

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 divided

Council of questionnaires and reports (part III). No material has been found for the period under review

by the Council of members of the International Court of Justice.

The present chapter presents material bearing on the relations of the Security Council with the General Assembly and the International Court of Justice. The account given in the previous volume of the *Repertoire* of the transmission by the Trusteeship Council to the Security

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 I, part I. Proceedings regarding the appointment of the Secretary-General under Article 97 are treated in part I of this chapter.⁶

Part I

RELATIONS WITH THE GENERAL ASSEMBLY

NOTE

Assembly; e.g., appointment of the Secretary-General, and conditions of accession to the Statute of the International Court of Justice.

appears a new sub-heading under which certain proceedings of the Security Council relating to the Council and special sessions of the General Assembly have been treated.¹

In accordance with the previous arrangement of material, part I is mainly concerned with instances

the General Assembly is, under the provisions of the Charter or the Statute of the Court, either exclusive or

election of members of the International Court of Justice. Proceedings in the second and third categories have been dealt with² in sections C and D respectively.

A continuation of the tabulation of recommendations to the Security Council adopted by the General Assembly in the form of resolutions will be found in part I, section F, and references to the annual and special reports of the Security Council submitted to the General Assembly in section C.

The first includes proceedings where the relations between the two organs are governed by provisions of the Charter (Article 12, paragraph 1) limiting the authority of the General Assembly in respect of any dispute or situation while the Security Council is exercising the functions assigned to it by the Charter.

the Council bearing on the mutual relationships of the Security Council and the General Assembly when the latter was exercising its functions with regard to matters concerning the maintenance of international peace and security. This has been treated³ in section A. The second category comprises instances where the decision by the Council must be taken before that of the General

"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

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

¹ Cases 2 and 3.

² Case 1.

³ Cases 5-7.

Assembly is not in session, immediately the Security

Council remains seized but which have not been dis-

[Note: During the period under review, discussion arose in the Council on the question of the respective competence of the Security Council and the General Assembly to deal with a matter relating to the main-

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.]

been
Council should consider an item relating to non-compliance with a decision of the first emergency special session of the Assembly, and take action under Chapter VII, it was maintained, on the one hand, that should the Council concern itself with the matter, the Assembly would be prevented from continuing the peace-making process it had initiated, and on the other

At the 755th meeting on 5 November 1956, the Security Council rejected the provisional agenda which included a cablegram⁶ from the Minister of Foreign Affairs of the USSR concerning "Non-compliance by the United Kingdom, France and Israel with the decision of the emergency special session of the General Assembly of 2 November 1956 and immediate steps to

Council of the obligation to act under Chapter VII of

Egypt. The cablegram contained a draft resolution under which the Council would take action in accordance with Article 12 of the Charter.

General Assembly, in any case, could not act under that Chapter of the Charter.

Prior to the vote, the Secretary-General reported to the Council on his efforts to achieve a cessation of hostilities in Egypt, in accordance with the authorization contained in General Assembly resolution 907 (ES I).

Notifications to the General Assembly under Article 12 (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 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.

After the vote,⁷ the representative of the United States, in explaining his vote, stated:

The notification issued before each 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

"... The fact is that the United Nations, through the General Assembly, has acted and is acting on the situation in Egypt... The Secretary-General is bending every effort to arrange a cease-fire... The question of the hostilities in Egypt is being actively dealt with by the General Assembly and the Secretary-General. We here should lend every assistance, and, in the judgement of the United States, the course proposed by the Government of the Soviet Union would run counter to everything the General Assembly and the Secretary-General are doing. For these reasons, we cannot possibly support the pro-

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

⁶ In the notification issued before the convening of the thirteenth session of the General Assembly (A/3919, 16 Sep-

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

by the Security Council during the period since the previous notification, the following were the items: (1) "Letter dated

the President of the Security Council", and (2) "Letter dated 17 July 1958 from the representative of Jordan addressed to the President of the Security Council". Both these items were dealt with at the third emergency special session of the General Assembly. Among the matters which had not been discussed by the Security Council during the period since the previous notification, but of which the Council remained seized, the following agenda items appeared: (1) "The situation in Hungary", which was dealt with at the second emergency special session and at the eleventh and thirteenth sessions of

In the notification issued before the convening of the thirteenth session of the General Assembly (A/3919, 16 September 1958) there were no items listed as matters with which the Security Council had ceased to deal. In a later notification to the thirteenth session of the General Assembly (A/4008, 26 November 1958) the Secretary-General informed the General Assembly that the Security Council had decided, at its 840th

from the representative of Egypt addressed to the President of the Security Council". This item was dealt with, in substance, at the first emergency special session and at the eleventh and twelfth sessions of the General Assembly.

matters of which the Council was seized the complaint submitted on 22 May 1958 by the Government of Lebanon.

⁷ 755th meeting; para. 27.

The representative of Cuba expressed the view that the Security Council was not competent to consider this question since it was then pending consideration by the General Assembly.

The representative of Belgium, after noting that the General Assembly had discussed and adopted recommendations on the same question in pursuance of a resolution adopted by the Council, stated:

"... If the Security Council were to deal with the

to take up the same question at the same time."

The representative of China expressed apprehension that consideration of the proposal made by the USSR "would only serve the purpose of hampering the peace-making process which the special session of the General

The representative of Peru maintained that "overlapping competence or double jurisdiction" should be avoided. He added:

"... Just as the General Assembly cannot consider

the Security Council obviously cannot logically consider a question which is pending before the General Assembly, particularly one referred to it by virtue of a procedural resolution adopted by the Council itself.

"... Nothing, not even the Charter, much less the

who participated in the extensive debate which resulted in the adoption of that resolution are familiar with its provisions—nothing, I say, would authorize

in every respect undesirable suspension of the action initiated by the General Assembly..."

The representative of the USSR, in replying to the above objections, stated:

"... Only when it became clear that the moral

the aggressor countries, did the Soviet Union submit its proposal. So this proposal cannot paralyse the decision adopted by the General Assembly. On the

"... the proposal does not violate the Charter in any way; nor is there any conflict of jurisdiction between the General Assembly and the Security Council. The fact that the General Assembly is taking action on any question does not relieve the Security Council of the obligation to act if the circumstances demand it.

"The General Assembly cannot act under Chapter VII, this is set forth explicitly in Article 11

Members of the Organization, we are dealing with

'action' in connexion with a threat to the peace, and Article 42 speaks of such action. Any objections based on the Charter are therefore unfounded..."

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

"Article 20 of the Charter

"The General Assembly shall meet in regular

Emergency Session or by a majority of the members of the United Nations."

from: No special session of the General Assembly was convened at the call of the Security Council during the period under review." On three occasions the Security

reference to resolution 377 A(V)¹¹ was made in the decisions adopted by the Council. In the third instance,¹² no such reference was made in the resolution adopted by the Council. In all three instances, the decisions

members of the Security Council had prevented it from exercising its primary responsibility for the maintenance of international peace and security. The relevant proceedings of the Council on each occasion are set forth in the case histories entered below.

Under the "Uniting for peace" resolution, emergency

of the members. In the first two cases presented below, negative votes were cast by permanent members of the Council while in the third case the vote to make the

⁸ For texts of relevant statements, see:

755th meeting: Belgium, para. 53; China, para. 56; Cuba, para. 47; Peru, paras. 57-58; USSR, paras. 66, 70-71; United

⁹ See Case 2 below for a presidential statement concerning

¹⁰ Cases 2 and 3.

¹¹ The relevant passage from resolution 377 (A) (V) follows: "The General Assembly... Resolves that if the Security

maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time the situation arises, the Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emer-

sion on the vote of any seven members, or by a majority of

¹² Case 2.

of the permanent members of the Council on the basis of the condition in resolution 5771(1) of a previous determination by the Council that there existed a threat to the peace, a breach of the peace, or an act of aggression; (2) that the question to be brought before the General Assembly at the proposed emergency special session was not specified; (3) that the agenda item before the Council was not the one in respect of which the permanent members had disagreed; and (4) that the agenda item in respect of which there had been lack of unanimity among the permanent members fell within the scope of Chapter VI rather than Chapter VII of the Charter.

(7) of the Charter barred consideration of the matter by the United Nations. In the third case the draft resolution

before the General Assembly and in specifying the

the Council deemed the matter to be dealt with only by

CASE 2

At the 748th meeting on 30 October 1956, in connexion with the letter¹⁴ dated 29 October 1956 from the representative of the United States concerning "The

representative of the United States contended that it was imperative that the Council act in the promptest manner

the case of the Sinai Peninsula, and to order the

of its armed forces behind the established armistice lines. To this effect he announced that he would introduce a draft resolution.

representative of the United Kingdom reported to the

temporarily key positions in the area of the Suez Canal.

lack of implementation of the Charter articles providing for a military arm of the Security Council.

The representative of the United States introduced a draft resolution¹⁵ calling upon Israel immediately to withdraw its armed forces, and calling upon all members to refrain from the use of force or threat of force in the area. He later accepted an amendment to his draft

¹⁴ Case 3.

¹⁵ Case 5.

¹⁶ S/3706, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 108.

¹⁷ S/3710, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 110.

¹⁸ 749th meeting: para. 125.

resolution to insert a new paragraph containing a

Decision: The United States draft resolution, as amended, was not adopted. There were 7 votes in favour, 2 against, with 2 abstentions (the negative votes being those of permanent members of the Council).¹⁶

At the same meeting, the representative of the USSR submitted¹⁷ a modified text of the draft resolution that had not been adopted. He later accepted¹⁸ amendments proposed by the representatives of China and Iran.

At the 750th meeting, held on the same date, the Council adopted an agenda which included, as item 2,

Egypt. Objections to the inclusion in the agenda

at the 751st meeting, during the consideration of

agenda item 2, submitted a revised text of his draft

suggestions from several members, he later reverted¹⁹ to the draft resolution, as amended, previously placed before the Council.

Decision: The USSR draft resolution was not adopted. There were 7 votes in favour, 2 against, with 2 abstentions (the negative votes being those of permanent members of the Council).¹⁷

consideration of agenda item 3, on the substance of

The representative of Yugoslavia, after remarking the

Council to support the cease-fire, stated that a situation had been created in which the Security Council had been rendered powerless through the use of the veto. He requested that the members of the Council should convene a session of the General Assembly under the terms of

for peace".

At the 751st meeting on 31 October 1956, the representative of Yugoslavia submitted the following draft resolution²⁷ to call for an emergency special session

¹⁹ 749th meeting: para. 186.

²⁰ 749th meeting: para. 188.

²¹ S/3706, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 108.

²² S/3712, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 111-112.

²³ 750th meeting: para. 15.

²⁴ 750th meeting: para. 22.

²⁵ 750th meeting: para. 23.

²⁶ S/3719, 751st meeting: para. 71.

of the General Assembly, in accordance with rule 8 (b) of the rules of procedure of the General Assembly:

"The Security Council,

"Considering that a grave situation has been

"Taking into account that the lack of unanimity of its permanent members at the 749th and 750th

maintenance of international peace and security

in order to make appropriate recommendations.

opposing the draft resolution, stated that it was out of

the Council from taking a decision. This fact clearly

considered by the Council should have been submitted, circulated and voted upon, but this had not been the case. Furthermore, the two draft resolutions which had been voted upon and not adopted at the 749th and 750th meetings of the Council under another agenda item were not within the compass of the "Uniting for

to support the Yugoslav proposal.

the representative of the United Kingdom, that the problem in respect of which it was proposed that an emergency special session of the General Assembly be convened was fully covered by the draft resolution²⁸ submitted by the United States at the 749th meeting of the Council. That draft resolution, in effect, also covered the question of the intervention in Egypt of forces other than Israel forces, which was the substance of the matter before the Council. As had been recognized by the representative of Australia and the United

been submitted, voted upon and not adopted on the previous day. The provisions of the "Uniting for peace" resolution were therefore fully applicable to the Yugoslav draft resolution.

could only be invoked following action under Chapter VII of the Charter. He added:

"Action under Chapter VII is dependent upon a determination by the Council of the existence of a threat to the peace, a breach of the peace or an act of aggression. The draft resolutions which were

before the Council yesterday contained no such findings."

The President, speaking as the representative of France, noted that the draft resolution before the

brought before the General Assembly. He stated further that there had been no evidence of a lack of unanimity among the permanent members at the 749th meeting of

agenda item which was no longer being considered by

in order to make appropriate recommendations.

opposing the draft resolution, stated that it was out of

... It would seem to me, according to my understanding of the Charter, that all of this is covered by

The representatives of Cuba and Peru agreed that, although listed separately, the problems dealt with under the agenda item being presently discussed by the Council, and under the agenda item discussed the day before, were essentially the same, and that a breach of

Nations had to pursue its peaceful efforts at an emergency special session of the General Assembly.

The President (France) put to the vote a motion by the representative of the United Kingdom to the effect that the Yugoslav draft resolution should be ruled out

of order.

Decision: The motion was rejected by 4 votes in favour to 6 against, with 1 abstention.²⁹

Before the Yugoslav draft resolution was put to the vote, a brief discussion took place as to what agenda item the Security Council was to refer to the General Assembly

the draft resolution which he had submitted and which had not been adopted at the 749th meeting should be the one to be referred to the General Assembly, and that its text was adequate to meet all the needs of the situation³⁰

²⁸ For texts of relevant statements, see:

748th meeting: United States, para. 8.

749th meeting: United Kingdom, paras. 2-11.

750th meeting: Australia, para. 10; United Kingdom, paras. 3-4; Yugoslavia, paras. 79-84.

751st meeting: President (France), paras. 96-98, 137, 141, 143, 146, 151; Cuba, para. 20; Peru, para. 117; United King-

dom, paras. 101, 145; Yugoslavia, paras. 71, 86-92, 106-107, 129, 140, 142.

²⁹ S/3710, O.R., 11th year, Suppl. for Oct.-Dec. 1956, p. 110.

Decision: At the 751st meeting on 31 October 1956, the Council adopted the Yugoslav draft resolution by

mitted by the United States³⁶ and the other by the USSR,³⁷ to decide to call an emergency special session

CASE 3

ability, because of the lack of unanimity of its permanent members, to exercise its primary responsibility for the maintenance of international peace and security.³⁸ The

nexion with the situation in Hungary, after the Security Council had voted upon, and not adopted, a United States draft resolution³² on the substance of the question, the representative of the United States stated that the

United States revised draft resolution referred to General Assembly resolution 377 (V), but that in the USSR revised draft resolution contained no such

draft resolution³³ to call an emergency special session of the General Assembly in accordance with rule 8 (b) of the rules of procedure of the General Assembly.

draft resolution referred to the complaints of Lebanon and Jordan. The USSR draft resolution referred to the situation in the Near and Middle East resulting from

Considering that a grave situation has been created by the use of Soviet military forces to suppress the efforts of the Hungarian people to reassert their rights,

Lebanon and of United Kingdom armed forces into Jordan, and proposed that the General Assembly should be called to consider the question of the immediate withdrawal of those forces.

Considering that because of the lack of unanimity among its permanent members the Security Council has been unable to exercise its primary responsibility for the maintenance of international peace and security,

Following some discussion of whether the Security Council could call an emergency special session to consider a question formulated otherwise than it had been in the agenda of the Council, as was done in the USSR revised draft resolution, the President (France) proposed to proceed to the vote on the United States draft resolution.

Decides to call an emergency special session of the General Assembly, as provided in General Assembly resolution 377 A (V) of 3 November 1950, in order to make appropriate recommendations concerning the situation in Hungary.

The representative of the USSR, thereupon, moved two amendments³⁹ to the United States draft resolution. The first amendment, calling for the deletion of the first preambular paragraph, was opposed by the representatives of the United States and the United King-

The representative of the USSR stated that he had objected to any examination of the situation in Hungary

domestic affairs of Hungary. The same criticism applied, General Assembly.⁴¹

proceeding. The second amendment proposed by the USSR would have deleted the reference to General

Decision: The Council adopted the United States draft resolution by 10 votes in favour to 1 against.⁴⁰

words "rule 8 (b) of the rules of procedure of the General Assembly". The representative of the United States observed that inasmuch as rule 8 (b) contained a reference to resolution 377 (V), he had no objection to the proposed amendment. The representative of the

CASE 4

At the 838th meeting on 7 August 1958, in con-

³⁶ S 4056 Rev.1.

1958 from the representative of Jordan, the Security

³⁷ The Security Council had previously voted upon four draft resolutions on the substance of the question, which failed of members: S/4047/Rev.1, S/4050/Rev.1, S/4054, S/4057/Rev.1; for the proceedings at which these votes were taken, see chapter VIII under Complaint of Lebanon and Complaint of Jordan.

³¹ 751st meeting: para. 147. Concerning the procedural character of the vote, see Chapter IV, para. 7, Case 7.

³² S/3730 Rev.1, O.R., 11th year, Suppl. for Oct.-Dec. 1956, pp. 125-126; 754th meeting: para. 68.

³³ 754th meeting: para. 70.

³⁴ For texts of relevant statements, see:

754th meeting: USSR, para. 71; United States, paras. 69-70, 77; Yugoslavia, para. 74; Secretary-General, para. 78.

³⁸ 838th meeting (PV): pp. 111-115, 131.

³⁵ 754th meeting: para. 75. Concerning the procedural character of the vote, see Chapter IV, para. 7, Case 6.

³⁹ Rule 8 (b) follows: "Emergency special sessions pursuant to General Assembly resolution 377 A (V) shall be convened within twenty-four hours of the receipt by the Secretary-General of a request for such a session from the Security Council, on the vote of any seven members thereof, or of a request from a majority of the Members of the United Nations expressed by vote in the Interim Committee or otherwise, or of the concurrence of a majority of Members as provided in rule 9."

United Kingdom opposed the USSR amendment on the ground that, in calling an emergency special session, Assembly resolution and not in virtue of rule 8 (b). He suggested as a possible compromise inclusion of a reference both to the rule and the resolution. This was not acceptable to the representative of the USSR.

A recess followed after which the representative of Panama proposed⁴¹ that the first preambular paragraph be amended to read "having considered the points on

this amendment was accepted by the representative of the United States.

The representative of the United Kingdom suggested that the last paragraph should read "decision to call an emergency special session of the General Assembly

special session of the General Assembly can be called, and that is in accordance with the Uniting for Peace resolution".⁴²

Decision: The draft resolution, as amended, was adopted unanimously.⁴³

RECOMMENDATIONS BY THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

"The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by

[Note: In accordance with rule 48 of the provisional rules of procedure, the meetings of the Security Council to consider the question of a recommendation to the General Assembly regarding the appointment of the Secretary-General have been held in private, and the

rule 55, has indicated the stage reached in the consideration of the recommendation. During the period under review, the Council considered and unanimously adopted a recommendation of this kind (Case 5).]

⁴¹ 838th meeting (PV): pp. 128-130.

⁴² 838th meeting (PV): p. 131.

⁴³ For texts of relevant statements, see:

838th meeting (PV): Iraq, pp. 51, 55; Panama, pp. 86-95, 128-130; USSR, pp. 83, 111-115, 121, 131, 136-138; United Kingdom, pp. 116-120, 131-135; United States, pp. 31, 112-116, 122-125, 127, 131, 136-138.

⁴⁵ 838th meeting (PV): pp. 139-140; for the final text of the

Case 5

At the 792nd meeting held in private on 26 September 1957, the Security Council considered the question of the recommendation for the appointment of Secretary-General of the United Nations, and unanimously decided to recommend to the General Assembly that Mr. Dag Hammarskjöld be appointed as Secretary-General of the United Nations for a new five-year term of office.⁴⁶ On the same date, the President (Cuba) transmitted this recommendation to the President

Council's decision to recommend his appointment as Secretary-General for a new five-year term.⁴⁸

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**

D. PRACTICES AND PROCEEDINGS IN RELATION TO THE ELECTION OF MEMBERS OF THE INTER

Statute of the International Court of Justice

Article 4

"1. The members of the Court shall be elected by

groups in the Permanent Court of Arbitration...

Article 8

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

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.

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

as elected.

⁴⁶ See Official Communiqué of the 792nd meeting of the Security Council held in private on 26 September 1957.

⁴⁷ A/3682, a.i. 17, Annexes, 12th session, p. 1.

⁴⁸ 792nd meeting, para. 12 (summary).

"Article 11

"If, from this 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."

...sun 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 of its members a candidate to be presented 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 provisions: the Security Council shall, within one month of the occurrence of the vacancy,

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 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 6

At the 702nd meeting on 1 October 1957, the Security Council noted with regret the death of Judge

Hsu Mo and decided, under Article 14 of the Statute, that an election to fill the vacancy for the remainder of

the eleventh session of the General Assembly.⁴⁹

At the 757th meeting on 19 December 1956, the vacancy caused by the death of Judge Hsu Mo⁵⁰ The

clusion of the names of Mr. Hsi-Hsi Cheng and Mr. Yuen-li Liang in the ballot paper distributed by the Secretariat, since these two gentlemen had already indicated their unwillingness to be candidates and their refusals had already been communicated to the Council by the Secretary-General in document S/3663 (Add 7

In reply, the President (Peru) explained that the documents circulated by the Secretariat had been drawn up in accordance with Article 7 of the Statute and that the inclusion of the names of Mr. Cheng and Mr. Liang was a formality which had to be observed. In voting, however, members would take into account the facts indicated by the representative of China. The President noted that Mr. Plinio Bolla of Switzerland had also withdrawn his candidacy.⁵²

At the 757th, 758th and 759th meetings, on 19 December 1956, the Council elected Mr. Wellington Koo to fill the vacancy, but he did not receive the required majority of votes in the General Assembly.⁵³

At the 760th meeting on 11 January 1957, the Council elected the same candidate for the fourth time. The same candidate, however, did not obtain the majority of votes in the General Assembly.⁵⁴

CASE 7

At the 702nd meeting on 1 October 1957, the Security Council proceeded to the election of five members of the International Court of Justice to fill five seats which were to fall vacant on 5 February 1958. Prior to the

first vote, more than five candidates have an absolute majority, the Council will have to vote again. If, on the other hand, fewer than five candidates receive such a majority, the Council will likewise have to vote again, but only to fill the places that remain vacant. The meeting will continue until five candidates have been elected with the required majority."

A vote was then taken by secret ballot and five candidates obtained the required majority. After stating that

⁴⁹ 733rd meeting: para. 2.

⁵⁰ 757th meeting: preceding para. 1.

⁵¹ 757th meeting: para. 6.

⁵² 757th meeting: paras. 9-10.

⁵³ 757th meeting: paras. 10-12.

⁵⁴ 760th meeting: paras. 10-12.

members that the Council must remain in session until the President of the Assembly had informed the Council of the result obtained in the Assembly. The meeting

(Panama) observed that:⁵⁶

"When it is stated in the operative part of the draft resolution that the Council must remain in session until the President of the Assembly has informed the Council of the result obtained in the Assembly, we mean to refer to a special session as provided for under rule 8, paragraph (a), of the rules of procedure

of the General Assembly that at its 695th meeting on the same date, five candidates had obtained an absolute majority of votes. Four of these candidates had

that term 'special session', which is not to be understood as meaning that an emergency session would be convened. It is a special session as described in rule 8, paragraph (a), of the rules of procedure."

that both the General Assembly and the Security Council remaining vacancy.

At the 794th meeting on 1 October 1957, the Security Council proceeded with a special ballot for the purpose of filling the fifth vacancy. The President (France) reminded the members of the Council that they were to vote for one candidate only and that a ballot in which more than one name appeared would be considered invalid. As no candidate obtained the required majority, the Council proceeded to another vote at

**E. RELATIONS WITH SUBSIDIARY ORGANS ESTABLISHED BY THE GENERAL ASSEMBLY

At the 794th meeting on 1 October 1957, the Security Council proceeded with a special ballot for the purpose of filling the fifth vacancy. The President (France) reminded the members of the Council that they were to vote for one candidate only and that a ballot in which more than one name appeared would be considered invalid. As no candidate obtained the required majority, the Council proceeded to another vote at

SECURITY COUNCIL ADOPTED BY THE GENERAL ASSEMBLY IN THE FORM OF RESOLUTIONS⁵⁹

candidate had also obtained the required majority of votes in the Assembly and had therefore been declared elected.⁵⁵

recommendations during the period under review.^{60]}

CASE 8

At the 840th meeting on 25 November 1958, the Security Council noted with regret the death of Judge José G. Guerrero and decided, under Article 14 of the Statute, that an election to fill the vacancy for the remainder of the term of Judge Guerrero should be held

⁵⁶ 840th meeting (PV): p. 11.

⁵⁷ S/4118.

⁵⁸ 840th meeting (PV): p. 11.

⁵⁹ For previous tabulations, see *Repertoire of the Practice of the Security Council, 1946-1951*, p. 22; and *Supplement, 1952-55*, p. 80.

⁶⁰ By letter dated 2 January 1958 to the President of the Security Council, the Secretary-General drew attention to General Assembly resolution 1225 (XII) which requested him

Assembly, or during a special session before the four-

Security Council to take appropriate steps to effect the integration of the civilian staff of the Military Staff Committee with the Secretariat of the United Nations". In his letter, the Secretary-General also referred to the administrative arrange-

⁵⁵ For texts of relevant statements, see:

meeting: President (France), paras. 1-5.

has not been considered by the Council.

TABULATION OF RECOMMENDATIONS

Entry No.	General Assembly resolution	Subject of recommendation	Initial Proceedings of the Security Council
	1957 (II) and E (XII) 28 February 1957	Admission of new members to the United Nations	Included as sub-paragraph (a) under the heading of Admission of new Members
	23 October 1957	to the United Nations	the heading of Admission of new members
			meeting on 9 December 1958

G. REPORTS OF THE SECURITY COUNCIL TO THE

Article 24 (3) of the Charter

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

Council has continued, during the period under review,

recommendations concerning several applications for

provisional rules of procedure, the Security Council has twice, following its 790th meeting on 9 September 1957, and its 843rd meeting on 9 December 1958, submitted special reports⁶³ to the General Assembly concerning the question of admission of new Members, in

⁶³ Annual reports approved by the Security Council at the

1956); Tunisia (A/3153, 27 July 1956); Japan (A/3447, 12 December 1956); Ghana (A/3567, 7 March 1957); Malaya (A/3651, 5 September 1957); and Guinea (A/3670, 9 December