

**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

of the Security 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

of Justice.

This chapter presents material bearing on the relations of the Security Council with the General Assembly (part I) and the International Court of Justice (part II).

of Justice.

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 IV. Proceedings re-

under Article 17 are treated in part I of this chapter.

### Part I

#### RELATIONS WITH THE GENERAL ASSEMBLY

##### NOTE

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

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

tion was found for the period covered by this supplement. The section, therefore, contains only a note con-

General Assembly under Article 12, paragraph 2 of the Charter. Neither has there been any material re-

to the mutual responsibility of the Security Council

General Assembly, i.e., appointment of the Secretary-

the International Court of Justice. The third category includes cases where the final decision depends upon

such as the election of Members of the International Court of Justice.<sup>1</sup> Also included is one case history giving account of the relations of the Security Council with subsidiary organs established by the General As-

sembly.<sup>2</sup> In addition, there is a tabulation of recommendations 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"

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 As-

which are being dealt with by the Security Council

Assembly is not in session, immediately the Security Council shall refer the matter to the General Assembly.

[Note: During the period under review there was no discussion in the Security Council on the question

and the General Assembly to deal with a matter re-

and then referred to the General Assembly.

Article 12, paragraph 2 by the Secretary-General, with the consent of the Security Council, of "matters relative

ity 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

<sup>1</sup> Case 1.

<sup>2</sup> Case 2.

... the Security Council is seized and on the ...  
 ... related each week by the Secretary-General in accordance with rule 11 of the provisional rules of procedure.

The notification <sup>issued</sup> before each regular session of the General Assembly contains the same agenda items as those in the current Summary Statement ex-

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.<sup>3</sup>

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.

## \*\* 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

**Article 10**  
 State, party to the Statute, may participate in electing Members of the International Court of Justice

<sup>3</sup> 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

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

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

### "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

#### "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

members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

"2. 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 candidate shall be considered as elected."

"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

on, 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

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

"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

by the Security Council."

bers of the Court shall continue until as many candidates as are required for all the seats to be filled

majority of votes."

At the 1262nd meeting on 16 November 1965, the Security Council proceeded to the election of a Mem-

Under Hamid Daguwi. 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

the Court

sulted in the election of Mr. Fouad Ammoun who ob-

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

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.<sup>4</sup>

#### 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

Security Council or to both. On 6 May 1963, the Special Committee submitted to the General Assembly and to the Security Council an interim report<sup>6</sup> in

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 report<sup>7</sup>, recommending

Assembly resolution 1761 (XVII). On 31 September 1964, the Special Committee submitted to the Security Council and the General Assembly a third interim report<sup>8</sup> 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

At the 1076th meeting on 9 December 1965, the Security Council had under its consideration a draft resolution<sup>9</sup> submitted by Norway whereby the Council taking note of the reports of the Special Committee on the Policies of Apartheid of the Government of

Secretary-General to establish under his direction and

to examine methods of resolving the present situation

solution 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

regard paragraph 8, the fact that the Secretary-General is supposed to report to the Security Council '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 re-

#### CASE 2

the General Assembly established the Special Com-

tions of the Special Committee. At the 1078th meeting on 4 December 1965, the representative of the USSR also questioned the advisability of creating a new body

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

<sup>6</sup> S/5310.

<sup>7</sup> S/5353.

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

<sup>9</sup> S/5469, same text as document S/5471, O.R., 18th yr., Suppl. for Oct.-Dec. 1965, pp. 103-105.

<sup>4</sup> 1262nd meeting, paras. 1-6.

<sup>5</sup> 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~~

At the 1135th meeting on 18 June 1964, in connection with the same question, the Security Council adopted a resolution<sup>11</sup> 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.

After further deliberation the draft resolution was adopted unanimously.<sup>11</sup>

By resolution 1978 A (XVIII)<sup>12</sup> of 16 December 1963, the General Assembly modified the terms of reference of the Special Committee and requested it

On 30 November 1964 the Special Committee submitted to the Security Council and the General Assembly a report<sup>15</sup> 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

public 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 ~~complies with the demands, the Security Council, in conformity with the terms of Chapter VII of the Charter and on the basis of the Special Committee, should take new mandatory steps to compel the South African Government to comply with the decisions of the Council.~~<sup>13</sup>

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

[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.]

<sup>10</sup> For texts of relevant statements, see: 1077th meeting: USSR, paras. 39-40.  
<sup>11</sup> 1078th meeting, para. 137.  
<sup>12</sup> GAOR, 18th Session, Suppl. No. 15 (A/5515), p. 20.  
<sup>13</sup> GAOR, 19th Session, A/5692, para. 15.

<sup>14</sup> S/5769, same text as document S/5773, O.R., 19th yr., Suppl. for Apr.-June 1964, pp. 249-251.  
<sup>15</sup> See chapter V, Case 5.  
<sup>16</sup> S/6073.

TABULATION OF RECOMMENDATIONS

Entry No.	General Assembly resolutions and decisions	Subject of recommendation	Initial proceedings of the Security Council
1.	(XIX) 1964	Admission of new Members <sup>a</sup> (Malawi, Maldives and Zambia)	None <sup>b</sup>
2.	2008 (XX) 21 September 1965	Admission of new Members (Gambia)	None <sup>b</sup>
3.	2009 (XX)	Admission of new Members (Moldavia)	None <sup>b</sup>
4.	2010 (XX) 21 September 1965	Admission of new Members (Singapore)	None <sup>b</sup>
5.	2005 (YY)	Implementation of the Declaration on	Not placed on the provisional
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

submitted by 32 Member States at the 1135th meeting

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 22, 27, and 61 of the Charter of the United Nations	Not placed on the provisional agenda

session on this item was in the form of decisions, not resolutions.

in the agenda of the Security Council.

9. REPORTS OF THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

"Article 24, paragraph 3 of the Charter

membership, pursuant to paragraph 2 of rule 60 of its provisional rules of procedure. During the period

when necessary, special reports to the General Assembly for its consideration."

mitted 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.

[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.

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.

<sup>16</sup> 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.

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

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:

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

During the period under review, no questionnaires were received from the Trust Territory of the Pacific Islands. The report of the latter body on

be based on the revised questionnaire transmitted to the Security Council on 24 July 1953.<sup>18</sup>

<sup>18</sup> 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.

<sup>19</sup> S/5783, O.R., 19th Year, Special Supplement No. 1, pp. 1-43.  
<sup>20</sup> 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**