

**Chapter VI**

**RELATIONS WITH OTHER UNITED NATIONS ORGANS**

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## INTRODUCTORY NOTE

The present chapter, as in previous volumes, deals with relations of the Security Council with all the other organs of the United Nations. Consequently, its scope is broader than that of chapter XI of the provisional rules of procedures of the Security Council (rule 61), which governs only certain procedures related to the election by the Council of Members of the International Court of Justice.

This chapter contains material concerning the relations of the Security Council with the General Assembly (part I), and also brings up to date the account in the previous volumes of the *Repertoire* of the transmission by the

Trusteeship Council to the Security Council of questionnaires and reports (part III).

No 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 Social Council, the International Court of Justice and the Military Staff Committee. The functions of the Secretariat in relation to the Security Council, to the extent that they are governed by the provisional rules of procedure of the Council, are covered in chapter 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 volume of the *Repertoire*.

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

The first category, treated in section A, includes practices and proceedings in relation to Article 12, paragraph 1, limiting the authority of the General Assembly in respect of any dispute or situation while the Council is exercising the functions assigned to it by the Charter. No material for inclusion in this section was found for the period covered by this *Supplement*. The section, therefore, contains only a note concerning notifications by the Secretary-General to the General Assembly under Article 12, paragraph 2, of the Charter.

The second category 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. There was no material for the period under review bearing on those questions.

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 E.<sup>1</sup> A tabulation giving an account of the relations of the Security Council with subsidiary organs of the General Assembly has been introduced in section F. There was no constitutional discussion bearing on these relations during the period under review. The heading of section G as in the previous *Supplement* contains a tabulation of recommendations to the Security Council adopted by the General Assembly in the form of resolutions. Section H contains references to the annual and special reports of the Security Council to the General Assembly.

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

#### *"Article 12 of the Charter*

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

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

<sup>1</sup> Case 1.

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

Notifications to the General Assembly under Article 12, paragraph 2, by the Secretary-General, with the consent of the Security Council, of "matters relative to the maintenance of international peace and security which are being dealt with by the Security Council", and of matters with which the Council has ceased to deal, have been drafted on the basis of the "Summary Statement by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration", which is circulated each week by the Secretary-General in accordance with rule 11 of the provisional rules of procedure.

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

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

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

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

[*Note:* No special session of the General Assembly was convened at the call of the Security Council during the period under review. Nor did the Security Council call an emergency special session of the General Assembly.]

**\*\*C. REFERRAL, UNDER RESOLUTION 377 A (V), TO THE GENERAL ASSEMBLY OF AN ITEM BEING CONSIDERED BY THE SECURITY COUNCIL**

<sup>2</sup> For retention or deletion of items from the Secretary-General's Summary Statement, see chapter II, part IV, section B.

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

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

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

**\*\*3. Conditions of participation of States not Members of the United Nations but parties to the Statute of the International Court of Justice in the amendment of the Statute**

**\*\*4. Conditions under which a non-member State, party to the Statute, may participate in electing Members of the International Court of Justice**

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

**STATUTE OF THE INTERNATIONAL COURT OF JUSTICE**

*"Article 4*

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

*"Article 8*

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

*"Article 10*

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

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

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

*"Article 11*

"If, after 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."

*"Article 12*

"1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six

members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

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

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

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

#### "Article 14

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

### PROVISIONAL RULES OF PROCEDURE

#### Rule 61

##### *Relations with other United Nations Organs*

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

#### CASE I

At the 1671st meeting on 30 October 1972, the Security Council proceeded to the election of five Members of the International Court of Justice to fill the seats which were to become vacant on 5 February 1973.<sup>3</sup> Prior to the balloting,

<sup>3</sup> 1671st meeting, para. 1.

the President (France) referring to the memorandum<sup>4</sup> submitted by the Secretary-General, stated that, in accordance with Article 10, paragraph 1, of the Statute of the Court, the candidates who obtained an absolute majority of votes both in the General Assembly and in the Security Council, would be considered elected as a Member of the Court. He further reminded the Council that the required majority in the Security Council was eight votes. However, should there be more than five candidates obtaining the required majority, a new vote on all candidates would be taken according to the procedure which had been followed in the past and which was outlined in paragraph 14 of the Secretary-General's memorandum.

At the first and second votes by secret ballot more than five candidates had obtained absolute majority and consequently none of them had been elected. At the third ballot, five candidates had received the required majority. The President thereupon stated that he would transmit the results of the election to the President of the General 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 voting in the Assembly.<sup>5</sup> After a brief suspension of the meeting, the President announced that he had received a letter from the President of the General Assembly informing the Council that five candidates had been elected Members of the International Court of Justice by the General Assembly at its 2075th plenary meeting. The President then stated that inasmuch as the same candidates had also received the majority of votes in the Security Council, they had been elected Members of the International Court of Justice for a term of office of nine years, beginning on 6 February 1973.<sup>6</sup>

### F. RELATIONS WITH SUBSIDIARY ORGANS ESTABLISHED BY THE GENERAL ASSEMBLY

[*Note:* No constitutional discussion took place during the period under review bearing on the relations between organs established by the General Assembly and the Security Council. The tabulation below gives an account of communications from those organs, of their participation in some of the Security Council discussions, and of resolutions adopted by the Council containing references to those organs.]

<sup>4</sup> S/10774. Also circulated as document A/8744, see GAOR, 27th session ann., *a.i.* 18.

<sup>5</sup> 1671st meeting, para. 8.

<sup>6</sup> 1671st meeting, para. 9-10.

### I. COMMUNICATIONS FROM SUBSIDIARY ORGANS ESTABLISHED BY THE GENERAL ASSEMBLY

#### a. Communications from the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/10624	16.4.72	transmitting the text of resolution A/AC.109/400 dated 13 April 1972 and other documents pertaining to the Committee's Special Mission to the Liberated areas of Guinea (Bissau).

<i>Document symbol</i>	<i>Date</i>	<i>Subject</i>
S/10633	8.5.72	<i>transmitting</i> the text of resolution A/AC.109/402 dated 20 April 1972, drawing the attention of the Security Council (para. 10) to the critical situation resulting from the policies of Portugal in the Territories under its domination.
S/10959	25.6.73	<i>transmitting</i> the text of a statement by which the Special Committee again drew the attention of the Security Council to the situation resulting from the repression of the people of Zimbabwe by the illegal régime of Southern Rhodesia.
S/10960	25.6.73	<i>transmitting</i> the text of resolution A/AC.109/424 dated 22 June 1973, drawing the attention of the Security Council (para. 10) to the urgent need for taking effective steps to implement General Assembly resolution 1514 (XV) and related decisions of the United Nations.
S/11247	29.3.74	<i>transmitting</i> the text of resolution A/AC.109/439 dated 15 March 1974 drawing again the attention of the Security Council (para. 10) to the urgent need for taking effective steps to implement General Assembly resolution 1514 (XV) and related decisions of the United Nations.
S/11261	11.4.74	<i>transmitting</i> the text of resolution A/AC.109/445 dated 5 April 1974 drawing the attention of the Security Council (para. 7) to the situation in Cape Verde as a result of the continued Portuguese colonial domination.

**b. Communications from the Special Committee on Apartheid**

S/10680	5.6.72	<i>submitting</i> a note on developments concerning the military build-up in South Africa and the violation of the arms embargo by certain states.
S/11000	14.9.73	<i>transmitting</i> the text of a statement dated 13 September 1973 in connexion with the murder by the South African police of a number of African mineworkers.
S/11005	2.10.73	<i>transmitting</i> a special report dated 2 October 1973 stating that the Security Council should take decisive steps, under Chapter VII of the Charter, to secure implementation of the arms embargo against South Africa.
S/11328	2.7.74	<i>transmitting</i> a report dated 27 June 1974 expressing its concern over the repeated killing of African miners by the South African police and calling for speedy action by the international community and Governments to sign and ratify the International Convention on the Suppression and Punishment of the Crime of <i>Apartheid</i> .
S/11537	11.10.74	<i>transmitting</i> the special report (A/9780) on violations of the Charter and resolutions of the General Assembly and the Security Council by the South African régime.

**\*\*c. Communications from the United Nations Council for Namibia**

**2. PARTICIPATION BY REPRESENTATIVES OF SUBSIDIARY ORGANS OF THE GENERAL ASSEMBLY**

<i>Participating organ</i>	<i>Invitation extended by the Council</i>	<i>Agenda item</i>	<i>Participation: Date and number of Security Council meetings</i>
Special Committee on <i>Apartheid</i> . Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples; and the United Nations Council for Namibia	1628th mtg.	Consideration of Questions Relating to Africa of which the Security Council is Currently Seized and Implementation of the Council's Relevant Resolutions	28 January-4 February 1972, 1627th - 1639th meetings
United Nations Council for Namibia	1656th mtg.	The situation in Namibia	31 July-1 August 1972, 1656th - 1657th meetings
United Nations Council for Namibia	1678th mtg.	The situation in Namibia	28 November-3 December 1972, 1678th - 1682nd meetings
Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and the Special Committee on <i>Apartheid</i>	1699th mtg.	Consideration of Measures for the Maintenance and Strengthening of International Peace and Security in Latin America in conformity with the Provisions and Principles of the Charter	19-21 March 1973, 1699th - 1704th meetings
United Nations Council for Namibia	1756th mtg.	The situation in Namibia	10-11 December 1973, 1756th - 1758th meeting
United Nations Council for Namibia	1811th mtg.	The situation in Namibia	17 December 1974, 1811th - 1812th meetings

3. RESOLUTIONS ADOPTED BY THE SECURITY COUNCIL CONTAINING REFERENCES  
TO SUBSIDIARY ORGANS OF THE GENERAL ASSEMBLY

<i>Resolution No.</i>	<i>Date of adoption</i>	<i>Agenda item</i>	<i>Relevant paragraphs</i>
310 (1972)	4.2.72	The situation in Namibia	"Taking note of the statement of the President of the United Nations Council for Namibia," <sup>a</sup> (preamb. para. 2)
311 (1972)	4.2.72	The question of race conflict in South Africa resulting from the policies of <i>apartheid</i> of the Government of the Republic of South Africa	"Taking note of the statement of the representative of the Special Committee on <i>Apartheid</i> ," <sup>b</sup> (preamb. para. 3)
312 (1972)	4.2.72	Question concerning the situation in Territories under Portuguese Administration	"Taking note of the Statement of the Chairman of the Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples," <sup>c</sup> (preamb. para. 3)
322 (1972)	22.11.72	Question concerning the situation in Territories under Portuguese Administration	"Taking note of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples," <sup>d</sup> (preamb. para. 4)
333 (1973)	22.5.73	Question concerning the situation in Southern Rhodesia	"Taking note of the letter dated 27 April from the Chairman of the Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (S/10923)," <sup>e</sup> (preamb. para. 6)
366 (1974)	17.12.74	The situation in Namibia	"Recalling General Assembly resolution 2145 (XXI) of 27 October 1966, by which the Assembly terminated South Africa's Mandate over the Territory of Namibia, and resolution 2248 (S-V) of 19 May 1967, by which it established a United Nations Council for Namibia, as well as all subsequent General Assembly resolutions on Namibia, in particular resolution 3295 (XXIX) of 13 December 1974," (preamb. para. 1)

<sup>a</sup> For the text of the statement, see 1628th meeting, intervention by Mr. Shahi.

<sup>b</sup> For the text of the statement, see *ibid.*, intervention by Mr. Seignoret.

<sup>c</sup> For the text of the statement, see 1629th meeting (PV), intervention by Mr. Salim.

<sup>d</sup> See *GAOR, 27th session, Suppl. No. 23 (A/8723/Rev.1)*, chapters II, III and X.

<sup>e</sup> By this letter the Special Committee transmitted to the Security Council the text of a resolution adopted by the Special Committee at its 911th meeting. For the text of that resolution, see *GAOR, 28th session, Suppl. No. 23, chap. VII*.

**G. RECOMMENDATIONS MADE BY THE GENERAL ASSEMBLY IN THE FORM OF RESOLUTIONS**

[*Note:* During the period under review, the General Assembly made a number of recommendations to the Security Council<sup>7</sup> regarding items which were already

<sup>7</sup> The General Assembly in one instance has also made a recommendation to some of the permanent members of the Security Council on the question of Southern Rhodesia. Operative paragraph 7 of General Assembly resolution 3298 (XXIX) adopted at the 2318th plenary meeting on 13 December 1974, reads as follows: "Appeals to those permanent members of the Security

on the agenda of the Council. As in the previous Supplement of the *Repertoire* an appropriate heading has been established for the last column of the tabulation below related to the action taken by the Council in connexion with such recommendations].

Council whose negative votes on various proposals relating to the question have continued to obstruct the effective and faithful discharge by the Council of its responsibilities under the relevant provisions of the Charter to reconsider their negative attitude with a view to the elimination forthwith of the threat to international peace and security resulting from the explosive situation obtaining in the Territory".

TABULATION OF RECOMMENDATIONS

<i>Entry No.</i>	<i>General Assembly resolutions</i>	<i>Subject of recommendations</i>	<i>Action by the Security Council</i>
1. . . . .	2923E (XXVII) 15 November 1972	The policies of <i>apartheid</i> of the Government of South Africa	None
2. . . . .	2946 (XXVII) 7 December 1972	Question of Southern Rhodesia	Taken up for consideration at the 1712th meeting at the request of Guinea and Kenya dated 8 May 1973 (S/10925) <sup>a</sup>

Entry No.	General Assembly resolutions	Subject of recommendations	Action by the Security Council
3.....	3031 (XXVII) 18 December 1972	Question of Namibia	Taken up for consideration at the 1756th meeting at the request of Guinea, Kenya and Sudan dated 4 December 1973 (S/11145) <sup>a</sup>
4.....	3111 (XXVIII) 12 December 1972	Question of Namibia	None
5.....	3113 (XXVIII) 12 December 1973	Question of Territories under Portuguese Administration	None
6.....	3116 (XXVII) 12 December 1973	Question of Southern Rhodesia	None
7.....	3151G (XXVIII) 14 December 1973	The policies of <i>apartheid</i> of the Government of South Africa	None
8.....	3283 (XXIX) 12 December 1974	Peaceful settlement of International disputes	None
9.....	3295 (XXIX) 13 December 1974	Question of Namibia	Taken up for consideration at the 1811th meeting at the request of Upper Volta dated 13 December 1974 (S/11575) <sup>a</sup>
10.....	3324 (XXIX) 16 December 1974	Policies of <i>apartheid</i> of the Government of South Africa	None

<sup>a</sup> No inference is intended that the action of the Security Council in this instance has been taken in response to the recommendations of the General Assembly.

#### H. REPORTS OF THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

##### *"Article 24, paragraph 3 of the Charter*

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

[*Note:* In accordance with Article 24, paragraph 3, the Security Council has continued, during the period under review, to submit annual reports to the General Assembly.<sup>8</sup>

<sup>8</sup> Annual reports were approved by the Security Council at the following meetings held in private: 28th report, 1670th meeting, 24 October 1972; 29th report, 1753rd meeting, 31 October 1973; 30th report, 1805th meeting, 29 October 1974.

It further transmitted to the General Assembly its recommendations concerning several applications for membership,<sup>9</sup> pursuant to paragraph 2 of rule 60 of its provisional rules of procedure. During the period covered by this *Supplement*, no special report was submitted to the General Assembly concerning the question of admission of a new Member, in accordance with paragraph 3 of rule 60 of the provisional rules of procedure.]

<sup>9</sup> German Democratic Republic and Federal Republic of Germany (A/9080, 22 June 1973); Bahamas (A/9097, 18 July 1973); Bangladesh (A/9642, 10 June 1974); Grenada (A/9652, 21 June 1974); and Guinea-Bissau (A/9712, 12 August 1974). For the consideration of the aforementioned applications by the Security Council, see chapter VII, pp. 73.

#### Part II

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

#### Part III

#### RELATIONS WITH THE TRUSTEESHIP COUNCIL

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

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

During the period under review, no questionnaires have been transmitted to the Security Council by the Trusteeship Council. The report of the latter body on the exercise

of its functions in respect of the strategic areas under trusteeship, have, therefore, continued to be based on the revised questionnaire transmitted to the Security Council on 24 July 1953.<sup>10</sup>

Between 1 January 1972 and 31 December 1974, the Secretary-General transmitted to the Security Council the following reports of the Trusteeship Council on the Trust

<sup>10</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.

Territory of the Pacific Islands, which has continued to be the only Territory designated as a strategic area:

Twenty-fourth report adopted during the thirty-ninth session of the Trusteeship Council, 16 June 1972.<sup>11</sup>

<sup>11</sup> S/10753, *OR*, 27th yr., *Special Supplement No. 1*, pp. 1-65.

Twenty-fifth report adopted during the fortieth session of the Trusteeship Council, 22 June 1973.<sup>12</sup>

Twenty-sixth report adopted during the forty-first session of the Trusteeship Council, 14 June 1974.<sup>13</sup>

<sup>12</sup> S/10976, *OR*, 28th yr., *Special Supplement No. 1*, pp. 1-86.

<sup>13</sup> S/11415, *OR*, 29th yr., *Special Supplement No. 1*, pp. 1-71.

#### Part IV

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

#### Part V

### \*\*RELATIONS WITH THE MILITARY STAFF COMMITTEE