

Chapter V

SUBSIDIARY ORGANS OF THE SECURITY COUNCIL

INTRODUCTORY NOTE

The material included in this chapter covers procedures of the Security Council relating to the establishment and control of its subsidiary organs deemed necessary for the

United Nations.

Part I, "Occasions on which subsidiary organs of the Security Council have been established or proposed"

authorized the Secretary-General to set up a subsidiary organ; it also includes six instances (Cases 1, 3, 4, 6, 9, 10) in which the Council itself decided to establish a subsidiary organ.

During the period covered by this *Supplement* there have been five instances (Cases 7, 8, 11, 12, 13) in which a subsidiary organ was formally proposed but not established.¹

In cases where subsidiary organs have been set up by the

¹ See the note to part I below for informal proposals submitted

no implication is intended whether these bodies do or do not come within Article 29.

when the Council considered procedural aspects of the modification of the terms of reference of the Committee established in pursuance of resolution 253 (1968) concern-

ARTICLE 29 OF THE CHARTER

"The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions."

RULE 28 OF THE PROVISIONAL RULES

"The Security Council may appoint a commission or committee or a rapporteur for a specified question."

Part I

OCCASIONS ON WHICH SUBSIDIARY ORGANS OF THE SECURITY COUNCIL HAVE BEEN ESTABLISHED OR PROPOSED

NOTE

Headquarters to study the question of the convening of Council meetings away from the seat of the Organization;²

(ii) invited the Secretary-General, in consultation and close co-operation with a group of the Security Council, to initiate as soon as possible contacts with all parties concerned, with a view to establishing the necessary conditions so as to enable the people of Namibia to exercise their right to self-determination and independence, and asked him to report to the Council;³ (iii) established a group of the Security Council with which the Secretary-General was to consult and co-operate concerning Namibia; (iv) approved the proposal of the Secretary-General to proceed with the appointment of a representa-

Namibia;⁵ (v) decided to dispatch a special mission consist-

situation in Zambia and requested the mission to report to the Council;⁶ (vi) decided to set up immediately a United Nations Disengagement Force in the Middle East;⁷

representative to conduct an investigation of the events that had given rise to the complaint by Iraq;⁸ (viii) decided to set up immediately a United Nations Disengagement Observer Force in the Middle East.⁹

The following subsidiary organs which had been established prior to 1972, continued to exist during part or all of the period under review: two standing committees, the Committee of Experts and the Committee on the Admission of New Members, and a number of *ad hoc* bodies: the United Nations Truce Supervision Organization in Palestine (UNTSO), the United Nations Truce Supervision Organization in Cyprus (UNTSO), the United Nations Truce Supervision Organization in the Middle East, the United Nations Military Observer Group in India and Pakistan (UNMOGIP), the Special Representative for humanitarian problems

² Case 9, decision of 11 January 1972.

³ Case 1, resolution 309 (1972).

⁵ Case 2, resolution 319 (1972).

⁶ Case 3, resolution 326 (1973).

⁷ Case 4, resolution 340 (1973).

⁸ Case 6, President's statement of 28 February 1974, paragraph

⁹ Case 6, resolution 350 (1974).

reports²⁷ to the Council which considered them subsequently.²⁸

The *Ad-hoc* Sub-Committee on Namibia which also held six meetings during 1972, and adjourned at the end of its 23rd meeting.²⁹

The Committee of Experts established by the Security Council at its 1506th meeting to study the question of

There have been several instances where participants in proposed the creation of subsidiary organs without sub-

MEETINGS AT PLACES AWAY FROM THE SEAT

(S/11178/Rev.1, *OR*, 29th yr., *Special Supplement 2 and 2 A*); it also submitted to the Council the second and third interim reports (S/10580, *OR*, 27th yr., *Suppl. for Jan.-March 1972*, pp. 74-75, and its Add.1, *ibid.*, *Suppl. for April-June 1972*, p. 19; S/10593, *ibid.*,

OR, 26th yr., *Suppl. for April-June 1972*, pp. 25-26).

²⁸ See part II of this chapter for proceedings of the Council concerning the issue of the competence of the Committee in relation to its terms of reference and to the Council's prerogatives.

²⁹ Under resolution 301 (1971), para. 14 the Council had requested the *Ad-hoc* Sub-Committee on Namibia to conduct a comprehensive review of treaties implying South Africa's sov-

to take over the administration of Namibia and to lead it to independence (1627th meeting, paras. 43, 44); Yugoslavia suggested

conflicts and tensions (1630th meeting, para. 151); the Secretary-

constituted threats to peace and security (1634th meeting,

Commission and the appointment of a control commission consisting of a Commissioner for Namibia (1634th meeting, para. 56); Burundi suggested the dispatch of periodic Council missions to (1636th meeting, para. 22). In connexion with the situation in the Middle East, France suggested that in order to discharge its exclusive competence

committee which would be in constant contact with the Secretary-General concerning UNEF and could for instance propose to the Council the name of the UNEF Commander and draft basic directives (1752nd meeting, intervention by France). In connexion with the question concerning the situation in Territories under Portuguese Administration, Saudi Arabia urged to send a Special Representative on a fact-finding mission to Africa (1672nd meeting, para. 243) and Mr. Fernandes (PAIGC) called for a Council delegation to visit Portugal (1673rd meeting, para. 188).

I. Subsidiary organs established

CASE 1

resolution 309 (1972)

In the course of its meetings in Africa,³¹ the Council addressing itself to the situation in Namibia adopted at its 1638th meeting on 4 February 1972, resolution 309

invites the Secretary-General, in consultation and close co-operation with the Council of the United Nations, to establish the necessary conditions so as to enable the people of

with the Secretary-General in the implementation of the present resolution.

3. Requests the Secretary-General to report to the Security Council on the implementation of the present resolution not later than 31 July 1972.

In accordance with this decision the Secretary-General

quarters, then visited South Africa and Namibia between 6 and 10 March 1972 and reported to the Council on 17 July 1972.³⁴ In his report he recommended the continuation of the mission and the appointment of a representative to assist in the implementation of the Council mandate.

The Council considered the report at its 1656th and 1657th meetings. The representative of Argentina introduced at the 1657th meeting on 1 August 1972 a draft resolution which was adopted by 14 votes to none as resolution 319 (1972).³⁶ It *inter alia* invited the Secretary-General to continue his

On 15 November 1972, the Secretary-General submitted

(1972) to the Council. He indicated the progress of his own talks with the parties and the activities of his Representative

meeting on 6 December 1972 the draft resolution

³¹ See the section on "Consideration of Questions Relating to

³² Submitted already at the 1598th meeting on 20 October 1971 (see *Supplement 1969-1971*, p. 109 of the *Repertoire for Current Sessions*); it was adopted by 14 votes to none; one permanent member did not participate in the vote.

³³ See below case 10.

³⁴ S/10738, *OR*, 27th yr., *Suppl. for July-Sept. 1972*, pp. 63-72.

³⁵ *Ibid.*, paras. 50-51. See below Case 2.

³⁶ S/10750 adopted as amended. One permanent member did not participate in the vote.

³⁷ S/10822, *OR*, 27th yr., *Suppl. for Oct. Dec. 1972*, pp. 22-46.

sponsored by Argentina, as modified orally, by 13 votes in favour to none against, with 1 abstention as resolution 323 (1972), whereby it invited the Secretary-General once again to continue his valuable efforts and to continue to report to the Council.

In compliance with the Council's request the Secretary-General, on 30 April 1973, reported to the Council on the implementation of resolution 323 (1972).³⁹ He pointed out that his continued efforts had not brought about those

which he had sought and which were indispensable for a solution of the question of Namibia; in the light of this situation the question arose whether it would be possible to

At its 1756th to 1758th meetings on 10 and 11 December 1973, the Council took up the question of Namibia and considered the Secretary-General's report. At

revised draft resolution submitted by Peru as resolution 342 (1973).⁴⁰ It was adopted by 12 votes to 2, with 2 abstentions.

309 (1972).

CASE 2

Representative of the Secretary-General

In accordance with the proposal by the Secretary-General,⁴¹ the Security Council decided in connexion with the situation in Namibia, at the 1657th meeting on 1 August 1972 under resolution 319 (1972), para. 5 to approve "the proposal of the Secretary-General to proceed, after necessary consultations, with the appointment of a mandate."⁴²

reported to the Secretary-General both orally and in writing.⁴⁴

Under resolution 323 (1972), para. 5 the Security Council authorized the Secretary-General once again to appoint representatives to assist him in the continued discharge of his mandate.⁴⁵

³⁸ One permanent member did not participate in the vote on S/10846.

pp. 30-34.

⁴⁰ S/11152/Rev.1, as orally amended, was submitted at the 1657th meeting.

⁴¹ The proposal was contained in the Secretary-General's report (S/10738) of 17 July 1972, (OR, 27th yr., Suppl. for July-Sept. 1972, pp. 62-72), paras. 50-51. See also above, para. 1.

⁴³ See the report of the Secretary-General, S/10832, OR, 27th yr., Suppl. for Oct.-Dec. 1972, pp. 32-46, para. 2.

⁴⁴ See *ibid.*, paras. 6 and 8 and Annex II.

⁴⁵ For the decision including the vote see case 1 above.

In his report on the implementation of Security Council resolution 323 (1972),⁴⁶ the Secretary-General referred only briefly to his representatives. Under resolution 342 (1973), para. 2, the Council decided to end the efforts

CASE 3

Special Mission Established under Resolution 326 (1973)

At the 1691st meeting on 2 February 1972, in connexion with the complaint by Zambia, the Security Council adopted a revised draft resolution,⁴⁸ sponsored by Guinea

votes to none, with 2 abstentions, as resolution 326 (1973) which provided *inter alia*:

9. *Decides* to dispatch immediately a Special Mission, consisting

members, to assess the situation in the area, and requests the

10. *Calls upon* the Government of Zambia, the Government of the United Kingdom and the Government of South Africa to provide the Special Mission with the necessary co-operation and assistance in the discharge of its task; ...

At the same meeting, the Council adopted a second revised draft resolution, sponsored by Guinea, Kenya, the Sudan and Yugoslavia, by 14 votes to none, with 1 abstention, as resolution 327 (1973) which provided *inter alia*:

3. *Decides* to entrust the Special Mission, consisting of four members of the Security Council referred to in paragraph 9 of resolution 326 (1973), assisted by a team of six United Nations

flow of traffic;

Mission upon its creation in the discharge of its task.

a note indicating that as a result of consultations among Council members the Special Mission to Zambia would be composed of the representatives of Austria, Indonesia, Peru and the Sudan.

Following its visit to the United Kingdom, Zambia, Tanzania and Kenya during 8-21 February 1973, the Special Mission submitted its report including the report of the team of United Nations Experts,⁵² on 5 March 1973 to the Council.

⁴⁷ For the decision including the vote see case 1 above.

⁴⁸ S/10875/Rev.1. The original draft (S/10875) was sponsored by Guinea, Kenya, the Sudan and Yugoslavia.

⁴⁹ S/10876/Rev.1. The sponsors of the original draft (S/10876) were the same as those of S/10875.

For the meeting on 27 January 1973 see the report of a team of experts (1687th meeting, para. 39) and had been supported by a significant number of other speakers.

⁵¹ S/10886, OR, 28th yr., Suppl. for Jan.-March 1973, p. 47.

⁵² S/10896/Rev.1, OR, 28th yr., Special Suppl. No. 2.

CASE 5

Special Representative of the Secretary-General

At its 1764th meeting on 28 February 1974, the Security Council adopted a consensus⁷⁴ regarding the complaint by Iraq concerning incidents on its frontier with Iran.⁷⁵ Under paragraph 5 of that consensus the Council requested the Secretary-General:

To appoint as soon as possible a special representative to conduct an investigation of the events that have given rise to the complaint by Iraq; and

To report within three months.

In accordance with this decision of the Council, the Secretary-General appointed on 10 March 1974 Ambassador Weckmann-Muñoz as his Special Representative, who visited Iraq and Iran from 3 to 25 April 1974 and

consultations, by 14 votes to none,⁷⁶ as resolution 348 (1974) whereby it took note with appreciation of the implementation of the agreement which they had reached through

CASE 6

United Nations Disarmament Office (UNDO)

At the 1774th meeting on 31 May 1974, following the consideration of the situation in the Middle East, in particular of the report of the Secretary-General concerning Syrian Forces,⁷⁷ the Security Council adopted a revised United States, by 15 votes to none,⁷⁸ as resolution 350 (1974). It provided under paragraph 3:

Decides to set up immediately under its authority the United

its above-mentioned report and the annex thereto, the Force shall be established for an initial period of six months, subject to renewal by further resolution of the Security Council;

At the same meeting, the Council agreed to the proposals made by the Secretary-General on the initial

⁷⁴ S/11229, OR, 29th yr., Suppl. for Jan.-March 1974, pp. 108-109. China dissociated itself from the consensus of the Council.

⁷⁵ S/11229, *ibid.*, p. 96.

⁷⁶ S/11291. See preceding footnote.

⁷⁸ S/11299, adopted without change.

⁷⁹ One member did not participate in the vote.

⁸⁰ S/11302 and Add. 1, OR, 29th yr., Suppl. for April-June

⁸¹ S/11305/Rev.1, adopted without further changes.

⁸² Two members of the Council did not participate in the voting.

composition of the Force and the appointment of General Brizeño Zevallos as interim Commander.⁸³

Council adopted a draft resolution,⁸⁴ sponsored by Austria, Indonesia, Kenya, Mauritania, Peru and United Republic of Cameroon, by 15 votes to none,⁸⁵ as resolution 363 (1974) renewing the mandate of the Force for another period of six months, after it had considered the report of the Secretary-General on the functioning of UNDOF during the first six months.⁸⁶

2. Subsidiary organs proposed but not established

CASE 7

At the 1787th meeting on 29 July 1974, in connexion with the situation in Cyprus, the representative of the USSR introduced a draft resolution⁸⁷ which provided

The draft resolution was not put to the vote.

between the United Nations and South Africa, the President of the Council drew the attention of the members to a draft resolution⁸⁸ submitted under paragraph 3 of the provisional rules of procedure of the Security Council by Saudi Arabia, which provided under paragraph 2:

Requests the Secretary-General, after consultation with the countries to administer Namibia together with South Africa during the period of transfer, which should be completed within a period

The draft resolution was not put to the vote.

OF THE ORGANIZATION

1. Subsidiary organs established

CASE 9

Security Council Committee on Council Meetings away from Headquarters

in connexion with the request of the Organization of African

1774th meeting, statement by the Secretary-General, and concluding statement by the President.

⁸⁴ S/11565, adopted without change.

⁸⁵ Two members of the Council did not participate in the

⁸⁶ S/11563, OR, 29th yr., Suppl. for Oct.-Dec. 1974, pp. 43-47.

⁸⁷ S/11391, OR, 29th yr., Suppl. for July-Sept. 1974, p. 70.

⁸⁸ S/11547, OR, 29th yr., Suppl. for Oct.-Dec. 1974, p. 36.

Unity concerning the holding of meetings of the Security Council in an African capital, the Council decided without

members, which had been resolved by asking the President, following customary practice, to hold consultations with

(c) to establish a Security Council Committee on Council Meetings, composed of all the members of

Council meetings in an African capital in all its aspects ... and to endeavour to draft general guidelines which could be applied in similar situations which might arise in the future in connexion with Article 28, paragraph 3, of the Charter of the United Nations.

In accordance with this decision the Committee submitted a report⁹⁰ to the Council in which it made several

reported that it had agreed to have the Chairmanship rotate on a monthly basis and to defer its mandate to prepare

the future.

At the 1626th meeting on 19 January 1972, the Council adopted the recommendations of the Committee and the draft resolution⁹¹ without objection as representing the consensus of the Council members.

holding of meetings of the Security Council in Panama

1685th meeting on 16 January 1973, to consider all aspects—technical, administrative, financial, legal, political and other—of the necessary arrangements and to report to

Accordingly, the Committee submitted its second report⁹³ including its recommendations and a draft resolution,⁹⁴ which the Council, at its 1686th meeting on 26 January 1973, adopted without objection as representing the consensus of the Council members.

CASE 10⁹⁵

Group of the Security Council established under resolution 309 (1972)

During the meetings in Africa⁹⁶ at the 1628th meeting on 7 February 1972, the Council, addressing itself to the situation in Namibia, adopted resolution 309 (1972) which provided for the establishment of a group of the Security Council, composed of the representatives of the Secretary-General was asked to consult and co-operate in carrying out the mandate under that resolution.

Prior to the vote, a debate had taken place concerning the size of the group and the mode of selecting its

⁸⁹ For the text of the Council decision, see *OR, 27th yr., Resolutions and Decisions of the Security Council 1972*, p. 1.

⁹⁰ *OR, 27th yr., Suppl. for July-Sept. 1972*, pp. 63-72, contained in paras. 29 and 30.

⁹¹ Adopted without change as resolution 308 (1972).

⁹² For the decision, see *OR, 28th yr., Resolutions and Decisions of the Security Council 1973*, p. 2.

⁹³ S/10868, *ibid.*, *Suppl. for Jan.-March 1973*, pp. 32-38.

⁹⁴ *Ibid.*, p. 35, para. 23. Adopted without change as resolution 325 (1973).

⁹⁶ See footnote 31 above.

Secretary-General stated that he had carried out his mandate in close co-operation with the group of the

Security Council and expressed his deep appreciation of the valuable assistance and co-operation extended to him by the group.⁹⁹

of the Council.

tation of resolution 319 (1972) indicated the active involvement of the group in the preparation and evaluation of the activities undertaken by the Secretary-General and his Representative.¹⁰⁰

Under resolution 323 (1972) the mandate of the group

of the Council, membership on 1 January 1973 101

appointed by consensus after consultations the representatives of Peru and Sudan to fill the vacancies that had resulted from the expiration of the terms of office of the

Reporting⁹⁹ on the implementation of resolution 323 (1972), the Secretary-General stressed again the value of the assistance and advice the group of the Council had rendered him.

Following the suggestion of the Secretary-General, the Council decided not to continue the efforts under resolution 309 (1972).¹⁰⁴

2. Subsidiary organs proposed but not established

In the course of its meetings in Africa,¹⁰⁵ at the 1637th

meeting on 7 February 1972, Guinea, India, Somalia, Sudan and Yugoslavia submitted a joint draft resolution

under paragraphs 8 and 9:

⁹⁷ 1637th meeting, paras. 53, 114, 118, 157-173, 181, 182, 197.

⁹⁸ S/10738, *OR, 27th yr., Suppl. for July-Sept. 1972*, pp. 63-72.

⁹⁹ *Ibid.*, paras. 3, 19, 50 and Annex I.

¹⁰⁰ S/10832, *ibid.*, *Suppl. for Oct.-Dec. 1972*, pp. 32-46;

¹⁰¹ Resolution 323 (1973), paras. 5 and 8.

¹⁰² See *OR, 28th yr., Resolutions and Decisions of the Security Council 1973*, p. 1.

¹⁰³ S/10921 (report of the Secretary-General), *OR, 28th yr., Suppl. for April-June 1973*, pp. 30-34; in particular para. 3.

¹⁰⁴ See resolution 342 (1973), para. 2.

¹⁰⁵ See the section "Consideration of Questions Relating to Africa" in chapter VIII for details concerning the negotiations

of Belgium, France, Italy and the United States could not agree to these proposals, since in their view, they gave rise to objections either to the substance, procedure or the competence of the Committee in matters reserved exclusively to the Security Council.¹¹⁵

body the responsibilities which the Charter has made incumbent on it alone. Furthermore, it would not be useful either for the Committee to be simply a faithful reflection of the Council and to be competent, as the Council is, in relation to all aspects of the question of Southern Rhodesia. Conceived as it was to function as a standing body, the Security Council, unlike the General Assembly which is a deliberative assembly, does not need organs to exercise

Council considered the special report of the Committee, the representative of Sudan, speaking as chairman of the Committee, referred to these objections to the contents of ~~the report~~.¹¹⁶ The representative of Belgium stated that two of the African proposals had not been accepted because they were alien to the mandate set out in resolution 314 (1972), and added:

The representative of Yugoslavia, speaking in support of the African proposals, declared in reply:

... it is our understanding that the scope of the Committee's responsibilities extends to all political aspects of the situation in and around Southern Rhodesia that affect the implementation of sanctions and not merely their technical aspects...¹¹⁸

... I must now refer to the debate which was once again provoked by the extent of the mandate given to the Committee in Security Council resolution 314 (1972) and 337 (1973) by which the

****E. CONSIDERATION OF THE PROCEDURE
OF TERMINATION**

¹¹⁷ 1654th meeting, paras. 40, 41. See also the statements by the United Kingdom (1655th meeting, para. 15) and France (*ibid.* para. 16).

¹¹⁶ *Ibid.*, para. 53.

¹¹⁶ 1654th meeting, paras. 15-17.

¹¹⁸ *Ibid.*, para. 53.