

ARTICLE 12

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TEXT OF ARTICLE 12

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.

INTRODUCTORY NOTE

1. The scope and effect of the limitations of the powers of the General Assembly provided for in Article 12 (1) were discussed in the General Assembly in the period covered by this *Supplement* during the consideration of three items. In the first instance two points were raised, whether the General Assembly could revoke or amend resolutions of the Security Council, and on which aspects of an item being dealt with by the Council the Assembly could make recommendations. In the second instance the question arose whether a draft resolution before the General Assembly requesting the Security Council to consider urgently a given situation and to adopt measures to give effect to its own decisions violated the provision of Article 12 (1) or was in conformity with it. In the third instance the bearing of the provision of Article 12 (1) on the respective

competences of the Security Council and the General Assembly was considered. The relationship between the provision of Article 12 (1) and the competence of the General Assembly under Article 14 was treated in an advisory opinion of the International Court of Justice.

2. The resolutions adopted in connexion with the questions considered by both the General Assembly and the Security Council during the period under review are listed in annex I. The tabulation, in annex II, listing questions related to the maintenance of international peace and security and removed from the list of matters of which the Security Council was seized, is based on the notifications by the Secretary-General to the General Assembly under Article 12 (a) during the same period.

I. GENERAL SURVEY

Article 12 (1)

3. During the period under review the following questions were considered by both the General Assembly and the Security Council: "A. The question of race conflict in South Africa"; "B. The situation in the Republic of the Congo"; "C. The situation in Angola"; "D. The situation in Tunisia"; "E. The situation in Territories under Portuguese administration"; "F. The situation in Southern Rhodesia"; and "G. The question of Cyprus". The times at which and the headings under which they were considered by the two organs are listed chronologically below. The Security Council continued to be seized of all those questions despite their consideration by the General Assembly and despite its convocation, in the case of the situation in the Republic of the Congo, of an emergency special session of the General Assembly.

4. Constitutional discussion concerning the application or interpretation of Article 12 (1) arose

in the General Assembly, in the case of two of those questions, the situation in the Republic of the Congo¹ and the situation in Territories in Africa under Portuguese administration,² as well as in consideration of the item, "Comprehensive review of the whole question of peace-keeping operations in all their aspects".³ The International Court of Justice considered the relationship of the respective competences of the General Assembly and of the Security Council in its advisory opinion of 20 July 1962 and found that the powers of the General Assembly defined in Article 14 were limited by the provision of Article 12 (1).⁴ These matters are dealt with in the Analytical Summary of Practice under the heading "B. The question of the meaning of the phrase, 'While the Security Council is exercising

¹ See paras. 59–65 below.

² See paras. 66–71 below.

³ See paras. 72–75 below.

⁴ See paras. 76 and 77 below.

in respect of any dispute or situation the functions assigned to it in the present Charter' and its effect upon the powers of the General Assembly".

5. No material was found to be treated under either "A. The question of the scope of the term 'recommendation' as used in Article 12 (1)" or "C. The question of the requests by the Security Council to the General Assembly in accordance with the proviso of Article 12 (1)".

A. The question of race conflict in South Africa

6. At its fourteenth session, the General Assembly considered the question under the heading: "Question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa"⁵ at the 140th to 148th meetings of the Special Political Committee, 30 October to 10 November 1959, and at the 838th plenary meeting on 17 November 1959. At the same session the General Assembly also considered the question: "Treatment of people of Indian origin in the Union of South Africa"⁶ at the 170th, 172nd and 173rd meetings of the Special Political Committee, 7 and 9 December 1959, and at the 852nd plenary meeting on 10 December 1959.

7. The Security Council considered the question at its 851st to 856th meetings, 30 March to 1 April 1960 under the heading: "Letter dated 25 March 1960 from the representatives of Afghanistan, Burma, Cambodia, Ceylon, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Philippines, Saudi Arabia, Sudan, Thailand, Tunisia, Turkey, United Arab Republic and Yemen addressed to the President of the Security Council (S/4279 and Add.1)".

8. At its fifteenth session, the General Assembly again considered the question under the heading "Question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa"⁷ at the 232nd to 245th meetings of the Special Political Committee, 24 March to 10 April 1961, and at the 981st plenary meeting on 13 April 1961. At the same session the General Assembly also considered the question: "Treatment of people of Indian and Indo-Pakistan origin in the Union of South Africa"⁸ at its 227th to 231st meetings between 21 and 24 March 1961 and at its 981st plenary meeting on 13 April 1961.

9. At its sixteenth session the General Assembly again considered the question under the heading: "Question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Republic of South Africa"⁹ at the 267th to 288th meetings of the Special Political Committee between 23 October and 14 November 1961 and at the 1067th plenary meeting on 28 November

1961. At the same session the General Assembly also considered the question: "Treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa"¹⁰ at the 291st, 292nd, 297th and 298th meetings of the Special Political Committee on 17, 20 and 24 November 1961 and at the 1067th plenary meeting on 28 November 1961.

10. At its seventeenth session, the General Assembly considered the question under the heading: "The policies of *apartheid* of the Government of the Republic of South Africa: (a) Race conflict in South Africa; (b) Treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa"¹¹ at the 327th to 342nd meetings of the Special Political Committee between 8 October and 2 November 1962 and at the 1165th plenary meeting on 6 November 1962.

11. The Security Council considered the question at its 1050th to 1056th meetings, 31 July to 7 August 1963, under the heading: "Letter dated 11 July 1963 addressed to the President of the Security Council by the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta (S/5348)".

12. At its eighteenth session the General Assembly considered the question under the heading: "The policies of *apartheid* of the Government of the Republic of South Africa: reports of the Special Committee on the Policies of *apartheid* of the Government of the Republic of South Africa and replies by Member States under General Assembly resolution 1761 (XVII)"¹² at the 379th to 396th, 421st and 423rd meetings of the Special Political Committee between 8 October and 10 December 1963 and at the 1238th and 1283rd plenary meetings on 11 October and 16 December 1963, respectively.

13. The Security Council considered the question further at its 1073rd to 1078th meetings, 27 November to 4 December 1963, under the same heading¹³ as at the 1050th to 1056th meetings, but various sub-items were added.

14. During consideration of the question at the 1127th to 1235th meetings, 8 to 18 June 1964, under the heading: "The question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Republic of South Africa: letter dated 11 July 1963 addressed to the President of the Security Council by the representatives of thirty-two Member States (S/4538)". Various sub-items were added.

15. At its twentieth session, the General Assembly considered the question under the heading: "The policies of *apartheid* of the Government of the Republic

⁵ G A (XIV), Annexes, a.i. 61.

⁶ G A (XIV), Annexes, a.i. 60.

⁷ G A (XV), Annexes, a.i. 72.

⁸ G A (XV), Annexes, a.i. 70.

⁹ G A (XVI), Annexes, a.i. 76.

¹⁰ G A (XVI), Annexes, a.i. 75.

¹¹ G A (XVII), Annexes, a.i. 87.

¹² G A (XVIII), Annexes, a.i. 30. See also para. 59 below.

¹³ See para. 11 above.

of South Africa; (a) Reports of the Special Committee on the policies of *apartheid* of the Government of the Republic of South Africa; (b) Reports of the Secretary-General¹⁴ at the 469th to 481st and 487th meetings of the Special Political Committee between 29 November and 10 December 1965 and at the 1395th plenary meeting on 15 December 1965.

B. The situation in the Republic of the Congo

16. The situation in the Republic of the Congo was considered by the Security Council under the heading: "Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council (S/4381)", to which various sub-items were added at its 873rd meeting on 13 and 14 July 1960, 877th to 879th meetings, 20 to 22 July 1960, 884th to 889th meetings on 8 and 9 August and on 21 and 22 August 1960; and 896th to 906th meetings between 9 and 17 September 1960.¹⁵

17. At the 906th meeting on 17 September 1960 the Security Council adopted¹⁶ resolution 157 (1960) which read:

"The Security Council,

"Having considered the item on its agenda as contained in document S/Agenda/906,

"Taking into account that the lack of unanimity of its permanent members at the 906th meeting of the Security Council has prevented it from exercising its primary responsibility for the maintenance of international peace and security,

"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."

18. The General Assembly considered the question at its fourth special emergency session under the heading: "Question considered by the Security Council at its 906th meeting on 16 September 1960"¹⁷ at the 858th to 863rd plenary meetings; 17 to 19 September 1960.

19. At the first part of its fifteenth session the General Assembly considered the question: "The situation in the Republic of the Congo"¹⁸ at its 911th to 913th, 949th to 953rd and 955th to 959th meetings 7 to 9 November, 16 to 17 December and 19 to 20 December 1960.

¹⁴ G A (XX), Annexes, a.i. 36.

¹⁵ Incidental references were made to Article 12 at the seventeenth session of the General Assembly during consideration of the item: "Obligations of Members, under the Charter of the United Nations, with regard to the financing of the United Nations Emergency Force and the Organization's Operations in the Congo: advisory opinion of the International Court of Justice" (G A (XVII), 5th Com., 965th mtg.: Romania, para. 5; 969th mtg.: Ghana, para. 21); and at the eighteenth session during consideration of the item: "United Nations operations in the Congo: cost estimates" (G A (XVIII), 5th Com., 1010th mtg.: Cuba, para. 35; Ukrainian SSR, para. 26).

¹⁶ S C, 15th yr., 906th mtg., para. 198.

¹⁷ G A (ES-IV), Annexes, a.i. 6.

¹⁸ G A (XV), Annexes, a.i. 85.

20. The Security Council considered the question: "Letter dated 13 July 1960 from the Secretary-General addressed to the President of the Security Council" with various sub-items added, at its 912th to 920th meetings between 7 and 14 December 1960, at its 924th to 927th meetings between 12 and 14 January 1961; and at its 928th to 942nd meetings between 1 and 21 February 1961.

21. During the second part of the fifteenth session the General Assembly considered the question at its 965th, 967th to 972nd, 974th to 980th, 982nd to 985th and 987th meetings, 21 March, 24 to 30 March, 3 to 7, 14 to 15 and 18 April 1961.

22. The Security Council continued to consider the item, with a sub-item added, at its 973rd to 979th and 982nd meetings, 13 to 21 and 24 November 1961.

C. The situation in Angola

23. The question was considered by the Security Council at its 943rd to 946th meetings between 10 and 15 March 1961 under the heading: "Letter dated 20 February 1961 from the representative of Liberia addressed to the President of the Security Council (S/4738)".

24. At its fifteenth session, the General Assembly considered the question under the heading: "The situation in Angola"¹⁹ at the 990th to 992nd plenary meetings on 20 April 1961.

25. The Security Council considered the question at its 950th to 956th meetings between 6 and 9 June 1961 under the heading: "Letter dated 26 May 1961 addressed to the President of the Security Council by the representatives of Afghanistan, Burma, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Nigeria, Pakistan, Philippines, Saudi Arabia, Senegal, Somalia, Sudan, Togo, Tunisia, United Arab Republic, Upper Volta, Yemen and Yugoslavia (S/4816 and Add. 1 and 2).

26. At its sixteenth session, the General Assembly considered the question under the heading: "The situation in Angola: report of the Sub-Committee established by General Assembly resolution 1603 (XV)"²⁰ at the 1088th to 1102nd plenary meetings between 15 and 30 January 1962.

27. At its seventeenth session the General Assembly considered the question under the heading: "The situation in Angola: reports of the Sub-Committee established under General Assembly resolution 1603 (XV) and of the Government of Portugal"²¹ at the 1180th, 1183rd to 1188th, 1196th, 1200th and 1201st plenary meetings between 29 November and 20 December 1962.

¹⁹ G A (XV) Annexes, a.i. 92.

²⁰ G A (XVI), Annexes, a.i. 27.

²¹ G A (XVII), Annexes, a.i. 29.

D. The situation in Tunisia

28. The question was considered by the Security Council under the heading: "Telegram dated 20 July 1961 addressed to the President of the Security Council by the Secretary of State for Foreign Affairs of the Republic of Tunisia (S/4861). Letter dated 20 July 1961 from the Permanent Representative of Tunisia addressed to the President of the Security Council (S/4862)" at its 961st to 966th meetings between 21 and 29 July 1961.

29. The General Assembly considered the question under the heading: "Grave situation in Tunisia obtaining since 19 July 1961"²² at its third special session at the 996th to 1006th plenary meetings, 21 to 25 August 1961.

E. The situation in Territories in Africa under Portuguese administration

30. At its sixteenth session, the General Assembly considered the question under the heading: "Non-compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations and with General Assembly resolution 1542 (XV)"²³ at its 1083rd and 1087th plenary meetings, 19 and 20 December 1961.

31. At its seventeenth session, the General Assembly considered the question under the heading: "Non-compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations and with General Assembly resolution 1542 (XV): report of the Special Committee on Territories under Portuguese Administration"²⁴ at its 1194th plenary meeting on 14 December 1962.

32. The Security Council considered the question at its 1040th to 1049th meetings between 22 and 31 July 1963 under the heading: "Letter dated 11 July 1963 addressed to the President of the Security Council by the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta (S/5347); Letter dated 11 July 1963 addressed to the President of the Security Council by the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta (S/5348)."

33. At its eighteenth session, the General Assembly considered the question under the heading: "Report 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 (chapter on Territories under Portuguese administration)"²⁵ at the 1457th meeting on 25 October, the 1470th meeting on 7 November, the 1475th, 1476th, 1478th, the 1482nd to 1491st and the 1493rd to 1495th meetings of the Fourth Committee between 11 and 29 November 1963 and at the 1270th plenary meetings on 3 December 1963.

34. The Security Council considered the item at its 1079th to 1083rd meetings, 6 to 11 December 1963, under the heading: "Letter dated 11 July 1963 addressed to the President of the Security Council by the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta (S/5347)" to which various sub-items were added.

35. At its twentieth session, the General Assembly included²⁶ in its agenda as item 23: "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: 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" and as item 71: "Special training programme for Territories under Portuguese administration: reports of the Secretary-General" and decided²⁷ that the chapters of the Special Committee's reports on specific Territories, including those on the Territories under Portuguese administration, would be referred to the Fourth Committee.

36. The Fourth Committee accordingly considered that part of item 23 relating to the Territories under Portuguese administration jointly with item 71 at its 1574th, 1584th, 1585th, 1587th, 1589th to 1592nd meetings, 2, 10, 13, 14, 15, 16 and 18 December 1965.

37. The Security Council considered the item at its 1250th, 1253rd to 1256th and 1266th to 1268th meetings, 4 November and 8 to 23 November 1965, under the heading: "Question concerning the situation in Territories under Portuguese Administration: letter dated 11 July 1963 addressed to the President of the Security Council by the representatives of thirty-two Member States (S/5347): Letter dated 28 July 1965 addressed to the President of the Security Council by representatives of thirty-two Member States (S/6585); Letter dated 15 October 1965 from the representatives of Liberia, Madagascar, Sierra Leone and Tunisia addressed to the President of the Security Council (S/6791)".

F. The situation in Southern Rhodesia

38. At its resumed sixteenth session the General Assembly considered the item under the heading:

²² G A (S-III), Annexes, a.i. 7.

²³ G A (XVI), Annexes, a.i. 79.

²⁴ G A (XVII), Annexes, a.i. 54.

²⁵ G A (XVIII), Annexes, a.i. 23.

²⁶ G A (XX), Plen., 1336th mtg., para. 11.

²⁷ *Ibid.*, para. 116.

"The question of Southern Rhodesia"²⁸ at the 1110th to 1117th and 1119th to 1121st plenary meetings, 18 to 28 June 1962.

39. At its seventeenth session the General Assembly considered the question under the heading: "Question of Southern Rhodesia: report of the Special Committee established under General Assembly resolution 1654 (XVI)"²⁹ at the 1330th to 1368th meetings of the Fourth Committee between 3 and 31 October 1962 and at the 1152nd, 1163rd and 1200th plenary meetings, 12 and 31 October, and 20 December 1962.

40. The Security Council considered the item at its 1064th to 1069th meetings, 9 to 13 September 1963, under the heading: "Letter dated 2 August 1963 from the representatives of Ghana, Guinea, Morocco and the United Arab Republic addressed to the President of the Security Council (S/5582); and letter dated 30 August 1963 from the Chargé d'affaires of the Permanent Mission of the Congo (Brazzaville) addressed to the President of the Security Council on behalf of the representatives of Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda and Upper Volta (S/5409)."

41. At its eighteenth session the General Assembly considered the item under the heading: "Question of Southern Rhodesia"³⁰ at the 1434th to 1447th, and 1449th to 1452nd meetings of the Fourth Committee between 1 and 18 October 1963 and at the 1241st and 1255th plenary meetings on 14 October and 6 November 1963.

42. The Security Council considered the question under the heading: "Question concerning the situation in Southern Rhodesia: letters dated 2 and 30 August 1963 addressed to the President of the Security Council on behalf of the representatives of thirty-two Member States (S/5382 and S/5409)," to which various subitems were added, at its 1194th, 1195th, 1197th, 1199th and 1201st to 1202nd meetings between 30 April and 6 May 1965.

43. At its twentieth session the General Assembly decided³¹ to include in the agenda the item: "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: 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"³² and allocated³³ to the Fourth Committee those chapters of the reports of the Special Committee relating to specific Territories.

44. The Fourth Committee accordingly considered the chapters relating to Southern Rhodesia

at its 1518th to 1527th, and at its 1539th to 1545th and 1555th meetings, 5 to 13 October, 26 October to 2 November and 11 November 1965. The General Assembly considered the question at its 1357th, 1368th and 1375th plenary meetings, 12 October, 5 and 11 November 1965.

45. The Security Council considered the item under the heading: "Question concerning the situation in Southern Rhodesia: letters dated 2 and 30 August 1963 addressed to the President of the Security Council on behalf of the representatives of thirty-two Member States (S/5382 and S/5409)" with various subitems added, at its 1257th to 1265th meetings between 12 and 20 November 1965, at its 1276th and 1277th meetings on 9 April 1966, and at its 1278th to 1285th meetings between 17 and 23 May 1966.

46. At its twenty-first session, the General Assembly included the item in its agenda under the same heading³⁴ as at its twentieth session. The Fourth Committee considered separately the chapter of the report 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 relating to Southern Rhodesia at its 1606th to 1619th, 1621st, and 1629th to 1634th meetings, 11 to 31 October, 2 November and 8 to 15 November 1966. The General Assembly considered the question at its 1450th and 1468th plenary meetings on 22 October and 17 November 1966.

47. The Security Council considered the question under the heading: "Question concerning the situation in Southern Rhodesia: letters dated 2 and 30 August 1963 addressed to the President of the Security Council on behalf of the representatives of thirty-two Member States (S/5382 and S/5409)" with a subitem added, at its 1335th to 1340th meetings, 13 to 16 December 1966.³⁵

G. The question of Cyprus

48. The question was considered by the Security Council at its 1085th meeting on 27 December 1963 under the heading: "Letter dated 26 December 1963 from the Permanent Representative of Cyprus addressed to the President of the Security Council (S/5488)". Various subitems were added to that heading at the 1094th to 1103rd meetings between 17 February and 13 March 1964, the 1136th to 1139th meetings, 18 to 20 June 1964, the 1142nd and 1143rd meetings on 8 and 9/11 August 1964, the 1151st and 1153rd to 1159th meetings between 16 and 25 September 1964, the 1180th meeting on 18 December 1964, the 1191st to 1193rd meetings, 17 to 19 March 1965, the 1224th meeting on 15 June 1965, the 1234th to 1236th meetings between 3 and 10 August 1965, and the 1252nd meeting on 5 November 1965.

²⁸ G A (XVI), Annexes, a.i. 97.

²⁹ G A (XVII), Annexes, a.i. 56.

³⁰ G A (XVIII), Annexes, a.i. 75.

³¹ G A (XX), Plen., 1336th mtg., para. 11.

³² G A (XX), Annexes, a.i. 23.

³³ G A (XX), Plen., 1336th mtg., para. 116.

³⁴ See para. 43 above.

³⁵ Those meetings do not fall within the period covered by this Supplement but are listed here since this Supplement deals with Security Council resolution 232 (1966) adopted at the 1340th meeting.

49. At its twentieth session the General Assembly considered the question under the heading: "Question of Cyprus: (a) Letter dated 13 July 1965 from the representative of Cyprus; (b) Letter dated 21 July 1965 from the representative of Turkey"³⁶ at the 1407th to 1414th and 1416th to 1418th meetings of the First Committee between 11 and 17 December 1965, and at the 1402nd plenary meeting on 18 December 1965.

50. The Security Council considered the question at its 1270th meeting on 17 December 1965 under the heading: "Letter dated 26 December 1963 from the Permanent Representative of Cyprus to the United Nations addressed to the President of the Security Council (S/5488): Reports of the Secretary-General (S/6954 and S/7001)".

51. The Security Council further considered the question under the same heading, with various subitems added, at its 1274th and 1275th meetings on 15 and 16 March 1966 and at the 1286th meeting on 16 June 1966.

Article 12 (2)

52. In accordance with the provisions of Article 12 (2) the Secretary-General continued to notify the President of the General Assembly, 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 also of matters with which the Security Council had ceased to deal. The notifications³⁷ were based on the Summary Statement of the Secretary-General on matters of which the Security Council was seized and on the stage reached in its consideration, circulated each week in accordance with rule 11 of the provisional rules of procedure of the Security Council.³⁸

³⁶ G A (XX), Annexes, a.i. 93.

³⁷ G A (XIV), Annexes, a.i. 7, A/4216; G A (XV), Annexes, a.i. 7, A/4493; G A (XVI), Annexes, a.i. 7, A/4875; G A (XVII), Annexes, a.i. 7, A/5224; G A (XVIII), Annexes, a.i. 7, A/5517; G A (XIX), Annexes, No. 7, A/5823.

³⁸ Rule 11 reads as follows: "The Secretary-General shall

53. The items in the notifications were the same as those in the Summary Statements issued during the period covered by the respective notification, except for the exclusion of items not considered "matters relative to the maintenance of international peace and security."

54. The matters dealt with by the Security Council were divided into two categories in the notifications; those which the Security Council had discussed during the period since the previous notification; and those of which the Security Council remained seized but which it had not discussed during the period.

55. Five items related to the maintenance of international peace and security were removed from the list of matters of which the Council was seized during the period under review.³⁹

56. The Secretary-General obtained the consent of the Security Council to the draft notifications by circulating copies to the members of the Council.

57. The General Assembly took note⁴⁰ of the notifications.

communicate each week to the representatives on the Security Council a summary statement of matters of which the Security Council is seized and of the stage reached in their consideration."

³⁹ See annex II below.

⁴⁰ G A (XIV), Plen., 803rd mtg., para. 219; G A (XV/1), Plen., 898th mtg., para. 3; G A (XVI/1) Plen., 1014th mtg., para. 39; G A (XVII), Plen., 1129th mtg., para. 257; G A (XVIII), Plen., 1210th mtg., para. 33; during the proceedings of the nineteenth session, at the 1330th plenary meeting on 18 February 1965, the President drew attention to the document entitled "Status of the agenda of the nineteenth session: note of the President of the General Assembly" (G A (XIX), Annexes No. 2, p. 27, A/5884) in which it was proposed that the General Assembly should take note, in accordance with the customary procedure, of three reports, including agenda item 7: "Notification by the Secretary-General under Article 12, paragraph 2, of the Charter of the United Nations". The President stated that if there were no objections he would declare that the General Assembly took note of those reports in accordance with its customary practice (G A (XIX), Plen., 1330th mtg., para. 280); G A (XX), Plen., 1336th mtg., para. 8.

II. ANALYTICAL SUMMARY OF PRACTICE

****A. The question of the scope of the term "recommendation" as used in Article 12 (1)**

B. The question of the meaning of the phrase "While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter," and its effect upon the powers of the General Assembly

NOTE

58. In addition to the constitutional discussion which arose in the four cases dealt with below, references were made to the provision of Article 12 (1) during the debate at the eighteenth session of the General Assembly on the item "The policies of *apartheid* of the Government of the Republic of

South Africa: reports of the Special Committee on the Policies of *apartheid* of the Government of the Republic of South Africa and replies of Member States under General Assembly resolution 1761 (XVII)".⁴¹ It was observed that the Special Political Committee could not adopt any resolution as the matter was before the Security Council. It was also proposed that the debate be adjourned in view of the fact that Article 12 was applicable following the request⁴² by thirty-two Governments in a

⁴¹ G A (XVIII), Annexes, a.i. 30.

⁴² S C, 18th yr., Suppl. for Oct.—Dec. p. 41, S/5444 and Add.1.) Algeria, Central African Republic, Ceylon, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Ivory Coast, Liberia, Madagascar, Malaysia, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Senegal, Sierra Leone, Somalia, Sudan,

letter dated 23 October 1963 for the Security Council to consider the report of the Secretary-General⁴³ in pursuance of Council resolution 181 (1963) of 7 August 1963. One representative expressed the view that Article 12 (1) did not prevent the Special Committee on the Policies of *apartheid* from making arrangements in preparation for action by the General Assembly.⁴⁴ At the 423rd meeting on 10 December 1963 the Special Political Committee adopted⁴⁵ two draft resolutions subsequently adopted⁴⁶ by the General Assembly at its 1283rd plenary meeting on 16 December 1963 as its resolution 1978 (XVIII) entitled "The policies of *apartheid* of the Government of the Republic of South Africa."

1. DECISIONS OF THE GENERAL ASSEMBLY OF 15 APRIL 1961 IN CONNEXION WITH THE ITEM "THE SITUATION IN THE REPUBLIC OF THE CONGO"

59. By letter⁴⁹ dated 16 September 1960 addressed to the Secretary-General, the Deputy Minister for Foreign Affairs of the USSR requested the inclusion of an item entitled "Threat to the political independence and territorial integrity of the Congo" in the agenda of the General Assembly's fifteenth session as an urgent and important question.

60. At its 130th meeting on 28 September 1960 the General Committee decided⁴⁸ that the item under the title: "The situation in the Republic of the Congo" should be included in the agenda of the fifteenth session. It decided further to recommend to the General Assembly that this item should be allocated to plenary meetings.

61. At its 898th plenary meeting on 10 October 1960 the General Assembly decided⁴⁹ to place the item: "The situation in the Republic of the Congo" on its agenda and at its 900th plenary meeting decided⁵⁰ to allocate it to plenary meetings.

62. During the course of the discussion one representative referred to the resolutions on the situation in the Congo adopted by the Security Council on 14 and 22 July 1960, 9 August 1960 and on 21 February 1961 and by the General Assembly on 20 September 1960 at its fourth emergency special session and stated that he had been very doubtful about the legality of some of the arrangements arising therefrom since he did not consider that they corresponded very closely with the letter and spirit of the Charter. He further raised the question as to whether anything could be done by the General Assembly after the adoption of resolution

161 (1961) of 21 February 1961 by the Security Council on the situation in the Republic of the Congo. The representative doubted whether the General Assembly was competent to adopt a further resolution on this item, particularly now that it was no longer meeting in an emergency special session but was in regular session, and that there was neither an official communication from the Council stating that it had concluded its consideration of the matter nor a request by the Council that the Assembly make recommendations on the matter in accordance with the provisions of Article 12. The Assembly might hold as extensive a debate as it wished on any dispute or situation under the Council's jurisdiction, but in the opinion of many it was not competent to take a decision. It was also doubtful whether the Assembly was competent substantially to amend, enlarge or restrict a resolution adopted by the Council. The Assembly could not correct the Security Council's work. Moreover, the mere recommendations which the General Assembly could adopt were insignificant before the mandatory decisions of the Security Council.⁵¹

63. At the 977th plenary meeting on 5 April 1961, Burma, Ceylon, Ethiopia, Ghana, Guinea, India, Indonesia, Iraq, Libya, Mali, Morocco, Nepal, Saudi Arabia, Sudan, United Arab Republic and Yugoslavia submitted⁵² a joint draft resolution,⁵³ hereinafter referred to as the twenty-one-Power draft resolution, in which it was, *inter alia*, provided that the General Assembly would call upon the Government of Belgium to comply with the will of the Security Council and of the General Assembly; decide that all Belgian and other foreign military and paramilitary personnel and political advisers not under United Nations Command, and mercenaries, should be evacuated, failing which necessary action should be taken in accordance with the Charter; and call upon all States to exert their influence to effect the implementation of this resolution.

64. At the same meeting one representative,⁵⁴ referring to the statement that the General Assembly could not revoke or amend Security Council resolutions, contended that it could make recommendations on the other matters to which the report of the United Nations Conciliation Commission for the Congo⁵⁵ referred and on which the Security Council had taken no specific decisions. Therefore, the competence of the General Assembly and the competence of the Security Council were not mutually exclusive. It could not be said that they duplicated or overlapped one another unnecessarily; one could speak of a jurisdiction of the General Assembly which might, with respect to the problem be complementary to that of the Council and might therefore contribute usefully

Tanganyika, Togo, Uganda, United Arab Republic and Upper Volta.

⁴³ *Ibid.*, p. 7, S/5438 and Add. 1 and 2.

⁴⁴ For text of relevant statements, see G A (XVIII) Spec. Pol. Com., 389th mtg.: Nigeria, para. 8; 396th mtg.: Guinea, para. 57; Nigeria, para. 52.

⁴⁵ G A (XVIII), Spec. Pol. Com., 423rd mtg., paras. 32 and 34.

⁴⁶ G A (XVIII), Plen., 1283rd mtg., paras. 102 and 103.

⁴⁷ G A (XV), Annexes, a.i. 85, p. 2, A/4495.

⁴⁸ G A (XV), Gen. Com., 130th mtg., paras. 5 and 64.

⁴⁹ G A (XV/1), Plen., 898th mtg., para., 165.

⁵⁰ G A (XV/1), Plen., 900th mtg., paras. 2 and 3.

⁵¹ G A (XV/2), Plen., 975th mtg.: Colombia, paras. 56, 57, 59 and 60.

⁵² G A (XV/2), Plen., 977th mtg., para. 146.

⁵³ G A (XV), Annexes, a.i. 85, p. 110, A/L. 339 and Add. 1-5 (documents A/L. 339/Add. 1-5 respectively indicated the addition of the Federation of Malaya, Cambodia, Yemen, Togo and Liberia to the list of sponsors).

⁵⁴ *Ibid.*, Plen., 977th mtg.; Peru, paras. 206, 207 and 222.

⁵⁵ G A (XV), Annexes, a.i. 85, p. 69, A/4711 and Add. 1 and 2.

to the discharge of the Council and might therefore contribute usefully to the discharge of the task which the United Nations had assumed.

65. At the 978th plenary meeting on 6 April 1961 the President (Ireland) drew attention to the above-mentioned twenty-one-Power draft resolution⁵⁶ and, to a joint draft resolution⁵⁷ submitted by Burma, Chad, Ethiopia, Federation of Malaya, Iran, Japan, Liberia, Libya, Nigeria, Pakistan, Philippines, Senegal, Somalia, Sudan, Tunisia, Turkey and Upper Volta, hereinafter referred to as the seventeen-Power draft resolution, in which it was, *inter alia*, provided that the General Assembly would reaffirm its resolution 1474 (ES-IV) and the Security Council resolutions on the situation in the Congo; call upon the Congolese authorities to resolve their problems by peaceful means; consider it essential that measures be taken by the Secretary-General to prevent the introduction of arms, military equipment and supplies into the Congo, except in conformity with the resolutions of the United Nations; and urge the convening of Parliament so that it might take the necessary decisions for the formation of a national government and on the future constitutional structure of the Republic.

Decisions

At the 985th plenary meeting on 15 April 1961, the twenty-one-Power draft resolution, in an amended form, was adopted⁵⁸ by 61 votes to 5, with 33 abstentions as General Assembly resolution 1599 (XV).

At the same meeting the seventeen-Power draft resolution was adopted⁵⁹ by 60 votes to 16, with 23 abstentions as General Assembly resolution 1600 (XV).

2. DECISION OF THE GENERAL ASSEMBLY OF 3 DECEMBER 1963 IN CONNEXION WITH THE ITEM "SITUATION IN TERRITORIES IN AFRICA UNDER PORTUGUESE ADMINISTRATION"

66. At the 1490th meeting of the Fourth Committee on 21 November 1963, the representative of Ghana introduced a draft resolution⁶⁰ which was eventually sponsored by Albania, Algeria, Bulgaria, Burma, Burundi, Byelorussian SSR, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Dahomey, Ethiopia, Gabon, Ghana, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, the Philippines, Poland, Romania, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Togo, Trinidad and Tobago, Tunisia, Uganda, the Ukrainian SSR, the USSR,

United Arab Republic, Upper Volta, Uruguay, Yemen and Yugoslavia. By this draft resolution the General Assembly would request the Security Council to consider immediately the question of Territories under Portuguese administration and to adopt necessary measures to give effect to its own decisions, particularly those contained in its resolution 180 (1963) of 31 July 1963 and would decide to maintain the question on the agenda of its eighteenth session.

67. During consideration of the draft resolution, the representative of Portugal stated that it not only contained a general recommendation but also many particular recommendations: the Security Council would be requested not only to "consider" the question of Portuguese Territories but to consider it "immediately"; it would further be requested to "adopt" what were described as "necessary measures". This meant that the Council would be recommended to follow a course of coercion. The purpose of such measures was also indicated: it was to enable the Council "to give effect to its own decisions", particularly those contained in its resolution 180 (1963). Thus the draft resolution instructed the Security Council how to deal with a matter of which it was already seized. Article 12 (1) expressly provided that the General Assembly should not make any recommendations with regard to a dispute or a situation which was before the Security Council unless the Council so requested. That provision was confirmed by Article 10 of the Charter, which expressly provided that the General Assembly could not make recommendations relating to questions coming under Article 12 which provided that "the General Assembly shall not make any recommendation" with regard to a dispute or situation before the Security Council "unless the Security Council so requests". Those provisions were clear. The draft resolution was the first attempt, in the view of the Portuguese delegation, to violate the Charter on that important point.

68. One representative stated that the problem of the application of Article 12 perhaps resulted from the drafting of that Article in rather vague terms. The meaning of the terms "exercising ... the functions" (assigned to the Security Council by the Charter,) and "recommendations" had been a subject of discussion from time to time in the United Nations. The various notions embodied in the terms "recommend", "draw attention", "refer" (a question to the Security Council), and so on had to be defined. It would be undesirable if a restrictive, mechanical and negative precedent were established by the General Assembly. Article 12 should not be interpreted rigidly, narrowly or automatically, because that would give the impression that the Security Council could, by including an item on its agenda and not notifying the General Assembly that it had deleted it, completely inhibit the United Nations from exercising its functions of protecting or maintaining peace and security. In connexion with the provision of Article 12 (1) that the General Assembly should not make any recommendations with regard to any dispute or situation "While the Security Council is exercising ... the functions assigned to it in the present Charter", two questions might be asked: what were

⁵⁶ See para. 63 above.

⁵⁷ A/L. 340 and Add. 1-4 and Add. 3/Corr. 1. Same text as G A resolution 1600 (XV).

⁵⁸ G A (XV/2), Plen., 985th mtg., para. 198.

⁵⁹ *Ibid.*, para. 210.

⁶⁰ See G A (XVIII), Annexes, a.i. 23, A/5629 and Add. 1, Part I, para. 13 (A/C.4/L.781 and Add. 1 and 2).

the functions of the Security Council and why should the General Assembly make no recommendations in those cases? The first question was answered by the provisions of Article 24, according to which the Members of the United Nations conferred on the Security Council the primary responsibility for the maintenance of international peace and security, and agreed that in carrying out its functions under this responsibility the Security Council acted on their behalf. Since it was further stated in Article 24 that the power conferred on the Council was intended to "ensure prompt and effective action by the United Nations", that power would not be conferred on the Council nor would it be authorized to act on behalf of the Member States unless it was necessary to ensure prompt and effective action. If the General Assembly by a rigid and narrow interpretation of Article 12, were deprived of the powers which it had under the Charter, then the United Nations would lose its balance and the hierarchy of its principal organs would be inverted. The representative stated further that the purpose of the provisions of Article 12 was to prevent conflicts of concurrent jurisdiction between the General Assembly and the Security Council. In the present case the Assembly's action was likely to facilitate the action of the Council. Conflict between the General Assembly and the Security Council was out of the question since the General Assembly was merely requesting the Security Council to act upon its own decisions. The draft resolution, in calling upon the Security Council to adopt the necessary measures to give effect to its own decisions, did not say "recommends" but "requests". If, however, a request to the Council would be considered as tantamount to a recommendation, the sponsors of the draft resolution should replace the word "requests" by another term: "expresses the hope that", "feels sure that", "expresses the wish that" or similar terms less likely to be considered synonymous with "recommends".

69. Another representative maintained that the draft resolution did not contravene the provisions of Article 12 (1). It has been submitted following consideration of an agenda item which the General Assembly, on the recommendation of the General Committee, had allocated to the Fourth Committee, without any objections under Article 12 (1) having been raised. Furthermore, the item brought before the Security Council in July 1963 was the situation in the Territories under Portuguese domination, including the state of war prevailing in one of the Territories following the refusal of Portugal to comply with the provisions of General Assembly resolution 1514 (XV) and Security Council resolution 163 (1961) of 9 June 1961. While Article 12 referred to a "dispute or situation", the Security Council was concerned with the situation specifically referred to in a letter dated 11 July 1963 from thirty-two Member States.⁶¹ But the General Assembly continued to have responsibility for the implementation of resolution 1514 (XV)

and was entitled to make recommendations to the Security Council regarding its implementation. The request in operative paragraph 1 of the draft resolution was not a "recommendation" within the meaning of Article 12. The question of competence had to be decided by the General Assembly; the fact that there were sixty-five sponsors of the draft resolution itself represented a decision on the matter.

70. It was also stated that the procedure suggested in the draft resolution did not conflict with the provision of Article 12 (1) of the Charter. The sponsors were not addressing any substantive recommendations to the Security Council but were only requesting the Council to continue its action in view of the fact that its earlier decisions had not been implemented. The view was further expressed that the draft resolution was a procedural one and was consistent with the provisions of Article 12 (1). Even if no resolution had been submitted, the general consensus of opinion noted by the Chairman would have been sufficient to inform the Security Council of the feelings and wishes of the General Assembly.

71. In explanation of his vote, after the adoption of the draft resolution, one representative stated that his doubts about its appropriateness were reinforced by Article 12 of the Charter.⁶²

Decisions

At its 1493rd meeting, on 27 November 1963, the Fourth Committee adopted⁶³ the sixty-five-Power draft resolution by 87 votes to 3, with 12 abstentions.

At the 1270th plenary meeting on 3 December 1963 the General Assembly adopted⁶⁴ the draft resolution recommended by the Fourth Committee, by 91 votes to 2, with 11 abstentions, as its resolution 1913 (XVIII).

3. DECISION OF THE GENERAL ASSEMBLY OF 15 DECEMBER 1965 IN CONNEXION WITH THE ITEM "COMPREHENSIVE REVIEW OF THE WHOLE QUESTION OF PEACE-KEEPING OPERATIONS IN ALL THEIR ASPECTS"

72. During its twentieth session the General Assembly considered the item: "Comprehensive review of the whole question of peace-keeping operations in all their aspects: (a) Report of the Special Committee on Peace-keeping Operations; (b) The authorization and financing of future peace-keeping operations".⁶⁵ At its 1395th plenary meeting on 15 December 1965, the General Assembly adopted⁶⁶ resolution 2053 (XX) entitled "Comprehensive review of the whole question of peace-keeping operations in all their aspects" by which it, *inter alia*, requested the Special Committee on Peace-keeping Operations to continue and to complete as soon as possible the work assigned to it by General Assembly

⁶¹ S C, 18th yr., Suppl. for July-Sept., p. 6, S/5347: Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta.

⁶² For text of relevant statements, see G A (XVIII), 4th Com., 1493rd mtg.: Bulgaria, para. 118; Cambodia, para. 98; Ceylon, paras. 100 and 102; Mexico, paras. 106—115; Portugal, paras. 84—86; G A (XVIII), Plen., 1270th mtg.; Portugal, para. 16.

⁶³ G A (XVIII), 4th Com., 1493rd mtg., para. 122.

⁶⁴ G A (XVIII), Plen., 1270th mtg., para. 31.

⁶⁵ G A (XX), Annexes, a.i. 101.

⁶⁶ G A (XX), Plen., 1395th mtg., para. 111.

resolution 2006 (XIX) and to report to the Assembly at its twenty-first session.

73. During consideration of the item, views were expressed to the effect that Article 12 together with Articles 10, 11, 14, 15 and 35 authorized the General Assembly to discuss any question relating to the maintenance of international peace and security and, within the powers given to it by the Charter, especially within the limits indicated in Article 12, to make recommendations to the States concerned and to the Security Council. The reference in Article 24 to the primary responsibility of the Security Council in maintaining international peace and security implied that the General Assembly had a complementary or subsidiary competence. So long as a particular question was not before the Security Council the General Assembly retained the first right to examine any situation and to make recommendations on the action to be taken. But nowhere in the above-mentioned Articles, which were the basis of the General Assembly's share of responsibility for the maintenance of international peace and security, was it provided that the Assembly could adopt binding resolutions or could act in place of the Security Council. It was also pointed out that there was no disagreement on the right of the Assembly subject to the provision of Article 12 (1), to make recommendations to Member States individually or collectively in respect of disputes or situations that might endanger international peace and security. The problem was whether such recommendations could be extended to include the dispatching of armed forces or even observers to trouble spots.

74. One representative stated that as the forum in which the general membership of the Organization took decisions and expressed its will, the General Assembly had an authority superior to any other organ. The Security Council's responsibility for the maintenance of international peace and security was a responsibility delegated for a specific purpose. If the Council failed to act promptly and effectively, the residual responsibility of the General Assembly would automatically come into play. Moreover, only the General Assembly could pass judgement and decide whether or not the Security Council had taken prompt and effective action. The only limitation placed by the Charter on the Assembly's competence to make recommendations concerning the maintenance of international peace and security was the provision in Article 12 that the General Assembly should not make recommendations with regard to a dispute or situation, unless the Council, while exercising the functions assigned to it in the Charter in respect of that dispute or situation, so requested. Another representative contended that the Security Council was the organ best qualified to act when international peace and security were threatened. However, the General Assembly could not be considered inferior to the Security Council, especially when a situation had to be dealt with and the Security Council reached a deadlock. Operations relating to matters contemplated in Article 12 must be regarded as peace-keeping operations and in that respect the General Assembly must serve as a kind of court of appeal.

75. It was also stated that it was clear from Articles 11 and 12 that when the Security Council was exercising the powers assigned to it under the Charter in respect of any dispute or situation, the General Assembly could not make any recommendation on that question unless the Security Council so requested. Those articles pointed unequivocally to the exclusive competence of the Security Council. However, if the Council was no longer dealing with a question or did not deal with it at all, the General Assembly was responsible for upholding the Purposes and Principles of the Charter.⁶⁷

4. ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE OF 20 JULY 1962 ENTITLED "CERTAIN EXPENSES OF THE UNITED NATIONS (ARTICLE 17, PARAGRAPH 2, OF THE CHARTER)"

76. In its advisory opinion of 20 July 1962 entitled "Certain expenses of the United Nations (Article 17, paragraph 2, of the Charter)",⁶⁸ the International Court of Justice examined the question of the respective functions of the General Assembly and of the Security Council under the Charter, particularly with respect to the maintenance of international peace and security.

77. The Court, *inter alia*, stated:

"The Charter makes it abundantly clear... that the General Assembly is also to be concerned with international peace and security. Article 14 authorizes the General Assembly to 'recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the purposes and principles of the United Nations'. The word 'measures' implies some kind of action, and the only limitation which Article 14 imposes on the General Assembly is the restriction found in Article 12, namely that the Assembly should not recommend measures while the Security Council is dealing with the same matter unless the Council requests it to do so.

"...

"The powers of the General Assembly stated in Article 14 are not made subject to the provisions of Article 11, but only of Article 12".⁶⁹

****C. The question of the requests by the Security Council to the General Assembly in accordance with the proviso of Article 12 (1)**

⁶⁷ For text of relevant statements, see G A (XX), Spec. Pol. Com., 463rd mtg.; Colombia, para. 29; Costa Rica, para. 20; Peru, para. 5; 465th mtg.: USSR, para. 54; 466th mtg.; Czechoslovakia, para. 27; 467th mtg.: Tanzania, para. 13; 468th mtg.: Czechoslovakia, para. 19; Hungary, para. 24; 482nd mtg.; Austria, para. 9; China, para. 15; Jamaica, para. 21; 483rd mtg.: Iraq, para. 20; Morocco, para. 36; Zambia, para. 11.

⁶⁸ ICJ, *Reports 1962*, p. 151.

⁶⁹ *Ibid.*, pp. 163 and 172. For references to Article 12 in the dissenting opinion of Judge Koretsky, see *ibid.*, pp. 259, 272 and 273. See also foot-note 15 above.

ANNEX I

Tabulation of resolutions adopted by the General Assembly and the Security Council in connexion with the questions considered by the two organs 1 September 1959 to 31 August 1966

A. The question of race conflict in South Africa

<i>General Assembly resolutions</i>	<i>Security Council resolutions</i>
1375 (XIV)	134 (1960)
1598 (XV)	181 (1963)
1663 (XVI)	182 (1963)
1761 (XVII)	190 (1964)
1881 (XVIII)	191 (1964)
1978 (XVIII)	
2054 (XX)	

B. The situation in the Republic of the Congo

<i>General Assembly resolutions</i>	<i>Security Council resolutions</i>
1474 (ES-IV)	143 (1960)
1592 (XV)	145 (1960)
1599 (XV)	146 (1960)
1600 (XV)	157 (1960)
1601 (XV)	161 (1961)
	169 (1961)

C. The situation in Angola

<i>General Assembly resolutions</i>	<i>Security Council resolution</i>
1603 (XV)	163 (1961)
1742 (XVI)	
1819 (XVII)	

D. The situation in Tunisia

<i>General Assembly resolution</i>	<i>Security Council resolution</i>
1622 (S-III)	164 (1961)

E. The situation in Territories under Portuguese administration

<i>General Assembly resolutions</i>	<i>Security Council resolutions</i>
1699 (XVI)	180 (1963)
1807 (XVII)	183 (1963)
1913 (XVIII)	218 (1965)
2107 (XX)	

F. The question of Southern Rhodesia

<i>General Assembly resolutions</i>	<i>Security Council resolutions</i>
1747 (XVI)	202 (1965)
1755 (XVII)	216 (1965)
1760 (XVII)	217 (1965)
1883 (XVIII)	221 (1966)
1889 (XVIII)	
2012 (XX)	
2022 (XX)	
2024 (XX)	

G. The Cyprus question

<i>General Assembly resolution</i>	<i>Security Council resolutions</i>
2077 (XX)	186 (1964)
	187 (1964)
	192 (1964)
	193 (1964)
	194 (1964)
	198 (1964)
	201 (1965)
	206 (1965)
	207 (1965)
	219 (1965)
	220 (1966)
	222 (1966)

ANNEX II

Tabulation of questions related to the maintenance of international peace and security removed from the list of matters of which the Security Council was seized, based on the notifications by the Secretary-General to the General Assembly under Article 12 (2), 1 September 1959 to 31 August 1966

<i>Agenda item</i>	<i>General Assembly session before which the item was listed as discussed by the Security Council</i>	<i>General Assembly session before which the item was listed as not discussed by the Security Council</i>	<i>General Assembly session before which the item was listed as being removed from the list of matters of which the Security Council was seized</i>
Letter dated 17 July 1958 from the representative of Jordan addressed to the President of the Security Council concerning: "Complaint by the Hashemite Kingdom of Jordan of interference in its domestic affairs by the United Arab Republic"		G A (XIV) G A (XV) G A (XVI) G A (XVII) G A (XVIII)	G A (XIX) ^b
Letter dated 15 June 1960 from the representative of Argentina addressed to the President of the Security Council	G A (XV)	G A (XVI) G A (XVII) G A (XVIII) G A (XIX)	G A (XX) ^c
Letter dated 13 July 1960 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics addressed to the Secretary-General	G A (XV)		G A (XV) ^d
Letter dated 5 September 1960 from the First Deputy Minister for Foreign Affairs of the Union of Soviet Socialist Republics addressed to the President of the Security Council	G A (XV)		GA (XV) ^e
Letter dated 8 March 1962 from the Permanent Representative of Cuba addressed to the President of the Security Council	G A (XVII)		G A (XVII) ^f

^a At its 831st meeting on 17 July 1958, the Security Council decided to consider this item simultaneously with the complaint submitted by Lebanon against the United Arab Republic. In the notification issued before the fourteenth session of the G A, the latter was removed from the list of matters of which the S C was seized. See *Repertory Supplement No. 2* under Article 12.

^b The statement in the notification read as follows: "Following the request [letter dated 10 June 1964] from the representative of Jordan the Security Council has removed" the item "from the list of matters of which the Council is seized".

^c The statement in the notification read as follows: "Following the request [letter dated 12 July 1965] of the Chargé d'affaires of the Permanent Mission of Argentina, the Security Council removed" the item "from the list of matters of which the Security Council is seized".

^d The statement in the notification read as follows: "At the 883rd meeting of the Security Council on 26 July 1960, the President stated that the Council had concluded its consideration of this item".

^e The statement in the notification read as follows: "At the 895th meeting of the Security Council on 9 September 1960, the President stated that the Council had disposed of the matter".

^f The statement in the notification read as follows: "At the 998th meeting of the Security Council on 23rd March 1962, the President stated that the consideration of this matter had been terminated".