11536, para. 43.)

<sup>325</sup> See para. 171 below.

<sup>326</sup> See paras. 173-179 below.

<sup>327</sup> For an account of these efforts, see paras. 221 to 223 below.

<sup>328</sup> S C (28), Suppl. for Oct.-Dec. 1973, S/11091.

<sup>329</sup> *Ibid.*, S/11056/Add.3, annex.

<sup>330</sup> S C (29), Suppl. for Jan.-Mar. 1974, S/11056/Add.7.

<sup>331</sup> See para. 124 above.

<sup>332</sup> S C (29), Suppl. for Jan.-March 1974, S/11198 and Add.1.

<sup>333</sup> S C (30), Suppl. for July-Sept. 1975, S/11818.

<sup>334</sup> *Ibid.*, S/11818/Add.1.

<sup>335</sup> *Ibid.*, S/11818/Add.2.

<sup>336</sup> In another addendum, dated 8 September 1975, the Secretary-General circulated a reproduction of the map mentioned in the Agreement. *Ibid.*, S/11818/Add.3.

<sup>337</sup> For the full text of the Agreement and its annex, see *ibid.*, S/11818, annex.

<sup>338</sup> *Ibid.*

<sup>339</sup> *Ibid.*, S/11818/Add.4.

<sup>340</sup> *Ibid.*, Suppl. for Oct.-Dec. 1975, S/11818/Add.5.

<sup>341</sup> *Ibid.*, S/11849, para. 18.

<sup>342</sup> S C (28), Suppl. for Oct.-Dec. 1973, S/11052/Rev.1.

<sup>343</sup> S C (29), Suppl. for April-June 1974, S/11248, para. 71. The other problem was that of the rate of reimbursement to contributing Governments for the costs incurred as a result of supplying troops.

<sup>344</sup> *Ibid.*, Suppl. for Oct.-Dec. 1974, S/11536, para. 26.

<sup>345</sup> S C (30), Suppl. for Jan.-Mar. 1975, S/11536/Add.1, para. 5; *ibid.*, Suppl. for April-June 1975, S/11670, para. 16; *ibid.*, Suppl. for July-Sept. 1975, S/11758, para. 12; *ibid.*, Suppl. for Oct.-Dec. 1975, S/11849, para. 12; S C (31), Suppl. for Oct.-Dec. 1976, S/12212, para. 23; S C (32), Suppl. for Oct.-Dec. 1977, S/12416, para. 21; S C (33), Suppl. for Oct.-Dec. 1978, S/12897, para. 20.

<sup>346</sup> S C (29), Suppl. for April-June 1974, S/11248.

<sup>347</sup> *Ibid.*, para. 68.

<sup>348</sup> S C resolutions 368 (1975) and 371 (1975).

<sup>349</sup> S C resolution 362 (1974).

<sup>350</sup> S C resolution 438 (1978).

<sup>351</sup> S C resolutions 378 (1975), 396 (1976) and 416 (1977).

<sup>352</sup> S C (29), Suppl. for April-June 1974, S/11248, para. 68; *ibid.*, Suppl. for Oct.-Dec. 1974, S/11536, para. 42; S C (30), Suppl. for April-June 1975, S/11670, para. 30; *ibid.*, Suppl. for July-Sept. 1975, S/11758, para. 27; *ibid.*, Suppl. for Oct.-Dec. 1975, S/11849, para. 29; S C (31), Suppl. for Oct.-Dec. 1976, S/12212, para. 44; S C (32), Suppl. for Oct.-Dec. 1977, S/12416, para. 41; and S C (33), S/12897, para. 37. In the report contained in document S/11758, the Secretary-General, in recommending the extension of UNEF, mentioned a letter from the Deputy Prime Minister and Minister for Foreign Affairs of Egypt (*ibid.*, S/11757) in which that official stated that, while Egypt did not consent to a further renewal of the mandate of UNEF, it was not against the proper use of the Force and that the Government of Israel had informed the Secretary-General that it favoured a further extension of UNEF for six months (*ibid.*, S/11758, para. 27). In the last of the reports cited (S/12897), the Secretary-General, in recommending the extension of UNEF, pointed out that he did so after consultations with the Governments of Egypt and Israel (*ibid.*, para. 37).

<sup>353</sup> See para. 181 above.

<sup>354</sup> S C (28), Suppl. for Oct.-Dec. 1973, S/11052/Rev.1, para. 5 (b).

<sup>355</sup> *Ibid.*, S/11056, para. 4. At its 1751st mtg. on 26 October 1973, the Security Council had authorized the Secretary-General to send an additional force from Cyprus, as an interim measure, should he consider it necessary. The Secretary-General did not make use of this authorization.

<sup>356</sup> *Ibid.*, S/11056/Add.1, paras. 2 and 3.

<sup>357</sup> *Ibid.*, S/11072.

<sup>358</sup> *Ibid.*, S/11056, Add.1-2.

<sup>359</sup> *Ibid.*, S/11056/Add.3.

<sup>360</sup> *Ibid.*, S/11127.

<sup>361</sup> *Ibid.*

<sup>362</sup> *Ibid.*, S/11056/Add.6, para. 3 and annex.

<sup>363</sup> S C (29), Suppl. for April-June 1974, S/11248/Add.3.

<sup>364</sup> *Ibid.*, S/11296. In a report issued on 18 June 1974, the Secretary-General informed the Council of the repatriation of the bulk of the Irish contingent (*ibid.*, S/11248/Add.5, para. 3).

<sup>365</sup> *Ibid.*, S/11310.

<sup>366</sup> S C (29), Suppl. for July-Sept. 1974, S/11248/Add.7, para. 2.

<sup>367</sup> *Ibid.*, 1799th mtg., para. 7. In a report dated 18 January 1975 the Secretary-General stated that the Panamanian contingent had been withdrawn. (S C (30), Suppl. for Jan.-March 1975, S/11536/Add.1, para. 2.)

<sup>368</sup> S C (30), Suppl. for Oct.-Dec. 1975, S/11849, paras. 20-21.

<sup>369</sup> *Ibid.*, S/11896. In a letter dated 1 December 1975 to the President of the Security Council, the Secretary-General referred to the offer of a naval unit by the Government of Iran, asking him to draw the matter to the attention of the members of the Council. No action was taken on this letter.

<sup>370</sup> S C (31), Suppl. for April-June 1976, S/12089.

<sup>371</sup> *Ibid.*, Suppl. for Oct.-Dec. 1976, S/12212.

<sup>372</sup> S C (29), Suppl. for April-June 1974, S/11248, para. 4; *ibid.*, Suppl. for Oct.-Dec. 1974, S/11536, para. 2; S C (30), Suppl. for Jan.-March 1975, S/11536/Add.1, para. 3; *ibid.*, Suppl. for April-June 1975, S/11670, para. 3; *ibid.*, Suppl. for July-Sept. 1975, S/11758, para. 3; *ibid.*, Suppl. for Oct.-Dec. 1975, S/11849, para. 3; S C (31), Suppl. for Oct.-Dec. 1976, para. 3; S C (32), Suppl. for Oct.-Dec. 1977, S/12416, para. 3; S C (33), Suppl. for Oct.-Dec. 1978, S/12897, para. 3. The contingents that served with UNEF, either throughout the period under review or only during part of it, were from Austria, Australia, Canada, Finland, Ghana, Indonesia, Ireland, Nepal, Panama, Peru, Poland, Senegal and Sweden.

<sup>373</sup> See para. 181 above.

<sup>374</sup> S C (28), Suppl. for Oct.-Dec. 1973, S/11103.

<sup>375</sup> *Ibid.*, Suppl. for Oct.-Dec. 1973, S/11104.

<sup>376</sup> *Ibid.*, S/11056/Add.4, para. 4.

<sup>377</sup> S C (30), Suppl. for July-Sept. 1975, S/11808. See para. 332 below.

<sup>378</sup> S C (32), Suppl. for Jan.-Mar. 1977, S/12274.

<sup>379</sup> *Ibid.*

<sup>380</sup> See the Secretary-General's first progress report on UNEF, of 28 October 1973, S C (28), Suppl. for Oct.-Dec. 1973, S/11056. Subsequent reports on the status of the cease-fire in the Egypt-Israel sector were issued by UNTSO up to 5 November 1973. (See *ibid.*, S/10057/Add.1, 4, 7, 10, 13, 16, 18, 19 and 21.) They indicated air activity and firing incidents. The Secretary-General's reports on the status of the cease-fire in that sector were, from 6 November 1973, based on information submitted by the Headquarters of UNEF and UNTSO or the Commander of UNEF. Reports issued from that date until 15 February 1974 referred to frequent firing incidents as well as aerial activity accompanied by anti-aircraft fire. They also indicated that there had been some incidents of firing on or close to United Nations personnel and installations resulting in some injuries and some material damage, there being, however, a marked decrease in activity as from about 18 January 1974. (*Ibid.*, S/11057/Add.26, 27, 32, 33, 36, 39, 42, 47, 48, 51, 56, 59, 62, 65, 66, 69, 72, 75, 80, 82, 85, 87, 90, 93, 96, 97, 102, 106, 109, 112, 115, 118, 119, 122, 127, 130, 133, 136, 142, 145, 148, 151, 154, 157, 160, 163, 166, 169, 172, 175, 178, 181, 184, 186, 189 and S C (29), Suppl. for Jan.-Mar. 1974, S/11057/Add.192, 195, 198, 199, 201, 204, 207, 208, 212, 215, 218, 219, 222, 225, 228, 231, 232, 234, 235, 238, 241, 243, 245, 247, 249, 251, 253, 257, 258, 263, 266, 269, 272, 275, 278, 280, 283, 286, 296 and 312.) No reports dealing specifically with the status of the cease-fire in the Egypt-Israel sector were issued following 15 February 1974. The matter was, however, dealt with in the reports issued periodically by the Secretary-General on UNEF. (See paras. 227-232 below.)

<sup>381</sup> S C (28), 1754th mtg., para. 66.

<sup>382</sup> *Ibid.*, Suppl. for Oct.-Dec. 1973, S/11056/Add.2.

<sup>383</sup> *Ibid.*, S/11056/Add.3.

<sup>384</sup> *Ibid.*

<sup>385</sup> *Ibid.*, S/11056/Add.4.

<sup>386</sup> *Ibid.*, S/11056/Add.5. For the text of the Agreement see para. 171 below.

<sup>387</sup> See para. 173 above.

<sup>388</sup> S C (29), Suppl. for Jan.-Mar. 1974, S/11056/Add.8.

<sup>389</sup> *Ibid.*, S/11056/Add.9.

<sup>390</sup> *Ibid.*, S/11056/Add.10-13.

<sup>391</sup> *Ibid.*, Suppl. for April-June 1974, S/11248.

<sup>392</sup> *Ibid.*, S/11248/Add.1, 2 and 5; *ibid.*, Suppl. for July-Sept. 1974, S/11248/Add.6 and 7.

<sup>393</sup> *Ibid.*, Suppl. for Oct.-Dec. 1974, S/11536; S C (30), Suppl. for Jan.-Mar. 1975, S/11536/Add.1; *ibid.*, Suppl. for April-June 1975, S/11670; *ibid.*, Suppl. for July-Sept. 1975, S/11758.

<sup>394</sup> S C (31), Suppl. for Oct.-Dec. 1976, S/12212.

<sup>395</sup> S C (32), Suppl. for Oct.-Dec. 1977, S/12416; S C (33), Suppl. for Oct.-Dec. 1978, S/12897.

<sup>396</sup> S C (28), Suppl. for Oct.-Dec. 1973, S/11056.

<sup>397</sup> *Ibid.*, S/11056/Add.2, paras. 20-21, Add.3, paras. 16-17, Add.4, para. 15, Add.5 and Add.6, paras. 6 and 7. These reports also describe the co-operation between UNEF and the International Committee of the Red Cross.

<sup>398</sup> See S C (29), Suppl. for Jan.-Mar. 1974, S/11056/Add.9, para. 5, Add.10, para. 6, Add.11, para. 6, Add.12, paras. 6 and 7, Add.13, paras. 7 and 8, and Add.14, paras. 11 and 12; *ibid.*, Suppl. for April-June 1974, S/11248, paras. 433-450, Add.1, para. 10, Add.2, para. 14, and Add.5, paras. 17 and 18; *ibid.*, Suppl. for July-Sept. 1974, S/11248/Add.6, paras. 9 and 10, Add.7, para. 7; *ibid.*, Suppl. for Oct.-Dec. 1974, S/11536, paras. 34-37; S C (30), Suppl. for Jan.-Mar. 1975, S/11536/Add.1, paras. 13 and 14; *ibid.*, Suppl. for April-June 1975, S/11670, paras. 22 and 23; *ibid.*, Suppl. for July-Sept. 1975, S/11758, paras. 18 and 19; *ibid.*, Suppl. for Oct.-Dec. 1975, S/11849, para. 17; S C (31), Suppl. for Oct.-Dec. 1976, S/12212, paras. 35 and 36; S C (32), Suppl. for Oct.-Dec. 1977, S/12416, paras. 33-34; and S C (33), Suppl. for Oct.-Dec. 1978, S/12897, paras. 30-31.

<sup>399</sup> S C (29), Suppl. for April-June 1974, S/11302.

<sup>400</sup> *Ibid.*, S/11302/Add.1.

<sup>401</sup> S C (29), 1773rd mtg., pp. 3-4.

<sup>402</sup> S C (28), Suppl. for Oct.-Dec. 1973, S/11052/Rev.1.

<sup>403</sup> S C (29), 1774th mtg., para. 3.

<sup>404</sup> *Ibid.*, paras. 114-119.

<sup>405</sup> S C (29), Suppl. for April-June 1974, S/11310.

<sup>406</sup> *Ibid.*, S/11302/Add.2.

<sup>407</sup> *Ibid.*, Suppl. for Oct.-Dec. 1974, S/11563, para. 42.

<sup>408</sup> The Agreement is, however, referred to in the resolution, which also refers to the annexes to the report of the Secretary-General, which contain the texts of the Agreement and the Protocol.

<sup>409</sup> See paragraphs A, B, C and E of the Agreement and the first and third paragraphs of the Protocol.

<sup>410</sup> See para. 124 above.

<sup>411</sup> See para. 237 above.

<sup>412</sup> See para. 238 above.

<sup>413</sup> S C (29), Suppl. for Oct.-Dec. 1974, S/11563.

<sup>414</sup> *Ibid.*, S/11563.

<sup>415</sup> S C (32), Suppl. for April-June 1977, S/12333, para. 32.

<sup>416</sup> S C resolutions 369 (1975), 381 (1975), 390 (1976), 398 (1976), 408 (1977), 420 (1977), 429 (1978) and 441 (1978). See S C (30), Suppl. for April-June 1975, S/11694, para. 36; *ibid.*, Suppl. for Oct.-Dec. 1975, S/11883/Add.1, para. 14; S C (31), Suppl. for April-June 1976, S/12083/Add.1, para. 4; *ibid.*, Suppl. for Oct.-Dec. 1976, S/12235, para. 33; S C (32), Suppl. for April-June 1977, S/12333, para. 32; *ibid.*, Suppl. for Oct.-Dec. 1977, S/12453, para. 33; S C (33), Suppl. for April-June 1978, S/12710, para. 37; and *ibid.*, Suppl. for Oct.-Dec. 1978, S/12934, para. 33.

<sup>417</sup> See para. 241 above.

<sup>418</sup> S C (29), Suppl. for Oct.-Dec. 1974, S/11563.

<sup>419</sup> S C (30), Suppl. for Jan.-Mar. 1975, S/11595.

<sup>420</sup> *Ibid.*

<sup>421</sup> *Ibid.*, Suppl. for April-June 1975, S/11694, para. 4.

<sup>422</sup> *Ibid.*, Suppl. for July-Sept. 1975, S/11768.

<sup>423</sup> *Ibid.*

<sup>424</sup> *Ibid.*

<sup>425</sup> S C (29), Suppl. for April-June 1974, S/11310, para. 9, Add.1, para. 2, Add.2, para. 2; Suppl. for July-Sept. 1974, S/11310/Add.3, para. 2, Suppl. for Oct.-Dec. 1974, S/11310/Add.4, para. 2, S/11563, para. 4; S C (30), Suppl. for Jan.-Mar. 1975, S/11563/Add.1, para. 2; *ibid.*, Suppl. for April-June 1975, S/11694, para. 3; *ibid.*, Suppl. for Oct.-Dec. 1975, S/11883, para. 3; S C (31), Suppl. for April-June 1976, S/12083, para. 3; *ibid.*, Suppl. for Oct.-Dec. 1976, S/12235, para. 3; S C (32), Suppl. for April-June 1977, S/12333, para. 3; *ibid.*, Suppl. for Oct.-Dec. 1977, S/12453, para. 3; S C (33), Suppl. for April-June 1978, S/12710, para. 3; and *ibid.*, Suppl. for Oct.-Dec. 1978, S/12934, para. 3. The contingents that served with UNDOF, either throughout the period under review or only during part of it, were from Austria, Canada, Peru and Poland.

<sup>426</sup> S C (29), Suppl. for April-June 1974, S/11310, para. 5.

<sup>427</sup> S C (30), Suppl. for Jan.-Mar. 1975, S/11595.

<sup>428</sup> In paragraph 4 of a progress report issued on 21 January 1975 (*ibid.*, S/11563/Add.1), the Secretary-General stated that General Briceño Zevallos had relinquished his command on 15 December 1974 and that until the appointment of a new Commander, Colonel Hannes Philipp would be officer-in-charge of UNDOF.

<sup>429</sup> *Ibid.*, Suppl. for July-Sept. 1975, S/11750. In his report on UNDOF for the period 22 May to 24 November 1975, the Secretary-General stated that he had made the appointment. (*Ibid.*, Suppl. for Oct.-Dec. 1975, S/11883, para. 5.)

<sup>430</sup> S C (29), Suppl. for Oct.-Dec. 1974, S/11563. Prior to the submission of this report, the Secretary-General submitted, in June, July and October 1974, five progress reports on UNDOF. For the texts of these initial reports, see S C (29), Suppl. for April-June 1974, S/11310 and Add.1-2; *ibid.*, Suppl. for July-Sept. 1974, S/11310/Add.3; and *ibid.*, Suppl. for Oct.-Dec. 1974, S/11310/Add.4.

<sup>431</sup> The reports subsequently submitted during the period under review stated that restrictions still existed on UNDOF's freedom of movement, despite the efforts made to correct the situation. See S C (30), Suppl. for Jan.-Mar. 1975, S/11563/Add.1, para. 5; *ibid.*, Suppl. for April-June 1975, S/11694, para. 18; *ibid.*, Suppl. for Oct.-Dec. 1975, S/11883, para. 18; S C (31), Suppl. for Oct.-Dec. 1976, S/12235, para. 27; S C (32), Suppl. for April-June 1977, S/12333, para. 16; *ibid.*, Suppl. for Oct.-Dec. 1977, S/12453, para. 19; S C (33), Suppl. for April-June 1978, S/12710, para. 22; and *ibid.*, Suppl. for Oct.-Dec. 1978, S/12934, para. 19.

<sup>432</sup> There was subsequently a decrease in the number of overflights. (See S C (30), Suppl. for Jan.-Mar. 1975, S/11563/Add.1, para. 12, and *ibid.*, Suppl. for April-June 1975, S/11694, para. 26.) The reports submitted subsequent to the one for the period 27 November 1974 to 2 May 1975 made no mention of further overflights.

<sup>433</sup> Despite the efforts of UNDOF mine-clearing teams and the Syrian civilian authorities, the situation with respect to mines and unexploded shells remained unsatisfactory. See S C (30), Suppl. for Jan.-Mar. 1975, S/11563/Add.1, para. 10; *ibid.*, Suppl. for April-June 1975, S/11694, para. 25; S C (31), Suppl. for April-June 1976, S/12083, para. 25; *ibid.*, Suppl. for Oct.-Dec. 1976, S/12235, para. 24; S C (32), Suppl. for April-June 1977, S/12333, para. 23; *ibid.*, Suppl. for Oct.-Dec. 1977, S/12453, para. 26; S C (33), Suppl. for April-June 1978, S/12710, para. 30; *ibid.*, Suppl. for Oct.-Dec. 1978, S/12934, para. 26.

<sup>434</sup> S C (30), Suppl. for Jan.-Mar. 1975, S/11563/Add.1, paras. 8-15; *ibid.*, Suppl. for April-June 1975, S/11694, paras. 16-29 and 34; *ibid.*, Suppl. for Oct.-Dec. 1975, S/11883, paras. 16-28 and 32; S C (31), Suppl. for April-June 1976, S/12083, paras. 15-27; *ibid.*, S/12083/Add.1, para. 1; *ibid.*, Suppl. for Oct.-Dec. 1976, S/12235, paras. 15-27 and 31; S C (32), Suppl. for Oct.-Dec. 1977, S/12453, paras. 17-27 and 31; S C (33), Suppl. for April-June 1978, S/12710, paras. 20-31 and 35; and *ibid.*, Suppl. for Oct.-Dec. 1978, S/12934, paras. 17-27 and 31.

<sup>435</sup> S C (33), Suppl. for Jan.-Mar. 1978, S/12611.

<sup>436</sup> *Ibid.*, 2075th mtg., para. 31.

<sup>437</sup> S C (33), Suppl. for Jan.-March 1978, S/12620.

<sup>438</sup> *Ibid.*, S/12611.

<sup>439</sup> *Ibid.*, Suppl. for July-Sept. 1978, S/12845, paras. 60-64.

<sup>440</sup> See para. 282 above.

<sup>441</sup> S C (33), 2075th mtg., para. 32.

<sup>442</sup> *Ibid.*, Suppl. for Jan.-Mar. 1978, S/12616.

<sup>443</sup> *Ibid.*, S/12618.

<sup>444</sup> *Ibid.*, S/12620.

<sup>445</sup> *Ibid.*, Suppl. for April-June 1978, S/12620/Add.1.

<sup>446</sup> *Ibid.*, S/12641.

<sup>447</sup> *Ibid.*, S/12642.

<sup>448</sup> *Ibid.*, S/12666.

<sup>449</sup> *Ibid.*, S/12667.

<sup>450</sup> *Ibid.*, S/12675.

<sup>451</sup> *Ibid.*, S/12620/Add.4, para. 6.

<sup>452</sup> *Ibid.*, Suppl. for Jan.-Mar. 1978, S/12620, para. 4; *ibid.*, Suppl. for April-June 1978, S/12620/Add.1, para. 1, Add.4, para. 3, Add.5, para. 3; *ibid.*, Suppl. for July-Sept. 1978, S/12845, para. 6. The contingents serving with UNIFIL, throughout the period under review or part of it, were from Canada, Fiji, France, Iran, Ireland, Nepal, Nigeria, Norway, Sweden and Senegal.

<sup>453</sup> *Ibid.*, Suppl. for Jan.-Mar. 1978, S/12620, para. 1.

<sup>454</sup> *Ibid.*, Suppl. for April-June 1978, S/12641.

<sup>455</sup> *Ibid.*, S/12642.

<sup>456</sup> *Ibid.*, S/12620/Add.3, para. 4.

<sup>457</sup> *Ibid.*, Suppl. for Jan.-Mar. 1978, S/12620.

<sup>458</sup> *Ibid.*, Suppl. for April-June 1978, S/12620/Add.1.

<sup>459</sup> *Ibid.*, S/12620/Add.2.

<sup>460</sup> *Ibid.*, S/12620/Add.3.

<sup>461</sup> *Ibid.*, S/12657.

<sup>462</sup> *Ibid.*, 2076th mtg., paras. 4-10.

<sup>463</sup> *Ibid.*, Suppl. for April-June 1978, S/12620/Add.4.

<sup>464</sup> *Ibid.*, S/12620/Add.5.

<sup>465</sup> *Ibid.*, paras. 18-23. The second phase referred to is described in paragraph 6 of the report of the Secretary-General on the implementation of Security Council resolution 425 (1978). See para. 283 above.

<sup>466</sup> *Ibid.*, S/12736.

<sup>467</sup> *Ibid.*, S/12738.

<sup>468</sup> *Ibid.*, Suppl. for July-Sept. 1978, S/12845.

<sup>469</sup> *Ibid.*, Suppl. for Oct.-Dec. 1978, S/12929.

<sup>470</sup> *Ibid.*, 2106th mtg., para. 3.

<sup>471</sup> See para. 159 above.

<sup>472</sup> See para. 161 above.

<sup>473</sup> See para. 181 above.

<sup>474</sup> S C (28), Suppl. for Oct.-Dec. 1973, S/11057.

<sup>475</sup> See, in S C (28), Suppl. for Oct.-Dec. 1973, the report issued under the symbol S/11057/Add.26, dated 6 November 1973, as well as footnote 407 above.

<sup>476</sup> With respect to the Israel-Syria sector, see *ibid.*, S/11057/Add.2, 5, 8, 11, 14, 22, 24, 28, 30, 35, 37, 40, 44, 45, 50, 52, 55, 58, 61, 63, 67, 70, 73, 76, 78, 83, 88, 91, 94, 99, 100, 103, 105, 108, 110, 114, 117, 121, 123, 125, 128, 131, 135, 138, 140, 143, 146, 149, 152, 155, 158, 161, 164, 167, 170, 173, 176, 180, 182 and 187. With respect to the Israel-Lebanon sector, see *ibid.*, S/11057/Add.3, 6, 9, 12, 15, 17, 20, 23, 25, 29, 31, 32, 34, 38, 41, 43, 46, 49, 53, 54, 57, 60, 64, 68, 71, 74, 77, 79, 81, 84, 86, 89, 92, 95, 98, 101, 104, 107, 111, 113, 116, 120, 124, 126, 129, 132, 134, 137, 141, 144, 147, 150, 153, 156, 159, 162, 165, 168, 171, 174, 177, 179, 183, 184, 185 and 188. With respect to the Egypt-Israel sector, see footnote 380 above.

<sup>477</sup> S C (29), Suppl. for Jan.-Mar. 1974, S/11057/Add.190, 193, 196, 202, 205, 210, 213, 216, 221, 224, 226, 230, 237, 240, 254, 255, 259, 261, 264, 267, 271, 273, 277, 281, 284, 287, 288, 291, 292, 294, 298, 300, 302, 304, 306, 308, 310, 313, 315, 317, 319, 321, 323, 328, 330, 332, 334, 338, 341, 343, 345, 348, 350, 353, 356, 357, 360, 362, 363, 365, 366, 368, 369, 370, 371, 372, 373, 374, 375, 377, 379, 380, 382 and 383. *Ibid.*, Suppl. for April-June 1974, S/11057/Add.384, 387, 388, 389, 390, 391, 392, 393, 394, 395, 397, 398, 399, 400, 401, 403, 406, 407, 411, 412, 414, 416, 418, 420, 423, 426, 428, 429, 431, 433, 435, 437, 439, 441, 443, 445, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502 and 504.

<sup>478</sup> *Ibid.*, Suppl. for Jan.-Mar. 1974, S/11057/Add.369.

<sup>479</sup> *Ibid.*, Suppl. for April-June 1974, S/11057/Add.504.

<sup>480</sup> S C (29), Suppl. for Jan.-Mar. 1974, S/11057/Add.191, 194, 200, 203, 206, 209, 211, 214, 217, 220, 223, 227, 229, 233, 236, 239, 242, 244, 246, 248, 250, 252, 256, 260, 262, 265, 268, 270, 274, 276, 279, 282, 285, 289, 290, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 314, 316, 318, 320, 322, 324, 325, 326, 327, 329, 331, 333, 335, 336, 337, 339, 340, 342, 344, 346, 347, 349 and 351; *ibid.*, Suppl. for April-June 1974, S/11057/Add.385, 386 and 396; *ibid.*, Suppl. for April-June 1974, S/11057/Add.404, 405, 408-410, 413, 415, 417, 419, 421, 422, 424, 425, 427, 430, 432, 434, 436, 438, 440, 442, 444, 446, 449, 451, 454, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487, 489, 491, 493, 495, 497, 499, 501, 503, 505 and 506-514.

<sup>481</sup> *Ibid.*, S/11057/Add.515-521; *ibid.*, Suppl. for July-Sept. 1974, S/11057/Add.516-543; *ibid.*, Suppl. for Oct.-Dec. 1974, S/11057/Add.544-565; S C (30), Suppl. for Jan.-Mar. 1975, S/11057/Add.566-576; *ibid.*, Suppl. for April-June 1975, S/11663 and Add.1-5; *ibid.*, Suppl. for July-Sept. 1975, S/11663/Add.6-15; *ibid.*, Suppl. for Oct.-Dec. 1975, S/11663/Add.16-19; S C (31), Suppl. for Jan.-Mar. 1976, S/11663/Add.20-24; *ibid.*, Suppl. for April-June 1976, S/11663/Add.25-27; *ibid.*, Suppl. for July-Sept. 1976, S/11663/Add.28-30; *ibid.*, Suppl. for Oct.-Dec. 1976, S/11663/Add.31-33; S C (32), Suppl. for Jan.-Mar. 1977, S/11663/Add.34-36; *ibid.*, Suppl. for April-June 1977, S/11663/Add.37-39; *ibid.*, Suppl. for July-Sept. 1977, S/11663/Add.40-44; *ibid.*, Suppl. for Oct.-Dec. 1977, S/11663/Add.45-49; S C (33), Suppl. for Jan.-Mar. 1978, S/11663/Add.50-53.

<sup>482</sup> See para. 281 above.

<sup>483</sup> S C (29), Suppl. for Jan.-Mar. 1974, S/11214.

<sup>484</sup> S C (30), Suppl. for July-Sept. 1975, S/11808.

<sup>485</sup> *Ibid.*

<sup>486</sup> S C (30), Suppl. for April-June 1975, S/11694, paras. 32-33; *ibid.*, Suppl. for July-Sept. 1975, S/11758, paras. 22-24; *ibid.*, Suppl. for Oct.-Dec. 1975, S/11849, paras. 25-26; *ibid.*, S/11883, paras. 30-31; S C (31), Suppl. for April-June 1976, S/12083/Add.1, para. 3; *ibid.*, Suppl. for Oct.-Dec. 1976, S/12212, paras. 4-41; S C (32), Suppl. for April-June 1977, S/12333, paras. 28-29; *ibid.*, Suppl. for Oct.-Dec. 1977, S/12416, paras. 37-38; *ibid.*, S/12453, paras. 29-30; S C (33), Suppl. for April-June 1978, S/12710, paras. 33-34; *ibid.*, Suppl. for Oct.-Dec. 1978, S/12897, paras. 33-34; *ibid.*, S/12934, para. 29-30.

<sup>487</sup> A request for a comprehensive report on developments in the Middle East is also contained in General Assembly resolution 32/20.



This resolution and the action taken by the Secretary-General pursuant thereto are dealt with in paras. 429-432 below.

<sup>488</sup>S C (28), Suppl. for April-June 1973, S/10929.

<sup>489</sup>Three resolutions adopted by the General Assembly during the period under review on the situation in the Middle East, namely, resolutions 2628 (XXV), 2799 (XXVI) and 2949 (XXVII), called upon the Secretary-General to carry out certain functions. Since, however, those functions related to the activities of the Special Representative of the Secretary-General, they are dealt with under sub-section A above.

<sup>490</sup>S C (31), Suppl. for Oct.-Dec. 1976, S/12210.

<sup>491</sup>S C (32), Suppl. for Oct.-Dec. 1977, S/12417.

<sup>492</sup>S C (33), Suppl. for Oct.-Dec. 1978, S/12896.

<sup>493</sup>A/10265 (mimeographed).

<sup>494</sup>A/31/271 (mimeographed).

<sup>495</sup>S C (31), Suppl. for Oct.-Dec. 1976, S/12210.

<sup>496</sup>*Ibid.*, Suppl. for Jan.-March 1976, S/11931.

<sup>497</sup>S C (26), Suppl. for Jan.-Mar. 1971, S/10124.

<sup>498</sup>Government House, the Headquarters of UNTSO since October 1948, came under Israel military control on 5 June 1967. The buildings and approximately one-third of the area included in the Government House area as previously constituted were returned to UNTSO on 24 August 1967, in accordance with an understanding set forth in an exchange of letters between the representative of Israel and the Secretary-General on 22 August 1967. See S C (22), Suppl. for July-Sept. 1967, S/7930/Add.20, 27, 29 and 31.

<sup>499</sup>S C (26), Suppl. for April-June 1971, S/10124/Add.1.

<sup>500</sup>*Ibid.*, Suppl. for July-Sept. 1971, S/10124/Add.2.

<sup>501</sup>*Ibid.*, Suppl. for Oct.-Dec. 1971, S/10392.

<sup>502</sup>S C (32), Suppl. for Oct.-Dec. 1977, S/12512.

<sup>503</sup>A/8366 (mimeographed).

<sup>504</sup>The General Assembly resolutions in question are the following: 2792 E (XXVI), 2963 D (XXVII), 31/15 D and 32/90 E, concerning the displaced persons; 2792 C (XXVI), 2963 C (XXVII), 31/15 E and 32/90 C, concerning refugees in the Gaza strip; and 3089 C (XXVIII), 3331 D (XXIX) and 3419 C (XXX), concerning both displaced persons and refugees in the Gaza strip.

<sup>505</sup>General Assembly resolution 2792 E (XXVI) did not specify when the report it called for was to be submitted; the same is true of resolution 2963 D (XXVII). Each of the other resolutions specified that the report it called for was to be submitted at the next session of the Assembly.

<sup>506</sup>G A resolutions 2792 E (XXVI) and 2963 D (XXVII).

<sup>507</sup>For the text of the reports, see the following: A/8366 (pursuant to resolution 2672 D (XXV)); G A (28), Annexes, a.i. 40, A/8786 (pursuant to resolution 2792 E (XXVI)); *ibid.*, A/8814 (pursuant to resolution 2792 C (XXVI)); A/9156 (pursuant to resolution 2963 D (XXVII)); A/9155 (pursuant to resolution 2963 C (XXVII)); A/9740 (pursuant to resolution 3089 C (XXVIII)); G A (30), Annexes, a.i. 45, A/10253 (pursuant to resolution 3331 D (XXIX)); *ibid.*, Annexes, a.i. 53, A/31/240 (pursuant to resolution 3419 C (XXX)); G A (32), Annexes, a.i. 55, A/32/263 (pursuant to resolution 31/15 D); *ibid.*, A/32/264 and Add.1 (pursuant to resolution 31/15 E); G A (33), Annexes, a.i. 54, A/33/285 (pursuant to resolution 32/90 E); and *ibid.*, A/33/286 (pursuant to resolution 32/90 C). With regard to the return of persons having fled the Israel-occupied areas, the purport of Israel's replies was essentially that, despite the existing difficulties, they were facilitating their return. As for the other measures from which Israel was called upon to desist, their general position was that those measures had been taken for security reasons or were of a defensive nature.

<sup>508</sup>See footnote 504 above.

<sup>509</sup>See footnote 504 above.

<sup>510</sup>See Press Release SG/SM/2627 (mimeographed).

<sup>511</sup>*Repertory, Supplement No. 4*, vol. II, under Article 98, para. 79.

<sup>512</sup>Security Council resolutions 281 (1970), 293 (1971), 305 (1971), 315 (1972), 324 (1972), 334 (1973), 343 (1973), 349 (1974), 364 (1974), 370 (1975), 383 (1975), 391 (1976), 401 (1976), 410 (1977), 422 (1977), 430 (1978) and 443 (1978).

<sup>513</sup>This was done by the resolutions cited in the preceding footnote. The Secretary-General kept the Security Council informed of the strength and composition of the Force in his semi-annual reports on the United Nations Operation in Cyprus. See S C (25), Suppl. for April-June 1970, S/9814, para. 3; *ibid.*, Suppl. for Oct.-Dec. 1970, S/10005, para. 3; S C (26), Suppl. for April-June 1971, S/10199, para. 3; *ibid.*, Suppl. for Oct.-Dec. 1971, S/10401, para. 3; S C (27), Suppl. for April-June 1972, S/10664, para. 2; *ibid.*, Suppl. for Oct.-Dec. 1972, S/10842, para. 2; S C (28), Suppl. for April-June 1973, S/10940, para. 2; *ibid.*, Suppl. for Oct.-Dec. 1973, S/11137, para. 2; S C (29), Suppl. for April-June 1974, S/11294, para. 2; *ibid.*, Suppl. for Oct.-Dec. 1974, S/11568, para. 35; S C (30), Suppl. for April-June 1975, S/11717, para. 2;

*ibid.*, Suppl. for Oct.-Dec. 1975, S/11900, para. 3; S C (31), Suppl. for April-June 1976, S/12093, para. 3; *ibid.*, Suppl. for Oct.-Dec. 1976, S/12253, para. 3; S C (32), Suppl. for April-June 1977, S/12342, para. 3; *ibid.*, Suppl. for Oct.-Dec. 1977, S/12463, para. 3; S C (33), Suppl. for April-June 1978, S/12723, para. 3; *ibid.*, Suppl. for Oct.-Dec. 1978, S/12946, para. 3. Throughout the period under review, the military contingents serving with UNFICYP were from Austria, Canada, Denmark, Finland, Ireland, Sweden and the United Kingdom. The members of the civilian police element of UNFICYP were provided, during the whole or part of that period, by Australia, Austria, Denmark and Sweden.

<sup>514</sup>The Secretary-General continued to express his concern over the method adopted for financing UNFICYP. See, for example, S C (33), Suppl. for Oct.-Dec. 1978, S/12946, para. 73.

<sup>515</sup>S C (25), Suppl. for April-June 1970, S/9814, paras. 19-63; *ibid.*, Suppl. for Oct.-Dec. 1970, S/10005, paras. 19-96; S C (26), Suppl. for April-June 1971, S/10199, paras. 18-58; *ibid.*, Suppl. for Oct.-Dec. 1971, S/10401, paras. 18-46; S C (27), Suppl. for April-June 1972, S/10664, paras. 18-42; *ibid.*, Suppl. for Oct.-Dec. 1972, S/10842, paras. 18-54; S C (28), Suppl. for April-June 1973, S/10940, paras. 26-73; *ibid.*, Suppl. for Oct.-Dec. 1973, S/11137, paras. 28-71; and S C (29), Suppl. for April-June 1974, S/11294, paras. 20-57.

<sup>516</sup>*Repertory, Supplement No. 4*, vol. II, under Article 98, para. 80.

<sup>517</sup>*Repertory, Supplement No. 4*, vol. II, under Article 98, para. 81, and S/9814, para. 71, S/10005, para. 107, S/10199, para. 70, S/10401, paras. 77-85 and S/10664, paras. 55-63.

<sup>518</sup>S C (26), Suppl. for Oct.-Dec. 1971, S/10401.

<sup>519</sup>S C (27), Suppl. for April-June 1972, S/10664.

<sup>520</sup>*Ibid.*, Suppl. for Oct.-Dec. 1972, S/10842.

<sup>521</sup>*Ibid.*, paras. 56-62; S C (28), Suppl. for April-June 1973, S/10940, paras. 74-83; *ibid.*, Suppl. for Oct.-Dec. 1973, S/11137, paras. 72-81; and S C (29), Suppl. for April-June 1974, S/11294, para. 58-66.

<sup>522</sup>S C (27), Suppl. for Jan.-Mar. 1972, S/10564.

<sup>523</sup>*Ibid.*

<sup>524</sup>*Ibid.*, Suppl. for April-June 1972, S/10564/Add.1.

<sup>525</sup>*Ibid.*, Suppl. for Oct.-Dec. 1983, S/11137, paras. 14-22.

<sup>526</sup>*Ibid.*, paras. 3-5.

<sup>527</sup>See paras. 158 and 159 above.

<sup>528</sup>S C (29), Suppl. for July-Sept. 1974, S/11334.

<sup>529</sup>S C (29), 1779th mtg., paras. 6-26.

<sup>530</sup>*Ibid.*, 1781st mtg., paras. 6-35.

<sup>531</sup>*Ibid.*, 1783rd mtg., paras. 12-13.

<sup>532</sup>*Ibid.*, 1788th mtg., paras. 6-10.

<sup>533</sup>S C (29), Suppl. for July-Sept. 1974, S/11398.

<sup>534</sup>*Ibid.*, 1793rd mtg., paras. 9-12.

<sup>535</sup>See para. 383 above.

<sup>536</sup>S C (29), 1794th mtg., para. 5.

<sup>537</sup>*Ibid.*, Suppl. for July-Sept. 1974, S/11473.

<sup>538</sup>*Ibid.*, 1779th mtg., para. 14.

<sup>539</sup>*Ibid.*, Suppl. for July-Sept. 1974, S/11353/Add.7, para. 11.

<sup>540</sup>*Ibid.*, 1785th mtg., paras. 4-5.

<sup>541</sup>*Ibid.*, 1787th mtg., para. 10.

<sup>542</sup>*Ibid.*, 1788th mtg., paras. 3-4.

<sup>543</sup>*Ibid.*, 1793rd mtg., para. 11.

<sup>544</sup>*Ibid.*, Suppl. for July-Sept. 1974, S/11473, para. 6.

<sup>545</sup>*Ibid.*, Suppl. for Oct.-Dec. 1974, S/11568.

<sup>546</sup>See also the reports contained in S C (29), Suppl. for July-Sept. 1974, S/11353 and Add.1-2.

<sup>547</sup>*Ibid.*, S/11356.

<sup>548</sup>*Ibid.*, 1782nd mtg., para. 8.

<sup>549</sup>*Ibid.*, Suppl. for July-Sept. 1974, S/11368.

<sup>550</sup>*Ibid.*, 1784th mtg., para. 4.

<sup>551</sup>With the agreement of the local military commanders of both sides, Nicosia International Airport had, on 21 July, been declared a United Nations protected area and occupied by UNFICYP troops. S C (29), Suppl. for July-Sept. 1974, S/11353/Add.4 and *ibid.*, Suppl. for Oct.-Dec. 1974, S/11568, para. 4.

<sup>552</sup>*Ibid.*, Suppl. for Oct.-Dec. 1974, S/11568. See also *ibid.*, Suppl. for July-Sept. 1974, S/11353/Add.3-33.

<sup>553</sup>*Ibid.*, Suppl. for July-Sept. 1974, S/11433.

<sup>554</sup>*Ibid.*, Suppl. for Oct.-Dec. 1974, S/11568.

<sup>555</sup>*Ibid.*, 1794th mtg., para. 5.

<sup>556</sup>*Ibid.*, Suppl. for July-Sept. 1974, S/11468 and *ibid.*, Suppl. for Oct.-Dec. 1974, S/11568.

<sup>557</sup>S C (30), Suppl. for April-June 1975, S/11717, para. 11 and *ibid.*, Suppl. for Oct.-Dec. 1975, S/11900, paras. 10 and 15.

<sup>558</sup>*Ibid.*, Suppl. for April-June 1975, S/11717, paras. 7 and 11-15; *ibid.*, Suppl. for Oct.-Dec. 1975, S/11900, paras. 9 and 15-22; S C (31), Suppl. for April-June 1976, S/12093, paras. 9 and 14-19; *ibid.*, Suppl.

for Oct.-Dec. 1976, S/12253, paras. 10 and 14-27; S C (32), Suppl. for April-June 1977, S/12342, paras. 9 and 14-26; *ibid.*, Suppl. for Oct.-Dec. 1977, S/12463, paras. 12 and 17-24; S C (33), Suppl. for April-June 1978, S/12723, paras. 9 and 16-24; and *ibid.*, Suppl. for Oct.-Dec. 1978, S/12946, paras. 10 and 19-27.

<sup>559</sup>S C (30), Suppl. for April-June 1975, S/11717, paras. 19-21; *ibid.*, Suppl. for Oct.-Dec. 1975, S/11900, paras. 19-21; S C (31), Suppl. for April-June 1976, S/12093, para. 23; *ibid.*, Suppl. for Oct.-Dec. 1976, S/12253, paras. 20-21; S C (32), Suppl. for April-June 1977, S/12342, para. 21; *ibid.*, Suppl. for Oct.-Dec. 1977, S/12463, paras. 21-22; S C (33), Suppl. for April-June 1978, S/12723, paras. 25-26; and *ibid.*, Suppl. for Oct.-Dec. 1978, S/12946, paras. 28-29.

<sup>560</sup>S C (29), Suppl. for July-Sept. 1974, S/11473.

<sup>561</sup>*Ibid.*, Suppl. for Oct.-Dec. 1974, S/11568, paras. 64-67.

<sup>562</sup>S C (30), Suppl. for Jan.-Mar. 1975, S/11624.

<sup>563</sup>*Ibid.*, S/11624, annex IV.

<sup>564</sup>*Ibid.*, 1814th mtg., paras. 3-13.

<sup>565</sup>*Ibid.*, 1820th mtg., paras. 5-6.

<sup>566</sup>*Ibid.*, Suppl. for April-June 1975, S/11684.

<sup>567</sup>*Ibid.*, S/11717, para. 53.

<sup>568</sup>*Ibid.*, Suppl. for July-Sept. 1975, S/11789.

<sup>569</sup>On 13 September 1975, the Secretary-General submitted a detailed report on the implementation of the agreements reached at the third round of talks. (*Ibid.*, S/11789/Add.2.)

<sup>570</sup>*Ibid.*, S/11789/Add.1.

<sup>571</sup>S C (31), Suppl. for Jan.-Mar. 1976, S/12031, para. 1 and A/32/282, para. 4 (mimeographed).

<sup>572</sup>*Ibid.*, S/11993.

<sup>573</sup>*Ibid.*, S/12031. In a report dated 31 March 1976, the Secretary-General gave an account of the implementation of the agreements reached at the fifth round of talks.

<sup>574</sup>*Ibid.*, Suppl. for April-June 1976, S/12093, paras. 53 and 70.

<sup>575</sup>*Ibid.*, Suppl. for Oct.-Dec. 1976, S/12222.

<sup>576</sup>*Ibid.*, S/12253, para. 61.

<sup>577</sup>*Ibid.*, 1979th mtg., para. 14.

<sup>578</sup>S C (32), Suppl. for April-June 1977, S/12323.

<sup>579</sup>*Ibid.*, S/12342, paras. 57-58.

<sup>580</sup>*Ibid.*, Suppl. for Oct.-Dec. 1977, S/12463, paras. 53, 69 and 71.

<sup>581</sup>S C (33), Suppl. for April-June 1978, S/12723, paras. 47-59 and 75-78.

<sup>582</sup>*Ibid.*, Suppl. for Oct.-Dec. 1978, S/12946, paras. 55-59 and 69-71.

<sup>583</sup>S C (29), 1779th mtg., paras. 6-10.

<sup>584</sup>*Ibid.*, Suppl. for July-Sept. 1974, S/11353.

<sup>585</sup>*Ibid.*, S/11353/Add.1-32.

<sup>586</sup>*Ibid.*, 1793rd mtg., para. 13.

<sup>587</sup>*Ibid.*, Suppl. for July-Sept. 1974, S/11468/Add.1.

<sup>588</sup>*Ibid.*, S/11488.

<sup>589</sup>*Ibid.*, S/11488/Add.1.

<sup>590</sup>*Ibid.*, Suppl. for Oct.-Dec. 1978, S/11488/Add.2.

<sup>591</sup>*Ibid.*, S/11568, paras. 41-58.

<sup>592</sup>S C (30), Suppl. for April-June 1975, S/11717, paras. 33-45; *ibid.*, Suppl. for Oct.-Dec. 1975, S/11900, paras. 33-43; S C (31), Suppl. for April-June 1976, S/12093, paras. 35-40; *ibid.*, Suppl. for Oct.-Dec. 1976, S/12253, paras. 51-58; S C (32), Suppl. for April-June 1977, S/12342, paras. 33-41; *ibid.*, Suppl. for Oct.-Dec. 1977, S/12463, paras. 40-49; S C (33), Suppl. for April-June 1978, S/12723, paras. 37-46; and *ibid.*, Suppl. for Oct.-Dec. 1978, S/12946, paras. 44-54.

<sup>593</sup>S C (29), Suppl. for Oct.-Dec. 1974, S/11568, paras. 37-40.

<sup>594</sup>S C (30), Suppl. for April-June 1975, S/11717, paras. 25-32; *ibid.*, Suppl. for Oct.-Dec. 1975, S/11900, paras. 27-32; S C (31), Suppl. for April-June 1976, S/12093, paras. 25-34; *ibid.*, Suppl. for Oct.-Dec. 1976, S/12253, paras. 28-40 and 43-50; S C (32), Suppl. for April-June 1977, S/12342, paras. 20-26 and 29-32; *ibid.*, Suppl. for Oct.-Dec. 1977, S/12463, paras. 25-30 and 33-39; S C (33), Suppl. for April-June 1978, S/12723, paras. 27-32 and 34-36; and *ibid.*, Suppl. for Oct.-Dec. 1978, S/12946, paras. 30-37 and 39-43.

<sup>595</sup>S C (29), 1782nd mtg., paras. 7-11.

<sup>596</sup>*Ibid.*, 1783rd mtg., paras. 6-13.

<sup>597</sup>*Ibid.*, 1788th mtg., para. 8.

<sup>598</sup>In paragraph 8 of its resolution 3212 (XXIX), which the Security Council endorsed by its resolution 365 (1974), the General Assembly, after calling on the parties to co-operate fully with UNFICYP, stated that the latter might "be strengthened if necessary".

<sup>599</sup>S C (30), Suppl. for April-June 1975, S/11717, para. 3.

<sup>600</sup>S C (29), Suppl. for Oct.-Dec. 1974, S/11568, para. 4. By means of his semi-annual reports on the United Nations operation in Cyprus, the Secretary-General kept the Security Council informed of the strength and composition of UNFICYP. (See footnote 513 above.)

<sup>601</sup>S C (29), 1783rd mtg., para. 10.

<sup>602</sup>*Ibid.*, 1793rd mtg., paras. 18 and 19.

<sup>603</sup>S C (29), Suppl. for Oct.-Dec. 1974, S/11568, paras. 19-20.

<sup>604</sup>S C (30), Suppl. for April-June 1975, S/11717, paras. 9-10.

<sup>605</sup>S C (30), Suppl. for Oct.-Dec. 1975, S/11900, paras. 13-14; S C (31), Suppl. for April-June 1976, S/12093, paras. 12-13; S C (32), Suppl. for April-June 1977, S/12342, para. 13; *ibid.*, Suppl. for Oct.-Dec. 1977, S/12463, para. 16; S C (33), Suppl. for April-June 1978, S/12723, para. 13; and *ibid.*, Suppl. for Oct.-Dec. 1978, S/12946, para. 14.

<sup>606</sup>S C (29), 1779th mtg., paras. 6-10.

<sup>607</sup>*Ibid.*, 1787th mtg., paras. 3-5.

<sup>608</sup>*Ibid.*, 1788th mtg., para. 9.

<sup>609</sup>*Ibid.*, 1789th mtg., para. 46.

<sup>610</sup>*Ibid.*, 1793rd mtg., para. 13.

<sup>611</sup>*Ibid.*, Suppl. for Oct.-Dec. 1970, S/11568, para. 31.

<sup>612</sup>*Ibid.*, paras. 32 and 33.

<sup>613</sup>S C (30), Suppl. for April-June 1975, S/11717, paras. 22-24.

<sup>614</sup>S C (31), Suppl. for April-June 1976, S/12093, paras. 22-24.

<sup>615</sup>*Ibid.*, Suppl. for Oct.-Dec. 1976, S/12253, para. 42; S C (32), Suppl. for April-June 1977, S/12342, para. 78; S C (33), Suppl. for April-June 1978, S/12723, paras. 14-15; and *ibid.*, Suppl. for Oct.-Dec. 1978, S/12946, paras. 15-18.

<sup>616</sup>S C (29), Suppl. for Oct.-Dec. 1974, S/11568, para. 59.

<sup>617</sup>See para. 392 above.

<sup>618</sup>S C (30), Suppl. for Jan.-Mar. 1975, S/11624, para. 11.

<sup>619</sup>See para. 396 above.

<sup>620</sup>A/32/282 (mimeographed).

<sup>621</sup>See para. 398 above.

<sup>622</sup>A/33/348 (mimeographed).

<sup>623</sup>E/CN.4/1186 and Corr.1.

<sup>624</sup>S C (32), Suppl. for April-June 1977, S/12342, para. 55.

<sup>625</sup>See para. 434 above.

<sup>626</sup>S C (33), Suppl. for April-June 1978, S/12723, para. 36.

<sup>627</sup>S C resolution 301 (1971) and G A resolutions 3031 (XXVII), 3111 (XXVIII) and 31/146, which concern the question of Namibia, are not dealt with under this title. See footnote 252 above.

<sup>628</sup>A/8799 (mimeographed).

<sup>629</sup>A/9465 (mimeographed).

<sup>630</sup>A/9863 (mimeographed).

<sup>631</sup>A/10382 (mimeographed).

<sup>632</sup>A/32/321 (mimeographed).

<sup>633</sup>A/8934 (mimeographed). For the action taken by the General Assembly on this report, see its resolution 3031 (XXVII), para. 12.

<sup>634</sup>G A (27), Plen., 2114th mtg., on 18 December 1972. The General Assembly confirmed the President's nomination of seven Member States as members of the Council.

<sup>635</sup>S C (27), Suppl. for July-Sept. 1972, S/10738.

<sup>636</sup>*Ibid.*, 1656th mtg., paras. 6-11.

<sup>637</sup>*Ibid.*, Suppl. for Oct.-Dec. 1972, S/10832.

<sup>638</sup>*Ibid.*, 1678th mtg., paras. 8-25.

<sup>639</sup>S C (28), Suppl. for Jan.-Mar. 1973, S/10921.

<sup>640</sup>In January 1973, the Council appointed the representatives of Peru and the Sudan to fill the vacancies that had occurred in this Group as a result of the expiration of the terms of office, on 31 December 1972, of Argentina and Somalia.

<sup>641</sup>S C (28), 1756th mtg., paras. 13-15.

<sup>642</sup>S C (33), Suppl. for April-June 1978, S/12636.

<sup>643</sup>*Ibid.*, Suppl. for July-Sept. 1978, S/12827.

<sup>644</sup>S C (33), 2087th mtg., paras. 10-22.

<sup>645</sup>*Ibid.*, Suppl. for Oct.-Dec. 1978, S/12903.

<sup>646</sup>*Ibid.*, S/12938.

<sup>647</sup>*Ibid.*, S/12909, annex II.

<sup>648</sup>*Ibid.*, S/12900, annex III.

<sup>649</sup>*Ibid.*, Suppl. for July-Sept. 1978, S/12854.

<sup>650</sup>*Ibid.*, S/12853, annex.

<sup>651</sup>*Ibid.*, Suppl. for Oct.-Dec. 1978, S/12950.

<sup>652</sup>*Ibid.*, Suppl. for July-Sept. 1978, S/12836 and S/12853.

<sup>653</sup>See paragraph 536 above.

<sup>654</sup>*Ibid.*, Suppl. for Oct.-Dec. 1978, S/12983, annexes I and II.

<sup>655</sup>S C (33), Suppl. for April-June 1978, S/12673.

<sup>656</sup>The texts of the replies were also published individually as Security Council documents. (See, for example, S C (33), Suppl. for April-June 1978, S/12632.)

<sup>657</sup>G A resolution 2796 (XXVI), which concerns the question of Southern Rhodesia and contains a request to the Secretary-General, is not dealt with under this title. See footnote 252 above.

<sup>658</sup>S C (25), Suppl. for July-Sept. 1970, S/9853.

<sup>659</sup>*Ibid.*, Suppl. for Oct.-Dec. 1970, S/9853/Add.1.

- 660 S C (29), Special Supplement No. 2, paras. 81-90.  
 661 S C (32), Suppl. for July-Sept. 1977, S/12393.  
 662 *Ibid.*, S/12402.  
 663 S C (32), 2034th mtg., paras. 66-68.  
 664 *Ibid.*, Suppl. for Oct.-Dec. 1977, S/12411.  
 665 S C (33), Suppl. for April-June 1978, S/12704.  
 666 G A (26), Suppl. No. 23, vol. III, p. 36.  
 667 *Ibid.*  
 668 Western Sahara, Advisory Opinion, I.C.J. *Reports* 1975, p. 12.  
 669 S C (30), Suppl. for Oct.-Dec. 1975, S/11880, annex III.  
 670 For information on the action taken by the Secretary-General with regard to the question of Western Sahara in 1976, see Press Releases SG/SM/2306 of 26 February 1976, pp. 3-8, 12, 15 and 16, SG/SM/2308 of 27 February 1976 and SG/SM/2321 of 9 April 1976, pp. 3 and 4, respectively, as well as *UN Monthly Chronicle*, vol. XIII, No. 3 (March 1976), pp. 41-42 and *ibid.*, No. 5 (May 1976), p. 34.  
 671 S C (30), Suppl. for Oct.-Dec. 1975, S/11863.  
 672 *Ibid.*, 1852nd mtg., para. 11.  
 673 *Ibid.*, 1854th mtg., paras. 8-9.  
 674 S C (30), Suppl. for Oct.-Dec. 1975, S/11874.  
 675 *Ibid.*, S/11876.  
 676 *Ibid.*, S/11880.  
 677 For an account of the action taken by the Secretary-General on his own authority regarding this question, see para. 719 below.  
 678 S C (26), Suppl. for Oct.-Dec. 1971, S/10412 and Add.1-2. These were the first of a series of reports by the Chief Military Observer of UNMOGYP that were discontinued with the entry into force of a cease-fire on 17 December 1971. For the texts of the other reports of the series see *ibid.*, S/10432 and Add.1-11. See also para. 719 below and the footnote appended thereto.  
 679 *Ibid.*, S/10416.  
 680 The vote on the first draft resolution was at the 1606th mtg. on 4 December; the second draft resolution was voted on at the next mtg. on 5 December 1971.  
 681 G A, Plen., 2003rd mtg., paras. 3-10.  
 682 S C (26), Suppl. for Oct.-Dec. 1971, S/10466. By resolution 2790 A (XXVI) the General Assembly endorsed the humanitarian operations launched by the Secretary-General on his own authority. See para. 77 above.  
 683 *Ibid.*, S/10467.  
 684 *Ibid.*, S/10467 and Add.1; S C (27), Suppl. for Jan.-Mar. 1972, S/10467/Add.2-3 and *ibid.*, Suppl. for April-June 1972, S/10467/Add.4.  
 685 S C (26), Suppl. for Oct.-Dec. 1971, S/10473.  
 686 S C (27), Suppl. for Jan.-Mar. 1972, S/10512.  
 687 *Ibid.*, S/10512/Add.1.  
 688 S C resolution 312 (1972), which concerns the situation in the territories under Portuguese administration and contains a request to the Secretary-General, is not dealt with under this title. See footnote 252 above.  
 689 A/9132 and Add.1-2 (mimeographed).  
 690 A/9735 (mimeographed).  
 691 G A (29), Suppl. No. 23, chap. VII, para. 21.  
 692 S C (29), Suppl. for July-Sept. 1974, S/11419.  
 693 S C (25), Suppl. for Oct.-Dec. 1970, S/9987.  
 694 *Ibid.*, S/9988 (mimeographed). Incorporated in the record of the 1558th mtg. of the Council.  
 695 *Ibid.*, S/9999.  
 696 *Ibid.*, S/10054. The substantive portions of replies subsequently received, other than mere acknowledgements, were communicated to the Council in a note dated 13 April 1973. (S C (26), Suppl. for April-June 1971, S/10180.)  
 697 *Ibid.*, Suppl. for July-Sept. 1971, S/10251.  
 698 *Ibid.*, Suppl. for July-Sept. 1971, S/10274.  
 699 S C (31), Suppl. for Jan.-Mar. 1976, S/11992.  
 700 *Ibid.*, S/12007.  
 701 S C (32), Suppl. for Jan.-Mar. 1977, S/12278.  
 702 *Ibid.*, Special Suppl. No. 3.  
 703 *Ibid.*, Suppl. for Oct.-Dec. 1977, S/12415.  
 704 *Ibid.*, Suppl. for April-June 1977, S/12318/Add.1.  
 705 S C (33), Suppl. for July-Sept. 1978, S/12873.  
 706 A/33/335 (mimeographed).  
 707 S C (29), Suppl. for Jan.-March 1973, S/11216.  
 708 *Ibid.*, S/11229.  
 709 S C (29), Suppl. for April-June 1974, S/11291.  
 710 S C (30), Suppl. for Oct.-Dec. 1975, S/11899.  
 711 S C (31), Suppl. for Jan.-Mar. 1976, S/12011.  
 712 *Ibid.*, Suppl. for April-June 1976, S/12106.  
 713 A/10236 (mimeographed).

- 714 The item of the provisional agenda cited in the text was not included in the agenda of the thirtieth session.  
 715 A/10295 (mimeographed).  
 716 G A resolution 3263 (XXX), which concerns this matter and contains a request to the Secretary-General, is not dealt with under this title. See footnote 252 above.  
 717 A/10325 (mimeographed).  
 718 A/32/298 and Corr.1, Russian only (mimeographed).  
 719 A/S-10/5 (mimeographed).  
 720 A/10509 (mimeographed).  
 721 A/32/324 (mimeographed).  
 722 A/32/276 (mimeographed).  
 723 A/8775 and Add.1-4 (mimeographed).  
 724 G A resolutions 2992 (XXVII), 3185 (XXVIII), 3389 (XXX), 31/92 and 32/154.  
 725 A/9129, A/9696, A/10205 and Add.1, A/31/185 and Add.1, A/32/165 and Add.1 and A/33/217 and Add.1-2 (mimeographed).  
 726 For the text of reports submitted, see documents A/34/192 and Add.1-2 and A/34/193 and Add.1-2 (mimeographed).  
 727 A/8847 and Add.1 (mimeographed).  
 728 Item 35 (Implementation of the Declaration on the Strengthening of International Security) and item 89 (Need to consider suggestions regarding the review of the Charter of the United Nations).  
 729 G A (27), Supplement No. 1A.  
 730 A/9143 (mimeographed).  
 731 Item 39 (Implementation of the Declaration on the Strengthening of International Security) and item 25 (Strengthening of the role of the United Nations with regard to the maintenance and consolidation of international peace and security, the development of co-operation among all nations and the promotion of the rules of international law in relations between States).  
 732 *Repertory, Supplement No. 4*, vol. II, under Article 98, para. 288.  
 733 *Ibid.*  
 734 G A (26), Suppl. No. 1A, paras. 127, 131, 133, 134 and 135.  
 735 Press Release SG/SM/1696, p. 2.  
 736 G A (31), Plen., 93rd mtg., para. 22.  
 737 S C (26), Suppl. for Oct.-Dec. 1971, S/10410, para. 4. For the text, see *UN Monthly Chronicle*, vol. VIII, No. 8 (Aug.-Sept. 1971), p. 69.  
 738 See Press Releases SG/SM/1890 of 13 September 1973, p. 10, and SG/SM/1893 of 25 September 1973.  
 739 For the text of the cable and the reply of the Foreign Minister, see Press Release SG/SM/2121 of 10 December 1974. At a press conference held on 16 September 1974, the Secretary-General said that he had repeatedly expressed concern to the Chilean authorities regarding the humanitarian situation and that a number of his interventions had been successful. See Press Release SG/SM/2076 of that date, p. 15, as well as Press Release SG/SM/2215/Rev.1 of 8 July 1975, p. 5.  
 740 S C (28), Suppl. for Oct.-Dec. 1973, S/11021.  
 741 Press Release SG/SM/2041 of 16 July 1974.  
 742 Press Release SG/SM/2113 of 26 November 1974.  
 743 Press Release SG/SM/2114 of 27 November 1974.  
 744 *UN Monthly Chronicle*, vol. XII, No. 12 (December 1975), p. 7.  
 745 Press Release SG/SM/2343 of 8 July 1976.  
 746 Press Release SG/SM/2419 of 28 February 1977, pp. 1-2, and Press Release SG/SM/2420 of 1 March 1977, p. 2. See also Press Release SG/SM/2439 of 29 April 1977, in which it was announced that the Assistant Secretary-General for Political Questions and another official of the Secretariat had been sent on a mission to Uganda to obtain certain clarifications and explore ways and means of strengthening co-operation on questions concerning human rights, as well as Press Release SG/SM/2445 of 19 May 1977, p. 7.  
 747 *UN Monthly Chronicle*, vol. XIV, No. 9 (October 1977), p. 30.  
 748 Press Release SG/SM/2553 of 28 March 1978.  
 749 Press Release SG/SM/2565 of 25 April 1978.  
 750 See also para. 694 below.  
 751 Press Releases SG/SM/2510 and 2511 of 26 and 27 November 1977, respectively.  
 752 Press Releases SG/SM/2515, SG/SM/2520 and SG/SM/2529, of 29 November 1977, 13 December 1977 and 13 January 1978, respectively, as well as Press Release SG/SM/2532 of 25 January 1978, pp. 2-4.  
 753 S C (25), Suppl. for Jan.-Mar. 1970, S/9726.  
 754 *Ibid.*, Suppl. for April-June 1970, S/9772.  
 755 Press Release SG/SM/1539 of 24 September 1971, p. 3.  
 756 S C (26), Suppl. for Oct.-Dec. 1971, S/10410.  
 757 See paragraph 673 above.  
 758 Press Release SG/SM/1635 of 10 February 1972, p. 17, as well as Press Release SG/SM/1649 of 6 March 1972, p. 7.  
 759 G A (26), Suppl. No. 1A, pp. 4-5.

<sup>760</sup> Press Release SG/SM/1683 of 25 April 1972, pp. 6, 10 and 11, as well as Press Release SG/SM/1689 of 9 May 1972.

<sup>761</sup> Press Release SG/SM/1747 of 12 September 1972, p. 5.

<sup>762</sup> G A (27), Suppl. No. 1A, p. 4.

<sup>763</sup> S C (27), 1651st mtg., para. 61.

<sup>764</sup> In that resolution, which concerned, in part, the abduction, on 21 June 1972, of Lebanese and Syrian military personnel by Israeli armed forces on Lebanese territory, the Council had expressed its desire that appropriate steps would lead to the release in the shortest possible time of the abducted personnel.

<sup>765</sup> *UN Monthly Chronicle*, vol. X, No. 4 (April 1973), p. 73.

<sup>766</sup> S C (29), Suppl. for April-June 1974, S/11291. See paras. 622-625 above.

<sup>767</sup> Press Release SG/SM/2236 of 26 August 1975.

<sup>768</sup> Press Release SG/SM/2521/Rev.2 of 15 Dec. 1977; also Press Release SG/SM/2522 of the same date.

<sup>769</sup> See para. 572 above.

<sup>770</sup> Press Release SG/SM/2628 of 5 October 1978.

<sup>771</sup> See paras. 686-689 above.

<sup>772</sup> See paras. 686-689 above.

<sup>773</sup> See para. 701 above.

<sup>774</sup> United Nations, *Treaty Series*, vol. 935, I, No. 13295, p. 15.

<sup>775</sup> S C (28), 1692nd mtg., para. 3, as well as 1973 *Yearbook of the United Nations*, p. 163; Press Release SG/SM/1819/Rev.1 of 27 February 1973 and Press Release SG/SM/1822 of 6 March 1973, pp. 1-8.

<sup>776</sup> S C (28), 1756th mtg., para. 14.

<sup>777</sup> *UN Monthly Chronicle*, vol. XII, No. 2 (February 1975), pp. 6-7. See paras. 705 and 706 above.

<sup>778</sup> *UN Monthly Chronicle*, vol. IX, No. 10 (November 1972), p. 34.

<sup>779</sup> See paras. 693 and 694 above.

<sup>780</sup> The text of the letter is contained in S C (25), Suppl. for April-June 1970, S/9737. For a summary of the contents of the note, the text of which is contained in *ibid.*, Suppl. for Jan.-Mar. 1970, S/9726, see para. 686 above.

<sup>781</sup> The texts of the two letters are contained in S C (21), Suppl. for July-Sept. 1966, S/7478 and S C (24), Suppl. for Jan.-Mar. 1969, S/1901, respectively. With respect to the latter, see *Repertory, Supplement No. 4*, vol. II, under Article 98, paras. 317-319.

<sup>782</sup> S C (25), Suppl. for April-June 1970, S/9738.

<sup>783</sup> S C (24), Suppl. for Jan.-Mar. 1969, S/9055. For a summary of this letter, see *Repertory, Supplement No. 4*, vol. II, under Article 98, para. 314.

<sup>784</sup> Press Release SG/SM/1369 of 5 November 1970, pp. 9-10.

<sup>785</sup> Press Release SG/SM/1531, pp. 10-11.

<sup>786</sup> Press Release SG/SM/1539 of 24 September 1971, p. 3.

<sup>787</sup> G A (32), Suppl. No. 1, pp. 6-7.

<sup>788</sup> Press Release SG/SM/2543 of 8 March 1978, pp. 4 and 5.

<sup>789</sup> G A (33), Suppl. No. 1, p. 7.

<sup>790</sup> S C (26), Suppl. for Oct.-Dec. 1971, S/10410 and Add.1. The report, which did not concern the humanitarian efforts launched by the Secretary-General to assist the East Pakistan refugees in India and the people of East Pakistan, was preceded by the submission to the President of the Security Council, on 20 July 1971, of a memorandum on the situation in the subcontinent. The Secretary-General kept the President of the Council informed of the steps he had taken with regard to that situation. The texts of that memorandum and of the documents pertaining to those steps were reproduced in the report. See this *Supplement* under Article 99.

<sup>791</sup> G A (27), Suppl. No. 1A, p. 4.

<sup>792</sup> The letter, which was not reproduced as a document of the Security Council, was published in the form of a Press Release, issued on 30 March 1976, under the symbol SG/SM/3218. A subsequent letter from the Secretary-General to the President of the Security Council on the situation in Lebanon, dated 16 March 1978, was published as a Security Council document (S C (33), Suppl. for Jan.-Mar. 1978, S/12604).

<sup>793</sup> S C (27), Suppl. for April-June 1972, S/10692.

<sup>794</sup> *Ibid.*

<sup>795</sup> See Press Release SG/SM/1715 of 19 June 1972, pp. 2-9, as well as Press Release SG/SM/1724 of 10 July 1972, p. 9. On 20 June 1972, the President of the Security Council announced a number of decisions that the members of the Council had adopted that day on the matter by consensus.

<sup>796</sup> See Press Release SG/SM/2451 of 27 May 1977. See also the summary statement by the Secretary-General on matters of which the

Security Council is seized and on the state reached in their consideration, of 9 January 1978 (S/12520), in which the Secretary-General stated that two items, namely the appointment of a Government for the Free Territory of Trieste (S/12269, item 5) and the question of the Free Territory of Trieste (S/12269, item 13) had, with the consent of the Council, been deleted from the list of those matters.

<sup>797</sup> S C (33), Suppl. for Jan.-Mar. 1978, S/12604.

<sup>798</sup> For the texts of the agreements, see United Nations *Treaty Series*, vols. 808 (1972) and 860 (1973), I, Nos. 11527 and 12323, pp. 73 and 51, respectively.

<sup>799</sup> Registered *ex officio*, on 27 September 1977, under No. 15932.

<sup>800</sup> The agreement was registered *ex officio*, on 2 March 1973, under No. 12323.

<sup>801</sup> The agreement was filed and recorded, *ex officio*, on 20 February 1980, under No. B-843.

<sup>802</sup> Similar requests to the Secretary-General are contained in E S C resolutions 1732 (LIII) and 1735 (LIV), by which the Council admitted the German Democratic Republic and Bangladesh to membership in the Economic Commission for Europe and the Economic Commission for Asia and the Far East, respectively.

<sup>803</sup> G A (25), Suppl. No. 1, pp. 233-234; G A (26), Suppl. No. 1, pp. 242-243; G A (27), Suppl. No. 1, p. 222; G A (28), Suppl. No. 1, p. 99; G A (29), Suppl. No. 1, p. 118; G A (30), Suppl. No. 1, p. 126; and G A (31), Suppl. No. 1, p. 156. See also *Repertory, Supplement No. 4*, vol. II, under Article 98, paragraph 326.

<sup>804</sup> A/8859, para. 8; A/9162, para. 3; A/10254, paras. 5 and 7; A/31/217, paras. 7-9; A/32/207, paras. 7, 8 and 10; A/33/253, paras. 7, 8 and 9 (mimeographed).

<sup>805</sup> For the Secretary-General's report to the General Assembly at its twenty-seventh session on the implementation of the resolution, see document A/C.5/1452 (mimeographed).

<sup>806</sup> For the report submitted by the Secretary-General to the General Assembly at its thirty-third session pursuant to that request, see document A/33/146 (mimeographed).

<sup>807</sup> For the report submitted by the Secretary-General to the Council at its fifty-eighth session pursuant to the resolution, see document E/5627.

<sup>808</sup> For the report submitted by the Secretary-General to the Economic and Social Council, pursuant to the resolution, at its fifty-eighth session, see document E/5629.

<sup>809</sup> G A resolutions 2871 (XXVI), 3111 (XXVIII), Section III, 3295 (XXIX), Section V, 3399 (XXX), 31/150, 32/9 C and 33/182 C.

<sup>810</sup> G A resolution 2702 (XXV).

<sup>811</sup> G A resolutions 2979 (XXVII), 31/7, 32/35 and 33/40.

<sup>812</sup> G A resolution 3113 (XXVIII).

<sup>813</sup> G A resolution 3411 A (XXX).

<sup>814</sup> G A resolution 3434 (XXX).

<sup>815</sup> G A resolution 3513 (XXX).

<sup>816</sup> G A resolution 31/6 C.

<sup>817</sup> G A resolution 32/41.

<sup>818</sup> G A resolution 32/109.

<sup>819</sup> G A resolution 32/129.

<sup>820</sup> G A resolution 32/146.

<sup>821</sup> E S C resolution 1564 (L).

<sup>822</sup> E S C resolution 1594 (L).

<sup>823</sup> E S C decision at 1858th meeting, on 18 May 1973.

<sup>824</sup> E S C resolution 1852 (LVI).

<sup>825</sup> E S C resolution 1948 (LVIII).

<sup>826</sup> E S C resolution 1978/16.

<sup>827</sup> G A resolution 2646 (XXV).

<sup>828</sup> G A resolution 2714 (XXV).

<sup>829</sup> G A resolution 2831 (XXVI).

<sup>830</sup> G A resolutions 3005 (XXVII), 3240 A (XXIX) and 32/91.

<sup>831</sup> G A resolution 2922 (XXVII).

<sup>832</sup> G A resolution 3251 (XXIX).

<sup>833</sup> G A resolution 3472 A (XXX).

<sup>834</sup> G A resolution 3486 (XXX).

<sup>835</sup> G A resolution 31/6 E.

<sup>836</sup> G A resolution 31/6 J.

<sup>837</sup> G A resolution 31/20.

<sup>838</sup> G A resolution 31/87.

<sup>839</sup> G A resolution 31/98.

<sup>840</sup> G A resolution 32/105 L.

<sup>841</sup> G A resolution 33/102.