
Chapter VI

Relations with other United Nations organs

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Introductory note

This chapter deals, in parts I to V, with relations of the Security Council with the other principal organs of the United Nations. It also includes, in part VI, material relating to the Military Staff

<i>General Assembly decision</i>	<i>Plenary meeting and date of election</i>	<i>Members elected to two-year terms beginning January of the following year</i>
45/306	36th 1 November 1990	Austria Belgium Ecuador India Zimbabwe
46/305	32nd 16 October 1991	Cape Verde Hungary Japan Morocco Venezuela

B. Recommendations by the General Assembly to the Security Council in the form of resolutions under Articles 10 and 11 of the Charter

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles govern2cgJT0.0183 T(c)a.0183 ru3m0.0179 T4Tc-.a0TJT.3022 0Tc0.103929 T6(ow)6rwIccoj

situation in Bosnia and Herzegovina. A table of the recommendations relating to Article 11 (2) is set out in section 2.

The General Assembly also drew the attention of the Security Council to certain situations in accordance with Article 11 (3). These are dealt with in section 3.

1. Recommendations on matters relating to the Council's powers and functions or with regard to the general principles of cooperation in the maintenance of international peace and security

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<i>General Assembly resolution</i>	<i>Title of agenda item</i>	<i>Recommendation</i>
47/148 18 December 1992	Cooperation between the United Nations and the Organization of African Unity	Encourages the Secretary-General and the Security Council 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 invites the Secretary-General to report to the General Assembly on such consultations. Calls upon the United Nations organs — in particular the Security Council ... — to continue to involve the Organization of African Unity closely in all their activities concerning Africa.

2. Recommendations with regard to questions relating to the maintenance of international peace and security or requesting action on such questions by the Council

<i>General Assembly resolution</i>	<i>Agenda item</i>	<i>Recommendation</i>
44/27 C, G, H, I and K 22 November 1989	Policies of apartheid of the	

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<i>General Assembly resolution</i>	<i>Agenda item</i>	<i>Recommendation</i>
44/121 15 December 1989	Israeli nuclear armament	Requests once more the Security Council to take urgent and effective measures to ensure that Israel complies with Council resolution 487 (1981).
45/68 6 December 1990	International Peace Conference on the Middle East	Once again invites the Security Council to consider measures needed to convene the International Peace Conference on the Middle East, including the establishment of a preparatory committee, and to consider guarantees for security measures agreed upon by the Conference for all States in the region.
45/74 A 11 December 1990	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories	Requests the Security Council to ensure Israel's respect for and compliance with all the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967, and to initiate measures to halt Israeli policies and practices in those territories.
45/176 C, D, E and F 19 December 1990	Policies of apartheid of the Government of South Africa	Urges the Security Council to consider immediate steps to ensure the scrupulous and full implementation and the effective monitoring of the arms embargo imposed by Council resolutions 418 (1977) and 558 (1984) of 13 December 1984, to consider strengthening the monitoring and the reporting of violations of the arms embargo and to provide information on a regular basis to the Secretary-General for general distribution to the Council. Also urges the Council to

General Assembly resolution

Agenda item

Recommendation

Requests all United Nations bodies, organs and

<i>General Assembly resolution</i>	<i>Agenda item</i>	<i>Recommendation</i>
47/121 18 December 1992	The situation in Bosnia and Herzegovina	<p>Urges the Security Council to consider taking appropriate measures against Israel for its violation of the mandatory arms embargo against South Africa.</p> <p>Urges the Security Council, within its responsibility to maintain international peace and security, to again call upon the Serbian and Montenegrin forces to comply with all relevant resolutions and to bring to an end the aggressive</p>

General Assembly resolution

Agenda item

Recommendation

Urges the Security Council to consider recommending the establishment of an ad hoc international war crimes tribunal to try and punish those who have committed war crimes in the Republic of Bosnia and Herzegovina when sufficient information has been provided by the Commission of Experts established by Council resolution 780 (1992) of 6 October 1992.

3. Situations drawn to the attention of the Security Council

The General Assembly did not refer any matters to the Security Council explicitly invoking Article 11 (3) during this period. However, in a number of resolutions, adopted from April 1989 to December

1992, the Assembly requested the Security Council to refer to it any situation which it might consider to be a threat to international peace and security. In 1992, the Assembly requested the Security Council to refer to it any situation which it might consider to be a threat to international peace and security.

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review to submit annual reports to the General Assembly.¹⁵ Each report covered the period from 16 June of one year to 15 June of the next. The format of the report remained unaltered during this period. It comprised four main parts: Part I provided a summary of the questions considered by the Security Council under its responsibility for the maintenance of international peace and security; Part II dealt with “other matters” considered by the Council, such as the admission of new Members, the appointment of the Secretary-General, and the Council’s responsibilities regarding the election of members of the International Court of Justice; Part III provided an account of the work of the Military Staff Committee; and Part IV contained matters that were brought to the attention of the Council but not discussed during the period covered by the report. During the period under consideration, the reports continued to be adopted at private meetings of the Security Council. The General Assembly took note of the reports with little or no discussion.¹⁶

During the period covered by this *Supplement*, the Council did not submit any special reports to the Assembly (as, for example, under rule 60 (3) of the Council’s provisional rules of procedure).¹⁷

F. Other Council practice bearing on relations with the General Assembly

Note

During the period under review, there was a brief constitutional discussion concerning the importance of the Council’s restricting its deliberations and actions within its sphere of competence, as defined under the

¹⁵ Annual reports were adopted by the Security Council at the following meetings held in private: 44th report (covering the period 1988/89), 2892nd meeting, 17 November 1989; 45th report (covering the period 1989/90), 2958th meeting, 23 November 1990; 46th report (covering the period 1990/91), 3020th meeting, 29 November 1991.

Some Council members expressed reservations in

Case 4

*The responsibility of the Security Council
in the maintenance of international
peace and security*

At its 3046th meeting, held at the level of Heads of State and Government on 31 January 1992, the Council discussed the item entitled “The responsibility of the Security Council in the maintenance of international peace and security”. At the conclusion of the meeting, the President made a statement on behalf of the members of the Council.²³ Commenting on the subject of “disarmament, arms control and weapons of mass destruction”, he stated:

The members of the Council, while fully conscious of the responsibilities of other organs of the United Nations in the fields of disarmament, arms control and non-proliferation, reaffirm the crucial contribution which progress in these areas can make to the maintenance of international peace and security. They express their commitment to take concrete steps to enhance the effectiveness of the United Nations in these areas.

...

On conventional armaments, they note the General Assembly’s vote in favour of a United Nations register of arms transfers as a first step, and in this connection recognize the importance of all States providing all the information called for in the General Assembly’s resolution.

Case 6

Communications from subsidiary organs established by the

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<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/21678	30 August 1990	Letter dated 27 August 1990 transmitting the text of a decision on military activities and arrangements by colonial Powers, adopted by the Special Committee on 20 August 1990 (A/AC.109/1054). Drawing particular attention to para. 6 which urges the Security Council to consider, as a matter of urgency, the report of the Committee established under its resolution 421 (1977) and to adopt further measures to widen the scope of resolution 418 (1977) to make it more effective and comprehensive, and which calls for the scrupulous observance of resolution 558 (1984) enjoining Member States to refrain from importing armaments from South Africa.
S/23014	6 September 1991	Letter dated 4 September 1991 transmitting the text of a decision on military activities and arrangements by colonial Powers, adopted by the Special Committee on 23 August 1991 (A/AC.109/1090). Drawing particular attention to para. 6 which urges the Security Council to consider, as a matter of urgency, the report of the Committee established under its resolution 421 (1977) and to adopt further measures to widen the scope of resolution 418 (1977) to make it more effective and comprehensive, and which calls for the scrupulous observance of resolution 558 (1984) enjoining Member States to refrain from importing armaments from South Africa.
S/23035	13 September 1991	Letter dated 12 September 1991 transmitting the text of a resolution on the Trust Territory of the Pacific Islands, adopted by the Special Committee on 14 August 1991 (A/AC.109/1095). Drawing attention to its second, third and fourth preambular paragraphs and to its operative paragraph 2, in which the Special Committee, “ <i>Taking note</i> of the Trusteeship Agreement concluded between the Administering Authority and the Security Council with regard to the Trust Territory of the Pacific Islands, <i>Mindful</i> that under Article 83 of the Charter of the United Nations, the Security Council shall exercise all functions of the United Nations relating to strategic areas, including the approval of the terms of trusteeship agreements and of their alteration or amendment, <i>Confident</i> that special attention will continue to be given by the Security Council to the full implementation of all provisions of the Trusteeship Agreement, ... 2. <i>Takes note</i> of the adoption by the Security Council of resolution 683 (1990) on 22 December 1990, by which it determined, in the light of the entry into force of the new status agreements for the Federated States of Micronesia, the Marshall Islands and the Northern Mariana Islands, that the objectives of the Trusteeship Agreement had been fully attained and that the applicability of the Trusteeship Agreement had terminated with respect to those entities.”
S/24471	21 August 1992	Letter dated 19 August 1992 transmitting the text of a decision on military activities and arrangements by colonial Powers, adopted by the Special Committee on 7 August 1992 (A/AC.109/1136). Drawing attention to para. 7 which urges the Security Council to consider, as a matter of urgency, the report of the Committee established under its resolution 421 (1977) of 9 December 1977 and to adopt further measures to widen the scope of Council resolution 418 (1977) in order to make it more effective and comprehensive, and calls for scrupulous observance of resolution 558 (1984) enjoining Member States to refrain from importing armaments from South Africa.

(b) Communications from the Special Committee against Apartheid

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<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/23224	20 November 1991	Submitting its annual report, in which the Special Committee cited the terms set out in the Declaration on Apartheid and its Destructive Consequences in Southern Africa (General Assembly resolution S-16/1 of 14 December 1989, annex) (para. 1) and, inter alia, called for the strict observance of the mandatory arms embargo, monitored effectively by the Security Council, and for the maintenance of restrictions on the export of computers, communication equipment and the provision of technology and military intelligence to South Africa until free and fair elections were held and a new democratic government established (para. 200 (m)). Part II contained a report on recent developments on the relationship between Israel and South Africa.
S/24291	15 July 1992	Letter dated 15 July 1992 transmitting the concluding remarks made by Archbishop Trevor Huddleston at the International Hearing on Political Violence in South Africa and the Implementation of the National Peace Accord, co-sponsored by the Special Committee against Apartheid, held in London on 14 and 15 July 1992.
S/24292	15 July 1992	Letter dated 15 July 1992 transmitting the statement made by the Reverend Frank Chikane, General Secretary of the South African Council of Churches, at the International Hearing on Political Violence in South Africa and the Implementation of the National Peace Accord, co-sponsored by the Special Committee against Apartheid, held in London on 14 and 15 July 1992.
S/24663	6 November 1992	Submitting its annual report, in which the Special Committee concluded that the decision of the Security Council, OAU, the Commonwealth and the European Community to send observers to monitor the political violence had been welcomed by all major political parties and organizations inside and outside South Africa (para. 176), and recommended that the General Assembly should, inter alia, welcome the Council's decisions of 16 July and 17 August 1992, its statement of 10 September 1992, and the deployment of United Nations observers (para. 181 (f)), and request the Council to continue to monitor the implementation of the existing measures to end apartheid (para. 181 (m)). Part II contained a report on recent developments on the relations between South Africa and Israel, which concluded that South Africa was one of Israel's major arms customers, in violation of resolutions 418 (1977) and 421 (1977) (para. 204). It urged the Council to end the violation (para. 205), and recommended that the Assembly authorize the Special Committee to continue monitoring those relations and report to the Assembly and the Council (para. 206).

(c) Communication from the United Nations Council for Namibia

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/21270	24 April 1990	Letter dated 20 April 1990 transmitting the text of the declaration adopted at its special meeting, held at Windhoek, from 9 to 11 April, in which it noted (para. 5) that the Security Council had ensured the critical implementation of resolution 435 (1978) by the United Nations Transition Assistance Group for Namibia, and its completion under the guidance of the Secretary-General.

(d) Communications from the Committee on the Exercise of the Inalienable Rights of the Palestinian People

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/20372	5 January 1989	Letter dated 5 January 1989 deploring Israel's deportation to southern Lebanon of Palestinians from the West Bank and Gaza Strip, and appealing to the Secretary-General to ensure the safety and protection of Palestinian civilians under occupation and to intensify his efforts towards the urgent convening of the International Peace Conference on the Middle East, in accordance with General Assembly resolution 43/176 of 15 December 1988.
S/20424	26 January 1989	Letter dated 25 January 1989 drawing attention to the escalation of the situation in the occupied Palestinian territories as a result of the increasingly harsh measures taken by Israel to suppress the Palestinian intifada.
S/20455	9 February 1989	Letter dated 9 February 1989 supporting the request by Tunisia, on behalf of the Arab Group, for an urgent meeting of the Security Council to consider the situation in the occupied Palestinian territory.
S/20505	6 March 1989	Letter dated 3 March 1989 concerning

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<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/20592	14 April 1989	Letter dated 14 April 1989 drawing attention to the escalation of attacks by Israeli troops and settlers against Palestinians and stating that the Committee considered that the international community was duty bound to redouble its efforts to ensure protection for the Palestinians under occupation and the withdrawal of Israel from the occupied territory, in accordance with the Geneva Convention on the Protection of Civilian Persons in Time of War of 12 August 1949, and United Nations resolutions, and reiterating its appeal to the Secretary-General and to all parties concerned to further intensify their efforts for the convening of the International Peace Conference on the Middle East.
S/20623	10 May 1989	Letter dated 9 May 1989 regarding press reports on the shooting of Palestinian civilians by Israeli troops and Israel's announcement that the West Bank would be considered as a "closed military zone" until 10 May, and calling on the Security Council to adopt urgent measures to provide international protection to the Palestinian civilians, in accordance with General Assembly resolution 43/233 of 20 April 1989.
S/20668	2 June 1989	Letter dated 1 June 1989 drawing attention to the escalation of repression against Palestinians in the occupied territory and, inter alia,

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/21151	16 February 1990	Letter dated 15 February 1990 citing press reports on the demolition in the occupied territory of houses belonging to Palestinians by Israeli military authorities, and urging the Security Council to provide international protection to the Palestinian civilians.
S/21199	21 March 1990	Letter dated 20 March 1990 transmitting an extract from <i>Country Reports on Human Rights Practices for 1989</i> , published by the United States Department of State, on the human rights situation in the Palestinian and other Arab territories occupied by Israel since 1967.
S/21281	1 May 1990	Letter dated 1 May 1990 concerning collective punishment, torture and harsh conditions in detention camps for Palestinians, and Israeli settlement activities, and urging the Security Council to provide international protection to the Palestinian civilians.
S/21303	21 May 1990	Letter dated 21 May 1990 denouncing the massacre near Tel Aviv of Palestinian workers from Gaza and the climate of hate engendered by the repressive policies of the occupying Power; calling upon the Council to adopt urgent measures to protect the Palestinian people under occupation; reiterating its appeal to the High Contracting Parties to the Geneva Convention to ensure compliance with the Convention; stating that ultimately true protection for Palestinians can only be achieved through the exercise of their right to self-determination and the establishment of their own State, alongside Israel, with adequate security guarantees; and calling on all concerned to intensify their efforts to promote a comprehensive, just and lasting settlement through the convening of the International Peace Conference on the Middle East.
S/21362	19 June 1990	Letter dated 15 June 1990 deploring the incursion by the Israeli army into a health-care centre in Gaza City and its use of tear gas; citing Israel's policies and practices in disregard of its obligations under the Geneva Convention, particularly articles 24, 28 and 50, and violation of the Convention on the Rights of the Child of 20 November 1989; and calling upon the Security Council to provide international protection to the Palestinian civilians.
S/21802	25 September 1990	Letter dated 19 September 1990 drawing attention to the increased killing and wounding of children by Israeli forces, harsh collective punishment, injury and torture in Israeli prisons, restriction on freedom of speech and forced closure of press offices; urging again the Security Council to provide international protection to the Palestinians in the occupied territory; underscoring the imperative need for a comprehensive and just settlement of the question of Palestine through the convening of the International Peace Conference on the Middle East.

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/22511	19 April 1991	Letter dated 18 April 1991 citing a press report that the forthcoming building of 13,000 housing units was part of a plan by the Israeli Government to increase by 50 per cent the Jewish population in the occupied Palestinian territories, and deploring the intensification of its settlements policy and practice, in violation of article 49 of the Fourth Geneva Convention and Council resolutions 446 (1979), 452 (1979) and 465 (1980).
S/23291	17 December 1991	Letter dated 16 December 1991 drawing attention to attacks carried out by the Israeli Government and settlers against the Holy Places and Palestinian property in East Jerusalem and adjoining areas, in violation of Israel's obligations as the occupying Power under the Geneva Convention and numerous Council resolutions, particularly 271 (1969), 298 (1971) and 476 (1980), concerning the Holy Places and religious buildings in Jerusalem, and 446 (1979), 452 (1979) and 465 (1980), concerning settlement activities by Israel, which hampered the establishment of a comprehensive, just and lasting peace in the Middle East.
S/23374	6 January 1992	Letter dated 6 January 1992 condemning Israel's decision to continue the deportation of Palestinians from the occupied territory, in violation of the Fourth Geneva Convention and several Council resolutions, and expressing concern at the increasing imposition of harsh collective punishment, such as curfews, school closings and administrative detention.
S/23570	11 February 1992	Letter dated 11 February 1992 denouncing the death of Palestinians in Israeli custody and the systematic use of torture and ill-treatment of Palestinian detainees, in violation of Israel's obligations under article 2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and article 7 of the International Covenant on Civil and Political Rights.

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letter drew attention to paragraph 159 of the report, in which the Special Rapporteur, after referring to resolution 688 (1991), stated that, inasmuch as the repression continued, he could only conclude that the threat to international peace and security in the region mentioned in that resolution remained. At the same meeting, the President of the Security Council made a statement on behalf of the Council,³⁹ concerning the status of Iraq's compliance with the various obligations imposed upon it by resolutions concerning the situation between Iraq and Kuwait. With respect to the

law occurring within the territory of the former Yugoslavia and especially in Bosnia and Herzegovina. Recalling its presidential statement of 4 August 1992,⁴⁴

massive and systematic violations of human rights and grave violations of international humanitarian law continue[d] in the Republic of Bosnia and Herzegovina”. In the operative paragraphs, the Council, inter alia, condemned all violations of international law, including in particular the practice of “ethnic cleansing” and the deliberate impeding of the delivery of food and medical supplies to the civilian population of Bosnia and Herzegovina, and reaffirmed that the perpetrators of such acts would be held

Micronesia and the Marshall Islands, and a Commonwealth Covenant in the case of the Northern Mariana Islands.

- The Council's satisfaction that the peoples of these entities had freely exercised their right to self-determination in approving their respective new status agreements in plebiscites observed by visiting missions of the Trusteeship Council, and that the legislatures of these entities had adopted resolutions approving the respective new status agreements.
- Trusteeship Council resolution 2183 (LIII) of 28 May 1986 and subsequent reports of the Trusteeship Council to the Security Council.

In an operative paragraph of the draft resolution, the Council would determine — in the light of the entry into force of the new status agreements for the Federated States of Micronesia, the Marshall Islands and the Northern Mariana Islands — that the objectives of the Trusteeship Agreement had been fully attained, and that the applicability of the Trusteeship Agreement had terminated, with respect to those entities.

At its 2972nd meeting, on 22 December 1990, the Security Council included in its agenda the item entitled "Letter dated 7 December 1990 from the President of the Trusteeship Council addressed to the President of the Security Council". Following the adoption of the agenda, the representative of Cuba proposed that the meeting should be adjourned for three days. He did so on the ground, *inter alia*, that the Governor of the Northern Mariana Islands had requested that the consideration of the question of termination of the Trusteeship Agreement be delayed to give the representatives of the peoples of that Territory an opportunity to present to the members of the Council their position against termination.⁵⁵ In support,

Marshall Islands and the Northern Mariana Islands of their right to self-determination. Several of them

of the Court for the remainder of his predecessor's term of office, expiring on 5 February 1994.

B. Consideration of the relationship between the Security Council and the Court

Case 13

During consideration by the Council of the item entitled "Letters dated 20 and 23 December 1991 (S/23306, S/23307, S/23308, S/23309 and S/23317)",⁷² concerning the alleged involvement of Libyan nationals in the destruction of two civilian aircraft (Pan Am flight 103 over Lockerbie, Scotland, in 1988 and UTA flight 772 over the Niger in 1989), discussion arose concerning the respective roles of the Security Council and the International Court of Justice.

At the end of 1991, the Governments of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America presented to the Security Council the reports of judicial and police investigations which implicated officials of the Libyan Government in the bombings of the two airliners. The three Governments also presented specific demands to the Libyan authorities relating to the legal procedures

Part V **Relations with the Secretariat**

Note

This part is concerned with the functions other than those of an administrative nature entrusted to the Secretary-General by the Security Council under Article 98 of the Charter,⁸⁸ and with the Secretary-General's power of initiative under Article 99.

Article 98

The Secretary-General shall act in that capacity [as the chief administrative officer of the Organization] 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

additional measures that might be appropriate in response to it;⁹³

(e) With regard to the same issue, the Council subsequently requested the Secretary-General to establish an impartial Commission of Experts to examine and analyse the information submitted pursuant to resolutions 771 (1992) and 780 (1992), together with such further information as the Commission of Experts might obtain through its own investigations or efforts, with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia. The Council requested the Secretary-General to report to it on the Commission's conclusions;⁹⁴

(f) Also in relation to the situation in the former Yugoslavia, and specifically the situation in Bosnia and Herzegovina, the Council invited the Secretary-General to inform it of the findings of the inquiry into the circumstances of a fatal attack carried out against personnel of the United Nations Protection Force (UNPROFOR) near Sarajevo and similar incidents involving the United Nations activities in Bosnia and Herzegovina, and of any information which he could gather on the responsibility for those incidents.⁹⁵

Good offices

The Secretary-General was often requested to exercise or continue to exercise his "good offices" function — his independent political role in preventing or mediating conflicts between or within States — or his role in this regard was endorsed:

(a) In relation to the situation in Cyprus, the Secretary-General was requested to "continue to exercise his mission of good offices" to assist the two communities to reach a negotiated settlement of all aspects of the Cyprus problem. He acted on the basis of Security Council authorization, renewed semi-annually,⁹⁶

(d) In connection with the same item, the Secretary-General was also requested to “use his good offices to facilitate the delivery and distribution of foodstuffs” to the civilians in Kuwait and Iraq;¹⁰⁴ and to continue to exercise his good offices concerning the safety and well-being of third-State nationals in Iraq and Kuwait.¹⁰⁵

(e) In connection with items relating to the Libyan Arab Jamahiriya, the Council requested the Secretary-General “to seek the cooperation of the Libyan Government to provide a full and effective response” to the requests addressed to the Libyan authorities by France, the United Kingdom of Great Britain and Northern Ireland and the United States of America for the extradition of the suspects involved in two airline bombings.¹⁰⁶ The Secretary-General sent an Under-Secretary-General as his Special Envoy to Tripoli, emphasizing in his personal message to the Libyan leader, Colonel Muammar Al-Qadhafi, that he was “acting under the terms of paragraph 4 of resolution 731 and not as a mediator between the Security Council and the Libyan authorities”.¹⁰⁷

(f) At the conclusion of the first meeting of the Security Council held at the level of Heads of State and Government on 31 January 1992, the President of the Council made a statement on behalf of the members of the Council in which they invited the Secretary-General “to consider how greater use might be made of his good offices”.¹⁰⁸

Joint efforts to promote a political settlement

In several instances, the Secretary-General was asked to undertake diplomatic efforts in conjunction

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assist in finding a negotiated political solution for the conflict in Bosnia and Herzegovina.¹¹⁵

(e) With regard to the situation in Somalia, the Council, early in 1992, requested the Secretary-General, together with the Secretaries-General of the Organization of African Unity and the League of Arab States, “to contact all parties involved in the conflict, to seek their commitment to the cessation of hostilities in order to permit the humanitarian assistance to be distributed, to promote a ceasefire and compliance therewith, and to assist in the process of a political settlement of the conflict in Somalia.”¹¹⁶

(f) In relation to the same item, the Council also called upon the Secretary-General to continue, in close cooperation with the Organization of African Unity, the League of Arab States and the Organization of the Islamic Conference, “his consultations with all Somali parties, movements and factions towards the convening of a conference for national reconciliation and unity in Somalia”.¹¹⁷ This call was reiterated in several subsequent resolutions.¹¹⁸

Peacekeeping and implementation of peace agreements

The Secretary-General was also entrusted with a leading role in dispatching and directing a number of peacekeeping missions authorized by the Council.¹¹⁹ Some of these missions, such as those in Cyprus, the Middle East, and along the Iraq-Kuwait border, alssNI wasical

1989 on these events in Lebanon, the Secretary-General recalled that in August he had “felt compelled, for the first time in [his] tenure as Secretary-General, to invoke Article 99 of the Charter”.¹²²

In response to the Secretary-General’s urgent appeal, the Security Council met immediately¹²³ and adopted a presidential statement¹²⁴ in which it appealed to all the parties to observe a total and immediate ceasefire, and expressed its full support for the Tripartite Committee of the Arab Heads of State in the efforts it was making with a view to the establishment of an effective and definitive ceasefire and the putting into effect of a plan for the settlement of the Lebanese crisis in all its aspects. The Council also appealed to all States and to all the parties to support the efforts of the Tripartite Committee, and invited the Secretary-General to pursue all appropriate contacts, in liaison with the Tripartite Committee, in order to ensure observance of the ceasefire.

Case 15

At the meeting of the Security Council held at the level of Heads of State and Government, held on 31 January 1992 to consider the responsibility of the Security Council in the maintenance of international peace and security, several Council members touched on the role of the Secretary-General under Article 99. They encouraged him to use his initiative to draw potential conflicts to the attention of the Council as part of a more active role he might usefully play in preventive diplomacy.¹²⁵ In a presidential statement

adopted at the conclusion of the summit, the members of the Council invited the Secretary-General to prepare an analysis and recommendations on strengthening the capacity of the United Nations for preventive diplomacy, peacemaking and peacekeeping.¹²⁶ In that context, he was asked to consider how greater use might be made of his good offices, and of his other functions under the Charter.

In his report of 17 June 1992 entitled “An agenda for peace”,¹²⁷ pursuant to the presidential statement of 31 January 1992 (S/23500), the Secretary-General stressed that preventive diplomacy required timely and accurate knowledge of the facts. An increased resort to fact-finding was needed, he said, initiated either by the Secretary-General — to enable him to meet his responsibilities under the Charter, including Article 99 — or by the Security Council or the General Assembly. He made a number of proposals in that regard on enhancing informal and formal fact-finding.

In a presidential statement adopted on 30 November 1992, in connection with their examination of the Secretary-General’s report, the members of the Council welcomed and supported the proposals on fact-finding in paragraph 25 of the report. They were of the view that “an increased resort to fact-finding as a tool of preventive diplomacy ... [could] result in the best possible understanding of the objective facts of the situation which [would] enable the Secretary-General to meet his responsibilities under Article 99 of the Charter and facilitate the Security Council’s deliberations”. In the same presidential statement, the members of the Council “welcome[d] the Secretary-General’s readiness to make full use of his powers under Article 99 of the Charter to draw the attention of the Security Council to any matter which in his opinion m[ight] threaten international peace and security”.

¹²² Report of the Secretary-General of 22 November 1989 on the situation in the Middle East (S/20971), para. 43.

¹²³ The agenda item was entitled: “The situation in the Middle East: letter dated 15 August 1989 from the Secretary-General addressed to the President of the Security Council”.

¹²⁴ S/20790.

¹²⁵ For the relevant statements, see S/PV.3046, pp. 68-69, 71 (Belgium); 82 (Cape Verde); 137-138 (United Kingdom); and 134 (Zimbabwe).

¹²⁶ S/23500, section entitled “Peacemaking and peacekeeping”.

¹²⁷ S/24111, paras. 23-27.

Part VI

Relations with the Military Staff Committee

Note

The Military Staff Committee, established pursuant to Article 47 of the Charter, is composed of the Chiefs of Staff of the permanent members or their representatives. Its function is “to advise and assist the Security Council on all questions relating to the Security Council’s military requirements for the maintenance of international peace and security, the employment and command of forces at its disposal, the regulation of armaments, and possible disarmament”.¹²⁸

During the period under review, the Military Staff Committee met every other week in closed session and remained prepared to carry out the functions assigned to it under Article 47.¹²⁹ In mid-1990, the Security Council adopted a resolution by which it contemplated a potential role for the Military Staff Committee in coordinating a naval interdiction authorized in the case of the situation between Iraq and Kuwait. There was some discussion by Council members of the role of the Committee in the debate before and after the vote on the resolution in question. This practice is considered in case 16 below. The Committee’s role was also referred to in various contexts at the Council’s summit meeting on the responsibility of the Security Council in the maintenance of international peace and security. This is dealt with in case 17.

Case 16

Situation between Iraq and Kuwait

By resolution 665 (1990) of 25 August 1990, the Security Council authorized those Member States

cooperating with the Government of Kuwait which were deploying maritime forces to the area to interdict maritime shipping in order to ensure compliance with the economic sanctions against Iraq and occupied Kuwait imposed by resolution 661 (1990). In paragraph 4 of resolution 665 (1990), the Council requested the States concerned “to coordinate their actions in pursuit of the above ... using, as appropriate, mechanisms of the Military Staff Committee”. The resolution was adopted by 13 votes to none, with two abstentions (Cuba and Yemen).

A number of Council members referred to the Military Staff Committee in statements made before or after the vote leading to the adoption of resolution 665 (1990). Some expressed concern that its exact role had not been made clear in the resolution. The representative of Cuba contended that the draft resolution violated several provisions of the Charter relating to the use of force, including Articles 46 and 47 (1). In his view, if the Council were really acting responsibly and seriously when it talked of using military force, then it should have drawn on those

¹²⁸ Article 47. See also Articles 45 and 46, elaborating on the Military Staff Committee’s role in assisting the Security Council, respectively, in determining the readiness of national air force contingents made available for combined international enforcement action; and in making plans for the application of armed force. The Committee’s task in assisting the Council in formulating plans for the regulation of armaments is addressed in Article 26.

¹²⁹ See part III of the report of the Security Council for the periods 16 June 1988-15 June 1989; 16 June 1989-15 June 1990; 16 June 1990-15 June 1991; 16 June 1991-15 June 1992; and 16 June 1992-15 June 1993.

other points of the draft resolution did, namely, the failure to specify to whom the Council was delegating authority, and the apparent lack of accountability for the exercise of the delegated powers. Looking to the future, he believed that the Council must be prepared to deal with situations of the kind under consideration so that it would not find itself faced with a fait accompli. To that end, his country believed that, “after 45 years, the Security Council must finally implement Article 43 — and, of course, the following articles — of the Charter”.¹³¹

Other Council members, speaking after the vote, indicated their readiness to consider a role for the Military Staff Committee in coordinating the naval interdiction. The representative of the United States stated in this regard: “In accordance with its

