

Chapter VI

RELATIONS WITH OTHER UNITED NATIONS ORGANS

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INTRODUCTORY NOTE

The present chapter, concerned with the relations of Council of questionnaires and reports (part III). No

Assembly (part I) and brings up to date the account given in the previous volume of the *Repertoire* of the proceedings regarding the appointment of the Secretary-General under

Part I

RELATIONS WITH THE GENERAL ASSEMBLY

Part I concerns the relations of the Security Council with the General Assembly in instances where the provisions of the Charter or the Statute of the Court, either exclusive

1. While the Security Council is exercising in

in these instances fall into three broad categories. The first group includes proceedings where the Security Council is dealing with a dispute or situation while the Security Council is exercising the functions assigned to it by the Charter. The second group comprises instances where the decision by the Council must be taken before that of the General Assembly, e.g., appointment of the Secretary-General, and conditions of accession to the Statute of the International Court of Justice. The third group includes cases where the final decision depends upon action to be taken by both the organs concurrently, such as the

Council so requests.

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: Section A includes an instance of discussion in the Council on the nature of the limitation placed by Article 12 (1) upon the authority of the General Assembly.]

subordinate organs established by the General Assembly and placed by the latter in special relation to the Security Council. This part concludes with a chronological tabulation of recommendations to the Security Council adopted by the General Assembly in the form of resolutions.

19.6877 0 TD
the Security Council, of "matters relative to the main-

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 of the Security Council" which is circulated each week by the Security Council and on the stage reached in their consideration" which is circulated each week by

for the decision taken by the Security Council at its 707th meet-

see chapter I, Case 20.

Case 1.

The notification issued before each session of the General Assembly is not prevented in any way from certain items in the Statement which are not considered as "matters which are being dealt with by the Security Council" 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 a list of any items with which the Council has ceased

Matters being dealt with by the Security Council have the following categories: (1) matters which are being dealt with by the Council 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 (2) has been obtained through the circulation by the Secretary-General to the members of the Council of copies of draft notifications.]

CASE 1

"... were the Security Council... to place on its agenda the item concerning the events in Morocco... those who like us are open minded as regards the forthcoming session of the General Assembly would be confronted with an additional difficulty deriving from Article 12 of the Charter. That Article, as we all know, provides that the General Assembly shall not discuss any dispute or situation while the Security Council is exercising its functions assigned to it in the Charter.

"... the application of the open-door principle to the present case in the Security Council, while not bringing the case in itself nearer to a settlement, definitely compromises the chances of applying the promising auspices of the General Assembly."

At the 622nd meeting on 1 September 1953, the representative of Lebanon, in reply to the statement made by the representative of Greece at the previous meeting, commented:

"... certainly Article 12 does not prevent any item which is being discussed by the Security Council from

seized of that item. According to the Charter, the

* For the decision, see chapter II, Case 8.

General Assembly is not prevented in any way from making recommendations on matters which happen to be under consideration by the Security Council."

"... So far as the admissibility or inadmissibility of any items to the agenda of the General Assembly is concerned, the matter is governed by Article 12 there any limitation whatever provided the question

C. PRACTICES AND PROCEEDINGS IN RELATION TO THE GENERAL ASSEMBLY

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

1. Appointment of the Secretary-General

"Article 97 of the Charter

"The Secretariat shall comprise a Secretary-General

of the Organization."

[Note: The meetings of the Security Council at which recommendations regarding the appointment of the Secretary-General have been held in private in accordance with rule 40 of the provisional rules of procedure. The Council has voted by secret ballot. Communiqués, circulated after each private meeting in accordance with rule 55, have indicated the author of the proposal considered, the consideration of the recommendations. The 613th and 614th meetings on 12 and 10 March 1952, respectively, were devoted to the consideration of proposals to recommend various persons to the General Assembly for appointment as Secretary-General. None of the proposals made was adopted by the Council. The communiqué of the 617th meeting on 31 March 1953, indicated the author of the proposal considered, the

CASE 2

At the 617th meeting on 31 March 1953, held in private, the Security Council approved by 10 votes in favour, none against, with 1 abstention, a proposal submitted by the representative of France to recommend to the General Assembly the appointment of Mr. Dag

621st meeting: Greece, paras. 9, 12.

622nd meeting: Lebanon, para. 5.

* 617th meeting: p. 1.

2. Conditions of accession to the Statute of the ****3. Conditions under which a non-Member State,**

General a cablegram dated 24 October 1953 from the Minister for Foreign Affairs of Japan⁶ expressing the desire of his Government to ascertain the conditions on which Japan could become a party to the Statute of the International Court of Justice.

Foreign Affairs of the Republic of San Marino addressed a letter to the Secretary-General⁷ requesting to be informed of the conditions required to become a party

At the 645th meeting on 20 November 1953, the Security Council referred both applications to the Committee of Experts for study and report.⁸

reports,⁹ containing texts of the recommendation which

parties to the Statute of the International Court of Justice. The Chairman of the Committee of Experts in submitting the reports, stated that in its consideration of the applications of Japan and the Republic of San Marino, the Committee had been guided to a large extent by the exhaustive and detailed examination of

Liechtenstein although as had been made abundantly

precedent. He further pointed out that the conditions proposed for the accession of Japan and the Republic of San Marino were the same as those determined for the accession of Switzerland and Liechtenstein and, as in the latter cases, were not intended to constitute a precedent.¹⁰

Decision: The Council adopted both the proposals of

from a list of persons nominated by the national

"Article 8

"The General Assembly and the Security Council the members of the Court."

"Article 10

"1. Those candidates who obtain an absolute

"2. Any vote of the Security Council, whether for the election of judges or for the appointment of

manent and non-permanent members of the Security Council.

both of the General Assembly and the Security Council, the eldest of these only shall be considered

"Article 11

"If, after the first meeting held for the purpose of second and, if necessary, a third meeting, shall have

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

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

⁶ S/3126, O.R., 8th year, Suppl. for Oct.-Dec. 1953, p. 37.

⁷ S/3146 and S/3147, O.R., 8th year, Suppl. for Oct.-Dec. 1953, pp. 72-73.

⁸ 645th meeting: paras. 6-8.

⁹ 645th meeting: paras. 11-14.

¹⁰ See *Reperaire of the Practice of the Security Council 1946-1951*, chapter VI, part 1, C.3, Case 10, pp. 219-220.

"3. If the joint conference is satisfied that it will not be successful in procuring an election, those

ruary 1955. Before the commencement of balloting, the President (Denmark) stated that if more than five

"4. In the event of an equality of votes among

that ballot papers containing the names of more than five candidates would be regarded as invalid and that the members would be free to cast their votes for any one on the list of candidates. Six candidates obtained the required majority on the second and third ballots.

"Article 14

following provision: the Secretary-General shall, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by

majority on the fourth ballot, the President declared. " These four candidates have received the necessary number of votes in the Council, the Assembly is voting at the same time, and must elect the same

Security Council, none of them could be elected, because, since the number of seats to be filled was five, only five or fewer candidates could be elected. Consequently at the time when six candidates had

CASE 6

At the 672nd meeting on 3 June 1954, the Security Council had before it a letter dated 29 May 1954 from the acting Permanent Representative of Thailand,

The representative of Colombia, indicating his dis-

At the 673rd meeting on 16 June 1954, the represen-

rules seem to me to indicate that if, at any given time, six candidates have obtained a majority, it would be quite in order for the Council to communicate that result to the Assembly. These candidates will not have been elected. Only if five of the six candi-

Recalling General Assembly Resolution 377 (V) (Uniting for peace), part A, section B, establishing a Peace Observation Commission . . .

“ . . .

“Requests the Peace Observation Commission to

should be given to the possibility of asking the Presi-
cil to exchange letters after each ballot.¹⁷

Security Council. If the sub-commission is of the
mission without observation or visit also in States contiguous to Thailand, it shall report to the Peace Observation Commission or to the Security Council for the necessary instructions.”

On the fifth ballot the Council elected the fifth member. The President of the General Assembly noti-
five candidates had received an absolute majority in the Assembly.¹⁸

The representatives of Brazil, China, New Zealand and Turkey made statements in support of the draft

E. RELATIONS WITH SUBSIDIARY ORGANS

The representative of the United Kingdom in support

[Note: Certain subsidiary organs established by the Security Council either when they have been placed in
General Assembly, or when the Council has decided to utilize the services of a subsidiary organ without such provision having been made by the Assembly. This

“In section B of the ‘Uniting for peace’ resolution the General Assembly set up a sub-commission . . . to deal with such a situation. Under it . . . establish a sub-commission and to utilize the services of observers to assist in the performance of its functions. That is what is now proposed in the draft

Commission, a subsidiary organ established by the Ge-

I also note that the draft resolution makes provision for the sub-commission to seek instructions if it

Observation Commission, provided that the Security Council might utilize the Commission in accordance with its authority under the Charter.]¹⁹

provision. It allows for the possibility that reports may be received from the observers or from the members of the sub-commission who, having visited Thailand, find that they cannot fulfil their mission of

681st meeting: President (Denmark) paras. 16, 18, 21, 22, 27.

¹⁸ Resolution 377 B (V).

¹⁹ 673rd meeting: para. 10.

States contiguous to Thailand.

At the 674th meeting on 18 June 1954, the representative of the USSR opposed the adoption of the draft

Decision: At the 674th meeting on 18 June 1954, the Council rejected the Thailand draft resolution by 9 votes in favour, 1 against, with 1 abstention (the vote against being that of a permanent member).

673rd meeting: Brazil, paras. 35-39; China, para. 45; New Zealand, paras. 21, 23; Turkey, para. 26; Thailand*, para. 10.

674th meeting: USSR, paras. 58-59.

* 674th meeting: para. 71.

THE SECURITY COUNCIL ADOPTED BY THE GENERAL ASSEMBLY IN THE FORM OF RESO-

under review has done so by placing the recommendation on the agenda. The omission of such inclusion on the agenda has not been a mark of refusal on the part of the Council to consider. The recommendations are presented below in the form of a tabulation, chronologically arranged, indicating the initial proceedings of the Council prior to the adoption of the recommendation of the item on the agenda of the Council.]¹⁴

¹⁴ For an earlier tabulation see *Repertoire of the Practice of the Security Council 1946-1951*, p. 225.

TABULATION OF RECOMMENDATIONS

Entry No.	General Assembly resolution	Subject of recommendation	Initial proceedings of the Security Council
1	509 (VII) 1 February 1952	candidate States to present proof of the conditions	ing of Admission of new Members in the
2	703 (VII) 17 March 1953	Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter: report of the Disarmament Commission	Not placed on the provisional agenda ^d
3	715 (VIII) 28 November 1953	all armed forces and all armaments: report of the Disarmament Commission	
4	718 (VIII) 23 October 1953	Admission of new Members	Not placed on the provisional agenda ^d
5	700 (VII) 17 March 1953	Methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter: report of the Collective Measures Committee	
6	718 (VIII) 23 October 1953	the Disarmament Commission, conclusion of an international convention (treaty) on the reduction of armaments and the prohibition of atomic, hydrogen and other weapons of mass destruction	
7	816 (IX) 23 November 1954	Admission of new Members to the United Nations	Included in the agenda at the 701st meeting on 10 December 1955 ^e
8	917 (X) 8 December 1955	Admission of new Members to the United Nations	Included in the agenda at the 701st meeting on 10 December 1955 ^h

^a 577th meeting: para 89.

^b 703 (VII), S/3283.

^c 715 (VIII), S/3276.

^d 718 (VIII), S/3131.

^e 808 (IX), S/3316.

^f 809 (IX), S/3317.

^g 817 (IX), S/3224.

^h 918 (X), S/3467.

C. REPORTS OF THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

"Article 24 (3) of the Charter

(The Security Council shall submit annual and, when necessary, special reports to the General Assembly.)

[Note: In accordance with Article 24 (3) the Security Council has continued, during the period under review, to submit annual reports to the General Assembly.²⁵ It has submitted one special report during this period. At the 604th meeting on 19 September 1952, in connexion with the question of admission of new Members, the Security Council decided to submit a special report to the General Assembly in

²⁵ Annual Reports approved by the Security Council at the following meetings held in private: 9th Report, 678th meeting, 18 August 1954, and 10th Report, 699th meeting, 11 August 1955.
²⁶ S/2208, 604th meeting: paras. 4-35.

Part II

****RELATIONS WITH THE ECONOMIC AND SOCIAL COUNCIL**

Part III

RELATIONS WITH THE TRUSTEESHIP COUNCIL

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

the following reports of the Trusteeship Council on the exercise of its functions in respect of strategic areas under trusteeship:

B. TRANSMISSION TO THE SECURITY COUNCIL

of the Trusteeship Council, 1 April 1952.²⁷

On 24 July 1953 the Secretary-General, upon the

request of the Trusteeship Council, 15 July 1953.²⁸

request of the Security Council, transmitted to the

Trusteeship Council, 16 July 1954.²⁹

1952.²⁷

of the Trusteeship Council, 19 July 1955.³¹

Secretary-General transmitted to the Security Council

²⁷ S/3066.

²⁸ S/3065.

²⁹ S/3272.

³¹ S/3416.

Part IV

****RELATIONS WITH THE INTERNATIONAL COURT OF JUSTICE**

Part V

****RELATIONS WITH THE MILITARY STAFF COMMITTEE**