

**Security Council**

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**Letter dated 21 October 2015 from the Secretary-General
addressed to the President of the Security Council**

I refer to my letter dated 21 July 2014 addressed to the President of the Security Council forwarding a letter from Mahmoud Abbas, President of the State of Palestine (S/2014/514), in which he requested that “the territory of the State of Palestine be placed under an international protection system by the United Nations”, with the central aim of “ensuring the protection of the Palestinian people”.

As the crisis in the Occupied Palestinian Territory continued to unfold during the summer of 2014, the Secretariat undertook an internal review of historical precedents for regimes that have been devised to provide varying forms of protection for areas of territory and their inhabitants. In view of enquiries that the Secretariat has received and the interest that has been generated, I have decided to share this review with the members of the Security Council.

I would underline that this paper does not propose any particular system or systems of protection for the Occupied Palestinian Territory; nor is it in any sense an options paper. It is, rather, a summary of a number of historical precedents that was compiled for the purpose of assisting and informing any future work that might take place within the Secretariat on this subject.

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(Signed) **BAN** Ki-moon



Annex

Administration of territory by the League of Nations and the United Nations

I. Saar Basin (1920-1935)

Brief chronology of events

1. After the First World War, the government of the territory of the Saar Basin was “entrusted” to a Governing Commission representing the League of Nations (Treaty of Peace between the Allied and Associated Powers and Germany (Treaty of Versailles), part III, section IV, annex, para. 16), to “assure the rights and welfare of the population and to guarantee to France complete freedom in working the mines [in the Saar Basin]” (ibid., article 46). It is noted that, by article 45 of the Treaty of Versailles, France was given “full and absolute possession” of the coal-mines in the Saar Basin as part of the compensation.

2. The inhabitants of the Saar Basin were entitled to a plebiscite after 15 years from the entry into force of the Treaty of Versailles “to indicate the sovereignty under which they desire to be placed” (Treaty of Versailles, article 49). On 11 December 1934, the Council of the League adopted a resolution by which it decided “[t]he international force consisting of contingents provided by the Governments of the United Kingdom, Italy, the Netherlands and Sweden is placed at the disposal of the Governing Commission” for the purpose of the maintenance of order before, during and after the plebiscite.

3. The plebiscite was held on 13 January 1935, and an overwhelming majority of the inhabitants chose a union with Germany. Pursuant to paragraph 35 of the above-mentioned annex, the Council of the League, on 17 January 1935, decided “in favour of union with Germany of the whole of the Territory of the Saar Basin” and fixed 1 March 1935 as the date for the re-establishment of Germany in the government of the Territory in the Saar Basin.

Legal basis

4. The following instruments provided a legal basis for the League’s role in the Saar Basin:

- (1) 1919 Treaty of Versailles (part III, section IV, annex, chapters II and III);
- (2) Council of the League of Nations resolution of 4 June 1934 on plebiscite tribunals;
- (3) Council of the League of Nations resolution of 11 December 1934 on an international force.

Structure

5. The following entities were set up by the Treaty of Versailles and the League:

- (1) Governing Commission and its administration, composed of:
 - (i) Five members, including a Chairman who acted as the executive of the Commission, chosen by the Council of the League of Nations (annex, paras. 17 and 18);

- (ii) Officials provided by the German Empire, Prussia and Bavaria (annex, para. 19);
- (iii) Local gendarmerie (annex, para. 30);
- (2) Plebiscite tribunals (1934-1936) composed of:
 - (i) Supreme Plebiscite Tribunal, with a President, Vice-President and six judges;
 - (ii) Eight district Tribunals, each with a single judge;
- (3) International Force (1934-1935) composed of:
 - (i) Commander-in-Chief;
 - (ii) Troops from Italy (1,300), the Netherlands (250), Sweden (250) and the United Kingdom (1,500).

The role of the League of Nations

6. The following tasks were given to each entity:
 - (1) Governing Commission:
 - (i) Assume all powers of the previous Government in the Saar Basin;
 - (ii) Modify existing laws and regulations;
 - (iii) Set up a civil and criminal appeals court;
 - (iv) Levy taxes;
 - (2) Plebiscite tribunals: jurisdiction in cases relating to the plebiscite, including validity of the voting and criminal offences related to the plebiscite;
 - (3) International Force: maintain order before, during and after the plebiscite.

References

1. Treaty of Peace between the Allied and Associated Powers and Germany (Treaty of Versailles), 28 July 1919, 225 CTS 188.
2. Council of the League of Nations resolution of 13 February 1920 on the appointment of members of the Governing Commission and directions for the Governing Commission, League of Nations, *Official Journal* (1920), p. 49.
3. Council of the League of Nations resolution of 17 January 1935 on the re-establishment of Germany in the government of the Saar Basin, League of Nations, *Official Journal* (1935), p. 137.
4. Council of the League of Nations resolution of 4 June 1934 on plebiscite tribunals, League of Nations, *Official Journal* (1934), p. 649.
5. Council of the League of Nations resolution of 11 December 1934 on an international force, League of Nations, *Official Journal* (1934), p. 1762.
6. Third Regular Periodic Report of the Saar Basin Governing Commission, 1 June 1920, League of Nations, *Official Journal* (1920), p. 276 (p. 279, on the composition of officials of the government of the Saar Basin).

7. Telegram from the Chairman of the Committee of the Council of the League of Nations to the Governments of the United Kingdom, Italy, the Netherlands and Sweden on the composition of the International Force, League of Nations, *Official Journal* (1934), p. 1840.

II. Free City of Danzig (1920-1939)

Brief chronology of events

1. After the First World War, Poland was once again recognized as a State, as confirmed in article 87 of the Treaty of Versailles. To prevent the incorporation of Danzig, whose inhabitants were predominantly German, into Poland but at the same time to guarantee Poland's access to the Baltic Sea, it was decided that the town of Danzig should be established as a Free City to be "placed under the protection of the League of Nations", pursuant to article 102 of the Treaty of Versailles.

2. Article 103 of the Treaty of Versailles provided that a High Commissioner should be appointed by the League of Nations to represent the League at Danzig. Pursuant to article 104 of the Treaty of Versailles, a Convention between Poland and the Free City of Danzig was concluded on 9 November 1920 to define the rights and obligations of the two parties. The regime of the Free City effectively ceased with the occupation of Poland, including Danzig, by Germany in 1939.

Legal basis

3. The following instruments provided a legal basis for the League's role in Danzig:

- (1) 1919 Treaty of Versailles (articles 102 and 103);
- (2) 1920 Convention between Poland and the Free City of Danzig;
- (3) Council of the League of Nations resolution of 13 February 1920 on the appointment and duties of the High Commissioner.

Structure

4. Governance in Danzig was generally organized as follows:

- (1) Government of the Free City of Danzig, in charge of the administration of Danzig;
- (2) Government of Poland, vested with certain rights under the 1920 Convention, including conduct of the foreign relations of the Free City and application of the Polish customs legislation and tariff;
- (3) High Commissioner, appointed by the Council of the League of Nations, representing the League at Danzig (Treaty of Versailles, article 103) and the Principal Allied and Associated Powers (*ibid.*, article 102);
- (4) Commission of three members, appointed by the Principal Allied and Associated Powers to delimit the frontier of Danzig (Treaty of Versailles, article 101).

Role of the League of Nations

5. The High Commissioner had limited powers:
- (1) Deal, in the first instance, with any differences arising between Poland and Danzig with respect to the Treaty of Versailles or any other arrangements or agreements (Treaty of Versailles, article 103);
 - (2) Decide upon any differences between the two parties with respect to the 1920 Convention (1920 Convention, article 39);
 - (3) Agree with the duly appointed representatives of the Free City on its constitution (Treaty of Versailles, article 103);
 - (4) May veto any treaty or international agreement that applies to Danzig and to be concluded by Poland in respect of Danzig (1920 Convention, article 6);
 - (5) Report to the Council of the League of Nations.
6. In addition, the League of Nations was to protect the constitution of the Free City by ensuring an orderly, peaceful and stable government at Danzig, protecting it from outside aggression and ensuring that no fundamental change was made in regard to the 1920 Convention or the constitution of the Free City without the consent of the League.

7. The Deputy Secretary-General of the League of Nations noted that, “[i]n Danzig the High Commissioner was indeed an international official, responsible to an international organ; but he possessed no single attribute of government”. He was not in any way Head of State or Government. The Government of the Free City of Danzig carried out governmental functions, with the Government of Poland carrying out certain functions stipulated in the 1920 Convention, such as foreign relations and customs.

References

1. Treaty of Peace between the Allied and Associated Powers and Germany (Treaty of Versailles), 28 July 1919, 225 CTS 188.
2. Convention between Poland and the Free City of Danzig, 9 November 1920, League of Nations, *Treaty Series*, vol. 6, p. 190.
3. Council of the League of Nations resolution of 13 February 1920 on the appointment of the High Commissioner and the attached memorandum, League of Nations, *Official Journal* (1920), p. 53.
4. Free City of Danzig and International Labour Organization, Advisory Opinion of 26 August 1930, *Permanent Court of International Justice, Reports 1930*, Series B, No. 18, p. 3.
5. Francis Walters, *A History of the League of Nations* (Greenwood Press, 1952) (p. 90, on the nature of the High Commissioner).

III. Leticia (1932-1933)

Brief chronology of events

1. On the night of 31 August and 1 September 1932, a group of armed Peruvian individuals occupied the Colombian river port of Leticia at the border with Peru, allegedly due to resentment towards the increasing development along the Amazon River by Colombia. By 6 January 1933, the Peruvian Army had also entered Leticia and occupied it. Hostilities took place between the armed forces of Peru and Colombia in February 1933, but Leticia remained under the control of the armed forces of Peru.
2. On 17 February 1933, Colombia requested the Secretary-General to summon a meeting of the Council of the League of Nations to examine the situation between Colombia and Peru. On 1 March 1933, the Council recommended to the parties the establishment of a League Commission to administer Leticia and international forces to maintain order as an interim measure pending a settlement. This recommendation was accepted by Colombia but rejected by Peru.
3. Subsequently, by an agreement concluded on 25 May 1933, Colombia and Peru agreed to the establishment of a League Commission for Leticia, which would take charge of the administration of the territory, and military forces established by the League Commission to maintain order in Leticia for a period not exceeding one year. The League Commission was constituted on 19 June 1933 and terminated on 19 June 1934, when the administration of Leticia was formally handed over to Colombia.

Legal basis

4. The 1933 Agreement between Colombia and Peru provided a legal basis for the League Commission's role in Leticia.

Structure

5. The League Commission for Leticia was organized as follows:
 - (1) Three Commissioners, appointed by the Advisory Committee, each in charge of the maintenance of order, public works and public health or claims made by the inhabitants;
 - (2) One Secretary;
 - (3) Staff (48 persons from Brazil, Colombia, Peru and Spain);
 - (4) International forces formed by the League Commission and provided by Colombia (initially 50 troops, subsequently increased to 150).
6. The Advisory Committee was composed of members from China, Czechoslovakia, France, Germany, Guatemala, the Irish Free State, Italy, Mexico, Norway, Panama, Poland, Spain and the United Kingdom.

Role of the League of Nations

7. The League Commission had the following roles:
 - (1) To administer the territory of Leticia on behalf of Colombia for a period not exceeding one year;

- (2) To issue regulations necessary for the administration of Leticia, such as those concerning entry into, exit from and settlement in Leticia and the use of arms;
 - (3) To restore infrastructure;
 - (4) To settle claims with respect to damages done to property on 1 September 1932;
 - (5) To raise a white square flag with the following inscription in dark blue: "League of Nations Leticia Commission".
8. The international forces were mandated to maintain order in the territory of Leticia, mainly as a police force.
9. The Advisory Committee received reports from the League Commission and assisted the Council of the League of Nations with its work on the situation between Colombia and Peru.
10. The Council had the power to take decisions on any matters relating to the League Commission.

References

1. Treaty regarding frontiers and free inland navigation, 24 March 1922, League of Nations, *Treaty Series*, vol. LXXIV, No. 1726, p. 9.
2. Agreement between Colombia and Peru relating to the procedure for putting into effect the recommendations proposed by the Council of the League of Nations in the report which it adopted on March 18th, 1933, 25 May 1933, League of Nations, *Treaty Series*, vol. CXXXVIII, No. 3192, p. 251.
3. Record of the transfer of the territory of Leticia to the Colombian authorities by the Commission appointed by the League of Nations in accordance with the Agreement signed at Geneva on May 25th, 1933, by the representatives of the Republics of Colombia and of Peru and by the President of the Council of the League of Nations (19 June 1934), League of Nations, *Treaty Series*, vol. CLII, p. 314.
4. Report of the Council, provided for in article 15, paragraph 4, of the Covenant, League of Nations, *Official Journal* (1933), p. 598.
5. Council of the League of Nations resolution of 18 March 1933 adopting the above-mentioned report, League of Nations, *Official Journal* (1933), p. 523.
6. Council of the League of Nations resolution of 18 March 1933 establishing an advisory committee on the situation between Colombia and Peru, League of Nations, *Official Journal* (1933), No. 3253, p. 525.
7. Council of the League of Nations resolution of 25 May 1933 authorizing the appointment of the members of the Commission in Leticia, League of Nations, *Official Journal* (1933), p. 952.
8. First report by the Commission for the administration of the territory of Leticia, 3 September 1933, League of Nations, *Official Journal* (1934), p. 21.
9. Second report from the Commission for administering the territory of Leticia, 15 February 1934, League of Nations, *Official Journal* (1934), p. 911.

10. Third report by the Commission for administering the territory of Leticia, 30 April 1934, League of Nations, *Official Journal* (1934), p. 925.

11. Final report of the Commission for administering the territory of Leticia, 19 June 1934, League of Nations, *Official Journal* (1934), p. 939.

IV. Sanjak of Alexandretta (Hatay) (1937-1939)

Brief chronology of events

1. In 1922, the mandate for Syria and Lebanon was conferred upon France. Further to agreements between France and Turkey, a system of local administration was established for the district of Alexandretta.

2. In 1936, France initiated steps with a view to the termination of the mandate for Syria. Turkey then submitted the question of the future status of the Sanjak of Alexandretta to the Council of the League of Nations. (As matters turned out, it was not until 1943 that the French mandate for Syria came to an end.) The Council appointed a committee of experts which drew up a draft statute and fundamental law for the Sanjak. These were approved by the Council on 29 May 1937. A series of related agreements between France and Turkey was signed the same day. The Statute of the Sanjak entered into force on 29 November 1937.

3. Elections were held in Alexandretta in 1938. In 1939, France and Turkey concluded an agreement by which the territory of the Sanjak of Alexandretta, now renamed Hatay, was incorporated into Turkey.

Legal basis

4. The following instruments provided a legal basis for the League's role in Alexandretta:

- (1) Statute of the Sanjak and the Fundamental Law of the Sanjak;
- (2) Decision of the Council of the League of Nations approving the Statute and Fundamental Law;
- (3) Agreement of France and Turkey to accept the Council's decision.

Structure

5. Governance in the Sanjak of Alexandretta was generally organized as follows:
- (1) The Government of the Sanjak, in charge of the administration of Sanjak;
 - (2) Syria, responsible for the conduct of the foreign affairs of the Sanjak;
 - (3) A delegate of French nationality, appointed by the Council of the League of Nations;
 - (4) The Syrian and Sanjak Commissioners, to liaise between the two Governments;
 - (5) A Mixed Commission, to ensure unity in customs administration between Syria and the Sanjak.

6. While the mandate for Syria remained in place, France was to apply the Statute to the fullest extent compatible with the exercise of the mandate. The delegate would not be appointed until the mandate had expired.

Role of the League of Nations

7. The delegate of the Council of the League of Nations had limited powers:

- (1) Assist the Syrian and Sanjak Commissioners in resolving treaty-making issues and, in the event of disagreement, refer the matter to the Council of the League of Nations for decision (Statute of the Sanjak, articles 17 and 18);
- (2) Help the Mixed Commission reach agreement on customs administration matters where the Sanjak members contested the Commission's decision and, in the event of continued disagreement, refer the matter to the Council for final decision (*ibid.*, article 37; see also article 43 on monetary issues);
- (3) Temporarily suspend any legislative or administrative act contrary to the Statute or Fundamental Law and refer the matter to the Council for final decision (*ibid.*, article 5);
- (4) Inform the Council of any departure from the provisions of the Statute on the demilitarization of the Sanjak, so that the Council might give such instructions as it deemed proper (*ibid.*, article 24);
- (5) Supply the Council with information on the application of the Statute's provisions on minorities and transmit petitions from minorities to the Council (*ibid.*, article 33).

8. The League of Nations had the following additional roles, acting through its Council:

- (1) Supervise observance of the Statute and Fundamental Law of the Sanjak (Statute of the Sanjak, article 3);
- (2) Guarantee the minorities provisions of the Statute, with the power to issue instructions in the event of threatened or actual breach (*ibid.*, article 33);
- (3) Lift ceilings on the numbers of police and gendarmerie (*ibid.*, article 23);
- (4) Issue recommendations to France and Turkey to ensure respect for its decisions (*ibid.*, article 7);
- (5) Organize and supervise the first legislative elections (Fundamental Law of the Sanjak, article 15).

References

1. Statute of the Sanjak, League of Nations, *Official Journal* (1937), p. 580.
2. Fundamental Law of the Sanjak, League of Nations, *Official Journal* (1937), p. 587.
3. Decision of the Council of the League of Nations approving the Statute and the Fundamental Law, League of Nations, *Official Journal* (1937), p. 333.

4. Acceptance by France and Turkey of the Statute and Fundamental Law, loc. cit.
5. Treaty of Guarantee of the Territorial Integrity of the Sanjak, concluded between France and Turkey, League of Nations, *Official Journal* (1937), p. 838.

V. Free Territory of Trieste (1947)

Brief chronology of events

1. After the Second World War, the territory of Trieste and the area around it became contested between Italy and Yugoslavia.
2. The Council of Foreign Ministers composed of France, the United Kingdom, the United States of America and the Union of Soviet Socialist Republics, submitted to the Security Council a draft peace treaty between Italy and Yugoslavia, which suggested a Free Territory of Trieste whose independence and integrity were to be ensured by the Security Council.
3. The Security Council, by its resolution 16 (1947), approved the instrument for the provisional regime of the Free Territory of Trieste, the Permanent Statute for the Free Territory of Trieste, and the instrument for the Free Port of Trieste, all of which were contained in the annexes to the Peace Treaty, and accepted the responsibilities devolving upon it under these instruments.
4. The Peace Treaty entered into force on 15 September 1947, and terminated Italy's sovereignty over the Territory (article 21 (2)). The Security Council, however, never discharged its responsibilities under the Treaty with respect to the Territory due to its inability to appoint a Governor for the Territory. Instead, pursuant to the 1954 Memorandum of Understanding regarding the Free Territory of Trieste, Italy and Yugoslavia respectively installed civilian administration in the two zones in the Territory previously administered by the United Kingdom and the United States on the one hand, and by the Yugoslav Army on the other.

Legal basis

5. The following instruments provided a legal basis for the role of the United Nations in Trieste:
 - (1) 1947 Treaty of Peace with Italy (Arts. 4, 21 and 22; Annexes VI to VIII);
 - (2) Security Council resolution 16 (1947).

Structure

6. Pursuant to article 9 of the Permanent Statute, the Government of the Territory was to be composed of:
 - (1) A Governor, appointed by the Security Council;
 - (2) A Council of Government, formed by the popular Assembly;
 - (3) A popular Assembly, elected by the people of the Territory;
 - (4) A Judiciary, appointed by the Governor.

Role of the United Nations

7. The United Nations was given the following main tasks:
 - (1) Security Council: Ultimate responsibility to assure the integrity and independence of the Territory by ensuring the observance of the Permanent Statute and the maintenance of public order and security in the Territory (Peace Treaty, article 21 (1); Permanent Statute, article 2);
 - (2) Governor:
 - (i) Supervise the observance of the Permanent Statute (Permanent Statute, article 17);
 - (ii) Propose legislation and return legislation for further consideration (Permanent Statute, article 19);
 - (iii) Conduct foreign relations (Permanent Statute, article 24);
 - (iv) In exceptional cases, directly order and require the execution of appropriate measures (Permanent Statute, article 22).

References

1. Draft peace treaty between Italy and Yugoslavia submitted by the Council of Foreign Ministers, composed of France, the United Kingdom, the United States and the Union of Soviet Socialist Republics, to the Security Council, [S/224/Rev.1](#), annex.
2. Treaty of Peace with Italy, 10 February 1947, United Nations, *Treaty Series*, vol. 49, p. 126, containing the Permanent Statute of the Free Territory of Trieste (annex VI), the Instrument for the Provisional Regime of the Free Territory of Trieste (annex VII) and the Instrument for the Free Port of Trieste (annex VIII).
3. Memorandum of understanding between the Governments of Italy, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia regarding the Free Territory of Trieste, 5 October 1954, United Nations, *Treaty Series*, vol. 235, No. 3297, p. 100.
4. Security Council resolution 16 (1947) of 10 January 1947.

VI. Palestine (1947)

Brief chronology of events

1. After the First World War, Palestine was placed under the administration (not sovereignty) of the United Kingdom pursuant to a mandate conferred on it by the Council of the League of Nations on 24 July 1922 and article 22 of the Covenant of the League of Nations.
2. After the establishment of the United Nations, in April 1947, the United Kingdom requested the Secretary-General to place the question of Palestine on the agenda of the General Assembly, a request which was subsequently approved by the Assembly. The General Assembly, by its resolution 106 (S-1) of 15 May 1947, then established a Special Committee to prepare a report on the question of Palestine.

3. Based on the report of the Special Committee, the General Assembly adopted resolution 181 (II) on 29 November 1947, recommending to the United Kingdom and all other Member States the implementation, with regard to the future government of Palestine, of the Plan of Partition with Economic Union as set out in the resolution.

4. Among other things, the Plan provided for a Commission, composed of five members, which would administer Palestine during the period between the withdrawal of the mandatory Power, the United Kingdom, and the independence of the Arab and Jewish States. The Commission was never established.

Legal basis

5. General Assembly resolution 181 (II).

Structure

6. Governance of Palestine was to be generally organized as follows:

- (1) A Commission, composed of one representative each from five Member States, elected by the General Assembly (Plan of Partition, part I, sect. B, para. 1);
- (2) Provisional Councils of Government, selected and established by the Commission;
- (3) Armed militias, organized by the Provisional Councils of Government;
- (4) Constituent Assemblies, elected by Palestinian citizens residing in the Arab and Jewish States and by Arabs and Jews residing in those States and intending to become citizens of those States.

Roles

7. The following tasks were given to the above-mentioned entities:

- (1) Commission:
 - (i) Progressively take over from the United Kingdom responsibility for all the functions of government;
 - (ii) Issue necessary regulations and take other measures as required;
 - (iii) Establish the frontiers of the Arab and Jewish States and the City of Jerusalem;
 - (iv) Establish a Provisional Council of Government, under its general direction, in each State;
 - (v) Instruct the Provisional Councils to establish administrative organs;
 - (vi) Exercise general political and military control over an armed militia;
 - (vii) Draft an undertaking concerning Economic Union and Transit dealing with matters such as a customs union, joint currency, operation of transportation and telecommunication;
 - (viii) Progressively transfer full responsibility for the administration to the Provisional Councils;

- (2) Provisional Councils: acting under the Commission, they were to have full authority in the areas under their control, including the establishment of administrative organs and forming an armed militia;
- (3) Armed militias: they were to maintain internal order in the two States and to prevent frontier clashes;
- (4) Constituent Assemblies: these were to draft constitutions for the two States and choose provisional governments to succeed the Provisional Councils of Government;
- (5) The General Assembly was authorized to provide recommendations, and the Security Council to provide instructions, to the Commission.

References

1. British Mandate for Palestine, 24 July 1922, League of Nations, *Official Journal* (1922), p. 1007.
2. General Assembly resolution 106 (S-1) of 15 May 1947 establishing a Special Committee to prepare a report on the question of Palestine.
3. General Assembly resolution 181 (III) of 29 November 1947 adopting the Plan of Partition with Economic Union which contains a section on steps preparatory to independence, including the establishment of the Commission (part I, sect. B).
4. Report of the United Nations Special Committee on Palestine, A/364 and Add.1-4.

VII. Jerusalem (1947)

Brief chronology of events

1. After the First World War, Palestine was placed under the administration (not sovereignty) of the United Kingdom pursuant to a mandate conferred on it by the Council of the League of Nations on 24 July 1922 and article 22 of the Covenant of the League.
2. After the establishment of the United Nations, in April 1947, the United Kingdom requested the Secretary-General to place the question of Palestine on the agenda of the General Assembly, a request which was subsequently approved by the Assembly. The General Assembly then established a Special Committee to prepare a report on the question of Palestine by its resolution 106 (S-1) of 15 May 1947. Based on the report of the Special Committee, the General Assembly adopted resolution 181 (II) on 29 November 1947, recommending to the United Kingdom and all other Member States the implementation, with regard to the future government of Palestine, of the Plan of Partition with Economic Union as set out in the resolution.
3. Among other things, the Plan provided for the establishment of the City of Jerusalem as a *corpus separatum*, under a special international regime to be administered by the United Nations and to be demilitarized and neutral, and whose territorial integrity and the special regime was to be assured by the United Nations. The regime, however, was never established.

Legal basis

4. General Assembly resolution 181 (II).

Structure

5. The governance structure of the City of Jerusalem was to be as follows:
 - (1) Trusteeship Council;
 - (2) Governor of the City of Jerusalem, to be appointed by the Trusteeship Council;
 - (3) Administrative staff;
 - (4) Special police force, to be organized by the Governor;
 - (5) Legislative Council, to be elected by the adult residents of the City;
 - (6) Judiciary system, including a court of appeal, to be established by the Statute of the City;
 - (7) Local autonomous units.

Role of the United Nations

6. The main tasks of the above-mentioned persons and entities were as follows:
 - (1) Trusteeship Council:
 - (i) Act as the Administering Authority of the City;
 - (ii) Elaborate and approve a detailed statute of the City;
 - (iii) Appoint the Governor of the City;
 - (2) Governor:
 - (i) Exercise all powers of administration on behalf of the City, including external affairs;
 - (ii) Organize a special police force;
 - (iii) May veto bills of the Legislative Council inconsistent with the Statutes;
 - (iv) May promulgate temporary ordinances essential to the normal functioning of the administration;
 - (v) Determine whether the Constitutions of the Arab and Jewish States are being applied and respected in relation to the holy places, religious buildings and sites outside the City;
 - (vi) Make decisions in cases of disputes between different religious communities in respect of the Holy Places, religious buildings and sites in Palestine;
 - (3) Special police force: maintain internal law and order and protect the holy places and religious buildings and sites in the City;
 - (4) Legislative Council: exercise its powers of legislation and taxation;
 - (5) Local autonomous units: exercise wide powers of local government and administration.

References

1. British Mandate for Palestine, 24 July 1922, League of Nations, *Official Journal* (1922), p. 1007.
2. General Assembly resolution 106 (S-1) of 15 May 1947 establishing a Special Committee to prepare a report on the question of Palestine.
3. General Assembly resolution 181 (II) of 29 November 1947 adopting the Plan of Partition with Economic Union, which contains a section on a special regime for the City of Jerusalem (part III).
4. Trusteeship Council resolution of 21 April 1948 transmitting a draft Statute for the City of Jerusalem to the General Assembly (contained in [A/541](#)).
5. Trusteeship Council resolution of 4 April 1950 approving a revised Statute for the City of Jerusalem, [T/592](#).
6. Draft Statute for the City of Jerusalem of 21 April 1948, [T/118/Rev.2](#).
7. Revised draft Statute for the City of Jerusalem, [T/592](#).
8. Report of the United Nations Special Committee on Palestine, A/364 and Add.1-4.

VIII. West Irian (1962-1963)

Brief chronology of events

1. Sovereignty over West Irian was not fully clarified at the time of the independence of Indonesia in 1949. The territory was subsequently contested between Indonesia and the Netherlands.
2. Through the good offices of the Secretary-General, the negotiations between Indonesia and the Netherlands resulted in the Agreement concerning West New Guinea (West Irian) and the Memorandum of Understanding on cessation of hostilities, concluded between the two States in 1962, and the exchange of letters on cessation of hostilities, concluded among the two States and the United Nations in the same year. These instruments provided for the deployment to West Irian of the United Nations Temporary Executive Authority (UNTEA) and the United Nations Security Force (UNSF).
3. Based on the Memorandum of Understanding, United Nations military observers were sent to West Irian between August and September 1962 to monitor the ceasefire between Indonesia and the Netherlands. The General Assembly subsequently adopted resolution 1752 (XVII) of 21 September 1962, which authorized the Secretary-General "to carry out the tasks entrusted to him in the Agreement". The administration of West Irian was formally transferred from the Netherlands to UNTEA and UNSF was deployed in October 1962. The administration was then transferred from UNTEA to Indonesia in May 1963.

Legal basis

4. The following instruments provided a legal basis for the role of the United Nations in West Irian:

- (1) 1962 Agreement concerning West New Guinea (West Irian);
- (2) 1962 Memorandum of Understanding on cessation of hostilities;
- (3) 1962 exchange of letters on cessation of hostilities;
- (4) General Assembly resolution 1752 (XVII) of 21 September 1962.

Structure of the Temporary Executive Authority and the Security Force

5. UNTEA, which is dealt with in articles III to XIII of the 1962 Agreement, was composed as follows:

- (1) Administrator, appointed by the Secretary-General (1962 Agreement, article IV);
- (2) Staff from the Netherlands, Indonesia and third States, appointed by the Administrator (1962 Agreement, article IX).

6. UNSF, which is dealt with in article VII of the 1962 Agreement and paragraph 7 of the 1962 Memorandum of Understanding, was composed as follows:

- (1) Force Commander, appointed by the Secretary-General;
- (2) Infantry personnel (1,500), aircraft personnel (76) and international and local civilian staff.

Role of the United Nations

7. The main role of the United Nations was to take over the administration of West Irian from one State (the Netherlands) and hand it on to another (Indonesia). Its main tasks were as follows:

- (1) UNTEA:
 - (i) Full authority to administer West Irian (1962 Agreement);
 - (ii) Transfer all or part of the administration to Indonesia (1962 Agreement, article XII);
 - (iii) Use the Papuan police as UNSF and the Indonesian armed forces to maintain law and order (1962 Agreement, article VII);
 - (iv) Recruit UNTEA staff (1962 Agreement, article IX);
 - (v) Issue travel documents to Papuans (1962 exchange of letters);
- (2) UNTEA Administrator: promulgate new laws and regulations and amend them (1962 Agreement, article XI);
- (3) UNSF: supplement existing Papuan police to maintain law and order (1962 Agreement, article VII).

References

1. Agreement concerning West New Guinea (West Irian), 15 August 1962, United Nations, *Treaty Series*, vol. 437, No. 6311 (p. 273).
2. Memorandum of Understanding on cessation of hostilities, 15 August 1962, United Nations, *Treaty Series*, vol. 437, No. 6312 (p. 296).

3. Exchanges of letters on cessation of hostilities, 15 August 1962, United Nations, *Treaty Series*, vol. 437, p. 294.
4. Memorandum of Understanding and related letters on certain financial matters during the period of administration of West New Guinea (West Irian) by the United Nations Temporary Executive Authority (UNTEA), 15 August 1962, United Nations, *Treaty Series*, vol. 437, No. 6312 (p. 300).
5. Exchange of letters concerning the issue of passports and consular protection during the administration of West New Guinea (West Irian) by the United Nations Temporary Executive Authority (UNTEA), 15 August 1962, United Nations, *Treaty Series*, vol. 437, No. 6312 (p. 304).
6. Two aide-memoires concerning the modalities of the transfer of authority over West New Guinea (West Irian), United Nations, *Treaty Series*, vol. 437, No. 6312 (p. 310).
7. General Assembly resolution 1752 (XVII) of 21 September 1962.

IX. Namibia (1967-1990)

Brief chronology of events

1. After the First World War, the former German Protectorate of South West Africa was placed under the administration (not sovereignty) of the Government of the Union of South Africa pursuant to a mandate conferred on it by the Council of the League of Nations on 17 December 1920 and article 22 of the Covenant of the League of Nations.
2. After the Second World War, South Africa did not agree to place South West Africa under the trusteeship system pursuant to Article 77 (1) (a) of the Charter of the United Nations, despite the recommendation of the General Assembly to this effect (resolution 65 (I)), and continued to administer it. The International Court of Justice confirmed that the mandate remained valid after the termination of the Covenant of the League of Nations.
3. General Assembly resolution 2145 (XXI) of 27 October 1966 terminated the Mandate of South Africa in South West Africa, which was recognized by the Security Council in resolution 264 (1969).
4. General Assembly resolution 2248 (S-V) of 19 May 1967 established the United Nations Council for South West Africa to administer Namibia. South West Africa was later renamed "Namibia" by General Assembly resolution 2372 (XXII) of 12 June 1968. Namibia became independent on 21 March 1990, following elections organized and supervised by the United Nations Transition Assistance Group. The Council was dissolved by General Assembly resolution 44/243 A of 11 September 1990.

Legal basis

5. General Assembly resolution 2248 (S-V).

Structure

6. The following entity and persons carried out the Council's role in Namibia:
 - (1) United Nations Council for Namibia, composed of representatives of 31 Member States elected by the General Assembly (General Assembly resolution 33/182 A, which brought the number of members to 31);
 - (2) United Nations Commissioner for Namibia, appointed by the General Assembly on the nomination of the Secretary-General (resolution 2248 (S-V), part II, para. 3);
 - (3) Commissioner's staff.

Mandate of the United Nations Council for Namibia

7. The Council was given the following main tasks in accordance with resolution 2248 (S-V), part II, para. 1 and part IV, para. 3:

- (1) Administer Namibia until independence;
- (2) Promulgate laws, decrees and administrative regulations;
- (3) Take measures to establish a constituent assembly;
- (4) Maintain law and order in Namibia;
- (5) Transfer all powers to the people of Namibia upon independence;
- (6) Ensure the withdrawal of South African forces and personnel;
- (7) Recruit personnel under the authority of the Council.

8. The Council was authorized to entrust such executive and administrative tasks as it deemed necessary to the United Nations Commissioner for Namibia (resolution 2248 (S-V), part II, para. 3).

9. The Council was not physically present in Namibia and did not actually exercise control over it on the ground, due to South Africa's refusal. However, the Council, on behalf of Namibia, issued a decree, represented Namibia in international conferences, became a party to multilateral treaties and became a member of specialized agencies.

References

1. Mandate for German South-West Africa, League of Nations, *Official Journal* (1921), p. 89.
2. General Assembly resolution 65 (I) of 14 December 1946 recommending South Africa to place South West Africa and under the United Nations trusteeship system.
3. General Assembly resolution 2145 (XXI) of 27 October 1966 terminating the Mandate of South Africa in South West Africa.
4. General Assembly resolution 2248 (S-V) of 19 May 1967 establishing the United Nations Council for South West Africa.
5. General Assembly resolution 2372 (XXII) of 12 June 1968 changing the name to the United Nations Council for Namibia.

6. General Assembly resolution 3031 (XXVII) of 18 December 1972 expanding the membership of the United Nations Council for Namibia.
7. General Assembly resolution 3295 (XXIX) of 13 December 1974 expanding the membership of the United Nations Council for Namibia.
8. General Assembly resolution 33/182 A of 21 December 1978 expanding the membership of the United Nations Council for Namibia.
9. General Assembly resolution 44/243 A of 11 September 1990 dissolving the United Nations Council for Namibia.
10. Security Council resolution 264 (1969) of 20 March 1969 recognizing the termination of the Mandate of South Africa in South West Africa by General Assembly resolution 2145 (XXI).
11. International status of South-West Africa, Advisory Opinion of 11 July 1950, *International Court of Justice, Reports 1950*, p. 128.

X. Eastern Slavonia, Baranja and Western Sirmium (1996-1998)

Brief chronology of events

1. Shortly after the declaration of independence by Croatia on 25 June 1991, Serb forces seized parts of Croatian territory, including Eastern Slavonia. Armed hostilities between Croatia and the local Croatian Serb forces ensued.
2. On 12 November 1995, Croatia and the local Croatian Serb authorities in Eastern Slavonia concluded the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium ([A/50/757-S/1995/951](#), annex) which, among other things, requested the Security Council “to establish a Transitional Administration, which shall govern the region during the transitional period in the interest of all persons resident in or returning to the region” and “to authorize an international force to deploy during the transitional period to maintain peace and security in the region”.
3. In December 1995, the Secretary-General presented his proposal to the Security Council for a United Nations transitional administration, which would achieve a peaceful reintegration of the region into Croatia.
4. The Security Council established the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) by its resolution 1037 (1996), adopted under Chapter VII of the Charter of the United Nations. The mandate of UNTAES was terminated on 15 January 1998 pursuant to Security Council resolution 1145 (1997).

Legal basis

5. The following instruments provided a legal basis for UNTAES:
 - (1) 1995 Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium;
 - (2) Security Council resolution 1037 (1996).

Structure

6. UNTAES was composed as follows:
 - (1) Transitional Administrator, appointed by the Secretary-General in consultation with the parties and the Security Council (resolution 1037 (1996), para. 2);
 - (2) Civilian component;
 - (3) Military component.

Role of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium

7. The main tasks of UNTAES were as follows:
 - (1) Transitional Administrator (resolution 1037 (1996), para. 2):
 - (i) Exercise overall authority over the civilian and military components of UNTAES;
 - (ii) Exercise the authority given by the 1995 Basic Agreement, through the military and civilian components, including the decision to bring Croatian law into effect in the region;
 - (2) Military component (resolution 1037 (1996), para. 10):
 - (i) Contribute to the maintenance of peace and security in the region;
 - (ii) Supervise and facilitate demilitarization;
 - (iii) Monitor the voluntary and safe return of refugees and displaced persons;
 - (3) Civilian component (resolution 1037 (1996), para. 11):
 - (i) Undertake tasks of civil administration, including overseeing transitional budget, revenue and expenditure; internal and external transport and communication links; overseeing local judicial procedures (local courts continued to carry out judicial functions); and negotiating a series of “public agreements” with Croatia that governed the administration of the region;
 - (ii) Undertake tasks relating to public services, including the restoration of public services and utilities, such as water, sanitation and energy supply, and overseeing the rebuilding of houses;
 - (iii) Establish a temporary police force;
 - (iv) Organize elections, assist in their conduct and certify the results;
 - (v) Facilitate the return of refugees.

References

1. Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, 12 November 1995, [A/50/757-S/1995/951](#), annex.
2. Security Council resolution 1037 (1996) of 15 January 1996 establishing UNTAES.

3. Security Council resolution 1145 (1997) of 19 December 1997 terminating UNTAES.
4. Report of the Secretary-General pursuant to Security Council resolution 1025 (1995) proposing a plan for a United Nations transitional administration, [S/1995/1028](#).
5. Report of the Secretary-General on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, containing a list of “public agreements” negotiated between UNTAES and Croatia, [S/1997/953](#), annex I.

XI. Kosovo (1999-)

Brief chronology of events

1. Violence between the armed forces of the Federal Republic of Yugoslavia and the Kosovo Liberation Army intensified in 1998 and 1999, and massive deportation of Kosovo Albanians took place. The North Atlantic Treaty Organization (NATO) began launching major air strikes against the Federal Republic of Yugoslavia in February 1999, which lasted until June of that year.
2. The G-8 Foreign Ministers met and adopted the general principles on the political solution to the Kosovo crisis, on 6 May 1999. In addition, the President of Finland, representing the European Union, and the Special Representative of the President of the Russian Federation presented the agreement on the principles (peace plan) to move towards a resolution of the Kosovo crisis to the Federal Republic of Yugoslavia on 2 June 1999. The Federal Republic of Yugoslavia accepted a United Nations presence in Kosovo by accepting this document on 3 June 1999.
3. The Security Council established the United Nations Interim Administration Mission in Kosovo (UNMIK) by its resolution 1244 (1999), adopted under Chapter VII of the Charter of the United Nations. The same resolution also established an international security presence with substantial NATO participation, known as the Kosovo Force (KFOR).

Legal basis

4. The following instruments provide a legal basis for the roles of UNMIK and the international security presence in Kosovo:
 - (1) 1999 peace plan and the Federal Republic of Yugoslavia’s acceptance of it;
 - (2) Security Council resolution 1244 (1999).

Structure

5. UNMIK is composed as follows:
 - (1) Special Representative of the Secretary-General for Kosovo, appointed by the Secretary-General in consultation with the Security Council (resolution 1244 (1999), para. 6);

(2) Staff (15 uniformed, 115 international civilian, 210 local and 25 United Nations Volunteers, as at 20 June 2014).

6. KFOR is composed as follows:

(1) Member States (4,882 troops as at 1 December 2013).

Roles of UNMIK and KFOR

7. UNMIK is given the following main tasks pursuant to paragraph 11 of resolution 1244 (1999):

- (1) Promote the establishment of substantial autonomy and self-government in Kosovo;
- (2) Perform basic civilian administrative functions;
- (3) Organize and oversee the development of provisional institutions for self-government, including elections;
- (4) Transfer its administrative responsibilities to Kosovo's local provisional institutions;
- (5) Facilitate a political process designed to determine Kosovo's future status;
- (6) Support reconstruction;
- (7) Support humanitarian and disaster relief aid;
- (8) Maintain civil law and order through international police personnel;
- (9) Protect and promote human rights;
- (10) Assure the return of refugees and displaced persons.

8. KFOR is given the following main tasks pursuant to paragraph 9 of resolution 1244 (1999):

- (1) Ensure public safety and order;
- (2) Deter renewed hostilities;
- (3) Ensure protection and freedom of movement of KFOR, UNMIK and other international organizations.

References

1. General principles on the political solution to the Kosovo crisis, adopted by the G-8 Foreign Ministers on 6 May 1999, [S/1999/516](#), annex.
2. Agreement on the principles (peace plan) to move towards a resolution of the Kosovo crisis presented to the Federal Republic of Yugoslavia, 2 June 1999, [S/1999/649](#), annex, and the Federal Republic of Yugoslavia's acceptance of it on 3 June 1999, as mentioned in the cover letter.
3. Security Council resolution 1244 (1999) of 10 June 1999 establishing UNMIK.

XII. East Timor (1999-2002)

Brief chronology of events

1. After the Second World War, Portugal continued to administer East Timor. The General Assembly unilaterally designated Timor and its dependencies as Non-Self-Governing Territories by its resolution 1542 (XV) of 15 December 1960. Indonesia invaded East Timor in 1975 and declared it one of its provinces in 1976, a claim rejected by the General Assembly in its resolution 31/53.

2. After many years of talks, an agreement between Indonesia and Portugal on the question of East Timor was concluded on 5 May 1999, in which the parties requested the Secretary-General to establish a United Nations mission in East Timor to enable him to effectively carry out the popular consultation. The United Nations Mission in East Timor (UNAMET) was established accordingly by Security Council resolution 1246 (1999).

3. The popular vote on 30 August 1999 favoured East Timor's separation from Indonesia. Violence broke out in East Timor shortly thereafter, and, pursuant to a request by Indonesia, the Security Council established a multinational force to restore peace and security in East Timor by its resolution 1264 (1999). The International Force, East Timor (INTERFET) was led by Australia.

4. The Security Council, by its resolution 1272 (1999), adopted under Chapter VII of the Charter of the United Nations, established the United Nations Transitional Administration in East Timor (UNTAET) and entrusted it with the administration of East Timor until its independence. The mandate was terminated on 20 May 2002 when East Timor became independent.

Legal basis

5. The following instruments provided a legal basis for the role of UNTAET in East Timor:

- (1) 1999 Agreement between Indonesia and Portugal on the question of East Timor. The transfer of authority in East Timor to the United Nations was subsequently confirmed in a tripartite meeting held on 28 September 1999;
- (2) Security Council resolution 1272 (1999).

Structure

6. UNTAET was composed as follows:

- (1) Special Representative of the Secretary-General and Transitional Administrator, appointed by the Secretary-General (resolution 1272 (1999), para. 6);
- (2) Governance and public administration component, including an international police element, with a strength of up to 1,640 officers (resolution 1272 (1999), para. 3 (a));
- (3) Humanitarian assistance and emergency rehabilitation component (resolution 1272 (1999), para. 3 (b));

- (4) Military component, with a strength of up to 8,950 troops and 200 military observers (resolution 1272 (1999), para. 3 (c)), most of them transferred from INTERFET.

Role of the United Nations Transitional Administration in East Timor

7. UNTAET was given the following main tasks pursuant to paragraphs 1 and 2 of resolution 1272 (1999):

- (1) Administer East Timor;
- (2) Exercise all legislative and executive authority, including the administration of justice;
- (3) Provide security and maintain law and order;
- (4) Assist in the development of civil and social services;
- (5) Coordinate and deliver humanitarian, rehabilitation and development assistance;

8. The Transitional Administrator was given the following main tasks pursuant to paragraph 6 of resolution 1272 (1999):

- (1) Be responsible for all aspects of the United Nations work in East Timor;
- (2) Enact new laws and regulations;
- (3) Amend, suspend or repeal existing laws and regulations.

References

1. Agreement between the Republic of Indonesia and the Portuguese Republic on the question of East Timor, 5 May 1999, United Nations, *Treaty Series*, vol. 2062, No. 35682, p. 7.
2. Agreement between Indonesia, Portugal and the United Nations regarding the modalities for the popular consultation of the East Timorese through a direct ballot, 5 May 1999, United Nations, *Treaty Series*, vol. 2062, No. 35683, p. 39.
3. East Timor Popular Consultation Agreement between Indonesia, Portugal and the United Nations regarding security, 5 May 1999, United Nations, *Treaty Series*, vol. 2062, No. 35684, p. 49.
4. Security Council resolution 1246 (1999) of 11 June 1999 establishing UNAMET.
5. Security Council resolution 1264 (1999) of 15 September 1999 establishing a multinational force.
6. Security Council resolution 1272 (1999) of 25 October 1999 establishing UNTAET.
7. General Assembly resolution 31/53 of 1 December 1976 rejecting the incorporation of East Timor into Indonesia.
8. Report of the Secretary-General on the situation in East Timor, mentioning the tripartite meeting held on 28 September 1999 between Indonesia, Portugal and the United Nations, [S/1999/1024](#), para. 25.

Localities and zones under special protection in international humanitarian law

XIII. Jerusalem (1948)

Brief chronology of events

1. After the Second World War, the United Kingdom continued to exercise the British Mandate for Palestine conferred on it by the League of Nations in 1922. The General Assembly adopted resolution 181 (II) on 29 November 1947 setting out a Plan of Partition for Jewish and Arab States, but the Plan was never implemented. The United Kingdom left Palestine on 14 May 1948, and an armed conflict broke out between the Jewish and Arab authorities.
2. In March 1948, the International Committee of the Red Cross (ICRC) proposed to the Arab and Jewish authorities the establishment of “safety zones” or “security zones” in Jerusalem, under the flag of ICRC, to shelter civilians and the wounded and sick. Upon obtaining their agreement, ICRC made preparations for such zones from April 1948. An agreement was concluded in May 1948 between ICRC, Jewish authorities and Arab authorities on the operation of three safety zones. A plan to designate the whole of Jerusalem was proposed but was not pursued.
3. The safety zones came into effect on 14 May 1948 in the following areas:
 - (1) Zone I: buildings, annexes and grounds of the King David Hotel, YMCA and Terra Santa Hostels (terminated on 22 July 1948);
 - (2) Zone II: buildings and grounds of the Government House, Arab College, Jewish Agricultural School and Allenby Barracks (terminated in October 1948);
 - (3) Zone III: Italian Hospital and school (terminated on 27 May 1948).

Legal basis

4. The legal basis for the safety zones was the “formal undertakings” of the Jewish and Arab authorities, made on 9 and 17 May 1948, and an agreement between ICRC and the Jewish and Arab authorities concluded in May 1948.

Structure and roles

5. The following were the main entities involved in the operation of the safety zones and their roles:
 - (1) ICRC:
 - (i) Ensure safety of the zones;
 - (ii) Ensure that the zones were demilitarized;
 - (iii) Administer and direct medical activities inside the buildings;
 - (iv) Supervise the administration by the Arab and Jewish authorities inside the zones;
 - (v) Carry out external relations with authorities outside the zones;
 - (vi) Control the entry into and exit from the zones of persons;

- (2) Arab and Jewish authorities in the zones:
 - (i) Administer the Arab and Jewish quarters, respectively, inside the zones;
 - (ii) Maintain law and order in their respective quarters through local police;
 - (iii) Provide supplies to their respective quarters;
 - (iv) Serve as liaison between the Arabs and Jews in the zones and ICRC.

6. The role of ICRC in the safety zones was confined to the humanitarian aspects and did not extend to other areas. It was in charge of raising the ICRC flag, ensuring that no military activities took place in the safety zones and supervising the entry of supplies for those who took refuge. It was not in charge of the maintenance of law and order or the actual distribution of supplies to the civilians and the wounded and sick. ICRC did not, therefore, and was in any case not permitted, to carry out governmental functions. In this sense, the safety zones were in marked contrast to the special regime envisaged for the City of Jerusalem in General Assembly resolution 181 (II) (see case VII).

7. The safety zones were not established pursuant to the First or Fourth Geneva Conventions or Additional Protocol I, as they did not exist at the time. This case served as a model, however, for drafting the relevant provisions in those treaties.

References

1. International Committee of the Red Cross, *International Review of the Red Cross*, vol. I, Nos. 5-8 (Geneva, 1948), pp. 89-90, 92-93, 94-95, 109-112, 123-126, 134-135.
2. François Bugnion, *The International Committee of the Red Cross and the Protection of War Victims* (Geneva, International Committee of the Red Cross, 2003), pp. 750-751.
3. *Yearbook of the United Nations: 1947-1948* (United Nations publication, Sales No. 1949.I.13), p. 310.

XIV. Bosnia and Herzegovina

Brief chronology of events

1. After Bosnia and Herzegovina declared independence on 6 April 1992, an armed conflict broke out with the Federal Republic of Yugoslavia. The Yugoslav armed forces withdrew from Bosnia on 10 May 1992, but the Bosnian Serbs who were part of the Yugoslav armed forces continued military operations. Some towns in eastern Bosnia with a majority population of Bosnian Muslims, such as Srebrenica, Tuzla and Zepa, became isolated from the territory held by the Bosnian Government and were surrounded by the Bosnian Serb forces.

2. On 18 April 1993, the Bosnian armed forces and the Bosnian Serb forces, witnessed by the United Nations Protection Force (UNPROFOR), concluded an agreement for the demilitarization of Srebrenica to remove all combatants and weapons from Srebrenica, as well as the wounded and sick, under the authority of UNPROFOR.

3. Subsequently, an agreement on the demilitarization of Srebrenica and Zepa was concluded on 8 May 1993 between the same parties. The agreement explicitly referred to article 60 of Additional Protocol I of 1977, which provides for demilitarized zones. The agreement had the same aims as the April agreement, and UNPROFOR controlled the demilitarized zones.

4. These demilitarized zones effectively collapsed when the Bosnian Serb forces forcibly took control of Srebrenica and Zepa in July 1995.

Legal basis

5. The demilitarized zones were based on the following instruments:

- (1) Agreement for the demilitarization of Srebrenica of 18 April 1993;
- (2) Agreement on the demilitarization of Srebrenica and Zepa of 8 May 1993.

Structure and role

6. Under the 1993 agreements, UNPROFOR had control over the demilitarized zones. Its main tasks were as follows:

- (1) Evacuate the wounded and sick;
- (2) Collect weapons present in the zones;
- (3) Ensure that no armed persons or units except UNPROFOR remain in the zones;
- (4) Deploy United Nations police personnel to oversee the maintenance of law and order in the zones.

7. The demilitarized zones were established following the conclusion of formal agreements, i.e. they were consensual. They were to be distinguished from the parallel measure taken by the Security Council to establish “safe areas” under Chapter VII of the Charter of the United Nations (see case XV), which were non-consensual, i.e. imposed on the parties to the conflict. The demilitarized zones were also not strictly in compliance with the requirements of article 60 of Additional Protocol I, as they were “militarized” by the presence of UNPROFOR in the zones.

References

1. Agreement for the demilitarization of Srebrenica of 18 April 1993, [S/25700](#), annex II.
2. Agreement on the demilitarization of Srebrenica and Zepa of 8 May 1993.
3. Report of the Secretary-General pursuant to General Assembly resolution 53/35: the fall of Srebrenica, [A/54/549](#).

“Safe areas” established by the Security Council under Chapter VII of the Charter of the United Nations

XV. Bosnia and Herzegovina

Brief chronology of events

1. After Bosnia and Herzegovina declared independence on 6 April 1992, an armed conflict broke out with the Federal Republic of Yugoslavia. The Yugoslav armed forces withdrew from Bosnia on 10 May 1992 but the Bosnian Serbs who were part of the Yugoslav armed forces continued military operations. Some towns in eastern Bosnia with a majority population of Bosnian Muslims, such as Srebrenica, Tuzla and Zepa, became isolated from the territory held by the Bosnian Government.
2. Apart from the demilitarization agreements concluded on 18 April and 8 May 1993, the Security Council demanded the parties to treat Srebrenica and its surroundings as a “safe area” which should be “free from any armed attack or any other hostile act” by its resolution 819 (1993), adopted under Chapter VII of the Charter of the United Nations. Security Council resolution 824 (1993), also adopted under Chapter VII, further designated Sarajevo, Tuzla, Zepa, Gorazde and Bihac as “safe areas”.
3. The Security Council went one step further and authorized UNPROFOR, by its resolution 836 (1993), adopted under Chapter VII of the Charter of the United Nations, “to deter attacks against the safe areas” and, “acting in self-defence, to take the necessary measures, including the use of force, in reply to bombardments against the safe areas by any of the parties or to armed incursion into them”.
4. UNPROFOR had major difficulties in achieving the purpose of these “safe areas”, as the Bosnian Serb forces continued to attack them. The “safe area” regime collapsed in Srebrenica and Zepa when the Bosnian Serb forces forcibly took control of those towns in July 1995.

Legal basis

5. The “safe areas” were based on Security Council resolutions 819 (1993), 824 (1993) and 836 (1993).

Structure and role

6. Under the Security Council resolutions, UNPROFOR was tasked with protecting the safe areas by taking the necessary measures, including the use of force, in reply to bombardments against armed incursion into the safe areas.

References

1. Security Council resolution 819 (1993) of 16 April 1993 designating Srebrenica as a “safe area”.
2. Security Council resolution 824 (1993) of 6 May 1993 designating Sarajevo, Tuzla, Zepa, Gorazde, Bihac and Srebrenica as “safe areas”.
3. Security Council resolution 836 (1993) of 4 June 1993 authorizing the use of force to protect the safe areas.

Other cases of possible relevance

XVI. Beirut (1982)

Brief chronology of events

1. In June 1982, Israel launched military operations in the territory of Lebanon to pursue the Palestine Liberation Organization.
2. On 20 August 1982, the Secretary-General received a letter from the Permanent Representative of Lebanon informing him that the Government of Lebanon had requested the deployment of a multinational force in Beirut to assist the Lebanese armed forces in facilitating the departure from Lebanon of Palestinian armed personnel. France, Italy and the United States concluded agreements with Lebanon for the deployment of such a multinational force for a period not exceeding 30 days.
3. A total of 2,285 military personnel arrived in Beirut between 21 and 26 August 1982 and departed by 13 September 1982 after completing their mission.
4. Subsequently, United Nations observers in Lebanon reported that, on 18 September 1982, many clusters of bodies of men, women and children in civilian clothes who appeared to have been massacred in groups of ten or twenty were found in a refugee camp in Beirut. Lebanon then requested France, Italy and the United States to redeploy a multinational force. The objectives of the force were to facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, and thereby further efforts of the Government to assure the safety of persons in the area and bring to an end the violence.
5. A total of 3,997 military personnel were deployed by 30 September 1982 by France, Italy and the United States. The United Kingdom later joined the multinational force. All members of the multinational force had left Lebanon by March 1984.

Legal basis

6. The following instruments provided a legal basis for the multinational force:
 - (1) Exchange of notes constituting an agreement on United States participation in a multinational force in Beirut (with annex), 18 and 20 August 1982;
 - (2) Exchange of notes constituting an agreement on United States participation in a Multinational Force in Beirut, 25 September 1982;
 - (3) Parallel agreements between Lebanon and France and Italy.

Role of the multinational forces

7. The multinational force deployed between August and September 1982 was authorized to provide appropriate assistance to the Lebanese Armed Forces in order to assure the withdrawal from Lebanese territory of the Palestinian leaders, offices and combatants related to any organization in Beirut at the time.
8. The multinational force deployed between September 1982 and March 1984 was authorized to provide an interposition force at agreed locations and thereby provide the multinational presence requested by the Lebanese Government to assist

it and the Lebanese Armed Forces. The aim of the force was to facilitate the restoration of Lebanese Government sovereignty and authority over the Beirut area, and thereby further efforts of the Lebanese Government to assure the safety of persons in the area and bring to an end the violence.

References

1. Exchange of notes constituting an agreement on United States participation in a multinational force in Beirut (with annex), 18 and 20 August 1982, United Nations, *Treaty Series*, vol. 1751, No. 30567, p. 3.
2. Exchange of notes constituting an agreement on United States participation in a Multinational Force in Beirut, 25 September 1982, United Nations, *Treaty Series*, vol. 1777, No. 31022, p. 363.
3. Security Council resolution 521 (1982) of 19 September 1982.
4. General Assembly resolution ES-7/9 of 24 September 1982.
5. Report of the Secretary-General on the situation in the Beirut area, [S/15382](#) and Add.1.
6. Report of the Secretary-General in pursuance of Security Council resolution 520 (1982), [S/15400](#).
7. Report of the Secretary-General in pursuance of Security Council resolution 521 (1982), [S/15408](#) and Add.1 and Add.2.
8. Letter dated 20 August 1982 from the Chargé d'affaires a.i. of the Permanent Mission of the United States of America to the United Nations addressed to the Secretary-General, [A/37/393-S/15371](#).
9. Letter dated 21 September 1982 from the Permanent Representative of France to the United Nations addressed to the Secretary-General, [S/15420](#).
10. Letter dated 24 September 1982 from the Acting Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General, [S/15435](#).
11. Letter dated 23 September 1982 from the Permanent Representative of Italy to the United Nations addressed to the President of the Security Council, [S/15442](#).
12. Letter dated 1 October 1982 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General, [S/15445](#).
13. Letter dated 22 December 1982 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General, [S/15540](#).

XVII. Hebron (1994, 1996, 1997-)

Brief chronology of events

1. On 25 February 1994, a “massacre [was] committed against Palestinian worshippers in the Mosque of Ibrahim in Hebron” (Security Council resolution 904 (1994)). Following this incident, the Security Council adopted resolution 904 (1994)

by which it called for “measures to be taken to guarantee the safety and protection of the Palestinian civilians throughout the occupied territory, including, inter alia, a temporary international or foreign presence”. Such a presence was envisaged in the Protocol on Withdrawal of Israeli Forces from the Gaza Strip and Jericho Area annexed to the Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993.

2. Agreements were concluded between Israel and the Palestine Liberation Organization (PLO) in 1994, 1996 and 1997 to establish a temporary international presence in Hebron at different times. The Protocol concerning Redeployment and Security Arrangements annexed to the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 28 September 1995 also envisaged such a presence. The current temporary international presence in Hebron is based on a series of agreements concluded in 1997 between Israel and the PLO and between Denmark, Italy, Norway, Sweden, Switzerland and Turkey.

3. The objective of the presence is to assist in monitoring and reporting the efforts to maintain normal life in the City of Hebron, thus creating a feeling of security among Palestinians in the City of Hebron.

Legal basis

4. The following instruments provide a legal basis for the current temporary international presence in Hebron:

- (1) Protocol concerning the Redeployment in Hebron, 17 January 1997;
- (2) Agreement on the Temporary International Presence in the City of Hebron, 21 January 1997;
- (3) Memorandum of Understanding on the Establishment of a Temporary International Presence in Hebron, 30 January 1997.

Structure

5. The temporary international presence in Hebron is composed as follows:

- (1) 180 members from Denmark, Italy, Norway, Sweden, Switzerland and Turkey;
- (2) Head of Mission, appointed by Norway;
- (3) Deputy Head of Mission, being one of the Senior National Representatives;
- (4) Senior National Representatives, appointed by each country mentioned above;
- (5) District Coordination Office and its sub-office, which serve as outposts of the temporary international presence in Hebron.

6. The Joint Hebron Committee established by the 1997 Agreement is composed as follows:

- (1) Israel Military Commander and Palestinian Police Commander of the Hebron District;
- (2) Israel and Palestinian heads of the Hebron District Civil Liaison Office;
- (3) A representative of the temporary international presence.

7. The Monitoring and Steering Committee, established under the 1995 Interim Agreement on the West Bank and the Gaza Strip, is composed of the heads of the various committees mentioned in the Interim Agreement.

Role of the temporary international presence

8. The core task of the temporary international presence in Hebron is to prepare daily situation reports based on internationally recognized human rights standards and submit them to the Joint Hebron Committee and the Monitoring and Steering Committee. The District Coordination Office and its sub-office coordinate the day-to-day activity of the temporary international presence in Hebron with both sides.

9. The Joint Hebron Committee is mandated to deal with any issues arising from the presence and activity of the temporary international presence in Hebron which cannot be dealt with by the District Coordination Office. The Monitoring and Steering Committee is mandated to discuss matters of policy.

References

1. Declaration of Principles on Interim Self-Government Arrangements, 13 September 1993, [A/48/486-S/26560](#), annex.
2. Memorandum of understanding on the establishment of a temporary international presence in Hebron, 2 May 1994, United Nations, *Treaty Series*, vol. 1926, No. 32872, p. 433.
3. Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, 28 September 1995, [A/51/889-S/1997/357](#), annex.
4. Agreement on Temporary International Presence in the City of Hebron, 9 May 1996.
5. Memorandum of Understanding on the Establishment of a Temporary International Presence in Hebron, 30 January 1997.
6. Protocol concerning the Redeployment in Hebron, 17 January 1997.
7. Agreement on the Temporary International Presence in the City of Hebron, 21 January 1997.
8. Security Council resolution 904 (1994) of 18 March 1994.