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## **Chapter V**

### **Subsidiary organs of the Security Council**

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## Part I











relevant resolutions,<sup>44</sup> the monitoring mechanism submitted seven reports<sup>45</sup> to the Council through the Committee.

Council; (b) to strengthen existing contacts with regional organizations, in particular the Economic Community of West African States (ECOWAS), the Organization of African Unity (OAU) and international organizations, including Interpol, with a view to identifying ways to improve effective implementation of the measures prohibiting the sale and supply of arms and materiel imposed by resolution 1171 (1998);<sup>51</sup> and (c) to make information it considered relevant publicly available through appropriate media.<sup>52</sup> By the same resolution, the Council requested the Government of Sierra Leone to notify the Committee of the details of a Certificate of Origin regime when it was fully in operation.<sup>53</sup> By a letter dated 30 March 2001 addressed to the President of the Council,<sup>54</sup> the Chairman

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the Committee no later than 30 May 2004 with observations and recommendations, including, inter alia, how to minimize any humanitarian and socio-economic impact of the measures imposed by the same resolution.<sup>106</sup>

#### **14. Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo**

##### **Establishment and mandate**

By resolution 1291 (2000) of 24 February 2000, the Council expressed serious concern at reports of illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of the Congo, including in violation of the sovereignty of that country, called for an end to such activities, and requested the Secretary-General to report to it within 90 days to achieve that goal.<sup>107</sup> Pursuant to that resolution, the Secretary-General, by his letter dated 18 April 2000 addressed to the President of the Council,<sup>108</sup> proposed to the Council the establishment of a panel of experts to undertake a preliminary investigation into the situation and to revert to the Council thereafter with its recommendations.<sup>109</sup> Subsequently, the President of the Council, in a letter dated 24 April 2000, informed the Secretary-General of the Council's decision to send a mission to the Democratic Republic of the Congo.<sup>110</sup> Following the recommendation of the mission with respect to the early establishment of a panel of experts by the Council,<sup>111</sup> the Council, in a statement by the President dated 2 June 2000,<sup>112</sup> requested the Secretary-General to establish a panel of experts on the illegal exploitation of natural resources and other forms of wealth in the Democratic Republic of the Congo for an

initial period of six months, to be based in Nairobi, and requested the Secretary-General to appoint the members of the panel, in consultation with the Council.

By its presidential statement of 2 June 2000,<sup>113</sup> the Council mandated the Panel (a) to follow up on reports and collect information on all activities of illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, including in violation of the sovereignty of that country; (b) to research and analyse the links between the exploitation of the natural resources and other forms of wealth in the Democratic Republic of the Congo and the continuation of the conflict; and (c) to revert to the Council with recommendations.

##### **Mandate implementation**

By a letter dated 31 January 2000 addressed to the President of the Council,<sup>114</sup> the Secretary-General informed the Council of the composition of the Panel. By his letter dated 12 April 2001,<sup>115</sup> the Secretary-General transmitted the report of the Panel<sup>116</sup> to the Council.

By a presidential statement dated 3 May 2001,<sup>117</sup> the Council extended the mandate of the Panel of Experts for three months, and requested that the Panel submit, through the Secretary-General, an addendum to its final report which would include the following: (a) an update of relevant data and an analysis of further information, including as pointed out in the action plan submitted by the Panel to the Council; (b) relevant information on the activities of countries and other actors for which the necessary quantity and quality of data had not been made available earlier; (c) a response, based as far as possible on corroborated evidence, to the comments and reactions of the States and actors cited in the final report of the Panel; (d) an evaluation of the situation at the end of the extension of the mandate of the Panel, and of its conclusions, assessing whether progress had been made on the issues which came under the responsibility of the

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<sup>106</sup> Resolution 1521 (2003), para. 22.

<sup>107</sup> Resolution 1291 (2000), para. 17.

<sup>108</sup> S/2000/334.

<sup>109</sup> By a letter dated 26 April 2000 addressed to the President of the Council, the Democratic Republic of the Congo expressed its agreement with the Secretary-General's proposal concerning the establishment of a group of independent experts, and requested the Council to do so (S/2000/350).

<sup>110</sup> S/2000/344.

<sup>111</sup> S/2000/416, para. 77. By a letter dated 1 June 2000 addressed to the President of the Council (S/2000/515), the Government of the Democratic Republic of the Congo welcomed that recommendation.

<sup>112</sup> S/PRST/2000/20.

<sup>113</sup> *Ibid.*

<sup>114</sup> S/2000/796.

<sup>115</sup> Prior to the submission of the report, the Secretary-General and the President of the Council exchanged letters concerning the timing of the submission (see S/2001/288 and S/2001/289, and S/2001/338 and S/2001/339).

<sup>116</sup> S/2001/357.

<sup>117</sup> S/PRST/2001/13.





to ensure the resources of the Democratic Republic of the Congo were exploited legally and on a fair commercial basis to benefit the Congolese people. By the same resolution, the Council requested the Panel to establish a procedure to provide to Member States, upon request, information previously collected by the Panel to help them take the necessary investigative action.

By a letter dated 26 February 2003 addressed to the President of the Council,<sup>128</sup> the Secretary-General informed the Council of his intention to appoint four experts as members of the reconstituted Panel of Experts and an additional member in the near future, and noted that the reconstituted Panel was expected to reassemble in early March 2003 in New York for consultations, including with Member States, before proceeding to the Great Lakes region.

By resolution 1499 (2003) of 13 August 2003, the Council requested the Secretary-General to extend the mandate of the Panel of Experts until 31 October 2003 to enable it to complete the remaining elements of its mandate, at the end of which the Panel would submit a final report to the Council. By that resolution, the Council took note of the Panel's intent, in accordance with paragraph 9 of resolution 1457 (2003), to remove from the annexes attached to its report the names of those parties, with which it had or would have reached a resolution by the end of its mandate, and renewed its support to the Panel in its efforts to secure, including through dialogue with parties named in its last report, particularly with the Governments concerned, a clearer picture of activities related to the illegal exploitation of natural resources in the Democratic Republic of the Congo, and to update its findings during the remainder of its mandate period.

#### **Termination of mandate**

In a presidential statement dated 19 November 2003,<sup>129</sup> the Council took note of the final report of the Panel,<sup>130</sup> submitted on 23 October 2003, which concluded its work, and emphasized the connection, in the context of the continuing conflict, between the illegal exploitation of natural resources and trafficking in raw materials and arms, which the Panel had highlighted. The Council also reaffirmed its

determination to monitor closely compliance with the arms embargo imposed in resolution 1493 (2003) of 28 July 2003 and expressed its intention to address the problem posed by the illicit flow of weapons into the Democratic Republic of the Congo, including by considering the possible establishment of a monitoring mechanism.

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<sup>128</sup> S/2003/226.

<sup>129</sup> S/PRST/2003/21.

<sup>130</sup> S/2003/1027.

### **Composition**

On 16 October 2001, pursuant to resolution 1373 (2001), the Counter-Terrorism Committee adopted guidelines for the conduct of its work. The Committee pursued its agenda as set out in its work programmes, each designed to be in ( )-98.9821-rt



*Title*

*Establishment*

*Mandate*

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Working Group on  
International Criminal  
Tribunals



Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente Polisario) to hold a free, fair and impartial referendum that would allow the people of Western Sahara to decide the future status of the territory. By a series of resolutions,<sup>153</sup> adopted on the basis of the Secretary-General's reports<sup>154</sup> and a letter dated 12 November 2001 from the Secretary-General addressed to the President,<sup>155</sup> the Security Council successively extended the mandate of MINURSO for additional periods of two to six months, with the expectation that the parties would meet in direct talks under the auspices of the Personal Envoy of the Secretary-General to try to resolve the multiple problems relating to the implementation of the Settlement plan, and to try to agree upon a mutually acceptable political solution to their dispute over Western Sahara.

## **2. United Nations Office in Burundi**

During the period under review, the United Nations Office in Burundi (UNOB), established in October 1993, continued to facilitate the restoration of constitutional rule in Burundi through the implementation of the Arusha Peace and Reconciliation Agreement for Burundi and subsequent ceasefire agreements.

### **Mandate implementation**

By a letter dated 15 November 2000 addressed to the President of the Security Council, the Secretary-General informed the Council that the Burundi peace process had culminated in the signing of the Arusha Peace and Reconciliation Agreement for Burundi on 28 August 2000.<sup>156</sup> The Agreement requested the United Nations to chair the Arusha Agreement Implementation Monitoring Committee and to provide support to a wide range of activities together with other

expressed support for the proposal to strengthen the











Council,<sup>208</sup> the Secretary-General recommended an expanded role of and increased troop deployment for UNAMSIL in the light of the deterioration of the humanitarian and security situation and the









On the basis of the reports submitted by the Secretary-General,<sup>238</sup> the mandate of UNMEE was extended on seven occasions for additional periods of six months,<sup>239</sup> the last of which was until 15 March 2004.



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the Secretary-General and endorsed his proposal that an electoral unit be established within UNAMA. The Council also extended the mandate of UNAMA for an additional period of 12 months, until 28 March 2004.

**17. United Nations Military Observer Group in India and Pakistan**

During the period under review, the United Nations Military Observer Group in India and Pakistan (UNMOGIP), established pursuant to resolution 47 (1949), continued to monitor the ceasefire between India and Pakistan in the State of Jammu and Kashmir on the basis of Security Council resolution 91 (1951).<sup>266</sup>

**18. United Nations Mission of Observers in Tajikistan**

During the period under review, the United Nations Mission of Observers in Tajikistan (UNMOT), established pursuant to resolution 968 (1994), continued to monitor the ceasefire agreement between the Government of Tajikistan and the United Tajik Opposition.

**Termination of mandate and transition to a new mission**

In his report dated 14 March 2000,<sup>267</sup> the Secretary-General observed that, with the holding of the first multiparty parliamentary election in Tajikistan, the transition period envisaged in the General Agreement on the Establishment of Peace and National Accord in Tajikistan was coming to a close and thus so was the

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### **Mandate implementation**

On the basis of reports of the Secretary-General,<sup>282</sup> the Council decided twice<sup>283</sup> during the period under review to extend the mandate of UNTAET for further periods, the last of which ended on 20 May 2002, the date of the independence of East Timor.

### **Termination of mandate**

At the Council's 4244th meeting, held on 6 December 2000, the President made a statement<sup>284</sup> on behalf of the members of the Council, by which the Council endorsed the recommendations contained in the report of the Security Council Mission to East Timor and Indonesia dated 21 November 2000,<sup>285</sup> noting in particular the view of the Mission that a strong international presence would be required in East Timor after independence.

By a presidential statement dated 31 October 2001,<sup>286</sup> the Council endorsed the proposal of the



**Termination of mandate and transition to a new mission**

By resolution 1396 (2002) of 5 March 2002, the Council welcomed the acceptance by the Steering Board of the Peace Implementation Council,<sup>300</sup> on 28 February 2002, of the offer made by the European Union to provide a European Union police mission from 1 January 2003, to follow the end of the mandate of UNMIBH as part of a coordinated rule of law programme.<sup>301</sup>

In a report dated 5 June 2002,<sup>302</sup> the Secretary-General indicated that UNMIBH was rapidly moving towards the completion of its core tasks by the end of





Council decided on eight occasions<sup>316</sup> to extend its



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## **Chapter V. Subsidiary organs of the Security Council**



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established a list of 23 candidates from which the



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<i>Subsidiary organ</i>	<i>Established by resolution/letter/ exchange of letters</i>	<i>Completion of mandate/termination<sup>a</sup></i>
United Nations Mission of Observers in Tajikistan (UNMOT)	Resolution 968 (1994)	15 May 2000
United Nations Transitional Administration in East Timor (UNTAET)	Resolution 1272 (1999)	20 May 2002
United Nations Office in Angola (UNOA)	Resolution 1268 (1999)	15 August 2002
United Nations Mission of Observers in Prevlaka (UNMOP)	Resolution 1038 (1996)	15 December 2002
United Nations mission in Bosnia and Herzegovina (UNMIBH)	Resolution 1035 (1995)	31 December 2002
United Nations Peace-building Support Office in Liberia (UNOL)	S/1997/817	19 September 2003
United Nations Iraq-Kuwait Observation Mission (UNIKOM)	Resolution 689 (1991)	6 October 2003
United Nations Political Office in Bougainville (UNPOB)	S/1998/506 and S/1998/507	31 December 2003

