

Chapter VI

RELATIONS WITH OTHER UNITED NATIONS ORGANS

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INTRODUCTORY NOTE

As previously in the *Report*, the present chapter covers other organs of the United Nations. Consequently, its scope is broader than that of chapter XI of the provisional rules of procedure of the Security Council (rule 61), which

mission by the Trusteeship Council to the Security Council. Material has been found for the period under review which would require treatment under parts II, IV and V, relating respectively to relations with the Economic and

of Justice.

This chapter contains material concerning the relations of the Security Council with the General Assembly (part I), and also brings up to date the account given

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 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.

The third category, dealing with 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, is treated in section B, paragraph 1.

Part I is mainly concerned with instances in which 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 by the other. In these instances fall into three broad categories.

organs established by the General Assembly. The handling of such matters by the Security Council, and the modifications to the Security Council adopted by the General Assembly in the form of resolutions, has been modified, as well as the note to the section to reflect a new trend in the practice of the relationship between the two organs. The reports of the Security Council to the General Assembly.

The first category, treated in section A, includes practices and proceedings in relation to Article 12, paragraph 1, of the Charter.

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

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 notifications by the Secretary-General to the General Assembly under Article 12, paragraph 1, of the Charter.

"Article 12 of the Charter"

in which the responsibilities of the Security Council and of the General Assembly are mutual, and in which the decision must be taken by the Security Council before the General Assembly, two cases concerning the appointment of the Secretary-General have been entered.¹ There

"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 exercise any of the functions assigned to it in the present Charter which are being exercised by the Security Council.

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 which are not in the agenda of the General Assembly if the General Assembly is not in session at the time of notification.

Court of Justice.

United Nations if the General Assembly is not in session at the time of notification.

¹ Cases 1 and 2.

² Case 3.

³ Case 4.

C. PRACTICES AND PROCEEDINGS IN RELATION

RECOMMENDATIONS BY THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

[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

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

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

The notification issued before each regular session

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,

strategic areas. In addition, the notification issued before

which the Council has ceased to deal since the previous session of the General Assembly.⁴

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

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.]

TO THE CONVOCATION OF A SPECIAL SESSION OF THE GENERAL ASSEMBLY

[Note: No special session of the General Assembly was called at the call of the Security Council during

call an emergency special session of the General Assembly.⁵]

⁴ No items were removed from the list of matters of which the Council was seized during the period under review. See the Secretary-General's notifications issued before the twenty-first, twenty-second and twenty-third sessions of the General Assembly (A/6423,

a Member State. See letter dated 13 June 1967 from the Minister of Foreign Affairs of the USSR (GAOR, 5th emerg. Spec. Sess., from the representative of the United States (S/7987, OR, 22nd yr.,

"Article 97 of the Charter

"The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization."

(Article 97, paragraph 1, of the Charter)

to consider the question of a recommendation to the General Assembly regarding the appointment of a Secretary-General have been held in private, and the Council has voted by secret ballot. A communiqué

rule 55, has indicated the stage reached in the consideration of the recommendation. During the period under review, the Council considered and unanimously adopted two recommendations of this kind.]

CASE 1

At the 1301st meeting held in private on 29 September 1966, the Security Council considered the question of the appointment of the Secretary-General of the United Nations. The Council held a meeting in private on 2 November 1966.

Assembly and adopted the following consensus:⁶

"After consultations among the members of the Security Council, there is a consensus that the members of the Council welcome the statement of the Secretary-General on 19 September 1966 that he is ready to consider serving until the end of the present twenty-

United Nations, the members of the Security Council further express their confidence in him, and consider that if U Thant should express willingness to serve another term as the Secretary-General, it would fully

At the 1311th meeting on 28 October 1966, held in private, the Security Council adopted the resolution⁷ confirming the consensus reached at its 1301st meeting

the United Nations until the end of the twenty-first regular session of the General Assembly. On the same day, the President (United Kingdom) transmitted this recommendation to the President of the General Assembly.⁸

CASE 2

⁶ 1301st meeting (PV), p. 1.
Resolution 2271 (1966).

recommendation for the appointment of the Secretary-General of the United Nations. At the same meeting, the President (Uruguay) made the following statement on behalf of the Council:⁹

"The Secretary-General takes note of the observations made by the Security Council and recognizes the validity of the reasons it has advanced in requesting him to continue to serve the Organization for another full term. He notes with particular appreciation that

ties of the United Nations, has further examined the and, in particular, the situation created by the impending end of the term of the Secretary-General at the end of the current session of the General Assembly.

tion basic issues confronting it, and disturbing developments will come to strengthen the Organization by and promote the cause of world peace and progress. It is in this hope that the Secretary-General accedes to the appeal addressed to him by the Security

"After taking all considerations into account, the

Nations for another term of office.¹²

On the same day, the President (Uruguay) transmitted this recommendation to the President of the General Assembly.¹³

****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 INTERNATIONAL COURT OF JUSTICE

"STATUTE OF THE INTERNATIONAL COURT OF JUSTICE

"Article 8

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

Article 10

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

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

⁹ OR, 21st yr., Resolutions and Decisions of the Security Council, 1966, pp. 17-18.

¹⁰ S/7481 OR, 21st yr., Suppl. for July-Sept. 1966, p. 109.

¹¹ OR, 21st yr., Resolutions and Decisions of the Security Council,

¹² Resolution 229 (1966).

¹³ OR, 21st yr.,

1966, A/6640

both of the General Assembly and of the Security Council, the eldest of these only shall be considered as a candidate.

"Article 11

"If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a new vote shall be taken."

"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 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

Article 7.

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

"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 3

At its 1315th meeting, on 22 November 1966, the Security Council proceeded to the election of five Members

referring to the memorandum¹⁵ submitted by the Secretary-General, stated that in accordance with Article 10, paragraph 1, of the Statute of the Court, the candidate

General Assembly and in the Security Council, would be considered elected as a Member of the Court. He further reminded that the required majority in the Security Council was eight votes. However, should there be more

new vote on all candidates would be taken according to the procedure which had been followed in the past.

A vote was then taken by secret ballot, and four candidates received the required majority. The President stated that in view of this fact the Council had to proceed to a ballot for the fifth seat. At the twentieth ballot, the fifth candidate received the required majority. The

Assembly, and asked the Council to remain in suspended session until the President of the General Assembly had informed the Council of the results of the final voting in the Assembly.

Subsequently, the President announced that he had received a communication from the President of the General Assembly to the effect that the General Assembly had decided to suspend the 1456th plenary meeting, which was held for the purpose of electing five Members of the

the Council suspend its meeting by agreement and without establishing any precedent, and reconvene upon receipt of further word from the General Assembly.

After a brief discussion as to whether the Council should suspend or adjourn the meeting, the President¹⁸ adjourned the meeting.

At the 1318th meeting on 8 November 1966, the President¹⁹ announced that he had been notified by the President of the General Assembly that five candidates had been elected by the General Assembly at the 1456th plenary meeting to fill the vacancies. Four of the five candidates who received a majority of votes in the Assembly also obtained an absolute majority in the Council and were therefore declared elected. The President stated further that under rule 61 of the provisional rules of procedure, the Security Council had to hold a further voting to fill the fifth vacancy. After the election

majority of the votes at the 1457th plenary meeting of the General Assembly.

The President then stated²² that the work of the Council was completed and since all five candidates had received the required majority of votes in the Security Council and the General Assembly, it was obvious that

¹⁵ S/7466. Also circulated as document A/6366, see *GAOR 21st Sess., ann., a.i. 17, doc. A/6366.*

¹⁶ 1315th meeting, para. 11.

¹⁹ 1318th meeting, para. 1.

²⁰ 1318th meeting, paras. 1-2.

²¹ 1318th meeting, para. 7.

²² 1318th meeting, para. 8.

which were to become vacant on 5 February 1967.¹⁴ Prior to the balloting, the President (United States),

¹⁴ 1315th meeting, para. 1.

The President of the General Assembly would announce

On 10 February 1968, the President of the United

E. RELATIONS WITH SUBSIDIARY ORGANS ESTABLISHED BY THE GENERAL ASSEMBLY

account of the relation between a subsidiary organ established by the General Assembly and the Security Council.]

CASE 4

By resolution 2248 (S-V)²³ of 19 May 1967, the General Assembly established the United Nations Council for

letter²⁸ to the President of the Security Council expressing the profound shock and indignation of the Council at the news that sentences had been passed on thirty-three

tried at Pretoria, in contravention of General Assembly resolution 2324 (XXII) and Security Council resolu-

the view of the United Nations Council for South West Africa, the Security Council, as the highest authority of the United Nations, should consider taking appropriate action. Subsequently, by letter dated 12 February 1968, the members of the Council, acting on behalf of

Security Council was requested to take all appropriate

responsibilities entrusted to it by the General Assembly.

In a letter²⁴ dated 23 January 1968 to the President of the Security Council, the President of the United Nations

Council for South West Africa requested that the attention of the members of the Security Council be drawn

to the illegal trial of South West Africans being carried out in South Africa and to the continuing defiance by the

Government of South Africa of General Assembly resolution 2324 (XXII). He further expressed the hope that

the Security Council would take effective measures to ensure that the South African Government would dis-

continue forthwith this illegal trial and release and repatriate the South West Africans concerned. By letter

dated 25 January 1968, he transmitted a memorandum²⁵

the situation in South West Africa. The conveying of

copies of the forty-seven member States' letter dated

12 February 1968 addressed to the President of the Security Council. The Council considered the question

at its 1390th-1397th meetings, held between 16 February and 14 March 1968, and 28 April 1968. On 14 March 1968, in which, *inter alia*, it took into account

the memorandum of the United Nations Council for South West Africa of 25 January 1968 on the illegal

detention and trial of the South West Africans concerned, as well as the letter of 10 February 1968 from the Pres-

ident of the United Nations Council for South West Africa.²⁶

F. RECOMMENDATIONS MADE BY THE GENERAL

Security Council should be seized immediately of the grave situation. Subsequently, at the request²⁸ of the

24 January 1968, the question of South West Africa was included in the agenda of the Security Council. The letter

of the President of the United Nations Council for South West Africa was also included in the agenda. The Council

considered it at its 1387th meeting on 25 January 1968.

from the President of the United Nations Council for South West Africa.

²³ GAOR, 5th Spec. Sess., Suppl. No. 1 (A/6657), pp. 1-2.

²⁴ S/8353, OR, 23rd yr., Suppl. for Jan.-March 1968, p. 58.

²⁵ S/8353/Add.1, OR, 23rd yr., Suppl. for Jan. March 1968, pp. 59-67.

Assembly made a number of recommendations to the Security Council regarding items which were already on

the agenda of the Council. Consequently, a more appropriate heading has been established for the last column

of the tabulation below.]

²⁸ S/8394, OR, 23rd yr., Suppl. for Jan.-March 1968, pp. 175-176.

²⁰ S/8398 and Add.1/Rev.1 and Add.2, OR, 23rd yr., Suppl. for Jan.-March 1968, pp. 178-179.

²¹ Resolution 246 (1968) of 14 March 1968, preamb. para. 6. (see S/INF/23 of 6 March 1969, pp. 5-6).

²² In a subsequent communication dated 1 April 1968, the President of the United Nations Council for South West Africa informed the President of the Security Council that the Council had decided to proceed to South West Africa on 5 April, and that

para. (see S/INF/23 of 6 March 1969, p. 3).

for April-June 1968, pp. 109-110).

TABULATION OF RECOMMENDATIONS

Entry No.	General Assembly resolutions	Subject of recommendations	Action by the Security Council
1	2161 (XXI) 15 December 1966	Situation in Southern Rhodesia	Took up for consideration at the 1321st meeting on 5 December 1966 (S/7610) ^a
2	2200 (XXII) 12 December 1966	Portuguese administration	
3	2202 (XXI) 16 December 1966	The policies of <i>apartheid</i> of the Government of the Republic of South Africa	None
4	2262 (XXII) 3 November 1967	Situation in Southern Rhodesia	Took up for consideration at the 1399th meeting at the request of 36 Member States dated 17 November 1966 (S/10450)
5	2270 (XXII) 17 November 1967	Situation in territories in Africa under Portuguese administration	None
6	2307 (XXII) 13 December 1967	The policies of <i>apartheid</i> of the Government of the Republic of South Africa	None
7	2374 (XXII) 16 December 1967	Situation in South West Africa (detention and trial of the South West Africans)	Took up for consideration at the 1327th meeting at the request of 55 Member States dated 24 and 25 January 1968 (S/8355) ^a
8	2325 (XXII)	The question of South West Africa	None
9	2383 (XXIII)	Situation in Southern Rhodesia	None
10	2395 (XXIII) 29 November 1968	Situation in territories in Africa under Portuguese administration	None
11	2396 (XXIII) 2 December 1968	The policies of <i>apartheid</i> of the Government of the Republic of South Africa	None
12	2403 (XXIII) 16 December 1968	Situation in Namibia	Took up for consideration at the 1464th meeting at the request of 45 Member States dated 14 March 1969 (S/9090 and Add. 1 and 2) ^a
13	2479 (XXIII) 21 December 1968	The working languages of the Security Council	Included in the agenda at the 1463rd meeting on 24 January 1969 at the request of the USSR request of Spain dated 16 January 1969 (S/8968) ^a

^a No inference is intended that the action of the Security Council in this instance has been taken in response to the recommendation of the General Assembly.

G. REPORTS OF THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

"The Security Council shall submit annual and, 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.]³³

the following meetings held in private: 21st report, 1334th meeting, 13 December 1966; 22nd report, 1399th meeting, 17 November 1966;

It further transmitted to the General Assembly its recommendations concerning several applications for membership;³⁴ pursuant to paragraph 2 of rule 60 of its

by this *Supplement*, no special report was submitted to the General Assembly concerning the question of admission or a new Member, in accordance with paragraph 3 of rule 60 of the provisional rules of procedure.]

³⁴ Guyana (A/6353, 21 June 1966); Botswana (A/6469, 14 October 1966); Lesotho (A/6470, 14 October 1966); Barbados (A/6559, 7 December 1966); Southern Yemen (A/6926, 12 December 1967); Mauritania (A/6909, 12 February 1968); Equatorial Guinea (A/7310, 6 November 1968); and Equatorial Guinea (A/7310, 6 November 1968).

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**

Between 1 January 1966 and 31 December 1968, the Secretary-General transmitted to the Security Council

Trust Territory of the Pacific Islands, which has continued

STATES 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

eighteenth report adopted during the thirty-third session of the Trusteeship Council, 26 July 1966.³⁶

Nineteenth report adopted during the thirty-fourth session of the Trusteeship Council, 29 June 1967.³⁷

areas under trusteeship, have, therefore, continued to be based on the revised questionnaire transmitted to the Security Council on 24 July 1953.³⁵

of the Trusteeship Council, 18 June 1968.³⁸

³⁶ S/7425, O.R. 21st yr., Special Supplement No. 1, pp. 1-63.

Part IV

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

Part V

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