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 6.* 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. 6.* A considerable number of subsections have, however, been added to section D, corresponding to activities initiated during the period under review. Additional subsections have also been added to section C and to section E, "Representational functions of the Secretary-General".

I. GENERAL SURVEY

2. The functions of the Secretary-General with respect to political and security matters continued to expand during the period under review, most notably in the area of peacekeeping. In addition to carrying out his responsibilities with regard to the United Nations Disengagement Observer Force (UNDOF), the United Nations Interim Force in Lebanon (UNIFIL), the United Nations Truce Supervision Organization (UNTSO) and the United Nations Peacekeeping Force in Cyprus (UNFICYP), the Secretary-General took on additional functions in relation to three new peacekeeping operations which he deployed at the request of the Security Council during the period. Pursuant to the request of the Security Council, the Secretary-General deployed the United Nations Iran-Iraq Military Observer Group (UNIIMOG) to verify and supervise the ceasefire and withdrawal in Iran and Iraq,[1] the United Nations Angola Verification Mission (UNAVEM) to verify the withdrawal of Cuban troops from Angola[2] and the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP) to monitor the withdrawal of foreign troops from Afghanistan.[3]

3. 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 example, to convene an international peace conference on the Middle East,[4] to make recommendations on ways to ensure the safety and protection of Palestinian civilians under Israeli occupation,[5] to carry out investigations in response to any report concerning the use of chemical, bacteriological or toxin weapons,[6] to implement the United Nations Plan for the Independence of Namibia,[7] to monitor closely the nuclear capability of South Africa,[8] to negotiate a peaceful solution to the sovereignty dispute concerning the Falkland Islands (Malvinas), to take steps to reconvene the International Conference on Kampuchea[9] and to promote peace and economic cooperation in Central America.[10]

4. The functions of the Secretary-General exercised under the powers inherent in his office increased during the period under review. His activities in this area included participation in international conferences, the holding of consultations or discussions, the issuance of appeals and the exercise of good offices and fact-finding. By his own initiative, for example, he sent a mission of inquiry to consider measures to improve the security of UNIFIL personnel, negotiated the Agreements on the Settlement of the Situation Relating to Afghanistan, dispatched several specialist missions to Iran and Iraq to investigate the alleged use of chemical weapons and to investigate the situation concerning prisoners of war, appealed for the release of hostages and political prisoners in South Africa, provided France and New Zealand with a binding ruling in relation to the *Rainbow Warrior* affair and assisted the peace process in Central America

[1] S C resolutions 598 (1987) and 619 (1988).
[2] S C resolution 626 (1988).
[3] S C (43), Suppl. for April-June 1988, S/19836.
[4] G A resolution 43/176.
[5] S C resolution 605 (1987).
[6] G A resolution 42/37 C.
[7] S C resolutions 566 (1985) and 601 (1987).
[8] G A resolutions 40/89 A and B and 43/71 B.
[9] G A resolution 43/19.
[10] G A resolution 41/2.

by serving as a member of the International Committee for Verification and Follow-up and dispatched a technical survey mission to Western Sahara to gather data for the formulation of proposals relating to the organization of a ceasefire and referendum.

5. During the period under review, the activities of the Secretary-General in respect of his depositary functions under the Charter of the United Nations and multilateral treaties continued to increase. His activities in this area included reporting to the General Assembly on the status of treaties deposited with him, publishing the document *Multilateral Treaties Deposited with the Secretary-General*,[11] communicating to States the texts of reservations and declarations lodged with him and the texts of objections to the reservations and other treaty-related communications, registering treaties for which he was the depositary, notifying the signatory and contracting parties to treaties for which he was the depositary of errors in the authenticated texts and the proposals to correct them, correcting the errors where no objection was raised to the proposed corrections, notifying States of the entry into force of treaties deposited with him and notifying States parties of all treaty actions. The Secretary-General's notifications are communicated by depositary notifications (CNs).

[11] ST/LEG/SER.E/4-7 – United Nations publications, Sales Nos. 86.V.3, 87.V.6, 88.V.3 and 89.V.6.

6. The Secretary-General furthermore took on certain additional financial responsibilities as a result of the financial crisis which challenged the solvency and viability of the United Nations during the period. He was requested, for example, to analyse options to alleviate the financial difficulties of the United Nations and was authorized to impose some, but not all, of the economy measures which he proposed to the General Assembly.[12]

7. In contrast to the period covered by *Supplement No. 6*, the current period under review was marked by a decrease in the scope of the administrative functions exercised by the Secretary-General. This was illustrated by the tendency of the General Assembly to issue increasingly detailed directives about management policy.

8. The technical functions of the Secretary-General continued to expand, particularly with regard to the collection of information, the undertaking of studies and the provision of legal assistance to States.

9. 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.

[12] G A decision 41/466.

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*

(b) *Convening of sessions and meetings*

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

10. During the period under review, the Secretary-General received numerous requests from the General Assembly and the Economic and Social Council to convene or make arrangements for conferences, conventions, sessions and meetings. For example, he was requested to organize a global consultation on the coordination of international activities to combat racism and racial discrimination,[13] to organize as part of the programme of advisory services on human rights a seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States,[14] to organize in New York a training course focusing on the preparation of national legislation against racism and racial discrimination,[15] to organize an appropriate number of plenary meetings at the fortieth session of the General Assembly devoted to policies and programmes relating to youth,[16] to organize annual inter-agency meetings on the United Nations Decade of Disabled Persons,[17] to convene the International Peace Conference on the Middle East,[18] to convene an interregional seminar on the establishment of national machineries to promote the advancement of women,[19] to convene a seminar on women and rural development,[20] to convene meetings of the Inter-Agency Groups on Reverse Transfer of Technology,[21] to convene, in close cooperation with the Secretary-General of the Organization of African Unity (OAU), an international conference on the plight of refu-

[13] G A resolution 40/230.

[14] E S C resolution 1988/35.

[15] G A resolution 40/22.

[16] E S C resolution 1985/30.

[17] E S C resolution 1985/35.

[18] G A resolution 41/43 D.

[19] E S C resolution 1986/31.

[20] E S C resolution 1988/29.

[21] G A resolution 40/191.

gees, returnees and displaced persons in southern Africa,[22] to convene the open-ended working group of the Commission on Human Rights for an additional week at its January 1988 session, in order to complete a draft convention on the rights of the child,[23] to make arrangements for a regional meeting of operational heads of national narcotics law enforcement agencies,[24] to organize a meeting between representatives of the Organization of American States and of the United Nations for the purpose of facilitating cooperation between those organizations,[25] to convene, in close cooperation with the Association of South-East Asian Nations, an international conference on Indo-Chinese refugees,[26] to prepare a training course to be held in the Asia-Pacific region on teaching human rights,[27] to convene a conference of plenipotentiaries for the adoption of a convention against illicit traffic in narcotic drugs and psychotropic substances[28] and to convene annually, three regional meetings of heads of national drug law enforcement agencies.[29]

11. With respect to certain other conferences, the Secretary-General was requested to appoint officials to make the necessary arrangements. For example, by its resolution 40/122, the General Assembly requested the Secretary-General to appoint a Secretary-General for the International Conference on Drug Abuse and Illicit Trafficking. Similarly, by its resolution 42/177, the General Assembly requested the Secretary-General to designate the Secretary-General of the United Nations Conference on Trade and Development to serve as Secretary-General of the Second United Nations Conference on the Least Developed Countries and, in that capacity, to make all necessary arrangements for the holding of the Conference.

12. The Secretary-General continued to receive instructions from the General Assembly to organize or convene pledging conferences. For example, by its resolution 40/194, the Assembly requested the Secretary-General to convene a pledging conference for the United Nations Financing System for Science and Technology for Development.

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

13. During the period under review, the Secretary-General proposed the first International Conference on Drug Abuse and Illicit Trafficking[30] and initiated a high-level meeting between representatives of Iran and Iraq under his auspices.[31] In a report[32] submitted to the General Assembly, the Secretary-General stated his intention to hold an interregional meeting of heads of national drug law enforcement agencies. By its resolution 40/121, the General Assembly endorsed the Secretary-General's proposal and the Interregional Meeting of Heads of National Drug Law Enforcement Agencies was held at the Vienna International Centre from 28 July to 1 August 1986. Moreover, after consultations with interested Governments, the World Bank and the International Monetary Fund, the Secretary-General established a group of high-level advisers to identify concrete ways of improving the financial situation of African countries.[33]

**(c) *Examination of credentials*

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

14. During the period under review, the Secretary-General continued to provide staff, experts and services to United Nations organs and to make all the administrative arrangements necessary for the meetings of those bodies.

15. By its resolution 40/237, the General Assembly established a Group of High-level Intergovernmental Experts to Review the Efficiency of the Administrative and Financial Functioning of the United Nations and requested the Secretary-General to provide the Group with the necessary staff and services.

16. In its resolution 42/42 G, the General Assembly requested the Secretary-General to provide the Disarmament Commission with interpretation and translation facilities in the official languages of the United Nations and to ensure provision to the Commission of all necessary resources and services to that end.

17. In its resolution 42/66 B, the General Assembly requested the Secretary-General to provide the Division for Palestinian Rights of the Secretariat with the necessary resources and to ensure the continued cooperation of the Department of Public Information and other units of the Secretariat in enabling the Division for Palestinian Rights to perform its tasks in covering adequately the various aspects of the questions of Palestine.

18. In its resolution 42/207 C, the General Assembly requested the Secretary-General to take the necessary measures to ensure the provision of conference services to the United Nations with adequate personnel, with due respect for the equal treatment of all official languages of the United Nations, and requested him to ensure that the allocation of resources for those conference services should be sufficient to meet all requirements.

[22] G A resolution 42/106.
[23] G A resolution 42/101.
[24] E S C resolution 1987/34.
[25] G A resolution 43/4.
[26] G A resolution 43/119.
[27] G A resolution 41/153.
[28] E S C resolution 1988/8.
[29] E S C resolution 1988/15.
[30] G A (40), Suppl. No. 1, p. 6; see also the statement of the Secretary-General of 24 May 1985, referred to in E S C resolution 1985/131.
[31] G A (43), Suppl. No. 1, sect. II, p.1.
[32] A/40/778.
[33] G A (42), Suppl. No. 1, sect. IV, p. 5.

19. The Secretary-General was also requested to provide services to bodies other than United Nations organs, such as committees, conferences and working groups. For example, the Secretary-General was requested to provide the staff necessary for the adequate servicing of the Committee of Experts on the Transport of Dangerous Goods,[34] to ensure adequate servicing for the effective functioning of the Committee on the Elimination of Discrimination against Women as a treaty body of the United Nations,[35] to ensure adequate secretariat services for the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families, for the timely fulfilment of its mandate,[36] and to provide appropriate staff and facilities for the Committee against Torture and to ensure the effective performance of the functions entrusted to the Committee under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[37]

2. Transmission of communications

20. During the period under review, the Secretary-General was requested under numerous resolutions to transmit communications. The kinds of communications transmitted varied widely, including: proposals and recommendations from Member States,[38] reports,[39] draft conventions,[40] the views of States on security matters,[41] resolutions and official records of the General Assembly,[42] the final documents relating to an international conference,[43] studies,[44] resolutions or decisions of the Economic and Social Council,[45] a list of political prisoners[46] and declarations.[47]

21. Among the addressees of communications were universities and organizations,[48] all States parties to certain conventions,[49] all Governments,[50] intergovernmental and non-governmental organizations,[51] United Nations information centres,[52] international organizations,[53] the Governments of Member States[54] and specialized agencies.[55]

22. Some examples of the bodies to which the Secretary-General transmitted communications include the General Assembly,[56] the International Civil Service Commission,[57] the Disarmament Commission,[58] the Commission on Human Rights,[59] the Committee on Information,[60] the International Narcotics Control Board[61] and the Commission on the Status of Women.[62]

3. Integration of activities

(a) *Calendar of meetings*

23. During the period under review, the Secretary-General continued, in respect of the calendar of conferences and meetings, to report to the Committee on Conferences, which in turn submitted a draft calendar of conferences and meetings to the General Assembly.[63] As in previous years, the Committee on Conferences, rather than the Secretary-General, was authorized by the General Assembly to make any necessary adjustments in the calendar that might become necessary as a result of actions and decisions taken by the General Assembly.[64] By its resolution 43/49 of 2 December 1988, the General Assembly requested the Secretary-General to adjust the schedule of the forty-third session of the General Assembly in plenary to allow the question of Palestine to be considered at the United Nations Office at Geneva during the period from 13 to 15 December 1988.

24. In its resolution 40/243, section I, paragraph 10, the General Assembly requested the Secretary-General and the Committee on Conferences to take into account several principles when drawing up the draft calendar of conferences and meetings, including the following:

> "(a) The biennial calendar of conferences and meetings approved by the General Assembly shall govern the meetings programme during the period concerned;

[34] E S C resolution 1985/9.
[35] E S C resolution 1985/18.
[36] G A resolution 41/151.
[37] G A resolution 42/123.
[38] G A resolution 40/157.
[39] E S C resolution 1985/2.
[40] G A resolution 41/151.
[41] G A resolution 41/164.
[42] G A resolution 42/42 G.
[43] G A resolution 42/124.
[44] G A resolution 42/162 A.
[45] E S C resolution 1986/32.
[46] G A resolution 43/26 D.
[47] E S C resolution 1988/66.
[48] G A resolution 40/66.
[49] G A resolution 40/116.
[50] G A resolution 40/130 and E S C resolution 1985/12.
[51] E S C resolution 1985/14.
[52] G A resolution 41/112.
[53] G A resolution 41/151.
[54] E S C resolution 1986/32.
[55] E S C resolution 1988/8.
[56] E S C resolution 1986/4.
[57] G A resolution 41/213.
[58] G A resolution 42/42 G.
[59] G A resolution 42/124.
[60] G A resolution 42/162 A.
[61] E S C resolution 1988/8.
[62] E S C resolution 1988/47.
[63] See *Repertory, Supplement No. 5,* vol. V, under Article 98, para. 16; *Repertory, Supplement No. 6,* vol. VI, under Article 98, para. 18; and G A resolutions 40/243, 41/177 A, 42/207 B and 43/222 A.
[64] See G A resolutions 40/243, 41/177 A, 42/207 B and 43/222 A.

"(b) All United Nations meetings shall be conducted within the resources allocated by the General Assembly for that purpose;

"(c) Between sessions of the General Assembly, departures from the calendar may, in special or unusual circumstances, be approved by the Committee on Conferences provided that changes affecting the subsequent year of the biennium shall be approved by the Assembly".

25. In its resolution 1988/77, the Economic and Social Council requested the Secretary-General to ensure, when proposing future calendars of conferences, that meetings of the subsidiary bodies of the Council ended, at least eight weeks before the session of the Council at which their reports were to be considered. The Council further requested the Secretary-General to submit a report on the feasibility and comparative costs of holding at the United Nations, with the current in-sessional arrangements, one consolidated or two regular sessions of the Council.

(b) *Planning of work programmes and priorities*

26. As in previous years, the Director-General for Development and International Economic Cooperation, under the authority of the Secretary-General,[65] continued to assist the Secretary-General in carrying out his chief responsibilities as administrative officer by ensuring the coherence, coordination and efficient management of all activities in the economic and social fields financed by the regular budget or by extrabudgetary resources.[66]

27. During the period under review, however, the Director-General for Development and International Economic Cooperation received requests to conduct case studies and comparative analysis not solely from the Secretary-General as envisaged in General Assembly resolution 32/197, but also directly from the General Assembly[67] and the Economic and Social Council.[68]

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

28. In its resolution 40/64 D, the General Assembly requested the Secretary-General to ensure full cooperation by the Department of Public Information of the Secretariat and all organizations within the United Nations system with the Special Committee against Apartheid and the Centre against Apartheid in the dissemination of information on the atrocities and crimes committed by the apartheid regime.

29. In its resolution 41/119, the General Assembly requested the Secretary-General to improve the relevant administrative arrangements to enable the Human Rights Committee and the Economic and Social Council to carry out their respective functions under the International Covenants on Human Rights more effectively.

30. In its resolution 41/138, the General Assembly requested the Secretary-General, in cooperation with the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme and other relevant United Nations agencies, to dispatch a high-level inter-agency mission to Somalia to review existing refugee programmes and to prepare a comprehensive programme of assistance, combining both refugee-related humanitarian and developmental needs.

31. In its resolution 1986/25, the Economic and Social Council requested the Secretary-General to ensure close cooperation between United Nations bodies, in particular the Centre for Social Development and Humanitarian Affairs, the Centre against Apartheid, the Centre for Human Rights, the United Nations Council for Namibia and the Department of Public Information, with a view to maximizing publicity on the situation of women and children under apartheid.

32. In its resolution 1987/72, the Economic and Social Council requested the Secretary-General, in order to enhance the coherence and harmonization of population activities in the United Nations and increase the effectiveness of the work of the organizations and bodies of the United Nations system in the field of population, to take the necessary steps to enable the Administrative Committee on Coordination to review on a regular basis population activities and programmes within the United Nations system.

33. In its resolution 43/12, the General Assembly called upon the Secretary-General to ensure closer cooperation and coordination with the Secretary-General of OAU in the implementation and monitoring of the United Nations Programme of Action for African Economic Recovery and Development 1986-1990 and to consult OAU with a view to establishing a group of experts to assess the question of commodities of interest to Africa and the scope for export diversification.

34. In its resolution 1988/44, the Economic and Social Council requested the Secretary-General to foster close collaboration between the United Nations Secretariat and the United Nations regional and interregional institutes for crime prevention and criminal justice and to coordinate the activities of the Crime Prevention and Criminal Justice Branch with those of the institutes, particularly through existing contracts, the crime information network, substan-

[65] See G A resolution 32/197.

[66] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, para. 22.

[67] In its resolution 42/196, the General Assembly requested the Director-General to conduct case studies and submit reports.

[68] In its resolution 1986/74 of 23 July 1986, entitled "Policy review of operational activities for development", the Economic and Social Council requested the Director-General for Development and International Economic Cooperation to conduct comparative analyses and case studies and to submit an annual report.

tive support of technical cooperation projects, staff secondment and exchange of expertise and research findings.

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

35. In its resolution 40/177, the General Assembly called upon the Secretary-General to re-examine critically and constructively all aspects of the question of coordination in the United Nations and the United Nations system and to submit, through the Committee for Programme and Coordination and the Economic and Social Council, specific recommendations aimed at enhancing coordination in the future.[69]

36. In its resolution 40/243, the General Assembly requested the Secretary-General to ensure the most rational and effective use of all United Nations conference centres and facilities and authorized the Secretary-General to apply maximum over-programming of meetings wherever possible to achieve better utilization of conference resources.

37. In its resolution 1985/20, the Economic and Social Council called upon the Secretary-General to ensure the timely distribution of documents to the Council, and requested him to ensure that reports on the world social situation were distributed no later than 12 weeks before the commencement of the sessions of the functional commissions of the Economic and Social Council.

38. In its resolution 41/176, the General Assembly requested the Secretary-General to take steps to improve financial management in relation to the provision of travel services. The Assembly further requested the Secretary-General to negotiate a competitive contract for the maintenance and operation of electrical equipment at United Nations Headquarters.

39. In its resolution 42/207 B, the General Assembly requested the Secretary-General to examine the possibility of having all organizational aspects of conference-servicing in the United Nations as a whole centrally planned and coordinated, with a view to ensuring optimum efficiency and cost-effectiveness by, inter alia, minimizing duplication and overlapping, and to submit his findings and recommendations to the Assembly, through the Committee on Conferences.

40. In its resolution 43/222 A, the General Assembly requested the Secretary-General to maintain contact with United Nations organs that failed to make adequate use of the conference-servicing resources provided to them, in order to assist those organs in making better use of their services. In resolution 43/222 C, the Assembly requested the Secretary-General to assist in limiting the documentation produced by United Nations organs, by establishing a standard format for final reports of special conferences of the United Nations and by providing guidelines for the preparation and editing of those reports.

41. In its resolution 1988/77, the Economic and Social Council requested the Secretary-General to submit to the Council a report on the revitalization of the Economic and Social Council, including proposals on how technical support could improve the functioning of the Council and its subsidiary bodies.

4. COORDINATION WITH SPECIALIZED AGENCIES AND OTHER INTERGOVERNMENTAL ORGANIZATIONS

(a) *Functions of the Secretary-General set forth in the agreements with the specialized agencies*[70]

42. While the Convention on the Privileges and Immunities of the Specialized Agencies is not, strictly speaking, an agreement between the United Nations and the specialized agencies, it is nevertheless pertinent to note that section 35 of the Convention provides that the Secretary-General shall transmit to any specialized agency not mentioned by name in the Convention a draft annex recommended by the Economic and Social Council to enable such specialized agency to derive its privileges and immunities exclusively from the Convention. In accordance with that section, the Economic and Social Council, by its resolution 1986/10 of 23 July 1986, recommended to the United Nations Industrial Development Organization (UNIDO) a draft annex which detailed the standard clauses, with modifications, concerning the privileges and immunities of experts.[71] UNIDO approved the draft annex and it entered into force on 17 September 1987.

43. In December 1985, the United Nations and UNIDO concluded an agreement on 12 December 1985,[72] which was approved by the General Assembly in its resolution 40/180 of 17 December 1985. The Agreement provided that the Director-General of UNIDO shall consult with the Secretary-General to achieve, in so far as is practicable, uniformity in presentation of the budgets of the United Nations and of the agencies within the United Nations system;[73] that UNIDO officials shall be entitled, in accordance with such special arrangements as may be concluded between the Secretary-General and the Director-General of UNIDO, to use the United Nations laissez-passer;[74] and the Secretary-General and the Director-General of UNIDO may enter into such supplementary arrangements for the implementation of the Agreement as may be found desirable.[75]

[69] For the comprehensive report submitted pursuant to this request, see A/42/232-E/1987/68.

[70] See also the present *Supplement,* under Article 63(1).

[71] E S C resolution 1986/70.

[72] E S C resolution 1985/81.

[73] Ibid., article 17 (e).

[74] Ibid., article 18.

[75] Ibid., article 19.

(b) *Functions of the Secretary-General with regard to programme coordination*[76]

44. The Secretary-General continued to coordinate measures on the question of the reverse transfer of technology within the United Nations system.[77] By its resolution 40/191, the General Assembly requested the Secretary-General to convene further meetings of the Inter-Agency Group on Reverse Transfer of Technology, comprising representatives of the United Nations Conference on Trade and Development, ILO, UNESCO, WHO, UNITAR, the Statistical Office of the Secretariat and other relevant organs and bodies of the United Nations system, to review the coordination of work on this question.

45. In its resolution 40/236, the General Assembly called upon the Secretary-General to report on ways of enhancing efficiency and effectiveness in the implementation of decisions taken by intergovernmental bodies regarding special programmes of economic assistance, including mobilization of the resources necessary for the implementation of those programmes, taking into account available information provided by Governments and the related activities undertaken by the United Nations.

46. In its resolution 1985/24, the Economic and Social Council requested the Secretary-General, in cooperation with intergovernmental organizations, specialized agencies and organs of the United Nations, to prepare a document incorporating guidelines for establishing social services for migrant workers and their families.

47. During the period under review, the Secretary-General was requested to convene meetings of the relevant programmes, organizations, agencies, funds and organs of the United Nations system to consider the issue of providing economic and social assistance to the Palestinian people.[78] The Assembly further requested the Secretary-General to finalize the programme of economic and social assistance to the Palestinian people[79] and to implement the programme of assistance by coordinating the activities envisaged by various organizations of the United Nations within the framework of that programme.[80]

48. In its resolution 1986/13, the Economic and Social Council recommended that the Secretary-General "continue to direct the attention of the competent United Nations bodies and specialized agencies to the need for continued coordination and information in the field of youth, in keeping with the objectives of International Youth Year: Participation, Development and Peace".

49. In its resolution 1987/2, the Economic and Social Council requested the Secretary-General to present, in his future annual reports to the Council on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, detailed information on the relevant activities of all Governments, United Nations bodies, specialized agencies, intergovernmental organizations and non-governmental organizations that were in consultative status with the Economic and Social Council.

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

50. In its resolution 40/250, the General Assembly, recognizing the need to avoid duplication of efforts and proliferation of organs for the more effective use of the resources of the United Nations and the specialized agencies, invited the Secretary-General to submit comments to the General Assembly on how to achieve the maximum possible standardization and comparability in the budgetary and administrative practices of all organizations concerned.

51. In its resolution 42/206, the General Assembly requested the Secretary-General and the executive heads of the United Nations organizations and programmes concerned to identify ways to improve the efficiency and effectiveness of the financial procedures and controls, the accounting systems and the administrative and management controls of United Nations organizations and programmes such as the United Nations Development Programme, the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the United Nations Fund for Population Activities. The Assembly further requested the Secretary-General to respond to the comments and observations of the Board of Auditors and the Advisory Committee on Administrative and Budgetary Questions in regard to those United Nations organizations and programmes, by taking immediate remedial action.

52. In its resolutions 40/258 C, 41/205, 42/219 and 43/225, the General Assembly called upon the Secretary-General, as chief administrative officer of the Organization and Chairman of the Administrative Committee on Coordination, to continue personally to act as the focal point in promoting and ensuring observance of the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations and urged him to give priority through his designated officials to the reporting and prompt follow-up of cases of arrest, detention and other matters relating to the security of officials mentioned in the annex to his annual reports, and requested him to review and appraise the measures already taken to enhance the proper functioning, safety and protection of international civil servants and to modify them where necessary.

[76] See also the present *Supplement,* under Articles 58 and 63(2).

[77] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, para. 35.

[78] G A resolutions 40/170 and 41/181.

[79] G A resolution 40/170.

[80] G A resolution 42/166.

5. Functions of the Secretary-General with regard to the preparation of work and implementation of decisions

53. During the period under review, the Secretary-General was requested to undertake such diverse tasks as preparing, in close cooperation with the relevant organs, organizations and bodies of the United Nations system, reports containing action-oriented proposals to deal with the critical economic situation in Africa,[81] developing pilot projects on the implementation of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),[82] preparing a draft handbook on the peaceful settlement of disputes,[83] appointing an expert to cooperate with the Government of Equatorial Guinea to provide advisory services in the field of human rights,[84] establishing a register to record information on nuclear tests,[85] establishing national institutions for the protection and promotion of human rights,[86] implementing recommendations to improve the efficiency of the administrative and financial functioning of the United Nations,[87] updating the World Survey on the Role of Women in Development,[88] establishing an African gerontological society,[89] awarding fellowships as part of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law,[90] preparing a feasibility study on the consolidation and coordination of all public information activities within the United Nations,[91] restructuring the United Nations Institute for Training and Research,[92] establishing a software reference library and distributing software packages to developing countries,[93] launching a public information and awareness campaign to revitalize the United Nations Decade of Disabled Persons (1983-1992),[94] investigating the possible use of chemical and bacteriological or toxin weapons that might constitute a violation of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,[95] implementing the action programme adopted at the International Conference on the Relationship between Disarmament and Development,[96] devising a programme of action aimed at the acceleration of the exploration and development of the energy resources of developing countries,[97] establishing a focal point to be responsible for coordinating and promoting measures to combat drug misuse and abuse and illicit traffic of drugs within the entire African region[98] and convening a seminar on women and rural development.[99]

[81] G A resolution 40/40.
[82] G A resolution 40/33.
[83] G A resolution 40/68.
[84] E S C resolution 1985/39.
[85] G A resolution 41/59 A.
[86] G A resolution 41/129.
[87] G A resolution 41/213.
[88] E S C resolution 1986/64.
[89] G A resolution 42/51.
[90] G A resolution 42/148.
[91] G A resolution 42/162 A.
[92] G A resolution 42/197.
[93] E S C resolution 1987/10.
[94] E S C resolution 1987/43.
[95] League of Nations, *Treaty Series,* vol. XCIV (1929), No. 2138, p. 65; G A resolution 43/74 A.

6. Functions of the Secretary-General in connection with international treaties, conventions and agreements

54. In resolutions adopted at each of the regular sessions 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,[100] the Convention on the Elimination of All Forms of Discrimination against Women[101] and the Convention on the Prevention and Punishment of the Crime of Genocide.[102] The Secretary-General also continued to report to the Assembly on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid, in accordance with General Assembly resolution 3380 (XXX). At its regular sessions, the Assembly requested the Secretary-General to include in his next annual report on the Convention a special section on its implementation.[103]

55. In its resolution 40/26, the General Assembly requested the Secretary-General to continue to submit to the Assembly annual reports concerning the status of the International Convention on the Elimination of All Forms of Racial Discrimination. In resolution 41/104, the Assembly requested the Secretary-General to submit to the Assembly at its forty-third session a report on the status of the Convention. By its resolution 43/95, the Assembly requested the Secretary-General to submit to it a report on the matter at its forty-fifth session.

56. In its resolution 41/72, the General Assembly requested the Secretary-General to submit to the Assembly at its forty-third session a report on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts. In resolution 43/161, the Assembly requested the Secretary-General to submit to it a report on the matter at its forty-fifth session.

[96] G A resolution 43/75 B.
[97] G A resolution 43/193.
[98] E S C resolution 1988/11.
[99] E S C resolution 1988/29.
[100] See, for example, G A resolutions 40/115, 41/119, 42/103 and 43/114.
[101] G A resolutions 40/39, 41/108, 42/60 and 43/100.
[102] G A resolutions 40/142, 41/147, 42/133 and 43/138.
[103] G A resolutions 40/27, 41/103, 42/56 and 43/97.

57. In its resolutions 40/84, 41/50, 42/30 and 43/67, the General Assembly requested the Secretary-General, as depositary, to inform it from time to time of the state 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 and its Protocols.

58. In its resolution 40/128, the General Assembly requested the Secretary-General to submit to the Commission on Human Rights at its forty-second session and to the General Assembly at its forty-first session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Assembly made requests of this nature at each other regular session during the period under review.[104]

59. A question regarding the participation of Self-Governing Territories in treaties deposited with the Secretary-General was considered during the period under review. The Secretary-General, as depositary of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees, had received the instruments of accession from the Cook Islands and Niue to the Convention and Protocol. In the practice of United Nations at the time, neither the Cook Islands nor Niue were considered as being fully independent States responsible for their external affairs, but rather as Self-Governing Territories in free association with another independent State.[105] In the light of the above, the Secretary-General was not in a position to accept the relevant instrument of accession.[106] Had instruments of accession been submitted on their behalf by the State competent to take such formal action on their behalf, the instruments could have been accepted for deposit.[107]

60. During the period under review, the Secretary-General, in exercising his functions as depositary, continued to adhere to the practice regarding the acceptance of reservations set out in General Assembly resolution 598 (VI) of 12 January 1952. In the absence of any specific provision on reservations in a given treaty, the Secretary-General adhered to the provisions of that resolution and restricted himself to communicating to the States concerned the text of the reservations submitted on signature or accompanying instruments of ratification or accession and eventually the texts of objections to the reservations, if any, without passing judgement on the legal effects of such acts, leaving it to each State to draw the legal consequences from such communications and to make their position known.[108] Thus, when a Member State made reservations and a declaration concerning the activities and financing of the Committee against Torture under the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, the Secretary-General circulated the reservations and declaration and all objections received from other States in response.[109]

61. During the reporting period, the Secretary-General continued to exercise his depositary functions guided by the customary treaty law as codified by the relevant provisions of the Vienna Convention on the Law of Treaties of 23 May 1969 and the pertinent resolutions and decisions of the General Assembly and other organs of the United Nations,[110] notifying the signatory and contracting parties to treaties for which he was depositary of errors in the authenticated texts and the proposals to correct them, correcting the errors where no objection was raised to the proposed corrections, and registering ex officio with the Secretariat such corrections. This included the clarification of terms in the Russian text of the original and certified true copies of the United Nations Convention on Conditions for Registration of Ships, 1986,[111] the rectification of provisions of the original Russian text and certified true copies of the International Convention against the Taking of Hostages, 1979,[112] and the correction of errors in the Spanish text of the original and certified true copies of the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987.[113] In those cases, the Secretary-General complied with the requirement of paragraph 2 of article 79 of the Vienna Convention on the Law of Treaties of 1969 that a time limit for objections to the proposed corrections must be specified, through the established practice of sending depositary noti-

[104] G A resolutions 41/134, 42/123 and 43/132.

[105] See "Question of the full membership of the Cook Islands in the Economic and Social Commission for Asia and the Pacific – Status of the Cook Islands under General Assembly resolution 2064 (XX) of 16 December 1965 and the terms of reference of ESCAP", *United Nations Juridical Yearbook 1986*, pp. 289-290.

[106] See 1951 Convention and 1967 Protocol on the Status of Refugees, United Nations, *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1988* (ST/LEG/SER.E/7 – United Nations publication, Sales No. 89.V.6), chaps. V.2 and V.5, pp. 188-189 and 212, respectively.

[107] United Nations, *Treaty Series*, vol. 1413, No. 8791, p. 392.

[108] See United Nations, *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties,* ST/LEG/7/Rev.1 – United Nations publication, Sales No. E.94.V.15), paras. 58-83, pp. 31-40.

[109] See *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1988* (ST/LEG/SER.E/7 – United Nations publication, Sales No. 89.V.6), chap. IV.9, pp. 179-180, 183-185.

[110] See, for example, G A resolution 478 (V) of 16 November 1950.

[111] See *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1986* (ST/LEG/SER.E/5 – United Nations publication, Sales No. 87.V.6) chap. XII.7, p. 548.

[112] See *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1987* (ST/LEG/SER.E/6 – United Nations publication, Sales No. 88.V.3), chap. XVIII.5, p. 610.

[113] See *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1988* (ST/LEG/SER.E/7 – United Nations publication, Sales No. 89.V.6), chap. XXVII.2 (a), p. 827.

fications communicating proposed corrections to relevant States, and indicating therein that the proposed correction would be effected unless any objections from signatory or contracting States were received within 90 days. An exception, however, to this practice occurred during the period under review in relation to the rectification of the authentic Russian text of the annex to the Wheat Trade Convention, 1986, and of article III of the Food Aid Convention, 1986, and of the certified true copies thereof. Due to the minor technical nature of the errors in the latter case, the Secretary-General did not allow a time period for objection to the proposed corrections in all language texts. Rather, he issued a single procès-verbal indicating that the necessary corrections had been effected in the original of the Agreement.[114]

7. Functions of the Secretary-General in respect of the submission of an annual report

62. As in previous years, at each regular session during the period under review, the Secretary-General submitted an annual report to the General Assembly on the work of the Organization. Although the structure of each report varied, each annual report dealt with the following subject matters: political and security questions, economic and social developments, administrative and budgetary questions, human rights, peacekeeping, disarmament and the role of the United Nations. The general functions of the Secretary-General were specifically addressed in two annual reports submitted during the period.[115] No significant changes were made to the form of the annual reports, aside from the introduction of numbered sub-sections.[116]

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*

63. The Secretary-General's functions in this field continued to be extensive and multifarious.[117]

64. As in previous years, the Secretary-General continued to be requested to ascertain the views of or to consult with Governments.[118]

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

2. Operational functions of the Secretary-General

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

65. During the period under review, numerous resolutions adopted by the General Assembly or the Economic and Social Council contained requests to the Secretary-General with regard to various operational programmes administered by him. For example, the Secretary-General was requested to: provide advisory services in the field of disarmament on the basis of requests received from Governments or governmental organizations,[119] submit to the Economic and Social Council proposals for specific action to be undertaken in countries stricken by desertification and drought,[120] develop a World Population and Housing Census Programme to assist Member States in planning and carrying out improved censuses during the 1985-1994 census decade,[121] provide technical assistance to encourage States to ratify international human rights instruments,[122] dispatch a high-level inter-agency mission to Somalia to review existing refugee programmes and prepare a comprehensive programme of assistance,[123] take measures to prepare programmes of assistance for persons displaced in their own countries and facilitate the reintegration and rehabilitation of returnees,[124] launch an international appeal to provide assistance to refugees and displaced persons in Malawi,[125] develop and implement a programme of economic and social assistance for the Palestinian people in close cooperation with the Palestine Liberation Organization,[126] review the rates of reimbursement to the Governments of troop-contributing States,[127] formulate a major programme on the advancement of women,[128] and to send a mission of experts on the status of women to investigate the situation of Palestinian women and children.[129]

66. In addition, the Secretary-General was frequently asked to provide, promote or coordinate economic assistance to specific countries or regions.[130]

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[114] See *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1986* (ST/LEG/SER.E/5 – United Nations publication, Sales No. 87.V.6), chap. XIX.28 (a), p. 689.

[115] See G A (40), Suppl. No. 1, and G A (41), Suppl. No. 1.

[116] See G A (42), Suppl. No. 1, and G A (43), Suppl. No. 1.

[117] See this *Supplement* under Articles 13(1)(a), 13(1)(b), 13(2), and 62(1) for the range of reports, studies and information the General Assembly requested from the Secretary-General during the period under review.

[118] See, for example, G A resolutions 41/59 N, 42/149, 42/13 and E S C resolutions 1987/28, 1987/40 and 1987/72.

[119] G A resolution 40/151 H.

[120] G A resolution 40/175.

[121] E S C resolution 1985/8.

[122] G A resolution 41/32.

[123] G A resolution 41/138.

[124] G A resolution 42/110.

[125] G A resolution 42/132.

[126] G A resolution 42/166.

[127] G A resolution 42/224.

[128] E S C resolution 1988/18.

[129] E S C resolution 1988/25.

[130] See, for example, G A resolutions 40/215, 40/218, 40/223, 40/226, 40/233, 41/139, 41/198, 42/129, 42/200, 42/204, 43/205, 43/207 and 43/208 and E S C resolutions 1985/58, 1986/49, 1987/15 and 1988/54.

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

67. In a report[131] submitted to the General Assembly on reporting obligations under United Nations conventions on human rights, the Secretary-General proposed to arrange training courses for States parties experiencing serious difficulties in meeting their reporting obligations under United Nations instruments on human rights. The General Assembly endorsed the Secretary-General's initiative in its resolution 41/121.

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

68. During the period under review, the Secretary-General was requested on many occasions to mobilize assistance to countries affected by natural disasters.[132] In its resolution 40/219, the General Assembly expressed its appreciation to the Secretary-General for the steps he had taken to mobilize humanitarian assistance for countries affected by drought and desertification in general, and for Mauritania in particular, which had been severely affected by those natural disasters. The Assembly noted that the Secretary-General's humanitarian actions had been prompted by an urgent request he had received from the Government of Mauritania to classify Mauritania as one of the least developed countries.[133] The Assembly requested the Secretary-General to continue his efforts to mobilize international assistance for Mauritania and to ensure that the appropriate arrangements were made to establish an effective programme of special assistance.

69. In its resolution 43/8, the General Assembly requested the Secretary-General to continue to coordinate and mobilize resources to help the Sudan in its emergency, rehabilitation and reconstruction efforts and to keep the international community informed of the needs of the Sudan.

70. Pursuant to that request, on 27 October 1988, the Secretary-General submitted a report[134] to the General Assembly in which he stated that, in June 1988, he had received an urgent request from the Prime Minister of the Sudan asking him to appeal for emergency assistance for the people of the Sudan who were suffering from the cumulative impact of internal strife, floods, drought, widespread famine, locust depredations and influxes of refugees from neighbouring countries. In response to that request, the Secretary-General had agreed to provide emergency assistance to the Sudan. In his report, the Secretary-General stated that, in July 1988, he had sent a high-level mission to the Sudan to set up a timetable and an operational framework for the implementation of a programme of immediate emergency assistance.

71. During the period under review, the Secretary-General continued to coordinate humanitarian assistance to the Kampuchean people and monitor its distribution and was requested by the General Assembly to intensify these relief efforts if necessary.[135]

3. Functions of the Secretary-General in connection with assistance in procedural problems

72. As in previous years,[136] the Secretary-General prepared draft rules of procedure for conferences during the current period under review.[137] The Secretary-General was also requested to invite participating States to apply the provisional rules of procedure for the International Conference on the Relationship between Disarmament and Development, which had been drafted by the Preparatory Committee for the Conference.

73. In its resolution 42/206, the General Assembly requested the Secretary-General and the executive heads to identify ways to improve the efficiency and effectiveness of the financial procedures of United Nations organizations and programmes such as the United Nations Development Programme, the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the United Nations Fund for Population Activities.

74. During the period under review, the General Assembly adopted several resolutions in connection with the Second Decade to Combat Racism and Racial Discrimination, in which the Secretary-General was requested to prepare and finalize, with the appropriate assistance of qualified experts if possible, a handbook of recourse procedures for victims of racism and racial discrimination.[138]

4. Functions of the Secretary-General in connection with the drafting of documents and legal assistance

75. The Secretary-General continued to assist United Nations organs in the drafting of conventions and other docu-

[131] A/40/600 and Add.1.

[132] See, for example, G A resolutions 40/228, 41/200, 42/202 and 43/9 and E S C resolutions 1985/1, 1986/47, 1987/14 and 1988/3.

[133] A/C.2/40/3.

[134] A/43/755.

[135] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 73-74, and G A resolutions 40/7, 41/6, 42/3 and 43/19.

[136] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 81 and 83.

[137] For example, for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, Italy, 26 August to 6 September 1985, A/CONF.121/2, 25 July 1985; the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, Vienna, 25 November-20 December 1988, E/CONF.82/7, 25 November 1988; and the Fifth United Nations Conference on the Standardization of Geographical Names, Montreal, 18-31 August 1987, E/CONF.79/2, 15 February 1987.

[138] See G A resolutions 41/94, 42/47 and 43/91.

ments and to prepare studies on legal subjects.[139] During the period under review, the Secretary-General played a greater role than in previous years in providing assistance to States in the implementation of various conventions, rules and legal principles and was requested by United Nations organs to place more emphasis on improving the coordination of legal assistance.

76. In its resolution 1986/10, the Economic and Social Council requested the Secretary-General to develop draft standards for the prevention of juvenile delinquency, to formulate measures for the effective implementation of the United Nations Standard Minimum Rules for the Administration of Justice (the Beijing Rules) and to formulate standard minimum rules for the treatment of juveniles deprived of their liberty. The Council also called upon the Secretary-General to provide Governments with the services of experts and regional and interregional advisers to assist in implementing the United Nations Basic Principles on the Independence of the Judiciary.[140]

77. In its resolution 1986/113, the Economic and Social Council requested the Secretary-General to prepare a draft convention against the illicit traffic in narcotic drugs, taking into account the recommendations of the Commission on Narcotic Drugs in his preparation of the draft.[141]

78. In its resolution 42/118, the General Assembly requested the Secretary-General to finalize the text of a draft booklet on teaching human rights and to draw the attention of Member States to the booklet.

79. The Secretary-General was called upon by the Economic and Social Council to submit reports on a variety of legal subjects, including extralegal, arbitrary and summary executions, the transfer of criminal proceedings, the transfer and supervision of foreign offenders who have been conditionally sentenced or conditionally released, the implementation of the United Nations Code of Conduct for Law Enforcement Officials, the implementation of safeguards to protect the rights of those facing the death penalty, the role of lawyers and alternatives to imprisonment.[142]

80. At the request of the General Assembly, the Secretary-General carried out during the period under review a range of activities aimed at strengthening the legal regime of the sea, such as identifying in several reports[143] the important developments that had taken place in the law of the sea, outlining the impact of the United Nations Convention on the Law of the Sea on State practice and on the mandates and activities of international organizations concerned with marine affairs, and assisting States in the implementation of the Law of the Sea Convention and in the development of a consistent and uniform approach to the legal regime thereunder.[144]

81. In its resolution 40/22, the General Assembly requested the Secretary-General to prepare a collection of model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination.

82. In its resolution 42/34 A, the General Assembly called upon the Secretary-General to provide all necessary assistance that the Organization of African Unity might seek regarding the modalities and elements for the preparation and implementation of the relevant convention or treaty on the denuclearization of Africa.

C. Financial functions of the Secretary-General

83. The practice of the United Nations in financial matters is dealt with in the present *Supplement* under Article 17 of the Charter. The present study, as previously, is confined to a summary of some specific financial functions entrusted to the Secretary-General during the period under review.

1. Authority to enter into commitments to meet unforeseen and extraordinary expenses

84. In accordance with the biennial budget cycle,[145] which was continued during the period under review, 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.[146]

85. The conditions under which the authority in question was to be exercised, as laid down in the two resolutions on unforeseen and extraordinary expenses adopted during the period under review,[147] remained, in substance, as described in *Supplement No. 6*, except that: (a) the Secretary-General's authority to enter into financial commitments without the concurrence of the Advisory Committee on Administrative and Budgetary Questions relating to the maintenance of peace and security was reduced from US$ 10 million to $2 million; (b) two classes of commitments relating to expenses arising from the functions of the International Court of Justice, for which the concurrence of the Advisory Committee was previously not required, were

[139] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 81 and 83.

[140] E S C resolution 1986/10.

[141] The draft convention is presented in chapter II of Commission on Narcotic Drugs document E/CN.7/1987/2.

[142] E S C resolution 1986/10.

[143] See A/40/923, A/41/742 and A/42/688.

[144] G A resolutions 40/63, 41/34, 42/20 and 43/18.

[145] See *Repertory, Supplement No. 5,* vol. V, under Article 98, para. 77; and *Repertory, Supplement No. 6,* vol. VI, under Article 98, para. 85.

[146] The General Assembly resolutions by which the authority was renewed were resolutions 40/254 and 42/227.

[147] G A resolutions 40/254 and 42/227.

removed;[148] (c) some of the ceilings on the expenses relating to the International Court of Justice were raised.[149]

2. Authority to borrow from special funds and accounts or from governmental sources

86. During the period under review, the biennial budget cycle continued[150] and at each regular session held in an odd year, the General Assembly maintained its practice of renewing, for the following biennium, 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.[151]

3. Authority relating to special accounts and funds

(a) *Authority relating to the special accounts for the United Nations Disengagement Observer Force, the United Nations Interim Force in Lebanon and the United Nations Iran-Iraq Military Observer Group*

87. By section I of its resolution 40/59 A, the General Assembly decided to appropriate to the special account that had been established pursuant to General Assembly resolution 3211 B (XXIX) the amount of $17,852,496 gross, authorized and apportioned by the Assembly in section III of its resolution 39/28 A for the operation of the United Nations Disengagement Observer Force (UNDOF) for the period from 1 June to 30 November 1985 inclusive. During the 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.[152]

88. In resolutions adopted at each of the regular sessions held during the period under review, the General Assembly made further appropriations to the special account established for the operation of the United Nations Interim Force in Lebanon (UNIFIL) and authorized the Secretary-General to enter into additional commitments for it.[153]

89. In its resolution 42/233, the General Assembly requested the Secretary-General to create a special account for the operation of the United Nations Iran-Iraq Military Observer Group (UNIIMOG), which had been established pursuant to Security Council resolution 619 (1988) of 9 August 1988, for the period from 9 August 1988 to 8 February 1989 inclusive. By paragraph 1 of the same resolution, the Assembly decided to appropriate to the special account an amount of $35.7 million.

90. In its resolution 43/230, the General Assembly authorized the Secretary-General to enter into commitments for the United Nations Iran-Iraq Military Observer Group at a rate not to exceed $7,986,000 gross per month, with prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, for the 12-month period from 9 February 1989, should the Security Council decide to continue the military observer group beyond the six-month period authorized under its resolution 619 (1988).

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

91. In its resolution 43/218 A, the General Assembly agreed to a non-recurrent appropriation to allow the Secretary-General to carry out his role under the Geneva Agreements on the Settlement of the Situation Relating to Afghanistan of 14 April 1988.[154]

92. In its resolutions 41/69 H, 42/69 H and 43/57 H, the General Assembly requested the Secretary-General to take all appropriate steps 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 the rightful owners.[155]

4. Authority to accept voluntary contributions

93. During the period under review, the General Assembly adopted numerous resolutions in which it requested the Secretary-General to seek voluntary contributions to defray the costs of the humanitarian and operational activities of the Organization.[156]

94. For example, in its resolution 42/233, the General Assembly invited Member States to make voluntary contributions to the United Nations Iran-Iraq Military Observer Group both in cash and in the form of services and supplies acceptable to the Secretary-General, and requested the Secretary-General to report to the Assembly on the financing of UNIIMOG, including the status of voluntary contributions.

5. **Authority relating to United Nations accommodation in Nairobi

[148] These consisted of expenses occasioned by the maintenance in office of judges who had not been re-elected and the payment of pensions and travel and removal expenses of retiring judges and members of the International Court of Justice.

[149] These included expenses occasioned by the designation of ad hoc judges, the appointment of assessors, the calling of witnesses and the appointment of experts.

[150] See *Repertory, Supplement No. 5,* vol. V, under Article 98, para. 77.

[151] G A resolutions 40/254 and 42/227.

[152] G A resolutions 40/59 A, sect. III; 41/44 A, sect. III; 42/70 A, sect III; and 43/228.

[153] G A resolutions 40/246 A, 41/179 A, 42/223 A and 43/229.

[154] S C (43), Suppl. for April-June 1988, S/19835, annex I.

[155] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, para. 94.

[156] See G A resolutions 40/131, 40/210, 41/60 J, 41/198, 42/39 K, 42/122, 43/102 and 43/231.

6. **Authority to loan money and transfer certain assets to UNIDO

7. Functions exercised in connection with the financial crisis of the United Nations

95. During the period under review, the General Assembly adopted several resolutions in which it requested the Secretary-General to approach and encourage the Governments of Member States to meet their financial obligations and provide information regarding their expected pattern of payments, in order to facilitate financial planning by the Secretary-General.[157]

96. The General Assembly further requested the Secretary-General to submit to the Assembly detailed information relating to the extent, rate of increase and composition of the deficit of the Organization, the pattern of payments of Member States, the cash-flow situation and voluntary contributions received from Member States and other sources pursuant to General Assembly resolutions 2053 A (XX) of 15 December 1965 and 3049 A (XXVII) of 19 December 1972.[158]

97. In response to those requests, the Secretary-General provided the General Assembly with a report each year on the financial emergency of the United Nations, containing an analysis of the current short-term deficit.[159]

98. In resolutions adopted during the period under review, the General Assembly requested the Secretary-General to continue to study various options to alleviate the financial difficulties of the Organization and to review the practices of other organizations of the United Nations system for achieving prompt and full payment of assessed contributions.[160]

99. The Secretary-General, on 3 October 1985, submitted to the General Assembly a report[161] on the financial situation of the United Nations. The Secretary-General reviewed and analysed eight options to alleviate financial difficulties, namely, prompt payment of contributions; an increase in the Working Capital Fund; borrowing on the open market; borrowing from Member States; suspension of financial regulations requiring the return of unspent appropriations to Members; application of credits to Members not in arrears; issuance of long-term bonds; and assessment of contributions on a biennial basis.

100. In its resolution 40/241 B of 18 December 1985, the General Assembly requested the Secretary-General to continue to study various options to alleviate the financial difficulties of the Organization, taking into account the views expressed by Member States at the fortieth session of the General Assembly.

101. In a report[162] dated 12 April 1986, the Secretary-General noted the variety of special measures he had undertaken within his competence as Chief Administrative Officer to reduce expenditures since the beginning of 1986, proposed further economy measures and recommended that the General Assembly call upon Member States to make advance payments towards their assessed contributions for 1987 and that it endorse the appeals he had already made to States to pay arrears and current assessments and to augment the Special Account through voluntary contributions.

102. By its decision 40/472 of 9 May 1986, the General Assembly directed the Secretary-General to proceed according to the proposals made in his report[163] of 12 April 1986, taking into account the report of the Fifth Committee[164] and, giving due regard to the evolving financial situation of the Organization, to report to the Assembly on the implementation of economy measures in 1986 at its forty-first session. The Assembly also decided that no project or programme for which there was a legislative mandate would be eliminated if adequate financial resources were available.

103 Pursuant to General Assembly decision 40/472, the Secretary-General, on 18 November 1986, issued a report[165] on the financial situation of the United Nations and the implementation of economy measures in 1986, in which he stated that, on 1 January 1986, total payments due on arrears and on 1986 assessments amounted to $978 million. The Secretary-General noted that the estimated reserves that normally would have been available to the Organization and that as at 31 December 1986 would have amounted to $205.1 million, would effectively be wiped out by arrears, or unpaid assessed contributions, which he estimated to be at $284 million at the end of 1986, leaving an estimated shortfall of $79 million. He further noted that the shortfall was expected to be covered by the application of economy measures, leaving at the conclusion of 1986 an available cash balance of $10 million with which to enter 1987, substantially less than the cost of one week's operations.

104. On 25 November 1986, the Secretary-General issued a report[166] on funding prospects and economy measures for 1987, in which he noted that while the percentage of Member States that paid in full their assessed contributions in 1986 was higher than usual, the amount of assessments remaining unpaid to the programme budget was larger than ever before. The Secretary-General stated that in the face of

[157] See G A resolutions 40/241 A, 41/204 A, 42/216 A and 43/220.
[158] Ibid.
[159] See A/C.5/40/16, A/C.5/41/24, A/C.5/42/31 and A/C.5/43/29.
[160] See G A resolutions 40/241 B, 41/204 A and 42/216 A.
[161] A/C.5/40/16.
[162] A/40/1102.
[163] Ibid.
[164] G A (40), Annexes, a.i. 150, A/40/1111.
[165] A/41/850.
[166] A/41/901 and Add.1.

the projected funding shortfall for 1987, he intended to continue to make judicious adjustments of the economy measures introduced in 1986 within the authority of the Secretary-General or through decisions of the General Assembly and would proceed on that basis unless the Assembly directed otherwise. He affirmed his intention to keep Member States closely informed of developments in order to ensure that the solvency of the Organization was maintained.

105. By its decision 41/466 of 11 December 1986, the General Assembly authorized the Secretary-General to proceed along the lines of the proposals contained in his report,[167] and recognized that, in some instances, that could modify, in part, decisions previously taken by the Assembly. In that way, the Secretary-General was able to make "judicious adjustments" to the economy measures that had been previously approved by the General Assembly.

106. The Secretary-General on 11 May 1987 issued a report[168] on the implementation of economy measures in 1986, with particular attention to their programmatic implications.

107. In a report[169] dated 1 December 1987, the Secretary-General expressed grave concern about the financial crisis of the United Nations, noting that 36.9 per cent of budget assessments for 1987 remained unpaid and cumulative unpaid assessments totalled $456.4 million. The Secretary-General requested the General Assembly to authorize him to take measures to enable the Organization to continue in 1988 to meet its responsibilities to Member States and to staff, pending full and timely payment of assessments and arrears. Those measures included an increase in the Working Capital Fund by $100 million to a level of $200 million, effective 1 January 1988, the issuance by the Secretary-General of certificates of indebtedness in the amounts of arrears, and the borrowing on the open market of up to $50 million.

108. In its resolution 42/212 of 21 December 1987, the General Assembly requested the Secretary-General to communicate to all Member States the latest information on the magnitude of the current financial crisis facing the Organization and, taking into account the views of Member States on the financial situation of the Organization, to prepare a summary of those views together with an updated report on the financial situation, for the consideration of the General Assembly.

109. Pursuant to that request, the Secretary-General, on 5 December 1988, issued a report[170] on the financial crisis of the United Nations and funding prospects for 1989 in which he noted the significant amount of time he had personally devoted during 1988 to devising strategies to allow the Organization to avoid imminent bankruptcy. The Secretary-General stated that 35.5 per cent of regular budget assessments for 1988 remained unpaid and the total assessed contributions amounted to $450.1 million. In June 1988, he had met with all members of each regional group to warn them that the failure to solve the problem of outstanding contributions had led the United Nations to face the very real prospect of insolvency by October 1988. He noted that the option of borrowing from other funds in his custody was not viable, because he could only exercise the authority granted to him by the General Assembly in that regard on a temporary basis and on condition that reasonably prompt repayment could be foreseen. The Secretary-General further noted that the General Assembly had rejected his requests for authorization to borrow commercially,[171] but had granted him the authority to issue in 1987 certificates of indebtedness to Member States and international entities. Those interest-free loans would constitute another form of borrowing. The Secretary-General concluded by stating that the only real solution to the financial crisis of the Organization was the payment by all Member States of their assessed contributions in full and on time.

110. In its resolution 43/215 of 21 December 1988, the General Assembly took note of the Secretary-General's report[172] and requested him to continue to monitor the financial situation of the United Nations, to communicate to all Member States the latest information on the magnitude of the current financial crisis facing the Organization and to report thereon in a timely and comprehensive manner to 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

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*

111. Pursuant to General Assembly resolution 39/49 D, the Secretary-General, on 11 March 1985, submitted to the General Assembly and the Security Council a report[173] on the actions he had taken in regard to the convening of an international peace conference on the Middle East. The Secretary-General stated that he had addressed a letter to

[167] Ibid.
[168] A/42/283.
[169] A/42/284.
[170] A/43/932.
[171] See G A decision 41/466 and A/41/901.
[172] A/43/932.
[173] S C (40), Suppl. for Jan.-March 1985, S/17014; see also A/40/68.

the President of the Security Council on 8 January 1985, requesting him to bring the question of convening an international peace conference on the Middle East to the attention of the Security Council and to convey to him the views of the Council on actions to be taken for the implementation of General Assembly resolution 39/49 D. The Secretary-General stated that the reply of the President of the Council to his letter conveyed the favourable position of almost all of the members of the Security Council to the holding of an international peace conference on the Middle East but noted the concern of some States that the conditions required in order to convene such a conference had not yet been met. The Secretary-General stated that members of the Security Council had invited him to continue his consultations on the subject in any manner he deemed appropriate in the light of General Assembly resolution 39/49 D. In compliance with those views, the Secretary-General confirmed his intention to pursue consultations on the subject and to inform the General Assembly and the Security Council of any new developments.

112. In its resolution 40/96 D, the General Assembly called upon the Governments of Israel and the United States of America to reconsider their positions in relation to the proposed international peace conference on the Middle East and requested the Secretary-General, in consultation with the Security Council, to continue his efforts with a view to convening an international peace conference on the Middle East and to report thereon to the General Assembly.

113. Pursuant to that request, the Secretary-General, on 14 March 1986, submitted to the General Assembly and the Security Council a report[174] in which he noted that on 21 January 1986 he had addressed a letter to the President of the Security Council by which he had once again sought the views of the Security Council in relation to the question of convening a Middle East peace conference. In his reply to that letter, the President of the Security Council had informed the Secretary-General that, while almost all members were in favour of the principle of holding such a conference, others considered that the conditions for the success of such a conference did not yet exist and that new efforts should be made in that respect. The members of the Council invited the Secretary-General to continue his efforts and consultations on the subject in the light of General Assembly resolution 40/96 D. The Secretary-General concluded his report by reaffirming his intention to pursue his efforts in the light of General Assembly resolution 40/96 D and the views expressed by the members of the Security Council and to keep both organs informed of any new developments in that regard.

114. In its resolution 41/43 D of 2 December 1986, the General Assembly endorsed the call for setting up a preparatory committee within the framework of the Security Council, with the participation of the permanent members of the Council, to take the necessary action to convene the Conference. In addition, the Assembly requested the Secretary-General to continue his efforts in consultation with the Security Council with a view to convening the Conference and to report thereon to the General Assembly.

115. Pursuant to resolution 41/43 D, the Secretary-General, on 7 May 1987, submitted to the General Assembly and the Security Council a report[175] in which he gave an account of the consultations he had held with the members of the Security Council individually during the period from February to May 1987, to determine their views on the convening of an international peace conference and the means according to which it should be prepared, in particular the proposal for setting up a preparatory committee. All members of the Council expressed support for a continuation of the Secretary-General's efforts to bring about a just and lasting peace in the Middle East and agreed to the principle of holding a conference under the auspices of the United Nations. The Secretary-General stated that despite the persistence of different views as to the form of the conference and how it should be prepared, he was encouraged by the greater flexibility in attitudes towards the negotiating process. The Secretary-General also described his consultations with representatives of Egypt, Israel, Jordan, Lebanon, the Syrian Arab Republic and the Palestine Liberation Organization during March and April in New York and noted a general readiness of the parties to consider options for an acceptable negotiating formula. The Secretary-General affirmed his intention to intensify his contacts with all parties concerned and to find ways of bridging the gaps between them in order to achieve a comprehensive settlement of the Middle East problem.

116. On 2 December 1987, the General Assembly adopted resolution 42/66 D, in which it noted with satisfaction the ever-increasing international consensus in favour of the early convening of the International Peace Conference on the Middle East, reiterated its endorsement of the call for setting up a preparatory committee within the framework of the Security Council with the participation of the permanent members of the Council to take necessary action to convene the Conference and requested the Secretary-General to continue his efforts with a view to convening the Conference and to report thereon to the General Assembly.

117. Pursuant to that request, on 31 March 1988, the Secretary-General submitted a report[176] to the General Assembly and the Security Council in which he described his correspondence with the Security Council. The Secretary-

[174] S C (41), Suppl. for Jan.-March 1986, S/17916; see also A/41/215.

[175] S C (42), Suppl. for April-June 1987, S/18849; see also A/42/277.

[176] S C (43), Suppl. for Jan.-March 1988, S/19719; see also A/43/272.

General stated that in a letter dated 25 March 1988, the President of the Security Council had informed him that all members of the Council had expressed their support for the convening of an international peace conference on the Middle East and that most members had expressed their support of General Assembly resolution 38/58 C, in which it was stated that one of the main objectives of such conference should be the attainment by the Palestinian people of its legitimate inalienable rights. Some members had expressed reservations concerning the use of resolution 38/58 C as a basis for an international peace conference and all but one member of the Council had invited the Secretary-General to continue his efforts and consultations on the subject in accordance with General Assembly resolution 42/66 D. The Secretary-General also described his correspondence with permanent representatives of Egypt, Israel, Jordan, Lebanon, the Syrian Arab Republic and the Palestine Liberation Organization in relation to their respective positions on the convening of an international peace conference on the Middle East and attached their replies to his report.

118. On 11 December 1987, the General Assembly adopted resolution 42/209 A, in which it called upon all States that had not done so to lend their support to the convening of an international peace conference on the Middle East. The General Assembly requested the Secretary-General, in consultation with the Security Council, to continue his efforts with a view to convening the Conference.

119. On 30 September 1988, the Secretary-General submitted a report[177] to the General Assembly and the Security Council in which he said, after quoting the communications he had received from the Security Council and parties concerned, that he was again obliged to report that the necessary agreement did not exist for the convening of the International Peace Conference on the Middle East. The Secretary-General noted that while all the Security Council members believed that it was desirable to convene the Conference and it was possible to identify an agreement between the parties that there should be an international framework for the negotiation of a just and lasting settlement, familiar and deep differences remained concerning the nature of that framework. The Secretary-General concluded by stating that much further work would have to be done and positions would have to change if an international negotiating process acceptable to all were to be established.

120. On 15 December 1988, the General Assembly adopted resolution 43/176, in which it called for the convening of the International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing, and the five permanent members of the Security Council, based on Security Council resolutions 242 (1967) of November 1967 and 338 (1973) of 22 October 1973 and the legitimate national rights of the Palestinian people, primarily the right to self-determination. The General Assembly requested the Secretary-General to continue his efforts with the parties concerned and in consultation with the Security Council, to facilitate the convening of the Conference and to submit progress reports to the Assembly on the matter.

[177] Ibid., Suppl. for July-Sept. 1988, S/20219; see also A/43/691.

(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 Disengagement Observer Force

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

121. During the period under review, the Security Council renewed the mandate of the United Nations Disengagement Observer Force (UNDOF) eight times.[178] Each renewal was for a further period of six months and was made on the recommendation of the Secretary-General, who each time informed the Council that the Governments of Israel and the Syrian Arab Republic had assented to the renewal.[179] Each of the eight resolutions by which the Council renewed the mandate of UNDOF was identically worded and contained a request to the Secretary-General to submit a report at the end of the period for which the mandate was renewed. The Secretary-General's recommendations that the mandate of the Force be renewed were contained in the reports submitted pursuant to those requests.[180]

122. No changes were made to the mandate of UNDOF, its guiding principles or the instruments relating to its functions.[181]

[178] S C resolutions 563 (1985), 576 (1985), 584 (1986), 590 (1986), 596 (1987), 603 (1987), 613 (1988) and 624 (1988).

[179] S C (40) Suppl. for April-June 1985, S/17177; ibid., Suppl. for Oct.-Dec. 1985, S/17628; S C (41) Suppl. for April-June 1986, S/18061; ibid., Suppl. for Oct.-Dec. 1986, S/18453; S C (42), Suppl. for April-June 1987, S/18868; ibid., Suppl. for Oct.-Dec. 1987, S/19263; S C (43), Suppl. for April-June 1988, S/19895; and ibid., Suppl. for Oct.-Dec. 1988, S/20276.

[180] S C (40), Suppl. for Oct.-Dec. 1985, S/17628; S C (41), Suppl. for April-June 1986, S/18061; ibid., Suppl. for Oct.-Dec. 1986, S/18453; S C (42), Suppl. for April-June 1987, S/18868; ibid., Suppl. for Oct.-Dec. 1987, S/19263; and S C (43), Suppl. for April-June 1988, S/19895.

[181] See *Repertory, Supplement No. 5*, vol. V, under Article 98, paras. 235-249, and *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 135-148.

b. *Composition and size of UNDOF*

123. There were no changes in the composition of UNDOF, and its size only varied slightly during the period under review.

c. *Appointment of the Commander of UNDOF*

124. In a letter dated 29 April 1985,[182] the Secretary-General informed the Security Council that the Commander of UNDOF, Major-General Carl-Gustav Stahl of Sweden, was resigning and that it was his intention, subject to the usual consultations, to appoint Major-General Gustav Hagglund of Finland to the post of Commander of the Force, effective 1 June 1985.

125. In a letter dated 3 May 1985,[183] the President of the Security Council informed the Secretary-General that the matter had been considered in informal consultations and that the members had agreed with the proposal in his letter.

126. In a letter dated 2 June 1986,[184] the Secretary-General informed the President of the Security Council that Major-General Gustav Haggland had relinquished the post of commander of UNDOF effective 31 May 1986 to assume command of UNIFIL, and it was his intention, subject to the usual consultations, to appoint Major-General Gustaf Welin of Sweden to replace Major-General Gustav Hagglund of Finland as Commander of UNDOF.

127. In a reply dated 5 June 1986,[185] the President of the Security Council informed the Secretary-General of the approval of the members of the Council with respect to the proposal contained in his letter of 2 June 1986.[186]

128. In a letter dated 23 June 1988,[187] the Secretary-General informed the Security Council that Major Gustaf Welin of Sweden was being recalled by his Government to assume a new command and that it was his intention, subject to the usual consultations, to appoint Major-General Adolph Radauer of Austria to the post of Commander of the Force, effective 10 September 1988.

129. In a letter dated 30 June 1988,[188] the President of the Security Council informed the Secretary-General that the members of the Council had considered the matter in informal consultations and agreed to the proposal contained in his letter of 23 June 1988.

[182] S C (40), Suppl. for April-June 1985, S/17147.
[183] Ibid., S/17148.
[184] S C (41), Suppl. for April-June 1986, S/18135.
[185] Ibid., S/18136.
[186] Ibid., S/18135.
[187] S C (43), Suppl. for April-June 1988, S/19972.
[188] Ibid., S/19973.

d. *Implementation of the mandate of UNDOF*

130. During the period under review, the Secretary-General submitted a series of reports[189] to the Security Council in which he gave an account of the activities of UNDOF in pursuance of the mandate entrusted to it by the Council in its resolution 350 (1974) of 31 May 1974 and extended by subsequent resolutions.[190] In each of the reports, the Secretary-General informed the Council that UNDOF had continued to perform its functions effectively, supervising the observance of the ceasefire between Israel and the Syrian Arab Republic as called for by the Security Council[191] and by the Agreement of Disengagement between Israeli and Syrian forces of 31 May 1974.[192]

(ii) 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*

131. The United Nations Interim Force in Lebanon (UNIFIL) remained in existence throughout the period under review, its mandate having been subject to eight extensions by the Security Council. In six resolutions, the mandate of UNIFIL was extended for a term of six months.[193] In one resolution the mandate was extended for a further period of three months;[194] in another the mandate was extended for a period of six months and 12 days.[195] Every decision by the Security Council to extend the mandate of UNIFIL was taken on the recommendation of the Secretary-General and in view of the Government of Lebanon's request for such extensions.

132. No modifications were made to the mandate of UNIFIL during the period under review. All the Security Council resolutions by which the mandate of the Force was extended recalled resolutions 425 (1978) and 426 (1978),[196]

[189] S C (40), Suppl. for April-June 1985, S/17177; ibid., Suppl. for Oct.-Dec. 1985, S/17628; S C (41) Suppl. for April-June 1986, S/18061; ibid., Suppl. for Oct.-Dec. 1986, S/18453; S C (42), Suppl. for April-June 1987, S/18868; ibid., Suppl. for Oct.-Dec. 1987, S/19263; S C (43), Suppl. for April-June 1988, S/19895; ibid., Suppl. for April-June 1988, S/19912; and ibid., Suppl. for April-June 1988, S/20276.
[190] S C resolutions 563 (1985), 576 (1985), 584 (1986), 590 (1986), 596 (1987), 603 (1987), 613 (1988) and 624 (1988).
[191] S C resolution 338 (1973).
[192] For the specific functions of UNDOF, see the report of the Secretary-General, S C (29), Suppl. for Oct.-Dec. 1974, S/11563, paras. 8-10.
[193] S C resolutions 561 (1985), 575 (1985), 586 (1986), 599 (1987), 609 (1988) and 617 (1988).
[194] S C resolution 583 (1986).
[195] S C resolution 594 (1987).
[196] See *Repertory, Supplement No. 5*, vol. V, under Article 98, paras. 281-285.

as well as resolutions 501 (1982), 508 (1982), 509 (1982)[197] and 520 (1982). In each resolution by which it extended the mandate of UNIFIL, the Council re-emphasized the terms of reference and general guidelines of the Force as stated in the report of the Secretary-General of 19 March 1978[198] and approved by the Security Council in its resolution 426 (1978).

ii. *Composition and size of UNIFIL*

133. During the period under review, information regarding the size and composition of the Force was conveyed to the Security Council through regular reports submitted by the Secretary-General on the activities of UNIFIL.

134. In a report[199] submitted to the Security Council on UNIFIL for the period from 10 October 1984 to 11 April 1985, the Secretary-General stated that following the repatriation of the Senegalese contingent, which had been completed on 7 December 1984, a Nepalese battalion had again joined UNIFIL, completing its deployment on 1 March 1985.

135. In his report[200] on UNIFIL for the period from 12 April to 10 October 1985, the Secretary-General referred to the decision of the Government of the Netherlands to withdraw its contingent at the end of the current mandate as a result of that Government's perception of the inability of the Force to fulfil its mandate and the improbability of the situation improving in the near future.

136. In his report[201] on the activities of UNIFIL for the period from 11 October 1985 to 9 April 1986, the Secretary-General advised the Security Council that, following the withdrawal on 24 October 1985 of the Netherlands Infantry Company, its area had been taken over by the Fijian and Nepalese battalions. At the request of the Secretary-General, the Government of Nepal had provided an additional infantry company to join the battalion on 25 February 1985.

137. In a report[202] submitted to the Security Council on the activities of UNIFIL for the period from 10 April to 17 June 1986, the Secretary-General stated that, on 14 April 1986, he had been informed of the decision of the Government of France to withdraw the French logistic component and to offer in its place a second infantry battalion. The Secretary-General had gratefully declined the offer, for there were at the time no operational requirements for such a battalion and its acceptance would entail additional expenditure. Consequently, the Government of France had decided to withdraw only the supply, transport and engineer companies (less the bomb-disposal element) from the French logistic component and intended to complete the withdrawal by the beginning of October 1986. The Secretary-General informed the Security Council that he was undertaking consultations regarding the replacement of the French personnel.

138. In his report[203] on the activities of UNIFIL for the period from 11 July 1986 to 11 January 1987, the Secretary-General informed the Security Council that important changes had taken place in the composition and deployment of the Force. Following the decision of France in April 1986 to withdraw part of the logistic unit that it had provided to UNIFIL since its inception, the Government of Sweden had agreed to make available on 8 December 1986 additional troops to replace the departing French personnel. The Secretary-General stated that, as a result of recent changes, logistic support for UNIFIL was now provided by the Swedish logistic battalion, elements of the French composite battalion, the Norwegian maintenance company, the Ghanaian engineer company, the Italian helicopter unit and certain civilian staff sections. The Secretary-General noted that, following the agreement of the Governments of Finland, Ghana and Nepal to increase their contingents, an additional 154 Ghanaian and 20 Finnish personnel had arrived in December 1986 and a further 50 Nepalese soldiers were scheduled to arrive in March 1987.

139. In his report[204] on the activities of UNIFIL for the period from 12 January to 24 July 1987, the Secretary-General informed the Security Council of the decision of the Government of France to withdraw during 1987 the explosive ordnance detachment which formed part of the French composite battalion and was responsible for mine clearing and the defusion or destruction of explosives and ordnance. The Secretary-General stated that he had contacted other Governments contributing troops to UNIFIL in relation to the replacement of the unit. The Secretary-General also informed the Council of the decision of the Government of Finland to add 11 armoured personnel carriers to its contingent-owned equipment.

140. In his report[205] on the activities of UNIFIL during the period from 25 July 1987 to 22 January 1988, the Secretary-General drew to the attention of the Security Council the completion of the withdrawal by the Government of France of the explosive ordnance detachment, expressed regret that his efforts to obtain a replacement for the unit had not been successful and informed the Council that he had requested the Governments contributing troops to the Force to strengthen the capacity of their units to deal with explosives.

[197] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 182 and 184.
[198] S C (33), Suppl. for Jan.-March 1978, S/12611.
[199] S C (40), Suppl. for April-June 1985, S/17093, para. 4.
[200] Ibid., Suppl. for Oct.-Dec. 1985, S/17557, para. 12.
[201] S C (41), Suppl. for April-June 1986, S/17965, para. 4.
[202] Ibid., Suppl. for April-June 1986, S/18164, para. 9.
[203] S C (42), Suppl. for Jan.-March 1987, S/18581, paras. 5 and 8.
[204] Ibid., Suppl. for July-Sept. 1987, S/18990, paras. 5 and 6.
[205] S C (43), Suppl. for Jan.-March 1988, S/19445, para. 6.

141. In his report[206] on the activities of UNIFIL for the period from 23 January 1988 to 25 July 1988, the Secretary-General informed the Security Council that, following the incorporation of the Ghanaian engineer company into the Ghanaian infantry battalion, logistic support for UNIFIL was being provided by the Swedish logistic battalion, elements of the French composite battalion, the Norwegian maintenance company and the Italian helicopter unit.

iii. *Appointment of the Commander of UNIFIL*

142. In a letter dated 17 April 1986,[207] the Secretary-General informed the President of the Security Council of his intention, subject to the usual consultations, to appoint Major-General Gustav Hagglund of Finland as Commander of the United Nations Interim Force in Lebanon in place of Lieutenant-General William Callaghan of Ireland. The Secretary-General proposed that General Hagglund, who was at that time the Commander of UNDOF, should take up his new post on 1 June 1986.

143. In a reply dated 24 April 1986,[208] the President of the Security Council informed the Secretary-General that the members of the Council had considered the matter in informal consultations held on 24 April and agreed with the proposal contained in his letter of 17 April 1986.[209]

144. In a letter dated 30 March 1988,[210] the Secretary-General informed the President of the Security Council of the decision of the Government of Finland to recall Major-General Gustav Hagglund from his post on 30 June 1988 to assume a new command. The Secretary-General stated that it was his intention, subject to the usual consultations, to appoint Major General Lars-Eric Wahlgren of Sweden as the new Commander of UNIFIL as from 1 July 1988 and requested the President to bring the matter to attention of the members of the Security Council.

145. In a reply dated 20 April 1988,[211] the President of the Security Council informed the Secretary-General that the members of the Council had considered the matter in informal consultations held on 20 April 1988 and agreed with the proposal contained in his letter of 30 March 1988.[212]

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

146. During the period under review, the Security Council adopted resolutions and decisions relating to the implementation of the mandate of UNIFIL, some of which contained requests to the Secretary-General to carry out tasks intended to promote or facilitate the implementation of that mandate. The relevant provisions of those resolutions and decisions are summarized below.

(1) Security Council resolutions 561 (1985) and 575 (1985)

147. On 17 April 1985 and on 17 October 1985, respectively, the Security Council adopted resolutions 561 (1985) and 575 (1985), by which the Council extended the mandate of UNIFIL for six months and took note of the observations expressed in the reports[213] of the Secretary-General. The Council reiterated its view that UNIFIL should fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and other relevant resolutions.[214] In each of the 1985 resolutions, the Council also requested the Secretary-General to continue consultations on the implementation of the resolutions with the Government of Lebanon and other parties directly concerned and to report to the Council thereon.

(2) Security Council resolution 583 (1986)

148. On 18 April 1986, the Security Council adopted resolution 583 (1986), by which it extended the mandate of UNIFIL for three months and took note of the observations expressed in the report of the Secretary-General.[215] The Council reiterated its strong support for the territorial integrity and independence of Lebanon within its internationally recognized boundaries, called upon UNIFIL to fully implement its mandate as defined in resolutions 425 (1978), 426 (1978) and all relevant resolutions and requested the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned with regard to the implementation of the resolution and to report to the Council.

(3) Security Council resolution 586 (1986)

149. On 18 July 1986, the Security Council adopted resolution 586 (1986), by which it extended the mandate of the UNIFIL for a further period of six months and took note of the Secretary-General's report[216] on the activities of the Force. The operative part of the resolution was phrased in identical terms to that of resolutions 561 (1985), 575 (1985) and 583 (1986).

[206] Ibid., Suppl. for July-Sept. 1988, S/20053, para. 7.
[207] S C (41), Suppl. for April-June 1986, S/18032.
[208] Ibid., S/18033.
[209] Ibid., S/18032.
[210] S C (43), Suppl. for Jan.-March 1988, S/19808.
[211] Ibid., S/19809.
[212] Ibid., S/19808.
[213] S C (40), Suppl. for April-June 1985, S/17093, and ibid., Suppl. for Oct.-Dec. 1985, S/17557.
[214] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 168-189, and *Repertory, Supplement No. 5,* vol. V, under Article 98, paras. 275-285.
[215] S C (41), Suppl. for April-June 1986, S/17965.
[216] S/18164; and ibid., Suppl. for July-Sept. 1986, S/18164 and Add.1.

(4) Statement of the President of the Security Council on 5 September 1986

150. At a meeting of the Security Council held on 5 September 1986,[217] the President of the Council made a statement[218] on behalf of the members of the Council in which he expressed deep sorrow at the attacks in which several members of the Irish and French contingents of UNIFIL had been killed, noted that, in view of the increasing instability in the zone in which UNIFIL operated, the members of the Council considered it essential to adopt with all urgency measures aimed at the effective reinforcement of the security of the members of the Force, and requested the Secretary-General to undertake all necessary steps to that effect. The members of the Council also expressed their appreciation to the Secretary-General for his immediate dispatch of a mission to examine the measures to be taken to enable the Force to carry out its mandate effectively. The President furthermore called upon the Secretary-General to submit a report to the Council as soon as possible.

(5) Security Council resolution 587 (1986)

151. On 23 September 1986, following its examination of the Secretary-General's special report,[219] the Security Council adopted resolution 587 (1986), by which it strongly condemned the attacks committed against UNIFIL and expressed its deep regret at the tragic loss of human life and the harassment and attacks to which the soldiers of the Force were being subjected. The Council recalled the statement of the President of the Security Council[220] made on 5 September 1986 and noted with regret that the Force, whose mandate had been renewed, had been prevented from fulfilling the task entrusted to it. The Council took note of the report of the Secretary-General, particularly the paragraphs relating to the security of the Force and the withdrawal of Israeli military forces from southern Lebanon, and the preliminary security measures decided on by the Secretary-General and requested him to take further measures to enhance the security of men of the Force in their peace mission. The Council urged all the parties concerned to cooperate unreservedly with the Force in the fulfilment of its mandate and called once again for an end in southern Lebanon to any military presence which was not accepted by the Lebanese authorities. The Council concluded by requesting the Secretary-General to make the necessary arrangements for a deployment of the Force to the southern border of Lebanon and called upon all parties concerned to cooperate with the Secretary-General in the achievement of that objective. The Council furthermore requested the Secretary-General to report to the Council within 21 days on the application of the resolution.

(6) Statement by the President of the Security Council on 31 October 1986

152. At a meeting of the Security Council on 31 October 1986,[221] the President of the Security Council made a statement on behalf of the Council by which the members took note of the report[222] of the Secretary-General and of the consultations initiated by him with the parties concerned and others with a view to the implementation of the mandate of UNIFIL. The Council acknowledged the new security measures decided upon since the adoption of its resolution 587 (1986) and requested the Secretary-General to suggest any further steps he might deem necessary for increased security in connection with the movements of the Force or indispensable for the fulfilment of its mandate. The Council approved the proposals submitted by the Secretary-General in his report as well as his intention to seek the approval of the General Assembly for the necessary budgetary appropriation and, in that connection, called upon all countries to assume their financial responsibilities towards UNIFIL and requested the Secretary-General to continue his efforts to expedite the reimbursement of the advances of the funds made by the contributor countries. The Council noted with interest the instructions given by the Secretary-General to the Commander of the Force to keep under continuous review all the possibilities of varying the size and deployment of contingents that might strengthen their security without jeopardizing the effectiveness of the Force and requested the Secretary-General to study those possibilities in consultation with the contributing countries and to put appropriate measures into effect. The Council further noted with satisfaction the intention expressed by the Lebanese authorities to deploy a regular unit of their army in the zone of the Force to work in close liaison with it in accordance with the provisions of resolution 425 (1978). The Council furthermore urged all the parties concerned to give full support to the Force in the fulfilment of its mandate and requested the Secretary-General to intensify his efforts to secure the full and effective implementation of resolution 425 (1978).

(7) Security Council resolutions 594 (1987) and 599 (1987)

153. In its resolutions 594 (1987) and 599 (1988), adopted on 15 January 1987 and 31 July 1988 respectively, the Security Council took note of the observations expressed in the reports[223] of the Secretary-General on UNIFIL, once again reiterated that UNIFIL should implement fully its

[217] Security Council mtg., S/PV.2705, pp. 8-10.

[218] S C (41), Suppl. for July-Sept. 1986, S/18320. For the text of the statement, see 2705th mtg.

[219] Ibid., S/18348.

[220] Security Council mtg., S/PV.2705, pp. 8-10; S C (41), Suppl. for July-Sept. 1986, S/18320. For the text of the statement, see 2705th mtg.

[221] Security Council mtg., S/PV.2719, pp. 2-4.

[222] S C (41), Suppl. for Oct.-Dec. 1986, S/18396.

[223] S C (42), Suppl. for Jan-March 1987, S/18581 and Corr.1 and Add.1; and ibid., Suppl. for July-Sept. 1987, S/18990.

mandate as defined in resolutions 425 (1978), 426 (1978) and other relevant resolutions[224] and called upon all parties concerned to cooperate fully with the Force for the full implementation of its mandate. The Secretary-General was requested to continue his consultations with the Government of Lebanon and other parties directly concerned on the implementation of those resolutions and to report to the Security Council.

(8) Security Council resolutions 609 (1988) and 617 (1988)

154. In its resolutions 609 (1988) and 617 (1988), adopted on 29 January and 29 July 1988 respectively, the Security Council reiterated in substantially the same language used in resolutions 594 (1987) and 599 (1987) the requests made in those resolutions and called upon the Secretary-General to continue his consultations with the parties concerned on the implementation of those resolutions.[225]

v. *Implementation of the mandate of UNIFIL*

155. The Secretary-General submitted a report on the activities of UNIFIL during the period from 10 October 1984 to 11 April 1985[226] to the Security Council on 17 April 1985, prior to the expiration of the mandate of the Force on 19 April 1985. The Secretary-General noted that no agreements had been reached at the conference which had begun in November 1984 at UNIFIL headquarters in Naqoura for military representatives from Lebanon and Israel to discuss the military aspects of the withdrawal of Israeli forces and security arrangements in southern Lebanon. On 14 January 1985, the Government of Israel had announced a plan for the unilateral redeployment of Israeli forces in three phases, the third phase consisting of a deployment along the Israel-Lebanon international border, while maintaining a zone in southern Lebanon where local forces, namely the South Lebanon Army (SLA), would function with the backing of the Israel Defense Forces (IDF). The Israeli deployment plan was rejected by the Lebanese Government, which wanted a complete withdrawal of IDF and the subsequent deployment of SLA together with UNIFIL down to the international boundary in accordance with Security Council resolution 425 (1978). In addition, the Lebanese Government would not agree to any role for UNIFIL in the Israeli withdrawal process north of the Litani river. At the conclusion of the 14th meeting, the Naqoura conference was adjourned sine die. The Secretary-General stated that, in its area of deployment north of the international border,[227] UNIFIL continued to maintain checkpoints, monitor the movements of the Israeli forces within its area, provide humanitarian assistance and protection against acts of violence to the civilian population, prevent the destruction of property and conduct patrols despite the numerous Lebanese attacks against IDF and the strong countermeasures imposed by IDF such as cordon-and-search operations. The Secretary-General described the difficult position of UNIFIL owing to the increasing violence between the Israeli forces and Lebanese resistance groups and specifically noted that UNIFIL did not have a mandate to impede Lebanese acts of resistance against IDF or to prevent countermeasures by Israel. The Secretary-General underlined the necessity of establishing, under the authority of the Security Council, conditions in which UNIFIL could function effectively in cooperation with the Lebanese authorities and army. In support of the position of the Lebanese Government, he requested the Security Council to extend the mandate of UNIFIL for a period of six months.

156. On 17 October 1985, the Secretary-General submitted to the Security Council a report[228] in which he gave an account of the activities of UNIFIL between 12 April 1985 and 10 October 1985, prior to the expiration of the mandate of the Force on 19 October 1985. He stated that on 10 June 1985, the Israeli Government had announced its withdrawal from Lebanon and its intention to maintain a "security zone" manned by SLA and elements of IDF and extending north of the Israeli-Lebanese border from the Mediterranean Sea to the Hasbaiya area, including the UNIFIL deployment area.[229] The resulting situation had placed UNIFIL once again between hostile forces and precluded the Force from deploying up to the international border in accordance with its mandate. The Secretary-General noted that while conditions still did not exist in which UNIFIL could fulfil its mandate and the situation seemed likely to deteriorate further, he believed that the continued presence of UNIFIL constituted a highly important factor in maintaining the degree of peace and normality that currently existed in southern Lebanon and requested the Security Council to extend the mandate of UNFIL for a period of six months.

157. In an interim report on the UNIFIL submitted to the Security Council on 16 December 1985,[230] the Secretary-General described the frequent attacks against IDF and SLA and the Israeli countermeasures that had been carried out in the "security zone", which overlapped with the UNIFIL deployment area.[231] He stated that in accordance with the request of the Security Council to continue the consultations with the Government of Lebanon, he had attempted to

[224] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 168-189, and *Repertory, Supplement No. 5,* vol. V, under Article 98, paras. 275-285.

[225] See Secretary-General's reports, S/19445 and S/20053.

[226] S C (40), Suppl. for April-June 1985, S/17093.

[227] See United Nations map No. 3000/Rev.16, April 1985, for the exact deployment area of UNIFIL.

[228] S C (40), Suppl. for Oct.-Dec. 1985, S/17557.

[229] See United Nations map No. 3000/Rev. 17, October 1985, for the exact deployment area of UNIFIL.

[230] S C (40), Suppl. for Oct.-Dec. 1985, S/17684.

[231] See United Nations map No. 3000/Rev. 17, October 1985, for the exact deployment area of UNIFIL.

bring about an agreement between the Government of Israel and the Government of Lebanon in relation to security arrangements. However, the two parties had maintained their differing positions. The Secretary-General took note of the stabilizing role of UNIFIL in south Lebanon but expressed concerns in relation to the need to preserve the credibility of UNIFIL and the inability of the Force to fulfil its mandate. The Secretary-General did not make any recommendations to the Security Council for future action.

158. On 9 April 1986, as the mandate of UNIFIL was due to expire on 19 April 1986, the Secretary-General submitted to the Security Council a report on the activities of UNIFIL for the period from 11 October 1985 to 9 April 1986.[232] The Secretary-General gave an account of numerous violent confrontations between IDF or SLA and the Lebanese armed resistance groups which had resulted in the death, injuries, abduction and imprisonment of Israeli and Lebanese soldiers. He noted that on 22 February 1986, IDF had withdrawn from the UNIFIL area[233] all its forces with the exception of one armoured company in the Kunin, but would not agree to the deployment of UNIFIL to the international frontier, thus preventing the Force from carrying out the mandate entrusted to it. The Secretary-General acknowledged the concern of the Israeli Government for the defence of its territory, which was at risk and exposed, in its view, to cross-border attacks from Lebanon, but pointed out that the "security zone" was not a legitimate means of meeting Israel's security concerns because it contravened resolution 425 (1978). The Secretary-General noted that the decision facing the Council on whether to extend the mandate of UNIFIL would require a thorough and careful assessment both of the situation confronting UNIFIL and of the Council's own readiness to fulfil the conditions that were identified in 1978 as being necessary for the Force to be effective. The Secretary-General stated that in the interests of international peace and security he recommended that the Security Council extend the mandate of UNIFIL and reaffirmed the necessity for the Council to give the Force its full confidence and backing. In its resolution 583 (1986), the Security Council decided to extend the mandate of UNIFIL for a further interim period of three months, until 10 July 1986.

159. As the mandate of UNIFIL was due to expire on 19 July 1986, the Secretary-General on 16 July 1986 submitted to the Security Council a report on the activities of UNIFIL during the period from 10 April 1986 to 17 June 1986.[234] He informed the Council that as part of a heightened effort to achieve progress in the implementation of resolution 425 (1978), the Under-Secretary-General for Special Political Affairs and the Director in the Office of the Under-Secretary-General for Special Political Affairs had travelled to Lebanon from 25 May to 3 June 1986 to convey to the Government of Israel the request of the Security Council for the full implementation of resolution 425 (1978) and to determine with both Governments the means by which the obstacles to its achievement could be overcome. The Secretary-General informed the Council that, despite those efforts at negotiation, the Government of Lebanon and the Government of Israel had maintained their respective positions. He claimed that the three elements in the mandate of UNIFIL – the withdrawal of Israeli forces, the restoration of international peace and security, and the return of the Lebanese Government's effective authority in the area – were clearly in the interests of both countries and that all concerned should continue to work for a solution on that basis. The Secretary-General concluded by recommending that the Security Council extend the mandate of UNIFIL for a further period of six months.

160. On 23 September 1986, the Secretary-General submitted a special report[235] to the Security Council giving further information to the Council members regarding the critical situation in the UNIFIL area. He stated that in response to a series of violent incidents in mid-August in the UNIFIL area of deployment, he had sent to the area on 4 September a mission of inquiry under the direction of the Under-Secretary-General for Special Political Affairs to consider, in cooperation with the Commander of UNIFIL and in consultation with the Lebanese Government, measures to be taken to improve the security of UNIFIL personnel and how progress could be made towards the implementation of resolution 425 (1978). The Secretary-General gave an account of the new security measures that had been implemented at the request of the mission and described the consultations between the mission and the parties regarding the implementation of the mandate of UNIFIL and whether changes should be made in that mandate or in the means provided to the Force to carry it out. The Secretary-General noted that, as a peacekeeping operation, UNIFIL could not use force except in self-defence and was not therefore in a position to enforce the Security Council's will. He discussed the implications that might arise from making changes to the mandate of UNIFIL, such as requiring the Force to control the movement of heavy weapons only, converting the Force into an observer group or revising the Force's area of operation in order to eliminate the overlap between it and the "security zone", and concluded that such changes in the mandate or terms of reference of UNIFIL would be unlikely to resolve its current difficulties. The Secretary-General requested the Security Council to extend the mandate of UNIFIL for a further six months, recommended that the members of the Council both collectively and individually take urgent action towards the achievement

[232] S C (41), Suppl. for April-June 1986, S/17965.

[233] See United Nations map No. 3000/Rev.18, April 1986, for the exact deployment area of UNIFIL.

[234] S C (41), Suppl. for April-June 1986, S/18164 and Add.1 and Corr.1; and ibid., Suppl. for July-Sept. 1986, S/18164 and Add.1.

[235] Ibid., Suppl. for July-Sept. 1986, S/18348.

of the implementation of resolution 425 (1978) and cautioned that, should there be no progress towards its implementation, the withdrawal of UNIFIL should be seriously considered.

161. In a report[236] submitted to the Security Council pursuant to resolution 587 (1986) of 23 September 1986, on the activities of UNIFIL during the period from 18 September to 13 October 1986, the Secretary-General informed the Council of a marked reduction in attacks against UNIFIL following the implementation of security measures to protect UNIFIL personnel. He stated that, pursuant to resolution 587 (1986), in which he was requested to make the necessary arrangements for the deployment of UNIFIL to the southern border of Lebanon, he had resumed discussions with Israeli authorities but had failed to gain their agreement to withdraw their forces from Lebanese territory. In a separate but related effort to achieve progress towards the implementation of the mandate of UNIFIL, the Secretary-General had discussed with the Lebanese authorities the possibility of deploying a unit of the Lebanese army to the north-western part of the UNIFIL area of deployment as a first step towards the return of the army's effective authority in southern Lebanon. The Lebanese authorities had accepted in principle that elements of the Lebanese army should be deployed to southern Lebanon to cooperate with UNIFIL in implementing its mandate, and details of the deployment remained under discussion.

162. As the mandate of UNIFIL was due to expire on 19 January 1987, the Secretary-General on 12 January 1987 submitted to the Security Council a report[237] on the activities of the Force for the period from 11 July 1986 to 11 January 1987, in which he stated that his efforts to achieve progress towards the implementation of resolution 425 (1978) had once again proved unsuccessful. He gave an account of his continued consultations with the Government of Lebanon, the Israeli authorities and the Syrian authorities and suggested that, in the current impasse, the Council should consider whether extending the mandate of UNIFIL for a further six months would be worthwhile. The Secretary-General nevertheless recommended that the Council extend the mandate for six months and make every effort to change the position of Israel, but cautioned that if the UNIFIL situation continued to deteriorate, the Council should not necessarily renew the mandate once again. The Security Council in its resolution 594 (1987) decided to extend the mandate of UNIFIL for a further interim period of six months and 12 days, that is, until 31 July 1987.

163. On 24 July 1987, the Secretary-General submitted a report on the activities of UNIFIL during the period from 12 July to 24 July 1987,[238] in which he stated that there had been no change in the position of the Israeli and Lebanese Governments and that the refusal of Israel to withdraw completely and its insistence on maintaining the "security zone" continued to thwart efforts to restore international peace and stability in the area. The Secretary-General informed the Council that he had denied the request of the Lebanese authorities to give UNIFIL the responsibility to protect archaeological sites from illegal excavation and sales of antiquities, as he considered that task to be a police function that would not normally be undertaken by a peacekeeping force. Also of concern was that most of the archaeological sites in question were outside the current area of operations of UNIFIL, requiring a geographical as well as a functional extension of the mandate of the Force. The Secretary-General noted, however, that he had instructed the Force Commander to discuss with the Lebanese authorities what assistance UNIFIL might be able to provide in relation to the matter within the scope of its mandate and without extending its manpower and priorities. In view of the inflexibility of the Lebanese and Israeli positions and the assassination of Prime Minister Rashid Karam of Lebanon on 1 June 1987, the Secretary-General did not expect imminent progress in southern Lebanon but, for reasons stated in previous reports, recommended that the Security Council extend the mandate of UNIFIL for a further six months. The Secretary-General concluded by underlining that if the mandate were extended, the Governments that contributed troops to UNIFIL would be sending their personnel on a dangerous mission and would be bearing much of the cost of doing so. The Security Council granted a further six months' extension by its resolution 599 (1987).

164. As the mandate of UNIFIL was due to expire on 31 January 1988, the Secretary-General on 22 January 1988 submitted a report[239] on UNIFIL for the period from 25 July 1987 to 22 January 1988, in which he informed the Security Council that, despite efforts at all levels, UNIFIL had been prevented from making further progress towards implementing fully the objectives of resolution 425 (1978). The Secretary-General recalled his letter of 24 November 1987[240] pursuant to the request of the President of the Security Council for information on the question of Israeli encroachments on the Israel-Lebanon border, in which he gave an account of the construction of military installations in the "security zone" maintained by Israel. He signalled as the most positive development during the reporting period the withdrawal of IDF and SLA from Tallet Hugban and the subsequent return of thousands of inhabitants to Yatar and Kafra. The Secretary-General recommended that the Security Council renew the mandate of UNIFIL for a further six months, which it did by its resolution 609 (1988).

[236] Ibid., Suppl. for Oct.-Dec. 1986, S/18396 and Corr.1.
[237] S C (42), Suppl. for Jan.-March 1987, S/18581 and Add.1.
[238] Ibid., Suppl. for July-Sept. 1987, S/18990.
[239] S C (43), Suppl. for Jan.-March 1988, S/19445.
[240] S C (42), Suppl. for Oct.-Dec. 1987, S/19318.

165. On 25 July 1988, the Secretary-General submitted to the Security Council a report[241] covering the activities of UNIFIL for the period from 23 January to 25 July 1988, in which he expressed regret and concern that no further progress had been made towards attaining the objectives set out in resolution 425 (1978). More than 10 years since the establishment of UNIFIL, Israel remained in occupation of large tracts of Lebanese territory both in the UNIFIL area of operations[242] and to the north of it, and in Lebanon it had not proved possible to re-establish the authority of the central Government. The Secretary-General recalled the special report[243] he had submitted to the Security Council concerning the kidnapping on 17 February 1988 of Lieutenant-Colonel William Richard Higgins, an officer of the United States of America assigned to assist UNIFIL in the performance of its tasks, and expressed regret that he remained in captivity. The Secretary-General stated that, although the situation of UNIFIL remained very unsatisfactory, he recommended that the Council accept the Lebanese Government's request and renew the mandate of the Force for a further period of six months. By its resolution 617 (1988), the Security Council extended the mandate of UNIFIL until 31 January 1989.

b. *Functions of the Secretary-General with respect to the United Nations Truce Supervision Organization*

166. Pursuant to Security Council resolution 521 (1982) of 19 September 1982, the Secretary-General kept the Security Council informed on a continuing basis of the activities of the United Nations Truce Supervision Organization (UNTSO).[244] During the period under review, the Secretary-General submitted numerous comprehensive reports on the developments in the Middle East, in which he gave an account of the activities of UNTSO.[245] He informed the Council of the continuing assistance provided by UNTSO to UNDOF and UNIFIL in the performance of their tasks. In each report he noted the exact number of military observers of UNTSO who, under the operational control of the Commander of UNIFIL and as members of the organization Observer Group Lebanon, had undertaken tasks such as operating mobile teams; manning the observation posts along the Lebanese side of the Israel-Lebanon Armistice Declaration Line; and maintaining teams at Tyre, Metulla and Château de Beaufort.

c. *Functions of a humanitarian nature*

167. During the period under review, the Security Council responded to humanitarian concerns that had arisen in parts of Lebanon by issuing statements and resolutions and called upon the Secretary-General to implement those resolutions.

168. In a statement[246] issued on 24 May 1985 on behalf of the members of the Security Council, the President of the Council expressed concern at the heightened violence in certain parts of Lebanon during the previous few days, took note of the statement issued by the Secretary-General referring to the situation in and around the Palestinian refugee camps and supported the Secretary-General's appeal to all concerned to make every possible effort to put an end to violence involving the civilian population. The Council strongly appealed for restraint, in order to alleviate the sufferings of civilians in Lebanon.

169. In its resolution 564 (1985) of 31 May 1985, the Security Council once again expressed its concern at the heavy costs in human lives and material destruction affecting the civilian population and called upon all concerned to end acts of violence against the civilian population in Lebanon, and in particular in and around Palestinian refugee camps. The Council called upon all parties to take necessary measures to alleviate the suffering resulting from acts of violence, in particular by facilitating the work of United Nations agencies and non-governmental organizations in providing humanitarian assistance to those affected, and requested the Secretary-General to implement the resolution and report to the Security Council thereon.

170. On 6 June 1986, the President of the Security Council issued a statement[247] on behalf of the members of the Council by which he expressed the grave concern of the members at the deterioration of the situation in Beirut, especially in and around the Palestinian refugee camps, with its high toll of casualties and material destruction. On behalf of the Council, he appealed to all concerned to use their influence in bringing about the cessation of the fighting in order to enable the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) as well as other humanitarian organizations to mount emergency operations for the benefit of the populations concerned, including the Palestinian refugees, towards whom the international community had a particular responsibility. He stated that the members of the Security Council endorsed the Secretary-General's appeal to all parties concerned to exercise the utmost restraint and to renew their efforts to end the current bloodshed.

[241] S C (43), Suppl. for July-Sept. 1988, S/20053.

[242] See United Nations map No. 3000/Rev.23, January 1988, for the exact deployment area of UNIFIL.

[243] S C (43), Suppl. for Oct.-Dec. 1988, S/19617.

[244] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, para. 243.

[245] S C (40), Suppl. for April-June 1985, S/17093; ibid., Suppl. for Oct.-Dec. 1985, S/17557; S C (41), Suppl. for April-June 1986, S/17965; ibid., S/18164; S C (42), Suppl. for Jan.-March 1987, S/18581; ibid., Suppl. for July-Sept. 1987, S/18990; S C (43), Suppl. for Jan.-March 1988, S/19445; and ibid., Suppl. for July-Sept. 1988, S/20053.

[246] S C (40), Suppl. for April-June 1985, S/17215.

[247] S C (41), Suppl. for April-June 1986, S/18138.

(iii) *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*

171. At its 2573rd meeting, on 12 March 1985, the Security Council had before it a draft resolution contained in document S/17000, introduced by the representative of Lebanon, by which the Council would have condemned the Israeli practices and measures against the civilian population in southern Lebanon, the western Bekaa and the Rashaya district, which were in violation of the rules and principles of international law and would have demanded that the Government of Israel desist from those practices and immediately lift all restrictions and obstacles to the restoration of normal conditions in the areas under its occupation. The Council would have requested the Secretary-General to establish a fact-finding mission to report to the Council on the Israeli practices and measures in southern Lebanon, the western Bekaa and the Rashaya and would have called upon him to keep the situation under review, to consult with the Government of Lebanon and to report to the Council on the implementation of and compliance with the resolution. The draft resolution received 11 votes in favour and 3 abstentions, and was not adopted owing to the negative vote of one permanent member of the Security Council.

172. At its 2642nd meeting, on 17 January 1986, the Security Council had before it draft resolution S/17730, introduced by the representative of Lebanon, by which the Council would have condemned the Israeli aggression, practices and measures against the civilian population in southern Lebanon, which were in violation of the rules and principles of international law, in particular the provisions of the Fourth Geneva Convention of 12 August 1949, and would have demanded that Israel desist from its practices and measures against the civilian population in southern Lebanon, which impeded the restoration of normal conditions in the area and threatened the reconciliation efforts towards restoring peace and security in the whole country. Under the draft resolution the Council also would have requested the Secretary-General to report to the Security Council on the implementation of the resolution. The draft resolution was not adopted owing to the negative vote of one permanent member of the Council.

173. At its 2784th meeting, on 18 January 1988, the Security Council did not adopt draft resolution S/19434, which had been introduced by the representatives of Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia, owing to the negative vote of a permanent member of the Council. By the draft, the Security Council would have strongly requested that Israel cease all acts of encroachment into Lebanese territory, as well as any attempts to occupy or change the status of Lebanese territory or to impede the return of the effective authority of the Government of Lebanon in sovereign Lebanese territory. The Council also would have requested the Secretary-General to continue his consultations with the Government of Lebanon and other parties directly concerned, regarding the implementation of resolutions 425 (1978), 426 (1978), 508 (1982) and 509 (1982) and to report to the Security Council.

174. At its 2814th meeting, on 10 May 1988, the Security Council had before it draft resolution S/19868 introduced by the representatives of Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia. Under the draft the Council would have condemned the recent invasion by Israeli forces of southern Lebanon, would have called once again for the immediate withdrawal of all Israeli forces from Lebanese territory and called for the cessation of all acts that violated the sovereignty of Lebanon and the security of its civilian population. The Council furthermore would have requested the Secretary-General to continue his consultations with the Government of Lebanon and other parties directly concerned, on the implementation of resolutions 425 (1978), 426 (1978), 508 (1982) and 509 (1982) and to report to the Security Council. Fourteen members of the Council having voted in favour of its adoption, the draft resolution was not adopted owing to the negative vote of one permanent member of the Security Council.

175. At the 2832nd meeting of the Security Council, on 14 December 1988, draft resolution S/202322 was submitted by the representatives of Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia. Under the draft, the Council would have deplored the recent Israeli attack against Lebanese territory by Israeli naval, air and land forces on 9 June 1988, would have strongly requested that Israel cease immediately all attacks against Lebanese territory and would have called upon the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned regarding the implementation of resolutions 425 (1978), 426 (1978), 508 (1982) and 509 (1982) and to report to the Security Council. The draft resolution was not adopted owing to the negative vote of one permanent member of the Council.

(c) *Functions exercised with respect to the expulsion of Palestinians by the Israeli military occupation authorities*

176. In a report[248] submitted on 14 August 1985 to the General Assembly pursuant to resolution 39/95 E, the Secretary-General advised the Assembly that he had requested the Permanent Representative of Israel to the United Nations on 29 March 1985 to inform him of any steps which the Government of Israel had taken or envisaged taking regarding the implementation of the relevant provisions of resolution 39/95 E. He transmitted to the Assembly the reply of the Israeli Government dated 1 July 1985,[249] which stated that the position of Israel regarding resolution

[248] A/40/541.
[249] Ibid., para. 3.

39/95 E had been fully set out in the statements made in Security Council meetings and the letters sent to the Secretary-General by the Permanent Representative of Israel to the United Nations.

177. In its resolution 40/161 E of 16 December 1985, the General Assembly demanded that the Government of Israel rescind the illegal measures taken by the Israeli military occupation authorities in expelling the Mayor of Halhul and the Sharia Judge of Hebron as well as measures taken in 1985 to expel other Palestinians, and demanded that it facilitate the immediate return of the expelled Palestinians so that they might resume the functions for which they had been elected and appointed. The General Assembly further called on Israel to rescind its illegal decision taken on 26 October 1985 regarding the deportation of four Palestinian leaders, to cease forthwith the expulsion of Palestinians and to abide scrupulously by the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. The Assembly moreover requested the Secretary-General to report on the implementation of the resolution as soon as possible, and not later than the beginning of its forty-first session.

178. In a report[250] submitted on 16 July 1986 pursuant to resolution 40/161 E, the Secretary-General informed the General Assembly that he had reiterated his request for information to the Permanent Representative of Israel and that the Acting Permanent Representative of Israel had addressed to him a similar response to that referred to in his previous report,[251] mentioning, in addition, the information distributed by Israel regarding one of the expelled mayors, which revealed details of his alleged terrorist activities. The Secretary-General noted that the Israeli Government's reply unequivocally dismissed resolution 40/161 E.

179. In its resolutions 41/63 E of 3 December 1986 and 42/160 E of 8 December 1987, the General Assembly reiterated, in substantially the same terms as had been used in resolution 40/161, the requests made in that resolution, but did not refer to the decision of the Israeli military occupation authorities on 26 October 1985 to expel four Palestinian leaders. In each resolution the Secretary-General was requested to report to the Assembly as soon as possible on the implementation of the resolution.

180. Pursuant to resolution 41/63 E, the Secretary-General, on 10 August 1987, submitted a report[252] to the General Assembly in which he stated that on 23 January 1987 he had addressed a note verbale to the Permanent Representative of Israel to the United Nations requesting him to inform him of any steps which the Government of Israel had taken or envisaged taking in relation to the implementation of resolution 41/63 E. On 17 June 1987, the Secretary-General received a reply[253] stating that the position of Israel was unchanged in the matter and that Israel viewed the expulsion cases as exceptional measures necessary to the maintenance of public order against threats of terrorism. The Permanent Representative of Israel assured the Secretary-General that expulsion measures were subject to national judicial and administrative controls and dismissed General Assembly resolution 41/63 E for displaying a biased and distorted picture of the events surrounding the expulsion orders.

181. At its 2806th meeting, on 14 April 1988, the Security Council did not adopt draft resolution S/19780, which had been introduced by the representatives of Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia, owing to the negative vote of a permanent member of the Council. Had the draft been adopted, the Secretary-General would have been required to submit periodic reports on the situation in the occupied territories, including those aspects relating to endeavours for ensuring the safety and protection of the Palestinian civilians under Israeli occupation.

182. In its resolution 605 (1987) of 22 December 1987, the Security Council once again called upon Israel to abide by the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and requested the Secretary-General to examine the current situation in the occupied territories by all means available to him and to submit to the Council a report containing his recommendations on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation.

183. On 25 August 1988, the Secretary-General submitted a report[254] pursuant to General Assembly resolution 42/160 E (1987) in which he gave an account of his correspondence with the Permanent Representative of Israel, which revealed that the position of Israel had not changed.

184. On 6 December 1988, the General Assembly adopted resolution 43/58 E, in which it demanded that the Government of Israel rescind the illegal measures taken by the Israeli authorities in deporting Palestinians, especially in 1988, to facilitate the immediate return of the Palestinians who had been deported, to cease forthwith the deportation of Palestinians and to abide scrupulously by the provisions of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. The Assembly furthermore called upon the Secretary-General to report to the General Assembly as soon as possible, and not later than the beginning of its forty-fourth session, on the implementation of the resolution.

[250] A/41/454.
[251] A/40/541.
[252] A/42/461.
[253] Ibid., para. 3.
[254] A/43/558 and Add.1.

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

185. In a report[255] submitted to the General Assembly pursuant to resolution 39/95 H, the Secretary-General informed the Assembly that he had requested the Permanent Representative of Israel to the United Nations to transmit to him information regarding the results of the investigations and prosecutions carried out in relation to the assassination attempts against the mayors of Nablus, Ramallah and Al Bireh. The Secretary-General annexed to his report two replies from the Permanent Representative of Israel to the Secretary-General. The first response affirmed that the position of Israel had been set out in the various previous statements made by the Permanent Representative of Israel. The second response enclosed a summary of details, as reported in the Israeli press bulletins, of the conviction and sentencing of the men involved in carrying out actions against the mayors.

186. In its resolution 40/161 E of 16 December 1985, the General Assembly demanded that the Government of Israel rescind the illegal measures taken by the Israeli military occupation authorities in expelling the Mayor of Halhul, the Sharia Judge of Hebron and, in 1985, other Palestinians and that it facilitate the immediate return of the expelled Palestinians so that they might resume the functions for which they were elected and appointed. The Assembly furthermore requested the Secretary-General to report to the General Assembly as soon as possible, and not later than the beginning of its forty-first session, on the implementation of the resolution.

187. Pursuant to that request, on 16 July 1986, the Secretary-General submitted to the General Assembly a report[256] in which he stated that on 13 February 1986 he had addressed a note verbale to the Permanent Representative of Israel to the United Nations in which he requested, in view of his reporting responsibility under resolution 40/161 E, that he be informed of any steps which the Government of Israel had taken or envisaged taking in implementation of the relevant provisions of resolution 40/161 E. The Secretary-General informed the Assembly that he had received a reply stating that the position of Israel remained unchanged, referring to documents that Israel had distributed to the Security Council in relation to the terrorist activities of Muhammed Milhem, one of the expelled mayors, and stating also that Israel rejected resolution 40/161 E and recommended that it be dropped from the agenda of the General Assembly.

188. In its resolution 41/63 E of 3 December 1986, the General Assembly, expressing concern at the expulsion by the Israeli military occupation authorities of Mayor Halhul, the Mayor of Hebron who had since died, the Sharia Judge of Hebron and, in 1985 and 1986, other Palestinian leaders, repeated the requests made in its resolution 40/161 E and requested the Secretary-General to report on the implementation of the resolution.

189. Pursuant to that request, on 10 August 1987, the Secretary-General submitted to the General Assembly a report[257] in which he gave an account of his efforts to implement resolution 41/63 E by initiating correspondence with the Permanent Representative of Israel. The Secretary-General attached to his report a reply he had received from the Permanent Representative of Israel, stating that the expulsion measures were only exercised in the most extreme cases and were subject to judicial and administrative controls including the Israeli High Court of Justice, which could be petitioned at any time by a person subject to an expulsion order.

190. In its resolution 42/160 E of 8 December 1987, identical mutatis mutandis with resolution 41/63 E, the General Assembly requested the Secretary-General to report as soon as possible on the implementation of the resolution.

191. In a report[258] submitted to the General Assembly in pursuance of that request, the Secretary-General gave an account of the actions he had taken to implement General Assembly resolution 42/160 E and transmitted the reply he had received from the Permanent Representative of Israel on 7 July 1988, which reiterated the arguments put forward in previous correspondence by Israel on the matter[259] and referred to the decision of the Israeli High Court of Justice of 14 April 1988 which, on appeal, had upheld the legality of such expulsion orders.

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

192. At each regular session during the period under review, the General Assembly adopted a resolution[260] by which it determined that Israel's decision to impose its laws, jurisdiction and administration on the Holy City of 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 more upon those States to abide by the provisions of the relevant provisions of 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.

[255] A/40/583.
[256] A/41/454.
[257] A/42/461.
[258] A/43/558.
[259] See A/40/583, A/41/454 and A/42/461.
[260] G A resolutions 40/168 C, 41/162 C, 42/209 D and 43/54 C.

193. During the period under review, the Secretary-General submitted to the General Assembly the reports[261] requested of him in pursuance of the above-mentioned resolutions. Each report contained the replies that the Secretary-General had received from Member States in response to his requests for information regarding the implementation of the relevant provisions of each resolution.

194. During the period under review, the Security Council did not adopt a resolution on this issue. Draft resolution S/17769 and Rev.1, introduced by the Congo, Ghana, Madagascar, Trinidad and Tobago and the United Arab Emirates on 29 and 30 January 1986, failed of adoption owing to the negative vote of a permanent member of the Council. Under the draft the Council would have, inter alia, strongly deplored the provocative acts which violated the sanctity of the sanctuary of the Haram Al-Sharif in Jerusalem; affirmed that such acts constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East, which could also endanger international peace and security; and reiterated that all legislative and administrative measures and actions taken by Israel, the occupying Power, which had altered or purported to alter the character and status of the Holy City of Jerusalem and in particular the "basic law" on Jerusalem were null and void and must be rescinded forthwith. The Council furthermore would have requested the Secretary-General to report to the Security Council on the implementation of the resolution before 1 May 1986.

(f) *Functions exercised in connection with the measures taken by Israel to change the status of the Syrian Arab Golan Heights*

195. During the period under review, the General Assembly adopted a series of resolutions[262] in response to the measures taken by Israel to change the status of the Syrian Arab Golan Heights. In each resolution, the General Assembly strongly condemned Israel for its refusal to comply with the relevant resolutions of the General Assembly and the Security Council, particularly resolution 497 (1981), and condemned the persistence of Israel in changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Arab Golan Heights. The General Assembly determined that all legislative and administrative measures and actions taken or to be taken by Israel that purported to alter the character and legal status of the Syrian Arab Golan Heights were null and void, constituted a flagrant violation of international law and of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, and had no legal effect. In each resolution, the General Assembly called upon Member States not to recognize those measures and requested the Secretary-General to submit a report on the matter at the next session.

196. Pursuant to those requests, at each regular session the Secretary-General submitted a report[263] to the General Assembly. In each report, the Secretary-General stated that he had requested the Permanent Representative of Israel to the United Nations to advise him of any steps which the Government of Israel had taken or envisaged taking in implementing the resolutions adopted by the General Assembly on the matter and annexed any replies from Israel to his report. The Israeli replies were consistent throughout the period under review in affirming that the Permanent Representative of Israel had set out the position of Israel on the resolutions in a letter to the Secretary-General, which had been included in the Secretary-General's report of 31 December 1981.[264] In each report, the Secretary-General requested all Member States to inform him of any measures their Governments had taken or envisaged taking in relation to the implementation of the relevant General Assembly resolutions and annexed to his report any replies from the Member States that he had received.

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

197. During the period under review, the General Assembly adopted at each regular session a resolution[265] by which it reaffirmed the inalienable right of all displaced inhabitants to return to their homes or former places of residence in the territories occupied since 1967 and stated that any agreements embodying a restriction on, or condition for, the return of the displaced inhabitants were null and void. In each resolution the Secretary-General was requested to report, after consulting with the Commissioner-General of UNRWA, on the compliance by Israel with the General Assembly's request that it take immediate steps for the return of all displaced inhabitants and that it desist from all measures that obstructed the return of the displaced inhabitants, including measures affecting the physical and demographic structure of the occupied territories.

198. In response to those requests, the Secretary-General submitted each year a report[266] in which he informed the General Assembly that he had requested the Permanent Representative of Israel to the United Nations to communicate to him any steps that his Government had taken or envisaged taking in implementing the provisions of the General Assembly resolutions pertaining to the matter. Each reply from the Representative of the Government of Israel affirmed the increasing efforts taken by Israeli authorities to

[261] A/40/668 and Add.1, A/41/453, A/42/465 and A/43/683 and Add.1.

[262] G A resolutions 40/161 F, 41/63 F, 42/160 F and 43/58 F.

[263] A/40/649 and Add.1, A/41/455 and Add.1, A/42/462 and A/43/559.

[264] S C (36), Suppl. for Oct.-Dec. 1981, S/14821, para. 3.

[265] G A resolutions 40/165 G, 41/69 G, 42/69 G and 43/57 G.

[266] A/40/614, A/41/566, A/42/480 and A/43/655.

review individual cases of resettlement and referred to details of the Israeli Government's efforts to account for the several thousand persons who had returned. In each report, the Secretary-General noted that in view of the information provided by UNRWA on the return of registered refugees (not including the displaced persons) and considering the non-involvement of the Agency in the arrangements for the return of refugees, the number advanced by the Israeli authorities could not be confirmed by the Commissioner, who estimated that a significantly lesser number of persons had returned to the occupied territories.[267]

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

**(i) *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*

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

199. During the period under review, the General Assembly adopted at each regular session a resolution[268] 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 the Assembly at its next regular session a comprehensive report covering the developments in the Middle East in all their aspects.

200. The Secretary-General fulfilled his dual reporting responsibility by submitting also to the Security Council the reports[269] submitted to the General Assembly pursuant to those requests.

(k) *Functions exercised with respect to the designation "Palestine"*

201. On 15 December 1988, the General Assembly adopted resolution 43/177, by which it acknowledged the proclamation of the State of Palestine by the Palestine National Council on 15 November 1988. The Assembly furthermore affirmed the need to enable the Palestinian people to exercise their sovereignty over their territory occupied since 1967 and decided that, effective as of 15 December 1988, the designation "Palestine" should be used in place of the designation "Palestine Liberation Organization" in the United Nations system, without prejudice to the observer status and functions of the Palestine Liberation Organization within the United Nations system, in conformity with relevant United Nations resolutions and practice. The General Assembly requested the Secretary-General to take the necessary action to implement resolution 43/177.

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

(m) *Functions exercised in connection with the uprising of the Palestinian people*

202. In its resolution 605 (1987) of 22 December 1987, the Security Council requested the Secretary-General to examine the current situation in the occupied territories by all means available to him and to submit a report no later than 20 January 1988 containing his recommendations on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation.

203. Pursuant to that request, on 21 January 1988, the Secretary-General submitted to the Security Council a report[270] containing his recommendations to the Security Council to ensure the safety and protection of the Palestinian population of the occupied territories. The Secretary-General stated that in order to obtain information for the preparation of his report, he had instructed the Under-Secretary-General for Special Political Affairs to visit Israel and the occupied Palestinian territories from 8 to 17 January 1988, and gave a detailed account of his letter to the Under-Secretary-General. The principal recommendation of the Secretary-General was that the international community should make a concerted effort to persuade Israel to accept the de jure applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. In his report, the Secretary-General also made recommendations and described the steps he was taking to improve the safety and protection accorded to the population of the occupied Palestinian territories by the international community. The Secretary-General concluded by affirming his personal commitment to the search for a peaceful settlement of the situation in the Middle East and by stating his intention to explore actively with the parties and the Security Council ways to overcome the current impasse in the peace process.

204. In his statement[271] of 26 August 1988, the President of the Security Council stated that the members of the Council were gravely concerned by the continued deterioration of the situation in the Palestinian territories occupied by Israel since 1967, including Jerusalem, and by the imposition of curfews, the increase in the numbers of injuries and deaths and the deportation of Palestinian civilians to Lebanon. The President expressed the Council's apprehen-

[267] A/43/655; para. 3; the Israeli authorities estimated 75,000 while UNRWA estimated 11,300 had returned to the occupied territories.

[268] G A resolutions 40/168 A, 41/162 A, 42/209 B and 43/54 A.

[269] S C (40), Suppl. for Oct.-Dec. 1985, S/17581/Corr.1, see also A/40/779; S C (41), Suppl. for Oct.-Dec. 1986, S/18427, see also A/41/768; S C (42), Suppl. for Oct.-Dec. 1987, S/19249, see also A/42/714; and S C (43), Suppl. for Oct.-Dec. 1988, S/20294, see also A/43/867.

[270] S C (43), Suppl. for Jan.-March 1988, S/19443.

[271] Document S/20156, incorporated in the record of the 2782nd meeting of the Security Council.

sion of the grave consequences of such a situation for the endeavours to achieve a comprehensive, just and lasting peace in the Middle East. The President concluded his statement on behalf of the members by assuring that the Security Council would keep the situation in the occupied territories under review.

205. In its resolution 43/21 of 3 November 1988, the General Assembly condemned Israel's persistent policies and practices violating the human rights of the Palestinian people in the occupied territories, including Jerusalem, in particular such acts as the opening of fire by the Israeli army and settlers that resulted in the killing and wounding of Palestinian civilians, the beating and breaking of bones, the deportation of Palestinian civilians, the imposition of restrictive economic measures, the demolition of houses, collective punishment and detentions, and the denial of access to the media. In addition, the Assembly urged the Security Council to consider the current situation in the occupied Palestinian territories, taking into account the recommendations contained in the report[272] of the Secretary-General. The General Assembly furthermore requested the Secretary-General to examine the situation in the occupied Palestinian territories by all means available to him and to submit periodic reports thereon, the first of such reports to be submitted no later than 17 November 1988.

206. Pursuant to that request, on 21 November 1988, the Secretary-General submitted to the General Assembly a report[273] which he had prepared with the assistance of the Centre for Human Rights, entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories". The Secretary-General expressed grave concern at the measures employed by Israel against Palestinians such as deportation, administrative detention, the imposition of curfews and the destruction of houses and noted that he had received persistent appeals protesting those measures and other human rights violations, in particular the closure of schools and the lack of access to detention centres. He underlined the necessity not only of establishing measures to enhance the safety and protection of the Palestinian people but also of resolving the problem through a comprehensive and lasting settlement based on Security Council resolutions 242 (1967) and 338 (1973), taking into account the legitimate rights of the Palestinian people, including self-determination. The Secretary-General expressed his commitment to the search for such a settlement and annexed to his report a summary of Israeli press reports regarding incidents that had occurred in the occupied territories in September and October 1988, together with relevant information provided by UNRWA and the International Committee of the Red Cross.

[272] S C (43), Suppl. for Jan.-March 1988, S/19443.

[273] A/43/806.

(n) *Functions exercised in connection with the Palestinian refugees in the Gaza Strip*

207. During the period under review, at each regular session, except the forty-third, the General Assembly adopted a resolution[274] concerning the Palestinian refugees in the Gaza Strip. In those resolutions, the General Assembly reiterated its demand that Israel desist from the removal and resettlement of Palestinian refugees in the Gaza Strip and from the destruction of their shelters and requested the Secretary-General, after consulting the Commissioner-General of UNRWA, to report to the General Assembly before the opening of the next session, on Israel's compliance with its demand.

208. In each report[275] submitted pursuant to those requests, the Secretary-General informed the General Assembly that he had requested the Permanent Representative of Israel to the United Nations to inform him of any steps the Israeli Government had taken to implement the relevant resolution. He also transmitted to the Assembly the replies of the Permanent Representative of Israel, each of which reaffirmed that the position of Israel was unchanged and gave a detailed account of community development projects initiated by Israel in the Gaza district as part of a voluntary refugee rehabilitation programme. Each report of the Secretary-General also included factual information relating to Israel's compliance with relevant General Assembly resolutions based on reports of the Commissioner-General of UNRWA.

(o) *Functions exercised in connection with the Palestinian refugees in the West Bank*

209. During the period under review, the General Assembly adopted three resolutions[276] in which it called once again upon Israel to abandon its plans and to refrain from the removal, and from any action that might lead to the removal and resettlement, of Palestinian refugees in the West Bank and from the destruction of their camps.[277] In each resolution, the General Assembly requested the Secretary-General, in cooperation with the Commissioner-General of UNRWA, to keep the matter under close supervision and to report on any developments regarding the matter before the opening of the next session.

210. Pursuant to those requests, the Secretary-General submitted reports[278] in which he advised the General Assembly of his request to the Permanent Representative of Israel to the United Nations to inform him of any steps his Government had taken or envisaged taking in implementing

[274] G A resolutions 40/165 E, 41/69 E and 42/69 E.

[275] A/40/613, A/41/564, A/42/507 and A/43/653.

[276] G A resolutions 40/165 J, 41/69 J and 42/69 J.

[277] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 302-303.

[278] A/40/615, A/41/568, A/42/482 and A/43/657.

the relevant provisions of the resolution and transmitted to the Assembly the replies he had received. Each reply stated that the position of the Israeli Government on each resolution had been fully set out in previous statements by Israel's representative to the Special Political Committee and in the report of the Secretary-General[279] and noted the strong objection of UNRWA to any forcible relocation of refugees. UNRWA, however, did not object if refugees in the camps would voluntarily seek better housing.

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

211. Pursuant to General Assembly resolution 39/95 A, the Secretary-General submitted to the Assembly a report[280] stating that he had requested information from the Permanent Representative of Israel to the United Nations on the steps taken by the Israeli Government to implement that resolution. The texts of the replies he had received were attached to the report and revealed that Israel considered any reference to resolution 39/95 A as not being relevant to the work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. In his report, the Secretary-General conveyed to the Assembly the information provided by the international press, according to which Mr. Ziad Abu Eain had been released on 20 May 1985, but had been taken into custody again on 31 July 1985 and issued with an order of administrative detention.

212. In its resolution 40/161 A of 16 December 1985, the General Assembly took note of the initial release of Mr. Ziad Abu Eain, among others, from prison on 20 May 1985, deplored Israel's subsequent arbitrary detention of Mr. Ziad Abu Eain and others and demanded that they be released immediately by Israel, the occupying Power. The Assembly requested the Secretary-General to report to it as soon as possible on the implementation of the resolution.

213. In a report[281] submitted pursuant to resolution 40/161 A on 21 July 1986, the Secretary-General stated that, following his request to the Permanent Representative of Israel to the United Nations for information on steps taken by the Israeli Government to implement resolution 40/161 A, he had received a reply stating that Israel's position had been set out in a statement made by Israel's representative in the Special Committee on 8 November 1985; that Israel rejected resolution 40/161 A as being contrary to the rule of law; and that Israel asserted the legitimacy of the conviction of Mr. Ziad Abu Eain who had been released as a result of prisoner exchange but who had resumed criminal activities for which he had been arrested and indicted. In an addendum to his report, the Secretary-General transmitted to the General Assembly a note verbale addressed to him by the Permanent Representative of Israel which stated that Mr. Ziad Abu Eain had been sentenced to 33 months in jail with an additional 21 months' conditional sentence and concluded by affirming the Israeli Government's rejection of resolution 40/161 A and its belief that it should be dropped from the agenda of the General Assembly.

214. In its resolutions 41/63 A and 42/160 A, identical mutatis mutandis with resolution 40/161 A, the General Assembly requested the Secretary-General to report to it as soon as possible. No other General Assembly resolution was adopted in relation to the case of Mr. Ziad Abu Eain during the remainder of the period under review.

215. In a report[282] dated 10 August 1987, the Secretary-General informed the General Assembly that, in response to his request for information regarding the steps taken by the Israeli Government to implement resolution 41/63 A, the Permanent Representative of Israel to the United Nations had informed the Secretary-General that the Israeli Government viewed resolution 41/63 A as unwarranted and void of substance.

**(q) *Functions exercised in connection with the issue of special identity cards to Palestinian refugees*

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

216. During the period under review, the General Assembly adopted several resolutions[283] condemning Israel's invasion of Lebanon and its consequences and called for the protection of Palestinian refugees. Under these resolutions Israel was held responsible for the security of the Palestinian refugees in the Palestinian and other Arab territories occupied since 1967, including Jerusalem.[284] The Assembly requested the Secretary-General, in cooperation with the Commissioner-General of UNRWA, to undertake effective measures to guarantee the safety and security and the legal and human rights of the Palestinian refugees in all the territories under Israeli occupation in 1967 and thereafter. In the same resolutions,[285] the Assembly called upon Israel to release all detained Palestinian refugees. Additionally, it requested the Secretary-General and the Commissioner-General of UNRWA to report to the General Assembly on the implementation of the resolutions.

217. In each report[286] submitted by the Secretary-General to the General Assembly pursuant to those requests, the Secretary-General stated that he had addressed a note verbale to the Permanent Representative of Israel to the United Nations, drawing attention to his reporting responsibility

[279] A/42/482.
[280] A/40/686.
[281] A/41/469 and Add.1.
[282] A/42/459.
[283] G A resolutions 40/165 I, 41/69 I, 42/69 I and 43/57 I.
[284] Ibid.
[285] Ibid.
[286] A/40/756, A/41/567, A/42/481 and A/43/656.

under the relevant resolution and requesting information on steps taken by the Israeli Government to implement the relevant provisions of the resolution in question. In each reply, the Permanent Representative stated that Israel's position in relation to the relevant resolution had been fully set out in its statements to the Special Political Committee; noted that despite Israel's withdrawal from Lebanon in 1985, the General Assembly in its resolutions continued to blame Israel for the continuous suffering of Palestinians in Lebanon; and rejected the resolution in question. The Secretary-General made reference in each of his reports to the constraints he had faced in undertaking the measures requested of him by the General Assembly. He noted that despite this, the Commissioner-General of UNRWA, as the senior United Nations official responsible for providing services to the Palestinian refugees, had continued his efforts, in consultation with the Secretary-General, to do all that was feasible to contribute to the safety and security of the refugees in the territories under occupation.[287] In each report the Secretary-General stated that, following the withdrawal of Israeli forces from the Saida and Tyre areas in February and April 1985 respectively,[288] he had nothing further to report regarding the Palestinian refugees in Lebanon and concluded by noting that no progress had been made on the claim by UNRWA against the Government of Israel regarding the damage to its property and facilities resulting from the Israeli invasion of Lebanon in 1982. In his report of 30 September 1988,[289] the Secretary-General also referred to the efforts made by UNRWA to initiate a programme for the repair of refugee shelters and Agency installations that had been damaged or destroyed during the fighting in Lebanon.

218. In its resolution 605 (1987) of 22 December 1987, the Security Council once again called upon Israel to abide by the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, and requested the Secretary-General to examine the current situation in the occupied territories by all means available to him and to submit to the Council a report containing his recommendations on ways and means for ensuring the safety and protection of the Palestinian civilians under Israeli occupation.[290]

219. Pursuant to that request, on 21 January 1988, the Secretary-General submitted to the Security Council a report[291] containing his recommendations to the Security Council for ensuring the safety and protection of the Palestinian population of the occupied territories. The Secretary-General stated that in order to obtain information for the preparation of this report, he had instructed the Under-Secretary-General for Special Political Affairs to visit Israel and the occupied Palestinian territories from 8 to 17 January 1988 and gave a detailed account of his findings, noting that although the Israeli Government had authorized the Under-Secretary-General to travel where he wished, he had been denied access to almost all the camps in the Gaza Strip or on the West Bank on the grounds that they were under curfew or had been declared to be closed military areas. The Secretary-General reiterated his belief that the only certain way of ensuring the safety and protection of the Palestinian people in the occupied territories, and of the people of Israel, would be the negotiation of a comprehensive, just and lasting settlement of Arab-Israeli conflict acceptable to all parties concerned. In the meantime, however, other palliative measures could provide some protection to the Palestinian civilians. For that reason, his principal recommendation to the Security Council was that the international community should make a concerted effort to persuade Israel to accept the de jure applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. In his report, the Secretary-General also made other recommendations and described the steps he was taking to improve the safety and protection accorded to the population of the occupied Palestinian territories by the international community. He concluded by affirming his personal commitment to the search for a peaceful settlement of the situation in the Middle East and by stating his intention to explore actively with the parties and the Security Council how to overcome the current impasse in the peace process.

(s) *Functions of the Secretary-General exercised in connection with the events at Bir Zeit University*

220. In its resolution 592 (1986) of 8 December 1986, the Security Council strongly deplored the opening of fire by the Israeli army resulting in the death and the wounding of defenceless students; called upon Israel to release any person or persons detained as a result of the recent events at Bir Zeit University in violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War; and called upon all parties to exercise maximum restraint, to avoid violent acts and to contribute to the establishment of peace. The Council requested the Secretary-General to report to the Security Council on the implementation of the resolution no later than 20 December 1986.

221. The Secretary-General submitted a report[292] pursuant to resolution 592 (1986), in which he informed the Security Council that he had requested information regarding the measures taken or envisaged by Israel to implement the

[287] For a detailed account, see the annual reports of the Commissioner-General of UNRWA to the General Assembly: G A (40), Suppl. No. 13; G A (41), Suppl. No. 13; G A (42), Suppl. No. 13; GA (43), Suppl. No. 13.

[288] For a detailed account of this withdrawal, see A/40/756.

[289] A/43/656.

[290] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 310-314.

[291] S C (43), Suppl. for Jan.-March 1988, S/19443.

[292] S C (41), Suppl. for Oct.-Dec. 1986, S/18532.

resolution and conveyed to the Council the oral response of the Acting Permanent Representative of Israel to the United Nations regarding the position of his Government, which amounted to a rejection of resolution 592 (1986). In his response, the Israeli representative had asserted that the intervention of the Israel Defence Forces was legitimate; argued that proportionate force was used to contain the disturbance, which had originated from elements of the Palestine Liberation Organization (PLO); stated that those who had been arrested would be brought to trial under due process of law; and affirmed that Israel did not consider the Geneva Convention to be legally applicable to the territories in question, but would nonetheless continue to implement the humanitarian principles embodied in that Convention on a de facto basis. The Secretary-General attached to his report a letter he had received from the Permanent Representative of Jordan to the United Nations conveying his Government's support of Security Council resolution 592 (1986), as well as two letters he had received from the Permanent Observer of the Palestine Liberation Organization, which provided a further account of cases of violence and casualties against Palestinians. In addition, the Secretary-General informed the Security Council of a letter he had received from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, drawing attention to various incidents that had occurred in the occupied territories since the adoption of resolution 592 (1986).

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

222. During the period under review, the General Assembly adopted a series of resolutions[293] by which it condemned Israeli policies and practices against Palestinian students and faculties in schools, universities and other educational institutions in the occupied territories. It especially condemned the policy of opening fire on defenceless students and the systematic Israeli campaign of repression against, and closing of, universities and other educational and vocational institutions in the occupied Palestinian territories, restricting and impeding the academic activities of Palestinian universities in contravention of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.[294] By those resolutions, the Assembly also demanded that Israel comply with the provisions of the Geneva Convention, rescind all actions and measures against all educational institutions and refrain forthwith from hindering the effective operations of the other educational institutions. In each resolution the Secretary-General was requested to report to the General Assembly on the implementation of the resolution as soon as possible.

[293] G A resolutions 40/161 G, 41/63 G, 42/160 G and 43/58 G.

[294] See also *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 315-317.

223. The Secretary-General submitted the reports[295] requested of him pursuant to those resolutions. In each report, the Secretary-General informed the General Assembly that he had requested the Permanent Representative of Israel to the United Nations to advise him of any steps which the Government of Israel had taken or envisaged taking in the implementation of the relevant provisions of the resolutions and attached to his report any replies that he had received. In his report[296] of 18 July 1986, the Secretary-General transmitted to the Assembly a note verbale he had received from the Acting Permanent Representative of Israel to the United Nations on 2 July 1986 containing facts and figures in relation to illiteracy, numbers of pupils and higher education in an effort to demonstrate Israel's long-standing commitment to improving the educational standards of the inhabitants of occupied Palestinian territories.

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

224. In his report[297] submitted to the General Assembly pursuant to resolution 39/101, the Secretary-General stated that the Under-Secretary-General for Technical Cooperation for Development had requested the Governments of Israel and Jordan to make available to the Secretary-General any information relevant to the proposed canal linking the Mediterranean Sea to the Dead Sea and to allow a small team of experts access to certain sites in order to monitor the impact of such a canal.[298] The Secretary-General informed the Assembly that the Permanent Representative of Jordan to the United Nations had expressed his willingness to facilitate the work of the team of experts and to forward any information on the matter. The Secretary-General annexed to his report, the report that had been compiled in cooperation with the Jordanian authorities by the United Nations mission that had visited Jordan. The Permanent Representative of Israel, in his reply, praised the benefits that the proposed canal would bring to the area; dismissed the need for a team of experts; and expressed the Israeli Government's view that resolution 39/101 revealed that the outcome of any such investigation had already been predetermined. The Secretary-General concluded by stating that the Permanent Representative of Israel had notified him of the cessation of all work relating to the proposed canal.

225. In its resolution 40/167, the General Assembly requested the Secretary-General to monitor on a continuing basis any new development relating to the proposed canal linking the Mediterranean Sea to the Dead Sea, and to report all findings in this regard to the Assembly. The General Assembly stated that it had decided that it would resume its

[295] A/40/542, A/41/456, A/42/463 and A/43/560.

[296] A/41/456.

[297] A/40/803.

[298] See also *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 318-324.

consideration of the item in case activities by Israel relating to the canal were resumed.

226. During the period under review, no further reports were submitted regarding Israel's decision to build a canal linking the Mediterranean Sea to the Dead Sea.

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

**(w) *Functions exercised in connection with the permanent sovereignty over natural and other resources in the occupied Arab territories*

(x) *Functions exercised in connection with the protection of Palestinian property*

227. During the period under review, the General Assembly adopted several resolutions[299] in which it requested 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 all income derived therefrom on behalf of the rightful owners. In each resolution the Assembly called upon all Governments of Member States concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel which would assist the Secretary-General in the implementation of the resolution in question. In addition, the General Assembly deplored Israel's refusal to cooperate with the Secretary-General in the implementation of the resolutions on the question and requested the Secretary-General to report to the Assembly at the next session on the implementation of the resolution.

228. Pursuant to those requests, the Secretary-General submitted reports[300] in which he informed the General Assembly that he had requested the Government of Israel to communicate to him any information it could provide on the implementation of the provisions of the relevant resolutions and transmitted to the Assembly any replies that he had received. Some of the replies[301] by Israel stated that the position of the Government of Israel regarding the matter had already been set out fully by the representative of Israel to the Special Political Committee of the General Assembly. In other replies[302] Israel challenged the legal basis for taking the steps proposed by the General Assembly, arguing that property rights within the borders of a sovereign State were exclusively subject to the domestic laws of that State and pointing out that the Jewish refugees who had resettled in Israel after the war of 1948 had had the property that they had left behind in Arab States confiscated by the Governments of those States. In each report,[303] the Secretary-General stated that no Member State had provided him with any information in their possession concerning Arab property, assets and property rights in Israel which might have assisted him in the implementation of the resolutions.

(y) *Functions of the Secretary-General with respect to the restrictions imposed by Israel on the economy of the occupied Palestinian territories*

229. Pursuant to General Assembly resolution 39/223, the Secretary-General submitted a report[304] stating that in response to his request for information regarding the implementation of that resolution, the Permanent Representative of Israel to the United Nations had drawn his attention to the statement made by Israel to the Second Committee on 13 November 1984 and had affirmed that the ports of Ashdod and Haifa were open, allowing free access from the Palestinian territories to external markets.

230. In its resolution 40/169, the General Assembly called for the urgent lifting of the Israeli restrictions imposed on the economy of the occupied territories, recognized the Palestinian interest in establishing a seaport in the occupied Gaza Strip in order to give the Palestinian firms and products direct access to external markets and called upon all concerned to facilitate the establishment of a seaport in the occupied Gaza Strip, as well as the establishment of a cement plant in the occupied West Bank and a citrus plant in the occupied Gaza Strip. The General Assembly requested the Secretary-General to continue his efforts to facilitate the establishment of those projects and to report to it at its forty-first session, through the Economic and Social Council, on the progress made in the implementation of the resolution.

231. Pursuant to that request, the Secretary-General submitted to the Economic and Social Council and the General Assembly a report[305] stating that he had requested the Government of Israel to inform him of any relevant information concerning the lifting of Israeli restrictions on the economy of the occupied Palestinian territories, and the projects referred to in resolution 40/169. He annexed to his report a reply that he had received from the Permanent Representative of Israel to the United Nations rejecting resolution 40/169 as being biased and politically motivated giving a detailed account of the efforts of the Israeli Government to foster economic growth and facilitate the opening of new markets for industrial exports manufactured in the areas in question and specifically in Judea, Samaria and Gaza.

[299] G A resolutions 40/165 H, 41/69 H, 42/69 H and 43/57 H.
[300] A/40/616, A/41/543, 42/505 and A/43/581.
[301] A/40/616, A/41/543 and 42/505.
[302] A/42/505 and A/43/581.
[303] A/40/616, A/41/543, 42/505 and A/43/581.
[304] A/40/367.
[305] A/41/342 and E/1986/88.

3. Functions exercised with respect to the situation in Cyprus

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

232. During the period under review, the Security Council adopted eight resolutions[306] pertaining to the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP). In each of the resolutions, the Council took note of the Secretary-General's recommendation and accordingly extended the stationing of the Force in Cyprus for a further period of six months. As in previous years,[307] each resolution reaffirmed resolution 186 (1964),[308] which provided for the creation of UNFICYP and defined the mandate of the Secretary-General in respect of the situation in Cyprus. No changes were made in the resolutions adopted by the Security Council in connection with the events that occurred as from 15 July 1974,[309] some of which affected the functioning of UNFICYP and, in some cases, required the Force to perform certain additional or modified functions relating in particular to the maintenance of a ceasefire.[310] 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.[311] The office of the Special Representative of the Secretary-General in Cyprus was maintained throughout the period under review, a new appointment being made by the Secretary-General in November 1987.[312]

233. Pursuant to the resolutions[313] adopted by the Security Council in relation to the mandate of UNFICYP during the period under review, the Secretary-General submitted periodic reports[314] to the Security Council in which he requested the Council to extend the mandate of UNFICYP, described the composition and deployment of UNFICYP and gave an account of the main functions of the Force, which included the maintenance of the ceasefire and the status quo, liaison and cooperation with local authorities, humanitarian functions, providing protection against landmines, efforts towards the normalization of conditions and the maintenance of law and order.

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

234. During the period under review, the General Assembly did not issue any resolutions pertaining to the Secretary-General's mission of good offices in Cyprus.

235. The Security Council adopted several resolutions[315] in relation to the situation in Cyprus during the period under review, in which the Council requested the Secretary-General to continue his mission of good offices, to keep the Security Council informed of the progress made and to submit a report to the Council on the implementation of the resolution. The reports that the Secretary-General submitted in response to those requests are described below. Members of the Council also expressed strong support for the mission of the Secretary-General under his mandate from the Council.[316]

236. In an addendum to his report[317] covering the period from 13 December 1984 to 31 May 1985, the Secretary-General gave an account of the actions he had taken in pursuance of the mission of good offices entrusted to him by the Security Council in resolution 367 (1975) and continued in subsequent resolutions. He recalled that no agreement had been reached between the Turkish Cypriot side and the Greek Cypriot side at the joint high-level meeting on Cyprus held at the United Nations Headquarters from 17 to 20 January 1985 under the auspices of the Secretary-General in the framework of his mission of good offices. The Secretary-General stated that, in an effort to overcome the difficulties that had arisen during that joint high-level meeting, he had created a single, consolidated draft agreement and presented it to both parties. While he had received a positive reply from the Greek Cypriot side, the Turkish Cypriot side had stated that it would only be in a position to engage in substantive discussions upon completion of the referendum and elections that were to be held in May and June 1985. The Secretary-General took note of the letters he had received from the Permanent Representative of Cyprus to the United Nations claiming that the proposed referen-

[306] S C resolutions 565 (1985), 578 (1985), 585 (1986), 593 (1986), 597 (1987), 604 (1987), 614 (1988) and 625 (1988).

[307] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, para. 333.

[308] See *Repertory, Supplement No. 3*, vol. IV, under Article 98, para. 459.

[309] See *Repertory, Supplement No. 5,* vol. V, under Article 98, paras. 366 and 379-400.

[310] See *Repertory, Supplement No. 5,* vol. V, under Article 98, paras. 380-399, with particular reference to paras. 383 and 384.

[311] The Secretary-General continued to express his concern over the method adopted for financing UNFICYP. See, for example, S C (41) Suppl. for Oct.-Dec. 1986, S/18491, para. 65.

[312] S C (42), Suppl. for Oct.-Dec. 1987, S/19236.

[313] S C resolutions 565 (1985), 578 (1985), 585 (1986), 593 (1986), 597 (1987), 604 (1987), 614 (1988) and 625 (1988).

[314] S C (40), Suppl. for Oct.-Dec. 1985, S/17657 and Add.1 and 2; S C (41), Suppl. for April-June 1986, S/18102 and Add.1 and 2; ibid., Suppl. for Oct.-Dec. 1986, S/18491 and Add.1; ibid., S/18491 and Add.1; S C (42), Suppl. for Oct.-Dec. 1987, S/19304 and Add.1; S C (43) Suppl. for April-June 1988, S/19927; ibid., Suppl. for Oct.-Dec. 1988, S/20310.

[315] S C resolutions 565 (1985), 578 (1985), 585 (1986), 593 (1986), 597 (1987), 604 (1987), 614 (1988) and 625 (1988).

[316] S C (40), Suppl. for July-Sept. 1985, S/17486. Note by the President of the Security Council concerning the situation in Cyprus and containing the text of the statement he made in the Council on behalf of its members on 20 September 1985. For the text of the statement, see 2607th meeting; see also S C (1985), Resolutions and Decisions, p. 15.

[317] S C (40), Suppl. for April-June 1985, S/17227/Add.1.

dum and elections were in violation of Security Council resolutions 541 (1983) and 550 (1984) and recalled that on 6 May 1985, the Spokesman of the Secretary-General had confirmed that the United Nations recognized no Cypriot State other than the Republic of Cyprus and that therefore the Secretary-General could not condone any development or action which was at variance with that position. The Secretary-General concluded by expressing his intention to intensify his diplomatic action in the coming weeks.

237. In an addendum to his report[318] covering the period from 1 June to 30 November 1985, the Secretary-General informed the Security Council that, in an attempt to break the impasse, he had held discussions in September and October 1985 with leaders of the Turkish Cypriot side and the Greek Cypriot side respectively and had stressed to both leaders the importance of preserving all that had been achieved since August 1984, as reflected in the documentation accepted by the Turkish Cypriot side in January 1985 and in the drafts accepted by the Greek Cypriot side in April 1985. The two sides had agreed to the procedure proposed by the Secretary-General to overcome their remaining differences, namely a series of lower-level talks with representatives of each side, followed by the simultaneous presentation to both sides by the Secretary-General of a draft framework agreement. The Secretary-General informed the Council that lower-level discussions had taken place on 18 and 19 November in London with the Turkish Cypriot side and on 30 November and 1 December in Geneva with the Greek Cypriot side and confirmed that both sides had agreed to continue the discussions during the first half of January 1986.

238. In an addendum to his report[319] covering the period from 1 December 1985 to 31 May 1986, the Secretary-General provided the Security Council with a summary of his communications and personal contacts with the Greek Cypriot side and the Turkish Cypriot side. He informed the Security Council that a second round of lower-level talks had been held in Geneva with the Turkish Cypriot side on 26 and 27 February 1986 and with the Greek Cypriot side on 28 February and 1 March 1986. Further discussions had taken place with both sides at Nicosia during the week of 3 March in order to address respective concerns of the two parties. On the basis of those discussions, on 29 March, the Secretary-General presented to both sides a draft framework agreement[320] that preserved all the points on which agreement had been reached over the past two years and suggested possible solutions to the remaining divergences. By a letter dated 20 April 1986, the President of the Greek Cypriot side advised the Secretary-General that before the Greek Cypriot side could express its views on the draft framework agreement, it was necessary that there be agreement on the "withdrawal of the Turkish forces of occupation and settlers" and "effective international guarantees" and to that end requested the Secretary-General to convene an international conference or high-level meeting to deal with those issues. By a letter dated 21 April 1986, the Turkish Cypriot side informed the Secretary-General that it accepted the draft framework agreement and was ready to sign it. The Secretary-General concluded by expressing his regret that only one side had accepted the draft framework agreement of 29 March 1986 and that, consequently, the way was not yet open to proceed with the negotiations he had proposed for a comprehensive solution to the Cyprus problem.

239. In a report[321] submitted to the Security Council on 2 December 1986 on the United Nations operation in Cyprus covering the period from 1 June to 30 November 1986, the Secretary-General stated that he had continued to pursue his mission of good offices in relation to the situation in Cyprus. He informed the Council that he had invited the leader of the Turkish Cypriot side and the President of the Greek Cypriot side to New York in September 1986 to review the situation and had advised both parties that he did not intend to revise or replace the draft framework agreement of 29 March 1986. The President of the Greek Cypriot side asked the Secretary-General to inform the members of the Security Council of his proposal that the Secretary-General should convene an international conference on the "withdrawal of the Turkish forces of occupation and settlers, and effective international guarantees". The Secretary-General did so and informed the President of the Greek Cypriot side of a lack of agreement by members concerning his proposal. The Secretary-General informed the Council that he had instructed the Under-Secretary-General for Special Political Affairs, accompanied by the Director in the Office of the Under-Secretary-General for Special Political Affairs, to undertake a mission in Cyprus from 6 to 12 November to follow up his discussions with both sides and to explore possible ways to move forward. The Secretary-General had instructed the mission to inform both sides that, as a person entrusted with a mission of good offices, he could not impose a solution on either side, but could only produce ideas and suggestions to help the two sides find a solution. In discussions with the mission, the two parties maintained the positions that they had taken in April 1986.

240. In a report[322] submitted to the Security Council on 29 May 1987 on the United Nations operation in Cyprus between 1 December 1986 and 29 May 1987, the Secretary-General informed the Council of his decision to send another mission to Cyprus in early February 1987 to explore once again with both parties how progress could be made,

[318] S C (40), Suppl. for Oct.-Dec. 1985, S/17657/Add.1.
[319] S C (41), Suppl. for April-June 1986, S/18102/Add.1.
[320] Ibid., annex II.
[321] Ibid., Suppl. for Oct.-Dec. 1986, S/18491.
[322] S C (42), Suppl. for April-June 1987, S/18880.

and to communicate the Secretary-General's suggestion that informal, confidential and non-binding talks should be held between his aides and the two sides. The Secretary-General informed the Council that while the Greek Cypriot side accepted his suggestion of informal discussions, the Turkish Cypriot would not accept his suggestion unless the Greek Cypriot side first accepted the 29 March 1986 document. In response to that impasse, the President of the Greek Cypriot side renewed his request for the convening of an international conference.

241. On 30 November 1987, the Secretary-General submitted to the Security Council a report[323] on the United Nations operation in Cyprus from 1 June to 30 November 1987 in which he recalled his decision to appoint Oscar Camilión as his Special Representative in Cyprus. The Secretary-General stated that he had instructed Mr. Camilión to undertake a familiarization mission to the area in December and to take up residence in Cyprus in early 1988. The Secretary-General stated that, as part of his mission of good offices, he had met with the leader of the Turkish Cypriot side on 1 October 1987 and with the President of the Greek Cypriot side on 8 October 1987 to convey his serious concern about the persisting deadlock and continuing tensions between the two sides and to urge them to assist him in his efforts to find a way of negotiating a settlement based on the high-level agreements of 1977 and 1979.[324] The Secretary-General asked both leaders to take steps to improve the atmosphere between the two communities. In that connection he requested the leader of the Turkish Cypriot side to restore the status quo in the fenced area of Varosha. The Secretary-General informed the Security Council that, in a letter dated 10 October 1987, the President of the Greek Cypriot side had reiterated his request for the convening of an international conference and had also set out a proposal for the total demilitarization of the Republic of Cyprus.

242. On 31 May 1988, the Secretary-General submitted a report[325] on the United Nations operation in Cyprus covering the developments from 1 December 1987 to 31 May 1988, in which he informed the Security Council of the actions he had taken in pursuance of his mission of good offices. He informed the Council that both sides had agreed to his proposal that had been conveyed to the two leaders by his Special Representative, to resume the negotiating process with the aim of achieving, by an agreed target date, an overall settlement on the basis of the 1977 and 1979 high-level agreements.[326]

[323] Ibid., Suppl. for Oct.-Dec. 1987, S/19304.

[324] See *Repertory, Supplement No. 5,* vol. V, under Article 98, para. 434; and *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 342-344.

[325] S C (43), Suppl. for April-June 1988, S/19927.

[326] See *Repertory, Supplement No. 5,* vol. V, under Article 98, para. 434; and *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 342-344.

243. On 30 November 1988, the Secretary-General submitted a report[327] on the United Nations operation in Cyprus for the period from 1 June to 30 November 1988 in which he informed the Security Council that during his discussion with the two leaders in Geneva on 24 August 1988, both leaders had reaffirmed their commitment to the 1977 and 1979 high-level agreements; had recalled the Secretary-General's opening statement of 1980, the evaluation documents of 1981 and the Vienna working points of 1984; and had expressed their readiness to seek a negotiated solution. The two leaders acknowledged the need to show respect for each other's concerns and the need for goodwill in discussing how those concerns could be met. The two leaders made tremendous progress after nearly two years of deadlock by agreeing to meet without any preconditions and to attempt to achieve by 1 June 1989 a negotiated settlement of all aspects of the Cyprus situation. On 15 September 1988, the two leaders met at the Ledra Palace hotel in Nicosia. The talks continued from 16 September to 7 November 1988 at the residence of the Special Representative of the Secretary-General. The Secretary-General stated that his discussions with the two leaders at United Nations Headquarters in New York on 22 and 23 November 1988 had revealed that the first round of talks had been helpful in clarifying many of the issues and difficulties facing the two sides. The two leaders agreed to the Secretary-General's suggestion that the second round of talks should begin in Nicosia on 19 December 1988 and be devoted to developing, on a non-committal basis, a wide range of options for each of the outstanding issues to be resolved. They also accepted the Secretary-General's invitation to meet during the first half of March 1989 to launch a subsequent round of negotiations.

244. On 15 December 1988, at the 2833rd meeting of the Security Council, the President of the Security Council made a statement[328] in which he expressed support, on behalf of the members of the Council, for the effort launched on 24 August 1988 by the Secretary-General in the context of the mission of good offices in Cyprus and welcomed the readiness of the two parties to seek a negotiated settlement of all aspects of the Cyprus problem by 1 June 1989. The Council called upon all parties to cooperate with the Secretary-General to ensure the success of the process currently under way.

(c) *Functions exercised in connection with missing persons in Cyprus*

245. The Secretary-General continued to include information regarding the activities of the Committee on Missing

[327] S C (43), Suppl. for Oct.-Dec. 1988, S/20310.

[328] Ibid., S/20330.

Persons in Cyprus in each of the reports[329] that he submitted to the Security Council in relation to his mission of good offices during the period under review.

246. On 11 June 1985, the Secretary-General submitted to the Security Council an addendum to his report[330] covering the period from 13 December 1984 to 31 May 1985, in which he informed the Council that he had appointed, effective 28 April 1985, Paul Würth of Switzerland to succeed the late Claude Pilloud as the third member of the Committee on Missing Persons in Cyprus. He noted that the Committee was expected to resume its work in late June 1985.

247. In an addendum to his report[331] covering the period from 1 June to 30 November 1985, the Secretary-General informed the Security Council that the Committee on Missing Persons in Cyprus had resumed its substantive work in June 1985 and had since held two working sessions consisting of four and five meetings respectively. The Secretary-General noted that the Committee's investigatory work had reached an advanced stage in nearly one quarter of the cases before it and stated that initial work had been completed on nearly half of the cases.

248. In an addendum to his report[332] covering the period from 1 December 1985 to 31 May 1986, the Secretary-General informed the Security Council that the Committee on Missing Persons in Cyprus had held 12 formal meetings since his last report and that it had reached an advanced stage of investigation in the 168 individual cases on which members had decided to concentrate their initial efforts and finish as soon as possible. He stated that the Committee had initiated additional investigations following the submission of several reports on the results of an investigation relating to 40 individual cases. In addition, the Secretary-General noted that Mr. Würth was exploring ways to facilitate the decision-making process of the Committee.

249. In a report[333] submitted to the Security Council on 2 December 1986 on the United Nations operation in Cyprus covering the period from 1 June to 30 November 1986, the Secretary-General stated that the Committee's investigatory work on the cases before it had continued and noted that during the period under review the Committee on Missing Persons in Cyprus had held four sessions, including eight formal meetings and six informal meetings. The Secretary-General noted in his report that, in October 1986, Mr. Würth had travelled to New York to brief him on the progress that had been made in the Committee's work.

250. In a report[334] submitted to the Security Council on 29 May 1987 on the United Nations operation in Cyprus between 1 December 1986 and 29 May 1987, the Secretary-General informed the Council that the Committee on Missing Persons in Cyprus had held five sessions during the period under review, including 12 formal meetings and 6 informal meetings. He stated that the Committee's investigatory work, namely the interviewing of Greek Cypriot and Turkish Cypriot witnesses about the cases before it, had continued and noted that the three members of the Committee had been examining ways of speeding up the pace of investigations on the cases of missing persons presented to the Committee.

251. On 30 November 1987, the Secretary-General submitted to the Security Council a report[335] on the United Nations operation in Cyprus from 1 June to 30 November 1987 in which he noted that the Committee on Missing Persons in Cyprus had held four sessions, including 15 formal meetings and 6 informal meetings. The Secretary-General attached to his report the joint communiqué issued at the conclusion of the Committee's twenty-second working session on 23 September 1987. In the joint communiqué, the members of the Committee emphasized the absolute necessity of obtaining the most complete and reliable evidence possible, underlined a number of practical and psychological difficulties relating to their task and assured the families of missing persons of their firm intention to reach a conclusive stage as early as possible. The members stressed the purely humanitarian nature of their mandate and activities and emphasized the strictly confidential nature of the Committee's operations in accordance with its terms of reference and mandate and as a guarantee for the witnesses on whose information the Committee depended for its investigations.

252. On 31 May 1988, the Secretary-General submitted a report[336] on the United Nations operation in Cyprus covering developments from 1 December 1987 to 31 May 1988, in which he noted that the Committee on Missing Persons in Cyprus had held four sessions, including 12 formal meetings and 4 informal meetings. The Secretary-General stated that the Committee had discussed reports submitted by both sides in response to the investigations carried out by the Committee in the field, had continued to interview witnesses and had decided to undertake at its twenty-sixth working session a general review of the investigations and reports concerning cases presented to it so far.

253. On 30 November 1988, the Secretary-General submitted a report[337] on the United Nations operation in Cyprus

[329] S C (40), Suppl. for April-June 1985, S/17227/Add.1; ibid., Suppl. for Oct.-Dec. 1985, S/17657/Add.1; S C (41), Suppl. for April-June 1986, S/18102/Add.1; ibid., Suppl. for Oct.-Dec. 1986, S/18491; S C (42), Suppl. for April-June 1987, S/18880; ibid., Suppl. for Oct.-Dec. 1987, S/19304; S C (43) Suppl. for April-June 1988, S/19927; and ibid., Suppl. for Oct.-Dec. 1988, S/20310.

[330] S C (40), Suppl. for April-June 1985, S/17227/Add.1.

[331] Ibid., Suppl. for Oct.-Dec. 1985, S/17657/Add.1.

[332] S C (41), Suppl. for April-June 1986, S/18102/Add.1.

[333] Ibid., Suppl. for Oct.-Dec. 1986, S/18491.

[334] S C (42), Suppl. for April-June 1987, S/18880.

[335] Ibid., Suppl. for Oct.-Dec. 1987, S/19304.

[336] S C (43) Suppl. for April-June 1988, S/19927.

[337] Ibid., Suppl. for Oct.-Dec. 1988, S/20310.

for the period from 1 June to 30 November 1988, by which he informed the Security Council that the Committee on Missing Persons in Cyprus had held four sessions, including eight formal meetings and eight informal meetings. The Secretary-General noted that the Committee had discussed reports submitted by both sides on the investigations carried out in the field by Mr. Würth or his assistants. In addition, the Committee had continued to interview witnesses and carry out other investigatory activities with a view to reaching conclusions on the cases before it as soon as possible.

4. Functions exercised with respect to the question of southern Africa

(a) *Functions exercised with respect to the question of Namibia*[338]

(i) Functions under Security Council resolutions

254. In a report[339] dated 6 June 1985 concerning the implementation of Security Council resolutions 435 (1978) and 439 (1978), the Secretary-General informed the Council that it had not proved possible to finalize arrangements for the implementation of the United Nations plan for Namibia because the Government of South Africa continued to insist on the withdrawal of Cuban troops as a precondition for the implementation of resolution 435 (1978) and had not provided the Secretary-General with a definitive response in regard to its choice of electoral system, as called for under resolution 539 (1983). The Secretary-General noted the recent decision of South Africa to establish an "interim government" in Namibia. He informed the Council that he had sought and obtained the support of the Governments of Canada, France, Germany, the United Kingdom of Great Britain and Northern Ireland and the United States of America in urging the Government of South Africa to refrain from implementing such a measure in direct contravention of resolutions 435 (1978) and 439 (1978) and appealed to all concerned to respect the binding provisions of the United Nations plan, which remained the only agreed basis for the independence of Namibia.

255. In its resolution 566 (1985) of 6 June 1985, the Security Council condemned South Africa for its continued illegal occupation of Namibia and for its installation of an "interim government" in Windhoek in defiance of resolutions 435 (1978) and 439 (1978) and declared the latter action to be null and void. The Council furthermore condemned South Africa for its insistence on linking the independence of Namibia to irrelevant and extraneous issues. It affirmed that, following the consultations undertaken by the Secretary-General pursuant to resolution 532 (1978), all the outstanding issues relevant to resolution 435 (1978) had been resolved except for the choice of the electoral system. The Council decided to mandate the Secretary-General to resume immediate contact with South Africa with a view to obtaining its choice of the electoral system to be used for the election, under United Nations supervision and control, for the Constituent Assembly, in accordance with resolution 435 (1978), in order to pave the way for the implementation of the United Nations plan for the independence of Namibia. The Council further requested the Secretary-General to report on the implementation of resolution 566 (1985) by the first week of September 1985.

256. In response to that request, on 6 September 1985, the Secretary-General submitted to the Security Council a report[340] on the implementation of Security Council resolutions 435 (1978) and 439 (1978) concerning the question of Namibia. The Secretary-General noted that, despite his call to the South African Government to desist from any action that would contravene those resolutions, it had established an "interim government" on 17 June 1985. Against that background, the Secretary-General had resumed his consultations with the Permanent Representative of South Africa to the United Nations and had urged the Government of South Africa to reconsider its position and to communicate to him its choice of electoral system in order to facilitate the implementation of the United Nations plan. The Secretary-General informed the Council that there had been no progress in the implementation of resolution 435 (1978) as the Government of South Africa had continued to maintain its position and had failed to communicate a definitive response regarding the electoral system.

257. On 31 March 1987, the Secretary-General issued a further report[341] in which he provided the Security Council with an account of recent developments concerning the question of Namibia and the implementation of resolutions 435 (1978) and 439 (1978). He stated that the Minister for Foreign Affairs of South Africa had informed him by a letter dated 12 November 1985 that his Government had no objection to a system of a proportional representation as the framework for the elections contemplated in the terms of Security Council resolution 435 (1978). Following consultations with representatives of the front-line States and with the South West Africa People's Organization (SWAPO), the Secretary-General had replied to the Minister's letter on 26 November 1985,[342] confirming that in accordance with the settlement proposal[343] and as provided for in resolution 435 (1978), follow-up action as to how the system of proportional representation would work would be elaborated by the Special Representative of the Secretary-General once implementation of the United Nations plan had commenced. In a statement on 4 March 1986, the Government

[338] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 367-389. In relation to the question of Namibia, see also G A resolutions 40/97, 41/39, 42/14 and 43/26, which are excluded from the present study.

[339] S C (40), Suppl. for April-June 1985, S/17242.

[340] Ibid., Suppl. for July-Sept. 1985, S/17442.

[341] S C (42), Suppl. for Jan.-March 1987, S/18767.

[342] S C (40), Suppl. for Oct.-Dec. 1985, S/17658.

[343] S C (33), Suppl. for April-June 1978, S/12636.

of South Africa proposed that 1 August 1986 should be set as the date for commencement of the implementation of the settlement plan based on resolution 435 (1978), provided that a firm and satisfactory agreement could be reached before that date on the withdrawal of the Cuban troops from Angola. Following a series of consultations, the Secretary-General responded to that statement by informing the Government of South Africa that, together with SWAPO, the front-line States and Angola, he was ready to commence on 1 August 1986, but without preconditions.[344] The Secretary-General informed the Council that, despite those developments, it had not been possible to implement the proposal for commencement on 1 August 1986, due to the continued insistence by the Government of South Africa on the total withdrawal of Cuban troops from Angola before implementation of the United Nations plan.

258. In his report[345] of 27 October 1987, the Secretary-General provided the Security Council with an account of the consultations he had conducted with representatives of South Africa, the front-line States, SWAPO, the Organization of African Unity, the non-aligned countries and Angola. He noted that the Government of South Africa had informed the members of the "interim government" in Namibia that constitutional steps which might impair South Africa's international interests and obligations were not acceptable to South Africa. The Secretary-General stated that, on 15 August 1987, he had sent a mission to attend consultations in South Africa and the front-line States in order to impress on all concerned the need to implement the United Nations plan for Namibia without a linkage precondition, and to facilitate the adoption of final arrangements for a ceasefire between SWAPO and South Africa. The Secretary-General noted that, despite these efforts, the South African Government continued to insist on the withdrawal of the Cuban troops prior to implementing resolution 435 (1978). He further noted that the South African Government had decided not to hold national, general elections in Namibia, as that could have been interpreted as an abrogation of its commitment. Instead, the Government had requested the "interim government" to consider holding second-tier elections, which would not violate its commitment to resolution 435 (1978). The Secretary-General concluded by affirming his commitment to implementing the United Nations plan.

259. In its resolution 601 (1987) of 30 October 1987, the Security Council strongly condemned South Africa for its continued illegal occupation of Namibia and its refusal to comply with the resolutions and decisions of the Security Council, in particular resolutions 385 (1976) and 435 (1978). The Council welcomed the expressed readiness of SWAPO to sign and observe a ceasefire agreement with South Africa, in order to pave the way for the implementation of resolution 435 (1978). The Council furthermore decided to authorize the Secretary-General to proceed to arrange a ceasefire between South Africa and SWAPO in order to undertake the administrative and other practical steps necessary for the emplacement of the United Nations Transition Assistance Group; urged Member States to render all the necessary practical assistance to the Secretary-General and his staff in the implementation of resolution 601 (1987); and requested the Secretary-General to report to the Security Council on the progress in the implementation of the resolution.

260. On 29 September 1988, at the 2827th meeting of the Security Council, the President of the Security Council made a statement[346] on behalf of the members, in which he expressed the grave concern of the members at the delay in the implementation of resolution 435 (1978) since its adoption 10 years earlier; supported the resolute action led by the Secretary-General with a view to the implementation of resolution 435 (1978); and encouraged him to continue his efforts to that end. The Council took note of the developments in recent weeks, in efforts by a number of parties to find a peaceful solution to the conflict in south-western Africa that were reflected in the joint statement[347] of 8 August 1988 by the Governments of Angola, Cuba, South Africa and the United States. The Council further noted the expressed readiness of SWAPO to sign and observe a ceasefire agreement with South Africa.[348] The Council urged the parties to display the necessary political will to translate the commitments they had made into reality in order to bring about a peaceful settlement of the Namibian question and peace and stability in the region. They strongly urged South Africa to comply forthwith with the resolutions and decisions of the Security Council, particularly resolution 435 (1978), and to cooperate with the Secretary-General in its immediate, full and definitive implementation. To that end, the Council urged Member States to render all necessary assistance to the Secretary-General and his staff in the administrative and practical steps necessary for the emplacement of the United Nations Transitional Assistance Group.

(ii) Functions that were to be assigned to the Secretary-General by draft resolutions that failed of adoption by the Security Council

261. At both the 2629th meeting of the Security Council on 15 November 1985 and the 2747th meeting on 9 April 1987, the Council had before it a draft resolution[349] regarding the question of Namibia. By those draft resolutions, the Security Council would have strongly condemned racist South

[344] S C (41) Suppl. for April-June 1986, S/18150.

[345] S C (42), Suppl. for Oct.-Dec. 1987, S/19234.

[346] S C (43), Suppl. for July-Sept. 1988, S/20208.

[347] Ibid., S/20109.

[348] Ibid., S/20129.

[349] S C (40), Suppl. for Oct.-Dec. 1985, S/17633, and S C (42), Suppl. for April-Dec. 1987, S/18785.

Africa for its continued illegal occupation of Namibia and for its persistent refusal to comply with the resolutions and decisions of the Security Council; condemned the Pretoria regime for its installation of an "interim government," and determined that the continued illegal occupation of Namibia constituted a breach of international peace and security and that the persistent refusal by South Africa to comply with Security Council and General Assembly resolutions and decisions, and its violation thereof, constituted a serious threat to international peace and security. The Security Council furthermore would have imposed mandatory sanctions against South Africa, and would also have called upon all States to implement the respective resolutions and to report to the Secretary-General on the measures taken to implement them. The Council in addition would have requested the Secretary-General to report to the Security Council on the implementation of the resolutions. The drafts presented at the 2629th and 2747th meetings were not adopted due, respectively, to the negative votes of two permanent members of the Security Council, and the negative vote of one permanent member of the Security Council.

(b) *Functions exercised with respect to the question of South Africa*

(i) Efforts to save the lives of political prisoners in South Africa

262. In its resolution 560 (1985) of 12 March 1985, the Security Council strongly condemned the arbitrary arrests by the Pretoria regime of members of the United Democratic Front and other mass organizations opposed to South Africa's policy of apartheid and called upon the Pretoria regime to release unconditionally and immediately all political prisoners and detainees, including Nelson Mandela and all other black leaders with whom it must deal in any meaningful discussion of the future of the country. The Security Council furthermore requested the Secretary-General to report to it on the implementation of the resolution.[350]

263. In its resolution 569 (1985) of 26 July 1985, the Security Council called upon the South African Government to set free immediately and unconditionally all political prisoners and detainees, first of all Nelson Mandela, and requested the Secretary-General to report to the Council on the implementation of the resolution.[351]

264. In its resolution 581 (1986) of 13 February 1986, the Security Council demanded that the racist regime of South Africa put an end to the violence against and repression of black people and other opponents of apartheid, unconditionally release all persons imprisoned, detained or restricted for their opposition to apartheid and lift the state of emergency. The Council requested the Secretary-General to report to it as the situation demanded.

265. On 15 March 1988, the Secretary-General appealed to the President of South Africa for clemency towards the six young South Africans known as "the Sharpeville Six".[352]

(ii) Measures taken against the apartheid regime of South Africa

266. In its resolution 566 (1985) of 19 June 1985, the Security Council urged Member States that had not already done so to consider taking appropriate voluntary measures against South Africa in relation to its illegal occupation of Namibia, which could include the following: suspension of new investments and application of disincentives to that end; re-examination of maritime and aerial relations with South Africa; prohibition of the sale of krugerrands and all other coins minted in South Africa; and restrictions on sports and cultural relations.[353] The Council requested the Secretary-General to report on the implementation of the resolution not later than the first week of September 1985.[354]

267. Pursuant to that request, on 6 September 1985, the Secretary-General submitted to the Security Council a report[355] in which he detailed the communications between himself and the Government of South Africa on resolution 566 (1985).[356]

268. On 26 July 1985, the Security Council adopted resolution 569 (1985), in which it urged Member States to adopt measures against South Africa such as: suspension of all new investment in South Africa; prohibition of the sale of krugerrands and all other coins minted in South Africa; restriction on sports and cultural relations; suspension of guaranteed export loans; prohibition of all new contracts in the nuclear field; and prohibition of all sales of computer equipment that might be used by the South African army and police. The Council commended those States that had already adopted voluntary measures against the Pretoria Government and requested the Secretary-General to report to the Council on the implementation of the resolution.[357]

269. In its resolution 591 (1986) of 28 November 1986, the Security Council requested States to implement strictly resolution 418 (1977), by which the Council had decided upon a mandatory arms embargo against South Africa and had requested all States to refrain from importing arms, ammunition and military vehicles produced in South Africa

[350] No reports relating to this request were submitted by the Secretary-General during the period under review.

[351] No reports relating to this request were submitted by the Secretary-General during the period under review.

[352] SG/SM/4094.

[353] S C resolution 566 (1986), para. 14.

[354] Ibid., para. 15.

[355] S C (40), Suppl. for July-Sept. 1985, S/17442.

[356] The report did not state any views in relation to paragraph 14 (voluntary measures) of resolution 566 (1986).

[357] During the period under review, the Secretary-General did not submit a report to the Security Council pursuant to resolution 569 (1985).

and to put an end to exchanges and visits by government personnel that might increase or maintain South Africa's military or police capabilities. The Council also urged States to take steps to ensure that components of embargoed items did not reach the South African military establishment and police through third countries and to prohibit the export of items which they had reason to believe were destined for the military and/or police forces of South Africa, had a military capacity and were intended for military purposes, and requested States to refrain from any cooperation in the nuclear field with South Africa. It also further requested all States to adopt measures to investigate violations, prevent future circumventions and strengthen their machinery for the implementation of resolution 418 (1977) with a view to the effective monitoring and verification of transfers of arms and other equipment in violation of the arms embargo. The Council requested the Secretary-General to report to the Council on the implementation of resolution 591 (1986) no later than 30 June 1987.

270. Pursuant to that request, on 30 June 1987, the Secretary-General submitted to the Security Council a report[358] in which he reproduced the substantive parts of the replies he had received from Member States in response to his request for information regarding the measures taken by Governments in accordance with resolution 591 (1986).

271. In its resolutions 42/23 B and 43/50 D, the General Assembly urged all States that had not yet done so, pending the imposition of comprehensive and mandatory sanctions, to adopt legislative or comparable measures to impose effective sanctions against South Africa. The Assembly provided a list of such measures, including imposing an embargo on the supply of oil and petroleum products; prohibiting the import of coal, gold, strategic minerals and agricultural products from South Africa and Namibia; inducing transnational corporations, banks and financial institutions to withdraw effectively from South Africa and preventing them from investing, supplying or engaging in commercial transactions in South Africa; ensuring the effectiveness of the sports and cultural boycott of South Africa; severing all air, sea and other transport links with South Africa; and preventing their own citizens from serving in South Africa's armed forces. In both resolutions the Secretary-General was requested to report to the General Assembly at its next session on measures adopted and implemented by States against South Africa, especially in areas in which the South African economy depended on the outside world.

272. Pursuant to resolution 42/23 B, on 7 November 1988, the Secretary-General submitted to the General Assembly a report[359] in which he gave an account of the nature and scope of the measures taken against South Africa in the economic field. The report set out some of the problems relating to the implementation of those measures and concluded that there was a need for standardized and universal implementation of coercive measures against South Africa as well as for efficient intergovernmental cooperation and the enactment of measures based on joint decisions.

273. During the period under review, the General Assembly adopted several resolutions[360] in which it appealed to all States that had not yet done so, pending the imposition of mandatory sanctions by the Security Council, to consider national legislative measures or other appropriate measures to increase pressure on the apartheid regime of South Africa. In each resolution the Secretary-General was requested to report to the General Assembly at the next session on the implementation of the resolution.

274. In accordance with those requests,[361] the Secretary-General submitted several reports[362] to the General Assembly during the period under review, each of which contained the replies he had received from Member States regarding the implementation of the resolution in question.

275. During the period under review, two draft resolutions submitted for adoption by the Security Council regarding the question of South Africa failed to be adopted. At both the 2738th meeting of the Council on 20 February 1987 and the 2797th meeting on 8 March 1988, the Security Council had before it a draft resolution[363] regarding the question of South Africa. By those draft resolutions, the Council would have strongly condemned the apartheid policy and practices of the South African regime and South Africa's continued defiance of relevant resolutions of the Security Council and the General Assembly which constituted a direct challenge to the authority of the United Nations. The Security Council furthermore would have imposed mandatory sanctions against South Africa and would also have called upon all States to implement the resolution(s) and to report to the Secretary-General on the measures taken to implement them. The Council in addition would have requested the Secretary-General to report to the Security Council on the implementation of the resolution(s). The drafts presented at the 2738th and 2797th meetings were not adopted due to the negative votes of two permanent members of the Security Council.

(iii) Question of the nuclear capability of South Africa

276. On 28 November 1986, the Security Council adopted resolution 591 (1986), in which it requested all States to implement strictly its resolution 418 (1977) and to refrain

[358] S C (42), Suppl. for April-June 1987, S/18961.

[359] A/43/786.

[360] G A resolutions 40/64 I, 41/35 H, 42/23 G and 43/50 K.

[361] G A resolutions 40/64 I, 41/35 H and 42/23 G.

[362] A/41/506, A/42/710 and A/43/699.

[363] S C (42), Suppl. for Jan.-March 1987, S/18705, and S C (43), Suppl. for Jan.-March 1988, S/19585.

from any cooperation in the nuclear field with South Africa that could contribute to the manufacture and development by South Africa of nuclear weapons or nuclear explosive devices.[364] In addition, the Council urged all States to prohibit the export to South Africa of items which they had reason to believe were destined for military capacity and were intended for military or police purposes, namely, aircraft, aircraft engines, aircraft parts, electronic and telecommunication equipment, computers and four-wheel drive vehicles. The Council furthermore called upon States which had not yet done so to put an end to exchanges, visits and exchanges of visits by government personnel when such visits and exchanges could maintain or increase South Africa's military or police capabilities. The Council in addition requested the Secretary-General to report to the Security Council on the progress in the implementation of resolution 591 (1986), the first report to be submitted as soon as possible and no later than 30 June 1987.

277. Pursuant to that request, on 30 June 1987, the Secretary-General submitted to the Security Council a report[365] in which he reproduced the substantive parts of the replies he had received from Member States in response to his request for information regarding the measures taken by Governments in accordance with provisions of resolution 591 (1986).

278. At each regular session during the period under review, the General Assembly adopted a resolution[366] on the question of the nuclear capability of South Africa. In each resolution the Assembly condemned the massive build-up of South Africa's military machine, in particular its frenzied acquisition of nuclear-weapon capability for repressive and aggressive purposes and as an instrument of blackmail. The Assembly moreover called upon all States, corporations, institutions and individuals to terminate forthwith all forms of military and nuclear collaboration with the racist regime of South Africa. In each resolution the Secretary-General was requested to follow very closely South Africa's evolution in the nuclear field and to report thereon to the General Assembly at its next session.

279. Pursuant to those requests, the Secretary-General continued to follow South Africa's evolution in the nuclear field and to submit reports to the General Assembly on the nuclear capability of South Africa.[367] He also informed the General Assembly of his contacts with the International Atomic Energy Agency (IAEA) and attached to each report updated information regarding South Africa's nuclear capability, provided by IAEA.

[364] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 390-409.

[365] S C (42), Suppl. for April-June 1987, S/18961.

[366] G A resolutions 40/89 A, 41/55 B, 42/34 B and 43/71 B.

[367] See A/41/490, A/42/649 and A/43/701.

***(iv) Consultations with IMF, IBRD and IAEA in connection with their assistance to South Africa*

(v) Measures taken to protect South African refugees

a. South African refugees in Botswana

280. In its resolution 568 (1985) of 21 June 1985, the Security Council strongly condemned South Africa's unprovoked and unwarranted military attack on the capital of Botswana, demanded the immediate, total and unconditional cessation of all acts of aggression by South Africa against Botswana and demanded full and adequate compensation by South Africa to Botswana for the damage to life and property resulting from that aggression. The Council affirmed Botswana's right to receive and give sanctuary to the victims of apartheid in accordance with its traditional practice, humanitarian principles and international obligations. The Council furthermore requested the Secretary-General to enter into immediate consultations with the Government of Botswana and the relevant United Nations agencies on measures to be undertaken to assist the Government of Botswana in ensuring the safety, protection and welfare of refugees in Botswana. The Council requested the Secretary-General to send a mission to visit Botswana for the purpose of assessing the damage caused by South Africa's unprovoked and premeditated acts of aggression, proposing measures to strengthen Botswana's capacity to receive and provide assistance to South African refugees and determining the consequent level of assistance required by Botswana. The Council also requested the Secretary-General to monitor developments related to the question and to report to the Security Council as the situation demanded.

281. On 11 September 1985, the Secretary-General submitted a report[368] to the Security Council pursuant to resolution 568 (1985) in which he informed the Council that he had sent a mission to visit Botswana from 27 July to 2 August 1985 and transmitted the report of that mission with his report. During the mission's consultations with the President of Botswana, the Government of Botswana had informed the mission that the unprovoked military attack on the capital of Botswana, Gaborone, by South Africa on 14 June 1985 was part of the continuing pressure exerted by South Africa to restrict or prevent Botswana from receiving refugees from South Africa. Accordingly, the Government of Botswana rejected the South African justification of an anti-terrorist operation against the activities of African National Congress (ANC) elements from Botswana. The members of the mission had visited the sites that had been the target of the attacks of 14 June 1985, met with representatives of the resident diplomatic community, the South African refugee community and non-governmental organizations dealing with the refugees, as well as with the local representatives of United Nations organizations and agen-

[368] S C (40), Suppl. for July-Sept. 1985, S/17453.

cies. In its report, the mission gave an account of the precarious security situation in Botswana and conveyed details of the financial proposal put forward by the Government of Botswana to increase the capacity of its Defence Force. The mission provided an assessment of the measurable damage sustained in Botswana and made recommendations to improve the capacity of Botswana to receive, process, administer and improve the welfare of its refugee community.

282. On 30 September 1985, the Security Council adopted resolution 572 (1985), in which it expressed its appreciation to the Secretary-General for having arranged a mission to Botswana to assess the damage caused by South Africa's acts of aggression. It also expressed its appreciation to the Secretary-General for proposing measures to strengthen Botswana's capacity to receive and provide assistance to South African refugees as well as for determining the level of assistance required by Botswana to cope with the situation resulting from the attacks. The Council endorsed the report of the mission to Botswana under resolution 568 (1985) and demanded that South Africa pay full and adequate compensation to Botswana for the loss of life and damage to property resulting from its acts of aggression. It requested Member States, international organizations and financial institutions to assist in the fields identified in the report of the mission to Botswana. The Security Council furthermore requested the Secretary-General to give the matter of assistance to Botswana his continued attention and to keep the Security Council informed.

283. On 13 February 1986, the Security Council adopted resolution 581 (1986), in which it commended the front-line States and other States neighbouring South Africa for their support of freedom and justice in South Africa and requested Member States to extend urgently all forms of assistance to those States in order to strengthen their capacities to receive, maintain and protect South African refugees in their respective countries. The Council moreover requested the Secretary-General to monitor developments relating to South Africa's threats to escalate acts of aggression against independent States in southern Africa, and to report to the Security Council as the situation demanded.[369]

b. South African refugees in Lesotho

284. On 30 December 1985, the Security Council adopted resolution 580 (1985), in which recalling its resolution 527 (1982), it strongly condemned the killings and recent acts of unprovoked and premeditated violence for which South Africa was responsible against Lesotho in flagrant violation of the sovereignty and territorial integrity of that country. The Council demanded the payment by South Africa of full and adequate compensation to Lesotho for the damage and loss of life resulting from those acts of aggression. It furthermore reaffirmed Lesotho's right to receive and give sanctuary to the victims of apartheid in accordance with its traditional practice, humanitarian principles and its international obligations. The Council requested the Secretary-General to establish, in consultation with the Government of Lesotho, an appropriate presence, comprising one or two civilians, in Maseru for the purpose of keeping him informed of any development affecting the territorial integrity of Lesotho. The Council also requested the Secretary-General, through appropriate means, to monitor the implementation of the resolution and the prevailing situation and to report to the Security Council as the situation demanded.[370]

(c) *Questions concerning the activities of transnational corporations in South Africa and Namibia*

285. In its resolution 40/64 A of 10 December 1985, the General Assembly condemned the activities of transnational corporations and financial institutions that had continued their political, economic, military and nuclear collaboration with the racist minority regime of South Africa, ignoring repeated appeals by the General Assembly.[371]

286. Furthermore, in its resolution 1986/1 of 19 May 1986, the Economic and Social Council expressed its appreciation to the Panel of Eminent Persons established by the Secretary-General in accordance with resolution 1981/86[372] to conduct public hearings on the activities of transnational corporations in South Africa and Namibia for its report and recommendations,[373] and requested the Secretary-General to take the necessary steps to coordinate and implement the recommendations contained in the report of the Panel. The Council also requested the Secretary-General to report on an annual basis to the Commission on Transnational Corporations, the Economic and Social Council, the General Assembly and the Security Council on the implementation of resolution 1986/1 until the abolition of apartheid had been achieved. It further requested the Secretary-General to continue to instruct the Secretariat to collect and disseminate information on the activities of transnational corporations in Namibia and South Africa; to provide more detailed information on the profiles of transnational corporations operating in Namibia and South Africa; and to update, for submission to the Commission on Transnational Corporations, the reports[374] of the Secretary-General on the activities of transnational corporations in South Africa and Namibia and

[369] The Secretary-General did not submit a report pursuant to resolution 580 (1985) during the period under review.

[370] The Secretary-General did not submit a report pursuant to resolution 580 (1985) during the period under review.

[371] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 407-409.

[372] The Economic and Social Council, in its resolution 1981/86 of 2 November 1981, requested the Secretary-General to make arrangements for the organization of public hearings on the activities of transnational corporations in South Africa and Namibia.

[373] See E/C.10/1986/9.

[374] E/C.10/1986/8 and E/C.10/1986/10.

on the responsibilities of the home countries with respect to those activities. The Council additionally requested the Secretary-General to monitor developments related to the question and to report to the Security Council as the situation demanded. Pursuant to resolution 1986/1, the Secretary-General submitted a report dated 9 February 1987 describing the available information on the implementation of the recommendations of the Panel of Eminent Persons established to conduct public hearings on the activities of transnational corporations in South Africa and Namibia.[375]

287. In its resolution 41/35 B of 10 November 1986, the General Assembly condemned the activities of those transnational corporations that had continued to collaborate with South Africa, and requested the Secretary-General, bearing in mind Assembly resolution 40/64 A, to undertake a study on the relationship of various specialized agencies, bodies and organizations of the United Nations system with banks and financial institutions that conducted business in South Africa or with entities in South Africa.

288. In its resolution 1987/56 of 28 May 1987, the Economic and Social Council repeated the requests made to the Secretary-General in its resolution 1986/1 and further requested the Secretary-General to prepare a detailed and consolidated study on the activities of transnational corporations in South Africa and Namibia, in particular on the impact of their disinvestment programmes and the replacement of investment by non-equity links. The Council also requested the Secretary-General to take all necessary steps to ensure the immediate implementation of the recommendations of the Panel of Eminent Persons. Pursuant to resolution 1987/56, the Secretary-General submitted a follow-up report to the recommendations of the Panel of Eminent Persons established to conduct the public hearings on the activities of transnational corporations in South Africa and Namibia dated 8 February 1988.[376]

289. In its resolutions 42/23 B of 20 November 1987 and 43/50 D of 5 December 1988, the General Assembly requested all States that had not yet done so, pending the imposition of comprehensive and mandatory sanctions, to adopt legislative or comparable measures so as to impose effective sanctions against South Africa and, in particular, to induce transnational corporations, banks and financial institutions to withdraw effectively from South Africa and to prevent them from investing in South Africa and Namibia, supplying materials and technology to South Africa and Namibia, and from engaging in commercial transactions with South Africa or granting loans or credits to South Africa. The Assembly furthermore requested the Secretary-General to report on the implementation of each resolution.

290. In its resolution 1988/56 of 27 July 1988, the Economic and Social Council repeated the requests made to the Secretary-General in its previous resolutions[377] and requested the Secretary-General to establish by 1989 a panel of eminent persons to conduct public hearings in Europe on the activities of transnational corporations in South Africa and Namibia with a view to further mobilizing public opinion to induce home Governments and transnational corporations to cease any kind of collaboration with the South African regime. The Council also requested the Secretary-General to take all necessary measures to publicize the list contained in his report[378] on the implementation of the recommendations of the Panel of Experts established in accordance with resolution 1981/86,[379] with a view to mobilizing public opinion in the home countries of transnational corporations still operating in South Africa and Namibia. The Council further requested the Secretary-General to undertake a study of which countries had become the main home countries of transnational corporations operating in South Africa and Namibia.

291. Pursuant to General Assembly resolution 42/23 B, the Secretary-General, on 7 November 1988, submitted to the Assembly a report[380] in which he gave an account of the nature and scope of the measures taken by States against South Africa in the economic field. The report set out some of the problems relating to the implementation of those measures with regard to the activities of transnational corporations, for example, jurisdictional barriers and inadequate procedures for monitoring compliance, and concluded that there was a need for standardized and universal implementation of coercive measures against South Africa, as well as for efficient intergovernmental cooperation and the enactment of measures based on joint decisions.

5. Functions exercised in connection with the situation between Iran and Iraq

292. On 16 January 1985, the Secretary-General submitted a note[381] to the Security Council in which he conveyed the report of the United Nations inspection team based in Tehran regarding an inspection carried out on 7 and 8 January 1985. In response to the oral and written requests made by the Government of Iran on 5 January 1985, the Secretary-General had sent the United Nations inspection team based in Tehran to visit the villages of Bardieh, Dehlavieh and Alavaneh to verify compliance with the undertakings by the Governments of Iran and Iraq to refrain from initiating deliberate attacks by any means on purely civilian population centres in either country, effective 12 June 1984.[382] The

[375] See E/1987/13.
[376] E/1988/23.
[377] E S C resolutions 1986/1 and 1987/56.
[378] E/1988/23 and Corr.1-3.
[379] In its resolution 1981/86 of 2 November 1981, the Economic and Social Council requested the Secretary-General to make arrangements for the organization of public hearings on the activities of transnational corporations in South Africa and Namibia.
[380] A/43/786.
[381] S C (40), Suppl. for Jan.-March 1985, S/16897.
[382] S/16627, in Resolutions and Decisions of the Security Council,

team reached the conclusion that the villages of Bardieh, Dehlavieh and Alavaneh had been subject to aerial attacks that had occurred, in its estimation, on 4 January 1985. Unlike the villages of Bardieh and Dehlavieh, which were purely civilian population centres, the village of Alavaneh was located in proximity to a military installation, and for that reason the United Nations inspection team was not able to determine whether the village of Alavaneh had been the intended target.

293. On 30 January 1985, the Secretary-General submitted a note[383] to the Security Council by which he conveyed the report of the United Nations inspection team based in Baghdad on an inspection carried out on 28 January 1985. In response to the oral and written requests of the Government of Iraq, the Secretary-General instructed the United Nations team in Baghdad to carry out inspections in the villages of Al-Jawaber and Saregah, which had allegedly been shelled on 26 January 1985. The United Nations team expressed its opinion that the highway dividing the villages concerned could have constituted a line of communication of military utility. The team examined three craters caused by shell impacts and concluded that, while one crater could have been caused by shelling carried out on 26 January 1985, the other two had been formed prior to that date and there was no evidence enabling them to determine the type of munitions which had been used. The report concluded that, in the light of the information and evidence gathered during its inspections, the team was not able to state that a deliberate attack on a purely civilian population centre had occurred on 26 January 1985.

294. The Secretary-General submitted a note[384] to the Security Council on 19 February 1985, in which he transmitted the report of the mission he had dispatched to investigate the situation of prisoners of war in Iran and Iraq. The Secretary-General recalled that the mission had been sent at the request of the Governments of Iraq and Iran, following allegations by Iraq of an incident that had occurred in the Gorgan Camp involving the killing or injuring of prisoners of war by Iranian military authorities. The mission had visited Iraq from 11 to 17 January 1985, and proceeded to Iran from 18 to 25 January 1985. In its report, the mission disclosed the results of its investigation of the incident at Goran, gave an account of its visits to both Iranian and Iraqi camps and made recommendations to both Governments. In his note, the Secretary-General expressed his deep dismay and concern that the unanimous findings of the mission indicated that the terms of the Third Geneva Convention relative to the Treatment of Prisoners of War[385] had not been fulfilled. The Secretary-General was of the view that, in addition to seeking full compliance with the terms of the Third Geneva Convention,[386] an effective approach would be to seek an exchange of certain defined categories of prisoners of war on the basis of an agreement between the Governments of Iraq and Iran.

295. On 5 March 1985, the President of the Security Council issued a statement[387] on behalf of the members of the Council, in which the Council expressed alarm over the reports that the Governments of Iran and Iraq were attacking or preparing to attack civilians areas. The President of the Council appealed to both Governments to exercise restraint and to continue to honour their undertakings that they had made to the Secretary-General in June 1984, not to attack civilian targets.[388]

296. On 15 March 1985, the President of the Security Council issued a statement[389] on behalf of the members of the Council in which the Council urgently appealed for a cessation of hostilities, commencing with the implementation of a moratorium on attacks against purely civilian centres. The members of the Council decided to remain actively seized of the question and to pursue consultations with the two parties and with the Secretary-General.

297. In a report[390] dated 12 April 1985, the Secretary-General stated that, in March 1985, he had met in New York with Kamzempour-Ardebili, Deputy Foreign Minister of Iran, and Tariq Aziz, Foreign Minister of Iraq, and proposed an eight-point plan designed to attain a comprehensive settlement of the conflict between the two States, which, inter alia, addressed the issue of ending the use of chemical weapons. During his discussions with the two Governments, the Secretary-General expressed his readiness to go to Baghdad and Tehran to discuss all aspects of the conflict. Following the acceptance of that proposal, he travelled to the two countries between 6 and 9 April 1985. The Secretary-General stated that, while the positions of the two parties remained wide apart, both Governments had agreed that the proposals of the Secretary-General could serve as a basis for further discussion and had allowed the United Nations inspection teams to remain in Baghdad and Tehran.[391]

298. In a letter[392] to the President of the Security Council dated 17 April 1985, the Secretary-General stated that, in response to numerous allegations concerning the use of chemical weapons in the conflict between Iran and Iraq, he

1984, p. 11; see also *Repertory, Supplement No. 6,* vol. VI, under Article 98, para. 447.

[383] S C (40), Suppl. for Jan.-March 1985, S/16920.

[384] Ibid., S/16962.

[385] United Nations, *Treaty Series*, vol. 75, No. 972, p. 135.

[386] Ibid.

[387] S C (1985), Resolutions and Decisions, S/17004, p. 6.

[388] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, para. 447.

[389] S/17036, in Resolutions and Decisions of the Security Council, 1985, p. 6.

[390] S C (40), Suppl. for April-June 1985, S/17097.

[391] See also *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 562-564.

[392] S C (40), Suppl. for April-June 1985, S/17127 and Add.1.

had decided to dispatch a medical specialist[393] to travel to hospitals in Belgium, Germany and the United Kingdom from 1 to 5 April 1985 and to examine Iranian patients hospitalized allegedly as a result of the use of chemical weapons, with the aim of obtaining an authoritative and independent opinion on the information coming from the hospitals concerned. The Secretary-General annexed to his letter the report issued on 8 April 1985 by the medical specialist, which concluded that chemical weapons had been used during March 1985 in the war between Iran and Iraq.

299. At its 2576th meeting, on 25 April 1985, the Security Council considered the report[394] of the Secretary-General on his visit to Iran and Iraq and the letter dated 17 April 1985 from the Secretary-General addressed to the Security Council.[395] In a presidential statement[396] made at that meeting, the members of the Council strongly condemned the renewed use of chemical weapons in the conflict between Iran and Iraq and urged the strict observance of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,[397] according to which the use of chemical weapons in war was prohibited. The members of the Council expressed their appreciation and support to the Secretary-General for his report[398] and called upon the parties concerned to cooperate with the Security Council and with the Secretary-General in their efforts to restore peace to the peoples of Iran and Iraq.

300. On 24 February 1986, the Security Council adopted resolution 582 (1986), in which it deplored the initial acts that had given rise to the conflict between Iran and Iraq, the continuation and escalation of the conflict and, in particular, the use of chemical weapons contrary to obligations under the Geneva Protocol. The Council also called for an immediate ceasefire, a cessation of all hostilities, the withdrawal of all forces to internationally recognized boundaries without delay, a comprehensive exchange of prisoners of war and the submission by both parties of all aspects of the conflict to mediation or to any other means of peaceful settlement of disputes. Furthermore, it requested the Secretary-General to continue his ongoing efforts, to assist the two parties to give effect to the resolution and to keep the Security Council informed.

301. Pursuant to that request, the Secretary-General, on 24 February 1986, gave instructions to the team of specialists who had conducted a fact-finding mission in Iran in March 1984[399] to reassemble in Vienna and to proceed without delay to Iran.[400] He reiterated to the Government of Iraq his readiness to instruct the specialist mission to also visit Iraq and to investigate Iraq's allegations concerning the issue, should the Government so request while the mission was still in the area. By a note[401] to the Security Council dated 12 March 1986, the Secretary-General transmitted to the Council the joint report of the specialists dated 7 March 1986, expressed his regret that the specialists had confirmed the use of chemical weapons by Iraqi forces against Iranian forces, most recently in the course of the current Iranian offensive into Iraqi territory, and once again expressed his readiness to assist in bringing about a comprehensive settlement of the conflict between Iran and Iraq.

302. At the 2667th meeting of the Security Council, on 21 March 1986, the President of the Security Council made a statement[402] on behalf of the members of the Council by which the members strongly condemned the continued use of chemical weapons by Iraqi forces against Iranian forces in clear violation of the Geneva Protocol,[403] underlined the urgent need for full compliance by both parties with resolution 582 (1986), noted that both parties had declared themselves ready to cooperate with the Secretary-General in his ongoing efforts to restore peace to the peoples of Iran and Iraq, and expressed its support for those efforts.

303. In its resolution 588 (1986) of 8 October 1986, the Security Council called upon Iran and Iraq to implement fully and without delay resolution 582 (1986) and requested the Secretary-General to intensify his efforts with the parties to give effect to resolution 582 (1986) and to report to the Council no later than 30 November 1986.

304. Pursuant to that request, the Secretary-General, on 26 November 1986, submitted a report[404] to the Security Council on the action that he had taken. He stated that, following the adoption of resolution 588 (1986), he had dispatched identical cables to the Foreign Ministers of Iran and Iraq requesting them to inform him of the current position of their respective Governments with regard to resolution 588 (1986), to provide him with any proposals or ideas on how efforts could be intensified to secure the essential aims of that resolution and to consider the reactivation of the eight-point plan which he had presented to the two Governments in March 1985. The Secretary-General summarized the principal elements of the respective positions of the two parties and noted that they showed no degree of coincidence which would provide a basis for the specific

[393] The specialist was a member of the team of specialists which visited Iran in March 1984 and who submitted its report to the Security Council: S/16433.

[394] S C (40), Suppl. for April-June 1985, S/17097.

[395] Ibid., S/17127 and Add.1.

[396] Ibid., S/17130.

[397] League of Nations, *Treaty Series*, vol. XCIV (1929), No. 2138, p. 65.

[398] S C (40), Suppl. for April-June 1985, S/17097.

[399] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, para. 443.

[400] S C (41), Suppl. for Jan.-March 1986, S/17911, para. 9.

[401] Ibid., S/17911.

[402] Ibid., S/17932.

[403] League of Nations, *Treaty Series*, vol. XCIV (1929), No. 2138, p. 65.

[404] S C (41), Suppl. for Oct.-Dec. 1986, S/18480.

proposals designed to give effect to resolution 588 (1986). He reiterated his view that the Security Council should persevere in establishing a basis upon which both Iran and Iraq would find it possible to extend their cooperation to the United Nations in dealing with the threat to regional and international peace and security and to advance the prospects for peaceful settlement. The Secretary-General affirmed his intention to maintain contacts with both parties in a continuing effort to identify any opportunity to promote a cessation of hostilities and stated that he would hold direct talks with government representatives of Iran and Iraq at the Fifth Islamic Summit Conference in Kuwait in January 1987 and would continue to study all developments impinging on the conflict between Iran and Iraq.

305. At the 2730th meeting of the Security Council, on 22 December 1986, the President of the Security Council made a statement on behalf of the members of the Council in which the members reiterated their call for the implementation of resolutions 582 (1986) and 588 (1986), emphasized the obligation of Member States to settle their disputes by peaceful means and cooperate with the Security Council, and requested the Secretary-General to continue his efforts and to call upon the parties to cooperate with him.

306. On 16 January 1987, after consultations following the intensification of hostilities between Iran and Iraq, the President of the Security Council made a statement on behalf of the members of the Council[405] in which the members recalled the statements made on behalf of the Council on 21 March and 22 December 1986 and once again issued an urgent appeal to the parties to comply with resolutions 582 (1986) and 588 (1986). In that context, they appreciated the efforts made by the Secretary-General and urged him to persevere in those efforts.

307. In a note[406] to the Security Council dated 8 May 1987, by which the Secretary-General transmitted the report of the mission of specialists dispatched by him to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq, the Secretary-General expressed his dismay at the mission's conclusions about the continued use of chemical weapons in both Iran and Iraq, reaffirmed his readiness to assist in the search for a comprehensive settlement of the conflict and appealed to the Governments of Iran and Iraq to respond to the efforts of the United Nations to restore peace.

308. On 14 May 1987, after consultations of the Security Council following its consideration of the report of the mission of specialists dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq, the President of the Security Council made a statement on behalf of the members of the Council[407] in which the members condemned the repeated use of chemical weapons in open violation of the Geneva Protocol of 1925, in which the use of chemical weapons was clearly prohibited; emphatically demanded that the provisions of the Geneva Protocol be strictly respected and observed; condemned the prolongation of the conflict which, in addition to violations of international humanitarian law, continued to exact an appalling toll of human life and endangered peace and security in the region; reiterated their call for respect for the territorial integrity of all States in the region; affirmed resolution 582 (1986) and called upon both parties to cooperate with the efforts of the Security Council to settle the conflict; and expressed support for the Secretary-General's efforts to restore peace to the peoples of Iran and Iraq and called upon both States to respond positively to his efforts.

309. In its resolution 598 (1987) of 20 July 1987, the Security Council demanded that Iran and Iraq observe an immediate ceasefire, discontinue all military actions on land, at sea and in the air and withdraw all forces to the internationally recognized boundaries without delay. The Council also urged that prisoners of war be released and repatriated without delay after the cessation of active hostilities in accordance with the Third Geneva Convention of 12 August 1949.[408] The Council requested the Secretary-General to dispatch a team of United Nations observers to verify, confirm and supervise the ceasefire and withdrawal, and called upon Iran and Iraq to cooperate with the Secretary-General in implementing the resolution and in mediation efforts to achieve a comprehensive settlement, acceptable to both sides, of all outstanding issues. The Council also requested the Secretary-General to explore, in consultation with Iran and Iraq, the question of entrusting an impartial body with inquiring into responsibility for the conflict and to report thereon to the Council as soon as possible, as well as to assign a team of experts to study the question of reconstruction and to report to the Council, and to keep the Council informed on the implementation of the resolution.

310. By a decision[409] adopted at its 2779th meeting, on 24 December 1987, the Security Council took note of the Secretary-General's efforts to implement resolution 598 (1987) and requested him to continue to fulfil the mandate assigned to him in that resolution.

311. On 16 March 1988, the President of the Security Council stated[410] on behalf of the Security Council that the members strongly deplored the escalation of the hostilities

[405] S C (42), Suppl. for Jan.-March 1987, S/18610.
[406] Ibid., Suppl. for April-June 1987, S/18852.
[407] Ibid., S/18863.
[408] United Nations, *Treaty Series*, vol. 75, No. 972, p. 135.
[409] S C (42), Suppl. for Oct.-Dec. 1987, S/19382.
[410] S/19626, in Resolutions and Decisions of the Security Council, 1988, p. 9.

between Iran and Iraq, particularly the attacks against civilian targets and cities which had taken a heavy toll in human lives and caused vast material destruction, in spite of the declared readiness of the belligerent parties to cease such attacks. The Council moreover insisted that Iran and Iraq immediately cease all such attacks and desist forthwith from all acts that might lead to the escalation of the conflict and create further obstacles in the way of the implementation of resolution 598 (1987). The Council encouraged the Secretary-General to continue his efforts to implement resolution 598 (1987).

312. In a note[411] submitted to the Security Council on 25 April 1988, the Secretary-General stated that, despite many international appeals and worldwide condemnations, chemical weapons continued to be used in the conflict between Iran and Iraq and that the use of such weapons might have intensified. The Secretary-General stated that, on 25 March 1988, he had dispatched a medical specialist to Iran to investigate the allegations lodged by Iran. On 5 April 1988, the Secretary-General had dispatched the same medical specialist to travel to Iraq to investigate the allegations made by that Government. In an annex to his note, the Secretary-General transmitted the text of the medical specialist's report to the Security Council on the investigations conducted in Iran and Iraq.

313. In its resolution 612 (1988) of 9 May 1988, the Security Council, having considered the report[412] of the mission dispatched by the Secretary-General to investigate allegations of the use of chemical weapons in the conflict between Iran and Iraq, affirmed the urgent necessity of the strict observance of the 1925 Geneva Protocol,[413] vigorously condemned the use of chemical weapons in the conflict between Iran and Iraq contrary to the obligations under the Geneva Protocol and called upon all States to continue to apply, or to establish, strict control of the export to Iran or Iraq of chemical products serving for the production of chemical weapons.

314. In a note[414] submitted to the Security Council on 20 July 1988, the Secretary-General stated that, in response to further allegations of the use of chemical weapons in the conflict between Iran and Iraq and with the support of the members of the Security Council, he had dispatched a specialist mission to Iran on 25 June 1988 to investigate the alleged use of chemical weapons. The Secretary-General transmitted the text of the joint report of the mission and drew attention to the specialists' view that it might be "necessary to review existing machinery for verification by United Nations teams of the use of chemical weapons in the present conflict in order to ensure the timely presence of experts at the site of alleged attacks". The Secretary-General concluded by stating his determination to move forward vigorously with his efforts to bring stability to the region, in close consultation with the Security Council.

315. In a note[415] submitted to the Security Council on 25 July 1988, the Secretary-General stated that in response to allegations by the Government of Iraq of the use by Iranian forces of chemical weapons against Iraqi forces, he had dispatched the same mission of specialists to proceed to Iraq on 9 July 1988 to investigate the latter's complaint.[416] The Secretary-General transmitted the text of the specialists' report, noted that the evidence obtained by the specialists pointed to an ever-increasing presence of different types of weapons associated with aggressive chemical agents in the conflict between Iran and Iraq, called for an end to the development and use of those weapons and once again appealed to both parties in the strongest terms to respond without delay to his efforts for peace.

316. At its 2823rd meeting of the Security Council, on 8 August 1988, in a statement[417] to the Council, the Secretary-General noted that he had engaged in intensive diplomatic activity aimed at achieving the implementation of resolution 598 (1987) and that, as a result of those efforts and in exercise of the mandate given to him by the Security Council, he now called upon Iran and Iraq to observe a ceasefire and to discontinue all military action on land, at sea and in the air as of 0300 GMT on 20 August 1988. The Secretary-General stated that the Governments of Iran and Iraq had agreed to the deployment of United Nations observers as of the time and date of the ceasefire and appealed to the two parties to exercise the utmost restraint in the period before the entry into effect of the ceasefire. He extended to the two Governments a formal invitation to send their representatives to Geneva on 25 August for direct talks under the auspices of the Secretary-General.

317. At the same meeting, the President of the Security Council made a statement[418] on behalf of the Security Council in which the Council welcomed the statement[419] made by the Secretary-General concerning the implementation of resolution 598 (1987); endorsed the Secretary-General's announcement that the ceasefire demanded in the resolution would come into effect at 0300 GMT on 20 August 1988 and that direct talks under his auspices between the two parties would begin on 25 August 1988; endorsed the appeal of the Secretary-General to both parties to refrain from all hostile activities in the period before the entry into effect of the ceasefire; reiterated its determination that its resolution 598 (1987) should be implemented as an

[411] S C (43), Suppl. for April-June 1988, S/19823 and Corr.1.
[412] Ibid.
[413] League of Nations, *Treaty Series*, vol. XCIV (1929), No. 2138, p. 65.
[414] S C (43), Suppl. for July-Sept. 1988, S/20060.
[415] Ibid., S/20063.
[416] These specialists are referred to in documents S/20060 and S/20063.
[417] S C (43), Suppl. for July-Sept. 1988, S/20095.
[418] Ibid., S/20096.
[419] Ibid., S/20095.

integral whole; and reaffirmed its full support of the continuing efforts of the Secretary-General to that end.

318. In a note[420] submitted to the Security Council on 19 August 1988, the Secretary-General stated that, in response to Iran's request for a team of experts to investigate a chemical bombardment which was said to have been carried out in Iran on 2 August 1988 and, in view of the opinion of members of the Council that in the light of resolution 612 (1988) any new allegation of the use of chemical weapons ought to be investigated, he had taken immediate steps to dispatch a mission to Iran on 12 August 1988. The Secretary-General annexed the official report produced by the mission to his note.

319. On 24 August 1988, the Secretary-General submitted a note[421] to the Security Council in which he transmitted the report of the mission he had dispatched to Iran and Iraq from 24 July to 5 August 1988, with a mandate to investigate the situation and allegations concerning prisoners of war and to contribute to the efforts of the Secretary-General in the implementation of paragraph 3 of Security Council resolution 598 (1987). In its report the mission recalled that the Secretary-General had decided, as an extraordinary measure and in the light of his humanitarian responsibility under the Charter of the United Nations, to dispatch a mission to Iran and Iraq, following letters he had received from the two Governments requesting such a mission. Furthermore, during consultations with the Secretary-General, both Governments had agreed to the dispatch of the mission. The report revealed that certain recommendations made by the mission dispatched in 1985 had not been followed in the camps, but concluded that the material conditions of detention of the prisoners were acceptable. Members of the mission expressed concern about the psychological condition of the prisoners brought about by their long-term captivity. In relation to the issue of repatriation, they stated that the views of the parties were convergent, and in substance consistent with the Third Geneva Convention,[422] but made several recommendations to the parties with respect to the repatriation process.

320. In its resolution 620 (1988) of 26 August 1988, the Security Council encouraged the Secretary-General to carry out promptly investigations in response to allegations brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxic weapons that might constitute a violation of the Geneva Protocol or other relevant rules of customary international law in order to ascertain the facts of the matter and to report the results. The Council decided to consider immediately, taking into account the investigations of the Secretary-General, appropriate and effective measures in accordance with the Charter of the United Nations, should there be any future use of chemical weapons in violation of international law, wherever and by whomever committed.

(a) *Functions exercised in connection with the United Nations Iran-Iraq Military Observer Group*

(i) Creation of UNIIMOG

321. On 20 July 1987 the Security Council adopted resolution 598 (1987), in which it demanded that Iran and Iraq observe a ceasefire, discontinue all military actions on land, at sea and in the air and withdraw all forces to the internationally recognized boundaries without delay. The Council furthermore requested the Secretary-General to dispatch a team of United Nations observers to verify, confirm and supervise the ceasefire and withdrawal and requested him to make all necessary arrangements in consultation with the parties and to submit a report thereon to the Security Council. The Council also requested the Secretary-General to explore, in consultation with Iran and Iraq, the question of entrusting an impartial body with inquiring into the responsibility for the conflict and to discuss with Iran, Iraq and with other States of the region measures to enhance the security and stability of the region. The Council moreover requested Iran and Iraq to cooperate with the Secretary-General in implementing the resolution and in mediation efforts to achieve a comprehensive, just and honourable settlement, acceptable to both sides, of all outstanding issues. In view of the magnitude of the damage inflicted during the conflict and the need for internationally assisted reconstruction efforts, the Council requested the Secretary-General to assign a team of experts to study the question of reconstruction and to report to the Council on the matter.

322. On 7 August 1988, the Secretary-General submitted to the Security Council a report[423] pursuant to paragraph 2 of Security Council resolution 598 (1987) by which he had been requested to dispatch a team of United Nations observers to verify, confirm and supervise the ceasefire and withdrawal in Iran and Iraq. The Secretary-General recommended that, as soon as a date had been set for the ceasefire, the Security Council should establish a team of observers to be known as the United Nations Iran-Iraq Military Observer Group (UNIIMOG) to verify, confirm and supervise the ceasefire and withdrawal in accordance with resolution 598 (1987). In his report, the Secretary-General described in detail the proposed mandate and terms of reference of UNIIMOG, its guiding principles, estimated composition and size, the proposed plan of action and the estimated cost and method of financing UNIIMOG.

323. On 8 August 1988, at the 2823rd meeting of the Security Council, the Secretary-General made a statement[424] in

[420] Ibid., S/20134.
[421] Ibid., S/20147.
[422] United Nations, *Treaty Series*, vol. 75, No. 972, p.135.
[423] S C (43), Suppl. for July-Sept. 1988, S/20093.
[424] S/20095, in Resolutions and Decisions of the Security Council, 1988, pp. 10-11.

which he called upon Iran and Iraq to observe a ceasefire and to discontinue all military action on land, at sea and in the air as of 0300 GMT on 20 August 1988. The Secretary-General informed the Security Council that he had been assured by the two parties to the conflict that they would observe the ceasefire in the context of the full implementation of resolution 598 (1987) and stated that both Governments had agreed to the deployment of United Nations observers as of the time and date of the ceasefire.

324. On 9 August 1988, the Security Council adopted resolution 619 (1988), by which it approved the report[425] of the Secretary-General on the implementation of paragraph 2 of resolution 598 (1987) and decided to set up immediately, under its authority, a United Nations Iran-Iraq Military Observer Group for a period of sixth months, unless the Council decided otherwise, and requested the Secretary-General to take the necessary steps to that effect, in accordance with his report. The Council further requested the Secretary-General to keep it fully informed of further developments.

(ii) The mandate of UNIIMOG

325. In his report[426] of 7 August 1988, which was later endorsed by the Security Council,[427] the Secretary-General stated that the mandate of UNIIMOG was to verify, confirm and supervise the ceasefire and withdrawal in accordance with resolution 598 (1987). He set out the terms of reference of UNIIMOG as follows:

– To establish with the parties agreed ceasefire lines on the basis of the forward defended localities occupied by the two sides on D-Day but adjusting these, as might be agreed, when the positions of the two sides were judged to be dangerously close to each other;

– To monitor compliance with the ceasefire;

– To investigate any alleged violations of the ceasefire and restore the situation if a violation had taken place;

– To prevent, through negotiation, any other change in the status quo, pending withdrawal of all forces to the internationally recognized boundaries;

– To supervise, verify and confirm the withdrawal of all forces to the internationally recognized boundaries;

– Thereafter, to monitor the ceasefire on the intern ationally recognized boundaries, investigate alleged violations and prevent, through negotiation, any other change in the status quo, pending negotiation of a comprehensive settlement;

– To obtain the agreement of the parties to other arrangements which, pending negotiation of a comprehensive settlement, could help to reduce tension and build confidence between them.

(iii) Guiding principles of UNIIMOG

326. Also in his report[428] of 7 August 1988, as later endorsed by the Security Council,[429] the Secretary-General stated that, as an unarmed observer group, UNIIMOG would be different in kind from other peacekeeping forces such as UNDOF and UNIFIL, but would operate under exactly the same guidelines as those forces. For example, UNIIMOG would be under the command of the United Nations, vested in the Secretary-General, under the authority of the Security Council; and the command in the field would be exercised by a Chief Military Observer, who would be appointed by and responsible to the Secretary-General.

(iv) Composition and size of UNIIMOG

327. In a letter[430] to the President of the Security Council dated 10 August 1988, the Secretary-General proposed to the Council a list of Member States that had offered to provide contingents from which UNIIMOG would be composed. In a letter[431] dated 10 August 1988, the President of the Security Council informed the Secretary-General that the Council agreed with the proposal contained in his letter concerning the composition of UNIIMOG.

328. In a further letter[432] dated 10 August 1988, the Secretary-General informed the President of the Security Council of his intention, with the consent of the Council, to appoint Major-General Slavko Jović of Yugoslavia as Chief Military Observer of UNIIMOG. In a letter[433] dated 11 August 1988, the President of the Council informed the Secretary-General that his proposal to appoint Major-General Slavko Jović as Chief Military Observer of UNIIMOG had been approved by the Security Council.

329. In a letter[434] dated 23 August 1988, the Secretary-General informed the President of the Security Council of his intention to add Peru and Uruguay to the list of contingents included in UNIIMOG. In a letter[435] dated 26 August 1988, the President of the Security Council informed the Secretary-General that the Council had approved his proposal regarding the additional contingents for UNIIMOG.

[425] S C (43), Suppl. for July-Sept. 1988, S/20093.
[426] Ibid.
[427] S C resolution 619 (1988).
[428] S C (43), Suppl. for July-Sept. 1988, S/20093.
[429] S C resolution 619 (1988).
[430] S C (43), Suppl. for July-Sept. 1988, S/20104.
[431] Ibid., S/20105.
[432] Ibid., S/20111.
[433] Ibid., S/20112.
[434] Ibid., S/20154.
[435] Ibid., S/20155.

330. In a report[436] submitted to the Security Council on 25 October 1988, the Secretary-General described the composition, strength and deployment of UNIIMOG, and stated that, as of 24 October 1988, the military strength of the force was 828 and that 102 civilians staff members had been assigned to UNIIMOG.

(*v*) *Implementation of the mandate of UNIIMOG*

331. On 25 October 1988, the Secretary-General submitted to the Security Council a report[437] in which he provided an account of the first two months of operations of UNIIMOG. In his report, the Secretary-General stated that two UNIIMOG headquarters had been established in the cities of Baghdad and Tehran. Over 50 patrols had been deployed on the first day after the ceasefire, which had come into effect at 0300 GMT on 20 August 1988. UNIIMOG had successfully carried out its task of monitoring compliance with the ceasefire despite disagreements between the two sides about where the forward defended localities (FDLs) were on 20 August 1988. The Secretary-General stated that, as of 24 October 1988, UNIIMOG had confirmed 235 violations of the ceasefire out of the 1,072 complaints received. He informed the Council that very few of the violations had involved firing across the ceasefire lines, but that several serious violations had occurred involving the movement of troops or the establishment of observation points in front of their FDLs, often provoking matching reactions by the other side. Other violations had involved actions by both sides to strengthen their defensive positions. In all such cases, UNIIMOG had endeavoured to persuade the side concerned to restore the status quo. At points on the ceasefire line where a dangerous proximity existed between the opposing forces, UNIIMOG had persuaded the two sides to move back from their FDLs, pending the withdrawal to the internationally recognized boundaries. The Secretary-General noted that General Jović had pursued a number of initiatives to build confidence between the two sides, such as the exchange of prisoners by both sides and the exchange of dead bodies found in no man's land or behind the FDLs. In order to facilitate the discussion of such matters, the Secretary-General proposed the establishment of a mixed military working group which would meet regularly under the chairmanship of the Chief Military Observer. The Secretary-General concluded his report by expressing satisfaction that the ceasefire was generally holding well and that the two parties had repeatedly assured him of their intention to maintain the ceasefire. He noted that the current state of affairs in Iran and Iraq was inherently unstable. There was a pressing need for the ceasefire to be consolidated and for the earliest possible withdrawal to the internationally recognized boundaries, which would resolve many of the problems that UNIIMOG was facing in implementing its mandate.

[436] S C (43), Suppl. for Oct.-Dec. 1988, S/20242.

[437] Ibid.

6. Functions in connection with the dispute between Argentina and the United Kingdom of Great Britain and Northern Ireland over the Falkland Islands (Malvinas)

(a) *Functions exercised under Security Council and General Assembly resolutions*

332. The Secretary-General, on 15 November 1985, submitted a report[438] to the General Assembly in pursuance of General Assembly resolution 39/6 of 1 November 1984, in which the Assembly had requested him to continue his renewed mission of good offices in order to assist the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland in resuming 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). The Secretary-General stated that, during the period under review, he had exchanged views on the question with government representatives of the parties concerned, but despite the adherence expressed by both sides to the principle of peaceful settlement of international disputes and their desire to engage in meaningful dialogue, it had not been possible to develop a formula that would enable the two parties to engage in the negotiations foreseen in resolution 39/6.[439] The Secretary-General concluded by reiterating his continued readiness to assist in promoting a dialogue between the parties that would progressively lead to a just and lasting settlement of the dispute concerning the question of the Falkland Islands.

333. In its resolution 40/21 of 27 November 1985, the General Assembly took note of the interest repeatedly expressed by both parties in normalizing their relations, requested the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between both countries, including all aspects on the future of the Falkland Islands (Malvinas); requested the Secretary-General to continue his renewed mission of good offices in order to assist the parties in these initiatives; and invited the Secretary-General to report to the Assembly at its forty-first session.

334. Pursuant to that request, the Secretary-General, on 13 November 1986, submitted to the General Assembly, a report[440] on the action he had taken with regard to the question of the Falkland Islands (Malvinas). He stated that the positions of both Governments remained essentially un-

[438] A/40/891.

[439] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, para. 463.

[440] A/41/824.

changed and that, while the Government of Argentina had expressed its willingness to initiate immediate negotiations with the United Kingdom under the terms of resolution 40/21, the Government of the United Kingdom continued to resist negotiations on the issue of sovereignty. The Secretary-General reiterated his readiness to assist both parties in solving their differences through open dialogue and confidence-building measures.

335. In its resolution 41/40 of 25 November 1986, the General Assembly, in substantially the same language used in resolution 40/21, requested the Secretary-General to continue his renewed mission of good offices in the Falkland Islands (Malvinas) and to report to the Assembly at its forty-second session.

336. In pursuance of that request, the Secretary-General, on 10 November 1987, submitted to the General Assembly a report[441] on the assistance he had provided to the Governments of Argentina and the United Kingdom regarding the question of the Falkland Islands (Malvinas). He stated that, during the period under review, he had maintained close contact with the two Governments and met with their respective Foreign Ministers and Permanent Representatives to the United Nations. As a result of those exchanges, the Secretary-General had concluded that conditions had not sufficiently evolved to enable him to carry out the mandate with which he had been entrusted by the General Assembly.[442] He noted that, while both parties had shown restraint and a clear willingness to reduce areas of tension, the refusal of the United Kingdom to engage in dialogue with Argentina on the issue of sovereignty had prevented further progress in resolving the dispute from being achieved.

337. In its resolution 42/19, identical mutatis mutandis with resolution 41/40, the General Assembly requested the Secretary-General to continue his renewed mission of good offices in the Falkland Islands (Malvinas) and to report to the Assembly at its forty-third session.

338. Pursuant to that request, the Secretary-General, on 14 November 1988, submitted to the General Assembly a report[443] on the action he had taken regarding the question of the Falkland Islands (Malvinas). He stated that, in the course of the year, he had kept in close contact with the Governments concerned, meeting in London with the Prime Minister of the United Kingdom in May, in New York with the President of Argentina in June, and also meeting with their respective Foreign Ministers and Permanent Representatives to the United Nations. The Secretary-General stated that, despite communicating his readiness to assist the parties in finding a peaceful solution to the question of the Falkland Islands (Malvinas), the positions of the two Governments remained substantially unchanged and once again he had been unable to carry out the mandate with which he had been entrusted by the General Assembly.[444] The Secretary-General expressed regret that, since the conflict in 1982,[445] no meaningful progress had been made towards solving the differences separating both countries.

339. In its resolution 43/25, identical mutatis mutandis with resolution 42/19, the General Assembly took note of the report of the Secretary-General and reiterated its request that the Secretary-General continue his renewed mission of good offices in the Falkland Islands (Malvinas).

**(b) *Functions that were to be assigned to the Secretary-General under a draft resolution but failed of adoption by the Security Council*

7. FUNCTIONS EXCERCISED IN CONNECTION WITH THE SITUATION IN KAMPUCHEA

(a) *Functions exercised under General Assembly resolutions*

340. In a report dated 17 October 1985,[446] submitted to the General Assembly pursuant to resolution 39/5, the Secretary-General stated that, in the framework of his good offices, he had continued to seek ways of achieving progress towards a comprehensive political settlement of the situation in Kampuchea. In January and February 1985, he had travelled to South-East Asia and carried out extensive discussions with the Head of State of Democratic Kampuchea, Samdech Norodom Sihanouk, in Bangkok and also with government leaders of Thailand, Viet Nam, Malaysia, Indonesia, Singapore and the Lao People's Democratic Republic. The Secretary-General had followed closely the diplomatic exchanges which took place in the region of South-East Asia and carried out further discussions with government leaders in New York. He stated that through those discussions, a reasonable degree of convergence had emerged on the main elements of a comprehensive political settlement, namely, the withdrawal of all foreign forces from Kampuchea; non-return to the universally condemned policies and practices of the recent past; promotion of national reconciliation; exercise by the Kampuchean people of the right to determine their own destiny; respect for the independence, territorial integrity and non-aligned status of Kampuchea; ensuring the security and sovereignty of all States in the region; international guarantees for, and supervision of, the implementation of the agreements reached; and the establishment of a zone of peace, freedom and neutrality in South-East Asia. The Secretary-General expressed his conviction that those goals constituted a broad framework which could be progressively elaborated and refined

[441] A/42/732.

[442] See G A resolution 37/9 and *Repertory, Supplement No. 6,* vol. VI, under Article 98, para.459.

[443] A/43/799.

[444] See G A resolution 37/9 and *Repertory, Supplement No. 6,* vol. VI, under Article 98, para.459.

[445] See S C resolution 502 (1982) and *Repertory, Supplement No. 6,* vol. VI, under Article 98, para. 453.

[446] A/40/759.

through sustained dialogue to provide a comprehensive resolution of the situation in Kampuchea.

341. In its resolution 40/7 of 5 November 1985, the General Assembly reaffirmed its previous resolutions on the situation in Kampuchea[447] and called for their full implementation, reiterating its conviction that the withdrawal of all forces from Kampuchea, the restoration of its independence, sovereignty and territorial integrity, the right of the Kampuchean people to determine their own destiny and a commitment by all States to non-interference and non-intervention in the internal affairs of Kampuchea were the principal components of any just and lasting resolution of the Kampuchean problem. The Assembly requested the Secretary-General to continue to consult with and assist the Ad Hoc Committee of the International Conference on Kampuchea,[448] to provide it with the necessary facilities to carry out its functions, to continue to follow the situation in Kampuchea closely and to exercise his good offices in order to contribute to a comprehensive political settlement and, finally, to submit at the forty-first session of the General Assembly a report on the implementation of the resolution.

342. Pursuant to that request, the Secretary-General, on 14 October 1986, submitted to the General Assembly a report[449] on the activities of the Ad Hoc Committee of the International Conference on Kampuchea and the exercise of his good offices in Kampuchea. The Secretary-General referred to the missions undertaken by the Committee, stated that he had maintained close contact with the States most directly concerned and other interested parties, and named the Governments, leaders and officials with whom either he or his Special Representative, Rafeeuddin Ahmed, had held discussions in New York or in South-East Asia. In addition, the Secretary-General had followed closely the developments in the region and the proposals made for a political settlement, including the eight-point proposal put forward by the Head of State of Democratic Kampuchea, Samdech Norodom Sihanouk, on 17 March 1986. He expressed his determination to contribute to bridge the significant differences which persisted regarding the procedure for negotiation and the implementation of the main elements of a comprehensive political settlement.

343. In its resolution 41/6 of 21 October 1986, the General Assembly called for the full implementation of its previous resolutions on Kampuchea, reaffirmed its decision to reconvene the International Conference on Kampuchea at an appropriate time, and requested the Secretary-General to provide the Conference and the Ad Hoc Committee with the necessary facilities to carry out their functions. The Assembly further requested the Secretary-General to continue to follow the situation closely, to exercise his good offices in order to contribute to a comprehensive political settlement and to report on the implementation of the resolution at is forty-second session.

344. Pursuant to that request, the Secretary-General, on 6 October 1987, submitted to the General Assembly a report[450] in which he referred to the activities of the Ad Hoc Committee of the International Conference on Kampuchea and stated that, since the beginning of 1987, he had continued, in the framework of his good offices, to seek a peaceful resolution of the situation in Kampuchea. To that end, the Secretary-General had visited China and the Union of Soviet Socialist Republics and held discussions in New York with government leaders from Kampuchea, Thailand, the Lao People's Democratic Republic, China, Malaysia, the Philippines and Viet Nam. His Special Representative, Rafeeuddin Ahmed, had carried out discussions with government leaders in Hanoi, Bangkok and New York. As a result of those diplomatic exchanges, the Secretary-General discerned some signs of movement towards the resolution of the Kampuchean problem,[451] as well as a more active interest in achieving a settlement through dialogue and negotiations. He expressed his determination to pursue that process, once the implications of the recent initiatives and diplomatic exchanges had been clarified.

345. In its resolution 42/3 of 14 October 1987, the General Assembly called for the full implementation of its previous resolutions on Kampuchea, requested the Secretary-General to continue to consult with and assist the Conference and the Ad Hoc Committee, providing them with the necessary facilities to carry out their functions, and to report on the implementation of the resolution at its forty-third session.

346. In the report[452] he submitted on 21 October 1988 pursuant to that request, the Secretary-General referred to the activities of the Ad Hoc Committee of the International Conference on Kampuchea and stated that, during the period under review, he had continued, in the framework of his good offices, to seek ways to facilitate a peaceful resolution of the Kampuchean problem by following closely the various initiatives and diplomatic exchanges which had taken place and by maintaining regular contacts with the parties and countries concerned. In June, the Secretary-General had held discussions in New York with government leaders of Viet Nam, China and Indonesia, as a result of which he had decided to formulate a number of specific ideas with a view to facilitating the elaboration of a framework for a comprehensive political settlement of the problem. His Special Representative, Rafeeuddin Ahmed, had travelled to South-East Asia in September to assess the implications of the Jakarta informal meeting that had taken

[447] G A resolutions 34/22, 35/6, 36/5, 37/6, 38/3 and 39/5.

[448] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 467 and 469.

[449] A/41/707.

[450] A/42/608.

[451] See G A (42), Suppl. No. 1.

[452] A/43/730.

place in July and the Secretary-General had held further discussions with Samdech Norodom Sihanouk of Democratic Kampuchea in New York. The Secretary-General noted that the Kampuchean parties and other concerned countries had initiated a process of dialogue which they seemed determined to pursue until a framework for a comprehensive political settlement was agreed upon and expressed his intention to explore, in the framework of his good offices, any other avenues which might hasten the prospects for a just and lasting solution of the problem.

347. In its resolution 43/19 of 3 November 1988, the General Assembly reaffirmed its previous resolutions on Kampuchea and recognized the significance of the Jakarta informal meeting held at Bogor, Indonesia, in July 1988 as the first meeting involving the participation of all parties directly affected by the political situation in Kampuchea. The Assembly reiterated what it had set out in resolutions 40/7, 41/6 and 42/3 as being the principal components of a just and lasting resolution of the Kampuchean problem and identified as additional components international supervision and control of the withdrawal of all foreign forces, the creation of an interim administering authority, the promotion of national reconciliation among all Kampucheans under the leadership of Samdech Norodom Sihanouk and a non-return to the universally condemned policies and practices of the recent past. The Assembly reaffirmed its commitment to reconvene the International Conference on Kampuchea at an appropriate time and requested the Secretary-General to continue to consult with and assist the Conference and the Ad Hoc Committee and provide them on a regular basis with the necessary facilities to carry out their functions. The Assembly also expressed its readiness to support any other conference of an international nature under the auspices of the Secretary-General.

**(b) *Functions that were to be assigned to the Secretary-General by a draft resolution that failed of adoption by the Security Council*

8. Functions exercised in connection with the situation in Afghanistan

(a) *Functions exercised under Security Council and General Assembly resolutions*

348. In pursuance of General Assembly resolution 39/13 of 15 November 1984, the Secretary-General submitted to the General Assembly and the Security Council a report dated 7 October 1985,[453] on the action he had taken to seek a negotiated settlement of the situation relating to Afghanistan. In the report, the Secretary-General stated that, following the postponement by Pakistan of the round of talks scheduled to be held in February 1985, he had concluded that another round of talks could be counterproductive if held in the absence of a comprehensive understanding on the formal character of the settlement. In May 1985, his Personal Representative, Diego Córdovez, visited the area and met with the Foreign Ministers and senior officials of Pakistan and Afghanistan and later briefed the Permanent Representative of the Islamic Republic of Iran to the United Nations in New York. During the consultations in Kabul and Islamabad, an understanding was reached that the instruments of settlement should consist of a bilateral agreement on non-interference and non-intervention, a declaration on international guarantees, a bilateral agreement on the voluntary return of refugees and an instrument that would set out the relationships between the aforementioned instruments and the solution of the question of the withdrawal of foreign troops in accordance with an agreement to be concluded between Afghanistan and the USSR. In June 1985, a new round of talks was convened at Geneva, during which the formulation of a declaration on international guarantees and two bilateral agreements, one covering non-intervention, the other concerning the voluntary return of refugees, were virtually completed. The Secretary-General expressed his regret that the diplomatic process had been stalled by a failure to negotiate a draft instrument on interrelationships when further talks were held in August 1985.

349. In its resolution 40/12 of 13 November 1985, the General Assembly recalled its prior resolutions on the situation in Afghanistan;[454] took note of the report of the Secretary-General;[455] expressed grave concern at the continuing foreign armed intervention 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 urgent achievement of a political solution enabling the refugees to return home voluntarily; and recognized the importance of the initiatives of the Organization of the Islamic Conference and the efforts of the Movement of Non-Aligned Countries for a political solution of the situation. The Assembly also expressed its appreciation of the constructive steps and diplomatic process initiated by the Secretary-General in the search for a solution to the problem and requested the Secretary-General to continue those efforts with a view to promoting a political solution in accordance with resolution 40/12 and the exploration of securing appropriate guarantees for the non-use of force, or threat of force, against the political independence, sovereignty, territorial integrity and security of all neighbouring States, with full regard for the principles of the Charter of the United Nations. The Assembly furthermore requested the Secretary-General to keep Member States and the Security Council concurrently informed of progress towards the

[453] S C (40), Suppl. for Oct.-Dec. 1985, S/17527; see also A/40/709.

[454] G A resolutions ES-6/2, 35/37, 36/34, 37/37, 38/29 and 39/13.

[455] S C (40), Suppl. for Oct.-Dec. 1985, S/17527; see also A/40/709.

implementation of the resolution and to submit to Member States a report on the situation at the earliest appropriate opportunity.

350. Pursuant to that request, the Secretary-General, on 18 September 1986, submitted to the General Assembly and the Security Council a report on the further action he had taken.[456] In the report, he stated that, in March 1986, his Personal Representative had consulted with representatives of Pakistan and Afghanistan following the adjournment in December 1985 of negotiations in Geneva. Understandings had been reached between Afghanistan and Pakistan which had the effect of breaking the impasse that had stalled the diplomatic process for almost two years. Positive expressions of intent by the two designated guarantors, the Governments of the Union of Soviet Socialist Republics and the United States of America, supported the diplomatic process. A seventh round of negotiations had commenced in May 1986 in Geneva during which the interlocutors considered for the first time a draft of the instrument on interrelationships and succeeded in finalizing the text of the principles and objectives of the settlement, including non-intervention and non-interference, the non-use of force and self-determination. Although two issues in the draft text of the instrument on interrelationships remained unresolved, namely the arrangements to ensure the effective implementation of the settlement and the time frame for the withdrawal of troops, the Secretary-General stated in his report that the four instruments that would comprise a settlement were virtually complete.

351. In its resolution 41/33 of 5 November 1986, the General Assembly recalled its prior resolutions on the situation in Afghanistan,[457] took note of the report of the Secretary-General,[458] expressed its appreciation and support of 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 40/12, the requests made to the Secretary-General in that resolution.

352. Pursuant thereto, the Secretary-General, on 29 September 1987, submitted to the General Assembly and the Security Council a report on the further action he had taken and affirmed that the negotiating process had reached an advanced stage.[459] The Secretary-General stated that, from November to December 1986, his Personal Representative had visited Pakistan, Afghanistan and the Islamic Republic of Iran and consulted with representatives of those countries in efforts to resolve arrangements to ensure the effective implementation of the settlement and to define a time frame for the withdrawal of troops. Understandings had been reached on an "implementation assistance scheme" designed to ensure that all the obligations deriving from the settlement were strictly fulfilled and that all steps required for full compliance with such obligations were completed in good faith. The relevant provisions of the fourth draft instrument on interrelationships, incorporating a consultative procedure with the assistance of the Representative of the Secretary-General, had been finalized. The operational aspects of the scheme were set out in a Memorandum of Understanding. In approving the Memorandum, the Governments of Afghanistan and Pakistan had agreed that the implementation assistance scheme should be executed by the Secretary-General under his authority to provide good offices. The Secretary-General expressed regret that, although in March 1987 a further round of talks had been held in Geneva, no agreement had been reached regarding a time frame for the withdrawal of foreign troops from Afghanistan, and he said that innovative diplomatic approaches should be utilized when the matter was taken up again. The two designated guarantors, the Governments of the Union of Soviet Socialist Republics and the United States of America, were kept informed of developments by the Personal Representative of the Secretary-General.

353. In its resolution 42/15 of 6 November 1987, the General Assembly recalled its prior resolutions on the situation in Afghanistan,[460] took note of the report of the Secretary-General,[461] expressed its appreciation and support of his efforts and the status of the diplomatic process he had initiated, and reiterated, in substantially the terms used in resolution 41/33, the requests made to the Secretary-General in that resolution.

354. In a letter dated 14 April 1988 to the President of the Security Council,[462] the Secretary-General stated that the Governments of Afghanistan, Pakistan, the Union of Soviet Socialist Republics and the United States of America had on that day concluded a set of agreements in Geneva which together constituted the settlement of the situation relating to Afghanistan.[463] The Secretary-General informed the Security Council that the role requested of him in the implementation of those agreements was to lend his good offices to the Governments of Afghanistan and Pakistan, and in that context to provide assistance for the purpose of investigating any possible violations of the instruments that comprised the settlement. In accordance with that request, he had appointed Diego Córdovez as his Personal Representative and General Rauli Helminen as Deputy to the Repre-

[456] S C (41), Suppl. for July-Sept. 1986, S/18347; see also A/41/619.

[457] G A resolutions ES-6/2, 35/37, 36/34, 37/37, 38/29, 39/13 and 40/12.

[458] S C (41), Suppl. for July-Sept. 1986, S/18347; see also A/41/619.

[459] S C (42), Suppl. for July-Sept. 1987, S/19160; see also A/42/600.

[460] G A resolutions ES-6/2, 35/37, 36/34, 37/37, 38/29, 39/13, 40/12 and 41/33.

[461] S C (42), Suppl. for July-Sept. 1987, S/19160; see also A/42/600.

[462] S C (43), Suppl. for April-June 1988, S/19834.

[463] Ibid., S/19835, annex I.

sentative and that the Governments of Afghanistan and Pakistan had undertaken to provide full support and cooperation to his representative and to all the personnel that might be required, to grant them the relevant privileges and immunities, and to be responsible for their safety. Subject to the concurrence of the Security Council, the Secretary-General intended to detach up to 50 military officers from existing United Nations operations and set them up as inspection teams in Afghanistan and Pakistan no later than 20 days before 15 May 1988, the date on which the agreements were scheduled to become fully effective. Furthermore, if it proved necessary to increase the strength of the teams, he would turn once again to the Council concerning any additional arrangements that might be required for that purpose. The Secretary-General asked to be informed of the concurrence of the members of the Security Council with those measures.

355. In a letter dated 22 April 1988,[464] the Secretary-General transmitted to the President of the Security Council the texts of the Agreements on the Settlement of the Situation Relating to Afghanistan ("the Geneva Accords") and made a number of observations regarding the strength, mandate, duration and cost of the military observer mission.[465] The Geneva Accords consisted of four instruments: a bilateral agreement between Afghanistan and Pakistan on the principles of mutual relations, in particular on non-interference and non-intervention; a declaration on international guarantees, signed by the Union of Soviet Socialist Republics and the United States of America; a bilateral agreement between Afghanistan and Pakistan on the voluntary return of refugees; and an agreement on the interrelationships for the settlement of the situation relating to Afghanistan, signed by Afghanistan and Pakistan and witnessed by the Union of Soviet Socialist Republics and the United States of America. The Secretary-General requested a reply to his letter of 14 April 1988, reflecting the agreement of the members of the Security Council to the above proposals, more specifically, regarding the deployment of the advance party to the area by 25 April 1988.

356. In a reply dated 25 April 1988,[466] the President of the Security Council informed the Secretary-General of the provisional agreement of the members of the Security Council to the proposals contained in his letters,[467] pending formal consideration and decision by the Council at a later stage.

357. Pursuant to General Assembly resolution 42/15, the Secretary-General, on 14 October 1988, submitted to the General Assembly and the Security Council a report on the further action he had taken.[468] He noted that the conclusion of the Geneva Accords, which had entered into force on 15 May 1988, represented a major step forward in the efforts to bring peace to Afghanistan and laid the basis for the exercise by all Afghans of their right to self-determination. He expressed regret at the continued fighting in Afghanistan and at the alleged violations filed with the good offices missions by both Afghanistan and Pakistan.

358. On 31 October 1988, the Security Council adopted resolution 622 (1988), in which it recalled the letters dated 14 April[469] and 22 April 1988,[470] from the Secretary-General to the President of the Security Council concerning the agreements on the settlement of the situation relating to Afghanistan, signed at Geneva on 14 April 1988,[471] and the letter dated 25 April 1988[472] from the President of the Security Council to the Secretary-General. The Council confirmed its agreement to the measures envisaged in the Secretary-General's letters of 14 and 22 April 1988, in particular the arrangement for the temporary dispatch to Afghanistan and Pakistan of military officers from existing United Nations operations to assist in the mission of good offices. The Council requested the Secretary-General to keep it informed of further developments, in accordance with the Geneva agreements.

359. In its resolution 43/20 of 3 November 1988, the General Assembly expressed grave concern at the situation in Afghanistan; took note of the report of the Secretary-General[473] and the status of the process of political settlement; and expressed its appreciation to the Secretary-General and his Personal Representative for their efforts to bring about peace and security and welcomed the conclusion at Geneva, on 14 April 1988, under United Nations auspices of the Agreements on the Settlement of the Situation Relating to Afghanistan[474] as an important step towards a comprehensive political solution to the Afghanistan problem. The Assembly called for scrupulous respect for and faithful implementation of the Agreements by all parties concerned, took note of the partial withdrawal of foreign troops in accordance with the agreed time frame, and expressed its expectation that the withdrawal would be completed in accordance with the relevant provisions of the Agreements. The Assembly affirmed that a successful final political settlement of the Afghanistan problem would provide an impetus for the resolution of other acute regional conflicts and emphasized the need for an intra-Afghan dialogue to establish a broad-based Government in Afghanistan to ensure the broadest support and immediate participation of all segments of the Afghan people. The Assembly requested the Secretary-General and his Personal Represen-

[464] Ibid., S/19835.
[465] Ibid., S/19835, annex I.
[466] Ibid., S/19836.
[467] Ibid., S/19834; S C (43), Suppl. for April-June 1988, S/19835.
[468] S C (43), Suppl. for Oct.-Dec. 1988, S/20230; see also A/43/720.
[469] Ibid., S/19834.
[470] Ibid., S/19835.
[471] Ibid., S/19835, annex I.
[472] Ibid., S/19836.
[473] Ibid., S/20230; see also A/43/720.
[474] Ibid., S/19835, annex I.

tative to encourage and facilitate the early realization of a comprehensive political settlement in Afghanistan in accordance with the provisions of the Agreements and of resolution 43/20. The Assembly further requested the Secretary-General to keep Member States and the Security Council informed of progress towards the implementation of the resolution and to submit to Member States a report on the progress achieved in the implementation of the Agreements and on the political settlement relating to Afghanistan.

(b) *Establishment and functioning of the United Nations Good Offices Mission in Afghanistan and Pakistan*

(i) Creation of UNGOMAP

360. The Secretary-General initiated the creation of UNGOMAP immediately after receiving confirmation by the President of the Security Council on 25 April 1988[475] of the Council's provisional agreement to the measures envisaged in the texts of the Agreements on the Settlement of the Situation Relating to Afghanistan, namely that the Secretary-General would lend his good offices to the parties to the Agreements by appointing a representative, assisted by support staff, to investigate and report on any possible violations of the instruments.

(ii) The mandate of UNGOMAP

361. The mandate of UNGOMAP derived from the instruments of the Agreements on the Settlement of the Situation Relating to Afghanistan of 14 April 1988.[476] It accordingly comprised the monitoring of non-interference and non-intervention by the parties in each other's affairs, monitoring the withdrawal of Soviet troops from Afghanistan, and monitoring the voluntary return of refugees. In a letter to the President of the Security Council dated 22 April 1988,[477] the Secretary-General recalled that the parties to the Geneva Accords had agreed that the mandate of the military officers would be as follows:

> "In order to enable him to fulfil his tasks, the representative shall be assisted by such personnel under his authority as required. On his own initiative, or at the request of any of the Parties, the personnel shall investigate any possible violations of any of the provisions of the instruments and prepare a report thereon. For that purpose, the representative and his personnel shall receive all the necessary cooperation from the Parties, including all freedom of movement within their respective territories required for effective investigation. Any report submitted by the representative to the two Governments shall be considered in a meeting of the Parties no later than forty-eight hours after it has been submitted."[478]

362. The Memorandum of Understanding provided that UNGOMAP operation would cease two months after the completion of all the time frames envisaged for the implementation of the instruments. The first instrument contained only an implicit time frame. The longest time frame specified in the instruments was the 18 months provided in the third instrument for the arrangements to assist the voluntary return of refugees. Thus the term of the mandate of UNGOMAP contained a degree of flexibility.

(iii) Guiding principles of UNGOMAP

363. The guiding principles governing the functioning of UNGOMAP were contained in the texts of the Agreements on the Settlement of the Situation Relating to Afghanistan, signed on 14 April 1988.[479] Paragraph 3 of the fourth instrument of the Geneva Accords, the Agreement on the Interrelationships for the Settlement of the Situation relating to Afghanistan, stated that, in addition to reflecting the Charter of the United Nations, the Agreements were based on the following principles of international law:

- The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;
- The principle that States shall settle their disputes by peaceful means in such a manner that international peace and security and justice are not endangered;
- The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations;
- The principle of equal rights and self-determination of peoples;
- The principle of sovereign equality of States;
- The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter of the United Nations.[480]

(iv) Composition and size of UNGOMAP

364. In a report submitted to the General Assembly and the Security Council on 14 October 1988,[481] the Secretary-General stated that UNGOMAP initially comprised 50 military officers from 10 countries,[482] who had been

[475] Ibid., S/19836.
[476] Ibid., S/19835, annex I.
[477] Ibid., S/19835.
[478] Ibid.
[479] Ibid., annex I.
[480] Ibid., S/19835.
[481] S C (43), Suppl. for Oct.-Dec. 1988, S/20230; see also A/43/720.
[482] The countries that contributed to the mission were: Austria,

temporarily detached from existing United Nations operations, namely the United Nations Truce Supervision Organization, the United Nations Disengagement Observer Force and the United Nations Interim Force in Lebanon. He stated that the military personnel of UNGOMAP were organized into two small headquarters units, one in Kabul and the other in Islamabad, comprising a number of inspection teams as well as a small civilian auxiliary staff. The Secretary-General noted that the number of military officers could be adjusted according to the needs of the situation in accordance with article III of the Memorandum of Understanding, which provided for the deployment of up to 40 additional military officers "whenever considered necessary by the Representative of the Secretary-General or his Deputy".

(v) Implementation of the mandate of UNGOMAP

365. In a report submitted to the General Assembly and the Security Council on 14 October 1988,[483] the Secretary-General noted that, in accordance with the terms of the Agreements, the first elements of an advance party of UNGOMAP had arrived in the mission area on 25 April 1988. Further, the headquarters in Kabul and Islamabad with the combined total component of 50 military officers were operational well in advance of 15 May 1988, when the instruments had entered into force.

366. The first instrument of the Agreements on the Settlement of the Situation Relating to Afghanistan[484] provided that UNGOMAP would monitor non-interference and non-intervention by the parties in each other's affairs. In his report of 14 October 1988, the Secretary-General noted that numerous complaints of alleged violations of the first instrument on non-interference and non-intervention had been submitted to UNGOMAP from 15 May 1988 by both Afghanistan and Pakistan. Those complaints had been investigated and the results conveyed to both parties in accordance with the procedure contained in the Agreements. The Secretary-General said that while difficulties had been encountered in the investigation of allegations, understanding had been reached on improving future procedures for the investigation of complaints so as to ensure confidentiality of the investigation procedures.

367. UNGOMAP implemented its mandate to monitor the withdrawal of Soviet troops from Afghanistan from 15 May 1988 and met regularly with military representatives from Afghanistan and the Union of Soviet Socialist Republics to monitor the progress of the withdrawal of troops. UNGOMAP established three permanent outposts in Afghanistan near the border at Hayratan, Torghundi and at the Shindand airbase and also visited garrisons in order to monitor the withdrawal of Soviet troops. In his report of 14 October 1988,[485] the Secretary-General recalled that the Geneva Accords had provided for the withdrawal of one half of the foreign troops from Afghanistan by 15 August 1988 and the withdrawal of all troops within nine months. The Secretary-General expressed his satisfaction on 16 August 1988 that, on the basis of the report he had received from UNGOMAP, the withdrawal of foreign troops had been proceeding in compliance with the fourth instrument of the Geneva Accords.[486]

368. In accordance with the third instrument of the Geneva Accords, the Agreement on the Voluntary Return of Refugees, UNGOMAP maintained close cooperation with the United Nations High Commissioner for Refugees. However, during the period under review, only a limited number of refugees returned to Afghanistan.

**(c) *Functions that were to be assigned to the Secretary-General by draft resolutions that failed of adoption by the Security Council*

9. FUNCTIONS EXERCISED IN CONNECTION WITH THE QUESTION OF WESTERN SAHARA

369. Pursuant to resolution 39/40 of 5 December 1984, the Secretary-General, on 30 September 1985, submitted to the General Assembly a report[487] stating that, during the period under review, he had held several meetings on the question of Western Sahara with African Heads of State and Foreign Ministers, including the President of Algeria and the Foreign Minister of Mauritania. During a meeting with the Secretary-General, King Hassan II of Morocco had confirmed his Government's commitment to resolving the Western Sahara question peacefully and to holding a referendum for the self-determination of the inhabitants of Western Sahara under the auspices of the United Nations. The Secretary-General noted that the Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro (Frente POLISARIO) had also confirmed its commitment to a peaceful settlement of the dispute; the establishment of a ceasefire directly negotiated by the parties to the conflict; and the organization of a referendum in Western Sahara within the framework of the relevant resolutions of the Organization of African Unity and the United Nations. OAU had informed the Secretary-General that, following the admission into OAU of the Saharan Arab Democratic Republic, Morocco had decided to withdraw from OAU and that no further progress by OAU could be envisaged while the resolution[488] adopted at the nineteenth OAU summit meet-

Canada, Denmark, Finland, Fiji, Ghana, Ireland, Nepal, Poland and Sweden.

[483] S C (43), Suppl. for Oct.-Dec. 1988, S/20230; see also A/43/720.

[484] Ibid., Suppl. for April-June 1988, S/19835, annex I.

[485] Ibid., Suppl. for Oct.-Dec. 1988, S/20230; see also A/43/720.

[486] Ibid., S/20230.

[487] A/40/692 and Corr.1.

[488] See resolution AHG/Res.104 (XIX) of the Assembly of Heads of State and Government of the Organization of African Unity, quoted in G A resolution 38/40, which established ways and means for a just and definitive political solution to the Western Sahara conflict.

ing remained unimplemented. The Secretary-General expressed concern that the people of Western Sahara had not been able to exercise their right to self-determination despite agreement by the United Nations, OAU and the parties concerned that a referendum should be held, and appealed to all concerned to make renewed efforts to create the necessary conditions for a peaceful and fair referendum. He concluded by stating that the United Nations was fully prepared to give every assistance in the organization and conduct of the proposed referendum in Western Sahara.

370. In its resolution 40/50 of 2 December 1985, the General Assembly reaffirmed that the solution to the problem of Western Sahara lay in implementing the OAU resolution quoted in resolution 38/40,[489] requesting Morocco and the Frente POLISARIO to undertake direct negotiations with a view to bringing about a ceasefire and creating the conditions necessary for a referendum. The Assembly also reaffirmed the determination of the United Nations to cooperate fully with OAU with a view to implementing the relevant decisions of that organization. The Assembly moreover welcomed the efforts of the Chairman of OAU and the Secretary-General to promote a just and definitive solution to the question of Western Sahara and further encouraged them to persuade the two parties to the conflict, Morocco and the Frente POLISARIO, to negotiate in the shortest possible time and in conformity with the relevant resolutions of OAU and the United Nations,[490] the terms of a ceasefire and the modalities for organizing a referendum. The Assembly requested the Secretary-General to continue to follow the situation in Western Sahara closely with a view to the implementation of resolution 40/50 and 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.

371. In a report[491] submitted to the General Assembly at its forty-first session, on 3 October 1986, the Secretary-General stated that, after he and the Chairman of OAU had agreed in April 1986 to work together in negotiating the terms of a ceasefire and referendum in Western Sahara, he had initiated a series of talks between representatives of Morocco and the Frente POLISARIO. The first series of contacts between the two parties to the conflict had taken place in April 1986 under the auspices of the Secretary-General and the Chairman of OAU. During the second series of talks, in May 1986, understandings had been reached to the effect that the ultimate objective in Western Sahara was to enable the people of that Territory to exercise their right to self-determination in a free and impartial referendum without administrative or military constraints; that the Territory in question was the zone known as Western Sahara as delimited by the existing international frontiers and that the modalities for supervising a ceasefire and conducting a referendum should be established in accordance with the relevant international practice and norms, within the framework of international arrangements. Understandings had not been reached, however, on the actual arrangements for a ceasefire and the conditions under which the referendum should be organized and conducted. In June, the Secretary-General had visited the King of Morocco and obtained his agreement for the United Nations to organize and conduct a referendum in Western Sahara without any administrative or military constraints. The Frente POLISARIO, however, had argued that Western Sahara should be placed under the responsibility of the United Nations so that OAU would be fully associated with the referendum process. The Secretary-General concluded by noting that, although a credible framework for negotiations between the two parties had been established, the positions of the parties regarding the arrangements for a ceasefire and the modalities for organizing and conducting the referendum remained far apart.

372. In its resolution 41/16 of 31 October 1986, the General Assembly took note of the report of the Secretary-General on the question of Western Sahara and noted with appreciation the joint good offices process initiated by the Secretary-General and the current Chairman of OAU. The Assembly also appealed to Morocco and the Frente POLISARIO to display the political will necessary to implement the relevant resolutions of the United Nations[492] and OAU[493] and reiterated, in substantially the language used in resolution 40/50, the requests made to the Secretary-General in that resolution.

373. Pursuant to resolution 41/16, the Secretary-General, on 1 October 1987, submitted to the General Assembly a report[494] on the situation in Western Sahara. During the reporting period the Secretary-General, in consultation with the current Chairman of OAU, had held extensive consultations with representatives of Morocco, the Frente POLISARIO, Algeria and Mauritania both while travelling to the region and at United Nations Headquarters, and had sent a mission led by the Under-Secretary-General for Special Political Questions to Morocco and Algeria. After considering the results of those discussions, the Secretary-General, in consultation with the Chairman of OAU, had announced on 27 September 1987, their decision to send a technical survey mission to Western Sahara in the coming weeks to gather the technical information and data necessary for the formulation of proposals relating to a cease-fire and the organization of a referendum without any military

[489] AHG/Res.104 (XIX).
[490] Ibid.
[491] A/41/673.
[492] See G A resolutions 40/50 and 41/16.
[493] See resolution AHG/Res.104 (XIX) of the Assembly of Heads of State and Government of the Organization of African Unity.
[494] A/42/601.

or administrative constraints. The Secretary-General noted that the negotiating process had clarified the positions of the two parties on vital aspects of the problem of Western Sahara and stated his intention to formulate, with the current Chairman of OAU, proposals to be presented to the parties as a basis for further negotiation.

374. In its resolution 42/78 of 4 December 1987, the General Assembly took note of the report of the Secretary-General on the question of Western Sahara, the continuation of the joint good offices process initiated by the Chairman of OAU and the Secretary-General, and the joint decision of the Chairman of OAU and the Secretary-General to send a technical mission to Western Sahara to collect the relevant technical information to assist them in discharging the mandate entrusted to them by the General Assembly.[495] The Assembly requested the Secretary-General to follow the situation in Western Sahara closely and to report on the implementation of resolution 42/78 at the forty-third session of the General Assembly.

375. On 20 September 1988, the Security Council adopted resolution 621 (1988), in which it authorized the Secretary-General to appoint a special representative for Western Sahara. In the preamble to the resolution, the Council noted the agreement in principle given by Morocco and the Frente POLISARIO on 30 August 1988 to the joint proposals of the Secretary-General and the Chairman of OAU. The Council also stated that it was anxious to support those efforts with a view to the holding of a referendum for self-determination of the people of Western Sahara, organized and supervised by the United Nations in cooperation with OAU. In the operative part of the resolution, the Council requested the Secretary-General to transmit to it, as soon as possible, a report on the holding of a referendum for self-determination of the people of Western Sahara, and on the ways and means to ensure its organization and supervision by the United Nations in cooperation with OAU.

376. The Secretary-General, on 7 October 1988, submitted to the General Assembly a report pursuant to Assembly resolution 42/78[496] stating that, following his mission of good offices for a peaceful solution of the question of Western Sahara, he and the Chairman of OAU had reviewed the findings of the technical mission to Western Sahara and finalized the peace proposals that would be submitted to Morocco and the Frente POLISARIO for their consideration as a framework for bringing about a ceasefire and creating the necessary conditions for the holding of a credible referendum in Western Sahara. The Secretary-General reported that, on 30 August 1988, in Geneva, both Morocco and the Frente POLISARIO had agreed to the peace proposals put forward within the joint mission of good offices, which provided for the organization and monitoring of a referendum by the United Nations in cooperation with OAU. The peace proposals would be implemented under the guidance of a Special Representative of the Secretary-General with the assistance of a support group comprising a civilian unit, a military unit and a security unit to enable the Special Representative to fulfil his organizational and monitoring functions. The Secretary-General noted that the peace proposals advocated the complete cessation of hostilities, requiring both parties to reduce their troops so that the referendum process would be free from any interference or intimidation, and also provided for the deployment of a contingent of United Nations observers who would verify the cessation of hostilities, the implementation of the ceasefire and the exchange of prisoners. The Secretary-General also noted that during the reporting period, in accordance with his mandate,[497] he had travelled to the region to meet with the Secretary-General of the Frente POLISARIO, King Hassan II of Morocco and the Heads of State of Algeria, Mauritania and Tunisia; maintained a continuous exchange of written and oral communications with the parties to the conflict; and exchanged views with observers to the peace process as well as with leaders of African countries and other interested parties. Furthermore, the Secretary-General said that, on the basis of Security Council resolution 621 (1988), he had begun consultations with the Chairman of OAU, as well as with the two parties to the conflict, regarding the early appointment of a Special Representative of the Secretary-General for Western Sahara.

377. In its resolution 43/33 of 22 November 1988, the General Assembly welcomed the agreement in principle given on 30 August 1988 by Morocco and the Frente POLISARIO to the joint proposals of the Chairman of OAU and the Secretary-General with a view to the holding of a referendum for self-determination of the people of Western Sahara organized and supervised by the United Nations in cooperation with OAU; also welcomed the decision of the Security Council to authorize the Secretary-General to appoint a Special Representative for Western Sahara;[498] and reiterated in substantially the same language as used in General Assembly resolution 42/78 the requests made to the Secretary-General in that resolution.

378. In accordance with Security Council resolution 621 (1988) of 20 September 1988, the Secretary-General appointed Héctor Gros Espiell, a national of Uruguay, as his Special Representative for Western Sahara effective 19 August 1988. The appointment of a Special Representative to be responsible for implementing the peace proposals regarding Western Sahara was made following consultations with the Chairman of OAU, as well as with the two parties to the conflict.[499]

[495] See G A resolutions 40/50, 41/16 and 42/78.
[496] A/43/680.
[497] See G A resolutions 40/50, 41/16 and 42/78.
[498] See S C resolution 621 (1988).
[499] A/44/634.

379. In his 9 December 1988 report[500] submitted to the General Assembly at its forty-third session on the implications for the programme budget of the Organization for 1988-1989 of the implementation of Security Council resolution 621 (1988), the Secretary-General submitted revised estimates relating to the implementation of the peace proposals for Western Sahara. The Secretary-General stated that the peace proposals would be implemented in two phases, the first of which would involve the resolution of substantive issues such as the level of Moroccan troop reductions, the locations to which the Moroccan troops remaining in Western Sahara would be confined, practical arrangements regarding the referendum and the status of the existing Moroccan administration. The Secretary-General said that, following the successful resolution of those issues through consultations and negotiations with both parties, he intended to submit a report to the Security Council seeking further authority for the implementation of phase two of the peace proposals.

10. Functions exercised in connection with the situation in Angola

(a) *Functions exercised under Security Council resolutions*

380. On 20 June 1985, the Security Council adopted resolution 567 (1985), in which it demanded that South Africa withdraw its forces from Angola and requested the Secretary-General to monitor and report on that withdrawal. In the preamble to the resolution, the Council recalled its previous resolutions concerning the situation in Angola[501] and expressed concern at the renewed escalation of unprovoked and persistent acts of aggression by South Africa in violation of Angolan sovereignty. In the operative part of the resolution, the Council condemned South Africa for its recent act of aggression against the territory of Angola in the Province of Cabinda, for its utilization of Namibia as a springboard for perpetrating its armed attacks and for its sustained occupation of parts of Angola. The Council demanded that South Africa unconditionally withdraw all its occupation forces from Angola, cease all acts of aggression against that State and scrupulously respect the sovereignty and territorial integrity of Angola. Furthermore, the Council considered that Angola was entitled to appropriate redress and compensation for any material damage suffered. The Council requested the Secretary-General to monitor the implementation of resolution 567 (1985) and report to the Security Council.[502]

381. On 20 September 1985, the Security Council adopted resolution 571 (1985), in which it demanded that South Africa cease all acts of aggression against Angola and decided to appoint, and send immediately to Angola, a Commission of Investigation to evaluate the damage incurred from the invasion of Angola by South African forces and to report to the Council. In a note[503] dated 30 September 1985, the President of the Security Council stated that, following consultations with the members of the Council, agreement had been reached that the Commission of Investigation established under resolution 571 (1985) would be composed of Australia, Egypt and Peru.[504]

382. On 7 October 1985, the Security Council adopted resolution 574 (1985), in the preamble to which it recalled its previous resolutions condemning South Africa's acts of aggression against Angola[505] and expressed grave concern at the armed invasion of Angola carried out by South Africa on 28 September 1985. In the operative part of the resolution, the Council once again demanded that South Africa cease immediately all acts of aggression and unconditionally withdraw all military forces occupying Angolan territory. The Council requested the Security Council Commission of Investigation established in pursuance of resolution 571 (1985), consisting of Australia, Egypt and Peru, to report urgently on its evaluation of the damage resulting from South African aggression, including the latest bombings and, in the event of non-compliance by South Africa with resolution 574 (1985), would decide to meet again to consider the adoption of more effective measures in accordance with the appropriate provisions of the Charter of the United Nations.

383. On 6 December 1985, the Security Council adopted resolution 577 (1985), in the preamble to which it recalled its previous resolutions condemning South Africa's acts of aggression against Angola.[506] In the operative part of the resolution, the Council endorsed the report of the Security Council Commission of Investigation established under resolution 571 (1985),[507] expressed its appreciation to the members of the Commission, demanded once again that South Africa cease all acts of aggression against Angola, and in paragraph 7, demanded that South Africa pay full and adequate compensation to Angola for the damage to life and property resulting from the acts of aggression. The Council requested Member States to extend all necessary assistance to Angola in order to strengthen its defence capacity and requested Member States and international or-

[500] A/C.5/43/59.

[501] S C resolutions 387 (1976), 418 (1977), 428 (1978), 447 (1979), 454 (1979), 475 (1980), 545 (1983) and 546 (1984).

[502] The Secretary-General did not submit a report pursuant to S C resolution 567 (1985) during the period under review.

[503] S C (40), Suppl. for July-Sept. 1985, S/17506.

[504] The Secretary-General was not requested to provide any support in relation to the operation of the Commission of Investigation.

[505] S C resolutions 387 (1976), 418 (1977), 428 (1978), 447 (1979), 454 (1979), 475 (1980), 545 (1983), 546 (1984), 567 (1985) and 571 (1985).

[506] S C resolutions 387 (1976), 418 (1977), 428 (1978), 447 (1979), 454 (1979), 475 (1980), 545 (1983), 546 (1984), 567 (1985), 571 (1985) and 574 (1985).

[507] S C (40), Suppl. for Oct.-Dec. 1985, S/17648.

ganizations to extend material and other forms of assistance to Angola in order to facilitate the immediate reconstruction of its economic infrastructure. The Council requested the Secretary-General to monitor developments in Angola and to report to the Security Council no later than 30 June 1986 on the implementation of resolution 577 (1985), in particular, of paragraphs 7 and 8 thereof.

384. Pursuant to Security Council resolution 577 (1985), the Secretary-General, on 30 June 1986, submitted to the Security Council a report[508] on the implementation of resolution 577 (1985) concerning the "Complaint by Angola against South Africa". The Secretary-General stated that he had carried out the mandate entrusted to him by resolution 577 (1985) by transmitting the text of that resolution to the Minister for External Relations of Angola and the Minister for Foreign Affairs of South Africa, by requesting the representative of South Africa to the United Nations to provide information on the implementation of the resolution and by writing to the representatives of Member States and to international organizations, requesting information on action taken in pursuance of resolution 577 (1985). The Secretary-General stated that, by a letter dated 13 June 1986, the representative of South Africa to the United Nations reported South Africa's rejection of resolution 577 (1985).[509] The Secretary-General informed the Security Council of the developments since the adoption of resolution 577 (1985) by annexing to his report letters from the President of Angola and from the Minister for External Relations of Angola, containing information on the serious situation prevailing in Angola. Pursuant to his mandate, he also impressed on Member States the urgent need for material and other forms of assistance to Angola in order to reconstruct its economic infrastructure and annexed the replies of Member States and international organizations to his report.

385. On 25 November 1987, the Security Council adopted resolution 602 (1987), in which it strongly condemned South Africa for its illegal entry into and acts of aggression against Angola and demanded once again that South Africa cease its acts of aggression against Angola and unconditionally withdraw all its forces occupying Angolan territory. It decided to mandate the Secretary-General to monitor the withdrawal of South African forces and to report to the Security Council on the implementation of the resolution no later than 10 December 1987. The Council furthermore called upon Member States to cooperate with the Secretary-General in the implementation of the resolution and to refrain from any action which would undermine the independence, territorial integrity and sovereignty of Angola.

386. Pursuant to Security Council resolution 602 (1987), the Secretary-General, on 18 December 1987,[510] submitted to the Council a report on the implementation of that resolution. The Secretary-General informed the Council of his communication of 25 November 1987, whereby he had requested the Foreign Minister of South Africa to inform him of the manner in which his Government intended to meet the requirements of paragraph 4 of resolution 602 (1987), and also to provide him with information on the timetable for the withdrawal of all South African forces currently deployed in Angola. In response, on 5 December 1987, the Chief of the South African Defence Force had informed the Secretary-General that South African troops in Angola were in the process of being withdrawn, and reiterated the willingness of South Africa to withdraw its forces if its interests were secured or if all foreign forces were also withdrawn from the area.[511] In the absence of a formal response by South Africa to resolution 602 (1987) and in order to fulfil his mandate under that resolution, the Secretary-General dispatched a mission to Luanda from 10 December 1987 to 17 December 1987 to hold discussions with the Government of Angola. The mission received detailed briefings from the Angolan Government on the continued hostilities and the failure of the South African troops to withdraw, and travelled to Cunene Province in Angola to investigate the situation on the ground. The Secretary-General concluded by stating that South Africa had not provided him with information relevant to the monitoring functions entrusted to him by resolution 602 (1987) and assured the Security Council that he would inform it of any new developments in that regard.

387. On 23 December 1987, the Security Council adopted resolution 606 (1987), in which it took note of the report[512] of the Secretary-General and condemned South Africa for its continued occupation of parts of Angola and for its delay in withdrawing its troops from that country. The Council requested the Secretary-General to continue monitoring the total withdrawal of South African military forces from the territory of Angola, with a view to obtaining from South Africa a time frame for total withdrawal as well as confirmation of its completion, and also requested the Secretary-General to report to the Council on the implementation of the resolution at the earliest opportunity.

388. On 13 December 1988, the Secretary-General transmitted to the General Assembly and the Security Council the text of the Protocol of Brazzaville, which had been signed that day by the representatives of the Governments of Angola, Cuba and South Africa. By the Protocol, the parties recommended to the Secretary-General that 1 April 1989 be established as the date for the implementation of Security Council resolution 435 (1978).[513] The parties agreed to meet on 22 December 1988 in New York for the

[508] S C (41), Suppl. for July-Sept. 1986, S/18195 and Add.1.
[509] Ibid., Suppl. for April-June 1986, S/18156.
[510] S C (42), Suppl. for Oct.-Dec. 1987, S/19359.
[511] Ibid., S/19325.
[512] Ibid., S/19359.
[513] S C (43), Suppl. for Oct.-Dec. 1988, S/20325; see also A/43/964.

formal signature of two documents, a tripartite agreement between Angola, Cuba and South Africa, and a bilateral agreement between Angola and Cuba.

389. In the tripartite agreement signed in New York on 22 December 1988,[514] Angola, Cuba and South Africa agreed to request the Secretary-General to seek authority from the Security Council to commence implementation of resolution 435 (1978)[515] on Namibia's independence on 1 April 1989, and to cooperate fully with the Secretary-General in implementing the resolution. In addition, they undertook to ensure that their respective territories would not be used for acts of war, aggression or violence against the territorial integrity, inviolability of borders or the independence of any State of south-western Africa. The parties also agreed to establish within 30 days a Joint Commission observed by the United States of America and the Union of Soviet Socialist Republics to deal with issues relating to the interpretation and implementation of the tripartite agreement.

390. In the bilateral agreement signed in New York on 22 December 1988,[516] Angola and Cuba agreed upon a timetable for the repatriation of the 50,000 Cuban troops which were stationed in Angola.

(b) *Establishment and functioning of the United Nations Angola Verification Mission*

(i) Creation of UNAVEM

391. In a report dated 17 December 1988,[517] the Secretary-General informed the Security Council of two letters he had received on 17 December 1988 from the Permanent Representatives of Angola[518] and Cuba to the United Nations,[519] requesting the Council to establish a United Nations observer group in Angola. The Secretary-General noted the decision of Angola and Cuba to formally accept the implementation of Security Council resolution 435 (1978)[520] with effect from 1 April 1989, and their intention to conclude a bilateral agreement on 22 December 1988 for the redeployment to the north and the subsequent staged and total withdrawal of Cuban troops from Angola, in accordance with an agreed timetable and with verification by the United Nations. In his report, the Secretary-General made detailed recommendations reflecting the results of his discussions with delegations from Angola and Cuba about how such an observer mission might be carried out if the Council decided to accept the two Governments' request. He suggested that the mandate of the observer mission would be to verify the redeployment northwards and the phased and total withdrawal of Cuban troops from the territory of Angola in accordance with the bilateral agreement between Angola and Cuba which provided for the withdrawal of troops to begin on 1 April 1989 and to be completed 27 months after that date. The Secretary-General proposed that the observer group be known as the United Nations Angola Verification Mission (UNAVEM) and be under the command of the United Nations, vested in the Secretary-General and under the authority of the Security Council. The command in the field would be exercised by a Chief Military Observer with the rank of Brigadier-General, responsible to and appointed by the Secretary-General with the consent of the Security Council. The Secretary-General would keep the Council fully informed, submit to it reports on the functioning of UNAVEM at regular intervals and refer all matters which might affect the nature or continued effective functioning of UNAVEM to the Council for its decision. The Secretary-General proposed that UNAVEM should be composed of approximately 70 unarmed observers from Member States selected by the Secretary-General in consultation with Angola, Cuba and the Security Council, as well as approximately 20 civilian support personnel provided by the Secretary-General from existing United Nations staff. UNAVEM would consist of a headquarters located at Luanda and a number of international military teams deployed at the ports and airports to be used for the departure and arrival of Cuban troops. As soon as UNAVEM became operational, Angolan and Cuban authorities would provide it with information regarding the total number of Cuban troops present in Angola and details of the timetable for the withdrawal of troops, including the ports and airports to be used. All departures and arrivals would be recorded by UNAVEM headquarters. UNAVEM would carry out ad hoc inspections of the location of Cuban troops at the direction of the Chief Military Observer or at the request of a member of the Security Council to the Secretary-General. If an inspection was made at the request of a member of the Security Council, its results would be conveyed to all the members of the Council. The Secretary-General proposed that Angola and Cuba should designate liaison officers to accompany United Nations verification teams in the performance of their duties at the ports and airports of departure and arrival. To facilitate the work of UNAVEM, Angola and Cuba would agree to extend full support and cooperation to UNAVEM and its civilian supporting staff at all times in the performance of their functions. In addition, Angola would agree to the arrival and establishment of UNAVEM at least seven days before the start of the agreed timetable for the redeployment northwards and withdrawal of Cuban forces; grant UNAVEM all relevant privileges and immunities provided by the Convention on the Privileges and Immunities of the United Nations; provide, at its cost, office accommodation and land

[514] Ibid., S/20346; see also A/43/989.

[515] See *Repertory, Supplement No. 5,* vol. V, under Article 98, paras. 534-555.

[516] S C (43), Suppl. for Oct.-Dec. 1988, S/20345.

[517] Ibid., S/20338.

[518] Ibid., S/20336.

[519] Ibid., S/20337.

[520] See *Repertory, Supplement No. 5,* vol. V, under Article 98, paras. 534-555.

and air transport required by UNAVEM; allow UNAVEM complete freedom of movement and communications for the performance of its mandate; and ensure the security and safety of all UNAVEM personnel. The Secretary-General stated that if the Security Council decided to accept the request of Angola and Cuba and if the Council approved the arrangements recommended in his report, he would propose to deploy an advance party of approximately 30 observers to Luanda on or about 3 January 1989, and to deploy the remainder of the group, consisting of approximately 40 observers, to Angola on or about 20 March 1989.

392. On 20 December 1988, the Security Council adopted resolution 626 (1988), in which it established the United Nations Angola Verification Mission for a period of 31 months. The Council, furthermore, noting the decision of Angola and Cuba to conclude a bilateral agreement on 22 December 1988 for the redeployment to the north and the staged and total withdrawal of Cuban troops from Angola, in accordance with an agreed timetable, approved the report and recommendations of the Secretary-General[521] and requested him to take the necessary steps to establish, under the authority of the Security Council, a United Nations Angola Verification Mission. The Council decided that the arrangements for the establishment of UNAVEM would enter into force as soon as the tripartite agreement between Angola, Cuba and South Africa and the bilateral agreement between Angola and Cuba were signed. The Council furthermore requested the Secretary-General to report to it immediately after the signing of those agreements and to inform it of all further developments.

393. Pursuant to that request, the Secretary-General, on 22 December 1988,[522] submitted a report to the Security Council by which he informed the Council that the tripartite agreement between Angola, Cuba and South Africa and the bilateral agreement[523] between Angola and Cuba had been signed by the parties concerned at United Nations Headquarters on 22 December 1988. The Secretary-General stated that the arrangements for the establishment of UNAVEM had accordingly entered into force.

(ii) Functions that were to be assigned to the Secretary-General by draft resolutions that failed of adoption by the Security Council

394. At the 2693rd meeting of the Security Council, on 18 June 1986, the Council had before it a draft resolution[524] regarding the question of South Africa's aggression in Angola. The draft resolution, regarding the renewed escalation of the persistent acts of aggression by the South African regime in violation of the sovereignty and territorial integrity of Angola, was not adopted due to the negative vote of one permanent member of the Council. Under the draft, the Council would have condemned the utilization by South Africa of the Territory of Namibia as a springboard for armed invasions and destabilization of Angola; demanded that South Africa withdraw all its military forces from the territory of Angola, cease its violations of Angola's land, sea and air space and thenceforth scrupulously respect the sovereignty, territorial integrity and independence of Angola; imposed selective economic and other sanctions against the South African regime as an effective means of combating the apartheid system and bringing peace and stability to southern Africa; and demanded that South Africa pay full and adequate compensation to Angola for the damage to life and property resulting from the acts of aggression. The Secretary-General would have been requested to continue to monitor the situation in southern Africa and to report thereon by the end of August 1986.

(iii) Composition of UNAVEM and appointment of Chief Military Observer

395. In a letter dated 23 December 1988 to the President of the Security Council,[525] the Secretary-General referred to his previous report of 17 December 1988[526] in which he had stated that he would seek the Council's very early consent to the appointment of the Chief Military Observer and to the composition of UNAVEM. The Secretary-General proposed that UNAVEM be composed of contingents from Algeria, Argentina, Brazil, the Congo, Czechoslovakia, India, Jordan, Norway, Spain and Yugoslavia, all of which had expressed their readiness in principle to make the necessary military personnel available. The Secretary-General stated that it was his intention, with the consent of the Council, to appoint Brigadier-General Péricles Ferreira Gomes of Brazil as Chief Military Observer of UNAVEM, and asked that those matters be brought to the attention of the members of the Security Council (it was so done on 23 December 1988).[527]

11. Functions exercised in connection with the situation in Central America

(a) *Functions exercised under General Assembly and Security Council resolutions in relation to peace initiatives in Central America*

396. In its resolution 562 (1985) of 10 May 1985, the Security Council reaffirmed the right of Nicaragua and of all other countries of the area to live in peace and security free from outside interference, reaffirmed its strong support of the Contadora Group of countries, consisting of Colombia, Mexico, Panama and Venezuela, and urged the Contadora Group to intensify its efforts to secure peace and stability in

[521] S C (43), Suppl. for Oct.-Dec. 1988, S/20338.
[522] Ibid., S/20347.
[523] Ibid., S/20345.
[524] S C (41), Suppl. for April-June 1986, S/18163.
[525] S C (43), Suppl. for Oct.-Dec. 1988, S/20351.
[526] Ibid., S/20338.
[527] See letter dated 23 December 1988 from the President of the Security Council addressed to the Secretary-General, S/20352.

the region. The Council called upon all States to refrain from carrying out, supporting or promoting political, economic or military actions of any kind against any State in the region which might impede the peace objectives of the Contadora Group, called upon the Governments of the United States of America and Nicaragua to resume the dialogue they had been holding in Manzanillo, Mexico, with a view to reaching accords favourable for normalizing their relations and regional détente, and requested the Secretary-General to keep the Council apprised of the development of the situation in Central America and of the implementation of the resolution.

397. On 9 October 1985, the Secretary-General, pursuant to Security Council resolution 562 (1985), submitted a report[528] to the Security Council and the General Assembly. In it he gave an account of the steady deterioration of the situation in Central America, the contacts he had maintained with representatives of Colombia, Mexico, Panama and Venezuela and the Contadora Group's search for a comprehensive solution to the problems in the region. At the request of the Ministers for Foreign Affairs of the Contadora Group, he transmitted the final draft of the Contadora Act on Peace and Cooperation in Central America. The Secretary-General noted that, despite Security Council resolution 562 (1985), dialogue between the Governments of the United States of America and Nicaragua in Manzanillo, Mexico, had not been resumed, and reaffirmed his commitment to assist in furthering the peace process in Central America.

398. On 2 July 1986, the Secretary-General, pursuant to Security Council resolution 562 (1985) and General Assembly resolution 39/4 of 26 October 1984, submitted a report[529] to the Security Council and the General Assembly. In the report, he stated that during the period under review he had maintained frequent contact with the Governments of the five Central American countries,[530] the Contadora Group[531] and its Support Group,[532] and noted the convergence between the Governments comprising those groups regarding the elements on which a comprehensive settlement of the Central American conflict should be based, namely, the establishment of genuinely pluralistic democratic systems; respect for the human rights of all citizens; the right of all nations to self-determination; economic and social reform; and the prohibition of the use of a nation's territory as a base for attacks on another country or for the provision of military or logistical support to irregular forces or subversive groups operating in any country of the region. The Secretary-General described the activities of the Contadora Group, including the changes that had been made to the final draft of the Contadora Act on Peace and Cooperation in Central America, which he transmitted with his report, together with the Washington and Managua communiqués of 10 February 1986 and 24 February 1986 respectively. The Secretary-General noted that, on 27 June 1986, the International Court of Justice had handed down its ruling on the case Military and Paramilitary Activities in and against Nicaragua (*Nicaragua v. United States of America*)[533] and reiterated his readiness to assist in bringing about a global and lasting peace in Central America.[534]

399. In its resolution 41/37 of 18 November 1986, the General Assembly expressed its support for the commendable efforts made by the Contadora Group and the Support Group with a view to bringing about peace in Central America, urged all States to offer their support to those groups and requested the Secretary-General to report to the General Assembly at its forty-second session on the implementation of the resolution.

400. On 12 February 1987, the Secretary-General submitted to the Security Council and the General Assembly a report[535] on the action he had taken regarding the situation in Central America. He stated that, on 18 November 1986 he, together with the Secretary-General of the Organization of American States (OAS), had offered to complement the Contadora peace initiatives by extending their own services to the five Central American States and the eight countries of the Contadora Group and the Support Group. In response to their joint offer, the Secretaries-General of the United Nations and OAS were requested by the members of the Contadora Group and the Support Group to participate in a peace initiative involving visiting the five Central American countries. The Secretary-General accepted that request and gave an account of the visit in which he commended the peace efforts of the Contadora Group and the Support Group and identified various obstacles to the resumption of dialogue between the five Central American Governments. He reiterated his commitment to assist in bringing about a peaceful, negotiated and regional solution to the Central American conflict.

[528] S C (40), Suppl. for Oct.-Dec. 1985, S/17549; see also A/40/737.

[529] Ibid., Suppl. for July-Sept. 1986, S/18184; see also A/40/1136.

[530] Consisting of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua.

[531] Consisting of Colombia, Mexico, Panama and Venezuela.

[532] Consisting of Argentina, Brazil, Uruguay and Peru.

[533] *Nicaragua v. United States of America, Merits, Judgment*, *I.C.J. Reports 1986*, p.14.

[534] Two draft resolutions, on the subject, S/18250 and S/18428, introduced at the 2704th and 2718th meetings respectively, requesting the Secretary-General to keep the Council informed of the implementation of the draft resolutions, which would call for full and immediate compliance with the judgement of the International Court of Justice, failed of adoption due to the negative vote of one permanent member of the Council. With regard to the judgment see this *Supplement*, under Articles 92 and 94.

[535] S C (42), Suppl. for Jan.-March 1987, S/18686; see also A/42/127.

401. In its resolution 42/1 of 7 October 1987, the General Assembly expressed firm support for the agreement entitled "Procedure for the establishment of a firm and lasting peace in Central America", signed at the Esquipulas II summit meeting by the Central American Presidents[536] at Guatemala City on 7 August 1987. The Assembly also welcomed the acceptance by the Secretary-General of the invitation from the Central American countries to participate in the International Verification and Follow-up Commission at Caracas on 22 August 1987 and recognized the importance of the initiative taken by him jointly with the Secretary-General of OAS on 18 November 1986. The Assembly requested the Secretary-General to afford full support to the Central American Governments in their efforts to achieve peace, especially by granting the assistance requested of him for the effective functioning of the machinery provided for in the Guatemala Agreement for the verification and follow-up of the commitments made, and further requested the Secretary-General to promote a special plan of economic cooperation for Central America[537] and to keep the Assembly informed of the implementation of the resolution.

402. On 19 October 1988, the Secretary-General submitted to the Security Council and the General Assembly a report[538] in which he gave an account of his participation in the International Verification and Follow-up Commission, comprising the Contadora Group, the Support Group and the Secretaries-General of the United Nations and OAS. The Secretary-General stated that, at the request of the Commission, the Secretaries-General in cooperation with the Central American Governments had dispatched a preliminary technical mission to Central America to evaluate the need for on-site inspections regarding security commitments. Upon its return from Central America, the mission had concluded that, in view of the discord existing between the five Central American Governments, appropriate conditions did not exist for the establishment of practical mechanisms for on-site verification of the security commitments between Central American countries with regard to a ceasefire, non-use of territory to attack other States and termination of aid for irregular forces and insurrectionist movements. The Secretary-General stated that in addition to meeting with the International Verification and Follow-up Commission, during the reporting period he had discussed the problem of Central America with the Presidents of Argentina, Brazil, Costa Rica, Guatemala, Mexico, Nicaragua, Panama and Venezuela, as well as with the Ministers for Foreign Affairs of the Central American countries. He appealed to those countries to renew their collective commitment to peace in the region and reaffirmed his readiness to provide any support requested for the fulfilment of that objective.

403. In its resolution 43/24 of 15 November 1988, the General Assembly commended the desire for peace expressed by the Central American Presidents in issuing, at San José on 16 January 1988, a joint declaration of commitment to fulfil immediately, unconditionally and unilaterally the obligations contained in the agreement concluded at the Esquipulas II summit meeting. The Assembly also urged those countries to promote and supplement the agreed verification machinery and adopt immediately formulae that would enable them to overcome the obstacles impeding the advancement of the regional peace process. The Assembly furthermore requested the Secretary-General to afford the fullest possible support to the Central American Governments in their efforts to achieve peace, especially by taking the measures necessary for the development and effective functioning of the essential verification machinery, and further requested him to submit a report to the General Assembly on the implementation of the resolution.

(b) *Functions exercised under General Assembly and Security Council resolutions in relation to the trade embargo against Nicaragua*

404. In its resolution 40/188 of 17 December 1985, the General Assembly requested that the trade embargo and other measures imposed against Nicaragua be immediately revoked; invited all States to help reduce the negative effects of the trade embargo by contributing to economic and social development and to regional economic integration; and requested the Secretary-General to report to the Assembly on the implementation of the resolution.

405. On 15 September 1986, the Secretary-General submitted to the General Assembly a report[539] stating that, in pursuance of General Assembly resolution 40/188, a note verbale had been addressed on behalf of the Secretary-General to the Governments of all Member States, inviting them to provide him with information on any actions they had taken in relation to the trade embargo imposed against Nicaragua. The Secretary-General transmitted the replies that he had received from Member States to the General Assembly.[540]

406. On 2 July 1986, the Secretary-General submitted to the Security Council and the General Assembly a report[541] in which he noted that, on 27 June 1986, the International Court of Justice had handed down its ruling on the case *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua v. United States of America*), *Merits, Judg-*

[536] The Agreement was signed by the Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua.

[537] See also G A resolutions 42/204, 42/231 and 43/210 regarding the Secretary-General's special plan of economic cooperation for Central America.

[538] S C (43), Suppl. for Oct.-Dec. 1988, S/20234; see also A/43/729.

[539] A/41/596.

[540] See A/41/596 and Add.1 and 2.

[541] S C (41), Suppl. for July-Sept. 1986, S/18184; see also A/40/1136.

ment.[542] The Secretary-General appealed to all States to act in accordance with international law so as to break the cycle of the steady ideologization of the conflict, and to reduce the threat of widespread conflict in Central America.

407. In its resolution 41/31 of 3 November 1986, the General Assembly called for full and immediate compliance with the judgment of the International Court of Justice of 27 June 1986 in the case *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua v. United States of America*), Merits, Judgment, in conformity with the Charter of the United Nations, and requested that the Secretary-General keep the General Assembly informed on the implementation of the resolution.

408. In its resolution 41/164 of 5 December 1986, the General Assembly reaffirmed the sovereign and inalienable right of Nicaragua and the other States in Central America to determine their own political, economic and social system; invited all States to continue to promote concrete forms of cooperation in Central America, in particular to help reduce the negative effects of the trade embargo adopted against Nicaragua; deplored the continuation of the trade embargo contrary to Assembly resolution 40/188 and the judgment of the International Court of Justice; once again requested that those measures be immediately revoked; and requested the Secretary-General to report to the Assembly on the implementation of resolution 41/164.

409. On 28 September 1987, the Secretary-General submitted to the General Assembly a report[543] on the trade embargo against Nicaragua. He stated that, pursuant to General Assembly resolution 41/164, a note verbale had been addressed on behalf of the Secretary-General to the Governments of all Member States, inviting them to provide him with information on any actions they had taken in relation to the trade embargo imposed against Nicaragua. The Secretary-General transmitted the replies received from States with his report.

410. In its resolution 42/18 of 12 November 1987, which was identical mutatis mutandis with General Assembly resolution 41/31, the General Assembly called for full and immediate compliance with the judgment of ICJ of 27 June 1986 in the case *Military and Paramilitary Activities in and against Nicaragua* (*Nicaragua v. United States of America*), *Merits, Judgment* and requested the Secretary-General to keep the General Assembly informed on the implementation of resolution 42/18.

411. In its resolution 42/176 of 11 December 1987, the General Assembly took note of the report[544] of the Secretary-General on the trade embargo against Nicaragua, deplored the continuation of the trade embargo contrary to Assembly resolutions 40/188 and 41/164 and to the judgment of ICJ of 27 June 1986; once again requested that those measures be immediately revoked; and requested the Secretary-General to report to the Assembly on the implementation of resolution 42/176 at its forty-third session.

412. On 19 October 1988, the Secretary-General, pursuant to resolution 42/18, submitted to the General Assembly a report[545] stating that there had been no new developments in the situation since the adoption of that resolution. He noted that, as pointed out in its annual report,[546] the International Court of Justice, in the absence of agreement between the parties and at the request of Nicaragua, was in the process of deciding, in accordance with its judgment of 27 June 1986, the form and amount of the reparation owed by the United States of America to Nicaragua for "all injury caused to Nicaragua by certain breaches of obligations under international law committed by the United States". The Secretary-General further noted that the United States had not participated in the proceedings, being of the view that the Court was without jurisdiction to entertain the dispute.

413. In its resolution 43/11 of 25 October 1988, identical mutatis mutandis with General Assembly resolution 42/18, the General Assembly called for full and immediate compliance with the judgment of ICJ of 27 June 1986 and repeated the requests made to the Secretary-General in that resolution.

[542] The Court held that the general trade embargo of 1 May 1985 imposed by the United States was in breach of the Treaty of Friendship, Commerce and Navigation of 1956 and could not be justified as necessary to protect the essential security interests of the United States. *Nicaragua v. United States of America, Merits, Judgment, I.C.J. Reports 1986*, pp. 139-140.

[543] A/42/583.

[544] Ibid.

[545] A/43/728.

[546] G A (43), Suppl. No. 4.

414. In its resolution 43/185 of 20 December 1988, the General Assembly deplored the continuation of the trade embargo against Nicaragua contrary to its previous resolutions[547] and to the judgment of ICJ of 27 June 1986; once again requested that those measures be immediately revoked; and requested the Secretary-General to report to the Assembly on the implementation of the resolution at its forty-fourth session.

12. 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*

415. During the period under review, the General Assembly adopted several resolutions in relation to the establishment of a nuclear-weapon-free zone in the Middle East, in which it requested the Secretary-General to submit a report to the Assembly containing the views on the matter which had been communicated to him by countries in the region or by other interested parties.[548]

416. Pursuant to those requests, the Secretary-General requested all Member States to submit to him their views and further comments on the establishment of a nuclear-weapon-free zone in the Middle East, and submitted reports[549] each year to the General Assembly containing the responses that that he had received.

417. In its resolution 43/65 of 7 December 1988, the General Assembly requested the Secretary-General to undertake a study on effective and verifiable measures which would facilitate the establishment of a nuclear-weapon-free zone in the Middle East, taking into account the circumstances and characteristics of the Middle East, as well as the views and the suggestions of the parties of the region, and to submit the study to the General Assembly at its forty-fifth session.

(b) *Question of Israeli nuclear armament*

418. In resolutions adopted during the period under review in relation to the question of Israeli nuclear armament, the General Assembly condemned Israel's refusal to renounce any possession of nuclear weapons as well as the continuing nuclear collaboration between Israel and South Africa, and requested the Secretary-General to follow closely Israeli nuclear activities.[550]

419. In its resolution 41/93 of 4 December 1986, the General Assembly further requested the Secretary-General to update the *Study on Israeli Nuclear Armament*[551] and submit it to the Assembly.

420. Pursuant to that request, the Secretary-General, on 16 October 1987, submitted to the General Assembly an updated study on Israeli nuclear armament,[552] in which he concluded that, while the United Nations did not have conclusive proof that Israel possessed nuclear weapons, circumstantial evidence, together with the ambiguity of Israel's statements about its nuclear policy and its unwillingness to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons or otherwise accept safeguards on all its nuclear activities, had together conveyed the strong impression that Israel had developed the necessary technology and had the means to manufacture nuclear weapons.

(c) *Implementation of the Declaration on the Denuclearization of Africa*

421. In its resolutions 40/89 A and 41/55 A, the General Assembly requested the Secretary-General to assist OAU towards the implementation of the Declaration on the Denuclearization of Africa, adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its first ordinary session, held at Cairo from 17 to 21 July 1964.[553]

422. In its resolutions 42/34 A and 43/71 A, the General Assembly requested the Secretary-General to provide all necessary assistance to the Organization of African Unity regarding the modalities and elements for the preparation and implementation of the relevant convention or treaty on the denuclearization of Africa.

423. In resolutions adopted in relation to the nuclear capability of South Africa at its fortieth, forty-first, forty-second and forty-third sessions,[554] the General Assembly requested the Secretary-General to follow very closely South Africa's evolution in the nuclear field and to report thereon to the Assembly.

424. Pursuant to those requests, the Secretary-General continued to follow South Africa's evolution in the nuclear field and to submit reports to the General Assembly on the nuclear capability of South Africa and the implementation of the Declaration on the Denuclearization of Africa.[555]

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[547] G A resolutions 40/188, 41/164 and 42/176.

[548] G A resolutions 40/82, 41/48, 42/28 and 43/65.

[549] See A/41/465 and Add.1, A/42/364 and A/43/484.

[550] G A resolutions 40/93, 41/93, 42/44 and 43/80.

[551] United Nations publication, Sales No. E.82.IX.2. The study had been prepared by the Secretary-General with the assistance of qualified experts, pursuant to G A resolution 34/89 of 11 December 1979, and was submitted to the General Assembly at its thirty-sixth session in 1981.

[552] A/42/581.

[553] See also *Repertory, Supplement No. 6,* vol. VI, under Article 98, para. 514.

[554] G A resolutions 40/89 B, 41/55 B, 42/34 B and 43/71 B.

[555] See A/41/490, A/42/649 and A/43/701.

(d) *Question of the Comorian island of Mayotte*

425. In resolutions adopted at each of its regular sessions during the period under review, the General Assembly reaffirmed the sovereignty of the Islamic Federal Republic of Comoros over the island of Mayotte; urged the Government of France to open negotiations with the Government of the Comoros with a view to ensuring the effective and prompt return of the island of Mayotte to the Comoros; and requested the Secretary-General to maintain continuous contact with the Secretary-General of the Organization of African Unity and to make available his good offices in the search for a peaceful, negotiated solution to the problem.[556]

426. In response to those requests, the Secretary-General submitted reports to the General Assembly in which he stated that he had maintained close contact with all parties during the period under review and informed them of his readiness to make available his good offices in the search for a peaceful solution to the problem. By those reports, the Secretary-General also conveyed to the Assembly the texts of communications which the two Governments concerned and the Secretary-General of the Organization of African Unity had sent him.[557]

(e) *Strengthening of security and cooperation in the Mediterranean region*

427. In its resolutions 40/157, 41/89 and 42/90, the General Assembly recognized that the security of the Mediterranean was closely linked with international peace and security; welcomed any further communication to the Secretary-General from any States of proposals, declarations or recommendations on strengthening peace, security and cooperation in the Mediterranean region; and invited the States members of the relevant regional organizations to lend support and to submit to the Secretary-General concrete ideas and suggestions on their potential contribution to the strengthening of peace and cooperation in the Mediterranean region. The Assembly furthermore requested the Secretary-General to submit updated reports on the strengthening of security and cooperation in the Mediterranean region.[558]

428. In each report[559] submitted pursuant to the above resolutions, the Secretary-General stated that he had addressed a note verbale to States Members of the United Nations requesting their views on the strengthening of security and cooperation in the Mediterranean region, reproduced the texts of the replies received from Governments and presented a summary of the debates on the item at the General Assembly.

429. In its resolution 43/84, the General Assembly reaffirmed the importance of intensifying and constantly promoting contacts in all fields where common interests existed in order to eliminate gradually, through cooperation, the causes preventing the faster social and economic development of the Mediterranean States. The Assembly welcomed any further communication to the Secretary-General, from all States, of proposals, declarations or recommendations on strengthening peace, security and cooperation in the Mediterranean region; invited 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 Mediterranean countries in their efforts to promote peace, security and cooperation in the region. Once again, the Assembly invited the member States of the relevant regional organizations to lend support and to submit to the Secretary-General concrete ideas and suggestions on their potential contribution to the strengthening of peace and cooperation in the Mediterranean region and requested the Secretary-General to submit an updated report on the strengthening of security and cooperation in the Mediterranean region at the forty-fourth session of the Assembly.

(f) *Question of United States of America military action against the Libyan Arab Jamahiriya*

430. At the 2682nd meeting of the Security Council, on 21 April 1986, a draft resolution[560] was introduced under which the Council would have condemned the armed attacks by the United States of America in violation of the Charter of the United Nations and the norms of international conduct; called upon the United States to refrain forthwith from any attacks or threats thereof; and called upon all parties to refrain from resorting to force, to exercise restraint and to resolve their differences by peaceful means. The Secretary-General would have been requested to take all appropriate steps to restore and ensure peace in the central Mediterranean and to keep the Security Council regularly informed of the implementation of the resolution. The draft resolution failed of adoption due to the negative vote of a permanent member of the Council.

(g) *Establishment of a nuclear-weapon-free zone in South Asia*

431. At each of its regular sessions held during the period under review, the General Assembly adopted a resolution in which it reaffirmed its endorsement, in principle, of the concept of a nuclear-weapon-free zone in South Asia; urged the States of the region to continue to refrain from any action contrary to that objective; and called upon nuclear weapon States to respond positively to the proposal and to cooperate in the efforts to establish a nuclear-weapon-free zone in South Asia. In each resolution, the Assembly re-

[556] G A resolutions 40/62, 41/30, 42/17 and 43/14.

[557] See A/41/765, A/42/602 and A/43/648.

[558] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 530-532.

[559] A/41/486, A/42/570 and A/43/579.

[560] S C (41), Suppl. for April-June 1986, S/18016 and Rev.1.

quested the Secretary-General to communicate with the States of the South Asian region and other States concerned in order to ascertain their views on the issue and to promote consultations among them with a view to exploring the best possibilities of furthering the efforts for the establishment of a nuclear-weapon-free zone in South Asia. The Assembly also requested the Secretary-General to report to it on the implementation of the resolutions.[561]

432. In each of the reports[562] submitted pursuant to the above requests, the Secretary-General stated that he had been in contact with the States of the South Asian region to seek their views on the establishment of a nuclear-weapon-free zone in South Asia and to offer his assistance. The Secretary-General submitted any replies that he had received with each report[563] to the General Assembly.

(h) *Notification of nuclear-weapon tests*

433. During the period under review, the General Assembly adopted resolutions in relation to nuclear testing, in which it requested States to provide the Secretary-General with data on all nuclear explosions conducted by them, and requested the Secretary-General to make that information immediately available to all States and to submit to the General Assembly annually a register of the information provided on nuclear explosions during the preceding 12 months.[564]

434. Pursuant to each of those requests, the Secretary-General sent a note verbale to all Member States, informing them that any relevant information provided by the States concerned would be made available in accordance with General Assembly resolution 41/59 N.[565] The Secretary-General reproduced relevant information received from States in the form of an annual register.[566]

(i) *Complaint by Tunisia against Israel*

435. In a letter dated 1 October 1985,[567] Tunisia made a complaint to the President of the Security Council against Israel, following the penetration of Tunisian airspace and the bombing of Tunisian territory by Israeli military aircraft.

436. In its resolution 573 (1985) of 4 October 1985, the Security Council vigorously condemned the act of armed aggression perpetrated by Israel against Tunisian territory; demanded that Israel refrain from perpetrating such acts of aggression or from threatening to do so; urged Member States to take measures to dissuade Israel from resorting to such acts; considered that Tunisia had the right to appropriate reparations for the loss of human life and material damage which it had suffered and for which Israel had claimed responsibility; and requested the Secretary-General to report to the Security Council on the implementation of the resolution by 30 November 1985 at the latest.

437. Pursuant to that request, the Secretary-General, on 29 November[568] and 13 December 1985,[569] submitted to the Security Council reports on the action that he had taken. He stated that he had transmitted by telegram the text of resolution 573 (1985) to the Ministers for Foreign Affairs of Israel and Tunisia and had urged all Member States to take measures to dissuade Israel from resorting to acts of aggression against the sovereignty and territorial integrity of any State. The Secretary-General annexed to his report the replies he had received from Israel and Oman, as well as a report produced by Tunisia evaluating the damage caused by the armed aggression perpetrated by Israel against Tunisian territory on 1 October 1985.

438. In its resolution 611 (1988) of 25 April 1988, the Security Council condemned the aggression perpetrated on 16 April 1988 against the sovereignty and territorial integrity of Tunisia, urged all Member States to take measures to prevent such acts against the sovereignty and territorial integrity of States; and requested the Secretary-General to report urgently to the Security Council any new elements available to him relating to that aggression.[570]

13. Powers inherent in the office of the Secretary-General

439. As in previous years,[571] the Secretary-General continued to exercise extensive diplomatic functions under the powers inherent in his office. Given the rules of diplomatic discretion, however, only those activities referred to in public documents or statements may be dealt with by the present study. The following examples of diplomatic functions and other related functions exercised by the Secretary-General are illustrative of the breadth of the powers inherent in the office of the Secretary-General.

(a) *Diplomatic functions*

(*i*) *Examples of diplomatic functions exercised under the inherent powers*

a. Communications concerning démarches and appeals

440. On 22 January 1986, the Secretary-General expressed concern about the plight of a group of United Nations per-

[561] G A resolutions 40/83, 41/49, 42/29 and 43/66.

[562] See A/41/519, A/42/456 and A/43/505.

[563] Replies were submitted with the following reports: A/42/456 and A/43/505.

[564] G A resolutions 41/59 N and 42/38 C.

[565] A/42/541.

[566] A/43/625.

[567] S C (40), Suppl. for Oct.-Dec. 1985, S/17509.

[568] Ibid., S/17659.

[569] Ibid., S/17659/Rev.1.

[570] No report was submitted by the Secretary-General in response to this resolution during the period under review.

[571] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, paras. 565-577.

sonnel and other foreigners who were trapped in the United Nations Development Programme compound in Aden, Democratic Yemen, and awaiting evacuation by sea. He appealed on humanitarian grounds to all concerned to allow the evacuees to travel immediately and in safety from the UNDP compound to Little Aden.[572]

441. The Secretary-General's appeal for the release of hostages abducted in Beirut was the subject of a press release issued on 29 January 1987.[573]

442. On 16 March 1987, the Secretary-General appealed for the immediate and unconditional release of all hostages held in Lebanon and, in particular, for the French journalist Jean-Louis Normandin, who was being held hostage in Beirut.[574]

443. On 5 February 1988, the Secretary-General sent an urgent message to the Government of Lebanon requesting that all possible efforts be made to obtain the release of two UNRWA staff members who had been abducted near Sidon in Lebanon.[575]

444. On 15 March 1988, the Secretary-General appealed to the President of South Africa for clemency towards the six young South Africans known as the "the Sharpeville Six".[576]

b. Discussions and consultations

445. In a press release dated 4 February 1986, the Secretary-General stated that in a meeting with the Permanent Representative of the Syrian Arab Republic to the United Nations, he had been informed of an incident which involved the interception of a civilian Libyan aircraft carrying an official Syrian delegation from Tripoli to Damascus by Israeli warplanes flying in international airspace between Cyprus and the Syrian Arab Republic. The Secretary-General stated that he was taking the matter up urgently with the Israeli authorities.[577]

446. On 29 March 1986, the Secretary-General met separately with the Greek Cypriot and Turkish Cypriot interlocutors and handed to them the text of a draft framework agreement for a solution to the Cyprus problem.[578]

447. In a press release dated 13 March 1988, the Secretary-General stated that he had held consultations with the special emissaries of Iran and Iraq regarding the implementation of Security Council resolution 598 (1987) of 20 July 1987.[579]

[572] SG/SM/3819.
[573] SG/SM/3962.
[574] SG/SM/3976.
[575] SG/SM/4079.
[576] SG/SM/4094.
[577] SG/SM/3827.
[578] SG/SM/3845.
[579] SG/SM/4118.

c. Good offices

448. At each regular session during the period under review, the General Assembly adopted a resolution requesting the Secretary-General to continue his renewed mission of good offices in order to assist the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland in resuming negotiations and finding a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas).[580]

449. Each year, the Secretary-General submitted a report to the General Assembly detailing the actions that he had taken in the framework of his good offices, to seek ways of achieving progress towards a comprehensive political settlement of the situation in Kampuchea.[581]

450. In resolutions adopted during the period under review in relation to the question of the Comorian island of Mayotte, the General Assembly requested the Secretary-General to maintain continuous contact with the Secretary-General of the Organization of African Unity and to make available his good offices in the search for a peaceful, negotiated solution to the problem.[582] In response to those requests, the Secretary-General submitted reports to the General Assembly in which he stated that he had maintained close contact with all parties during the period under review and informed them of his readiness to make available his good offices in the search for a peaceful solution to the problem.[583]

451. In a press release dated 31 March 1986, the Secretary-General stated that, since August 1984, negotiations in search of a solution to the Cyprus problem had been conducted under the auspices of the Secretary-General in pursuance of the mission of good offices entrusted to him by the Security Council.[584]

452. In a press release dated 8 April 1986, the Secretary-General stated that, acting in the framework of General Assembly resolution 40/50 and in the exercise of his good offices, he had invited representatives of the Government of Morocco and of the Frente POLISARIO to hold proximity talks under his auspices as from 9 April 1986.[585]

d. Other peaceful means of dispute settlement

453. According to Article 33, paragraph 1, of the Charter of the United Nations, States must endeavour to settle their disputes by peaceful means and are free to choose the peaceful procedure which they consider to be most suitable

[580] G A resolutions 40/21, 41/40, 42/19 and 43/25.
[581] See A/40/759, A/41/707, A/42/608 and A/43/730.
[582] G A resolutions 40/62, 41/30, 42/17 and 43/14.
[583] See A/41/765, A/42/602 and A/43/648.
[584] SG/SM/3845.
[585] SG/SM/3851.

for resolving the particular dispute with which they are faced.

454. During the period under review, France and New Zealand chose to utilize an adaptation of the procedure of mediation in order to settle a dispute between them relating to the sinking of the *Rainbow Warrior* in July 1985. The two States approached the Secretary-General and asked him "to act as mediator in the dispute" between them.[586] The two States sought to refer all the problems between them arising from the *Rainbow Warrior* affair to the Secretary-General for a ruling that both agreed to abide by and were confident would be equitable and principled.[587] At a press conference on 19 June 1986, the Secretary-General confirmed that he was willing to undertake that task.[588]

455. On 6 July 1986, the Secretary-General met jointly with the Permanent Representatives of France and New Zealand to the United Nations Office at Vienna and handed over to them the text of his ruling on the problems between the two countries arising from the *Rainbow Warrior* affair.[589] One of the terms of the ruling was that "the two Governments should conclude and bring into force as soon as possible binding agreements incorporating" the other, substantive terms of his ruling. The ruling of the Secretary-General was brought into force on 9 July 1986 by three exchanges of letters.[590]

e. Fact-finding activities

456. On 24 September 1987, the Spokesman for the Secretary-General stated that, in furtherance of their efforts in search of a peaceful solution to the question of Western Sahara, the Secretary-General and the current Chairman of the Organization of African Unity had decided to dispatch a technical mission to Western Sahara to gather data to assist them in formulating proposals designed to facilitate negotiations with the parties for the conclusion of a ceasefire and the holding of a referendum.[591]

457. At a press conference held on 21 March 1988, the spokesman for the Secretary-General stated that, following a request from the Chargé d'affaires of the Permanent Mission of Nicaragua to the United Nations, the Secretary-General was dispatching to Managua a fact-finding mission composed of United Nations personnel to investigate incidents of military activity that had recently occurred in the border area between Nicaragua and Honduras and to consult with the authorities on those incidents.[592]

f. The practice of appointing a personal or special representative

458. The Secretary-General continued the practice of appointing personal or special representatives during the period under review. For example, in a report[593] he submitted to the General Assembly on 10 February 1988, the Secretary-General stated that he had named Carl-August Fleischhauer, the Under-Secretary-General for Legal Affairs and Legal Counsel of the United Nations, as his representative in negotiations regarding the dispute between the United Nations and the United States concerning the interpretation and application of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations of 26 June 1947.[594]

g. Participation in international conferences of a political nature

459. At the invitation of the Organization of the Islamic Conference, the Secretary-General attended the Fifth Islamic Conference of Heads of State or Government, held in Kuwait from 26 to 29 January 1987.[595]

460. On 27 July 1987, the Secretary-General attended a meeting of the Organization of African Unity in Addis Ababa and delivered an address in which he shared his thoughts on the issues that figured prominently on the agenda of OAU.[596]

***h. Assistance to persons of uncertain nationality in obtaining travel documents and resettling*

i. Bringing matters of a political nature to the attention of United Nations organs

461. A press release issued on 14 February 1986 stated that, at the request of the Secretary-General, the Security Council had held informal consultations with the Secretary-General to review the situation between Iran and Iraq. During the consultations, the Secretary-General conveyed his grave concern at the serious developments following the Iranian offensive into Iraqi territory and at the allegations of the renewed use of chemical weapons.[597]

462. On 13 April 1988, the Secretary-General submitted a factual report to the Security Council that described the positions of the Governments of Iran and Iraq towards Security Council resolution 598 (1987) of 20 July 1987, and

[586] Press statement issued on 17 June 1986 by the Prime Minister of New Zealand.

[587] This agreement was announced in two statements issued simultaneously in Paris and Wellington on 19 June 1986.

[588] SG/SM/3883.

[589] SG/SM/3889.

[590] See the ruling of 6 July 1986 by the Secretary-General of the United Nations, UNRIAA, vol. XIX, p. 199, pp.215-221.

[591] SG/SM/4033.

[592] SG/SM/4100.

[593] A/42/915.

[594] G A resolutions 42/210 B, 42/229, 42/230 and 42/232. See also paras. 469-480 below on implementation of the Headquarters Agreement.

[595] A/42/388.

[596] SG/SM/4020.

[597] SG/SM/3831.

the two parties' responses to the Secretary-General's views on the possibilities for moving forward to its implementation.[598]

(ii) Principles governing the exercise of diplomatic functions under the inherent powers

***a. Prerequisite of the agreement of Governments*

***b. Right of initiative of Governments*

***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 inherent powers*

***e. Effect of the Charter provisions and United Nations resolutions*

f. Principles specifically concerned with good offices or fact-finding activities

463. In response to a request by the President of the Organization of American States, the Secretary-General agreed to serve as a member of the International Committee for Verification and Follow-up, created by the Guatemala agreement of 7 August 1987.[599] In its resolution 42/1, the General Assembly welcomed the acceptance by the Secretary-General of that invitation.

(b) *Other functions*

***(i) Exploration of political situations*

***(ii) The question of the right of the Secretary-General to make statements and submit proposals to United Nations organs*

***(iii) Appointment of ad hoc arbitrators*

(iv) Submission of special reports

464. In its resolution 43/18, the General Assembly requested the Secretary-General to prepare a special report on recent developments relating to the protection and preservation of the marine environment, taking into account the relevant provisions of the United Nations Convention on the Law of the Sea.

465. The Secretary-General submitted to the Security Council on 14 March 1988 a special report[600] on UNIFIL in order to inform the Council of developments relating to the kidnapping, on 17 February 1988, of Lieutenant Colonel William Richard Higgins, an officer of the United States of America, serving with the United Nations in southern Lebanon. In the special report, the Secretary-General strongly condemned the abduction and continuing detention of Lt. Col. Higgins and stated that, together with his senior staff and UNIFIL, he would maintain all possible efforts to locate Lt. Col. Higgins and secure his release.[601]

***(v) Action taken by the Secretary-General concerning the situation created by increasing incidents involving the hijacking of commercial aircraft*

***(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*

E. Representational functions of the Secretary-General

1. Functions of the Secretary-General with Regard to the Negotiation and Conclusion of Agreements

(a) *Agreements negotiated and concluded at the request of United Nations organs*

466. During the period under review, the General Assembly adopted several resolutions in which it requested the Secretary-General to take measures to ensure the full respect for the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations Agreement of 26 June 1947.[602]

**(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*

467. The Secretary-General continued to exercise his implied powers to negotiate numerous agreements on behalf of the Organization, either on his own initiative or for the purpose of giving effect to the resolutions of United Nations organs that did not specifically request him to enter into agreements.

[598] SG/SM/4118.

[599] See G A (42), Suppl. No. 1.

[600] S C (43), Suppl. for Oct.-Dec. 1988, S/19617.

[601] See also S/20053 of 25 July 1988, in which the Secretary-General appealed to any Member State having influence in the matter to do everything in its power to secure the release of Lt. Col. Higgins. The Security Council endorsed this request in S C resolution 618 (1988) of 29 July 1988.

[602] G A resolutions 42/210 B, 42/229, 42/230 and 42/232. See also paras. 469-480 below on implementation of the Headquarters Agreement.

2. Representational functions of the Secretary-General in legal proceedings

**(a) *Court proceedings*

(b) *Arbitration proceedings*

468. In its resolution 42/210, the General Assembly requested the Secretary-General to invoke the arbitration procedure provided for in section 21 of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations of 26 June 1947.[603]

**(c) *Prosecution of claims*

3. Functions of the Secretary-General with regard to United Nations Headquarters

(*a*) *Implementation of the Headquarters Agreement*

469. During the period under review, the General Assembly adopted several resolutions[604] in which it requested the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country. He was requested to continue to stress the importance of effective measures to avoid acts of terrorism, violence and harassment against the missions and their personnel, as well as the need for any pertinent legislation adopted by the host country to be in accord with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations of 26 June 1947 (the Headquarters Agreement) and its other relevant obligations.[605]

(i) Closure of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York

470. In its resolution 42/210 B of 17 December 1987, the General Assembly endorsed the view of the Secretary-General that the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York was covered by the provisions of the Headquarters Agreement and should be enabled to establish and maintain premises and adequate functional facilities and that the personnel of the Mission should be enabled to enter and remain in the United States to carry out their official functions. The Assembly called upon the Secretary-General to take effective measures to ensure full respect for the Headquarters Agreement by the host country and to report to the General Assembly on any further developments.

471. Pursuant to that request, on 10 February 1988, the Secretary-General submitted a report[606] to the General Assembly in which he described the details of his correspondence and consultations with the Permanent Representative of the United States of America to the United Nations, which had led him to conclude that a dispute existed between the United Nations and the United States concerning the interpretation and application of the Headquarters Agreement and to invoke on 20 January 1988 the dispute-settlement procedure set out in section 21 of the Agreement.[607]

472. In its resolution 42/229 A of 2 March 1988, the General Assembly noted with approval that the Secretary-General had invoked the dispute-settlement procedure set out in section 21 of the Headquarters Agreement and had proposed that the negotiations phase of the procedure should commence on 20 January 1988. The Assembly noted in addition that, should the United States fail to accept that dispute-settlement procedure, the Secretary-General had sought assurances that the current arrangements for the Permanent Observer Mission of the Palestine Liberation Organization would not be curtailed or otherwise affected. The General Assembly noted that, despite his having invoked the arbitration procedure provided for in section 21 of the Agreement, the Secretary-General's attempts at amicable settlement were deadlocked, and the Assembly requested the Secretary-General to continue in his efforts in pursuance of the Headquarters Agreement.

473. Pursuant to that request, on 11 March 1988, the Secretary-General submitted to the General Assembly a report[608] in which he stated that on 11 March 1988 he had received a letter[609] informing him that the Attorney General of the United States had decided to close the office of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York in accor-

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[603] See also G A resolutions 42/210 B, 42/229, 42/230 and 42/232 and para. 471 below on implementation of the Headquarters Agreement.

[604] G A resolutions 40/77, 41/82, 42/210 A and 43/172.

[605] See G A resolution 169 (II).

[606] A/42/915.

[607] Section 21 of the Headquarters Agreement provides:

"(a) Any dispute between the United Nations and the United States concerning the interpretation or application of this agreement or of any supplemental agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General, one to be named by the Secretary of State of the United States, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.

"(b) The Secretary-General or the United States may ask the General Assembly to request of the International Court of Justice an advisory opinion on any legal question arising in the course of such proceedings. Pending the receipt of the opinion of the Court, an interim decision of the arbitral tribunal shall be observed on both parties. Thereafter, the arbitral tribunal shall render a final decision, having regard to the opinion of the Court."

[608] A/42/915/Add.2.

[609] Ibid., annex 1.

dance with the Anti-Terrorism Act of 1987 and "irrespective of any obligation the United States may have under the Agreement between the United Nations and the United States regarding the Headquarters of the United Nations". The letter further stated that, "under the circumstances, the United States believes that submission of this matter to arbitration would not serve a useful purpose" and that, instead, the Attorney General would initiate legal action to close the Permanent Observer Mission of the PLO on or about 21 March 1988.[610] The Secretary-General stated that he had informed the Acting Permanent Representative of the United States to the United Nations that the decision taken by the United States Government as outlined in the letter was a clear violation of the Headquarters Agreement. In his report, the Secretary-General also recalled General Assembly resolution 42/229 B of 2 March 1988, by which the Assembly had decided to request an advisory opinion of the International Court of Justice with regard to the question of whether the United States of Amercia, as a party to the Headquarters Agreement, was under an obligation to enter into arbitration in accordance with section 21 of the Agreement. The Secretary-General stated that he had transmitted to the International Court of Justice the request for advisory opinion together with certified copies of resolution 42/229 B.

474. In its resolution 42/230 of 23 March 1988, the General Assembly requested the Secretary-General to continue his efforts to ensure the proper constitution of the arbitral tribunal provided for under section 21 of the Headquarters Agreement; to take adequate measures on a preliminary basis, if necessary, in order to ensure the discharge of the official functions of the Permanent Observer Mission of the Palestine Liberation Organization to the United Nations in New York; and to report to the General Assembly without delay on developments in the matter.

475. By a note[611] submitted to the General Assembly on 29 April 1988, the Secretary-General transmitted to the Assembly the advisory opinion issued by the International Court of Justice on 26 April 1988.

476. In its resolution 42/232 of 13 May 1988, the General Assembly took note of the advisory opinion of the International Court of Justice of 26 April 1988,[612] which affirmed the applicability of the obligation to arbitrate under section 21 of the Headquarters Agreement of 26 June 1947, and requested the Secretary-General to continue his efforts to ensure the constitution of the arbitral tribunal provided for under section 21 of the Agreement.

477. On 13 September 1988, the Secretary-General submitted a report[613] to the General Assembly in which he described the legal action taken by the United States in a domestic court of the United States against the PLO in an attempt to obtain judicial authorization to close the PLO Observer Mission as allegedly required by the Anti-Terrorism Act of 1987. The Secretary-General annexed to his report the decision handed down on 29 June 1988 by the United States District Court in the case *United States of America v. The Palestine Liberation Organization, et al*., in which the District Court held that the United States could not close the offices of the PLO Observer Mission because the Headquarters Agreement, by its language and the practice of the United States, obligated the United States to allow the PLO transit, entry and access to the United Nations. The District Court further held that it could not direct the United States to arbitrate the dispute without exceeding the scope of its powers. The Secretary-General welcomed the decision by the United States on 29 August 1988 not to appeal the decision of the District Court.

(ii) Denial of visa to the leader of the Palestine Liberation Organization

478. In its resolution 43/48 of 30 November 1988, the General Assembly deplored the failure by the host country to approve the granting of an entry visa to Yasser Arafat, Chairman of the Executive Committee of the Palestinian Liberation Organization, in violation of its international legal obligations under the Headquarters Agreement of 26 June 1947 and requested the Secretary-General to submit a report on the developments in the matter.

479. In a report[614] submitted on 1 December 1988 pursuant to that request, the Secretary-General stated that he had received a note from the Permanent Representative of the United States of America to the United Nations stating that the United States Government saw no basis for changing its decision not to grant Mr. Arafat a visa.

480. In its resolution 43/49 of 2 December 1988, the General Assembly deplored the failure of the host country to respond favourably to the request of the Assembly contained in its resolution 43/48, and requested the Secretary-General to make the necessary arrangements and adjustments to the schedule of meetings so that the matter might be considered in plenary, at the United Nations Office at Geneva, during the period from 13 to 15 December 1988.

(b) Headquarters Regulations

481. In a report[615] submitted on 10 October 1986 to the General Assembly, the Secretary-General recommended that the Assembly approve a new draft regulation as set out

[610] The legal action taken by the United States is described by the Secretary-General in an addendum to his report: A/42/915/Add.4.

[611] A/42/952.

[612] Ibid., annex 1.

[613] A/42/915/Add.5.

[614] A/43/909.

[615] A/C.5/41/11.

in the annex to his report, for the purpose of placing reasonable limits on the amount of compensation or damages payable by the United Nations in respect of acts or omissions occurring within the Headquarters district.

482. In its resolution 41/210 of 11 December 1986, the General Assembly approved the Secretary-General's recommendation to limit the general liability risk at Headquarters by adopting, within the provisions of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations of 26 June 1947,[616] the draft regulation annexed to the report of the Secretary-General.[617]

4. Other representational functions of the Secretary-General

(a) *Functions of the Secretary-General with regard to privileges and immunities*

483. In its resolution 40/258 C, the General Assembly deplored the increasing number of cases involving the abduction and detention of United Nations officials, experts and military personnel by armed groups and individuals, and called upon all Member States with United Nations officials under arrest or detention to review those cases and to coordinate efforts with the Secretary-General to resolve each case immediately. The Assembly called upon the Secretary-General, as chief administrative officer of the United Nations, to continue personally to act as the focal point in promoting and ensuring the observance of the privileges and immunities of officials.

484. In its resolution 43/201 regarding the United Nations Institute for Training and Research, the General Assembly authorized the Secretary-General to appoint up to nine full-time senior fellows for a one-year period and grant them the status of officials of the United Nations.

(b) *Representation by the Secretary-General at conferences and meetings of other agencies*

485. In his report submitted to General Assembly pursuant to resolution 39/8, the Secretary-General stated that during 1985 he had addressed two meetings of the Assembly of Heads of State and Government of OAU which were held in Addis Ababa.[618]

486. The Secretary-General was represented by the United Nations Legal Counsel at the twenty-fourth session of the Asian-African Legal Consultative Committee, held in Kathmandu in February 1985, and a message from the Secretary-General was delivered by his representative.[619]

487. At the invitation of the Secretary-General of the Organization of the Islamic Conference and the Government of Morocco, the Secretary-General was represented by the Under-Secretary-General for Political Affairs, Trusteeship and Decolonization at the Sixteenth Islamic Conference for Ministers for Foreign Affairs, held at Fez, Morocco, from 6 to 10 January 1986, and a message from the Secretary-General was delivered to the Conference by his representative.[620]

488. At the invitation of the Organization of the Islamic Conference, the Secretary-General attended the Fifth Islamic Conference of Heads of State or Government, held in Kuwait from 26 to 29 January 1987,[621] and also attended the Coordination Meeting of the Ministers for Foreign Affairs, which took place at United Nations Headquarters on 10 October 1987.[622]

489. At the invitation of the Organization of American States, a delegation from the United Nations Secretariat attended, as observer, the seventeenth regular session of the General Assembly of OAS, held in Washington from 9 to 14 November 1987.[623]

490. At the invitation of the Organization of the Islamic Conference, the Secretary-General was represented at the Seventeenth Islamic Conference of Foreign Ministers, held at Amman from 21 to 25 March 1988, and a message from the Secretary-General was delivered by his representative to the Conference.[624]

491. During the period under review, the Secretary-General attended in person and addressed the OAU Summit Conference in Addis Ababa in May 1988 and also participated in celebrations marking the twenty-fifth anniversary of the founding of OAU.[625]

(c) *Authorization by the Secretary-General to use the United Nations emblem, flag and insignia*

492. During the period under review, the Office of Legal Affairs issued a letter to a broadcasting company planning to use the United Nations name, initials and emblem as part of a fictional account of hypothetical future events[626] and a memorandum to the Under-Secretary-General for Public Information in relation to a global information and fund-raising event in support of the United Nations Decade of Disabled Persons, and on the use by a firm of representations of United Nations Headquarters in an advertising campaign.[627]

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[616] See G A resolution 481 (V).
[617] A/C.5/41/11.
[618] A/40/536.
[619] A/40/743.
[620] A/41/532.
[621] A/42/388.
[622] A/43/498.
[623] A/43/552.
[624] A/43/498.
[625] A/43/497.
[626] *United Nations Juridical Yearbook, 1986,* p. 273.
[627] *United Nations Juridical Yearbook, 1987,* pp. 170-171.

493. In the letter to the broadcasting company,[628] the Office of Legal Affairs advised the company that the United Nations name, initials and emblem were protected against unauthorized use, and in particular use for commercial purposes, in accordance with General Assembly resolution 92 (I) of 7 December 1946. In that resolution Member States were requested to take such legislative or other appropriate measures to prevent the use of the emblem, the official seal and the name of the United Nations (including abbreviations of that name through the use of initial letters) without authorization by the Secretary-General. Pursuant to that request, most countries had enacted protective legislation. In addition, the emblem and the name of the Organization were registered and protected under article 6 ter of the 1882 Paris Convention for the Protection of Industrial Property (as amended in Stockholm in 1967) in all countries party to that treaty. The commercial use prohibited under resolution 92 (I) and the Paris Convention included any use of the protected names or symbols of the Organization for any profit-making purpose, particularly if such use might be calculated to bring the Organization into discredit.

494. In the memorandum to the Under-Secretary-General for Public Information,[629] the Office of Legal Affairs advised that, in relation to a global information and fund-raising event in support of the United Nations Decade of Disabled Persons, use of the United Nations emblem on the products of the corporate sponsors and in their marketing campaigns in support of the Decade could create the erroneous impression of United Nations endorsement or sponsorship of those products, or of an official connection between the firm and the United Nations. That was explicitly prohibited under General Assembly resolution 92 (I) of 7 December 1946. Even the Secretary-General could not give permission to use the Organization's emblem for such a purpose, as that would be counter to both the letter and the spirit of the resolution.

495. In relation to a corporate sponsorship proposal for cooperation between the United Nations Visitor's Section and a firm,[630] the Office of Legal Affairs advised that the proposal would not directly violate General Assembly resolution 92 (I), since no use by the firm in question of the United Nations name and emblem was foreseen. The firm, in exchange for the donation of free uniforms to United Nations tour guides, desired to use representations of the United Nations Headquarters in an advertising campaign, to display the firm logo on United Nations premises with an acknowledgement and to issue statements in support of the United Nations in its extensive advertising. The Office of Legal Affairs considered the proposal in the light of long-established United Nations policy to prohibit firms contracting with the United Nations from referring to their services to the Organization for commercial or other advertising purposes; the prohibition of any advertising which might create the erroneous impression of United Nations endorsement of products or sponsorship, or of an official connection between a firm and the United Nations; and the fact that on a few occasions, the donors of goods and services had received a discreet acknowledgement. The Office of Legal Affairs advised that, to the extent that the firm's proposals extended beyond what had been accepted practice to date, the Secretary-General's approval would be required.[631]

5. Functions of the Secretary-General in the field of public information

496. At each of its regular sessions held during the period under review, the General Assembly adopted resolutions instructing the Secretary-General to formulate and implement policies relating to the public information tasks of the United Nations, with specific reference to the need to promote informed understanding of the work and purposes of the United Nations and to strengthen the activities of the Department of Public Information.[632]

497. During the period under review, the General Assembly requested the Secretary-General to undertake specific measures to strengthen the area of public information, such as improving and expanding the production of United Nations radio programmes by the Arabic, European and Asian units of the Radio Service;[633] building up collections of reference works and United Nations materials at United Nations information centres;[634] organizing seminars for educators and education policy makers;[635] providing annual training programmes for broadcasters and journalists from developing countries;[636] ensuring that the Department of Public Information maintained consistent editorial independence and accuracy in reporting for all the material it produced;[637] and undertaking a study of the feasibility of applying modern technologies for the collection, production, storage, dissemination and distribution of information materials.[638]

498. In its resolution 40/164 A, the General Assembly requested the Secretary-General to ensure that the activities of the Department of Public Information led to a more coher-

[628] *United Nations Juridical Yearbook, 1986,* p. 273.
[629] *United Nations Juridical Yearbook, 1987,* p. 170.
[630] Ibid., p. 171.
[631] Ibid.
[632] G A resolutions 40/164 A and B, 41/68 A to E, 42/162 A and B and 43/60 A and B. As in previous years, each resolution was adopted on the report of the Special Political Committee and was entitled "Questions relating to information".
[633] G A resolutions 40/164 A, 41/68 A and 42/162 A.
[634] G A resolution 41/130.
[635] G A resolution 43/60 A.
[636] Ibid.
[637] Ibid.
[638] G A resolution 42/162 A.

ent coverage of, and better knowledge about, the United Nations and its work, especially in its priority areas, such as international peace and security; disarmament; peacekeeping and peacemaking operations; decolonization; the promotion of human rights; the struggle against apartheid and racial discrimination; economic, social and development issues; the integration of women in the struggle for peace and development; the establishment of the new international economic order and of a new world information and communication order; the work of the United Nations Council for Namibia; and programmes on women and youth.[639]

499. In its resolution 43/60 A, the General Assembly requested the Secretary-General to encourage wider knowledge of the work of the United Nations by ensuring that, in addition to focusing on the areas of priority noted in resolution 40/164 A, the Department of Public Information disseminated information regarding the struggle of the Palestinian people in territories occupied by Israel since 1967 for the attainment and exercise of their inalienable national rights; the United Nations activities pertaining to the situation in the Non-Self-Governing Territories; the United Nations resolutions on terrorism in all its forms;[640] and the international campaign against illicit trafficking of narcotics and drug abuse.

500. As in previous years,[641] at each of the regular sessions held during the period under review, the General Assembly adopted a resolution specifically requesting the Secretary-General to give widespread publicity to the work of the United Nations in the field of decolonization by utilizing all the media at his disposal, including publications, radio and television.[642] The Assembly also adopted, at each session, a resolution requesting the Secretary-General to give maximum publicity to the Declaration on the Granting of Independence to Colonial Countries and Peoples.[643]

501. During the period under review, the General Assembly adopted several resolutions requesting the Secretary-General to undertake a sustained and broad campaign with a view to informing world opinion of the facts concerning the pillaging of natural resources in colonial Territories and the exploitation of their indigenous populations by foreign monopolies and, in respect of Namibia, the support they rendered to the regime of South Africa.[644]

502. The General Assembly continued to adopt resolutions requesting the Secretary-General to alert world opinion to the illegal occupation of Namibia by disseminating information relating to the struggle of the people of Namibia for self-determination, national independence and freedom.[645] At each of the regular sessions held during the period under review, the Assembly adopted a resolution dealing specifically with the dissemination of information in support of Namibia and requesting the Secretary-General to take specific measures in that respect, such as directing the Department of Public Information to disseminate the list of Namibian political prisoners prepared by the United Nations Council for Namibia in consultation with the South West Africa People's Organization, in order to intensify international pressure for their immediate and unconditional release.[646]

503. Several resolutions of the General Assembly contained requests to the Secretary-General with regard to developing public information activities in the field of human rights.[647] In its resolution 43/128, the General Assembly requested the Secretary-General to formulate policies, aims and activities for a World Public Information Campaign on Human Rights, to be launched on 10 December 1988, the fortieth anniversary of the Universal Declaration of Human Rights.

504. Several resolutions adopted by the General Assembly during the period contained requests to the Secretary-General to provide, facilitate and encourage public information activities relating to the Convention on the Elimination of All Forms of Discrimination against Women, giving priority to the dissemination of the Convention in the official languages of the United Nations.[648]

505. The Secretary-General was requested by the General Assembly to take measures to disseminate information against the policies of apartheid of the regime of South Africa: for example, he was called upon to intensify, increase and expand radio broadcasts and the production of audio-visual material and to provide technical and financial assistance to the radio stations of Member States which broadcast or were willing to broadcast to South Africa.[649]

506. During the period under review, the Secretary-General was further requested to publicize such diverse subjects as the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law;[650] the grave economic situation prevailing in Africa;[651] the situation of youth in the 1980s;[652] the Declaration on the Participation of Women in Promoting

[639] G A resolution 40/164 A, annex, para. 19; see also *Repertory, Supplement No. 6,* vol. VI, under Article 98, para. 617.

[640] See G A resolutions 40/61 and 42/159.

[641] See *Repertory, Supplement No. 6,* vol. VI, under Article 98, para. 622.

[642] G A resolutions 40/58, 41/42, 42/72 and 43/46.

[643] G A resolutions 40/25, 41/101, 42/95 and 43/106.

[644] G A resolutions 40/52, 41/14, 42/74 and 43/29.

[645] G A resolutions 41/68 A, 42/162 A and 43/60 A.

[646] G A resolutions 40/97 D, 41/39 D, 42/14 D and 43/26 D.

[647] G A resolutions 40/125, 41/130, 42/118 and 43/128.

[648] G A resolutions 41/108, 42/60 and 43/100.

[649] G A resolutions 40/64 D and 43/50 H.

[650] G A resolution 40/66.

[651] G A resolution 40/164 A.

[652] E S C resolution 1985/23.

International Peace and Cooperation;[653] products that were harmful to health and the environment;[654] crime prevention and criminal justice;[655] the activities of transnational corporations in South Africa and Namibia;[656] the World Disarmament Campaign;[657] and the occurrence of summary or arbitrary executions.[658]

507. The Secretary-General was also requested, during the period under review, to provide publicity for numerous reports, studies and texts such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules);[659] the Decolonization series;[660] the periodical entitled *Objective: Justice*;[661] the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief;[662] the United Nations Programme of Action for African Economic Recovery and Development (1996-1990);[663] *Development Forum*;[664] the *World Newspaper Supplement*;[665] *Human Rights: A Compilation of International Law Instruments*;[666] the Universal Declaration of Human Rights;[667] the United Nations Code of Conduct for Law Enforcement Officials;[668] the Convention on the Elimination of All Forms of Discrimination against Women;[669] and the report[670] prepared by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities entitled "The Adverse Consequences for the Enjoyment of Human Rights of Political, Military, Economic and Other Forms of Assistance given to the Racist and Colonialist Regime of South Africa".[671]

[653] G A resolutions 41/109 and 42/61.
[654] E S C resolution 1986/72.
[655] E S C resolution 1987/53.
[656] E S C resolutions 1987/56 and 1988/56.
[657] G A resolution 43/76 C.
[658] E S C resolution 1988/38.
[659] G A resolution 40/33.
[660] G A resolution 40/58.
[661] Ibid.
[662] G A resolution 40/109.
[663] G A resolutions 41/68 A and 42/162 A.
[664] Ibid.
[665] Ibid.
[666] G A resolution 41/130.
[667] Ibid.
[668] E S C resolution 1986/10.
[669] E S C resolution 1987/3.
[670] E S C resolution 1988/6.
[671] G A resolution 43/92.