

Chapter VI

RELATIONS WITH OTHER UNITED NATIONS ORGANS

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INTRODUCTORY NOTE

As previously in the *Repertoire*, the present chapter, dealing with the relations of the Security Council with all the other organs of the United Nations, is broader in scope than chapter XI of the provisional rules of procedure of the Security Council (rule 61) which governs only certain procedures related to the election by the Council of Members of the International Court of Justice.

This chapter presents material bearing on the relations of the Security Council with the General Assembly (part I), and also brings up to date the account given in the previous volumes of the *Repertoire* of the transmission by the Trusteeship Council to the Secu-

urity Council of questionnaires and reports (part III). No material has been found for the period under review which would require entry in parts II, IV and V relating respectively to relations with the Economic and Social Council, the International Court of Justice and the Military Staff Committee.

The functions of the Secretariat in relation to the Security Council, to the extent that they are governed by the provisional rules of procedure of the Council, are covered in chapter 1, part IV. Proceedings regarding the appointment of the Secretary-General under Article 97 are treated in part I of this chapter.

Part I

RELATIONS WITH THE GENERAL ASSEMBLY

NOTE

In part I, concerning the relations of the Security Council with the General Assembly, the arrangement of the material remains the same as in the previous volumes of the *Repertoire*.

Part I is mainly concerned with instances in which the responsibility of the Security Council and of the General Assembly is, under the provisions of the Charter or the Statute of the International Court of Justice, either exclusive or mutual; that is, where a final decision is or is not to be taken by one organ without a decision to be taken in the same matter by the other. The proceedings in these instances fall into three broad categories.

The first category, treated in section A, includes practices and proceedings in relation to Article 12, paragraph 1 limiting the authority of the General Assembly in respect of any dispute or situation while the Council is exercising the functions assigned to it by the Charter. No material for inclusion in this section was found for the period covered by this *Supplement*. The section, therefore, contains only a note concerning notification by the Secretary-General to the General Assembly under Article 12, paragraph 2 of the Charter. Neither has there been any material required for treatment in the second category relating to the mutual responsibility of the Security Council and the General Assembly whereby the decision must be taken by the Security Council before that of the General Assembly, i.e., appointment of the Secretary-General and conditions of accession to the Statute of the International Court of Justice. The third category includes cases where the final decision depends upon action to be taken by both the organs concurrently, such as the election of Members of the International Court of Justice.¹ Also included is one case history giving account of the relations of the Security Council with subsidiary organs established by the General As-

sembly.² In addition, there is a tabulation of recommendations to the Security Council adopted by the General Assembly in the form of resolutions and references to the annual and special reports of the Security Council submitted to the General Assembly.

A. PRACTICES AND PROCEEDINGS IN RELATION TO ARTICLE 12 OF THE CHARTER

Article 12 of the Charter

"1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

"2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters."

[*Note:* During the period under review there was no discussion in the Security Council on the question of the respective competence of the Security Council and the General Assembly to deal with a matter relating to the maintenance of international peace and security, which the Security Council had considered and then referred to the General Assembly.

Notifications to the General Assembly under Article 12, paragraph 2 by the Secretary-General, with the consent of the Security Council, of "matters relative to the maintenance of international peace and security which are being dealt with by the Security Council" and of matters with which the Council has ceased to deal, have been drafted on the basis of the "Summary Statement by the Secretary-General on matters

¹ Case 1.

² Case 2.

of which the Security Council is seized and on the stage reached in their consideration" which is circulated each week by the Secretary-General in accordance with rule 11 of the provisional rules of procedure.

The notification issued before each regular session of the General Assembly contains the same agenda items as those in the current Summary Statement, except that certain items in the Statement which are not considered as "matters relative to the maintenance of international peace and security" for the purpose of Article 12, paragraph 2 are excluded from the notification, e.g., rules of procedure of the Council, applications for membership, and the application of Articles 87 and 88 with regard to strategic areas. In addition, the notification contains a list of any items with which the Council has ceased to deal since the previous session of the General Assembly.³

Matters being dealt with by the Security Council have been listed in the notification, since 1951, in two categories: (1) matters which are being dealt with by the Council and which have been discussed during the period since the last notification; and (2) matters of which the Council remains seized but which have not been discussed since the last notification.

Since 1947, the consent of the Council required by Article 12, paragraph 2 has been obtained through the circulation by the Secretary-General to the members of the Council of copies of the draft notifications.]

**** B. PRACTICES AND PROCEEDINGS IN RELATION TO THE CONVOCACTION OF A SPECIAL SESSION OF THE GENERAL ASSEMBLY**

**** C. PRACTICES AND PROCEEDINGS IN RELATION TO ARTICLES OF THE CHARTER INVOLVING RECOMMENDATIONS BY THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY**

**** 1. Appointment of the Secretary-General**

**** 2. Conditions of accession to the Statute of the International Court of Justice**

**** 3. Conditions under which a non-member State, party to the Statute, may participate in electing Members of the International Court of Justice**

³ In the notifications issued before the convening of the nineteenth and twentieth sessions of the General Assembly (A/5823, 2 December 1964; and A/5980, 20 September 1965) it was stated that two items with which the Security Council had ceased to deal were removed from the list of matters of which the Council was seized. In the notification issued before the nineteenth session, a final paragraph was included which read as follows: "Following the request of the Permanent Representative of Jordan, the Security Council has removed the following item from the list of matters of which the Council is seized: 'Letter dated 17 July 1958 from the representative of Jordan addressed to the President of the Security Council concerning Complaint of the Hashemite Kingdom of Jordan of interference in its domestic affairs by the United Arab Republic.'" In the notification issued before the twentieth session, a final paragraph was included which read as follows: "Following the request of the *Chargé d'affaires* of the Permanent Mission of Argentina, the Security Council removed the following item from the list of matters of which the Security Council is seized: 'Letter dated 15 June 1960 from the representative of Argentina addressed to the President of the Security Council.'"

D. PRACTICES AND PROCEEDINGS IN RELATION TO THE ELECTION OF MEMBERS OF THE INTERNATIONAL COURT OF JUSTICE

"STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

"Article 4

"1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration . . ."

"Article 8

"The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court."

"Article 10

"1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

"2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

"3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected."

"Article 11

"If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place."

"Article 12

"1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

"2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

"3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

"4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote."

"Article 14

"Vacancies shall be filled by the same method as

that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council."

"PROVISIONAL RULES OF PROCEDURE

"Rule 61. Relations with other United Nations organs

"Any meeting of the Security Council held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes."

CASE 1

At the 1262nd meeting on 16 November 1965, the Security Council proceeded to the election of a Member of the International Court of Justice to fill the vacancy in the Court caused by the death of Judge Abdel Hamid Badawi. Prior to the balloting, the President (Bolivia) stated that in accordance with Article 10, paragraph 1, of the Statute of the Court the candidate who obtained an absolute majority of votes both in the General Assembly and in the Security Council would be considered elected as a Member of the Court.

A vote was then taken by secret ballot which resulted in the election of Mr. Fouad Ammoun, who obtained eleven votes in the Council. After stating that the General Assembly would be duly informed of the result of the vote in the Council, he suspended the meeting in order to await a communication from the President of the General Assembly on the result of the vote in the Assembly.

Upon resumption of the meeting the President announced that he had received a communication from the President of the General Assembly informing him that Justice Fouad Ammoun of Lebanon had obtained an absolute majority of votes in the General Assembly and noting that he had already obtained a unanimous vote in the Security Council, he had declared him elected. Accordingly, the President declared Mr. Fouad Ammoun elected a Member of the International Court of Justice.⁴

E. RELATIONS WITH SUBSIDIARY ORGANS ESTABLISHED BY THE GENERAL ASSEMBLY

[Note: The case history included herein gives an account of the establishment of a subsidiary organ by the General Assembly. In a series of reports the subsidiary organ made a number of recommendations to the Security Council for its consideration.]

CASE 2

By resolution 1761 (XVII)⁵ of 6 November 1962, the General Assembly established the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa. According to its terms of reference set forth in paragraph 5 of the resolution, the Special Committee was to report, as appropriate, either to the General Assembly or to the

Security Council or to both. On 6 May 1963, the Special Committee submitted to the General Assembly and to the Security Council an interim report⁶ in which it recommended that in view of the non-compliance by the Government of South Africa with its resolution, the Security Council should re-examine the situation. On 17 July 1963 the Special Committee submitted to the Security Council and the General Assembly a second interim report⁷ recommending, *inter alia*, that the Security Council should invite the Secretary-General and the specialized agencies and other United Nations bodies to continue to co-operate with the Special Committee in implementing General Assembly resolution 1761 (XVII). On 31 September 1964, the Special Committee submitted to the Security Council and the General Assembly a third interim report⁸ in which, *inter alia*, it recommended that in the light of the grave situation arising from the continuation and intensification of the policy of apartheid of the Government of South Africa, the General Assembly and the Security Council should consider without further delay possible new measures in accordance with the Charter.

At the 1076th meeting on 3 December 1963, the Security Council had under its consideration a draft resolution⁹ submitted by Norway whereby the Council taking note of the reports of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, would request the Secretary-General to establish under his direction and reporting to him a small group of recognized experts to examine methods of resolving the present situation in South Africa. At the 1077th meeting on 3 December 1963, in the course of the debate on the draft resolution the representative of Ghana expressed his doubts as to the need for establishing the group of experts envisaged in operative paragraph 6 of the draft and stated:

"That is why we are very happy to see, in operative paragraph 8, the fact that the Secretary-General is supposed to report to the Security Council 'such new development as may occur...'. I think this is a salutary addition to the draft, which we welcome, and it might well help to put our fears at rest as regards paragraph 6. But we feel that 'such new development as may occur' could also be reported by the existing Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, which, after all, has been charged by the General Assembly to be a watchdog over the whole problem of the apartheid policies of South Africa. We also feel that the establishment of a small group of experts should in no way affect the work of the Special Committee...".

The representative of Morocco supported the reservations made by the representative of Ghana and stated that if paragraph 6 were adopted it would in no case constitute a limitation on the duties and functions of the Special Committee. At the 1078th meeting on 4 December 1963 the representative of the USSR also questioned the advisability of creating a new body and observed:

"One might therefore consider whether it is really

⁶ S/5310.

⁷ S/5353.

⁸ S/5426 and Add.1-2, also issued as document A/5497 and Add.1.

⁹ S/5469, same text as document S/5471, O.R., 18th yr., Suppl. for Oct.-Dec. 1963, pp. 103-105.

⁴ 1262nd meeting, paras. 1-6.

⁵ GAOR, 17th Session, Suppl. No. 17 (A/5271), pp. 9-10.

necessary to establish a further body in addition to the one already in existence — some group of experts or new organ to examine the very same question of apartheid. What possible reason can there be for overlooking the existence of the Special Committee. . . . Moreover, we fully understand the fears expressed here in the Security Council, by representatives of African countries over the fact that the establishment of a group of experts could ultimately lead to the replacement of the Special Committee by a new body which would devote itself to studies that would inevitably lead away from the substance of the matter . . . ”¹⁰

After further deliberation the draft resolution was adopted unanimously.¹¹

By resolution 1978 A (XVIII)¹² of 16 December 1963, the General Assembly modified the terms of reference of the Special Committee and requested it to continue to follow constantly the various aspects of the policies of apartheid of the Government of the Republic of South Africa and to submit reports to the General Assembly and to the Security Council whenever necessary. In accordance with this new mandate the Special Committee recommended that unless the South African Government complied with the demands, the Security Council, in conformity with the terms of Chapter VII of the Charter and on the basis of the recommendations of the General Assembly and the Special Committee, should take new mandatory steps to compel the South African Government to comply with the decisions of the Council.¹³

¹⁰ For texts of relevant statements, see: 1077th meeting: Ghana, para. 31; Morocco, paras. 42-43; 1078th meeting: USSR, paras. 39-40.

¹¹ 1078th meeting, para. 137.

¹² GAOR, 18th Session, Suppl. No. 15 (A/5515), p. 20.

¹³ GAOR, 19th Session, A/5692, para. 15.

At the 1135th meeting on 18 June 1964, in connexion with the same question, the Security Council adopted a resolution¹⁴ submitted by Bolivia and Norway, whereby the Council, after taking note of the reports of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, decided to establish an Expert Committee composed of representatives of each present member of the Security Council, to undertake a technical and practical study and report to the Security Council as to the feasibility, effectiveness and implications of those measures.^{14a}

On 30 November 1964 the Special Committee submitted to the Security Council and the General Assembly a report¹⁵ in which it recommended that the General Assembly should invite the Security Council to take necessary action without delay to resolve the situation. It further recommended that the General Assembly and the Security Council should, among a number of measures, enlarge the membership of the Special Committee to include the permanent members of the Security Council and to ensure a wider geographical distribution of its membership. But so far no action has been taken by the Council on this recommendation.

F. RECEPTION OF RECOMMENDATIONS TO THE SECURITY COUNCIL ADOPTED BY THE GENERAL ASSEMBLY IN THE FORM OF RESOLUTIONS

[Note: The Security Council, in agreeing to consider a General Assembly recommendation, has done so by placing the recommendation of the Assembly on the Council's agenda.]

¹⁴ S/5769, same text as document S/5773, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 249-251.

^{14a} See chapter V, Case 5.

¹⁵ S/6073.

TABULATION OF RECOMMENDATIONS

Entry No.	General Assembly resolutions and decisions	Subject of recommendation	Initial proceedings of the Security Council
1.	(XIX) 1 December 1964	Admission of new Members ^a (Malawi, Malta and Zambia)	None ^b
2.	2008 (XX) 21 September 1965	Admission of new Members (Gambia)	None ^b
3.	2009 (XX) 21 September 1965	Admission of new Members (Maldivé Islands)	None ^b
4.	2010 (XX) 21 September 1965	Admission of new Members (Singapore)	None ^b
5.	2105 (XX) 20 December 1965	Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	Not placed on the provisional agenda
6.	2077 (XX) 18 December 1965	Question of Cyprus	Included in the agenda under a letter dated 26 December 1963 submitted by the permanent representative of Cyprus at the 1094th meeting on 17 February 1964
7.	2054 (XX) 15 December 1965	The policies of <i>apartheid</i> of the Government of the Republic of South Africa	Included in the agenda under a letter dated 11 July 1963 submitted by 32 Member States at the 1127th meeting on 8 June 1964

TABULATION OF RECOMMENDATIONS (continued)

Entry No.	General Assembly resolutions and decisions	Subject of recommendation	Initial proceedings of the Security Council
8.	2046 (XX) 8 December 1965	Amendments to the rules of procedure of the General Assembly consequent upon the entry into force of the amendments to Articles 23, 27 and 61 of the Charter of the United Nations	Not placed on the provisional agenda
9.	2101 (XX) 20 December 1965	Amendment to Article 109 of the Charter of the United Nations	Not placed on the provisional agenda

^a The action taken by the General Assembly at its nineteenth session on this item was in the form of decisions, not resolutions.

^b The General Assembly recommendation was not included in the agenda of the Security Council.

G. REPORTS OF THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

"Article 24, paragraph 3 of the Charter

"The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration."

[Note]: In accordance with Article 24, paragraph 3, the Security Council has continued, during the period under review, to submit annual reports to the General Assembly.]¹⁶

¹⁶ Annual reports were approved by the Security Council at the following meetings held in private: 19th report, 1163rd meeting, 18 November 1964; and 20th report, 1246th meeting, 28 September 1965.

It further transmitted to the General Assembly its recommendations concerning several applications for membership,¹⁷ pursuant to paragraph 2 of rule 60 of its provisional rules of procedure. During the period covered by this *Supplement* no special report was submitted to the General Assembly concerning the question of admission of a new Member, in accordance with paragraph 3 of rule 60 of the provisional rules of procedure.

¹⁷ Malawi (A/5742, 9 October 1964); Malta (S/5769, 30 October 1964); Zambia (S/5770, 30 October 1964); Gambia (A/5911, 15 March 1965); Maldives Islands (A/5981, 20 September 1965); and Singapore (A/5982, 20 September 1965). For consideration of the aforesaid applications by the Security Council, see chapter VII, pp. 87-88.

Part II

** RELATIONS WITH THE ECONOMIC AND SOCIAL COUNCIL

Part III

RELATIONS WITH THE TRUSTEESHIP COUNCIL

** A. PROCEDURE UNDER ARTICLE 83, PARAGRAPH 3 IN APPLICATION OF ARTICLES 87 AND 88 OF THE CHARTER WITH REGARD TO STRATEGIC AREAS UNDER TRUSTEESHIP

B. TRANSMISSION TO THE SECURITY COUNCIL BY THE TRUSTEESHIP COUNCIL OF QUESTIONNAIRES AND REPORTS

During the period under review, no questionnaires have been transmitted to the Security Council by the Trusteeship Council. The report of the latter body on the exercise of its functions in respect of the strategic areas under trusteeship have, therefore, continued to be based on the revised questionnaire transmitted to the Security Council on 24 July 1953.¹⁸

¹⁸ The revised questionnaire was further amended at the 1166th meeting of the Trusteeship Council on 7 July 1961. The document was circulated as T/1010/Rev.1.

Between 1 January 1964 and 31 December 1965, the Secretary-General transmitted to the Security Council the following reports of the Trusteeship Council on the Trust Territory of the Pacific Islands, which has continued to be the only territory designated as a strategic area:

Sixteenth report adopted during the thirty-first session of the Trusteeship Council, 29 June 1964.¹⁹

Seventeenth report adopted during the thirty-second session of the Trusteeship Council, 20 June 1965.²⁰

¹⁹ S/5783, O.R., 19th Year, Special Supplement No. 1, pp. 1-43.

²⁰ S/6490, O.R., 20th Year, Special Supplement No. 1, pp. 1-55.

Part IV

** RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE

Part V**** RELATIONS WITH THE MILITARY STAFF COMMITTEE**