ARTICLE 98
(Advanced version, to be issued in volume VI of Supplement No. 8 (forthcoming) of the Repertory of Practice of United Nations Organs)

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TEXT OF ARTICLE 98

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

1. Except as indicated below, the organization of the present study generally follows that of the previous studies of Article 98 in the Repertory and its Supplements Nos. 1 to 7. In the analytical summary of practice illustrated by various relevant examples, several subsections and/or their titles have been deleted or modified, due to the evolving nature of the work of the Organization and for the purpose of streamlining the presentation of the study.

I. GENERAL SURVEY

2. During the period under review, the functions of the Secretary-General with respect to political and security matters, in particular in the area of peace-keeping, continued to expand. In this period, the Secretary-General took on additional functions in relations to several peace-keeping operations which he deployed at the request of the Security Council. Pursuant to the requests made by the Security Council, the Secretary-General deployed the United Nations Observer Group in Central America (ONUCA)\(^1\) to verify compliance with the undertakings in respect of security contained in the Guatemala Agreement,\(^2\) the United Nations Iraq Kuwait Observer Mission (UNIKOM)\(^3\) to monitor the demilitarized zone between Iraq and Kuwait, the United Nations Mission for the Referendum in Western Sahara (MINURSO),\(^4\) the United Nations Observer Mission in El Salvador (UNOSAL)\(^5\) to monitor the implementation of all agreements concluded between parties to the conflict, the United Nations Protection Force in accordance with the United Nations peace keeping plan for Yugoslavia,\(^6\) the United Nations Transitional Authority in Cambodia (UNTAC),\(^7\) the United Nations Operations in Somalia (UNOSOM),\(^8\) the United Nations Operations in Somalia (UNOSOM II),\(^9\) the United Nations Mission in Haiti (UNMIH),\(^10\) to help implement provisions of the Governors Island Agreement of 3 July 1993,\(^10\) the United Nations Protection Force in the former Yugoslav Republic of Macedonia (UNPRFDEP),\(^11\) the United Nations Observer Mission Uganda-Rwanda (UNOMUR),\(^12\) the United Nations Observer Mission in Georgia (UNOMIG),\(^13\) the United Nations Observer Mission in Liberia (UNOMIL),\(^14\)

\(^{1}\) S C resolution 644 (1989), para. 2.
\(^{2}\) S C resolution 693 (1991) para. 1.
\(^{3}\) S C resolution 687 (1991), para. 5.
\(^{4}\) S C resolution 690 (1991), para. 4.
\(^{5}\) S C resolution 693 (1991), para. 2.
\(^{6}\) S C resolution 743 (1992), para. 2.
\(^{7}\) S C resolution 745 (1992), para. 2.
\(^{8}\) S C resolution 751 (1992), para. 2.
\(^{9}\) S C resolution 814 (1993), para. 5.
\(^{10}\) S C resolution 867 (1993), para 1.
\(^{11}\) S C resolution 795 (1992), para. 2.
\(^{12}\) S C resolution 846 (1993), para. 2.
\(^{13}\) S C resolution 858 (1993), para. 2.
\(^{14}\) S C resolution 866 (1993), para. 2.
the United Nations Mission in Haiti, the United Nations Assistance Mission for Rwanda (UNAMIR), the United Nations Operations in Mozambique, the United Nations Aouzou Strip Observer Group (UNASOG) to monitor the implementation of the agreement concluded between Chad and the Libyan Arab Jamahiriya in accordance with the Judgment of the International Court of Justice of 3 February 1994, the United Nations Mission of Observers in Tajikistan (UNMOT) and the United Nations Special Mission to Afghanistan, to solicit views of the leaders of Afghanistan on how the United Nations could best assist Afghanistan in facilitating national rapprochement and reconstruction.

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 continued his efforts in the implementation of the Security Council resolution 598 (1987) in consultation with Iran and Iraq. He was requested, inter alia, by the Security Council to ensure the early independence of Namibia through free and fair election under the supervision and control of the United Nations, to present his recommendations concerning setting up of a fund to pay compensation for losses, damages and injuries resulting directly from Iraq's invasion and occupation of Kuwait and make practical arrangements for setting up of the United Nations Compensation Commission, to draw up a plan on the implementation of the Agreement on a comprehensive political settlement of the Cambodia Conflict, to prepare his analysis and recommendations on ways of strengthening the capacity of the United Nations for preventive diplomacy, peacemaking and peace-keeping, to submit his recommendations on the establishment of two ad hoc international criminal tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR) and to make practical measures for the effective functioning of the tribunals.

4. During the period under review, the Secretary-General continued to exercise his functions as depositary of multilateral treaties and the Charter of the United Nations. His activities in this area also included reporting to the General Assembly on the status of treaties deposited with him; publishing the document “Multilateral Treaties Deposited with the Secretary-General”; notifying States of the entry into force of treaties deposited with him and all treaty actions, e.g., ratifications, acceptances, approvals, accessions and

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15 S C resolution 867 (1993), para. 1.
16 S C resolution 872 (1993), para. 2.
17 S C resolution 797 (1992), para. 9.
18 S C resolution 915 (1994), para. 2.
19 S C resolution 968 (1994), para. 2.
20 G A resolution 48/208, para 4 (a).
21 Repertory, Supplement No. 7, pp. 91-95.
23 Ibid., para. 4.
24 S C resolution 718 (1991), para. 4.
26 S/23500, p. 3.
27 S C resolution 808 (1993), para. 1.
28 S C resolution 935 (1994), para. 1.
29 S C resolution 827 (1993), para. 1; S C resolution 955 (1994), para. 5.
30 United Nations, Multilateral Treaties Deposited with the Secretary-General, ST/LEG/SER.E/8-13.
successions; communicating to States the texts of declarations, reservations, objections and the like; providing advice on treaty matters, *inter alia*, in respect of succession to treaties by new States and treaty-making capacity of international organizations and entities other than States; accepting the depositary functions in respect of multilateral treaties including those not concluded under United Nations auspices; registering treaties for which he is the depositary; dealing with the issue of name changes of States and their impact on the depositary practice and notifying the signatories and contracting parties of errors in authentic texts and communicating proposals to correct them.

5. Furthermore, the Secretary-General continued to exercise his administrative, technical and representational functions. These functions continued to expand together with the expansion of his various mandates and new tasks. As a result of the continued financial crisis, the Secretary-General took on additional financial responsibilities, for example, to borrow from the funds of peace-keeping missions to cover the Organization’s daily operations.

II. ANALYTICAL SUMMARY OF PRACTICE

A. General administrative functions of the Secretary-General

1. Functions of the Secretary-General in connection with meetings of United Nations Organs

   (a) Drawing up of the agenda

6. During the period under review, the Secretary-General continued to perform his functions with respect to the drawing up of the agenda of the General Assembly and the other United Nations bodies as in the previous period.

   (b) Convening of sessions and meetings

7. During the period under review, the Secretary-General continued to receive requests from the General Assembly and other bodies to convene and make arrangements for conferences, conventions, sessions and meetings. For example, by its resolution 45/155 the General Assembly decided to convene a World Conference on Human Rights and established a Preparatory Committee for it, requesting the Secretary-General to appoint a Secretary-General for the Conference and to provide the Preparatory Committee with all necessary assistance. Similar requests were made by other United Nations bodies. The Secretary-General also continued to receive instructions to organize, convene or open pledging conferences.

   (c) Examination of credentials

31 See, e.g., E S C resolution 1989/91, and E S C Resolution 1990/12.
32 See, e.g., G A resolution 45/215.
8. During the period under review, the Secretary-General continued to examine credentials of representatives received from Member States for each session of the General Assembly and submitted memoranda to the Credential Committee for consideration.

(d) Provision of staff, experts and services

9. 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. This included the provision of conference and language services, the demand for which had increased significantly by November 1993 and prompted the identification and implementation by the Secretary-General of measures to improve productivity and efficiency. \(^{33}\) The General Assembly welcomed and further encouraged these measures by the Secretary-General in its resolution 49/221 C.

2. TRANSMISSION OF COMMUNICATIONS

10. In the period under review, the Secretary-General continued to be routinely requested to transmit communications of a varied sort and to diverse types of addressees, including Member States and United Nations bodies. \(^{34}\)

3. INTEGRATION OF ACTIVITIES

(a) Calendar of meetings

11. During the period under review, the Secretary-General continued to report, in respect of the calendar of conferences and meetings, to the Committee on Conferences, which had by 1989 become a permanent subsidiary organ. \(^{35}\) He was also authorized to deal with proposed changes to the calendar that did not have programme budget implications directly with the Bureau of the Committee. \(^{36}\) In some instances the Secretary-General was requested to submit reports on scheduled meetings or special conferences, as was the case in General Assembly resolution 47/202 A.

(b) Planning of work programmes and priorities

12. In the period under review, the Director-General for Development and International Economic Cooperation continued to assist the Secretary-General in the coordination and efficient management of all activities in the economic and social fields, financed by either the regular budget or by extrabudgetary resources. \(^{37}\) The Secretary-

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\(^{34}\) See, e.g., General Assembly resolution 44/194, where the Secretary-General was requested to transmit a number of documents and communications among different bodies.


\(^{37}\) See, e.g., General Assembly resolution 44/211.
General on occasions submitted reports on aspects relating to priority-setting in programme budgets.38

(c) Integration of activities relating to operational programmes

13. During the period under review, the Committee for Programme Coordination (CPC) continued to produce an annual report for the consideration of the Economic and Social Council and the General Assembly. As a result of these reports, or sometimes independently, these bodies requested the Secretary-General to take particular actions with respect to the coordination of United Nations operational programmes.39 Additionally, the Secretary-General submitted proposals for the consideration of the CPC on topics such as the monitoring and reporting of programme performance,40 or the international protection of and assistance to refugees.41

(d) Coordination of services to United Nations organs

14. During the period under review, the Secretary-General continued to provide a number of services to United Nations organs. As in the past, this included coordinating the optimal use of those services, particularly in light of the existence of multiple and geographically distant organs. This entailed, for instance, reporting on the planned and actual utilization of conference resources allocated to bodies in New York, Geneva and Vienna.42 On occasions, the Secretary-General went further to take steps aimed at the establishment of unified services for various United Nations bodies and specialized agencies.43

4. Coordination with specialized agencies and other intergovernmental organizations

15. During the period under review, the Secretary-General continued to fulfil the role of Chairman of the Administrative Committee on Co-ordination (ACC), which brought together administrative officers of a number of specialized agencies whose work needed to be coordinated with that of the United Nations. The annual sessions and reports of the ACC addressed operational, administrative and financial matters that were then transmitted to the Economic and Social Council and to the General Assembly. Examples of the issues discussed by the ACC during this period included drug abuse and control, the prevention and control of AIDS, and the review of the conditions of employment of professional and higher categories of staff.44

38 See, e.g., A/44/272.
39 See, e.g., E SC decision 1993/313.
40 A/46/173.
42 See A/AC.172/88/Add.9.
43 See, e.g., A/C.5/46/30, which reported on the developments towards establishing one unified conference service in Vienna.
44 See, e.g., the 1989 ACC annual overview report (E/1990/18). See also, e.g., E SC resolution 1990/22.
5. Functions of the Secretary-General with regard to the preparation of work and implementation of decisions

16. In the period under review, the Secretary-General continued to receive requests to undertake a very diverse number of tasks. These included the undertaking of efforts for the promotion of peace in certain regions,\textsuperscript{45} coordinating humanitarian action to prevent victimization by crime and abuse of power,\textsuperscript{46} including consideration of particular topics in the preparation of conferences and meetings,\textsuperscript{47} convening working groups of experts on certain topics,\textsuperscript{48} preparing analytical studies on topics like renewable sources of energy,\textsuperscript{49} and conducting consultations with countries with regard to international political processes such as the establishment of a nuclear-weapon-free zone in the region of the Middle East.\textsuperscript{50}

17. The Secretary-General also continued to carry out his functions with regard to the implementation of decisions. For example, in General Assembly resolution 45/206, the Secretary-General was requested to ensure the full mobilization and co-ordination of all organs, organizations and bodies of the United Nations system in the implementation and follow-up of the Programme of Action for the Least Developed Countries for the 1990s.

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

18. During the period under review, the Secretary-General continued to exercise his functions as depositary of multilateral treaties and the Charter of the United Nations. In keeping with the established practice, he also continued to publish the yearly publication “Multilateral Treaties Deposited with the Secretary-General”\textsuperscript{51} providing the participation status and other relevant information on treaties deposited with him. Additionally, a revised and expanded version of the “Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties” was prepared and published in 1994 to highlight the main features of the practice as it had evolved since 1959.\textsuperscript{52}

19. During this period, the Secretary-General continued, as depositary, to adhere to the practice regarding the treatment of declarations and, in particular, the declarations made in the final acts of conferences that adopted the treaty in contemplation of the impending signature of that treaty. Thus, the Final Act of the Conference that adopted the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989 included declarations related directly to the implementation of the Convention. These declarations were considered by the Secretary-

\textsuperscript{45} G A resolution 47/64 D.
\textsuperscript{46} See E S C resolution 1990/22.
\textsuperscript{47} See, e.g., G A resolution 45/114.
\textsuperscript{48} Ibid.
\textsuperscript{49} See G A resolution 45/208.
\textsuperscript{50} See G A resolution 48/71.
\textsuperscript{51} ST/LEG/7/Rev. 1.
\textsuperscript{52} United Nations, \textit{Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties}, ST/LEG/7/Rev. 1.
General as made upon signature by those States that signed the Convention on the date of its adoption and were circulated accordingly.53

20. During the period under review, the Secretary-General, in the exercise of his functions as depositary, continued to adhere to his established practice regarding the determination of the entry into force of treaties based on the final clauses of relevant instruments. While in a majority of cases during the period under review treaties would enter into force after the deposit of the required number of instruments, pursuant to the provisions of the relevant treaties, there were instances where treaties contained provisions setting out additional conditions to those mentioned above. Article 16 of the Montreal Protocol on Substances that Deplete the Ozone Layer provided for the entry into force of the Protocol on 1 January 1989, provided that at least eleven instruments of ratification, acceptance, approval or accession thereto had been deposited by States or regional economic integration organizations representing at least two thirds of 1986 estimated global consumption of the controlled substances. Having had no indication in the Protocol as to the total of the “1986 estimated global consumption of the controlled substances”, the Secretary-General notified on 16 December 1988 the entry into force of the Protocol only after he had obtained confirmation that, in light of data provided by the parties, the number of instruments deposited exceeded the required figure.54

21. The question of succession of States in respect of treaties deposited with the Secretary-General was considered during the period under review. The Secretary-General was guided by the general principles governing such succession.

22. Following the merger between the Yemen Arab Republic and the People’s Democratic Republic of Yemen to create a single sovereign State called “the Republic of Yemen” from 22 May 1990, the Republic of Yemen, as a single Member of the United Nations, notified the Secretary-General in a letter dated 19 May 1990 that it would remain bound by all treaties and agreements concluded between either the Yemen Arab Republic and the People’s Democratic Republic of Yemen and other States and international organizations in force on that date. It furthermore stated that, accordingly, it was to be considered as a party to those treaties as from the date when one of the above States first became a party to those treaties.55

23. Following the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States had united to form one sovereign State, which as a single Member of the United Nations, remained bound by the provisions of the Charter in accordance with the solemn declaration of 12 June 1973. In a communication dated 3 October 1990, the Federal Republic of Germany notified the Secretary-General, inter alia, that “… As from the date of unification, the

53 United Nations, Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties, ST/LEG/7/Rev. 1, para. 219, p. 65.
54 See United Nations, Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties, ST/LEG/7/Rev. 1, para. 228, p. 67.
55 United Nations, Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1993, ST/LEG/SER.E/18, Chapter I.2, footnote 33.
Federal Republic of Germany will act in the United Nations under the designation ‘Germany’”. In light of the relevant provisions of the Treaty of 31 August 1990 (Unification Treaty) between the Federal Republic of Germany and the German Democratic Republic, the Secretary-General updated entries in status tables pertaining to formalities effected by the Federal Republic of Germany to appear under “Germany” with the corresponding dates of such formalities. The formalities undertaken only by the German Democratic Republic were included in the relevant status tables with the footnote indicator for the date and type of the formality.56

24. Following the emergence of new independent States on the territory of the Union of Soviet Socialist Republics (hereinafter “the USSR”), the Government of the Russian Federation informed the Secretary-General that, as at 24 December 1991, it maintained full responsibility for all the rights and obligations of the USSR under the Charter of the United Nations and multilateral treaties deposited with the Secretary-General, and requested that the name “the Russian Federation” be used in place of the name “Union of Soviet Socialist Republics.”57

25. In respect of treaties to which the USSR was a party, the former Soviet Republics which became independent States proceeded to examine the question of succession on a case by case basis.

26. Estonia, Latvia, Lithuania did not regard themselves as parties by virtue of the doctrine of treaty succession to any bilateral or multilateral treaties entered into by the former USSR.58

27. Following the dissolution of Czechoslovakia in 1993, the Secretary-General received separate notifications59 from both the Czech Republic and Slovakia, each Government stating that, in conformity with the valid principle of international law and to the extent defined by it, these successor States considered themselves bound, as of 1 January 1993, by multilateral treaties to which Czechoslovakia was a party on that date, including reservations and declarations made earlier by it. They also recognized signatures made by the Czechoslovakia.60

28. The participation of the Federal Republic of Yugoslavia (FRY) in treaties deposited with the Secretary-General was also considered during the period under review. Following the promulgation of its Constitution, the Federal Republic of Yugoslavia

56 United Nations, Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1990, ST/LEG/SER.E/9.
57 See United Nations, Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1993, ST/LEG/SER.E/12, Chapter I.1, footnote 9. See also United Nations, Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties, ST/LEG/7/Rev. 1, para. 297, p. 89.
58 United Nations, Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1993, ST/LEG/SER.E/12, Chapter I.2, fns. 13, 17 and 19.
59 United Nations, Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1993, ST/LEG/SER.E/12, Chapter I.2, footnote 11.
60 A list of multilateral treaties deposited with the Secretary-General was also provided on that occasion.
(FRY) advised the Secretary-General, on 27 April 1992, that it continued the
international legal personality of the former Socialist Federal Republic of Yugoslavia
(SFRY) and that all treaty acts that had been performed by the former Socialist Federal
Republic of Yugoslavia (SFRY) were directly attributable to it, as being the same State.61
Bosnia and Herzegovina, Croatia, Slovenia and the former Yugoslav Republic of
Macedonia objected to this view. The General Assembly resolution 47/1 did not
specifically address the question of the status of either the former Socialist Federal
Republic of Yugoslavia (SFRY) or of the Federal republic of Yugoslavia (FRY) with
regard to multilateral treaties deposited with the Secretary-General.62 The Legal Counsel
took the view63 that the Secretary-General was not in a position, as depositary, either to
reject or to disregard the claim of the Federal Republic of Yugoslavia (FRY) that it
continued the legal personality of the former Socialist Federal Republic of Yugoslavia
(SFRY). This was due to lack of any decision to the contrary either by a competent organ
of the United Nations directing him in the exercise of his depositary functions, or by a
competent treaty organ created by a treaty, or by the contracting States to a treaty
directing him in the exercise of his depositary functions with regard to that particular
treaty. Nor was there any competent organ representative of the international community
of States as a whole on the general issue of continuity and discontinuity of statehood to
which the claim of Yugoslavia gave rise. The Secretary-General, as depositary, continued
to list treaty actions that had been performed by the former Socialist Federal Republic of
Yugoslavia (SFRY) in participation status lists of the publication “Multilateral Treaties
Deposited with the Secretary-General”, using for that purpose the short-name “Yugoslavia”.

29. On 11 August 1992, the Secretary-General transmitted a declaration dated 22 May
1992 emanating from the Secretary of External Affairs of the Federated States of
Micronesia setting out the position of the Government of the Federated States of
Micronesia with regard to international agreements entered into by the United States of
America and made applicable to the Federated States of Micronesia pursuant to the
United Nations Trusteeship Agreement for the former Japanese Mandated Islands. With
regard to all bilateral treaties validly concluded by the United States on behalf of the
Federated States of Micronesia or validly applied or extended by the former to the latter
before November 3, 1986, the Federated States of Micronesia declared that it would
examine each of such treaties and communicate its view to the other States Party
concerned. With regard to multilateral treaties previously applied, the Government of the
Federated States of Micronesia intended to review each of them individually and to
communicate to the depositary in each case what steps it wished to take, whether by way
of confirmation or termination, confirmation of succession or accession. During such
period of review, any party to a multilateral treaty that had, prior to November 3, 1986,
been validly applied or extended to the Federated States of Micronesia and was not
inconsistent with the letter or spirit of the Constitution of the Federated States of

61 See S/23877 and A/46/915.
62 See G/ A resolution 47/1.
63 United Nations, Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December
1993, ST/LEG/SER.E/12.
Micronesia may, on a basis of reciprocity, rely as against the Federated States of Micronesia on the terms of such treaty.

30. Also in a letter dated 10 November 1989, the President of the Republic of Palau stated, *inter alia*, that with regard to multilateral treaties previously applied, the Government of the Republic of Palau intended to review each of them individually and communicate to the depositary in each case which steps it wished to take, whether by way of confirmation of termination, confirmation of succession or accession.

31. During the period under review, the question of the treaty-making capacity of an entity under trusteeship was considered. The Marshall Islands being under trusteeship under Security Council resolution 21 (1947) of 2 April 1947 had indicated shortly after its admission to ICAO on 18 March 1988 to the Secretary-General that it wished to participate in treaties deposited with him. The Secretary-General, having considered that the Marshall Islands were still under trusteeship and despite its admission to the International Civil Aviation Organization (ICAO), decided that he was not in a position to act on instruments that would be presented to him. The matter was resolved by Security Council resolution 683 (1990) of 22 December 1990, which determined that in light of the entry into force of new status agreements, *inter alia*, for the Marshall Islands, the Trusteeship Agreement had effectively terminated. The Secretary-General was also informed that no formal objections by the members of the ICAO to the admission to membership of the Marshall Islands in the Organization were raised.64

32. A similar situation occurred regarding the determination on the issue of the treaty-making capacity on the international plane of Niue to be considered as a State for the purpose of its participation in international treaties. In 1994, the Secretary-General considered that, as the question of admittance of Niue to membership had been decided in 1994 in the affirmative without any specifications or limitations by the World Health Assembly, whose membership was fully representative of the international community, the Niue could be included in the “all States formula” were it to wish to participate in treaties deposited with him.65

33. In the period under review, the Secretary-General continued to adhere to the practice regarding the acceptance of depositary functions for treaties that had met the criterion of universal participation or participation open to all members of a regional commission.66 The Secretary-General had always reserved the possibility of making exceptions to this criterion. Thus, he used this discretion to accept to be the depositary of the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas of 17 March 1992.67

64 United Nations, *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties*, ST/LEG/7/Rev. 1, para. 87, p. 25.
34. During the period under review, the question of names of States for the purpose of preparing the multilingual title pages and signature pages of treaties deposited with the Secretary-General was considered. In the United Nations practice, the short name of a State would be used exactly as communicated to the Organization by the Government concerned and reflected in the terminology bulletin\(^\text{68}\) issued for that purpose. However, a special case occurred when the General Assembly by its resolution 47/225 of 8 April 1993 and upon the recommendation of the Security Council, decided to admit a State provisionally referred to as “the former Yugoslav Republic of Macedonia” to membership and to provisionally refer to it, pending settlement of the difference over its name, under the name appearing in the relevant terminology bulletin which was different from the one communicated by the Government concerned. Accordingly, this provisional name was used by the Secretary-General for the drafting of the multilingual signature pages of the treaties deposited with him.\(^\text{69}\)

35. As depositary of multilateral treaties, the Secretary-General continued to discharge the function of notifying the signatory and contracting parties of errors in the original texts of treaties and communicating the proposals to correct such errors, correcting the errors by issuing procès-verbaux of rectification, where no objections were raised to the proposed corrections, and registering ex-officio with the Secretariat such corrections. This included the rectification on 25 November 1992 of the original English text and certified true copies of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 22 March 1989,\(^\text{70}\) the correction on 20 January 1989 of errors in the Spanish authentic text of the adjustments and amendment of the Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer of 29 June 1990\(^\text{71}\) and the rectification on 31 August 1994 of the original Arabic, Chinese, English, French, Russian and Spanish texts of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction of 3 September 1992.\(^\text{72}\)

36. During the period under review, the question of the possibility for signatures to the original of a treaty to be affixed elsewhere than the place provided for under the provisions of the treaty was considered. In February 1989, the United Nations Office in Vienna sought the approval of the Secretary-General to keep the original of the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances after the deadline set by article 26 of the Convention so that it could remain to be open for signature in Vienna for additional time. The Secretary-General, taking all attendance

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\(^{68}\) ST/CS/SER.F/345.

\(^{69}\) United Nations, *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties*, ST/LEG/7/Rev. 1, para. 43, p. 12.

\(^{70}\) See *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1992*, ST/LEG/SER.E/11, chapter XXVII.3, p.831.

\(^{71}\) See *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1993* ST/LEG/SER.E/12, chapter XXVII.2.b, p.875.

\(^{72}\) See *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 1994* ST/LEG/SER.E/13, chapter XXVI.3, p.956.
circumstances into account and on exceptional basis, agreed to permit that the original of the Convention remained open for signature at Vienna for one additional week.73

37. In addition, by resolutions adopted at each of the regular sessions that took place during the period, the General Assembly requested the Secretary-General to submit to it, at the next or following regular session, participation status reports on the following instruments:

- International Covenant on Economics, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the Optional Protocol thereto;74
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;75
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction;76
- 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;77
- Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts;78
- Convention on the Prevention and Punishment of the Crime of Genocide;79
- International Convention on the Suppression and Punishment of the Crime of Apartheid;80

74 See, e.g., GA resolutions 46/113.
75 GA resolutions 49/175.
76 Resolution 47/39 of the General Assembly requested the Secretary-General to submit to the General Assembly at its forty-eighth session a report on the status of the Convention (A/48/388 of 1 October 1993).
77 GA resolutions 47/56 and 47/79.
78 GA resolution 45/38 requested the Secretary-General to submit to the General Assembly at its forty-seventh session a report on the status of the Convention based on information received from Member States (A/47/324 of 30 July 1992). Resolution 47/30 of the General Assembly requested the Secretary-General to submit to the General Assembly at its forty-ninth session a report on Status of the Convention based on information received from Member States (A/49/255/Add.1 of 2 September 1994). GA resolution 49/48 requested the Secretary-General to submit to the General Assembly at its fifty-first session a report on the Status of the Convention based on information received from Member States (A/51/215 of 17 July 1996).
79 GA resolution 44/158 invited the Secretary-General to submit to the General Assembly at its forty-fifth session a report on the status of the Convention (A/45/404 of 21 August 1990); GA resolution 45/152 invited the Secretary-General to submit to the General Assembly at its forty-seventh session a report on the Status of the Convention (A/47/427 of 15 September 1992); GA resolution 47/108 invited the Secretary-General to submit to the General Assembly at its forty-ninth session a report on the Status of the Convention (A/49/408 of 20 September 1994).
80 GA resolution 44/69 took note of the report of the Secretary-General (A/44/442 of 9 August 1989) and appealed to those States that have not yet done so to ratify or to accede to the Convention without further delay; GA resolution 46/84 took note of the report of the Secretary-General (A/46/391 of 13 September
7. **FUNCTIONS OF THE SECRETARY-GENERAL IN RESPECT OF THE SUBMISSION OF THE ANNUAL REPORT**

38. As in previous periods, the Secretary-General continued to submit to the General Assembly an annual report on the work of the Organization. The report continued to contain the outline of the Secretary-General’s vision for the future work of the Organization and a report of the activities undertaken in the previous year. Between 1989 and 1991, the report kept a similar format and length as before. From 1992, the report began to include a much more detailed account of the activities of the Organization, which resulted in being considerably longer. The reports for 1992 and later years also included a number of informative charts and statistics that were formerly absent from the reports.  

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81 G A resolution 44/144 took note of the report of the Secretary-General (A/44/438 of 11 August 1989); G A resolution 47/113 requested the Secretary-General to submit to the Commission on Human Rights at its forty-ninth session and to the General Assembly at its forty-ninth session a report on the status of the Convention (A/49/364 of 6 September 1994).

82 G A resolution 45/89 requested the Secretary-General to submit to the General Assembly at its forty-seventh session a report concerning the status of the Convention in accordance with Assembly resolution 2106 A (XX) of 21 December 1965. (A/47/425 of 15 September 1992); G A resolution 47/78 requested the Secretary-General to submit to the General Assembly at its forty-ninth session a report concerning the status of the Convention in accordance with Assembly resolution 2106 A (XX) of 21 December 1965 (A/49/403 of 20 September 1994).

83 G A resolution 47/52 requested the Secretary-General to intensify efforts to assist States parties in promoting the universality of the Convention, including through the provision of appropriate advice on procedures, and to submit a report on its status at its forty-eighth session (A/48/388 of 1 October 1993).

84 G A resolution 49/28 requested the Secretary-General to submit to the General Assembly at its fifty-first session a report on the impact of the entry into force of the Convention on the States in the light of the rights and obligations arising there from and the increasing needs of States, especially developing States, and noted the additional responsibilities of the Secretary-General arising from the entry into force of the Convention (A/51/404 of 25 September 1996).


86 The annual reports of the Secretary-General are published as Supplement No. 1 to the Official Records of the respective session of the General Assembly.
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*

39. The Secretary-General’s functions in this field continued to be extensive and multifarious. As in previous years, the Secretary-General continued to be requested to ascertain the views of or to consult with Governments. He was also requested to seek the views not only of States, but also of appropriate international bodies, as well as non-governmental organizations, for instance, regarding the programme of activities of the United Nations Decade of International Law. He was also requested to carry out consultations with eminent personalities, for example, in the preparation of a comprehensive report on the state of international economic cooperation and to continue to work on various studies.

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87 The Reports of the Secretary-General on the work of the Organization for the period under review are published in the Official Records of the respective session of the General Assembly, and are also to be found in documents A/44/1, A/45/1, A/46/1, A/47/1, A/48/1 and A/49/1.

88 Various functions performed by the Secretary-General, due to a complex nature of many United Nations programmes and tasks, may also acquire a complex nature which predetermines their integral character. Thus, they may be closely related to each other, which makes it difficult to separate them from each other, including such cases when, for example, technical functions may have a political significance and political and other functions may contain very important technical elements inseparable from their “substantive” elements. Various groups of technical functions may also be difficult to separate from each other or to list them under distinctly different categories.

89 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.

90 G A resolutions 44/23, para.3; 49/50, para.4. See also, for example, G A resolution 49/170, para.5, requesting the Secretary-General “to remain in contact with Governments and non-governmental organizations” in order to report on the progress made by them relating to the promotion of a new international humanitarian order. See also E S C resolution 1991/14, preambular para.1 and 1991/28, para.4.

91 G A resolutions 44/108, para. 9; 44/116 N, para.1; 44/118 A, para.4; 49/61, para.2; 49/53, para.4; 49/48, para.10 and 11; 49/19, para.4; and E S C resolutions 1991/14, preambular para.1 and 1991/28, para.4.

92 E S C resolution 1994/2, para.2.
2. OPERATIONAL FUNCTIONS OF THE SECRETARY-GENERAL

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

40. 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. In some instances types of actions and functions contained in the requests addressed to the Secretary-General were not specified. Thus, for example, by its resolution 44/27 L, the General Assembly requested the Secretary-General to provide the Commission against Apartheid in Sports “with all needed assistance”. In some other instances, he was requested to “take concrete measures” which were further specified in the actions requested to be performed by the Secretariat Departments. Sometimes the Assembly would request him to perform a very specific activity.

41. The Secretary-General was requested to perform a wide variety of functions. For example, he was requested to take all necessary action to ensure that the United Nations Angola Verification Mission and the Observer Mission in Georgia would be administered with the maximum of efficiency and economy; 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 establishment and effective functioning of the verification machinery in respect of security, through the United Nations Observer Group in Central America; to submit proposals to the Assembly with a view of supplementing the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination; to ensure that adequate facilities continue to be made available to facilitate continued liaison and consultations on matters of common interest as well as the provision of technical assistance to the General Secretariat of the Organization of African Unity; “to remain actively engaged in all aspects of the relations of the United Nations with the host country”; “to continue to take action, through the appropriate organs and within available resources, for the implementation of the action programme” adopted at the International Conference on the Relationship between Disarmament and Development; “to provide all the necessary support” to the activities of the United Nations regional centres for peace, disarmament and development; to strengthen “technical and substantive support” for the Committee on the Elimination of Discrimination against Women; “to facilitate […] the creation of joint initiatives and

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93 G A resolution 44/27 L, para.6.
94 G A resolution 44/100, annex, para.12.
95 G A resolution 44/100, annex, para.14. See also G A resolution 49/221, D, para. 2.
96 G A resolution 43/231, para.6, G A resolution 49/227, para. 17, G A resolution 49/231, para. 5.
97 G A resolution 44/10, para.6.
98 G A resolution 49/146, para.17.
99 G A resolution 44/17, para.25.
100 G A resolution 49/56, para.7.
101 G A resolution 44/116 L, para.2.
102 G A resolution 44/117 F, para.2.
103 G A resolution 49/164, para.14.
the joint formulation and implementation of technical assistance projects, benefiting developing countries and countries in transition […] with a view to establishing and maintaining efficient criminal justice systems”; 104 to investigate, with the assistance of a group of qualified experts, reports regarding the development by South Africa of a nuclear-tipped missile; 105 and “to carry out promptly investigations in response to reports that may be brought to his attention by any Member State concerning the possible use of chemical and bacteriological (biological) or toxin weapons” 106.

42. In addition, the Secretary-General continued to be asked to provide, promote or coordinate assistance to specific countries or regions in the economic, social and other fields. 107 He was asked, for instance, to provide “to the newly independent and emerging States all possible assistance in the economic, social and other fields”; 108 to organize and mobilize special programmes of economic assistance for African States; 109 to assist Governments, particularly those of the developing countries, in formulating appropriate social welfare policies; 110 to strengthen advisory services to Governments, particularly those of developing countries, focusing on the policy, institution-building capacity, planning, administration and training aspects of developmental social welfare; 111 to pay particular attention to the operational aspects of the resolutions of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in order to assist interested countries in promoting human resources development, reinforcing their national machinery, undertaking joint training activities and executing pilot and demonstration projects; 112 to organize activities, including additional research, designed to elaborate further practical measures and techniques to achieve the goals of social progress and development; 113 and to prepare a draft programme for the preparation for and observance of the International Year of the Family, giving special attention to socio-economic and cultural conditions in developing countries. 114

(b) Functions initiated by the Secretary-General

43. The General Assembly, inter alia, welcomed the initiatives of the Secretary-General to enhance oversight of peace-keeping operations, as described in his report submitted in response to the report of the Advisory Committee on Administrative and Budgetary Questions. 115 The Economic and Social Council, for instance, welcomed with appreciation the initiatives taken by the Secretary-General to alleviate the human suffering of Iraqi refugees and displaced persons. 116

104 G A resolution 49/158, para.10.
105 See, for example, G A resolution 44/113 B, paras. 5 and 6.
106 See G A resolution 44/115 B, para. 4.
107 See, for example, G A resolutions 44/8, para.8; and 44/17, para.10.
108 G A resolution 44/101, para.13.
109 G A resolution 44/17, para.10.
110 E S C resolution 1991/7, para.6.
111 E S C resolution 1991/7, para.11 (b).
112 E S C resolution 1991/15, para.3.
113 E S C resolution 1991/12, para.6.
114 E S C resolution 1991/14, preambular para.1, para.8.
115 G A resolution 49/233 X, preambular para.1.
116 E S C resolution 1991/5, para.3.
(c) Functions of the Secretary-General in matters of a humanitarian nature and human rights

44. During the period under review, the General Assembly, *inter alia*, reiterated its deep appreciation to the Secretary-General for his continued efforts in coordinating humanitarian assistance to the Kampuchean people and in monitoring its distribution and was requested by the Assembly to intensify such efforts as necessary.\(^{117}\) The Assembly encouraged him to pursue his humanitarian efforts in the former Yugoslavia and to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the General Assembly.\(^{118}\) The Assembly commended the Secretary-General for his persistent efforts to promote humanitarian and legal assistance to persons persecuted under repressive and discriminatory legislation in South Africa and Namibia, as well as assistance to their families and to refugees from South Africa.\(^{119}\)

45. The Assembly took note of the measures outlined by the Secretary-General in his report for strengthening field coordination of humanitarian assistance, and acknowledged the need further to develop and strengthen system-wide coordination, including cooperation among operational agencies, the Department of Humanitarian Affairs and non-governmental organizations “to improve the capability for a quick and coordinated response to natural disasters and other emergencies while preserving the non-political, neutral and impartial character of humanitarian action”.\(^{120}\)

46. The Economic and Social Council, *inter alia*, requested the Secretary-General to seek ways and means of mobilizing and coordinating assistance to the Palestinian people;\(^{121}\) to mobilize, on an urgent basis, international humanitarian assistance to provide for the immediate needs both of the internally displaced population and of those refugees who still remained in Somalia;\(^{122}\) to continue to give high priority to strengthening multilateral technical cooperation programmes in the field of population, including the utilization of technical cooperation in and among developing countries.\(^{123}\)

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

47. The General Assembly, *inter alia*, requested the Secretary-General to strengthen the control, monitoring and reporting procedures within the United Nations Protection Force;\(^{124}\) to submit a detailed proposal covering, *inter alia*, the specific institutional, legal

\(^{117}\) See *Repertory, Supplement No.7*, vol. VI, under Article 98, para. 71 and GA resolution 44/22, para. 13.

\(^{118}\) GA resolution 49/204, paras. 5 and 7.

\(^{119}\) GA resolution 44/228, para. 10.

\(^{120}\) GA resolution 44/228, para. 10.

\(^{121}\) See *Repertory, Supplement No.7*, vol. VI, under Article 98, para. 71 and GA resolution 44/22, para. 13.

\(^{122}\) GA resolution 49/204, paras. 5 and 7.

\(^{123}\) GA resolution 44/228, para. 10.

\(^{124}\) GA resolution 49/139, para. 3. See also: A/49/177/Add.1-E/1994/80/Add.1, chap. II.

\(^{125}\) E/1993/78, para. 11.


\(^{127}\) E/1994/2, para. 2(e).

\(^{128}\) GA resolution 49/228, para.10.
and procedural changes required for developing a new system of internal justice during
the resumed forty-ninth session of the General Assembly in early 1995,125 “to further to
pursue efforts to improve and adjust the technical and procedural functioning of the
Central Emergency Revolving Fund and to explore ways and means for strengthening the
complementarity between the Fund and the individual emergency funds of operational
agencies” .126

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

48. The Secretary-General continued to assist United Nations organs in the drafting of
conventions and other documents, to prepare studies on legal subjects, and to provide
assistance to States in the implementation of various conventions, rules and legal
principles.127

49. The General Assembly, for instance, continued to call on 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.128

50. In connection with the amendment of the Nuclear Test Ban Treaty, the General
Assembly called on the Secretary-General to “render the necessary assistance and
provide such services … as may be required for the amendment conference and its
preparation.”129

51. The General Assembly requested the Secretary-General “to revise and finalize the
draft model legislation for the guidance of Governments in the enactment of further
legislation against racial discrimination, in the light of comments made by members of
the Committee on the Elimination of Racial Discrimination at its fortieth and forty-first
sessions, and to publish and distribute the text as soon as possible.”130

52. The Secretary-General, at the request of the General Assembly, continued to carry
out during the period under review a range of activities aimed at strengthening the legal
regime of the sea, such as identifying in his relevant reports131 the important
developments that had taken place in the law of the sea, outlining the impact of the
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 Convention on the Law of the Sea and in the development of a
consistent and uniform approach to the legal regime thereunder.132

125 G A resolution 49/222, IV, para.2.
126 G A resolution 49/139, para.12.
127 See Repertory, Supplement No. 7, vol. VI, under Article 98, paras. 75-82.
128 See, for example, G A resolution 44/113, para.9.
129 G A resolution 44/106, para.3.
130 G A resolution 49/146, para. 10.
131 See, for example, A/44/461, A/45/563, A/47/512 and A/49/631.
132 G A resolutions 44/26, paras.9-11, 13, 16, 17, 19 and 20; 49/28, paras.9-11, 13-16, 19, 22 and 23.
expressed its appreciation to him for his efforts in support of the Convention and for the effective execution of the major programme on marine affairs.133

53. The Assembly requested the Secretary-General to report on technological developments relevant to the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof and “to the verification of compliance with the Treaty”.134

54. The Assembly called on the Secretary-General to assist in the implementation of the 1994 Declaration on Measures to Eliminate International Terrorism by taking, within existing resources, the following practical measures to enhance international cooperation: a collection of data on the status and implementation of existing agreements relating to international terrorism; a compendium of national laws and regulations regarding the prevention and suppression of international terrorism; an analytical review of existing international legal instruments relating to international terrorism, in order to assist States in developing further a comprehensive legal framework of conventions dealing with international terrorism; a review of existing possibilities within the United Nations system for assisting States in organizing workshops and training courses on combating crimes connected with international terrorism.135

55. The Assembly requested him to render the necessary assistance to the depositary Powers of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and to provide such services as might be required for the implementation of the decisions and recommendations of the Third Review Conference.136

56. The Assembly requested the Secretary-General to continue to publicize the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law137 and to proceed with the organization of the 1995 United Nations Congress on Public International Law.138

57. He was requested to undertake a study on ways and mechanisms in which the United Nations system could support the efforts of Governments to promote and consolidate new or restored democracies.139

58. The Economic and Social Council recommended that the Secretary-General, inter alia, should make available the services of an interregional adviser to assist, on request, national machinery in carrying out effectively the review and appraisal of the Nairobi Forward-looking Strategies for the Advancement of Women, in preparing the reports

133 G A resolution 44/26, para. 9.
134 G A resolution 44/116 O, para. 8.
135 G A resolution 49/60, annex, para. 10.
136 G A resolution 49/86, para.4.
137 See, for example, G A resolution 48/29, para. 14.
138 G A resolution 49/50, para.9.
139 G A resolution 49/30, para.1.
called for in the Convention on the Elimination of All Forms of Discrimination against Women and in preparing for the world conference on women.140

C. Financial functions of the Secretary-General

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

59. During the period under review, the biennial budget cycle continued and at each regular session held in an odd year, the General Assembly maintained its practice of renewing, for the following biennium, the authority of the Secretary-General to enter into commitments to meet unforeseen and extraordinary expenses for the following biennium.141

60. The conditions under which the authority in question was to be exercised remained, in substance, as described in the previous period, 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 (Advisory Committee) relating to the maintenance of peace and security was increased from two million to three million for the biennium 1990-1991, and to five million for the biennium 1994-1995; (b) two classes of commitment relating to expenses arising from the functions of the International Court of Justice, for which the concurrence of the Advisory Committee was not required, were added for the biennium 1994-1995;142 and (c) some of the ceilings on the expenses relating to the International Court of Justice were raised.143

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

61. During the period under review, 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 utilize cash from special funds and accounts in his custody to meet the purpose related to the Working Capital Fund.144

3. AUTHORITY RELATING TO SPECIAL ACCOUNTS AND FUNDS

62. During the period under review, the Secretary-General continued to be requested to establish special accounts for operations activities of the Organization by the General Assembly. For example, the Assembly adopted resolution 45/267 of 21 June 1991, in which it requested the Secretary-General to establish a special account for the operation

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141 See G A resolutions 44/203, 46/187 and 48/229.
142 See G A resolution 48/229, para. 1.
143 Ibid.
144 See G A resolutions 44/204, 46/188 and 48/232.
of the United Nations Observer Mission in El Salvador for a six-month period from 1 July to 31 December 1991.\(^{145}\)

63. The Secretary-General was further authorized to enter into commitment for the operational activities for an amount of money decided by the Assembly. For example, by resolution 48/243 of 5 April 1993, the Assembly authorized the Secretary-General to enter into commitments for the United Nations Angola Verification Mission at a rate not to exceed 2,098,700 dollars gross per month for a period of four months beginning 1 June 1994, subject to the Security Council deciding to extend the mandate of the Verification Mission beyond 31 May 1994.\(^{146}\)

4. AUTHORITY TO ACCEPT VOLUNTARY CONTRIBUTIONS

64. During the period under review, the General Assembly, the Security Council and the Economic and Social Council adopted a number of resolutions and decisions, in which they requested the Secretary-General to seek voluntary contributions to defray the costs of operational activities of the Organization.\(^{147}\) For example, in resolution 45/236 B of 21 December 1990, the Assembly requested the Secretary-General to approach the Governments of Member States for the purpose of seeking voluntary contributions for peace-keeping operations.\(^{148}\) Furthermore, in resolution 45/164 of 18 December 1990, the Assembly authorized the Secretary-General to accept and administer voluntary contributions from Governments and intergovernmental and non-governmental organizations for the purpose of funding programme activities for the International Year for the World’s Indigenous People.\(^{149}\)

65. In addition, the Secretary-General appealed to the Member States for voluntary contributions on its own authority. For example, the Secretary-General appealed to the Member States to make voluntary contributions in cash and in kind for setting up and maintaining the United Nations Iraq-Kuwait Observation Mission.\(^{150}\)

5. FUNCTIONS EXERCISED IN CONNECTION WITH THE FINANCIAL CRISIS OF THE UNITED NATIONS

66. During the period under review, the financial crisis continued as a number of Member States failed to pay their assessed contribution in full and on time. The Secretary-General continued to submit reports every year on the financial situation of the United Nations, including the pattern of contribution collection, the financial emergency, and proposed solutions.\(^{151}\) Under the financial difficulty, the Secretary-General had to

\(^{145}\) See para. 1. See also, e.g. GA resolutions 45/266 and 46/198.

\(^{146}\) See GA resolution 48/243, para. 8.

\(^{147}\) See e.g., GA resolutions 44/28, 44/243, 47/92, and 49/176; SC resolution 867 (1993), and ESC decision 1994/247.

\(^{148}\) See para. 8.

\(^{149}\) See para. 6.

\(^{150}\) See S/22454/Add.1 See also S/24938.

borrow from some peace-keeping funds to provide for the Organization’s daily operations in 1991 and 1992. In 1994, the Secretary-General reported that he had taken urgent steps to reduce or delay expenditure in the peace-keeping operations, including postponing all but the most urgent procurement.

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

1. FUNCTIONS EXERCISED IN CONNECTION WITH THE SITUATION BETWEEN IRAN AND IRAQ

67. In compliance with the Security Council resolution 598 (1987), the Secretary-General continued his efforts during the period under review to implement the resolution and submitted a number of reports to the Security Council. For example, the Secretary-General in his report of 26 November 1991 summarized his efforts, inter alia, on the implementation of paragraphs 7 and 8 of the resolution, relating to obtaining information about the damage sustained as a result of the conflict, as well as his endeavors to enhance peace and security in the region. In addition, his report of 9 December 1991 contained the views of the Secretary-General on the implementation of paragraph 6 of the resolution, pertaining to the responsibility for the conflict.

2. FUNCTIONS PERFORMED IN RELATION TO THE IMPLEMENTATION OF THE UNITED NATIONS PLAN FOR NAMIBIA

68. The Security Council by its resolution 629 (1989) decided that the implementation of the United Nations Plan for Namibia, would begin on 1 April 1989. It requested the Secretary-General to prepare a report on the implementation of the Security Council resolution 435 (1978), taking into account all relevant developments since the adoption of that resolution.

69. The Secretary-General presented to the Security Council a written report and made an explanatory statement concerning the modalities of the implementation of the United Nations Plan for Namibia, including the effective mobilization of the United Nations Transitional Assistance Group (UNTAG) and its emplacement in Namibia.

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153 See A/48/973.
154 See *Repertory, Supplement No. 7*, study under Article 98, p. 93.
156 S/23246.
157 S/23273.
158 The objective of the United Nations Plan for Namibia was the withdrawal of South Africa’s illegal administration from Namibia and the transfer of power to the people of Namibia with the assistance of the United Nations in accordance with Security Council resolution 435 (1978).
159 S C resolution 629, para 5.
70. Having considered the report of the Secretary-General and his explanatory statement, the Security Council decided to implement “its resolution 435 (1978) in its “original and definitive form” to ensure that the Namibian people to participate freely and without intimidation in the electoral process under the supervision and control of the United Nations leading to early independence of the Territory.\footnote{SC resolution 632 (1989), para. 2.}

71. By its resolution 640 (1989), the Security Council called upon the Secretary-General, \textit{inter alia}, to perform the following functions in relation to the implementation of the United Nations Plan for Namibia:

- to review the actual situation on the ground with a view to determining the adequacy of the military component of UNTAG;\footnote{SC resolution 640 (1989), para. 3.}
- to review the adequacy of the number of police monitors in order to effectively fulfill the UNTAG’s mandate;\footnote{Ibid., para. 4.}
- to ensure that all legislation and control of the electoral process was in conformity with the provisions of the settlement plan;\footnote{Ibid., para. 5.}
- to ensure that proclamations conform with internationally accepted norms for the conduct of free and fair elections and, in particular, that the proclamation on the Constitutional Assembly also respect the sovereign will of the people of Namibia;\footnote{Ibid., para. 6.}
- to ensure the observance of strict impartiality in the provision of media to all parties for the dissemination of information concerning the election.\footnote{Ibid., para. 7.}

72. In his report of 6 October 1989, the Secretary-General elaborated on the measures he had taken to ensure the implementation of the United Nations Plan for Namibia in the light of the guidelines set forth by the Council. He noted, \textit{inter alia}, that his Special Representative for Namibia had exchanged letters with the Administrative-General of Namibia concerning the registration of votes, under the terms of which “no application for registration could be rejected without the concurrence of the UNTAG supervisor on the spot.”\footnote{S/20883, annex II, para. 17.} He also noted that his Special Representative and leaders of political parties had signed a code of conduct to ensure that “the election campaign conducted in a truly democratic manner.”\footnote{Ibid., annex III.}

73. By its resolution 643 (1989), the Security Council welcomed the reports of the Secretary-General\footnote{SC resolution 643 (1989), para. 1.} and mandated him “to ensure that all necessary arrangements are made in accordance with the settlement plan to safeguard the territorial integrity and security of Namibia in order to ensure a peaceful transition to national independence, and
to assist the Constitutional Assembly in the discharge of responsibilities entrusted to it under the settlement plan.” 170 The resolution also requested the Secretary-General “to prepare appropriate plans for mobilizing all forms of assistance, including technical, material and financial resources, for the people of Namibia during the period following the elections for the Constitutional Assembly until the accession to independence.” 171

74. On 14 November 1989, the Secretary-General reported to the Security Council that elections were held in Namibia, from 7 to 11 November 1989, and 72 representatives were elected to the Constituent Assembly of Namibia. In compliance with the United Nations Plan for Namibia, the elections had been organized by the Administrative General under the supervision and control of the United Nations Special Representative and ten political parties had participated in it. 172 Subsequently, the Secretary-General reported to the Council that the Constituent Assembly of Namibia had held its first meeting on 23 November 1989 at Windhoek. 173

3. Functions performed in connection with the Iraqi invasion of Kuwait

75. In connection with the invasion of Kuwait by Iraq in August 1991, the Security Council requested the Secretary-General to carry out several functions, inter alia, to provide assistance to the Security Council in the implementation of resolution 661 (1991) and the sanctions imposed upon Iraq by the resolution, 174 to use his good office to ensure the safety and well-being of third-State nationals in Iraq and Kuwait and facilitate their evacuation, 175 to take custody of a copy of the population register of Iraq, 176 to deploy a United Nations observer unit to monitor the Khawr’ Abd Alla and the demilitarized zone established pursuant to resolution 687 (1991), 177 to develop a plan on the establishment of a commission to carry out on-site inspection of Iraq’s biological, chemical and missile capabilities and their destruction, 178 to report to the Council on the steps he had taken to facilitate the return of all Kuwaiti property seized by Iraq. 179 The Secretary-General had also been mandated to assist in the demarcation of the boundary between Iraq and Kuwait, as well as in setting up of the United Nations Compensation Commission (UNCC). The functions exercised by the Secretary-General in the fulfillment of the last two mandates are summarized in the following paragraphs.

76. In accordance with its resolution 687 (1991), the Security Council requested the Secretary-General to lend his assistance in the demarcation of the boundary between Iraq

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170 Ibid., para. 11.
171 Ibid., para. 12.
174 S C resolution 661 (1990), paras. 8 and 10.
175 S C resolution 674 (1990), para. 7.
176 S C resolution 678 (1990), para. 2.
177 Ibid., paras. 5 and 6.
178 Ibid., para. 9 (b).
179 Ibid., para. 15.
and Kuwait and report back to the Council. In order to implement this mandate, the Secretary-General established the Iraq-Kuwait Demarcation Commission, which was entrusted with the task to demarcate in geographical coordinates of the international boundary as set out in the “Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters” signed at Baghdad on 4 October 1963. The Commission fulfilled its mandate by establishing the coordinates, which constituted the boundary between Iraq and Kuwait, and presented its report to the Secretary-General.

77. Having received the report of the Secretary-General, the Security Council, by its resolution 833 (1993), reaffirmed that the decisions of the Commission regarding the demarcation of the boundary was final and requested Iraq and Kuwait to respect the inviolability of the international boundary, as demarcated by the Commission.

78. Also under the terms of its resolution 687 (1991), the Security Council established a fund to pay compensation for claims for any direct loss, damage or injury to foreign Governments, nationals and corporations as a result of the invasion and occupation of Kuwait by Iraq. The Council also decided to establish a commission to administer the fund and requested the Secretary-General to present his recommendations on the administration of the fund, mechanisms for determining the appropriate level of Iraq’s contribution to the fund and the composition of the Commission.

79. The Secretary-General, in his report of 2 May 1991, recommended that the United Nations Compensation Commission function under the authority of the Security Council, as its subsidiary body, that the Governing Council of the Commission be composed of the representatives of the members of the Security Council at any given time, that a secretariat, composed of an Executive Secretary and the necessary staff provide services to the Commission, and that the Convention on the Privileges and Immunities of the United Nations of 1946 be applicable to the Commission and its Secretariat.

80. Having considered the report of the Secretary-General, the Council decided to establish the Fund and the Commission, in accordance with Part I of the Secretary-General’s report. It also decided that the Governing Council of the Commission should have its seat in Geneva. It further requested the Secretary-General to take necessary actions to implement the decisions.

180 S C resolution 687 (1991), para. 3.
181 Letter dated 21 May 1993 from the Secretary-General addressed to the President of the Security Council (S/25811), p. 1.
182 Ibid., annex.
183 S C resolution 833, paras. 4 and 5.
184 Ibid., paras. 16 and 17.
185 Ibid., para. 19.
186 S/22559, para. 4.
187 Ibid., para. 5.
188 Ibid., para. 6.
189 Ibid., para. 7.
190 S C resolution 692 (1991), para. 3.
4. **Functions performed in relation to the implementation of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict**

81. By its resolution 718 (1991), the Security Council, *inter alia*, expressed its full support for the Agreement on a Comprehensive political settlement of the Cambodia conflict ("Paris Agreement"),\(^{191}\) and requested the Secretary-General to submit a report containing his implementation plan, including a detailed estimate of the cost of the United Nations Authority in Cambodia (UNTAC).\(^{192}\)

82. In his report to the Security Council, the Secretary-General indicated that his Special Representative would lead the UNTAC and would maintain an ongoing dialogue with the Supreme National Council of Cambodia, which was the “unique legitimate body and source of authority during the transitional period.” He also noted that in the light of broad mandate foreseen in the Paris Agreement, the UNTAC would have seven distinct components as follows: the human rights component, the electoral component, the military component, the civil administration component, the police component, the repatriation component and the rehabilitation component.\(^{193}\)

83. By its resolution 745 (1992), the Security Council approved the recommendation of the Secretary-General that elections be held in Cambodia by May 1993, at the latest,\(^{194}\) and requested him to deploy the Authority to implement the above decision.\(^{195}\) It further requested the Secretary-General to present progress reports, in four intervals,\(^{196}\) on the implementation of the resolution.\(^{197}\)

84. In compliance with resolution 745 (1992), the Secretary-General submitted several progress reports to the Security Council.\(^{198}\) His report of 3 May 1993, summarized the activities carried out by the various components of UNTAC in the implementation of the Paris Agreement,\(^{199}\) and his report of 15 May 1993 summarized the activities of UNTAC concerning the preparations for the elections. The Secretary-General had indicated that the technical preparations for the election had been completed\(^{200}\) and that the overwhelming majority of the voters in Cambodia, as well as political parties and functions had made manifest commitments to the elections as the

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192 The United Nations Transitional Authority in Cambodia had been foreseen in the Paris Agreement, and was established by the Security Council in accordance with its resolution 717 (1991).
193 S/23613, para. 6.
194 S C resolution 745 (1992), para. 3.
197 S C resolution 745 (1992), para. 10.
200 S/25748, 15 May 1993, para. 5.
culmination of the peace process.\textsuperscript{201} He had concluded that the elections would be held as scheduled from 23 to 28 May 1993. The Council, by its resolution 826 (1993), expressed its satisfaction with the arrangements made by the United Nations for the conduct of the election for the Constituent Assembly in Cambodia, as described in the report of the Secretary-General.\textsuperscript{202}

85. After the conclusion of the voting period from 23 to 28 May 1993, the Special Representative of the Secretary-General in his statement made before the Supreme National Council of Cambodia declared that the conduct of the election had been free and fair, which was endorsed by the Secretary-General in his report to the Council on the conduct and results of the elections in Cambodia.\textsuperscript{203}

86. The Security Council, by its resolution 840 (1993), approved the report of the Secretary-General on the conduct of the elections in Cambodia,\textsuperscript{204} and endorsed the results of the election, which had been certified free and fair by the United Nations.\textsuperscript{205}

5. Functions Exercised under Security Council and General Assembly Resolutions with Respect to Preventive Diplomacy, Peacemaking and Peacekeeping

87. In compliance with the request made by the first Summit of the Security Council,\textsuperscript{206} the Secretary-General prepared his analysis and recommendations on ways of strengthening the capacity of the United Nations for preventive diplomacy, peacemaking and peace-keeping and presented it to the General Assembly and the Security Council as a report entitled “An Agenda for Peace: preventive diplomacy, peacemaking and peace-keeping.”\textsuperscript{207} The report, in addition to the issues requested by the Council, contained analysis and recommendations of the Secretary-General on topics such as: post-conflict peace-building, cooperation with regional arrangements and organizations, and safety of personnel.

88. An Agenda for Peace was the subject of thorough consideration by the General Assembly, which resulted in the adoption of two resolutions on the topic.\textsuperscript{208} In accordance with these resolutions, the Assembly emphasized that together with the Security Council and the Secretary-General it could play an important role in the area of preventive diplomacy. Under the terms of these resolutions, the General Assembly directed the Secretary-General to carry out specified functions in the areas covered by “An Agenda for Peace,” including in particular:

\textsuperscript{201} Ibid., para. 3.
\textsuperscript{202} S C resolution 826 (1993), para. 2.
\textsuperscript{203} S/25879, 2 June 1993; S/25913, 10 June 1993.
\textsuperscript{204} S C resolution 840 (1993), para. 1.
\textsuperscript{205} Ibid., para. 2.
\textsuperscript{206} Convened at the level of Heads of States and Governments on 31 January 1992, S/23500, p. 3.
\textsuperscript{207} A/47/277-S/24111.
\textsuperscript{208} G A resolutions 47/120 A and 47/120 B.
“Encourage[d] the Secretary-General […] to engage at an early stage in close and continuous consultation in order to develop, on a case-by-case basis, an appropriate strategy for the peaceful settlement of specific disputes, including the participation of other organs, organizations and agencies of the United Nations system, as well as regional arrangements and organizations as appropriate, and invite[d] the Secretary-General to report to the General Assembly on such consultations;”209

“Encourage[d] the Secretary-General to continue, in accordance with Article 99 of the Charter of the United Nations, to bring to the attention of the Security Council, at his discretion, any matter which in his opinion may threaten the maintenance of international peace and security, together with his recommendations thereon;”210

“Encourage[d] the Secretary-General, in accordance with the relevant provisions of the Charter, to notify the General Assembly, as appropriate, of any situation which is potentially dangerous or might lead to international friction or dispute;”211

“Recommend[ed] to the Secretary-General that he should continue to utilize the services of eminent and qualified experts in fact-finding and other missions, selected on as wide a geographical basis as possible, taking into account candidates with the highest standards of efficiency, competence and integrity;”212

“Invite[d] the Secretary-General to continue to dispatch fact-finding and other missions in a timely manner in order to assist him in the proper discharge of his functions under the Charter of the United Nations;”213

“Encourage[d] the Secretary-General to consult, with parties to existing or potential disputes, the continuance of which is likely to endanger the maintenance of international peace and security, and with other interested Member States and regional arrangements and organizations, as appropriate, on the possibility of initiating confidence-building measures in their respective regions and to keep Member States informed thereon in consultation with the parties concerned;”214

“Encourage[d] the Secretary-General to continue to strengthen the capacity of the Organization in order to ensure coordinated planning and execution of humanitarian assistance programmes, drawing upon the

209 G A resolution 47/120 A, Section I, para. 4.
210 Ibid., Section II, para. 4.
211 Ibid., para. 6.
212 Ibid., Section III, para. 2.
213 Ibid., para. 5.
214 Ibid., Section IV, para. 3.

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specialized skills and resources of all parts of the United Nations system, as well as those of non-governmental organizations, as appropriate;”\textsuperscript{215}

“\textit{Also encourage[d]} the Secretary-General to continue to address the question of coordination, when necessary, between humanitarian assistance programmes and peace-keeping or related operations, preserving the non-political, neutral and impartial character of humanitarian action;”\textsuperscript{216}

“\textit{Invite[d]} the Secretary-General to bring to the attention of appropriate organs of the United Nations any situation requiring urgent humanitarian assistance in order to prevent its deterioration, which might lead to international friction or dispute;”\textsuperscript{217}

“\textit{Requeste[d]} the Secretary-General to inform the General Assembly of requests relating to post-conflict peace building by the Government or Governments concerned, or emanating from peace agreements ending conflicts or reached after conflicts by parties concerned;”\textsuperscript{218}

“\textit{Also encourage[d]} the Secretary-General to continue his efforts at promoting cooperation between the United Nations and regional organizations, arrangements and agencies, in accordance with the Charter;”\textsuperscript{219}

89. The General Assembly took action on the other recommendations of the Secretary-General contained in “An Agenda for Peace” at later stages. It adopted the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security, in 1994.\textsuperscript{220} The Assembly also approved the Convention on the Safety of United Nations and Associated Personnel,\textsuperscript{221} in the same year.

6. Functions performed in connection with the establishment of ad hoc International Criminal Tribunals

90. During the period under review, the Secretary-General under the direction of the Security Council performed several functions which led to the establishment of two \textit{ad hoc} tribunals, the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). The functions performed by the Secretary-General included, \textit{inter alia}, setting up of impartial commissions of experts

\textsuperscript{215} \textit{Ibid.}, Section V, para. 1.
\textsuperscript{216} \textit{Ibid.}, para. 2.
\textsuperscript{217} \textit{Ibid.}, para. 3.
\textsuperscript{218} G A resolution 47/120 B, Section V, para. 9.
\textsuperscript{219} \textit{Ibid.}, Section VI, para. 3.
\textsuperscript{220} G A resolution 49/57, annex.
\textsuperscript{221} G A resolution 49/59, annex.
prior to the establishment of the tribunals, preparation of draft statutes for the tribunals and the preparatory work to set up the tribunals after the adoption of their statutes by the Security Council.

91. In accordance with its resolution 780 (1992), the Security Council requested the Secretary-General to establish an impartial Commission of Experts to examine the information and evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law in the territory of former Yugoslavia with a view to submit to him its conclusions.222 The Secretary-General presented the interim report of the Commission of Experts to the Security Council,223 which had confirmed, inter alia, that grave breaches and other violation of international humanitarian law had been committed in the territory of the former Yugoslavia. The Commission had also noted that the establishment of an ad hoc international tribunal would be consistent with the direction of its work.224

92. Having considered the report of the Secretary-General, the Security Council decided, by its resolution 808 (1993), to establish an international tribunal to prosecute “persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991.”225 The Council requested the Secretary-General to submit a report on all aspects of the establishment of the tribunal for its consideration.226

93. The Secretary-General, based on proposals received from Member States, prepared a report on the establishment of the International Tribunal for the former Yugoslavia227 containing, inter alia, the draft statute of Tribunal and presented it to the Security Council. The Security Council approved the report of the Secretary-General by its resolution 827 (1993), and thereby adopted the statute of the Tribunal. It requested the Secretary-General to make practical arrangements for the effective functioning of the Tribunal.228 The Secretary-General was also requested to transmit to the judges of the Tribunal upon their election any suggestion received from Member States concerning the rules of procedure and evidence, called for in Article 15 of the Statute of the Tribunal.229

94. The Security Council, by its resolution 935 (1994), requested the Secretary-General to establish an impartial Commission of Experts to examine the information and the “evidence of grave violations of international humanitarian law committed in the territory of Rwanda, including the evidence of possible acts of genocide,” with a view “to providing the Secretary-General with its conclusions on the matter.”230

222 SC resolution 780 (1992), para. 2.
223 Secretary-General’s report to the Security Council (S/25274), dated 10 February 1993.
225 SC resolution 808 (1993), para. 1.
226 Ibid., para. 2.
228 SC resolution 827 (1993), para. 8.
229 Ibid., para. 3.
95. The Secretary-General established the Commission of Experts,\textsuperscript{231} which presented its interim report containing the following elements: (a) individuals from both sides to the armed conflict had committed serious breaches of international humanitarian law;\textsuperscript{232} (b) individuals from both sides to the armed conflict had perpetrated crimes against humanity in Rwanda;\textsuperscript{233} (c) acts of genocide against the Tutsi group had been perpetrated by Hutu elements “in a concerted, planned, systematic and methodical way.”\textsuperscript{234} The Commission of Experts had recommended that the Security Council “take all necessary and effective action to ensure that the individuals responsible for the foregoing grave violations of human rights in Rwanda are brought to justice before an independent and impartial international criminal tribunal.”\textsuperscript{235}

96. Having considered the report of the Secretary-General and the request made by the Government of Rwanda,\textsuperscript{236} the Security Council decided, under its resolution 955 (1994), to establish “an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighboring States between 1 January 1994 and 31 December 1994.”\textsuperscript{237} The Council also approved the Statute of the International Criminal Tribunal for Rwanda.\textsuperscript{238}

E. Representational functions of the Secretary-General

1. Functions of the Secretary-General with regard to the negotiation and conclusion of agreements

97. During the period under review, the Secretary-General continued to fulfil his functions with regard to the negotiation and conclusion of agreements by the United Nations or its organs.\textsuperscript{239} For instance, he convened from 1990 to 1994 a series of informal consultations with a view to address certain difficulties with the seabed mining provisions contained in Part XI of the Convention, which had been raised, primarily by the industrialized countries. These consultations culminated in the adoption by the General Assembly of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.\textsuperscript{240} The Agreement entered into force on 28 July 1996.

\textsuperscript{232} The preliminary report of the Commission of Experts transmitted by the letter of 1 October 1994 of the Secretary-General to the Security Council (S/1994/1125), para. 146.
\textsuperscript{233} Ibid., para. 147.
\textsuperscript{234} Ibid., para. 148.
\textsuperscript{235} Ibid., para. 150.
\textsuperscript{236} S/1994/1115.
\textsuperscript{237} SC resolution 955 (1994), para. 1.
\textsuperscript{238} Ibid., annex.
\textsuperscript{239} See, e.g., United Nations Juridical Yearbook 1993, pp. 10, 72.
\textsuperscript{240} GA resolution 48/263.
2. **REPRESENTATIONAL FUNCTIONS OF THE SECRETARY-GENERAL IN LEGAL PROCEEDINGS**

98. During the period under review, the representative of the Secretary-General, namely the Legal Counsel, made oral statement to the International Court of Justice, in oral proceedings of the Advisory Opinion on the *Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations*.

3. **FUNCTIONS OF THE SECRETARY-GENERAL WITH REGARD TO THE UNITED NATIONS HEADQUARTERS**

99. In the period under review, the Secretary-General continued to fulfil his functions with regard to the implementation of the headquarters agreement and headquarters regulations. The Committee on Relations with the Host Country continued to meet every year, prompting an annual resolution from the General Assembly in which the Secretary-General was requested to remain actively engaged in all aspects of the relations of the United Nations with the host country.\(^241\)

4. **OTHER REPRESENTATIONAL FUNCTIONS OF THE SECRETARY-GENERAL**

(a) **Functions of the Secretary-General with regard to privileges and immunities**

100. During the period under review, the Secretary-General continued to monitor and promote the observance of the privileges and immunities of United Nations officials around the world.\(^242\)

(b) **Representation by the Secretary-General at conferences and meetings of other agencies.**

101. In the period under review, the Secretary-General continued to represent the United Nations at international conferences and meetings, either directly or through delegation of authority.\(^243\)

(c) **Authorization by the Secretary-General to use the United Nations emblem, flag and insignia**

102. During the period under review, the Secretary-General continued to fulfil in the same manner as before his duties with regard to authorizations to use the United Nations emblem, flag and insignia.\(^244\)

\(^{241}\) See, e.g., G A resolutions 49/56 and 46/60.

\(^{242}\) See, e.g., A/C.5/44/11 and G A resolution 44/186.

5. Functions of the Secretary-General in the field of public information

103. In the period under review, the Secretary-General continued to formulate and implement policies relating to the public information tasks of the United Nations, including the establishment and maintenance of information centres around the world and the issuance of publications on the activities of the organization. The Secretary-General submitted periodic reports on its public information activities to the General Assembly, which in turn adopted annual resolutions on the subject.245

244 See, e.g., United Nations Juridical Yearbook 1991, p. 276, which contains a legal opinion issued by the Secretariat on the appropriateness of and therefore the granting of permission to use the United Nations flag. See also United Nations Juridical Yearbook 1993, p. 72.

245 See, e.g., GA resolutions 49/38 B, 48/44 B, 47/73 B, 46/73 B, 45/76 B, and 44/50. Also, on public information activities in the area of human rights, see GA resolutions 49/187, 47/128, 45/99, and 44/61.