ARTICLE 29

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ANNEXES

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TEXT OF ARTICLE 29

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

INTRODUCTORY NOTE

1. Rule 28 is the only provision in the provisional rules of procedure of the Security Council which relates to the establishment of subsidiary organs as provided for under Article 29 of the Charter. Rule 28 states: "The Security Council may appoint a commission or committee or a rapporteur for a specified question".

2. During the period under review, the Security Council established, or authorized the establishment of,[1] eleven subsidiary organs to assist it in the discharge of its responsibilities under the Charter. It did not terminate any of its previously established and still existing subsidiary organs.[2]

3. The Summary of Practice contains brief information on the eleven new subsidiary organs set up by the Security Council or by the Secretary-General on authorization by the Security Council. As in the *Repertory,* a tabulation of subsidiary organs in the field, together with a short indication of their composition and functions and data on their establishment and termination, is appended in annex I of this study. Annex II provides data about two suggested subsidiary organs in the field the establishment of which was proposed to but not adopted by the Security Council, as well as an indication of the composition and functions of those proposed subsidiary organs. Information is given in annex III about the one subsidiary organ which was established during the period under review to undertake responsibilities at United Nations Headquarters.

4. The Summary of Practice contains also brief references to certain subsidiary organs established by the General Assembly which either received further directives from the Security Council or were placed in a special relationship with the Council by their own terms of reference.[3]

5. The one instance during the period under review in which the Security Council considered a question of voting procedure in relation to a subsidiary organ is also referred to in the Summary of Practice.[4]

6. The two standing committees of the Security Council, the Committee of Experts and the Committee on the Admission of New Members, held no meetings during the period under review. All new applications for membership in the United Nations during that period were considered directly by the Council.

7. The structure of this study follows that of the previous *Repertory* studies under Article 29. Subheadings, however, have been added or omitted as appropriate. Included in the Summary of Practice is material relating to the constitutional questions arising from the Security Council's action in authorizing the Secretary-General to provide military assistance to the Republic of the Congo, which resulted in the United Nations Operation in the Congo (ONUC). The treatment of such material under Article 29 should not be regarded as implying any judgement on the question of the Charter authority under which the Security Council acted. Matters concerning the implementation by the Secretary-General of that authorization are treated under Article 98 of this *Supplement.*

[1] In instances in which the subsidiary organs were set up by the Secretary-General pursuant to Council resolutions, no implication is intended as to whether those bodies are or are not subsidiary organs within the meaning of Article 29.

[2] United Nations Truce Supervision Organization in Palestine (UNTSO), United Nations Commission for Indonesia (adjourned *sine die* on 3 April 1951) and United Nations Representative for India and Pakistan. With respect to standing committee, see para. 6 below.

[3] These organs were: Sub-Committee on the Situation in Angola; Special Committee on the Policies of *Apartheid* of the Government of the Republic of South Africa; and Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (see para. 16 below).

[4] See para. 20 below.

SUMMARY OF PRACTICE

A. General Review

8. Of the eleven subsidiary organs[5] established during the period under review, three[6] were established by the Council itself, consisting of representatives of Governments, and their membership was

[5] For specific information and references, see annex I of this study.

[6] Sub-Committee under the resolution of 7 September 1959 in connexion with the report by the Secretary-General relating to Laos; Security Council Mission to the Kingdom of Cambodia and the Republic of Viet-Nam; Expert Committee of the Security Council on Measures Concerning the Question of Race Conflict in South Africa.

indicated in each case by the Council. The eight[7] others were set up by the Secretary-General pursuant to Council resolutions which authorized him to do so or requested him to perform a certain task requiring the establishment of operational machinery, or asked him to appoint one or more officials to carry out a specific mission. In the latter instances, the Secretary-General reported on their composition to the Council after having acted in accordance with the terms of the relevant Council resolution.

9. Of the three subsidiary organs established by the Security Council itself, only one consisted of representatives of all of the members of the Council.[8] In the other two cases, the membership was smaller.[9]

10. The eight subsidiary organs set up by the Secretary-General varied in size and in membership. Their size ranged from one-member special missions[10] to a five-member mission of experts,[11] to the larger numbers of military and civilian personnel involved in the observer missions[12] and in the United Nations peace-keeping operations.[13] In four instances,[14] the members were appointed in their personal capacity. In two instances,[15] the field missions were composed of military observers made available by Member States at the request of the Secretary-General pursuant to the relevant Council resolutions. In two other instances,[16] the Secretary-General, with the consent of the host Government concerned, established a United Nations Force and directed the deployment of military units, civilian police elements and other specialized personnel which were provided by Member States at his request in pursuance of the terms of the relevant Council resolutions.

11. The functions of both types of subsidiary organs were of varied nature. During the period under review they included: elucidation of facts and conduct of an inquiry;[17] consideration of preventive measures regarding border incidents;[18] examination of methods of peaceful settlement;[19] technical and practical feasibility study of measures which the United Nations could, as appropriate, take against a Member State;[20] reporting on a field situation under consideration and on implementation of a cease-fire;[21] mediation;[22] co-operation with the parties concerned in formulating an agreed plan and schedule for troop withdrawal;[23] military observer missions;[24] and peace-keeping operations.[25] In some instances, the terms of reference were decided by the Security Council;[26] in others, the Secretary-General defined the terms of reference of a peace-keeping operation[27]

[7] United Nations Operation in the Congo (ONUC); United Nations Yemen Observation Mission (UNYOM); Group of Experts on South Africa; United Nations Peace-keeping Force in Cyprus (UNFICYP); United Nations Mediator on Cyprus; Representative of the Secretary-General in the Dominican Republic; United Nations India–Pakistan Observation Mission (UNIPOM); Representative of the Secretary-General in the matter of withdrawal of troops by India and Pakistan.

[8] Expert Committee of the Security Council on Measures concerning the Question of Race Conflict in South Africa (see annex III of this study). In submitting the two-Power draft resolution for the establishment of that Committee, the representative of Norway explained that its composition would include the "present" members of the Council so as to avoid changing its composition when newly elected members replaced certain "present" members at the beginning of 1965 (see S C, 19th yr., 1133rd mtg., para. 10).

[9] Sub-Committee under the resolution of 7 September 1959 (on Laos) and Security Council Mission to the Kingdom of Cambodia and the Republic of Viet-Nam (see items 5 and 11 under annex I of this study).

[10] United Nations Mediator on Cyprus; Representative of the Secretary-General in the Dominican Republic; and Representative of the Secretary-General in the matter of withdrawal of troops by India and Pakistan (see items 10, 12 and 14, respectively, under annex I of this study).

[11] Group of Experts on South Africa (see item 8 under annex I of this study).

[12] UNYOM and UNIPOM (see items 7 and 13 under annex I of this study).

[13] ONUC and UNFICYP (see items 6 and 9 under annex I of this study).

[14] See footnotes 10 and 11 above.

[15] See footnote 12 above.

[16] See footnote 13 above.

[17] Sub-Committee under the resolution of 7 September 1959 (on Laos) (see item 5 under annex I of this study). In its report, the Sub-Committee emphasized that, in accordance with the interpretation of its mandate during the Security Council discussion on the subject, its task was not to conduct an investigation, but an inquiry, and that it was engaged in fact-finding, that is, receiving information on the facts from the Government concerned, rather than seeking facts itself on its own initiative (see S C, 14th yr., Suppl. for Oct.—Dec., p. 10, S/4236, para. 15).

[18] Security Council Mission to the Kingdom of Cambodia and the Republic of Viet-Nam (see item 11 under annex I of this study).

[19] Group of Experts on South Africa (see item 8 under annex I of this study).

[20] Expert Committee of the Security Council on Measures concerning the Question of Race Conflict in South Africa (see annex III of this study).

[21] Representative of the Secretary-General in the Dominican Republic (see item 12 under annex I of this study). The Secretary-General, in his reports of 3 and 11 June 1965, noted that the mandate of his Representative in the Dominican Republic did not include investigation of complaints, a task which would have required a much larger staff (see S C, 20th yr., Suppl. for April-June, p. 223, S/6408, para. 6; S C, 20th yr., 1223rd mtg., paras. 5 and 6). Proposals were made in the Security Council for broadening the mandate of the representative (see S C, 1221st mtg.: France, para. 62; Jordan, paras. 27—31; Uruguay, paras. 55 and 56; 1222nd mtg.: USSR, paras. 88—91; 1227th mtg.: President (Netherlands), paras. 16—25).

[22] United Nations Mediator on Cyprus (see item 10 under annex I of this study).

[23] Representative of the Secretary-General in the matter of withdrawal of troops by India and Pakistan (see item 14 under annex I of this study).

[24] UNYOM and UNIPOM (see items 7 and 13 under annex I of this study).

[25] ONUC and UNFICYP (see items 6 and 9 under annex I of this study).

[26] S C, resolution 132 (1959), in connexion with the question relating to Laos; S C resolution 182 (1963), oper. para. 6, and S C resolution 191 (1964), oper. para. 8, in connexion with the question relating to the policies of *apartheid* of the Government of the Republic of South Africa; S C resolution 186 (1964), oper. paras. 5 and 7, in connexion with the Cyprus question; S C resolution 189 (1964), oper. para. 5, in connexion with the complaint concerning acts of aggression against the territory and civilian population of Cambodia; and S C resolution 203 (1965), oper. para. 2, in connexion with the situation in the Dominican Republic.

[27] S C resolution 143 (1960), oper. para. 2, in connexion with the situation in the Republic of the Congo, and also S C resolution 161 (1961), oper. para. 2, and S C resolution 169 (1961), oper. para. 4.

and an observer mission[28] within the framework of the authorization given to him by the Security Council for the establishment of those operations. In the case of the terms of reference of observer missions, they were usually laid down by the Security Council with due regard to the terms of the relevant armistice, cease-fire or disengagement agreement entered into by the parties concerned; the respective chief officers reported to the Secretary-General.

12. The practice with regard to the financing of the subsidiary organs was also varied. In three instances, the Security Council resolution establishing the subsidiary organ indicated also the method of financing.[29] In the others, the financial terms of reference were not included.[30]

13. Of the eleven subsidiary organs established during the period under review, seven were financed by means of funds provided to the Secretary-General by annual General Assembly resolutions to meet unforeseen and extraordinary expenses relating to the maintenance of international peace and security.[31] In the case of a United Nations peace-keeping operation undertaken pursuant to a Security Council resolution,[32] the financing of both its civilian and military phases was based on the terms indicated in respective resolutions subsequently adopted by the General Assembly regarding the situation which gave rise to the peace-keeping operation.[33] Another

[28] S C resolution 179 (1963), oper. para. 1; S C, 18th yr., Suppl. for April—June, p. 33, S/5298, para. 4; and *ibid.*, Suppl. for July—Sept., p. 152, S/5412, paras. 6 and 7, in connexion with the reports of the Secretary-General concerning developments relating to Yemen.

[29] S C resolution 179 (1963), 3rd preamb. para., in connexion with UNYOM; S C resolution 186 (1964), oper. para. 6, in connexion with UNFICYP; and S C resolution 186 (1964), oper. para. 8, in connexion with the United Nations Mediator on Cyprus. In the Security Council, reference was made to financial implications of the implementation of Security Council resolutions establishing, or pertaining to, peace-keeping operations and observation missions in connexion with UNFICYP and consideration by the Council of the India–Pakistan question in 1964. In the case of UNFICYP, emphasis was placed on the financial terms of reference indicated in the Council resolution relating to the establishment of the Force (see S C resolution 186 (1964), oper. para. 6; S C, 19th yr., 1102nd mtg.: USSR, paras. 11 and 12; 1138th mtg.: USSR paras. 42—44; 1139th mtg.: USSR, para. 33; 1153rd mtg.: USSR, paras. 100, 101 and 105; 1159th mtg.: USSR, paras. 64 and 65; 1180th mtg.: USSR, paras. 135 to 138; S C, 20th yr., 1192nd mtg.: USSR, para. 9; 1224th mtg.: USSR, para. 142; 1270th mtg.: USSR, para. 131; S C, 21st yr., 1275th mtg.: USSR, para. 36; 1286th mtg.: USSR, para. 93).

References which occurred during Council discussions of the India-Pakistan question pertained to the task of the Security Council in terms, *inter alia*, of the financial aspects of peace-keeping operations and observer missions which it decided to establish or authorize; and the question of competence regarding decisions on all specific matters connected with United Nations military observers (see S C, 20th yr., 1247th mtg.: France, para. 268; USSR, para. 243; 1251st mtg.: USSR, paras. 83-85, 87 and 88).

[30] Resolutions of the Security Council setting up, or pertaining to, United Nations peace-keeping operations gave rise to questions of constitutionality and statements of position regarding the principles to govern, *inter alia*, the financing of such operations in instances not otherwise covered by agreed arrangements. The expenses resulting from ONUC occasioned extensive deliberations, including a request for and "acceptance" of an advisory opinion from the International Court of Justice by the General Assembly on the question of financing peace-keeping operations. (For the resolutions of the General Assembly pertaining to the financing of ONUC and of peace-keeping operations in general, the proceedings leading to them, and the relevant constitutional discussion, see this *Supplement* under Articles 17 and 96. See also G A resolutions 1474 (ES-IV) of 20 September 1960; 1583 (XV) and 1590 (XV) of 20 December 1960; 1595 (XV) of 3 April 1961; G A (XV), Annexes, a. i. 49/50, p. 40, A/4740; G A resolutions 1619 (XV) and 1620 (XV) of 21 April 1961; G A (XVI), Annexes, a. i. 55, p. 6, A/4943 (26 October 1961); G A resolution 1633 (XVI) of 30 October 1961; G A (XVI), Annexes, a. i. 62, p. 1, A/4971 (15 November 1961), and *ibid.*, p. 11, A/5062 (18 December 1961); G A (XVI), Annexes, a. i. 55, p. 10, A/5066 (19 December 1961); G A resolutions 1731 (XVI) and 1732 (XVI) of 20 December 1961; "Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter), Advisory Opinion of 20 July 1962: ICJ, *Reports 1962*, p. 151, and *ibid.*, ICJ, *Pleadings*; G A (XVII), Annexes, a. i. 64, p. 4, A/5380 (18 December 1962); G A resolution 1854 (XVII) of 19 December 1962; G A (XVII), Annexes, a. i. 63 (a. i. 32/63) p. 37, A/5393 (19 December 1962); G A resolutions 1865 (XVII) and 1866 (XVII) of 20 December 1962; G A (S-IV), Annexes, a. i. 7, p. 56, A/5407 (29 March 1963) and *ibid.*, p. 90, A/5438 (26 June 1963); G A resolutions 1874 (S-IV), 1876 (S-IV), 1877 (S-IV) and 1880 (S-IV) of 27 June 1963; G A (XVIII), Annexes, a. i. 59, p. 8, A/5567 (14 October 1963); G A resolution 1885 (XVIII) of 18 October 1963; G A resolution 2006 (XIX) of 18 February 1965; G A (XIX), Annexes, No. 21, p. 26, A/5915 and Add. 1 (15 June 1965) and *ibid.*, p. 85, A/5916 and Add. 1 (31 August 1965); G A (XIX), Plen., 1331st mtg. (1 September 1965): President (Ghana), paras. 3—5; G A (XX), Annexes, a. i. 101, p. 27, A/6158 (13 December 1965); G A resolution 2053 (XX) of 15 December 1965; G A (XX), Plen., 1408th mtg. (21 December 1965): President (Italy), para. 35.

[31] G A resolution 1339 (XIII) of 13 December 1958, oper. para. 1 (a), and G A (XIV), Annexes, a. i. 43, A/C. 5/807, paras. 5—9, in connexion with the Sub-Committee of the Security Council under resolution of 7 September 1959 (on Laos); G A resolution 1985 (XVIII) of 17 December 1963, oper. para. 1 (a), and G A (XX), Annexes, a. i. 75, A/5747, para. 5 (b), and Expenditure estimates: part VI, chap. VIII, sections 18.11 to 18.13, in connexion with the Group of Experts on South Africa, United Nations Mediator on Cyprus and Security Council Mission to the Kingdom of Cambodia and the Republic of Viet-Nam; G A resolution 2004 (XIX) of 18 February 1965, oper. para. 3, and G A (XX), Annexes, a. i. 76, A/5969, para. 3 (a), and Expenditure estimates: part VI, chap. VII, section 16.13 (d), in connexion with the Representative of the Secretary-General in the Dominican Republic; G A resolution 2126 (XX) of 21 December 1965, oper. para. 1 (a), and G A (XXI), Annexes, a. i. 73, A/6436, para. 3 (b), and Expenditure estimates, part VI, chap. VIII, sections 16.15 to 16.18, and also S C, 20th yr., Suppl. for Oct.—Dec., p. 14, S/6699/Add. 11, in connexion with UNIPOM and the Representative of the Secretary-General in the matter of withdrawal of troops by India and Pakistan.

[32] S C resolution 143 (1960) of 14 July 1960, oper. para. 2, establishing ONUC.

[33] The initial expenses of the United Nations Force in the Congo, and of direct technical assistance, were financed by means of funds provided to the Secretary-General by the General Assembly to meet unforeseen and extraordinary expenses relating to the maintenance of international peace and security or to urgent economic rehabilitation (see G A resolution 1444 (XIV), oper. para. 1 (a); G A (XV), Annexes, a. i. 49/50, A/C. 5/836, paras. 1—5). By its resolution 1474 (ES-IV) of 20 September 1960, operative paragraph 4, the General Assembly established, on a voluntary basis, a United Nations Fund for the Congo to provide international financial assistance for the purpose of restoring the economic life of the country and carrying out its public services. Until the end of 1962, the programme of civilian assistance was financed entirely from the Congo Fund. Subsequently, while part of the programme continued to be financed by the United Nations Fund for the Congo, some projects were included under United Nations regular programmes of technical co-operation, and others were financed by funds-in-trust provided by the Government of the Congo and other interested Governments (see S C, 19th yr., Suppl. for April—June, p. 259, S/5784, paras. 105 and 109). As regards the military phase of, and over-all administrative and

peace-keeping operation was financed by the Governments providing the contingents of the Force and by the host Government and also by voluntary contributions.[34] Financial responsibility for the expenses of one observation mission was assumed by the parties principally affected.[35] In one instance the establishment of a subsidiary organ did not carry any financial implications.[36]

14. All three subsidiary organs established by the Security Council itself were required, under their terms of reference, to report to the Council.[37] For all but one[38] of the subsidiary organs set up by the Secretary-General pursuant to Council resolutions, the Secretary-General was requested, under his terms of reference, to report to the Council.

15. The reports requested by the Security Council were of varied nature. In one instance, the Council, having authorized the Secretary-General to assemble a field mission, requested him to report "as appropriate".[39] In another, the Secretary-General, having been instructed by the Security Council to organise a United Nations peace-keeping force, was required to report periodically on its operation.[40] On three occasions, the Council requested submission of reports on the implementation of its resolutions authorizing the Secretary-General, *inter alia*, to set up certain subsidiary organs.[41] On one occasion, the Secretary-General was requested to submit a progress report,[42] while on another he was invited to report regarding a situation under consideration on the basis of information communicated to him by a representative in the field.[43]

16. None of the subsidiary organs established by the Security Council was requested to report to any other United Nations organ, but some of the organs established by the General Assembly were requested to report also to the Security Council. In one instance, the Council so requested;[44] in another, a subsidiary organ of the General Assembly was instructed in its own terms of reference to report, from time to time, either to the General Assembly or to the Security Council or to both, as appropriate.[45] In a third instance, a subsidiary organ established by the General Assembly was invited, under its terms of reference, to apprise the Security Council of any developments in the territories within the scope of its work which might threaten international peace and se-

support services for, ONUC, under the terms of G A resolution 1583 (XV) of 20 December 1960, oper. para. 1, an *ad hoc* account was established to cover the expenses incurred in connexion with the military phase of the United Nations assistance, as well as those incurred in connexion with the office of the Chief of Civilian Operations and the administrative and support services for the entire United Nations Operation. Subsequent Assembly resolutions continued the *ad hoc* basis of financing the military phase of the assistance operations, together with the administrative and support costs of the entire operation, until completion of the withdrawal of the United Nations Force in the Congo (see G A resolutions 1595 (XV) of 3 April 1961; 1619 (XV) of 21 April 1961; 1633 (XVI) of 30 October 1961; 1732 (XVI) of 20 December 1961; 1876 (S-IV) of 27 June 1963; and 1885 (XVIII) of 18 October 1963).

[34] S C resolution 186 (1964) of 4 March 1964, oper. para. 6, in connexion with UNFICYP (see also the Secretary-General's communications to the Security Council and to Member States regarding the matter: S C, 20th yr., Suppl. for July—Sept., p. 338, S/6702, and S C, 21st yr., Suppl. for Oct.—Dec., p. 18, S/7532).

[35] S C, 18th yr., Suppl. for April—June, p. 50, S/5325, paras. 1 and 2; and S C, 19th yr., Suppl. for July—Sept., p. 366, S/5959, para. 4, in connexion with UNYOM.

[36] In the case of the Expert Committee of the Security Council on Measures concerning the Question of Race Conflict in South Africa, there were no financial implications. The Committee, consisting of members of the Security Council for 1964, met at Headquarters and was provided by the United Nations with the facilities necessary for the performance of its tasks.

[37] S C resolution 132 (1959) in connexion with the Sub-Committee under the resolution of 7 September 1959 (on Laos); S C resolution 189 (1964), oper. para. 5, in connexion with the Security Council Mission to the Kingdom of Cambodia and the Republic of Viet-Nam; S C resolution 191 (1964), oper. para. 10, in connexion with the Expert Committee of the Security Council on Measures concerning the Question of Race Conflict in South Africa.

[38] United Nations Mediator on Cyprus. In S C resolution 186 (1964), recommending that the Secretary-General designate a mediator and setting forth the latter's terms of reference, the security Council instructed the Mediator to report periodically to the Secretary-General on his efforts. The Mediator submitted one report, dated 26 March 1965, to the Secretary-General, which the latter transmitted to the members of the Security Council for their information (S C, 20th yr., Suppl. for Jan.—March, p. 199, S/6253).

[39] S C resolution 143 (1960), oper. para. 3, in connexion with ONUC.

[40] S C resolution 186 (1964), oper. para. 4, in connexion with UNFICYP.

[41] S C resolution 179 (1963), oper. para. 3, in connexion with UNYOM; S C resolution 182 (1963), oper. para. 8, in connexion with the Group of Experts on South Africa; S C resolution 211 (1965), oper. para. 5, in connexion with UNIPOM.

[42] S C resolution 215 (1965), oper. para. 3, in connexion with the Representative of the Secretary-General in the matter of withdrawal of troops by India and Pakistan.

[43] S C resolution 203 (1965), oper. para. 2, in connexion with the Representative of the Secretary-General in the Dominican Republic.

[44] In connexion with the situation in Angola, the Security Council reaffirmed General Assembly resolution 1603 (XV) of 20 April 1961 and requested the Sub-Committee on the Situation in Angola appointed under that resolution to implement its mandate without delay, and to report thereon to the Council, as well as to the Assembly. The Sub-Committee had been instructed by the Assembly "to examine the statements made before the Assembly concerning Angola, to receive further statements and documents, to conduct such inquiries as it may deem necessary and to report to the Assembly as soon as possible" (see S C resolution 163 (1961), oper. paras. 2 and 5, and also this study under annex II, footnote a). On 27 July 1961, the Security Council received a progress report from the Sub-Committee, which, on completion of its work, submitted its report to both the Security Council and the General Assembly on 13 November 1962 (see S C, 16th yr., Suppl. for July—Sept., p. 41, S/4898; and S C, 17th yr., S/5205 (mimeographed) which was also issued as G A (XVII), Annexes, a. i. 29 (Addendum, A/5286).

[45] Pursuant to G A resolution 1761 (XVII), oper. para. 5 (*b*), the Special Committee on the Policies of *Apartheid* of the Government of the Republic of South Africa transmitted, during the period under review, two interim progress reports and seven reports to both the Security Council and the General Assembly (see S C, 18th yr., S/5310, S/5353 and S/5426 and Add.1 (mimeographed), also issued as G A (XVIII), Annexes, a. i. 30/Addendum, annex III, A/5418; annex IV, A/5453; A/5497 and Add. 1; S C, 19th yr., S/5621, S/5717 and S/6073 and Add. 1 (mimeographed), also issued as G A (XIX), Annexes, No. 12, A/5692, A/5707 and A/5825 and Add. 1; S C, 20th yr., S/6453 and S/6605 (mimeographed), also issued as G A (XX), Annexes, a. i. 36, A/5932 and A/5957; S C, 21st yr., S/7387 and S/7565 (mimeographed), also issued as G A (XXI), Annexes, a. i. 34, A/6356 and A/6486).

curity.[46] On one occasion, the General Assembly established a Commission of Investigation in implementation of a decision of the Security Council.[47] Although not specifically requested by its terms of reference to report to the Security Council and/or the General Assembly,[48] the Commission submitted a report which was distributed as a document of both the Security Council and the General Assembly.[49]

17. Of the eleven subsidiary organs established during the period under review, one was still functioning at the end of the period;[50] the functioning of another, that of a mediator, remained in abeyance after the resignation of the mediator;[51] and the others ceased to function although none was terminated by formal decision of the Security Council.[52]

18. On four occasions, functioning ceased upon submission by the subsidiary organ of its report to the Security Council.[53] On four other occasions, a field mission was terminated by the Secretary-General on completion of its mandate.[54] In one instance, the terminal date of a United Nations peace-keeping operation was established by the General Assembly, which adopted a resolution authorizing the maintenance of the Force in the host country until a specific date.[55] The Secretary-General terminated the operation by phasing out its military aspect and by bringing its civilian operations under the normal procedures of the Technical Assistance Board and the Special Fund.

19. During the period under review, there were two instances in which establishment of subsidiary organs was proposed to but not adopted by the Security Council[56] and three instances in which a proposal for the establishment of a subsidiary organ was not put to the vote.[57] Of the two proposals on which a vote was taken, one was not adopted because of an insufficient number of affirmative votes,[58] and the other failed of adoption because of the negative vote of a permanent member.[59]

20. On one occasion, the question arose whether a decision of the Security Council on the establishment of a subsidiary organ for the elucidation of faots was subject to a procedural vote under Article 29 or to a non-procedural vote in respect of questions relating to the maintenance of international peace and security.[60]

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[46] Pursuant to G A resolutions 1810 (XVII), oper. para. 8 (*d*), 1956 (XVIII), oper. para. 6, and 2105 (XX), oper. para. 13, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples was placed in special relationship with the Security Council. For specific information regarding the relations of the Special Committee with the Council, see the reports submitted by the Special Committee to the General Assembly during the period under review(G A(XVIII), Annexes, a. i. 23 Addendum, A/5446/Rev. 1, paras. 35—41; G A (XIX), Annexes, No. 8 (Part I), A/5800/Rev. 1, paras. 143—149; G A (XX), Annexes a. i. 23/Addendum A/6000/Rev. 1, paras. 67—78; G A (XXI), Annexes, a. i. 23/Addendum, A/6300/Rev. 1, paras. 296—302).

[47] The decision that "an immediate and impartial investigation be held in order to ascertain the circumstances of the death of Mr. Lumumba and his colleagues and that the perpetrators of these crimes be punished" was taken by the Security Council in resolution 161 (1961) of 21 February 1961, operative paragraph 4. The question of the investigation envisaged by that resolution, together with other questions relating to the implementation of that resolution, was referred to the Advisory Committee on the Congo by the Secretary-General (S C, 16th yr., Suppl. for Jan.—March, p. 176, S/4752 and Add. 1—4, para. 9). The Advisory Committee on the Congo recommended that a Commission be established to implement the Security Council decision (S C, 16th yr., Suppl. for Jan.—March, S/4771 and Add. 1—3, p. 259). The General Assembly, taking note of the above-cited operative paragraph 4 of S C resolution 161 (1961) and the views expressed by the Advisory Committee on the Congo, established the Commission of Investigation by its resolution 1601 (XV) of 15 April 1961, operative paragraph 1. The terms of reference of the Commission were as defined in operative paragraph 4 of S C resolution 161 (1961) (see also this *Supplement* under Article 22).

[48] While the terms of reference for the Commission of Investigation recommended by the Advisory Committee on the Congo included submission of a report to the Security Council, G A resolution 1601 (XV) establishing the Commission did not contain such a provision. In its preamble, G A resolution 1601 (XV) took note, however, of document S/4771 and Add. 1 containing, *inter alia*, the terms of reference recommended by the Advisory Committee on the Congo for the Commission of Investigation (see S C, 16th yr., Suppl. for Jan.—March, p. 259, S/4771 and Add. 1, para. 4; G A resolution 1601 (XV).

[49] S C, 16th yr., Suppl. for Oct.—Dec., p. 67, S/4976 also distributed to the General Assembly as A/4964 (mimeographed).

[50] UNFICYP (see item 9 under annex I of this study).

[51] See footnote j in annex I of this study.

[52] See items 5—8 and 11—14 under annex I of this study, together with the item listed under annex III.

[53] See items 5, 8 and 11 under annex I of this study and the item listed under annex III.

[54] See items 7 and 12—14 under annex I of this study.

[55] G A resolution 1885 (XVIII) of 21 October 1963, authorizing maintenance of the Force in the Congo until 30 June 1964 (see item 6 under annex I of this study).

[56] There were subsidiary organs proposed in connexion with: the complaint by USSR (RB-47 incident); and, the situation in Angola. See items 1 and 2 under Annex II of this study.

[57] Subsidiary organs were proposed in connexion with: situation in the Republic of the Congo (S C, 15th yr., Suppl. for July—Sept., p. 116, S/4453; S C, 15th yr., 889th mtg.: USSR, para. 142); complaints by Cuba, USSR and United States (22—23 October 1962) (S C, 17th yr., 1022nd mtg.: para. 80; S/5182; S C, 17th yr., 1025th mtg.: President (USSR), para. 102; United Arab Republic, para. 74; S C, 18th yr., Suppl. for Jan.—March, p. 85, S/5227); and complaint by United Kingdom (2 August 1966) (S C, 21st yr., 1298th mtg.: para. 103, S/7456; *ibid.*, 1300th mtg.: New Zealand, para. 10). On occasion in the Security Council passing references were made to the possibility of setting up subsidiary organs which were not followed up by proposals to that effect. See, for example, S C, 20th yr., 1206th mtg.: Portugal, para. 44; 1212th mtg.: Netherlands, para. 23; United States, para. 11, in connexion with the complaint by Senegal of violations of its air space and territory; and S C, 20th yr., 1253rd mtg.: Portugal, para. 50; 1254th mtg.: Netherlands, paras. 99 and 100, in connexion with the situation in the territories in Africa under Portuguese administration. For passing references in the General Assembly, see G A (XIX), Annex 21, p. 58, A/AC. 121/SR 7, para. 13: France, in connexion with the financing of peace-keeping operations.

[58] See item 2 under annex II of this study.

[59] See item 1 under annex II of this study.

[60] S C resolution 132 (1959). See also this *Supplement* under Articles 27 and 34, paras. 13—15 and 55—62, respectively. For references to Article 29 in the debate on resolution 132 (1959), see S C, 14th yr., 847th mtg.: Argentina, paras. 101 and 102; Japan, para. 90; United Kingdom, paras. 78—80; United States, para. 60; 848th mtg.: President (Italy), paras. 78 and 127; France, paras. 91 and 92; Italy, para. 47; Panama, paras. 35—37; United Kingdom, paras. 104 and 112; United States, paras. 149, 150 and 152.

B. The United Nations Operation in the Congo

21. The United Nations Operation in the Congo (ONUC) — more specifically, its military phase, that is, the United Nations Force in the Congo — was the subject of extensive constitutional discussion both in the Security Council and in the General Assembly. Such discussion related mainly to the manner in which the Secretary-General carried out the steps which Security Council resolution 143 (1960) and subsequent resolutions on that subject authorized him to take.[61] No constitutional discussion occurred in either organ in connexion with the United Nations Civilian Operations in the Congo.[62] The material relevant to the resolutions of, and discussion in, the Security Council regarding the organization and functioning of the United Nations Force in the Congo is reviewed below.[63]

1. The United Nations Force in the Congo: Principles governing its organization and functioning

22. The military phase of ONUC was initiated by the Security Council at its 873rd meeting on 14 July 1960, in response to a report by the Secretary-General[64] on a request[65] for United Nations action in relation to the Republic of the Congo. The Secretary-General requested an immediate Security Council meeting under Article 99 of the Charter[66] and strongly recommended that the Council

> "authorize the Secretary-General to take the necessary steps, in consultation with the Government of the Congo, to provide the Government with military assistance during the period which may have to pass before, through the efforts of the Government with the technical assistance of the United Nations, the national security forces are able to fully meet their tasks."[67]

Further, he stated that, were the Security Council to act on his recommendation, he would base his actions on the principles which were set out in his report to the General Assembly on the conclusions drawn from previous experience in the field.[68] He outlined the principles pertinent to the organization and functioning of the proposed military assistance programme as follows: the selection of personnel for the United Nations Force in the Congo would be such as to avoid complications because of the nationalities used; the troops would not be permitted to take any action which would make them a party to internal conflicts in the country; and they would not be authorized to engage in action beyond self-defence.[69] By its resolution 143 (1960) of 14 July 1960,[70] the Security Council authorized the Secretary-General to provide the Government of the Congo with military assistance.[71]

23. The first report of the Secretary-General on the implementation of Security Council resolution 143 (1960),[72] submitted to the Council under the third operative paragraph of that resolution, contained detailed statements on the above-cited principles pertinent to the organization and functioning of the United Nations Force in the Congo[73] and indicated the steps taken by the Secretary-General in implementing Security Council resolution 143 (1960) in the light of those principles. By its resolution 145 (1960) of 22 July 1960, the Security Council commended both the report of, and actions taken by, the Secretary-General.[74]

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[61] See this *Supplement* under Article 98.

[62] *Ibid.*

[63] For the treatment of the constitutional issues relative to the financing of ONUC and of peace-keeping operations in general, which were considered by the General Assembly only, see this *Supplement* under Articles 11, 17 and 96. See also footnotes 30 and 33 above. For the treatment of other constitutional issues relative to ONUC, see this *Supplement* under Articles 2 (4), 2 (7), 9, 12, 25, 28, 30, 39—42, 49, 50, 96, 98 and 99.

[64] S C, 15th yr., 873rd mtg.: Secretary-General, paras. 18—29.

[65] S C, 15th yr., Suppl. for July—Sept., p. 11, S/4382.

[66] S C, 15th yr., 873rd mtg., para. 18.

[67] *Ibid.*, para. 27.

[68] Reference pertained to the summary study of the experience derived from the establishment and operation of the United Nations Emergency Force (UNEF) (see G A (XIII), Annexes, a. i. 65, A/3943).

[69] S C, 15th yr., 873rd mtg., para. 28.

[70] S C resolution 143 (1960), oper. para. 2. The International Court of Justice in its opinion of 20 July 1962 relating to certain expenses of the United Nations discussed whether the action taken by the Secretary-General to implement the resolution of the Security Council of 14 July 1960 constituted a violation of the Charter. The Court considered that, in the light of repeated confirmation, approval and ratification by the Security Council and by the General Assembly of the actions of the Secretary-General, it was "impossible to reach the conclusion that the operations in question usurped or impinged upon the prerogatives conferred by the Charter on the Security Council". The Court added that the Charter did not forbid the Security Council "to act through instruments of its own choice: under Article 29 it 'may establish such subsidiary organs as it deems necessary for the performance of its functions'; under Article 98 it may entrust 'other functions' to the Secretary-General" (see Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter), Advisory Opinion of 20 July 1962: ICJ, *Reports 1962*, pp. 175—177).

[71] "Regulations for the United Nations Force in the Congo" of 15 July 1963 states: "The United Nations Operation in the Congo (ONUC) is the subsidiary organ of the United Nations established by authority of the Security Council resolution [143] of 14 July 1960 and of which the United Nations Force in the Congo is an integral part" (ST/SGB/ONUC/ 1 (mimeographed), chap. I, para. 5, *b*).

[72] S C, 15th yr., Suppl. for July—Sept., p. 16, S/4389.

[73] *Ibid.*, paras. 7—15.

[74] S C, 15th yr., Suppl. for July—Sept., p. 34, S/4405, adopted as S C resolution 145 (1960), oper. para. 3. In his first report to the Security Council on the implementation of resolution 143 (1960), the Secretary-General stated that it was adopted in response to his initial statement to the Security Council regarding the Congo and that therefore that statement might be regarded "as a basic document on the interpretation of the mandate" (see S C, 15th yr., Suppl. for July—Sept., p. 16, S/4389, para. 3). For the exercise by the Secretary-General of the mandate given to him by the Security Council in connexion with the establishment and functioning of ONUC, see this *Supplement* under Articles 98 and 99. For reports by the Secretary-General to the Security Council relative to ONUC, see S C, 15th yr., Suppl. for July—Sept., p. 16, S/4389 and Add. 1—6; *ibid.*, p. 45, S/4417 and addenda; *ibid.*, p. 126, S/4475 and Add. 1—3; *ibid.*, p. 135, S/4482

a. *Composition*

(i) *Initial organization*

24. At the 873rd meeting of the Security Council, on 13/14 July 1960, the Secretary-General, having reported on the request by the Republic of the Congo for military assistance and having recommended the establishment by the Security Council of a United Nations Force, stated that the selection of personnel for the proposed United Nations Force would be such as to avoid complications because of the nationalities used. In his view, the prevailing situation did not exclude the use of units from African States; it excluded recourse to troops from any of the permanent members of the Security Council. It was his intention to get assistance in the first place from African nations.[75]

25. At the same meeting, the representative of Tunisia submitted a draft resolution[76] embodying the Secretary-General's recommendation, under the second operative paragraph of which the Security Council would decide

> "... to authorize the Secretary-General to take the necessary steps, in consultation with the Government of the Republic of the Congo, to provide the Government with such military assistance as may be necessary until, through the efforts of the Congolese Government with the technical assistance of the United Nations, the national security forces may be able, in the opinion of the Government, to meet fully their tasks."

An amendment was submitted to that operative paragraph by the representative of the USSR proposing to insert after the words "such military assistance" the words "provided by the African States Members of the United Nations".[77] In support of his amendment, the representative of the USSR stated that the military assistance for the Republic of the Congo should be provided by the independent States of Africa which had expressed their readiness to furnish it and that a clarification by the Security Council as to where the Secretary-General should procure military assistance would assist the Secretary-General in making the necessary arrangements.[78] In the voting that ensued, the Council rejected the USSR amendment by 5 votes to 4, with 2 abstentions.[79] The Tunisian draft resolution was adopted by 8 votes to none, with 3 abstentions, as resolution 143 (1960).[80]

26. At the 873rd meeting of the Security Council, neither the Tunisian draft resolution nor the above-cited Soviet amendment thereto occasioned any constitutional discussion regarding the composition of the proposed United Nations Force in the Congo.

27. In his first report to the Security Council on the implementation of Security Council resolution 143 (1960) of 14 July 1960, the Secretary-General stated:

> "...to the extent that the Republic of the Congo needs international assistance, such assistance should, within the framework of the United Nations, in the first instance be given by its sister African nations, as an act of African solidarity. However, this natural reliance on regional solidarity for the solution of a problem of this kind should be qualified by an element of universality natural — and indeed essential — to any United Nations operation. Therefore, while the Force... should be built around a hard core of military units from African States, it should also, to the extent which might be found practical, include units from other areas which meet the general conditions for the composition of a United Nations Force...
>
> "...Elements from other regions, included in the Force, may be considered as assistance given, in the spirit of the Charter, to the African community of nations by nations of those other regions. With this approach, the present operation should serve to strengthen the African community of nations and to strengthen also their ties, within the United Nations, with the world community. It would be wholly unjustified to interpret the United Nations action in the sense that nations from outside the region step into the Congo situation, using the United Nations as their instrumentality, because of the incapability of the Congo and of the African States themselves to make the basic contribution to the solution of the problem.
>
> "My efforts to build up the Force have been guided by this interpretation of the United Nations operation. For that reason I have, in the first place, appealed to African States for troops, addressing myself in a second stage to other nations meeting the conditions which are generally applicable, and continuing my efforts to activate further African units to the extent necessary. While the requests for troops so far presented by me, or offers of troops accepted by me, follow the pattern just stated, I have already in the first stage addressed a series of appeals for support in such fields as logistics, signals material, aircraft and specialized personnel to those countries which are most likely to provide them at very short notice, irrespective of their geographical position.
>
> "Apart from being influenced by the factors which I have explained above, I have, naturally, been guided by considerations of availability of

and Add. 1—4; S C, 16th yr., Suppl. for Jan.—March, p. 176, S/4752 and Add. 1—4; *ibid.*, p. 259, S/4771 and Add. 1—3; S C, 16th yr., Suppl. for April—June, p. 43, S/4807 and Add. 1; *ibid.*, p. 69, S/4841 and Add. 1—3; S C, 16th yr., Suppl. for July—Sept., p. 61, S/4913; S C, 18th yr., Suppl. for Jan.—March, p. 92, S/5240 and Add. 1; S C, 18th yr., Suppl. for July—Sept., p. 166, S/5428; S C, 19th yr., Suppl. for April—June, p. 259, S/5784.

[75] S C, 15th yr., 873rd mtg., para. 28.

[76] *Ibid.*, para. 91; S C, 15th yr., Suppl. for July—Sept., p. 16, S/4387 (same text as S/4383).

[77] S C, 15th yr., 873rd mtg., para. 205; S C, 15th yr., Suppl. for July—Sept., p. 15, S/4386, oper. para. 3.

[78] S C, 15th yr., 873rd mtg., para. 206.

[79] *Ibid.*, para. 225.

[80] *Ibid.*, para. 232.

troops, language and geographical distribution within the region."[81]

At the 888th meeting of the Security Council on 21 August 1960, the Secretary-General again referred to the "rule" which had been approved by the Council and by which he had been guided in organizing the United Nations Emergency Force in the United Arab Republic, that is, that forces from the permanent members of the Security Council or from any country which could be considered as having a direct interest in the conflict should be excluded from the United Nations Force, the word "forces" being used in an extensive sense to include units or higher command of any kind. Beyond that he had not been given any guidance by the Security Council as to composition.[82] He added that he wished to maintain a balanced geographical composition.[83]

28. At the 889th meeting of the Security Council on 21/22 August 1960, in connexion with participation in United Nations field operations, statements were made by several representatives within the context of ONUC. The observation was made that any attempt to split the United Nations according to racial or continental criteria would conflict with the Organization's *raison d'être*, its universal nature and the specific terms of its Charter. If none but Africans could take part in the United Nations work in Africa, and if a similar principle were applied to its work in each continent, the spirit of universal co-operation and non-discrimination on which the United Nations Charter was based would be destroyed. Further, it was noted that the only admissible distinction in selecting units to form a United Nations emergency force would be to exclude from consideration contingents from the States directly concerned.[84]

(ii) *Status of contingents: deployment and withdrawal*

29. Requests by certain Governments that their contingents or the contingents of other specified States in the United Nations Force in the Congo be deployed in specific regions of the Republic of the Congo and/or for specific tasks, and the withdrawal of their troops by some contributing Governments,[85] occasioned statements which might be deemed constitutionally significant to two questions: the exclusiveness of the United Nations authority over exployment and/or deployment of the constituent national contingents in the Force, and the effect of withdrawal of a national contingent from the Force on the legal status of that contingent in the territory of the Republic of the Congo.

30. In his first report on the implementation of Security Council resolution 143 (1960), the Secretary-General had stated, as one of the principles basic to the organization and functioning of the United Nations Force in the Congo, that the Force was under the exclusive command of the United Nations, vested in the Secretary-General under the control of the Security Council. The authority granted to the Force could not be exercised within the Congo either in competition with representatives of the host Government or in co-operation with them in any joint operation. That naturally applied *a fortiori* to representatives and military units of Governments other than the host Government. Thus, the United Nations operation had to be separate and distinct from activities by any national authorities.[86] The Secretary-General had stated further that to all United Nations personnel used in the Congo operation, the basic rules of the United Nations for international service should be considered as applicable, particularly as regards full loyalty to the aims of the Organization and abstention from actions

[81] S C, 15th yr., Suppl. for July—Sept., p. 16, S/4389, paras. 17—20. While the original Basic Agreement of 27 July 1960 between the United Nations and the Government of the Republic of the Congo (S C, 15th yr., Suppl. for July—Sept., p. 27, S/4389/Add. 5) contained no explicit reference as to the composition of the United Nations Force, the Agreement of 27 November 1961 relating to the legal status, facilities, privileges and immunities of the United Nations in the Congo (S C, 16th yr., Suppl. for Oct.—Dec., p. 151, S/5004, also distributed to General Assembly as A/4986, see para. 2) specifically provided that:

"The United Nations shall possess sole competence with respect to decisions concerning the composition of the military units sent to the Congo, it being understood at the same time that the United Nations shall, in determining their composition, give every consideration to the opinion of the Government as one of the most important factors to be borne in mind in connexion with recruitment."

[82] S C, 15th yr., 888th mtg., para. 95.

[83] *Ibid.*, para. 96. In that connexion, in response to an observation that membership in the North Atlantic Treaty Organization (NATO) should be reason for excluding a country from participating in ONUC (S C, 15th yr., 888th mtg.: USSR, paras. 49 and 50), the Secretary-General stated that he did not look at membership in either NATO or the Warsaw Pact or any other grouping of that kind as excluding a country from participating in the operation (S C, 15th yr., 888th mtg., paras. 95 and 96).

[84] S C, 15th yr., 889th mtg.: Ecuador, para. 62; France, para. 139; United States, para. 100.

[85] The United Nations Force in the Congo was conposed of national contingents provided voluntarily by Member States on the basis of agreements reached with the Secretary-General. Those units of troops maintained their separate identity, except for United Nations headgear and insignia, and could be withdrawn by the contributing States on advance notification to the Secretary-General (see G A (XIII), Annexes, a. i. 65, A/3943, para. 50; S C, 15th yr., 873rd mtg.: Secretary-General, para. 28; S C, 15th yr., Suppl. for July—Sept., p. 16, S/4389 and Add. 1—6, paras. 16—30; S C, 19th yr., Suppl. for April—June, p. 259, S/5784, para. 137). For withdrawal of national contingents from the United Nations Force in the Congo on the basis of a disagreement with the implementation of the mandate of the Force, see S C, 15th yr., 915th mtg.: Yugoslavia, para. 146; 916th mtg.: United Arab Republic, para. 93; 920th mtg.: Indonesia, para. 9; S C, 16th yr., 930th mtg.: Morocco, para. 36; 931st mtg.: Indonesia, para. 106. See also S C, 15th yr., Suppl. for Oct.—Dec., p. 98, S/4594; S C, 16th yr., Suppl. for Jan.—March, p. 60, S/4640; *ibid.*, p. 80, S/4668 and Add. 1; *ibid*, p. 140, S/4731.

[86] S C, 15th yr., Suppl. for July—Sept., p. 16, S/4389, paras. 7 and 12. A proposal by the Government of the Republic of the Congo that the party of the Special Representative of the Secretary-General should be escorted, for its journey to Katanga, by three members of that Government, a Government journalist and twenty Ghanaian soldiers was not accepted by the Secretary-General on the grounds that the mission of his Special Representative was "purely a United Nations Mission, the character of which should not be compromised by the arrangements made" and that "the principles established by the Security Council resolution reserve for decision by the Secretary-General and, under him, the Commander, any military dispositions regarding the Force. The dispatch of the Ghanaian group would not be in line with the plans made and announced" (S C, 15th yr., Suppl. for July—Sept., p. 55, S/4417/Add. 2, doc. II; *ibid.*, docs. I and III—V; *ibid.*, p. 45, S/4417, para. 7).

in relation to their country of origin which might deprive the operation of its international character and create a situation of dual loyalty.[87] The report was commended by the Security Council on 22 July 1960.[88]

b. *Mandate of the Operation*

31. Security Council resolutions of 14 July,[89] 22 July,[90] and 9 August 1960,[91] and 21 February[92] and 24 November 1961[93] set forth various mandates[94] for ONUC which were reinforced by the General Assembly resolutions of 20 September[95] and 20 December 1960[96] and 15 April 1961.[97] The initial resolution of the Security Council authorised the Secretary-General to provide the Government of the Congo with "military assistance" until the national security forces were able, in the opinion of the Congolese Government, "to meet fully their tasks".[98] Later resolutions extended the mandate of ONUC to assisting the Central Government in "the complete restoration of law and order in the Republic of the Congo"[99] and to maintaining its territorial integrity and political independence.[100] Further, the mandate was broadened to include prevention of "civil war"[101] and securing immediate "withdrawal" from the Congo of all foreign military and paramilitary personnel and political advisers not under the United Nations command, and mercenaries.[102] In connexion with the last two tasks, the use of force, if necessary and as a last resort was authorized by the Security Council beyond self-defence for the specific purposes of first preventing civil war[103] and, later, of expelling the foreign personnel referred to.[104]

(i) *Freedom of movement*

32. The principle that the United Nations Force was to have the full freedom of movement necessary to fulfil its mandate, that is, that the Force was to have access to all parts of the territory of the Republic of the Congo for the performance of its functions, did not occasion any constitutional debate in the Council.[105]

(ii) *Non-intervention in domestic matters*

33. Non-intervention in domestic matters was one of the basic principles underlying United Nations military assistance to the Republic of the Congo. It was set out in the initial statement[106] and reiterated in the subsequent reports[107] of the Secretary-General to the Security Council regarding the situation in the Congo. Having noted that in fulfilment of its mandate the United Nations Force might be performing functions normally reserved to the exclusive jurisdiction of the Government, the Secretary-General, emphasised in his first report that the mandate of the Force was delimited by the principle of non-intervention in any conflict:

> "Although the United Nations Force under the resolution (143 of 14th July 1960) is dispatched to the Congo at the request of the Government and will be present in the Congo with its consent, and although it may be considered as serving as an arm of the Government for the maintenance of order and protection of life — tasks which naturally belong to the national authorities and which will pass to such authorities as soon as, in the view of the Government, they are sufficiently firmly established — the Force is necessarily under the exclusive command of the United Nations, vested in the Secretary-General under the control of the Security Council. This is in

[87] S C, 15th yr., Suppl. for July—Sept., p. 16, S/4389, para. 14.

[88] S C resolution 145 (1960), oper. para. 3. For the constitutional discussions relevant to the deployment and withdrawal of contingents, see this *Supplement* under Article 98.

[89] S C resolution 143 (1960), oper. para. 2.

[90] S C resolution 145 (1960), oper. para. 1.

[91] S C resolution 146 (1960), oper. paras. 1—4 and 6.

[92] S C resolution 161 A (1961), oper. para. 1.

[93] S C resolution 169 (1961), oper. paras. 4 and 5.

[94] The functions of ONUC, that is, the mandates governing the actions of ONUC (see S C, 18th yr., Suppl. for Jan.—March, p. 92, S/5240 and Add. 1, para. 14), were restated as "the policies and purposes of the United Nations with respect to the Congo" in the third preambular paragraph of Security Council resolution 169 (1961) of 24 November 1961 as follows:

"(*a*) To maintain the territorial integrity and the political independence of the Republic of the Congo,

"(*b*) To assist the Central Government of the Congo in the restoration and maintenance of law and order,

"(*c*) To prevent the occurrence of civil war in the Congo,

"(*d*) To secure the immediate withdrawal and evacuation from the Congo of all foreign military, paramilitary and advisory personnel not under the United Nations Command, and all mercenaries,

"(*e*) To render technical assistance".

[95] G A resolution 1474 (ES-IV) took note of and fully supported Security Council resolutions 143 (1960), 145 (1960) and 146 (1960), (see second preambular paragraph and operative paragraph 1).

[96] G A resolution 1592 (XV) of 20 December 1960, second preambular paragraph, noted that the previous resolutions of the Security Council and General Assembly on the situation in the Congo were still in effect.

[97] On 15 April 1961, the General Assembly adopted three resolutions on the situation in the Republic of the Congo: G A resolutions 1599 (XV), 1600 (XV) and 1601 (XV). G A resolution 1599 (XV), first preambular paragraph, recalled G A resolution 1474 (ES-IV) and S C resolutions 143 (1960), 145 (1960), 146 (1960) and 161 (1961); G A resolution 1600 (XV), operative paragraph 1 reaffirmed G A resolution 1474 (ES-IV) and S C resolutions on the situation in the Congo, more particularly S C resolution 161 (1961) of 21 February 1961; G A resolution 1601 (XV), preambular paragraph 1, recalled operative paragraph 4 of S C resolution 161 A (1961) of 21 February 1961.

[98] S C resolution 143 (1960), oper. para. 2.

[99] S C resolution 145 (1960), 5th preamb. para.; S C resolution 169 (1961), subpara. *b* of 3rd preamb. para.

[100] S C resolution 169 (1961), subpara. *a* of 3rd preamb. para. See also G A resolution 1474 (ES-IV), 4th preamb. para.

[101] S C resolution 161 (1961), oper. para. 1.

[102] *Ibid.*, oper. para. 2.

[103] *Ibid.*, oper. para. 1.

[104] S C resolution 169 (1961), oper. para. 4. For the constitutional discussions relevant to the implementation of the mandate of the Force, see this *Supplement* under Article 98.

[105] For treatment of the material relevant to that principle, see this *Supplement* under Article 98.

[106] S C., 15th yr., 873rd mtg., para. 28.

[107] SC., 15th yr., suppl. for July—Sept., p. 16 S/4389 and Add. 1—6, paras. 7 and 13; *Ibid.*, p. 45. S/4417 and Add., pp. 49 and 53.

accordance with the principles generally applied by the Organization. The Force is thus not under the orders of the Government nor can it be permitted to become a party to any internal conflict. A departure from this principle would seriously endanger the impartiality of the United Nations and of the operation."[108]

He stated further that the United Nations units could not be used to enforce any specific political solution of pending problems or to influence the political balance decisive to such a solution.[109] The report of the Secretary-General was commended by the Security Council in its resolution of 22nd July 1960.[110] The question of adherence to the principle of non-intervention, however, gave rise to constitutional issues in the Council in two different contexts: the secessionist movement in Katanga and the constitutional conflict in Leopoldville.[111]

(iii) *Use of force*

34. The question of the use of force by the United Nations Force in the Congo occasioned constitutional debate in the Security Council in connexion with the secessionist movement in Katanga, and the developments that arose from the constitutional crisis in Leopoldville.[112]

C. Termination of mission

35. No specific terminal date was set by the Security Council for the military or the civilian phases of ONUC. The duration of the military assistance was left undefined both in the Security Council resolution authorizing the assistance[113] and in the Agreements[114] concluded between the United Nations and the Government of the Republic of the Congo.[115]

36. At the 934th meeting, however, the representative of the USSR submitted a draft resolution under the terms of which the Security Council would have enjoined the command of the United Nations troops in the Congo to take certain decisive measures and would have directed that "the 'United Nations Operation' in the Congo shall be discontinued within one month and all foreign troops withdrawn from there so as to enable the Congolese people to decide its own internal affairs".[116] No constitutional discussion ensued regarding that paragraph. At the 942nd meeting of the Security Council on 20/21 February 1961, the Soviet draft resolution was put to the vote and rejected by 8 votes to 1 with 2 abstentions.[117]

37. In his report of 4th February 1963 to the Security Council on the implementation of the mandates of ONUC, as set fourth in relevant resolutions of the Council, the Secretary-General concluded that a decisive phase in the United Nations' Congo experience, that is, the phase of active military involvement by United Nations troops, had been completed and most of the aims of ONUC had been in large measure fulfilled. He indicated that the United Nations Force in the Congo would be phased out gradually as from February 1963.[118] The target date for completion of military withdrawal was indicated subsequently in the Secretary-General's report of 17th September 1963 to the Security Council on the question of military disengagement in the Congo in which he stated:

"...Although no specific terminal date for the Force has been set by any Security Council resolution, the General Assembly, at its fourth special session on 27th June 1963, adopted resolution 1876 (S-IV) which, in the absence of any subsequent action, establishes, in effect, a terminal date. For that resolution appropriates money and authorizes me to expend money for the Force in the Congo up to 31st December 1963 only, with no indication that any extension of the Force beyond that date was envisaged.

"In the light of the General Assembly's resolution, I am proceeding with the phasing out schedule for the Force ... which looks toward the complete withdrawal from the Congo of

[108] S C., 15th yr., Suppl. for July—Sept., p. 16. S/4388 and Add. 1—6, para. 7.

[109] *Ibid.*, para. 13.

[110] S C resolution 145 (1960), oper. para. 3. For statements in the Security Council referring to the Secretary-General's view, as contained in his first report, regarding non-intervention by the Force in internal conflicts, see S C, 15th yr., 877th mtg.: Secretary-General, para. 17; USSR, para. 170; 878th mtg.: Argentina, para. 130; Ceylon, paras. 69 and 70; 879th mtg.: France, para. 68; USSR, para. 120; United Kingdom, para. 25. See also this *Supplement* under Article 2 (7), case No. 43, and Articles 40 and 41, paras. 18—34 and 14—18, respectively.

[111] For the constitutional discussions pertaining to the secessionist movement in Katanga and the constitutional conflict in Leopoldville, see this *Supplement* under Article 98.

[112] For treatment of the constitutional discussions, see this *Supplement* under Article 98.

[113] Under the terms of the initial Council resolution 143 (1960) of 14th July 1960, military assistance was to be provided to the Government of the Republic of the Congo by the United Nations "until ... the national security forces may be able, in the opinion of the Government, to meet fully their tasks" (oper. para. 2).

[114] Under the terms of the Basic Agreement of 21st July 1960 between the United Nations and the Government of the Republic of the Congo, the United Nations reaffirmed, "considering it to be in accordance with the wishes of the Government of the Republic of the Congo, that it is prepared to maintain the United Nations Force in the Congo until such time as it deems the latter's task to have been fully accomplished" (S C, 15th yr., Suppl. for July—Sept., p. 27, S/4589/Add. 5, para. 2). The Agreement of 27th November 1961 between the United Nations and the Republic of the Congo, the purpose of which was to determine the details of the application of the Basic Agreement of 27th July 1960, did not deal with the withdrawal of the Force, (S C, 16th yr., Suppl. for Oct.—Dec., p. 151, S/5004, also distributed to the General Assembly as A/4986).

[115] For references to the question of the competent authority to terminate the military assistance operation in the Congo under S C resolution 143 (1960), see S C, 15th yr., 901st mtg.: Secretary-General, para. 83; USSR, para. 18; S C, 16th yr., Suppl. for Jan.—March, p. 261, S/4775, doc. I, p. 263.

[116] S C, 16th yr., 934th mtg.: USSR, paras. 111 and 112, S/4706, oper. paras. 3 and 4. See also *ibid.*, 942nd mtg.: USSR, para. 81.

[117] S C, 16th yr., 942nd mtg., para. 89.

[118] S C, 18th yr., Suppl. for Jan.—March, p. 92, S/5240 and Add. 1, para. 35; S C, 19th yr., Suppl. for April—June, p. 259, S/5784, paras. 69 and 71.

United Nations troops by 31st December 1963"[119] In that report, the Secretary-General also drew attention to a request by the Prime Minister of the Congo for extension of the stay of the Force in the Congo through the first half of 1964.[120] The question was considered by the General Assembly, and financial provisions were made for the maintenance of a reduced United Nations Force in the Congo until 30th June 1964, on which date complete military withdrawal occurred.[121]

[119] S C, 18th yr., Suppl. for July—Sept., p. 166, S/5428, paras. 3 and 4.

[120] *Ibid.*, para. 5. See also *ibid.*, annex I.

[121] S C, 19th yr., Suppl. for April—June, p. 259, S/5784, paras. 5 and 6.

38. In his report dated 29th June 1964 on the withdrawal of the United Nations Force in the Congo and other aspects of ONUC, the Secretary-General stressed the point that the completed withdrawal of the Force marked the end of only the military phase of the massive assistance operation which the United Nations had been conducting in the Congo for four years. The Civilian Operations, Technical Assistance and Special Fund activities would continue to the extent that financial and other resources were available, subject to the needs and wishes of the Government of the Congo. He emphasized further that the resolutions of the Security Council would continue to be applicable, since they had no terminal date.[122]

[122] *Ibid.*, para 132.

ANNEX I

Field commissions and similar subsidiary organs established or authorized by the Security Council

Title	*Establishment*	*Composition*	*Functions*	*Termination*
1. United Nations Commission for India and Pakistan[a]	20 January 1948 (S C resolution 39 (1948), oper. para. A); 21 April 1948 (S C resolution 47 (1948), oper. para. 2)	Czechoslovakia, selected by India; Argentina, selected by Pakistan; Belgium, Colombia designated by the Security Council; United States of America, designated by the President of the Security Council	To investigate the facts pursuant to Article 34, to exercise a mediatory influence, to carry out directions to it from the Council, and to report how far the advice and directions of the Council, if any, were carried out (S C resolution 39 (1948), oper. para. C). To place its good offices and mediation at the disposal of the Governments of India and Pakistan in order to facilitate the necessary measures for restoring peace and holding a plebiscite (S C resolution 47 (1948), oper. para. 3)	17 May 1950, after appointment of United Nations Representative for India and Pakistan.
2. United Nations Truce Supervision Organization in Palestine (UNTSO)	29 May 1948 S C resolution 50 (1948), oper. para. 6, and S C resolution 73 (1949), oper. paras. 6 and 7)	Military observers	Initially to assist the Mediator for Palestine, acting in concert with the Truce Commission, to supervise the observance of the cease-fire in Palestine (S C resolution 50 (1948), oper. para. 6). After the termination of the functions of the Mediator and the conclusion of the four Armistice Agreements between Israel on the one hand and Egypt, the Hashemite Kingdom of Jordan, Lebanon and Syria on the other, the Security Council, taking note of those Agreements, reaffirmed the cease-fire and requested the Secretary-General to arrange for the continued service of such of the personnel of the Truce Supervision Organization as may be necessary in assisting the parties to the Armistice Agreements, with particular regard to the desires of the parties as expressed in the relevant articles of the Agreements. The Chief of Staff of UNTSO was requested to report to the Security Council on the observance of the cease-fire keeping the Conciliation Commission for Palestine informed of matters affecting its work (S C resolution 73 (1949), oper. paras. 6 and 7)	Still functioning
3. United Nations Commission for Indonesia[b]	28 Jan. 1949 (S C resolution 67 (1949), oper. para. 4 (a))	Belgium, selected by Netherlands; Australia, by Republic of Indonesia; and United States, selected by Belgium and Australia	To tender the good offices of the Council to the parties in order to assist in the pacific settlement of their dispute, to assist the parties in establishing a United States of Indonesia, to observe elections and to assist in restoration of civil administration (S C resolution 67 (1949), oper. paras. 3 and 4)	Adjourned *sine die* on 3 April 1951
4. United Nations Representative for India and Pakistan[c]	14 March 1950 (S C resolution 80 (1950), oper. para. 2)	Sir Owen Dixon (of Australia) appointed 12 April 1950, succeeded by Mr. Frank P. Graham (of United States) as from 30 March 1951	To exercise the powers and responsibilities devolving upon the United Nations Commission under existing resolutions of the Council and by reason of agreements of the parties embodied in the resolutions of the Commission (S C resolution 80 (1950), oper. para. 2)	Continues in existence

Title	*Establishment*	*Composition*	*Functions*	*Termination*
5. Sub-Committee under the Resolution of 7 September 1959 in connexion with the report by the Secretary-General relating to Laos	7 Sept. 1959 (S C resolution 132 (1959))	Argentina, Italy, Japan and Tunisia	To examine the statements made before the Security Council concerning Laos, to receive further statements and documents and to conduct such inquiries as it may determine necessary, and to report to the Council as soon as possible (S C resolution 132 (1959))	Ceased to function as from 3 Nov. 1959 when it submitted its report to the Security Council, but not terminated formally (S C, 14th yr., Suppl. for Oct.-Dec., p. 10, S/1236 and annexes I—X)
6. United Nations operation in the Congo (ONUC)[e]	14 July 1960 (S C resolution 143 (1960), oper. para. 2)	Military contingents and specialized personnel provided by Member States at the request of the Secretary-General for service under a United Nations Commander appointed by the Secretary-General	To provide the Government of the Republic of the Congo with such military assistance as may be necessary until, through the efforts of the Congolese Government with the technical assistance of the United Nations, the national security forces may be able, in the opinion of the Government, to meet fully their tasks (S C resolution 143 (1960), oper. para. 2). Further functions were assigned to ONUC by the terms of subsequent Council resolutions 146 (1960), 161 (1961) and 169 (1961), as well as by the terms of certain resolutions of the General Assembly.	Phased out by the Secretary-General pursuant to General Assembly resolution 1885 (XVIII) of 21 October 1963, which authorized the maintenance of the Force in the Congo until 30 June 1964 (S C, 19th yr., Suppl. for April-June, p. 259, S/5784, paras. 1—6, 70 and 71)
7. United Nations Yemen Observation Mission (UNYOM)	11 June 1963 (S C resolution 179 (1963), oper. 1 para. 1)	A small civilian staff and military observers, including a reconnaissance unit and an air unit, arranged for by the Secretary-General (S C, 18th yr., Suppl. for July-Sept., 152, S/5412 paras. 2—4)	To check, certify and report on the observance by the two parties of the terms of the disengagement agreement (S C, 18th yr., Suppl. for April-June, p. 33, S/5298, paras. 3, 4; *ibid.*, Suppl. for July-Sept., p. 152, S/5412, paras. 6 and 7)	Activities of the mission terminated by the Secretary-General on 4 Sept. 1964 (S C, 19th yr., Suppl. for July-Sept., p. 225, S/5927, para. 12, and p. 366, S/5959, paras. 1 and 2)
8. Group of Experts on South Africa[f]	4 Dec. 1963 (S C resolution 182 (1963), oper. para. 6)	Mrs. Alva Myrdal, Sir Edward Asafu-Adjaye, Mr. Josip Djerdjaf, Sir Hugh Foot, Mr. Dey Culd Sidi Baba appointed in January 1964 by the Secretary-General	To examine, and report to the Secretary-General, methods of resolving the situation in South Africa through full, peaceful and orderly application of human rights and fundamental freedoms, to all inhabitants of the territory as a whole, regardless of race, colour or creed, and to consider what part the United Nations might play in the achievement of that end (S C resolution 182 (1963), oper. para. 6)	Ceased to function as from 20 April 1964 when it transmitted its report to the Secretary-General (S C, 19th yr., Suppl. for April-June, p. 20, S/5658, part IV (annex), para. 5)

Title	Establishment	Composition	Functions	Termination
9. United Nations Peace-keeping Force in Cyprus (UNFICYP)[g]	4 March 1964, (S C resolution 186 (1964), oper. para. 4)	Military contingents and civilian police units provided by certain Governments on the request of the Secretary-General; composition and size of the Force established by the Secretary-General in consultation with the Governments of Cyprus, Greece, Turkey and the United Kingdom; Force Commander appointed by the Secretary-General and reports to him	In the interest of preserving international peace and security, to use its best efforts to prevent a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions (S C resolution 186 (1964) oper. para. 5)[h]	Still functioning. The mandate of the force was extended by the Security Council on 20 June, 25 Sept., 18 Dec. 1964; 19 March, 15 June, 17 Dec. 1965; 16 March, 16 June 1966 (S C resolution 192 (1964), oper. para. 4; S C resolution 194 (1964), oper. para. 3; S C resolution 198 (1964), oper. para. 4; S C resolution 201 (1965), oper. para. 5; S C resolution 206 (1965), oper. para. 5; S C resolution 219 (1965), oper. para. 2; S C resolution 220 (1966), oper. para. 3; S C resolution 222 (1966), oper. para. 3)
10. United Nations Mediator on Cyprus	4 March 1964, (S C resolution 186 (1964), oper. para. 7)	Mr. Sakari S. Tuomiaja (of Finland) designated on 25 March 1964,[i] succeeded by Mr. Galo Plaza (of Ecuador) as from 16 Sept. 1964 to 31 Dec. 1965[j]	To use his best endeavours with the representatives of the two communities in Cyprus and also the Governments of Cyprus, Greece, Turkey and the United Kingdom, for the purpose of promoting a peaceful solution and an agreed settlement of the problem confronting Cyprus, in accordance with the Charter of the United Nations, having in mind the well-being of the people of Cyprus as a whole and the preservation of international peace and security; to report to the Secretary-General periodically on his efforts (S C resolution 186 (1964), oper. para. 7)	Since the registration of Mr. Galo Plaza, effective 31 December 1965, the mediation function has not been resumed[k]
11. Security Council Mission to the Kingdom of Cambodia and the Republic of Viet-Nam	4 June 1964 (S C resolution 189 (1964), oper. para. 5)	Brazil, Ivory Coast and Morocco named by the President of the Security Council	To go to the Kingdom of Cambodia and the Republic of Viet-Nam, and to the places where the most recent incidents have occurred, in order to consider such measures as may prevent any recurrence of such incidents; to report to the Security Council within forty-five days (S C resolution 189 (1964), oper. para. 5)	Ceased to function as from 27 July 1964 when it transmitted its report to the Security Council (S C, 19th yr., Suppl. for July-Sept., p. 101, S/5832)
12. Representative of the Secretary-General in the Dominican Republic	14 July 1965 (S C resolution 203 (1965), oper. para. 2)	Mr. José Antonio Mayobre (of Venezuela) appointed 15 May 1965 by the Secretary-General	To report to the Security Council through the Secretary-General on the situation prevailing in the Dominican Republic (S C resolution 205 (1965), oper. para. 1) and on the implementation of the cease-fire (S C, resolution 205 (1965), oper. paras. 1 and 2)[l]	Withdrawal of the mission completed on 22 October 1966 (S C, 21st yr., Suppl. for Oct.-Dec., p. 39, S/7552, para. 5; (XXII), Suppl. No. 1, p. 39

Title	Establishment	Composition	Functions	Termination
13. United Nations India-Pakistan Observation Mission (UNIPOM)	20 September 1965 (S C resolution 211 (1965), oper. para. 2)	90 observers provided by 10 Member States at the request of the Secretary-General[m]	To provide the necessary assistance to ensure supervision of the cease-fire and the withdrawal of all armed personnel, as requested of the Secretary-General by the Security Council[n]	Ceased to function as from 26 February 1966 with the completion of its mandate (S C, 21st yr., Suppl. for Jan.-March. p. 1, S/6999/Add. 12, para. 5; *ibid.*, p. 33, S/6719/Add. 6, para. 2)
14. Representative of the Secretary-General in the matter of with drawal of troops by India and Pakistan	5 November 1965 (S C resolution 215 (1965), oper. para. 3)	General Tulio Marembio (of Chile) appointed in November 1965	To meet as soon as possible with the representatives of the Governments of India and Pakistan for the purpose of formulating an agreed plan and schedule (containing a time-limit on implementation) for the withdrawal by both parties of their armed personnel (S C resolution 215 (1965), oper. para. 3)	Mission terminated on 28 February 1966, having been successfully completed (S C, 21st yr., Suppl. for Jan.-March, p. 1, S/6699/Add. 12, para. 4; *ibid.*, p. 33, S/6719/Add. 6, para. 2)

[a] By its resolution of 13 August 1948, the Commission decided to appoint military observers who "will supervise the observance of the cease-fire order" (S C, 3rd yr., Suppl. for Nov., p. 32, S/1100). Military observers have been functioning in India and Pakistan since January 1949, initially on the basis of the cease-fire entered into by the Governments of India and Pakistan on 1 January 1949 (S C, 4th yr., Suppl. for Jan., p. 20, S/1196, para. 14), and thereafter on the basis of the Karachi Agreement establishing a cease-fire line, which was entered into by military representatives of the two Governments, under the auspices of the United Nations Commission for India and Pakistan, on 27 July 1949 (S C, 4th yr., Special Suppl. S/1430, paras. 159–163 and annex 25). By resolution 91 (1951) of 30 March 1951, the Security Council decided that "the military observer group shall continue to supervise the cease-fire in the State (Jammu and Kashmir)". By resolution 209 (1965) of 4 September 1965, the Security Council called on the Governments of India and Pakistan "to co-operate fully with the United Nations Military Observer Group in India and Pakistan (UNMOGIP) in its task of supervising the observance of the cease-fire" (oper. para. 3). By resolution 210 (1965) of 6 September 1965, the Security Council requested the Secretary-General "to take all measures possible to strengthen the United Nations Military Observer Group in India and Pakistan" (oper. para. 2). By resolution 211 (1965), in which it demanded a cease-fire and called for a subsequent withdrawal of all armed personnel, the Council requested the Secretary-General "to provide the necessary assistance to ensure supervision of the cease-fire and the withdrawal of all armed personnel" and "to exert every possible effort to give effect to the present resolution". In Jammu and Kashmir, the supervision called for by Council resolution 211 (1965) was exercised by the established machinery of UNMOGIP, which was considerably strengthened for that purpose, as requested by the Council, and which was concerned exclusively with the area along the Kashmir cease-fire line. Since the hostilities extended beyond the Kashmir cease-fire line, an administrative adjunct of UNMOGIP, the United Nations India-Pakistan Observation Mission (UNIPOM) was set up (see above, No. 13) for the sole purpose of supervising the cease-fire line along the India-Pakistan border outside Jammu and Kashmir. On 26 February 1966, the Secretary-General reported (S C, 21st yr., Suppl. for Jan.-March, p. 33, S/6719/Add. 6) that the withdrawal of the troops by India and Pakistan had been completed on schedule on 25 February, and that the withdrawal provisions of the Council's resolution had thus been fulfilled. Since that date, the basis of the activities of UNMOGIP has been exclusively the Karachi Agreement and related agreements. The function of UNMOGIP is to supervise the observance of the Karachi Agreement and related agreements and to provide good offices when appropriate to the two parties in that connexion. The military observer's function is that of observing and reporting, investigating complaints from either party of violations of the Karachi Agreement, and submitting the resultant findings on those investigations to each party and to the Secretary-General, as well as keeping the Secretary-General informed in general on the way in which the cease-fire is being kept (S C, 20th yr., Suppl. for July-Sept., p. 239, S/6651, paras. 2 and 3). The Secretary-General may as appropriate report to the Security Council.

[b] Replaced the Committee of Good Offices on the Indonesian Question, which committee had been established in pursuance of Security Council resolution 51 (1947) of 25 August 1947 with the same membership as the Commission and for the purpose of tendering the good offices of the Council to the parties in order to assist in the pacific settlement of their dispute.

[c] With respect to UNMOGIP, see footnote as above.

[d] Incumbent continues in post although there have been no activities of the mission for some time.

[e] For the civilian phase of ONUC, that is, "United Nations Civilian Operations in the Congo", see this *Supplement* under Article 98.

[f] Mr. Djerdjaf submitted his resignation from the Group in March 1964.

[g] See also this *Supplement* under Article 98 and Repertoire of the Practice of the Security Council, Supplement for 1964–1965, chap. V, case 1; chap. VIII, pp. 108–127.

[h] Under the consensus approved by the Security Council at its 1143rd meeting on 11 August 1964, the Force Commander was to supervise the cease-fire and reinforce the units of the Force in zones of recent military operations so as to ensure the safety of the inhabitants (S C, 19th yr., 1143rd mtg., para, 358).

[i] On 9 September 1964, the Secretary-General announced to the Security Council the death of Mr. Tuomiaja which had occurred on that date in Helsinki (S C, 19th yr., 1144th mtg., para. 2).

[j] By a letter addressed to the Secretary-General on 22 December 1965, Mr. Galo Plaza resigned from the

position of United Nations Minister in Cyprus (S C, 20th yr., Suppl. for Oct.-Dec., p. 542, S/7054).

[k] Since the resignation of Mr. Galo Plaza, no new minister has been designated because of the widely differing and firmly held views on the matter of the three Governments most directly concerned. While continuing his efforts to bring about a resumption of the mediation function, the Secretary-General broadened the scope of activity of his Special Representative in Cyprus, without prejudice to the mediation function as envisaged in Security Council resolution 186 (1964), authorizing him to employ his good offices and make such approaches to the parties in or outside of Cyprus as might seem to be productive, in the sense of achieving in the first instance discussions at any level of problems and issues of either a purely local or broader nature (S C, 21st yr., Suppl. for Jan.-March, p. 191, S/7180).

[l] By its decision of 19 May 1965, the Security Council requested the Secretary-General to convey to his representative in Santo Domingo that the Council desired his urgent efforts to be devoted to the immediate securing of a suspension of hostilities to facilitate the humanitarian work of the Red Cross in searching for the dead and wounded (S C, 20th yr., 1212th mtg.; President (Malaysia) para. 208).

[m] Initially, 13 observers on temporary loan from UNMOGIP and 15 on similar loan from UNTSO had been deployed in the UNIPOM area of operations pending the arrival of an adequate number of UNIPOM observers. The Chief Military Observer of UNMOGIP was initially also placed in charge of UNIPOM. After the arrival of the newly appointed Chief Officer of UNIPOM, the Chief Military Observer of UNMOGIP was asked by the Secretary-General to exercise overseeing functions with regard to both operations (S C, 20th yr., Suppl. for July-Sept., p. 335, S/6699/Add. 3, para. 3; Suppl. for Oct.-Dec., p. 1, S/6699/Adds. 6, 7 and 9, paras. 4, 3 and 2, respectively).

[n] The supervision called for by the Security Council was exercised in Jammu and Kashmir by the established machinery of UNMOGIP, which was considerably strengthened for that purpose, as requested by the Council (see item 1, footnote a above). Since the hostilities extended beyond the Kashmir cease-fire line, UNIPOM was set up as an administrative adjunct of UNMOGIP, as a temporary measure for the sole purpose of supervising the cease-fire along the India/Pakistan border outside the State of Jammu and Kashmir. UNIPOM was closely co-ordinated, both administratively and operationally, with UNMOGIP (see S C, 20th yr., Suppl. for July-Sept. p. 335, S/6699/Add. 3, and Suppl. for Oct.-Dec., p. 142, S/6738, doc. I). for the question of the relationship between UNMOGIP and UNIPOM, see letter dated 30 September 1965 from the representative of India to the Secretary-General (*ibid.*, p. 140, S/6735); *aide-memoire* dated 25 September 1965 from the Secretary-General to the representative of India (*ibid.*, p. 142, S/6738, doc. I); *aide-memoire* dated 24 September 1965 from the Government of India to the Secretary-General (*ibid.*, p. 150, S/6742); letter dated 5 October 1965 from the representative of Pakistan to the Secretary-General (*ibid.*, p. 161, S/6751); letter dated 8 October 1965 from the representative of India to the Secretary-General (*ibid.*, p. 170, S/6762); letter dated 11 October 1965 from the Secretary-General to the representative of Pakistan (*ibid.*, p. 184, S/6782, doc. I); letter dated 13 October 1965 from the Secretary-General to the representative of India, (*ibid.*, p. 186, S/6782, doc. IV).

ANNEX II

Field commissions and other subsidiary organs the establishment of which was proposed to but not adopted by the Security Council

Subject	*Proposed by*	*Composition*	*Purpose*	*Vote*	*Meeting and date of decision*
1. Complaint by USSR (RB-47 incident)	United States	Members to be designated in equal numbers by the United States, by the USSR and by a Government or authority acceptable to both parties (S C, 15th yr., Suppl. for July-Sept., p. 35, S/4409/Rev. 1, oper. para. 1)	To inquire into the incident by inspecting the site, examining such remains of the plane as may be located, and interrogating survivors and other witnesses (S C, 15th yr., Suppl. for July-Sept., p. 35, S/4409/Rev. 1, oper. para. 1)	9 in favour, 2 against, one negative vote being that of a permanent member	26 July 1960 (S C, 15th yr., 883rd mtg., para. 188)
2. Situation in Angola	Liberia, co-sponsored by Ceylon and United Arab Republic	Membership of the proposed sub-committee to be determined by the Security Council (S C, 16th yr., 945th mtg., para.107: S/4769, oper. para. 2)	To examine the statements made before the Security Council concerning Angola, to receive further statements and documents and to conduct such inquiries as it may deem necessary and to report to the Security Council as soon as possible (S C, 16th yr., 945th mtg., para. 107; S/4769, oper. para. 2)	5 in favour, none against, with 6 abstentions	5 March 1961, (S C, 16th yr., 946th mtg., para. 165)[a]

[a] At its 956th meeting on 9 June 1961, however, the Security Council adopted as its resolution 163 (1961) a draft resolution (S C, 16th yr., Suppl. for April-June, p. 67, S/4835) submitted by Liberia and co-sponsored by Ceylon and the United Arab Republic, in operative paragraphs 2 and 5 of which the Council requested the Sub-Committees on the Situation in Angola, appointed under the terms of General Assembly resolution 1603 (XV) of 20 April 1961, to implement its mandate without delay and to report to the Security Council and the General Assembly as soon as possible (S C, 16th yr., 956th mtg., para. 159; see also this *Supplement* under Article 34, paras. 33—45).

ANNEX III[a]

Ad hoc committees and sub-committees established by the Security Council to assist it at Headquarters

Title	*Establishment*	*Composition*	*Functions*	*Termination*
1. Expert Committee of the Security Council on Measures concerning the Question of Race Conflict in South Africa[b]	18 June 1964 (S C resolution 191 (1964), oper. para. 8)	Representatives of the 1964 members of the Security Council: Bolivia, Brazil, China, Czechoslovakia, France,[c] Ivory Coast, Morocco, Norway, USSR, United Kingdom and United States	To undertake a technical and practical study and report to the Council as to the feasibility, effectiveness and implications of measures which could, as appropriate, be taken by the Council under the Charter of the United Nations; to request all States Members to cooperate with the Expert Committee and to submit to it their views on such measures no later than 30 November 1964; to complete its report no later than three months thereafter (S C, resolution 191 (1964), oper. para. 8)	Ceased to function as from 27 February 1965 when it submitted its report to the Security Council thereby fulfilling its mandate (S C, 20th yr., Special Suppl. No. 2, S/6210 and Add. 1)

[a] For purposes of uniformity, the headings of annex III have been changed to conform to those of annex I.

[b] S C resolution 191 (1964) did not specify where the Expert Committee was to hold its meetings. The Committee held all its meetings at Headquarters in New York.

[c] France did not participate in the meetings of the Committee.