

# ARTICLE 98

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## ARTICLE 98

### TEXT OF ARTICLE 98

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

### INTRODUCTORY NOTE

1. Except as indicated below, the organization of the present study generally follows that of the previous studies of Article 98 in the *Repertory* and its *Supplements No. 1, 2 and 3*. In the analytical summary of practice, several subheadings under section C, "Financial functions of the Secretary-General" and section D, "Functions of the Secretary-General with respect to political and security matters" have been deleted since the actions taken by the Secretary-General thereunder had come to an end in the period covered by *Supplement No. 3*. In section D, subsection 6, "Functions exercised under General Assembly and Security Council resolutions with respect to the situation in the Middle East" has been added in view of the new mandate received by the Secretary-General from the Assembly and the Council consequent to the renewed Arab-Israeli hostilities beginning in June 1967. Other additions are: two subsections, 8 and 9, under section C, and two subheadings, a and b, under subsection 1, and eleven subheadings, d-n inclusive, under subsection 7, of section D.

### I. GENERAL SURVEY

2. In the period under review the Secretary-General continued to discharge important responsibilities in the political area pursuant to General Assembly and Security Council resolutions. In this respect the Secretary-General's functions in relation to the conflict in the Middle East constituted the most significant development. The cease-fire resolutions adopted by the Security Council in 1967 as a result of the hostilities of June of that year charged the Secretary-General with the task of following their implementation. In order to promote agreement in the area and assist efforts to achieve a settlement in accordance with Security Council resolution 242(1967), the Council, in the same resolution, requested the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned. Security Council and General Assembly resolutions concerning assistance to the inhabitants of the areas where military operations had taken place also requested the Secretary-General to follow their implementation, it being provided in some of these resolutions<sup>1</sup> that the Secretary-General was to dispatch a Special Representative to those areas. The only peace-keeping operation maintained throughout the period was the United Nations Peace-keeping Force in Cyprus (UNFICYP), whose mandate was successively extended by the Security Council.

3. In addition, the Secretary-General continued to discharge other responsibilities, pursuant to specific mandates covering a wide range of activities in the political field. He was requested, for example, to nominate a candidate for the post of United Nations Commissioner

for Namibia,<sup>2</sup> to appoint special missions to, or ensure a United Nations presence in, dependent territories,<sup>3</sup> to assist in the implementation by the specialized agencies and the international institutions associated with the United Nations of the Declaration on the Granting of Independence to Colonial Countries and Peoples,<sup>4</sup> to assist in the implementation of General Assembly resolutions concerning decolonization,<sup>5</sup> to organize an international conference or seminar on the problems of *apartheid*, racial discrimination and colonialism in southern Africa,<sup>6</sup> and to prepare a report on the establishment, within the framework of the International Atomic Energy Agency (IAEA), of an international service for nuclear explosions for peaceful purposes, under appropriate international supervision.<sup>7</sup>

4. The Secretary-General continued to be actively engaged in the exercise of functions performed under the powers inherent in his office. His activities in this area consisted of the issuance of appeals, the exercise of good offices and the appointment of personal or special representatives. On several occasions, the Secretary-General elaborated on the principles applicable to such activities, emphasizing, in particular, his right to take action on his own initiative whenever the Governments

<sup>2</sup>G A resolution 2248(S-V).

<sup>3</sup>Resolution adopted on 15 June 1966 by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (see G A (XXI), Annexes, a.i. 23/Addendum, A/6300/Rev.1, chapter VI, para. 382), G A resolutions 2229(XXI), 2230(XXI) and 2228(XXI).

<sup>4</sup>G A resolution 2311(XXII).

<sup>5</sup>G A resolutions 2073(XX) and 2231(XXI).

<sup>6</sup>G A resolution 2202 A (XXI).

<sup>7</sup>G A resolution 2456 C (XXIII).

<sup>1</sup>S C resolution 259(1968), for example.

concerned agreed thereto. The administrative and executive functions of the Secretary-General, as well as his technical functions, continued to expand and to become more diversified. In the field of public information a significant development was a request made to the Secretary-General to associate non-governmental organizations with the work of the Office of Public Information. An increasing emphasis was laid on the need for publicizing the work of the United Nations in

the field of decolonization and for the dissemination of information intended to combat *apartheid*.

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

## II. ANALYTICAL SUMMARY OF PRACTICE

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

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

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

6. In a number of instances, during the period under review, the Secretary-General was expressly requested to include an item in the provisional agenda of the General Assembly. This was the case for example with the Conference on Non-Nuclear Weapon States,<sup>8</sup> the question of the implementation of the results of that Conference,<sup>9</sup> the question of the punishment of war criminals and of persons who have committed crimes against humanity<sup>10</sup> and the problems and needs of youth and its participation in national development.<sup>11</sup> In addition, the Secretary-General was requested by General Assembly resolution 2309(XXII) to draft an agenda for the Fourth International Conference on the Peaceful Uses of Atomic Energy.

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

7. During the period under review the General Assembly and the Economic and Social Council requested the Secretary-General, on a number of occasions, to convene conferences and meetings. For example, he was requested by the General Assembly to convene the first session of the International Conference of Plenipotentiaries on the Law of Treaties,<sup>12</sup> to make arrangements for convening the Conference of Non-Nuclear Weapon States,<sup>13</sup> to convene meetings of the Committee for Development Planning as often as was necessary to expedite the work of the Preparatory Committee for the Second United Nations Development Decade,<sup>14</sup> and to reconstitute and convene on a regular basis the Informal Joint Committee on Host Country Relations.<sup>15</sup> By its resolution 1402(XLVI), the Economic and Social Council requested the Secretary-General to make the necessary arrangements for a special session of the Commission on Narcotic Drugs. He was also requested, by Council resolution 1430(XLVI), to convene the *Ad Hoc* Group of Experts on Tax Treaties between Developed and Developing Countries early in 1970. On a regional basis, the Council requested the Secretary-General to

convene the Sixth United Nations Regional Cartographic Conference for Asia and the Far East,<sup>16</sup> and a regional conference of non-governmental organizations in Africa.<sup>17</sup>

8. By its resolution 2217 C (XXI), the General Assembly requested the Secretary-General to determine, in consultation with the Government of Iran (which was to be the host country) and the Preparatory Committee for the International Conference on Human Rights, the opening date for that Conference.

9. By its resolution 2186(XXI) on the establishment of the United Nations Capital Development Fund, the General Assembly requested the Secretary-General to convene an annual pledging conference at which Member States would announce their contributions to that Fund.

10. By its resolutions 2290(XXII) and 2527(XXIV), the Assembly requested the Secretary-General, in co-operation with the Director-General of the Food and Agriculture Organization of the United Nations to convene pledging conferences in connexion with the World Food Programme.

##### \*\*c. *Examination of credentials*

##### d. *Provision of staff and services*

11. Numerous resolutions were adopted during the period under review in which the Secretary-General was requested to provide the necessary staff and services to United Nations organs and international conferences convened under the auspices of the United Nations. In most cases the Secretary-General was requested to provide the necessary facilities, means and services for the effective accomplishment of the task of the body concerned.<sup>18</sup> In certain resolutions the provision of documents,<sup>19</sup> information<sup>20</sup> or financial assistance<sup>21</sup> was specifically requested.

12. By its resolution 2273(XXII) the General Assembly requested the Secretary-General to arrange for the presence of a Special Rapporteur on special missions as an expert during the debates on the relevant topic at the twenty-third session of the Assembly.

13. By its resolution 2185(XXI) the General Assembly requested the Secretary-General to provide all the necessary facilities for the visit of a sub-committee to the Territory of Fiji.

<sup>8</sup>G A resolution 2456 A (XXIII).

<sup>9</sup>G A resolution 2605 A (XXIV).

<sup>10</sup>E S C resolution 1220(XLII).

<sup>11</sup>E S C resolution 1407(XLVI).

<sup>12</sup>G A resolution 2166(XXI).

<sup>13</sup>G A resolution 2346 B (XXII).

<sup>14</sup>G A resolution 2411(XXIII).

<sup>15</sup>G A resolution 2618(XXIV).

<sup>16</sup>E S C resolution 1313(XLIV).

<sup>17</sup>E S C resolution 1297(XLIV).

<sup>18</sup>See, for example, G A resolutions 2202 B (XXI), 2217 C (XXI), 2330(XXII), 2372(XXII), 2425(XXIII), 2420(XXIII), 2602 B (XXIV) and 2554(XXIV), as well as E S C resolutions 1218(XLII), 1302 (XLIV) and 1418(XLVI).

<sup>19</sup>For example, G A resolutions 2166(XXI) and 2339(XXII).

<sup>20</sup>For example, G A resolution 2437(XXIII).

<sup>21</sup>For example, G A resolutions 2202(XXI) and 2396(XXIII).

## 2. TRANSMISSION OF COMMUNICATIONS

14. During the period under review a number of resolutions were adopted by which the Secretary-General was requested to transmit communications. The kind of communications transmitted varied widely. They included: resolutions,<sup>22</sup> draft resolutions,<sup>23</sup> records,<sup>24</sup> reports,<sup>25</sup> communications and reports from specialized agencies,<sup>26</sup> draft agendas,<sup>27</sup> suggestions from specialized agencies and other international institutions,<sup>28</sup> draft declarations,<sup>29</sup> the texts of treaties,<sup>30</sup> and information.<sup>31</sup> Certain communications were transmitted to States Members of the United Nations,<sup>32</sup> others to the latter as well as members of specialized agencies and the IAEA.<sup>33</sup> One communication was transmitted to the Governing Body of the International Labour Organisation.<sup>34</sup> Some communications were transmitted to the General Assembly,<sup>35</sup> or to various other United Nations bodies.<sup>36</sup> Others were transmitted to specialized agencies or the IAEA.<sup>37</sup> In certain cases a communication was transmitted to an individual Member State.<sup>38</sup> In one case a resolution was transmitted to the President of the Security Council.<sup>39</sup>

## 3. INTEGRATION OF ACTIVITIES

### a. Calendar of meetings

15. Under General Assembly resolution 1202(XII), the Secretary-General continued to submit each year to the Assembly, at its regular session, a programme of conferences and meetings for the following year. In the preambular part of its resolution 2239(XXI), the Assembly noted that responsibility for the organization of the calendar rested with the Secretary-General in his capacity as chief administrative officer of the Organization. In the same resolution, the Assembly requested the Secretary-General to draw up in August of each year, in his capacity as Chairman of the Administrative Committee on Co-ordination and in consultation with the other members of that Committee, the provisional calendar of meetings and conferences planned by the entire United Nations family of organizations for the two following calendar years, to prepare at the same time a complete statement of the existing resources and the additional resources that would be required for the proposed schedule of meetings and conferences of the Organization for the two following calendar years and to transmit this material to the Advisory Committee on Administrative and Budgetary Questions and to the Committee on Conferences established by Assembly resolution 2239(XXI).

<sup>22</sup>G A resolutions 2474 A (XXIII) and E S C resolution 1216 (XLII).

<sup>23</sup>E S C resolution 1422(XLVI).

<sup>24</sup>G A resolutions 2293(XXII) and 2400(XXIII).

<sup>25</sup>G A resolutions 2454 A (XXIII) and 2474 B (XXIII).

<sup>26</sup>G A resolution 2475 B (XXIII) and E S C 1216(XLII).

<sup>27</sup>G A resolution 2575(XXIV).

<sup>28</sup>G A resolution 2426(XXIII).

<sup>29</sup>G A resolution 2203(XXI).

<sup>30</sup>G A resolution 2198(XXI).

<sup>31</sup>E S C 1423(XLVI).

<sup>32</sup>G A resolution 2203(XXI) and E S C resolution 1422(XLVI).

<sup>33</sup>G A resolution 2198(XXI), 2456 A and C (XXIII).

<sup>34</sup>E S C resolution 1216(XLII).

<sup>35</sup>G A resolution 2575(XXIV).

<sup>36</sup>G A resolutions 2162 C (XXI), 2293(XXII), 2442(XXIII), 2474 B (XXIII), 2400(XXIII), E S C 1264(XLIII), 1406(XLVI).

<sup>37</sup>G A resolutions 2150(XXI), 2442(XXIII), 2475 B (XXIII) and 2536(XXIV), as well as E S C 1216(XLII).

<sup>38</sup>G A resolutions 2227(XXI), 2228(XXI) and 2230(XXI).

<sup>39</sup>G A resolution 2479(XXIII).

16. In paragraph 24 of its report to the Assembly at its twenty-third session,<sup>40</sup> the Committee on Conferences, established by the Assembly in its resolution 2239(XXI), recommended, *inter alia*, that the calendar of conferences and meetings submitted to the Economic and Social Council at its summer session should be drawn up in close consultation with the Committee on Conferences. This recommendation, together with the other recommendations contained in paragraph 24 of the report of the Committee, was approved by the Assembly in its resolution 2478(XXIII).

17. By its resolution 1460(XLVII), the Economic and Social Council requested the Secretary-General to submit a study containing certain information on trends over the preceding five years in respect of the number and length of conferences and meetings in the economic, social and human rights fields and related questions. By its resolution 2609(XXIV), the General Assembly requested the Secretary-General to complete that study by widening its field of application to the whole area of conferences and meetings held by subsidiary organs of the Assembly, incorporating therein proposals concerning the calendar of conferences for 1971 and the following years which would allow for most rational and economical possible use of the administrative premises and staff assigned to conference and meeting services both at Headquarters in New York and at the United Nations Office in Geneva.

### b. Planning of work programmes and priorities

18. By its resolution 2211(XXI), the General Assembly requested the Secretary-General, *inter alia*, to present to the Population Commission proposals with regard to the priorities of work within the framework of the long-range programme of work in the field of population.

19. By its resolution 2446(XXIII), the Assembly requested the Secretary-General to prepare, in consultation with Member States, a programme for the celebration in 1971 of the International Year for Action to Combat Racism and Racial Discrimination.

20. By its resolution 1303(XLIV), the Economic and Social Council, having received the sections of the report of its Committee for Programme and Coordination on eight specific sectors of the work programme of the United Nations in the economic and social fields, requested the Secretary-General to take into account the Committee's comments and observations with respect to the work programme. By its resolutions 1366(XLV) and 1456(XLVII), the Council made similar requests to the Secretary-General in respect of other sectors of the work programme. By its resolution 1357(XLV), the Council requested the Secretary-General, *inter alia*, to give particular attention to the formulations of a programme of action as part of the International Development Strategy for the forthcoming Second United Nations Development Decade, by which the mobilization of public opinion in developed and developing countries regarding the Decade could be achieved.

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

21. By its resolution 2579(XXIV), the General Assembly welcomed the practice initiated by the Secretary-General of holding top-echelon meetings of staff concerned with economic and social affairs within the

<sup>40</sup>G A (XXIII), a.i. 75, A/7361 and Add.1.

United Nations, including the regional economic commissions and the semi-autonomous organs.

22. By its resolution 1281 II (XLIII), the Economic and Social Council requested the Secretary-General to take the necessary steps to ensure that, insofar as the United Nations Secretariat was concerned, all questionnaires emanating therefrom be approved by the United Nations Statistical Office whenever they involved the provision of statistical data.

23. By its resolution 1202(XLII), the Council requested the Secretary-General, *inter alia*, to consider ways of avoiding duplication of activities within the Secretariat units dealing with shipping and ports.

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

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

25. In its resolution 2247(XXI), the Assembly requested the Secretary-General to submit to the Advisory Committee on Administrative and Budgetary Questions a preliminary report containing suggestions and recommendations for the elimination, consolidation or reduction in frequency of various publications. The report was to be based on studies carried out by the Publication Board in accordance with directives laid down in the resolution. In its resolution 2292(XXII), the Assembly requested the Secretary-General, *inter alia*, to prepare a document setting forth the policies laid down by the Assembly regarding the control and limitation of documentation and present it to members prior to each session of a council, board, commission, committee or other body. In that resolution the Assembly also requested the Secretary-General to take all measures to ensure a more effective presentation and communication of documents in due time and simultaneously in the working languages. In its resolution 2538(XXIV), the Assembly requested the Secretary-General to submit to it a list of the resolutions of the Assembly and its subsidiary bodies that called for periodic reports. In that resolution the Assembly also asked the Secretary-General to draw the attention of bodies concerned with organizing international conferences to the desirability of giving careful consideration to employing whenever possible annotated agenda, lists of headings for discussion, and the like, instead of background papers, or in conjunction with a reduced number of such papers, and to indicate, when giving the financial implications of a proposal for a non-recurrent report, whether there was any serious publication on the same subject in the organizations in the United Nations system which would duplicate or substantially overlap the proposed publication.

26. In its resolution 1281(XLIII) the Economic and Social Council requested the Secretary-General to indicate to the Council and its subsidiary bodies, before the adoption of any proposal under consideration, the extent to which the proposal was already covered by existing projects or documentation, or fell more properly within the terms of reference of another organization.

27. In paragraph 24 of its report to the General Assembly at its twenty-third session,<sup>41</sup> the Committee

on Conferences recommended, *inter alia*, that the Secretary-General should prepare and submit to the Committee on Conferences, upon the conclusion of each session of every main and subsidiary organ scheduled to meet in 1969, a brief description of the servicing workload involved, indicating, among other things, whether the actual burden differed from the estimated workload. In its resolution 2478(XXIII), the Assembly approved the recommendation.

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

28. The Secretary-General continued to discharge responsibilities for co-ordinating the work of the United Nations and the other organizations in the United Nations family in his capacity as Chairman of the Administrative Committee on Co-ordination.

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

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

29. As in the past, the Secretary-General was requested by the General Assembly and the Economic and Social Council to collaborate with the appropriate specialized agencies in implementing decisions and undertaking concerted action in specific fields. During the period under review, these activities covered such diversified matters as the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations,<sup>42</sup> combating the policies of *apartheid* of the Government of the Republic of South Africa,<sup>43</sup> permanent sovereignty over natural resources,<sup>44</sup> the utilization of the resources of the sea,<sup>45</sup> the preparation, for submission to the Enlarged Committee for Programme and Co-ordination, of general information concerning the programmes and activities in the economic social, technical co-operation and related fields of the United Nations, the specialized agencies and the other institutions and agencies related to the United Nations system,<sup>46</sup> population growth and economic development,<sup>47</sup> the preparation of periodic reports on the world social situation,<sup>48</sup> the co-ordination of measures and activities undertaken in connexion with the International Year for Human Rights,<sup>49</sup> studies on multilateral food aid,<sup>50</sup> the United Nations Development Decade,<sup>51</sup> action to increase the production and use of edible protein,<sup>52</sup> the outflow of trained professional and technical personnel from the developing to the developed countries,<sup>53</sup> public administration and development,<sup>54</sup> the mobilization of public opinion regarding the United

<sup>42</sup>G A resolutions 2311(XXII) and 2426(XXIII). See paras. 256-260 and 345 below.

<sup>43</sup>G A resolutions 2202 A (XXI), 2439(XXIII) and E S C resolution 1414(XLVI).

<sup>44</sup>G A resolution 2158(XXI), sect. II.

<sup>45</sup>G A resolution 2172(XXI) and E S C resolution 1380(XLV).

<sup>46</sup>G A resolution 2188(XXI).

<sup>47</sup>G A resolution 2211(XXI).

<sup>48</sup>G A resolution 2215(XXI).

<sup>49</sup>G A resolution 2217 A (XXI) and annex.

<sup>50</sup>G A resolution 2300(XXII).

<sup>51</sup>G A resolution 2305(XXII).

<sup>52</sup>G A resolution 2319(XXII) and E S C resolution 1257(XLIII).

<sup>53</sup>G A resolution 2417(XXIII).

<sup>54</sup>G A resolution 2561(XXIV).

<sup>41</sup>*Ibid.*



Nations Development Decade,<sup>55</sup> the examination of the existing Secretariat machinery for providing scientific and technical advice in the United Nations system,<sup>56</sup> statistical co-ordination,<sup>57</sup> transport development,<sup>58</sup> the development and utilization of human resources,<sup>59</sup> the transfer of operative technology to developing countries,<sup>60</sup> the promotion of private foreign investment in developing countries,<sup>61</sup> tourism,<sup>62</sup> the evaluation of programmes of technical co-operation,<sup>63</sup> programmes of international action relating to youth,<sup>64</sup> education,<sup>65</sup> export credits and export promotion in developing countries,<sup>66</sup> and future institutional arrangements for science and technology.<sup>67</sup>

30. By its resolution 1267(XLIII) the Economic and Social Council, *inter alia*, requested the Secretary-General to take appropriate steps to provide for consultations and technical co-operation between Regional Co-operation and Development (a non-United Nations inter-governmental organization) and the United Nations on matters of common interest and also invited him to continue to maintain and to strengthen contacts at the secretariat level with major inter-governmental organizations in the economic and social field outside the United Nations system.

31. By its resolutions 2579(XXIV), the General Assembly requested the Secretary-General, as Chairman of the Administrative Committee on Co-ordination, to bring to the attention of all organizations in the United Nations system the recommendation of the Enlarged Committee for Programme and Co-ordination for strengthening the arrangements for co-ordination in effect at the time by the adoption of more effective procedures for prior consultations on work programmes.

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

32. During the period under review the Secretary-General continued to co-operate closely with the executive heads of the specialized agencies for the purpose of achieving uniform financial and administrative policies. Six resolutions of the General Assembly concerned administrative and budgetary co-ordination of the United Nations with the specialized agencies and the IAEA.<sup>68</sup> By its resolution 2150(XXI), in which it approved the report of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies,<sup>69</sup> the Assembly requested the Secretary-General, as Chairman of the Administrative Committee on Co-ordination, to encourage the adoption of the appropriate measures by the specialized agencies and the IAEA, particularly those requiring concerted action, inviting him to submit to it at its twenty-second session a report on the implementation of the recommendations of the *Ad Hoc* Committee by

the United Nations family of organizations. In its resolutions 2247(XXI) and 2292(XXII) the Assembly requested the Secretary-General to harmonize the publications programme of the organizations members of the United Nations system. In its resolution 1280(XLIII), the Economic and Social Council requested the Secretary-General and the executive heads of the specialized agencies to take such actions as might be needed to enable the Joint Inspection Unit<sup>70</sup> to begin work by 1 January 1968.

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

33. As stated in *Repertory, Supplement No. 3*,<sup>71</sup> the Secretary-General's functions in respect of the preparation of work can be considered to include the integration of activities of the United Nations system; similarly, the transmission of communications by the Secretary-General is often an aspect of his functions in respect of the preparation of the work of United Nations organs. The collection of information and the preparation of studies, as well as the administration of operational programmes, both of which are considered technical functions and are dealt with in section B below, also constitute aspects of the Secretary-General's functions with regard to the preparation of work. Moreover, the implementation of any one resolution or decision may involve many aspects of the Secretary-General's administrative, executive, technical and financial functions.

34. By its resolution 2205(XXI), section III, the General Assembly requested the Secretary-General, pending the election of the members of the United Nations Commission on International Trade Law, to carry out the preparatory work necessary for the organization of the Commission's work. By Assembly resolution 2309(XXII), he was requested to prepare plans for a fourth international conference on the peaceful uses of atomic energy. Assembly resolution 2148(XXI) requested him to provide the necessary assistance for the organization of the International Tourist Year. In its resolution 2261(XXII), the Assembly requested to continue to make the necessary organizational and administrative arrangements for a United Nations Conference on the Exploration and Peaceful Uses of Outer Space.

35. In its resolution 2581(XXIV), the Assembly entrusted him with overall responsibility for organizing and preparing a United Nations Conference on the Human Environment. Other resolutions of the Assembly or the Economic and Social Council requested the Secretary-General to make proposals or recommendations for action.<sup>72</sup>

36. By its resolution 1315(XLIV), the Economic and Social Council requested the Secretary-General to undertake practical measures in implementing the recommendations of the Fifth United Nations Regional Cartographic Conference for Asia and the Far East. Other resolutions entrusted their implementation to the

<sup>55</sup>E S C resolution 1357(XLV) and G A resolution 2567(XXIV).

<sup>56</sup>G A resolution 2579(XXIV).

<sup>57</sup>E S C resolutions 1214(XLII) and 1306(XLIV).

<sup>58</sup>E S C resolution 1202(XLII).

<sup>59</sup>E S C resolution 1274(XLIII).

<sup>60</sup>E S C resolutions 1312(XLIV) and 1361(XLV).

<sup>61</sup>E S C resolution 1359(XLV).

<sup>62</sup>E S C resolution 1363(XLV).

<sup>63</sup>E S C resolution 1364(XLV).

<sup>64</sup>E S C resolution 1354(XLV).

<sup>65</sup>E S C resolution 1403(XLVI).

<sup>66</sup>E S C resolution 1452(XLVII).

<sup>67</sup>E S C resolution 1454(XLVII).

<sup>68</sup>G A resolutions 2190 A (XXI), 2190 B (XXI), 2316(XXII), 2474 A (XXIII), 2474 B (XXIII) and 2611(XXIV).

<sup>69</sup>G A (XXI), Annexes, a.i. 80, A/6343.

<sup>70</sup>In its report to the General Assembly at its twenty-first session, the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations had recommended the establishment of this body; the recommendations contained in that report were approved by the Assembly in its resolution 2150(XXII).

<sup>71</sup>See *Repertory, Supplement No. 3*, under Article 98, para. 26.

<sup>72</sup>G A resolutions 2398(XXIII), 2444(XXIII), 2529(XXIV) and 2581(XXIV); E S C resolution 1261(XLIII).

Secretary-General,<sup>73</sup> or requested him to assist in implementing them.<sup>74</sup> Numerous resolutions charged the Secretary-General with the task of reporting on their implementation.<sup>75</sup>

37. During the period under review the Secretary-General was requested to undertake such diverse tasks as preparing a register of experts whose services the States parties to a dispute might use by agreement for fact-finding in relation to disputes,<sup>76</sup> extending his good offices to the Board of Trustees of the United Nations International School, which was urged to reach a speedy solution to the problem of a permanent accommodation for the School, and exploring, with delegations and with the Board, new proposals for achieving the target of the Development Fund at the earliest possible time,<sup>77</sup> establishing a register of organizations concerned with the progressive harmonization and unification of international trade law,<sup>78</sup> proceeding with the design and construction of a mechanical voting system,<sup>79</sup> implementing administrative arrangements to ensure the full technical independence of the International Narcotics Control Board,<sup>80</sup> taking steps to promote arrangements to ensure the development of an integrated and co-ordinated international statistical programme,<sup>81</sup> taking practical measures in implementing, as appropriate, the recommendations of the Fifth United Nations Regional Cartographic Conference for Asia and the Far East,<sup>82</sup> maintaining close contact with the Government of Lebanon on the development of its efforts to replace *cannabis* cultivation in its territory by substitute crops and reporting thereon periodically to the Commission on Narcotic Drugs,<sup>83</sup> exploring the sources of public and private aid capable of furnishing assistance to that Government in its effort to complete its *cannabis* substitution programme,<sup>84</sup> carrying out consultations with Governments of Member States, the specialized agencies and other international organizations concerned with a view to facilitating the preparatory work for the meeting of a panel on foreign investment<sup>85</sup> and making certain arrangements with the Advisory Committee on Administrative and Budgetary Questions in respect of reports of the Joint Inspection Unit<sup>86</sup> concerning the activities of the United Nations itself.<sup>87</sup>

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

38. In its resolution 2289(XXII), the General Assembly requested the Secretary-General to transmit to all States Members of the United Nations and to the Conference of the Eighteen-Nation Committee on

<sup>73</sup>G A resolutions 2395(XXIII), 2444(XXIII), 2548(XXIV), 2602 E (XXIV).

<sup>74</sup>G A resolution 2145(XXI), 2144(XXI), 2326(XXII), 2465 (XXIII), 2507(XXIV) and 2555(XXIV).

<sup>75</sup>G A resolutions 2158(XXI), sect. II, 2215(XXI), 2300(XXII), 2352(XXII), 2456 A (XXII), 2452 A (XXIII), 2547 A (XXIV) and E S C resolutions 1268(XLIII), 1320(XLIV), 1409(XLVI), 1452 (XLVII).

<sup>76</sup>G A resolution 2329(XXII).

<sup>77</sup>G A resolution 2477(XXIII).

<sup>78</sup>G A resolution 2429(XXIII).

<sup>79</sup>G A resolution 2519(XXIV).

<sup>80</sup>E S C resolution 1196(XLII).

<sup>81</sup>E S C resolution 1306(XLIV).

<sup>82</sup>E S C resolution 1313(XLIV).

<sup>83</sup>E S C 1292(XLIV).

<sup>84</sup>E S C resolution 1400(XLVI).

<sup>85</sup>E S C resolutions 1286(XLIII) and 1359(LXV).

<sup>86</sup>See foot-note 70 above.

<sup>87</sup>E S C resolution 1457(XLVII).

Disarmament the draft convention on the prohibition of the use of nuclear weapons proposed by the USSR.<sup>88</sup> By Assembly resolution 2337(XXII), he was requested to submit a report on the status of the International Covenant on Economic, Social and Cultural Rights, of the International Covenant on Civil and Political Rights and of the Optional Protocol thereto to the International Conference on Human Rights, held at Teheran in 1968, and to the Assembly at its twenty-third session. In its resolution 2338(XXII), the Assembly requested the Secretary-General to transmit to Member States the report of a joint working group of the Third and Sixth Committees established at that session,<sup>89</sup> and invite them to submit comments thereon. The report contained the text of a draft convention prepared by the working group.<sup>90</sup>

39. By its resolutions 2444(XXIII) and 2597(XXIV), the Assembly invited the Secretary-General, in consultation with the International Committee of the Red Cross, to study, *inter alia*, (a) steps which could be taken to secure the better application of existing international humanitarian conventions and rules in all armed conflicts and (b) the need for additional international humanitarian conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts.

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

40. In its resolution 1297(XLIV) on non-governmental organizations, the Economic and Social Council requested the Secretary-General to include in his annual reports on the work of the Organization information on the implementation of the provisions of that resolution.

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

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

41. The Secretary-General's functions in this field continued to be extensive and varied. He was requested by the General Assembly to prepare reports and collect information on such diverse subjects as the effects of the possible use of nuclear weapons and on the security and economic implications for States of the acquisition and further development of such weapons,<sup>91</sup> possible measures to be taken in order to limit or decrease the outflow of capital from the developing to the developed countries,<sup>92</sup> the technical and financial implications of carrying out surveys of petroleum and natural gas resources in the developing countries,<sup>93</sup> the various principles, directives and guidelines for action in the field of development,<sup>94</sup> a preliminary framework of an international development strategy for the 1970s,<sup>95</sup> the reverse flows of long-term capital from the developing to the developed countries,<sup>96</sup> the protein crisis,<sup>97</sup> the

<sup>88</sup>G A (XXII), Annexes, a.i. 96, document A/6834.

<sup>89</sup>See the decision adopted by the General Assembly at its 1564th plenary meeting on 23 September 1967.

<sup>90</sup>G A (XXII), Annexes, a.i. 60, A/C.3/L.1503.

<sup>91</sup>G A resolution 2162 A (XXI).

<sup>92</sup>G A resolution 2169(XXI).

<sup>93</sup>G A resolution 2173(XXI).

<sup>94</sup>G A resolution 2218 A (XXI).

<sup>95</sup>G A resolutions 2218 B (XXI) and 2305(XXII).

<sup>96</sup>G A resolution 2276(XXII).

<sup>97</sup>G A resolutions 2319(XXII) and 2416(XXIII).

outflow of trained personnel from developing countries,<sup>98</sup> a programme of international co-operation on questions related to the oceans,<sup>99</sup> international co-operation with a view to the use of computers and computation techniques for development,<sup>100</sup> the evolution of the food problem in developing countries,<sup>101</sup> the establishment of an inter-governmental tourism organization,<sup>102</sup> taxation systems in developing countries,<sup>103</sup> the problems of the least developed among the developing countries,<sup>104</sup> the prevention and control of marine pollution,<sup>105</sup> the feasibility of an international university,<sup>106</sup> the use of computers in the United Nations system of organizations,<sup>107</sup> the elimination of racial discrimination,<sup>108</sup> preparations for the International Year for Human Rights,<sup>109</sup> capital punishment,<sup>110</sup> measures taken against nazism and racial intolerance,<sup>111</sup> respect for human rights in armed conflicts,<sup>112</sup> the implementation of the Declaration on Social Progress and Development,<sup>113</sup> the preparations for the observance in 1971 of the International Year for Action to Combat Racism and Racial Discrimination,<sup>114</sup> the combating of racial discrimination and the policies of *apartheid* and segregation in southern Africa,<sup>115</sup> the creation of the post of United Nations High Commissioner for Human Rights,<sup>116</sup> human rights and scientific and technological developments,<sup>117</sup> the pattern of conferences,<sup>118</sup> the composition of the Secretariat,<sup>119</sup> publications and documentation of the United Nations,<sup>120</sup> the implementation of the recommendations of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies,<sup>121</sup> the nature of the increases in the level of expenditures in the United Nations regular budget,<sup>122</sup> the relocation of units of the Secretariat,<sup>123</sup> the question of methods of fact-finding<sup>124</sup> and international trade law.<sup>125</sup> Reports undertaken and information collected at the request of the Economic and Social Council concerned such diverse matters as the transfer of operative technology to developing countries,<sup>126</sup> statistical co-ordination,<sup>127</sup> the transport development of developing countries,<sup>128</sup> economic planning and projections,<sup>129</sup> export credits, development financing and export promotion in developing countries,<sup>130</sup> tax

treaties between developed and developing countries,<sup>131</sup> the promotion of private foreign investment in developing countries,<sup>132</sup> the preparatory work for a survey programme for the development of natural resources,<sup>133</sup> the development of non-agricultural resources,<sup>134</sup> the implementation of the Declaration on the Elimination of Discrimination against Women,<sup>135</sup> the access of women to education,<sup>136</sup> the question of slavery and slave-trade in all their practices and manifestations,<sup>137</sup> the world population situation,<sup>138</sup> the United Nations Development Decade,<sup>139</sup> the resources of the sea,<sup>140</sup> methods employed at the national level by Governments of States Members of the United Nations for co-ordinating their policies in respect of the activities of the United Nations,<sup>141</sup> the major transport problems of developing countries,<sup>142</sup> the role of the co-operative movement in economic and social development,<sup>143</sup> progress in the field of education,<sup>144</sup> the world social situation of youth<sup>145</sup> and the development of tourism.<sup>146</sup> As in the past, the Secretary-General continued to be requested to ascertain the views of or consult with Governments.<sup>147</sup>

## 2. OPERATIONAL FUNCTIONS OF THE SECRETARY-GENERAL

42. As before, various resolutions adopted by the General Assembly and the Economic and Social Council during the period under review contained requests to the Secretary-General with regard to various operational programmes administered by him.

43. For example, he was requested to continue to provide assistance in connexion with offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories,<sup>148</sup> for South West Africa<sup>149</sup> and for Territories under Portuguese Administration.<sup>150</sup> The Secretary-General was further requested to give technical assistance in such areas as the transfer of technology to developing countries,<sup>151</sup> water desalination,<sup>152</sup> the teaching, study, dissemination and wider appreciation of international law,<sup>153</sup> population and housing resources,<sup>154</sup> the recording by developing countries of the inflow and outflow of financial resources,<sup>155</sup> assistance in cases of natural disasters,<sup>156</sup>

<sup>98</sup>G A resolutions 2320(XXII) and 2417(XXIII).

<sup>99</sup>G A resolution 2414(XXIII).

<sup>100</sup>G A resolution 2458(XXIII).

<sup>101</sup>G A resolution 2462(XXIII).

<sup>102</sup>G A resolution 2529(XXIV).

<sup>103</sup>G A resolution 2562(XXIV).

<sup>104</sup>G A resolution 2564(XXIV).

<sup>105</sup>G A resolution 2566(XXIV).

<sup>106</sup>G A resolution 2573(XXIV).

<sup>107</sup>G A resolution 2579(XXIV).

<sup>108</sup>G A resolution 2142(XXI).

<sup>109</sup>G A resolution 2217 A (XXI).

<sup>110</sup>G A resolution 2393(XXIII).

<sup>111</sup>G A resolution 2438(XXIII).

<sup>112</sup>G A resolution 2444(XXIII).

<sup>113</sup>G A resolution 2543(XXIV).

<sup>114</sup>G A resolution 2544(XXIV).

<sup>115</sup>G A resolution 2547(XXIV).

<sup>116</sup>G A resolutions 2333(XXII), 2437(XXIII) and 2595(XXIV).

<sup>117</sup>G A resolution 2450(XXIII).

<sup>118</sup>G A resolutions 2239(XXI) and 2609(XXIV).

<sup>119</sup>G A resolution 2241 A and B (XXI).

<sup>120</sup>G A resolutions 2247(XXI), 2292(XXII) and 2538(XXIV).

<sup>121</sup>G A resolutions 2360(XXII) and 2537 B (XXIV).

<sup>122</sup>G A resolution 2617(XXIV).

<sup>123</sup>G A resolution 2618(XXIV).

<sup>124</sup>G A resolution 2329(XXII).

<sup>125</sup>G A resolutions 2421(XXIII) and 2502(XXIV).

<sup>126</sup>E S C resolutions 1201(XLII), 1311(XLIV) and 1361(XLV).

<sup>127</sup>E S C resolution 1214(XLII).

<sup>128</sup>E S C resolution 1202(XLII).

<sup>129</sup>E S C resolution 1259(XLIII).

<sup>130</sup>E S C resolutions 1270(XLIII) and 1452(XLVII).

<sup>131</sup>E S C resolution 1273(XLIII).

<sup>132</sup>E S C resolutions 1286(XLIII) and 1451(XLVII).

<sup>133</sup>E S C resolution 1287(XLIII).

<sup>134</sup>E S C resolution 1316(XLIV).

<sup>135</sup>E S C resolution 1325(XLIV).

<sup>136</sup>E S C resolution 1326(XLIV).

<sup>137</sup>E S C resolution 1330(XLIV).

<sup>138</sup>E S C resolution 1347(XLV).

<sup>139</sup>E S C resolutions 1260(XLIII) and 1356(XLV).

<sup>140</sup>E S C resolution 1380(XLV).

<sup>141</sup>E S C resolution 1369(XLV).

<sup>142</sup>E S C resolution 1372(XLV).

<sup>143</sup>E S C resolution 1413(XLVI).

<sup>144</sup>E S C resolution 1403(XLVI).

<sup>145</sup>E S C resolution 1407(XLVI).

<sup>146</sup>E S C resolution 1449(XLVII).

<sup>147</sup>See, for example, G A resolutions 2205(XXI), sect. III, 2398(XXIII), 2456 C (XXIII), 2413(XXIII), 2458(XXIII), 2393(XXIII), 2604 A (XXIV) and E S C resolutions 1286(XLIII), 1300(XLIV), 1356(XLV), 1359(XLV), 1369(XLV), 1406(XLVI) and 1454(XLVII).

<sup>148</sup>G A resolutions 2234(XXI), 2352(XXII), 2423(XXIII) and 2556(XXIV).

<sup>149</sup>G A resolution 2236(XXI).

<sup>150</sup>G A resolutions 2237(XXI) and 2507(XXIV).

<sup>151</sup>E S C resolution 1201(XLII).

<sup>152</sup>E S C resolution 1204(XLII).

<sup>153</sup>G A resolutions 2204(XXI), 2313(XXII), 2464(XXIII) and 2550(XXIV).

<sup>154</sup>E S C resolution 1215(XLII).

<sup>155</sup>G A resolution 2276(XXII).

<sup>156</sup>E S C resolution 1222(XLII) and G A resolution 2435(XXIII).

the availability of competent legal aid to individuals,<sup>157</sup> tax reform planning,<sup>158</sup> development planning,<sup>159</sup> the promotion of private foreign investment in developing countries,<sup>160</sup> the improvement of vital statistics,<sup>161</sup> non-agricultural resources,<sup>162</sup> the assistance to refugees from the colonial territories, particularly Africa,<sup>163</sup> and support in such cases of natural disasters as the flooding of the Euphrates,<sup>164</sup> earthquakes in Turkey, Colombia and Venezuela, as well as a storm in Pakistan,<sup>165</sup> floods in Tunisia<sup>166</sup> and an earthquake in Yugoslavia.<sup>167</sup>

44. By its resolution 2514(XXIV), the General Assembly approved the application of the programming and budgetary procedures contained in Economic and Social Council resolution 1434(XLVII), in which the Council recommended to the Assembly, *inter alia*, that the Secretary-General should approve individual projects based on government requests to be financed under the United Nations regular programme of technical co-operation.

45. The practice of requesting the Secretary-General to undertake studies and make reports to the Assembly or the Council concerning operational programmes was continued during the period under review. With regard to the evaluation of programmes of technical co-operation, the Secretary-General was requested, in Council resolution 1263 III (XLIII), to submit to the Council at its forty-seventh session the reports of certain pilot evaluation missions together with any comments and recommendations he would be in a position to make. By its resolution 1227(XLII) the Council requested the Secretary-General to designate five Special Rapporteurs to undertake an examination and assessment of the different programmes and methods used by the United Nations family in the social field of technical assistance for the developing countries.<sup>168</sup> By its resolution 1406(XLVI), the Council requested the Secretary-General to review the existing methods of international co-operation and the use of available resources for technical co-operation with a view to giving due attention to social welfare activities in the over-all programme of the United Nations in the field of social and economic development. In its resolution 1444 (XLVII), the Council invited the Secretary-General to study the constitutional, administrative and various financial arrangements mentioned in his note<sup>169</sup> for the creation of an international corps of volunteers to be utilized in United Nations development projects.

46. As in the past, the Assembly and the Council requested the Secretary-General to organize seminars, workshops and panels of experts.<sup>170</sup>

47. By its resolution 2235(XXI), the Assembly requested the Secretary-General to study the question of a consolidation and integration of the special educational and training programmes for South West Africa,

the special training programme for Territories under Portuguese administration and the educational and training programmes for South Africans. In its resolution 2349(XXII), by which it decided to consolidate and integrate those programmes, the Assembly requested the Secretary-General, *inter alia*, to continue to study the means of promoting the further development and expansion of the integrated programme. In its resolution 2431(XXIII), the Assembly further requested the Secretary-General to establish an Advisory Committee on the programme composed of representatives of Member States to advise him, among other things, on the strengthening and expansion of the programme.

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

48. In response to a request by the Trusteeship Council,<sup>171</sup> the Secretary-General placed before the Council a note<sup>172</sup> on the question of the composition of the Council after Nauru became independent, concluding that, after that event there would be two administering Powers and five non-administering Powers on the Council and outlining a number of considerations relating to this situation.<sup>173</sup> The Council decided<sup>174</sup> to take note of the Secretary-General's note on the question. The General Assembly took a similar decision when it considered the report of the Council at its twenty-second session.<sup>175</sup>

49. In resolution 2443(XXIII), on respect for an implementation of human rights in occupied territories, the General Assembly decided to establish a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, to be composed of three Member States appointed by the President of the Assembly. As of 17 April 1969, the date of the death of the President, the Committee had not been constituted.<sup>176</sup> On 23 May 1969, the Secretary-General addressed a note verbale to all the Permanent Representatives,<sup>177</sup> consulting them as to the most appropriate way of resolving the question of the appointment of the Special Committee. By a note verbale of 18 June<sup>178</sup> the Secretary-General informed the Permanent Representatives of the results of his consultation. Following a suggestion made by several Member States in their replies, a meeting of the Vice-Presidents of the twenty-third session of the General Assembly was held on 23 June. In the course of the meeting it was agreed that the Chairman of the delegation of Peru at the twenty-third session of the General Assembly, H.E. Dr. Luis Alvarado, would be entrusted with the task of appointing the members of the Special Committee.

50. In its resolution 8(XXV),<sup>179</sup> the Commission on Human Rights requested the Secretary-General to

<sup>157</sup>G A resolution 2449(XXIII).

<sup>158</sup>E S C resolution 1271(XLIII) and G A resolution 2562(XXIV).

<sup>159</sup>G A resolution 2563(XXIV).

<sup>160</sup>E S C resolution 1286(XLIII).

<sup>161</sup>E S C resolution 1307(XLIV).

<sup>162</sup>E S C resolution 1316(XLIV).

<sup>163</sup>E S C resolution 1450(XLVII).

<sup>164</sup>E S C resolution 1212(XLII).

<sup>165</sup>E S C resolution 1254(XLIII).

<sup>166</sup>E S C resolution 1468(XLVII).

<sup>167</sup>E S C resolution 1469(XLVII).

<sup>168</sup>See also E S C resolution 1408(XLVI).

<sup>169</sup>E/4663.

<sup>170</sup>See, for example, G A resolutions 2447(XXIII), 2497(XXIV), sect. I and E S C resolutions 1213(XLII), 1232(XLII), 1331(XLIV), 1357(XLV), 1358(XLV), 1360(XLV).

<sup>171</sup>T C (XXXIV), 1323rd mtg.

<sup>172</sup>G A (XXII), Annexes, a.i. 13, A/6926, annex III.

<sup>173</sup>On the accession of Nauru to independence on 31 January 1968, New Zealand ceased to be a member of the Trusteeship Council. As from that date the Council was therefore composed of the following Member States: Australia, China, France, Liberia, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

<sup>174</sup>T C (XXXIV), 1324th mtg., decision taken on 23 November 1967.

<sup>175</sup>G A (XXII), Plen., 1641st mtg.

<sup>176</sup>A/7495, annex I.

<sup>177</sup>A/7495.

<sup>178</sup>A/7495/Add.1.

<sup>179</sup>E S C (XLVI), E/4621, p. 185.

submit to it a note containing a preliminary draft of model rules of procedure for United Nations bodies dealing with violations of human rights.

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

51. In its resolution 2435(XXIII), the General Assembly requested the Secretary-General to complete at an early date the study undertaken by the Secretariat on the legal status of disaster relief units made available through the United Nations.

52. At the fifth meeting of the Sessional Committee of the Industrial Development Board, the Legal Counsel, on 20 April 1967, acting pursuant to a request of the Committee, made an explanatory statement on rule 31, paragraph 2, of the draft rules of procedure of the Board in the light of Assembly resolution 2152(XXI) establishing the United Nations Industrial Development Organization. At the 1215th meeting of the Second Committee of the Assembly on 3 November 1969, a legal opinion was requested of the Secretariat on the question whether it could be considered that a statement made in the capacity of "Chairman of the Commission on International Development set up by the International Bank for Reconstruction and Development" would mean that a United Nations platform was being given to a private person.<sup>180</sup>

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

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

53. As before, the General Assembly renewed each year the Secretary-General's authority to enter into commitments to meet unforeseen and extraordinary expenses during the next succeeding financial year.<sup>181</sup> The exercise of that authority was subject to the Financial Regulations of the United Nations and, except as specified below,<sup>182</sup> required the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions. The Secretary-General was to report annually to the Advisory Committee and the Assembly on all commitments made under that authority, together with the circumstances relating thereto, and to submit supplementary estimates to the Assembly in respect of such commitments.

54. The Assembly resolutions on unforeseen and extraordinary expenses authorized the Secretary-General to make, up to a fixed total of \$2 million, commitments which he certified related to the maintenance of peace and security without requiring the prior authorization of the Advisory Committee. They also provided that if, as the result of a Security Council decision, commitments relating to the maintenance of peace and security should arise in an estimated total exceeding \$10 million before the Assembly's next annual session, a special session of the Assembly was to be convened by the Secretary-General to consider the matter.<sup>183</sup>

55. The requirement of the prior concurrence of the Advisory Committee was also dispensed with for such commitments as the President of the International Court of Justice certified related to certain expenses connected with the functions of the Court.<sup>184</sup>

56. That requirement was also dispensed with, in General Assembly resolution 2614(XXIV), for such commitments, not exceeding a total of \$150,000, as the Secretary-General might certify related to emergency aid in connexion with natural disasters, with a normal ceiling of \$15,000 per country in the case of any one disaster, on the understanding that the Secretary-General would have the authority to grant a maximum of \$20,000 at his discretion. Within the above-mentioned total of \$150,000, that resolution also authorized such commitments, without the prior concurrence of the Advisory Committee, in amounts not exceeding \$10,000 per country for assistance to Governments, at their request, in the elaboration of plans to meet natural disasters.

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

57. In accordance with past practice, the General Assembly renewed, at each of its regular sessions held during the period under review, the Secretary-General's authority to borrow, on payment of normal current rates of interest, cash from special funds and accounts in his custody for purposes normally related to the Working Capital Fund.<sup>185</sup> His authority to use "the proceeds of loans authorized by the General Assembly" was similarly renewed.<sup>186</sup>

##### 3. EXAMINATION OF THE FINANCES OF THE UNITED NATIONS AND THE SPECIALIZED AGENCIES

58. In its resolution 2150(XXI) on the report of the *Ad Hoc* Committee of Experts to Examine the Finances of the United Nations and the Specialized Agencies, the General Assembly requested the Secretary-General to take the appropriate measures to give effect to the recommendations of that Committee which required his action, including the submission of proposals to the competent United Nations organs and related bodies, to encourage the adoption of the appropriate measures by the specialized agencies and the IAEA and to submit a report on the implementation of the recommendations to the Assembly at its next session.

59. By its resolution 2475 A (XXIII), the Assembly urged the Secretary-General again to direct careful attention to the *Ad Hoc* Committee's report, with a view to a full and speedy implementation of all the recommendations that had not yet been covered in the programmes of implementation. In the same resolution, the Assembly also requested the Secretary-General to continue to encourage and facilitate the implementation of those recommendations by the specialized agencies and the IAEA.

60. In its resolution 2537 B (XXIV), the Assembly requested the Secretary-General to prepare a report setting forth, *inter alia*, the bodies and organs established for purposes of administrative and budgetary control, investigation and co-ordination.

<sup>180</sup>For the text of the opinion given, see *United Nations Juridical Yearbook*, 1969, pp. 213 and 214.

<sup>181</sup>G A resolutions 2243(XXI), 2364(XXII), 2483(XXIII) and 2614(XXIV).

<sup>182</sup>See paras. 54-56 below.

<sup>183</sup>See foot-note 181 above.

<sup>184</sup>*Idem*.

<sup>185</sup>G A resolutions 2244(XXI), 2365(XXII), 2484(XXIII) and 2615(XXIV).

<sup>186</sup>*Idem*.

#### 4. FINANCIAL AUTHORITY RELATED TO THE MODERNIZATION OF THE PALAIS DES NATIONS

61. In its resolution 2246(XXI), the General Assembly authorized the Secretary-General to proceed with the plans for the extension of the Palais des Nations within a maximum expenditure of \$15 million. In this resolution, the Assembly further authorized the Secretary-General to accept the offer of the Swiss authorities of a gift of 4 million Swiss francs towards the cost of the project and to accept a loan, as required, at 3 per cent interest to assist in the financing of the project and to be repayable in instalments within the period 1972-1980.

62. In its resolution 2488(XXIII), the Assembly, after approving revisions in the programme for the extension of the Palais des Nations that called for financing the entire operation at a cost not to exceed \$US 22 million, authorized the Secretary-General to proceed with the execution of the revised programme.

#### 5. UNITED NATIONS INTERNATIONAL SCHOOLS

63. In its resolution 2176(XXI), the General Assembly authorized the Secretary-General to transfer to the Board of Trustees of the United Nations International School from the grants already available the amounts necessary to ensure the speedy completion of the new building.

64. In its resolution 2358(XXII), the Assembly requested the Secretary-General to report to it at its twenty-third session on the status of the School's development fund and any new proposals designed to achieve the target of \$3 million. In its resolution 2477(XXIII), the Assembly requested the Secretary-General to explore with delegations and with the Board of Trustees new proposals for achieving the target of the development fund at the earliest possible date. In its resolution 2612(XXIV) the Assembly authorized the Secretary-General to proceed with the preparation for the issue and promotion of a commemorative United Nations stamp, the net proceeds of which he was authorized to allocate to the United Nations International School development fund and to the capital development fund of the International School of Geneva.

#### 6. AUTHORITY RELATING TO THE SPECIAL ACCOUNT FOR THE UNITED NATIONS EMERGENCY FORCE (UNEF)

65. In its resolution 2194 A (XXI), the General Assembly, after approving the revised cost estimates for UNEF for the financial year 1966 in the amount of \$16,146,000, authorized the Secretary-General to meet the cost of actual requirements over the appropriation of \$15 million and within the former amount by the use of the surplus account of UNEF. In resolution 2194 B (XXI), the Assembly decided that the contributions by Member States called for in that resolution could be made by a Member State, at its option, in the form of services and supplies acceptable to the Secretary-General, furnished for use in connexion with UNEF during the period from 1 January to 31 December 1967, for which the Member State did not require reimbursements, the Member State to be credited with the fair value thereof as agreed upon by the Member State and the Secretary-General.

66. General Assembly resolution 2304 B (XXII), which related to necessary expenditures after 31 December 1967 relating to the disposal of United Nations-

owned equipment and supplies and the termination<sup>187</sup> of UNEF, including the closing of the accounts, provided that the Secretary-General, with the concurrence of the Advisory Committee on Administrative and Budgetary Questions, was authorized to utilize certain financial resources specified by the resolution.

#### 7. AUTHORITY TO ACCEPT VOLUNTARY CONTRIBUTIONS

67. In its resolution 2349(XXII), by which it decided to integrate the special educational and training programmes for South West Africa, the special training programme for Territories under Portuguese administration and the educational and training programme for South Africans into the United Nations Educational and Training Programme for Southern Africa, the General Assembly requested the Secretary-General to appeal to States Members of the United Nations and members of the specialized agencies for funds to achieve a target of \$US 3 million for the three-year period from 1968 to 1970.

68. In its resolution 2557(XXIV) on the United Nations Educational and Training Programme for Southern Africa, the Assembly requested the Secretary-General, in consultation with the Advisory Committee on the Programme, to take all possible measures for the promotion of adequate contributions to the Programme.

#### 8. THE SECRETARY-GENERAL'S AUTHORITY IN CONNEXION WITH PROPOSED NEW CONSTRUCTION AND MAJOR ALTERATIONS TO EXISTING PREMISES AT UNITED NATIONS HEADQUARTERS

69. In its resolution 2487(XXIII) relating to proposed new construction and major alterations to existing premises at United Nations Headquarters, the General Assembly authorized the Secretary-General to proceed, at an estimated cost to the United Nations of \$250,000 in 1967, with the preparation of detailed plans and specifications on which reliable cost estimates could be based and to report on the result to the Assembly at its twenty-fourth session.

70. In its resolution 2618(XXIV), the Assembly authorized the Secretary-General to proceed with the execution of the Headquarters project on the basis set forth in paragraph 26 of his report,<sup>188</sup> taking into account the related observations and recommendations in the report of the Advisory Committee on Administrative and Budgetary Questions.<sup>189</sup>

#### 9. THE SECRETARY-GENERAL'S AUTHORITY IN CONNEXION WITH UNITED NATIONS ACCOMMODATION IN BANGKOK AND ADDIS ABABA

71. In reports<sup>190</sup> submitted to the General Assembly at its twenty-fourth session, the Secretary-General proposed that the Assembly make budgetary appropriations in order to enable him to conduct architectural and engineering surveys, on the understanding that to the extent the Government of Ethiopia or of Thailand, as the case might be, might provide the necessary surveys on a cost-free basis, the full amounts thus

<sup>187</sup>See paras. 73-78 below.

<sup>188</sup>G A (XXIV), Annexes, a.i. 74, A/C.5/1246 and Add.1.

<sup>189</sup>*Ibid.*, A/7835.

<sup>190</sup>*Ibid.*, A/C.5/1264 and A/C.5/1265.

appropriated would not be expended. In its resolution 2616(XXIV), the Assembly authorized the Secretary-General to proceed in accordance with those proposals.

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

##### 1. FUNCTIONS EXERCISED UNDER GENERAL ASSEMBLY RESOLUTIONS WITH RESPECT TO THE SITUATION CREATED BY THE INVASION OF EGYPT

###### a. Period from 1 September 1966 to 17 May 1967

72. During this period UNEF continued to perform its function of guarding and patrolling along the armistice demarcation line in the Gaza Strip and along the international frontier in the Sinai Peninsula, without any serious incident occurring in the area covered.<sup>191</sup> The General Assembly resolutions relating to UNEF remained in force without change. Nor were any changes made in the various agreements concerning UNEF and the Regulations for UNEF.

###### b. The Secretary-General's decision of 18 May 1967 to withdraw UNEF

73. On 16 May 1967, the Commander of UNEF received a message from the Chief of Staff of the United Arab Republic Armed Forces requesting him to withdraw all troops manning the observation posts of the Force in Sinai.<sup>192</sup>

74. On 18 May, the Secretary-General received, through the Permanent Representative of the United Arab Republic to the United Nations, the following message from the Minister for Foreign Affairs of the United Arab Republic:

"The Government of the United Arab Republic has the honour to inform Your Excellency that it has decided to terminate the presence of the United Nations Emergency Force on the territory of the United Arab Republic and Gaza Strip.

"Therefore, I request that the necessary steps be taken for the withdrawal of the Force as soon as possible.

"I avail myself of this opportunity to express to Your Excellency my gratitude and warm regards".<sup>193</sup>

75. The Secretary-General replied to the above message on the same day as follows:

"Your message informing me that your Government no longer consents to the presence of the United Nations Emergency Force on the territory of the United Arab Republic, that is to say in Sinai, and in the Gaza Strip, and requesting that the necessary steps be taken for its withdrawal as soon as possible, was delivered to me by the Permanent Representative of the United Arab Republic at noon on 18 May.

"As I have indicated to your Permanent Representative on 16 May, the United Nations Emergency Force entered Egyptian territory with the consent of your Government and in fact can remain there only so long as that consent continues. In view of the message

now received from you, therefore, your Government's request will be complied with and I am proceeding to issue instructions for the necessary arrangements to be put in train without delay for the orderly withdrawal of the Force, its vehicles and equipment and for the disposal of all properties pertaining to it. I am, of course, also bringing this development and my actions and intentions to the attention of the UNEF Advisory Committee and to all Governments providing contingents for the Force. A full report covering this development will be submitted promptly by me to the General Assembly and I consider it necessary to report also to the Security Council about some aspects of the current situation in the area.

"Irrespective of the reasons for the action you have taken, in all frankness, may I advise you that I have serious misgivings about it for, as I have said each year in my annual reports to the General Assembly on UNEF, I believe that this Force has been an important factor in maintaining relative quiet in the area of its deployment during the past ten years and that its withdrawal may have grave implications for peace".<sup>194</sup>

76. Instructions relating to the withdrawal of UNEF were cabled by the Secretary-General to the Force Commander on the same day.<sup>195</sup>

77. In his special report on the withdrawal of UNEF,<sup>196</sup> the Secretary-General gave the following as his main reasons for his decision:

"(a) The United Nations Emergency Force was introduced into the Territory of the United Arab Republic on the basis of an agreement reached in Cairo between the Secretary-General of the United Nations and the President of Egypt, and it therefore has seemed fully clear to me that since United Arab Republic consent was withdrawn it was incumbent on the Secretary-General to give orders for the withdrawal of the Force. The consent of the host country is a basic principle which has applied to all United Nations peace-keeping operations.<sup>197</sup>

"(b) In practical fact, UNEF cannot remain or function without the continuing consent and co-operation of the host country.

"(c) I have also been influenced by my deep concern to avoid any action which would either compromise or endanger the contingents which make up the Force. The United Nations Emergency Force is, after all, a peace-keeping and not an enforcement operation.

"(d) In the face of the request for the withdrawal of the Force, there seemed to me to be no alternative course of action which could be taken by the Secretary-General without putting in question the sovereign authority of the Government of the United Arab Republic within its own Territory."

78. In a further report to the General Assembly the Secretary-General dealt with legal and constitutional considerations which had been of great importance in

<sup>194</sup>*Ibid.*, para. 3.

<sup>195</sup>*Ibid.*, para. 4. For the text of the instructions, see *ibid.* S/6730/Add.3, annex. For an account of the withdrawal of the Force, see *ibid.*, A/6730/Add.2. and G A (XXII), Annexes, a.i. 21, A/6672, paras. 61-115.

<sup>196</sup>See foot-note 192 above.

<sup>197</sup>See *Repertory, Supplement No. 2*, Vol. III, under Article 98, paras. 74 and 97-99. See also G A (ES-V), Annexes, a.i. 5, A/6730, para. 12.

<sup>191</sup>See the Secretary-General's tenth progress report on UNEF, as well as his final report on UNEF, both submitted in accordance with General Assembly resolution 1125(XI), in G A (XXI), Annexes, a.i. 21, A/6406 and G A (XXII), Annexes, a.i. 21, A/6672, respectively.

<sup>192</sup>G A (ES-V) Annexes, a.i. 5, A/6730/Add.3, paras. 5-8.

<sup>193</sup>G A (ES-V), Annexes, a.i. 5, A/6730, para. 2.



determining his actions, and in that connexion set out a chronology of the relevant actions in 1956 and 1957. The consent of the host country to the presence and operation of United Nations peace-keeping machinery was a basic prerequisite to all such operations, and Egyptian representatives appeared to have made it clear to Secretary-General Hammarskjöld and in the General Assembly that their Government held to the view that if its consent was no longer maintained, UNEF should be withdrawn. In conclusion, the Secretary-General noted a failure to appreciate the essentially fragile nature of the basis for the Force's operation throughout its existence; it depended completely on the voluntary co-operation of the host Government, was based on the willingness of Governments to provide contingents at a minimum cost, was small in size, was merely a symbolic force equipped only with light weapons, and was entitled to use force only in the last resort in self-defence. Despite those practical weaknesses, its remarkable success for more than a decade might have led to wrong conclusions about its nature.<sup>198</sup>

## 2. FUNCTIONS EXERCISED WITH RESPECT TO THE SITUATION IN CYPRUS<sup>199</sup>

79. Security Council resolution 186(1964), which defined the mandate of the Secretary-General in respect of the situation in Cyprus<sup>200</sup> and had been reaffirmed by the Council during the period covered by *Repertory, Supplement No. 3*,<sup>201</sup> was further reaffirmed by the Council during the period under review,<sup>202</sup> in which the stationing in Cyprus of the United Nations Peace-keeping Force in Cyprus (UNFICYP) was extended by the Council, either for additional periods of three months,<sup>203</sup> or six months.<sup>204</sup> Nor were any changes made in the various agreements concerning UNFICYP, the Regulations of UNFICYP, and its method of financing.<sup>205</sup> The guiding principles governing the operation of UNFICYP, as formulated by the Secretary-General in 1964,<sup>206</sup> remained in effect. The office of Special Representative of the Secretary-General<sup>207</sup> was also continued, without any change in the Special Representative's terms of reference.<sup>208</sup>

80. During the period under review the Secretary-General, pursuant to paragraph 7 of Security Council resolution 186(1964), continued his efforts towards achiev-

ing a resumption of the mediation function.<sup>209</sup> Owing primarily to the widely differing and firmly held views on the matter of the three Governments most directly concerned—namely, Cyprus, Greece and Turkey—his efforts were, however, unavailing.

81. Throughout the period under review UNFICYP continued to use its best efforts to prevent the recurrence of fighting, to contribute to the restoration and maintenance of law and order and to facilitate the return to normal conditions.<sup>210</sup> The Special Representative of the Secretary-General continued to employ his good offices in accordance with his broadened terms of reference.<sup>211</sup>

## \*\*3. FUNCTIONS EXERCISED UNDER SECURITY COUNCIL AND GENERAL ASSEMBLY RESOLUTIONS WITH RESPECT TO THE SITUATION IN SOUTH AFRICA.<sup>212</sup>

### 4. FUNCTIONS EXERCISED UNDER A GENERAL ASSEMBLY RESOLUTION WITH RESPECT TO THE AGREEMENT BETWEEN THE REPUBLIC OF INDONESIA AND THE KINGDOM OF THE NETHERLANDS CONCERNING WEST NEW GUINEA (WEST IRIAN)

#### a. General Assembly resolution 1752(XVII)

#### (i) Functions relating to the exercise by the people of the Territory of their right to self-determination

82. On 6 November 1969, the Secretary-General, pursuant to Article XXI of the Agreement between the Republic of Indonesia and the Kingdom of the Netherlands,<sup>213</sup> submitted to the General Assembly a report<sup>214</sup> regarding the act of self-determination in West New Guinea (West Irian). The report gave an account of the procedure followed for carrying out the act of self-determination, which had resulted in a pronouncement in favour of the Territory remaining with Indonesia. The reports of the Secretary-General's representative and the Indonesian Government, describing in detail the arrangements, conduct and results of the act of free choice were annexed to the Secretary-General's report.

83. In its resolution 2504(XXIV), the Assembly took note of the report and acknowledged with appreciation the fulfilment by the Secretary-General and his repre-

<sup>198</sup>G A (ES-V), Annexes, a.i. 5, A/6730/Add.3, paras. 52-99. The Secretary-General had already commented on the constitutional aspect of his action in two reports submitted to the Security Council (S C, 22nd yr., Suppl. for April-June 1967, S/7896, paras. 1-14, and S/7906, paras. 3-5) and to the General Assembly (G A (ES-V), Plen., 1527th mtg., paras. 2-11).

<sup>199</sup>For an account of the functions exercised by the Secretary-General under the powers inherent in his office with respect to the situation in Cyprus, see paragraph 289 below.

<sup>200</sup>*Repertory, Supplement No. 3*, vol. IV, under Article 98, para. 459.

<sup>201</sup>S C resolutions 187(1964), 192(1964), 193(1964), 194(1964), 198(1964), 201(1965), 206(1965), 207(1965), 219(1965), 220(1966) and 222(1966).

<sup>202</sup>S C resolutions 231(1966), 238(1967), 244(1967), 247(1968), 254(1968), 261(1968), 266(1969) and 274(1969).

<sup>203</sup>S C resolutions 244(1967) and 247(1968).

<sup>204</sup>S C resolutions 231(1966), 238(1967), 254(1968), 261(1968), 266(1969) and 274(1969).

<sup>205</sup>The Secretary-General continued to express his concern at the method adopted for financing UNFICYP. See, for example, S C, 24th yr. Suppl. for Oct.-Dec. 1969, S/9521, para. 79.

<sup>206</sup>*Repertory, Supplement No. 3*, vol. IV, under Article 98, para. 459.

<sup>207</sup>*Ibid.*, paras. 464-467.

<sup>208</sup>*Ibid.*, paras. 466 and 467.

<sup>209</sup>*Repertory, Supplement No. 3*, vol. IV, under Article 98, paras. 411-418.

<sup>210</sup>S C, 21st yr., Suppl. for Oct.-Dec. 1966, S/7611, paras. 22-174; S C, 22nd yr., Suppl. for April-June 1967, S/7969, paras. 21-162; *ibid.*, Suppl. for Oct.-Dec. 1967, S/8286, paras. 22-142; S C, 23rd yr., Suppl. for Jan.-March 1968, S/8446, paras. 23-138; *ibid.*, Suppl. for April-June 1968, S/8622, paras. 16-79; *ibid.*, Suppl. for Oct.-Dec. 1968, S/8914, paras. 18-69; S C, 24th yr., Suppl. for April-June 1969, S/9233, paras. 20-60; *ibid.*, Suppl. for Oct.-Dec. 1969, S/9521, paras. 19-65.

<sup>211</sup>S C, 21st yr., Suppl. for Oct.-Dec. 1966, S/7611, paras. 175-179; S C, 22nd yr., Suppl. for April-June 1967, S/7969, paras. 163-167; *ibid.*, Suppl. for Oct.-Dec. 1967, S/8286, paras. 143-147; S C, 23rd yr., Suppl. for Jan.-March 1968, S/8446, para. 139; *ibid.*, Suppl. for April-June 1968, S/8622, paras. 80-83; *ibid.*, Suppl. for Oct.-Dec. 1968, S/8914, paras. 70-74; S C, 24th yr., Suppl. for April-June 1969, S/9233, paras. 69-70; *ibid.*, Suppl. for Oct.-Dec. 1969, S/9521, para. 66.

<sup>212</sup>See section D 7 (i) entitled "The policies of *apartheid* of the Government of the Republic of South Africa" (paras. 261-268 below). The special educational and training programme for South West Africa, the special training programme for Territories under Portuguese administration and the educational and training programme for South Africans were consolidated and integrated by General Assembly resolution 2349(XXII) (see para. 47 above).

<sup>213</sup>For the text of the Agreement, see United Nations, *Treaty Series*, vol. 437, No. 6311.

<sup>214</sup>G A (XXIV), Annexes, a.i. 98, A/7723.



sentative of the tasks entrusted to them under the Agreement.

5. FUNCTIONS EXERCISED UNDER GENERAL ASSEMBLY AND SECURITY COUNCIL RESOLUTIONS WITH RESPECT TO THE QUESTION OF SOUTH WEST AFRICA<sup>215</sup>

a. *Nomination by the Secretary-General of the Commissioner for Namibia*

84. By its resolution 2248(S-V) of 19 May 1967, the General Assembly decided that the United Nations Council for South West Africa should entrust such executive and administrative tasks as it deemed necessary to a United Nations Commissioner for South West Africa, who was to be appointed during that session by the Assembly on the nomination of the Secretary-General.

85. On 23 May and 6 June 1967, the Assembly was informed by its President that, in view of the situation in the Middle East, more time was necessary for consultations regarding the appointment of the Commissioner.<sup>216</sup>

86. At the closing meeting of its fifth special session on 13 June 1967, the Assembly considered a note by the Secretary-General,<sup>217</sup> in which he stated that, despite the additional time given to him by the Assembly, he had not been able to undertake all the consultations necessary prior to nominating the Commissioner. For that reason, the Secretary-General proposed to nominate a Commissioner to be appointed by the Assembly at its twenty-second session. Pending that action, and as an interim arrangement, the Secretary-General proposed that, in addition to his duties as the Legal Counsel of the United Nations, Mr. Constantin A. Stavropoulos, be appointed as Acting Commissioner for South West Africa. This proposal was accepted by the Assembly at that meeting.<sup>218</sup>

87. On 16 December 1967, the Assembly accepted<sup>219</sup> a proposal<sup>220</sup> of the Secretary-General that Mr. Stavropoulos should continue to serve in that capacity until the Council appointed a Commissioner.

88. On 1 December 1969, the Assembly accepted<sup>221</sup> a proposal by the Secretary-General<sup>222</sup> to appoint the Assistant Secretary-General for Public Information, Mr. Agha Abdul Hamid, as Acting United Nations Commissioner for Namibia, with effect from 1 January 1970, and until the Assembly, on the nomination of the Secretary-General, appointed a Commissioner.

b. *Other functions*

89. In its resolution 2324(XXII), on the question of South West Africa, the Council requested the Secretary-General to report as soon as possible to the Security Council, the Assembly, the United Nations Council for South West Africa and the Special Committee on decolonization on the implementation of the resolution.

<sup>215</sup>In its resolution 2372(XXII), the General Assembly decided that henceforth the Territory was to be known as Namibia.

<sup>216</sup>G A (S-V), Plen., 1522nd and 1523rd mtgs., paras. 159-164 and paras. 1 and 2, respectively.

<sup>217</sup>G A (S-V), Annexes, a.i. 7, A/6656.

<sup>218</sup>G A (S-V), Plen., 1524th mtg., para. 8.

<sup>219</sup>G A (XXII), Plen., 1635th mtg., para. 227.

<sup>220</sup>G A (XXII), Annexes, a.i. 64, A/6930.

<sup>221</sup>G A (XXIV), Plen., 1819th mtg., para. 98.

<sup>222</sup>G A (XXIV), Annexes, a.i. 64, A/7788.

In that resolution, the Assembly had, *inter alia* condemned the arrest, deportation and trial of 37 South West Africans, calling upon the Government of South Africa to discontinue forthwith that illegal trial and release and repatriate the persons concerned. It had also appealed to all States and international organization to use their influence with the Government of South Africa in order to obtain its compliance with the Assembly's call.

90. In compliance with that request, the Secretary-General reported to the bodies indicated (the Security Council, the General Assembly, the United Nations Council for South West Africa and the Special Committee) on his communications with respect to resolution 2324(XXII) and on the replies received from Governments, specialized agencies and other inter-governmental organizations.<sup>223</sup>

91. In its resolutions 245(1968)<sup>224</sup> and 246(1968)<sup>225</sup> the Security Council requested the Secretary-General to follow closely the implementation of these resolutions and to report thereon to the Council at the earliest possible date.

92. Pursuant to Security Council resolution 245(1968) the Secretary-General laid before the Council the replies he had received from the Minister of Foreign Affairs of South Africa in respect of General Assembly resolution 2234(XXII) and Security Council resolution 245 (1968).<sup>226</sup>

93. In his report to the Security Council on the implementation of resolution 246(1968), the Secretary-General informed the Council that the text of the resolution had been transmitted to the Government of South Africa by a telegram dated 14 March and that, on the following day, he had handed to the Permanent Representative of South Africa an aide-mémoire in which he had referred to statements made by members of the Council during its debate and indicated that he planned to send to South Africa a personal representative<sup>227</sup> for the purposes laid down in paragraph 2 of the resolution (i.e., the immediate release and repatriation by South Africa of the South West Africans concerned). Annexed to the report was, *inter alia*, the text of a reply dated 27 March from the Minister of Foreign Affairs of South Africa.<sup>228</sup>

94. In its resolutions 2372(XXII) and 2403(XXIII) on the question of Namibia, the Assembly requested the Secretary-General to continue to provide the necessary assistance and facilities to enable the United Nations Council for Namibia to perform its duties and functions.

<sup>223</sup>S C, 23rd yr., Suppl. for Jan.-March 1968, S/8357 and Add.1-20.

<sup>224</sup>In this resolution the Council had condemned the refusal of the Government of South Africa to comply with the provisions of General Assembly resolution 2324(XXII), called upon that Government to discontinue forthwith the above-mentioned trial and to release and repatriate the persons concerned and invited all States to exert their influence in order to induce the Government of South Africa to comply with the provisions of resolution 245(1968).

<sup>225</sup>In this resolution the Council had censured the Government of South Africa for its defiance of Council resolution 245(1968) as well as of the authority of the United Nations, demanded that that Government release and repatriate forthwith the persons concerned in the above-mentioned trial and called upon Member States to co-operate with the Council in order to obtain compliance by the Government of South Africa with the provisions of resolution 246(1968), urging those States that were in a position to contribute to the implementation of that resolution to assist the Security Council in order to obtain compliance by that Government with its provisions.

<sup>226</sup>S C, 23rd yr., Suppl. for Jan.-March 1968, S/8399.

<sup>227</sup>See paragraph 310 below.

<sup>228</sup>S C, 23rd yr., Suppl. for Jan.-March 1968, S/8506.

The request was reiterated in General Assembly resolution 2517(XXIV).

95. In its resolutions 264(1969) and 269(1969), the Security Council requested the Secretary-General to follow closely their implementation and to report to it thereon as soon as possible. On 3 October 1969, the Secretary-General submitted a report to the Security Council on the implementation of resolution 269(1969), including a reply from the South African Government in which it declared its intention not to withdraw from the Territory.<sup>229</sup>

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

##### a. Complaints by Israel and Syria

96. At its 1288th meeting, on 25 July 1966, the Security Council, in connexion with its consideration of an item entitled "The Palestine question: (a) Letter dated 21 July 1966 from the Permanent Representative of Syria to the United Nations addressed to the President of the Security Council;<sup>230</sup> (b) Letter dated 22 July 1966 from the Permanent Representative of Israel addressed to the President of the Security Council",<sup>231</sup> decided to request the Secretary-General to submit two reports, one on each subitem, based on information supplied by the Chief of Staff of the United Nations Truce Supervision Organization in Palestine (UNTSO). At its 1308th meeting, on 17 October 1966, the Council decided to request the Secretary-General to submit a report on the events under consideration, based on information supplied by the Chief of Staff of UNTSO.

97. A report<sup>232</sup> submitted by the Secretary-General on 17 October 1966 gave an account of the investigations carried out by the United Nations military observers of the two incidents mentioned in the Israel complaint. In a second report,<sup>233</sup> dated 23 October 1966, the Secretary-General gave the results of the inspections of the demilitarized zone and defensive areas carried out by UNTSO on 19 October. The report described violations of the General Armistice Agreement by Israel and Syria. It stated that no build-up of forces had been observed in the demilitarized zone or the defensive areas on either side.

98. At its 1312th meeting, on 28 October 1966, the Council decided to request the Secretary-General to submit two reports: one concerning the inability of the Israel-Syrian Mixed Armistice Commission to function and the attitudes of the parties thereto, the other on the status of the demilitarized zones set up by the General Armistice Agreement.

99. In a report<sup>234</sup> submitted on 1 November 1966, the Secretary-General stated that since 1951 Israel had taken the position that the Israel-Syrian Mixed Armistice Commission was not competent to deal with issues

pertaining to the demilitarized zone, asserting that those issues should be dealt with by the Chairman of the Commission, an assertion which Syria rejected. The Commission had not been able to hold regular meetings since that year. Israel maintained the same attitude to emergency as to regular meetings. No meeting, regular or emergency, had been held since February 1960. The Secretary-General stated in his report that the Commission's inability to function had undoubtedly weakened efforts to maintain quiet along the line between Israel and Syria. As a result, matters which properly should first be considered in the Commission, and often might well be disposed of there, were brought instead directly to the attention of the Security Council, where they could be considered primarily in a political context and atmosphere. The effectiveness of the Mixed Armistice Commission depended upon the willingness of the two parties to abide by the General Armistice Agreement and to participate fully in and co-operate with it. The general appeals of the Security Council to the parties to this effect had thus far been unavailing. Serious consideration might well be given now to whether there might be some more fruitful approach to the goal of enabling the Commission to function effectively.

100. In a further report<sup>235</sup> dated 2 November 1966 the Secretary-General stated that for several years both Israel and Syria had made daily complaints that the other had encroached on the demilitarized zone, but no investigations by United Nations military observers had been possible. Israel had not requested investigations of its complaints and had denied the observers seeking to investigate Syrian complaints access to certain areas of the zone. The simultaneous inspections of the demilitarized zone and of the defensive areas arranged from time to time during periods of tension by the Chief of Staff of UNTSO did not allow an adequate visit to alleged fortifications in the area. Finally, the report stated that the problem of the use of lands in the demilitarized zone still constituted one of the main preoccupations of the Chief of Staff of UNTSO and of the Chairman of the Mixed Armistice Commission.

101. At the 1316th meeting of the Security Council, on 3 November, the President drew the Council's attention to draft resolution S/7575/Rev.1, submitted by Argentina, Japan, the Netherlands, New Zealand, Nigeria and Uganda, in which the Council, *inter alia*, would have invited the Government of Syria to strengthen its measures for preventing incidents that constituted violations of the General Armistice Agreement, invited the Government of Israel to co-operate fully with the Israel-Syrian Mixed Armistice Commission and called upon both Governments to facilitate the work of UNTSO personnel in their tasks of observation and investigation on both sides of the armistice demarcation line. In operative paragraph 6 of the draft resolution the Council would have requested the Secretary-General to report to the Security Council as appropriate.

102. At the 1319th meeting of the Council, on 4 November 1966, a vote was taken on the six-Power draft resolution. There were 10 votes in favour, 4 against and 1 abstention. The draft resolution was rejected, owing to the negative vote of a permanent member of the Council.

103. On 15 January 1967 and 8 May 1967 the Secretary-General submitted further reports<sup>236</sup> to the Security

<sup>229</sup>S C, 24th yr., Special Suppl. No. 2.

<sup>230</sup>S C, 21st yr., Suppl. for July-Sept. 1966, S/7412. In this letter the representative of Syria complained about an act of aggression committed by Israel authorities against Syrian territory, population and property.

<sup>231</sup>*Ibid.*, S/7423. In this letter the representative of Israel complained about repeated acts of aggression committed by Syrian armed forces and armed saboteur groups operating from Syrian territory against citizens and territory of Israel and certain hostile declarations by official spokesmen of the Syrian Government.

<sup>232</sup>*Ibid.*, Suppl. for Oct.-Dec. 1966, pp. 40-44, S/7553.

<sup>233</sup>*Ibid.*, S/7561/Rev.1.

<sup>234</sup>S C, 21st yr., Suppl. for Oct.-Dec. 1966, S/7572.

<sup>235</sup>*Ibid.*, pp. 64-68, S/7573.

<sup>236</sup>S C, 22nd yr., Suppl. for Jan.-March 1967, S/7683 and *ibid.*, Suppl. for April-June 1967, S/7877.

Council regarding the subsequent developments of the situation.

b. *Complaints by Israel and Jordan*

104. In its resolution 228(1966) of 25 November 1966, the Security Council, after noting the information provided by the Secretary-General concerning an Israel military action which had taken place in the southern Hebron area of Jordan, *inter alia*, requested the Secretary-General to keep the situation under review and to report to the Council as appropriate.

105. In a letter dated 30 December 1966 (S/7656) Israel made certain charges against Jordan. In a letter dated 6 February 1967 (S/7722) the representative of Jordan requested that a comprehensive report covering the full investigation of those charges be circulated to all members of the Security Council as an official document of the Council. In his letter the representative of Jordan based his request on the fact that in resolution 228(1966) the Council had requested the Secretary-General to keep the situation under review. A report, based on information from the Chief of Staff of UNTSO, was prepared by the Secretary-General and, on the basis of consultation with the President of the Council and as authorized by him, was circulated to the members of the Council in document S/7819 of 15 March 1967.

106. By its resolution 248(1968) of 24 March 1968 concerning an Israeli military action across the East Bank of the Jordan, the Council, *inter alia*, requested the Secretary-General to keep the situation under review and to report to the Council as appropriate.

107. The Secretary-General's obligation under resolution 248(1968) was carried out as part of his reporting responsibilities under the Council's cease-fire resolutions of 1967.

c. *Functions performed pursuant to the Security Council's cease-fire resolutions*

108. In its resolution 233(1967) of 6 June 1967, the Security Council, after expressing concern at the outbreak of fighting and with the menacing situation in the Middle East,<sup>237</sup> called upon the Governments concerned to take forthwith as a first step all measures for an immediate cease-fire and for a cessation of all military activities in the area. In the resolution the Council further requested the Secretary-General to keep the Council promptly and currently informed of developments in the situation.

109. At the 1349th meeting of the Security Council, on 7 June 1967 the Secretary-General informed the Council that he had received a telegram<sup>238</sup> dated 7 June from the Minister of Foreign Affairs of Jordan stating that his Government accepted the cease-fire and had issued orders to its armed forces to observe it, except in self-defence. The Secretary-General also reported that, according to information received from the Chief of Staff of UNTSO, the headquarters of the Jordan-Israel Armistice Commission had been occupied by Israel troops on the morning of 7 June. In view of the occupation of the headquarters of both UNTSO in Jerusalem and UNEF in Gaza by Israel troops, he had approached

the Government of Israel to ask for assurances that the records and documents of both those headquarters would be preserved and protected. The Secretary-General also reported to the Council on the casualties suffered by UNEF and the efforts being made to evacuate the remaining contingents.

110. By its resolution 234(1967) of 7 June 1967, the Security Council demanded that the Governments concerned should as a first step cease fire and discontinue all military activities at 2000 hours GMT on 7 June 1967.

111. At the same meeting, the Secretary-General subsequently informed the Council that, according to information received from the Chief of Staff of UNTSO, the cease-fire in the area of Jerusalem was not effective. During the night of 6/7 June, Israel forces had bombarded and occupied the crest of Mount Scopus dominating the city of Jerusalem. A sector of the city had come under Jordan mortar fire for a short period in the mid-morning of 7 June and heavy Israel bombardment had started in the vicinity of Bethlehem.

112. At the 1351st meeting, on 8 June, the Secretary-General stated that the Chief of Staff of UNTSO had reported that on the morning of 8 June he had received a message from the Minister of Foreign Affairs of Jordan to the effect that Israel was bombing Mafraq and Israel forces were concentrating on the west side of the Jordan River. General Bull, the Chief of Staff of UNTSO, had communicated that information to the Israel Foreign Ministry, which had indicated that Iraqi troops and aircraft were in the Mafraq area. The Secretary-General pointed out that the cease-fire resolutions of the Security Council had also been transmitted to the Government of Iraq, but no response had been received. United Nations observers in Tiberias had reported that heavy air and ground fire was taking place on the morning of 8 June in the general area of the Israel-Syria central demilitarized zone.

113. The Secretary-General also read a communication from the representative of the United Arab Republic dated 8 June,<sup>239</sup> informing him that his Government had decided to accept the cease-fire call, as prescribed by the resolutions of the Council on 6 and 7 June 1967, on the condition that the other party ceased fire.

114. At the 1352nd meeting of the Council, held on 9 June, the Secretary-General told the Council that, early that morning, the Chairman of the Israel-Syrian Armistice Commission had advised him that a message had been received from Syria claiming that Syria was being subjected to an Israel attack along the whole length of the Armistice Demarcation Line. The Chief of Staff of UNTSO had reported that air bombardment had taken place in the central demilitarized zone. General Bull had also reported that Israel authorities had informed him of heavy shelling near Syria, including the town of Safad, and that earlier some 16 Israel villages had come under heavy Syrian artillery fire. The Chairman of the Mixed Armistice Commission had confirmed later that Israel aircraft had bombed north and east of Lake Tiberias on the morning of 9 June.

115. At the same meeting, the Council then adopted resolution 235(1967) of 9 June 1967, in which the Council, after confirming its previous resolutions about immediate cease-fire and cessation of military action and demanding that hostilities should cease forthwith,

<sup>237</sup>For an account of the events that led to the adoption of the resolution, see the Secretary-General's oral report to the Council at its 1347th meeting on 5 June 1967, as well as S C, 22nd yr., Suppl. for April-June 1967, S/7930.

<sup>238</sup>S C, 22nd yr., Suppl. for April-June 1967, S/7943.

<sup>239</sup>S/7953 (incorporated in the record of the Council's 1351st meeting. See S C, 22nd yr., 1351st mtg.).

requested "the Secretary-General to make immediate contacts with the Governments of Israel and Syria to arrange immediate compliance with the above-mentioned resolutions and to report to the Security Council not later than two hours from now".

116. At the same meeting, the Secretary-General read a communication dated 9 June<sup>240</sup> from the representative of Syria indicating his Government's acceptance of the cease-fire resolution of 9 June and a communication from the representative of Israel stating that his Government accepted the 9 June cease-fire resolution, provided that Syria accepted it and would implement the cease-fire.

117. At the 1353rd meeting, held on 9 June, the Secretary-General reported that Syria had replied that orders had been issued to its forces to stop military operations forthwith, but Israel was continuing military activities against Syria, including air attacks. Israel had replied that it had issued orders for the cessation of hostilities, and that on its part all fighting had stopped except for measures of self-defence when it was still being attacked.

118. The Secretary-General, replying to requests by some members of the Council that further information on the charges of cease-fire violations be obtained from United Nations observers in the area, stated that, if certain conditions in respect of co-operation by the parties concerned with the United Nations observers, including the restoration of communications facilities in Government House and freedom of movement for observers on both sides, were obtained, he would be able to report promptly to the Security Council regarding observance of the cease-fire.<sup>241</sup>

119. At the 1354th meeting, on 10 June 1967, the Secretary-General gave the Council oral reports on the developing military situation as reported to him by General Bull and the Chairman of the Israel-Syrian Mixed Armistice Commission. The report included, among other things, an assessment of the situation by General Bull to the effect that UNTSO observers had reported bombing and continuing hostilities in the area east of Lake Tiberias in Syria and the eastern bank of the Jordan River and that Damascus airport and suburbs had been bombed by the Israel air forces. The Israel Foreign Office had denied the air attack on Damascus or its airport, asserting that Israel aircraft were over Syria only to provide protective cover for Israel forces. The Secretary-General observed that the reports were fragmentary, reflecting the extreme difficulties under which General Bull and the United Nations observers in the area were operating.

120. At the 1355th meeting, on 10 June 1967, the Secretary-General reported that the Chairman of the Mixed Armistice Commission had confirmed the occurrence of air attacks in the vicinity of Damascus. General Bull had advised that Israel was prepared to make arrangements for a cease-fire. The Secretary-General added that a meeting had been arranged between General Bull and the Minister of Defence of Israel.

121. At the same meeting the Secretary-General informed the Council that General Bull had proposed a

cease-fire between Israel and Syria, to be effective at 1630 hours GMT on 10 June 1967. Israel had advised General Bull that it was ready to agree to the proposal provided Syria also agreed and provided United Nations observers were deployed on each side at the time of the cease-fire.

122. In a supplemental report dated 10 June 1967<sup>242</sup> subsequently issued by the Secretary-General, it was stated that Israel and Syria had accepted the arrangements for a cease-fire proposed by General Bull and that, on the morning of 11 June, the United Nations observers were to be deployed from Quneitra on the Syrian side and from Tiberias on the Israel side.

123. At the 1356th meeting, on 10 June 1967, the Secretary-General stated that, in response to inquiries which he had made to General Bull regarding the military situation at the time, he had received confirmation of a bombing raid south of Damascus and of artillery fire directed from Syria to Israel, both incidents having taken place after the time fixed for a cease-fire. Israel and Syria had confirmed the occupation of Quneitra by Israel forces, Israel claiming occupation prior to the cease-fire. In reply to questions raised by the representative of France relating to the Secretary-General's report of 10 June, the Secretary-General stated, among other things, that Israel claimed that its forces had occupied Quneitra prior to the cease-fire.

124. In a further oral report made at the same meeting, the Secretary-General informed the Council that, according to information received from the Chief of Staff: (a) bombs had been definitely dropped south of Damascus; (b) there had been no Arab breaches of the cease-fire; (c) a spokesman of the Israel Foreign Office had denied categorically the bombing by Israel aircraft; and (d) the steps taken to achieve observance of the cease-fire on either side had been reported.

125. At the 1357th meeting, on 11 June, the Secretary-General informed the Council that he had received three messages from the Chief of Staff that same evening relating to the question of an Israel tank column said to be moving out of Rafid in Syria. The Secretary-General stated that he had urgently sought further information from the Chief of Staff of UNTSO on whether Israel troops were in Rafid and environs before the cease-fire of 10 June or whether they had advanced to that sector after the time fixed for the cease-fire to go into effect.

126. At the same meeting, on 11 June 1967, the Council unanimously adopted resolution 236(1967), by which it requested the Secretary-General to continue his investigations and to report to the Council as soon as possible. In the resolution the Council, *inter alia*, further affirmed that its demand for a cease-fire and discontinuance of all military activities included a prohibition of any forward military movements subsequent to the cease-fire, called for the prompt return to the cease-fire positions of any troops which might have moved forward subsequent to 1630 hours GMT on 10 June 1967 and called for full co-operation with the Chief of Staff of UNTSO and the observers in implementing the cease-fire, including freedom of movement and adequate communications facilities.<sup>243</sup>

127. The Secretary-General, in a supplemental report dated 11 June,<sup>244</sup> stated that the cease-fire arrangement

<sup>240</sup>S/7958, (incorporated in the record of the 1352nd meeting of the Council. See S C, 22nd yr., 1352nd mtg.).

<sup>241</sup>At the same meeting the Council decided to request the parties concerned to extend all possible co-operation to United Nations observers in the discharge of their responsibilities, to request the Government of Israel to restore the use of Government House to General Bull and to ask the parties to re-establish freedom of movement for United Nations observers in the area.

<sup>242</sup>S C, 22nd yr., Suppl. for April-June 1967, S/7930/Add.2.

<sup>243</sup>In its resolution 240(1967) of 25 October 1967 the Council further demanded of the Member States concerned that they co-operate fully and promptly with UNTSO.

<sup>244</sup>S C, 22nd yr., Suppl. for April-June 1967, S/7930/Add.3.

of 10 June as proposed and negotiated by the Chief of Staff of UNTSO was being observed and no serious breaches had been reported.

128. Between 12 and 13 June, the Secretary-General issued three additional reports<sup>245</sup> concerning compliance with the Security Council cease-fire resolutions. In connexion with the question of Israel troop positions in Rafid or environs, the Secretary-General informed the Council that General Bull had no information as to whether the troops were in, or had by-passed, Rafid at 1630 hours GMT on 10 June.

129. The Secretary-General also referred to the serious handicap imposed upon the Chief of Staff and his observers due to the continued lack of access to UNTSO Headquarters in Government House. In that connexion, he had addressed a telegram to the Prime Minister of Israel again urging the return of Government House to UNTSO. He had also addressed a communication to the Permanent Representative of Israel requesting assurances from his Government for the safety and well-being and for the protection of the interests and rights of the civilian populations in the area now under military occupation.

130. In two further supplementary reports<sup>246</sup> dated 14 and 15 June, the Secretary-General informed the Council that the situation continued to remain quiet.

131. In subsequent supplementary reports,<sup>247</sup> covering the period between 16 June to 13 July, the Secretary-General reported to the Council that apart from minor incidents and complaints the situation continued to remain quiet. He also reported on the demarcation of the cease-fire lines between Israel and Syria,<sup>248</sup> pursuant to Security Council resolutions 235(1967) and 236(1967), on the stationing of United Nations observers in the Suez Canal area,<sup>249</sup> and on the question of the return of UNTSO and its Chief of Staff to their headquarters at Government House, Jerusalem, which had been under military control since 5 June 1967.<sup>250</sup>

132. At the Council's 1365th meeting, on 8 July, the Secretary-General stated that it was a matter of great regret to him that he was unable to provide the Council with information about the reports of a new outbreak of fighting on 8 July between the armed forces of Israel and the United Arab Republic in the Suez Canal sector. As he had reported to the Council on 4 July 1967,<sup>251</sup> no United Nations military observers had been stationed in the Suez Canal area, and he had therefore received no verified information about hostile activities there. Unlike the two resolutions relating exclusively to the cease-fire between Israel and Syria<sup>252</sup>, the Security Council's general cease-fire resolutions<sup>253</sup>, which were applicable to the cease-fire between Israel and the United Arab Republic, requested the Secretary-General to keep the Council informed about the situation but made no provision for any assistance with regard to implementation of the cease-fire. Realizing that he could not discharge his reporting responsibility under those latter two resolutions without any means of

obtaining reliable information, the Secretary-General had decided on 4 July 1967 to take the initiative towards a possible alleviation of this situation. On that date, he had undertaken separate exploratory talks with the representatives of the United Arab Republic and Israel, inquiring what the reaction of their Governments would be to a suggestion from him that United Nations military observers might be stationed in the sector of the Suez Canal where there was now confrontation between the armed forces of the United Arab Republic and those of Israel. Such observers, of course, would have to be stationed on both sides, as had been done in the sector where the forces of Israel and Syria were in confrontation.

133. The Secretary-General had as yet had no word about the reaction of either Government to that suggestion, which he considered to be constructive and helpful in the light of the prevailing circumstances. If it should be agreed that United Nations observers should proceed to Sinai and the Suez sector, that could be done quickly, according to information from the Chief of Staff, within his present observers strength, but it would be necessary to increase the number of observers available to him at a very early date thereafter.

134. At the Council's 1366th meeting on 9 July, 1967 the Secretary-General stated that since the last meeting of the Council he had consulted the Chief of Staff of UNTSO, and had been informed that for the Suez sector his estimated need would be for an additional 25 observers who should be made available to him as soon as possible. Pending the arrival of those additional observers, the Chief of Staff, if called upon to do so, could dispatch a small team of observers now on his staff to the Suez Canal area. The observers could institute patrols on both the United Arab Republic and the Israel sides of the front. He noted that United Nations military observers had been employed, it had been the established practice to have the approval of the Governments directly concerned regarding the countries from which military observers for the particular operation might be drawn. That practice still continued.

135. At the Council's 1366th meeting, on 9 July 1967, the President read the following statement,<sup>254</sup> which was accepted by the members of the Council as a consensus of their views:

"Recalling Security Council resolutions 233(1967), 234(1967), 235(1967) and 236(1967) and emphasizing the need for all parties to observe scrupulously the provisions of these resolutions, having heard the statements made by the Secretary-General and the suggestions he had addressed to the parties concerned, I believe that I am reflecting the view of the Council that the Secretary-General should proceed, as he has suggested in his statements before the Council on 8 and 9 July 1967, to request the Chief of Staff of the United Nations Truce Supervision Organization in Palestine, General Odd Bull, to work out with the Governments of the United Arab Republic and Israel, as speedily as possible, the necessary arrangements to station United Nations military observers in the Suez Canal sector under the Chief of Staff of UNTSO."

136. In a report dated 11 July,<sup>255</sup> the Secretary-General informed the Council that the Governments of the United Arab Republic and Israel had informed him

<sup>245</sup>*Ibid.*, S/7930/Add.4-6.

<sup>246</sup>S C, 22nd yr., Suppl. for April-June 1967, S/7930/Add.7-8.

<sup>247</sup>*Ibid.*, S/7930/Add.9-17 and *ibid.*, Suppl. for July-Sept. 1967, S/7930/Add.18-22.

<sup>248</sup>*Ibid.*, S/7930/Add.18.

<sup>249</sup>*Ibid.*, S/7930/Add.19.

<sup>250</sup>*Ibid.*, S/7930/Add.20. UNTSO resumed occupancy of Government House on 23 August 1967 (*ibid.*, S/7930/Add.27).

<sup>251</sup>*Ibid.*, S/7930/Add.19.

<sup>252</sup>S C resolutions 235(1967) and 236(1967).

<sup>253</sup>S C resolutions 233(1967) and 234(1967).

<sup>254</sup>S/8047. See also S C, 22nd yr., Resolutions and Decisions, pp. 6 and 7.

<sup>255</sup>S C, 22nd yr., Suppl. for July-Sept. 1967, S/8053.

of their acceptance of the proposed stationing of United Nations military observers in the Suez Canal sector.

137. On 17 July 1967 the Secretary-General informed the Council that advance parties of United Nations observers would begin observation operations on both sides of the Suez sector on that date.<sup>256</sup> These functions continued to be performed in that area throughout the period under review.

138. At the Council's 1371st meeting, on 25 October 1967, the Secretary-General stated that the need to strengthen the observer operation, established in the Suez Canal sector following the Council's consensus of 9/10 July 1967, had become increasingly apparent. Consultation with the Chief of Staff of UNTSO on means to make the operation more fully effective in maintaining the cease-fire had made apparent the necessity of steps along the following lines: (1) increasing the number of observers from the 43 existing at the time to 90; (2) doubling the observation posts from 9 to 18; (3) using, possibly, four small patrol craft to patrol waters of the Canal and adjacent waters; (4) acquiring and making use of four small helicopters to increase observer mobility and for air observation, two on each side of the Canal. All such measures would relate exclusively to the Council's cease-fire resolutions and its consensus, and therefore, would be of a provisional and temporary nature. A substantial increase in costs, beyond the estimate set out in document S/8182, would result from the strengthening of the observer operation. The Secretary-General also reminded the Council that there was only token observer representation in the Israel-Jordan and Israel-Lebanon sectors and therefore no machinery to assist in implementing Council resolutions 233(1967) and 234(1967), which applied to all sectors.

139. In a report<sup>257</sup> dated 31 October 1967, the Secretary-General, after further consultation with the Chief of Staff of UNTSO, reported on the requirements and details for the possible strengthening of the observer operation in the Suez Canal sector mentioned in his statement at the 1371st meeting of the Security Council, on 25 October 1967.

140. In a report<sup>258</sup> dated 1 December 1967, the Secretary-General stated that he had been recruiting 47 additional observers from countries mutually acceptable to the parties, as follows: Argentina, Austria, Chile, Finland, France, Ireland and Sweden, and that the first new observers would be arriving early in December.

141. On 8 December 1967, the following statement, which reflected the view of the members of the Council was circulated by the President as a Security Council document:

"As regards document S/8053/Add.3, brought to the attention of the Security Council, the members, recalling the consensus reached at its 1366th meeting, recognize the necessity of the enlargement by the Secretary-General of the number of observers in the Suez Canal zone and the provision of additional technical material and means of transportation."<sup>259</sup>

142. Subsequent reports submitted by the Secretary-General in the period under review kept the Council informed of the evolution of the situation in respect of

the cease-fire, of breaches of the latter and of related incidents.<sup>260</sup>

143. In a special report submitted on 21 April 1969 on the critical situation in the Suez Canal sector,<sup>261</sup> the Secretary-General said that he felt it necessary to employ the unusual means of a special report from the Secretary-General to the Security Council to call most urgently to the attention of its members the prevailing situation in the Suez Canal sector, which, in his view, was grave. After referring to the information submitted by the Chief of Staff of UNTSO, the Secretary-General stated that it was clear that observance of the Security Council cease-fire resolutions had been degenerating steadily, particularly since 8 April 1969. In numerous instances the exchange of fire had taken place along most of the length of the Canal. The weapons employed ranged from small arms to heavy mortars, rockets, tank fire and heavy artillery. The United Nations military observers, who were operating under great danger and difficulty, had exerted every effort to bring a quick end to the firing, but in each instance, not later than the following day, firing had erupted again. In those circumstances, the Secretary-General stated, the only conclusion that could be drawn was that the Security Council cease-fire had become almost totally ineffective in the Suez Canal sector and that a virtual state of active war existed there.

144. On 2 May 1969, the Secretary-General submitted to the Security Council a report,<sup>262</sup> stating that he was increasingly concerned about certain recent developments which threatened the effectiveness of the observation of the cease-fire in the Suez Canal sector. Those developments exposed United Nations military observers and other United Nations personnel to grave danger and caused heavy damage to United Nations installations, vehicles and equipment. In his report, the Secretary-General included texts of identical letters he had sent to the representatives of Israel and the United Arab Republic on 21 April, the replies of Israel, dated 23 April, and those of the United Arab Republic, dated 25 and 29 April, as well as the texts of further letters he had addressed to the parties on 1 May.

145. In letters to the parties of 21 April 1969, the Secretary-General had expressed his anxiety for the safety of the United Nations military observers and supporting Field Service personnel stationed in the Suez Canal sector and referred in this connexion to some of the damage caused to United Nations installations and vehicles in the 20 firing incidents between 8 March and 20 April. Referring to complaints by the Chief of Staff that United Nations installations and facilities, though clearly marked, had been repeatedly fired on by both sides and that United Nations observation posts on both sides of the Canal had been encroached on by military positions of the parties, he requested that instructions

<sup>256</sup>*Ibid.*, S/7930/Add.23.

<sup>257</sup>*Ibid.*, Suppl. for Oct.-Dec. 1967, S/8053/Add.3 and Corr.1.

<sup>258</sup>*Ibid.*, S/8053/Add.4.

<sup>259</sup>See S C, 22nd yr., Suppl. for July-Sept. 1967, S/8289.

<sup>260</sup>S C, 22nd yr., Suppl. for July-Sept. 1967, S/7930/Add.23-41; *Ibid.*, Suppl. for Oct.-Dec. 1967, S/7930/Add.42-61; S C, 23rd yr., Suppl. for Jan.-March 1968, S/7930/Add.62-66; *ibid.*, Suppl. for April-June 1968, S/7930/Add.67-72; *ibid.*, Suppl. for July-Sept. 1968, S/7930/Add.73-92; *ibid.*, Suppl. for Oct.-Dec. 1968, S/7930/Add.93-108; S C, 24th yr., Suppl. for Jan.-March 1969, S/7930/Add.109-146; *ibid.*, Suppl. for April-June 1969, S/7930/Add.147-249; *ibid.*, Suppl. for July-Sept. 1969, S/7930/Add.250-367; and *ibid.*, Suppl. for Oct.-Dec. 1969, S/7930/Add.368-480. In its resolution 248(1968) of 24 March 1968, the Security Council, *inter alia*, deplored all violent incidents in violation of the cease-fire and requested the Secretary-General to keep the situation under review and to report to the Council as appropriate.

<sup>261</sup>S C, 24th yr., Suppl. for April-June 1969, S/9171.

<sup>262</sup>*Ibid.*, S/9188.



be issued urgently to the military forces of the parties to avoid actions which restricted the observation operation and endangered the lives of the United Nations personnel. He also requested that the construction of new shelters for United Nations personnel be completed as a matter of urgency.

146. In a special report dated 5 July 1969<sup>263</sup> the Secretary-General, after recalling his special report of 21 April,<sup>264</sup> stated that, although there had been some reduction in violence in the Suez Canal sector during the last two weeks of May and the first week of June, the observance of the cease-fire had again deteriorated in the second week of June, with exchanges of heavy-weapons fire initiated almost daily, especially from the west side of the Canal, as reported to the Security Council in the supplemental information reports of the S/7930 series. The fact that many of those activities had been announced by the parties themselves implied a tacit recognition by them that the cease-fire, to all intents and purposes, had ceased to be respected in the Suez Canal sector. The Secretary-General, referring also to his report of 2 May,<sup>265</sup> in which he had expressed his concern about the danger to which United Nations military observers and installations had been exposed, stated that that risk had increased in the past two weeks. The military observers, although carrying out their duties with a devotion worthy of the highest praise, were doing so under conditions of continuous danger. Messages had been sent by UNTSO to the authorities of the United Arab Republic and, on occasion as necessary, to Israel concerning incidents of firing on United Nations personnel and United Nations observation posts and equipment, but without any noticeable effect. After recalling that the observers were unarmed men doing their best under extraordinary stress and strain to fulfil the task assigned to them by the Security Council, the Secretary-General stated that they could not be expected to serve as what amounted to defenceless targets in a shooting-gallery. If they continued to be fired upon, the Secretary-General added, he would have to advise the Council on the future course of action, including even the possibility of withdrawal of the observers. The Secretary-General said that the conclusion was inescapable that throughout the Suez Canal sector open warfare had been resumed. Experience showed that it was virtually impossible to ensure effective observance of a cease-fire for a prolonged and indefinite period in a situation where two hostile forces constantly confronted each other across a narrow no man's land, with one party in military occupation of territory belonging to the other and with no early prospect of the implementation of Security Council resolution 242(1967).

147. After referring to the worsening situation also in the Israel-Jordan sector, the Secretary-General stated that the level of violence in the Middle East since 1967 had never been higher than it was at the time of his report. He was bringing that situation to the attention of the Security Council fully aware that as Secretary-General he had been unable to improve it, and because if it continued, the situation could soon render vain efforts towards a peaceful settlement and could even be the overture to more general, intensive hostilities in the Middle East.

148. The Secretary-General then appealed to all parties in the Middle East to end immediately all offensive

military actions, particularly those taking place daily in the Suez Canal sector, and return to observance of the Security Council cease-fire in order to avoid frustrating current efforts to restore peace in the Middle East. He also appealed to the members of the Security Council and to all Members of the United Nations to exert all influence and to take all measures which might be helpful in making the cease-fire effective and the peace efforts successful in the vital interest of the whole world.

149. Both of the parties in their replies gave assurances of their co-operation with the Chief of Staff and stated that they were taking the necessary steps, as requested by him, to expedite the construction of shelters for United Nations military observers. Each side blamed the other for the danger to United Nations personnel and damage to United Nations installations.

150. The Secretary-General, in his report, pointed out that, since he had addressed his initial letter to the parties, daily exchanges of fire had taken place, encroachment on United Nations observation posts had continued, and some of the posts had been hit. He endorsed proposals by the Chief of Staff that safe perimeters should be established around United Nations installations and that UNTSO should be provided with a United Nations craft to be used for the relief of United Nations personnel when relief by road was not possible.

151. At the 1502nd meeting of the Security Council, on 18 August 1969,<sup>266</sup> the President drew the Council's attention to a note of the same date by the Secretary-General.<sup>267</sup> In that note, the Secretary-General informed the Council that on 16 August he had addressed to Israel and Lebanon identical letters on the situation in the Israel-Lebanon sector, which was under discussion in the Council and involved serious breaches of the cease-fire. Because there had been no effective United Nations observation operation in that sector since June 1967, it had not been possible for him to provide the Council with accounts of incidents, including the recent ones under discussion in the Council; and he pointed out that a lack of verified information could not but adversely affect the Council's consideration of the question. He had therefore proposed to both Governments that an adequate number of United Nations observers should be stationed on both sides to observe and maintain the Security Council cease-fire, as he believed that that would provide an important deterrent to further incidents. The Secretary-General added that, if replies from both Governments were favourable, he would request the Chief of Staff of UNTSO to consult immediately with the two Governments and to recommend to him the number of additional observers which might be required as well as other necessary arrangements for their stationing on both sides of the Israel-Lebanon sector.

152. In a letter dated 18 August,<sup>268</sup> the representative of Lebanon replied that since the Armistice Agreement of 23 March 1949 observers of the Mixed Armistice Commission had been stationed on Lebanese territory enjoying full freedom of operation, and that their status had not been altered by the June 1967 hostilities. Furthermore, the Armistice Agreement, which in Lebanon's opinion remained valid and applicable, con-

<sup>266</sup>This was one of a series of meetings held by the Council from 13 to 26 August 1969 to consider charges of violation of the cease-fire made by Israel and Lebanon against each other.

<sup>267</sup>S C, 24th yr., Suppl. for July-Sept. 1969, S/9393.

<sup>268</sup>*Ibid.*, S/9393/Add.1.

<sup>263</sup>*Ibid.*, Suppl. for July-Sept. 1969; S/9316.

<sup>264</sup>See para. 143 above.

<sup>265</sup>See para. 144 above.

tained no provision for unilateral termination of its application and, therefore, could not be revoked unilaterally. The representative of Lebanon added that, whereas Israel, for more than two years, had not allowed the United Nations observers to operate on the Israel side of the armistice line, the Government of Lebanon had continued to adhere to the Armistice Agreement and would agree to strengthening its machinery.

153. In a letter dated 25 August<sup>269</sup> the representative of Israel replied that his Government's policy rested on reciprocal respect for the cease-fire, which had been disturbed in the Israel-Lebanon sector because terrorist groups operating from bases in Lebanese territory had carried out acts of armed violence in defiance of the cease-fire. Having accepted the cease-fire, Lebanon was responsible for preventing violations from its territory and for restoring the relative quiet previously existing in that sector. Regarding the Secretary-General's proposal for stationing United Nations observers, he stated that, inasmuch as Lebanon in its reply<sup>270</sup> had asked that the observers be stationed only within the framework of the 1949 Armistice Agreement, even though international policy since June 1967 had been to move beyond the cease-fire to a permanent peace, Israel found no point in studying the proposal in further detail. However, should Lebanon be willing to accept the proposal as defined in the Secretary-General's letter, the Government of Israel would then submit its views and would be willing to work for the effective reinforcement of the cease-fire in the Israel-Lebanon sector.

d. *Fifth emergency special session of the General Assembly*

154. Under the terms of a draft resolution<sup>271</sup> submitted on 3 July 1967 at its fifth emergency special session, the General Assembly would, *inter alia*, have called upon Israel to withdraw immediately all its forces to the positions they had held prior to 5 June 1967; (2) requested the Secretary-General to ensure compliance with the resolution and to secure, with the assistance of UNTSO, strict observance by all parties of the provisions of the General Armistice Agreements between Israel and the Arab countries; (3) further requested the Secretary-General to designate a personal representative who would have assisted him in securing compliance with the resolution and be in contact with the parties concerned; (4) called upon all States to render every assistance to the Secretary-General in the implementation of the resolution in accordance with the Charter of the United Nations; and (5) requested the Secretary-General to report urgently to the General Assembly and to the Security Council on compliance with the terms of the resolution.

155. At its 1548th meeting, on 4 July 1967, the General Assembly voted on the draft resolution, which received 53 votes in favour and 46 against, with 20 abstentions, and was not adopted, having failed to obtain the required two-thirds majority.

e. *Humanitarian assistance*

(i) *Security Council resolution 237(1967)*

156. In its resolution 237(1967) of 14 June 1967, the Security Council called upon the Government of Israel

to ensure the safety, welfare and security of the inhabitants of the areas where military operations had taken place and to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities, and recommended to the Governments concerned the scrupulous respect of the humanitarian principles governing the treatment of prisoners of war and the protection of civilian persons in time of war contained in the Geneva Conventions of 12 August 1949. In the resolution the Security Council requested the Secretary-General to follow the effective implementation thereof and to report to the Council.

157. On 29 June 1967, the Secretary-General submitted a report<sup>272</sup> pursuant to Security Council resolution 237(1967). In his report the Secretary-General stated that, in support of the appeal from the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNWRA), he had appealed on 14 June 1967 for contributions from governments and other sources in order to enable UNWRA to assist the war victims. The Secretary-General had kept in close touch with the Commissioner-General of UNWRA, who, within the limits of the situation and of his own resources, had been co-ordinating emergency assistance in the area and taking measures to deal with the circumstances. The Secretary-General attached to his report two reports he had received from the Permanent Representative of Israel concerning the situation of the civilian population in areas under Israel control. The Permanent Representative of Israel had also informed the Secretary-General, in a note attached to the latter's report, of an exchange of prisoners of war between Israel and Jordan. The Secretary-General further stated that he planned to send out to the area for a short time a representative of suitable experience and rank to obtain for him on the spot the information he required for the proper discharge of his responsibilities under resolution 237(1967).

158. Pursuant to Security Council resolution 237(1967), the Secretary-General, on 18 August 1967, submitted an interim report<sup>273</sup> based upon information received from the Commissioner-General of UNWRA and interim reports from Mr. Nils-Göran Gussing, whom the Secretary-General had sent to the Middle East in early July to obtain on the spot the information required for the effective discharge by the Secretary-General of his responsibilities under operative paragraph 3 of the resolution.<sup>274</sup>

159. The report dealt, *inter alia*, with the needs of persons displaced during and after the recent conflict and emergency assistance promised to them, as well as the problem of return of persons who had fled from the West Bank of the Jordan to the East Bank and with arrangements for their return made by representatives of the Governments concerned, the International Committee of the Red Cross and the Jordanian Red Crescent.

160. By a note<sup>275</sup> dated 25 August 1967, the Secretary-General transmitted to the Council a message he had sent to the Government of Israel requesting an extension of the deadline for the return of refugees to the West Bank beyond 31 August 1967, the date set by Israel. The

<sup>269</sup>*Ibid.*, S/9393/Add.2.

<sup>270</sup>*Ibid.*, S/9393/Add.1.

<sup>271</sup>G A (ES-V), Annexes, a.i. 5, A/L.522/Rev.3.

<sup>272</sup>*Ibid.*, Suppl. for April-June 1967, S/8021.

<sup>273</sup>S C, 22nd yr., Suppl. for July-Sept. 1967, S/8124.

<sup>274</sup>*Ibid.*, paras. 2 and 3.

<sup>275</sup>*Ibid.*, S/8133.



reply of Israel stating its compliance with the request was received on 11 September 1967.<sup>276</sup>

161. On 15 September 1967, the Secretary-General announced that a report<sup>277</sup> on the humanitarian aspects of the situation in the Middle East would be forthcoming. That report<sup>278</sup> was transmitted to the Council on 2 October 1967. It was based on information obtained by Mr. Gussing, his representative, on the situation of the population in areas currently under Israel control, the measures taken to shelter and to facilitate the return of those who had fled, the treatment of prisoners of war and the protection of civilians.

162. Recalling that in its resolution 237(1967) the Security Council had called upon Israel to facilitate the return of persons who had fled from areas under Israel occupation, the report detailed information obtained by the Secretary-General's Representative in this respect.

163. Regarding the correct treatment of prisoners of war, referred to in paragraph 2 of resolution 237(1967), the Secretary-General's Representative stated that, on the whole, the International Committee of the Red Cross had been able to play an important role as agent and neutral intermediary in the area of conflict. Jordan, Syria and the United Arab Republic had accused Israel of maltreatment and execution of prisoners of war in Arab countries, alleging murder of several Israel pilots by the United Arab Republic and by Syria. The Representative had not been in a position to investigate these accusations, but in visits to prisoner-of-war camps had gathered the impression that treatment was correct on both sides.

164. Regarding the treatment of Jewish minorities, particularly in certain Arab States, about which Israel had expressed concern, the Secretary-General had informed the Council that the provisions of its resolution 237(1967) might properly be interpreted as having application to the treatment of both Arab and Jewish persons in the States involved in the war. Since this particular aspect of the protection of civilians in time of war could be taken up only towards the end of his stay in the area of conflict, the Representative had had very little time for discussion or investigation of the actual situation of minorities. Letters of inquiry had been sent by the Representative to Israel, Syria and the United Arab Republic. Israel had replied that, except for security measures, which were no longer in effect, there had been no discrimination against Arab citizens. The United Arab Republic had expressed to the Representative its firm opinion that resolution 237(1967) did not apply to its Jewish minority and had requested confirmation of that interpretation. Jews of Egyptian nationality, it maintained, were solely the responsibility of the Government of the United Arab Republic. The Representative indicated that there were persistent allegations that part of the Jewish minority in the United Arab Republic had been kept in detention since the beginning of the war. In discussion of his letter with the Syrian Government, the latter had been assured that the Jewish minority in Syria was treated in exactly the same way as other Syrian citizens. For security reasons, certain Jews suspected of anti-Government activities were restricted in their movements, as were certain Christians and Moslems.

165. In conclusion, the report noted the efforts of Governments and international organizations to help

the people affected by the war. The Secretary-General expressed appreciation for all the voluntary contributions to relieve the distressed populations and appealed to all to contribute to that humanitarian task.

166. On 2 March 1968, the Secretary-General circulated a note<sup>279</sup> under Security Council resolution 237 (1967) and under General Assembly resolution 2252 (ES-V)<sup>280</sup> on humanitarian assistance, stressing the appeals made by the Assembly for special contributions to UNRWA, and added his own appeal to all Governments to make urgently whatever contributions they could to meet the new emergency refugee situation then facing the Government of Jordan and UNRWA. In that connexion, he attached a special report of the Commissioner-General of UNRWA on the exodus from the Jordan Valley which had followed military incidents along the River on 8 and 15 February.

167. On 19 April 1968, the Secretary-General submitted a note<sup>281</sup> concerning his correspondence with the Governments of Israel, Jordan, Syria and the United Arab Republic with regard to the implementation of Security Council resolution 237(1967) and General Assembly resolution 2252(ES-V)<sup>282</sup> on humanitarian questions and the usefulness of again sending a representative to the area in order to make it possible for the Secretary-General to meet his reporting obligation under those resolutions.

168. On 31 July 1968, the Secretary-General, pursuant to Security Council resolution 237(1967) and General Assembly resolution 2252(ES-V), submitted a report<sup>283</sup> setting forth the communications between the Secretary-General and the parties from May to July 1968 relating to his proposal to send a representative to the Middle East, in particular for the purpose of meeting his reporting obligations under Security Council resolution 237 (1967) and General Assembly resolution 2252(ES-V) concerning humanitarian questions. In letters of 2 and 20 May, the Permanent Representative of Syria had emphasized his Government's understanding that the humanitarian resolutions under which the proposed representative would be appointed referred exclusively to the civilian population in the Arab areas occupied by Israel and to the Arab refugees from those areas and did not apply to Jewish communities in Arab countries, and that the mission of the representative would be confined to reporting under those resolutions. In conversations on 23 May and in written communications of 12 and 26 June and 8 July 1968, the Permanent Representative of Israel had stated his Government's view that the mission of the representative should include the situation of the Jewish communities in the Arab countries, including those of Iraq and Lebanon. Israel maintained that the relevant resolutions related to the conditions of the civilian population throughout the Middle East area of conflict and not only in Israel-held territories. It was clear that Iraq was one of the States directly concerned because of its participation in the war; although Lebanon did not fully participate in the fighting, anxiety was felt about the Jewish community there, and there was no logical reason why Lebanon should be excluded from the scope of the mission.

169. The Secretary-General, orally on 23 May 1968<sup>284</sup> and in written communications of 18 and 27 June and

<sup>276</sup>*Ibid.*, S/8153.

<sup>277</sup>S/8155.

<sup>278</sup>*Ibid.*, Suppl. for Oct.-Dec., S/8158.

<sup>279</sup>S C, 23rd yr., Suppl. for Jan.-March 1968, S/8435.

<sup>280</sup>See para. 172 below.

<sup>281</sup>S C, 23rd yr., Suppl. for April-June 1968, S/8553.

<sup>282</sup>See para. 177 below.

<sup>283</sup>*Ibid.*, Suppl. for July-Sept. 1968, S/8699.

<sup>284</sup>*Ibid.*, para. 4.

15 July, 1968<sup>285</sup> had stated that the proposed extension of the terms of reference to cover the treatment of the Jewish communities in Iraq and Lebanon was unacceptable and regretted that the question had been raised, particularly at such a late stage. The second humanitarian mission would have the same terms of reference and general scope as the first mission, and the suggested extension had not been raised at that time. The Secretary-General expressed his deep concern for the situation of the Jewish communities in the Arab States and said that he had been dealing directly with the question of the treatment of the Jewish community in Iraq through the country's Permanent Representative and would continue to do so. He added that there was no indication that a problem existed concerning the treatment of the Jewish community in Lebanon. The Secretary-General then pointed out that it was only by a broad humanitarian interpretation that it had been possible in the case of the Gussing mission to stretch the terms of the resolutions to include "humanitarian inquiries" concerning Jewish persons in Syria and in the United Arab Republic as ancillary to the investigation of the condition and treatment of inhabitants in occupied territories. The Security Council resolution could not, by legal interpretation, be regarded as applying to the Jewish communities in Iraq and Lebanon. Attached to the Secretary-General's letter of 15 July 1968 was a brief legal analysis concerning the application and scope of the General Assembly and Security Council resolutions. The Secretary-General stated that he regretfully had to conclude that the points raised by Israel were to be taken as conditions which had to be met if the proposed mission was to be able to proceed and have the necessary access to the areas with which it was concerned.

170. The Secretary-General communicated the position of Israel to Jordan, Syria and the United Arab Republic. The replies from the representatives of Syria and Jordan on 23 July and from that of the United Arab Republic on 25 July confirmed that their Governments would welcome the Secretary-General's Representative, whose terms of reference, they stated, had been clearly indicated in Security Council resolution 237(1967) and General Assembly resolution 2252(ES-V). The obstacles and arbitrary demands of Israel to the proposed second mission were aimed, it was stated, at perpetuating the tragedy of the Arab inhabitants expelled by the Israel occupation authorities and at continuing the inhuman treatment of the civilian population under Israel rule in occupied Arab territories. The representatives of the Arab States hoped that the Secretary-General would see that the two resolutions were effectively and fully implemented.

171. On 29 July 1968, a reply was transmitted from the Foreign Minister of Israel, in which he stated, *inter alia*, that Israel was not imposing "conditions" but was asking only that the mission should have an equal opportunity to investigate the situation of Jewish communities in Arab countries since the recent conflict. Israel believed that that was clearly within the scope of the relevant resolutions, which had made it plain that United Nations humanitarian concern extended to civilians in the whole Middle East area. It was the unwillingness of the Arab Governments to co-operate in that respect which was delaying the mission. The Foreign Minister requested that the Secretary-General communicate the substance of his Government's position

also to Iraq and Lebanon, since those countries were also directly involved in the conflict and inquiry needed to be made into the situation of their Jewish communities.

172. The Secretary-General concluded his report by stating that there was currently no basis on which the mission could proceed, since it required the co-operation of the parties concerned and the necessary assured access. The difficulties arose from an attempt to broaden the scope and terms of reference of the new mission beyond those applying to the Gussing mission, which went as far as the relevant resolutions would permit. There was no question of discrimination; approaches had been made to the Governments concerned, including the Government of Iraq, regarding the treatment of Jewish communities, and there appeared to be no problem regarding the Jewish community in Lebanon. The Secretary-General held that, on the legal level, the resolution could not be stretched to cover those two countries and stated that he had not approached them regarding the question of the acceptance of the mission. He pointed out that resolution 237(1967) had referred to "the area of conflict" not the territory of States parties to the conflict, and that the records of the discussions preceding the adoption of the resolution also showed that it had been motivated by concern for the inhabitants of the occupied areas where military operations had taken place. The proposed mission would be concerned exclusively with humanitarian matters. The Secretary-General considered it unfortunate that considerations involving the well-being of a great many people should not be regarded as being of sufficient urgency to override the obstacles that the projected mission was facing.

#### (ii) *Security Council resolution 259(1968)*

173. By its resolution 259(1968) of 27 September 1968, the Security Council requested the Secretary-General urgently to dispatch a Special Representative to the Arab territories under military occupation by Israel following the hostilities of 5 June 1967 and to report on the implementation of its resolution 237(1967). In the resolution the Council requested the Government of Israel to receive the Special Representative of the Secretary-General, to co-operate with him and to facilitate his work, and recommended that the Secretary-General be afforded all co-operation in his efforts to bring about the implementation of the resolution as well as of resolution 237(1967).

174. On 14 October 1968, the Secretary-General, in pursuant of paragraph 1 of resolution 259(1968), submitted a report<sup>286</sup> containing the texts of letters exchanged by him with the representatives of Israel, Jordan, Syria and the United Arab Republic. On 28 September, the Secretary-General had addressed a letter to the representative of Israel seeking assurance that the Israel Government would receive, co-operate with and facilitate the work of the Special Representative to be designated by him. On the same day, he had also written to the representatives of the three Arab States to obtain the co-operation of their Governments with the Special Representative.

175. In their replies, the representatives of Jordan and the United Arab Republic had given assurances of their Governments' fullest co-operation with the Special Representative. The representative of Syria, after stat-

<sup>285</sup>*Ibid.*, paras. 6, 8 and 10.

<sup>286</sup>S C, 23rd yr., Suppl. for Oct.-Dec. 1968, S/8851.

ing his Government's understanding that, under resolutions 237(1967) and 259(1968), the Special Representative had no mandate over Syrian citizens of Jewish faith, had also assured him that the Special Representative would be afforded all co-operation in his efforts. The representative of Israel reiterated his Government's stand that the task of the Special Representative should, in accordance with its interpretation of resolution 237 (1967), include the question of treatment of both Arab and Jewish persons in the States which were directly concerned because of their participation in the war. He added that, as soon as the Secretary-General had received assurances from the Arab Governments that had participated in the June war that the Special Representative would have the access and co-operation indispensable to the fulfilment of his mission concerning the Jewish minorities in those countries, Israel would be ready to discuss the arrangements for the mission.

176. In his reply to the representative of Israel, the Secretary-General pointed out that his request for co-operation was made under resolution 259(1968), which in paragraph 1 referred exclusively to "Arab territories under military occupation by Israel", and in paragraph 2 made a request of Israel which envisaged implementation without conditions. The Secretary-General concluded that, since Israel's reply did not afford him a basis on which to dispatch the Special Representative, he had no alternative but to report to the Security Council accordingly. In conclusion, the Secretary-General stated that, as would be seen from the correspondence, he had not been able to give effect to the decision of the Security Council.

(iii) *General Assembly resolution 2252(ES-V)*

177. By its resolution 2252(ES-V) of 4 July 1967, the General Assembly, *inter alia*, welcomed with great satisfaction Security Council resolution 237(1967). In paragraph 5 the Assembly recommended the Commissioner-General of UNRWA for his efforts to continue the activities of UNRWA in the situation then obtaining with respect to all persons coming within his mandate. In paragraph 6 the Assembly endorsed his efforts to provide humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure, to other persons in the area who were displaced at the time and who were in serious need of immediate assistance as a result of the recent hostilities. In paragraph 10 of the resolution the Assembly requested the Secretary-General, in consultation with the Commissioner-General of UNRWA, to report urgently to the Assembly on the needs arising under paragraphs 5 and 6 of the resolution. In paragraph 11 the Assembly further requested the Secretary-General to follow the effective implementation of the resolution and to report thereon to the General Assembly.<sup>287</sup>

f. *Designation of a Special Representative of the Secretary-General*

178. In paragraph 1 of its resolution 242(1967) of 22 November 1967 the Security Council affirmed that the fulfilment of Charter principles required the establishment of a just and lasting peace in the Middle East, laying down the principles which in the Council's view

should apply thereto. In paragraph 2 of the resolution the Council further affirmed the necessity of meeting certain specified requirements in that connexion. In paragraph 3 the Council requested "the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution". In paragraph 4 the Council "requested the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible".

179. In a note dated 23 November 1967,<sup>288</sup> the Secretary-General informed the Security Council that, pursuant to paragraph 3 of Council resolution 242(1967), he had invited Ambassador Gunnar Jarring of Sweden to accept the designation as his Special Representative in the Middle East. He had, on the same day, addressed identical notes to Israel, Jordan, Lebanon, Syria and the United Arab Republic in which he had informed them of his designation of Ambassador Jarring, and expressed the hope that each of the Governments concerned would extend to Ambassador Jarring its full co-operation and afford him all facilities with a view to the effective discharge of his mission. Ambassador Jarring accepted the designation and arrived at United Nations Headquarters for consultations on 26 November.<sup>289</sup>

180. The Secretary-General also submitted reports<sup>290</sup> to the Council on 22 December 1967 and 17 January 1968 on the progress of the efforts of his Special Representative to the Middle East, setting forth the itinerary the Representative had followed in his consultations with the Governments in the area, and describing in general the types of questions dealt with in his talks, as it was premature to report on the substance of those discussions. The talks related to the large and fundamental problems referred to in Security Council resolution 242 (1967), and to secondary problems the solution of which would contribute to an improvement of the general atmosphere by relieving certain unnecessary hardships which had resulted from the June 1967 hostilities, including the release of stranded ships, the exchange of prisoners of war and measures of a humanitarian character. The Governments visited had continued to extend courtesy and willingness to co-operate and had expressed positive reactions concerning the desirability of continued steps to improve the general atmosphere while searching for solutions to the fundamental problems.

181. On 29 March 1968 the Security Council received a further report from the Secretary-General<sup>291</sup> on the progress of the efforts of his Special Representative to the Middle East. The report reviewed the Special Representative's visits to the various capitals of the countries concerned and stated that the Special Representative had found a basic difference of outlook between the parties, which had been described in some detail by the parties themselves in the Council documents and in the course of meetings held in March. His efforts had been directed towards obtaining an agreed statement of position concerning the implementation of Council resolution 242(1967), which could then be followed by meet-

<sup>287</sup>For an account of the implementation of the Secretary-General's mandate under General Assembly resolution 2252(ES-V), which he fulfilled in conjunction with his mandate under Security Council resolution 237(1967), see paras. 166-172 above.

<sup>288</sup>S C, 22nd yr., Suppl. for Oct.-Dec. 1967, S/8259.

<sup>289</sup>*Ibid.*, S/8309.

<sup>290</sup>*Ibid.*, S/8309, and S C, 23rd yr., Suppl. for Jan.-March 1968, S/8309/Add.1.

<sup>291</sup>S C, 23rd yr., Suppl. for Jan.-March 1968, S/8309/Add.2.

ings between the parties under his auspices. So far, those efforts had not resulted in agreement, and had, moreover, been interrupted by events during the latter part of March. Contacts were being renewed and a further report was to be submitted when the results were known.

182. On 29 July 1968, the Secretary-General submitted to the Security Council a fourth report<sup>292</sup> on the progress of the efforts of his Special Representative to the Middle East covering his activities after 29 March 1968. During that period Ambassador Jarring had held discussions with the Governments of Jordan, the United Arab Republic, Israel and Lebanon. In addition to reporting to the Secretary-General regularly on those meetings, Ambassador Jarring also had met him at Teheran on 22 April 1968, and it was then agreed that he would return to New York for further consultations. He stayed in New York between 15 May and 21 June, during which period he had held consultations with the Secretary-General and the permanent representatives of the parties concerned.

183. During the period between 21 June, when he left for Europe, and 22 July, when he returned to New York, Ambassador Jarring had met with officials of some of the parties in various cities of Europe. In the light of his discussions, he had arrived at the conclusion, which was endorsed by the Secretary-General, that it would be advisable for him to extend further his contacts with the parties, and for that purpose he would return to the Middle East.

184. At the 1440th meeting of the Council on 16 August 1968, the President of the Council took note of the widespread support that had been expressed for the efforts of the Special Representative in the mission entrusted to him. With the consent of the Council, he requested the Secretary-General to convey to the Special Representative that expression of support.

185. In its resolution 258(1967) of 18 September 1968, the Security Council, *inter alia*, reaffirmed its resolution 242(1967) and urged all the parties to extend their fullest co-operation to the Special Representative of the Secretary-General in the speedy fulfilment of the mandate entrusted to him under that resolution.

186. On 3 December 1968, the Secretary-General submitted the fifth report<sup>293</sup> on the mission of Ambassador Gunnar Jarring, covering his activities after 29 July 1968. In accordance with his intention as recorded in the previous report, Ambassador Jarring had arrived in Nicosia on 15 August for a further round of discussions with the Governments concerned. On 23 September, he had arrived at United Nations Headquarters, where the Foreign Ministers of the parties had gathered for the twenty-third session of the General Assembly. Ambassador Jarring had first met with them informally, and later formally, and concluded his discussions with them by receiving written communications from the Foreign Ministers of Israel and the United Arab Republic. On 26 November, Ambassador Jarring had written to the Secretary-General, stating that, as agreed with him, he was leaving New York on 27 November for a further round of talks with the parties and that he intended to invite them to a new round of discussions in the middle of January 1969. In his reply dated 27 November, the Secretary-General, after concurring with Ambassador Jarring's programme, had expressed to him his gratifi-

cation at his willingness to continue his efforts with the parties towards a peaceful settlement. The Secretary-General had once again put on record his appreciation of the wisdom, tact and patience shown by Ambassador Jarring in the task entrusted to him.

187. In a further report dated 4 January 1971, the Secretary-General gave a somewhat fuller account than had appeared in previous reports on Ambassador Jarring's efforts from December 1967 to November 1968 to ascertain the position of the parties with regard to the implementation of Security Council resolution 242 (1967) and his unsuccessful attempts to find a basis for inviting them for conferences, within the framework of the Security Council resolution, at Nicosia or elsewhere. In further visits to the Middle East in December 1968 and in March and April 1969, the Special Representative had sought further details on the attitude of the parties and on the latter occasion obtained the written replies of the Governments of Israel, Jordan, Lebanon and the United Arab Republic to questions which he had submitted.

188. Ambassador Jarring was regretfully forced to conclude that the conditions for convening a useful series of meetings at that time did not exist and that there was no further move which he could usefully make at that stage. He therefore returned on 5 April 1969 to Moscow, where he resumed his duties as Ambassador of Sweden to the USSR.

189. On 3 April 1969, the Permanent Representatives of France, the USSR, the United Kingdom and the United States had begun a series of meetings on the Middle East question that had continued at various intervals up to the date of the report. After each such meeting, the Chairman had reported to the Secretary-General on the substance of the discussions, and the Secretary-General had kept Ambassador Jarring informed.

190. Ambassador Jarring was again at Headquarters from 12 September to 8 October 1969 and from 10 to 26 March 1970, but found no new elements which would permit him to organize active discussions with the parties.

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

191. By its resolution 2253(ES-V) of 4 July 1967 the General Assembly, deeply concerned at the situation prevailing in Jerusalem as a result of the measures taken by Israel to change the status of the city, considered that those measures were invalid and called upon Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem. In paragraph 3 of the resolution the Assembly requested the Secretary-General to report to it and to the Security Council on the situation and on the implementation of the resolution not later than one week from its adoption.

192. Pursuant to the request made to him in resolution 2253(ES-V), the Secretary-General submitted a report<sup>294</sup> to the General Assembly and the Security Council on 10 July 1967. On 5 July, the Secretary-General had drawn the resolution to the attention of the Government of Israel as a matter of urgency, through a letter addressed to the Minister for Foreign Affairs. The report reproduced the reply received by the Secretary-

<sup>292</sup>*Ibid.*, Suppl. for July-Sept. 1968, S/8309/Add.3.

<sup>293</sup>S C, 23rd yr., Suppl. for Oct.-Dec. 1968, S/8309/Add.4.

<sup>294</sup>S C, 22nd yr., Suppl. for July-Sept. 1967, S/8052.

General on 10 July, in which the Foreign Minister charged that since 1948 the section of Jerusalem in which the Holy Places were concentrated had been governed by a régime which refused to give due acknowledgement to universal religious concerns and, as it had informed the *Ad Hoc* Political Committee at the fourth and fifth sessions of the General Assembly, in 1949 and 1950, would not agree to any special arrangements for the Holy Places. Despite Israel's appeals to Jordan to abstain from hostilities, Jordanian forces on 5 June 1967 had launched a destructive and unprovoked armed assault on the part of Jerusalem outside the walls. Since 7 June the entire city had experienced peace and unity, and the Holy Places of all faiths were open to those who held them sacred. The term "annexation" used by supporters of resolution 2253 (ES-V) was out of place since, he stated, the measures adopted related to the integration of Jerusalem in the administrative and municipal spheres and furnished a legal basis for the protection of the Holy Places. The measures adopted by the Israel Parliament on 27 June provided for the protection of the Holy Places, for civic co-operation between Arabs and Jews in free and constant association, for ensuring a continuous supply of water in the Old City and equalizing welfare rights, operating hospitals and clinics and establishing health services in schools and stations for mother and child care, and for preparing for the school year and ensuring compulsory education in all parts of the city. The letter added that the Government of Israel had embarked on a constructive and detailed dialogue with representatives of universal religious interests, which it was hoped would give effective expression to the universal character of the Holy Places.

193. By its resolution 2254(ES-V) of 14 July 1967, the General Assembly deplored the failure of Israel to implement resolution 2253(ES-V) and reiterated its call to Israel in that resolution to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem. In paragraph 3 of the resolution the Assembly requested the Secretary-General to report to the Security Council and the Assembly on the situation and on the implementation of the resolution.

194. Pursuant to the request made to him in Assembly resolution 2254(ES-V), the Secretary-General circulated to the Security Council a note<sup>295</sup> dated 14 August 1967, announcing the appointment of Ambassador Ernesto A. Thalmann of Switzerland as his Personal Representative in Jerusalem. The Secretary-General pointed out that Mr. Thalmann's mission would be solely to obtain information as a basis for the report requested in that resolution and would not entail any negotiations relating to the implementation thereof.

195. On 12 September 1967 the Secretary-General submitted a report<sup>296</sup> in two parts on the situation in Jerusalem, part one being based on information gathered by his Personal Representative during his two-week mission. After giving details of changes in Jerusalem's geography, population and municipal administration, the Personal Representative stated that Israel leaders had made clear to him beyond any doubt that Israel was taking every step to place under its sovereignty those parts of the city not controlled before June 1967. For practical reasons, not all Israel laws and regulations were yet being enforced but the declared objective was

to equalize the legal and administrative status of residents of all parts of the city. The Israel authorities stated unequivocally that the process of integration was irreversible and not negotiable.

196. The report went on to outline the current and the prospective situation in respect of the economy, the judicial system and education, as described by the Israel authorities.

197. Turning to the situation in Jerusalem as described by Arab personalities, the Personal Representative explained that the disproportionately large amount of information he had received from the Israel side, as compared with that from Arab sources, was due partly to the fact that his investigations were carried out in an Israel-controlled area. Israel representatives had stated that the Arab personalities interviewed were, with few exceptions, members of the National Council of the Palestine Liberation Organization and did not truly represent the population. The Personal Representative noted that Arab-provided documents were signed by a wide range of personalities, including many previous Jordanian officials and recognized religious leaders.

198. The report described the major Arab complaints against the Israel authorities. The Personal Representative had been told that the Arabs were ready to co-operate with a military occupation régime on questions of administration and public welfare but were opposed to civil incorporation by force into the Israel Estate system, an act regarded as a violation of international law, which prohibited an occupying Power from changing the legal and administrative structure.

199. All representatives of the religious communities met by the Personal Representative agreed that the Holy Places needed special protection and that their believers should have free access to those places. Reassuring statements made in this connexion by Israel authorities were favourably received. Apart from the Moslems, essentially only the Catholic Church adopted a systematically divergent attitude: the Holy See was convinced that the only solution offering sufficient guarantee for the protection of Jerusalem and its Holy Places was to place that city and its vicinity under an international régime in the form of a *corpus separatum*. Various religious leaders hoped that their links with the outside world, including the Arab countries, would remain open. The Personal Representative was assured by Israel that a liberal practice would be pursued; so far as entry from Arab countries was concerned, it was for those countries to issue the relevant permits.

200. Part two of the report set forth the response of Israel dated 11 September, to the Secretary-General's letter of 15 July transmitting the text of General Assembly resolution 2254(ES-V) of 14 July. The Israel Minister for Foreign Affairs stated that it was necessary to ensure equal rights and opportunities to all residents of the city. No international or other interest would be served by the institution of divisions and barriers. It was his Government's policy to secure appropriate expression of the special interest of the three great religions in Jerusalem, in co-operation with the universal interests concerned, by ensuring that the Moslem, as well as the Christian and Jewish Holy Places, should be scrupulously respected and revered and placed under the responsibility of a recognized Moslem authority.

201. In its resolution 252(1968) of 21 May 1968, the Security Council deplored the failure of Israel to comply with General Assembly resolutions 2253(ES-V) and 2254(ES-V), considered that all legislative and administrative measures and actions taken by Israel, including

<sup>295</sup>*Ibid.*, S/8121.

<sup>296</sup>*Ibid.*, S/8146.

expropriation of land and properties thereon, which tended to change the legal status of Jerusalem, were invalid and could not change that status and urgently called upon Israel to rescind all such measures already undertaken and to desist forthwith from taking any further action which tended to change the status of Jerusalem. In paragraph 4 of the resolution the Council requested the Secretary-General to report to it on the implementation of the resolution.

202. In a report<sup>297</sup> dated 11 April 1969, submitted in pursuance of Security Council resolution 252(1968), the Secretary-General stated that, since the termination of the mission of his Personal Representative in Jerusalem in September 1967, he had had no means of obtaining first-hand information upon which he could base a report. On 13 February 1969, the Secretary-General had sent a note to Israel in which he recalled that under resolution 252(1968) the Council had considered that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tended to change the legal status of Jerusalem were invalid and could not change that status; had urgently called upon Israel to rescind all such measures already taken and to desist forthwith from taking any further action which tended to change the status of Jerusalem; and had requested the Secretary-General to report to the Security Council on the implementation of the resolution. The Secretary-General had stated that he must, in the main, look to the Government of Israel for the information necessary in the discharge of his responsibilities and had therefore requested the Government of Israel to provide him with such information. In his reply, on 25 March, the representative of Israel had informed the Secretary-General that the position of his Government continued to be the same as set forth in the letter of the Minister of Foreign Affairs of Israel of 10 July 1967 (S/8052) and in the statements which had been made on that subject by the representatives of Israel in the General Assembly and the Security Council.

203. The Secretary-General then stated that the only other source of information of an official nature pertinent to the implementation of Security Council resolution 252(1968) was the Israel *Official Gazette*, published in Hebrew. According to that source, the Israel Parliament had adopted on 14 August 1968 the "Legal and Administrative Matters (Regulation) Law", which was relevant to the situation in Jerusalem. Regarding the implementation of that law, the Secretary-General recalled that the President of the Security Council had indicated, in his note of 10 February 1969, that Israel had decided to postpone until 23 May 1969 the putting into effect of that law. The report of the Secretary-General contained as annex I an unofficial translation of that law, and as annex II an unofficial translation of the "Administrative Matters (Regulation) Law, 5728, 1968" and explanatory notes.

204. On 30 June 1969 the Secretary-General issued an addendum<sup>298</sup> to his report of 11 April 1969 on the implementation of resolution 252(1968). In this addendum he brought to the attention of the Council further information concerning legislation adopted by Israel.

205. By its resolution 267(1969) of 3 July 1969, the Security Council, *inter alia*, reaffirmed its resolution 252(1968), confirmed its pronouncement in that

resolution concerning the measures and actions taken by Israel purporting to change the status of Jerusalem and once again called upon Israel to rescind those measures and requested Israel to inform the Security Council without any further delay of its intentions with regard to the implementation of the provisions of the resolution. In paragraph 8 of resolution 267(1969) the Council requested the Secretary-General to report to it on the implementation of the resolution.

*h. The Secretary-General's mandate in respect of the damage caused to the Al Aqsa Mosque in Jerusalem on 21 August 1969*

206. On 15 September 1969 the Security Council, by 11 votes to none, with 4 abstentions, adopted resolution 271(1969). In that resolution the Council, grieved at the extensive damage caused by arson to the Holy Al Aqsa Mosque in Jerusalem on 21 August 1969 under the military occupation of Israel, *inter alia* reaffirmed its resolutions 252(1968) and 267(1969), recognized that any act of destruction or profanation of the Holy Places, religious buildings and sites in Jerusalem or any encouragement of, or connivance at, any such act might seriously endanger international peace and security, and called upon Israel scrupulously to observe the provisions of the Geneva Conventions of 12 August 1949 and international law governing military occupation and to refrain from causing any hindrance to the discharge of the established functions of the Supreme Moslem Council of Jerusalem, including any co-operation that Council might desire from countries with predominantly Moslem population and from Moslem communities in relation to its plans for the maintenance and repair of the Islamic Holy Places in Jerusalem. In paragraph 7 of the resolution the Council requested the Secretary-General to follow closely the implementation thereof and report to the Council at the earliest possible date.

207. On 16 December 1969, the Secretary-General submitted a report<sup>299</sup> to the Security Council in pursuance of paragraph 7 of resolution 271(1969). He stated that he had communicated that resolution to the Government of Israel the day it had been adopted, but, having received no information, he had addressed a note to the Permanent Representative of Israel on 24 November, requesting the necessary information regarding the implementation of resolution 271(1969), inasmuch as it was his intention to submit a report to the Security Council not later than mid-December 1969.

208. The reply from the Permanent Representative of Israel, which the Secretary-General reproduced in his report, stated that the genesis of resolution 271(1969) was an attempt by the Arab States to exploit the fire in the Al Aqsa Mosque for political and propaganda purposes and that the tension and antagonism thus deliberately created had damaged further the prospects for a peaceful settlement of the Middle East conflict. The Israel representative added that the report of the commission of inquiry that had been appointed by the President of the Israel Supreme Court had been published. The trial of Denis Michael Rohan, accused of arson in connexion with the fire, was then in progress. In the meantime, temporary repairs to the Mosque had been carried out, and prayers were being conducted as usual.

<sup>297</sup>S C, 24th yr., Suppl. for April-June 1969, S/9149.

<sup>298</sup>*Ibid.*, S/9149/Add.1.

<sup>299</sup>S C, 24th yr., Suppl. for Oct.-Dec. 1969, S/9559.



i. *The Secretary-General's functions in respect of the holding of a military parade in Jerusalem*

209. In its resolution 250(1968) of 27 April 1968, the Security Council, after stating that it had considered a note<sup>300</sup> by the Secretary-General concerning plans by the Israeli authorities to hold a military parade in Jerusalem on 2 May and expressing the view that the holding of such a parade in Jerusalem would aggravate tension, called upon Israel to refrain from holding the parade and requested the Secretary-General to report to the Council on the implementation of the resolution.

210. In a letter dated 30 April 1968 addressed to the Secretary-General<sup>301</sup> the Foreign Minister of Israel stated that, after giving careful attention to the Secretary-General's cable transmitting Security Council resolution 250(1968) and to his report to the Security Council of 26 April, it was his Government's considered judgement that the ceremony of 2 May need not and would not have the adverse effects predicted in some quarters.

211. In a report<sup>302</sup> submitted on 2 May 1968 in compliance with resolution 250(1968), the Secretary-General informed the Council with regret that the parade had taken place in Jerusalem as scheduled, having been held in the area east of the Armistice Demarcation Line for approximately two hours and ten minutes. As far as he knew, there had been no incidents, but in the absence of United Nations observers, it was not possible to provide fully verified information. However, from information received from various sources, the main equipment and personnel for the parade were said to have been concentrated in the eastern part of Jerusalem as were the main reviewing stand and the spectators' stands. Attached to the report were excerpts from an article in the *Jerusalem Post* listing the units, vehicles and equipment for the parade.

j. *Steps to be taken by the Government of Israel for the return of the persons having fled the Israel occupied areas as a result of the hostilities of June 1967*

212. In paragraph 1 of its resolution 2452 A (XXIII) the General Assembly called upon the Government of Israel to take effective and immediate steps for the return without delay of the persons who had fled the Israel-occupied areas as a result of the hostilities of June 1967, and, in paragraph 2, requested the Secretary-General to follow the effective implementation of the resolution and report thereon to the Assembly.

213. In a report<sup>303</sup> submitted to the General Assembly at its twenty-fourth session, the Secretary-General stated that on 23 July 1969 he had addressed a letter to the Permanent Representative of Israel asking for information on the steps Israel had taken to carry out the resolution and the results thus far achieved. On 14 August, Israel had replied that since the adoption of the resolution the Arab Governments in general, and the Jordanian Government in particular, had continued to

carry out policies and practices which had aggravated the security and political conditions in the area and made the return of displaced persons more difficult. In spite of difficulties created by the infiltration of terrorists and also the continuing persecution of Jewish minorities in the Arab countries, Israel had continued to the best of its ability to facilitate the return of persons who had fled during the 1967 hostilities. It had also issued a great number of permits for temporary visits in either direction, for business, family and other reasons.

k. *Question of the steps to be taken by the Secretary-General to have a custodian appointed to protect and administer Arab property, assets and property right in Israel and to receive income derived therefrom on behalf of the rightful owners*

214. At the General Assembly's twenty-first session the representatives of Afghanistan, Pakistan and Somalia submitted a draft resolution<sup>304</sup> to the Special Political Committee by which the Assembly would *inter alia* have requested the Secretary-General to take all appropriate steps to have a custodian appointed to protect and administer Arab property, assets and property rights in Israel and to receive income derived therefrom on behalf of the rightful owners. At its 515th meeting on 14 November 1966 the Committee rejected the four-Power draft resolution by 38 votes to 36, with 36 abstentions.

215. At the twenty-second session a draft resolution<sup>305</sup> containing an identical request to the Secretary-General was submitted by Afghanistan, Indonesia, Malaysia, Pakistan and Somalia to the Special Political Committee.

216. At its 594th meeting, on 16 December 1967, the Committee adopted the five-Power draft resolution by a vote of 52 to 38, with 24 abstentions.

217. At its 1640th plenary meeting, on 19 December 1967, the General Assembly agreed to a proposal of the representative of Nigeria that no vote should be taken on the draft resolution.<sup>306</sup>

218. At the twenty-third session the representatives of Afghanistan, Indonesia, Malaysia, Pakistan and Somalia submitted a draft resolution<sup>307</sup> to the Special Political Committee which contained an identical request to the Secretary-General. At its 635th meeting, on 13 December 1968, the Committee rejected the five-Power draft resolution by a vote of 44 to 42, with 27 abstentions.

7. FUNCTIONS EXERCISED UNDER GENERAL ASSEMBLY OR SECURITY COUNCIL RESOLUTIONS WITH RESPECT TO VARIOUS OTHER QUESTIONS

a. *The situation in Territories under Portuguese administration*<sup>308</sup>

219. In its resolution 2184(XXI) the General Assembly appealed to all the specialized agencies, in particular to the International Bank for Reconstruction and Develop-

<sup>300</sup>S C, 23rd yr., Suppl. for April-June 1968, S/8561. In this document the Secretary-General reproduced the text of a note he had addressed to the Permanent Representative of Israel on 20 April 1968 expressing his concern about those plans. No reply had been received to the note.

<sup>301</sup>S/8565 (incorporated in the record of the 1418th mtg. of the Council. See S C, 23rd yr., 1418th mtg., para. 47).

<sup>302</sup>S C, 23rd yr., Suppl. for April-June 1968, S/8567.

<sup>303</sup>G A (XXIV), Annexes, a.i. 36, A/7665.

<sup>304</sup>A/SPC/L.128.

<sup>305</sup>A/SPC/L.157.

<sup>306</sup>G A (XXII), Plen., 1640th mtg., paras. 4-6.

<sup>307</sup>A/SPC/L.168.

<sup>308</sup>The action taken by the Secretary-General in connexion with the question of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations also had a bearing on the Territories under Portuguese administration. (See paras. 256-260 below.)

ment (IBRD) and the International Monetary Fund (IMF), to refrain from granting Portugal any financial, economic or technical assistance as long as the Government of Portugal failed to implement Assembly resolution 1514(XV) and requested the Secretary-General to enter into consultation with IBRD in order to secure its compliance with that appeal.<sup>309</sup>

220. In its resolution 2270(XXII) the Assembly once again appealed to all the specialized agencies, in particular to IBRD and IMF, to refrain from granting Portugal any financial, economic or technical assistance as long as the Government of Portugal failed to implement Assembly resolution 1514(XV), requesting the Secretary-General to enter into consultations with the specialized agencies in this respect and report on the matter to the Special Committee.<sup>310</sup>

221. In paragraph 3 of its resolution 2395(XXIII) the Assembly called upon the Government of Portugal to apply without delay to the peoples of the Territories under its domination the principle of self-determination, freedom and independence in accordance with the provisions and objectives of the Charter and of resolution 1514(XV). In paragraph 4 the Assembly drew the attention of the Security Council to the grave situation in those Territories.

222. In paragraph 5 the Assembly appealed to all States to grant the peoples of the Territories the moral and material assistance necessary for the restoration of their inalienable rights. In paragraphs 6, 9 and 13 the Assembly appealed to all States, in particular to members of the North Atlantic Treaty Organization, to withhold from Portugal any assistance which enabled it to prosecute the colonial war in the Territories, appealed to all States to take all measures to prevent the recruitment or training in their territories of any persons as mercenaries for the colonial war being waged in the territories under Portuguese domination and for violations of the territorial integrity and sovereignty of the independent African States and expressed its appreciation to the Member States concerned, to the United Nations High Commissioner for Refugees and to the specialized agencies and other international relief organizations concerned for the help they had given so far, inviting them to increase the assistance, including health and

medical facilities, to the victims of Portuguese colonialism. In paragraph 15 the Assembly requested the Secretary-General to take such action as he might deem appropriate for the implementation of the resolution and to report to the Assembly at its twenty-fourth session.

223. In the report<sup>311</sup> submitted to the Assembly at its twenty-fourth session pursuant to resolution 2395(XXIII), the Secretary-General stated that, in connexion with paragraph 4, he had transmitted the text of the resolution to the President of the Security Council. By a letter of the same date and taking into account the relevant operative paragraphs, he had transmitted the resolution to the Chargé d'affaires a.i. of the Permanent Mission of Portugal to the United Nations for the attention of the Portuguese Government. In addition, the Secretary-General, with reference to the provisions of paragraphs 5, 6, 9, 13 and 15, had transmitted copies of the resolution to States, to the specialized agencies and to the Office of the United Nations High Commissioner for Refugees. With regard to the question of further action that might appropriately be taken by him, under paragraph 15, to implement the resolution, the Secretary-General observed, with respect to the provisions of the resolution that were addressed to the Government of Portugal, that, in the absence of a response to the above-mentioned letter, he had taken into consideration current developments concerning the territories under Portuguese administration, as a result of which he had come to the conclusion that those developments did not then give any indication of willingness on the part of the Government of Portugal to give effect to those provisions. Consequently, the Secretary-General, while ready to assist in implementing the provisions, for the moment found no basis for appropriate action by him within the framework of the resolution. As for the provisions of the resolution addressed to all States, the Secretary-General noted that in paragraph 13 of its resolution 2465(XXIII) the Assembly had requested the Special Committee "to continue to examine the compliance of Member States with the Declaration and with other relevant resolutions on the question of decolonization, particularly those relating to the Territories under Portuguese domination . . . and to report thereon to the General Assembly at its twenty-fourth session." With reference to the provisions addressed to the Office of the United Nations High Commissioner for Refugees and to the specialized agencies, the Secretary-General pointed out that he had been in touch with the executive heads of those institutions within the context of paragraph 8(a) of Assembly resolution 2426(XXIII) concerning the implementation of the Declaration by the specialized agencies and the international institutions associated with the United Nations<sup>312</sup> and would submit to the Assembly at its twenty-fourth session the report called for in that resolution.<sup>313</sup> With regard, finally, to the operative paragraph of resolution 2395(XXIII) concerning training programmes for the indigenous inhabitants of the Territories under Portuguese administration, the Secretary-General, referring to Assembly resolution 2431(XXIII), by which the training programme for the indigenous inhabitants of Territories under Portuguese administration had been incorporated in the United Nations Education and Training Programme for Sou-

<sup>309</sup>The consultations carried out by the Secretary-General with the Bank pursuant to General Assembly resolution 2184(XXI) were held in conjunction with consultations pursuant to the Assembly's request to the Secretary-General in its resolution 2202 A (XXI) on the policies of *apartheid* of the Government of the Republic of South Africa that he consult with the Bank in order to obtain its compliance with the last-mentioned resolution as well as with Assembly resolutions 2105 (XX) and 2107(XX) (see paras. 263-268 below). The Secretary-General's report on the consultations was accordingly submitted to the Assembly, at its twenty-second session, both under agenda item 35, entitled "The policies of *apartheid* of the Government of the Republic of South Africa" and agenda item 66, which concerned the question of the territories under Portuguese administration. (For the text of the report, the contents of which are summarized in paras. 263-268 below, see G A (XXII), Annexes, a.i. 66, A/6825.) (The report was also taken into account by the General Assembly in connexion with its consideration of agenda item 97, entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations", with regard to which matter see paras. 256-260 below.)

<sup>310</sup>In document A/AC.109/304 of 2 October 1968 the Secretary-General reported to the Special Committee on consultations he had held with the Bank, as well as with the other specialized agencies, within the broader framework of Assembly resolution 2311(XXII) on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and international institutions associated with the United Nations (see paras. 256-260 below).

<sup>311</sup>G A (XXIV), Annexes, a.i. 65, A/7694.

<sup>312</sup>See paras. 257 and 258 below.

<sup>313</sup>For a reference to a document containing the report, see footnotes 347-349 below.



thern Africa,<sup>314</sup> stated that he would submit a separate report to the Assembly at its twenty-fourth session as requested in that resolution.

b. *The situation in Southern Rhodesia*

(i) *Security Council resolutions 232(1966) and 253(1968)*

224. In its resolution 232(1966) the Security Council decided that all States Members of the United Nations were to prevent certain specified activities related to the foreign trade of Southern Rhodesia and the supply of arms and related equipment to Southern Rhodesia, called upon all States not to render financial or other economic aid to the régime in Southern Rhodesia and called upon all Member States to carry out the Council's decision in accordance with Article 25 of the Charter. The Council further called on all Member States and the specialized agencies to report to the Secretary-General the measures which each had taken in accordance with the Council's decision in that resolution that they were to prevent certain specific activities. In that resolution the Council requested the Secretary-General to report to it on the progress of the implementation of the resolution, the first report to be submitted not later than 1 March 1967.

225. On 21 February 1967, the Secretary-General submitted his first report<sup>315</sup> pursuant to resolution 232(1966). In that report and addenda<sup>316</sup> thereto the Secretary-General gave an account of and analyzed the replies received to notes of 17 December 1966 and 13 January 1967 he had addressed to Member States or members of the specialized agencies, reproducing the substantive parts of the replies. In his reports the Secretary-General also evaluated the effects of the measures taken in implementation of resolution 232(1967) on the economy of Southern Rhodesia.

226. In paragraphs 1, 2 and 17 of its resolution 253(1968) of 29 May 1968, in which it reaffirmed its resolution 232(1966), the Security Council called upon the United Kingdom as the administering Power to take urgently all effective measures to bring to an end the rebellion in Southern Rhodesia, enabling the people to secure the enjoyment of their rights as set forth in the Charter and in conformity with the objectives of General Assembly resolution 1514(XV), and to take measures to put an end to political repression in Southern Rhodesia, declaring that the United Kingdom should ensure that no settlement was reached without taking into account the views of the people of Southern Rhodesia and that it was acceptable to such people as a whole. In paragraph 21 of the resolution the United Kingdom as the administering Power was requested to give maximum assistance to the Committee established by paragraph 20 to undertake certain tasks specified therein. In the resolution the Council again decided that Member States were to prevent certain specified activities related to the foreign trade of Southern Rhodesia. It also decided that those States were to prevent the provision to the régime of Southern Rhodesia, as well as to undertakings in Southern Rhodesia, of funds for investment or any other financial or economic resources and the

entry into their territories of persons travelling on Southern Rhodesia passports believed to be ordinarily resident in Southern Rhodesia or believed to have furthered or encouraged, or to be likely to further or encourage, the actions of the régime or any activities calculated to evade any measure decided upon in the resolution or in resolution 232(1966). In resolution 253(1968) the Council also decided that those States were to prevent airlines companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from Southern Rhodesia and from linking up with any airline company constituted or aircraft registered therein, calling upon them to carry out those decisions in accordance with Article 25 of the Charter. States Members of the United Nations or members of the specialized agencies were also called upon to take all possible measures to prevent activities by their nationals and persons in their territories promoting, assisting or encouraging emigration to Southern Rhodesia and to take all possible further action under Article 41 of the Charter to deal with the situation in Southern Rhodesia. They were also requested to extend assistance to Zambia as a matter of priority with a view to helping it solve such special economic problems as it might be confronted with as a result of the implementation of the Council's decisions.

227. In the resolution Member States were urged to render moral and material assistance to the people of Southern Rhodesia in their struggle to achieve their freedom and independence and to act in accordance with the provisions of the resolution. In paragraph 19 of resolution 253(1968) the Secretary-General was requested to report to the Council on the implementation thereof, the first report to be submitted not later than 1 September 1968.

228. On 28 August 1968<sup>317</sup> the Secretary-General submitted his first report to the Security Council, in pursuance of paragraph 19 of resolution 253(1968), on the progress of the implementation of that resolution. He indicated that on 31 May he had drawn the attention of the Government of the United Kingdom to paragraphs 1, 2, 17 and 21 of the resolution addressed to it as the administering Power for Southern Rhodesia. Annexed to the report was the reply he had received on 19 July enclosing copies of the United Kingdom's Statutory Instrument made on 28 June 1968, implementing certain paragraphs of the resolution. In its reply the United Kingdom stated that it had made the necessary legislative provisions to meet its obligations under resolution 253(1968).

229. In notes dated 7 June 1968 addressed to all States Members of the United Nations or members of the specialized agencies, the Secretary-General had drawn attention to paragraph 18 of resolution 253(1968), which called upon them to report to him by 1 August 1968 on measures taken to implement the resolution. As of 27 August, the Secretary-General had received 60 replies from Governments to his notes of 7 June, the substantive parts of which were reproduced in annex II of the report.

230. Also on 7 June the Secretary-General had addressed letters to the heads of the specialized agencies and the IAEA, drawing attention, in particular to paragraphs 15, 20 and 22 of resolution 253(1968). The substantive parts of nine replies received from the heads of specialized agencies were reproduced in annex III of the

<sup>314</sup>See para. 47 above.

<sup>315</sup>S C, 22nd yr., Suppl. for Jan.-March 1967, S/7781.

<sup>316</sup>*Ibid.*, S/7781/Add.1-2; *ibid.*, Suppl. for July-Sept. 1967, S/7781/Add.3; *ibid.*, Suppl. for Oct.-Dec. 1967, S/7781/Add.4; S C, 23rd yr., Suppl. for April-June 1968, S/7781/Add.5.

<sup>317</sup>S C, 23rd yr., Suppl. for July-Sept. 1968, S/8786 and Add.1.

report. On 7 June the Secretary-General had also addressed a letter to the United Nations High Commissioner for Refugees drawing his attention to paragraph 15 of the resolution. The substantive part of the High Commissioner's reply was reproduced in annex IV of the report. The same annex contained the substantive parts of the replies to letters addressed by the Secretary-General on 24 June to the Organization for Economic Co-operation and Development, the United Nations Industrial Development Organization, the United Nations Conference on Trade and Development, the Economic Commission for Africa and the United Nations Development Programme.

231. In addenda<sup>318</sup> to his initial report the Secretary-General submitted the additional replies he had received from Governments. It was indicated in the addenda that on 5 November the Secretary-General had renewed his request for information from those States which had not yet replied to his note of 7 June. Again, on 20 November 1968 and 22 January 1969, the Secretary-General, upon the request of the Committee established in pursuance of resolution 253(1968), had issued further appeals to those States which had still not reported to do so without delay and invited all Member States and members of the specialized agencies to provide information of any further measures taken by them since their last reports.

(ii) *General Assembly resolution 2262(XXII)*

232. In its resolution 2262(XXII), by which it, *inter alia*, requested the Special Committee to continue to keep the situation in Southern Rhodesia under review, the General Assembly invited the Secretary-General to report to the Committee on the extent of the implementation by Member States of the resolutions of the United Nations relevant to the Territory.

233. The report<sup>319</sup> submitted by the Secretary-General pursuant to this resolution was prepared within the broader context of the question of the compliance by Member States with the Declaration on the Granting of Independence to Colonial Countries and Peoples and other relevant resolutions on the question of decolonization, particularly those relating to Territories under Portuguese Administration, Southern Rhodesia and South West Africa.

c. *The question of Aden*

234. On 15 June 1966 the Special Committee on decolonization adopted a resolution<sup>320</sup> on Aden. By this resolution the Committee requested the Secretary-General, in consultation with the Committee and the administering Power, to appoint immediately a special mission to Aden for the purpose of recommending practical steps necessary for the full implementation of the relevant resolutions of the General Assembly, and in particular for determining the extent of United Nations participation in the preparation and supervision of elections, and of making a report to him as soon as possible for transmission to the Committee. The Committee also called upon the administering Power to declare unequivocally its acceptance of the relevant General Assembly

resolutions and its readiness to co-operate with the United Nations in their implementation without delay, and deplored any defence arrangement that the United Kingdom Government might enter into with the unrepresentative régime in the Territory. In paragraph 8 of the resolution, the Committee urged the administering Power immediately to abolish the state of emergency, repeal all laws restricting public freedom, cease all repressive actions against the people, release all political detainees and allow the return of exiles.

235. The Secretary-General began consultations with those concerned on the appointment of a special mission and in August submitted a report<sup>321</sup> to the Special Committee. This report set out a reply he had received stating that the United Kingdom Government would co-operate with a mission appointed by the Secretary-General, subject to agreement on its composition and to its being recognized that the United Kingdom's responsibilities for security could not be limited or abandoned and that it was bound by existing treaties with the Federation and the unfederated South Arabian States.

236. In its resolution 2183(XXI), the General Assembly, *inter alia*, endorsed the resolution adopted by the Special Committee on 15 June 1966, urging the administering Power to implement the provisions calling for action on its part, further reaffirmed that the only authority responsible to the United Nations for the full implementation of the United Nations resolutions with regard to the Territory was the Government of the United Kingdom.

237. In paragraph 5 of the resolution the Assembly requested the Secretary-General, in consultation with the Special Committee and the administering Power, to appoint immediately a special mission to be sent to Aden for the purpose of recommending practical steps for the full implementation of the relevant resolutions of the General Assembly, and, in particular, for the purpose of determining the extent of United Nations participation in the preparation and supervision of the elections and submitting a report to him as soon as possible for transmission to the Special Committee. In paragraph 6 the Special Mission was requested to consider recommending, *inter alia*, practical steps for the establishment of a central caretaker government in the Territory to carry out the administration of the whole Territory and to assist in the organization of the elections. In paragraph 7 the administering Power was called upon to take the necessary measures so that the Special Mission could discharge its responsibilities on the basis of the Special Committee's resolution of 15 June 1966. In paragraph 8 the Secretary-General was requested to provide all the necessary assistance and facilities for the implementation of the resolution.

238. On 23 February 1967, the Secretary-General announced that the United Nations Special Mission on Aden would be composed of Mr. Manuel Pérez Guerrero (Venezuela), Chairman, Mr. Abdul Satar Shalizi (Afghanistan) and Mr. Moussa Léo Keita (Mali). The Special Mission began its work in New York on 7 March, travelling subsequently to Aden, various capitals and other cities.<sup>322</sup>

239. In a report submitted to the Secretary-General on 10 November 1967 the Special Mission gave an account of its activities, outlining the circumstances because of which it had been unable to fulfil its mandate.<sup>323</sup> On

<sup>318</sup>S C, 23rd yr., Suppl. for Oct.-Dec. 1968, S/8786/Add.2-4; S C, 24th yr., Suppl. for Jan.-March 1969, S/8786/Add.5-7; *ibid.*, Suppl. for April-June 1969, S/8786/Add.8-10; and *ibid.*, Suppl. for July-Sept. 1969, S/8786/Add.11.

<sup>319</sup>A/AC.109/308 and Add.1-8.

<sup>320</sup>G A (XXI), Annexes, a.i. 23/Addendum, chap. VI, para. 382.

<sup>321</sup>A/AC.109/260.

<sup>322</sup>A/AC.109/281, paras. 2-15.

<sup>323</sup>A/AC.109/281.

21 November 1967 the Special Committee took note of the report of the Special Mission and transmitted it to the General Assembly.<sup>324</sup> On 30 November 1967 the Assembly adopted a consensus recommended by its Fourth Committee in which the Assembly, *inter alia*, expressed its appreciation of the work done by the Special Mission and reaffirmed the unity and integrity of the Territory.<sup>325</sup>

d. *The question of Fiji*

240. In its resolution 2185(XXI), by which the General Assembly, *inter alia*, endorsed the decision of the Special Committee on decolonization to appoint a sub-committee to visit Fiji for the purpose of studying at first hand the situation in the Territory, requesting the Chairman of the Special Committee, in consultation with the administering Power, to appoint the sub-committee as early as practicable, the Assembly requested the Secretary-General to provide all the necessary facilities for the visit of the sub-committee to the Territory.

241. Although its members were appointed by the Chairman of the Special Committee,<sup>326</sup> the sub-committee did not go to Fiji, the administering Power having refused to agree to its visit to the Territory.<sup>327</sup>

e. *The question of Ifni and Spanish Sahara*

242. In its resolution 2229(XXI), the General Assembly, *inter alia*, requested Spain, as the administering Power, to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination, asking it to fulfil certain requirements that included, in particular, the provision of the necessary facilities to a United Nations mission so that it might participate actively in the organization and holding of the referendum. In the resolution the Assembly requested the Secretary-General, in consultation with the administering Power and the Special Committee, to appoint immediately a special mission to be sent to Spanish Sahara for the purpose of recommending practical steps for the full implementation of the relevant resolutions of the General Assembly, and in particular for determining the extent of United Nations participation in the preparation and supervision of the referendum and submitting a report to him as soon as possible for transmission to the Special Committee.

243. In a report<sup>328</sup> submitted to the Special Committee, the Secretary-General stated that he had, under cover of a letter dated 19 January 1967, transmitted the text of the resolution to the Permanent Representative of Spain, referring to the provisions thereof that were addressed to Spain, as the administering Power, and to the Secretary-General, pointing out that he would

appreciate receiving at an early date the views of the Spanish Government concerning the proposed mission.

244. On 6 April 1967<sup>329</sup> the Special Committee decided to request the Secretary-General to expedite the consultations envisaged in Assembly resolution 2229(XXI) concerning the appointment of a special mission to Spanish Sahara. In a letter dated 11 April 1967,<sup>330</sup> the Secretary-General informed the Permanent Representative of Spain that, having regard to this decision, he would appreciate receiving at an early date the information requested in his previous letter. In his reply of 18 April 1967,<sup>331</sup> the Permanent Representative of Spain pointed out that Spain's previous proposal regarding the process of self-determination in Spanish Sahara differed from the relevant provision in resolution 2229(XXI). In a letter<sup>332</sup> dated 15 May 1967, the Secretary-General, in acknowledging the letter of the Permanent Representative of Spain stated that, as resolution 2229(XXI) envisaged that the appointment of the special mission would be made in consultation with the administering Power and the Special Committee, he was inviting the views of the latter, observing that when such views were available he would be able to discuss with the Permanent Representative of Spain all the matters relevant to the appointment of the special mission. In a letter<sup>333</sup> of the same date to the Chairman of the Special Committee, by which he transmitted the letter of the Permanent Representative of Spain, the Secretary-General pointed out that the resolution provided that the appointment of the special mission was to be made in consultation with the administering Power and the Special Committee and stated that he would appreciate receiving an indication of the views of the members of the Committee on the matter.

245. In its resolutions 2354(XXII), section II, and 2428(XXIII), section II, the General Assembly reiterated the request it had addressed to Spain as administering Power responsible for Spanish Sahara in resolution 2229(XXI), requesting the Secretary-General,<sup>334</sup> in consultation with the administering Power and the Special Committee, to appoint immediately the special mission provided for in that resolution and to expedite its dispatch to Spanish Sahara for the purpose of recommending practical steps for the full implementation of the relevant resolutions of the General Assembly, and in particular for determining the extent of United Nations participation in the preparation and supervision of the referendum, and submitting a report to him as soon as possible.<sup>335</sup>

<sup>329</sup>*Ibid.*, para. 3.

<sup>330</sup>*Ibid.*, para. 3.

<sup>331</sup>*Ibid.*, para. 4.

<sup>332</sup>*Ibid.*, para. 5.

<sup>333</sup>*Ibid.*, para. 6.

<sup>334</sup>By a letter to the Deputy Permanent Representative of Spain dated 23 January 1968, the Secretary-General transmitted the text of resolution 2354(XXII), drawing attention to the paragraphs addressed to his Government and to the paragraph addressed to the Secretary-General and stating that the Secretary-General would appreciate receiving at an early date the views of the Spanish Government concerning the appointment of the proposed mission. In a reply dated 17 October 1968, the Permanent Representative of Spain stated that his Government maintained, in the same terms as before, the offer contained in his statement of 7 December 1966 to the Fourth Committee, observing that his delegation was ready to start talks with the Secretary-General in order to discuss the dispatch of observers to the Sahara so that they could directly and objectively analyse the situation in the Territory and form a judgement on the matter. (See G A (XXIV), Annexes, a.i. 23/Addendum, A/7200, chap. XIII, annexes II and III.)

<sup>335</sup>Resolution 2354(XXII) provided that this report was to be transmitted to the Special Committee; resolution 2428(XXIII) provided for its submission to the General Assembly.

<sup>324</sup>G A (XXII), Annexes, a.i. 23/Addendum, part II, para. 92.

<sup>325</sup>On 29 November the United Kingdom had announced in the Fourth Committee that the Territory would become independent on 30 November as Southern Yemen, which was admitted to membership in the United Nations on 14 December 1967.

<sup>326</sup>G A (XXII), annexes, addendum to a.i. 23, A/6700/Rev.1, Chapter VII, paras. 43-46.

<sup>327</sup>See G A resolution 2350(XXII).

<sup>328</sup>G A (XXII), Annexes, a.i. 23/Addendum (part II), chapter IX, annex, para. 2.

246. In its resolution 2591(XXIV) on the question of Spanish Sahara, the General Assembly once again reiterated its invitation to Spain, as administering Power in respect of the Territory, and requested the Secretary-General, in consultation with the administering Power and the Special Committee, to appoint immediately the special mission provided for in resolution 2229(XXI) and to expedite its dispatch to Spanish Sahara for the purposes set forth in that resolution.

f. *The question of Equatorial Guinea*

247. In its resolution 2230(XXI) the General Assembly invited Spain, as the administering Power in respect of Equatorial Guinea, to implement certain measures including the institution of an electoral system based on universal suffrage and the transfer of effective power to the government resulting from that election, requesting the Secretary-General to take appropriate action, in consultation with the administering Power and the Special Committee, to ensure the presence of the United Nations in the Territory for the supervision of the preparation for, and the holding of, the election and to participate in any other measures leading towards the independence of the Territory. It also requested the Secretary-General to transmit the resolution to the administering Power and report to the Special Committee on its implementation.

248. By a letter<sup>336</sup> of 19 January 1967, the Secretary-General transmitted the text of the resolution to the Permanent Representative of Spain, stating, *inter alia*, that he would welcome an indication from his Government as to the appropriate time for initiating consultations with that Government. In his reply<sup>337</sup> the Permanent Representative of Spain observed, *inter alia*, that a Constitutional Conference was to be held very shortly in the Territory and that he would keep the Secretariat informed of the proceedings and the results of that Conference.

249. By its resolution 2355(XXII), the General Assembly once again invited Spain to take measures including the institution of an electoral system based on universal adult suffrage and the transfer of effective power to the government resulting from that election and requested the Secretary-General to take the action he had been asked to take in resolution 2230(XXI).

250. The Special Committee reiterated this request to the Secretary-General in a resolution of 1 April 1968.<sup>338</sup>

251. Subsequently, as the Secretary-General informed the Special Committee in his report<sup>339</sup> on this question, the Deputy Permanent Representative of Spain informed him in a letter dated 27 June 1968 that his Government had outlined a programme for the approval of the Constitution and the electoral law by universal adult suffrage and for the holding of elections within two months after the approval of the text. In that letter, he stated that the Spanish Government proposed, "in accordance with the provisions of resolution 2355(XXII), to invite the Secretary-General of the United Nations, by agreement with the Spanish Government itself, to ensure the presence of the United Nations in the Territory at the time of the electoral consultation on the Constitution,

and also during the general elections to elect the new State bodies".

252. The Secretary-General then undertook continuous consultations with the Deputy Permanent Representative of Spain and with the Chairman of the Special Committee.

253. A United Nations Mission for the supervision of the referendum was established by the Secretary-General on 6 August 1968, when he announced that, following his consultations, he had invited the following Member States to serve thereon: Chile, Iran, Niger, Syria and the United Republic of Tanzania, all of which accepted the invitation and appointed their representatives. The Secretary-General made available certain staff members to serve on the Mission, which left Headquarters for the Territory on 8 August 1968.<sup>340</sup>

g. *The question of French Somaliland*

254. In its resolution 2228(XXI), the General Assembly, reaffirming the inalienable right of the people of French Somaliland (Djibouti) to self-determination and independence in accordance with resolution 1514(XV), called upon the administering Power to ensure that the right of self-determination should be freely expressed and exercised by the indigenous inhabitants of the Territory, urging the administering Power to create a proper political climate for a referendum to be conducted on an entirely free and a democratic basis. In that resolution the Assembly requested the administering Power, in consultation with the Secretary-General, to make appropriate arrangements for a United Nations presence before, and supervision during, the holding of the referendum, the Secretary-General being requested to transmit the text of the resolution to the administering Power and report on its implementation to the Special Committee.

255. In a report<sup>341</sup> to the Special Committee dated 23 February 1967, the Secretary-General reproduced the text of a letter dated 10 January 1967, by which he had transmitted to the Permanent Representative of France the text of resolution 2228(XXI), drawing his attention to the provisions thereof that called for action by the French Government, stating that he would appreciate receiving information on the steps taken or envisaged by the Government of France in regard thereto. No reply to that letter had been received by the Secretary-General. In his report the Secretary-General also stated that, taking into consideration the decision of the French Government fixing 19 March 1967 as the date for holding the proposed referendum in French Somaliland, he had, subsequent to the letter of 10 January 1967, discussed the matter with the Permanent Representative of France.

h. *Question of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations*

256. By its resolution 2311(XXII) the General Assembly, *inter alia*, recognized that the specialized agencies, the IAEA and the international institutions associated with the United Nations should extend their full co-

<sup>336</sup>G A (XXII), Annexes, a.i. 23/Addendum, chap. VIII, annex, para. 2.

<sup>337</sup>*Ibid.*, para. 4.

<sup>338</sup>A/AC.109/289.

<sup>339</sup>G A (XXIII), Annexes, a.i. 23/Addendum, Chap. IX, appendix I.

<sup>340</sup>*Ibid.*, annex VI, para. 5.

<sup>341</sup>G A (XXII), Annexes, a.i. 23/Addendum, part III, chap. XII, annex.

operation to the United Nations in achieving the objectives of General Assembly resolution 1514(XV), recommended that they take urgent and effective measures to assist the peoples struggling for their liberation from colonial rule and grant no assistance to South Africa and Portugal until those States had renounced their policy of racial discrimination and colonial domination, requesting all States, directly and through action in the specialized agencies and the international institutions associated with the United Nations. In the resolution the General Assembly requested the Secretary-General to assist the specialized agencies and the international institutions concerned in working out appropriate measures to implement the relevant resolutions and to report thereon to the General Assembly at its twenty-third session. By a letter of 31 January 1968 the Secretary-General transmitted the text of the resolution to the specialized agencies, the IAEA, the United Nations High Commissioner for Refugees, the Organization of American States, the League of Arab States and the Organization of African Unity.<sup>342</sup> In response to an invitation by the Special Committee<sup>343</sup> the Secretary-General addressed a further letter to the specialized agencies, the IAEA and the other institutions mentioned above, bringing to their attention the Special Committee's decision to invite the Secretary-General to request them to furnish not later than June 1968 information relating to the steps taken and/or envisaged by them in implementation of resolution 2311(XXII).<sup>344</sup> In a report<sup>345</sup> the Secretary-General submitted to the Special Committee the substantive portions of the replies he had received to his letters. In the report the Secretary-General further stated that he had held discussions with the executive heads of the specialized agencies and institutions concerned, through the Administrative Committee on Co-ordination, on the implementation of the relevant resolutions.

257. By its resolution 2426(XXIII) the Assembly reiterated its appeal to the specialized agencies and the international institutions associated with the United Nations to extend their full co-operation to the United Nations in achieving the objectives and provisions of Assembly resolution 1514(XV), recommended that they should assist the peoples struggling for their liberation from colonial rule and, in particular, should work out, within the scope of their respective activities and in co-operation with the Organization of African Unity and, through it, with the national liberation movements, concrete programmes for assisting the oppressed peoples of Southern Rhodesia, Namibia and the Territories under Portuguese domination, appealing once again to the specialized agencies and the international institutions associated with the United Nations, and in particular IBRD and IMF,<sup>346</sup> to take all necessary steps to withhold from the Governments of Portugal and South Africa financial, economic, technical and other assistance until they renounced their policies of racial discrimination and colonial domination and recommending that IBRD should withdraw the loans and credits it had granted to the Governments of Portugal and South Africa. In paragraph 8 of the resolution the Assembly invited the Secretary-General (a) to continue to assist the specialized agencies and international institutions

associated with the United Nations in working out appropriate measures for implementing the relevant Assembly resolutions and report thereon to it at its twenty-fourth session and (b) to obtain and transmit to the Special Committee for its consideration concrete suggestions from the specialized agencies and international institutions concerned regarding the best ways and means of achieving the full and speedy implementation of the relevant resolutions.

258. By identical letters dated 5 March 1969 the Secretary-General transmitted the text of the resolution to the executive heads of the specialized agencies and the international institutions named above, as well as the executive heads of the United Nations Conference on Trade and Development, the United Nations Children's Fund, the United Nations Institute for Training and Research and the Joint United Nations-FAO World Food Programme. In those letters the Secretary-General stated, in connexion with paragraph 8(a) of the resolution, that he stood ready to extend assistance as might be required and, in connexion with paragraph 8(b), that he would appreciate receiving at an early date, for transmission to the Special Committee, concrete suggestions regarding the best ways and means of achieving the full and speedy implementation of the relevant resolutions. The Secretary-General reproduced the substantive portions of the replies received in a report.<sup>347</sup> In his report the Secretary-General also gave an account of certain other developments concerning the functions entrusted to him by the resolution.<sup>348</sup> In a report<sup>349</sup> the Secretary-General gave further information on the action he had taken pursuant to resolution 2426(XXIII), including, *inter alia*, an exchange of views and information with the executive heads of the agencies and international institutions concerned.

259. In its resolution 2555(XXIV), the General Assembly reiterated the appeal it had made to the specialized agencies and the international institutions associated with the United Nations in its resolution 2426(XXIII), recommended that they, as well as the various programmes within the United Nations system, should take measures individually and in collaboration with one another to increase the scope of their assistance to refugees from the colonial Territories, including assistance to the Governments concerned in the preparation and execution of projects beneficial to those refugees and give all possible assistance to the peoples struggling to liberate themselves from colonial rule, working out in particular, within the scope of their respective activities and in co-operation with the Organization of African Unity and through it with the national liberation movements, concrete programmes for assisting the oppressed peoples of Southern Rhodesia, Namibia and the Territories under Portuguese administration and that, in order to assist in the implementation of the foregoing recommendations they should establish relationship and other special arrangements with the Organization of African Unity, introducing the greatest possible measure of flexibility in their relevant procedures. In the resolution the Assembly further urged all the specialized agencies and international institutions, and in particular IBRD and IMF, to take all necessary steps to withhold financial, economic, technical and other assistance from the Governments of Portugal and South Africa until they renounce their policies of racial discrimination and

<sup>342</sup>G A (XXIII), Annexes, a.i. 23/Addendum, part II, chap. III, annex, para. 4.

<sup>343</sup>*Ibid.*, para. 3.

<sup>344</sup>*Ibid.*, para. 3.

<sup>345</sup>G A (XXIII), Annexes, a.i. 23/Addendum, part II, annex.

<sup>346</sup>See paras. 219-223 above and 263-268 below.

<sup>347</sup>G A (XXIV), Suppl. No. 23, vol. I, chap. V, annex I.

<sup>348</sup>*Ibid.*, paras. 6-8.

<sup>349</sup>G A (XXIV), Annexes, a.i. 69 and 12, A/7725.

colonial domination, recommending that all the specialized agencies and international institutions associated with the United Nations, particularly the International Civil Aviation Organization, the International Telecommunications Union, the Universal Postal Union and the Inter-Governmental Maritime Consultative Organization, should work out, within the scope of their respective mandates, measures aimed at discontinuing any collaboration with the Governments of Portugal and South Africa, as well as with the illegal racist minority régime in Southern Rhodesia, reiterating the request made to all States in resolution 2426(XXIII). In paragraph 11 the Assembly reiterated the invitation made to the Secretary-General in that resolution, requesting him to report to the Assembly at its twenty-fifth session.

260. On 26 December 1969, the Secretary-General, in transmitting<sup>350</sup> the text of the resolution to the executive heads of the specialized agencies and institutions named above, informed them that he stood ready to extend assistance as might be required and invited them to submit information on the action taken or envisaged in accordance with the provisions of that resolution for transmission to the Special Committee. Subsequently, the Secretary-General transmitted the substantive portions of the responses received from the executive heads to the Special Committee.<sup>351</sup> At the same time the Secretary-General drew the attention of the Special Committee to a number of developments relevant to the implementation of General Assembly resolution 2555(XXIV).

i. *The policies of apartheid of the Government of the Republic of South Africa*<sup>352</sup>

(i) *Organization of an international conference or seminar on the problems of apartheid, racial discrimination and colonialism in southern Africa*

261. In operative paragraph 6(a) of its resolution 2202 A (XXI), the General Assembly requested the Secretary-General to organize as soon as possible, in consultation with the Special Committee on the Policies of *Apartheid* of the Government of the Republic of South Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, an international conference on the problems of *apartheid*, racial discrimination and colonialism in southern Africa and to transmit the report of that conference or seminar to it at its twenty-second session.

262. On 21 February 1967, the Secretary-General requested<sup>353</sup> the advice of the two Special Committees concerning the various aspects of the organization of an international conference or seminar. The proposals<sup>354</sup> of the two Special Committees in this regard were accepted by the Secretary-General and, following an invitation by the Government of the Republic of Zambia, the Secretary-General organized the international Seminar on

*Apartheid, Racial Discrimination and Colonialism in Southern Africa.*<sup>355</sup>

(ii) *Consultations with IBRD in order to obtain its compliance with the provisions of General Assembly resolutions 2105(XX), 2107(XX), and 2202 A (XXI)*

263. In paragraph 6(a) of its resolution 2202 A (XXI) the General Assembly requested the Secretary-General to consult with IBRD in order to obtain its compliance with the provisions of its resolutions 2105(XX), 2107(XX), and 2202 A (XXI) calling for the withholding of assistance of any kind to the Government of South Africa until it renounced its policies of *apartheid*. The consultations were also held in compliance with the request to the Secretary-General in Assembly resolution 2184(XXI) on the question of Territories under Portuguese administration.<sup>356</sup>

264. On 15 September 1967 the Secretary-General submitted a report to the Assembly<sup>357</sup> on his consultation with IBRD in accordance with those resolutions. He stated that, at a meeting held on 20 December 1966 between the President of IBRD and himself, and after discussions between officials of the Secretariat and IBRD, it had been decided that a written exchange of views should take place.

265. In a memorandum attached to the report of the Secretary-General, the Secretariat pointed out that, from communications received from the General Counsel of IBRD as well as from his statements to the Fourth Committee during the twenty-first session of the Assembly, there appeared to be two principal reasons advanced by IBRD for its failure to give effect to relevant recommendations of the Assembly. The first of these reasons related to the requirements of "prior consultation" before either organization made formal recommendations to the other, as required by article IV of the Agreement bringing IBRD into relationship with the United Nations, which was concluded pursuant to Articles 57 and 63 of the Charter, and which came into force on 15 November 1947.<sup>358</sup> The second reason was based upon the Bank's interpretation of its own Articles of Agreement, which had come into force on 27 December 1945,<sup>359</sup> in particular section 10 of article IV, which prohibited political activities by IBRD and its officers. Noting that, in examining these two reasons, its interpretation of the relevant articles of the relationship Agreement differed from that offered by the General Counsel of IBRD, the Secretariat stated that it seemed hardly likely that IBRD would wish to ignore entirely the virtually unanimous condemnation by the international community, expressed through the United Nations as the organ having primary responsibility in this field, of the international conduct of Portugal and South Africa. The international institutions created after the Second World War, it pointed out, had been intended to work in harmony in the maintenance of international peace and security and not in conflict.

266. In a letter dated 18 August 1967<sup>360</sup> to the Secretary-General, the President of IBRD gave the assurance that IBRD was keenly aware, and proud, of being part

<sup>350</sup>G A (XXV), Suppl. No. 23 (A/8023), part IV, chap. IV, annex I, paras. 2-10.

<sup>351</sup>*Ibid.*, parts IV and V, Add.1, annex I.

<sup>352</sup>The action taken by the Secretary-General in connexion with the question of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations also concerned the policies of *apartheid* of the government of the Republic of South Africa (see paras. 256-260 above).

<sup>353</sup>See A/AC.115/SR.85, p. 8.

<sup>354</sup>See A/AC.115/L.197.

<sup>355</sup>The report of the Seminar is contained in document A/6818 and Corr.1.

<sup>356</sup>See para. 219 above.

<sup>357</sup>G A (XXII), Annexes, a.i. 66, A/6825.

<sup>358</sup>United Nations, Treaty Series, vol. 16, p. 346.

<sup>359</sup>*Ibid.*, vol. 2, p. 134.

<sup>360</sup>G A (XXII), Annexes, a.i. 66, A/6825, annex IV.



of the United Nations family and that its earnest desire was to co-operate with the United Nations by all legitimate means and, to the extent consistent with its Articles of Agreement, to avoid any action that might run counter to the fulfilment of the great purposes of the United Nations. The President concluded by stating that the assurance was given in the hope that it might help dissipate any misunderstanding of the Bank's attitude.

267. In his reply, dated 23 August 1967,<sup>361</sup> the Secretary-General, *inter alia*, welcomed the Bank's desire to clarify its attitude, adding that the United Nations relied on the co-operation and support of all organizations which were members of the United Nations family.

268. In concluding his report the Secretary-General stated that he felt that the discussion with IBRD had clarified the respective legal positions of the United Nations and IBRD and that he hoped the exchange of letters mentioned above between the President and himself would contribute to closer mutual understanding and co-operation.

j. *Establishment, within the framework of the IAEA, of an international service for nuclear explosions for peaceful purposes under appropriate international control*

269. In its resolution 2456 C (XXIII) the General Assembly requested the Secretary-General to prepare, in consultation with the States Members of the United Nations and members of the specialized agencies and of the IAEA, and with the co-operation of the latter and of those specialized agencies that he might consider pertinent, a report on the establishment, within the framework of the IAEA, of an international service for nuclear explosions for peaceful purposes under appropriate international control. In the resolution, the Assembly further requested the Secretary-General to transmit the report to the Governments of those States in time to permit its consideration by the Assembly at its twenty-fourth session.

270. In a report<sup>362</sup> submitted to the Assembly at its twenty-fourth session pursuant to this request, the Secretary-General presented the views of governments, of the IAEA and the specialized agencies concerned. The general conclusion of the Secretary-General, having regard to these views, was that the technical expertise and statutory provisions of the IAEA in regard to this suggestion were convincingly supported. The Secretary-General favoured the view that the IAEA should take on the role of the international service for nuclear explosions for peaceful purposes. He considered, however, that the specific functions to be included in the service would evolve gradually after continued international discussion.

k. *Questions concerning the Democratic Republic of the Congo*

271. In paragraph 3 of its resolution 226(1966), concerning charges by the Democratic Republic of the Congo that Angola under Portuguese administration was being used as a base of operation for foreign mer-

cenaries for interfering in the domestic affairs of the Democratic Republic of the Congo, the Security Council requested the Secretary-General to follow closely the implementation of the resolution. In paragraph 5 of its resolution 239(1967), which concerned an alleged aggression against the Democratic Republic of the Congo, the Council requested the Secretary-General to follow closely the implementation of the resolution. In paragraph 6 of its resolution 241(1967), which was concerned with charges similar to those that had given rise to resolution 226(1966), the Council decided that it should remain seized of the question and requested the Secretary-General to follow the implementation of the resolution.

1. *The question of Gibraltar*

272. In its resolution 2231(XXI), the General Assembly expressed its regret at the delay in the process of the decolonization of Gibraltar, calling upon the Governments of Spain and the United Kingdom to continue their negotiations, taking into account the interests of the people of the Territory, and asked the administering Power to expedite the decolonization of Gibraltar without any hindrance and in consultation with the Government of Spain. It also requested the Secretary-General to assist in the implementation of the resolution.

273. The Secretary-General transmitted the text of the resolution to the two Governments under cover of identical letters dated 19 January 1967, expressing the hope that the negotiations between the parties would prove to be successful and stating that he stood "ready to offer assistance, as requested by the Assembly, in the implementation of the resolution".<sup>363</sup> He subsequently corresponded with the two Governments, transmitting to each copies of communications received by him from the other and inviting the views of the party concerned on the proposals contained in those communications.<sup>364</sup> In a letter<sup>365</sup> to the Permanent Representative of the United Kingdom dated 17 July 1967, the Secretary-General stated, *inter alia*, that, "taking into account the differences of view between your Government and the Government of Spain as expressed during the current exchange of correspondence concerning the question, and having regard to the provisions of General Assembly resolution 2231(XXI)", he intended to submit a report on the whole matter to the Special Committee.<sup>366</sup>

274. In its resolution 2353(XXII), the General Assembly, expressing its regret at the interruption of the negotiations recommended in its resolutions 2070(XX) and 2231(XXI), invited the Governments of Spain and the United Kingdom to resume without delay the negotiations provided for in those resolutions with a view to putting an end to the colonial situation in Gibraltar and to safeguarding the interests of the population upon the termination of that situation. In the resolution the Assembly further requested the Secretary-General to assist the two Governments in the implementation thereof and to report to it at its twenty-third session.

275. In the report<sup>367</sup> submitted pursuant to resolution 2353(XXII), the Secretary-General stated that in

<sup>363</sup>G A (XXII), Annexes, a.i. 23/Addendum, part II, chap. X, annex I, para. 2.

<sup>364</sup>*Ibid.*, paras. 11 and 12, 17-18.

<sup>365</sup>*Ibid.*, para. 24.

<sup>366</sup>For the text of the report, see G A (XXII), Annexes, a.i. 23/Addendum, part II, chap. X, annex I. The correspondence exchanged is reproduced therein as well as in annex II thereto and G A (XXII), Annexes, a.i. 23, A/6876 and A/6882.

<sup>367</sup>G A (XXIII), Annexes, a.i. 23, A/7121 and Add.1-5.

<sup>361</sup>*Ibid.*, annex V.

<sup>362</sup>A/7678 and Add.1-4. In its resolution 2605 B (XXIV), the Assembly requested the Secretary-General to include in the provisional agenda of its twenty-fifth session an item entitled "Establishment, within the framework of the International Atomic Energy Agency, of an international service for nuclear explosions for peaceful purposes under appropriate international control".

identical letters<sup>368</sup> dated 9 January 1968 he had transmitted the text of that resolution to the Permanent Representatives of Spain and the United Kingdom, stating that he stood ready to extend all assistance that might be required in the implementation of the resolution. In his report the Secretary-General reproduced the communications he had received from the two Governments, as well as identical letters<sup>369</sup> dated 30 October 1968 addressed to the Permanent Representatives of Spain and the United Kingdom, in which the Secretary-General had stated, *inter alia*, that he had taken up the question of Gibraltar and reaffirmed that he stood ready to extend assistance as appropriate to both Governments in connexion therewith.

276. In its resolution 2429(XXIII), the General Assembly, *inter alia*, requested the United Kingdom to terminate the colonial situation in Gibraltar no later than 1 October 1969, calling upon its Government to begin without delay the negotiations with the Government of Spain provided for in resolution 2353(XXII) and requesting the Secretary-General to give the two Governments concerned any assistance they might require for the implementation of the resolution and to report thereon to it at its twenty-fourth session.

277. In the report<sup>370</sup> submitted pursuant to resolution 2429(XXIII), the Secretary-General stated that he had transmitted the text of the resolution to the Permanent Representatives of Spain and the United Kingdom under cover of identical letters dated 7 January 1969, in which he had, *inter alia*, reaffirmed his readiness to extend assistance as appropriate to both Governments in connexion with the question and reproduced the communications he had received from both Governments with regard thereto.

#### m. The question of Oman

278. In its resolution 2073(XX) the Council *inter alia* deplored the attitude of the Government of the United Kingdom and the authorities in the Territory for refusing to co-operate with the *Ad Hoc* Committee on Oman, considered that the colonial presence of the United Kingdom prevented the people of the Territory from exercising their rights to self-determination and independence, recognized the inalienable right of the people of the Territory to self-determination and independence and called upon the United Kingdom to cease its repressive actions against the people of the Territory, to withdraw British troops, to release all political prisoners and detainees and to allow exiles to return, and to eliminate British domination in any form; it invited the Special Committee to examine the situation in the Territory. In paragraph 7 the Assembly requested the Secretary-General to take, in consultation with the Special Committee, appropriate measures for the implementation of the resolution and to report thereon to it at its twenty-first session.

279. In the report<sup>371</sup> submitted pursuant to that resolution the Secretary-General stated that he had transmitted the text thereof to the Permanent Representative of the United Kingdom, who had acknowledged receipt of the resolution and informed the Secretary-General that its text had been forwarded to his Government. He also stated that he had discussed the request addressed

to him in paragraph 7 of the resolution with the Chairman of the Special Committee, it having been agreed that the consultations with the Special Committee envisaged in that paragraph would be undertaken when the Committee had considered the question.

280. In its resolution 2238(XXI), the General Assembly reaffirmed the inalienable right of the people of Oman to self-determination and independence, recognizing the legitimacy of their struggle to achieve the rights laid down in the Charter, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples and deplored the refusal of the Government of the United Kingdom to implement its resolutions 1514 (XV) and 2073(XX) as well as its policies in installing and supporting an unrepresentative régime in the Territory, the natural resources of which were recognized as belonging to the people of Oman, concessions given to foreign monopolies without the consent of the people being considered a violation of their rights. In the resolution the Assembly further expressed the view that the maintenance of military bases, depots and troops in the Territory constituted a major hindrance to the exercise by the people of their right to self-determination and independence and were prejudicial to the peace and security of the region, their immediate removal being therefore necessary; reiterated its call that the Government of the United Kingdom take the measures specified in Assembly resolution 2073(XX); and requested the Special Committee to continue its examination of the situation in the Territory. In paragraph 9 of the resolution, the Assembly appealed to all Member States to render all necessary assistance to the people of the Territory in their struggle to obtain freedom and independence. In paragraph 10 it requested the Secretary-General to take, in consultation with the Special Committee, appropriate measures for the implementation of its relevant resolutions and to report to it thereon at its twenty-second session.

281. In the report<sup>372</sup> he submitted pursuant to resolution 2238(XXI), the Secretary-General stated that he had transmitted the texts thereof to the Permanent Mission of the United Kingdom and that, pursuant to the appeal contained in paragraph 8, he had also transmitted the text to the Permanent Representatives of all Member States. In his report the Secretary-General transcribed the letter received from the Permanent Representative of the United Kingdom, in which the latter pointed out, *inter alia*, that the United Nations had neither the right nor the competence to discuss the internal affairs of the Sultanate of Muscat and Oman, which in his view was an independent State, and that the United Kingdom Government had no bases in the Sultanate nor any troops, apart from certain non-combatant personnel, was engaged in no repressive action against the people of the Sultanate and exercised no kind of domination over it.

282. With regard to the request contained in paragraph 10 of the resolution, the Secretary-General noted in his report that that request was similar to the one addressed to him in paragraph 7 of resolution 2073(XX), recalling that in the report<sup>373</sup> he had submitted pursuant to that resolution he had informed Member States that he had discussed the request addressed to him with the Chairman of the Special Committee, it having been

<sup>368</sup>*Ibid.*, para. 2.

<sup>369</sup>*Ibid.*, Add.5, para. 2.

<sup>370</sup>G A (XXIV), Annexes, a.i. 23, A/7550 and Add.1-6.

<sup>371</sup>G A (XXI), Annexes, a.i. 70, A/6563.

<sup>372</sup>G A (XXII), Annexes, a.i. 70, A/6909.

<sup>373</sup>See footnote 371 above.



agreed that the consultations with the Special Committee envisaged in that resolution would be undertaken when the Committee had considered the question, consideration of which it had not yet been able to complete.

283. In paragraph 11 of its resolution 2302(XXII), which reproduced, with only minor changes, all the provisions of resolution 2238(XXI), the Assembly once again requested the Secretary-General to take, in consultation with the Special Committee, appropriate measures for the implementation of the relevant Assembly resolutions, asking him to report thereon to the Assembly at its twenty-third session.

284. In the report<sup>374</sup> he submitted to the Assembly at its twenty-third session pursuant to resolution 2302(XXII), the Secretary-General stated that he had transmitted the text of the resolution to the Permanent Representative of the United Kingdom, who had acknowledged the receipt of the resolution and informed him that the text had been forwarded to his Government. Pursuant to paragraph 9 of the resolution, in which the Assembly had appealed to all Member States to render all necessary assistance to the people of the Territory in their struggle to obtain freedom and independence, the Secretary-General had also transmitted the text of the resolution to the Permanent Representatives of all other Member States.

285. With reference to the request addressed to him in paragraph 11 of Assembly resolution 2302(XXII), the Secretary-General noted in his report that it was similar to the one addressed to him in paragraph 7 of resolution 2073(XX), stating that he had noted from the report<sup>375</sup> of the Special Committee to the Assembly at its twenty-third session that the Committee had been unable to complete its consideration of the question.<sup>376</sup>

n. *The elimination of foreign military bases in the countries of Asia, Africa and Latin America*

286. At the twenty-first session of the General Assembly the First Committee had before it a draft resolution<sup>377</sup> submitted by the USSR by which the Assembly, noting with concern that foreign military bases in the territory of independent States of Asia, Africa and Latin America were used for direct military intervention in the internal affairs of peoples, for suppression of their struggle for independence and freedom and for dangerous activities which threatened world peace, and considering that the existence of military bases in dependent territories was incompatible with the Assembly resolution on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 2105(XX)) would have invited States with military bases in the territory of independent States or dependent territories in Asia, Africa and Latin America immediately to eliminate these bases and never to establish others. In paragraph 2 the Assembly would have requested the Secretary-General to supervise the fulfilment of the terms of the resolution and to report on the results of its implementation to the General Assembly at its twenty-second session.

287. On 2 December 1966, the First Committee decided, by 99 votes to 1, with 8 abstentions, not to vote

on the USSR draft resolution and the amendments<sup>378</sup> thereto.

8. POWERS INHERENT IN THE OFFICE OF THE SECRETARY-GENERAL

a. *Diplomatic functions*

288. For the period under review the study of the diplomatic functions exercised by the Secretary-General under the powers inherent in his office encountered difficulties similar to those described in *Repertory Supplement No. 3*.<sup>379</sup> Given the laws of diplomatic discretion, the activities undertaken in this area can be dealt with here only insofar as they are described or referred to in statements and documents already available to the public. Moreover, diplomatic functions continued to be often of a mixed character, so that classification of certain functions in one category rather than another is again based on the apparently predominant features of the activity in question.<sup>380</sup>

(i) *Examples of diplomatic functions exercised under the inherent powers*

(a) *Communications concerning démarches and appeals*

289. In view of the continuing tension regarding Cyprus following an incident that occurred on 15 November 1967, the Secretary-General addressed on 22 November 1967 an urgent appeal to the President of Cyprus and the Prime Ministers of Greece and Turkey "to avoid any action that could precipitate a new outbreak of hostilities and to exercise the utmost restraint in the present explosive circumstances".<sup>381</sup> On 24 November the Secretary-General once again addressed a message<sup>382</sup> to these officials, stating, *inter alia*, that "as Secretary-General of the United Nations . . . , I again appeal to the three States most directly involved—Cyprus, Greece and Turkey—in the strongest possible terms, to exercise utmost restraint particularly at this critical juncture, to avoid all acts of force or the threats of recourse to force, to be temperate in their public utterances relating to the Cyprus problem and to relations among them." Referring to the need for an effort by the three parties directly concerned to agree upon and arrange for a substantial reduction of the non-Cypriot armed forces in hostile confrontation in Cyprus, the Secretary-General appealed most urgently to the three Governments to agree to the reduction suggested and to undertake to work out a programme for the phased reduction looking towards ultimate complete withdrawal. In a third appeal addressed to the three Governments on 3 December 1967,<sup>383</sup> the Secretary-General, after referring to the consensus adopted unanimously by the Security Council on 25 November 1967 which *inter alia* noted with satisfaction the Secretary-General's efforts to avert war over Cyprus, appealed for

<sup>378</sup>These amendments, the texts of which are reproduced in paragraphs 6-8 of document A/6541 (see the preceding footnote), did not relate to the operative paragraph of the draft resolution that would have entrusted functions to the Secretary-General.

<sup>379</sup>Vol. IV, under Article 98, paras. 663 and 664.

<sup>380</sup>*Ibid.*, para. 664.

<sup>381</sup>S C, 22nd yr., Suppl. for Oct.-Dec. 1967, S/8248/Add.3.

<sup>382</sup>*Ibid.*, S/8248/Add.5.

<sup>383</sup>*Ibid.*, S/8248/Add.6. For the texts of the replies to the Secretary-General's appeals, see *ibid.*, S/8248/Add.6-9.

<sup>374</sup>G A (XXIII), Annexes, a.i. 67, A/7318.

<sup>375</sup>G A (XXIII), Annexes, a.i. 23/Addendum, chap. XVII.

<sup>376</sup>See para. 282 above.

<sup>377</sup>A/C.1/L.369. See G A (XXI), Annexes, a.i. 98, A/6541, para. 5.

"prompt and positive action" by the three parties "for the preservation of peace".

290. In connexion with the exercise of his good offices in respect of the hijacking of an Israeli airliner that had been taken to Algiers on 23 July 1968,<sup>384</sup> the Secretary-General addressed an appeal for restraint to the Governments of Algeria and Israel.<sup>385</sup>

291. When, in late August 1968, the Soviet Union and four of its Warsaw Pact allies sent their armed forces into Czechoslovakia, the Secretary-General appealed to the Government of the USSR, through its Permanent Representative to the United Nations, to exercise the utmost restraint in its relations with the Government and people of Czechoslovakia.<sup>386</sup>

292. In identical telegrams<sup>387</sup> sent to the Ministers for Foreign Affairs of El Salvador and Honduras on 15 July 1969, the Secretary-General, referring to the deterioration of relations between the two countries, appealed to both Governments to desist at once from the use of force and direct their efforts towards the use of peaceful means for settling their differences.

293. In connexion with the attack on an El Al aircraft on 18 February 1969 at Zürich, the Government of Israel instructed its Permanent Representative to the United Nations to request the Secretary-General to transmit two questions<sup>388</sup> to the Governments of Iraq, Jordan, Lebanon, Syria and the United Arab Republic. The Secretary-General declined to comply with this request.<sup>389</sup>

## **\*\* (b) Discussions and consultations**

### **(c) Good offices**

294. In the introduction to the annual report on the work of the Organization he submitted to the General Assembly at its twenty-third session, the Secretary-General gave an example of a situation in which Governments had requested him to exercise his good offices in seeking to resolve an outstanding problem between them. The example was the hijacking of an Israeli airliner, which had been taken to Algiers on 23 July 1968. For many weeks the Secretary-General used his good offices in an attempt to secure the release of the passengers and members of the crew still detained in Algiers and of the aircraft itself, the Algerian Government finally resolving the problem by releasing the aircraft and its occupants.<sup>390</sup>

295. In the appeal<sup>391</sup> he addressed on 3 December 1967 to the President of Cyprus and the Prime Ministers of Greece and Turkey, the Secretary-General referred to suggestions for an additional role for UNFICYP, stating that his "good offices in connexion with such matters would, of course, be available to the parties on request".

296. The representative dispatched by the Secretary-General to Equatorial Guinea in 1969 to help in the solution of the difficulties that had arisen between

Equatorial Guinea and Spain was to lend his good offices for that purpose.<sup>392</sup>

297. The action<sup>393</sup> taken by the Secretary-General in appointing a Personal Representative in connexion with the dispute between the Governments of Guinea and the Ivory Coast was in response to a request by a number of interested Governments for his good offices with regard to the situation in question.<sup>394</sup>

298. In a letter of 14 February 1967<sup>395</sup> addressed to the Secretary-General, the representative of Saudi Arabia charged that on 27 January 1967 air raids had been carried out by Egyptian planes on a town of Saudi Arabia, there having been many other such raids by Egyptian planes. The representative, having requested the Secretary-General to apprise the Security Council of the situation, expressed the hope that the Secretary-General would deem it fit to use his good offices so as to prevail upon the authorities concerned to desist from any action which would jeopardize world peace.

299. In reply, the Secretary-General, in a letter dated 18 February 1967<sup>396</sup> after advising the representative of Saudi Arabia that his letter had been promptly circulated to the Security Council, stated that he had personally exercised his good offices by conveying the substance of the Saudi Arabian complaint to the Government of the United Arab Republic through its representative to the United Nations. The Secretary-General added that he would transmit to the representative of Saudi Arabia any information or observations which the Government of the United Arab Republic might wish to offer on the matter.

300. The Secretary-General, in response to an approach from the Soviet Union Government in early 1969, was able to assist in effecting the release of two Soviet trawlers and their crews which had been detained for four months by the Government of Ghana, which explained to the Secretary-General the reasons for their detention.<sup>397</sup>

301. At several press conferences the Secretary-General gave an account of proposals he had made to the parties concerned for the ending of the war in Viet Nam and the settlement of the conflict.<sup>398</sup>

## **\*\* (d) Fact-finding activities**

### **\*\* (e) Negotiations concerning the implementation of an agreement providing for the demilitarization of the Mount Scopus area**

### **\*\* (f) Formulation of agreed principles concerning the settlement of the Suez question**

### **(g) The practice of appointing a personal or special representative**

302. In the period under review, a number of instances occurred in which the Secretary-General on his own ini-

<sup>384</sup>See para. 294 below.

<sup>385</sup>G A (XXIII), Suppl. No. 1A, para. 170.

<sup>386</sup>*Ibid.*, para. 181.

<sup>387</sup>S C, 24th yr., Suppl. for July-Sept. 1969, S/9332 and S/9333.

<sup>388</sup>*Ibid.*, Suppl. for Jan.-March 1969, S/9048. For the text of the question, see *ibid.*, S/9064.

<sup>389</sup>*Ibid.*, S/9064. For an account of the reason why the Secretary-General did so, see para. 323 below.

<sup>390</sup>G A (XXIII), Suppl. No. 1A, para. 170.

<sup>391</sup>S C, 22nd yr. Suppl. for Oct.-Dec. 1967, S/8248/Add.6. See paras. 79-81 above.

<sup>392</sup>S C, 24th yr., Suppl. for Jan.-March 1969, S/9053. See para. 307 below.

<sup>393</sup>See para. 303 below.

<sup>394</sup>See paras. 330-331 below.

<sup>395</sup>S C, 22nd yr., Suppl. for Jan.-March 1967, S/7749.

<sup>396</sup>*Ibid.*, S/7768.

<sup>397</sup>UN Monthly Chronicle, vol. VII, No. 7 (July 1970), p. 130.

<sup>398</sup>See press releases SG/SM/682 of 28 March 1967, pp. 3-6; SG/SM/683 of the same date; SG/SM/688 of 10 April 1967, pp. 3 and 5; SG/SM/708 of 11 May 1967, p. 4; and SG/SM/807 of 16 September 1967, p. 2.

tative appointed a personal or special representative to assist in the solution of a political problem.

303. On 10 July 1967 the Secretary-General, upon requests from a number of interested Governments for his good offices with regard to a situation referred to above<sup>399</sup> appointed Mr. José Rolz-Bennett, Under-Secretary General for Special Political Affairs, as his Personal Representative for the purpose of discussing with the Governments of Guinea and the Ivory Coast ways and means of settling the difficulties which had arisen between the two countries.<sup>400</sup>

304. In a report to the Security Council dated 29 June 1967<sup>401</sup>, the Secretary-General stated that that he was planning to send out to the Middle East for a short time a representative of suitable experience and rank to obtain for him on the spot the information he required for the proper discharge of his responsibilities under Security Council resolution 237(1967).<sup>402</sup>

305. In order to obtain information on the situation in Jerusalem as a basis for his report to the Security Council and the General Assembly pursuant to Assembly resolution 2254(ES-V), the Secretary-General announced, by a note circulated to the Security Council on 14 August 1967, the appointment of Ambassador Ernesto A. Thalman of Switzerland as his Personal Representative in Jerusalem.<sup>403</sup>

306. In view of the continuing tension regarding Cyprus since an incident that occurred on 15 November 1967,<sup>404</sup> the Secretary-General addressed on 22 November an appeal to the President of Cyprus and the Prime Ministers of Greece and Turkey<sup>405</sup> to avoid any action that could precipitate a new outbreak of hostilities and to exercise restraint. In the appeal the Secretary-General stated that, "in view of the prevailing danger and my natural desire to do everything possible to avert war", he was "taking the exceptional step of sending quickly to the capitals of Cyprus, Greece and Turkey a personal high-level representative to convey directly to the three Governments his grave concern and his urgent appeal for utmost restraint, and to assist them in all possible ways to reduce the tension, adding that he would consult the Permanent Representatives of the three Governments immediately. Mr. José Rolz-Bennett, Under-Secretary General for Special Political Affairs, whom the Secretary-General had appointed as his Personal Representative, left United Nations Headquarters for Ankara, Athens and Nicosia on 22 November<sup>406</sup>. By 3 December 1967 the Personal Representative had returned to United Nations Headquarters, having kept the Secretary-General informed of the talks he had had with the parties and about the course of other and separate discussions and developments<sup>407</sup>.

307. In a cable addressed on 5 March 1969 to the President of the Republic of Equatorial Guinea, the Secretary-General, *inter alia*, referred to a cable previously sent by the latter to the former in which the Secretary-General had offered to send a personal repre-

sentative to Equatorial Guinea to help in solving problems the country was facing and to co-operate in reducing tension. The Secretary-General further stated in the cable that, if the President of Equatorial Guinea had no objection he would send his personal representative the following week-end.<sup>408</sup> In a report<sup>409</sup> submitted to the Security Council on 7 March 1969, the Secretary-General informed the Council that, in view of the continuation of difficulties between Equatorial Guinea and Spain, he had decided to dispatch Mr. Marcial Tamayo to the area as his representative. Mr. Tamayo was to lend his good offices in order to help in the solution of those difficulties, so as to reduce the tension created as a consequence thereof. By a telegram of the same date,<sup>410</sup> the President of the Republic of Equatorial Guinea was informed of the arrival of Mr. Tamayo.

308. In a letter<sup>411</sup> dated 15 September 1967, the Secretary-General notified the President of the Security Council that the Governments of Cambodia and Thailand had signified their desire that the assignment of Special Representative Ambassador de Ribbing, who had been appointed by the Secretary-General in August 1966,<sup>412</sup> be extended for a further period to 16 February 1968.

309. On 15 February 1968 the Secretary-General informed the Council that, after consultation with the Governments of Cambodia and Thailand, he had concluded that there was no continued agreement on a further extension and had therefore notified both Governments of the termination of his Special Representative's mission. The Secretary-General concluded by stating that he was hopeful that there would be no aggravation of the situation between Cambodia and Thailand and that the two Governments would continue to act with the necessary restraint in a region beset by grave tensions.<sup>413</sup>

310. In the report<sup>414</sup> submitted by the Secretary-General to the Security Council on the implementation of Council resolution 246(1968), the Secretary-General stated that, on 15 March 1968, he had handed to the Permanent Representative of South Africa an aide-mémoire in which he indicated that he planned to send to South Africa a personal representative for the purposes laid down in paragraph 2 of the resolution (i.e. the immediate release and repatriation by South Africa of the South West Africans concerned).<sup>415</sup>

**\*\* (h) *Proposed designation of a Government to supervise a cease-fire arrangement***

**(ii) *Principles governing the exercise of diplomatic functions under the inherent powers***

**(a) *Prerequisite of the agreement of Governments***

311. An example of the agreement of Governments as a prerequisite for the exercise by the Secretary-General of diplomatic functions under the powers inherent in his

<sup>399</sup>See para. 297 above.

<sup>400</sup>S C, 22nd yr., Suppl. for July-Sept. 1967, S/8120, paras. 29-38, which give an account of the steps taken by the Personal Representative in the discharge of his functions.

<sup>401</sup>*Ibid.*, Suppl. for April-June 1967, S/8021.

<sup>402</sup>For an account of the representative's activities, see paras. 158-165 above.

<sup>403</sup>See para. 194 above.

<sup>404</sup>S C, 22nd yr., Suppl. for Oct.-Dec. 1967, S/8248.

<sup>405</sup>*Ibid.*, S/8248/Add.3.

<sup>406</sup>*Ibid.*, S/8248/Add.4.

<sup>407</sup>*Ibid.*, S/8248/Add.6.

<sup>408</sup>S C, 24th yr., Suppl. for Jan.-March 1969, S/9053.

<sup>409</sup>*Ibid.*, *eo. loc.*

<sup>410</sup>*Ibid.*, S/9053/Add.1. For an account of Mr. Tamayo's activities in discharge of his mandate see *ibid.*, S/9053/Add.1-6.

<sup>411</sup>S C, 22nd yr., Suppl. for July-Sept. 1967, S/8157.

<sup>412</sup>See *Repertory, Supplement No. 3*, vol. IV, under Article 98, para. 698.

<sup>413</sup>G A (XXIII), Suppl. No. 1 (A/7201), under Article 98, p. 67.

<sup>414</sup>S C, 23rd yr., Suppl. for Jan.-March 1968, S/8506.

<sup>415</sup>See paragraph 93 above. The Secretary-General did not in this instance carry out his intention of appointing a personal representative.

office is provided by the extension of the assignment of the Secretary-General's Special Representative in Cambodia and Thailand, for this extension was agreed to at the request of the two Governments concerned.<sup>416</sup>

312. Referring to the civil war in Nigeria, the Secretary-General stated that the exercise of his good offices had not been feasible inasmuch as his offer to that effect had not been accepted by the Government of Nigeria.<sup>417</sup>

(b) *Right of initiative of the Secretary-General*

313. In a letter dated 7 March 1969,<sup>418</sup> the President of the Security Council informed the Secretary-General that he had brought to the attention of the Council the content of the consultation that he and the Secretary-General had had regarding the Secretary-General's sending of Mr. Marcial Tamayo to Equatorial Guinea as his Personal Representative.<sup>419</sup> The letter stated further that the members of the Council had taken note of the information and had had no comment to make.

314. In a reply of the same date,<sup>420</sup> the Secretary-General stated that what he had told the President of the Security Council was a matter of information and could not be considered a consultation in any sense. He added that he had taken similar action several times in the past without prior consultation with the President or members of the Security Council. He had only reported without delay to the Council the action taken on his own initiative and had not intended to establish any precedent of prior consultation.

315. In a letter dated 10 March 1969,<sup>421</sup> the President of the Security Council stated that whatever interpretation was given to the character of their meeting and conversation of 7 March, he considered it as an exchange of information and views connected with the maintenance of international peace and security, which, in accordance with the Charter, fell within the competence of the Security Council. On his part as President of the Security Council he had considered it his duty, in conformity with the general practice of the Security Council, to inform the members the same day of the above-mentioned conversation.

316. In a reply of the same date,<sup>422</sup> the Secretary-General stated that he had nothing to add to his letter of 7 March, which had explained his position on the subject.

317. In a letter dated 19 March 1969 to the Secretary-General of the United Nations, the Permanent Mission of the USSR referring to the appointment by the Secretary-General of Mr. Tamayo as his personal representative, stated, *inter alia*, that the Permanent Mission considered "it necessary to emphasize that under the United Nations Charter decisions on matters connected with action by the United Nations relating to the maintenance of international peace and security are taken by the Security Council."<sup>423</sup>

318. In the introduction<sup>424</sup> to the annual report on the work of the Organization that the Secretary-General submitted to the General Assembly at its twenty-fourth

session, the Secretary-General made the following remarks with regard to his "competence to use his good offices without in each case specific authorization from an organ of the United Nations":

"My own views on the role of the Secretary-General in matters affecting peace and security and on the existing practice concerning good offices were reflected in my statement to the Security Council prior to its adoption on 2 December 1966 of resolution 229(1966) recommending my appointment for a second term of office. On that occasion I said:

"The Secretary-General takes note of the observations made by the Security Council and recognizes the validity of the reasons it has advanced in requesting him to continue to serve the Organization for another full term. He notes with particular appreciation that, for its part, the Security Council respects his position and his action in bringing to the notice of the Organization basic issues confronting it, and distributing developments in many parts of the world. He hopes that the close attention being given to these issues and developments will serve to strengthen the Organization by the co-operative effort of the entire membership, and promote the cause of world peace and progress. It is in this hope that the Secretary-General accedes to the appeal addressed to him by the Security Council.

"It is a matter of course that the Secretary-General will keep the Security Council informed, as appropriate, of developments in questions of which it is seized, and that these may on occasion include questions in which he is exercising his good offices either at the request of the Council itself or of the parties concerned.

"The Charter, unlike the Covenant of the League of Nations, foresaw, in Article 99, that the Secretary-General would have a political role to play. This was recognized, and elaborated<sup>425</sup> upon by the Preparatory Commission which stated in section 2, chapter 8, of its report:

"The Secretary-General may have an important role to play as a mediator and as an informal adviser of many Governments, and will undoubtedly be called upon from time to time, in the exercise of his administrative duties, to take decisions which may justly be called political. Under Article 99 of the Charter, moreover, he has been given a quite special right which goes beyond any power previously accorded to the head of an international organization, viz: to bring to the attention of the Security Council any matter (not merely any dispute or situation) which, in his opinion, may threaten the maintenance of international peace and security. It is impossible to foresee how this Article will be applied; but the responsibility it confers upon the Secretary-General will require the exercise of the highest qualities of political judgement, tact and integrity."

"By its resolution 13(I), adopted unanimously on 13 February 1946, the General Assembly transmitted the foregoing section to the Secretary-General for his guidance.

"It should also be recalled that, under Article 33, paragraph 1, of the Charter, the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and

<sup>416</sup>See paras. 308-309 above.

<sup>417</sup>UN *Monthly Chronicle*, vol. VIII, No. 1 (January 1971), p. 100.

<sup>418</sup>S C, 24th yr., Suppl. for Jan.-March 1969, S/9054.

<sup>419</sup>See para. 307 above.

<sup>420</sup>S C, 24th yr., Suppl. for Jan.-March 1969, S/9055.

<sup>421</sup>*Ibid.*, S/9066.

<sup>422</sup>*Ibid.*, S/9067.

<sup>423</sup>*Ibid.*, S/9101.

<sup>424</sup>G A (XXIV), Suppl. No. 1A, paras. 180-186.

<sup>425</sup>Report of the Preparatory Commission of the United Nations, PC/20, 23 December 1945, Chapter VIII, section 2.

security, have a duty first of all to seek a solution by negotiation, inquiry or mediation. If the parties request or agree to receive the help of the Secretary-General in performing their duty under the Charter to seek a solution, the Secretary-General is clearly competent to assist them.

"Against this background, I have come to the clear conclusion that I am competent, under the Charter, to use my good offices.

"I may add that my views regarding my competence in this matter, and the practice followed in this regard, must have been generally accepted by the Members of the United Nations, since many of them, when the occasion has arisen, have availed themselves of my good offices. In each such case, the Secretary-General's decision on whether to exercise his good offices must, of course, depend upon his own judgement as to whether his action would be appropriate, useful and, above all, not counter-productive."

319. At its 1329th meeting, on 2 December 1966, in a statement made by the President of the Security Council on behalf of the Council, it was recorded that the members of the Council "fully respect [the Secretary-General's] position and his action in bringing basic issues confronting the Organization and disturbing developments in many parts of the world to their notice . . .".<sup>426</sup>

**\*\* (c) *Role of the Secretary-General as representative of the United Nations with regard to Governments***

**\*\* (d) *Subject matter of the diplomatic functions exercised under the inherent powers***

**\*\* (e) *Effect of Charter provisions and United Nations resolutions***

**(f) *Principles specifically concerned with good offices or fact-finding activities***

320. In two of the introductions to the annual reports on the work of the Organization that he submitted to the General Assembly in the period under review, the Secretary-General elaborated on the general principles relating to his good offices activities.

321. In the introduction to the annual report<sup>427</sup> submitted to the General Assembly at its twenty-second session the Secretary-General, after stating that he had thought it his duty, in view of the possible repercussions of the situation concerned, to report to the Council as well as to the general membership on the use of his good offices to obtain the release of certain nationals and residents of the Ivory Coast detained by the Government of Guinea,<sup>428</sup> went on to say that, in so doing, he had not had in mind the Secretary-General's discretion, under Article 99 of the Charter, to bring to the attention of the Council any matter which in his opinion might endanger international peace and security, but rather the right of the Council, under Article 34 of the Charter, to investigate, if it so wished, any dispute or situation which might lead to international friction or give rise to a dispute, adding that in the light of this right of the Council, he felt it to

be his duty to notify it of any situation where his good offices have been invoked to which it would appear to him that Article 34 of the Charter would be applicable.

322. In the introduction<sup>429</sup> to the annual report submitted to the General Assembly at its twenty-fourth session, the Secretary-General made the following observations regarding his activities in respect of good offices:

"One aspect of the work of the Secretary-General perhaps merits special comment in this disturbed period when both Governments and the United Nations are frequently frustrated in their efforts to find solutions to difficult problems. I refer to the wide range of informal and confidential activity sometimes covered by the broad term "good offices". This activity covers a great variety of subject-matter and constitutes a considerable part of the workload of the Secretary-General, but it is my impression that its nature and possibilities are sometimes not very well understood. In fact, very often there is no public knowledge at all of specific activities of this kind.

"It is natural that Governments, when faced with delicate problems which urgently demand solution, should ask the Secretary-General for such help as he personally may be able to give through discreet approaches to the other party or parties concerned. The Secretary-General himself, in the very nature of his position and responsibilities, on occasion also takes initiatives in an attempt to promote a satisfactory solution to a difficult or dangerous problem, which, unless solved, might deteriorate to the point where peace and security would be threatened or which, while not involving issues of peace and security, might prevent the maintenance of good relations between States.

"The nature of the Secretary-General's good offices, their limitations and the conditions in which he may hope to achieve results are perhaps less well understood. The kind of problem involved is invariably delicate and difficult and usually involves the prestige and public position of the Governments concerned. If a way out is to be found, it must, therefore, be through mutual confidence, mutual respect and absolute discretion. Any hint that an action of the Secretary-General might serve to score political points for one party or another, or indeed, that credit might be claimed publicly on his behalf for this or that development, would almost invariably and instantly render his efforts useless. Any public pressure on him would usually have the same result, and any publicity at all for what he is doing is likely to have a severely adverse effect on his efforts. Thus, it is often the case that while the Secretary-General is working privately with the parties in an attempt to resolve a delicate situation, he is criticized publicly for inaction or even for lack of interest.

"I mention this particular aspect of the matter solely with the thought in mind that a better general understanding of the good offices function may serve to enhance its effectiveness in the future."

323. After declining to comply with a request by the Government of Israel that he transmit two questions to the Governments of Iraq, Jordan, Lebanon, Syria and the United Arab Republic,<sup>430</sup> the Secretary-General, in a letter<sup>431</sup> dated 10 March 1969 to the Minister for Foreign

<sup>426</sup>S C, 21st yr., 1329th mtg., p. 1.

<sup>427</sup>G A (XXII), Suppl. No. 1A, para. 156.

<sup>428</sup>See paras. 297 and 303 above, as well as paras. 330-335 below.

<sup>429</sup>G A (XXIV), Suppl. No. 1A, paras. 176-179.

<sup>430</sup>See para. 293 above.

<sup>431</sup>S C, 24th yr., Suppl. for Jan.-March 1969, S/9064.

Affairs of Israel, stated as follows the reason why he had done so:

"Recourse to the good offices of the Secretary-General is available to all Member Governments and the Secretary-General will be glad to respond to such a request whenever he feels, in his discretion and judgement, that such action would be helpful. In general, it would not be helpful if the Secretary-General were to transmit questions or messages of a political or controversial nature from one Government to another unless the parties concerned have previously agreed to such a procedure.

"Therefore, the Secretary-General considers that it would not be helpful if he were to act on the request of the Government of Israel that he should transmit certain questions to Arab Governments. The Secretary-General has suggested, however, that a communication from the Government of Israel to the Security Council might be an appropriate method of bringing these questions to the attention of those concerned."

#### b. Other functions

##### \*\* (i) Exploration of political situations

##### \*\* (ii) The question of the right of the Secretary-General to make statements and to submit proposals to United Nations organs

###### \*\* (a) The question of the right of the Secretary-General to make statements

###### \*\* (b) The question of the right of the Secretary-General to submit proposals

##### \*\* (iii) Appointment of ad hoc arbitrators

##### (iv) Submission of special reports

324. On 21 April 1969 the Secretary-General submitted a special report<sup>432</sup> to the Security Council on the critical situation in the Suez Canal sector. In the report he observed that he felt it necessary to employ the unusual means of a special report from the Secretary-General to the Council to call most urgently to the attention of its members the prevailing situation in the Suez Canal sector which, in his view, was grave.

##### (v) Transmittal to the Security Council of statements on political matters by governments at their request

325. On 21 October 1969, the Secretary-General, at the request of the Permanent Representatives of France, the USSR, the United Kingdom and the United States, issued a note<sup>433</sup> setting forth the text of a statement released on 20 September by the Foreign Ministers of those four countries. The note indicated that the four Foreign Ministers had met with the Secretary-General for a discussion on the situation in the Middle East, which they regarded as increasingly serious and urgent.

<sup>432</sup>S C, 24th yr., Suppl. for April-June 1967, S/9171. See para. 142 above. On 9 July 1969, the Secretary-General submitted a further special report to the Security Council on the cease-fire in the Suez Canal Sector (*Ibid.*, Suppl. for July-Sept. 1969, S/9316).

<sup>433</sup>S C, 24th yr., Suppl. for Oct.-Dec. 1969, S/9485.

They reaffirmed that resolution 242(1967) of the Security Council should be supported and carried out, agreed that durable peace should be established in the Middle East, reaffirmed that all States in the Middle East had an inalienable right to exist as independent and sovereign States and, with the above objectives in mind, indicated that the conversations and contacts already established by the four Powers would be continued.

#### E. Representational functions of the Secretary-General

##### \*\*1. FUNCTIONS OF THE SECRETARY-GENERAL WITH REGARD TO NEGOTIATION AND CONCLUSION OF AGREEMENTS

##### 2. REPRESENTATIONAL FUNCTIONS OF THE SECRETARY-GENERAL IN LEGAL PROCEEDINGS

###### \*\*a. Court proceedings

###### \*\*b. Arbitration proceedings

###### c. Prosecution of claims

326. In the annual report on the work of the Organization that he submitted to the General Assembly at its twenty-fourth session, the Secretary-General gave an account of claims he had presented to Israel, Jordan and the United Arab Republic in respect of United Nations property losses incurred during the Middle East hostilities in 1967.<sup>434</sup>

##### 3. FUNCTIONS OF THE SECRETARY-GENERAL WITH REGARD TO UNITED NATIONS HEADQUARTERS

###### a. Implementation of the Headquarters Agreement

327. By an exchange of letters, dated 8 December 1966, between the Secretary-General and the Permanent Representative of the United States of America, an amendment<sup>435</sup> was made to the Supplemental Agreement between the United States and the United Nations regarding the Headquarters of the United Nations which was concluded on 9 February 1966.<sup>436</sup> The amendment provided for the inclusion of further additional premises within the Headquarters district as defined in section 1(a) of the Headquarters Agreement.

328. On 28 August 1969, the Secretary-General concluded with the Permanent Representative of the United States the Second Supplemental Agreement<sup>437</sup> between the United Nations and the United States regarding the Headquarters of the United Nations. This Agreement provided for the inclusion of certain further additional premises within the Headquarters District as defined in section 1(a) of the Headquarters Agreement.

###### \*\*b. Headquarters regulations

<sup>434</sup>G A (XXIV), Suppl. No. 1.

<sup>435</sup>For the text of the amendment, see United Nations, *Treaties Series*, vol. 581, annex A, No. 147, p. 361.

<sup>436</sup>See *Repertory, Supplement No. 3*, vol. IV, under Article 98, para. 713.

<sup>437</sup>For the text of the Agreement, see United Nations, *Treaty Series*, vol. 687, annex A, No. 147, p. 407.

#### 4. OTHER REPRESENTATIONAL FUNCTIONS OF THE SECRETARY-GENERAL

##### a. *Functions of the Secretary-General with regard to privileges and immunities*

329. On 20 September 1967, the Secretary-General requested the inclusion in the agenda of the twenty-second session of the General Assembly of an item entitled "The situation<sup>438</sup> which has arisen between Guinea and the Ivory Coast involving section 11 of the Convention on the Privileges and Immunities of the United Nations".<sup>439</sup>

330. At the Secretary-General's request, in view of unofficial reports reaching him regarding the release by Guinea and by the Ivory Coast of the various persons detained, the General Committee delayed its consideration of whether to recommend the inclusion of the above item in the agenda.<sup>440</sup> On 25 September, the Secretary-General received an official communication from the Ivory Coast to the effect that it was on that day releasing the Guinean nationals referred to above, following an earlier decision by Guinea to set free the Ivory Coast nationals and residents detained by it. On 26 September Guinea officially informed the Secretary-General that it had released the Ivory Coast's residents and nationals on 22 September.<sup>441</sup>

331. On 27 September 1967, the Secretary-General submitted a request<sup>442</sup> for the inclusion in the agenda of the twenty-second session of the General Assembly of an item entitled "Reaffirmation of an important immunity of representatives of Member States to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations". In the explanatory memorandum attached to the request, the Secretary-General stated, *inter alia*, that, while gratified at these developments and considering that the immediate practical issue had been resolved, he was, nevertheless, of the opinion that an important question of principle had arisen concerning the privileges and immunities specified in Article 105 of the Charter of the United Nations and section 11 of the Convention on the Privileges and Immunities of the United Nations. The Assembly might consider it timely to reaffirm those provisions and to call upon all Mem-

ber States to ensure that their representatives to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations enjoyed immunity from arrest or personal detention during their journey to and from the place of United Nations meetings. The Secretary-General therefore requested the inclusion in the agenda of the twenty-second session of an additional item. In requesting the inclusion of the item the Secretary-General noted that, the practical issue having been resolved, the question had become one of a purely legal and formal character.

332. After consideration of the request of the Secretary-General, the General Committee recommended<sup>443</sup> and the General Assembly decided<sup>444</sup> to include the following item in the agenda of its twenty-second session (subitem (b) being the item proposed by the Secretary-General): "Question of diplomatic privileges and immunities: (a) measures tending to implement the privileges and immunities of representatives of Member States to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations and the privileges and immunities of the staff and of the Organization itself, as well as the obligations of States concerning the protection of diplomatic personnel and property; (b) reaffirmation of an important immunity of representatives of Member States to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations."

333. At the close of the discussion of the item in the Sixth Committee,<sup>445</sup> to which the item had been referred, the Legal Counsel made a statement on behalf of the Secretary-General.<sup>446</sup> In his statement the Legal Counsel said, among other things, that one of the reasons why he was speaking was "to explain the role which the Secretary-General has played, and would intend to continue, with respect to the privileges and immunities of the United Nations, of representatives of the Members and of officials of the Organization". Commenting on the 1961 Vienna Convention on Diplomatic Relations,<sup>447</sup> the Legal Counsel, observing that material provisions thereof are recognized as evidentiary of international law binding on all Members of the international community, said that the Secretary-General "in interpreting diplomatic privileges and immunities, would look to provisions of the Vienna Convention so far as they would appear relevant *mutatis mutandis* to representatives to United Nations organs and conferences."

334. Turning then to the Convention on the Privileges and Immunities of the United Nations, he pointed out that, unlike most multilateral conventions, the Convention, in referring to rights and obligations, referred to Members of the United Nations, and not to the States parties. He then observed that section 35<sup>448</sup> of the Convention made clear the character of the Members' obli-

<sup>438</sup>For an account of the situation which had arisen between Guinea and the Ivory Coast as the result of the detention in the Ivory Coast of Guinean personalities while they were returning to Guinea from the fifth emergency special session of the General Assembly, see the report submitted by the Secretary-General to the Security Council in S.C. 22nd yr., Suppl. for July-Sept. 1967, S/8120. The report also outlined the efforts of the Secretary-General to obtain the release of these Guinean nationals, detained at Abidjan, as well as his endeavours, in the exercise of his good offices, to obtain the release of a number of nationals and residents of the Ivory Coast detained by the Government of Guinea.

<sup>439</sup>Section 11 of the Convention determines certain details of the privileges and immunities of representatives of Member States. It provides in particular that "representatives of Members to the principal and subsidiary organs of the United Nations shall, while exercising their functions and during their journey to and from the place of meeting, enjoy", among other things, "immunity from personal arrest or detention" and "exemption in respect of themselves and their spouses from immigration restrictions, alien registration or national service obligations in the State they are visiting or through which they are passing in the exercise of their functions". The Ivory Coast had previously acceded to the Convention while Guinea had not, at that time, become party to it.

<sup>440</sup>G.A. (XXII), Gen. Com., 166th mtg., paras. 29-32.

<sup>441</sup>G.A. (XXII), Annexes, a.i. 98, A/6832/Rev.1.

<sup>442</sup>*Ibid.*, *eo. loc.*

<sup>443</sup>G.A. (XXII), Gen. Com., 172nd mtg., para. 58.

<sup>444</sup>*Ibid.*, Plen., 1592nd mtg., paras. 14 and 15.

<sup>445</sup>In connexion with this item the Sixth Committee recommended to the General Assembly the adoption of a draft resolution which the Assembly adopted without change as its resolution 2328(XXII).

<sup>446</sup>G.A. (XXII), Annexes, a.i. 98, A/C.6/385.

<sup>447</sup>See United Nations, *Treaty Series*, vol. 500, p. 95.

<sup>448</sup>Section 35 of the Convention reads as follows:

"This convention shall continue in force as between the United Nations and every Member which has deposited an instrument of accession for so long as that Member remains a Member of the United Nations, or until a revised general convention has been approved by the General Assembly and that Member has become a party to this revised convention".



gations, which run from each Member to the Organization. The Legal Counsel then observed that this fact was not a mere formality, it being obvious that the Organization itself has a real interest in assuring the privileges and immunities necessary to enable the representatives of Members to attend and participate freely in all meetings and conferences. He stated further: "The Secretary-General would therefore continue to feel obligated in the future, as he has done in the past, to assert the rights and interests of the Organization on behalf of representatives of Members as the occasion may arise. I would not understand from the discussion in this Committee that the Members of the Organization would wish him to act in any way different from that which I have just indicated. Likewise, since the Organization itself has an interest in protecting the rights of representatives, a difference with respect to such rights may arise between the United Nations and a Member and consequently be the subject of a request for an advisory opinion under section 30 of the Convention. It is thus clear that the United Nations may be one of the 'parties', as that term is used in section 30."

335. The Legal Counsel went on to observe that Article 105 of the Charter created a direct obligation on all Members to accord the privileges and immunities necessary for the fulfilment of the purposes of the Organization and the exercise of the functions of representatives and officials.

*b. Representation by the Secretary-General at conferences and meetings of other agencies*

336. In the introduction to the annual report on the work of the Organization submitted to the General Assembly at its twenty-fourth session, the Secretary-General referred to statements he had made before the first session of the General Conference of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Assembly of Heads of State and Government of the Organization of African Unity.<sup>449</sup>

*\*\*c. Authorization by the Secretary-General to use the United Nations emblem, flag and insignia*

5. FUNCTIONS OF THE SECRETARY-GENERAL IN THE FIELD OF PUBLIC INFORMATION

337. By its resolution 1225(XLII) of 6 June 1967 the Economic and Social Council requested the Secretary-General to report to the Council and to the General Assembly for any appropriate action they might desire to take, on the procedures of associating national and international non-governmental organizations with the Office of Public Information.<sup>450</sup>

338. By its resolution 1297(XLIV) of 27 May 1968, the Economic and Social Council, recalling its resolution 1225(XLII), provided, in paragraphs 2, 3, and 4, as follows:

"The Economic and Social Council

"...

"2. *Calls upon* the Secretary-General to ensure that the Office of Public Information while reviewing

the status of present organizations or considering new applications, excludes all those organizations whose aims or practices tend or contribute to the propagation of nazi ideology and racial and/or religious discrimination;

"3. *Recommends* that the Secretary-General should accord immediate and sympathetic consideration, upon application by non-governmental organizations of the inadequately represented regions of the world, particularly in Africa, with respect to association with the Office of Public Information in order to accomplish a more equitable representation of national non-governmental organizations from Member States;

"4. *Recommends* that the Secretary-General should encourage the increase of the number of national and international non-governmental organizations from all State Members of the United Nations associated with the Office of Public Information, particularly those representing racial groups because of the diversity of the experience they may have both in the field of human rights and in that of economic and social affairs; in this connexion, special efforts should be made to encourage the association with the Office of Public Information of organizations representing people of African descent;<sup>451</sup>

"..."

339. By its resolution 1265(XLIII) of 3 August 1967 on the public information activities of the United Nations with respect to its economic, social and human rights work, the Economic and Social Council, after endorsing, within the existing staff and financial resources, the Secretary-General's proposals as outlined in paragraphs 19-33 of the report<sup>452</sup> he had submitted, pursuant to Council resolution 1176(XLI), on the United Nations information programme in those fields, invited the Secretary-General to redeploy, within those resources, in consultation with the specialized agencies concerned, the staff of information centres and other sections of the Office of Public Information, with a view, in particular, to the possible establishment, on an experimental basis, of centres with regional responsibilities.

340. By its resolution 1357(XLV) of 2 August 1968, the Economic and Social Council endorsed the importance attached by the Secretary-General to the establishment of a Centre for Economic and Social Information.<sup>453</sup>

341. In resolutions adopted by the General Assembly during the period under review the Secretary-General was requested to publicize the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations work in the field of decolonization. Thus, by resolution 2189(XXI) he was requested to promote through the various organs and agencies of the United Nations, the continuous and large-scale publicizing of the Declaration and of the work of the Special Committee on decolonization in order that world opinion might be sufficiently aware of the situation in the colonial Territories and of the continuing struggle for liberation waged by the colonial peoples. By resolution 2326(XXII) he was requested to take concrete mea-

<sup>449</sup>G A (XXIV), Suppl. No. 1A, paras. 39 and 205.

<sup>450</sup>The resolution also requested the Secretary-General to report on the possibilities of increasing the number of non-governmental organizations from the States Members of the United Nations. For the text of the Secretary-General's report, see E S C (XLIV), Annexes, a.i. 18, E/4476.

<sup>451</sup>For the Secretary-General's report on action taken pursuant to the resolution, see E S C (XLVIII), a.i. 6, E/4784 and Add.1.

<sup>452</sup>E S C (XLIII), Annexes, a.i. 20, E/4341.

<sup>453</sup>The Centre was established by the Secretary-General in September 1968. (See G A (XXIV), Suppl. No. 1, p. 209.)

tures through all the media at his disposal, including publications, radio and television, to give effect to the provisions of the resolutions adopted by the General Assembly from its twentieth to its twenty-second session inclusive concerning the widespread and continuous publicizing of the work of the United Nations in the field of decolonization, of the situation in the colonial Territories and of the continuing struggle for liberation being waged by the colonial peoples. By resolutions 2465(XXIII) and 2548(XXIV) a similar request was made to the Secretary-General, who was asked to have regard to the suggestions of the Special Committee in complying therewith.

342. Several Assembly resolutions contained requests to the Secretary-General that he publicize the evils and problems of racial discrimination and *apartheid* in southern Africa. In its resolution 2144 A (XXI) the Assembly requested the Secretary-General to establish a unit within the Secretariat to deal exclusively with policies of *apartheid* of the Government of the Republic of South Africa, in order that maximum publicity might be given to the evils of those policies. In its resolution 2307(XXII) the Assembly requested the Secretary-General to intensify the dissemination of information on the evils of *apartheid* and to publish periodically information on economic and financial relations between South Africa and other States to draw the widest possible public attention to the evils of the policies of *apartheid* through the interested non-governmental organizations, trade unions, religious institutions, student and other organizations, as well as libraries and schools. In its resolution 2506 B (XXIV) the Assembly requested the Secretary-General, as well as Member States, to intensify dissemination of information on the problems of the policies of *apartheid* of the Government of South Africa in the light of the recommendations set forth in paragraphs 155 to 160 of the report of the Special Committee on the Policies of *Apartheid* of the Government of South Africa.<sup>454</sup> In resolution 2440(XXIII) the Assembly requested the Secretary-General to take steps to draw the widest possible public attention to the report of the *Ad Hoc* Working Group of Experts on the treatment of political prisoners in South Africa.<sup>455</sup> In resolution 2396(XXII) the Assembly requested the Secretary-General to establish and publicize as widely as possible:

- (i) A register of persons who have been executed, imprisoned, placed under house arrest or banning orders or deported for their opposition to *apartheid*;
- (ii) A register of all available information on acts of brutality committed by the Government of South Africa and its officials against opponents of *apartheid* in prisons.

343. In resolution 2547(XXIV) the Assembly requested the Secretary-General to establish, maintain and publicize an up-to-date register of persons subjected to imprisonment, detention, banishment and other restrictions, and of persons who have been victims of brutality, for their opposition to *apartheid* and racial discrimination, as well as of the captured freedom fighters held in South Africa, Namibia, Southern Rhodesia, Angola, Mozambique, Guinea (Bissau) and Sao Tomé.

344. In its resolution 2439(XXIII) the Assembly requested the Secretary-General to establish a United Nations information centre in South Africa with a view to disseminating the aims and purposes of the United Nations.<sup>456</sup> In its resolution 2547 B (XXIV) the Assembly requested him to set up a unit of United Nations radio in Africa to produce and broadcast radio programmes to the peoples of Southern Africa.<sup>457</sup>

345. In its resolution 2567(XXIV) on the mobilization of public opinion in developed and developing countries in support of the objectives and policies of the Second United Nations Development Decade the Assembly endorsed certain concepts relating thereto. These concepts including the following: "The role of the organizations of the United Nations system will be to assist the national information media and meet their varying needs, in particular by supplying adequate and appropriate basic information from which those media may draw both substance and inspiration for their work; information from international sources will have to be aimed primarily at strengthening the sense of interdependence and partnership implicit in the concept of the Second United Nations Development Decade".

346. The Secretary-General was requested to publicize such specific subjects as the findings of the United Nations Scientific Committee on the Effects of Atomic Radiation,<sup>458</sup> the Human Rights Covenants<sup>459</sup>, The Universal Declaration of Human Rights,<sup>460</sup> scholarships offered by Member States for inhabitants of Non-Self-Governing Territories,<sup>461</sup> the forthcoming Conference on the Peaceful Uses of Outer Space,<sup>462</sup> the principles and norms set forth in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and in the International Convention on the Elimination of All Forms of Racial Discrimination<sup>463</sup>, the Declaration on Social Progress and Development,<sup>464</sup> the problems of the human environment,<sup>465</sup> the Disarmament Decade,<sup>466</sup> the work of the United Nations with regard to Southern Rhodesia,<sup>467</sup> and the Territories under Portuguese administration,<sup>468</sup> and conditions in Oman,<sup>469</sup> protein malnutrition<sup>470</sup>.

347. The Secretary-General was also called upon to publicize various reports, studies and other material. Thus he was requested to give publicity to a report on

<sup>456</sup>For an account of the action taken by the Secretary-General pursuant to this request, see G A (XXIV), a.i. 57, A/7660, annex I, para. 8.

<sup>457</sup>For an account of the action taken by the Secretary-General pursuant to this request, see G A (XXV), a.i. 53 and 56, A/8057, paras. 22-24.

<sup>458</sup>G A resolutions 2213(XXI), 2258(XXII) and 2496(XXIV).

<sup>459</sup>G A resolutions 2200 B (XXI).

<sup>460</sup>G A resolution 2217 A (XXI).

<sup>461</sup>G A resolution 2234(XXI).

<sup>462</sup>G A 2261(XXII).

<sup>463</sup>G A resolution 2332(XXII).

<sup>464</sup>G A resolution 2543(XXIV).

<sup>465</sup>G A resolution 2581(XXIV).

<sup>466</sup>G A resolution 2162(XXI).

<sup>467</sup>G A resolution 2262(XXII).

<sup>468</sup>G A resolution 2270(XXII).

<sup>469</sup>G A resolution 2559(XXIV).

<sup>470</sup>G A resolution 2416(XXIII).

<sup>454</sup>G A (XXIV), Suppl. No. 25.

<sup>455</sup>E/CN.4/950.

chemical and bacteriological weapons,<sup>471</sup> a population census handbook,<sup>472</sup> a housing survey,<sup>473</sup> reports on

infringements of trade union rights in South Africa,<sup>474</sup> and a report on natural resources of developing countries.<sup>475</sup>

<sup>471</sup>G A resolution 2603 B (XXIV).

<sup>472</sup>E S C resolution 1215(XLII).

<sup>473</sup>E S C resolution 1299(XLIV).

<sup>474</sup>E S C resolutions 1302(XLIV), 1412(XLVI).

<sup>475</sup>E S C resolution 1427(XLVI).