

ARTICLE 98

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TEXT OF ARTICLE 98

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

INTRODUCTORY NOTE

1. Except as indicated below, the organization of the present study generally follows that of the previous studies of Article 98 in the *Repertory* and its *Supplements Nos. 1 to 5*. In the analytical summary of practice, several subsections under section C, "Financial functions of the Secretary-General", and section D, "Functions of the Secretary-General

with respect to political and security matters", have been deleted since the actions taken by the Secretary-General thereunder came to an end in the period covered by *Supplement No. 5*; a considerable number of subsections have however been added in section D, corresponding to activities initiated during the period under review.

I. GENERAL SURVEY

2. With respect to the functions of the Secretary-General in the political area, the most striking overall development in the period under review was a considerable increase in the number of questions he was asked to deal with. All the peacekeeping operations that were in existence or were established in the period covered by *Supplement No. 5* subsisted throughout the period under review except for the United Nations Emergency Force (UNEF), which lapsed when its mandate expired without being renewed in July 1979. New responsibilities with respect to peacekeeping were, however, imposed on the Secretary-General in 1982 as a result of requests by the Security Council that he deploy United Nations observers in and around Beirut. The functions performed by the Secretary-General with respect to the United Nations Interim Force in Lebanon (UNIFIL), which were the object of a large number of Security Council resolutions that had a bearing on the mandate of the Secretary-General, were, as they had been during the period covered by *Supplement No. 5*, beset by serious difficulties, mainly as a result of the presence in southern Lebanon of various armed elements not controlled by the Lebanese Government and Israel's invasions of Lebanon in 1982. This, in particular, imposed heavy reporting responsibilities on the Secretary-General. With respect to Cyprus, the Secretary-General's activities did not relate exclusively to the United Nations Peacekeeping Force in Cyprus (UNFICYP), but, as before, also included intensive diplomatic activities in connection with the negotiations between the Greek and the Turkish communities in Cyprus. With regard to Namibia, the Secretary-General continued to be involved in the negotiating process seeking to put into effect the Security Council decision to establish the United Nations Transition Assistance Group (UNTAG). By the end of the period under review, his efforts had, however, still not borne fruit.

3. In addition, the Secretary-General continued to discharge other responsibilities, pursuant to an increased number of specific mandates covering a wide range of activities in the political field. He was requested, for exam-

ple, to initiate contacts with all the parties to the Arab-Israeli conflict with a view to convening an international peace conference,¹ to convene meetings of the Israel-Lebanon Mixed Armistice Commission,² to submit reports covering, in all their aspects, developments in the Middle East,³ to issue identity cards to Palestine refugees,⁴ to guarantee the safety and security and the legal and human rights of the Palestine refugees in the occupied territories,⁵ to prepare a study on a proposed canal linking the Mediterranean Sea to the Dead Sea and its effects on Jordan and the occupied territories,⁶ to lend his good offices for the release of the American diplomatic and consular personnel held hostage in Tehran,⁷ to undertake mediation efforts in the conflict between Iran and Iraq,⁸ to enter into contact immediately with the parties to the hostilities that had broken out in the South Atlantic in connection with the Falkland Islands (Malvinas) with a view to negotiating mutually acceptable terms for a ceasefire,⁹ to explore the possibility of holding an international conference on Kampuchea,¹⁰ to take the necessary steps to ensure that the United Nations participated in the organization and conduct of a referendum in Western Sahara,¹¹ to follow closely South Africa's activity in the nuclear field,¹² to prepare a study on Israeli nuclear armament,¹³ to render assistance

¹G A resolution ES-7/6.

²S C resolution 501 (1982).

³G A resolutions 34/70, 35/207, 36/226 A, 37/123 F, 38/180 D and 39/146 A.

⁴G A resolution 37/120 I.

⁵G A resolutions 37/120 J, 38/83 I and 39/99 I.

⁶G A resolution 36/150.

⁷Statement by the President of the Security Council of 9 November 1979 and Security Council resolutions 457 (1979) and 461 (1979).

⁸S C resolution 540 (1983).

⁹Security Council resolution 505 (1982).

¹⁰G A resolution 34/22.

¹¹G A resolutions 36/46, 37/28 and 38/40.

¹²G A resolutions 34/76 B, 35/146 A, 36/86 A, 37/74 B, 38/181 B and 39/61 B.

¹³G A resolution 34/89.

to promote efforts for the establishment of a nuclear-weapon-free zone in South Asia¹⁴ and to appoint a mission to observe elections in the New Hebrides.¹⁵

4. The Secretary-General continued to exercise actively functions under the powers inherent to his office. His activities in this area included the issue of appeals, the holding of discussions and consultations, the exercise of good offices and fact-finding. On several occasions he elaborated on the principles applicable to such activities. The administrative and executive functions of the Secretary-General, as well as his technical functions, continued to expand and to become more diversified. At each of the

¹⁴G A resolutions 34/78, 35/148, 36/88, 37/76, 38/65 and 39/55.

¹⁵G A resolution 34/10.

regular sessions held during the period under review, the General Assembly gave the Secretary-General instructions regarding information activities as a whole, with particular reference to political matters and the need to strengthen the activities of the Department of Public Information of the Secretariat. As before, 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 fight apartheid.

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

II. ANALYTICAL SUMMARY OF PRACTICE

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

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

(a) *Drawing up of the agenda*

6. By its resolution 39/141, the General Assembly requested the Secretary-General to propose to the Commission on Narcotic Drugs that, as approved by a prior decision of the Economic and Social Council, it adjust the agenda of one of its sessions to enable the Commission to initiate the preparation of a draft convention.

(b) *Convening of sessions and meetings*

(i) *Sessions and meetings convened by the Secretary-General pursuant to requests by United Nations organs*

7. During the period under review, the General Assembly and the Economic and Social Council frequently requested the Secretary-General to convene or make arrangements for conferences and meetings. For example, he was requested by the General Assembly to make the necessary provision for a Conference on the Indian Ocean,¹⁶ to take all appropriate steps for convening an international conference on Kampuchea,¹⁷ to make the necessary arrangements for the holding of the final session of the Third United Nations Conference on the Law of the Sea,¹⁸ to make the appropriate preparation for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,¹⁹ to convene the second session of the Advisory Committee for the International Youth Year,²⁰ to convene, in close cooperation with the Secretary-General of the Organization for African Unity and the United Nations High Commissioner for Refugees, a second International Conference on Assistance to Refugees in Africa,²¹ to organize

an international conference on Oil Embargo against South Africa²² and to make every effort to convene, within the resources made available to him, an interregional meeting of heads of national drug law enforcement agencies.²³ He was requested by the Economic and Social Council to convene the Meeting on Humanitarian Assistance and Relief to the Kampuchea People,²⁴ to take all necessary measures to ensure that the Advisory Committee for the World Assembly on Aging met twice in 1981²⁵ and to convene pre-conference consultations on organizational matters regarding the International Conference on Population, 1984.²⁶

8. The Secretary-General was on a number of occasions requested by the General Assembly to organize or convene pledging conferences.²⁷

9. The Secretary-General was requested by the Economic and Social Council to make the necessary arrangements to convene the Tenth United Nations Regional Cartographic Conference for Asia and the Pacific and to assess the desirability and feasibility of holding United Nations interregional cartographic conferences.²⁸

10. With respect to certain other conferences, the Secretary-General was asked to appoint officials to make the necessary arrangements.²⁹ By its resolution 33/198, the General Assembly requested the Secretary-General to entrust the Director-General for Development and International Economic Cooperation with the task of coordinating the preparations for the special session of the General

²¹G A resolution 37/197.

²²G A resolution 38/39 J.

²³G A resolution 38/122.

²⁴E S C resolution 1980/23.

²⁵E S C resolution 1981/22.

²⁶E S C resolution 1983/6.

²⁷See, for example, General Assembly resolutions 33/197, 34/15, 36/183, 36/210 and 38/176.

²⁸E S C resolution 1981/6, paras. 1 and 3 respectively.

²⁹See, for example, G A resolutions 33/189, 34/93 C, 36/8 and 36/78, E S C resolutions 1980/26 and 1984/45. In the latter resolution, the Economic and Social Council, in requesting the Secretary-General to appoint a Secretary-General for the conference in question, stated that this was "in accordance with standard practice for major United Nations conferences."

¹⁶G A resolution 34/80 B.

¹⁷G A resolution 35/6.

¹⁸G A resolution 35/116.

¹⁹G A resolution 36/21

²⁰G A resolution 36/28.

Assembly in 1980. By its resolution 34/203, the General Assembly requested the Secretary-General to designate the Secretary-General of the United Nations Conference on Trade and Development to act as Secretary-General of the United Nations Conference on the Least Developed Countries.

(ii) *Sessions and meetings convened by the Secretary-General on his own authority*

11. In 1979, the Secretary-General took the initiative of convening and chairing two intergovernmental conferences, namely, the Meeting on Refugees and Displaced Persons in South-East Asia and the Pledging Conference for Emergency Humanitarian Relief to the People of Kampuchea.³⁰

**** (c) Examination of credentials**

(d) *Provision of staff, experts and services*

12. By resolutions adopted at each of the regular sessions held in the period under review, the General Assembly requested the Secretary-General, in consultation with the President of the United Nations Council for Namibia, to review the requirements of personnel and facilities of all units that serviced the Council so that it could fully discharge all tasks and functions arising out of its mandate.³¹

13. By its resolution 37/11, the General Assembly requested the Secretary-General to arrange, subject to his being available, for the participation at the Conference on Succession of States in respect of State Property, Archives and Debts of the former Special Rapporteur of the International Law Commission on the topic of succession of States in respect of matters other than treaties.

14. By its resolution 1982/35 on summary or arbitrary executions, the Economic and Social Council requested the Secretary-General to provide all necessary assistance to the special rapporteur on the topic that, by the same resolution, it requested the Chairman of the Commission on Human Rights to appoint.³²

15. As before, the Secretary-General was requested to provide services to non-United Nations bodies, such as two committees and a conference composed of States parties to the Treaty on the Non-Proliferation of Nuclear Weapons.³³

³⁰See the report of UNHCR, A/34/627, paras. 9 to 17, and the records of the pledging conference, SG/CONF.1/SR/1 and 2. In its resolution 34/62, the General Assembly commended the Secretary-General for his initiative in convening the Meeting on South-East Asia. In the preamble to its resolution 34/22, the Assembly noted with deep appreciation the Secretary-General's initiative in convening the Pledging Conference in Kampuchea.

³¹G A resolutions 34/92 A, 35/227 C, 36/121 C, 37/233 C, 39/36 C and 39/50 C.

³²Similar requests for assistance to officials of this type are contained in E S C resolutions 1983/37, 1984/24 and 1984/39, as well as decisions 1984/136, 1984/137 and 1984/138.

³³The bodies in question are the Human Rights Committee (General Assembly resolutions 35/132, 38/116 and 39/136), the Committee on the Elimination of Racial Discrimination (General Assembly resolutions 35/40) and the Third Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (General Assembly resolution 38/74).

16. By its resolutions 2168 (XLVI), 2173 (XLIX) and 2174 (S-XV), the Trusteeship Council requested the Secretary-General to provide the necessary staff and facilities to visiting missions to the Trust Territory of the Pacific Islands.

2. TRANSMISSION OF COMMUNICATIONS

17. During the period under review, many resolutions were adopted by which the Secretary-General was requested to transmit communications. The kinds of communications transmitted varied widely. They included: resolutions,³⁴ records³⁵ and studies,³⁶ a list of persons and entities considered responsible for certain crimes,³⁷ replies from Governments to a questionnaire,³⁸ a draft convention,³⁹ views and comments of States on security matters,⁴⁰ a draft declaration⁴¹ and materials relating to a draft treaty.⁴² Among the addressees of communications were Member States,⁴³ Member States as well as non-member States parties to certain treaties,⁴⁴ States parties to certain treaties,⁴⁵ all States,⁴⁶ Governments,⁴⁷ all Governments,⁴⁸ the authorities of a Member State,⁴⁹ the Government of a Member State⁵⁰ and diplomatic conferences.⁵¹ The Secretary-General was also requested to transmit communications to the General Assembly,⁵² the Security Council⁵³ and the International Law Commission.⁵⁴ Communications were also transmitted to the specialized agencies⁵⁵ as well as individually to the International Atomic Energy Agency⁵⁶ and the General Agreement on Tariffs and Trade.⁵⁷ The Secretary-General was further instructed to transmit communications to non-governmental organizations,⁵⁸ regional governmental organizations,⁵⁹ intergovernmental organizations other than the specialized agencies,⁶⁰ international organizations,⁶¹ appropriate international bodies,⁶² voluntary agencies⁶³ and the Human Rights Committee.⁶⁴

³⁴G A resolution 35/158 and E S C resolution 1982/8.

³⁵G A resolution 35/17 and 38/8.

³⁶G A resolution 35/32 and E S C resolution 84/8.

³⁷G A resolution 35/39.

³⁸G A resolution 35/178.

³⁹G A resolution 35/198.

⁴⁰G A resolutions 36/97 L and 36/106.

⁴¹E S C resolution 1979/28.

⁴²E S C resolution 1979/35.

⁴³G A resolution 35/171.

⁴⁴G A resolution 36/168.

⁴⁵E S C resolution 1984/23.

⁴⁶G A resolution 35/168.

⁴⁷G A resolution 38/68.

⁴⁸E S C resolution 1981/7.

⁴⁹G A resolutions 37/1 and 37/68.

⁵⁰S C resolution 515 (1982).

⁵¹G A resolution 34/180.

⁵²G A resolution 35/7.

⁵³G A resolution 35/158.

⁵⁴G A resolution 36/106.

⁵⁵E S C resolution 1981/9.

⁵⁶G A resolution 35/17.

⁵⁷G A resolution 36/144.

⁵⁸G A resolution 34/163.

⁵⁹E S C resolution 1980/30.

⁶⁰E S C resolution 1981/9.

⁶¹G A resolution 37/186.

⁶²G A resolution 35/152 G.

⁶³G A resolution 35/181.

⁶⁴GA resolution 35/178.

3. INTEGRATION OF ACTIVITIES

(a) *Calendar of meetings*

18. During the period under review, the Secretary-General continued, in respect of the calendar of conferences and meetings, to report not to the General Assembly but to the Committee on Conferences.⁶⁵

19. By its resolution 1981/83, the Economic and Social Council requested the Secretary-General to indicate the implications of certain proposals and suggestions he was asked to submit by the same resolution, including desirable changes in the calendar of conferences.

20. By Economic and Social Council resolution 1982/50, the Secretary-General was requested, in proposing future draft calendars of conferences, to ensure that meetings of subsidiary bodies of the Council ended no later than the beginning of a certain period of time before the Council session at which their reports were to be considered.

21. In its resolution 38/32 A, the General Assembly requested the Secretary-General to take all appropriate measures to achieve maximum efficiency and effectiveness in the use of conference services when implementing the calendar of conferences and meetings for 1984-1985.

(b) *Planning of work programmes and priorities*

22. In section IV of its resolution 33/202, the General Assembly provided that the Director-General for Development and International Economic Cooperation, under the authority of the Secretary-General, should have, fully and effectively, authority over all services and organs within the United Nations at the level of the secretariats in the economic and social sectors in the discharge of functions that included ensuring the coherence, coordination and efficient management of all activities in the economic and social fields financed by the regular budget or by extra-budgetary resources.⁶⁶

23. In section I of its resolution 36/228 A, the General Assembly requested the Secretary-General to present to it at its next session, through the Committee for Programme and Coordination, proposals enabling the Assembly to adopt rules and regulations governing programme planning, the programme aspects of the budget, the monitoring of implementation and the methods of evaluation.

24. In section I of its resolution 37/234, the General Assembly requested the Secretary-General to make the necessary methodological improvements to the medium-term plan for the period 1984-1989. In part II of the same resolution, the Assembly requested the Secretary-General to provide it, at its thirty-eighth session, with programme implications of draft resolutions being considered by it.

25. In section II of its resolution 38/227 A, the General Assembly requested the Secretary-General to improve the programme analyses of all the sections of the programme budget and to strengthen the capacity of United Nations programme planning units and systems.

26. By its resolution 39/217, the General Assembly requested the Secretary-General to submit to its Second

Committee each year a proposed biennial programme of work.

(c) *Integration of activities relating to operational programmes*

27. By its resolution 36/172 K, the General Assembly requested the Secretary-General to ensure very close co-operation by the Centre against Apartheid and the Centre for Social Development and Humanitarian Affairs as well as the Department of Public Information of the Secretariat with a view to maximum publicity for the plight of women and children under apartheid and their struggle for national liberation.

28. By its resolution 37/212, section II, the General Assembly requested the Secretary-General to allocate adequate resources so as to ensure the effective coordination between UNIDO and the Executive Secretary of the Economic Commission for Africa related to the Industrial Development Decade for Africa.

29. By its resolution 1980/55, the Economic and Social Council requested the Secretary-General, in cooperation with the United Nations High Commissioner for Refugees, to consult the Secretary-General of OAU on appropriate ways and means of convening an international pledging conference for refugees in Africa.

30. By its resolution 1984/3, the Economic and Social Council requested the Secretary-General to continue the United Nations programme of technical cooperation in the field of population, in close coordination with funding agencies, in particular the United Nations Fund for Population Activities.

(d) *Coordination of services to United Nations organs*

31. By its resolution 34/50, the General Assembly approved a recommendation of the Committee for Programme and Coordination that certain resolutions of the Economic and Social Council on the control and limitation of documentation should be applied to the General Assembly and its subsidiary organs and that the Secretary-General should be requested to implement them fully.⁶⁷

32. By its resolution 39/68 B, the General Assembly invited the Secretary-General to determine, in the course of 1985, the extent to which its subsidiary organs, through both formal and informal meetings and/or consultations, utilized the conference services they had requested, with a view to achieving the most effective utilization of conference services.

33. By its resolution 1981/83, the Economic and Social Council requested the Secretary-General to submit, together with the draft basic programme of work of the Council for 1982-1983, proposals for the consideration of some items or questions on a biennial or triennial basis and suggestions for ensuring a better distribution of some items or questions between the General Assembly and the Economic and Social Council, indicating the implications thereof.

34. By its decision 1983/163, the Economic and Social Council requested the Secretary-General to bring to the attention of intergovernmental and expert bodies, before de-

⁶⁵See *Repertory, Supplement No. 5*, vol. V, under Article 98, para. 16.

⁶⁶Cf. G A resolution 32/197, annex, para. 64 (b).

⁶⁷The E S C resolutions in question are resolutions 1979/1, 1979/41 and 1979/69.

cisions were adopted, any requests for documentation that exceeded the ability of the Secretariat to prepare and process them on time and within its approved resources.

4. COORDINATION WITH SPECIALIZED AGENCIES AND OTHER INTERGOVERNMENTAL ORGANIZATIONS

******(a) *Functions of the Secretary-General set forth in the agreements with the specialized agencies*

(b) *Functions of the Secretary-General with regard to programme coordination*

35. Three resolutions adopted during the period under review entrusted the Secretary-General with important functions with respect to the question of the reverse transfer of technology within the United Nations system:

(a) By its resolution 34/200, the General Assembly requested the Secretary-General to take the necessary measures with respect to the coordination of the treatment of the question;

(b) By its resolution 36/141, the General Assembly requested the Secretary-General to keep under continuous review the coordination of work on the question in the United Nations Conference on Trade and Development, ILO and other relevant United Nations Organizations;

(c) By its resolution 37/207, the General Assembly requested the Secretary-General to establish an inter-agency working group comprising representatives of the United Nations Conference on Trade and Development, ILO, UNESCO, WHO, UNITAR, the Statistical Office of the Secretariat and other appropriate organs and bodies of the United Nations system to coordinate measures on the question.⁶⁸

36. By its resolution 35/203, the General Assembly requested the Secretary-General to entrust the Director-General for Development and International Economic Cooperation with the responsibility to take the necessary steps, with the collaboration of the Secretary-General of the United Nations Conference on Trade and Development, to ensure the full mobilization and coordination of all organs, organizations and bodies of the United Nations system in the further elaboration and implementation of the Comprehensive New Programme of Action for the Least Developed Countries.

37. By its resolution 35/203, the General Assembly requested the Secretary-General to arrange, for all concerned United Nations entities at the Secretariat level, to extend the necessary cooperation and assistance to the Director-General for Development and International Economic Cooperation in the effective functioning of consultative arrangements on policy issues pertaining to economic and social activities and on planning, programming, budgeting and evaluation.

38. By its resolution 37/94 B, the General Assembly requested the Secretary-General to ensure that the Department of Public Information of the Secretariat cooperated more closely with the United Nations development agen-

cies and programmes, particularly UNDP, both at Headquarters and in the field.

39. By its resolutions 38/145 and 39/224, the General Assembly requested the Secretary-General to convene meetings of the relevant programmes, organizations, agencies and organs of the United Nations system to develop a coordinated programme of economic and social assistance to the Palestinian people and ensure its implementation.

40. By its resolution 39/170 B, the General Assembly requested the Secretary-General to report to it on the implementation of its resolutions on the question of the coordination of human settlement programmes within the United Nations system.

41. By its resolution 39/176, the General Assembly requested the Secretary-General, in consultation with the organs and organizations of the United Nations system, to promote international cooperation for the development of internal technological and other capabilities in developing countries in order to achieve the development of their energy resources.

42. By its resolution 39/216, the General Assembly requested the Secretary-General, in consultation with the executive heads of the bodies and organizations of the United Nations system and of the specialized agencies, to keep the activities of the United Nations system in support of economic cooperation among developing countries under periodic review in the existing inter-agency machinery.

43. By its resolution 1979/9, the Economic and Social Council requested the Secretary-General to ensure the maximum practical degree of coordination of international efforts in the field of drug abuse control.

44. By its resolution 1980/51, the Economic and Social Council invited the Secretary-General, together with the executive heads of the United Nations organs, agencies and programmes concerned, to engage in consultations to determine how they might best help to achieve the goal of increasing their assistance through joint undertaking with the United Nations Sudano-Sahelian countries for the implementation of their recovery, rehabilitation and development programmes.

45. By its resolution 1982/29, the Economic and Social Council requested the Secretary-General to undertake the necessary inter-agency consultations within the machinery of the Administrative Committee on Coordination as a means of facilitating the work of the Committee on Crime Prevention and Control in its function of assisting the Council in coordinating activities in the field of crime prevention and control.

46. By its resolution 1984/12, the Economic and Social Council requested the Secretary-General to examine the ways in which the needs and concerns of women could be integrated into all planning and programme activities of the United Nations system and the implications of so doing.

47. In section VI of its resolution 1984/61, the Economic and Social Council requested the Secretary-General to further refine the criteria proposed in a report he had submitted to identify activities to be included in the analysis of the mandates of, and problems addressed by, the United Nations system in economic and technical cooperation among developing countries.

⁶⁸By its resolution 39/21 L, the General Assembly requested the Secretary-General to convene further meetings of the Inter-Agency Group.

(c) *Functions of the Secretary-General with regard to coordination in administrative and financial matters*

48. By its resolutions 35/114 and 39/241, the General Assembly requested the Secretary-General to refer to the executive heads of the organizations of the United Nations system, through the Administrative Committee on Coordination, matters arising out of the report of the Advisory Committee on Administrative and Budgetary Questions and of the related debate in the Fifth Committee which called for their attention and necessary action.

49. In five resolutions which it adopted during the period under review with regard to the question of respect for the privileges and immunities of officials of the United Nations and the specialized agencies, the General Assembly requested the Secretary-General to exercise certain functions in his capacity as Chairman of the Administrative Committee on Coordination.

(a) By its resolution 35/212, the General Assembly requested the Secretary-General to submit a report to the General Assembly containing any cases in which the international status of the staff members of the United Nations or of the specialized agencies had not been fully respected;

(b) By its resolution 36/232, the General Assembly requested the Secretary-General to submit to it, at each regular session, an updated and comprehensive annual report relating to cases in which he or the competent executive head had not been able to exercise fully his responsibility in respect of the protection of staff members of the United Nations or of a specialized agency or related organization in accordance with the multilateral conventions and applicable bilateral agreements with the host country;

(c) By its resolution 37/236 A, the General Assembly invited the Secretary-General to suggest in his next annual report on the issue further steps designed to alleviate the situation, which, the General Assembly observed in the resolution, was characterized by a noticeable deterioration;

(d) By its resolution 38/230, the General Assembly called upon the Secretary-General, as chief administrative officer of the Organization, to continue personally to act as the focal point in promoting and ensuring the observance of the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations by using such means as were available to him, urged him to give priority through his designated officials, as mentioned in annex III to the Secretary-General's report on the matter, to the reporting and prompt follow-up of cases of arrest, detention and other matters relating to the security of the above-mentioned officials, and requested him, as Chairman of the Administrative Committee on Coordination, to suggest in his next annual report further steps to be taken with regard to the safety and protection of the officials in question;

(e) By its resolution 39/244, the General Assembly reiterated the first two of the above-mentioned requests to the Secretary-General contained in resolution 38/230 and requested him, as Chairman of the Administrative Committee on Coordination, to suggest in his next annual report further steps to be taken with regard to the safety and protection of international civil servants.

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

50. During the period under review, the Secretary-General was requested to undertake such diverse tasks as preparing, in consultation with the President and members of the Trusteeship Council, a report on the fourteenth special session of the Council and to include it in its report to the Security Council covering the period from 9 June 1978 to 15 June 1979,⁶⁹ assisting Governments, in cooperation with the United Nations agencies and bodies concerned, in exchanging information on banned hazardous chemicals and unsafe pharmaceutical products,⁷⁰ reporting to the General Assembly on the question of awarding a memorial fellowship or scholarship in the field of the law of the sea and related matters,⁷¹ studying, in coordination with the Council of the United Nations University, UNRWA and UNESCO, ways and means of establishing at Jerusalem a university of arts and sciences to cater to the needs of Palestine refugees in the area,⁷² appointing the Director of the International Research and Training Institute for the Advancement of Women,⁷³ undertaking an architectural and engineering study in connection with the United Nations accommodation at Santiago,⁷⁴ preparing a comprehensive economic map of Namibia,⁷⁵ drawing the attention of the States concerned in cases of serious violations of the protection, security and safety of diplomatic and consular missions and representatives to procedures for reporting such violations to the Secretary-General laid down by the General Assembly,⁷⁶ establishing an office of the United Nations High Commissioner for Namibia at Luanda,⁷⁷ appointing a group of governmental experts,⁷⁸ appointing the Chairman and the Vice-Chairman of a special commission,⁷⁹ urging States to conduct bilateral consultations with a view to concluding agreements for the solution of a certain problem,⁸⁰ preparing a draft handbook on the peaceful settlement of disputes,⁸¹ making use of all existing possibilities to assist the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture,⁸² establishing an institute for Africa south of the Sahara in the field of crime prevention and the treatment of offenders,⁸³ and drawing up a draft plan of action for implementing the recommendations contained in the report of an expert and intended to be of assistance to a Government in its efforts to guarantee the enjoyment of human rights and fundamental freedom; considering, with that Government, what further measures could be taken by the United Nations to assist it in the continued implementation of the plan and, subsequently, appointing an expert to visit the country concerned to study, in conjunction with the Government, the best way of implementing the plan.⁸⁴

⁶⁹Decision of the Trusteeship Council of 15 February 1979.

⁷⁰G A resolution 34/173.

⁷¹G A resolution 35/116.

⁷²G A resolution 35/13 B.

⁷³G A resolution 35/134.

⁷⁴G A resolution 35/217, sect. XV.

⁷⁵G A resolution 35/227 H.

⁷⁶G A resolutions 36/33, 37/108, 38/136 and 39/83.

⁷⁷G A resolution 36/121.

⁷⁸G A resolution 36/148.

⁷⁹G A resolution 38/161.

⁸⁰G A resolution 38/162.

⁸¹G A resolution 39/79.

⁸²G A resolution 39/113.

⁸³E S C resolution 1979/20.

⁸⁴E S C resolutions 1981/38, 1983/35 and 1984/36.

51. As before, in a number of resolutions adopted during the period under review, the Secretary-General was requested to seek voluntary contributions or take other steps with a view to obtaining financial resources to defray activities of the Organization.⁸⁵

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

52. By resolutions adopted at each of the regular sessions that took place during the period under review, the General Assembly requested the Secretary-General to submit to it, at the next regular session, reports on the status of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the Optional Protocol thereto,⁸⁶ the International Convention on the Elimination of all Forms of Racial Discrimination,⁸⁷ and the Convention on the Elimination of All Forms of Discrimination against Women.⁸⁸ By resolutions adopted at each of those sessions, the Assembly requested the Secretary-General to include in his next annual report on the International Convention on the Suppression and Punishment of the Crime of Apartheid a special section on its implementation.⁸⁹

53. By resolutions adopted at its thirty-sixth regular session and each of the regular sessions it subsequently held during the period under review, the General Assembly requested the Secretary-General to submit to it, at its next regular session, a report on the state of ratifications of, and accessions to, the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations and the respective optional protocols thereto, as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.⁹⁰

54. By its resolution 34/51, the General Assembly requested the Secretary-General to inform it annually of the state of ratifications of and accessions to the Protocols Additional to the Geneva Conventions of 1949 on the protection of victims of international and non-international armed conflicts. By its resolution 37/116, the General Assembly requested the Secretary-General to submit to it a report on the matter at its thirty-ninth session.

55. By its resolutions 35/153, 36/93, 38/66 and 39/56, the General Assembly requested the Secretary-General, as depositary, to inform it from time to time of the status of adherence to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

56. By its resolution 36/93, the General Assembly requested the Secretary-General, as depositary of the Convention and the three protocols annexed thereto adopted by the Conference on Prohibitions or Restrictions of Certain

Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, to inform it from time to time of the status of adherence to the Protocol.

57. By its resolution 36/92 H, the General Assembly requested the Secretary-General to prepare for each of its regular sessions a composite table of signatories of, and parties to, multilateral disarmament agreements.

58. By its resolution 34/68, the General Assembly requested the Secretary-General to open for signature and ratification at the earliest possible date the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies.

59. By its resolution 36/79, the General Assembly requested the Secretary-General to consult the Government of Venezuela in order to arrange for the signature of the Final Act of the United Nations Conference on the Law of the Sea and the opening of the Convention for signature at Caracas in early September 1982.

60. By its resolution 36/32, the General Assembly requested the Secretary-General to bring to the notice of States that had not become parties to them three conventions on international trade law and a protocol amending one of them and also to provide those States with appropriate information as to the mode of entry into force and the current status of ratifications and accessions of those treaties. By the same resolution, the Assembly also requested the Secretary-General to draw the attention of the States in question to relevant views expressed by the United Nations Commission on International Trade Law.

61. By its resolution 37/66, the General Assembly approved the assumption by the Secretary-General of the responsibilities assigned to him by the United Nations Convention on the Law of the Sea.

62. By its resolution 38/117, the General Assembly requested the Secretary-General to consider the possibility of convening a meeting of the Chairmen of the bodies entrusted with the consideration of reports submitted under the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant human rights instruments in order to consider a prior report by the Secretary-General on the reporting obligations of States parties to the Convention and those instruments.

63. By its resolution 38/193, the General Assembly requested the Secretary-General to undertake consultations with States that had deposited instruments of ratification, acceptance or approval of the Constitution of UNIDO, with a view to determining, *inter alia*, if financial viability was adequately ensured, and, subsequently, to convene a one-day meeting that had been foreseen in General Assembly resolution 37/213 for the execution of individual notifications to the Secretary-General for the entry into force of the Constitution. In the same resolution, the Assembly also requested the Secretary-General to undertake consultations with all interested States with a view to facilitating early ratification of the Constitution by the States that had not yet done so.

64. By its resolution 1983/30, the Economic and Social Council requested the Secretary-General to prepare a report on the application of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

⁸⁵See, for example, G A resolutions 34/112, 35/34, 36/21 F, 37/138, 37/144 and 39/174, and E S C resolution 1982/62.

⁸⁶G A resolutions 34/45, 35/132, 36/58, 37/191, 38/116 and 39/136.

⁸⁷G A resolutions 34/26, 35/38, 36/11, 37/45, 38/18 and 39/20.

⁸⁸G A resolutions 34/180, 35/140, 36/131, 37/64, 38/109 and 39/130.

⁸⁹G A resolutions 34/27, 35/39, 36/13, 37/47, 38/19 and 39/19.

⁹⁰G A resolutions 36/33, 37/108, 38/136 and 39/83.

65. By its resolution 1980/34, the Economic and Social Council invited the Secretary-General to promote, by all means at his disposal, the signing and ratification of the Convention on the Elimination of All Forms of Discrimination against Women and requested him to arrange a ceremony for its signature.

66. By its resolution 1984/8, the Economic and Social Council requested the Secretary-General to prepare a compendium of information based upon the national reports on the achievements of and obstacles experienced by States in the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

67. By its resolution 1984/9, the Economic and Social Council requested the Secretary-General to bring the relevant suggestions and recommendations of a working group of governmental experts on the implementation of the International Covenant on Economic, Social and Cultural Rights to the attention of States parties to that instrument.

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

68. Throughout the period under review the format and type of content of the annual report on the work of the Organization remained those of the report the Secretary-General had submitted to the General Assembly at its thirty-third session.⁹¹

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

(a) Reports submitted by the Secretary-General pursuant to requests by United Nations organs

69. 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 training needs of developing countries in deep-sea mining and related activities,⁹² the role of the public sector in promoting the economic development of developing countries,⁹³ combatting desertification,⁹⁴ a feasibility study on the establishment, in connection with the question of the developmental aspects of the reverse transfer of technology, of an international labour compensatory facility,⁹⁵ special measures for the social and economic development of Africa in the 1980s,⁹⁶ the conventional arms race and disarmament relating to conventional weapons,⁹⁷ exchange of information on banned hazardous chemicals and unsafe pharmaceutical products,⁹⁸ national experience in promoting the cooperative movement,⁹⁹ national experience in achieving far-

reaching social and economic changes for the purposes of social progress,¹⁰⁰ the condition of refugees in Africa,¹⁰¹ national institutions for the promotion and protection of human rights,¹⁰² the implementation of the Charter of Economic Rights and Duties of States,¹⁰³ the specific needs of island developing countries,¹⁰⁴ Antarctica,¹⁰⁵ the development of the energy resources of the developing countries,¹⁰⁶ the implementation of the International Development Strategy for the Third United Nations Development Decade,¹⁰⁷ the current and future impact of the Israeli settlements on the living conditions of the Palestinian people in the occupied Palestinian territories,¹⁰⁸ the application by Governments of a unified approach to development analysis,¹⁰⁹ steps to expedite effective action for the prevention of nuclear war,¹¹⁰ remnants of war,¹¹¹ economic measures as a means of political and economic coercion against developing countries,¹¹² development and international economic cooperation,¹¹³ regulations concerning the welfare of migrant workers and their families,¹¹⁴ world experience in integrated social and economic planning,¹¹⁵ phosphates and potassium salts as the most important minerals used in agriculture,¹¹⁶ consumer protection,¹¹⁷ the application of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,¹¹⁸ emerging social issues of international concern in connection with the changes in the world economic situation,¹¹⁹ planned investment for mineral development,¹²⁰ the utilization of subsurface space,¹²¹ the social aspects of rural development,¹²² the right to popular participation as an important factor in the full realization of all human rights,¹²³ the use of computer techniques in the exploration and development of natural resources,¹²⁴ the question of elderly women¹²⁵ and crime prevention and criminal justice in the context of development.¹²⁶ As in the past, the Secretary-General continued to be requested to ascertain the views of or to consult with Governments.¹²⁷

¹⁰⁰G A resolution 36/19.

¹⁰¹G A resolution 36/124.

¹⁰²G A resolution 36/134.

¹⁰³G A resolution 37/204.

¹⁰⁴G A resolution 37/206.

¹⁰⁵G A resolution 38/77.

¹⁰⁶G A resolution 38/151.

¹⁰⁷G A resolution 38/152.

¹⁰⁸G A resolution 38/166.

¹⁰⁹G A resolution 38/179.

¹¹⁰G A resolution 39/148 P.

¹¹¹G A resolution 39/167.

¹¹²G A resolution 39/210.

¹¹³G A resolution 39/218.

¹¹⁴E S C resolution 1979/12.

¹¹⁵E S C resolution 1979/23.

¹¹⁶E S C resolution 1979/71.

¹¹⁷E S C resolution 1979/73.

¹¹⁸E S C resolution 1980/4.

¹¹⁹E S C resolution 1981/19.

¹²⁰E S C resolution 1981/77.

¹²¹E S C resolution 1981/82.

¹²²E S C resolution 1983/10.

¹²³E S C resolution 1983/31.

¹²⁴E S C resolution 1983/54.

¹²⁵E S C resolution 1984/13.

¹²⁶E S C resolution 1984/48.

¹²⁷Sec, for example, G A resolutions 34/189, 35/142 A, 36/191, 37/228, 38/142 and 39/218, and E S C resolutions 1980/12 and 1981/40.

⁹¹See *Repertory, Supplement No. 5*, vol. V, under Article 98, para. 44.

⁹²G A resolution 34/20.

⁹³G A resolution 34/137.

⁹⁴G A resolution 34/184.

⁹⁵G A resolution 34/200.

⁹⁶G A resolution 35/64.

⁹⁷G A resolution 35/156 A.

⁹⁸G A resolution 35/186.

⁹⁹G A resolution 36/18.

(b) *Reports submitted by the Secretary-General on his own authority*

70. By its resolution 1980/9, the Economic and Social Council commended the action taken by the Secretary-General in arranging for a comprehensive report on the needs of refugees in Somalia to be prepared and circulated to the international community.

2. OPERATIONAL FUNCTIONS OF THE SECRETARY-GENERAL

(a) *Functions undertaken by the Secretary-General pursuant to requests made by United Nations organs*

71. Various resolutions adopted by the General Assembly or the Economic and Social Council during the period under review contained requests to the Secretary-General with regard to various operational programmes administered by him. For example, he was requested to organize and undertake, in cooperation with the Administrator of UNDP, missions to developing countries, which so requested, to assist in the assessment of the needs of those countries in the field of natural resources exploration and development,¹²⁸ to make every effort, in consultation with the Office of the United Nations High Commissioner for Refugees and other relevant organizations of the United Nations system, to mobilize assistance to facilitate the resettlement of refugee families from the border areas of South Africa,¹²⁹ to assist Governments, at their request, in the formulation and implementation of policies and programmes for the elderly,¹³⁰ to continue to provide assistance to Governments, at their request, in the field of human rights,¹³¹ to restore and make available, through UNDP, the services of interregional and regional advisers in the field of crime prevention and the treatment of offenders,¹³² to strengthen efforts to meet requests for assistance in the implementation of the World Population Plan of Action for the developing countries,¹³³ to provide advisory services to Bolivia and Uganda in the field of human rights,¹³⁴ to assist, through the United Nations Fund for Drug Abuse Control, in coordinating international narcotics control efforts in the Andean subregion,¹³⁵ to provide, within existing resources and at the request of Governments of developing countries, the technical assistance they might need for promoting public administration and finance for development¹³⁶ and to assist Governments, at their request, in implementing the Standard Minimum Rules for the Treatment of Prisoners.¹³⁷ In addition, the Secretary-General was frequently requested to provide, promote or coordinate assistance to individual countries or regions.¹³⁸ The Secretary-General was also

requested to provide assistance to countries stricken by natural disasters.¹³⁹

72. The General Assembly and the Economic and Social Council continued to request the Secretary-General to undertake studies and submit reports on operational programmes. For example, by its resolution 35/81, the General Assembly requested the Secretary-General to entrust to the Director-General for Development and International Economic Cooperation the submission to it of an annual report on operational activities for development containing comprehensive statistical information concerning all operational activities for development of the United Nations system. By its resolution 1980/43, the Economic and Social Council requested the Secretary-General to prepare, in consultation with the organizations and bodies concerned and within existing financial resources, a summary report providing factual information on the ways and means by which the United Nations system had carried out, over the preceding decade, its role of coordinating and implementing humanitarian emergency assistance in cases other than those caused by natural disasters. By its resolution 1983/65, the Economic and Social Council requested the Secretary-General to prepare a comprehensive report on the activities throughout the United Nations system in relation to Africa.

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

73. As stated in a report submitted to the General Assembly on 30 September 1980,¹⁴⁰ the situation in Kampuchea and along the border of that country that prevailed towards the end of 1979 was a source of deep concern to the Secretary-General. A report he had received from a United Nations official who had on his behalf examined the situation in consultation with the Government of Thailand confirmed the gravity of the problem, particularly along the Thai-Kampuchean border. The Kampuchea people were enduring appalling suffering.¹⁴¹

74. The Secretary-General therefore considered it imperative that the United Nations system should intensify in every possible way its humanitarian efforts to alleviate the plight of the afflicted civilian population of Kampuchea, including those who had sought refuge in neighbouring countries. To that end, in January 1980, he designated Sir Robert Jackson as coordinator for United Nations Humanitarian Operations Arising out of Developments in Kampuchea. These relief operations, for which he convened a Pledging Conference in New York on 5 November 1979,¹⁴² were among the most massive and complex humanitarian undertakings in United Nations experience. A large number of agencies and programmes of the United Nations system participated in them, as well as the International Committee of the Red Cross and many non-governmental organizations. All aspects of the relief programme were considered in depth at a meeting that the Secretary-General convened at Geneva on 26 and 27 May 1980 pursuant to a request contained in Economic and Social Council resolution 1980/23. Details of these efforts and of the consid-

¹²⁸G A resolution 33/194.

¹²⁹G A resolution 34/174.

¹³⁰G A resolution 36/20.

¹³¹G A resolution 39/144.

¹³²E S C resolution 1979/20.

¹³³E S C resolution 1981/28.

¹³⁴E S C resolution 1984/32 and E S C decision 1981/146.

¹³⁵E S C resolution 1982/14.

¹³⁶E S C resolution 1982/44.

¹³⁷E S C resolution 1984/47.

¹³⁸See, for example, G A resolutions 34/121, 35/93, 36/220, 37/145, 38/209 and 39/196, as well as E S C resolutions 1983/44 and 1984/59.

¹³⁹See, for example, G A resolutions 37/47 and 37/150, as well as E S C resolutions 1982/59, 1984/3 and 1984/6.

¹⁴⁰A/35/501, para. 5.

¹⁴¹*Ibid.*, para. 6.

¹⁴²*Ibid.*, The pledging conference is the subject of para. 11 above.

erable response of the international community, the difficulties encountered and the outlook for the future were reported to the General Assembly at its thirtieth session.¹⁴³

(c) *Appeals made by the Secretary-General, on his own authority, in matters of a purely humanitarian nature*

75. In its resolution 1980/9, the Economic and Social Council took note of an appeal made by the Secretary-General in a note verbale dated 11 February 1980 urging various Governments and international organizations to provide prompt and generous assistance to alleviate the sufferings of the refugees in Somalia. In the operative part of the resolution, the Council endorsed that appeal.

76. In the report on the work of the Organization he submitted to the General Assembly at its thirty-ninth session, the Secretary-General referred to an appeal he had launched in December 1983 for help to the many African countries which were facing the worst drought in the twentieth century.¹⁴⁴

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

77. By its resolution 33/189, the General Assembly requested the Secretary-General to prepare draft rules of procedure for the World Conference of the United Nations Decade for Women.

78. By its resolution 35/10 C, the General Assembly requested the Secretary-General to propose draft standard rules of procedure for special conferences of the United Nations for consideration by it at its next session.¹⁴⁵ By decisions adopted at each of the next three sessions,¹⁴⁶ the General Assembly requested the Secretary-General to submit to it, at the next session, a report on draft standard rules of procedures for United Nations conferences.

79. By its resolution 39/86, the General Assembly requested the Secretary-General to submit to the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations recommendations relating to the rules of procedure and methods of work of the Conference.

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

80. In its resolution 34/172, by which it established at its thirty-fifth session a working group open to all Member States to elaborate an international convention on the protection of the rights of migrant workers and their families, the General Assembly requested the Secretary-General to give that body all necessary support with a view to facilitating the elaboration of the convention.

81. By its resolution 35/126, the General Assembly requested the Secretary-General to prepare a draft programme for the preparation and observance of the International Youth Year.

82. In section III of its resolution 35/201, the General Assembly requested the Secretary-General to clarify with the host country the legal questions concerned with the proposal to introduce frequency modulation broadcasts by the United Nations in the Headquarters area.

83. By its resolution 37/215, the General Assembly requested the Secretary-General to prepare a factual study of the problem of remnants of war, particularly mines, which was to include an analysis of the aspects of the matter that encompassed the legal status of the problem.

84. On 31 October 1983, the Secretary-General, acting pursuant to an undertaking given by the President of the Security Council on 27 October 1983, submitted to the Council a report concerning a letter from the Governor-General of Grenada to the President of the Security Council, reproduced in a letter from the Deputy Permanent Representative of Dominica to the latter official that had been circulated informally to the members of the Council.¹⁴⁷ The letter from the Governor-General, which concerned the representation of Grenada before the United Nations, was understood by the Secretary-General not as removing the Permanent Representative of Grenada from his post but as seeking to limit his authority. The Secretary-General observed that the Governor-General had the function of head of State of Grenada and that, given the relevant provisions of the provisional rules of procedure of the Security Council, he was empowered to issue and to revoke credentials of representatives of Grenada before the Council. In the course of a radio conversation he had had with the Secretary-General, the Governor-General had confirmed the content of the letter. The Secretary-General had asked him for a written confirmation thereof, which he had not yet received. The Secretary-General concluded that he would only be in a position to formulate an opinion as to who was authorized to speak on behalf of Grenada in the Security Council after the arrival of the written communication he had requested.

C. Financial functions of the Secretary-General

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

85. The biennial budget cycle was continued throughout the period under review,¹⁴⁸ with each biennium beginning on 1 January of an even year. Accordingly, the Secretary-General's authority to enter into commitments to meet unforeseen and extraordinary expenses continued to be renewed by the General Assembly, at every regular session held in an odd year, for the following biennium.¹⁴⁹

86. The conditions under which the authority in question was to be exercised, as laid down in the three resolutions on unforeseen and extraordinary expenses adopted during the period under review,¹⁵⁰ remained, in substance, as described in the *Repertory, Supplement No. 5*, except that: (a) instead of referring, as prior resolutions had, to expenses arising during the biennium covered, each of the

¹⁴³See A/35/303 and A/35/502.

¹⁴⁴G A (39) Suppl. No. 1 (A/39/1), p. 5.

¹⁴⁵At its thirty-sixth session, the General Assembly deferred to its next session the report on the matter that was before it.

¹⁴⁶General Assembly decisions 37/428, 38/427 and 39/419. By each of those decisions, the Assembly deferred to the next session the report or reports on the matter that was before it.

¹⁴⁷For the report of the Secretary-General see S C (38), Suppl. for Oct.-Dec. 1983, S/16100.

¹⁴⁸See *Repertory, Supplement No. 5*, vol. V, under Article 98, para. 77.

¹⁴⁹The General Assembly resolutions by which the authority was renewed were resolutions 34/231, 36/241 and 38/237.

¹⁵⁰See note 149 above.

three resolutions specified that it applied to expenses arising during the biennium or subsequent thereto; (b) starting with the resolution adopted at the thirty-sixth session, a new class of commitments for which the concurrence of the Advisory Committee on Administrative and Budgetary Questions was not required was introduced;¹⁵¹ (c) some of the ceilings on the expenses for which that concurrence was not required were raised; (d) certain modifications were made regarding the expenses arising from the functions of the International Court of Justice that could be met without the concurrence of the Advisory Committee; and (e) none of the three resolutions referred, as some prior resolutions had, to expenses arising from emergency aid in connection with natural disasters.

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

87. Since, as pointed out above, the biennial budget cycle was continued throughout the period under review,¹⁵² with each biennium beginning on 1 January of an even year, the Secretary-General's authority to borrow, on payment of normal current rates of interest, cash from special funds and accounts in his custody for purposes normally related to the Working Capital Fund was renewed by the General Assembly, at each regular session held in an odd year, for the following biennium.¹⁵³

3. AUTHORITY RELATING TO SPECIAL ACCOUNTS AND FUNDS

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

88. In section I of its resolution 34/7 B, the General Assembly decided to appropriate to the special account that had been established, pursuant to General Assembly resolution 3101 (XXVIII),¹⁵⁴ for UNEF and UNDOF the amount of \$US 18,202,000 for the operation of liquidating UNEF. The Secretary-General's authority to enter into commitments for UNEF, which expired on 24 October 1979,¹⁵⁵ was not renewed, no further appropriations being made for UNEF during the period under review.

89. By section III of its resolution 34/7 C, in section I of which it had made, in respect of UNDOF, an appropriation of \$8,034,170 to the account referred to in the preceding paragraph, the General Assembly authorized the Secretary-General to enter into commitments for UNDOF at a rate not to exceed \$2,096,333 gross per month for the period from 1 June to 30 November 1980 inclusive. During the

¹⁵¹This consisted of commitments, in an amount not exceeding \$300,000, certified by the Secretary-General to be required for interorganizational security measures pursuant to section IV of General Assembly resolution 36/235, which authorized the Secretary-General, should commitments in excess of \$300,000 be required in any biennium for such measures, to enter into commitments in excess of that amount with the prior concurrence of the Advisory Committee.

¹⁵²See *Repertory, Supplement No. 5*, vol. V, under Article 98, para. 77.

¹⁵³G A resolutions 34/232, 36/242 and 38/238.

¹⁵⁴See *Repertory, Supplement No. 5*, vol. V, under Article 98, para. 80.

¹⁵⁵G A resolution 33/13 C, sect. II.

period under review, the account was continued from session to session by the Assembly, which made appropriations thereto for UNDOF at each session, authorizing the Secretary-General to enter into commitments for UNDOF within the account.¹⁵⁶

90. By resolutions adopted at each of the regular sessions held during the period under review, the General Assembly made further appropriations to the special account for UNIFIL and authorized the Secretary-General to enter into additional commitments for it.¹⁵⁷

(b) *Authority relating to other accounts and funds*

91. By its resolution 35/87, the General Assembly requested the Secretary-General to open a special account for the Central African Republic, within the framework of the United Nations Trust Fund for Special Economic Assistance Programmes, for the purpose of facilitating the channelling of contributions to that country.

92. By its resolution 35/129, the General Assembly requested the Secretary-General to establish a voluntary fund for the World Assembly on Aging. By resolution 36/20, it gave him instructions on the use of the Fund.

93. By its resolution 36/116 A, the General Assembly requested the Secretary-General to compute and transfer to a special account the balance of the assessed contributions due from China between 25 October 1971 and 31 December 1981 in respect of peacekeeping operations.

94. By its resolutions 36/146 C, 37/120 H, 38/83 H and 39/99 H, in which it requested the Secretary-General to take all appropriate steps for the protection and administration of Arab property, assets and property rights in Israel, the General Assembly also requested him to establish a fund for the receipt of income derived therefrom, on behalf of their rightful owners.

95. By its resolution 36/151, in which it extended the mandate of and redesignated the United Nations Trust Fund for Chile as the United Nations Voluntary Fund for Victims of Torture,¹⁵⁸ the General Assembly decided that it was to be administered by the Secretary-General, with the advice of a Board of Trustees whose members were to be appointed by him.

96. By its resolution 36/201, the General Assembly requested the Secretary-General to establish a Trust Fund for the United Nations Population Award to receive voluntary contributions for the award.

97. By its resolution 37/69 E, the General Assembly requested the Secretary-General to establish a trust fund for financing special projects to promote the international campaign against apartheid.

98. By its resolution 38/56, the General Assembly requested the Secretary-General to establish a voluntary fund for the programme of the International Year of Peace.

99. By its resolution 38/201, in which it decided to liquidate the United Nations Emergency Operation Trust Fund,

¹⁵⁶G A resolutions 35/45 A, sect. III; 36/66 A, sect. III; 37/38 A, sect. III; 38/35 A, sect. III; and 39/28 A, sect. III.

¹⁵⁷See *Repertory, Supplement No. 5*, vol. V, under Article 98, paras 81 and 82. The resolutions referred to are resolutions 34/9 A, 35/115 A, Part III, 36/66 A, Part III, 37/127 A, Parts V and VI, 38/38 A, Part IV and 39/71 A, Part IV.

¹⁵⁸See *Repertory, Supplement No. 5*, vol. V, under Article 98, para. 84.

the General Assembly requested the Secretary-General to take the necessary action to ensure that the funds were allocated in accordance with the rules contained in the resolution.

100. By its resolution 504 (1982), the Security Council requested the Secretary-General to establish a fund for assistance to the OAU peacekeeping force in Chad, to be supplied by voluntary contributions, and to take the necessary measures to ensure the management of the fund in liaison with OAU.

101. By its resolution 507 (1982), the Security Council requested the Secretary-General to provide all necessary assistance to an Ad Hoc Committee established by that resolution in order to coordinate and mobilize resources for a special fund for Seychelles.

4. AUTHORITY TO ACCEPT VOLUNTARY CONTRIBUTIONS

102. As pointed out above, by a number of resolutions adopted during the period under review the Secretary-General was requested to seek voluntary contributions or take other steps with a view to obtaining financial resources to defray activities of the Organization.¹⁵⁹

5. AUTHORITY RELATING TO UNITED NATIONS ACCOMMODATION IN NAIROBI

103. In section IX of resolution 36/235, the General Assembly authorized the Secretary-General to enter into commitments, without the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, in excess of the appropriations for the revised construction project at Nairobi, provided that the total cost of the project did not exceed a certain amount.

6. AUTHORITY TO LOAN MONEY AND TRANSFER CERTAIN ASSETS TO UNIDO

104. By its resolution 34/96, the General Assembly requested the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to loan to UNIDO, which was in the process of becoming a specialized agency, until it received sufficient contributions or advances from its members, an amount not exceeding one half of the appropriations for the existing UNIDO for the last calendar year of its existence, the purposes of the loan being those specified in the resolution. By the same resolution, the Assembly also authorized the Secretary-General to transfer to the existing UNIDO, in accordance with arrangements to be entered into between the Secretary-General, acting in consultation with the Advisory Committee, and the Director-General of the new agency, the assets of the United Nations used by the existing UNIDO, as well as the assets of the United Nations Industrial Development Fund, subject, with respect to the latter assets, to certain conditions laid down in the resolution.

7. FUNCTIONS EXERCISED IN CONNECTION WITH CERTAIN BUDGETARY MATTERS

105. By its resolution 33/203, the General Assembly requested the Secretary-General to include in the proposed

programme budget for the biennium 1980-1981 his views on the utility of providing in the summary of the proposed programme budgets for future bienniums a summary of information classified under certain comprehensive headings.

106. By its resolution 34/227, the General Assembly requested the Secretary-General to submit, during its current session, proposals for the proposed programme budget for the biennium 1980-1981 that would enable UNIDO to execute certain programmes approved by its Industrial Development Board and endorsed by the Economic and Social Council.

107. By its resolution 34/233, section VI, the General Assembly requested the Secretary-General to promulgate proposed rules governing compensation to members of commissions, committees or similar bodies in the event of death, injury or illness attributable to service with the United Nations.

108. By its resolutions 34/166 and 39/70, the General Assembly requested the Secretary-General to study, in consultation with States contributing troops to peacekeeping forces in the Middle East, the existing standard rates of reimbursement, with a view to ensuring an equitable rate of reimbursement to the Governments of those States, and to report on the matter to the Assembly at its next regular session.¹⁶⁰

109. In its resolution 35/218, by which it revised the honoraria payable to members of organs and subsidiary organs of the United Nations, the General Assembly requested the Secretary-General to keep those rates under review and to report thereon to it when, in his judgement, their revision by the Assembly might be warranted.

110. By resolutions adopted at its thirty-sixth regular session, the General Assembly requested the Secretary-General to submit to the Committee on Conferences and the Advisory Committee on Administrative and Budgetary Questions an analysis of certain existing budgetary techniques,¹⁶¹ to prepare a detailed study on the impact of inflation and monetary instability on the regular budget of the United Nations,¹⁶² and to complete, in cooperation with the United Nations High Commissioner for Refugees, the current joint review of the financing of the administrative costs of the Office of the High Commissioner.¹⁶³

111. In its resolutions 36/121 C and 37/233 C, the General Assembly gave the Secretary-General instructions with respect to the preparation of the programme budget relating to the United Nations Council for Namibia.

112. By its resolutions 38/36 D and 39/50 D, respectively, the General Assembly gave the Secretary-General instructions on how to present, in the proposed programme budgets for 1984-1985 and 1986-1987, the section relating to the Department of Public Information.

113. By its resolution 38/192, section 1, the General Assembly authorized the Secretary-General to adjust, on

¹⁶⁰By its resolution 35/44, the General Assembly established, on the basis of the report submitted by the Secretary-General pursuant to resolution 34/166, new standard rates of reimbursement.

¹⁶¹G A resolution 36/117 A, sect. III.

¹⁶²G A resolution 36/230. The request was reiterated in G A resolution 39/240.

¹⁶³G A resolution 36/235, sect. XIII.

¹⁵⁹See para. 51 above.

the basis of certain priorities, the proposed programme budget for UNIDO for 1984-1985.

114. In section III of resolution 38/192, the General Assembly requested the Secretary-General to ensure that the necessary arrangements, including the requisite financial provisions for their travel expenses and per diem, were made for the effective participation of certain representatives in the Fourth General Conference of UNIDO.

115. By its resolution 39/230, the General Assembly requested the Secretary-General to provide the Economic Commission for Africa, in order to enable it to fulfil certain objectives, with adequate financial resources from the regular budget.

116. By its resolution 39/239 B, the General Assembly requested the Secretary-General, in addition to his official communications to the permanent representatives of Member States, to approach, as and when appropriate, the Governments of those States for the purpose of encouraging expeditious payment of assessed contributions in full.

117. By its resolution 1979/10, the Economic and Social Council requested the Secretary-General to seek the approval of the General Assembly for the financing, from existing budgetary resources, of the costs of transfer to Vienna of the United Nations Fund for Drug Abuse Control.

118. By its resolution 1981/39, the Economic and Social Council requested the Secretary-General to submit to the General Assembly at its thirty-sixth session specific proposals for the arrangements for the management of the United Nations Voluntary Fund for Victims of Torture.

119. By its resolution 1982/58, The Economic and Social Council requested the Secretary-General to consider the possibility of finding, through an internal reallocation of resources within the programme budget for the biennium 1982-1983, the additional resources required in 1983 to enable a committee of the Economic Commission for Latin America to carry out its programme of work and also to consider, within the framework of his general budget policy, which was one of no real growth in the regular budget, the inclusion in the proposed programme budget for 1984-1985 of the additional resources requested by that committee.

120. By its resolution 1982/61, the Economic and Social Council requested the Secretary-General, within existing financial resources, to make available to the Economic Commission for Africa the resources required to organize a certain meeting and to accelerate the implementation of the relevant resolutions of the Council and the General Assembly.

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

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

121. As before, the General Assembly (but not the Security Council) adopted, during the period under review, resolutions dealing with political or security matters that contained requests for State action addressed not to any particular State or States but to all States (and sometimes to other entities) but called for or necessitated no action by the Secretary-General other than obtaining and providing

information on their implementation. In most of these cases, the Secretary-General fulfilled his responsibility by merely requesting the information desired and at an appropriate time submitting reports to the organ concerned embodying the contents of the replies. The cases in question, which are cited in the note hereto,¹⁶⁴ are not dealt with in the study, the corresponding functions having been of an administrative or ministerial nature.

122. In other resolutions adopted by the General Assembly (but not the Security Council) during the period under review, with respect to matters that were chiefly of a political or security nature, the Assembly requested the Secretary-General to perform other tasks that were also of a predominantly ministerial nature. These cases, which are cited in the note hereto,¹⁶⁵ are also excluded from this study.

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

(a) Functions exercised in connection with an international peace conference on the Middle East

123. By its resolution ES-7/6 of 19 August 1982, the General Assembly, *inter alia*, called upon the Secretary-General to initiate contacts with all the parties to the Arab-Israeli conflict in the Middle East, including the PLO, with a view to convening an international conference, under the auspices of the United Nations, to find concrete ways and means of achieving a comprehensive, just and lasting solution, conducive to peace in conformity with the principles of the Charter and relevant resolutions.

124. By its resolution 38/58 C of 13 December 1983, the General Assembly, after deciding in principle that an International Peace Conference on the Middle East was to be convened and laying down substantive guidelines for its work, invited all parties to the Arab-Israeli conflict, including the PLO as well as the Union of Soviet Socialist Republics and other concerned States, to participate in the Conference, and requested the Secretary-General, in consultation with the Security Council, to urgently undertake preparatory measures to convene the Conference. In the same resolution, the Assembly also requested the Secretary-General to report to it by 15 March 1984.

125. Pursuant to resolution 38/58 C, the Secretary-General on 13 March 1984 submitted to the General Assembly and the Security Council an interim report.¹⁶⁶ Following an exchange of correspondence with the President of the Security Council, who had consulted Council members on the matter, the Secretary-General had sought the

¹⁶⁴See G A resolutions 34/93 A and L, ES-8/2, 36/121 B, 37/100 J, 37/233 A, 38/36 A (para. 62) and B and 39/50 A and B and 38/154.

¹⁶⁵See G A resolution 34/21, 35/117, 36/80, 37/15, 38/5 and 39/8 (on cooperation with OAU), 35/36, 36/23, 37/4, 38/4 and 39/7 (on cooperation with the Organization of the Islamic Conference), 36/24, 37/17, 38/6 and 39/9 (on cooperation with the League of Arab States), 34/42, 35/29, 36/52, 37/32, 38/51 and 39/43 (on 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) and 39/63 K (on disarmament and international security).

¹⁶⁶A/39/130. (Also S C (39), Suppl. for Jan.-March 1984, S/16409.)

views of the 15 Governments represented on the Council, the Governments that were directly involved in the Arab-Israeli conflict not members of the Council, namely, Israel, Jordan, Lebanon and the Syrian Arab Republic, and the PLO. The Secretary-General would, upon receipt of their replies, consider how best to proceed with the implementation of resolution 38/58 C. The consultations that the President of the Security Council had held with the members of the Council had produced only one response in writing, from the United States of America, which opposed the holding of the conference.

126. In his final report, issued on 13 September 1984,¹⁶⁷ the Secretary-General stated that he had received replies from 18 of the Governments consulted, all of which had been circulated as documents of the General Assembly and of the Security Council. Two of those Governments, namely, those of Israel and the United States, were not prepared to participate in the conference.

127. In its resolution 39/49 D, the General Assembly, *inter alia*, urged those two Governments to reconsider their position, requested the Secretary-General to continue, in consultation with the Security Council, his efforts with a view to convening the conference and to report to the Assembly no later than 15 March 1985.

(b) *Functions exercised pursuant to Security Council resolutions and decisions calling for ceasefires, establishing peacekeeping operations or dealing with related matters*

(i) *Functions exercised in connection with the United Nations Emergency Force*

128. During the period under review, no changes were made in the mandate, the terms of reference or the guiding principles of UNEF. The mandate of the Force, however, was not renewed upon its expiration on 24 July 1979.

129. In a report on the activities of UNEF from 18 October 1978 to 19 July 1979 which he submitted on 19 July 1979,¹⁶⁸ the Secretary-General observed that during the period the situation in the Egypt-Israel sector had remained quiet and no serious incidents had occurred. In describing the composition of the Force, he pointed out that, in accordance with its terms of reference, UNEF continued to be assisted by a group of military observers made available by UNTSO. In conclusion, the Secretary-General pointed out that the original context in which UNEF had been created and in which it had previously functioned had basically changed during the reviewing period. The Governments of Egypt and Israel, which had concluded a peace treaty which had come into force on 25 April, favoured an extension of UNEF's mandate, but others opposed that course. Therefore, pursuant to the general considerations for the functioning of the Force approved by the Security Council in its resolution 341(1973), he was ready to make the necessary arrangements in accordance with whatever decision the Council might reach.

130. By a letter dated 24 July 1979,¹⁶⁹ the Secretary-General stated he had taken note of the recent Security Council consultations regarding UNEF and understood

that the members of the Council were agreed that there should be no extension of its mandate, which was to lapse as of that date. Accordingly he intended to make all necessary arrangements for an orderly withdrawal of UNEF.

131. By a letter to the Secretary-General dated 27 July 1979,¹⁷⁰ the Permanent Representative of Egypt to the United Nations expressed his appreciation for the exemplary manner in which UNEF had carried out its functions, assuring the Secretary-General of the Egyptian Government's full cooperation in facilitating the orderly withdrawal of the Force and reaffirming its acceptance of the UNTSO military observers on Egyptian territory.

(ii) *Functions exercised in connection with the United Nations Disengagement Observer Force*

a. *Maintenance in force of the mandate of UNDOF*

132. During the period under review, the Security Council renewed the mandate of UNDOF 12 times.¹⁷¹ Each renewal was for six months and was made on the recommendation of the Secretary-General, who each time informed the Council that the Governments concerned had assented to the renewal.¹⁷² In each of the 12 resolutions by which the Council renewed the mandate of UNDOF, and which were *mutatis mutandis* identically worded, it requested the Secretary-General to submit a report at the end of the period for which the mandate was renewed.¹⁷³ The Secretary-General's recommendations that the mandate of the Force be renewed were contained in the reports submitted pursuant to those requests.

133. No changes were made in the mandate of UNDOF, its guiding principles, and the instruments relating to its functions.¹⁷⁴

134. As stated in the reports submitted by the Secretary-General in the period under review pursuant to the requests contained in the Security Council resolutions extending the mandate of UNDOF, the situation in the area of operations of UNDOF remained generally quiet and UNDOF continued, with the cooperation of the parties, to fulfil effectively the tasks entrusted to it. There were no serious incidents to report.¹⁷⁵

¹⁷⁰*Ibid.*, S/13475.

¹⁷¹S C resolutions 449 (1979), 456 (1979), 470 (1980), 481 (1980), 485 (1981), 493 (1981), 506 (1982), 524 (1982), 531 (1983), 543 (1983), 551 (1984) and 557 (1984).

¹⁷²S C (34), Suppl. for April-June 1979, S/13350, para. 19; *ibid.*, Suppl. for Oct.-Dec. 1979, S/13637, para. 26; S C (35), Suppl. for April-June 1980, S/13957, para. 27; *ibid.*, Suppl. for Oct.-Dec. 1980, S/14263, para. 28; S C (36), Suppl. for April-June 1981, S/14482, para. 27; *ibid.*, Suppl. for Oct.-Dec. 1981, S/14759, para. 28; S C (37), Suppl. for April-June 1982, S/15079, para. 29; *ibid.*, Suppl. for Oct.-Dec. 1982, S/15493, para. 28; S C (38), Suppl. for April-June 1983, S/15777, para. 27; *ibid.*, Suppl. for Oct.-Dec. 1983, S/16169, para. 27; S C (39), Suppl. for April-June 1984, S/16573, para. 27; and *ibid.*, Suppl. for Oct.-Dec. 1984, S/16829, para. 27.

¹⁷³The reports are those cited in the preceding note.

¹⁷⁴See *Repertory, Supplement No. 5*, vol. V, under Article 98, paras. 235-249.

¹⁷⁵S C (34), Suppl. for April-June 1979, S/13350, paras. 14-23; *ibid.*, Suppl. for Oct.-Dec. 1979, S/13637, paras. 13-20; S C (35), Suppl. for April-June 1980, S/13957, paras. 14-21; *ibid.*, Suppl. for Oct.-Dec. 1980, S/14263, paras. 14-20; S C (36), Suppl. for April-June 1981, S/14482, paras. 13-21; *ibid.*, Suppl. for Oct.-Dec. 1981, S/14759, paras. 14-22; S C (37) Suppl. for April-June 1982, S/15079, paras. 15-23; *ibid.*, Suppl. for Oct.-Dec. 1982, S/15493, paras. 14-22; S C (38), Suppl. for April-June 1983, S/15777, paras. 13-21; *ibid.*, Suppl. for Oct.-Dec. 1983, S/16169, paras. 13-21; S C (39), Suppl. for April-June 1984, S/16573, paras. 13-21; and *ibid.*, Suppl. for Oct.-Dec. 1984, S/16829, paras. 13-22.

¹⁶⁷A/39/130/Add.1; see also S C (39), Suppl. for July-Sept. 1984, S/16409/Add.1.

¹⁶⁸S C (34), Suppl. for July-Sept. 1979, S/13460.

¹⁶⁹*Ibid.*, S/13468.

b. *Composition and size of UNDOF*

135. In a letter dated 13 March 1979,¹⁷⁶ the Secretary-General informed the Security Council that, in accordance with the decision of the Government of Iran, the Iranian battalion would be repatriated from UNDOF. He proposed, subject to the usual consultations, to transfer a company of the Finnish battalion of UNEF to UNDOF as a stopgap measure of limited duration.

136. In a letter dated 14 March 1979,¹⁷⁷ the President of the Security Council informed the Secretary-General that the members of the Council had considered the matter in informal consultations on 14 March and had agreed with the Secretary-General's proposal. He added that the delegation of China had dissociated itself from the matter.

137. In a letter dated 26 July 1979,¹⁷⁸ the Secretary-General noted that, because of the termination of the mandate of UNEF, the logistic support provided to UNDOF by UNEF was no longer available. He proposed, subject to the usual consultations, that the logistic component of UNDOF be increased by 200 men.

138. In a reply dated 1 August 1979,¹⁷⁹ the President of the Security Council informed the Secretary-General that the members of the Council agreed with his proposal, adding that China had dissociated itself from the matter.

139. In a note verbale dated 9 August 1979,¹⁸⁰ the Secretary-General informed the Security Council that, subject to the usual consultations, he intended to accept the offer of the Government of Finland to bring the strength of its contingent with UNDOF to 390, equal to that of the Iranian battalion which it had replaced in March.

140. In a reply dated 16 August 1979,¹⁸¹ the President of the Security Council informed the Secretary-General that the members of the Council agreed with his proposal, adding that China had dissociated itself from the matter.

141. In a letter dated 15 November 1984,¹⁸² the Secretary-General informed the Council that, in accordance with the decision of the Government of Senegal, the Senegalese battalion of UNIFIL had been withdrawn. Subject to the usual consultations, the Secretary-General intended to accept the offer of the Government of Nepal to provide a replacement battalion of about 650 men for service with the Force.

142. In a letter dated 19 November 1984,¹⁸³ the President of the Security Council informed the Secretary-General that he had brought the matter to the attention of the members of the Council, who agreed with the Secretary-General's proposals.

c. *Appointment of the Commander of UNDOF*

143. In a letter dated 29 November 1977,¹⁸⁴ the Secretary-General informed the members of the Security Council that if the Council decided to extend the mandate of UNDOF, he planned, if the Council so consented, to appoint Colonel

Guenther G. Greindl of the Austrian contingent as Commander of UNDOF as from 1 December 1979.

144. In a reply dated 30 November 1979,¹⁸⁵ the President of the Security Council informed the Secretary-General that, during consultations, members of the Council had considered the matter and agreed with his proposal, adding that China had dissociated itself from the matter.

145. In a letter dated 15 December 1980,¹⁸⁶ the Secretary-General informed the President of the Security Council of his intention, subject to the usual consultations, to appoint Major General Kaira of Finland as Commander of UNDOF, replacing Major General Greindl, who was to take over the command of UNFICYP.

146. In a letter dated 19 December 1980,¹⁸⁷ the President of the Security Council informed the Secretary-General, in response to his letter of 15 December, that the Council, having considered the matter in consultations, agreed with his proposal. He noted that China had dissociated itself from the matter.

147. In a letter dated 28 April 1982,¹⁸⁸ the Secretary-General informed the President of the Security Council that the Commander of UNDOF, Major General Erkki R. Kaira of Finland, was resigning and that it was his intention, subject to the usual consultations, to appoint Major General Carl-Gustav Stahl of Sweden to the post of Commander of UNDOF, effective 1 June 1982.

148. By a letter dated 30 April 1982,¹⁸⁹ the President of the Security Council informed the Secretary-General that the Council, having considered the matter in consultations, agreed with his proposal to appoint Major General Stahl as Commander of UNDOF.

(iii) *Functions exercised in connection with the United Nations Interim Force in Lebanon and other matters relating to the situation in Lebanon*

a. *Functions exercised in connection with UNIFIL*

i. *Continued existence and maintenance in force of the mandate of UNIFIL*

149. UNIFIL remained in existence throughout the period under review, its mandate having been successively extended by the Security Council 15 times. Ten of the extensions were for six months,¹⁹⁰ one was for five months,¹⁹¹ two were for three months,¹⁹² two were for two months.¹⁹³ Every decision to extend the mandate of UNIFIL was taken on the recommendation of the Secretary-General, who stated each time that the Government of Lebanon concurred.

150. By its resolutions 511 (1982), 519 (1982) and 523 (1982), the Security Council entrusted UNIFIL with certain interim tasks in the humanitarian, administrative and security fields.¹⁹⁴ Aside from this, no changes were made

¹⁷⁶S C (34), Suppl. for Jan.-March 1979, S/13166.

¹⁷⁷*Ibid.*, S/13167.

¹⁷⁸*Ibid.*, Suppl. for July-Sept. 1979, S/13479.

¹⁷⁹*Ibid.*, S/13480.

¹⁸⁰*Ibid.*, S/13499.

¹⁸¹*Ibid.*, S/13500.

¹⁸²S C (39), Suppl. for Oct.-Dec. 1984, S/16831.

¹⁸³*Ibid.*, S/16832.

¹⁸⁴S C (34), Suppl. for Oct.-Dec. 1979, S/13665.

¹⁸⁵*Ibid.*, S/13666.

¹⁸⁶S C (35), Suppl. for Oct.-Dec. 1980, S/14308.

¹⁸⁷*Ibid.*, S/14309.

¹⁸⁸S C (37), Suppl. for April-June 1982, S/15019.

¹⁸⁹*Ibid.*, S/15020.

¹⁹⁰S C resolutions 450 (1979), 459 (1979), 474 (1980), 483 (1980), 488 (1981), 498 (1981), 529 (1983), 538 (1983), 549 (1984), and 555 (1984).

¹⁹¹S C resolution 444 (1979).

¹⁹²S C resolutions 523 (1982) and 536 (1983).

¹⁹³S C resolutions 511 (1982) and 519 (1982).

¹⁹⁴See paras. 185-187 below.

in the mandate of the Force. All the Security Council resolutions by which that mandate was extended recalled resolutions 425 (1978) and 426 (1978).¹⁹⁵ In the operative part of some of those resolutions, the Council reaffirmed the terms of reference and general guidelines of the Force,¹⁹⁶ reiterated those terms of reference and general guidelines,¹⁹⁷ recalled them¹⁹⁸ or re-emphasized them.¹⁹⁹

ii. *Composition and size of UNIFIL*

151. In a letter dated 12 January 1979 to the President of the Security Council,²⁰⁰ the Secretary-General informed the Council that the French infantry battalion and Iranian contingent of UNIFIL would be withdrawn. Subject to the renewal of the mandate of UNIFIL and the usual consultations, he intended to make practical arrangements to accept the offers of the Netherlands to provide an infantry battalion and of Fiji and Nigeria to increase their contingents.

152. In a reply dated 17 January 1979,²⁰¹ the President of the Security Council stated that the members of the Council had considered the matter in informal consultations and agreed with the proposals, adding that China dissociated itself from the matter.

153. In a letter dated 31 May 1979,²⁰² the Secretary-General informed the Security Council of the decision of the Norwegian Government to withdraw the Norwegian helicopter unit from UNIFIL at the end of the current mandate. The Secretary-General noted that it was his intention to accept the offer of the Italian Government to provide a helicopter unit, subject to the usual consultations of the Security Council.

154. In a letter dated 7 June 1979,²⁰³ the President of the Security Council informed the Secretary-General that the members of the Council had considered his letter in informal consultations and had agreed with the proposals contained therein, adding that China had dissociated itself from the matter.

155. In a note verbale dated 13 August 1979,²⁰⁴ the Secretary-General informed the President of the Security Council that the Government of Ghana had offered a battalion of 600 men to replace the Iranian battalion withdrawn from UNIFIL in January 1979. The Secretary-General noted that it was his intention, subject to the usual consultations, to accept the offer and to request the Government of Ghana to make available, at first, a unit of 300, all ranks, in order not to exceed the authorized strength of the Force.

156. In a reply dated 15 August 1979,²⁰⁵ the President of the Council informed the Secretary-General that the members of the Council had agreed with the proposal con-

tained in his note, adding that China had dissociated itself from the matter.

157. In a letter dated 28 April 1980,²⁰⁶ the Secretary-General informed the President of the Security Council that it was his intention to replace the Norwegian medical unit, withdrawn from UNIFIL, by a medical unit from Sweden, subject to the usual consultations, if and when the Council decided to extend the mandate of UNIFIL.

158. In a reply dated 29 April 1980,²⁰⁷ the President of the Security Council indicated that the members of the Council had considered the matter in consultations and agreed with the proposal of the Secretary-General, adding that China had dissociated itself from the matter.

159. In a special report dated 16 February 1982,²⁰⁸ the Secretary-General stated that it was the strong recommendation of the Force Commander and the wish of the Lebanese Government that the ceiling of UNIFIL troops should be increased by no less than 1,000 to reinforce current operations and to make further deployment possible in a manner that conformed with resolution 425 (1978).

160. In paragraph 2 of its resolution 501 (1982), the Security Council approved the immediate increase thus requested.

161. In a letter dated 1 March 1982 addressed to the President of the Security Council,²⁰⁹ the Secretary-General informed the Council concerning the implementation of resolution 501 (1982), approving an immediate increase in the strength of UNIFIL. In the light of resolutions 425 (1978) and 426 (1978), bearing in mind the principle of equitable geographical representation and subject to the usual consultations, the Secretary-General expressed his intention to request France to provide an infantry battalion to the Force, to request other troop-contributing countries whose contingents needed to be strengthened to do so and to request additions to the existing logistic and maintenance units of the Force.

162. In a letter dated 11 March 1982,²¹⁰ the President of the Security Council informed the Secretary-General, in response to his letter of 1 March, that the members of the Council had considered the matter in consultations and had agreed with the proposals contained in his letter. He noted that the representative of the USSR had emphasized the importance of abiding by the principle of equitable geographical representation in selecting UNIFIL contingents, and that the representative of the United Kingdom had emphasized the importance of selecting the contingents in consultation with the Council and with the parties concerned, also bearing in mind the principle of equitable geographical representation.

163. In a report dated 25 April 1982,²¹¹ the Secretary-General informed the Council that Ghana, Ireland, Nepal and Norway had agreed to increase their contingents in UNIFIL and that he had submitted a request to the French authorities for a battalion of approximately 600 men.

164. By a letter dated 15 November 1984,²¹² the Secretary-General informed the President of the Security Council

¹⁹⁵See *Repertory, Supplement No. 5*, vol. V, under Article 98, paras. 281-285.

¹⁹⁶S C resolutions 467 (1980) and 488 (1981).

¹⁹⁷S C resolutions 444 (1979) and 450 (1979).

¹⁹⁸S C resolutions 498 (1981) and 501 (1982).

¹⁹⁹S C resolutions 549 (1984) and 555 (1984), the last two resolutions by which the Council extended the mandate of the Force that fall within the period under review.

²⁰⁰S C (34), Suppl. for Jan.-March 1979, S/13038.

²⁰¹*Ibid.*, S/13039.

²⁰²*Ibid.*, Supplement for April-June 1979, S/13381.

²⁰³*Ibid.*, S/13382.

²⁰⁴*Ibid.*, Suppl. for July-Sept. 1979, S/13496.

²⁰⁵*Ibid.*, S/13497.

²⁰⁶S C (36), Suppl. for April-June 1980, S/13916.

²⁰⁷*Ibid.*, S/13917.

²⁰⁸S C (37), Suppl. for Jan.-March 1982, S/14869.

²⁰⁹*Ibid.*, S/14899.

²¹⁰*Ibid.*, S/14900.

²¹¹*Ibid.*, Suppl. for April-June 1982, S/14996.

²¹²S C (39), Suppl. for Oct.-Dec. 1984, S/16831.

that, pursuant to a decision by the Government of Senegal, the Senegalese battalion of UNIFIL had been withdrawn. Subject to the usual consultations, he intended to accept the offer of the Government of Nepal to provide a replacement battalion of about 650 men.

165. By a letter dated 15 November 1984,²¹³ the President of the Security Council informed the Secretary-General that he had brought the matter to the attention of the members of the Council, who agreed with the proposal.

iii. *Appointment of the Commander of UNIFIL*

166. In a letter dated 15 December 1980,²¹⁴ the Secretary-General informed the President of the Security Council of his intention, subject to the usual consultations, to replace Major General Emmanuel A. Erskine of Ghana, who was being reassigned to his former post as Chief of Staff of UNTSO, by Major General William Callaghan of Ireland as Commander of UNIFIL.

167. In a letter dated 19 December 1980,²¹⁵ the President of the Security Council informed the Secretary-General that the members of the Council had considered the matter in consultations and agreed with his proposal.

iv. *Security Council resolutions and decisions relating to the mandate of UNIFIL and its implementation*

168. Throughout the period under review, the Secretary-General submitted to the Security Council, each time that the mandate of UNIFIL was about to expire, a report on developments relating to the Force since the last renewal of its mandate. In addition, the Secretary-General also submitted special reports on those developments. The Security Council responded to each of the former reports by adopting a resolution. The provisions of those resolutions that relate most closely to the implementation of the mandate of UNIFIL are quoted or summarized below. All those resolutions reaffirmed the mandate of the Force. In certain of them, the Council, as noted above, expanded that mandate by asking the Force to undertake certain interim tasks in the humanitarian and administrative fields. In some of the resolutions in question, the Council requested the Secretary-General to carry out tasks intended to promote or facilitate the implementation of the mandate of UNIFIL. Some of the special reports also gave rise to the adoption of resolutions by the Security Council. The provisions of those resolutions relevant to the mandate of UNIFIL are also quoted or summarized below, as are decisions of the Council relating to UNIFIL.

(1) *Security Council resolution 444 (1979) and statement by the President of the Council of 19 January 1979*

169. On 19 January 1979, the Security Council adopted resolution 444 (1979), by which it extended the mandate of UNIFIL for five months and took note of a report by the Secretary-General on the activities of UNIFIL since the last renewal of its mandate. In the preamble to the resolution, the Council, *inter alia*, expressed concern at the grave situation in southern Lebanon resulting from obstacles placed in the way of the full implementation of

resolutions 425 (1978) and 426 (1978).²¹⁶ The Council noted with regret that the Force had reached the end of its second mandate without being enabled to complete the tasks assigned to it, and stressed that free and unhampered movement for the Force was essential for the fulfilment of its mandate within its entire area of operation. In the operative part of the resolution, the Council deplored the lack of cooperation, particularly on the part of Israel, with the efforts of UNIFIL fully to implement its mandate, including assistance by Israel to irregular armed groups in southern Lebanon. The Council noted with great appreciation the efforts being made by the Secretary-General, the commanders and soldiers of the Force, and the staff of the United Nations. It expressed its satisfaction with the declared policy of the Government of Lebanon and the steps already taken for the deployment of the Lebanese army in the south, and encouraged it to increase its efforts, in coordination with the Force, to re-establish its authority there. In the operative part of the resolution the Council called upon the Secretary-General and the Force to continue to take all necessary measures in accordance with the approved guidelines and terms of reference of the Force, and invited the Government of Lebanon to draw up, in consultation with the Secretary-General, a phased programme of activities to be carried out over the following three months to promote the restoration of its authority. It urged all Member States able to do so to bring their influence to bear on those concerned so that the Force might discharge its responsibilities in a free and unhampered manner.

170. At the meeting at which resolution 444 (1979) was adopted, the President of the Security Council, following its adoption, made a statement on behalf of the Council to the effect, *inter alia*, that the Council had taken note of the efforts recently made by the Government of Lebanon to establish a presence in the southern part of the country. He recommended that the Council should draw up, in consultation with the Secretary-General, a phased programme of activities to be carried out over the following three months to promote the restoration of its authority, and stated that the Council requested the Secretary-General to report on the implementation of the programme by 19 April 1979.

(2) *Statements of 26 April and 15 May 1979*

171. At a meeting held by the Security Council on 26 April 1979, the President announced that he had been authorized to make a statement, on behalf of the Council, to the effect that the Council, having studied the special report submitted by the Secretary-General²¹⁷ on the phased programme of activities pursuant to the request contained in the statement of 19 April 1979, shared the Secretary-General's anxiety over the situation prevailing, in which the Force was unable fully to implement its mandate, and emphasized the importance of the deployment of the Force in all parts of southern Lebanon. In the statement, the Council, *inter alia*, expressed its special satisfaction at actions taken by the Government of Lebanon, and in particular the deployment of the Lebanese army contingent under the programme. It expressed the view that measures should be taken urgently towards the implementation of the pro-

²¹³Ibid., S/16832.

²¹⁴S C (35) Suppl. for Oct.-Dec. 1980, S/14308.

²¹⁵Ibid., S/14309.

²¹⁶See *Repertory, Supplement No. 5*, vol. V, under Article 98, paras. 275-285.

²¹⁷S C (34), Suppl. for April-June 1979, S/13258.

gramme, which should lead to the return of the effective authority of the Government over all its territory. A statement made by the President of the Council on 15 May 1979 emphasized the precarious and fragile character of the situation in southern Lebanon, which would be even worse in the absence of UNIFIL. The statement also noted the resumption of talks between the representatives of the United Nations and the Government of Israel on various points which needed to be resolved if the Force was to carry out its mandate successfully.

(3) Security Council resolution 450 (1979)

172. On 14 June 1979, the Security Council adopted resolution 450 (1979), by which it renewed the mandate of UNIFIL for six months and took note of a report by the Secretary-General on the activities of UNIFIL since the adoption of resolution 444 (1979).²¹⁸ In the preamble to the resolution, the Council expressed its anxiety about the continued existence of obstacles to the full deployment of the Force and the threats to its security, its freedom of movement and the safety of its headquarters, which prevented the completion of the phased programme of activities. In the operative part of the resolution, the Council called upon Israel to cease forthwith its incursions into Lebanon and the assistance it continued to lend to irresponsible armed groups. The Council called upon all parties concerned to refrain from activities inconsistent with the objectives of UNIFIL and to cooperate in fulfilling its objectives. It reiterated that the objectives of UNIFIL as set out in resolutions 425 (1978), 426 (1978) and 444 (1979) had to be attained, highly commended the performance of the Force and reiterated its terms of reference. The Council referred specifically to the need for the Force to be enabled to function as an effective military unit, to enjoy freedom of movement and communication and other facilities necessary for the performance of its tasks according to its terms of reference, including the right to self-defence. In the operative part of the resolution, the Council reiterated the exhortation to all Member States made in the operative part of resolution 444 (1979).

(4) Security Council resolution 459 (1979)

173. On 19 December 1979, the Security Council adopted resolution 459 (1979), by which it renewed the mandate of UNIFIL for six months and took note of a report by the Secretary-General on the activities of UNIFIL since the adoption of resolution 450 (1979).²¹⁹ In the preamble to the resolution, the Council, *inter alia*, reiterated its anxiety about the continued existence of obstacles to the full deployment of the Force and the threats to its security, its freedom of movement and the safety of its headquarters. In the operative part, the Council reaffirmed the objectives of resolutions 425 (1978) and 450 (1979), expressed its support for the efforts of the Secretary-General to consolidate the ceasefire,²²⁰ reiterated the call on all parties concerned made in the operative part of resolution 450 (1979), called again for all effective measures by the Secretary-General and the Force deemed necessary in accordance with its guidelines and terms of reference and took note of the determination of the Government of Lebanon to draw

up a programme of action, in consultation with the Secretary-General, to promote the restoration of its authority pursuant to resolution 425 (1978). In the operative part of the resolution, the Council highly commended the performance of the Force and its Commander, reiterated its terms of reference, referring in particular to the provisions thereof specifically mentioned in resolution 450 (1979), and reiterated the exhortation to all Member States made in the operative part of resolution 444 (1979).

(5) Security Council resolution 467 (1980)

174. On 24 April 1980, the Security Council adopted resolution 467 (1980), by which it took note of a special report by the Secretary-General on UNIFIL,²²¹ describing the escalation of tension in and close to the UNIFIL area of operation. In the preamble to the resolution, the Council, *inter alia*, recalled the terms of reference and general guidelines of the Force, referring in particular to the provisions thereof specifically mentioned in the operative part of resolution 444 (1979). In paragraph 1 of resolution 467 (1980), the Council reaffirmed its determination to implement the relevant resolutions, particularly resolutions 425 (1978), 426 (1978) and 459 (1979), in the totality of UNIFIL's area of operation, up to the internationally recognized boundaries. The remainder of the operative part of the resolution reads as follows:

"The Security Council,

"...

"2. Condemns all actions contrary to the provisions of the above-mentioned resolutions and, in particular, strongly deplores:

(a) Any violation of Lebanese sovereignty and territorial integrity;

(b) The military intervention of Israel in Lebanon;

(c) All acts of violence in violation of the General Armistice Agreement between Israel and Lebanon;²²²

(d) Provision of military assistance to the so-called *de facto* forces;

(e) All acts of interference with the United Nations Truce Supervision Organization;

(f) All acts of hostility against the Force and in or through its area of operation as inconsistent with Security Council resolutions;

(g) All obstructions of the ability of the Force to confirm the complete withdrawal of Israeli forces from Lebanon, to supervise the cessation of hostilities, to ensure the peaceful character of the area of operation, to control movement and to take measures deemed necessary to ensure the effective restoration of the sovereignty of Lebanon;

(h) Acts that have led to loss of life and physical injuries among the personnel of the Force and of the United Nations Truce Supervision Organization, their harassment and abuse, the disruption of communication, as well as the destruction of property and material;

"3. Condemns the deliberate shelling of the headquarters of the Force and more particularly the field hospital, which enjoys special protection under international law;

"4. Commends the efforts undertaken by the Secretary-General and by the interested Governments to bring

²¹⁸*Ibid.*, S/13384.

²¹⁹*Ibid.*, Suppl. for Oct.-Dec. 1979, S/13691.

²²⁰See para. 198 below.

²²¹S C (35) Suppl. for April-June 1980, S/13888.

²²²S C (4), Special Supplement No. 4.

about the cessation of hostilities and to enable the Force to carry out its mandate effectively without interference;

"5. *Commends* the Force for its great restraint in carrying out its duties in very adverse circumstances;

"6. *Calls attention* to the provisions in the mandate that would allow the Force to use its right to self-defence;

"7. *Calls attention* to the terms of reference of the Force which provide that it will use its best efforts to prevent the recurrence of fighting and to ensure that its area of operation will not be utilized for hostile activities of any kind;

"8. *Requests* the Secretary-General to convene a meeting, at an appropriate level, of the Israel-Lebanon Mixed Armistice Commission to agree on precise recommendations and further to reactivate the General Armistice Agreement conducive to the restoration of the sovereignty of Lebanon over all its territory up to the internationally recognized boundaries;

"9. *Calls upon* all parties concerned and all those capable of lending any assistance to cooperate with the Secretary-General in enabling the Force to fulfil its mandate;

"10. *Recognizes* the urgent need to explore all ways and means of securing the full implementation of resolution 425 (1978), including enhancing the capacity of the Force to fulfil its mandate in all its parts;

"11. *Requests* the Secretary-General to report as soon as possible on the progress of these initiatives and the cessation of hostilities."

(6) *Security Council resolution 474 (1980)*

175. On 17 June 1980, the Security Council adopted resolution 474 (1980), by which it renewed the mandate of UNIFIL for six months and took note of a report by the Secretary-General on developments relating to UNIFIL since the adoption of resolution 467 (1980).²²³ In the operative part of resolution 474 (1980), the Council reiterated its commitment to the full implementation of the mandate of the Force throughout its entire area of operation up to the internationally recognized boundaries, according to its terms of reference and guidelines. The Council also strongly condemned all actions contrary to the provisions of the mandate of the Force, in particular continued acts of violence that prevented its fulfilment. The Council took note of the steps taken by the Secretary-General to convene a meeting of the Israel-Lebanon Mixed Armistice Commission, and urged the relevant parties to give him their full cooperation.

(7) *Security Council resolution 483 (1980)*

176. On 17 December 1980, the Security Council adopted resolution 483 (1980), by which it renewed the mandate of UNIFIL for six months and took note of a report by the Secretary-General on developments relating to it since the adoption of resolution 474 (1980).²²⁴ In the operative part of the resolution, the Security Council once again expressed its commitment to the full implementation of the mandate of the Force, as enunciated in resolution 474 (1980). The Council commended the performance of the Force and reiterated its terms of reference, referring in particular to the provisions thereof specifically mentioned

in resolution 450 (1979). It expressed its support for the Lebanese Government in its efforts to strengthen its authority in the zone of operation of the Force, commended the Secretary-General for his efforts to reactivate the Israel-Lebanon Mixed Armistice Commission, and requested the Secretary-General to take the necessary measures to intensify discussions among all the parties concerned so that the Force might complete its mandate. The Council also requested the Secretary-General to report periodically on the results of his efforts.

(8) *Statement by the President of the Security Council of 19 March 1981*

177. On 19 March 1981, the President of the Security Council read out a statement he had been authorized to make on behalf of the members of the Council in response to a report by the Secretary-General about repeated attacks on UNIFIL by de facto forces.²²⁵ In the statement the Council condemned those actions and called upon those responsible to put an end to any act that might increase the threat to international peace and security, and to stop providing military assistance to forces interfering with UNIFIL in the exercise of its mandate. The Council emphasized that it was essential for UNIFIL to receive the full cooperation of all parties to enable it to carry out its mandate in the entire area of operation up to the internationally recognized boundaries.

(9) *Security Council resolution 488 (1981)*

178. On 19 June 1981, the Security Council adopted resolution 488 (1981), by which it renewed the mandate of the Force for six months and took note of the report of the Secretary-General on the activities of the Force since the adoption of resolution 483 (1980).²²⁶ In the preamble to the resolution, the Council recalled the terms of reference and general guidelines of the Force, quoting the provisions thereof specifically mentioned in resolution 450 (1980), also quoting the provision that "self-defence would include resistance to attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council". In the operative part, the Council reiterated its determination to implement resolution 425 (1978) in the totality of UNIFIL's area of operation up to the internationally recognized boundaries, and condemned all actions contrary to the provisions of that resolution and other relevant ones. The Council expressed support for the efforts exerted by the Government of Lebanon in southern Lebanon, particularly the deployment of contingents of its army in the area of operation of the Force, and requested the Secretary-General to assist that Government in establishing a joint phased programme of activities to be carried out during the current mandate of the Force, aimed at the total implementation of resolution 425 (1978). The Council also requested him to report periodically to the Council, and commended his efforts and the performance of the Force.

(10) *Statement by the President of the Security Council of 25 June 1981*

179. On 25 June 1981, the President of the Security Council issued a statement condemning the killing by so-called armed elements of two Fijian soldiers members of UNIFIL.

²²³S C (35), Suppl. for April-June 1980, S/13994.

²²⁴S C (35), Suppl. for Oct.-Dec. 1980, S/14295.

²²⁵S C (36), Suppl. for Jan.-March 1981, S/14407.

²²⁶*Ibid.*, Suppl. for April-June 1981, S/14537.

(11) *Statement by the President of the Security Council of 17 July 1981 and Council resolution 490 (1981)*

180. On 17 July 1981, following an oral report by the Secretary-General to the Security Council on a serious cycle of hostilities that had been occurring in Lebanon and northern Israel since 10 July 1981,²²⁷ the President of the Council read out a statement expressing his deep concern and that of the members of the Council at those developments and urgently appealed for an immediate end to the armed attacks and the greatest restraint. The Council then adopted, at the same meeting, resolution 490 (1981), by which the Council reaffirmed the appeal and requested the Secretary-General to report on the implementation of the resolution within 48 hours.

(12) *Security Council resolution 498 (1981)*

181. On 18 December 1981, the Security Council adopted resolution 498 (1981), by which it renewed the mandate of UNIFIL for six months and took note of the report of the Secretary-General on the activities of the Force since the adoption of resolution 488 (1981).²²⁸ In the operative part of the resolution, the Council reaffirmed resolution 425 (1978) and its other relevant resolutions, reiterated, in the terms used in resolution 488 (1981), its determination to implement resolution 425 (1978) so that the Force could fulfil its deployment and UNTSO could resume its normal functions, unhindered, under the provisions of the General Armistice Agreement of 1949. It called attention to the terms of reference and general guidelines of the Force, quoting the provisions also quoted in resolution 488 (1981), and expressed support for the efforts exerted by the Government of Lebanon in southern Lebanon, particularly for the restoration of its authority in that region and the deployment of contingents of its army in the area of operation of UNIFIL. The Council also requested the Secretary-General to continue his discussions with the Government of Lebanon regarding the joint phased programme of activities referred to in resolution 488 (1981), on which he was again requested to report periodically, and commended his efforts and the performance of the Force.

(13) *Security Council resolution 501 (1982)*

182. On 25 February 1982, the Security Council adopted resolution 501 (1982), by which it took note of a special report of the Secretary-General on UNIFIL.²²⁹ In the operative part of the resolution, the Council reaffirmed and quoted in full its resolution 425 (1978), re-emphasized the terms of reference and general guidelines of the Force, citing the provisions also cited in resolution 488 (1981), called upon the Secretary-General to renew his efforts to reactivate the General Armistice Agreement between Lebanon and Israel of 23 March 1949, and in particular to convene an early meeting of the Mixed Armistice Commission. The Council also requested the Secretary-General to continue his discussions with the Government of Lebanon with a view to submitting a report by 10 June 1982 on the requirements for achieving further progress in a phased

programme of activities with that Government, and, finally, requested the Secretary-General to report on the situation as a whole within two months.

(14) *Statement by the President of the Security Council of 22 April 1982*

183. On 22 April 1982, the President of the Security Council, on behalf of the members of the Council, issued a statement by which he and they took note of a letter of 21 April 1982 from the Permanent Representative of Lebanon to the United Nations concerning Israeli air strikes that had taken place that day in Lebanon, an oral report of the Secretary-General and an appeal he had made on 21 April and which was quoted in full in the statement. In the statement, the President and the members of the Council urgently demanded an end to all armed attacks, enjoined all the parties to fulfil their responsibilities with respect to peace and invited them to work for consolidation of the ceasefire.

(15) *Security Council resolutions 508 (1982) and 509 (1982)*

184. Following the occurrence of large-scale hostilities in the Israel-Lebanon sector and within Lebanon on 5 June 1982, the Security Council adopted resolution 508 (1982), by which it took note of an oral report by the Secretary-General, called upon the parties to the conflict to cease all military activities and requested the Secretary-General to ensure the implementation of and compliance with the resolution and report within 48 hours. The following day, the Security Council adopted resolution 509 (1982), by which it demanded strict observance of the cessation of military activities called for in resolution 508 (1982) and called upon all parties to communicate to the Secretary-General their acceptance of resolution 509 (1982) within 24 hours.

(16) *Security Council resolution 511 (1982)*

185. On 18 June 1982, the Security Council adopted resolution 511 (1982), by which, as an interim measure, it extended the mandate of UNIFIL for a period of two months and took note of the report of the Secretary-General on developments relating to UNIFIL for the period from 11 December 1981 to 3 June 1982.²³⁰ In the resolution, the Security Council recalled its resolutions 425 (1978) and 426 (1978), as well as the other pertinent resolutions. It authorized the Force, during the period for which it had been extended, to carry out the additional tasks referred to in the report of the Secretary-General, which mentioned the provision by UNIFIL of humanitarian assistance to the population in its area of operation.²³¹ The Council further called upon all concerned to extend full cooperation to the Force in the discharge of its tasks, and requested the Secretary-General to keep it regularly informed of the implementation of the resolution.

(17) *Security Council resolution 519 (1982)*

186. On 17 August 1982, the Security Council adopted resolution 519 (1982), by which it extended the mandate of UNIFIL for a further interim period of two months and took note of the report of the Secretary-General on devel-

²²⁷S/PV. 2289, pp. 3-5.

²²⁸S C (36), Suppl. for Oct.-Dec. 1981, S/14789.

²²⁹S C (37), Suppl. for Jan.-March 1982, S/14869.

²³⁰S C (37), Suppl. for April-June 1982, S/15194 and Add.1-2.

²³¹Ibid., S/15194/Add.2.

opments concerning UNIFIL since the adoption of resolution 511 (1982).²³² In the resolution, the Council, *inter alia*, recalled resolutions 425 (1978) and 426 (1978) as well as other pertinent resolutions. The Council authorized the Force during the period for which its mandate had been extended to continue to carry out the tasks in the humanitarian and administrative fields assigned to it by resolution 511 (1982), called upon all concerned to extend full cooperation to the Force in the discharge of its tasks, and decided to consider the situation fully and in all its aspects before the expiry of the mandate of UNIFIL.

(18) *Security Council resolution 523 (1982)*

187. On 18 October 1982, the Security Council adopted resolution 523 (1982), by which it took note of the report of the Secretary-General on developments relating to UNIFIL since the adoption of resolution 519 (1982)²³³ and extended the mandate of the Force for a further interim period of three months. Paragraphs 2 to 5 of the resolution read as follows:

"The Security Council,

"...

"2. *Insists* that there shall be no interference under any pretext with the operations of the Force and that it shall have full freedom of movement in the discharge of its mandate;

"3. *Authorizes* the Force during that period to carry out, with the consent of the Government of Lebanon, interim tasks in the humanitarian and administrative fields, as indicated in resolutions 511 (1982) and 519 (1982), and to assist the Government of Lebanon in ensuring the security of all the inhabitants of the area without any discrimination;

"4. *Requests* the Secretary-General, within the three-month period, to consult with the Government of Lebanon and to report to the Security Council on ways and means of ensuring the full implementation of the mandate of the Force as defined in resolutions 425 (1978) and 426 (1978), and the relevant decisions of the Council;

"5. *Requests* the Secretary-General to report to the Security Council on the progress of his consultations."

(19) *Security Council resolutions 529 (1983), 536 (1983) and 538 (1983)*

188. In each of these resolutions, adopted on 18 January, 18 July and 18 October 1983, respectively, the Security Council recalled resolutions 425 (1978) and 426 (1978), took note of a report of the Secretary-General on developments relating to UNIFIL since the adoption of the last resolution extending its mandate,²³⁴ extended the mandate,²³⁵ called upon the parties concerned to cooperate fully with the Force and requested the Secretary-General to report on the progress made.

²³²*Ibid.*, Suppl. for July-Sept. 1982, S/15357.

²³³*Ibid.*, Suppl. for Oct.-Dec. 1982, S/15455 and Corr.1.

²³⁴S C (38), Suppl. for Jan.-March 1983, S/15557; *ibid.*, Suppl. for July-Sept. 1983, S/15863; and *ibid.*, Suppl. for Oct.-Dec. 1983, S/16036.

²³⁵For six months (resolutions 529 (1983) and 538 (1983)) and for three months (resolution 536 (1983)).

(20) *Security Council resolutions 549 (1984) and 555 (1984)*

189. In each of these resolutions, adopted on 19 April and 12 October 1984, respectively, the Security Council took note of the report of the Secretary-General on developments relating to UNIFIL since the adoption of the last resolution extending its mandate,²³⁶ extended the mandate for six months, re-emphasized the terms of reference and general guidelines of the Force, reiterated that the Force should fully implement its mandate as defined in resolutions 425 (1978) and 426 (1978), and requested the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of the resolution and to report thereon.

v. *Implementation of the mandate of UNIFIL*

190. As the mandate of UNIFIL was due to expire on 19 January 1979, the Secretary-General submitted a report on 12 January, giving an account of the activities of the Force during the period from 14 September 1978 to 12 January 1979.²³⁷ The Secretary-General noted that during the period under review, the activities of UNIFIL had been concentrated on three objectives: (a) to ensure that the area where it was fully deployed was not used for hostile activities of any kind and to promote a progressive return to normal conditions; (b) to extend its deployment in the border area; and (c) to assist the Government of Lebanon in restoring its effective authority in the area. In the area where it had full control, UNIFIL had continued to take effective action to prevent the entry of armed personnel and to provide the population with some measure of assurance and safety. However, despite energetic efforts, there had been virtually no further progress in deploying the Force in the area in the south held by *de facto* armed groups. Accordingly, UNIFIL had reached the end of its second mandate without completing the tasks assigned to it by Security Council resolution 425 (1978) because it lacked the cooperation of both the *de facto* forces under Major Haddad and the Israeli Defence Forces. Taking into account all aspects of the problem, the Secretary-General recommended the extension of the mandate of UNIFIL for a further period of six months. The Lebanese Government had informed him of its full agreement with that recommendation. The Secretary-General expressed his conviction that, for all its difficulties, UNIFIL performed an essentially stabilizing function and that its premature withdrawal would inevitably disrupt the fragile peace which existed in southern Lebanon.

191. At the Security Council meeting held on 19 January 1979, at which resolution 444 (1979) was adopted, the Secretary-General emphasized that the cooperation of the parties concerned was an essential element in the effectiveness of UNIFIL and said that he would especially concentrate his efforts on the restoration of Lebanese authority in the south.²³⁸

192. In a special report dated 19 April 1979,²³⁹ the Secretary-General drew the attention of the Security Coun-

²³⁶S C (39), Suppl. for April-June 1984, S/16472; and *ibid.*, Suppl. for Oct.-Dec. 1984, S/16776.

²³⁷S C (34), Suppl. for Jan.-March 1979, S/13026.

²³⁸S/PV.2113, paras. 7-11.

²³⁹S C (34), Suppl. for April-June 1979, S/13254.

cil to a most serious development concerning UNIFIL, wherein the de facto forces under Major Haddad had shelled UNIFIL positions, including its headquarters and barracks, on 15 and 18 April, in connection with the move of the Lebanese army contingent into southern Lebanon.

193. In an interim report dated 19 April 1979²⁴⁰ submitted pursuant to resolution 444 (1979), the Secretary-General informed the Security Council of the programme of activities to promote the restoration of the authority of the Lebanese Government in southern Lebanon and described the situation in the UNIFIL area of operation. He stated that discussion had concentrated on the first phase of the programme of activities, which included four points: (a) the increase of the presence of civilian administration in the south by the Lebanese Government, including reinforcement of the Lebanese gendarmerie; (b) the further deployment of Lebanese military personnel in the south; (c) the intensification of efforts by the United Nations and UNIFIL to consolidate the ceasefire and put an end to harassment by the de facto forces led by Major Haddad; and (d) efforts to secure further deployment of UNIFIL and control of the border area, special emphasis being placed on the need to make diplomatic contacts to enlist the cooperation of the Government of Israel. The Secretary-General observed that little progress had been achieved as a result of intensive efforts on the basis of the above plan, as Major Haddad had expressed strong opposition to the move of the Lebanese army contingent into southern Lebanon in the UNIFIL area of operation and had threatened to fire on UNIFIL and Lebanese army units if the proposed move should take place. The Secretary-General concluded that the de facto forces had continued to oppose cooperation with UNIFIL and the objectives laid down by the Security Council, and that the position of the Government of Israel would be crucial for efforts to achieve further progress.

194. In a special report on UNIFIL dated 9 May 1979,²⁴¹ the Secretary-General informed the Security Council of an incursion that morning by Israeli forces into the UNIFIL area of operation in the vicinity of Shaqra. UNIFIL had lodged a strong protest and had been informed by the Israeli authorities that the intruders would not open fire unless fired upon. Subsequently, de facto forces had appeared, and Major Haddad, with two senior Israeli officers, had asked to search some houses which they suspected were occupied by armed elements, a request refused by the UNIFIL Commander. Soldiers of the Irish battalion had searched two houses but found nothing. Following further discussions, the Israeli forces had withdrawn.

195. At a Security Council meeting held on 31 May 1979,²⁴² the Secretary-General gave an account of the most recent evolution of the situation, which had been characterized by heavy daily exchanges of fire between the de facto forces and certain of the armed elements. All firing had ceased, however, and a ceasefire had been agreed to. He rejected charges by Major Haddad that he had been fired upon from the UNIFIL area of operation.

196. In a report dated 8 June 1979,²⁴³ prior to the expiration of the mandate of UNIFIL, the Secretary-General

gave an account of the activities of the Force during the period from 13 January to 8 June 1979. Contacts with the parties concerned had been maintained both at United Nations Headquarters and in the area, with a view to further implementing the UNIFIL mandate. Deployment of a Lebanese army battalion in the UNIFIL area of operation and an increase of Lebanese civilian administrative personnel in southern Lebanon represented important steps towards the restoration of the Lebanese Government's authority and sovereignty in southern Lebanon. However, the Secretary-General noted with regret that despite all efforts, a stalemate had persisted since mid-April and that the situation had been aggravated by the heightened tension in the area. However, he emphasized once again the indispensable function which UNIFIL was performing in bringing calm to the area and in reducing the active threat to international peace and security. For that reason, he recommended the extension of the mandate of UNIFIL for a further period of six months and said that the Lebanese Government agreed with this recommendation. The Secretary-General reiterated his view that UNIFIL could not continue to function without an adequate security zone around its headquarters, a cessation of harassment of the civilian population and of UNIFIL by the de facto forces, a change in the position of the Israeli authorities and continuation of the overall cooperation of the PLO.

197. At a Security Council meeting held on 12 June 1979,²⁴⁴ the Secretary-General informed the Council of renewed exchanges of fire between armed elements and the de facto forces. He observed that for UNIFIL to be able to continue to function the four conditions mentioned in his report of 8 June had to be met.

198. As the mandate of UNIFIL was due to expire on 19 December 1979,²⁴⁵ the Secretary-General submitted a report on 14 December on the activities of the Force for the period from 9 June to 10 December 1979, in which he noted that despite intensive efforts both at United Nations Headquarters and in the field, it had proved very difficult to make significant progress in fulfilling the mandate of the Force during that period. During the earlier part of the period there had been serious exchanges of fire, involving the armed elements, on one side, and on the other, the de facto forces or the Israeli forces, or both combined. A de facto ceasefire brought about through UNIFIL on 26 August had defused the highly dangerous situation but the basic problems remained unresolved. The essential problem was the inability of UNIFIL to assume complete and peaceful control over its area of operation as a preliminary to the restoration of the effective authority of the Lebanese Government in the entire area. One major aspect of the problem was the intransigence of the de facto forces. The de facto forces had continued and intensified their encroachments into the UNIFIL area of operation and established four positions which were a source of constant tension and of increased harassment of the local population. Another problem resulted from the continuing attempts by armed elements to infiltrate the UNIFIL area. The Secretary-General observed that the maintenance of the ceasefire and the consolidation of the UNIFIL area of operation were priority objectives in the peacemaking process. He said that, with this in mind, a plan of action had been formu-

²⁴⁰Ibid., S/13258.

²⁴¹Ibid., S/13308.

²⁴²S/PV.2146, paras. 4-14.

²⁴³S C (34), Suppl. for April-June 1979, S/13384.

²⁴⁴S/PV.2147, paras. 6-13.

²⁴⁵S C (34), Suppl. for Oct.-Dec. 1979, S/13691.

lated in close consultation with the Lebanese Government, setting out those objectives as its first essential steps. The main long-term objective of the plan would be the restoration of the sovereignty and effective authority of the Lebanese Government up to the internationally recognized boundary and a return to normalization, including the reactivation of the Israel-Lebanon Mixed Armistice Commission. The Lebanese Government had given full support to the plan. The Secretary-General also observed that an essential factor in the success of UNIFIL in implementing its mandate was the position of the Israeli Government, inasmuch as the de facto forces were supported by Israel and its attitude towards the situation in southern Lebanon was interrelated with its perception of the situation in the Middle East as a whole. Since any move to withdraw or reduce UNIFIL at the current juncture would, in his view, be extremely dangerous, the Secretary-General recommended that the mandate of the Force be extended for another period of six months.

199. Speaking at the Security Council meeting at which resolution 459 (1979) was adopted,²⁴⁶ the Secretary-General said that UNIFIL was indispensable in preventing a dangerous escalation of the conflict, not only in its area of operation but possibly more widely in the region. As a first and essential step, UNIFIL had to maintain the cease-fire and consolidate its area of operation. The main objective remained the restoration of the authority of the Lebanese Government up to the internationally recognized boundary and a return to normal conditions, which included the reactivation of the Israel-Lebanon Mixed Armistice Commission.

200. In a special report dated 11 April 1980,²⁴⁷ the Secretary-General informed the Security Council of the escalation of tension in and adjacent to the UNIFIL area of operation, where serious incidents had occurred because of violent harassment by the de facto forces of long-established observation posts by UNTSO observers. Since 6 April, the de facto forces had sought forcibly to establish a permanent presence in a village in the area of deployment of the Irish battalion. Starting on 8 April, Israeli tanks, armoured vehicles and personnel had moved into southern Lebanon, including the area of deployment of UNIFIL.

201. At a Security Council meeting held on 13 April 1980,²⁴⁸ the Secretary-General gave an account of the harassment to which UNIFIL had been subjected by the de facto forces, which had shelled the UNIFIL area of operation, since the cut-off date of his last report. At a meeting held the next day, the Secretary-General said that he had been informed officially by the Permanent Mission of Israel to the United Nations that all Israeli troops had been withdrawn from southern Lebanon, but that UNIFIL had been unable to confirm the extent of the withdrawal owing to restrictions of its freedom of movement. In its area of operation the situation was quiet but tense, as efforts continued to defuse the situation.²⁴⁹

202. In three addenda to his special report issued on 16 and 18 April 1980,²⁵⁰ the Secretary-General provided further information on the continuing acts of harassment

by the de facto forces against UNIFIL, which had resulted in the murder of two Irish soldiers by those forces.

203. As the mandate of UNIFIL was due to expire on 19 June 1980, the Secretary-General submitted a report on 12 June on the activities of the Force for the period from 11 December 1979 to 12 June 1980.²⁵¹ Describing the situation in southern Lebanon, the Secretary-General noted that despite the intensive efforts made both at United Nations Headquarters and in the field to fulfil the mandate of UNIFIL, grave difficulties had prevented progress. He gave an account of the most serious incidents that had taken place during the period, culminating in the violence of April 1980, when the de facto forces had subjected UNIFIL to intense harassment and violence and two Irish soldiers had been murdered. During the month of April, UNIFIL had observed 118 violations of Lebanese territory by Israeli forces. At the same time, the armed elements had been relatively restrained and there had been a marked decrease in the number of artillery, mortar and tank rounds fired by them. The Secretary-General emphasized that during the period under review the most serious problem had been with the de facto forces, which had not only prevented a further deployment of UNIFIL but had attempted to establish additional encroachments and confronted the Force with heavy artillery bombardments, resulting in the death of UNIFIL soldiers. Those de facto forces were dependent upon the Israeli forces. On occasion, the intercession of the Israeli authorities had been able to restrain hostile acts by the de facto forces against UNIFIL. However, the Israeli authorities had continued their support of the de facto forces, citing reasons of national security, and, on the same grounds, had made incursions into Lebanese territory. Although the leadership of the PLO had renewed its assurances of cooperation with UNIFIL, armed elements and, recently, sizable groups of the Lebanese National Movement had attempted to infiltrate personnel and weapons into the UNIFIL area of operation. In conclusion, the Secretary-General observed that a peacekeeping operation must achieve its major objectives through means other than the use of force and that that consideration certainly applied to UNIFIL. Therefore, the main road to full implementation of the UNIFIL mandate lay in political and diplomatic efforts, which must secure genuine cooperation with the Force in the interest of security and normality for all concerned. Owing to his conviction that UNIFIL, despite all the difficulties it had to face, was performing an indispensable service to peace in Lebanon and in the Middle East as a whole, the Secretary-General recommended that the mandate of the Force be extended for another period of six months, a recommendation with which the Government of Lebanon had fully agreed.

204. On 17 June 1980, at the meeting at which the Security Council adopted resolution 474 (1980),²⁵² the Secretary-General, speaking after its adoption, said that it was imperative that violence of the kind that had occurred in April be avoided and that attacks and harassment against the Force cease.

205. In a special report dated 21 August 1980,²⁵³ the Secretary-General described recent developments within and adjacent to the UNIFIL area of operation which had

²⁴⁶S/PV.2180, pp. 7-8.

²⁴⁷S C (35), Suppl. for April-June 1980, S/13888.

²⁴⁸S/PV.2212, paras. 3-6.

²⁴⁹S/PV.2213, paras. 11-12.

²⁵⁰S C (35) Suppl. for April-June 1980, S/13888/Add. 1-3.

²⁵¹Ibid., S/13994.

²⁵²S/PV.2232, pp. 3-5.

²⁵³S C (35), Suppl. for July-Sept. 1980, S/14118.

led to a dangerous escalation of tension. Between 18 and 20 August, serious incidents had occurred, owing to the shelling and bombardment of both areas by the Israel Defence Forces (IDF) and the de facto forces. At the time of writing of the report, the situation was quiet and all possible efforts were being made both at United Nations Headquarters and in Lebanon to restore and maintain the ceasefire and prevent a further dangerous escalation of the conflict.

206. As the mandate of UNIFIL was due to expire on 19 December, the Secretary-General, on 12 December 1980,²⁵⁴ submitted a report on the activities of the Force for the period from 13 June to 11 December 1980. Describing the situation in southern Lebanon, the Secretary-General indicated that, despite strenuous efforts at all levels during the period under review, UNIFIL had been prevented from making further progress towards implementing fully the objectives of resolution 425 (1978). He stressed that UNIFIL could successfully fulfil its mandate only if it had the full cooperation of all the parties concerned and that the situation prevailing in southern Lebanon could not be insulated from the extremely complex developments in the region. The search for a comprehensive, just and lasting settlement of the Middle East problem continued to be frustrated and inevitably had a negative effect on the circumstances in which UNIFIL had to function. The Secretary-General pointed out that, during the period in question, the activities of armed elements, the de facto forces and IDF in and near the UNIFIL areas of operation had continued and, in some cases, intensified, and gave an account of the main incidents that had taken place. The Chief of Staff of UNTSO had continued his efforts towards the reactivation of the Israel-Lebanon Mixed Armistice Commission, in accordance with Security Council resolution 467 (1980), and a meeting had been convened under his chairmanship at UNIFIL headquarters at Naqoura on 1 December. Efforts were being made to convene another meeting. Although UNIFIL had not been able fully to implement its mandate, the Secretary-General had no doubt that it was performing an indispensable service to peace both in southern Lebanon and with regard to the Middle East situation in general, providing a vital mechanism for conflict control in an extremely volatile situation. The Secretary-General recommended that the mandate of UNIFIL be extended for a further period of six months. He indicated that the Lebanese Government had agreed to that extension and stated that a determined effort must be made by all sides to make possible the consolidation of the UNIFIL area, in particular, through removal of the five positions established there by the de facto forces and the two established by armed elements.

207. On 17 December 1980, at the meeting at which the Security Council adopted resolution 483 (1980),²⁵⁵ the Secretary-General, speaking following its adoption, emphasized the need for the existing trend of inadequate co-operation with the Force to be reversed, adding that the levels of armed activity that existed were inconsistent with the resolutions of the Council and the assurances the Force had received.

208. At a Security Council meeting held on 19 December 1980,²⁵⁶ the Secretary-General gave an account of serious incidents that had occurred over the last 48 hours.

209. During consultations among members of the Security Council on 16 March 1981, the Secretary-General made a statement that was issued that same day as a special report.²⁵⁷ He said that, even as the Council was considering a complaint brought by Government of Lebanon on violence occurring on 2 and 3 March, further hostilities had broken out in southern Lebanon and made the situation in the UNIFIL area extremely tense. On the morning of 16 March, the de facto forces located in the south had fired 24 tank rounds into the village of Al-Qantara, in the Nigerian battalion sector on UNIFIL, killing a Nigerian captain and a corporal and injuring 11 Nigerian soldiers. The de facto forces had threatened to resume shelling unless the platoon of Lebanese soldiers was withdrawn from Al-Qantara, and that threat had been carried out when 10 tank rounds were fired into a village in the Netherlands battalion area. The Secretary-General also stated to the Council that the Commander of UNIFIL had made it clear to the de facto forces that there was no question of withdrawing the Lebanese platoon, which had been in Al-Qantara since April 1979 in implementation of the UNIFIL mandate as set out in resolution 425 (1978). The United Nations had been in touch with the Israeli authorities, urging them to make all possible efforts to bring an end to the irresponsible behaviour of the de facto forces. In recent months UNIFIL also had to contend with constant efforts by various factions of armed elements to the north and west to infiltrate its area of operation and had sustained casualties in the process. The Secretary-General declared that one of the most important principles upon which UNIFIL was established was the full cooperation of all the parties concerned, but it had been all too clear throughout the history of UNIFIL, and had again been emphasized by the tragic events in question, that such cooperation had not been forthcoming. Therefore, all possible efforts should be made to impress upon all armed groups in the area that provocation, harassment and military offensives against UNIFIL could not and would not be accepted.

210. As the mandate of UNIFIL was due to expire on 19 June 1981, the Secretary-General, on 15 June, submitted a report on the activities of the Force for the period from 12 December 1980 to 15 June 1981.²⁵⁸ He noted that, despite intensive efforts made both at United Nations Headquarters and in the field, the basic situation had remained essentially the same and that the activities of armed elements (mainly the PLO and the Lebanese National Movement), the de facto forces (Christian and related militias) and Israeli Defence Forces in and near the UNIFIL area of operation had continued and, on occasion, intensified. The Secretary-General observed that, since its establishment, UNIFIL had encountered serious difficulties in fulfilling its mandate and that the parties had not so far found it possible to extend to the Force the full cooperation it required. Despite the many difficulties which it had faced, UNIFIL had continued in its endeavours to consolidate its position and, in cooperation with the Lebanese Government, to strengthen and make more effective the

²⁵⁴*Ibid.*, Suppl. for Oct.-Dec. 1980, S/14295.

²⁵⁵S/PV.2258, pp. 3-4.

²⁵⁶S/PV.2261, pp. 88-96.

²⁵⁷S C (36), Suppl. for Jan.-March 1981, S/14407.

²⁵⁸*Ibid.*, Suppl. for April-June 1981, S/14537.

Lebanese presence, both civilian and military, in its area of operation. The Secretary-General indicated that, although the Force had not yet been able to fulfil the mandate in the way intended by the Security Council, he had no doubt that its presence and activities in southern Lebanon were an indispensable element in maintaining peace, not only in the area but in the Middle East as a whole. It would, in his view, be disastrous if UNIFIL were to be removed at a time when the international community was witnessing with acute anxiety the tensions and conflicts in that vital area of the world. For those reasons, the Secretary-General recommended to the Council that the mandate of UNIFIL be extended for a further period of six months.

211. On 19 June 1981, at the meeting at which Security Council resolution 488 (1981) was adopted, the Secretary-General informed the Council of a recent incident which had claimed the lives of two Fijian soldiers who were members of UNIFIL.²⁵⁹ At a Council meeting held on 17 July 1981, the Secretary-General described a new cycle of violence that had taken place in and around Lebanon and affected Beirut, southern Lebanon and other parts of the country, as well as Israel.²⁶⁰ At a Council meeting held on 21 July 1981, the Secretary-General stated that he had instructed the Commander of UNIFIL and the Chief of Staff of UNTSO to exert every possible effort to advance a cessation of hostilities, which nevertheless continued.²⁶¹

212. In pursuance of resolution 490 (1981), the Secretary-General submitted a report dated 23 July 1981,²⁶² in which he informed the Security Council that he had instructed the Commander of UNIFIL and the Chief of Staff of UNTSO to exert all possible efforts to ensure an immediate cessation of all armed attacks by the parties concerned. He stated that, despite the various efforts made, it had not been possible to achieve an immediate cessation of hostilities. He reported on the armed attacks that had taken place from the time of the adoption of resolution 490 (1981) until 1900 hours on 23 July. He stated further that although a firm ceasefire had not entered into effect, there had been a measure of de-escalation of violence during the period under review and he expressed hope that that trend would soon lead to a complete cessation of armed attacks of any kind.

213. In an addendum to his report dated 24 July 1981,²⁶³ the Secretary-General stated that he had received the text of a statement dated 24 July transmitted by the representative of the United States to the effect that all hostile military action between Lebanese and Israeli territory in either direction would cease as of 1330 hours GMT on 24 July. The Secretary-General stated that the parties concerned had accepted the statement. He also indicated that the PLO would abide by its undertaking to respect resolution 490 (1981), as indicated in his report of the previous day.

214. As the mandate of UNIFIL was due to expire on 19 December 1981,²⁶⁴ the Secretary-General, on 11 December, submitted a report on the activities of the Force for the period from 16 June to 10 December 1981. Describ-

ing the situation in southern Lebanon, the Secretary-General indicated that, despite intensive efforts made both at United Nations Headquarters and in the field, the basic situation preventing the fulfilment of the mandate of UNIFIL had remained essentially the same as last reported. He pointed out that the activities of armed elements, the de facto forces and the Israeli Defence Forces in and near the UNIFIL area of operation had continued and he gave an account of the main incidents that had taken place. The Secretary-General stated that in mid-July a serious outbreak of hostilities affecting areas outside UNIFIL control had led to an influx of people into the UNIFIL area from other parts of Lebanon. On 19 July, Israeli aircraft had resumed strikes against targets in southern Lebanon, north of the UNIFIL area, which had led to exchanges of heavy firing between armed elements, on the one hand, and IDF and the de facto forces, on the other. Widespread Israeli air strikes had continued on 13 and 14 July, and on 16 and 17 July, Israeli naval vessels had joined in the firing. On 17 July, Israeli aircraft had attacked Beirut, causing heavy losses of life and property damage. Exchanges of fire in all sectors, air strikes and naval bombardments had continued on a gradually declining scale until 24 July. The Secretary-General stressed that the United Nations had been closely involved both at Headquarters and in the area in the arrangements leading to a cessation of hostilities on 24 July. Since that time, UNIFIL had made strenuous efforts to maintain the ceasefire, and an unusual degree of calm had prevailed in the UNIFIL area of operation, despite the underlying tension. The situation in southern Lebanon remained precarious and fundamentally unstable. In respect of the mandate of UNIFIL, the Secretary-General observed that the difficulties which the Force had experienced since its inception had continued to obstruct the full implementation of the task allotted to it by the Security Council. The full cooperation of all parties which such implementation would require was still not forthcoming, although the value of the actual duties performed by UNIFIL was not in question. He observed that no progress had been made in the further deployment of UNIFIL in the enclave controlled by the de facto forces and that restrictions relating to the freedom of movement of UNIFIL and UNTSO personnel in the enclave continued to complicate UNIFIL operations. During the period under review, means of consolidating the ceasefire and of making progress in the fulfilment of the UNIFIL mandate had been under discussion with the Lebanese Government and other parties concerned. In spite of all the difficulties faced by UNIFIL, the Secretary-General considered that its presence and its activities in southern Lebanon were an indispensable element in maintaining peace, not only in the immediate area but in the Middle East as a whole. He recommended that the mandate of the Force be extended for a further period of six months.

215. Pursuant to resolution 501 (1982), the Secretary-General submitted a special report dated 25 April 1982,²⁶⁵ in which he stressed that the situation in southern Lebanon remained extremely volatile. He pointed out that although the arrangements for the ceasefire which had come into effect in July 1981 had generally held, unresolved tensions had led to the very real danger of widespread hostilities in the area. He referred to the Israeli air strikes into Lebanon

²⁵⁹S/PV.2289, pp. 3-5.

²⁶⁰S/PV.2292, pp. 14-19.

²⁶¹S/PV.2293, pp. 5-12.

²⁶²S C (36), Suppl. for July-Sept 1981, S/14613.

²⁶³Ibid., S/14613/Add.1.

²⁶⁴Ibid., Suppl. for Oct.-Dec. 1981, S/14789.

²⁶⁵S C (37), Suppl. for April-June 1982, S/14996.

on 21 April and to the appeal that he had made that day for an immediate cessation of all hostile acts, urging all parties to exercise the maximum restraint. He stressed that the ceasefire, however important, was no substitute for the fulfilment of the UNIFIL mandate and that there had been little progress in that direction in the two preceding months. In compliance with resolution 501 (1982), he had instructed the Chief of Staff of UNTSO to contact the Israeli and Lebanese Governments, with a view to reactivating the General Armistice Agreement and convening an early meeting of the Israel-Lebanon Mixed Armistice Commission. Regarding the implementation of a phased programme of activities with the Government of Lebanon, the Secretary-General stated that the Commander of UNIFIL had initiated a series of meetings aimed at enlisting support for certain early steps that would, in practical terms, demonstrate the desire of the parties to cooperate with UNIFIL and contribute to a reduction of the tension on the ground. He declared that the Force provided a critical factor for restraint and stability in a situation that was continuously dangerous.

216. At the Security Council meeting held on 5 June 1982, at which resolution 508 (1982) was adopted, the Secretary-General gave a detailed account of hostilities that had broken out in Lebanon and of the build-up of forces from south of the border. He stated that there was danger of further escalation and made an appeal for an immediate cessation of the hostilities.²⁶⁶

217. In pursuance of resolution 508 (1982), the Secretary-General submitted a report dated 6 June 1982,²⁶⁷ in which he stated that he had made an urgent appeal to the parties for a cessation of hostilities. He also noted that the representative of the PLO had reaffirmed its commitment to stop all military operations across the Lebanese border and that the representative of Israel had informed him that although Israel had been acting in exercise of its right of self-defence, resolution 508 (1982) would be brought before the Israeli Cabinet. The Secretary-General further stated that the hostilities had escalated dangerously and that the Israeli forces had moved into southern Lebanon. He conveyed the information received from the Commander of UNIFIL.

218. In pursuance of resolution 509 (1982), the Secretary-General submitted a report dated 7 June 1982,²⁶⁸ in which he informed the Security Council that he had transmitted the text of resolution 509 (1982) to the Foreign Ministers of Israel and Lebanon, and to the Chairman of the Executive Committee of the PLO. The report contained replies received from Lebanon, Israel and the PLO.

219. At a meeting of the Security Council held on 8 June 1982,²⁶⁹ the Secretary-General provided information on extensive hostilities that were still in progress. In the UNIFIL area itself, UNIFIL troops and UNTSO observers had been instructed to block advancing forces, take defence measures and stay in their positions until their safety was seriously imperilled. Contingents had acted accordingly despite the overwhelming strength of the IDF movements. Throughout the hostilities the Force Commander had repeatedly and most strenuously protested the viola-

tion of Lebanese territory and of the relevant Security Council resolutions. UNIFIL headquarters had been cut off from all UNIFIL battalions and supply routes had been closed. Communications had become difficult and the logistical situation was grave. In conclusion, the Secretary-General noted that the continuing spread and escalation of the hostilities was a matter of the most profound concern.

220. As the mandate of UNIFIL was due to expire on 19 June 1982, the Secretary-General, on 10 June 1982,²⁷⁰ submitted a report on the activities of the Force for the period from 11 December 1981 to 3 June 1982. Describing the situation in southern Lebanon, the Secretary-General noted that, during the period under review, the activities of armed elements, the *de facto* forces and the Israeli Defence Forces within and near the UNIFIL area of operation had continued and he gave an account of the main incidents that had taken place. He stated that, both at United Nations Headquarters and in the field, intense efforts had been made to maintain the ceasefire which had come into effect on 24 July 1981 and to restore it after hostile acts occurred. The Secretary-General emphasized that significant changes in deployment had been made as a result of the increase in the strength of the Force. The Secretary-General noted that, on 21 April and on 9 May, Israeli aircraft had attacked targets in Lebanon and stated that since the situation in the area remained extremely volatile, he had taken every opportunity to urge restraint on the parties.

221. In two addenda to his report, dated 11 June and 14 June 1982,²⁷¹ the Secretary-General referred to events which had occurred between 4 and 10 June and between 11 and 13 June respectively. Despite the difficult and dangerous situation prevailing in Lebanon, all UNIFIL troops and UNTSO observers had remained in their positions and, although the Israeli forces had imposed restrictions on the movement of UNIFIL on the coastal road and in the enclave, UNIFIL headquarters had nevertheless been able to restore communications with and supplies to the various battalions. UNIFIL troops were also endeavouring, to the extent possible in the circumstances, to extend protection and humanitarian assistance to the population of the area. The Secretary-General stated that, despite the fundamentally altered situation in southern Lebanon and the dangers inherent in it, UNIFIL troops continued functioning. He expressed the view that if the terms of resolution 509 (1982) were to be implemented, UNIFIL could usefully contribute to the objectives prescribed by the Council. However, for UNIFIL to function effectively there would need to be a clear definition by the Council itself of the terms of reference of the Force in the existing situation, as well as full cooperation from the parties concerned. The Government of Lebanon had expressed the view that UNIFIL should continue to be stationed in the area, pending further consideration of the situation in the light of resolution 509 (1982).

222. As the mandate of UNIFIL was due to expire on 19 August, the Secretary-General on 13 August 1982 submitted a report²⁷² containing an account of developments relating to UNIFIL since the adoption of resolution 511 (1982) on 18 June. Recalling that in his most recent report on UNIFIL he had referred to the fundamentally altered situation in which the Force had found itself after the

²⁶⁶S/PV.2374, pp. 6-7.

²⁶⁷*Ibid.*, S/15174.

²⁶⁸*Ibid.*, S/15178.

²⁶⁹S/PV.2376, pp. 3-16.

²⁷⁰S C (37), Suppl. for April-June 1982, S/15194

²⁷¹*Ibid.*, S/15194/Add.1-2.

²⁷²S C (37), Suppl. for July-Sept. 1982, S/15357.

Israeli invasion, the Secretary-General stated that, during the period under review, despite the difficulties it had faced, the Force had been deeply engaged in extending protection and humanitarian assistance to the civilian population in its area. He expressed the view that the presence of UNIFIL had provided an important stabilizing and moderating influence in southern Lebanon during that difficult time. The Secretary-General noted that the conditions prevailing in Lebanon had complicated the logistic support of the Force and that further difficulties had been created by restrictions on the freedom of movement of UNIFIL imposed by the Israeli forces. He described incidents involving Israeli forces which had occurred in the UNIFIL area of deployment in the days immediately following the Israeli invasion and which had been strongly protested to the Israeli authorities. He reported that UNIFIL had taken action to contain the activities of a new armed group, equipped and controlled by the Israeli forces, which had appeared in parts of the UNIFIL area at the end of June, and had continued to resist attempts by the *de facto* forces to operate in the UNIFIL area of deployment, although in some instances they had been able to enter that area with the assistance of the Israeli forces. During the latter part of the reporting period, the UNIFIL area had been generally quiet and no armed clashes had been observed. The Secretary-General reported further that, until 16 June, UNIFIL humanitarian teams had been able to assist the population of Tyre through the distribution of food and water and the dispensing of medical aid, but those efforts had been halted by the Israeli authorities on 16 June. In the second half of June, UNIFIL had extended cooperation to the humanitarian efforts of various United Nations programmes and ICRC. Describing the overall situation in southern Lebanon as uncertain and fraught with danger, the Secretary-General stated that the Government of Lebanon had indicated that in the existing circumstances UNIFIL should continue to be stationed in the area for an additional interim period of two months, pending further consideration of the situation in the light of the relevant resolutions. Taking all factors into account and bearing in mind the position of the Government of Lebanon, the Secretary-General recommended that the Council extend the mandate of UNIFIL for a further interim period.

223. As the mandate of UNIFIL was due to expire on 19 October 1982,²⁷³ the Secretary-General on 14 October submitted a report reviewing developments relating to the functioning of UNIFIL since the adoption of resolution 519 (1982). Describing the situation in southern Lebanon, the Secretary-General noted that, throughout the period under review, the UNIFIL area had remained generally quiet and no armed clashes had been observed. The presence and activities of IDF within the UNIFIL area of deployment had significantly decreased and the activities of the *de facto* forces (Christian and associated militias) and the new local groups, armed and uninformed by the Israeli forces, had been effectively contained. In addition to providing protection and humanitarian assistance to the local population, UNIFIL had extended the fullest cooperation possible to the humanitarian efforts of the various United Nations programmes and ICRC. Logistic support of the Force had continued to be problematic owing to the restric-

tions imposed by the Israeli forces on UNIFIL's freedom of movement, although some improvements had occurred since 11 October. The Secretary-General stated that, despite the difficulties it had faced, UNIFIL had carried out its interim tasks with dedication and efficiency. He expressed the view, however, that the existing situation was clearly unsatisfactory. While the original mandate of the Force remained valid even in the current circumstances, it was obvious that the conditions under which UNIFIL was expected to carry it out had radically changed. It had not been possible, owing to the attitude of the Israeli authorities, for UNIFIL to play a useful role in the humanitarian assistance field outside its area of deployment. The withdrawal of UNIFIL in the existing circumstances would have highly undesirable consequences. He therefore recommended that the Council extend the mandate for a further limited period. He noted that the Government of Lebanon had expressed the view that the mandate of UNIFIL should be extended for a period of three months and that the Secretary-General should consult with the Lebanese Government during that time on ways and means of redefining the mandate to enable the Force to fulfil its original mission. While the attitude of the Israeli Government as expressed to him had not been in favour of the continued activity of UNIFIL, the Secretary-General expressed his hope that, if the Council decided to extend the mandate of the Force, the Israeli authorities would extend their cooperation to UNIFIL.

224. As the mandate of UNIFIL was due to expire on 19 January 1983,²⁷⁴ the Secretary-General on 13 January submitted a report containing a description of developments relating to the functioning of UNIFIL since the adoption of resolution 523 (1982) of 18 October 1982. Describing the situation in southern Lebanon, the Secretary-General stated that the presence and activities of IDF in the UNIFIL area had been generally limited, although IDF had further developed its logistic facilities in the area. A series of incidents involving the *de facto* forces, including armed incursions, acts of harassment and kidnapping of a soldier, had taken place, but that attempts of the *de facto* forces to operate within the UNIFIL area had remained relatively limited. Noting that IDF had continued the recruitment and arming of selected villagers in the UNIFIL area, he reported that the Force had made strong representations to the Israeli authorities about the arming of such groups. The Secretary-General indicated that while the number of displaced persons that had sought refuge in the UNIFIL area had continued to decrease and humanitarian assistance of an emergency nature had been discontinued, the Force had continued its active cooperation with the regional authorities of the Lebanese Government, UNICEF and ICRC. The Israeli authorities continued to impose restrictions on the freedom of movement of UNIFIL and to prevent the Force from extending humanitarian assistance outside of its area of operation. Expressing the view that UNIFIL would be able to hand over its responsibilities to the Lebanese authorities only after the issue of withdrawal had been successfully settled, the Secretary-General stressed that the presence of the Force was an important factor in ensuring the well-being of the civilian population of its area of deployment. He informed the Council that the Lebanese Government had requested the extension of the

²⁷³*Ibid.*, Suppl. for Oct.-Dec. 1982, S/15455.

²⁷⁴S C (38), Suppl. for Jan.-March 1983, S/15557.

UNIFIL mandate for a further period of six months and stated that he considered it essential that the mandate should be extended, as a withdrawal of the Force before the Lebanese Government was in a position to take over with its own security forces would unquestionably have grave consequences. The Secretary-General therefore recommended a further extension of the mandate of UNIFIL. He mentioned that the Government of Israel had expressed the view that UNIFIL should not at the time be extended for more than two or three months.

225. As the mandate of UNIFIL was due to expire on 19 July 1983, the Secretary-General on 12 July 1983 submitted a report containing an account of developments relating to the Force since the adoption of Security Council resolution 529 (1983).²⁷⁵ During the period covered by the report, the UNIFIL area had been generally quiet. However, the Israeli Defence Forces had continued to recruit and arm selected villagers in the area and had arranged for the levying of taxes to finance those irregular forces. UNIFIL had kept the Lebanese Government informed of those developments and made representations about them to the Israeli authorities. The report described a number of incidents of violence that had occurred, one of which had resulted in the death of a UNIFIL soldier. UNIFIL had continued to carry out the interim tasks referred to in Security Council resolutions 511 (1982) and 519 (1982), providing protection and humanitarian assistance to the local population in its area of deployment. The Secretary-General observed that the withdrawal of UNIFIL would be a serious blow to the prospect of an early restoration of the authority of the Lebanese Government in southern Lebanon as well as to the welfare of the inhabitants of the UNIFIL area of deployment. For these reasons he considered it essential that its mandate should once again be extended on an interim basis, bearing in mind the request to that effect from the Government of Lebanon.

226. As the mandate of UNIFIL was due to expire on 18 October 1983 and pursuant to resolution 536 (1983), the Secretary-General on 12 October 1983 submitted a report²⁷⁶ containing an account of developments relating to UNIFIL from 13 July to 12 October 1983. The UNIFIL area, where the population had increased as a result of the influx of persons seeking refuge from the fighting in the Beirut area, had been generally quiet. The presence of the Israeli Defence Forces within that area had, however, remained stable and they continued to recruit and arm selected villagers there. UNIFIL, whose activities had remained essentially unchanged, continued to monitor and, whenever possible, contain the activities of armed irregulars, which had given rise to a number of incidents, less frequent and serious, however, than those described in the preceding report. UNIFIL continued its cooperation with UNRWA, UNICEF and ICRC in extending assistance to the local population. It also continued to carry out the interim tasks laid down by the Security Council in resolutions 511 (1982) and 519 (1982). The Secretary-General observed that the withdrawal of UNIFIL would be a serious blow to the prospect of an early restoration of the authority of the Lebanese Government in southern Lebanon as well as to the security and welfare of inhabitants of the UNIFIL area of deployment, the more so since the

Lebanese Government and people were, as a result of recent favourable developments, exerting their best efforts to achieve national reconciliation. For these reasons he considered it essential that UNIFIL's mandate should once again be extended on an interim basis, bearing in mind the request to that effect he had received from the Lebanese Government.

227. As the mandate of UNIFIL was due to expire on 19 April 1984, the Secretary-General on 9 April 1984 submitted a report containing an account of developments relating to UNIFIL from 13 October 1983 to 9 April 1984.²⁷⁷ The situation in the UNIFIL area of deployment, whose population had much increased, had remained relatively peaceful, although there had been an increased number of incidents involving the Israeli Defence Forces, whose presence had not decreased, and local militia groups armed and uniformed by them. Those forces had continued their efforts to recruit and arm selected villagers in the UNIFIL area. UNIFIL continued to cooperate with the Lebanese authorities as well as UNRWA, UNICEF and ICRC in extending assistance to the local population. The Secretary-General observed that the presence of UNIFIL had benefited the population in its area of deployment and recommended that its mandate be extended for another period of six months, bearing in mind the request to that effect he had received from the Lebanese Government. Nonetheless, the current role of UNIFIL did not measure up to the original mandate as spelled out by the Security Council in resolutions 425 (1978) and 426 (1978), nor to the intentions of later Council resolutions. In recent weeks the Secretary-General had been considering further means to achieving the objectives of those resolutions by focusing on the common interests of all concerned in changing the situation in southern Lebanon for the better. Taking this into account, the Secretary-General made a number of concrete suggestions for expanding and making more effective the role of UNIFIL. He recommended the extension of UNIFIL's mandate for another interim period, bearing in mind that the Government of Lebanon had recommended its extension for a further period of six months.

228. As the mandate of UNIFIL was due to expire on 19 October 1984, the Secretary-General on 9 October submitted a report containing an account of developments relating to UNIFIL from 10 April to 9 October 1984.²⁷⁸ The situation in the UNIFIL area of operation had continued to be relatively quiet, although there had been an increased number of incidents involving the Israeli Defence Forces, whose presence had not decreased, and local militia groups armed and uniformed by them. The population in the area had continued to grow. The Israeli Defence Forces had attempted to recruit soldiers from the local population to build up the "South Lebanese Army". UNIFIL had continued its efforts to contain the activities of those and other irregulars armed and controlled by the IDF. UNIFIL continued to cooperate with UNRWA, UNICEF and the ICRC in extending assistance to the local population. In June 1984, the Secretary-General had travelled to the Middle East and held discussions with the Government of Lebanon and other Governments in the area, also paying a visit to UNIFIL headquarters. A number of recent developments seemed to have brought more positive prospects for the

²⁷⁵Ibid., Suppl. for July-Sept. 1983, S/15863.

²⁷⁶Ibid., Suppl. for Oct.-Dec. 1983, S/16036.

²⁷⁷S C (39), Suppl. for April-June 1984, S/16472.

²⁷⁸Ibid., Suppl. for Oct.-Dec. 1984, S/16776.

realization of the course of action he had suggested in his preceding report on UNIFIL. It was generally agreed that an expanded mandate for UNIFIL and a widening of its area of operation would be key elements in such future arrangements. He had no doubt that UNIFIL, whose existence should not be taken for granted indefinitely, could play an extremely important part in the future provided that positive developments took place in a relatively short period of time. Bearing in mind a request to that effect which he had received from the Government of Lebanon, the Secretary-General recommended the extension of UNIFIL for another interim period.

b. *Functions exercised in connection with the deployment of United Nations observers in and around Beirut*

229. On 1 August 1982, the Security Council adopted resolution 516 (1982). In the preamble to the resolution, the Council expressed alarm at the intensification of military activities in and around Beirut and took note of the latest massive violations of the ceasefire there. In the operative part, the Council demanded an immediate ceasefire and a cessation of all military activities within Lebanon, authorized the Secretary-General to deploy immediately, on the request of the Government of Lebanon, United Nations observers to monitor the situation in and around Beirut, and requested him to report back not later than four hours from the time of adoption of the resolution.

230. Pursuant to resolution 516 (1982), the Secretary-General submitted a report on 1 August 1982,²⁷⁹ in which he stated that, following the adoption of the resolution, he had received a letter from the representative of Lebanon requesting, on behalf of his Government, the stationing of United Nations observers in the Beirut area to ensure that the ceasefire was fully observed by all concerned. The Secretary-General had instructed the Chief of Staff of UNTSO to make the necessary arrangements, in consultation with the parties concerned, for the immediate deployment of United Nations observers in and around Beirut in accordance with resolution 516 (1982). The Israeli authorities had informed the UNTSO Chief of Staff that the matter would be brought before the Israeli Cabinet. The Secretary-General informed the Council that the Chairman of the Israel-Lebanon Mixed Armistice Commission had met with the Commander of the Lebanese Army, who had assured the UNTSO Chief of Staff that that Army was ready to provide all the facilities and to assist the United Nations observers in the implementation of resolution 516 (1982). He had also received a message from the Chairman of the Executive Committee of the PLO informing him of the acceptance by the PLO of resolution 516 (1982) and of its readiness to cooperate with United Nations observers. He added that the Chairman of the Israel-Lebanon Mixed Armistice Commission had reported from his preliminary observations on the ground in Beirut that the ceasefire appeared to be holding as of 2400 hours local time.

231. In an addendum to his report dated 3 August 1982,²⁸⁰ the Secretary-General stated that intensive efforts had continued for the speedy implementation of resolution 516 (1982). The Israeli authorities had informed the Chief

of Staff of UNTSO that the Israeli Cabinet would discuss the subject on 5 August and, pending a decision by the Government of Israel on resolution 516 (1982), no cooperation would be extended to UNTSO personnel in the execution of that resolution. Noting that every effort was being made to stress to the Israeli authorities the importance and urgency of the matter, the Secretary-General said that although the detailed plan for the deployment of United Nations observers in the Beirut area had been ready since 1 August, it could not be put into full effect until the reply from the Israeli Government was received. As a temporary practical measure, he had instructed the UNTSO Chief of Staff to take immediate steps to set up initially observation machinery in territory controlled by the Lebanese Government, in close consultation and cooperation with the Lebanese Army. The United Nations observers assigned to the Israel-Lebanon Mixed Armistice Commission had been constituted as the Observer Group Beirut (OGB) and the Chairman of the Commission had been appointed Officer-in-Charge.

232. On 3 August 1982, the President of the Security Council read out a statement made following consultations with the members of the Council. In the statement, reference was made to the serious concern of the Council members at the lack of compliance with resolution 516 (1982); they had taken note of the Secretary-General's reports; they expressed full support for his efforts and the steps he had taken and they called upon the parties to give him their full cooperation and observe strictly the terms of resolution 516 (1982).

233. On 4 August 1982, the Security Council adopted resolution 517 (1982), by which it confirmed its demand for an immediate ceasefire and withdrawal of Israeli forces from Lebanon, censured Israel for its failure to comply with prior resolutions, and called for the prompt return of Israeli troops which had moved forward subsequent to 1352 hours, eastern daylight time, on 1 August. Further, it expressed its appreciation for the efforts and actions taken by the Secretary-General, and authorized him, as an immediate step, to increase the number of United Nations military observers in and around Beirut. It also requested him to report on the implementation of the resolution as soon as possible and not later than 1000 hours, eastern daylight time, on 5 August 1982.

234. In pursuance of resolution 517 (1982), the Secretary-General submitted a report dated 5 August 1982,²⁸¹ in which he reported that the representative of Lebanon had assured him of the Lebanese Government's readiness to cooperate fully in the implementation of resolution 517 (1982) and that the Chairman of the Executive Committee of the PLO had reaffirmed that Organization's commitment to the ceasefire. The Israeli authorities had undertaken to respond to resolution 517 (1982) later that day, following a Cabinet meeting. As soon as transit arrangements were completed, additional observers from the existing establishment of UNTSO would be dispatched to the Beirut area. The Secretary-General reported further that on 4 August, in Vienna, he had appealed to the Prime Minister of Israel for adherence to the ceasefire and cooperation in the deployment of United Nations observers in and around Beirut and had expressed his readiness to go immediately to Israel and Lebanon to discuss the matter with all parties

²⁷⁹S C (37), Suppl. for July-Sept. 1982, S/15334.

²⁸⁰Ibid., S/15334/Add.1.

²⁸¹Ibid., S/15345.

concerned. He had been informed by the Prime Minister that the Israeli Government would welcome his visit if there were not a parallel visit to the Chairman of the Executive Committee of the PLO. The Secretary-General stated that he did not find that position acceptable, as he felt it his duty to meet with all parties involved in the hostilities, and he reiterated his appeal for cooperation.

235. In two addenda to his report, dated 5 and 6 August 1982,²⁸² the Secretary-General conveyed to the Security Council the decision of the Israeli Cabinet, which read as follows:

"1. Ten ceasefires were declared in Lebanon and the Beirut area since the inception of the operation "Peace for Galilee", and all of them were violated by the terrorist organizations. Throughout, Israel acceded to the maintenance of the ceasefires on the axiomatic condition that they be mutual and absolute. Without mutuality, Israel's response to the violations of the ceasefires is inevitable."

"2. United Nations observers could in no feasible and practical way monitor the activities of the terrorist organizations in Beirut and its environs."

236. On 12 August 1982, the Security Council adopted resolution 518 (1982), by which it expressed its most serious concern about continued military activities in Lebanon and, particularly, in and around Beirut. It demanded that Israel and all parties to the conflict observe strictly the terms of the relevant Security Council resolutions and requested the United Nations observers in and around Beirut to report on the situation. It further demanded that Israel cooperate fully in the effective deployment of the observers, as requested by the Government of Lebanon, and in such a manner as to ensure their safety, and requested the Secretary-General to report as soon as possible on the implementation of the resolution.

237. Pursuant to resolution 518 (1982), the Secretary-General submitted a report dated 13 August 1982,²⁸³ in which he stated that he had brought the resolution to the attention of the Foreign Ministers of Israel and Lebanon and of the Chairman of the Executive Committee of the PLO. The representative of Israel had informed him that the IDF strictly observed the ceasefire throughout Lebanon on the axiomatic condition that it was mutual and absolute and that Israel's position with regard to United Nations observers had been set out already. The Secretary-General had been informed that the Lebanese Government and the PLO accepted resolution 518 (1982). He further stated that there were 10 United Nations observers in the Beirut area and that efforts were continuing to bring additional observers to the area and also to enable them to function effectively.

238. In paragraph 4 of its resolution 519, adopted on 17 August 1982, the Security Council expressed support for the efforts of the Secretary-General with a view to the optimum use of UNTSO observers as envisaged by its relevant resolutions.

239. On 2 September 1982, the Secretary-General submitted a report²⁸⁴ in which he reviewed the situation in the Beirut area since 13 August. The ceasefire in the area, which had gone into effect on 12 August, had generally held. Despite persistent efforts, it had not been possible to increase the number of United Nations observers in Beirut

beyond 10 and although, from 21 August, members of OGB had been able to move in and around Beirut with greater ease than before, their freedom of movement had been on occasion curtailed by the IDF. He informed the Council of reports submitted by OGB which indicated the arrival of members of the French, United States and Italian contingents of the Multinational Force, which, as of 26 August, numbered 2,285, and detailed the number of Palestinian and other forces that had departed from Beirut during the period 21 August to 1 September.

240. In two addenda to his report, dated 15 and 17 September 1982,²⁸⁵ the Secretary-General reviewed the situation in the Beirut area from 2 to 15 September and from 15 to 17 September, respectively, outlining developments on the basis of reports received from the United Nations observers of OGB. He stated that the situation had remained generally calm from 2 to 13 September, but that tension had greatly increased on 14 September, citing a number of incidents, including the explosion of 14 September in which the President-elect of Lebanon had been killed.

241. On 17 September 1982, the Security Council adopted resolution 520 (1982), by which the Council took note of the reports of the Secretary-General of 2, 15, and 17 September, condemned the recent Israeli incursions in violation of the ceasefire arrangements, and demanded an immediate return to the positions occupied by Israel before 15 September 1982. The Council also supported the efforts of the Secretary-General to implement resolution 516 (1982), requesting all the parties concerned to cooperate fully in its application, and requested the Secretary-General to keep it informed of developments as soon as possible and not later than within 48 hours.

242. At a Security Council meeting held on 18 September 1982,²⁸⁶ the Secretary-General said that he had immediately cabled the text of resolution 520 (1982) to the Foreign Minister of Israel with a request that he should send the Secretary-General information on action taken or envisaged by his Government to implement the resolution as well as any other relevant information. A reply received from the Foreign Ministry and relayed by the Chief of Staff of UNTSO was to the effect that the presence of the IDF in West Beirut was of limited duration and did not limit the deployment of the Lebanese Army in any parts of the city. The IDF was ready to evacuate its positions in West Beirut when the Lebanese Army was able to assume control over them in coordination with the IDF. Pursuant to discussions held, the IDF was handing over several positions. The IDF had been deployed west of the camps, leaving access to them from the east open so that the Lebanese Army could enter them, which, however, had not happened. It had been agreed that both armed forces were to enter the three camps, that is, Fakhani, Sabra and Shatila, the next day. The Secretary-General then transmitted information received from the United Nations observers, who had found a large number of bodies of men, women and children massacred in the Sabra camp. The Secretary-General added that OGB observers continued to enjoy substantial freedom of movement and that their strength stood at 10. On receiving the first word of the events that morn-

²⁸²Ibid., S/15345/Add.1-2.

²⁸³Ibid., S/15362.

²⁸⁴Ibid., Suppl. for July-Sept. 1982, S/15382.

²⁸⁵Ibid., S/15382/Add.1-2.

²⁸⁶S/PV.2396, pp. 2-3. A report issued by the Secretary-General on the same day is almost identical with this statement. For the report, see S C (37), Suppl. for July-Sept. 1982, S/15400.

ing, the Secretary-General issued, through his spokesman, a statement expressing his shock and horror at hearing the reports of the killing of civilians in West Beirut and again called urgently for an end to the violence. He then received a visit from the representatives of France, Italy and the United States, who handed him a statement urging the immediate dispatch of United Nations observers to the most seriously affected sites in and around Beirut, a request with which the Permanent Representative of Lebanon concurred. He had thereupon instructed the UNTSO Chief of Staff to make a renewed approach to the Israeli authorities for their cooperation in increasing the number of UNTSO observers in Beirut. The Secretary-General observed that in the prevailing situation unarmed military observers were not enough.

243. On 18 September 1982, the Security Council adopted resolution 521 (1982), by which the Council took note of the oral report of the Secretary-General and condemned the massacre of Palestinian civilians in Beirut. Paragraphs 3 to 7 of the resolution read as follows:

"The Security Council,

"...

"3. Authorizes the Secretary-General, as an immediate step, to increase the number of United Nations observers in and around Beirut from ten to fifty, and insists that there shall be no interference with the deployment of the observers and that they shall have full freedom of movement;

"4. Requests the Secretary-General, in consultation with the Government of Lebanon, to ensure the rapid deployment of those observers in order that they may contribute in every way possible within their mandate to the effort to ensure full protection for the civilian populations;

"5. Requests the Secretary-General, as a matter of urgency, to initiate appropriate consultations and, in particular consultations with the Government of Lebanon on additional steps which the Security Council might take, including the possible deployment of United Nations forces, to assist that Government in ensuring full protection for the civilian populations in and around Beirut and requests him to report to the Council within forty-eight hours;

"6. Insists that all concerned must permit United Nations observers and forces established by the Security Council in Lebanon to be deployed and to discharge their mandates and, in this connection, solemnly calls attention to the obligation of all Member States, under Article 25 of the Charter of the United Nations, to accept and carry out the decisions of the Council in accordance with the Charter;

"7. Requests the Secretary-General to keep the Security Council informed on an urgent and continuing basis."

244. Pursuant to resolution 521 (1982), the Secretary-General submitted a report dated 20 September 1982,²⁸⁷ in which he stated that he had been informed that day that the Israeli Cabinet had decided to concur with the dispatch of an additional 40 United Nations observers to the Beirut area. He reported that 25 United Nations military observers had arrived in Beirut at 1230 hours GMT. He also outlined developments in west Beirut from 18 to 20 September, as reported by OGB. The Secretary-General requested the commander of UNIFIL to comment on the possibility of sending UNIFIL units to the Beirut area, should the Leba-

nese Government so request and the Security Council so decide. He had been informed that, if necessary, it would be possible to send to Beirut a group of about 2,000 men without seriously affecting the capacity of UNIFIL to perform its own interim tasks in southern Lebanon. The Secretary-General further stated that, on 20 September, the representative of Lebanon had informed him that his Government had formally requested the reconstitution of the Multinational Force. On 20 September, the observer for the PLO had informed him that the PLO insisted that military forces, or United Nations military forces, or agreed multinational forces, should be deployed immediately to undertake the effective safeguards. On the same day, the President of the United States had announced that he had decided, together with the Governments of France and Italy, to send the Multinational Force back to Beirut for a limited period. Letters from the representatives of Israel and Lebanon and from the observer for the PLO were annexed to the report.

245. In two addenda to his report, dated 27 and 30 September 1982,²⁸⁸ the Secretary-General reported that as of 22 September all the additional observers had arrived in Beirut. He gave an account of developments in the Beirut area from 20 to 27 September and from 27 to 30 September, respectively, as reported by OGB.

c. Functions undertaken in connection with events in northern Lebanon

246. On 23 November 1983, the Security Council adopted resolution 542 (1983), by which the Council deplored the loss of human life caused by the events taking place in northern Lebanon and requested the parties concerned to accept a ceasefire immediately and to observe scrupulously the cessation of hostilities. The Council also invited them to settle their differences solely by peaceful means, and called upon them to comply with the provisions of the resolution. The Council furthermore requested the Secretary-General to report to it.

247. In a report submitted on 21 December 1983 pursuant to resolution 542 (1983), the Secretary-General stated that a ceasefire agreement had been reached by the parties involved in fighting in Tripoli.²⁸⁹ He had received a request from the Chairman of the Executive Committee of PLO for permission to use the United Nations flag to facilitate the departure of the PLO forces from Tripoli.²⁹⁰ The report described the arrangements that had been made for the evacuation of the PLO forces from Tripoli on board Greek merchant ships, escorted by French naval vessels. In addition, a number of seriously wounded PLO armed elements had been taken to Larnaca aboard an Italian ship under the auspices of ICRC.

d. Functions of a humanitarian nature

248. In its resolution 512 (1982), adopted on 19 June 1982, the Security Council called upon all the parties to the conflict to respect the rights of the civilian populations and to take all appropriate measures to alleviate the suffering caused by the conflict, in particular, by facilitating the dispatch and distribution of aid provided by the United Nations agencies and by non-governmental organizations.

²⁸⁸*Ibid.*, S/15408/Add.1-2.

²⁸⁹S C (38), Suppl. for Oct.-Dec. 1983, S/16228.

²⁹⁰See para. 632 below.

²⁸⁷S C (37), Suppl. for July-Sept. 1982, S/15408.

In the resolution, the Council stressed the particular humanitarian responsibilities of the United Nations and its agencies, including UNRWA, towards civilian populations and called upon all the parties not to hamper the exercise of those responsibilities and to assist in humanitarian efforts. The Council also took note of the measures taken by the Secretary-General to coordinate the activities of the international agencies in the field,²⁹¹ and requested him to make every effort to ensure the implementation of and compliance with the resolution and to report as soon as possible.

249. Pursuant to resolution 512 (1982), the Secretary-General submitted an interim report on 30 June 1982²⁹² giving a preliminary account of the humanitarian efforts of the United Nations system to assist in Lebanon.

250. On 4 July 1982, the Security Council adopted resolution 513 (1982), in which the Council affirmed resolution 512 (1982), called for respect for the rights of the civilian population, called further for the restoration of the normal supply of vital facilities, particularly in Beirut, and commended the efforts of the Secretary-General and of international agencies to alleviate the sufferings of the civilian population, requesting them to continue their efforts to ensure the success of those efforts.

251. On 29 July 1982, the Security Council adopted resolution 515 (1982), in which the Council expressed deep concern at the situation of the civilian population in Beirut, demanded that the Government of Israel lift immediately the blockade of the city in order to permit the dispatch of supplies to meet the urgent needs of the civilian population and allow the distribution of aid provided by United Nations agencies and non-governmental organizations. The Council also requested the Secretary-General to transmit the resolution to the Government of Israel and to keep the Council informed of its implementation.

252. In paragraph 2 of its resolution 518 (1982), adopted on 12 August 1982,²⁹³ the Security Council demanded the immediate lifting of all restrictions on the city of Beirut in order to permit the free entry of supplies to meet the needs of the civilian population.

253. In the report he submitted to the Security Council on 13 August 1982²⁹⁴ on the implementation of resolution 518 (1982), the Secretary-General, with reference to paragraph 2 of the resolution, stated that he had been following with deep anxiety the deterioration of the situation affecting the civilian population in West Beirut. He had asked the Chairman of the United Nations inter-agency survey mission to return to Lebanon on 10 August to reassess the needs of the affected population and stated that he was continuing his efforts to secure the free entry of supplies to meet the urgent needs of the civilian population in Beirut.²⁹⁵

²⁹¹S C (37), Suppl. for April-June 1982, S/15194, paras. 52-53, and S/15194/Add. 1, para. 23.

²⁹²*Ibid.*, S/15267.

²⁹³See para. 236 above.

²⁹⁴See para. 237 above.

²⁹⁵The reports on UNIFIL that the Secretary-General submitted to the Security Council during the remainder of the period under review contained an account of the activities of UNIFIL and the other agencies in the humanitarian field. See S C (37), Suppl. for Oct.-Dec. 1982, S/15455, para. 15; S C (38), Suppl. for Jan.-March 1983, S/1557, para. 14; *ibid.*, Suppl. for July-Sept. 1983, S/15863, para. 20; *ibid.*, Suppl. for Oct.-Dec. 1983, S/16036, para. 15; S C (39), Suppl. for April-June 1984, S/16472, para. 18; *ibid.*, Suppl. for Oct.-Dec. 1984, S/16776, para. 17.

(iv) *Functions that were to be assigned to the Secretary-General, in connection with the situation in Lebanon, by draft resolutions that failed of adoption by the Security Council*

254. At the 2381st meeting of the Security Council, on 26 June 1982, the representative of France introduced a draft resolution sponsored by his delegation. Under the draft resolution the Council would demand that all parties observe an immediate cessation of hostilities throughout Lebanon and would also demand the immediate withdrawal of the Israeli forces around Beirut to a distance of 10 kilometres from the periphery of the city, as well as the simultaneous withdrawal of the Palestinian armed forces from Beirut. It would support the Lebanese Government in its will to regain exclusive control of its capital, and to that end, to install its armed forces in positions within Beirut and its periphery. Under the draft resolution, the Council would request the Secretary-General, as an immediate measure, to station United Nations military observers, in agreement with the Government of Lebanon, with instructions to supervise the ceasefire and disengagement in and around Beirut. It also would request the Secretary-General to study any request by the Government of Lebanon for the installation of a United Nations force which could take up positions beside the Lebanese interposition forces, or for the use of the forces available to the United Nations in the region. However, at the above-mentioned meeting, the draft resolution was not adopted. While it received 14 votes in favour, it was not adopted owing to the negative vote of a permanent member of the Council.

255. At its 2519th meeting, on 29 February 1984, the Security Council had before it a draft resolution submitted by France by which the Council would issue anew an urgent appeal for an immediate cease-fire and the cessation of all hostilities throughout Lebanon, request the Secretary-General to make without delay all arrangements to enable the Observer Group Lebanon to monitor compliance with the ceasefire in the Beirut area and decide, in agreement with the Government of Lebanon, to constitute immediately, under the authority of the Council, a United Nations Force composed of personnel furnished by Member States other than the permanent members of the Security Council and selected, if appropriate, from contingents of UNIFIL. The draft resolution would provide that the Force was to take up a position in the Beirut area, in coordination with the Lebanese authorities concerned, as soon as all elements of the Multinational Force had withdrawn from Lebanese territory waters, and was to have the mission of monitoring compliance with the ceasefire and helping to protect the civilian populations. At the above-mentioned meeting, the draft resolution received 13 votes in favour to 2 against, with no abstentions, and was not adopted, owing to the negative vote of a permanent member of the Council.

256. At the same meeting, following the vote on the draft resolution, the Secretary-General said that the vote showed that a disagreement among members of the Security Council prevented the United Nations from playing an expanded role in the tragic situation in Lebanon. Despite the vote, he appealed to the Council to continue to consider the situation with the closest attention and a sense of urgency. He believed that the Council should do this with the intent that in the near future ways would be found for the United Nations to expand its role in Lebanon.

(v) *The Secretary-General's reporting responsibilities in connection with the implementation of Security Council resolution 338 (1973)*²⁹⁶

257. Security Council resolution 449 (1979), by which the Council renewed the mandate of UNDOF for a period of six months, contained a request to the Secretary-General that he submit at the end of the period a report on the measures taken to implement resolution 338 (1973). Security Council resolutions 450 (1979), 470 (1980), 485 (1981), 493 (1981), 506 (1982), 524 (1982), 531 (1983), 543 (1983), 551 (1984) and 557 (1984), by which the Council renewed the mandate of UNDOF for further successive periods of six months, reiterated that request for those periods.

258. The Secretary-General fulfilled his reporting responsibilities under the above resolutions by including, in the reports on UNDOF he submitted as from 23 November 1979, observations on the implementation of resolution 338 (1973).²⁹⁷

(c) *Functions exercised with respect to the expulsion by the Israeli military occupation authorities of the mayors of Hebron and Halhoul and the Shariah Judge of Hebron*

259. By its resolution 468 (1980) of 8 May 1980, the Security Council, after expressing deep concern at the expulsion by the Israeli military occupation authorities of the mayors of Hebron and Halhoul and the Shariah Judge of Hebron, called upon the Government of Israel, as the occupying Power, to rescind those illegal measures and facilitate the immediate return of the expelled Palestinian leaders so that they could resume the functions for which they had been elected and appointed and requested the Secretary-General to report upon the implementation of the resolution.

260. On 13 May 1980, the Secretary-General submitted a report²⁹⁸ under resolution 468 (1980) on the implementation of that resolution. He stated that, on 9 May, he had been informed by the Permanent Mission of Israel to the United Nations that the Government of Israel was unable to allow the three officials to return, for reasons indicated in the statement made by the representative of Israel before the Security Council. The Secretary-General added that he had noted reports that the three officials had been denied re-entry to the West Bank by the Israeli authorities on 11 May.

261. By its resolution 469 (1980) of 20 May 1980, the Security Council took note of the Secretary-General's report, reiterated the call it had made upon the Government of Israel in resolution 468 (1980) and commended the Secretary-General for his efforts, requesting him to con-

tinue them in order to ensure the immediate implementation of resolution 469 (1980).²⁹⁹ It also requested him to report to the Security Council on the implementation of the resolution.

262. On 24 May 1980, the Secretary-General submitted a report³⁰⁰ under resolution 469 (1980). He stated that on 23 May, he had received a reply to the appeal he had addressed to the Prime Minister of Israel on 21 May. In his reply, the Prime Minister, expressing regret that the resolutions adopted by the Security Council had failed to mention the attack on Jewish worshippers in Hebron carried out by emissaries of the PLO, had stated that a petition to allow the return of the three officials had been submitted to Israel's High Court of Justice for consideration and that hearings would be held on the merits of the case within six weeks. The Prime Minister added that the judgement of the Court would be carried out by the Government of Israel.

263. By its resolution 35/122 D of 11 December 1980, the General Assembly reiterated the call made upon the Government of Israel and requested the Secretary-General to report to it as soon as possible on the implementation of the resolution.

264. At a meeting of the Security Council on 19 December 1980,³⁰¹ the Secretary-General made a statement outlining the efforts he had undertaken in regard to the expelled mayors. In particular, he informed the Council of the appeal contained in his letter of 17 December 1980 to the Prime Minister of Israel. The mayors had been allowed to return to the West Bank to appeal their deportation order but had subsequently been deported, their appeal having been rejected.

265. Later on at the same meeting, the Security Council adopted resolution 484 (1980), by which the Council declared it imperative that the mayors of Hebron and Haloul be enabled to return to their homes and resume their responsibilities, and requested the Secretary-General to report on the implementation of the resolution as soon as possible.

266. On 30 January 1981, the Secretary-General submitted a report³⁰² in pursuance of General Assembly resolution 35/122 D and Security Council resolution 484 (1980). He set out the text of a letter he had addressed to the Prime Minister of Israel on 17 December 1980 and recapitulated his oral report to the Council on 19 December 1980. Following the adoption of resolution 484 (1980), the Secretary-General, on 14 January, had addressed a note verbale to the representative of Israel seeking information for inclusion in his report. In his reply dated 23 January, the representative of Israel had stated that the position of his Government with regard to the mayors of Hebron (Al-Khalil) and Halhoul remained consistent with that elaborated by him in the Council on 19 December 1980, adding that the two mayors had abused their positions in order to incite the Arab population to acts of violence.

²⁹⁶See *Repertory, Supplement No. 5*, vol. V, under Article 98, para. 333.

²⁹⁷S C (34), Suppl. for Oct.-Dec. 1979, S/13637, paras. 22-23; S C (35), Suppl. for April-May 1980, S/13957, paras. 23-24; *ibid.*, Suppl. for Oct.-Dec. 1980, S/14263, paras. 24-25; S C (36), Suppl. for April-June 1981, S/14482, paras. 23-24; *ibid.*, Suppl. for Oct.-Dec. 1981, S/14759, paras. 24-25; S C (37), Suppl. for April-June 1982, S/15079, paras. 25-26; *ibid.*, Suppl. for Oct.-Dec. 1982, S/15493, paras. 24-25; S C (38), Suppl. for April-June 1983, S/15777, paras. 23-24; *ibid.*, Suppl. for Oct.-Dec. 1983, S/16169, paras. 23-24; S C (39), Suppl. for April-June 1984, S/16573, paras. 23-24; and *ibid.*, Sept.-Dec. 1984, S/16829, paras. 23-24.

²⁹⁸S C (35), Suppl. for April-June 1980, S/13938.

²⁹⁹By a letter dated 29 October 1980 to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Secretary-General provided information on the matter, which had not been resolved. S C (35), Suppl. for Oct.-Dec. 1980, S/14242.

³⁰⁰S C (35), Suppl. for April-June 1980, S/13960.

³⁰¹S/PV.2259, paras. 14-22.

³⁰²A/36/85. Also published in S C (36), Suppl. for Jan.-March 1981, S/14350.

267. By its resolutions 36/147 D, 37/88 D, 38/79 E and 39/95 E, the General Assembly reiterated the call made upon the Government of Israel with regard to the two mayors and the Shariah Judge, asking each time for a report by the Secretary-General. Pursuant to each of those requests the Secretary-General submitted a report to the effect that he had drawn the attention of the Israeli Government to the matter in writing but had either received no reply or had received a reply in the negative, the contents of which were reproduced in the relevant report.³⁰³

(d) *Functions exercised in connection with the decision of the Israeli authorities to deport the Mayor of Nablus*

268. By its resolution 34/29 of 16 November 1979, the General Assembly noted with concern the decision of the Israeli authorities to deport the Mayor of Nablus, called upon them to rescind the decision, and requested the Secretary-General to report as soon as possible on the implementation of the resolution.

269. In a report submitted on 24 November 1979,³⁰⁴ the Secretary-General gave an account of the action he had taken regarding the matter prior to the adoption of the resolution and stated that immediately following its adoption he had cabled its text to the Prime Minister of Israel, whose reply he quoted in the report. The Prime Minister had stated that the decision to expel the mayor had been based on local regulations and was to be reviewed by the Supreme Court of Israel.

(e) *Functions exercised in connection with assassination attempts against the Mayors of Nablus, Ramallah and Al Bireh*

270. By its resolution 471 (1980) of 5 June 1980, the Security Council expressed shock at and condemned the assassination attempts against the mayors of Nablus, Ramallah and Al Bireh, expressed concern that Israel, as the occupying Power, had failed to provide adequate protection to the civilian population in the territories in accordance with the Geneva Convention relative to the Protection of Civilian Persons in Time of War, called upon the Government of Israel to provide the victims of the assassination attempts with adequate compensation, called upon Israel to comply with the provisions of the Geneva Convention, called upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories, and requested the Secretary-General to report on the implementation of the resolution.

271. No report was submitted by the Secretary-General pursuant to the above resolution during the period under review.

272. By resolutions adopted from its thirty-sixth to its thirty-ninth regular sessions inclusive,³⁰⁵ the General Assembly demanded that Israel inform the Secretary-General of the results of the investigation and prosecution relating to the assassination attempts.

273. The Secretary-General complied with each of those requests by asking the Government of Israel for the

information sought and submitting to the General Assembly a report containing the text of the reply of the Israeli Government, which, in the reply reproduced in the last of the reports, stated that a number of persons charged with responsibility for the assassination attempts were standing trial.³⁰⁶

(f) *Functions exercised in connection with the measures taken by Israel to change the status of the city of Jerusalem*

274. On 20 August 1980, the Security Council adopted resolution 478 (1980), by which the Council expressed deep concern over the enactment of a "basic law" in the Israeli Knesset proclaiming a change in the character and status of Jerusalem, censured that enactment in the strongest terms, affirming that it constituted a violation of international law, determined that all measures and actions taken by Israel which had altered or purported to alter the character and status of Jerusalem, and in particular the "basic law", were null and void and had to be rescinded forthwith, decided not to recognize the "basic law" and other actions of Israel that, as a result of that law, sought to alter the character and status of Jerusalem, calling upon all Member States to accept that decision and upon those of them that had established diplomatic missions at Jerusalem to withdraw them, and requested the Secretary-General to report on the implementation of the resolution before 15 November 1980.

275. On 11 November 1980, in pursuance of resolution 478 (1980), the Secretary-General submitted a report,³⁰⁷ in which he informed the Council that all States which had had diplomatic missions at Jerusalem had withdrawn them either before or after the adoption of resolution 478 (1980). He also conveyed the text of a note dated 4 November from the representative of Israel, reaffirming the position expressed by the Foreign Minister of Israel asserting that only the Jewish people had made Jerusalem its capital and that the situation of the various religions represented there had never been better than that prevailing since its reunification in 1967.

276. By its resolution 36/120 E of 10 December 1981, the General Assembly, determined once again that all legislative and administrative measures and actions taken by Israel which had altered or purported to alter the character and status of Jerusalem, and in particular the "basic law" and the proclamation of Jerusalem as capital of Israel, were null and void and had to be rescinded forthwith, called upon all States, specialized agencies and other international organizations to comply with the resolution, urging them not to conduct any business not in conformity with the resolution, demanded that Israel should comply with all United Nations resolutions on Jerusalem, and requested the Secretary-General to report on the implementation of those resolutions within six months.

277. In a report submitted on 10 June 1982,³⁰⁸ the Secretary-General stated that he had brought the above resolution to the attention of the Permanent Representative of Israel to the United Nations, asking him what action his Government had taken or intended to take in the matter.

³⁰³For the reports submitted during the period under review, see documents A/37/162, A/38/262 and A/39/527.

³⁰⁴A/34/720.

³⁰⁵G A resolutions 36/147 G, 37/88 G, 38/79 H and 39/95 H.

³⁰⁶For the reports, see documents A/36/854, A/38/484 and A/39/339.

³⁰⁷S C (35), Suppl. for Oct.-Dec. 1980, S/14248.

³⁰⁸A/37/275.

The report reproduced the text of the reply by the Permanent Representative, pointing out that Jerusalem would remain the eternal capital of Israel and the Jewish people. The Government of Israel was, however, conscious of the city's significance for other faiths and had showed by its actions that it was mindful of this. In his report the Secretary-General also informed the Council that Costa Rica had notified him of its decision to transfer its embassy to Jerusalem.

278. By its resolution 38/180 C of 19 December 1983, the General Assembly declared once more that Israel's decision to impose its laws, jurisdiction and administration on Jerusalem was illegal, deplored the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980), called once again upon those States to abide by the relevant United Nations resolutions, and requested the Secretary-General to report to the General Assembly at its next regular session on the implementation of the resolution.

279. The report that the Secretary-General submitted in pursuance of General Assembly resolution 38/180 C³⁰⁹ also gave an account of the action he had taken pursuant to Assembly resolutions 38/180 A, 38/180 B and 38/180 D, all of which, like resolution 38/180 C, concerned the question of Palestine. The Secretary-General had fulfilled his reporting responsibilities under those resolutions by addressing notes verbales to the Permanent Representative of Israel to the United Nations as well as the Permanent Representatives of the other Member States, requesting them to convey any information the Governments could provide concerning the implementation of the various provisions of the resolutions. The report indicated that in his reply the Permanent Representative of Israel had merely referred to a statement made by the representative of Israel at a plenary meeting of the General Assembly, which did not concern the question of Jerusalem. The texts of the replies received from other Member States were annexed to the report.

280. In its resolution 39/146 C of 14 December 1984, the General Assembly reiterated the provisions of resolution 38/180 C referred to above, and requested the Secretary-General to report on the question at its next regular session.

(g) *Functions exercised in connection with the action taken by Israel to alter the character and legal status of the Syrian Arab Golan Heights*

281. On 17 December 1981, the General Assembly adopted resolution 36/226 B, by which it declared that Israel's decision to apply Israeli law to the occupied Syrian Arab Golan Heights was null and void, determined that the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War continued to apply to Syrian territory occupied by Israel since 1967, strongly deplored the persistence of the Israeli policy of annexation, demanded that Israel rescind forthwith its decision and all administrative and other measures relating to it, called upon all States and international institutions not to recognize that decision, and requested the Secretary-General to report to the Assembly and the Security Council not later than 21 December 1981.

282. Also on 17 December 1981, the Security Council adopted resolution 497 (1981), by which it decided that the decision referred to in General Assembly resolution 36/226 B was null and void, demanded its withdrawal, also determined that the aforementioned Convention continued to apply to Syrian territory occupied by Israel, and requested the Secretary-General to submit a report within two weeks.

283. On 21 December 1981, the Secretary-General submitted a report³¹⁰ in pursuance of General Assembly resolution 36/226 B and Council resolution 497 (1981). He stated that he had been in contact with the Permanent Mission of Israel to the United Nations regarding the implementation of the two resolutions and had been informed by the representative of Israel that the position of his Government remained as indicated in his statement before the Council at its 2319th meeting, on 17 December.

284. On 31 December 1981, the Secretary-General submitted another report³¹¹ in pursuance of Security Council resolution 497 (1981). He set out the text of a note verbale he had addressed to the representative of Israel on 21 December, seeking information regarding action which the Government of Israel had taken or envisaged taking in regard to the implementation of resolution 497 (1981), together with the text of the note verbale dated 29 December received from the representative of Israel. In his reply, the representative of Israel gave an account of developments since 1948. Israel, he added, was willing to negotiate unconditionally with the Syrian Arab Republic, as with its other neighbours, for lasting peace, in accordance with Security Council resolutions 242 (1967) and 338 (1973). The Golan Heights law, he pointed out, did not preclude or impair such negotiations.

285. By a further resolution adopted at its thirty-sixth regular session,³¹² as well as by a resolution adopted at its next regular session,³¹³ one adopted at its thirty-eighth regular session,³¹⁴ and two adopted at its thirty-ninth regular session,³¹⁵ the General Assembly again condemned the action taken by Israel to alter the character and legal status of the Syrian Arab Golan Heights, requesting the Secretary-General, in each resolution, for a report on the matter. In the report submitted by the Secretary-General in pursuance of the resolution adopted at the thirty-sixth regular session,³¹⁶ he referred to the two reports he had submitted in pursuance of the resolutions adopted at the next two regular sessions and informed the Assembly that he had sent a note verbale to the Permanent Representative of Israel, who had replied that the position of his Government was as set out in the letter reproduced in the report mentioned in para. 284 above.³¹⁷

(h) *Functions exercised in connection with the return of the persons displaced from the territories occupied by Israel since 1967*

286. At each of the regular sessions held during the period under review, the General Assembly adopted a

³⁰⁹A/39/533.

³¹⁰A/36/846. See also S C (36), Suppl. for Oct.-Dec. 1981, S/14805. ³¹¹Ibid., S/14821.

³¹²G A resolution 36/147 E.

³¹³G A resolution 37/88 E.

³¹⁴G A resolution 38/79 F.

³¹⁵G A resolutions 39/95 F and 39/146 B.

³¹⁶A/37/525. Also submitted to the Security Council; see S C (37), Suppl. for Oct.-Dec. 1982, S/15451.

³¹⁷See documents A/38/481 and A/39/532 and Corr.1.

resolution by which it called upon Israel to take immediate steps for the return of the displaced inhabitants of the occupied territories and to desist from all measures that obstructed their return, including measures affecting the physical and demographic structure of the territories, also requesting the Secretary-General to submit, after consulting the Commissioner-General of UNRWA, a report by or before the opening of the next regular session.³¹⁸

287. In each of the reports submitted pursuant to those resolutions, the Secretary-General stated that he had asked the Government of Israel for information on the implementation of the corresponding resolution and reproduced the text of the reply of that Government as well as the information received from the Commissioner-General of UNRWA.³¹⁹

(i) *Functions exercised in connection with excavations carried out by Israel in East Jerusalem*

288. By its resolution 36/15 of 28 October 1981, the General Assembly determined that excavations being carried out in East Jerusalem violated principles of international law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, demanded that Israel desist forthwith therefrom, requested the Security Council to consider the situation in case Israel failed to comply immediately with the resolution, and requested the Secretary-General to report to the Assembly and the Security Council not later than 23 November 1981 on the implementation of the resolution.

289. On 20 November 1981, in pursuance of resolution 36/15, the Secretary-General submitted a report³²⁰ to the General Assembly and the Security Council in which he set out the text of a note he had addressed to the Permanent Representative of Israel on 31 October and the reply thereto. In his reply, the representative of Israel said that the facts relating to the cleaning of the passage leading from the Western Wall to the Temple Mount at Jerusalem were accurately described in his letter dated 24 September 1981³²¹ and in his statements in the Special Political Committee and the plenary of the General Assembly on 26 and 28 October. Therefore, he added, the conclusions and the demands contained in resolution 36/15 were absolutely groundless.

(j) *Functions exercised in connection with a call by the General Assembly for strict respect for the territorial integrity, sovereignty, unity and political independence of Lebanon*

290. By its resolution 37/123 E of 16 December 1982, the General Assembly called for strict respect of the territorial integrity, sovereignty, unity and political independence of Lebanon, expressed support for the efforts of the Government of Lebanon to restore the exclusive authority of the Lebanese State throughout its territory up to the internationally recognized boundaries, and requested the Secretary-General to report on the implementation of the resolution. The report the Secretary-General submitted pursuant to that request was incorporated in the report he

submitted, at the thirty-eighth session, pursuant to General Assembly resolution 37/123 F.³²²

(k) *Submission of periodic reports covering in all their aspects the developments of the situation in the Middle East*

291. At each of the regular sessions held during the period under review, the General Assembly adopted a resolution requesting the Secretary-General to report to the Security Council periodically on the development of the situation in the Middle East and to submit to it at its next regular session a report covering, in all their aspects, the developments in that area.³²³

292. The Secretary-General fulfilled this dual reporting responsibility by submitting also to the Security Council the reports submitted to the General Assembly pursuant to these requests.³²⁴

(l) *Submission of reports on the question of Palestine and the occupied Arab territories*

293. By its resolution ES-7/2 of 29 July 1980, the General Assembly reaffirmed that a comprehensive, just and lasting peace in the Middle East could not be achieved without the withdrawal of Israel from all the occupied territories, including Jerusalem, and without the achievement of a just solution of the problem of Palestine on the basis of the attainment of the inalienable rights of the Palestinian people in Palestine, reaffirmed the right of the PLO to participate on an equal footing in all efforts, deliberations and conferences on the question of Palestine and the situation in the Middle East, called upon Israel to withdraw completely and unconditionally from all the occupied territories, including Jerusalem, requested and authorized the Secretary-General, in consultation with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to take the necessary measures towards the implementation of the recommendations of that body contained in its report to the General Assembly at its thirty-first session, and requested the Secretary-General to report to the Assembly at its thirty-fifth session on the implementation of the resolution.

294. In the report he submitted to the General Assembly at the thirty-fifth session, pursuant to that request,³²⁵

³²²A/38/458. See also S C (38), Suppl. for July-Sept. 1983, S/16015.)

³²³G A resolutions 34/70, 35/207, 36/226 A, 37/123 F, 38/180 D and 39/146 A.

³²⁴The reports are the following: A/35/563 (see also S C (35), Suppl. for Oct.-Dec. 1980, S/14234); A/36/655 (see also S C (36), Suppl. for Oct.-Dec. 1981, S/14746); A/37/525 (see also S C (37), Suppl. for Oct.-Dec. 1982, S/15451); A/38/458 (see also S C (38), Suppl. for July-Sept. 1983, S/16015); and A/39/600 (see also S C (39), Suppl. for Oct.-Dec. 1984, S/16792). The report submitted at the thirty-seventh session (A/37/525) incorporated the reports requested by the General Assembly in its resolutions 36/147 E, ES-9/1 and ES-7/4. The report submitted at the thirty-eighth session (A/38/458) incorporated the reports requested by the General Assembly in its resolutions 37/86 D and E and 37/23 E.

³²⁵A/35/618. See also S C (35), Suppl. for Oct.-Dec. 1980, S/14250. The report was also submitted to the Security Council, since in resolution ES-7/2, the General Assembly had requested that the Council should meet in the event of non-compliance by Israel with the resolution and the reply from Israel to the Secretary-General did not indicate that Israel was disposed to comply with it.

³¹⁸G A resolutions 34/52 F, 35/13 E, 36/146 B, 37/120 G, 38/83 G and 39/99 G.

³¹⁹For the reports, see documents A/35/473, A/36/558, A/37/426, A/38/419 and A/39/411.

³²⁰A/36/706. See also S C (36), Suppl. for Oct.-Dec. 1981, S/14762.)

³²¹S C (36), Suppl. for July-Sept. 1981, S/14708.

the Secretary-General stated that, by a letter to the Permanent Representative of Israel, he had requested his Government to inform him of the measures taken or envisaged by it to implement resolution ES-7/2. In his reply, which was reproduced in the report, the Permanent Representative had referred to a relevant statement by the Foreign Minister of Israel before the General Assembly. In the report, the Secretary-General also made observation on measures that could be taken pursuant to the recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

295. By its resolution ES-9/1 of 5 February 1982, on the situation in the occupied Arab territories, the General Assembly declared that Israel's decision to impose its laws on the Syrian Golan Heights constituted an act of aggression under Article 39 of the Charter and was null and void, reaffirmed that the Hague Conventions of 1907 and the Geneva Convention relative to the Protection of Civilian Persons in Time of War continued to apply to that territory, strongly deplored the negative vote by a permanent member of the Security Council that had prevented the Council from adopting certain measures against Israel, deplored any support to Israel that encouraged it to commit acts of aggression and perpetuate its occupation and annexation of occupied territories, reaffirmed the overriding necessity of the withdrawal by Israel from those territories, declared that Israel's records and actions confirmed that it was not a peace-loving Member State, called upon all Members to apply a series of measures against Israel, urged all specialized agencies and international institutions to conform their relations with Israel to the terms of the resolution, and requested the Secretary-General to follow up its implementation and report thereon at intervals of two months to Member States as well as the Security Council and to submit a comprehensive report to the General Assembly at its thirty-seventh session under the item entitled "The situation in the Middle East".

296. By its resolution ES-7/4 of 28 April 1982 on the question of Palestine, the General Assembly reaffirmed the applicability of the Hague Conventions of 1907 and the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the territories occupied by Israel since 1967, including Jerusalem, demanded that Israel comply with all United Nations resolutions concerning Jerusalem, expressed its rejection of all policies and plans for the resettlement of the Palestinians outside their homeland, condemned a number of actions taken and policies adopted by Israel in the occupied territories as well as all policies frustrating the exercise of the inalienable rights of the Palestinian people, urged all Governments to recognize those rights and refrain from providing Israel with assistance, declared that Israel's records and actions confirmed that it was not a peace-loving State, demanded that Israel permit entry into the occupied territories of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, urged the Security Council to recognize the inalienable rights of the Palestinian people, called upon the Secretary-General, in concurrence with the Security Council and in consultation as appropriate with the Committee, to initiate contacts with all parties to the Arab-Israeli conflict in the Middle East, including the PLO, with a view to finding concrete ways and means to achieve a comprehensive, just and lasting solution conducive to peace, and re-

quested him to follow up the implementation of the resolution and to report thereon at appropriate intervals to Member States as well as to the Security Council and submit a comprehensive report to the General Assembly at its thirty-seventh session under the item entitled "Question of Palestine".

297. The reports submitted by the Secretary-General to the General Assembly pursuant to resolutions ES-9/1 and ES-7/4 were incorporated in the report he submitted to the General Assembly, at the thirty-seventh session, pursuant to resolution 36/226 A, and were accordingly also submitted to the Security Council.³²⁶

298. By its resolution 37/86 D of 10 December 1982 on the question of Palestine, the General Assembly took note of a declaration by the PLO of its intention to pursue its role in the solution of that question on the basis of the attainment by the Palestinian people of its inalienable rights in Palestine, reaffirmed that a comprehensive, just and lasting peace in the Middle East could not be established without the unconditional withdrawal of Israel from the Palestinian and other Arab territories occupied since 1967, including Jerusalem, requested the Security Council to discharge its responsibilities under the Charter and to recognize those inalienable rights, including the right to establish an independent Arab State in Palestine, and requested the Secretary-General to report on the progress made in implementing the resolution.

299. By its resolution 37/86 E of 20 December 1982 on the question of Palestine, the General Assembly declared all Israeli policies and practices of, or aimed at, annexation of the occupied Palestinian and other Arab territories, including Jerusalem, to be in violation of international law, demanded that Israel withdraw completely and unconditionally from those territories, including Jerusalem, urged the Security Council to facilitate the withdrawal process, recommended that, following the withdrawal, the territories be subjected to a short transitional period under United Nations supervision, during which the Palestinian people would exercise its right to self-determination, and requested the Secretary-General to report at the thirty-eighth session on the progress made in implementing the resolution.

300. The reports submitted by the Secretary-General pursuant to resolutions 37/86 D and E were incorporated in the report he submitted, at the thirty-eighth session, pursuant to resolution 37/123 F³²⁷ and were accordingly also submitted to the Security Council.

(m) *Functions exercised in connection with Palestine refugees in the Gaza strip*

301. At each of the regular sessions held during the period under review, the General Assembly adopted a resolution by which it called upon Israel to desist from the removal and resettlement of Palestine refugees from the Gaza Strip and from the destruction of their shelters, and requested the Secretary-General to report, after consulting

³²⁶A/37/525. See also S C (37), Suppl. for Oct.-Dec. 1982, S/15451. The Secretary-General complied with the request in resolution ES-9/1 for a report to the Security Council by a report submitted to it on 5 April 1982 and addenda thereto. S C (37), Suppl. for April-June 1982, S/14953 and Add.1; and *ibid.*, Suppl. for Oct.-Dec. 1982, S/14953/Add.2-3; see also A/37/169.

³²⁷A/38/458. See also S C (38), Suppl. for July-Sept. 1983, S/16015.

with the Commissioner-General of UNRWA, by or before the opening of the next regular session.³²⁸ In each of the reports submitted by the Secretary-General pursuant to those resolutions,³²⁹ he stated that he had consulted the Government of Israel on the matter and reproduced the reply received from it together with the information provided by UNRWA. In its replies, the Government of Israel stated that the stable and secure conditions which had prevailed in the Gaza District were the outcome of measures taken in 1971 by the Israeli authorities to curb terrorism.

(n) *Functions exercised in connection with Palestine refugees in the West Bank*

302. By its resolutions 38/83 J of 15 December 1983 and 39/99 of 14 December 1984, the General Assembly called upon Israel to abandon its plans to remove and resettle the Palestine refugees of the West Bank and destroy their camps and to refrain from any action that might lead to such results, requesting the Secretary-General, in cooperation with the Commissioner-General of UNRWA, to keep the matter under close supervision and report to the Assembly before the opening of the next session.

303. In the report submitted to the General Assembly on the matter at its thirty-ninth session,³³⁰ the Secretary-General stated that he had brought the matter to the attention of the Government of Israel, whose Permanent Representative had replied that his Government's position was set out in the statement made by the representative of Israel at the 98th plenary meeting of the General Assembly, on 15 December 1983. The Commissioner-General had pointed out that UNRWA did not envisage being involved in any plans such as those referred to in the resolution.

(o) *Functions exercised in connection with the case of Mr. Ziad Abu Eain*

304. By its resolution 36/171 of 16 December 1981, the General Assembly strongly deplored the action taken by the Government of the United States in extraditing to Israel Mr. Ziad Abu Eain, a Palestinian national charged by the Israeli authorities with the commission of a crime in Israel, demanded that he be immediately released, and requested the Secretary-General to report on the implementation of the resolution by 31 December 1981.

305. In a report dated 5 January 1982,³³¹ the Secretary-General stated that he had transmitted the text of the resolution to the Permanent Representatives of Israel and the United States by notes verbales in which he also requested information on the steps taken by the two Governments pursuant to the resolution. The texts of the replies received from the Permanent Representatives were attached to the report. The position of the Governments was that both the extradition and the prosecution to which Mr. Abu Eain was being subjected in Israel were proper.

306. By its resolution 38/79 A of 15 December 1983, the General Assembly, having heard a statement on the matter by the representative of the PLO and taking note of a report by the ICRC, condemned Israel for the fact that

one prisoner, Mr. Abu Eain, who had been registered before embarkation by delegates of ICRC at Tel Aviv Airport, had been taken at the last minute by the Israeli authorities, demanded his immediate release, as well as that of the other prisoners who had been duly registered to be freed from military command posts in southern Lebanon but had not in fact been released, and the securing of their transfer to Algiers, as agreed, through the good offices of ICRC, and requested the Secretary-General to report on the implementation of the resolution.

307. In a report submitted to the General Assembly at its thirty-ninth session,³³² the Secretary-General stated that he had sent the Permanent Representative of Israel a note verbale requesting information on the matter. At the time of reporting no reply had been received.

(p) *Functions in connection with the issue of special identity cards to Palestine refugees*

308. By its resolution 37/120 I of 16 December 1982, the General Assembly requested the Secretary-General to issue, in cooperation with the Commissioner-General of UNRWA, identification cards to all Palestine refugees and their descendants, irrespective of whether or not they were recipients of rations and services from UNRWA, as well as to all displaced persons and to those who had been prevented from returning to their homes as a result of the 1967 hostilities, and their descendants, and to report on the implementation of the resolution to the General Assembly at its thirty-eighth session.

309. In the report he submitted pursuant to that request,³³³ the Secretary-General pointed out that Palestinians registered with UNRWA, who numbered some 1.9 million persons, had already received identity cards from the Commissioner-General. With regard to the Palestinians not so registered, the Secretary-General stated that he had sought information from all Governments on the number of Palestinians residing in their territories but that the information received was insufficient to enable him to proceed further with the implementation of the resolution.

(q) *Functions exercised in connection with the protection of Palestine refugees in the territories occupied by Israel*

310. On 16 December 1982, the General Assembly adopted resolution 37/120 J, the operative part of which read in part as follows:³³⁴

"The General Assembly,

"...

"1. Urges the Secretary-General, in consultation with the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and pending the withdrawal of Israeli forces from the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, to undertake effective measures to guarantee the safety and security and the legal and human rights of the Palestine refugees in the occupied territories;

³²⁸G A resolutions 34/52 F, 35/13 F, 36/146 A, 37/120 E, 38/83 E and 39/99 E.

³²⁹For the reports, see documents A/35/473, A/36/559, A/37/425 and Corr.1, A/38/418 and A/39/457.

³³⁰A/39/372.

³³¹A/36/855.

³³²A/39/665

³³³A/38/382.

³³⁴The only provision of the operative part of the resolution not quoted above is paragraph 6, which concerned the provision of housing by the Commissioner-General of UNRWA to Palestine refugees in southern Lebanon.

"2. *Calls upon* Israel, the occupying Power, to release forthwith all detained Palestine refugees, including the employees of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

"3. *Also calls upon* Israel to desist forthwith from preventing those Palestinians registered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East as refugees in Lebanon from returning to their camps in Lebanon;

"4. *Further calls upon* Israel to allow the resumption of health, medical, educational and social services rendered by the United Nations Relief and Works Agency for Palestine Refugees in the Near East to the Palestinians in the refugee camps in southern Lebanon;

"5. *Requests* the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East to coordinate his activities in rendering those services with the Government of Lebanon, the host country;

"...

"7. *Requests* the Commissioner-General, in consultation with the Government of Lebanon, to prepare a report on the totality of the damage caused to the Palestine refugees and their property and to the Agency's facilities, as well as those of other international bodies, as a result of the Israeli aggression;

"8. *Requests* the Secretary-General, in consultation with the Commissioner-General, to report to the General Assembly before the opening of its thirty-eighth session on the implementation of the present resolution."

311. In the report he submitted to the General Assembly³³⁵ at its thirty-eighth session, pursuant to that request, the Secretary-General recalled, with regard to paragraph 1 of resolution 37/120 J, that before the adoption of the resolution the Legal Counsel had made a statement to the Special Political Committee concerning that paragraph. In his statement, the Legal Counsel had said that it was difficult to see how the Secretary-General could undertake effective measures to guarantee the safety and security and legal and human rights of the Palestine refugees without either effectively exercising certain sovereign powers, including police powers, in the occupied territories or exerting authority and control over the occupying Power itself. He had pointed out that international organizations acting within a given territory were obliged to act with the consent and, as necessary, the cooperation of the authorities in effective control of that territory. If such consent and cooperation were not forthcoming, the Secretary-General would be unable to undertake the measures required to fulfil the request contained in the resolution. In the report, the Secretary-General stated that he had brought the resolution to the attention of the Israeli Government and requested it to provide all available information relevant to its implementation. In his reply, the Permanent Representative of Israel to the United Nations had stated that his Government's position remained as stated in a prior communication to UNRWA. In that communication the Israeli Government had stated that it was aware of its forces' responsibilities for maintaining and ensuring the security of the population, including Palestinians, in the area under its control, that they would do their utmost to provide protection, both in and outside the refugee camps, and that they had detailed

a number of specific measures that had been taken for that purpose. In his report, the Secretary-General gave an account of the démarches that had been undertaken locally for the purpose of implementing resolution 37/120 J, stated that the education, health and relief services of UNRWA in southern Lebanon had gradually been re-established and transmitted information received from UNRWA in connection with paragraph 7 of the resolution.

312. On 15 December 1983, the General Assembly adopted resolution 38/83 I, in the preamble of which it took note of the Secretary-General's report. Paragraphs 1 to 6 inclusive of the resolution were almost identical with the identically numbered paragraphs of the operative part of resolution 37/120 J. In paragraph 7 of resolution 38/83 I, the Assembly called upon Israel to compensate UNRWA for the damage that its property and facilities had suffered as a result of the Israeli aggression. In paragraph 8, the Assembly requested the Secretary-General to report to it before the opening of the thirty-ninth session on the implementation of the resolution.

313. In the report he submitted pursuant to that request,³³⁶ the Secretary-General said that he had brought the resolution to the attention of the Israeli Government. The Permanent Representative of Israel to the United Nations had informed him that the position of his Government remained as stated in his prior communication and that the description of the situation given therein remained valid. The Secretary-General's report recalled the views expressed by the Legal Counsel referred to in his preceding report, adding that the Commissioner-General of UNRWA had continued his efforts, in consultation with the Secretary-General, to contribute to the safety and security of the refugees and the restoration of services to them. The report provided details in those respects and further described incidents affecting refugees in southern Lebanon, which had increased sharply. The report also provided information about the UNRWA employees in Lebanon who had been arrested by Israeli forces, most of whom had been released. With regard to the damage to its property and facilities resulting from the Israeli invasion of Lebanon, UNRWA had presented to the Israeli Government a claim in the amount of US\$ 4,381,867. No reply had as yet been received.

314. At its thirty-ninth session, the General Assembly adopted resolution 39/99 I of 14 December 1984, in the preamble of which the Assembly expressed deep concern at the lack of security of the Palestine refugees in occupied southern Lebanon, as well as distress at the suffering inflicted upon them by the Israeli invasion of Lebanon, and took note of the report of the Secretary-General. In paragraphs 1 and 2, the Assembly reiterated the exhortation to the Secretary-General made in paragraph 1 of resolution 37/120 J and held Israel responsible for the security of the Palestine refugees in occupied southern Lebanon, calling upon it to fulfil its obligations as the occupying Power in that regard. Paragraphs 3, 4 and 5 were, subject to a minor difference of a drafting nature, identical with paragraphs 2, 3 and 4, respectively, of resolution 37/120 J. In the remainder of the operative part of resolution 39/99 I, the Assembly called once again upon Israel to compensate UNRWA for the damage to its property referred to in reso-

³³⁵A/38/420 and Corr.1.

³³⁶A/39/538.

lution 38/83 I, and requested the Secretary-General, in consultation with the Commissioner-General, to report to it, before the opening of its fortieth session, on the implementation of the resolution.

(r) *Functions exercised in connection with Israeli practices relating to educational institutions in the occupied territories*

315. By resolutions adopted at its thirty-sixth, thirty-seventh and thirty-eighth sessions,³³⁷ the General Assembly condemned Israeli policies and practices against Palestinian students and faculty in schools, universities and other educational institutions in the occupied Palestinian territories, especially the policy of opening fire on students, also condemned the systematic Israeli campaign of repression against and closing of universities in those territories, restricting and impeding academic activities of Palestinian universities, demanded that Israel rescind all actions and measures against all educational institutions³³⁸ and comply with the Geneva Convention relative to the Protection of Civilian Persons in Time of War and requested the Secretary-General to report on the implementation of the resolutions.³³⁹

316. In reports submitted at the thirty-sixth, thirty-eighth and thirty-ninth sessions,³⁴⁰ the Secretary-General informed the Assembly that he had brought the resolution to the attention of the Government of Israel and requested it to provide him with information in that connection. Each report reproduced the reply from the Government of Israel, which defended the actions it had taken with respect to the educational institutions in question.

317. At its thirty-ninth session, the General Assembly, by its resolution 39/95 G of 14 December 1984, once again censured, in the same terms as in the corresponding resolutions adopted at its last two sessions, the policies and activities in question of the Israeli occupation authorities and requested the Secretary-General to submit a report to it on the implementation of the resolution at its fortieth session.

(s) *Functions exercised in connection with Israel's decision to build a canal linking the Mediterranean Sea to the Dead Sea*

318. In the preamble to its resolution 36/150 of 16 December 1981, the General Assembly reaffirmed the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the territories occupied by Israel, including Jerusalem, also expressing concern that the Israeli project to build a canal linking the Mediterranean Sea and the Dead Sea, to be constructed partly through the Palestinian territories occupied since 1967, was in violation of international law and would cause direct and irreparable damage to the rights and interests of Jordan and the Palestinian people. In the operative part of the resolution, the Assembly demanded that Israel cease forthwith the implementation of the project, requested

the Security Council to consider initiating measures to halt its execution, and requested the Secretary-General to prepare and submit to the Assembly and the Security Council, by 30 June 1982, a study on the canal and its effects on Jordan and the Palestinian territories occupied since 1967.

319. On 30 June 1982, the Secretary-General submitted to the General Assembly and the Security Council the study requested,³⁴¹ which had been prepared by three United Nations experts on the basis of their visits to Jordan and Israel. The experts had been told that the decision to proceed with the project would be taken when a feasibility study that was under way had been concluded. Completion of the project was envisaged around 1990. The experts concluded that the rise in the level of the Dead Sea would be the most obvious effect of the project, which could flood or affect some surrounding infrastructure, lands earmarked for agricultural development, archaeological sites and some mining projects; the project would also affect the quality of the Dead Sea water. In the West Bank and the Gaza Strip, the effects of leakage from the conveyance of sea water were under study.

320. In the preamble to its resolution 37/122 of 16 December 1982, the General Assembly took note of the report of the Secretary-General and stated that the proposed canal would cause direct, serious and irreparable damage to Jordan's rights and interests. In the operative part of the resolution, the Assembly deplored the non-compliance by Israel with resolution 36/150, emphasized that the canal, if constructed, would be a violation of international law, demanded that Israel not construct the canal and cease forthwith all actions and/or plans towards the implementation of the project, requested the Secretary-General to monitor and assess, on a continuing basis and through a competent expert organ, all aspects—juridical, political, economic, ecological and demographic—of the adverse effects on Jordan and on the Arab territories occupied since 1967, including Jerusalem, arising from the implementation of the Israeli decision to construct the canal and to forward the findings of that organ on a regular basis to the General Assembly. The Assembly also requested the Secretary-General to report to it at its thirty-eighth session on the implementation of the resolution.

321. Annexed to the report submitted pursuant to the above request³⁴² was a report by four United Nations experts who had had travelled to Jordan, visiting in particular various areas on the Dead Sea. They had not been able to visit Israel since the Government of that country had not considered that their visit would serve any useful purpose. In their report, the experts dealt with the legal dimensions, and the impacts on potash production, agriculture, settlements, infrastructure, recreation and health care facilities, archaeological sites and environment in Jordan. The experts observed that, from the evidence available, it appeared that the Israeli proposal to divert water from the Mediterranean Sea into the Dead Sea was, from a strictly technical point of view, feasible. However, they cautioned, insofar as the proposed route crossed the Gaza Strip, principles of international law relating to belligerent occupation would be applicable; specifically, a permanent installation constructed in an occupied territory for the benefit

³³⁷G A resolutions 36/147 F, 37/88 F and 38/79 G.

³³⁸Resolution 36/147 F differed from the other two resolutions in that it referred to the closure of three particular universities. This was the only variation of substance in the texts of the three resolutions.

³³⁹In resolution 36/147 F, the Assembly requested a report by the end of 1981; in resolution 37/88 F by the end of 1983; and in resolution 38/79 G before the end of 1984.

³⁴⁰Documents A/36/853, A/38/483 and A/39/501, respectively.

³⁴¹A/37/328. See also S C (37), Suppl. for April-June 1982, S/15277.

³⁴²A/38/502.

of the occupying State would encounter "unsurmountable legal obstacles". In the experts' view, Jordan would suffer appreciable harm, at least with respect to its vital potash industry. Under prevailing legal views, Jordan's consent would be an essential precondition for implementing the project. Losses in other sectors appeared very difficult to assess except in broad qualitative terms, there being, however, uncertainties with respect to certain matters. Material submitted by Israel subsequent to the experts' report was contained in an addendum to the report.³⁴³

322. At its thirty-eighth session, the General Assembly adopted resolution 38/85 of 15 December 1983, by which it deplored Israel's non-compliance with resolution 37/122 and its refusal to receive the team of experts and requested the Secretary-General to report on the implementation of the resolution at its thirty-ninth session. In all other respects, resolution 38/85 was identical with resolution 37/122.

323. In the report submitted pursuant to resolution 38/85,³⁴⁴ the Secretary-General stated that a team of United Nations experts had been able to visit Jordan, but not Israel or the occupied territories. The report of the team was annexed to the Secretary-General's report; in it the experts assessed the impact of the canal project on agriculture, mineral production and recreation, tourism and health care facilities.

324. At its thirty-ninth session, the General Assembly adopted resolution 39/101 of 14 December 1984, by which it deplored Israel's non-compliance with resolutions 37/122 and 38/85, reiterated the request made to the Secretary-General in resolution 38/85 with respect to monitoring and assessing the adverse effects on Jordan and Arab territories of the project, and requested him to report to the Assembly at its fortieth session on the implementation of the resolution. In all other substantive aspects, resolution 39/101 was, subject to minor variations, identical with resolution 38/85.

(t) *Functions in connection with the restitution by Israel of Palestinian cultural property*

325. By its resolution 38/180 B of 19 December 1983, the General Assembly noted that the Israeli army had, during its occupation of Beirut, seized and taken away Palestinian cultural property of a documentary nature, condemned those acts of plundering of the Palestinian cultural heritage, called upon the Government of Israel to make full restitution, through UNESCO, of all the property in question, and requested the Secretary-General to report on the implementation of the resolution at its thirty-ninth session.

326. No report pursuant to the above request was submitted by the Secretary-General at that session.

(u) *Functions in connection with the permanent sovereignty over national resources in the occupied Arab territories*

327. By resolutions adopted from its thirty-fourth to its thirty-seventh sessions,³⁴⁵ the General Assembly, *inter*

³⁴³A/38/502/Add.1. In a further addendum to the report (A/38/502/Add.2), it explained that the material submitted by Israel and published in A/38/502/Add.1 had been received subsequent to the conclusion of the experts' report.

³⁴⁴A/39/142.

³⁴⁵G A resolutions 34/136, 35/110, 36/173 and 37/135. Resolution 36/173 condemned Israel for having refused to allow United Nations consultants access to the occupied territories, resolution 37/135 condemned Israel for its exploitation of the national resources of the occupied territories. Aside from these divergences, the substantive variations in the language of the resolutions were minor.

alia, emphasized the rights of the Palestinian and other Arab peoples whose territories were under Israeli occupation to full permanent sovereignty and control over their natural and other resources, reaffirmed that all measures taken by Israel to exploit the resources, wealth and economic activities in the occupied and other Arab territories were illegal and called upon Israel to desist from such measures, further reaffirmed the right of the Palestinian and other Arab peoples subjected to Israeli aggression and occupation to the restitution of and compensation for the impairment of their natural resources, called upon all States to support the peoples concerned in the exercise of those rights, and called upon States and all other entities not to recognize measures undertaken by Israel to exploit the national resources of the occupied Palestinian and other Arab territories.

328. Each of those resolutions asked the Secretary-General for a report or reports on its implementation.³⁴⁶

329. In its resolution 36/146 C of 16 December 1981, the General Assembly took note of the completion and evaluation of Arab property, as announced by the United Nations Conciliation Commission for Palestine and, in paragraph 1, requested at the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection and administration of Arab property, assets and property rights in Israel and to establish a fund for the receipt of income derived therefrom, on behalf of their rightful owners. The Assembly requested the Secretary-General to report to it at its next session on the implementation of the resolution. At the following two sessions the Assembly adopted resolutions 37/120 H of 16 December 1982 and 38/83 H of 15 December 1983 on the same issues, with the same wording as paragraph 1, resolution 36/146 C.

330. The reports submitted by the Secretary-General in pursuance of those resolutions³⁴⁷ indicated that the Secretary-General had requested Israel to communicate to him any information it could provide on the implementation of the provisions of the resolutions, as soon as possible and preferably by a set date. Israel only responded to the 1982 and 1983 requests, stating that the position of its Government regarding the matter had been set out fully by its representative in the Special Political Committee of the General Assembly on 10 November 1981. The Secretary-General had also sent notes verbales to all Member and non-member States, drawing their attention to the relevant provisions of the resolutions and requesting information in regard to their implementation. The Syrian Arab Republic responded on 21 September 1982 to the request, stating that its competent authorities did not keep records of Palestinian refugee properties in Palestine and revenue and that such information should be provided by the United Nations Commission for Palestine and by the Secretary-General. Cyprus responded on 12 October 1984 with a message of solidarity to the people of Palestine. No other State responded to the Secretary-General.

³⁴⁶For the reports submitted by the Secretary-General pursuant to the resolutions, see documents A/36/648, A/38/265 and A/38/282. The reports had been prepared by consultants. In a note submitted at the thirty-fifth session (A/35/514), the Secretary-General stated that he had been unable to submit a report inasmuch it had been impossible to engage consultant services.

³⁴⁷For the reports, see documents A/37/488 and Corr.1, A/38/361 and Add.1 and A/39/464 and Add.1.

331. In its resolution 39/99 H of 14 December 1984, the General Assembly, after repeating the language of paragraph 1, resolution 36/146 C, deplored Israel's refusal to render all facilities and assistance to the Secretary-General in the implementation of the resolutions on the question of revenues derived from Palestine refugees, and requested the Secretary General to report to the Assembly at its next session.

332. By its resolution ES-7/6 of 19 August 1982, the General Assembly requested the Secretary-General and organizations of the United Nations system, in co-operation with ICRC and other non-governmental organizations, to investigate the strict application by Israel of the provisions of the Geneva Conventions of 1949 on victims of war and other instruments in the case of those detained. During the period under review, no report was submitted by the Secretary-General on action taken pursuant to that request.

3. FUNCTIONS EXERCISED WITH RESPECT TO THE SITUATION IN CYPRUS

(a) *Functions relating specifically to the United Nations Peacekeeping Force in Cyprus (UNFICYP)*

333. The United Nations Peacekeeping Force in Cyprus (UNFICYP) remained in existence throughout the period under review, in which the stationing of the Force in Cyprus was extended 12 times by the Security Council, each time for a period of six months.³⁴⁸ Council resolution 186 (1964), which defined the mandate of the Secretary-General in respect of the situation in Cyprus³⁴⁹ and had been reaffirmed by the Council during the period covered by the *Repertory, Supplement No. 5*,³⁵⁰ was further reaffirmed by the Council during the period under review.³⁵¹ No changes were made in the resolutions adopted by the Council in connection with the events that occurred as from 15 July 1974, some of which affected the functioning of UNFICYP, requiring it in some cases to perform certain additional or modified functions, relating in particular to the maintenance of a ceasefire.³⁵² The various agreements concerning UNFICYP, the Regulations of UNFICYP and its method of financing also remained unchanged. The guiding principles governing the operations of UNFICYP, as formulated by the Secretary-General in 1964, remained in effect.³⁵³ The office of the Special Representative of the Secretary-General in Cyprus was maintained throughout the period under review.³⁵⁴

334. Each of the 12 resolutions which were adopted in either June or December of a given year by the Security Council during the period under review extended the sta-

tioning of the Force in Cyprus and requested the Secretary-General to report on the implementation of the resolution two weeks prior to the expiration of the period for which the stationing had been extended. In each of the reports submitted during the period under review, the Secretary-General gave an account of the composition and deployment of UNFICYP, its operations in the areas of liaison and cooperation with local authorities, maintenance of the ceasefire and status quo and protection against mines. The reports also described the humanitarian functions of UNFICYP and its efforts towards a normalization of conditions, as well as its role in the maintenance of law and order.³⁵⁵

(b) *Functions pertaining to the good offices mission of the Secretary-General*

(i) *Security Council and General Assembly resolutions pertaining to the Secretary-General's good offices mission*

335. By its resolution 451 (1979) of 15 June 1979, the Security Council urged the parties to the conflict in Cyprus to proceed with the inter-communal talks within the framework of the 10-point agreement³⁵⁶ in a continuing, sustained and results-oriented way, and requested the Secretary-General to continue his mission of good offices, keep the Council informed of the progress made and submit a report on the implementation of the resolution, by which the Council extended the stationing in Cyprus of UNFICYP for six months, until 30 November 1979.

336. By its resolution 34/30 of 20 November 1979, the General Assembly requested the Secretary-General to continue to provide his good offices for the negotiations between the representatives of the two Cypriot communities, called for the urgent resumption of those negotiations under his auspices, and requested the Secretary-General to report to it by 31 March 1979 on the progress achieved in the negotiations.

337. By its resolutions 458 (1979) and 472 (1980), of 14 December 1979 and 13 June 1980, respectively, the Security Council urged the parties to resume the inter-communal talks within the framework of the 10-point agreement, requested the Secretary-General to continue his mission of good offices, keep the Council informed of the progress made and submit reports on the implementation of the resolutions, by each of which the Council extended the stationing in Cyprus of UNFICYP for a period of six months, by no later than two weeks prior to the end of each period.

338. By its resolutions 482 (1980) of 11 December 1980, 486 (1981) of 4 June, 495 (1981) of 14 June and 14 December 1981, respectively, and resolutions 510 (1982) and 526 (1982) of 15 June and 14 December 1982, respec-

³⁴⁸S C resolutions 451 (1979), 458 (1979), 472 (1980), 482 (1980), 486 (1981), 495 (1981), 510 (1982), 526 (1982), 534 (1983), 544 (1983), 553 (1984) and 559 (1984).

³⁴⁹*Repertory, Supplement No. 3*, vol. IV, under Article 98, para. 459.

³⁵⁰*Ibid.*, *Supplement No. 5*, vol. V, under Article 98, para. 366.

³⁵¹In the resolutions cited in note 348 above.

³⁵²*Repertory, Supplement No. 5*, vol. V, under Article 98, paras. 380 to 399, with particular reference to paras. 383 and 384.

³⁵³The Secretary-General continued to express his concern over the method adopted for financing UNFICYP. See, for example, S C (34), Suppl. for April-June 1979, S/13369, para. 66.

³⁵⁴By a note issued on 15 April 1980, the Secretary-General announced the appointment of a new Special Representative. S C (35), Suppl. for April-June 1980, S/13894.

³⁵⁵S C (34), Suppl. for April-June 1979, S/13369 and Add.1; *ibid.*, Suppl. for Oct.-Dec. 1979, S/13672 and Add.1; S C (35), Suppl. for April-June 1980, S/13972 and Add.1; *ibid.*, Suppl. for Oct.-Dec. 1980, S/14275 and Add.1; S C (36), Suppl. for April-June 1981, S/14490 and Add.1; *ibid.*, Suppl. for Oct.-Dec. 1981, S/14778 and Add.1; S C (37), Suppl. for April-June 1982, S/15149 and Add.1; *ibid.*, Suppl. for Oct.-Dec. 1982, S/15502 and Add.1; S C (38), Suppl. for April-June 1983, S/15812 and Add.1; *ibid.*, Suppl. for Oct.-Dec. 1983, S/16192 and Add.1; S C (39), Suppl. for April-June 1984, S/16596 and Add.1; and *ibid.*, Suppl. for Oct.-Dec. 1984, S/16858 and Add.1.

³⁵⁶See para. 342 below.

tively, the Security Council noted that the parties had resumed the inter-communal talks within the framework of the above-mentioned agreement and urged them to continue those talks, requested the Secretary-General to continue his good offices mission, keep the Council informed of the progress made and submit reports on the implementation of the resolutions, by each one of which the Council extended the stationing of UNFICYP in Cyprus for a period of six months, by no later than two weeks prior to the end of each period.

339. By its resolution 37/253 of 13 May 1983, the General Assembly called for further negotiations between the two Cypriot communities under the auspices of the Secretary-General and welcomed his intention, as expressed in a report it had received from him,³⁵⁷ to pursue a renewed personal involvement in the quest for a solution to the problem of Cyprus, requesting him accordingly to undertake such actions or initiatives as he might consider appropriate within the framework of his good offices mission and to report to the Assembly at its next regular session on the results of his efforts.

340. By its resolutions 534 (1983) and 544 (1983), of 15 June and 15 December 1983 respectively, and 553 (1984) and 559 (1984), of 15 June and 14 December 1984 respectively, the Security Council requested the Secretary-General to continue his good offices mission,³⁵⁸ keep the Council informed of the progress made and submit reports on the implementation of the resolutions, by each of which the Council extended the stationing in Cyprus of UNFICYP for a period of six months, by no later than two weeks prior to the end of each period.

341. In its resolution 541 (1983), of 18 November 1983, which concerned more specifically a declaration by the Turkish Cypriot authorities of 15 November 1983 purporting to create an independent State in northern Cyprus, an action it deplored, the Security Council requested the Secretary-General to pursue his good offices mission. In its resolution 550 (1984), of 11 May 1984, which concerned more specifically further secessionist acts in the occupied part of Cyprus, the Security Council reaffirmed the mandate of good offices given to the Secretary-General and also called upon the parties to cooperate with him in his good offices mission.

(ii) *Reports of the Secretary-General*³⁵⁹

342. In his report on the United Nations operation in Cyprus for the period from 1 December 1978 to 31 May 1979,³⁶⁰ the Secretary-General described in detail the ef-

forts he had undertaken, within the framework of the mission of good offices entrusted to him by the Security Council, to initiate an effective negotiating process with a view to achieving a just and lasting settlement of the Cyprus problem. Those efforts, which had been pursued intensively during the period under review, had culminated in the high-level meeting held at UNFICYP headquarters at Nicosia on 18 and 19 May under the personal auspices of the Secretary-General. In the course of that meeting, agreement had been reached on a basis for the resumption of the inter-communal talks on 15 June, as recorded in a 10-point communiqué. In the Secretary-General's view, the 19 May agreement constituted a heartening outcome of the high-level meeting and an appropriate response to the wish expressed by the Security Council in its resolution 440 (1978). The Secretary-General emphasized, however, that although the agreement delineated the basis and priority for the forthcoming talks, it did not resolve the substantive differences confronting the parties. He urged them to demonstrate the necessary political will and statesmanship during the delicate negotiating process and to exercise restraint in their public statements.

343. At a meeting of the Security Council held on 15 June 1979, the Secretary-General stated that the inter-communal talks had just been resumed.³⁶¹

344. In his report on the United Nations operation in Cyprus for the period from 1 June to 30 November 1979,³⁶² the Secretary-General said that attention had focused on the efforts to translate into reality the negotiating process delineated in the 10-point agreement. Unfortunately, the momentum generated at that time had not been sustained when the inter-communal talks resumed on 15 June, and the interlocutors had been unable to take up the substantive aspects of the Cyprus problem in accordance with the priorities laid down in the 10-point accord. After nearly five years of intermittent talks, the Secretary-General pointed out, the credibility of that negotiating method hung in the balance and he had indicated to the parties that he was prepared to reconvene the talks, if possible early in 1980, with the intention of pursuing them in a continuing and sustained manner.

345. In his report on the United Nations operation in Cyprus for the period from 1 December 1979 to 31 May 1980,³⁶³ the Secretary-General described in detail the efforts undertaken within the framework of his mission of good offices to reopen the negotiating process designed to achieve a just and lasting settlement of the Cyprus problem and to overcome the difficulties that had brought the inter-communal talks to a standstill in June 1979. Though it had not proved possible to find an acceptable compromise formula, the Secretary-General had received wide-ranging indications of support for his continuing efforts and had asked Mr. Javier Pérez de Cuéllar, Under-Secretary-General for Special Political Affairs, to undertake a visit to Cyprus beginning on 6 June in that connection. The Secretary-General expressed the hope that the remaining difficulties that stood in the way of a resumption of the negotiating process might be resolved as rapidly as possible, as he continued to consider that the talks, if properly

³⁵⁷A/37/805 and Corr.1.

³⁵⁸In resolution 534 (1983) the Council also noted with satisfaction that the parties had resumed the inter-communal talks within the framework of the 10-point agreement (see para. 342 below) and urged them to pursue them.

³⁵⁹Information on the implementation of the Secretary-General's good offices mission is also contained in the reports he submitted to the General Assembly pursuant to Assembly resolutions 34/30 and 37/253, in which it requested him to report on all aspects of the Cyprus question. Since that information covers largely the same ground, insofar as the good offices mission is concerned, as the reports on Cyprus he submitted to the Security Council, only the information on that mission contained in those reports is taken into account under this heading. For the reports submitted under General Assembly resolutions 34/30 and 37/253, see documents A/34/620 submitted in pursuance of resolutions 33/15 and Corr.1, A/35/161, A/35/659, A/36/702 and A/37/805 and Corr.1.

³⁶⁰S C (34), Suppl. for April-June 1979, S/13369 and Add.1.

³⁶¹S C (34), 2150th mtg., para. 7.

³⁶²*Ibid.*, Suppl. for Oct.-Dec. 1979, S/13672 and Add.1.

³⁶³S C (35), Suppl. for April-June 1980, S/13972 and Add.1.

used, still represented the best available method for negotiating a political settlement of the Cyprus problem.

346. In a report dated 11 August 1980,³⁶⁴ the Secretary-General stated that, in pursuance of his mission of good offices, the inter-communal talks had been resumed on 9 August. He attached the text of the opening statement presented on his behalf.

347. At a Security Council meeting held on 26 November 1980,³⁶⁵ the Secretary-General said that he would continue to maintain personal contact with the parties from time to time with a view to reviewing periodically the progress of the talks.

348. In his report on the United Nations operation in Cyprus for the period from 1 June to 30 November 1980,³⁶⁶ the Secretary-General said that a substantial step forward had been achieved when the inter-communal talks had been formally resumed on 9 August. While progress had been slow, the discussion, on the whole, had been constructive.

349. In his report on the United Nations operation in Cyprus for the period from 1 December 1980 to 27 May 1981,³⁶⁷ the Secretary-General said that, in the framework of his mission of good offices, the inter-communal talks in Cyprus had continued in a generally constructive atmosphere, although, regrettably, with limited practical results. A more intensive pace of those deliberations was planned as from the beginning of July, following both sets of elections. The Secretary-General had maintained direct personal contact at appropriate levels with all concerned, with a view to facilitating the negotiations and exploring possible new approaches. During the first months of the year, those contacts had led to intensive efforts by his representatives, in consultation with the parties, to devise the basis and content of a partial interim agreement that would take into account the matters to which the 10-point accord of 19 May 1979 assigned priority or special importance. While there had been some advance in conceptualizing that approach, difficulties, though not insuperable ones, remained with regard to its possible impact on the political and legal positions of the parties, the geographical scope and the nature of the new regime for Varosha and the method and extent of the easing of economic restrictions in connection with the reopening of the Nicosia international airport.

350. In his report on the United Nations operation in Cyprus for the period from 28 May to 30 November 1981,³⁶⁸ the Secretary-General stated that the search for a just and lasting solution to the Cyprus problem had undergone a rapid evolution during the period under review. Both interlocutors in the inter-communal talks had submitted new or revised proposals. For the first time, both sides had put forward concrete territorial arrangements, with maps, in addition to constitutional arrangements, as the proposed basis for a comprehensive settlement. On 22 October, the Special Representative of the Secretary-General had submitted, on his behalf, the elements of an evaluation of the status of the negotiations with regard to some aspects of the Cyprus problem. The Secretary-General

expressed his hope that the consideration at the inter-communal talks of an "evaluation" paper, which had been drawn up in the exercise of his good offices mission and which analysed the position of the parties and sought to identify certain major points of coincidence and equidistance, would mark the beginning of a new and fruitful phase in the long search for a negotiated settlement.

351. In his report on the United Nations operation in Cyprus for the period from 1 December 1981 to 31 May 1982,³⁶⁹ the Secretary-General said that the search for a negotiated, just and lasting settlement of the Cyprus problem had entered a new phase. At the inter-communal talks in Nicosia, the two interlocutors, under the auspices of his Special Representative, on 7 January had embarked on a systematic review of the main elements of the constitutional aspect. They had been following the "evaluation" paper as a method of discussion and a framework for the talks. The interlocutors had succeeded in arriving at common formulations of the "points of coincidence" in a number of cases. In addition, there had been a significant narrowing of differences as regards many of the general provisions of the Constitution, as well as of the articles concerning fundamental rights and liberties and certain organs of the federal government. This did not mean that the well-known major substantive elements of the Cyprus problem were about to be resolved. They were, however, being systematically reconsidered, reformulated and reduced. When this task was completed, it would still be necessary to undertake the difficult and politically challenging enterprise of devising solutions for the major unresolved issues in the constitutional and territorial fields. Those solutions would require an effort of synthesis with the objective of producing an overall package.

352. In his report on the United Nations operation in Cyprus for the period from 1 June to 30 November 1982,³⁷⁰ the Secretary-General stated that the new phase of his mission of good offices, which had been initiated at the inter-communal talks in Nicosia on 7 January 1982, had continued at a steady pace and in a constructive atmosphere during the reporting period. The interlocutors, who continued to follow the "evaluation" paper submitted by his Special Representative on 18 November 1981, had completed the discussion of almost all the constitutional aspects and were about to begin an examination of the territorial aspects, thereby marking the completion of the first round of the current phase, which would have achieved most of its objectives. The Secretary-General expressed the hope that the necessary political will would be demonstrated to enable the next stage of the negotiations on the unresolved key issues to be undertaken as soon as possible.

353. In his report on the United Nations operation in Cyprus for the period from 1 December 1982 to 31 May 1983,³⁷¹ the Secretary-General said that, during the period under review, the inter-communal talks had continued in Nicosia on a regular basis and that the "evaluation" paper continued to be used as a structured, substantive method of discussion. The Secretary-General had undertaken to strengthen his personal involvement within the framework of his mission of good offices to follow up on the work done during the current phase of the inter-communal talks,

³⁶⁴Ibid., Suppl. for July-Sept. 1980, S/14100. The report was also submitted to the General Assembly under the symbol A/35/385.

³⁶⁵S/PV. 2257, pp. 2-6.

³⁶⁶S C (35), Suppl. for Oct.-Dec. 1980, S/14275 and Add.1.

³⁶⁷S C (36), Suppl. for April-June 1981, S/14490 and Add.1.

³⁶⁸Ibid., Suppl. for Oct.-Dec. 1981, S/14778 and Add.1.

³⁶⁹S C (37), Suppl. for April-June 1982, S/15149 and Add.1.

³⁷⁰Ibid., Suppl. for Oct.-Dec. 1982, S/15502 and Add.1.

³⁷¹S C (38), Suppl. for April-June 1983, S/15812 and Add.1.

to give fresh impetus to the talks and to pursue the search for a mutually acceptable, just and lasting settlement. The Secretary-General reiterated the hope that the inter-communal talks could be resumed as soon as possible on the existing and mutually accepted basis, which remained valid. He appealed to all concerned to show the utmost restraint.

354. In his report on the United Nations operation in Cyprus for the period from 1 June 1983 to 30 November 1983,³⁷² the Secretary-General said that the Turkish Cypriot interlocutor at the inter-communal talks had, on the ground that General Assembly resolution 37/253 undermined the basis of the inter-communal negotiations, declined to attend the talks. The Secretary-General had, however, in pursuance of his strengthened personal involvement, met with representatives of both sides and conveyed to them informal and confidential soundings on ways and means of furthering the negotiating process. Both sides had been receptive in that regard. The Secretary-General had made it clear to both sides that he was ready to lend his good offices to arrange for a high-level meeting suggested by the leader of the Turkish community, a matter on which the personal representative of the Secretary-General initiated consultations with both sides. Contacts with them had continued following the proclamation by the Turkish Cypriot community of an independent State.³⁷³ In this regard, the Secretary-General had urged all concerned to observe the provisions of Security Council resolution 541 (1983), in which the Council had deplored that development, calling upon the parties to cooperate fully with the Secretary-General in his good offices mission.

355. In a report submitted on 1 May 1984 pursuant to resolution 544 (1983),³⁷⁴ the Secretary-General recalled that the leader of the Turkish community, when addressing the Security Council on 17 November 1983, had submitted a "peace package", declaring his readiness to negotiate, within the framework of the Secretary-General's good offices mission, on certain subjects. They included the establishment of an interim administration in Varosha under United Nations auspices and the reopening of Nicosia international airport for civilian traffic under interim United Nations administration. On 18 November, the Spokesman of the Secretary-General had stated that the Secretary-General considered the suggested responsibilities in respect of Varosha and Nicosia international airport to be within his authority. Following contacts with the leader of the Turkish Government, a proposed United Nations declaration on Varosha was conveyed to the Secretary-General by his acting Special Representative. On 2 January 1984, the leader of the Turkish community conveyed to the Secretary-General a proposal for certain goodwill measures with regard to Varosha and the reopening of the airport. Comments thereon and a further proposal had been received from the President of Cyprus and transmitted to the leader of the Turkish community. The Secretary-General had then discussed with the Turkish Government certain ideas for revitalizing the negotiating process. In February, the Secretary-General discussed with the President of Cyprus a proposed approach, for improving the situation on an interim basis, concerning certain disputed

issues in order to facilitate a high-level meeting leading to a resumption of the inter-communal dialogue. In March, the Secretary-General sought, through his acting Special Representative, to discourage the Turkish Cypriot authorities from carrying out their intention of adopting a flag of their own. Later in March, the Secretary-General handed to the leader of the Turkish community the text of an understanding he proposed between the parties and himself. It provided in particular that no further steps were to be taken to internationalize the Cyprus problem, that neither side would increase the military forces on the island and that the Varosha area would be placed under interim United Nations administration as part of the buffer zone controlled by UNIFCYP. Under the understanding the parties would further accept a call by the Secretary-General for the holding of a high-level meeting. Following a discussion with the Foreign Minister of Cyprus, the Secretary-General had in March responded to a request by the leader of the Turkish community for clarification of the understanding. In April, following an announcement by the latter that his community could conduct a constitutional referendum and elections later in 1984, the Special Representative of the Secretary-General delivered to the leader of the Turkish community in Cyprus a letter from the Secretary-General to the effect that such action would tend to prejudice an essential part of the Secretary-General's proposals. The Special Representative had received the reply of the Turkish community's leader to the letter, discussed the matter with the President of Cyprus and reported to the Secretary-General in New York. The Secretary-General concluded his report by stating that it was for the Security Council to assess the situation, characterized by developments that spoke for themselves, and to decide on how to revitalize the search for a peaceful settlement.

356. In his report on the United Nations operation in Cyprus for the period from 1 December 1983 to 31 May 1984,³⁷⁵ the Secretary-General stated that since the adoption of Security Council resolution 550 (1984) on 11 May 1984, he had held separate meetings with the President of Cyprus and the leader of the Turkish community and that he would continue his contacts with both sides.

357. In his report on the United Nations operation in Cyprus for the period from 1 June to 12 December 1984,³⁷⁶ the Secretary-General said that, following a series of separate contacts he had had with the two sides, at which he had presented and discussed with them, as an integrated whole, a preliminary draft for a joint high-level agreement, he had announced, on 12 December, that the parties had agreed to hold a joint high-level meeting, under his auspices, at a place to be decided, beginning on 17 January 1985.

(c) *Functions under General Assembly resolutions 34/30 and 37/253*

358. By each of these resolutions, which are mentioned above in connection with the Secretary-General's good offices mission,³⁷⁷ the General Assembly requested him to report to it at its next session.³⁷⁸

³⁷²Ibid., Suppl. for Oct.-Dec. 1983, S/16192 and Add.1.

³⁷³See in this connection the statement that had been made by the Secretary-General at the 2497th meeting of the Security Council, on 17 November 1983. (S/PV.2497, pp. 7-12).

³⁷⁴S C (39), Suppl. for April-June 1984, S/16519.

³⁷⁵Ibid., S/16596 and Add. 1-2.

³⁷⁶Ibid., Suppl. for Oct.-Dec. 1984, S/16858 and Add 1.

³⁷⁷See para. 336 and 339.

³⁷⁸The reports are cited in note 359 above. No report was submitted to the General Assembly at its thirty-eighth session, at which it did not discuss the Cyprus item. Nor was one submitted at the thirty-ninth.

(d) *Functions exercised in connection with missing persons in Cyprus*³⁷⁹

359. In his report on the United Nations operation in Cyprus for the period from 1 December 1978 to 31 May 1979, the Secretary-General said that, at the high-level meeting held at Nicosia on 18 and 19 May 1979, agreement had been reached on a proposal he had put forward for the solution of the problem of missing persons.³⁸⁰

360. In his reports on the United Nations operation in Cyprus for the period from 1 June 1979 to 31 May 1980 and from 1 June to 30 November 1980, the Secretary-General stated that he was continuing his efforts to devise an acceptable formula for resolving the problem.³⁸¹

361. In his report on the United Nations operation in Cyprus for the period from 1 December 1980 to 27 May 1981, the Secretary-General stated that agreement had been reached on the establishment and terms of reference of a missing persons committee, which he hoped would begin its work without delay.³⁸²

362. In his report on the United Nations operation in Cyprus for the period from 28 May to 30 November 1981, the Secretary-General stated that difficulties that were mostly of a procedural nature had prevented the Committee from starting its work.³⁸³

363. In its resolution 36/164 of 16 December 1981, adopted under the item entitled "Report of the Economic and Social Council", the General Assembly urged that the Committee on Missing Persons proceed with its work without delay, called upon the parties concerned to assist it in carrying out its task, and requested the Secretary-General to continue to provide his good offices for the unhindered functioning of the Committee.

364. In his next two semi-annual reports, covering the period from 1 December 1981 to 30 November 1982, the Secretary-General stated that no progress had been made in overcoming the procedural difficulties that were keeping the Committee from functioning.³⁸⁴

365. By its resolution 37/181 of 17 December 1982, adopted under the item entitled "Report of the Economic and Social Council", the General Assembly invited a subsidiary organ of the Economic and Social Council, the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights, to cooperate in the matter, called upon the parties concerned to facilitate the investigation concerning missing persons, and requested the Secretary-General to continue to provide his good offices with a view to facilitating the work of the Committee on Missing Persons in Cyprus.

366. In his next two semi-annual reports on the United Nations operation in Cyprus, after stating that the Committee had not yet been able to embark upon its substantive task,³⁸⁵ the Secretary-General was able to indicate, in the

following two semi-annual reports, that it had at long last started to take up that task.³⁸⁶

4. FUNCTIONS EXERCISED IN CONNECTION WITH THE QUESTION OF SOUTHERN AFRICA

(a) *Functions exercised with respect to the question of Namibia*³⁸⁷

(i) *Functions under Security Council resolutions*

367. In a report dated 26 February 1979³⁸⁸ concerning the implementation of Security Council resolutions 435 (1978) and 439 (1978), the Secretary-General described the visit to South Africa, Namibia, the front-line States and Nigeria in January and February by the Special Representative and the Commander of the UNTAG military component to complete consultations on the transitional arrangements set out in the settlement proposal and the operational requirements for the deployment of UNTAG. In his concluding remarks, the Secretary-General stated that the settlement proposal required that all its provisions be completed to the satisfaction of the Special Representative. He emphasized that there was no basis for unilateral determinations or actions by any party, and should the implementation of the proposal be jeopardized thereby, he would immediately bring the matter to the attention of the Security Council. He had already communicated to the Government of South Africa and SWAPO the basic elements of the proposals contained in his report, and if the cooperation of the parties concerned was forthcoming, he intended to designate 15 March 1979 as the beginning of the ceasefire and the emplacement of UNTAG and accordingly would transmit his letter regarding such a ceasefire to the parties concerned. In the meantime, he appealed to all parties to exercise restraint and to refrain from actions which might jeopardize the settlement.

368. On 20 November 1979, the Secretary-General issued a supplementary report³⁸⁹ on the implementation of Security Council resolutions 435 (1978) and 439 (1978) concerning the question of Namibia, in which he described developments that had taken place since his report of 26 February 1979 and the results of the consultations held at Geneva between 12 and 16 November, at the conclusion of which the front-line States and SWAPO had accepted the concept of the demilitarized zone and it had been indicated that detailed technical discussions could follow, provided that South Africa also accepted the concept.

369. By a letter to the Secretary-General dated 27 November 1979,³⁹⁰ the representative of South Africa transmitted the text of a letter of the same date from the South African Minister for Foreign Affairs, in which he took

³⁷⁹See *Repertory, Supplement No. 5*, vol. V, under Article 98, paras. 477-482.

³⁸⁰S C (34), Suppl. for April-June 1979, S/13369, paras. 39 and 51.

³⁸¹S C (35), Suppl. for April-June 1980, S/13972, para. 63; and *ibid.*, Suppl. for Oct.-Dec. 1980, S/14275, para. 54.

³⁸²S C (36), Suppl. for April-June 1981, S/14490, para. 59.

³⁸³*Ibid.*, Suppl. for Oct.-Dec. 1981, S/14778, para. 57.

³⁸⁴S C (37), Suppl. for April-June 1982, S/15149, para. 58; and *ibid.*, Suppl. for Oct.-Dec. 1982, S/15502, para. 60.

³⁸⁵S C (38), Suppl. for April-June 1983, S/15812, para. 64; and *ibid.*, Suppl. for Oct.-Dec. 1982, S/16192, para. 71.

³⁸⁶S C (39), Suppl. for April-June 1984, S/16596, para. 63; and *ibid.*, Suppl. for Oct.-Dec. 1984, S/16858, para. 64.

³⁸⁷G A resolutions ES-8/2, 38/36 B and 39/50 B, which concern the question of Namibia and contain requests to the Secretary-General, are not dealt with here, since the Secretary-General's functions thereunder were purely informational in nature (see note 164 above). The present study of the Secretary-General's functions regarding the question of Namibia is and should be read as a continuation of the corresponding study contained in *Repertory, Supplement No. 5*, vol. V, under Article 98, paras. 495-555.

³⁸⁸S C (34), Suppl. for Jan.-March 1979, S/13120.

³⁸⁹*Ibid.*, Suppl. for Oct.-Dec. 1979, S/13634.

³⁹⁰*Ibid.*, S/13651.

issue with certain statements made by the President of SWAPO following the Geneva consultations on the proposed demilitarized zone. In a reply dated 30 November 1979,³⁹¹ the Secretary-General stated that he looked forward to receiving the reaction of the South African Government concerning the acceptance of the concept of the demilitarized zone.

370. On 28 November 1979, the President of the Security Council issued the following statement:

"The Security Council met in informal consultations to hear a statement made by the Secretary-General in connection with his report³⁹² in pursuance of Council resolution 435 (1978) and to exchange views on the question of Namibia.

"The Security Council expressed its support for the efforts of the Secretary-General to implement resolution 435 (1978) but noted with grave concern that it had not been possible so far to achieve this.

"The Security Council noted that the front-line States and the South West Africa People's Organization had accepted the concept of the demilitarized zone and that a South African reaction was still awaited.

"The Security Council calls on South Africa to give an urgent reaction concerning an acceptance of the concept of the demilitarized zone, bearing in mind that the General Assembly is to begin its consideration of the question of Namibia on 6 December 1979."³⁹³

371. By a letter dated 5 December 1979,³⁹⁴ the representative of South Africa transmitted to the Secretary-General the text of a letter of the same date from the South African Minister for Foreign Affairs indicating his Government's acceptance of the concept of a demilitarized zone provided that agreement was reached in further discussion on a number of points which he had set out.

372. By a letter dated 9 January 1980³⁹⁵ addressed to the President of the Security Council, the Secretary-General informed the Council of his intention, if the Council should so consent, to proceed with the detailed technical discussions mentioned in his report of 20 November and to that end to appoint Lieutenant General Prem Chand initially as Commander Designate and later as Commander of the military component of UNTAG.

373. In a reply dated 12 January 1980,³⁹⁶ the President of the Security Council stated that the members of the Council had considered the matter in informal consultations and had agreed with the proposal of the Secretary-General.

374. On 31 March 1980, the Secretary-General issued a further report concerning the implementation of resolutions 435 (1978) and 439 (1979) concerning the question of Namibia.³⁹⁷ The report described the principal features of the demilitarized zone proposal discussed in Geneva and the activities of the United Nations mission he had sent to southern Africa in February and March to carry out detailed technical discussions with all the parties concerned. In the light of the findings of the mission, the Secretary-

General expressed the opinion that UNTAG could, with the cooperation and support of all concerned, function and fulfil its obligations satisfactorily on the basis of the arrangements discussed. The South African Government had indicated that it needed time to review its position in the light of the discussions with the mission and recent developments, and that it would give its reactions as soon as possible.

375. By a letter dated 12 May 1980,³⁹⁸ the representative of South Africa transmitted to the Secretary-General the text of a letter of the same date from the South African Minister for Foreign Affairs, in which he raised further questions concerning the concept of the demilitarized zone and expressed the view that it was imperative that all participants in the political process be placed on an equal footing during the process leading to an election and independence.

376. By a letter dated 20 June 1980 addressed to the Minister of Foreign Affairs and Information of South Africa,³⁹⁹ the Secretary-General, referring to the points raised in the Minister's letter of 12 May 1980, elaborated on matters relating to the establishment of a demilitarized zone on Namibia's northern borders during the proposed transitional period prior to that Territory's independence and suggested that an early date should be agreed upon for a ceasefire and for the implementation of Security Council resolution 435 (1978).

377. By a letter dated 29 August 1980,⁴⁰⁰ the representative of South Africa transmitted the text of a letter of the same date, addressed to the Secretary-General by the Minister for Foreign Affairs and Information of South Africa, referring to the proposed arrangements during the transition period prior to the independence of Namibia.

378. By a letter dated 19 September 1980,⁴⁰¹ the Secretary-General informed the Minister for Foreign Affairs and Information of South Africa of his intention to send a team of senior United Nations officials to South Africa at the end of the month for the purpose of holding discussions with the South African authorities on matters relating to the implementation of the United Nations independence plan for Namibia.

379. By a letter dated 22 September 1980,⁴⁰² the representative of South Africa transmitted the text of a letter of the same date addressed to the Secretary-General by the Minister for Foreign Affairs and Information of South Africa, in which the Minister took note of the proposal contained in the Secretary-General's letter of 19 September but suggested that, owing to prior engagements of South African officials, the United Nations senior officials delay their visit by about three weeks.

380. On 25 September 1980, the Secretary-General sent a letter to the Minister for Foreign Affairs and Information of South Africa, agreeing to the timing proposed by the Minister for the visit of senior United Nations officials to South Africa.⁴⁰³

381. On 24 November 1980, the Secretary-General issued a report on the outcome of the discussions held

³⁹¹Ibid., S/13676.

³⁹²The report referred to is the one submitted on 20 November 1979 (see note 389 above).

³⁹³Resolutions and Decisions of the Security Council, 1979, p. 25.

³⁹⁴Ibid., S/13680.

³⁹⁵S C (35), Suppl. for Jan.-March 1980, S/13740.

³⁹⁶Ibid., S/13741.

³⁹⁷Ibid., S/13862.

³⁹⁸Ibid., Suppl. for April-June 1980, S/13935.

³⁹⁹Ibid., S/14011.

⁴⁰⁰Ibid., Suppl. for July-Sept. 1980, S/14139.

⁴⁰¹Ibid., S/14184.

⁴⁰²Ibid., S/14185.

⁴⁰³Ibid., S/14202.

in South Africa from 20 to 25 October between his representatives and the South African authorities on the modalities for the implementation of resolutions 435 (1978) and 439 (1978), including an agreement to hold a pre-implementation, multi-party meeting from 7 to 14 January 1981, under the auspices and chairmanship of the United Nations, in which the parties concerned in the envisaged election would be included, with a view to creating the necessary climate of confidence and understanding.⁴⁰⁴

382. On 19 January 1981, the Secretary-General issued a further report on the implementation of resolutions 435 (1978) and 439 (1978).⁴⁰⁵ The report contained an account of the pre-implementation meeting held at Geneva from 7 to 14 January under the auspices and chairmanship of the United Nations. After observing that the meeting had not succeeded in achieving its objectives, the Secretary-General appealed to South Africa to review the implications of the meeting and to reconsider its position with regard to the implementation of resolution 435 (1978) as soon as possible.

383. By a letter dated 28 January 1981,⁴⁰⁶ the representative of South Africa transmitted a letter of the same date addressed to the Secretary-General by the Minister of Foreign Affairs and Information of South Africa commenting on the Secretary-General's report of 19 January 1981 and stating South Africa's position with regard to the unsuccessful pre-implementation meeting held at Geneva. The letter also enclosed texts of the statements made at that meeting by three leaders of the "internal parties" in Namibia.

384. On 19 May 1983, the Secretary-General issued a report concerning the implementation of Security Council resolutions 435 (1978) and 439 (1978).⁴⁰⁷ The report contained an account of developments since the conclusion of the pre-implementation meeting held at Geneva in January 1981 and outlined the extensive consultations between the Secretary-General and the parties concerned aimed at the early implementation of resolution 435 (1978). The Secretary-General reported that a large measure of agreement had been reached on the modalities to be employed in implementing resolution 435 (1978) and appealed to South Africa to respond positively on the outstanding issues. The Secretary-General also expressed his concern that factors which lay outside the scope of resolution 435 (1978) might hamper the implementation of that resolution.

385. On 31 May 1983, the Security Council adopted resolution 532 (1983), in the preamble to which the Council took note of the above-mentioned report of the Secretary-General, recalled and reaffirmed its resolutions 435 (1978) and 439 (1978), took note of the protracted and exhaustive consultations which had taken place since the adoption of resolution 435 (1978), and noted with regret that they had not yet brought about the implementation of that resolution. In the operative part, the Council condemned South Africa's continued illegal occupation of Namibia, called upon it to make a firm commitment as to its readiness to comply with resolution 435 (1978) and cooperate forthwith and fully with the Secretary-General in order to expedite its implementation, decided to mandate him to undertake

consultations with the parties to the proposed ceasefire, with a view to securing the speedy implementation of resolution 435 (1978), and requested the Secretary-General to report to the Council on the results of the consultations as soon as possible and not later than 31 August 1983.

386. In a report submitted on 29 August 1983,⁴⁰⁸ the Secretary-General gave a detailed account of the discussions he had had with senior officials of South Africa with regard to South Africa's precondition that Cuban forces in Angola should leave that country. The Secretary-General had stated that his mandate did not include that question and that the United Nations could not accept that precondition. He had also discussed the two remaining issues, namely, the choice of the electoral system and the settlement of some problems relating to UNTAG and its composition. As regards the former issue, the Secretary-General had been informed that South Africa would choose between the two alternatives that existed in that respect. As regards UNTAG, agreement had been reached on virtually all the outstanding questions. The Secretary-General had then held talks in Angola with the President of SWAPO, who had stated that SWAPO was ready to sign a ceasefire with South Africa and to cooperate with the Secretary-General and UNTAG, provided that irrelevant and extraneous issues of linkage and reciprocity were set aside. SWAPO was prepared to accept either of the two alternatives as far as the electoral system was concerned. The Secretary-General concluded that the position had never been so close to finality on the modalities of implementing resolution 435 (1978), but that South Africa's conditioning of its implementation on the withdrawal of Cuban forces from Angola still made it impossible to launch the United Nations plan. Real progress could be claimed only when a date had been fixed for the start of the implementation of resolution 435 (1978) and the ceasefire had come into force.

387. On 28 October 1983, the Security Council adopted resolution 539 (1983), in the preambular part of which the Council took note of the above-mentioned report of the Secretary-General and recalled and reaffirmed resolutions 435 (1978), 439 (1978) and 532 (1983). In the operative part, the Council condemned South Africa for its continued illegal occupation of Namibia as well as for its obstruction of the implementation of resolution 435 (1978) by insisting on conditions contrary to the provisions of the United Nations plan for the independence of Namibia, rejected South Africa's insistence on linking the latter to irrelevant and extraneous issues, declared that the independence of Namibia could not be held hostage to the resolution of issues alien to resolution 435 (1978), noted that the consultations undertaken by the Secretary-General had confirmed that all outstanding issues relevant to resolution 435 (1978) had been resolved, called upon South Africa to cooperate with the Secretary-General and communicate to him its choice of the electoral system in order to facilitate the immediate and unconditional implementation of that resolution, and requested the Secretary-General to report on the implementation of resolution 539 (1983) as soon as possible and not later than 31 December 1983.

388. In a report submitted on 29 December 1983,⁴⁰⁹ the Secretary-General gave an account of discussions he had had with representatives of South Africa. The Government

⁴⁰⁴Ibid., Suppl. for Oct.-Dec. 1980, S/14266.

⁴⁰⁵S C (36), Suppl. for Jan.-March 1981, S/14333.

⁴⁰⁶Ibid., S/14346.

⁴⁰⁷S C (38), Suppl. for April-June 1983, S/15776.

⁴⁰⁸S C (38), Suppl. for July-Sept. 1983, S/15943

⁴⁰⁹Ibid., Suppl. for Oct.-Dec. 1983, S/16237

of South Africa had not yet given him a definitive response on the question of the electoral system, nor had it modified its position with regard to the linkage issue. The Secretary-General therefore concluded that he could not report any further progress.

(ii) *Functions that were to be assigned to the Secretary-General by draft resolutions that failed of adoption by the Security Council*

389. At the 2276th meeting of the Security Council, on 29 April 1981, the representative of Uganda introduced four draft resolutions in which the Council, acting under Chapter VII of the Charter, would have requested all States to apply an embargo and certain other restrictions in relations with South Africa.⁴¹⁰ Each of the four draft resolutions contained a request to the Secretary-General that he report to the Council on its implementation. The four draft resolutions were voted upon at the same meeting, with the following results: (a) the first draft resolution received nine votes in favour to three against, with three abstentions, and was not adopted, owing to the negative votes of three permanent members of the Council; (b) the second draft resolution received nine votes in favour to three against, with three abstentions, and was not adopted, owing to the negative votes of three permanent members of the Council; (c) the third draft resolution received 11 votes in favour to 3 against, with 1 abstention, and was not adopted, owing to the negative votes of three permanent members of the Council; and (d) the fourth draft resolution received 12 votes in favour to 3 against, and was not adopted, owing to the negative votes of three permanent members of the Council.

(b) *Functions exercised with respect to the question of South Africa*

(i) *Actions concerning the situation resulting from the continued imposition of the regime of apartheid.*

390. By its resolution 473 (1980) of 13 June 1980, the Security Council expressed grave concern at the aggravation of the situation in South Africa, declared itself convinced that the situation resulted from the continued imposition of the regime of apartheid, condemned that regime and called upon the South African regime to eliminate the policy of apartheid by taking, among others, a number of measures specified in the resolution. The Council also requested the Secretary-General to report by 15 September 1980 on the implementation of the resolution.

391. In a report submitted to the Council on 12 September 1980,⁴¹¹ the Secretary-General stated that on the date of adoption of the resolution he had transmitted its text by telegram to the Foreign Minister of South Africa.⁴¹²

392. By its resolutions 554 (1984) and 556 (1984) of 17 August and 23 October 1984 respectively, in which it

censured various policies and actions of the South African authorities and condemned apartheid, calling for support by Governments and organizations to assist the oppressed people of South Africa in their struggle, the Security Council requested the Secretary-General to report on their implementation.

393. No reports under those resolutions were submitted by the Secretary-General during the period under review.

394. By its resolution 558 (1984) of 13 December 1984, in which it reaffirmed its resolution 418 (1977) and requested all States to refrain from importing arms, ammunition and military vehicles produced in South Africa, the Security Council requested the Secretary-General to report, before the end of 1985, to the Security Council Committee established by its resolution 421 (1977) on the progress made in the implementation of resolution 558 (1984).

395. No report under resolution 558 (1984) was submitted during the period under review.

(ii) *Question of the nuclear capability of South Africa*

396. By its decision 34/404 of 26 October 1979, the General Assembly requested the Secretary-General to conduct an immediate investigation into the reports concerning a nuclear explosion in South Africa and report thereon to it. By its resolution 34/76 B, the Assembly took note of the report⁴¹³ submitted by the Secretary-General pursuant to that request, and further requested him to prepare, with the assistance of appropriate experts, a comprehensive report on South Africa's plan and capability in the nuclear field and to submit it to the Assembly at its thirty-fifth session.

397. By its resolution 35/146 A of 12 December 1980, the General Assembly expressed deep alarm that the report⁴¹⁴ submitted at its request had established South Africa's capability to manufacture nuclear weapons, and requested the Secretary-General to give maximum publicity to the report so that the international community might be fully aware of the danger, to follow closely South Africa's activity in the nuclear field, and to report to the Assembly at its next regular session.⁴¹⁵

398. Substantially identical requests were contained in resolutions adopted at each of the regular sessions held during the remainder of the period under review.⁴¹⁶

(iii) *Efforts to save the lives of political prisoners in South Africa*

399. By its resolutions 33/183 F of 24 June 1979 and 34/93 H of 12 December 1979, the General Assembly urged the Secretary-General and Member States to take appropriate measures to save the lives of all persons threatened with execution in trials staged by the illegitimate

⁴¹⁰For the texts of the draft resolutions, issued, respectively, under the symbols S/14459, S/14460/Rev.1, S/14461 and 14462, see G A (36), Suppl. No. 2 (A/36/2), paras. 349-352 and 355.

⁴¹¹S C (35), Suppl. for July-Sept. 1980, S/14167.

⁴¹²In the resolution, the Council also made certain demands upon all States. For that reason the Secretary-General, as stated in the report mentioned in note 411 above, transmitted the text of the resolution to the Permanent Representatives/Permanent Observers of all States, and reproduced in the report the texts of the replies received.

⁴¹³A/34/674 and Add.1.

⁴¹⁴A/35/402. See also resolution 35/206 B, under which the Secretary-General did not submit any report.

⁴¹⁵For the report submitted pursuant to that request, see document A/36/430.

⁴¹⁶G A resolutions 36/86 A, 37/74 B, 38/181 B and 39/61 B. For the reports submitted during the period under review pursuant to those resolutions, see documents A/37/432 and A/38/196. (No report was submitted pursuant to resolution 38/181 B.) See also the requests to the United Nations Institute for Disarmament Research and the Secretary-General contained in resolution 38/181 A.

racist regime on charges of high treason and under the obnoxious Terrorism Act.

400. By its resolutions 37/1 of 1 October 1982 and 37/68 of 7 December 1982, in which it called upon the South African authorities not to proceed with the execution of certain freedom fighters, the General Assembly requested the Secretary-General to transmit the texts of the resolutions to those authorities and to report on the matter by 15 October 1982 and 15 December 1982, respectively.

401. No reports pursuant to the above resolutions were submitted by the Secretary-General during the period under review.

(iv) *Consultations with IMF, IBRD and IAEA in connection with their assistance to South Africa*

402. In its resolution 36/172 D of 17 December 1981, the General Assembly expressed concern that IMF and IBRD had not taken steps to terminate loans and credits to South Africa, and requested the Secretary-General to undertake urgent consultations with IMF and IBRD in order to persuade them to respect the repeated resolutions of the United Nations on collaboration with South Africa and to report to the General Assembly at its thirty-seventh session.

403. In the report submitted pursuant to that request,⁴¹⁷ the Secretary-General stated that a senior Secretariat official had written to the executive heads of the two agencies, drawing their attention to the relevant provision of resolution 36/172 D. The same official had also written to the Managing Director of IMF, drawing his attention to the concern that had been expressed by the Special Committee against Apartheid over a report that South Africa had arranged to borrow a certain amount of money from IMF. The President of IBRD had replied, stating that the legal position of IBRD on the matter had not changed.⁴¹⁸ No reply had been received from the Managing Director of IMF.

404. In its resolution 37/2 of 21 October 1982, the General Assembly, after stating that it had learned of the application by South Africa to IMF for a credit in the form of special drawing rights, reiterated its request to IMF to refrain from granting assistance to South Africa, urging States members of IMF to take appropriate action towards that end, and requested the Secretary-General to undertake urgent consultations with IMF and to report as soon as possible on the implementation of the resolution.

405. In the report submitted⁴¹⁹ pursuant to that resolution, at the thirty-seventh session of the Assembly, the Secretary-General said that he had addressed a telegram to the Managing Director of IMF, transmitting the text of resolution 37/2, requesting that it be brought to the attention of the Board of the Executive Directors of IMF and indicating his wish to consult personally with the Managing Director. The latter had informed the Secretary-General that the text had been circulated to the Board. Moreover, the Secretary-General had met with the Managing Director. By a letter dated 8 November 1982, the Managing Director had informed the Secretary-General that the application by South Africa had been approved by the Ex-

ecutive Board. The grounds for the decision were purely of an economic and financial nature.

406. In its resolution 38/39 A of 5 December 1983, the General Assembly urgently called upon IMF to terminate credits or other assistance to South Africa, requested IAEA to refrain from extending to it any facilities which might assist it in its nuclear plans and, in particular, to exclude South Africa from all its technical working groups, and requested the Secretary-General to enter into urgent consultations with IMF and IAEA to secure their full cooperation in action against apartheid.⁴²⁰

(c) *Questions concerning the activities of transnational corporations in South Africa and Namibia*

407. In its resolution 35/206 F of 16 December 1980, the General Assembly invited Governments to prohibit all collaboration with South Africa by transnational corporations (TNCs) within their jurisdiction, and requested the Secretary-General to promote campaigns against the operations of transnational corporations in South Africa.

408. The Economic and Social Council in a number of its resolutions⁴²¹ called upon all home countries of transnational corporations to take effective measures to terminate the collaboration of their transnational corporations with the racist minority regime in southern Africa and requested the Secretary-General to prepare a report on the policies and practices of the transnational corporations.

409. The reports of the Secretary-General⁴²² pursuant to those requests described the Secretariat's work in collecting and disseminating information on the activities of TNCs in Namibia and South Africa and examined investment policies and practices on TNCs in South Africa, their employment practices there, the involvement of TNCs in some strategic sectors of the South African economy and recent developments regarding TNCs in Namibia. According to the reports, foreign liabilities in South Africa continued to increase in the early 1980s.

5. FUNCTIONS IN CONNECTION WITH THE HOLDING AS HOSTAGES IN TEHRAN OF UNITED STATES DIPLOMATIC AND CONSULAR PERSONNEL

(a) *Functions under a statement by the President of the Security Council and Council resolutions 457 (1979) and 461 (1979)*

410. On 9 November 1979, following consultations among the members of the Security Council, the President of the Council made a statement to the effect that he was authorized to express the profound concern of the Council at the prolonged detention of American diplomatic personnel in Iran, that he had to emphasize the principle of the inviolability of diplomatic personnel and establishments and that he urged the release and protection of the personnel in question without delay. In the statement the President further urged the Secretary-General to continue to use his good offices and assist in attaining that objective.⁴²³

⁴²⁰No reports relating to this request were submitted by the Secretary-General during the period under review.

⁴²¹Resolutions 1981/86 of 2 November 1981, 1982/69 of 27 October 1982, 1983/74 of 29 July 1983 and 1894/53 of 25 July 1984.

⁴²²E/C.10/1982/11, E/C.10/1983/10/Rev.1 and Corr. 1, and E/C.10/1984.10.

⁴²³S C (34), Suppl. for Oct.-Dec. 1979, S/13616.

⁴¹⁷A/37/474.

⁴¹⁸See *Repertory, Supplement No. 4*, vol. II, under Article 98, para. 265.

⁴¹⁹A/37/607.

411. At a meeting of the Security Council held on 27 November 1979, the Secretary-General stated that within the preceding three weeks he had been continuously involved in efforts to find means of solving the problem created by the detention of the diplomatic personnel in Iran, the gravity of which he emphasized.⁴²⁴

412. On 4 December 1979, the Security Council adopted resolution 457 (1979), in the preamble to which the Council expressed deep concern at the dangerous level of tension between Iran and the United States. In the operative part, the Council urgently called upon the Government of Iran to release immediately the personnel being held, provide them with protection and allow them to leave the country, and called upon the Governments of Iran and the United States to take steps to resolve peacefully the remaining issues between them, urging them to exercise the utmost restraint. The Council further requested the Secretary-General to lend his good offices for the immediate implementation of the resolution and take all appropriate measures to that end, also requesting him to report urgently on developments regarding his efforts.

413. On 22 December 1979, the Secretary-General submitted a report on developments which had taken place since the adoption of resolution 457 (1979).⁴²⁵ The Secretary-General described his contacts with the Governments of Iran and the United States as well as with representatives of a number of other Governments and organizations that might be of assistance. From those contacts the Secretary-General concluded that no early progress towards a settlement of the crisis could be achieved. He said that the situation was highly exceptional and that he would pursue his endeavours in exercise of the mandate entrusted to him by resolution 457 (1979) with the determination to find a means for achieving a mutually acceptable solution.

414. At a Security Council meeting held on 29 December 1979, the Secretary-General recalled that, as stated in his message to the Ayatollah Khomeini of 19 December, he was ready to go to Iran if his visit could be useful. He had been in contact with the Foreign Minister of Iran since the early days of the crisis and was maintaining contact with the Iranian authorities.⁴²⁶

415. In its resolution 461 (1979), adopted on 31 December 1979, the Security Council expressed grave concern at the increasing tension between Iran and the United States caused by the prolonged detention of the personnel in question, who were being held as hostages, referred to the Order of the International Court of Justice of 15 December 1979 calling for the immediate release of all the persons concerned,⁴²⁷ reaffirmed its resolution 457 (1979), deplored the continued detention of the hostages, urgently called upon the Government of Iran to release them, reiterated its request to the Secretary-General to lend his good offices and intensify his efforts with a view to assisting the Council in achieving the objectives of the resolution, taking note of his readiness to go personally to Iran, and

requested him to report on his good offices efforts before 7 January 1980, the date it set for a meeting.

416. On 6 January 1980, the Secretary-General submitted a report⁴²⁸ in pursuance of resolutions 457 (1979) and 461 (1979), in which he gave an account on his visit to Iran from 1 to 3 January and his discussions with Foreign Minister Ghotbzadeh and other members of the Revolutionary Council of Iran. He concluded that despite the many difficulties encountered during his visit to Tehran owing to the particular power structure in the country, he considered that the trip had been useful and had helped him understand better the many facets of the crisis. Although he had not seen the Ayatollah Khomeini, his extensive talks with the Foreign Minister and other members of the Revolutionary Council had given him clear insight into the position of the Iranian leaders. At that time, they were not prepared to respond to the call of the international community for the immediate release of the hostages, an issue which they continued to link to the extradition of the former Shah and the return of the assets allegedly taken out illegally by him. At the same time, they had expressed support for the idea of the establishment of an international inquiry committee to investigate allegations of grave violations of human rights and of illegal acts under the previous regime in Iran and report to the relevant organs of the United Nations for appropriate action. The Secretary-General had indicated that establishment of such a committee should follow or at least coincide with the release of the hostages. While fully aware that his report in no way contained a solution to the problem, the Secretary-General considered that it did present a number of elements and ideas which might provide a basis for further consideration by the Security Council.

417. At a meeting of the Security Council held on 11 January 1980, the Secretary-General gave an account of his activities since the issuance of the above-mentioned report.⁴²⁹ He had had very close contacts with the President and the members of the Council as well as with the President and the Secretary of State of the United States. He had also held discussions with the Permanent Representative of Iran to the United Nations. As a result of the latter contacts, the members of the Council had asked for further clarification from the Iranian authorities. This had led to contacts between the Secretary-General and the Foreign Minister of Iran. Those contacts had, however, shown the impossibility of finding, for the moment, a solution to the two basic problems, namely, determining the date of release of the hostages and a procedure for meeting the grievances of the Iranian Government. The Secretary-General was nevertheless ready to continue his efforts with a view to finding a peaceful solution to the crisis.

(b) *Functions that were to be assigned to the Secretary-General under a draft resolution that failed of adoption by the Security Council*

418. At the 2191st meeting of the Security Council,⁴³⁰ on 11 January 1980, the President of the Council drew member's attention to a draft resolution⁴³¹ submitted by the United States, by which the Council would have called

⁴²⁴S C (34), 2172nd mtg., paras. 5-12. The meeting was held pursuant to a request made by the Secretary-General to the President of the Security Council (ibid., Suppl. for Oct.-Dec. 1979, S/13646).

⁴²⁵S C (34), Suppl. for Oct.-Dec. 1979, S/13704.

⁴²⁶S C (34), 2182nd mtg., paras. 5-9.

⁴²⁷United States Diplomatic and Consular Staff in Tehran, Provisional Measures, Order of 15 December 1979, I.C.J. Reports 1979, p. 7.

⁴²⁸S C (35), Suppl. for Jan.-March 1980, S/13730.

⁴²⁹S/PV.2191, paras. 11-17.

⁴³⁰Ibid., para. 1.

⁴³¹S C (34), Suppl. for July-Sept. 1979, S/13535.

upon Member States, under Chapter VII of the Charter, to impose certain restrictions on their relations and those of their nationals with Iran, as well as an embargo thereon, until such time as the hostages were released, and requested the Secretary-General to report to the Security Council on the progress of the implementation of the resolution by 1 March 1980. At the same meeting, the draft resolution received 10 votes in favour to 2 against, with 2 abstentions, and was not adopted, owing to the negative vote of a permanent member of the Council; another permanent member did not participate in the voting.

6. FUNCTIONS EXERCISED IN CONNECTION WITH THE SITUATION BETWEEN IRAN AND IRAQ

419. In a statement issued on 23 September 1980, the President of the Security Council said that members of the Council had held informal consultations that day on the extremely serious situation prevailing between Iran and Iraq and were deeply concerned that the conflict, characterized by the escalation in armed activity, could pose a grave threat to international peace and security. He added that the members welcomed and fully supported the appeal that the Secretary-General had addressed to both parties the day before as well as the offer he had made of his good offices to resolve the conflict.⁴³²

420. By a letter dated 24 September 1980 to the President of the Security Council,⁴³³ the Secretary-General transmitted the text of the appeal he had addressed to the Presidents of Iran and Iraq on 24 September to heed the appeals addressed to them for ending the bloodshed and destruction immediately and to avail themselves of the various good offices offered to assist them in settling their differences by peaceful means, including the good offices previously offered by the Secretary-General.

421. In a letter dated 25 September 1980 to the President of the Security Council,⁴³⁴ the Secretary-General expressed appreciation to him for having issued a statement following consultations held at the Secretary-General's request. He stated that in spite of his efforts and those of the Council, the fighting had continued and intensified on land, on the sea and in the air; the situation, he repeated, was an undoubted threat to international peace and security. He therefore suggested that the Council should consider the matter with the utmost urgency.

422. By a letter dated 26 September 1980 to the President of the Security Council,⁴³⁵ the Secretary-General transmitted the text of a letter from the President of Iraq, in response to his appeal of 22 September, as well as the text of a further message he had just sent to the President of Iraq.

423. By resolution 479 (1980), adopted on 28 September 1980, the Security Council called upon Iran and Iraq to refrain immediately from any further use of force and settle their dispute by peaceful means, called upon other

States to exercise the utmost restraint and expressed support for the efforts of the Secretary-General and the offer of his good offices for the resolution of the situation. The Council also requested the Secretary-General to report to it within 48 hours.

424. At a meeting of the Security Council held on 26 September 1980,⁴³⁶ the Secretary-General said that on 22 September he had, through the representatives of the two Governments at the United Nations, offered his good offices, should the parties feel that that might be of use in settling their differences. On the following day, he had asked the President of the Security Council to arrange for consultations of the Council at the earliest possible time in view of the escalation of the conflict.⁴³⁷ On 24 September the Secretary-General had addressed a written message⁴³⁸ to the Presidents of Iran and Iraq reiterating his previous appeal and attempted to contact them directly with a view to ascertaining the positions of both Governments with regard to the appeals made to them. He had contacts with the representatives of the parties in New York and had contacted the office of the President of Iran by telephone. On 25 September, he had received a response to his appeals of 22 and 24 September from the President of Iraq, who had expressed his appreciation for the Secretary-General's initiatives and emphasized Iraq's concern that international peace and security and other more specific interests should not be threatened. He had emphasized that Iraq's objective was to gain Iran's irrevocable recognition of Iraq's rights in its lands and sovereignty over its national waters and asked whether Iran was ready to accept a ceasefire.

425. On 30 September 1980, the Secretary-General issued a report⁴³⁹ pursuant to resolution 479 (1980), recalling the response he had received from Iraq, stating that he had been informed that the response of Iran would be received on the morning of 1 October, giving information on a goodwill mission undertaken on behalf of the Islamic Conference and reporting developments in the conflict between the two countries.

426. On 5 November 1980, the President of the Security Council issued a statement⁴⁴⁰ to the effect that in recent days members of the Council had continued intensive consultations about the situation, characterized by a continuation of the hostilities. The Secretary-General had participated fully in the consultations and members of the Council had reiterated their full support for the use of his good offices, welcoming the fact that, in the exercise thereof, he was considering sending a representative to the region in order to facilitate authoritative communication with and between the Governments concerned so that the negotiations for peace could proceed on an urgent basis. The President concluded the statement by saying that the members of the Council expressed their hope that Iran and Iraq would continue their cooperation with the Secretary-General, appealed to them to support his efforts and re-

⁴³²The consultations were held at the request of the Secretary-General. See the letter he addressed to the President of the Security Council on 23 September 1980. S C (35), Suppl. for July-Sept. 1980, S/14196. Regarding the appeal and the offer of good offices, see the Secretary-General's letter of 24 September 1980 to the President of the Security Council (*ibid.*, S/14193).

⁴³³S C (35), Suppl. for July-Sept. 1980, S/14193.

⁴³⁴*Ibid.*, S/14197.

⁴³⁵*Ibid.*, S/14199.

⁴³⁶S/PV.2247, pp. 3-7.

⁴³⁷S C (35), Suppl. for April-June 1980, S/14196.

⁴³⁸S/14244, in Resolutions and Decisions of the Security Council 1980, p. 23.

⁴³⁹S C (35), Suppl. for July-Sept. 1980, S/14205.

⁴⁴⁰In Resolutions and Decisions of the Security Council, 1980, p. 23.

quested the Secretary-General to keep the Council fully informed about his efforts.

427. In a letter dated 11 November 1980 to the President of the Security Council,⁴⁴¹ the Secretary-General, referring to the President's statement of 5 November, informed the Council that, after consultations with Iran and Iraq, and with their agreement, he had asked Mr. Olof Palme of Sweden to serve as his representative. Mr. Palme would be travelling to the area as soon as possible to facilitate authoritative communication with the Governments concerned, so that negotiations for peace could proceed on an urgent basis.

428. In a reply of the same date,⁴⁴² the President of the Security Council stated that he had discussed the Secretary-General's letter with the members of the Council, who agreed with the arrangements proposed by the Secretary-General.

429. In his annual report on the work of the Organization submitted to the General Assembly at its thirty-sixth session, the Secretary-General stated that his Special Representative had discussed a comprehensive settlement involving a ceasefire and the withdrawal of forces as well as appropriate procedures for the peaceful resolution of the issues under dispute. He had also discussed possible measures which would enable the commercial ships of different nationalities which had become immobilized by the conflict to leave the area. Although agreement on the overall issues had yet to be reached, the continued support shown by both parties for the mission of the Special Representative had encouraged both him and the Secretary-General to continue their efforts.⁴⁴³

430. On 12 July 1982, the Security Council adopted resolution 514 (1982), in the preamble to which the Council expressed deep concern about the prolongation of the conflict between Iran and Iraq, recalled its resolution 479 (1980) as well as the statement by its President of 5 November 1980 and took note of the mediation efforts pursued notably by the Secretary-General as well as by the Movement of Non-Aligned Countries and the Organization of the Islamic Conference. The operative part of the resolution read as follows:

"The Security Council,

"...

"1. Calls for a ceasefire and an immediate end to all military operations;

"2. Calls further for a withdrawal of forces to internationally recognized boundaries;

"3. Decides to dispatch a team of United Nations observers to verify, confirm and supervise the ceasefire and withdrawal, and requests the Secretary-General to submit to the Security Council a report on the arrangements required for that purpose;

"4. Urges that the mediation efforts be continued in a coordinated manner through the Secretary-General with a view to achieving a comprehensive, just and honourable settlement, acceptable to both sides, of all the outstanding issues, on the basis of the principles of the Charter of the United Nations, including respect for

sovereignty, independence, territorial integrity and non-interference in the internal affairs of States;

"5. Requests all other States to abstain from all actions that could contribute to the continuation of the conflict and to facilitate the implementation of the present resolution;

"6. Requests the Secretary-General to report to the Security Council within three months on the implementation of the present resolution."

431. On 15 July 1982, the Secretary-General submitted a report,⁴⁴⁴ in pursuance of paragraph 3 of resolution 514 (1982), in which he stated that he had considered it necessary, with the agreement of the parties concerned, to send a small team of senior United Nations military officers to ascertain the actual situation on the ground and assess the arrangements required for the implementation of the resolution. The Government of Iraq had informed the Secretary-General that it was ready to cooperate in the implementation of the resolution. The Government of Iran had transmitted to the Secretary-General the text of its statement of 14 July 1982,⁴⁴⁵ dissociating itself from any action taken to date by the Council with regard to the situation between Iran and Iraq. The Secretary-General reaffirmed that he would continue his intensive efforts to put an end to the fighting and to achieve a settlement of the issues underlying the conflict.

432. On 15 July 1982, the President of the Security Council made a statement on behalf of the members of the Council to the effect that the Council was concerned at the lack of implementation of resolution 514 (1982) and that he would remain in touch with the two sides, with a view to exploring all possible means of advancing the efforts to achieve and end to the fighting and secure a settlement of the underlying issues.⁴⁴⁶

433. On 4 October 1982, the Security Council adopted resolution 522 (1982), in the preamble to which the Council deplored the prolongation and the escalation of the conflict, recalled its resolution 514 (1982) as well as the statement by its President of 5 November 1980 and took note of the above-mentioned report of the Secretary-General. The operative part of the resolution read as follows:

"The Security Council,

"...

"1. Urgently calls again for an immediate ceasefire and an end to all military operations;

"2. Reaffirms its call for a withdrawal of forces to internationally recognized boundaries;

"3. Welcomes the fact that one of the parties had already expressed its readiness to cooperate in the implementation of resolution 514 (1982) and calls upon the other to do likewise;

"4. Affirms the necessity of implementing without further delay its decision to dispatch United Nations observers to verify, confirm and supervise the ceasefire and withdrawal;

"5. Reaffirms the urgency of the continuation of the current mediation efforts;

⁴⁴⁴S C (37), Suppl. for July-Sept. 1982, S/15293.

⁴⁴⁵Ibid., S/15292. In the statement the Government of Iran charged that the Security Council, in its resolutions 479 (1980) and 514 (1982), had tacitly supported the Iraqi position.

⁴⁴⁶S/15296, in Resolutions and Decisions of the Security Council, 1982, p. 19.

⁴⁴¹Ibid., Suppl. Oct.-Dec. 1980, S/14251.

⁴⁴²Ibid., S/14252.

⁴⁴³G A (36), Suppl. No. 1 (A/3671), pp. 3-4.

"6. *Reaffirms* its request to all other States to abstain from all actions which could contribute to the continuation of the conflict and to facilitate the implementation of the present resolution;

"7. *Further requests* the Secretary-General to report to the Security Council on the implementation of the present resolution within seventy-two hours."

434. Speaking in the Security Council immediately following the adoption of resolution 522 (1982), the Secretary-General said that the effective deployment of United Nations observers was naturally contingent on the concurrence and cooperation of the parties concerned and on the existence of a ceasefire. Their dispatch without those prerequisites being met would not be consistent with normal and well-tried United Nations peacekeeping practices. Should both parties convey to him their concurrence and cooperation, arrangements could of course be made for United Nations observers to be in the area within 48 hours.⁴⁴⁷

435. On 7 October 1982, the Secretary-General submitted a report,⁴⁴⁸ in pursuance of paragraph 6 of Council resolution 514 (1982) and paragraph 7 of resolution 522 (1982), in which he stated that the text of resolution 522 (1982) had been immediately transmitted to the Governments concerned, with a request, in particular, for comments in respect of paragraph 4. The Foreign Minister of Iraq had informed the Secretary-General that his Government supported efforts to facilitate a peaceful solution of the conflict and would cooperate in good faith in the implementation of resolution 522 (1982). The representative of Iran had informed the Secretary-General that, for the reasons indicated in the statement issued by his Government on 4 October,⁴⁴⁹ it considered Council resolutions relating to the situation between Iran and Iraq to be non-binding on the Islamic Republic of Iran. The Secretary-General further stated that his Special Representative had visited the area five times since November 1980 and that he would continue to make every effort to facilitate a settlement of the issues underlying the conflict.

436. By its resolution 37/3 of 22 October 1982, the General Assembly took note of the above-mentioned report and requested the Secretary-General to continue his efforts, in consultation with the parties concerned, with a view to achieving a peaceful solution.

437. On 21 February 1983, the President of the Security Council made a statement of behalf of its members expressing their deep concern at the serious situation between Iran and Iraq and at the fact that resolutions 479 (1980), 514 (1982) and 522 (1982) had not yet been implemented. The statement was further to the effect that the members of the Council requested the Secretary-General to continue to exert all his efforts, in consultation with the parties concerned, with a view to seeking a peaceful settlement and to keep the Council informed.⁴⁵⁰

438. In a report he submitted to the Security Council on 20 June 1983,⁴⁵¹ the Secretary-General gave an account of a mission he had dispatched to Iran and Iraq in late May,

in response to requests by the two Governments, to inspect civilian areas that both claimed had been subjected to military attack by the other. In paragraph 7 of the report, the Secretary-General stated that the members of the mission had been his Military Adviser and another official of the Secretariat as well as two experts seconded by the Government of Sweden. Paragraphs 1 to 6 inclusive of the report, to which was annexed the report of the mission, read as follows:

"1. On 2 May 1983, the representative of the Islamic Republic of Iran called on me to convey his Government's request that I send a representative to visit civilian areas in Iran which have been subject to military attack by Iraq. He indicated that, should the Government of Iraq wish to invite the representative to visit Iraq, the Government of Iran would welcome it.

"2. I assured the representative of Iran that I would give full consideration to his request and indicated that since, as Secretary-General, I had exercised my good offices under a mandate from the Security Council virtually from the beginning of the conflict between Iran and Iraq, I intended to keep the Council informed of any action I might take (resolution 514 (1982)). I also informed him that I would take up the question with the representative of Iraq. On 3 May, I discussed the matter with the representative of Iraq, who, after consulting his Government, informed me on 12 May that Iraq would also wish the representative to visit civilian areas in Iraq which had been subject to military attack by Iran. Relevant letters from the Government of Iran, (S/15729, S/15735, S/15739, S/15747, S/15763, S/15796 and S/15798) and from the Government of Iraq (S/15743, S/15765, S/15804, S/15825 and S/15826) had been circulated.

"3. I informed the Security Council on 12 May of my intention to dispatch a small mission, following which I communicated that decision to the representatives of both countries. As agreed with the two Governments, the task assigned to the mission was to survey and assess, as far as possible, the damage to civilian areas in the two countries said to have suffered war damage and to indicate, where possible, the types of munitions that could have caused the damage. The mission was not expected to ascertain the number of casualties or the value of property damage in those areas. The mission was assigned the responsibility of presenting to me an objective report on its inspections and observations. I informed the Council and both the representatives of my intention to transmit that report to the Security Council.

"4. Each Government was requested to convey to me appropriate assurances that the safety of the mission would be secured during its entire stay in the area, i.e., not only in the war zone in its own territory but also while the mission was in the war zone in the other State's territory. Thus, it was expected that each Government would issue the appropriate instructions to its military authorities in the war zone. Those assurances were received before the mission departed from Headquarters on 18 May.

"5. The two Governments were further requested to specify the itineraries that they wished the mission to follow in their respective territories. Each itinerary was communicated to the other Government for the purpose of ensuring the necessary conditions of safety for the mission. The two Governments were also requested to provide appropriate means of transport for the mission

⁴⁴⁷S/PV.2399, paras. 50-52.

⁴⁴⁸S C (37), Suppl. for Oct.-Dec. 1982, S/15449.

⁴⁴⁹*Ibid.*, S/15448.

⁴⁵⁰S/15616, in Resolutions and Decisions of the Security Council, 1983, p. 6.

⁴⁵¹S C (38), Suppl. for April-June 1983, S/15834.

outside their respective capitals. I should like to express my appreciation to the two Governments for the arrangements made to facilitate the work of the mission.

"6. On the completion of its itinerary in Iran, the mission was requested by the Government to inspect an additional site, Baneh, which was said to have been attacked during the mission's presence in Iran. The mission was authorized to carry out the additional visit on the condition that the dates of its scheduled tour of Iraq were not affected. The mission also informed the authorities in Iraq, on its arrival in Baghdad, of its readiness to visit any additional sites the Iraqi authorities might wish to propose."

In its report, the mission stated that it had toured war zones in Iran from 21 to 26 May and in Iraq from 28 May to 30 May according to itineraries drawn up by the two Governments; the zones included areas which had sustained recent as well as past war damage. In assessing damage in the areas visited, which was heavy, the mission had relied essentially on government information, supplemented by information ascertained by its own observations. Statistics on casualties provided by the two Governments were included in the mission's report without comment.

439. On 31 October 1983, the Security Council adopted resolution 540 (1983), in the preamble to which the Council recalled its relevant resolutions as well as the above-mentioned report of the Secretary-General, expressing its appreciation to him for presenting a factual, balanced and objective account, noted with appreciation and encouragement the assistance and cooperation given to the Secretary-General's mission by the two Governments concerned and affirmed the desirability of an objective examination of the causes of the war. The operative part of the resolution read as follows:

"The Security Council,

"...

"1. *Requests* the Secretary-General to continue his mediation efforts with the parties concerned, with a view to achieving a comprehensive, just and honourable settlement acceptable to both sides;

"2. *Condemns* all violations of international humanitarian law, in particular, the provisions of the Geneva Conventions of 1949 in all their aspects, and calls for the immediate cessation of all military operations against civilian targets, including city and residential areas;

"3. *Affirms* the right of free navigation and commerce in international waters, calls on all States to respect this right and also calls upon the belligerents to cease immediately all hostilities in the region of the Gulf, including all sea-lanes, navigable waterways, harbour works, terminals, offshore installations and all ports with direct or indirect access to the sea, and to respect the integrity of the other littoral States;

"4. *Requests* the Secretary-General to consult with the parties concerning ways to sustain and verify the cessation of hostilities, including the possible dispatch of United Nations observers, and to submit a report to the Security Council on the results of these consultations;

"5. *Calls upon* both parties to refrain from any action that may endanger peace and security as well as marine life in the region of the Gulf;

"6. *Calls once more upon* all other States to exercise the utmost restraint and to refrain from any act which may lead to a further escalation and widening of the conflict and, thus, to facilitate the implementation of the present resolution;

"7. *Requests* the Secretary-General to consult with the parties regarding immediate and effective implementation of the present resolution."

440. On 13 December 1983, the Secretary-General submitted to the Security Council a report⁴⁵² in pursuance of paragraph 4 of Security Council resolution 540 (1983). The Secretary-General stated that, in transmitting the resolution to Iran and Iraq, he had informed them of his intention to send, with their concurrence, a small mission of senior Secretariat officials to Tehran and Baghdad for the consultations envisaged in the resolution. The Secretary-General noted that Iraq, by a letter of 1 November,⁴⁵³ had welcomed the resolution and had indicated readiness to co-operate in ensuring a ceasefire, but had warned against partial implementation on the premise that the resolution was an integrated and indivisible whole. Iran had conveyed its position on 11 December⁴⁵⁴ that, while it had decided at the Council consultations to respond positively, the Council's action had remained in the same unbalanced tradition it had followed since the beginning of Iraq's war of aggression, so that Iran had no alternative but to continue to dissociate itself from the resolution; the situation in the region could not be termed "hostilities" as in paragraph 4, but a defensive war of liberation whose purpose was to reverse the consequences of the war initiated by Iraq. The Secretary-General drew attention to Iran's request⁴⁵⁵ for another mission to inspect civilian areas recently subjected to Iraqi military attacks in order to update the first mission's report. Iraq had been unable to accept the proposal for the mission to visit Iraq also, had addressed letters stating that its own civilian areas had been militarily attacked and had rejected allegations of its use of chemical weapons in Iran. In view of the Iraqi position that Iran's request be considered in the context of paragraph 2 of the resolution, an integrated and indivisible resolution to be implemented as such, the Secretary-General said there were practical difficulties in acceding to Iran's request. Nevertheless, he would continue efforts to bring about a cessation of hostilities. Apart from intensive discussions he and his Special Representative, Olof Palme, had held with the Foreign Ministers of both parties in September, the Secretary-General expected the January 1984 meeting of the Organization of the Islamic Conference to provide him with an opportunity to discuss with both countries' Heads of State the steps that could facilitate a peaceful solution.

441. In a message transmitted to the Secretary-General by an official of the Permanent Mission of the Islamic Republic of Iran to the United Nations on 4 February 1984,⁴⁵⁶ the Foreign Minister of the Islamic Republic of Iran informed him of recent developments in the conflict between Iran and Iraq and reiterated a request for a fact-finding mission to investigate allegations of military attacks on civilian areas.

⁴⁵²*Ibid.*, Suppl. for Oct.-Dec. 1983, S/16214.

⁴⁵³*Ibid.*, S/16120.

⁴⁵⁴*Ibid.*, S/16213.

⁴⁵⁵*Ibid.*, S/16128 and S/16154.

⁴⁵⁶S C (39), Suppl. for Jan.-March 1984, S/16314.

442. In the letter he sent in reply, dated 10 February 1984,⁴⁵⁷ the Secretary-General said that he was prepared to dispatch a mission to visit the war-stricken areas in both countries. In the letter, the Secretary-General further stated the following:

"Once there is an understanding between the parties on the scope of its functions, a mission can depart to the area at very short notice. It would ascertain the facts in the civilian areas subject to military attack in order to update the report of the previous mission sent on the request of your Government. I would further propose that the mission, which would be headed by one of my senior aides, also ascertain the authoritative positions of both Governments regarding other questions related to the conflict. As you, yourself, have pointed out, one of the main purposes of the United Nations is to maintain international peace and security and to take effective measures to suppress acts of aggression. Given the respective positions of the two parties regarding the resolutions of the Security Council, it is only through direct discussions with the Governments that the Secretary-General can hope to contribute towards any efforts in this direction."

The Secretary-General went on to say that he was sending a letter along similar lines to the Foreign Minister of Iraq, adding that since the Government of the Islamic Republic of Iran had requested that the letter to which he was responding be circulated as a Security Council document, he was arranging for his own letter to be treated in the same manner. The Secretary-General's letter to the Foreign Minister of Iraq was also sent on 10 February 1984.⁴⁵⁸

443. In a report submitted to the Council on 26 March 1984,⁴⁵⁹ the Secretary-General stated that in a letter dated 3 November 1983,⁴⁶⁰ the Government of the Islamic Republic of Iran had for the first time in a communication to the United Nations alleged that chemical weapons were being used by Iraq. The allegation had been made in the context of reiterating a request made initially on 28 October 1983,⁴⁶¹ that the Secretary-General should send a second mission to the area to ascertain damages to civilian targets. In accordance with the procedure used for the dispatch of the first mission,⁴⁶² the Secretary-General had consulted Iraq on Iran's request. The position of Iraq, conveyed in a letter dated 1 November 1983,⁴⁶³ was that resolution 540 (1983) should be implemented in an integrated manner. Iran disassociated itself from that resolution for the reason given in the annex to a letter of 11 December 1983.⁴⁶⁴ In the circumstances, and mindful of the concerns expressed by the two parties, the Secretary-General had proposed that a mission be sent to the area with a combined mandate to ascertain the authoritative positions of the parties on the issues of the conflict and to examine the damages to civilian targets, including the determination of the type of munitions that might have been used. The proposal had first been made by the Secretary-General orally, and subsequently in the above-mentioned letters of 10 February

1984,⁴⁶⁵ as well as in private communications. The reactions of the parties to the Secretary-General's proposal had been favourable.⁴⁶⁶ The Islamic Republic of Iran had reiterated its allegations of the use of chemical weapons in a series of letters,⁴⁶⁷ as well as in private discussions held by its Permanent Representative to the United Nations with the Secretary-General. Press reports indicated that the medical authorities in a number of countries where Iranian nationals were being treated or relevant data analysed had not excluded the possibility that chemical weapons had been used. Those reports were accompanied by a growing call by Governments as well as by public and private organizations for an objective and impartial investigation. Conscious of the humanitarian principles embodied in the Charter and of the moral responsibilities vested in his office, the Secretary-General felt duly-bound to ascertain the facts and, to that end, had requested four eminent specialists in their respective fields to undertake a fact-finding mission to Iran, where they had stayed from 13 to 19 March 1984. The unanimous conclusion of the specialists' report, which was annexed to the Secretary-General's report, was that chemical weapons in the form of aerial bombs had been used in the areas inspected in Iran by the specialists. Concluding the report, the Secretary-General said that humanitarian concerns could only be fully satisfied by putting an end to the tragic conflict between Iran and Iraq.

444. On 30 March 1984, the President of the Security Council issued a statement on behalf of the members of the Council, noting with particular concern the unanimous conclusions of the specialists and strongly affirming the foregoing conclusions of the Secretary-General. The members of the Council strongly condemned the use of chemical weapons reported by the specialists, reaffirmed the need to abide by the relevant Geneva Protocol of 1925, renewed urgently the call for a ceasefire contained in prior Security Council resolutions and the call for a peaceful solution of the conflict also contained therein and expressed appreciation for the mediation efforts of the Secretary-General, requesting him to continue his efforts with the parties concerned with a view to achieving a comprehensive, just and honourable settlement acceptable to all sides.⁴⁶⁸

445. On 9 June 1984, the Secretary-General sent a message to the Presidents of Iran and Iraq to the effect that, having been profoundly distressed on learning of an aerial attack on the town of Banch on 5 June and the retaliatory and counter-retaliatory attacks that had followed, he called upon both Governments to declare to him that each undertook a solemn commitment to end, and in the future to refrain from, initiating deliberate military attacks on purely civilian population centres. Once the respective declarations had been received, communicated to the other party and entered into effect, he would be prepared, if this were to prove necessary, to initiate steps to introduce such measures as might be essential to verify compliance with the commitments. He appealed, in the name of the interna-

⁴⁵⁷*Ibid.*, S/16338.

⁴⁵⁸*Ibid.*, S/16337.

⁴⁵⁹*Ibid.*, S/16433.

⁴⁶⁰S C (38), Suppl. for Oct.-Dec. 1983, S/16128.

⁴⁶¹*Ibid.*, S/16104.

⁴⁶²See para. 418 above.

⁴⁶³S C (38), Suppl. for Oct.-Dec. 1983, S/16120.

⁴⁶⁴*Ibid.*, S/16213.

⁴⁶⁵S C (39), Suppl. for Jan.-March 1984, S/16337 and 16338. See para. 422 above.

⁴⁶⁶*Ibid.*, S/16340, S/16342, S/16352 and 16354.

⁴⁶⁷S C (38), Suppl. for Oct.-Dec. 1983, S/16139, S/16140, S/16154, S/16220 and S/16235; SC (39), Suppl. for Jan.-March 1984, S/16331, S/16340, S/16346, S/16362, S/16378, S/16380, S/16584, S/16397, S/16408 and S/16416.

tional community, to both Governments to respond the same day by furnishing the declarations requested, to be made effective at 0001 hours on 12 June.⁴⁶⁹

446. Having received favourable responses to the two messages,⁴⁷⁰ the Secretary-General, by *mutatis mutandis* identically worded messages sent to them on 11 June 1984,⁴⁷¹ informed the President of the Islamic Republic of Iran and the President of Iraq accordingly. In the messages he stated his understanding that both Governments had given undertakings to him that all deliberate military attacks by any means on purely civilian population centres in either country would cease, effective 0001 GMT on 12 June 1984. He added that he was issuing instructions to Mr. Diego Cordóvez, a senior Secretariat official, to contact the Permanent Representatives of the two Governments, with a view to considering the measures that might be essential to verify that the commitments were adhered to.

447. By a letter dated 14 June 1984,⁴⁷² the Secretary-General informed the President of the Security Council of the undertakings he had received from the Governments of Iran and Iraq. He added that in its response each Government had made independent requests for arrangements to verify compliance with the undertakings. Consequently, consultations had been held and understandings had been reached with each Government. Accordingly, it was the Secretary-General's intention, as an immediate step, to set up simultaneously, as of 15 June, two teams, each consisting of three officers drawn from among the military personnel of UNTSO and one senior official of the United Nations Secretariat, with each ready to proceed to the respective country as soon as so requested by its Government. The mandate of the teams would be to verify compliance with the undertakings given by the two Governments, and following each inspection of a specific allegation of any violation, to report to the Secretary-General, who would keep the Security Council informed of their findings as required.

448. In a reply dated 15 June 1984,⁴⁷³ the President of the Security Council informed the Secretary-General that the members of the Council agreed with the measures he had proposed.

449. On 29 June 1984, the Secretary-General addressed a message to the Presidents of Iran and Iraq stating his deep gratification that the undertakings to refrain from military attacks on purely civilian areas was being implemented in good faith.⁴⁷⁴ The Secretary-General underlined that, now that the inspection arrangements were in place, compliance with the undertakings was principally the responsibility of the two Governments. He was deeply concerned over allegations that civilian population centres were being used to concentrate military forces and he considered that if that was the case such actions would violate the spirit of his appeal and basic standards of warfare.⁴⁷⁵

⁴⁶⁸S/16454, in Resolutions and Decisions of the Security Council, 1984, p. 10.

⁴⁶⁹S C (39), Suppl. for April-June 1984, S/16611.

⁴⁷⁰*Ibid.*, S/16609 and S/16610.

⁴⁷¹*Ibid.*, S/16614 and S/16615.

⁴⁷²S/16627, in Resolutions and Decisions of the Security Council, 1984, p. 11.

⁴⁷³S/16628, in resolutions and Decisions of the Security Council, 1984, p. 11.

⁴⁷⁴S C (39), Suppl. for July-Sept. 1984, S/16663.

⁴⁷⁵See *ibid.*, Suppl. for April-June 1984, S/16649.

Referring to the conclusion of the specialists' mission of March 1984 that chemical weapons had been used, the Secretary-General called upon the two Governments to declare to him that each undertook a solemn commitment not to use chemical weapons of any kind for any reason, adding that, except for requiring a reciprocal commitment, the undertakings, by their very nature, had to be unconditional. He addressed the appeal in the conviction that the declaration requested would be furnished within three days.

450. By a note dated 6 July 1984,⁴⁷⁶ the Secretary-General circulated a message he had received from the President of the Islamic Republic of Iran by which the Government of the Islamic Republic welcomed the Secretary-General's appeal and declared that it was fully committed to continue with its policy not to use chemical weapons. He deemed it necessary, however, once again to express total lack of faith in the commitments undertaken by Iraq, adding that the claim as to the concentration of military forces in civilian areas was merely an excuse for bombarding those areas.

451. On 19 September 1984, the Secretary-General issued a note on the report of the United Nations team in Baghdad concerning an inspection it had carried out on 17 September 1984.⁴⁷⁷ He stated that the teams in Baghdad and Tehran had been in place since 20 and 26 June, respectively, and that the inspection in question was pursuant to the first request for inspection received from the Government of Iraq.⁴⁷⁸ The inspection was in connection with an attack alleged to have taken place in the village of Abu Mughira on 12 September. On receiving the request orally, the head of the team had contacted United Nations Headquarters for authority to proceed under safety assurances from the Iranian authorities. Instructions to proceed had been dispatched the same day at New York after the required assurances had been received from the Iranian Government. After inspecting the site, the team concluded that it had been hit by a lone or stray projectile, for which reason it was unable to say that the attack had been a deliberately targeted one.

7. FUNCTIONS IN CONNECTION WITH THE DISPUTE BETWEEN ARGENTINA AND THE UNITED KINGDOM OVER THE FALKLAND ISLANDS (ISLAS MALVINAS)

(a) *Functions exercised under Security Council and General Assembly resolutions*

452. At a meeting of the Security Council held on 1 April 1982 to consider the situation of grave tension that had arisen between Argentina and the United Kingdom in connection with the Falkland Islands (Islas Malvinas), the President of the Council, following statements by the representatives of the two States, made a statement on behalf of the members of the Council to the effect that the Council had taken note of a statement issued by the Secretary-General which read as follows: "The Secretary-General, who has already seen the representatives of the United Kingdom and Argentina earlier today, renews his appeal for maximum restraint on both sides. He will, of course, return to Headquarters at any time if the situation demands it." The statement on behalf of the members of the Council was fur-

⁴⁷⁶*Ibid.*, Suppl. for July-Sept. 1984, S/16664.

⁴⁷⁷*Ibid.*, S/16750.

⁴⁷⁸*Ibid.*, para. 3. The report of the inspection follows the note.

ther to the effect that the Council called on the two Governments concerned to exercise the utmost restraint and in particular to refrain from the use or threat of force in the region and to continue the search for a peaceful solution.⁴⁷⁹

453. On 3 April 1982, the Security Council adopted resolution 502 (1982), in the preamble to which the Council recalled the statement made by its President, declared itself deeply disturbed at reports of an invasion of the Islands the day before by Argentine forces and determined that there existed a breach of the peace in the region of the Islands. In the operative part the Council demanded an immediate cessation of hostilities as well as an immediate withdrawal of the Argentine forces, and called on the two Governments concerned to seek a diplomatic solution to their differences and respect fully the purposes and principles of the Charter.

454. On 5 May 1982, following consultations of the Security Council, the President of the Council announced that he had been authorized to issue a statement, on behalf of the members of the Council, to the effect, *inter alia*, that they expressed deep concern at the deterioration of the situation and that the members of the Council "also express strong support for the efforts of the Secretary-General with regard to his contacts with the two parties".⁴⁸⁰

455. On 20 May 1982, the Secretary-General sent a letter to the President of the Security Council reading as follows:⁴⁸¹

"As I informed the members of the Council yesterday, I felt the time for reaching agreement through negotiations that would restore peace in the South Atlantic was extremely short. It remains my view that substantial progress was achieved in the past two weeks towards a diplomatic solution, but I must now state that the necessary accommodations which were still needed to end the conflict have not been forthcoming.

"In these circumstances, I feel it my duty to inform you that, in my judgement, the efforts in which I have been engaged, with the support of the Council, do not offer the present prospect of bringing about an end to the crisis nor, indeed, of preventing the intensification of the conflict. I have thought it essential to provide you with this appraisal on most urgent basis in the light of the responsibilities which the Security Council bears under the Charter. At the same time I would like to assure you of my continuing commitment to search for a lasting resolution of this problem."

456. At a Security Council meeting on 21 May 1982,⁴⁸² the Secretary-General said that, following the adoption of resolution 502 (1982), he had continued his contacts with the parties and the President of the Council, and made appropriate arrangements for contingency planning within the Secretariat. As long as the efforts by the United States to facilitate a peaceful solution of the dispute in the context of the Council's resolution were under way, he had expressed the view that nothing would be done to interfere with the process. At the same time, he affirmed his readiness to do all he could to be of assistance. In separate meetings on 19 April with the Permanent Representatives of

Argentina and of the United Kingdom and also with the Permanent Representative of the United States, he had outlined the assistance the United Nations could render, if requested, pursuant to any understanding or agreement that the parties might reach consistent with resolution 502 (1982). He had indicated that any such arrangements would require the prior authorization of the Council, that, as a practical matter, they would presuppose the consent of the parties and that they were mentioned without prejudice to the possibility of other types of action the Council might decide upon. Meanwhile, detailed plans had been developed which could be made available to the parties at the appropriate time, on the understanding that implementation would require a decision of the Council. On 30 April, he had met with the Foreign Minister of Argentina and had received from the Secretary of State of the United States information on the American proposal and a statement of the position of the United States. In separate meetings on 2 May with the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom and the Permanent Representative of Argentina, he had handed over an aide-mémoire suggesting that the two Governments agree to take simultaneously a series of steps, conceived as provisional measures, without prejudice to their rights, claims or position. Those steps included troop withdrawal, the cessation of hostile acts and negotiations. He had added that practical arrangements for a United Nations role in a settlement could be completed expeditiously, subject to the consent of the parties and the decision of the Council. Both Governments had accepted the approach contained in the aide-mémoire. But in the responses they had raised a number of points on which agreement was needed. The Secretary-General had had some 30 separate meetings with the two sides with the purpose of assisting them in reaching an agreement along the lines suggested in the aide-mémoire. In his judgement, essential agreement had been obtained on six points, including a phased withdrawal of forces, an interim administration of the territory by the United Nations and negotiations under his auspices, to be completed by the end of the year, for the peaceful settlement of the dispute. However, crucial differences remained concerning four points, namely: (a) certain aspects of the interim administration of the territory; (b) provisions for the extension of the time frame for completion of negotiations and the related duration for the interim administration; (c) certain aspects of mutual withdrawal of forces; (d) the geographic area to be covered by the terms of the interim agreement. On 19 May, following telephone conversations with President Galtieri and Prime Minister Thatcher, the Secretary-General had presented to the two sides a further aide-mémoire listing the points on which he felt essential agreement had been reached and the four unresolved questions. He indicated that if the points agreed upon were incorporated in the text of an interim agreement, the requirements of resolution 502 (1982) would be met. He had expressed his deep concern, however, that unless the remaining points were resolved in the very immediate future, all that had been accomplished would be lost and the prospects for the early restoration of peace would be frustrated. The aide-mémoire of 19 May included suggestions and formulations which might satisfactorily meet the parties' preoccupations on the four unresolved issues, without prejudice to the rights, claims or position of either. It remained the belief of the Secretary-General that an agreement could be reached along the lines developed in

⁴⁷⁹Resolutions and Decisions of the Security Council, 1982, p. 14.

⁴⁸⁰*Ibid.*, p. 15.

⁴⁸¹S C (37) Suppl. for April-June 1982, S/15099.

⁴⁸²S/PV.2360.

the exchanges over the preceding two weeks, incorporating the approaches suggested in the aide-mémoire. The necessary accommodations, however, had not been made. He had felt that, in the light of the Security Council's responsibilities under the Charter for the preservation of peace, it was urgent that he inform the President of the Council of his appraisal of the situation, and he had done so at 9 o'clock the night before. He expressed appreciation for the important support that the Security Council had given to his efforts and for the understanding shown by the Council members during the exchanges with the parties. He reiterated his personal commitment to be of assistance in every way towards the lasting resolution of the problem.

457. On 26 May 1982, the Security Council adopted resolution 505 (1982), in the preamble to which the Council noted with the deepest concern that the situation had seriously deteriorated and took note of the statement made by the Secretary-General. The operative part of the resolution read as follows:

"The Security Council,

"...

"1. Expresses appreciation to the Secretary-General for the efforts that he has already made to bring about an agreement between the parties, to ensure the implementation of resolution 502 (1982), and thereby to restore peace to the region;

"2. Requests the Secretary-General, on the basis of the present resolution, to undertake a renewed mission of good offices, bearing in mind resolution 502 (1982) and the approach outlined in his statement of 21 May 1982;

"3. Urges the parties to the conflict to cooperate fully with the Secretary-General in his mission with a view to ending the present hostilities in and around the Falkland Islands (Islas Malvinas);

"4. Requests the Secretary-General to enter into contact immediately with the parties with a view to negotiating mutually acceptable terms for a ceasefire, including, if necessary, arrangements for the dispatch of United Nations observers to monitor compliance with the terms of the ceasefire;

"5. Requests the Secretary-General to submit an interim report to the Security Council as soon as possible and, in any case, not later than seven days after the adoption of the present resolution."

458. On 2 June 1982, the Secretary-General submitted an interim report,⁴⁸³ in pursuance of resolution 505 (1982), in which he stated that on the afternoon of 26 May he had met separately with the parties concerned and had requested that each provide within 24 hours a statement of the terms it considered acceptable for a ceasefire. It had been his hope that, on the basis of their replies, terms could be developed which would be mutually acceptable. On 27 May, the Secretary-General had received a message from the British Secretary of State for Foreign and Commonwealth Affairs, providing an indication of the terms acceptable to the United Kingdom for a ceasefire. On the same day, he had received a first response from the Government of Argentina, which had been supplemented on 28 May by a communication on the terms for a ceasefire acceptable to Argentina. The Secretary-General stated his considered

judgement that the positions of the two parties did not offer the possibility of developing at that time terms for a ceasefire which would be mutually acceptable.

459. By its resolution 37/9 of 4 November 1982, the General Assembly, taking into account the de facto cessation of hostilities in the South Atlantic and the expressed intention of the parties not to renew them, requested the Governments of Argentina and the United Kingdom to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas) and also requested the Secretary-General to undertake, on the basis of the resolution, a renewed mission of good offices in order to assist the parties in complying with the foregoing request and to take the necessary measures to that end, also requesting him to report to the Assembly at its thirty-eighth session on the implementation of the resolution.

460. In the report he submitted pursuant to the above request,⁴⁸⁴ the Secretary-General stated that he had had extensive exchanges with the two Governments concerned, including meetings with the President of Argentina and the British Prime Minister. The positions of the two Governments, which had been conveyed to him, had been outlined in the statements made on their behalf during the general debate at the thirty-eighth session of the General Assembly.⁴⁸⁵ The Secretary-General stated that he stood ready to assist both parties to resume negotiations.

461. By its resolution 38/12 of 16 November 1983, the General Assembly took note of the Secretary-General's report, expressed regret at the lack of progress in the implementation of resolution 37/9, reiterated its request to the two Governments concerned to resume negotiations in order to find as soon as possible a solution to the sovereignty dispute, requested the Secretary-General to continue his renewed mission of good offices in order to assist the parties in complying with that request, and to take the necessary measures to that end, and also requested the Secretary-General to submit a report at its thirty-ninth session on the implementation of the resolution.

462. In the report he submitted pursuant to that request,⁴⁸⁶ the Secretary-General said that he had had extensive exchanges with the two Governments. While neither Government was averse to a dialogue (and, in the case of Argentina, negotiations under the auspices of the Secretary-General), the Government of the United Kingdom ruled out negotiations over the issue of sovereignty. The Argentine Government, on the other hand, was prepared to discuss a mechanism that would allow negotiation on that issue. Between January and July, a series of confidential diplomatic exchanges had taken place between the two Governments conducted through Brazil and Switzerland. They had led to a meeting at Berne in July. The text of the joint communiqué issued upon the conclusion of the talks, as well as the respective views of the Argentine and United Kingdom Governments on the outcome of the meeting, were before the General Assembly.⁴⁸⁷ Though the Berne talks had not achieved the desired progress, the Secretary-General regarded them as a positive sign.

⁴⁸⁴A/38/532.

⁴⁸⁵A/38/PV.6, p. 16 (Argentina) and A/38/PV.10, p. 66 (United Kingdom).

⁴⁸⁶A/39/589.

⁴⁸⁷A/39/364, annex.

⁴⁸³S C (37), Suppl. for April-June 1982, S/15151.

463. By its resolution 39/6 of 1 November 1984, the General Assembly expressed regret at the lack of progress in the implementation of resolution 37/9, reiterated its request to the Governments concerned to resume negotiations in order to find as soon as possible a solution to the sovereignty dispute and their remaining differences relating to the question, requested the Secretary-General to continue his mission of good offices in order to assist the parties in complying with that request and to take the necessary measures to that end, and requested him to submit a report at its fortieth session on the implementation of the resolution.

(b) *Functions that were to be assigned to the Secretary-General by draft resolutions that failed of adoption by the Security Council*

464. At its 2373rd meeting, on 4 June 1982, the Security Council voted on a draft resolution,⁴⁸⁸ in which the Council would have reaffirmed its resolutions 502 (1982) and 505 (1982), requested the parties to the dispute to cease fire immediately in the region of the Falkland Islands, authorized the Secretary-General to use such means as he might deem necessary to verify the ceasefire and requested him to report to the Council within 70 hours on compliance with the resolution. The draft resolution received nine votes in favour to two against, with four abstentions, and was not adopted, owing to the negative vote of two permanent members of the Council.

8. FUNCTIONS EXERCISED IN CONNECTION WITH THE SITUATION IN KAMPUCHEA

(a) *Functions exercised under General Assembly resolutions*

465. In the preamble to its resolution 34/22 of 16 November 1979, the General Assembly noted with great concern the escalation of the armed conflict in Kampuchea, expressed deep distress at the hardship, deprivation and famine being suffered by the people of that country, declared itself disturbed by the resultant exodus from Kampuchea, and noted with deep appreciation the roles played by the United Nations and other humanitarian organizations in rendering relief assistance in Kampuchea. In the provisions of the operative part of the resolution dealing with the political as distinct from the humanitarian aspects of the situation, the Assembly called upon all parties to the conflict to observe fully the fundamental principles of human rights and cease all hostilities forthwith, called for the immediate withdrawal of foreign forces from Kampuchea, called upon all States to refrain from all acts or threats of aggression and all forms of interference in the internal affairs of States in South-East Asia in general and Kampuchea in particular, and resolved that the people of that country should be enabled to choose democratically their own Government without outside interference. The Assembly also requested the Secretary-General to follow the situation closely and exercise his good offices in order to contribute to a peaceful solution of the problem, to explore the possibility of holding an international conference on Kampuchea as a means for implementing the resolution, and

further requested him to submit to Member States a report on the situation at the earliest appropriate opportunity.

466. In a report submitted to the General Assembly at the thirty-fifth session⁴⁸⁹ pursuant to that request, the Secretary-General, after describing the humanitarian assistance rendered by the United Nations system in connection with the situation in Kampuchea, added that, while those operations had served to relieve the intense suffering, renewed efforts were required towards political settlement since little progress had been made in implementation of certain provisions of resolution 34/22, including those relating to the withdrawal of foreign forces. In August 1980, he had travelled to Hanoi and Bangkok but, notwithstanding his contacts with the parties and interested Governments, a basis for an agreed solution had not been reached. The Secretary-General expressed determination to continue his efforts.

467. In the preamble to its resolution 35/6 of 22 October 1980, the General Assembly took note of the Secretary-General's report, expressed regret that the foreign armed intervention in Kampuchea continued and that the foreign forces had not been withdrawn, expressed concern that the hostilities in Kampuchea had not ceased and that the deployment of more foreign troops and weapons in Kampuchea near the border with Thailand had heightened tension, declared itself gravely disturbed that the fighting had forced large numbers of Kampucheans to flee to that border, and expressed its conviction of the need for a comprehensive political solution to the problem. In the operative part of the resolution, the Assembly reaffirmed resolution 34/22, requested the Secretary-General to take all appropriate steps to convene early in 1981 an international conference on Kampuchea, enumerated the points on which the conference should reach agreement, called for, pending the settlement of the conflict, the stationing of a United Nations observer team on the Thai side of the border to observe the situation along it and verify that only civilian Kampucheans obtained international relief aid and the establishment of safe areas under United Nations supervision in western Kampuchea for the uprooted civilian Kampucheans encamped near the border and those in Thailand who wished to return home, and requested the Secretary-General to report at the thirty-sixth session on the implementation of the resolution.

468. In the report submitted to the General Assembly⁴⁹⁰ pursuant to that request, the Secretary-General stated that he had undertaken extensive consultations and maintained close contact with government leaders and representatives of States most directly concerned with the situation and with other interested parties, in the discharge of his responsibility relating to peace and security and in the exercise of his good offices. Also in March and April, his Special Representative, M'Hamed Essaafi, had undertaken a mission to South-East Asia to consult with Governments. The Secretary-General concluded that a fundamental solution could be found only with the achievement of a just, lasting and comprehensive settlement of the underlying political and military issues. Regrettably, it had not been possible to bridge the gap between the strongly held views of the parties and States concerned. Reiterating his determination to continue to search for a peaceful solution, he stated that such a solution must be based on fundamental

⁴⁸⁸S/15156.

⁴⁸⁹A/35/501.

⁴⁹⁰A/36/583.

principles of the Charter of the United Nations, particularly respect for the sovereignty, independence and territorial integrity of all States, non-interference and non-intervention in their internal affairs and non-use of force, and respect for self-determination of peoples and fundamental human rights.

469. In its resolution 36/5 of 21 October 1981, the General Assembly took note of the report of the Secretary-General, reiterated its conviction that the withdrawal of foreign forces, the restoration and preservation of the independence, sovereignty and territorial integrity of Kampuchea, the right of its people to determine their own destiny and the commitment by all States to non-interference in the internal affairs of Kampuchea were the principal components of any just and lasting resolution of the Kampuchea problem, approved the report of the International Conference on Kampuchea and adopted the Declaration of Kampuchea, requested the Secretary-General to consult with the Conference and its Ad Hoc Committee, requested him further to undertake a preliminary study of the possible future role of the United Nations, taking into account the mandate of the Ad Hoc Committee and certain provisions of the Declaration, requested him to follow the situation closely and exercise his good offices in order to contribute to a comprehensive political settlement, and, finally, requested him to submit at the thirty-seventh session a report on the implementation of the resolution.

470. In the report⁴⁹¹ he submitted pursuant to that request, the Secretary-General stated that in January 1982 he had consulted with the States most directly concerned with the Kampuchea situation, in exercise of his good offices. His Special Representative, Rafeuiddin Ahmed, had visited South-East Asia in February and March to consult with Governments. Thereafter, the Secretary-General had continued his contacts with government leaders while visiting Beijing, Moscow and Paris as well as other capitals, and, more recently, in New York. The Secretary-General regretted that, although consultations among the countries of the region and with other States had acquired new impetus, they had not achieved any substantial progress towards a resolution of the problem. However, they constituted a positive development insofar as they had led to a better perception of the different positions and had encouraged dialogue. Communications addressed to him during the year and circulated as United Nations documents had demonstrated that, despite efforts and initiatives at various levels, wide differences of position remained, both on the nature of the problem and on the modalities for a peaceful solution. It had become increasingly clear that the region's problems could not be solved by military means. Only a comprehensive political solution, reached through genuine negotiations, would allow the countries of the region to reconstruct their economies and look to a future of peace, stability and cooperation. He hoped that the recent trend towards sustained dialogue stemmed from a shared conviction that there was no alternative to a negotiated settlement.

471. By its resolution 37/6 of 28 October 1982, the General Assembly took note of the report of the Secretary-General, reaffirmed its three prior resolutions on Kampuchea, calling for their full implementation, requested the

Secretary-General to continue to consult with the Conference and the Ad Hoc Committee, expressed its appreciation to him for taking appropriate steps in following the situation closely, and requested him to continue to do so and exercise his good offices in order to contribute to a comprehensive political settlement, also requesting him to report on the implementation of the resolution at its thirty-eighth session.

472. In the report submitted pursuant to that request,⁴⁹² the Secretary-General stated that he had maintained close contact with the States most directly concerned and with other interested parties, in the exercise of his good offices, and named the Governments, leaders and officials with whom either he or his Special Representative had held discussions. In addition, diplomatic exchanges and bilateral consultations had continued among the South-East Asian countries on possible approaches to a dialogue and negotiations. These had fostered a climate of better understanding. However, despite the emergence of tentative elements of convergence, there remained significant differences. The situation in their region also remained relatively tense, particularly along the Kampuchea-Thailand border. Reiterating his conviction that continued absence of progress towards genuine negotiations could only generate further tension and thus a deterioration of the situation, the Secretary-General considered it essential that initiatives at various levels be pursued with renewed vigour. He restated his determination to continue to exercise his good offices in that regard.

473. By its resolution 38/3 of 27 October 1983, the General Assembly took note of the Secretary-General's report, called for the full implementation of its four prior resolutions on Kampuchea, requested the Secretary-General to continue to consult with the Conference and the Ad Hoc Committee, expressed its appreciation to him for taking appropriate steps in following the situation closely, and requested him to continue to exercise his good offices in order to contribute to a comprehensive political settlement, also requesting him to report to the General Assembly at its thirty-ninth session.

474. In the report⁴⁹³ he submitted pursuant to that request, the Secretary-General stated that since the beginning of 1984 he had continued, in the framework of his good offices, to seek a peaceful resolution of the problem. To that end he and his Special Representative had maintained close contact with representatives of the States most directly concerned and other parties. From those contacts, of which he gave an account, and the other developments in the region, he concluded that the respective positions continued to show that further efforts would be necessary before a mutually acceptable agenda could be worked out. He continued to believe that there was no alternative to a comprehensive political settlement, which could only be based on the fundamental principles of the Charter and could only be reached through a process of genuine negotiations and mutual accommodation. He was determined to continue to exercise his good offices, with a view to contributing to such a settlement.

475. By its resolution 39/5 of 30 October 1984, the General Assembly took note of the report of the Secretary-General, called for the full implementation of its prior

⁴⁹¹A/37/496.

⁴⁹²A/38/513.

⁴⁹³A/39/576.

resolutions, and reiterated the requests to the Secretary-General made in resolution 38/3, requesting him to report at its fortieth session.

(b) *Functions that were to be assigned to the Secretary-General by a draft resolution that failed of adoption by the Security Council*

476. At its 2112th meeting, on 15 January 1979, the Security Council voted on a draft resolution⁴⁹⁴ by which the Council would have called upon all foreign forces involved in the situation in Democratic Kampuchea to observe a ceasefire, demanded strict adherence to the principle of non-interference in the internal affairs of States, and requested the Secretary-General to submit a report on the progress towards the implementation of the resolution within two weeks. The draft resolution received 13 votes in favour to 2 against and was not adopted, owing to the negative vote of a permanent member of the Council.

9. FUNCTIONS EXERCISED IN CONNECTION WITH THE SITUATION IN AFGHANISTAN

(a) *Functions exercised under General Assembly resolutions*

477. By its resolution ES-6/2 of 14 January 1980, the General Assembly strongly deplored the armed intervention in Afghanistan, appealed to all States to respect the sovereignty, territorial integrity and political independence of Afghanistan, called for the immediate, unconditional and total withdrawal of the foreign troops from the country, urged all the parties concerned to assist in bringing about conditions necessary for the voluntary return of the Afghan refugees to their homes, and requested the Secretary-General to keep Member States and the Security Council promptly and concurrently informed on the progress towards the implementation of the resolution.

478. In his annual report on the work of the Organization submitted to the General Assembly at its thirty-fifth session,⁴⁹⁵ the Secretary-General said that he had discussed the situation with the Prime Minister and the Foreign Minister of India and with the President and the Foreign Minister of Pakistan. He had continued those contacts and had also discussed the matter with the Foreign Minister of Afghanistan and the Secretary-General of the Organization of the Islamic Conference. In addition, he had had talks with members of the Security Council, in particular the representatives of the Soviet Union and the United States. In all those talks he had expressed his concern about the dangerous situation in the area and the need for an early negotiated settlement. However, he had not yet been able to discern from those contacts a basis for an agreed solution. Therefore, the only way that appeared open was to initiate a process of negotiation among all the parties concerned with a view to finding a political solution to the problem with full regard to the principles of the Charter and the decisions of the Organization.

479. By its resolution 35/37 of 20 November 1980, the General Assembly recalled its resolution ES-6/2, expressed grave concern at the continuing foreign armed in-

tervention in Afghanistan and the increasing outflow of refugees from the country, called for the immediate withdrawal of the foreign troops from Afghanistan, called upon all parties concerned to work for the achievement of a political solution enabling the refugees to return voluntarily, and recognized the importance of the efforts of the Organization of the Islamic Conference for a political solution of the situation. The Assembly also expressed its appreciation of the efforts of the Secretary-General in the search for a solution to the problem and expressed the hope that he would continue to extend assistance, including the appointment of a special representative, with a view to promoting a political solution in accordance with the provisions of the resolution, and the exploration of securing appropriate guarantees for the non-use of force, or the threat of use of force, against the political independence, sovereignty, territorial integrity and security of all neighbouring States, on the basis of mutual guarantees and strict non-interference in each other's internal affairs and with full regard for the principles of the Charter. The Assembly furthermore requested the Secretary-General to keep Member States and the Security Council concurrently informed of progress towards the implementation of the resolution and to submit to Member States a report on the situation at the earliest appropriate opportunity.

480. Pursuant to that request, the Secretary-General, on 6 November 1981, submitted to the General Assembly and the Security Council a report on the action he had taken.⁴⁹⁶ He stated that in efforts to facilitate negotiations among the parties so as to achieve a political solution, his Personal Representative, Javier Pérez de Cuéllar, appointed in February 1981, had travelled to Afghanistan in April and August and had met with the President, the Foreign Minister and other senior officials of Pakistan as well as with the President, the Prime Minister, the Foreign Minister and other senior officials of Afghanistan. In April, both Governments had emphasized the desire for a peaceful political solution and welcomed the visits as a positive step that might lead to negotiations. An understanding had been reached in August on the substantive issues to be negotiated, but not on their format. In the second half of September and early October, the Secretary-General and his representative had met separately on several occasions with the two Foreign Ministers, who had stressed their respective priorities on the issues to be negotiated and reaffirmed their desire to continue the diplomatic process. Meanwhile, during a visit of the Secretary-General to the USSR in May, the Soviet Government had stressed that it favoured a political settlement and supported continued efforts to resolve the problem peacefully. The Secretary-General concluded that the approach adopted could facilitate the search for a fair political solution which would ensure that the Afghan people would be able to determine their own destiny, free from foreign intervention and interference. He would continue to pursue all possibilities for a peaceful settlement.

481. By its resolution 36/34 of 18 November 1981, the General Assembly recalled its resolutions ES-6/2 and 35/37, took note of the report of the Secretary-General, particularly of the appointment of his Personal Representative, expressed its appreciation for the efforts of the

⁴⁹⁴S/13027.

⁴⁹⁵A/35/1, pp. 2-3.

⁴⁹⁶S C (36) Suppl. for Oct.-Dec. 1981, S/14745; see also A/36/653.

Secretary-General in the search for a solution to the problem, and in the same language as in resolution 35/37, reiterated the requests to the Secretary-General contained in that resolution.⁴⁹⁷

482. Pursuant to resolution 36/34, the Secretary-General, on 24 September 1982, submitted to the General Assembly and the Security Council a report on the further action he had taken.⁴⁹⁸ In the report, the Secretary-General stated that he had consulted with representatives of Afghanistan, the Islamic Republic of Iran, Pakistan and other Governments in efforts to facilitate negotiations for a political settlement. In April, Diego Córdovez, Under-Secretary-General for Special Political Affairs, appointed in February as the Personal Representative of the Secretary-General, had visited those countries, where he had held detailed exchanges of views on the purposes of the diplomatic process and the steps required to carry it forward. In Afghanistan, he had met with the President, the Prime Minister and the Minister for Foreign Affairs; in the Islamic Republic of Iran, with the Foreign Minister and other senior officials; and in Pakistan, with the President, the Foreign Minister and other senior officials. As a result of those exchanges, it had been possible to define the content and scope of the issues to be considered, withdrawal of foreign troops, non-interference in the internal affairs of States, international guarantees of non-interference and voluntary return of refugees. It had been agreed that, as the issues were inter-related, discussions would aim at a comprehensive settlement. In accordance with agreed procedures, discussions had been held in June at Geneva through the intermediary of the Secretary-General's Personal Representative, in which the Foreign Ministers of Afghanistan and Pakistan had taken part. The discussions, of which Iran had been kept informed, had made possible a more detailed definition of the interlocutors' positions, identification of areas of agreement and development of ideas on the structure and content of a comprehensive settlement. It had been agreed that the Personal Representative would remain in close contact with the interlocutors and visit the region again towards the end of the year. The Secretary-General had also taken the opportunity, during a September visit to the USSR, to discuss the situation with the President and the Foreign Minister of the Soviet Union. He reported that the Soviet Government had affirmed its support for a continuation of his efforts to facilitate negotiations. In conclusion, the report stated that, while the most critical stage of the diplomatic process lay ahead, the initial one had brought about some tentative progress and indicated a strong disposition towards a negotiated comprehensive settlement. Moreover, there appeared to have emerged a common understanding of the principles underlying a settlement, of

the interrelationships among its elements and of measures to ensure its effective implementation. The Secretary-General would not cease to exert efforts towards securing an opportunity for the Afghans to build their future in peace.

483. By its resolution 37/37 of 29 November 1982, the General Assembly recalled its prior resolutions on the situation in Afghanistan, took note of the report of the Secretary-General, expressed its appreciation and support for the efforts and constructive steps he had taken in the search for a solution to the problem, and reiterated, in substantially the language used in resolution 36/34, the requests made to the Secretary-General in that resolution.

484. Pursuant thereto, the Secretary-General, on 28 September 1983, submitted to the General Assembly and the Security Council a report on the further action he had taken.⁴⁹⁹ In the report, he stated that he had continued promoting a political solution through negotiations. His Personal Representative, Diego Córdovez, had consulted with representatives of Pakistan, Afghanistan and the Islamic Republic of Iran in January and February in efforts to define the substantive contents of a comprehensive settlement and to determine the procedural steps required to give impetus to the diplomatic process. The consultations had focused on the four items previously identified for consideration. Understandings were reached on the nature and operation of a policy mechanism to be articulated in the settlement and on provisions to ensure its effective implementation. The Secretary-General had visited the USSR in March, exchanging views on the situation with President Yuri Andropov and Foreign Minister Andrei Gromyko, who strongly favoured a political settlement. Through the intermediary of his Personal Representative, a second round of discussions had been held at Geneva, in April and June, in two phases in which the Foreign Ministers of Afghanistan and Pakistan had taken part and of which Iran had been kept informed. Substantial progress had been made in defining the contents of a settlement, its principles and objectives, the interrelationship among its four elements and the provisions, including time frames, for its implementation. It had been agreed that arrangements to ascertain the voluntary and unimpeded character of the return of refugees would start without delay. Consultations for this purpose had accordingly been held throughout the summer with UNHCR. In conclusion, the Secretary-General said that he had not sent his Personal Representative on another visit to Afghanistan, Iran and Pakistan at the end of the summer, as requested, because the time had not been suitable for the purposes which the interlocutors had set themselves to achieve. However, the presence in New York of the Foreign Ministers of those States at the thirty-eighth session of the General Assembly would provide an opportunity for discussions.

485. By its resolution 38/29 of 23 November 1983, the General Assembly recalled its prior resolutions on the situation in Afghanistan, took note of the report of the Secretary-General and the status of the diplomatic process he had initiated, and expressed its appreciation and support for the efforts and constructive steps he had taken, especially the diplomatic process he had initiated, in substan-

⁴⁹⁷Resolution 36/34, para. 6 reads:

"The General Assembly"

"Expresses its appreciation for the efforts of the Secretary-General in the search for a solution to the problem and requests him to continue those efforts with a view to promoting a political solution, in accordance with the provisions of the present resolution, and the exploration of securing appropriate guarantees for non-use of force, or threat of use of force, against the political independence, sovereignty, territorial integrity and security of all neighbouring States, on the basis of mutual guarantees and strict non-interference in each other's internal affairs and with full regard for the principles of the Charter of the United Nations."

⁴⁹⁸S. C. (37), Suppl. for July-Sept. 1982, S/15429; see also A/36/482.

⁴⁹⁹S. C. (38), Suppl. for July-Sept. 1983, S/16005; see also A/38/449.

tially the terms used in resolution 36/34 and the requests made to the Secretary-General in that resolution.

486. In a report submitted pursuant thereto to the General Assembly and the Security Council on 21 September 1984,⁵⁰⁰ the Secretary-General stated that, in April 1984, his Personal Representative had visited the area, meeting with the President, the Foreign Minister and other senior officials of Pakistan, and also with the President and the Foreign Minister of Afghanistan. In the Islamic Republic of Iran, he had held meetings with the Foreign Minister and other senior officials of the Iranian Government, which had reiterated its desire to see an early solution to the problem. During the consultations held in Afghanistan and Pakistan a set of understandings had been worked out, which included a determination to reach a political solution and to expedite the diplomatic process. In accordance with those understandings, a round of "proximity" discussions, in which the Foreign Ministers of Afghanistan and Pakistan had taken part, had been held at Geneva, through the intermediary of the Personal Representative, in August. The Iranian Government had been kept informed. The underlying purpose of the set of understandings was to attempt to solve the serious difficulties that had arisen the previous year within the context of the formulation of the instruments for the implementation of the comprehensive settlement. The interlocutors had indicated their readiness to hold another round of proximity talks in February 1985. During a visit by the Secretary-General to Moscow in July, the Soviet Government had encouraged him to continue his efforts and reaffirmed its support for a negotiated political settlement.

487. By its resolution 39/13, *mutatis mutandis* identical with resolution 38/29, the General Assembly recalled its prior resolutions on the situation in Afghanistan and took note of the report of the Secretary-General.

(b) *Functions that were to be assigned to the Secretary-General by draft resolutions that failed of adoption by the Security Council*

488. At its 2190th meeting, on 7 January 1980, the Security Council voted on a draft resolution⁵⁰¹ by which the Council would have called for the immediate and unconditional withdrawal of all foreign troops from Afghanistan in order to enable its people to determine their own form of government and requested the Secretary-General to submit a report on progress towards the implementation of the resolution within two weeks. The draft resolution received 13 votes in favour to 2 against, and was not adopted, owing to the negative vote of a permanent member of the Council.

10. FUNCTIONS EXERCISED IN CONNECTION WITH THE QUESTION OF WESTERN SAHARA

489. By its resolution 34/37 of 21 November 1979, the General Assembly expressed the profound concern of the United Nations, the Organization of African Unity and the non-aligned countries regarding the decolonization of Western Sahara and the right of the people of that Territory to self-determination, welcomed the peace agreement con-

cluded between Mauritania and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO), the representative of the people of Western Sahara, deeply deplored the aggravation of the situation resulting from the continued occupation of Western Sahara by Morocco and the extension of that occupation to the territory evacuated by Mauritania, urged Morocco to join in the peace process and terminate the occupation of Western Sahara and recommended to that end that the Frente POLISARIO should participate fully in the search for a solution to the question of Western Sahara. The Assembly also requested the administrative Secretary-General of OAU to keep the Secretary-General informed of the progress achieved with regard to the implementation of the decisions of the OAU concerning Western Sahara, and requested the Secretary-General to follow closely the situation in Western Sahara and to report thereon to the Assembly at its thirty-fifth session.⁵⁰²

490. In a report⁵⁰³ submitted to the General Assembly at its thirty-fifth session, the Secretary-General stated that on 30 September 1980 he had received a letter from the Executive Secretary of OAU reporting a decision adopted by the Assembly of Heads of State and Government of OAU reporting the willingness of Morocco to engage in discussions with all interested parties and to participate fully in the work of the Ad Hoc Committee of Heads of State on Western Sahara. The decision also stated that the Committee should continue its work with a view to reconciling the parties to the conflict and seeking a peaceful and lasting solution thereto. During the year, the Secretary-General had continued to follow closely the situation as well as the related efforts of OAU to arrive at a solution to the problem and had maintained close contact with the parties concerned and would continue to extend his full co-operation to them in search for a solution.

491. In its resolution 35/19 of 11 November 1980, the General Assembly reaffirmed the inalienable right of the people of Western Sahara to self-determination and independence, deeply deplored the fact that its resolution 34/37 had not been implemented, and again declared its deep concern at the aggravation of the situation deriving from the continued occupation of Western Sahara by Morocco and from the extension of that occupation to the Territory subject to the peace agreement between Mauritania and the Frente POLISARIO. It reaffirmed that a solution to the question lay in the exercise by the people of the territory of their inalienable rights, including their right to self-determination and independence, and reiterated the appeal of resolution 34/37. It further urged Morocco and the Frente POLISARIO to enter into direct negotiations with a view to arriving at a definitive settlement of the question. The Assembly also requested the Secretary-General of OAU to keep the Secretary-General informed of the progress achieved, and invited the Secretary-General to follow closely the situation in Western Sahara with a view to the implementation of the resolution and to report to the Assembly at its next session.

⁵⁰⁰A/39/513; see also S C (34), Suppl. for July-Sept. 1984, S/16754).

⁵⁰¹S C (35), Suppl. for Jan.-March 1980, S/13729.

⁵⁰²In resolution 34/37, as well as in all the other resolutions on Western Sahara referred to here, the General Assembly also requested reports 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

⁵⁰³A/35/529.

492. In the report⁵⁰⁴ submitted to the General Assembly at its thirty-sixth session, the Secretary-General reported, as requested on 14 September 1981 by the Permanent Representative of Kenya to the United Nations, a decision of the OAU Implementation Committee to organize and conduct a general and free referendum to enable the people of Western Sahara to express themselves freely and democratically on the future of their Territory. The people would be given the choice of independence or integration with Morocco. The Implementation Committee also urged the parties to agree on a ceasefire under the auspices of the Committee and to maintain it after the proclamation of the date fixed by the Committee. On 23 September, the Secretary-General of OAU had addressed a letter to the Secretary-General stating that it was hoped that the recent constructive discussions which had taken place between the Secretariats of OAU and the United Nations on the modalities of holding a referendum could be continued. During the year, the Secretary-General had also continued to follow the situation closely and was involved in consultations with the Chairman and the Secretary-General of OAU and the parties concerned. Contacts had also been maintained between the OAU secretariat and the United Nations Secretariat on the matter.

493. In its resolution 36/46 of 24 November 1981, the General Assembly took note of the decision of the Assembly of Heads of State and Government of OAU to organize throughout the Territory of Western Sahara a general and free referendum of the people of Western Sahara on self-determination, appealed to the two parties to the conflict to observe a ceasefire in accordance with the decision of OAU and its Implementation Committee, and urged Morocco and the Frente POLISARIO to enter into negotiations with a view to establishing an immediate ceasefire and concluding a peace agreement permitting the fair conduct of a general and free referendum on self-determination in Western Sahara. The Assembly furthermore requested the Secretary-General to take the necessary steps to ensure that the United Nations participated in the organization and conduct of the referendum and to report to the General Assembly and the Security Council on this subject and on the measures requiring a decision by the Council. It also urgently requested the Secretary-General to cooperate closely with the Secretary-General of OAU with a view to implementing the decision of the Assembly of Heads of State and Government of OAU and of the present resolution.

494. In a report⁵⁰⁵ submitted to the General Assembly at its thirty-seventh session, the Secretary-General reported on a letter he had addressed to the Secretary-General of OAU on 17 December 1981 stating that the United Nations remained ready to cooperate and assist OAU in the application of the decisions adopted by the OAU Assembly of Heads of State. On 15 October 1982, the Secretary-General of OAU had transmitted to the Secretary-General a decision of the OAU Implementation Committee regarding the ceasefire. The Implementation Committee had considered it necessary and desirable to put an immediate end to the hostilities in Western Sahara and had decided that a comprehensive ceasefire would come into force on a date to be fixed by the Implementation Committee on the advice of the Chairman after consultations with all parties concerned; all warlike acts and operation should cease from

the time of the ceasefire; a peacekeeping force and/or military observer group should be stationed in the Territory; and troops would be withdrawn and prisoners of war exchanged. By the second decision, an interim administration would be set up to organize the referendum and a Commissioner would be appointed to carry out the preparatory work for it. The question of the role of the United Nations had thus been left undecided.

495. By its resolution 37/28 of 23 November 1982, the General Assembly welcomed the efforts of OAU with a view to promoting a just and lasting solution to the question of Western Sahara, and appealed once again to Morocco and the Frente POLISARIO to enter into negotiations with a view to achieving a ceasefire. The Assembly also requested the Secretary-General to take the necessary steps to ensure that the United Nations participated effectively in the organization and conduct of the referendum and to report to the Assembly and the Security Council on the subject and on the measures requiring a decision by the Council. The Assembly further requested the Secretary-General to cooperate closely with the Secretary-General of OAU with a view to the implementation of the pertinent decisions of OAU as well as resolution 37/28.

496. In a report submitted to the General Assembly⁵⁹⁶ at its thirty-eighth session, the Secretary-General said that he had informed the OAU Secretary-General that he was ready to provide assistance and to cooperate with him. On 28 June 1983, the OAU Secretary-General had transmitted the text of a resolution on Western Sahara adopted by the OAU Assembly of Heads of State and Government. In a further message, on 29 June, he had requested United Nations assistance in implementing the resolution, by which OAU had urged the parties to the conflict in Western Sahara, Morocco and the Frente POLISARIO, to undertake ceasefire negotiations, directed the Implementation Committee to work out the details of the ceasefire and the conduct of the referendum in December 1983, requested the United Nations in conjunction with OAU to provide a peacekeeping force for Western Sahara, and decided to remain seized of the question. The Secretary-General had replied on 30 June that he had noted the resolution and would cooperate closely with the OAU Secretary-General. A United Nations team had been sent to Addis Ababa to meet with an OAU secretariat task force on 19 and 20 September and to attend meetings of the Implementation Committee on 21 and 22 September.

497. By its resolution 38/40 of 7 December 1983, in which it took note of and quoted in full the OAU resolution referred to in the Secretary-General's report, the General Assembly requested the Secretary-General to take the necessary steps to ensure that the United Nations participated effectively in the organization and conduct of the referendum and to report to the Assembly and the Security Council on the subject and on the measures requiring a decision by the Council, also urging him to cooperate closely with the Secretary-General of OAU with a view to the implementation of the pertinent decisions of the OAU and resolution 38/48.

498. In a report submitted to the General Assembly at its thirty-ninth session,⁵⁰⁷ the Secretary-General stated that he had in March 1984 addressed a letter to the interim Secretary-General of OAU, stating that he remained ready

⁵⁰⁴A/36/602.

⁵⁰⁵A/37/570.

⁵⁰⁶A/38/555.

⁵⁰⁷A/39/634.

to extend every possible cooperation and assistance in the implementation of the relevant decisions of OAU. In July, a further communication had been addressed to that official, requesting information on the pertinent activities of OAU. In a reply of 22 October 1984, the OAU secretariat stated that the current Chairman of OAU had convened a meeting of the Implementation Committee to take place from 21 to 23 September 1983 and that the meeting had been called off on 22 September in view of the difficulties for the parties to the conflict to negotiate directly to establish a ceasefire. The Implementation Committee had not been convened since. In a subsequent communication dated 30 October 1984, the OAU secretariat had stated that the report of the Implementation Committee would be submitted to the Assembly of Heads of State and Government of OAU at its twentieth ordinary session, scheduled to be held in November 1984. It further indicated that the report and the subsequent resolution or decision would be transmitted to the United Nations immediately after the summit meeting.⁵⁰⁸

499. By its resolution 39/40 of 5 December 1984, the General Assembly reaffirmed that the solution of the question of Western Sahara lay in the implementation of the resolution of OAU quoted in resolution 38/40, requested Morocco and the Frente POLISARIO to undertake direct negotiations with a view to bringing about a ceasefire, and reaffirmed the determination of the United Nations to co-operate fully with OAU with a view to implementing the relevant decisions of that Organization. The Assembly also invited the Secretary-General of OAU to keep the Secretary-General informed of the progress achieved in the implementation of the decisions of OAU relating to Western Sahara, and invited the Secretary-General to follow closely the situation there with a view to the implementation of resolution 39/40 and to report to the Assembly at its fortieth session.

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

(a) *Establishment of a nuclear-weapon-free zone in the Middle East*⁵⁰⁹

500. By its resolutions 34/77 of 11 December 1973 and 35/147 of 12 December 1980, the General Assembly renewed its invitation to the Secretary-General to continue to explore the possibilities of making progress towards the establishment of a nuclear-weapon-free zone in the Middle East. No reports were submitted by the Secretary-General in connection with those requests.

501. By its resolutions 37/75 of 3 December 1982 and 38/64 of 15 December 1983, which concerned the establishment of a nuclear-weapon-free zone in the Middle East, the General Assembly requested the Secretary-General to report on the implementation of each resolution at the next regular session.⁵¹⁰

⁵⁰⁸They were duly received and their texts conveyed to the General Assembly in document A/39/634/Add.1.

⁵⁰⁹See *Repertory, Supplement No. 5*, vol. V, under Article 98, para. 642.

⁵¹⁰For the reports, see documents A/38/197 and A/39/472, in which the Secretary-General did not refer to any developments, but observed that since the establishment of the zone would contribute to the improvement of the situation in the area, further efforts to that end deserved strong support.

502. By resolution 39/54 of 12 December 1984, the General Assembly requested the Secretary-General to seek the views of all concerned parties regarding the establishment of a nuclear-weapon-free zone in the Middle East and to submit a report at the next implementation of the resolution.

(b) *Question of Israeli nuclear armament*

503. By its resolution 34/89 of 11 December 1973, by which it expressed alarm at the increasing information and evidence regarding Israel's activities aiming at the acquisition and development of nuclear weapons, the General Assembly requested the Secretary-General to prepare, with the assistance of qualified experts, a study on Israeli nuclear armament and to report thereon at the thirty-sixth session. The Assembly also requested the Secretary-General to submit a progress report on the work of the group of experts at the thirty-fifth session. At the latter session, the Assembly, by resolution 35/157 of 12 December 1980, took note of the progress report⁵¹¹ and requested a further report at the thirty-sixth session.

504. By its resolution 36/98 of 9 December 1981, the General Assembly took note of the Secretary-General's report,⁵¹² expressed deep alarm at the fact that, according to the report, Israel had the technical capability to manufacture nuclear weapons, and requested the Secretary-General to follow closely Israeli military nuclear activity and to report thereon as appropriate and to give maximum publicity to the report so that the international community might be fully aware of the danger inherent in Israel's nuclear capability.

505. By its resolution 37/82 of 9 December 1982, the General Assembly, taking note of a further report by the Secretary-General,⁵¹³ requested the Secretary-General to keep Israeli nuclear activities under constant review and to report thereon as appropriate. The Assembly also requested him to follow closely, in cooperation with OAU and the League of Arab States, the nuclear and military collaboration between Israel and South Africa and the dangers it constituted to peace and security and to efforts aimed at establishing a nuclear-weapon-free zone in the Middle East.

506. In its resolution 38/69 of 15 December 1983, the General Assembly, taking note of another report by the Secretary-General,⁵¹⁴ requested him to continue to follow closely Israel's nuclear activities and the nuclear and military collaboration between it and South Africa and to report to the General Assembly at its thirty-ninth session thereon, as appropriate.⁵¹⁵

(c) *Armed Israeli aggression against the Iraqi nuclear installations*⁵¹⁶

507. By its resolution 36/27 of 13 November 1981, the General Assembly strongly condemned Israel for its attack

⁵¹¹A/35/458.

⁵¹²A/36/431, by which the Secretary-General transmitted the study of the Group of Experts to Prepare a Study on Israeli Nuclear Armament.

⁵¹³A/37/434.

⁵¹⁴A/38/199.

⁵¹⁵For the report submitted pursuant to that request, see document A/39/435.

⁵¹⁶By its resolution 487 (1981) of 19 June 1981 on the question, the Security Council requested the Secretary-General to keep it regularly informed of the implementation of the resolution. However, no action was taken by the Secretary-General pursuant to that request (see note 517 below).

of 7 June 1981 against the Iraqi nuclear installations, issued a solemn warning to Israel to cease its threats and the commission of such armed attacks, reiterated its call on all States to cease forthwith any provision to Israel of arms and related material which enabled it to commit acts of aggression against other States, and demanded that Israel pay prompt and adequate compensation for its act of aggression. The Assembly also requested the Secretary-General to keep Member States and the Security Council, which it had requested to take action in the matter, informed of progress towards the implementation of the resolution and to submit a report to the Assembly at its thirty-seventh session.

508. In a report submitted to the General Assembly at its thirty-seventh session and to the Security Council pursuant to that request,⁵¹⁷ the Secretary-General said that he had requested Israel to inform him of the action it intended to take regarding the Assembly's demand that it pay compensation and asked all States to inform him of the action they intended to take regarding the Assembly's call for a cessation of the provision to Israel of arms and related material. In the report he reproduced the replies received. The reply by Israel stated that it did not consider itself bound by resolution 36/27, against which it had voted.

509. By its resolution 37/18 of 16 November 1982, the General Assembly requested the Secretary-General to prepare, with the assistance of a group of experts, a comprehensive study of the consequences of the Israeli armed attack against the Iraqi nuclear installations that had occurred on 7 June 1981 and to submit the study to the General Assembly at its thirty-eighth session. It also requested the Secretary-General to report, at the same session, on the implementation of the resolution.

510. Pursuant to that request, the Secretary-General appointed a group of experts to assist him in carrying out the study, which was annexed to a report he submitted to the Assembly at its thirty-eighth session. In the report,⁵¹⁸ the Secretary-General stated that the analysis was that of the experts and that, because of the complexity of the subject matter, he was not in a position to pass judgement on all aspects of the work they had accomplished.

511. By its resolution 38/9 of 10 November 1983, the General Assembly took note of the report and reiterated its condemnation of Israel's continued refusal to implement the resolution the Security Council had adopted in the matter, namely resolution 487 (1981), noting that the statements made thus far by Israel had not removed apprehensions that its threat to repeat its armed attack against nuclear facilities would continue to endanger the role and activities of IAEA, and reiterated its demand that Israel withdraw forthwith its threat to attack and destroy nuclear facilities in Iraq and other countries. The Assembly also requested the Secretary-General to report to it at its thirty-ninth session on the implementation of the resolution.

512. In the report he submitted⁵¹⁹ pursuant to the above request, the Secretary-General said that he had requested the Permanent Mission of Israel to the United Nations to inform him of the action which Israel had taken or envis-

aged taking with regard to the General Assembly's demand in its resolution 38/9, adding that the reply from the Mission had been circulated as a document of the General Assembly.⁵²⁰

513. By its resolution 39/14 of 16 November 1984, in which it reiterated its condemnation of Israel's continued refusal to implement Security Council resolution 497 (1981) and expressed dissatisfaction with the above-mentioned reply from Israel, the General Assembly requested the Secretary-General to report to it at its fortieth session on the implementation of resolution 497 (1981) and the consequences of Israel's non-compliance therewith.

(d) *Implementation of the Declaration on the Denuclearization of Africa*⁵²¹

514. By resolutions adopted at its thirty-fourth, thirty-fifth, thirty-sixth and thirty-ninth sessions,⁵²² the General Assembly requested the Secretary-General to render assistance to OAU towards the implementation of the Declaration on the Denuclearization of Africa. No report on action taken specifically pursuant thereto was submitted by the Secretary-General during the period under review.

(e) *Complaint by Angola against South Africa*

515. By its resolution 545 (1983) of 20 December 1983, the Security Council condemned South Africa's continued military occupation of parts of southern Angola, demanded that it withdraw forthwith from Angola, expressed the view that Angola was entitled to appropriate redress for any damage suffered, and requested the Secretary-General to monitor the implementation of the resolution.

516. By its resolution 546 (1984) of 6 January 1984, the Security Council recalled resolution 545 (1983), condemned South Africa for its renewed bombing as well as the continuing occupation of parts of Angola and for utilizing Namibia as a springboard for perpetrating the attacks, demanded that South Africa should cease such activities and withdraw its forces from Angola, reaffirmed that Angola was entitled to compensation for the damage suffered, and requested the Secretary-General to monitor the implementation of the resolution.

517. In a report⁵²³ submitted on 10 January 1984 pursuant to the above request, the Secretary-General said that he had met separately with the representatives of Angola and South Africa. The representative of South Africa had stated that his Government would not respond formally to resolution 546 (1984), which it rejected. In the report, the Secretary-General quoted a statement by the Foreign Minister of South Africa and another by the Minister of Defence of that country concerning the presence of South African forces in Angola. The representative of Angola had informed the Secretary-General on 10 January that there had been no fundamental change in the military situation and no signs of withdrawal of South African forces from Angolan territory.

⁵¹⁷A/37/365 and Add.1; see also SC (37), Suppl. for July-Sept. 1982, S/15320; and *ibid.*, Suppl. for Oct.-Dec. 1982, S/15320/Add.1).

⁵¹⁸A/38/337.

⁵¹⁹A/39/379.

⁵²⁰A/39/349.

⁵²¹See *Repertory, Supplement No. 5*, under Article 98, para. 641.

⁵²²GA resolutions 34/76 A, 35/146 B, 36/86 B and 39/61 A.

⁵²³S C (39), Suppl. for Jan.-March 1984, S/16266.

(f) *Question of the Comorian Island of Mayotte*⁵²⁴

518. By resolutions adopted at each of the regular sessions it held during the period under review,⁵²⁵ the General Assembly reaffirmed the sovereignty of the Islamic Federal Republic of the Comoros over the island of Mayotte, which continued under French rule, and requested the Governments of the Comoros and France to negotiate and the Government of France to honour prior commitments with a view to the return of the island to the Comoros.⁵²⁶ In the first of the series of resolutions, the General Assembly requested the Secretary-General to provide the two parties, in liaison with the Administrative Secretary-General of OAU, with all necessary assistance and to report to the Assembly at its next regular session on developments relating to the question. By each of the subsequent resolutions, the Assembly requested the Secretary-General to follow developments concerning the question, in conjunction with the Secretary-General of OAU, and report thereon to the Assembly at its next regular session.

519. The Secretary-General fulfilled his responsibilities under the above resolutions by conveying to the General Assembly, in his reports thereunder, the texts of communications which the two Governments concerned and the Secretary-General of OAU sent him, either spontaneously or in response to requests by him, and which contained information on relevant developments.⁵²⁷

(g) *Question of the islands of Glorieuses, Juan de Nova, Europa and Bassas de India*

520. By its resolution 34/91 of 12 December 1979, the General Assembly noted the request of Madagascar for the reintegration of the islands of Glorieuses, Juan de Nova, Europa and Bassas de India, reaffirmed the necessity of respecting the national unity and territorial integrity of a colonial territory at the time of its accession to independence, took note of a resolution on the islands by the OAU Council of Ministers, invited the Government of France to initiate negotiations with the Government of Madagascar for the reintegration of the islands, and requested the Secretary-General to follow the implementation of the resolution and to report thereon at its next regular session.

521. In a report⁵²⁸ submitted pursuant to that request, the Secretary-General said that he had addressed communications to the two Governments concerned inviting them to inform him of any developments in the matter since December 1979 and reproduced the texts of the replies received.

522. By its resolution 35/123 of 11 December 1980, the General Assembly took note of the report of the Secretary-General as well as of a further resolution by the OAU Council of Ministers on the matter, reaffirmed its resolution 34/91, invited the Government of France to initiate the

negotiations requested thereby, and requested the Secretary-General to monitor the implementation of the resolution and to report thereon at its thirty-sixth session.

523. In a report⁵²⁹ submitted pursuant to that request, the Secretary-General said that he had once again invited the two Governments concerned to provide him with information and reproduced the replies received, of which the one from France stated that there was no information to provide. The Secretary-General stated further that the Presidents of the two countries had met in Paris on 30 September and that if either party transmitted additional information, he would convey it to the Assembly.

(h) *Complaint by Malta against the Libyan Arab Jamahiriya*

524. In a letter dated 17 October 1980 to the President of the Security Council,⁵³⁰ the Secretary-General referred to a complaint by Malta against the Libyan Arab Jamahiriya relating to a dispute regarding the delimitation of the continental shelf area between the two countries. The question had been considered by the Council in consultations and at a formal meeting on 4 September 1980. In the letter, the Secretary-General stated that since that date he had held consultations with the parties and that, with their agreement and in order further to assist in the search for a mutually acceptable solution, he intended to send a senior Secretariat official as his special representative to the countries concerned to discuss the question at issue between them.

525. By a letter dated 22 October 1980,⁵³¹ the President of the Security Council informed the Secretary-General that he had brought the matter to the attention of the members of the Council, who had considered it in consultations and agreed with the Secretary-General's proposal.

526. On 13 November 1980, the Secretary-General issued a report on the mission of his Special Representative, Mr. Diego Córdovez, to Malta and to the Libyan Arab Jamahiriya.⁵³² The Secretary-General described the steps taken to clarify the issue and concluded that the ratification of the 1976 special agreement to submit the delimitation case to the International Court of Justice was an essential first step towards an easing of tension between the two countries. The Secretary-General was prepared to assist the parties in carrying out the relevant formalities should they so request. In that connection, the Libyan Arab Jamahiriya had undertaken unconditionally to submit the original text of the agreement to the Basic People's Congresses for ratification at their current session. It considered, however, that drilling operations in the disputed area would prejudice the delimitation case. The Government of Malta had indicated that it expected to work out an arrangement with the Libyan Arab Jamahiriya to conclude the one drilling operation suspended in August 1980.

527. At a meeting of the Security Council held on 30 July 1981 at the request of Malta,⁵³³ the Secretary-General said that, on 14 July 1981, he had received a letter from the Libyan Arab Jamahiriya to the effect that the Basic

⁵²⁴See *Repertory, Supplement No. 5*, under Article 38, paras. 616-621.

⁵²⁵GA resolutions 34/69, 35/43, 36/105, 37/65, 38/13 and 39/48.

⁵²⁶In resolution 35/43, the General Assembly also welcomed an initiative taken by OAU with regard to the question.

⁵²⁷For the reports submitted during the period under review, see documents A/35/467, A/36/671, A/37/147, A/38/517 and A/39/518.

⁵²⁸A/35/480.

⁵²⁹A/36/718.

⁵³⁰S C (35), Suppl. for Oct.-Dec. 1980, S/14228.

⁵³¹*Ibid.*, S/14229.

⁵³²*Ibid.*, S/14256.

⁵³³S/PV. 2294, pp. 6-7.

People's Congresses had decided to ratify the special agreement provided that no drilling in the disputed area took place pending the decision of the International Court of Justice, a condition that was unacceptable to Malta. He added that since then both he and his representative had maintained close contacts with both parties with a view to assisting them in finalizing the exchange of instruments of ratification and the joint notification to the Court as provided in the special agreement and there had also been contacts between the two Governments themselves. The obstacles resulting from the position taken by Malta, however, had not been overcome.

528. In a letter dated 8 December 1981 to the President of the Security Council,⁵³⁴ the representative of Malta was critical of a report by the Special Representative of the Secretary-General that had, according to the letter, been "submitted by the Secretary-General to the Security Council on 1 December 1981".⁵³⁵

529. By a note dated 9 December 1981,⁵³⁶ the Secretary-General, in view of the circulation of Malta's letter as a Security Council document and with the concurrence of the President of the Council, made available in the same manner the said report of his Special Representative which had been submitted to the President of the Council under cover of a letter from the Secretary-General dated 1 December 1981. In his report, the Special Representative summarized the positions of the parties and the discussions held with them, and concluded that while both parties intended formally to submit the dispute to the International Court of Justice, the clarifications which had been obtained confirmed the divergent positions of the parties as to the question of drilling in the disputed area, so that it no longer appeared possible to overcome the specific problem that had arisen on the basis of mere procedural arrangements. Malta had made it clear that it could not proceed to the exchange of ratifications as long as, in its view, the Libyan instrument contained a reference to a condition regarding drilling, and the Libyan Arab Jamahiriya had stated with equal clarity that it could not agree to amend its instrument of ratification. In order to settle the question of interim drilling operations, the parties could consider one possible course of action, namely to request the Court to indicate, under the terms of Article 41 of its Statute, "any provisional measures which ought to be taken to preserve the respective rights of either party".

(i) *Strengthening of security and cooperation in the Mediterranean region*

530. By its resolution 38/189 of 20 December 1983, the General Assembly recognized that the security of the Mediterranean was closely linked with international peace and security and that further efforts were necessary for the reduction of tension and armaments in the area and encouraged efforts to intensify existing and promote new forms of cooperation in the area. The Assembly also requested the Secretary-General to give due attention to the question of peace, security and cooperation in the Mediterranean region and, if requested to do so, render advice and assistance to

concerted efforts by Mediterranean countries in promoting peace, security and cooperation in the region. The Assembly further requested him to submit to it, at its next regular session, on the basis of replies received and notifications submitted in the implementation of the resolution and taking into account the debate on the question during the thirty-eighth session, a comprehensive report on strengthening security and cooperation in the Mediterranean.

531. In the report⁵³⁷ he submitted pursuant to that request, the Secretary-General stated that he had asked the Governments of Member States for their views on the question, reproduced the texts of the replies received and presented a summary of the relevant debates at the thirty-eighth session of the Assembly.

532. By its resolution 39/153 of 17 December 1984, the General Assembly recalled its resolution 38/189, encouraged once again efforts to intensify existing forms of cooperation in the region and to promote new ones, and renewed its invitation to the Secretary-General to give due attention to the question of peace, security and cooperation in the Mediterranean region and, if requested to do so, to render advice and assistance to concerted efforts by Mediterranean countries in promoting peace and cooperation in the region.

(j) *Question of attacks on commercial ships in the Persian Gulf*

533. By its resolution 552 (1984), of 1 June 1984, the Security Council reaffirmed the right of navigation in international waters and sea lanes for shipping en route to and from all ports and installations of the littoral States of the Persian Gulf region, demanded that attacks such as the ones that had recently occurred on commercial ships to and from the ports of Kuwait and Saudi Arabia cease, and requested the Secretary-General to report on the progress in the implementation of the resolution.

534. During the period under review, no report was submitted by the Secretary-General pursuant to the above request.

(k) *Establishment of a nuclear-weapon-free zone in South Asia*⁵³⁸

535. At each of the regular sessions held during the period under review, the General Assembly adopted a resolution reaffirming its endorsement, in principle, of the concept of a nuclear-weapon-free zone in South Asia, urging the States of the region and such other neighbouring non-nuclear-weapon States as might be interested to continue to make all possible efforts to establish such a zone and calling upon those nuclear-weapon States that had not done so to respond positively to the proposal. In each resolution, the Assembly requested the Secretary-General to render such assistance as might be required to promote the efforts for the establishment of the zone and to report on the subject at its next regular session.⁵³⁹

⁵³⁷A/39/517 and Add. I.

⁵³⁸See *Repertory, Supplement No. 5*, vol. V, under Article 98, paras. 643-649.

⁵³⁹G A resolutions 34/78, 35/148, 36/88, 37/76, 38/65 and 39/55. In resolution 36/88, the Secretary-General was also requested to report to the General Assembly at its twelfth special session.

⁵³⁴S C (36), Suppl. for Oct.-Dec. 1981, S/14782.

⁵³⁵The report had been submitted to the President of the Security Council, but had not been circulated as a document of the latter (see para. 529).

⁵³⁶S C (36), Suppl. for Oct.-Dec. 1981, S/14786.

536. In each of the reports submitted by the Secretary-General during the period under review, pursuant to those requests,⁵⁴⁰ he stated that he had been in contact with the States of the region with regard to the matter and wished to inform the General Assembly that there had been no request, on behalf of the States concerned, for his assistance. In the course of the contacts a view had been expressed that he would continue to be available for that purpose.⁵⁴¹

(l) The situation in South-East Asia and its implications for international peace and security

537. At its 2129th meeting, on 16 March 1979, the Security Council voted on a draft resolution⁵⁴² by which the Council would have noted with grave concern that the situation in the region of South-East Asia had seriously deteriorated, deeply regretted the armed intervention in the internal affairs of Democratic Kampuchea and the armed attack against the Socialist Republic of Viet Nam, urgently called upon all parties to cease the hostilities and withdraw their forces to their countries and welcomed the offer of the good offices of the Secretary-General in the search for a peaceful solution. The draft resolution received 13 votes in favour to 2 against, and was not adopted, owing to the negative vote of a permanent member of the Council.

(m) Question of East Timor

538. By its resolutions 34/40, 35/27 and 36/50 on the question of East Timor, the General Assembly reaffirmed the inalienable right of the people of East Timor to self-determination and independence and declared that they must be enabled freely to determine their own future. In the resolutions, the Assembly further expressed concern over the humanitarian aspects of the question and called for assistance to East Timor by agencies of the United Nations system and other entities. In resolutions 35/27 and 36/50, the Assembly took note of diplomatic initiatives by Portugal and requested all the parties concerned to cooperate with a view to the exercise of the right of self-determination by the people of East Timor. In each of the three resolutions, the Assembly requested the Secretary-General to follow the implementation of the resolution and to submit a report thereon at its next regular session.⁵⁴³

539. In the report submitted pursuant to resolution 34/40,⁵⁴⁴ the Secretary-General merely reproduced the texts of communications he had received from Indonesia, Portugal and UNHCR. In the report submitted pursuant to resolution 35/27,⁵⁴⁵ the Secretary-General reproduced the text of a reply he had received from Indonesia, and conveyed the information received from two United Nations organizations, adding that the Assembly would have be-

fore it a working paper on East Timor which had been before the Special Committee on Decolonization and which that body had transmitted to the Assembly. In the report submitted pursuant to resolution 36/50,⁵⁴⁶ the Secretary-General stated that he had transmitted its text to the Governments of Indonesia and Portugal, as well as to the specialized agencies and other organizations of the United Nations system, inviting them to submit relevant information, gave the substance of letters received from two United Nations organizations, and stated that the Assembly would once again have before it, pursuant to a decision by the Special Committee on Decolonization, a working paper by the Secretariat that had been before that body.

540. By its resolution 37/30 of 23 November 1982, the General Assembly requested the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem of East Timor and to report thereon at its thirty-eighth session.

541. Pursuant to that request, the Secretary-General submitted to the General Assembly, which did not consider the question of East Timor at the thirty-eighth session, a note⁵⁴⁷ stating that in view of recent developments he did not consider it opportune to submit a substantive report on his efforts to contribute to a comprehensive settlement of the problem of East Timor at that time, adding that he proposed to submit such a report to the Assembly at its thirty-ninth session.

542. Consequently, the General Assembly had no report on East Timor before it at the thirty-ninth session, at which it did not consider the question of East Timor.

(n) Incident involving a Korean airliner

543. At its 2476th meeting, on 12 September 1983, the Security Council voted on a draft resolution⁵⁴⁸ by which the Council would have declared itself gravely disturbed that a civil airliner of the Korean Air Lines on an international flight had been shot down by Soviet military aircraft, stated that such use of armed force was incompatible with the norms governing international behaviour and elementary considerations of humanity and invited the Secretary-General to conduct, making use of such expert advice as he might deem necessary and in consultation with appropriate international bodies, a full investigation into the circumstances of the tragedy, also inviting him to report his findings to the Council within 14 days. The draft resolution received nine votes in favour to two against, with four abstentions, and was not adopted, owing to the negative vote of a permanent member of the Council.

(o) Observation of elections in the New Hebrides

544. By its resolution 34/10, the General Assembly requested the Secretary-General, after consultation with the Chairman of the Fourth Committee, to appoint a mission to observe the forthcoming elections in the New Hebrides and to report thereon.

545. Pursuant to that request, the Secretary-General appointed the United Republic of Cameroon, Australia,

⁵⁴⁰For the reports, see documents A/34/527, A/35/452, A/36/408, A/37/433, A/38/198 and A/39/434.

⁵⁴¹The report submitted to the twelfth special session of the General Assembly (A/S-12/17), was to the same effect. The same is true of the report (A/34/527) submitted pursuant to General Assembly resolution 33/65. See *Repertory, Supplement No. 5*, vol. V, under Article 98, para. 649).

⁵⁴²S/13162.

⁵⁴³In resolution 35/27, the Assembly requested the Secretary-General to report on all aspects of the situation in East Timor, in particular the political developments concerning the situations specifically referred to in the resolution.

⁵⁴⁴A/35/524.

⁵⁴⁵A/36/598.

⁵⁴⁶A/37/538.

⁵⁴⁷A/38/352.

⁵⁴⁸S/15966/Rev.1.

Fiji and the Ivory Coast as members of the United Nations Mission to Observe the Elections in the New Hebrides.⁵⁴⁹

(p) *The situation in Central America*

(i) *Functions exercised under General Assembly and Security Council resolutions*

546. By its resolution 530 (1983) of 19 May 1983, the Security Council referred to the broad support expressed for the efforts of the Contadora Group of countries, consisting of Colombia, Mexico, Panama and Venezuela, to achieve solutions to the problems that affected Central American countries and to secure a stable and lasting peace in the region, appealed urgently to the interested States to cooperate fully with the Group, urged the latter to spare no effort to find solutions to the problems of the region and keep the Council informed of the results of its efforts, and requested the Secretary-General to keep the Council informed of the developments of the situation and of the implementation of the resolution.

547. By a note dated 13 October 1983,⁵⁵⁰ the Secretary-General informed the Council of his contacts with the Governments of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, as well as with the Governments of the Contadora Group, concerning efforts made to find a negotiated political solution to the problems in the Central American region and transmitting, at the request of the Group, the text of the Document of Objectives adopted on 9 September at Panama City by the Foreign Ministers of the Group and of the five Central American countries (Cancún Declaration).

548. By its resolution 38/10 of 11 November 1983, the General Assembly expressed its firmest support for the Contadora Group, urging it to persevere in its efforts, welcomed the Cancún Declaration, and requested the Secretary-General, in pursuance of Security Council resolution 530 (1983), to keep the Council informed of the development of the situation and the implementation of that resolution.

549. By a note dated 9 December 1983,⁵⁵¹ the Secretary-General informed the Council of his contacts with the representatives of the Contadora Group and the Central American countries and of developments in the situation in the region and in diplomatic activity, and transmitted, at the request of the Group, the texts of a communication submitted by the Foreign Ministers of the Group to the General Assembly of OAS and of a resolution entitled "Peace efforts in Central America" adopted by that Assembly on 14 November.

550. On 9 October 1984, the Secretary-General, pursuant to General Assembly resolution 38/10, submitted a report jointly to the General Assembly and the Security Council.⁵⁵² In it he gave an account of developments in Central America, his contacts with the representatives of the Contadora Group and the efforts of that Group to find a political solution to the problems affecting the region. At the request of the Ministers for Foreign Affairs of the Contadora Group, he transmitted the revised version of the Contadora Act on Peace and Cooperation in Central America.

551. By its resolution 39/4 of 26 October 1984, the General Assembly urged each of the Central American Governments to speed up its consultations with the Contadora Group with the aim of bringing to a conclusion the negotiation process with the early signing of the Contadora Act, also urged all States to respect fully the purposes and principles of the Contadora Act, and requested the Secretary-General to report to the Security Council at regular intervals, under resolution 530 (1983), on developments in the situation and the implementation of that resolution. The Assembly further requested him to report to it, by 15 December 1984 at the latest, on the progress made in the implementation of the resolution.

552. On 15 December 1984, the Secretary-General, pursuant to General Assembly resolution 39/4, submitted a report jointly to the General Assembly and the Security Council.⁵⁵³ In the report he gave an account of the progress made in the implementation of that resolution and transmitted the texts of a communication dated 13 November from the Foreign Ministers of the Contadora Group to the General Assembly of OAS, of a joint communiqué issued on 14 November by the Foreign Ministers of the Contadora Group at the General Assembly of OAS and of a resolution adopted on 17 November by the OAS General Assembly at its fourteenth regular session.

(ii) *Functions that were to be assigned to the Secretary-General by draft resolutions that failed of adoption by the Security Council*

553. At its 2347th meeting, on 2 April 1982, the Security Council voted on a draft resolution⁵⁵⁴ by which the Council would, *inter alia*, have appealed to all Member States to refrain from the direct, indirect, overt or covert use of force against any country of Central America and the Caribbean, and requested the Secretary-General to keep the Security Council informed concerning the development of the situation in Central America and the Caribbean. The draft resolution received 12 votes in favour and 1 against, with 2 abstentions, and was not adopted, owing to the negative vote of a permanent member of the Council.

554. At its 2529th meeting, on 4 April 1984, the Security Council voted on a draft resolution⁵⁵⁵ by which the Council would have condemned and called for an immediate end to the mining of the main ports of Nicaragua, called upon all States to respect the right of free navigation and commerce in the waters of the Central American region, called upon all States to refrain from carrying out, supporting or promoting any type of military action against any State in the region, expressed firm support for the Contadora Group and requested the Secretary-General to keep the Council informed of the developments of the situation and the implementation of the resolution. The draft resolution received 13 votes in favour to 1 against, with 1 abstention, and was not adopted, owing to the negative vote of a permanent member of the Council.

⁵⁴⁹For the report of the Mission, see document A/34/852.

⁵⁵⁰S C (38), Suppl. for Oct.-Dec. 1983, S/16041.

⁵⁵¹*Ibid.*, S/16208.

⁵⁵²A/39/562; see also S C (39), Suppl. for Oct.-Dec. 1984, S/16775).

⁵⁵³A/39/827; see also S C (39), Suppl. for Oct.-Dec. 1984, S/16865).

⁵⁵⁴S/14941.

⁵⁵⁵S/16463.

(q) *Situation of human rights and fundamental freedoms in Guatemala*

555. By its decision 36/435, the General Assembly requested the Secretary-General to continue his efforts to establish direct contacts with the Government of Guatemala with respect to the human rights situation there and to request that Government to cooperate further with him in his efforts to establish those contacts.

556. Subsequent reports by the Secretary-General concerning this matter were submitted not to the General Assembly but to the Commission on Human Rights.

(r) *The situation in Grenada*

(i) *Functions that were to be assigned to the Secretary-General by a draft resolution that failed of adoption by the Security Council*

557. At its 2491st meeting, on 27 October 1983, the Security Council had before it a draft resolution,⁵⁵⁶ sponsored by Guyana, Nicaragua and Zimbabwe, by which the Council would have deeply deplored the armed intervention in Grenada, as well as the death of innocent civilians resulting therefrom, called upon all States to show strictest respect for the sovereignty, independence and territorial integrity of Grenada, called for an immediate cessation of the armed intervention there and the withdrawal of the foreign troops from Grenada and requested the Secretary-General to follow closely the development of the situation in Grenada and to report to the Council within 48 hours. At the same meeting, the draft resolution received 11 votes in favour to 1 against, with 3 abstentions, and was not adopted, owing to the negative vote of a permanent member of the Council.

(ii) *Action taken by the Secretary-General pursuant to a resolution of the General Assembly*

558. By its resolution 38/7 of 2 November 1983, the General Assembly deeply deplored the armed intervention taking place in Grenada, as well as the death of innocent civilians resulting therefrom, called upon all States to show the strictest respect for the sovereignty, independence and territorial integrity of Grenada, as well as for an immediate cessation of the armed intervention and the immediate withdrawal of the foreign troops from Grenada, and requested the Secretary-General as a matter of urgency to assess the situation and report back within 72 hours.

559. Pursuant to the above request, the Secretary-General submitted a report on 6 November 1983,⁵⁵⁷ following a 30-hour visit by Secretariat officials to Grenada. The report pointed out that the most essential aspect of the situation in Grenada was the non-existence of any political machinery for performing the normal functions of government. The Governor-General had informed the Secretary-General's representative that, based on the 1973 Constitution of Grenada, he had decided to provide for an interim arrangement that would enable the country to administer its affairs pending the return to full constitutional government by way of general elections. According to the report, the multinational force of the Organization of Eastern Caribbean States, drawn from seven Caribbean countries,

numbered about 300, and the number of United States troops, which had reached 8,000, had been reduced to 5,000. Grenada continued to maintain relations with Cuba, but the Governor-General had declared all its diplomatic personnel to be *personae non gratae* and ordered them to leave Grenada within 24 hours. The Cuban Government said that 784 Cuban nationals had been in Grenada before the intervention, most of them involved in the construction of an airport at Point Salines.

(s) *Question of the need for efforts at curbing the arms race*

560. By its resolution 35/152 G of 12 December 1980, the General Assembly called upon the States permanent members of the Security Council and the countries having military agreements with them to exercise restraint in both the nuclear and conventional fields and to resolve not to increase their armed forces and conventional armaments, effective from an agreed date, and also invited the appropriate international bodies in the field of disarmament to continue efforts aimed at achieving positive results in curbing the arms race. The Assembly also requested the Secretary-General to keep the question under constant review.

561. No reports relating to the above matter were submitted by the Secretary-General during the period under review.

(t) *Question of the alleged use of chemical weapons*

562. By its resolution 35/144 C of 12 December 1980, in which it decided to carry out an impartial investigation to ascertain the facts pertaining to reports regarding the alleged use of chemical weapons and to assess the extent of the damage caused by their use, the General Assembly requested the Secretary-General to carry out such an investigation, taking into account proposals advanced by the States on whose territories the use of such weapons had been reported, and to do so with the assistance of qualified medical and technical experts, who were to seek relevant information from all concerned Governments, international organizations and other sources necessary and collect and examine evidence, including on-site, with the consent of the countries concerned. The Assembly also invited the Governments of States where chemical weapons were used to provide the Secretary-General with all relevant information they might have and called upon all States to cooperate in the investigation and provide any relevant information they might have. The Assembly further requested the Secretary-General to report on the matter at its thirty-sixth session.

563. Pursuant to the above request, the Secretary-General, after consultation with Member States, appointed a group of four qualified experts who prepared, in their personal capacities, the report that the Secretary-General submitted to the General Assembly at its thirty-sixth session.⁵⁵⁸

564. By its resolution 36/96 C of 9 December 1981, the General Assembly took note of the above-mentioned report and requested the Secretary-General to continue his

⁵⁵⁶S/16077/Rev.1.

⁵⁵⁷A/38/568.

⁵⁵⁸A/36/613.

investigations, pursuant to resolution 35/144 C, and report to it at its thirty-seventh session.⁵⁵⁹

12. POWERS INHERENT IN THE OFFICE OF THE SECRETARY-GENERAL

(a) *Diplomatic functions*

565. 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. 5*.⁵⁶⁰ Given the rules of diplomatic discretion, the activities undertaken in this area can be dealt with here only insofar as they are described or referred to in statements and documents already available to the public. Moreover, diplomatic functions continued to be often of a mixed character, so that classification of certain functions in one category rather than another is again based on the apparently salient features of the activity in question.⁵⁶¹

566. In his annual report on the work of the Organization submitted to the General Assembly at its thirty-fourth session, after referring to the various regional tensions that were in his view the most dangerous threats to world peace, the Secretary-General said that very often little could be achieved in the existing political circumstances, and then added: "... but if a channel of communication or good offices can be of help, I feel strongly that the Secretary-General should be available". He thereupon observed that there was no substitute for getting to know the problems "on the spot and at first hand".⁵⁶²

567. At a press conference held on 19 May 1981, the Secretary-General said that he was always willing to use his good offices to promote an extension of communications among contending parties.⁵⁶³

568. In his annual report on the work of the Organization submitted to the General Assembly at its thirty-sixth session, the Secretary-General said that the good offices of the Secretary-General had become an essential and valuable support to the organs and procedures for the promotion and protection of human rights.⁵⁶⁴

569. In a speech delivered on 4 December 1981, the Secretary-General said that quiet diplomacy was not a function stipulated in so many words in the Charter, but that without it the United Nations would not exert the influence in the direction of international affairs which it had exerted in various situations since its inception.⁵⁶⁵

570. At a press conference held on 21 January 1982, the Secretary-General said that he could not impose his good offices on the solution to any problem but he would always be available to the parties if they considered that the Security Council or the General Assembly was not in a position to help in solving international problems.⁵⁶⁶

⁵⁵⁹For the report submitted pursuant thereto, which was prepared by the group of experts, once again acting in their personal capacities, see document A/37/259.

⁵⁶⁰*Repertory, Supplement No. 5*, vol. V, under Article 98, para. 688.

⁵⁶¹*Ibid.*

⁵⁶²G A (34), Suppl. No. 1 (A/34/1), p. 2.

⁵⁶³SG/SM/3122, p. 1.

⁵⁶⁴G A (36), Suppl. No. 1 (A/34/1), p. 2.

⁵⁶⁵SG/SM/3220, p. 2.

⁵⁶⁶SG/SM/3237, p. 4.

571. At a press conference held on 20 September 1982, the Secretary-General said that he intended to use Article 99 of the Charter in the "fullest" possible way, which meant that he would always be available to the parties in order to help them solve their problems peacefully, adding that he was prepared to take initiatives. He also said that the use of his prerogatives would of course seek to avoid undermining or conflicting with the powers of the Security Council.⁵⁶⁷

572. At a press conference held on 15 September 1983, the Secretary-General made the following observations:⁵⁶⁸

"For my part, as Secretary-General, I have, as you know, a strong predilection for quiet and unostentatious activity. I do not believe that the Secretary-General can best help the Member States in various problems by competing for public applause or attention. Nor do I think that the Secretary-General should take the stage if Governments are making serious efforts to resolve their problems on their own. That does not mean to say that I accept a passive view of my office. On the contrary, I am, as I said in my report, anxious whenever possible to go from words to action and not to succumb to the temptation to make bland public statements the substitute for getting to grips with problems."

573. At a press conference held on 21 December 1983, in the context of comments on the powers inherent in his office, the Secretary-General made the following observations:⁵⁶⁹

"However, you must understand that the Secretary-General has to be very careful when it comes to sending envoys. The NASA [United States National Aeronautics and Space Administration] people, for example, do not launch astronauts unless they have first studied the atmospheric conditions. Similarly, the Secretary-General has to study the atmospheric conditions carefully before launching one of his envoys around the world. It is essential to check the timeliness of the thing, and the international conditions—which are what I mean by the climate. They influence our decisions."

574. At a press conference held on 21 February 1984, the Secretary-General said that the term "good offices" was a very flexible one as it might mean very little or very much. He then observed as follows:⁵⁷⁰

"... But, in an age in which negotiations have to replace confrontation, I felt that the Secretary-General's good offices can significantly help in encouraging Member States to bring their disputes to the negotiating table. Negotiations today have a character quite different from what they had in the past. Talleyrand called negotiations '*L'art de laisser les autres suivre votre propre voie*'. That, however, was true of a world which no longer exists. Today, negotiations need to take account of the great political and economic changes in our world. In order to succeed, and if the vital interests of all concerned are taken sufficiently into consideration, no party will consider it a sign of weakness to listen to a cogent argument and accept a demonstrably reasonable outcome. The parties may retain their different outlooks, but wherever they confront one another, life imposes upon them the obligation to seek all possible points of

⁵⁶⁷SG/SM/3342, p. 2.

⁵⁶⁸SG/SM/3463, p. 2.

⁵⁶⁹SG/SM/3505, p. 5.

⁵⁷⁰SG/SM/3525, pp. 4-5.

rapprochement and try to reduce the elements of contention and conflict. The task of the United Nations and the purpose of the good offices of the Secretary-General is to make the discharge of this obligation easier. In view of the complexity of the issues which arise in our dynamic world, traditional diplomacy can no longer suffice. New methods and devices have become important. The process involved contributes to the growth of international law, for every resolution of a dispute, every new agreement, adds a new building stone to the edifice of law. More immediately, it answers the needs of peace-making. It is a very complex task, requiring great discretion. One of my predecessors rightly remarked that, 'while the Secretary-General is working privately with the parties in an attempt to resolve a delicate situation, he is criticized publicly for his inaction or even lack of interest'. In situations of confrontation, the parties to a dispute are extremely sensitive and this makes it important that they should have confidence in the impartiality of the objectivity of the United Nations and its Secretary-General. The only instrument I can use is persuasion. When successful, it is a more powerful weapon than constraint, for it makes the persuaded party an ally of the solution. But to be able to persuade, you must prove the virtues of a solution, demonstrate the need to compromise and convince the party concerned that an agreement today is much more advantageous for it than a doubtful victory tomorrow. It is here that inventiveness is essential. We have to stretch our imagination to discern points of potential agreement even where at first sight they look non-existent. Even more important is patience, the refusal to give up in the face of apparently hopeless odds. Patience is greatly helped by the realization that in so many areas some of the great problems of today reflect the accumulation of violations, mistakes and passivity stretching over long periods. Hence, the difficulty of reconciling different positions; also, its acute urgency. As Secretary-General of the United Nations, I am encouraged when States respond positively to the offer of my services. If two parties are unable or unwilling to sit down at the same table, action from some third quarter—such as the United Nations—is indispensable. But in such a situation, each party must feel that it will not incur a disadvantage by responding to my good offices. And in making my good offices available, timing is of critical importance."

575. At a press conference held on 22 May 1984, the Secretary-General said that Article 99 gave him some room for acting and for working in what he usually called "our quiet preventative diplomacy".⁵⁷¹

576. In his annual report on the work of the Organization submitted to the General Assembly at its thirty-fifth session, the Secretary-General said that he regarded it as his duty to exercise his good offices in human rights matters and that he would continue to assist in every way that he could.⁵⁷²

577. At a press conference held on 5 July 1984, the Secretary-General said that, as far as human rights were concerned, discreet diplomacy by the Secretary-General was one of the approaches used in the United Nations.⁵⁷³

(i) *Examples of diplomatic functions exercised under the inherent powers*

a. *Communications concerning démarches and appeals*

578. In a press release dated 4 April 1979, it was stated that the Secretary-General had addressed an appeal to the Government of South Africa to spare the life of Mr. Solomon Mahlangu.⁵⁷⁴

579. The Secretary-General's appeal to the Polish authorities for clemency towards Ms. Alicja Wesolowska, a Secretariat staff member imprisoned in Poland, was the subject of a press release issued on 15 April 1979.⁵⁷⁵

580. On 22 September 1980, the Secretary-General made an appeal to Iran and Iraq to put an end to the hostilities that had broken out between them.⁵⁷⁶

581. By letters dated 10 October 1980, which he brought to the attention of the President of the Security Council, the Secretary-General appealed to the Presidents of Iran and Iraq to ensure the security of peaceful shipping in the area of conflict.⁵⁷⁷

582. In January 1981, the Secretary-General appealed to the President of the Republic of Korea for clemency towards Mr. Kim Dae Jung.⁵⁷⁸

583. In March 1981, the Secretary-General conveyed to the authorities of the United States a démarche by the African Group on southern Africa.⁵⁷⁹

584. On 21 April 1982, the Secretary-General, having learned of Israeli air strikes carried out that day in Lebanon, urgently appealed for an immediate cessation of all hostile acts, urging all parties to exercise maximum restraint.⁵⁸⁰

b. *Discussions and consultations*

585. In June 1979, the Secretary-General sent a cable to the Prime Minister of Malaysia expressing his concern over a report that his Government was to send out more than 70,000 Vietnamese refugees and shoot on sight any Vietnamese refugees who had left Viet Nam by sea ("boat people") entering Malaysian waters.⁵⁸¹

586. In a report submitted to the General Assembly at its thirty-fourth session,⁵⁸² the Secretary-General stated that he had discussed with the Chairman of the Arab Group, the Permanent Observer of the PLO and a number of interested delegations the decision of the Israeli authorities to deport the Mayor of Nablus.

587. Contacts between the Secretary-General and the Government of Nicaragua regarding Mr. José Estaban González, who had been arrested by the Nicaraguan

⁵⁷⁴SG/SM/2696.

⁵⁷⁵SG/SM/3105.

⁵⁷⁶S C (35), Suppl. for Oct.-Dec. 1980, S/14213.

⁵⁷⁷S C (35), Suppl. for Oct.-Dec. 1980, S/14213. See also *ibid.*, S/14221, containing the text of a further message from the Secretary-General to the President of Iraq on the same matters and the latter's reply thereto.

⁵⁷⁸SG/SM/3049.

⁵⁷⁹SG/SM/3089.

⁵⁸⁰SG/SM/2741, which also reproduces the reply of the Prime Minister, explaining his Government's position and denying any intention of shooting at the refugees.

⁵⁸¹The appeal was quoted in full in a statement issued by the President of the Security Council on 22 April 1982.

⁵⁸²A/34/720, paras. 3 and 6.

⁵⁷¹SG/SM/3560, p. 4.

⁵⁷²G A (35), Suppl. No. 1, pp. 9-10.

⁵⁷³SG/SM/3577/Rev.1, p. 7. See also SG/SM/3310, p. 6, and SG/SM/3590, p. 6.

authorities, were referred to in a press release dated 25 February 1981.⁵⁸³

588. A discussion that the Secretary-General had had with the President of Uganda concerning an incident that had resulted in the death and wounding of civilians was reported in a press release issued in July 1981.⁵⁸⁴

589. As a result of consultations held by the Secretary-General with the Permanent Representatives of Iran and Iraq, an agreement was reached in January 1982 that would enable the prisoners of war of the two countries to be visited by their families in the near future, with ICRC assuming responsibility for organizing the visits pursuant to a request made by the Secretary-General.⁵⁸⁵

590. At a press conference held on 5 July 1984, the Secretary-General stated that he had participated in arrangements for an exchange of prisoners in the Middle East with the assistance of ICRC.⁵⁸⁶

c. *Good offices*

591. With regard to the Iran hostage crisis, the Secretary-General was from the outset closely involved in efforts to free the hostages and settle the crisis.⁵⁸⁷

592. On 22 September 1980, at the same time as the Secretary-General made an appeal to Iran and Iraq to put an end to the hostilities that had broken out between them, he offered his good offices should the parties wish to make use of them.⁵⁸⁸

593. At two press conferences held in 1983, the Secretary-General stated that he had offered his good offices to the parties with regard to the situation in Central America.⁵⁸⁹

594. At a press conference held on 20 April 1983, the Secretary-General referred to his good offices between Indonesia and Portugal in connection with the situation in East Timor.⁵⁹⁰

595. With regard to 62 Czech civilians who were being held as hostages in Southern Africa, the Secretary-General stated at a press conference held on 5 May 1983 that he had been in touch with ICRC and all persons who could help in finding a solution.⁵⁹¹

596. A press release issued on 30 August 1983 reported that the Secretary-General had requested a senior United Nations official to visit Georgetown and Caracas for the purpose of ascertaining the position of the Governments of Guyana and Venezuela and assembling all information which the parties might wish to provide concerning a choice of means for the peaceful settlement of a controversy between the two Governments.⁵⁹² In so doing, the Secretary-General had acted under the provision of an agreement signed by the two States at Geneva on 17 February 1966.⁵⁹³ The official had reported to the Secretary-

General on his discussions in Georgetown and Caracas and conveyed to him the assurances of the two Governments that they were determined to exert the utmost efforts to settle their controversy amicably.⁵⁹⁴

d. *Fact-finding activities*

597. At a press conference held on 20 February 1980, the Secretary-General announced the establishment of a Commission of Inquiry to undertake a fact-finding mission in Iran to hear Iran's grievances and to allow for an early solution of the hostage crisis between Iran and the United States. The Commission was to leave for Tehran over the weekend, complete its work as soon as possible and submit its report to the Secretary-General.⁵⁹⁵

598. On 17 December 1984, the Spokesman of the Secretary-General announced that an understanding had been reached with the Governments of Iran and Iraq on the dispatch of a mission to the two countries to inquire into certain aspects regarding the situation of prisoners of war and civilian detainees there.⁵⁹⁶

e. *The practice of appointing a personal or special representative*

599. A press release issued on 17 February 1982 referred to the Secretary-General's special representatives for achieving a peaceful solution to the situation in South-East Asia.⁵⁹⁷

f. *Participation in international conferences of a political nature*

600. At a press conference held on 15 February 1983, the Secretary-General said that it was a tradition for the Secretary-General of the United Nations to attend and to address the opening session of the summit of non-aligned countries.⁵⁹⁸

**g. *Assistance to persons of uncertain nationality in obtaining travel documents and resettling*

h. *Bringing matters of a political nature to the attention of United Nations organs*

601. In a report submitted to the General Assembly at its thirty-fourth session, the Secretary-General stated that he had brought the decision of the Israeli authorities to deport the Mayor of Nablus to the attention of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories and had also informed the Committee on the Exercise of the Inalienable Rights of the Palestinian People.⁵⁹⁹

⁵⁸³SG/SM/3071. Mr. Estaban's release was reported in press release SG/SM/3073, dated 4 March 1981.

⁵⁸⁴SG/SM/3159.

⁵⁸⁵SG/SM/3239.

⁵⁸⁶SG/SM/3572, p. 5.

⁵⁸⁷G A (35), Suppl. No. 1 A/35/1, p. 3.

⁵⁸⁸See para. 552 above; S C (35), Suppl. for July-Sept. 1980, S/14196.

⁵⁸⁹SG/SM/3409, pp. 5 and 8; SG/SM/3418, p. 2.

⁵⁹⁰SG/SM/3409, p. 11.

⁵⁹¹SG/SM/3418, p. 4.

⁵⁹²SG/SM/461.

⁵⁹³The agreement has not been registered under Article 102 of the Charter.

⁵⁹⁴See also press release SG/SM/3505, p. 5.

⁵⁹⁵AG/SM/2868, p. 1, as well as SG/SM/2869. For information on the activities of the Commission, see press releases SG/SM/2880; SG/SM/2881, pp. 1-2; SG/SM/2923; and SG/SM/2942, p. 3. The Secretary-General did not elaborate on the method of establishment of the Commission. However, at a press conference held on 11 March 1981, he referred to his decision "to put this Commission together". SG/SM/2881, p. 1.

⁵⁹⁶SG/SM/3638.

⁵⁹⁷SG/SM/3244 (Press release SG/SM/2791 dated 27 September 1979 contains a reference to a Special Representative for Humanitarian Affairs in South-East Asia).

⁵⁹⁸SG/SM/3382/Rev.1, p. 4.

⁵⁹⁹A/34/720; see also para. 268 above.

(ii) *Principles governing the exercise of diplomatic functions under the inherent powers*

a. *Prerequisite of the agreement of Governments*

602. At a press conference held on 20 September 1982, the Secretary-General said that to send a mission to investigate the massacres in Palestinian refugee camps that had occurred that year he would need the agreement of the Lebanese Government.⁶⁰⁰

b. *Right of initiative of the Secretary-General*

603. In a letter dated 1 July 1980, the representative of Thailand to the United Nations, at the same time as he complained of acts of aggression committed against Thailand by Vietnamese forces, requested the stationing of a United Nations observer team on the Thai side of the Thai-Kampuchean border.⁶⁰¹ In a reply dated 9 July 1980, the Secretary-General said that he was not in a position to dispatch United Nations observers to Thailand under his personal authority, adding that such action would normally have to be carried out under the authority of the Security Council.⁶⁰²

**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*

(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*

(v) *Action taken by the Secretary-General concerning the situation created by increasing incidents involving the hijacking of commercial aircraft*

604. At a press conference held on 11 March 1981, the Secretary-General said that he had been in touch with the Foreign Minister of Syria and sent messages to the Presidents of Pakistan and the Syrian Arab Republic with regard to the hijacking of a Pakistani aircraft.⁶⁰³

⁶⁰⁰SG/SM/3342, p. 4.

⁶⁰¹S C (35), Suppl. for July-Sept. 1980, S/14046.

⁶⁰²Ibid., S/14058.

⁶⁰³SG/SM/3077; see also SG/SM/3078 and SG/SM/3079, both of 12 March 1981.

** (vi) *Action taken by the Secretary-General at the request of Member States concerning the work of the Security Council*

(vii) *Transmittal to the Security Council of statements on political matters by Governments at their request*

605. A press release issued on 30 January 1979 reported that the Secretary-General had transmitted to the President of the Security Council messages from the President of Uganda concerning a border conflict with Kenya.⁶⁰⁴

E. Representational functions of the Secretary-General

I. FUNCTIONS OF THE SECRETARY-GENERAL WITH REGARD TO NEGOTIATION AND CONCLUSION OF AGREEMENTS

(a) *Agreements negotiated and concluded at the request of United Nations organs*

606. By its resolution 33/187, the General Assembly requested the Secretary-General to continue actively the necessary consultations concerning the agreement with the host country of the International Research and Training Institute for the Advancement of Women.⁶⁰⁵

607. By its resolution 34/115, the General Assembly requested the Secretary-General to consult with the Government of Canada on the appropriate formal arrangements regarding the termination or expiration of the agreement between that Government and the United Nations on the operations of the United Nations Audio-Visual Information Centre on Human Settlement, which had expired on 31 March 1980.

608. By its resolution 35/197, the General Assembly requested the Secretary-General to make the necessary arrangements with a view to holding a seminar in Sri Lanka, which had offered to host it.

609. By its resolution 1982/32, the Economic and Social Council requested the Secretary-General to consult with the Government of the Philippines concerning arrangements for holding in Manila the Second World Conference to Combat Racism and Racial Discrimination.

** (b) *Agreements concluded by the Secretary-General and approved by the General Assembly*

** (c) *Assistance provided to a United Nations organ, at the request of another one, with a view to the conclusion of an agreement between the former and a State*

(d) *Agreements concluded under the implied powers of the Secretary-General*

610. The Secretary-General continued to conclude numerous agreements, on a wide range of subjects, on behalf of the Organization, either on his own initiative or for the purpose of giving effect to resolutions of United Nations organs that did not explicitly request him to enter into agreements.

⁶⁰⁴SG/SM/2673. The messages were not circulated as documents of the Council.

⁶⁰⁵The agreement was registered, ex officio, on 4 November 1981, under No. 20561.

**2. REPRESENTATIONAL FUNCTIONS OF THE SECRETARY-GENERAL IN LEGAL PROCEEDINGS

** (a) Court proceedings

** (b) Arbitration proceedings

** (c) Prosecution of claims

3. FUNCTIONS OF THE SECRETARY-GENERAL WITH REGARD TO THE UNITED NATIONS HEADQUARTERS

(a) Implementation of the Headquarters Agreement

611. Starting with its thirty-fifth regular session, the General Assembly requested the Secretary-General, by a resolution adopted at each regular session, to remain actively engaged in all aspects of host country relations with the United States.⁶⁰⁶ In the resolution adopted at its thirty-fifth session, the Assembly, after adding that its request to the Secretary-General concerned in particular the need for effective measures to be taken by the host country in view of recent developments, requested him further to follow relevant developments in cooperation with the Chairman of the Committee on Relations with the Host Country. The subsequent resolutions added to the call for active engagement by the Secretary-General a request that he continue to stress to the host country the importance of effective measures to avoid illegal acts against permanent missions to the United Nations and their personnel.⁶⁰⁷

** (b) Headquarters Regulations

4. OTHER REPRESENTATIONAL FUNCTIONS OF THE SECRETARY-GENERAL

** (a) Functions of the Secretary-General with regard to privileges and immunities

(b) Representation by the Secretary-General at conferences and meetings of other agencies

612. During the period under review, the Secretary-General attended, in person, the first economic summit meeting of the Heads of State and Government of OAU in 1980, as well as sessions of the Assembly of Heads of State and Government of that Organization.⁶⁰⁸ He also attended, through an observer, sessions of the OAU Council of Ministers.⁶⁰⁹ Moreover, he personally attended the Fourth Islamic Summit Conference in 1984.⁶¹⁰

(c) Authorization by the Secretary-General to use the United Nations emblem, flag and insignia

613. In a message dated 15 October 1980 to the President of Iraq, the Secretary-General said that he would be most grateful for an early response to the suggestion he had made the to Foreign Minister of Iraq that, in order to

avoid misunderstandings, ships leaving the area of the conflict between Iran and Iraq should fly the United Nations flag, adding that the Government of the Islamic Republic of Iran had accepted the suggestion.⁶¹¹ By a message dated 16 October 1980, the President of Iraq informed the Secretary-General that the proposal was not acceptable to Iraq.⁶¹²

614. On 3 December 1983, the Secretary-General made a statement during Security Council consultations in connection with a request for the flying of the United Nations flag, alongside the national flag of the ship concerned, on the ships that would evacuate the armed elements of the PLO from Tripoli. The reason was of a purely humanitarian nature: to facilitate the resolution of a situation that had already cost many innocent lives and created great destruction. The permission to use the United Nations flag would be given to the countries under whose flags the ships involved were operating. The Secretary-General then gave details as to the number of ships and persons involved and the probable destination of the ships, adding that there would be no financial implications and the only purpose would be to provide symbolic protection. The actual arrangements, the Secretary-General further observed, were primarily a matter for the Lebanese Government, which had no objection to the use of the United Nations flag provided that, as was normal practice, the Lebanese flag was also flown in Lebanese territorial waters, and those of the other parties concerned. The Secretary-General stated, finally, that he had consulted the Security Council because he felt it was proper to do so in a matter of such importance. On the same day, the President of the Security Council issued the following statement: "With reference to the statement made public by the Secretary-General today, and after consultations with the members of the Council, I confirm, as President of the Security Council, that his statement has the support of the members of the Council."⁶¹³

5. FUNCTIONS OF THE SECRETARY-GENERAL IN THE FIELD OF PUBLIC INFORMATION

615. At each of its regular sessions held during the period under review, the General Assembly gave the Secretary-General instructions regarding information activities as a whole, with particular reference to political matters and the need to strengthen the activities of the Department of Public Information of the Secretariat.⁶¹⁴

616. By its resolution 34/182, section II, the General Assembly called upon the Secretary-General to reconsider, in consultation with the Committee on Information, the priorities and programmes of the Department of Public Information of the Secretariat in the context of the need to establish a more just and effective world information and communication order, and requested him to submit a report on developments in the public information activities of the Secretariat in the light, in particular, of that need. The

⁶¹¹ S/C (35), Suppl. for Oct.-Dec. 1980, S/14221.

⁶¹² Ibid.

⁶¹³ Resolutions and Decisions of the Security Council, 1983, pp. 5-6.

⁶¹⁴ G A resolutions 34/182, 35/201, 36/149 A and B, 37/94 A and B, 38/82 A and B and 39/98 A and B. Each one was adopted on the reports of the Special Political Committee and entitled "Questions relating to information".

⁶⁰⁶ GA resolutions 35/165, 36/115, 37/113, 38/140 and 39/87.

⁶⁰⁷ There were minor variations in the wording of the request.

⁶⁰⁸ A/35/447, paras. 9 and 12; and A/36/317/Add.1, para. 6.

⁶⁰⁹ A/35/446, para. 17.

⁶¹⁰ A/39/481, para. 6.

Assembly also requested him to undertake, in consultation with the Committee on Information, a study regarding the intensification and expansion of United Nations shortwave broadcasts and to submit proposals for more effective utilization of the medium. The Assembly also requested the Secretary-General to undertake studies on the increased use of modern techniques to enable the Department of Public Information to disseminate its information rapidly.

617. In its resolution 35/201 of 16 December 1980, section III, the General Assembly requested the Secretary-General to ensure that: (a) the Department of Public Information continued to orient its work towards dissemination of information mainly on problems concerning international peace and security, disarmament, peacekeeping and peacemaking operations, decolonization, the promotion of human rights, the struggle against racial discrimination, the integration of women in the struggle for peace and development, the establishment of the new international economic order and the establishment of a new world information and communication order; (b) special attention was given to the activities of the United Nations against apartheid and the work of the United Nations Council for Namibia; and (c) United Nations efforts to provide broadcast media with programmes on women were continued.

618. In its resolutions 36/149 B and 137/94 B as well as the annexes to resolutions 38/81 B and 39/98 B, the General Assembly requested the Secretary-General to ensure that the activities of the Department of Public Information, as the focal point for the coordination and implementation of the public information tasks of the United Nations, was strengthened along the lines established in the pertinent resolutions of the General Assembly and recommendations of the Committee on Information, to ensure a more coherent coverage of, and a better knowledge about, the United Nations and its work, especially in its priority areas, such as those mentioned in section III of resolution 35/201, as being those towards which the Department of Public Information should continue to orient its work.

619. Among the more specific measures that the Secretary-General was requested to take in order to strengthen the activities of the Secretariat in the area of public information were ensuring that United Nations broadcasting stations transmitted their programmes in a manner that might enable public opinion in all regions to be directly and properly informed about the decisions and recommendations of the United Nations,⁶¹⁵ certain steps to improve the network of information centres,⁶¹⁶ initiating training programmes for journalists and broadcasters from developing countries,⁶¹⁷ the establishment of a separate Caribbean Unit in the Radio Service and the expansion of the United Nations short wave broadcasts,⁶¹⁸ enhancing the functions of the Arabic and Middle East Unit in the Radio Service,⁶¹⁹ and the reopening of an information centre and the strengthening of others.⁶²⁰

620. At each of the regular sessions held in the period under review, the General Assembly adopted a resolution dealing specifically with the dissemination of information

on decolonization and requesting the Secretary-General to take a series of measures in that regard.⁶²¹ It also adopted, at each of those sessions, a resolution requesting him to give maximum publicity to the Declaration on the Granting of Independence to Colonial Countries and Peoples.⁶²²

621. Several resolutions of the General Assembly contained requests to the Secretary-General with regard to publicizing the evils of apartheid. Thus, by its resolutions 34/93 J and 35/206 L, the Assembly requested him to continue, in consultation with the Special Committee against Apartheid and on a regular basis, the radio programmes for broadcast to South Africa and to provide the broadcasting stations of Member States with programmes on the situation in South Africa.

622. At each of the regular sessions held in the period under review, the General Assembly adopted a resolution dealing specifically with the dissemination of information and mobilization of international public opinion in support of Namibia and requesting the Secretary-General to take a series of specific and varied measures in that respect.⁶²³ Those measures included the preparation and dissemination of publications on the consequences of the illegal occupation of Namibia by South Africa, the production and dissemination of a comprehensive economic map of Namibia, the preparation and dissemination of relevant booklets containing, *inter alia*, the relevant resolutions and decisions of the General Assembly and the Security Council and the acquisition of already published books and pamphlets for further dissemination.

623. During the period under review, the General Assembly requested the Secretary-General to carry out, with respect to the question of Palestine, public information activities that included the issue of stamps,⁶²⁴ the preparation of a film⁶²⁵ and measures such as the publishing of newsletters and articles and the organization of meetings for journalists.⁶²⁶

624. The Secretary-General was further requested to publicize such diverse subjects as the implementation of the Declaration on Social Progress and Development,⁶²⁷ the plight of African refugees,⁶²⁸ the return or restitution of cultural property to their countries of origin,⁶²⁹ the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law,⁶³⁰ the activities of the United Nations system in the field of youth⁶³¹ and the activities of the transnational corporations in southern Africa.⁶³²

625. The Secretary-General was also called upon to publicize various reports, studies and other material. Thus, he was requested to give publicity to a study on nuclear weapons,⁶³³ the Summary of the Practice of the Secretary-

⁶²¹G A resolutions 34/95, 35/120, 36/69, 37/76, 38/55 and 39/92.

⁶²²G A resolutions 34/44, 35/35 A, 36/9, 37/43, 38/17 and 39/17.

⁶²³G A resolutions 34/92 F, 35/227 H, 36/121 D, 37/233 D, 38/36 D and 39/50 D.

⁶²⁴G A resolution 34/65 D.

⁶²⁵G A resolution 36/120 B.

⁶²⁶G A resolution 38/58 E and 39/49 C.

⁶²⁷G A resolution 34/59.

⁶²⁸G A resolution 34/61.

⁶²⁹G A resolution 36/64.

⁶³⁰G A resolution 38/129.

⁶³¹E S C resolution 1979/27.

⁶³²E S C resolution 1979/75.

⁶³³G A resolution 35/156 F.

⁶¹⁵G A resolution 34/182, sect. II.

⁶¹⁶G A resolution 35/201, sect. III.

⁶¹⁷G A resolution 35/149 B.

⁶¹⁸G A resolution 37/94 B.

⁶¹⁹G A resolution 38/82 B.

⁶²⁰G A resolution 39/98 B.

General as Depository of Multilateral Agreements,⁶³⁴ a study on the relationship between disarmament and development,⁶³⁵ a report on Israeli nuclear armament,⁶³⁶ a report on the consequences of the arms race,⁶³⁷ the official public records of the Human Rights Committee,⁶³⁸ a study

on conventional disarmament,⁶³⁹ international instruments on human rights,⁶⁴⁰ the recommendations of the Committee of Experts on the Transport of Dangerous Goods⁶⁴¹ and a manual for estimating certain demographic data.⁶⁴²

⁶³⁴G A resolution 35/162.

⁶³⁵G A resolution 36/92 G

⁶³⁶G A resolution 36/98.

⁶³⁷G A resolution 37/70.

⁶³⁸G A resolution 38/116.

⁶³⁹G A resolution 39/151 C.

⁶⁴⁰E S C resolution 1980/30.

⁶⁴¹E S C resolutions 1981/3 and 1983/7.

⁶⁴²E S C resolution 1981/20.