
Chapter V

Subsidiary organs of the Security Council

Contents

	<i>P g e</i>
Introductory note.....	105
Part I. Subsidiary organs of the Security Council established or continuing during the period	

Introductory note

This chapter covers procedures of the Security Council relating to the establishment and control of subsidiary organs deemed necessary for the performance of its functions under the Charter of the United Nations. The Council's power to establish subsidiary organs is set out in Article 29 of the Charter and reflected in rule 28 of the provisional rules of procedure as follows:

Article 29

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

Rule 28

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

The period 1993 to 1995 saw a further expansion in the number of subsidiary organs established by the Council, as compared with the previous reporting period. The Council mandated the establishment of 12 new peacekeeping operations and established four new committees to oversee the implementation of measures adopted pursuant to Chapter VII. The Council also authorized the establishment of a commission of experts to examine reported violations of international humanitarian law in Rwanda, a Commission of Inquiry to investigate armed attacks on personnel of the United Nations Operation in Somalia, an International Commission of Inquiry in connection with the assassination of the President of Burundi and an International Commission of Inquiry to, inter alia, investigate reports relating to the sale or supply of arms to former Rwandese Government Forces. Further, the Council established two international tribunals.

Part I of this chapter considers all new organs, together with those established prior to 1993 and continuing during part or all of the period under review. The organs are divided into six main categories, reflecting their main character or functions: standing and ad hoc committees; investigative bodies; peacekeeping missions; committees to oversee the implementation of measures adopted pursuant to Article 41; ad hoc commissions; and international tribunals. Ten peacekeeping operations were terminated during the period under

Part I
Subsidiary organs of the Security Council
established or continuing during the period 1993 to 1995

A. Standing committees/ad hoc committees

During the period 1993-1995, the Committee of Experts on Rules of Procedure and the Committee on Council Meetings away from Headquarters continued to exist but did not meet.

The Committee on the Admission of New Members was asked to consider the applications for admission to membership in the United Nations of seven States, referred to it by the Council under rule 59 of the provisional rules of procedure.¹ Another body concerned with membership,

Punishment of the Crime of Genocide, committed in Rwanda during the conflict. The Council requested States, relevant United Nations bodies and relevant organizations to make that information available within 30 days of the adoption of the resolution and as appropriate thereafter and to provide appropriate assistance to the Commission.

The Council also requested the Secretary-General to report to it on the establishment of the Commission and, within four months from its establishment, on the conclusions of the Commission, and to take account of those conclusions in any recommendations for further appropriate steps.

Finally, the Council requested the Secretary-General and, as appropriate, the United Nations High Commissioner for Refugees, through the Secretary-General, to make the information submitted to the

authorized significant changes and expansions in the mandates of peacekeeping operations including a

**2. United Nations Angola Verification Mission II
established pursuant to resolution 696 (1991)**

During the period under review, the United Nations Angola Verification Mission II (UNAVEM II) continued to carry out its mandate of overseeing and maintaining the ceasefire, and as authorized by resolution 747 (1992), monitoring the process of elections.

Mandate implementation

By resolution 804 (1993) of 29 January 1993, as recommended by the Secretary-General,⁴⁸ the Council authorized, as a provisional measure based on security considerations, the Secretary-General to concentrate

Verification Mission III (UNAVEM III), for an initial mandate until 8 August 1995.

Mandate

The mandate of UNAVEM III, as set out in resolution 976 (1995), was to assist the parties in restoring peace and achieving national reconciliation in Angola, on the basis of the “Acordos de Paz”,⁵⁵ the Lusaka Protocol⁵⁶

international control pending their eventual destruction or transfer to a newly constituted national army; (d) to seize the small arms of all unauthorized armed elements and to assist in the registration and security of such arms; (e) to secure or maintain security at all ports, airports and lines of communications required for the delivery of humanitarian assistance; (f) to protect, as required, the personnel, installations and equipments of the United Nations and its agencies, the International Committee of the Red Cross as well as non-governmental organizations, and to take such

Termination

In the preamble to resolution 897 (1994) of 4 February 1994, the Council reaffirmed the objective that UNOSOM II complete its mission by March 1995, which was reiterated in resolution 923 (1994) of 31 May 1994.

In a presidential statement dated 6 April 1995,⁷⁰ the Council noted the successful conclusion of the withdrawal of UNOSOM II forces from Somalia. It also stated that the continuing lack of progress in the peace process and in national reconciliation, in particular the lack of sufficient cooperation from the Somali parties over security issues, had prevented the continuation of the mandate of UNOSOM II beyond 31 March 1995.⁷¹

6. United Nations Observer Mission in South Africa established pursuant to resolution 772 (1992)

During the period under review, the United Nations Observer Mission in South Africa (UNOMSA) continued its mandate, in coordination with the structures set up under the National Peace Accord signed on 14 September 1991, to bring an effective end to the violence and thus to create the conditions for the resumption of negotiations envisaged in resolution 765 (1992).

Mandate implementation

The Council, by a letter dated 19 February 1993 from the President of the Council addressed to the Secretary-General,⁷² welcomed the latter's decision to

⁷⁰ S/PRST/1995/15.

⁷¹ Following the withdrawal of the forces of UNOSOM II from Somalia, in accordance with the Secretary-General's proposal set out in his report dated 28 March 1995 (Sto

Repertoire of the Practice of the Security Council

Chapter V. Subsidiary organs of the Security Council

offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement; (b) to assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and their

reint(r)-40.723(n)-30.4466(e)-38.2241(e)-38.2241(m)-17.6699(e)-23.3901(o)-42.5007(n)-30.4451()-268.241(i)-35.4457(r)--28161()-13

**10. United Nations Observer Mission in Liberia
established pursuant to resolution 866 (1993)**

Establishment

Following the signing of the Peace Agreement¹⁰⁹

1014 (1995) of 15 September 1995, the Council, noting the positive political developments that the Liberian parties had made, extended the mandate of UNOMIL until 31 January 1996.

Following the consideration of the report of the Secretary-General,¹¹⁶ by resolution 950 (1994) of 21 October 1994, the Council recognized that the circumstances on the ground had warranted the Secretary-General's decision to reduce the strength of UNOMIL, and considered that any decision to return it to the authorized level would depend on the consideration by the Council of a further report from the Secretary-General reflecting a real improvement in the situation on the ground, in particular the security situation.

By resolution 972 (1995) of 13 January 1995, the Council requested that the Secretary-General base any decision to return the Mission and its civilian staff to the level authorized under resolution 866 (1993) on the existence of any effective ceasefire and on the ability of the Mission to carry out its mandate.

By resolution 1001 (1995) of 30 June 1995, the Council decided that if sufficient progress in the peace process regarding those steps in the resolution was achieved by 15 September 1995, the Council would consider restoring the Mission to its full strength with appropriate adjustment of its mandate.

By resolution 1014 (1995) of 15 September 1995, on the basis of the report of the Secretary-General,¹¹⁷

immediate dispatch, on an urgent basis, of the United Nations Mission in Haiti (UNMIH).¹²⁷

Mandate

The mandate of UNMIH was, as recommended by the Secretary-General,¹²⁸ to help implement the Governors Island Agreement, by providing guidance and training to the Haitian police and modernization of the armed forces. The Mission was established for a period of six months, subject to the provision that it would be extended beyond 75 days only upon a review by the Council to be based on a report from the Secretary-General on whether or not substantive progress had been made towards the implementation of the Governors Island Agreement and the political accords contained in the New York Pact.¹²⁹

Composition

As recommended by the Secretary-General in his report,¹³⁰ the Mission was initially to be composed of up to 567 United Nations police monitors and a military construction unit with a strength of approximately 700, including 60 military trainers. Through exchanges of letters between the Secretary-

By resolution 940 (1994) of 31 July 1994, the Council, acting under Chapter VII of the Charter, authorized Member States to form a multinational force under unified command and control and to use all

basis of resolution 91 (1951).¹⁴⁰ During the period under review, through exchanges of letters between the Secretary-General and the President of the Security Council,¹⁴¹ countries contributing military observers to the Mission and the Chief Military Observer of UNMOGIP were confirmed.

15. United Nations Transitional Authority in Cambodia established pursuant to resolution 745 (1992)

Mandate implementation

The United Nations Transitional Authority in Cambodia (UNTAC) continued to ensure implementation of the Paris Agreements,¹⁴² including human rights monitoring, organization of elections, maintenance of law and order, repatriation and resettlement of refugees and internally displaced persons, and rehabilitation of Cambodian infrastructure. The mandate of UNTAC, in accordance with resolution 745 (1992), extended for a period not to exceed 18 months until the end of the transitional period, that is, until the establishment of a new Cambodian Government. Through exchanges of letters between the Secretary-General and the President of the Security Council,¹⁴³ countries contributing military personnel to UNTAC were confirmed.

Termination

By resolution 860 (1993) of 27 August 1993, the Council approved the withdrawal plan for UNTAC outlined by the Secretary-General in his reports.¹⁴⁴ Furthermore, the Council decided that the functions of UNTAC under the Paris Agreement should end upon the creation of a new government in Cambodia in September 1993, and that the period of withdrawal of

the military component of UNTAC should end on 15 November 1993. In resolution 880 (1993) of 4 November 1993, the Council, recognizing termination of the mandate of UNTAC following the establishment of the constitutional government on 24 September 1993, paid tribute to the work of UNTAC. At the same time, while reiterating that the safe and or roitt dndndr022(u)-30.442 ge thating mile

¹⁴⁰ Since 1971, the Council has not formally discussed UNMOGIP, which is funded from the regular United Nations budget without requirement of a periodic renewal procedure. Following the Simla Agreement of 2 July 1972 between India and Pakistan, India took the position that the mandate of UNMOGIP had lapsed, a position not accepted by Pakistan. Successive Secretaries-General have maintained that UNMOGIP can be terminated only by a decision of the Security Council.

¹⁴¹ S/1994/1112 and S/1994/1113; and S/1994/1146 and S/1994/1147.

¹⁴² S/23177, annex.

¹⁴³ S/25770 and S/25771; S/25816 and S/25817.

¹⁴⁴ S/26090 and S/26360.

including the “use of force”, to ensure its security and its freedom of movement.

Establishment of three interindependent operations. By resolution 871 (1993) of 4 October 1993, the Council noted the Secretary-General’s intention

Repertoire of the Practice of the Security Council

supervise the implementation of measures adopted pursuant to Chapter VII against Haiti,²⁰⁵ the National Union for the Total Independence of Angola,²⁰⁶ Rwanda²⁰⁷ and Liberia.²⁰⁸ During the same period, the previously established Council committees concerning the question of South Africa, the situation between Iraq and Kuwait, the former Yugoslavia, the Libyan Arab Jamahiriya and Somalia continued their work. Of nine Security Council committees in total, two were terminated during the reporting period.²⁰⁹

General issues

On 29 March 1995, in a note by the President,²¹⁰ Council members confirmed their agreement to the following proposals:

“The following improvements should be introduced to make the procedures of the Sanctions Committees more transparent:

“(a) The practice of issuing press releases after meetings of the Committee should be increased;

“(b) The status-of-communication lists under the ‘no objection’ procedure prepared by the Secretariat should be made available to any delegation which wishes to have a copy;

“(c) A list of all other decisions by each active Committee should be prepared by the Secretariat, on a regular basis, and be made available to any delegation which requests it;

“(d) The annual report of the Council to the General Assembly should contain, in the introduction, more information about each Committee than it does at present;²¹¹

“(e) An annual report to the Council should be prepared by each Committee, providing a concise indication of each Committee’s activities;

“(f) An effort should be made to expedite the preparations of the summary records of each Committee.

“For the implementation of these measures, the existing procedures of the Committees should be respected.

“Meetings of the sanctions Committees should remain closed, as they are now, and the summary records of those meetings should continue to be distributed according to the existing pattern.”

On 31 May 1995, in a second note by the President,²¹² Council members confirmed their agreement to the following proposal:

“The practice of hearing comments by States and organizations concerned during closed meetings of the sanctions Committees on issues arising from implementation of sanctions regimes imposed by the Security Council should be continued while respecting the existing procedures followed by such Committees.”

1. Security Council Committee established pursuant to resolution 421 (1977) concerning the question of South Africa

Termination

The Committee established pursuant to resolution 421 (1977) following the imposition of an arms embargo against South Africa,²¹³ was dissolved during the period under review. On 25 May 1994, welcoming the establishment of “a united, democratic and non-racial government of South Africa”, which was inaugurated on 10 May with Mr. Nelson Mandela as President, the Security Council adopted resolution 919 (1994). By this resolution the Council terminated the arms embargo against South Africa and decided to dissolve the Committee effective from the date of the adoption of the resolution.

2. Security Council Committee established pursuant to resolution 661 (1990) concerning the situation between Iraq and Kuwait

Mandate implementation

The Committee established pursuant to resolution 661 (1990) at the same time as the imposition of a comprehensive sanctions regime against Iraq, consisting of economic and financial sanctions as well as an arms embargo,²¹⁴ continued to exist during the

²⁰⁵ Security Council Committee established pursuant to resolution 841 (1993) concerning Haiti.

²⁰⁶ Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola.

²⁰⁷ Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda.

²⁰⁸ Security Council Committee established pursuant to resolution 985 (1995) concerning Liberia.

²⁰⁹ Security Council Committees established pursuant to resolution 421 (1977) concerning the question of South Africa and pursuant to resolution 841 (1993) concerning Haiti.

²¹⁰ S/1995/234.

²¹¹ At the time of the issuance of this note, the annual report simply listed the number of meetings held by each Committee during the year.

²¹² S/1995/438.

²¹³ Resolution 418 (1977).

²¹⁴ On the economic and financial sanctions, including exemptions, see also resolutions 666 (1990), 670 (1990), 687 (1991), 706 (1991) and 778 (1992).

period under review.²¹⁵ The Committee submitted, in

to be engaged in such violations. By the same resolution, the Council imposed economic sanctions against the Bosnian Serbs.

On 18 June 1993, by resolution 843 (1993), the Council confirmed that the Committee established pursuant to resolution 724 (1991) was entrusted with the task of examining requests for assistance under the provisions of Article 50 of the Charter. The Council welcomed the establishment by the Committee of a working group to examine these requests, and invited the Committee, as it completed the examination of each request, to make recommendations to the President of the Security Council for appropriate action.

On 23 September 1994, by resolution 942 (1994),

the sanctions regime to include additional aviation-related sanctions, financial sanctions, and prohibitions on the supply of equipment used to refine, transport and export oil. The Council instructed the Committee established pursuant to resolution 748 (1992) to draw up expeditiously guidelines for the implementation of the relevant provisions of resolution 883 (1993), and to amend and supplement, as appropriate, the guidelines for the implementation of the relevant provisions of resolution 748 (1992), especially the paragraph relating to the non-provision of arms and military equipment and expertise. It also entrusted the Committee with the task of examining possible requests for assistance under the provisions of Article 50 of the Charter and making recommendations to the President of the Security Council for appropriate action.

On two occasions in 1994, the Security Council requested the Secretary-General to inform the Committee of flights made to or from the Libyan Arab Jamahiriya,²³² by the Secretary-General's reconnaissance team and, subsequently, the United Nations Aouzou Strip Observer Group, both of which were exempted from the aviation sanctions.

prohibitions on a case-by-case basis under the no-

on ways of increasing the effectiveness of the embargo; and (c) to recommend appropriate measures in response to violations of the embargo and provide information on a regular basis to the Secretary-General for general distribution to Member States.

E. Ad hoc commissions/Coordinator for the Return of Property

During the period under review, the Security Council continued to oversee three ad hoc commissions: United Nations Iraq-Kuwait Boundary Demarcation Commission, United Nations Special Commission and United Nations Compensation Commission, and the United Nations Coordinator for the Return of Property, all of which were established during the prior reporting period. Of those, one Commission was terminated.²⁴⁰

1. United Nations Iraq-Kuwait Boundary Demarcation Commission established pursuant to resolution 687 (1991)

Termination

The United Nations Iraq-Kuwait Boundary Demarcation Commission, established pursuant to resolution 687 (1991), concluded its work during the period under review.²⁴¹ By a letter dated 21 May 1993,²⁴² the Secretary-General transmitted to the Council the Commission's final report. He noted that, as stated in the report, the Commission had fulfilled its mandate: it had demarcated in geographic coordinates

Chapter V. Subsidiary organs of the Security Council

resources in the Compensation Fund. He expressed concern over the “serious negative repercussions” that the lack of resources entailed for the credibility of the Commission and eventually for the whole United Nations system. He stated that the Governing Council looked to the Security Council for finding appropriate and expedited solutions to ensure that the increasing number of compensation awards that were issued, were honoured.

F. International Tribunals

During the period under review, the Security Council, acting under Chapter VII of the Charter, established international tribunals for the former Yugoslavia and for Rwanda, as detailed below.

1. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Establishment and mandate

On 22 February 1993, by resolution 808 (1993), the Security Council decided that an international tribunal should be established for the prosecution of persons responsible for serious violations of

Subsidiary organ

United Nations Operation in Somalia II (UNOSOM II) established pursuant to resolution 814 (1993)	March 1995
United Nations Observer Mission in El Salvador (ONUSAL) established pursuant to resolution 693 (1991)	April 1995
United Nations Protection Force (UNPROFOR) established pursuant to resolution 743 (1992)	December 1995

Security Council committees

Security Council Committee established pursuant to resolution 421 (1977) concerning the question of South Africa	May 1994
Security Council Committee established pursuant to resolution 841 (1993) concerning Haiti	September 1994

Ad hoc commission

United Nations Iraq-Kuwait Boundary Demarcation Commission established pursuant to resolution 687 (1991)	Final report submitted in May 1993
--	------------------------------------

^a For details of the completion of mandate or termination, see part I of the present chapter.

Part III

Subsidiary organs of the Security Council proposed but not established

During the period under review, there was no instance in which a subsidiary organ was formally proposed, by means of a draft resolution, but not created.

