

ARTICLE 10

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TEXT OF ARTICLE 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

INTRODUCTORY NOTE

1. Resolutions adopted by the General Assembly during the period under review contained no reference to Article 10. However, in the debates in which the question was raised as to the competence of the General Assembly to deal with a specific matter, Article 10 was frequently invoked together with other Articles of the Charter, particularly Articles 11, 12 and 14. The competence of the General Assembly was in a number of instances also substantiated by reference to Articles pertaining to the powers and responsibility of the General Assembly to make recommendations in the field of human rights and to promote progressive development towards self-government and independence. In letters of submission, Article 10 was invoked, together with Article 14, in connexion with two agenda items,¹ although no constitutional issues were raised in the ensuing debates concerning the application of these Articles.

2. Constitutional discussions on the competence of the General Assembly to discuss matters brought to its attention reveal that the invoking of Article 10 had reference mostly to the plea of domestic jurisdiction under Article 2 (7). As is the case with previous Studies in *Supplements Nos. 1* and *2*, constitutional arguments which shed more light on the scope of the domestic jurisdiction clause rather than on the scope of Article 10 are treated in the study of Article 2 (7).

3. Resolutions of the General Assembly which appear to bear on the more specific functions and powers of the General Assembly are treated under Articles 11, 13 and 14. Resolutions admitting a State to membership in the United Nations, as well as those containing recommendations to the Security Council with regard to the question of admission of new Members, are treated in the study of Article 4. Resolutions bearing mainly on Article 10 are listed in the annex to this study, together with the corresponding agenda items. The annex thus

¹ Letters of submission from the representative of Czechoslovakia, in connexion with the item "Appeal for maximum support to efforts of newly emerging States for strengthening their independence" (G A (XV), Annexes, a.i. 77, A/4413, para. 7) and from the representative of Austria, in connexion with the item "The Status of the German-speaking element in the Province of Bolzano (Bozen); implementation of the Paris Agreement of 5 September 1946", (G A (XV), Annexes, a.i. 68, A/4395, para. 16).

includes resolutions on items referred to the First and Special Political Committees and items of a political character considered directly by the General Assembly. Also included are some items referred to the Fourth and Fifth Committees which, owing either to the constitutional issues raised during their consideration or to the provisions of the resolutions adopted thereon, appear to have a direct bearing on Article 10. No constitutional significance, however, should be attached to this classification which is merely a convenient means of presenting the material.

4. Subsection A of the Analytical Summary of Practice presents six case histories bearing upon the meaning of the term "within the scope of the present Charter". There were no constitutional discussions during the period under review touching upon the question of the scope of the recommendations of the General Assembly "relating to the powers and functions of any organs provided for in the present Charter". In the light of discussions bearing on the scope of the power of the General Assembly to make recommendations, the present study includes a new subsection C in the Analytical Summary of Practice, entitled "The question of the scope of the phrase 'may make recommendations' on a particular matter under discussion". Three case histories were entered in this new subsection.

5. Discussions relating to the competence of the General Assembly to deal with matters claimed to have been within the purview of the Security Council, including activities in peace-keeping, at times touched on the question of the general mandate of the General Assembly to "discuss" such matters and to "make recommendations" thereon under Article 10. The case histories dealt with in this study are those in which Article 10 or its wording appears to provide the leading constitutional argument. Other case histories in which Article 10 was also invoked, but used as a constitutional argument to a lesser extent than other Articles, are included in this *Supplement* in the study of those other Articles. Thus, the study of Article 11² in particular, and those

² See subsections A, B and C of the Analytical Summary of Practice of the study of Article 11.

of Articles 12, 14 and 24 to some extent, should also be consulted for a more comprehensive treatment of the question of the competence

of the General Assembly in dealing with matters relating to the maintenance of peace and security.

I. GENERAL SURVEY

6. The two groups of case histories entered in the Analytical Summary of this study relate, respectively, to observations on, and the interpretation of, the competence of the General Assembly to discuss matters brought to its attention, and its competence to make recommendations envisaging certain measures. While the case histories reflect instances of constitutional discussions bearing on Article 10, there have been a number of instances during the period reviewed, in which reference was also made to Article 10 in letters of submission³ or in communications and statements supporting certain interpretations of Article 10, but here no further constitutional discussions followed. Such reference occurred in the following questions: Question of Hungary;⁴ Situation in the Republic of the Congo;⁵ Obligations of Members, under the Charter of the United Nations, with regard to the financing of the United Nations Emergency Force (UNEF) and the United Nations Operation in the Congo (ONUC): advisory opinion of the International Court of Justice;⁶ and the International co-operation in the peaceful uses of outer space: reports of the Committee on the Peaceful Uses of Outer Space, the World Meteorological Organization and the International Telecommunication Union.⁷

7. Article 10 provides that the General Assembly may make recommendations to Members of the United Nations or to the Security Council or to both. The practice of the General Assembly in addressing recommendations contained in the resolutions listed in the annex is briefly summarized in the following paragraphs.

8. Recommendations were addressed by the General Assembly as follows: to all Member States;⁸ to Member States;⁹ to certain Member

States;¹⁰ to specific Member States;¹¹ to all States;¹² to all Governments or countries;¹³ to specific authorities;¹⁴ to Governments or parties "concerned"¹⁵ to Administering Power or Powers;¹⁶ to "colonial Powers";¹⁷ to a Mandatory Power;¹⁸ to people of a Member State or a Territory;¹⁹ to petitioners;²⁰ to "all concerned";²¹ to specific subsidiary organs;²² to

paras. 5 and 8, section III, para. 3; 1978 B (XVIII), para. 2; 2076 (XX), para. 3; and 2107 (XX), para. 7.

¹⁰ G A resolutions 1721 B (XVI), para. 1; 1875 (S-IV), paras. 6 and 7; 1876 (S-IV), paras. 6 and 7; 1877 (S-IV), paras. 1 and 4; 1899 (XVIII), para. 7; 1901 (XVIII), para. 2; 1912 (XVIII), para. 5; 2054 A (XX), para. 1; 2076 (XX), para. 2; and 2129 (XX), para. 3.

¹¹ G A resolutions 1454 (XIV), para. 2; 1460 (XIV), para. 4; 1497 (XV), paras. 1, 2 and 3; 1564 (XV), para. 2; 1566 (XV), para. 4; 1568 (XV), para. 5; 1593 (XV); 1597 (XV), paras. 3 and 4; 1598 (XV), para. 6 and 7; 1599 (XV), para. 1; 1603 (XV), para. 1; 1622 (S-III), para. 3; 1650 (XVI), 1662 (XVI), para. 3; 1663 (XVI), paras. 8 and 9; 1702 (XVI), para. 4; 1703 (XVI), para. 1; 1742 (XVI), paras. 1, 4, 5 and 9; 1746 (XVI), para. 3; 1805 (XVII), para. 7; 1817 (XVII), para. 3; 1819 (XVII), paras. 4 and 8; 1881 (XVIII), para. 2; 1954 (XX), para. 4; 1955 (XVIII), para. 2; 2012 (XX), paras. 3 and 4; 2022 (XX), paras. 8 and 11; 2023 (XX), para. 8; 2024 (XX), para. 2; 2074 (XX), para. 7; and 2076 (XX), para. 5.

¹² G A resolutions 1474 (ES-IV), para. 5 (a) and 6; 1598 (XV), para. 3; 1599 (XV), para. 3; 1663 (XVI), para. 5; 1899 (XVIII), para. 7; 1956 (XVIII), para. 7; 1978 A (XVIII), para. 1; 2022 (XX), paras. 6, 9 and 10; 2054 A (XX), para. 8; 2074 (XX), paras. 11 and 12; 2077 (XX), para. 2; 2079 (XX), para. 5; 2105 (XX), para. 11; and 2107 (XX), paras. 3, 6 and 8.

¹³ G A resolutions 1495 (XV), paras. 1 and 3; 1604 (XV), para. 2; 1628 (XVI), para. 5; 2052 (XX), para. 5; and 2054 B (XX), para. 6.

¹⁴ G A resolutions 1454 (XIV), para. 2; 1600 (XV), paras. 2, 4, 5 and 7; 1742 (XVI), para. 3; 1855 (XVII), para. 2; 1964 (XVIII), para. 2; 2132 (XX), para. 2; and 2022 (XX), para. 3.

¹⁵ G A resolutions 1456 (XIV), para. 2; 1460 (XIV), para. 6; 1497 (XV), paras. 1, 2 and 3; 1597 (XV), para. 6; 1661 (XVI); 1662 (XVI), para. 5; 1724 (XVI); and 2078 (XX), para. 6.

¹⁶ G A resolutions 1747 (XVI), para. 2; 1810 (XVII), paras. 5 and 6; 1811 (XVII), paras. 3 and 5; 1812 (XVII), para. 3; 1817 (XVII), paras. 2 and 5; 1949 (XVIII), paras. 7, 8, 10 and 11; 1950 (XVIII), para. 3; 1951 (XVIII), para. 2; 1952 (XVIII), para. 3; 1953 (XVIII), para. 3; 1954 (XVIII), para. 3; 1956 (XVIII), para. 8; 2022 (XX), paras. 3 and 7; and 2023 (XX), para. 9.

¹⁷ G A resolution 2105 (XX), paras. 5 and 12.

¹⁸ G A resolution 1567 (XV), paras. 4, 5 and 6.

¹⁹ G A resolution 1474 (ES-IV), paras. 3; and 1811 (XVII), para. 4.

²⁰ G A resolutions 1376 (XIV), section II, para. 2, section III and section V, para. 2; 1703 (XVI), para. 2; 1804 (XVII); 1900 (XVIII); and 2075 (XX), para. 2.

²¹ G A resolutions 1376 (XIV), section V, para. 1; and 1764 (XVII), section I, para. 4 and section II, para. 3.

²² G A resolutions 1455 (XIV), para. 3; 1456 (XIV), para. 4; 1472 A (XIV), para. 2; 1472 B (XIV), para. 2; 1568 (XV), paras. 4 and 6; 1596 (XV), paras. 5 and 9; 1601 (XV), para. 2; 1603 (XV), para. 2; 1628 (XVI), para. 4; 1629 (XVI), para. 6; 1654 (XVI), paras. 4 and 8; 1702 (XVI), para. 3; 1721 A (XVI), para. 2; 1721 B (XVI), paras. 3 and 4; 1721

³ See foot-note 1 above.

⁴ G A (XIV), Plen., 844th mtg.: Hungary, para. 24.

⁵ G A (XVII), Plen., 958th mtg.: Ceylon, para. 60; S C, 16th yr., 932nd mtg.: Ecuador, para. 104.

⁶ G A (VII), Annexes, a.i. 64: memorandum from the USSR, A/C.5/957.

⁷ G A (XVII), 1st Com., 1289th mtg.: USSR, para. 17.

⁸ G A resolutions 1375 (XIV), paras. 2 and 4; 1474 (ES-IV) paras. 4 and 5 (b); 1495 (XV), para. 4; 1597 (XV), para. 5; 1616 (XV); 1702 (XVI), para. 6; 1721 C (XVI), para. 1; 1742 (XVI), para. 8; 1746 (XVI), para. 7; 1761 (XVII), para. 6; 1802 (XVII) section I, para. 2; 1805 (XVII), paras. 4 and 8; 1810 (XVII), para. 9; 1819 (XVII), para. 7; 1874 (S-IV), para. 1; 1875 (S-IV), para. 4; 1876 (S-IV), para. 4; 1881 (XVIII), para. 3; 1907 (XVIII), para. 4; 1901 (XVIII), para. 4; 1991 A (XVIII), para. 2; 1991 B (XVIII), para. 2; 2023 (XX), para. 10; 2053 A (XX), para. 4; and 2076 (XX), para. 4.

⁹ G A resolutions 1460 (XIV), para. 5; 1596 (XV), para. 6; 1597 (XV), para. 5; 1662 (XVI), para. 4; 1705 (XVI), paras. 5, 6 and 8; 1723 (XVI), para. 3; 1742 (XVI), para. 7; 1761 (XVII), paras. 4 and 7; 1764 (XVII), para. 7; 1802 (XVII), section III, para. 2; 1819 (XVII), para. 6; 1881 (XVIII), para. 7; 1896 (XVIII), para. 3; 1901 (XVIII), para. 3; 1956 (XVIII), para. 7; 1963 (XVIII), section II,

specialized agencies;²³ to governmental and non-governmental organizations.²⁴

C (XVI), para. 3; 1721 D (XVI), para. 6; 1721 E (XVI), para. 2; 1725 (XVI), paras. 1 (a) and (b); 1740 (XVI), para. 3; 1747 (XVI), para. 3; 1756 (XVII), para. 1; 1764 (XVII), section I, para. 5; 1802 (XVII), section I, para. 3; 1805 (XVII), para. 3; 1810 (XVII), para. 8; 1844 (XVII), paras. 2 and 3; 1855 (XVII), para. 4; 1880 (S-IV), paras. 2, 3 and 5; 1881 (XVIII), para. 5; 1899 (XVIII), para. 8; 1896 (XVIII), para. 5; 1907 (XVIII), para. 6; 1912 (XVIII), para. 4; 1949 (XVIII), para. 13; 1956 (XVIII), paras. 4 and 6; 1963 (XVIII), section I, paras. 2 and 3, and section V; 1964 (XVIII), para. 4; 1993 (XVIII), para. 3; 2023 (XX), paras. 12 and 14; 2025 (XX), para. 7; 2053 A (XX), paras. 1 and 3; 2053 B (XX), para. 4; 2054 B (XX), para. 4; 2105 (XX), paras. 6, 8, 9 and 13; 2114 (XX), para. 2; 2130 (XX), section I, and section III, paras. 1 and 2; and 2132 (XX), para. 4.

²³ G A resolutions 1376 (XIV), section IV, para. 2; 1566 (XV), paras. 3 and 5; 1628 (XVI), para. 5; 1629 (XVI), section I, paras. 1 and 2; 1654 (XVI), para. 8; 1705 (XVI), para. 4; 1721 C (XVI), para. 1; 1746 (XVI), para. 6; 1764 (XVII), section I, para. 6 and section II, paras. 2 and 4; 1802 (XVII), section III, paras. 3—6, and section IV,

9. The General Assembly also addressed its recommendations to the Security Council;²⁵ and to the Secretary-General.²⁶

para. 7; 1844 (XVII), para. 4; 1896 (XVIII), paras. 3 and 4; 1907 (XVIII), paras. 4 and 7; 1963 (XVIII), section III, para. 4, and section IV, para. 3; 1978 A (XVIII), para. 4; 2023 (XX), para. 12; 2054 A (XX), para. 10; 2105 (XX), para. 11; and 2107 (XX), paras. 9 and 10.

²⁴ G A resolutions 1721 C (XVI), para. 2; 1721 D (XVI), para. 5; 1802 (XVII), section III, para. 4; 1844 (XVII), para. 4; 1907 (XVIII), paras. 4 and 7; 1978 B (XVIII), para. 2; 2011 (XX), para. 2; 2023 (XX), para. 12; 2054 B (XX), para. 6; 2105 (XX), para. 11; and 2107 (XX), para. 10.

²⁵ G A resolutions 1596 (XV), para. 7; 1663 (XVI), para. 4; 1742 (XVI), para. 10; 1761 (XVII), para. 8; 1807 (XVII), para. 8; 1819 (XVII), para. 9; 1899 (XVIII), para. 6; 1913 (XVIII), para. 1; 1979 (XVIII), para. 2; 2022 (XX), paras. 12 and 13; 2023 (XX), para. 11; 2024 (XX), para. 3; 2054 A (XX), para. 6; 2074 (XX), para. 13; 2077 (XX), para. 3; and 2107 (XX), para. 11.

²⁶ For recommendations addressed to the Secretary-General, see this *Supplement* under Articles 97 and 98.

II. ANALYTICAL SUMMARY OF PRACTICE

A. The question of the application of the term "within the scope of the present Charter" in deciding whether a particular matter may be discussed

10. Discussions bearing upon constitutional aspects of the term "within the scope of the present Charter" took place during consideration of the following questions: (a) Question of South West Africa;²⁷ (b) Question of Algeria;²⁸ (c) Treatment of people of Indian and Indo-Pakistan origin in the Union of South Africa;²⁹ (d) Question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of South Africa;³⁰ (e) Question of Tibet;³¹ (f) Situation in Angola.³²

11. The invoking of Article 10 in the constitutional discussions on the above-mentioned case histories was related mainly to two aspects of the competence of the General Assembly, namely, its competence to discuss matters despite a plea of domestic

jurisdiction under Article 2 (7),³³ and its competence to discuss matters claimed to be *sub judice*.³⁴

1. QUESTION OF SOUTH WEST AFRICA³⁵

12. At the outset of the debate in the item in the Fourth Committee at the fifteenth session of the General Assembly, the representative of the Union South Africa drew attention to the fact that the Governments of Ethiopia and Liberia had recently filed an application at the International Court of Justice, instituting proceedings against his Government with regard to South West Africa. It was noted that since the substance of the contentious proceedings was *sub judice*, the Committee should not discuss the item now before it. Under the *sub judice* rule it, was contended, a court should not be hindered in any way in the impartial exercise of its functions while a case was pending. In most legal systems, any action or comment, whether by public bodies, in newspaper articles, or in public speeches, which might tend to intimidate, embarrass, influence, or impede a court in the administration of justice was considered as contempt of court.

13. The Chairman of the Fourth Committee, having interpreted the observations of the representative of the Union of South Africa as a motion to

²⁷ G A (XV), Annexes, a.i. 43; G A (XVI), Annexes, a.i. 47; G A (XVII), Annexes, a.i. 57; G A (XVIII), Annexes, a.i. 55; G A (XX), Annexes, a.i. 69.

²⁸ G A (XIV), Annexes, a.i. 59; G A (XV), Annexes, a.i. 71; G A (XVI), Annexes, a.i. 80.

²⁹ G A (XIV), Annexes, a.i. 60; G A (XV), Annexes, a.i. 70; G A (XVI), Annexes, a.i. 75. At the seventeenth session this item was considered together with the item "Question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of South Africa", under the title: "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". G A (XVII), Annexes, a.i. 87.

³⁰ G A (XIV), Annexes, a.i. 61; G A (XV), Annexes, a.i. 72; G A (XVI), Annexes, a.i. 76. For reference to the seventeenth session see foot-note 29 above.

³¹ G A (XIV), Annexes, a.i. 73; G A (XVI), Annexes, a.i. 83; G A (XX), Annexes, a.i. 91.

³² G A (XV), Annexes, a.i. 92; G A (XVI), Annexes, a.i. 27; G A (XVII), Annexes, a.i. 29.

³³ See above Question of Algeria, paras. 29—31; Treatment of people of Indian and Indo-Pakistan origin in the Union of South Africa, paras. 32 and 33; Question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of South Africa, paras. 34—37; Question of Tibet, paras. 38—41; and Situation in Angola, paras. 42—45. During the consideration of the item "The status of the German-speaking element in the Province of Bolzano (Bozen); implementation of the Paris Agreement of 5 September 1946" (G A (XV), Annexes, a.i. 68, A/4395), Article 10 was invoked, together with Article 14, in reply to a reference to the domestic jurisdiction clause during the debate, see also this *Supplement* under Articles 2 (7) and 14.

³⁴ Question of South West Africa, paras. 12—28 below.

³⁵ For detailed treatment of the question of South West Africa, see also this *Supplement* under Article 80.

adjourn the debate on the item, submitted it to a vote. The motion was rejected.³⁶ Debates then ensued on the extent to which the General Assembly could be considered competent to discuss a matter, some aspects of which were the subject of contentious proceedings before the International Court of Justice. It was argued on the one hand that since the case under consideration was pending before the International Court of Justice, the Committee should do nothing which might in any way impair the standing of the Court or allow it to be said that the Court's decision had been subject of improper influences or of pressure based upon political considerations. To proceed with the discussion of the question and to hear witnesses in the matter of which the Court was seized might provide a party to the dispute with grounds for arguing that the Court proceedings had been prejudiced by the Committee's action. Under the principle of *sub judice*, at least as applied in certain countries, the Court might punish or restrain individuals who published matters likely to prejudice a fair trial or to appear to do so, as the rule was designed to protect the interest of the parties before the Court. The practice developed between Parliament and courts in the United Kingdom was given as an illustration of the applicability of the *sub judice* rule in the activity of a court in relation to a legislature. Although it might be argued that the International Court of Justice could not enforce the *sub judice* rule directly against an individual in any particular country, since its position was not the same as that of national courts, nevertheless it was clear that the analogy was a close one if it was considered that in any given case the Court was concerned with the conduct of States and not of individuals. The relationship of the International Court of Justice to the General Assembly resembled that of the courts to Parliament. In both cases, the two organs were part of one constitutional structure; neither could restrain views expressed by members of the General Assembly or those of the House of Commons. In both cases, the impartiality of the Court and the rights of litigants should be protected against external pressures. In both cases, it was the House of Commons or the General Assembly which could, by expressing an opinion, bring the greatest pressure to bear upon the Court if it so wished. Therefore, it was concluded, it was the duty of the General Assembly and its Committees to exercise restraint similar to the discipline which the House of Commons and similar legislative chambers imposed upon themselves with regard to matters which were before the International Court of Justice.

14. It was argued, on the other hand, that the General Assembly was competent to discuss the matter under consideration inasmuch as the question before the Court was one between Ethiopia and Liberia on the one side, and the Union of South Africa on the other, and not one involving the United Nations. Furthermore, under Article 10 of the Charter, the General Assembly was authorized to discuss any matter within the scope of the Charter and the question of South West Africa was clearly one

fitting the description "within the scope of the present Charter". The view was stressed that although some aspects of the case were the subject of contentious proceedings before the Court, the purpose of the Committee was to receive information from petitioners about events in the Territory. The Committee was concerned with the humanitarian aspect of the question while the Court was concerned with its legal aspect. There was, therefore, no justification for the *sub judice* plea and the General Assembly was not only competent but duty-bound to deal with the matter. It was also maintained that since the Court, in its advisory opinion of 1 June 1956 on the Admissibility of Hearings of Petitioners by the Committee on South West Africa,³⁷ had reiterated its view that supervisory functions formerly exercised by the League of Nations were now to be exercised by the General Assembly, the Committee and the General Assembly must continue to exercise those supervisory functions even while the case was before the Court. It was the Committee's responsibility to make a thorough examination of conditions in the Territory with a view to making appropriate recommendations. In order to effectively discharge its supervisory functions, the Committee had to examine the economic, social, educational and political conditions in the Territory, and in so doing it would have to take into account the views of petitioners.

15. Some representatives also argued that the question of South West Africa before the General Assembly could not be placed on the same plane with the question before the Court. The two States which had instituted the proceedings before the Court had done so in their capacity as former members of the League of Nations. The General Assembly, on the other hand, was engaged in the examination of the matter in the interest of the United Nations as a whole, carrying out its task of supervising the administration of South West Africa in accordance with the advisory opinion of the Court rendered in 1950. The *sub judice* rule could be applied only if two domestic courts were called upon to settle a dispute or to take a decision on a question arising between the same parties and on the same matter, and if the two bodies were not in a position to discuss and settle the dispute without the interest involved being directly affected. Furthermore, the principle of *sub judice* was not applicable in the present case as it was not one provided for in the Charter. Consequently, the Assembly could discuss the question just as it could, under the general authority of Article 10, consider "the powers and functions" of the Court itself.

16. At the plenary meeting at which the Assembly considered the report of the Fourth Committee, a motion by the representative of South Africa that debate on the question be adjourned was rejected.³⁸

17. The *sub judice* plea was also made at the sixteenth, seventeenth, eighteenth and twentieth sessions of the General Assembly.

18. It was pointed out, during the discussion at the sixteenth session, that while at the fifteenth

³⁶ G A (XV), 4th Com., 1049th mtg., para. 57.

³⁷ ICJ, *Reports 1956*, p. 23.

³⁸ G A (XVII), Plen., 954th mtg., para. 87.

session the application instituting contentious proceedings had just been filed, at the current session the Registrar of the Court had received the memorials of Ethiopia and Liberia as well as South Africa's counter-memorials. It followed that it was even more necessary at that stage for the Committee to observe the *sub judice* rule by refraining from a further consideration of the question of South West Africa. It was noted that Article 10, on the provisions of which some Members had sought to justify the discussion of the matter by the General Assembly, was clearly limited in its application by the provisions of Article 12 which explicitly prohibited the General Assembly from making a recommendation on matters of which the Security Council was being seized. The limitation embodied in Article 12 of the Charter was clearly equally applicable to cases pending before the International Court of Justice.

19. As against this contention, it was noted that the general competence of the General Assembly to discuss matters was only qualified by the restriction of not making any recommendation when the matter under discussion was before the Security Council. The question of South West Africa, it was pointed out, was not under consideration by the Security Council and the General Assembly was therefore free to deal with it. It was also indicated that Ethiopia and Liberia had instituted proceedings with the Court solely on the ground that South Africa had not complied with the provisions of the mandate. There were two aspects of the question, one political and the other legal, and the two aspects could be dealt with concurrently. In the light of the provisions of Articles 10 and 12 of the Charter, and of Article 1 of the Statute of the International Court of Justice, the General Assembly had the power to discuss not only the question of South West Africa but also the powers and functions of the Court itself".

20. Representatives arguing against the validity of the *sub judice* plea observed, furthermore, that the plea was only admissible in cases dealt with by domestic courts, but was not applicable in international law. Some indicated that the plea did not stand since the General Assembly could not abdicate its political and moral responsibilities merely because two Member States of the United Nations had instituted proceedings before the Court; in any case, the Court could only adjudicate on certain legal aspects of the problem and could not rule on its social and political aspects.

21. Others, while not accepting the validity of the *sub judice* rule as such, believed, nevertheless, that the Committee would be ill-advised to address itself directly to the case in question lest the impression be given that an attempt was being made to influence the Court. It would, therefore, be prudent to await the decision of the Court before any measures were taken which might attempt to alter the present status of South West Africa.

22. Still others, while not denying the validity of the *sub judice* rule in matters relating to domestic law, specified that the rule was generally applicable only in cases where a dispute, already before one court of law, might be brought before a second. No such problem existed in the domain of international

law and no one could maintain that the United Nations was a court of law; it was a political organization and the *sub judice* plea was therefore inadmissible. It was further asserted by those who were against the admission of the *sub judice* plea, that the problem now before the Court did not, in any way, involve the suspension of the functions of supervision and control inherited by the United Nations from the League of Nations. On the contrary, the United Nations had a right and duty to continue examining the situation in the Territory and, if necessary, to envisage interim protective measures. The exercise of these functions could be effected by the United Nations through its Committee on South West Africa or any other body it chose to appoint. On the other hand, the General Assembly should, in the circumstances, not adopt radical measures which would affect the legal status of the Territory since that particular problem could only be settled if the Court had handed down its findings concerning South Africa's fulfilment of its obligations under the mandate.

23. At the seventeenth session of the General Assembly a renewed *sub judice* plea was made in the Fourth Committee and adjournment of the debate was declared to be even more necessary now that the Court had actually been engaged in hearing arguments, for and against, in the contentious proceedings instituted by Ethiopia and Liberia.

24. It was contended, in reply, that the fact that the question of South West Africa was being debated by the Committee notwithstanding the plea of the Union of South Africa Government, was ample evidence that the majority of Member States of the United Nations did not agree with that Government's position. It was also argued that proceedings pending before the International Court should in no way prevent the General Assembly from exercising its lawful functions provided under the Charter, for the admission of the South African argument would lead to strange consequences: a country, for instance, reluctant to discharge its obligations under the Charter, had only to find a pretext to appeal to the Court and invoke the *sub judice* principle in order to paralyze the activity of the General Assembly.

25. Some representatives pointed to the provisions of the Charter relating to Non-Self-Governing Territories to refute the view that the General Assembly was not competent to consider the South West Africa question. Other representatives stated that although they agreed with the contention that any action by the General Assembly with regard to South West Africa should have a firm legal basis, they felt that, acting in accordance with the principles of the Charter and the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the General Assembly was entitled not only to examine the situation in the Mandated Territory but also to study ways and means of transferring power to its indigenous inhabitants.

26. At the eighteenth session of the General Assembly, the Fourth Committee had before it a draft resolution³⁹ jointly sponsored by Algeria,

³⁹ G A (XVIII), Annexes, a.i. 55, A/5605, para. 10, A/C.4/L.777, and Add.1-3. For constitutional discussions bearing on Article 11, see study of that Article.

Burma, Burundi, Cambodia, Cameroon, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ghana, Guinea, India, Indonesia, Iraq, Ivory Coast, Jamaica, Jordan, Kuwait, Libya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Philippines, Somalia, Sudan, Syria, Tanganyika, Togo, Uganda, United Arab Republic and Yemen. In the thirty-eight Power draft resolution, the General Assembly would express its deep concern at the situation in South West Africa, the continuation of which it considered as constituting a serious threat to international peace and security. Among other things, it would urge all States, either separately or collectively, to refrain forthwith from supplying in any manner or from any arms or military equipment or any petroleum or petroleum products to South Africa.

27. In the course of the discussion of the draft resolution, views were expressed as to the validity of the measures now being recommended for adoption by the General Assembly while some aspects of the case were still before the International Court of Justice. It was contended by some representatives that although they had never accepted South Africa's argument that the question could not be discussed in the General Assembly because it was *sub judice*, they felt that there was a difference between resolutions adopted by the General Assembly in the past which had not prejudged the existence of the mandate, and a draft resolution envisaging a revocation of the status of that mandate, which if adopted, would introduce a new juridical element to the whole problem. It would, therefore, be wiser for the United Nations at that session to confine itself to the political aspects of the problem and to prepare for the important steps it would be called upon to take after the final judgement had been handed down by the Court.

28. On the other hand, the view was expressed that while there was a difference between the competence of the United Nations in respect of Non-Self-Governing Territories placed under trusteeship and its competence in respect of similar Territories not under trusteeship, it did not follow that the United Nations could not intervene in the second case. If the principle was accepted that the General Assembly was competent, under Article 10, to discuss any questions relating to Non-Self-Governing Territories not placed under the Trusteeship System and, under Article 11, to discuss such questions jointly with the Security Council, then it would be difficult to support the contention that the United Nations had no jurisdiction over those Territories. The argument was also made that not only did the General Assembly have full powers to consider the question in the Territory of South West Africa under Articles 10 and 12, but it also had the duty to be concerned with the fate of an entire people who had been denied fundamental human rights and the possibility of attaining independence and freedom.⁴⁰

⁴⁰ For texts of relevant statements, see G A (XV), 4th Com., 1049th mtg.: Chairman (Iraq), paras. 52 and 57; Union of South Africa, paras. 39–41, 47 and 51; United Kingdom, paras. 59, 61 and 62; 1051st mtg.: Liberia, para. 3;

2. QUESTION OF ALGERIA

29. In the course of the consideration of the agenda item "Question of Algeria" at the fourteenth session of the General Assembly, some representatives referred to Article 10 in conjunction with Article 14, in support of the view that the General Assembly was competent to consider the matter, notwithstanding the invocation of the domestic jurisdiction clause of Article 2 (7). As the Algerian conflict had become a threat to international peace and security, it was further argued, the United Nations must act. Moreover, the question had been treated for years as one of the most important items on the agenda of the General Assembly.

30. During the consideration of a draft resolution⁴¹ jointly sponsored by Afghanistan, Burma, Ceylon, Federation of Malaya, Ethiopia, Ghana, Guinea, India, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Saudi Arabia, Sudan, Tunisia, United Arab Republic and Yemen, by which the General Assembly would urge the two parties concerned "to enter into 'pourparlers' to determine the conditions necessary for the implementation as early as possible of the right of self-determination of the Algerian people, including conditions for a cease-fire", a number of representatives indicated that they could not support the draft resolution on the grounds that the measure it recommended constituted an intervention in the domestic affairs of a Member State. It was also argued that by adopting the twenty-two Power draft resolution, the General Assembly would be inadvertently favouring one side or the other and assuming

Union of South Africa, para. 2; 1059th mtg.: United Kingdom, para. 13; 1060th mtg.: Ghana, para. 6; 1062nd mtg.: Ceylon, para. 22; 1063rd mtg.: Italy, para. 30; Liberia, para. 31; Mexico, para. 25; United Kingdom, para. 19; 1064th mtg.: Tunisia, para. 6; 1074th mtg.: Venezuela, para. 28; 1075th mtg.: El Salvador, para. 36; Guatemala, para. 29; 1076th mtg.: Ethiopia, para. 44; 1110th mtg.: India, para. 3; 1112th mtg.: Guinea, para. 32; Iraq, para. 28; 1113th mtg.: Brazil, para. 25; 115th mtg.: Philippines, para. 24. Plen., 954th mtg.: Union of South Africa, paras. 64, 72–75; 979th mtg.: Liberia, para. 55.

G A (XVI), 4th Com., 1218th mtg.: Philippines, para. 44; Union of South Africa, paras. 1 and 2; 1226th mtg.: Liberia, para. 28; 1229th mtg.: China, para. 10; Liberia, para. 34; Union of South Africa, para. 41; 1231st mtg.: Ceylon, para. 15; 1232nd mtg.: Ghana, para. 8; India, para. 18; 1233rd mtg.: United States, para. 56; 1236th mtg.: Morocco, para. 36; 1237th mtg.: France, para. 19; Sweden, para. 3.

G A (XVII), 4th Com., 1369th mtg.: Liberia, para. 28; Union of South Africa, para. 14; 1377th mtg.: para. 32; 1378th mtg.: India, para. 16; 1379th mtg.: Ceylon, para. 21; Poland, para. 3; 1382nd mtg.: United States, para. 43; 1383rd mtg.: New Zealand, para. 61; 1385th mtg.: United Arab Republic, para. 30; 1387th mtg.: Congo (Leopoldville), para. 50.

G A (XVIII), 4th Com., 1457th mtg.: Brazil, para. 12; Liberia, para. 30; Union of South Africa, para. 25; 1460th mtg.: Venezuela, para. 33; 1461st mtg.: Greece, para. 5; Nigeria, para. 17; 1462nd mtg.: Ecuador, paras. 49 and 50; Uganda, para. 40; 1463rd mtg.: Guatemala, para. 39; 1472nd mtg.: Congo (Leopoldville), para. 53; 1473rd mtg.: Syria, paras. 20 and 21.

G A (XX), 4th Com., 1581st mtg.: Liberia, paras. 47 and 49; Pakistan, para. 54; Somalia, para. 59; South Africa, paras. 41, 48 and 57; 1582nd mtg.: Netherlands, para. 59; Norway, para. 43; United Kingdom, paras. 48 and 52.

⁴¹ G A (XIV), Annexes, a.i. 59, A/4339, para. 5. (A/C.I./L.246 and Addl.)

the responsibility for judgement, which it was neither authorized nor competent to exercise. The view that the General Assembly had the duty to express an opinion in the form of a resolution on any matter which it decided to discuss was unfounded. There was nothing in the Charter that laid an obligation of that nature on the Assembly. Such a mistaken view, it was concluded, might have dangerous consequences. In reply it was argued that it was the right and duty of the General Assembly to further the solution of problems with its advice and guidance. When a question came before the United Nations, it was the duty of the Organization to conclude its examination of that question by adopting a draft resolution thereon; a draft resolution was an integral part of a debate.⁴²

31. The First Committee proceeded to vote on the twenty-two Power draft resolution which it adopted for submission to the General Assembly.⁴³

3. TREATMENT OF PEOPLE OF INDIAN AND INDO-PAKISTAN ORIGIN IN THE UNION OF SOUTH AFRICA⁴⁴

32. As the competence of the General Assembly to consider this item at the fourteenth, fifteenth and sixteenth sessions was again questioned by the representative of South Africa, Member States supporting its consideration by the General Assembly argued that the plea of domestic jurisdiction was no longer tenable since the treatment of people of Indian and Indo-Pakistan origin in South Africa constituted a violation of human rights and fundamental freedoms. It was, moreover, contrary to Articles 55 and 56 of the Charter and to articles 1, 2 and 7 of the Universal Declaration of Human Rights. These and the fact that the General Assembly had continuously considered the item clearly established the competence of the General Assembly to deal with the matter.⁴⁵

⁴² For texts of relevant statements, see G A (XIV), Gen. Com., 121st mtg.: France, para. 25; 1st Com., 1069th mtg.: Spain, paras. 11 and 15; United Kingdom, paras. 2 and 4; 1070th mtg.: Belgium, para. 14; 1073rd mtg.: Argentina, paras. 5-7 and 10; India, para. 20; 1074th mtg.: Dominican Republic, para. 2; Guinea, para. 24; 1075th mtg.: Bulgaria, para. 6; Italy, para. 18; United Arab Republic, para. 1; 1076th mtg.: Iceland, para. 41; Indonesia, para. 9; Pakistan, para. 11; 1077th mtg.: Saudi Arabia, para. 19; Uruguay, para. 15; 1078th mtg.: Burma, para. 30; Canada, para. 21; Morocco, para. 15; Portugal, para. 25; South Africa, para. 26; Spain, para. 19; Plen., 856th mtg.: India, para. 22; United Kingdom, para. 42.

⁴³ See G A (XIV), 1st Com., 1078th mtg.: paras. 36-45. No vote, however, was taken by the General Assembly on the draft resolution submitted by the First Committee. See G A (XIV), Annexes, a.i. 59, A/4339, para. 7, and A/L.276.

⁴⁴ At the seventeenth session this item was considered jointly with the item: "Question of race conflict in South Africa resulting from 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" (G A (XVII), Annexes, a.i. 87).

⁴⁵ For texts of relevant statements, see G A (XIV), Gen. Com., 122nd mtg.: Liberia, para. 3; South Africa, para. 1; Spec. Pol. Com., 172nd mtg.: Burma, para. 9; 173rd mtg.: United Kingdom, para. 18; Venezuela, para. 3; G A (XV), Gen. Com., 127th mtg.: India, para. 37; Pakistan, para. 38; South Africa, para. 36; USSR, para. 40; Spec. Pol. Com.: 228th mtg.: Iran, para. 13; 229th mtg.: Austria, para. 5; Venezuela, para. 29; 230th mtg.: Nigeria, para. 2; G A (XVI),

33. In spite of the plea of domestic jurisdiction during those sessions, the General Assembly proceeded to discuss the item and adopted resolutions thereon.⁴⁶

4. QUESTION OF RACE CONFLICT IN SOUTH AFRICA RESULTING FROM THE POLICIES OF *APARTHEID* OF THE GOVERNMENT OF SOUTH AFRICA⁴⁷

34. In the course of the consideration of the agenda item "Race conflict in South Africa resulting from the policies of *apartheid* of the Government of South Africa" in the Special Political Committee at the fourteenth session, arguments in support of the competence of the General Assembly to deal with this matter generally followed those expressed during the twelfth and thirteenth sessions.⁴⁸ These included the views that the policy of *apartheid* of the Government of South Africa constituted a violation of human rights and fundamental freedoms; that Member States were pledged under Articles 55 and 56 to co-operate by taking joint and separate actions in the promotion of human rights; that the policies of *apartheid* were an actual or potential threat to, or endangered world peace and security; that they were a matter of international concern; that they constituted continued violations of international obligations assumed by the Government of South Africa under the Charter; that the competence of the General Assembly to consider the matter had been clearly established by its repeated consideration of the matter and the various decisions and resolutions adopted thereon; and that the General Assembly was therefore not only competent but duty-bound to consider the matter.

35. It was, furthermore, argued in support of the competence of the General Assembly that Article 1 (3) and Article 13 (1) authorized the General Assembly to make recommendations on the matter, and that the principles of the Charter prevailed over the narrow concept of national competence. One representative argued that the international nature of the question was acknowledged by Africa itself when its representative spoke on the matter during the general debate. The plea of domestic jurisdiction was also contested on various other grounds. It was argued at one point that the fact that the Government of South Africa ignored resolutions of the General Assembly and refused to yield to world public opinion did not mean that the United Nations no longer had jurisdiction over the matter. One representative argued that while the

Gen. Com., 136th mtg.: India, para. 18; Liberia, para. 17; Pakistan, para. 19; South Africa, para. 16; Spec. Pol. Com., 292nd mtg.: Pakistan, para. 2; 297th mtg.: Burma, para. 2; Venezuela, para. 11.

⁴⁶ See G A resolutions 1460 (XIV) of 10 December 1959; 1597 (XV) of 13 April 1961; and 1662 (XVI) of 28 November 1961.

⁴⁷ At the seventeenth session, this item was considered jointly with the item: "Treatment of People of Indian and Indo-Pakistan origin in the Union of South Africa", under the title: "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" (G A (XVII), Annexes, a.i. 87).

⁴⁸ See *Repertory Supplement No. 2*, under Article 10, paras. 14-17.

General Assembly had no right to judge the progress which a sovereign State was making towards the ideal standards set forth in the Charter and the Universal Declaration of Human Rights, it must assert the principle for which the United Nations stood if the whole weight of Government policy was opposed to the realization of those aims. It was also argued that a restrictive interpretation of Article 2 (7) was indefensible in the case of crime against humanity, for on matters of that nature the United Nations could not remain silent. On the other hand, some representatives, while admitting the competence of the General Assembly to take up matters relating to the defence of fundamental human rights, argued that it had no authority to take further actions thereon.

36. At the fourteenth, fifteenth, sixteenth and seventeenth sessions, during debates on the matter in the Special Political Committee and in the General Committee, the main arguments supporting the competence of the General Assembly and the validity of the plea of domestic jurisdiction were reiterated.⁴⁹

37. At all the above-mentioned sessions the General Assembly proceeded to discuss the item and adopted resolutions thereon.⁵⁰

5. QUESTION OF TIBET

38. At the fourteenth, sixteenth and twentieth sessions, a number of representatives expressed their views in favour of the consideration by the General Assembly of the item "Question of Tibet", which some representatives had maintained the General Assembly could not deal with on the grounds that

⁴⁹ For texts of relevant statements, see

G A (XIV), Gen. Com., 122nd mtg.: Liberia, para. 3; India, para. 2; South Africa, para. 1; Spec. Pol. Com., 140th mtg.: Ghana, para. 22; Guatemala, para. 48; 141st mtg.: Iran, para. 21; Norway, para. 8; Pakistan, para. 18; 142nd mtg.: Belgium, para. 24; Nepal, para. 28; New Zealand, para. 4; 143rd mtg.: Ceylon, para. 6; Greece, para. 36; Ireland, para. 11; Netherlands, paras. 28 and 29; Peru, para. 31; Poland, para. 15; 145th mtg.: Albania, para. 10; Panama, para. 11; Romania, para. 18; Spain, para. 20; 147th mtg.: Mexico, para. 23; United Kingdom, para. 12;

G A (XV), Gen. Com., 127th mtg.: India, para. 37; Pakistan, para. 38; South Africa, para. 36; Sudan, para. 39; Spec. Pol. Com., 232nd mtg.: Philippines, para. 19; 233rd mtg.: United Arab Republic, para. 28; 236th mtg.: Lebanon, para. 6; United States, para. 14; 238th mtg.: Federation of Malaya, para. 2; Poland, para. 23; 239th mtg.: Ceylon, para. 26; Israel, para. 34; Morocco, para. 20; Peru, paras. 38, 41; 240th mtg.: Argentina, para. 9; USSR, para. 10; 241st mtg.: Australia, para. 25; Turkey, para. 28; Plen., 981st mtg.: Australia, para. 114; Ghana, para. 30;

G A (XVI), Gen. Com., 136th mtg.: India, para. 18; Liberia, para. 17; Pakistan, para. 19; Spec. Pol. Com., 269th mtg.: Chairman (Bulgaria), para. 27; Pakistan, para. 28; South Africa, para. 23; 274th mtg.: Guinea, para. 41; 275th mtg.: China, para. 1; Peru, para. 46; USSR, para. 18; 276th mtg.: Guatemala, para. 6; 277th mtg.: France, para. 10; 279th mtg.: India, para. 15; 280th mtg.: Nigeria, para. 21; 283rd mtg.: Ethiopia, para. 1; 284th mtg.: Sudan, para. 2; 285th mtg.: Ivory Coast, para. 8; Venezuela, paras. 31 and 32; 278th mtg.: India, para. 32; Pakistan, para. 31;

G A (XVII), Spec. Pol. Com., 335th mtg.: Libya, para. 31; 336th mtg.: Fed. Malaya, para. 25; 339th mtg.: Cyprus, para. 1; United Kingdom, para. 14.

⁵⁰ See G A resolutions 1375 (XIV) of 13 November 1959; 1598 (XV) of 13 April 1961; 1663 (XVI) of 28 November 1961; and 1761 (XVII) of 6 November 1962.

it was a matter essentially within the domestic jurisdiction of a State.

39. It was stated in the General Committee at the fourteenth session of the General Assembly that the plea of domestic jurisdiction was inadmissible since the situation in Tibet involved violation of human rights. In the plenary meetings of the same session the view was expressed that, since Article 10 authorized the General Assembly to consider any matter within the scope of the Charter, and since human rights were dealt with in Article 55 of the Charter, it followed that the General Assembly was competent to deal with the matter. It was further argued that it had been established that inscription of an item on the agenda as well as its discussion by the General Assembly did not constitute intervention in matters which were essentially within the domestic jurisdiction of a State.

40. In the course of the debate on the item at the sixteenth and twentieth sessions, the argument was reiterated, in reply to objections based on the plea of domestic jurisdiction, that inasmuch as the matter involved violation of human rights and fundamental freedoms, the General Assembly was competent to consider it. The competence of the General Assembly had moreover been established by its repeated consideration of the matter during the past few sessions.⁵¹

41. At all these sessions the General Assembly proceeded to discuss the item and adopted resolutions thereon.⁵²

6. SITUATION IN ANGOLA

42. In the course of the discussion of this item in the General Committee at the fifteenth session, it was argued against the plea of domestic jurisdiction that, by virtue of Article 10 of the Charter, it was appropriate for the General Assembly to discuss the matter.

43. It was further argued in the plenary meeting of the same session that the plea of domestic jurisdiction was inadmissible since Portugal had violated fundamental human rights in Angola and disregarded the principle of self-determination embodied in the Charter. Portugal had also ignored General Assembly resolutions and violated the Purposes and Principles

⁵¹ For texts of relevant statements, see

G A (XIV), Gen. Com., 124th mtg.: China, para. 18; Belgium, para. 33; Czechoslovakia, para. 28; France, para. 48; Ireland, para. 6; Sweden, para. 30; USSR, para. 15; Plen., 826th mtg.: Finland, para. 63; Ireland, para. 31; New Zealand, para. 36; 832nd mtg.: United States, paras. 83 and 84; 833rd mtg.: El Salvador, para. 5; Netherlands, para. 33; 834th mtg.: India, para. 69; Venezuela, paras. 146 and 143.

G A (XVI), Plen., 1014th mtg.: Malaya, para. 179; 1084th mtg.: China, para. 204; Ireland, para. 240; Malaya, para. 140; United States, para. 168.

G A (XX), Gen. Com., 159th mtg.: China, para. 12; Guatemala, para. 14; Hungary, para. 8; Philippines, para. 7; Poland, para. 11; USSR, para. 6; United States, para. 10; Plen., 1394th mtg.: Thailand, para. 50; 1401st mtg.: Albania, paras. 9; Congo (Brazzaville), para. 184; Cuba, para. 195; Czechoslovakia, para. 168; Hungary, para. 146; New Zealand, para. 8; Poland, para. 157; USSR, para. 127; United States, para. 110; 1403rd mtg.: Malaysia, para. 36.

⁵² See G A resolutions 1353 (XIV) of 21 October 1959; 1723 (XVI) of 20 December 1961; and 2079 (XX) of 18 December 1965.

of the Charter by deliberately creating tension between itself and the African States. Moreover, the General Assembly was competent to discuss the matter as it already came within the scope of the Charter. In the light of those reasons and the recent disorders and bloodshed, the General Assembly had not only the right but the duty to intervene, as international peace and security would be endangered if the situation were allowed to continue. It was also maintained that the General Assembly was a more suitable organ for the consideration of the problem of Angola, for the functions of the General Assembly were more comprehensive than those of the Security Council. Action by the General Assembly, though less decisive, was more flexible than action of the Security Council.

44. The argument that the General Assembly had the authority to consider the situation in Angola because it affected people of a dependent Territory and human rights was restated at the sixteenth session of the General Assembly.⁵³

45. At both the above-mentioned sessions the General Assembly proceeded to discuss the item and adopted resolutions thereon.⁵⁴

****B. The question of the scope of recommendations of the General Assembly "relating to the powers and functions of any organs provided for in the present Charter"**

C. The question of the scope of the phrase "may make recommendations" on a particular matter under discussion

46. Certain constitutional aspects of the phrase "may make recommendations" were discussed during the consideration of the following questions: (a) Question of Algeria;⁵⁵ (b) Obligation of Members, under the Charter of the United Nations, with regard to financing of the United Nations Emergency Force and the Organization's operations in the Congo: Advisory opinion of the International Court of Justice;⁵⁶ (c) Consideration of the financial situation of the Organization in the light of the report of the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations.⁵⁷

47. Constitutional discussions bearing on Article 10 with regard to the foregoing cases referred mainly to the issues whether the General Assembly had the power to "decide"⁵⁸ and whether it

⁵³ For texts of relevant statements, see G A (XV), Gen. Com., 134th mtg.: Japan, para. 9; Portugal, para. 10; Plen., 966th mtg.: Liberia, paras. 33 and 34; 992nd mtg.: China, para. 226; Somalia, paras. 85 and 86. G A (XVI), Plen., 1100th mtg.: Cyprus, paras. 105 and 106; Ghana, para. 34.

⁵⁴ See G A resolutions 1603 (XV) of 20 April 1961 and 1742 (XVI) of 30 January 1962.

⁵⁵ G A (XV), Annexes, a.i. 71.

⁵⁶ G A (XVII), Annexes, a.i. 64.

⁵⁷ G A (S-IV), Annexes, a.i. 7.

⁵⁸ See below Question of Algeria, paras 48–52; and the Consideration of the financial situation of the Organization in the light of the report of the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations, paras. 58–60.

could impose an obligation on Member States.⁵⁹

7. QUESTION OF ALGERIA⁶⁰

48. At the fifteenth session of the General Assembly, in the course of the consideration of the agenda item "Question of Algeria", the First Committee had before it a draft resolution⁶¹ jointly sponsored by Afghanistan, Burma, Ceylon, Ethiopia, Ghana, Guinea, India, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Mali, Morocco, Nepal, Nigeria, Pakistan, Saudi Arabia, Somalia, Sudan, Tunisia, United Arab Republic and Yemen. The twenty-four Power draft resolution contained, *inter alia*, the following operative paragraph:

"The General Assembly,

"...

"4. *Decides* that a referendum shall be conducted in Algeria, organized, controlled and supervised by the United Nations, whereby the Algerian people shall freely determine the destiny of their entire country."

49. In the ensuing debate it was argued by some representatives that the word "decides" in operative paragraph 4 of the twenty-four Power draft resolution should be replaced by the word "recommends", as under Article 10 of the Charter the General Assembly could only make "recommendations"; it could not impose decisions on Member States. By using the word "decides" in this paragraph, the Assembly would go beyond the spirit of the Charter.

50. It was stated in reply during the debate in the plenary meeting that the co-sponsors of the draft resolution were fully aware of that fact and that their intention was to "recommend" to the two parties concerned to "submit to the United Nations referendum in Algeria".

51. At the plenary meeting, the General Assembly had also before it an amendment to operative paragraph 4 of the twenty-four Power draft resolution submitted by Cyprus, which would, *inter alia*, substitute the word "recommends" for the word "decides".⁶²

52. In the vote that followed, the General Assembly failed to adopt the Cyprus amendment. Subsequently, in a separate vote, it also failed to adopt operative paragraph 4.⁶³

⁵⁹ See below Obligation of Members, under the Charter of the United Nations, with regard to financing of the United Nations Emergency Force and the Organization's operations in the Congo: Advisory opinion of the International Court of Justice, paras. 53–57; and Consideration of the financial situation of the Organization in the light of the report of the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations, paras. 58–60.

⁶⁰ For constitutional discussion relating to the competence of the General Assembly to discuss this item, see subsection A of the Analytical Summary of Practice, paras. 28–30 above.

⁶¹ G A (XV), Annexes, a.i. 71, A/4660, paras. 4 and 5, A/C.1/L/265 and Add.1–3.

⁶² G A (XV), Annexes, a.i. 71, p. 5, A/L.333.

⁶³ The draft resolution as a whole without operative paragraph 4, was adopted by the General Assembly (G A (XV/I), Plen., 956th mtg.: paras. 187 and 188). For texts of relevant statements, see G A (XV), 1st Com., 1133rd mtg.: Argentina, para. 23; Austria, para. 56; Colombia, para. 52; Ghana, para. 30; Norway, para. 40; Peru, para. 64; Sweden, para. 34; Plen., 956th mtg.: Burma, para. 171; Cyprus, para. 44.

8. OBLIGATIONS OF MEMBERS, UNDER THE CHARTER OF THE UNITED NATIONS, WITH REGARD TO FINANCING OF THE UNITED NATIONS EMERGENCY FORCE AND THE ORGANIZATION'S OPERATIONS IN THE CONGO: ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE

53. When this item was considered at the seventeenth session of the General Assembly, the question was raised whether the General Assembly was competent to make binding on Members the advisory opinion of the International Court of Justice, rendered on 20 July 1962,⁶⁴ on certain expenses of the Organization. The Fifth Committee of the General Assembly had then before it a draft resolution⁶⁵ jointly sponsored by Australia, Brazil, Cambodia, Cameroon, Canada, Colombia, Costa Rica, Denmark, Federation of Malaya, Ivory Coast, Japan, Liberia, Nigeria, Pakistan, Philippines, Sweden, Tanganyika, Trinidad and Tobago, United Kingdom and the United States, which provided that the General Assembly, after having received the Court's opinion on the question submitted to it, "accepts" that opinion.

54. It was asserted by some representatives that, inasmuch as the Court's jurisdiction rested on its voluntary acceptance by Member States, advisory opinions of the Court could not be used by the Assembly as a means of imposing a majority decision on Member States which did not accept those opinions. The General Assembly had no authority under the Charter to oblige Member States to contribute towards the expenses in question, and the Court could not confer upon the General Assembly a legal power which it lacked in the first place. If the General Assembly accepted the Court's interpretation, as envisaged in the draft resolution, and if that interpretation thereby became legally binding on all Member States, including those who had voted against the Court's opinion, the jurisdiction of the Court would be admitted as binding in a matter in which its competence had been expressly denied by the drafters of the Charter. Furthermore, since the United Nations was based on the principle of sovereign equality and, therefore, could not be considered a "super-State" or "super-Government", it followed that its Members could not be bound by the resolutions or recommendations of its organs, save in certain exceptional and well-founded cases. Decisions could be binding only when taken in connexion with the maintenance of peace and security or in grave cases where Member States had consented to accept the necessary limitations concerning the exercise of their sovereignty; recommendations, on the other hand, were never binding. Under the Charter, decisions relating to international peace and security were clearly reserved for the Security Council, and the General Assembly could take decisions only on strictly financial and budgetary questions in accordance with Article 17.

⁶⁴ Certain expenses of the United Nations, ICJ, *Reports* 1962. See also this *Supplement* under Article 17 (2).

⁶⁵ G A (XVII), Annexes, a.i. 64; A/5380, para. 4, A/AC.5/L.760, and Add.1-4, referred to hereinafter as the twenty-Power draft resolution.

As no concrete and detailed decisions, including those on financial matters, had been made by the Security Council with regard to UNEF and ONUC, these operations were consequently governed by "recommendations". In the circumstances, acceptance of the Court's advisory opinion would be tantamount to *de facto* revision of the Charter, since it would mean that any recommendation concerning a United Nations operation would be binding on Member States because they would have to share the resulting financial burdens.

55. It was also pointed out that in 1949 the International Court of Justice had stated that the United Nations was not a State, that its rights and duties were not the same as those of a State, and that still less could it become a "super-State".⁶⁶ But if the General Assembly could decide by a two-thirds majority to impose financial obligations on Member States, even on those which did not accept such obligations, it would indeed be a "super-State". The drafters of the Charter had understood that States would be bound only by obligations they had formally accepted. There was only one category of decisions which were automatically binding on Member States, namely those adopted by the Security Council in the manner prescribed by the Charter. Recommendations of the General Assembly did not impose a legal obligation on Member States which had not voted for them, no matter how large the majority supporting them. The Court's opinion, however, implied that the Assembly was competent not merely to make recommendations, but to take measures and actions relating to the maintenance of international peace and security and that the Security Council had the exclusive right to take such action only in the case of "enforcement measures". The Court's contention was based on an unduly literal interpretation of the Charter provisions governing the powers of the Assembly. It was clear from the texts of Articles 10, 11, 12, 14, 18 and 35 that the General Assembly was authorized to "recommend" but not to "take" measures relating to the maintenance of international peace and security. Yet, by arguing that the General Assembly could "organize" peace-keeping operations, while the Security Council could "take" action for the maintenance of international peace and security, the Court sought to equate the powers of the General Assembly with those of the Security Council. In adopting resolutions for military actions or authorizing the apportionment of expenses for the operations in the Middle East and the Congo, the General Assembly had acted *ultra vires* and the resolutions thereon were legally invalid.

56. It was argued on the other hand that, in so far as the draft resolution was concerned, there was no question whatsoever of the General Assembly imposing a decision of the Court on Member States. The General Assembly had, in the exercise of its functions, merely to take its own decision in the light of the Court's opinion. That decision, like any resolution of the General Assembly, would be binding on Member States. The argument that General

⁶⁶ See *Reparation for injuries suffered in the service of the United Nations, Advisory Opinions*, ICJ, *Reports* 1949, p. 179.

Assembly resolutions were binding only on Member States that had voted in favour of, or had decided to accept them, was untenable. For, if that view was correct, it was difficult to understand why a two-thirds majority, or for that matter any majority, was necessary for the passage of a resolution. It was indicated that the operative paragraph of the draft resolution which contained the word "accepts" simply meant that the General Assembly would take the advice of the Court. It did not mean that the General Assembly agreed or did not agree with the proposition that, in point of law, the opinion was correct. It was not the function of the General Assembly to review or pass judgement on an advisory opinion of the Court, and even less to transform the opinion into a binding decision. The General Assembly had merely received an advice which it was free to accept or reject. If it accepted the Court's advice, the existing apportionments of UNEF and ONUC expenses would continue in force as they stood, and it would be generally recognized that the General Assembly was entitled to apportion expenses in the future under Article 17 (2), if it so decided, and to apply any scale of assessments which it deemed appropriate. It was also contended that although the General Assembly could only make recommendations, Member States had the moral obligation of complying with recommendations made by a two-thirds majority for, by subscribing to the Charter, they had recognized the competence of the Assembly in matters duly entrusted to it.

57. At a later stage of the discussion, the Fifth Committee also considered an amendment, submitted by Jordan,⁶⁷ which would substitute the words "takes note of" for the word "accepts" in the operative paragraph of the twenty-Power draft resolution referred to above. The Committee, in a vote that was taken subsequently, rejected the draft amendment and adopted the draft resolution.⁶⁸

9. CONSIDERATION OF THE FINANCIAL SITUATION OF THE ORGANIZATION IN THE LIGHT OF THE REPORT OF THE WORKING GROUP ON THE EXAMINATION OF THE ADMINISTRATIVE AND BUDGETARY PROCEDURES OF THE UNITED NATIONS

58. The consideration of this item in the Fifth Committee at the Fourth Special Session of the

⁶⁷ G A (XVII), Annexes, a.i. 64, A/5380, para. 6, A/C.5/L.766.

⁶⁸ *Ibid.*, para. 9. The draft resolution was adopted at the 1199th plenary meeting of the General Assembly on 19 December 1962 as resolution 1854 A (XVII). For texts of relevant statements, see G A (XVII), 5th Com., 962nd mtg.: France, paras. 18–20; 964th mtg.: Jordan, para. 2; Peru, paras. 32 and 34; Poland, para. 10; 965th mtg.: Romania, paras. 5 and 8; 966th mtg.: Trinidad and Tobago, paras. 37 and 38; 967th

General Assembly led to constitutional discussion on whether resolutions adopted by the General Assembly on the financing of United Nations operations such as UNEF and ONUC should be considered binding on Member States.⁶⁹ In this connexion, reference was made to the scope of the power of the General Assembly to make recommendations under Article 10.

59. It was maintained, on the one hand, that "recommendations" which the General Assembly was authorized to make under Article 10 had no binding legal force on Member States. The General Assembly was not empowered to impose obligations, particularly when in so doing it was usurping the authority of the Security Council. A "recommendation", it was also contended, could not be considered a "decision". The Charter was careful not to confuse the two terms, as shown by the provisions of Articles 39 and 41. Recommendations of the General Assembly could only be binding on those States which had accepted them. Also the General Assembly, as had been indicated by the report of the United Nations Conference on International Organization in San Francisco, could not take decisions on the interpretation of the Charter that were binding on all Members. Furthermore, Article 11 had made clear the subordinate role of the General Assembly to the Security Council with regard to the maintenance of international peace and security.

60. On the other hand, it was argued that the existence of the Security Council in no way implied the abolition of the prerogatives of the General Assembly which remained the principal organ having the necessary authority to deal with all questions relating to the Charter. Under the "Uniting for peace" resolution,⁷⁰ the responsibility for the maintenance of peace would in case of paralysis of the Security Council by the lack of unanimity of the permanent members devolve upon the General Assembly. This was made possible only through a rather flexible interpretation of Articles 10 and 11 of the Charter. While that interpretation might not be in full accord with the intentions of the drafters of the Charter, it might eventually, as had often happened, become generally accepted.⁷¹

mtg.: Australia, para. 30; 968th mtg.: Ivory Coast, para. 37; 972nd mtg.: Bulgaria, para. 28; Greece, para. 40; Mali, para. 33; 973rd mtg.: United Arab Republic, para. 1.

⁶⁹ See also this *Supplement* under Article 17 (2).

⁷⁰ Resolution 377 (V) of 3 November 1950. For constitutional discussions leading to the adoption of that resolution, see *Repertory*, under Article 11, pp. 302–304, 306–310, and 316–320.

⁷¹ For texts of relevant statements, see G A (S-IV), 5th Com., 986th mtg.: USSR, para. 12; 989th mtg.: Cuba, para. 32; 992nd mtg.: Bulgaria, para. 3; 993rd mtg.: Indonesia, para. 19; 994th mtg.: Haiti, para. 2; 997th mtg.: Poland, para. 6; 998th mtg.: France, para. 22.

ANNEX

Tabulation of some agenda items bearing upon Article 10^a

Item	General Assembly session	Agenda item	General Assembly resolution
Question of the representation of China in the United Nations ^b	(XIV)	8	1351 (XIV)
Progress report of the United Nations Scientific Committee on the Effects of Atomic Radiation	(XIV)	24	1376 (XIV)
Report of the <i>Ad Hoc</i> Committee on the Peaceful Uses of Outer Space	(XIV)	25	1472 (XIV)
The Korean question: report of the United Nations Commission for the Unification and Rehabilitation of Korea	(XIV)	26	1455 (XIV)
United Nations Relief and Works Agency for Palestine Refugees in the Near East	(XIV)	27	1456 (XIV)
(a) Report of the Director of the Agency;			
(b) Proposals for the continuation of United Nations assistance Palestine refugees: document submitted by the Secretary-General			
United Nations Emergency Force:	(XIV)	28	1442 (XIV)
(a) Cost estimates for the maintenance of the Force;			
(b) Manner of financing the Force: report of the Secretary-General on consultations with the Governments of Member States;			
(c) Progress report on the Force			
Treatment of people of Indian origin in the Union of South Africa	(XIV)	60	1460 (XIV)
Question of race conflict in South Africa resulting from the policies of <i>apartheid</i> of the Government of the Union of South Africa	(XIV)	61	1375 (XIV)
Question on Tibet	(XIV)	73	1353 (XIV)
Question of Hungary	(XIV)	74	1454 (XIV)
Representation of China in the United Nations ^c	(XV)	8	1493 (XV)
Co-operation of Member States ^d	(XV)	9	1495 (XV)
Report of the International Atomic Energy Agency	(XV)	14	1503 (XV)
Report of the United Nations Scientific Committee on the Effects of Atomic Radiation	(XV)	24	1574 (XV)
Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East	(XV)	26	1604 (XV)
The status of the German-speaking element in the Province of Bolzano (Bozen); implementation of the Paris agreement of 5 September 1946	(XV)	68	1497 (XV)
Treatment of people of Indian and Indo-Pakistan origin in the Union of South Africa	(XV)	70	1597 (XV)
Question of Algeria	(XV)	71	1573 (XV)
Question of race conflict in South Africa resulting from the policies of <i>apartheid</i> of the Government of the Union of South Africa	(XV)	72	1598 (XV)
The situation in the Republic of the Congo	(XV)	85	1599 (XV) 1600 (XV) 1601 (XV)
Complaint by the Revolutionary Government of Cuba regarding the various plans of aggression and acts of intervention being executed by the Government of the United States of America against the Republic of Cuba, constituting a manifest violation of its territorial integrity, sovereignty and independence, and a clear threat to international peace and security	(XV)	90	1616 (XV)
The situation in Angola	(XV)	92	1603 (XV)
Consideration of the grave situation in Tunisia obtaining since 19 July 1961	(S-III)	7	1622 (S-III)

^a This tabulation includes agenda items referred by the General Assembly to its First Committee and the Special Political Committee, agenda items of a political character considered directly by the General Assembly, as well as agenda items referred to the Fourth and Fifth Committees, which, because of the nature of the discussions or the provisions of the resolutions adopted thereon, are considered to have had a direct bearing on Article 10.

^b This item was discussed under agenda item 8 entitled "Adoption of the agenda".

^c This item was discussed in the General Assembly at its fifteenth session under agenda item 8 entitled "Adoption of the agenda".

^d This item was discussed in the General Assembly at its fifteenth session under agenda item 9 entitled "General debate".

Tabulation of some agenda items bearing upon Article 10 (continued)

<i>Item</i>	<i>General Assembly session</i>	<i>Agenda item</i>	<i>General Assembly resolution</i>
The Korean question: reports of the United Nations Commission for the Unification and Rehabilitation of Korea	(XVI)	20	1740 (XVI)
Report of the Committee on the Peaceful Uses of Outer Space	(XVI)	21	1721 (XVI)
Report of the United Nations Scientific Committee on the Effects of Atomic Radiation	(XVI)	24	1629 (XVI)
Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East	(XVI)	25	1725 (XVI)
The Situation in Angola: report of the Sub-Committee established by General Assembly resolution 1603 (XV)	(XVI)	27	1742 (XVI)
The status of the German-speaking element in the Province of Bolzano (Bozen); implementation of General Assembly resolution 1497 (XV) of 31 October 1960	(XVI)	74	1661 (XVI)
Treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa	(XVI)	75	1662 (XVI)
Question of race conflict in South Africa resulting from the policies of <i>apartheid</i> of the Government of the Republic of South Africa	(XVI)	76	1663 (XVI)
Question of Algeria	(XVI)	80	1724 (XVI)
Question of Tibet	(XVI)	83	1723 (XVI)
The situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples ^e	(XVI)	88	1650 (XVI)
Question of Hungary	(XVI)	89	1741 (XVI)
Question of the representation of China in the United Nations	(XVI)	90	1668 (XVI)
Restoration of the lawful rights of the People's Republic of China in the United Nations	(XVI)	91	1668 (XVI)
An international investigation into the conditions and circumstances resulting in the tragic death of Mr. Dag Hammarskjöld and of members of the party accompanying him	(XVI)	93	1628 (XVI)
Question of Southern Rhodesia	(XVI)	97	1747 (XVI)
Report of the Commission of investigation into the conditions and circumstances resulting in the tragic death of Mr. Dag Hammarskjöld and of the members of the party accompanying him	(XVII)	22	1759 (XVII)
International co-operation in the peaceful uses of outer space: reports of the Committee on the Peaceful Uses of Outer Space, the World Meteorological Organization and the International Telecommunication Union	(XVII)	27	1802 (XVII)
The Korean question:	(XVII)	28	1855 (XVII)
(a) Report of the United Nations Commission for the Unification and Rehabilitation of Korea;			
(b) The withdrawal of foreign troops from South Korea			
The situation in Angola: reports of the Sub-Committee established under General Assembly resolution 1603 (XV) and of the Government of Portugal	(XVII)	29	1819 (XVII)
Report of the United Nations Scientific Committee on the Effect of Atomic Radiation	(XVII)	30	1764 (XVII)
Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East	(XVII)	31	1856 (XVII)
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	(XVII)	54	1807 (XVII) 1808 (XVII) 1809 (XVII)
Question of South West Africa:	(XVII)	57	1804 (XVII)
(a) Report of the Special Committee for South West Africa;			1805 (XVII)
(b) Special educational and training programmes for South West Africa: report of the Secretary-General			1806 (XVII)

^e In relation to the question of Algerians imprisoned in France.

Tabulation of some agenda items bearing upon Article 10 (continued)

<i>Item</i>	<i>General Assembly session</i>	<i>Agenda item</i>	<i>General Assembly resolution</i>
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	(XVII)	64	1854 (XVII)
Question of Hungary	(XVII)	85	1857 (XVII)
The policies of <i>apartheid</i> of the Government of the Republic of South Africa:	(XVII)	87	1761 (XVII)
(a) Race conflict in South Africa;			
(b) Treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa			
Agreement between the Republic of Indonesia and the Kingdom of the Netherlands concerning West New Guinea (West Irian)	(XVII)	89	1752 (XVII)
Consideration of the financial situation of the Organization in the light of the report of the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations	(S-IV)	7	1874 (S-IV) 1875 (S-IV) 1876 (S-IV) 1877 (S-IV) 1878 (S-IV) 1879 (S-IV) 1880 (S-IV)
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 ^f	(XVIII)	23	1913 (XVIII)
International co-operation in the peaceful uses of outer space:	(XVIII)	28	1963 (XVIII)
(a) Report of the Committee on the Peaceful Uses of Outer Space;			
(b) Report of the Economic and Social Council (chapter VII, section IV)			
The Korean question: report of the United Nations Commission for the Unification and Rehabilitation of Korea	(XVIII)	29	1964 (XVIII)
The policies of <i>apartheid</i> of the Government of the Republic of South Africa: reports of the Special Committee on the policies of <i>apartheid</i> of the Government of the Republic of South Africa and replies by Member States under General Assembly resolution 1761 (XVII)	(XVIII)	30	1881 (XVIII)
Effects of atomic radiation:	(XVIII)	31	1896 (XVIII)
(a) Report of the United Nations Scientific Committee on the Effect of Atomic Radiation;			
(b) Report of the World Meteorological Organization			
Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East	(XVIII)	32	1912 (XVIII)
Question of South West Africa	(XVIII)	55	1899 (XVIII) 1900 (XVIII) 1901 (XVIII)
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 Colonial Countries and Peoples ^g	(XX)	23	2022 (XX)
International co-operation in the peaceful uses of outer space: reports of the Committee on the Peaceful Uses of Outer Space	(XX)	31	2130 (XX)
The Korean question: reports of the United Nations Commission for the Unification and Rehabilitation of Korea	(XX)	32	2132 (XX)
Actions on the regional level with a view to improving good neighbourly relations among European States having different social and political systems	(XX)	33	2129 (XX)
Effects of atomic radiation: reports of the United Nations Scientific Committee on the Effects of Atomic Radiation	(XX)	34	2078 (XX)
Reports of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East	(XX)	35	2052 (XX)

^f In relation to Territories under Portuguese administration.

^g In relation to the question of Southern Rhodesia.

Tabulation of some agenda items bearing upon Article 10 (concluded)

<i>Item</i>	<i>General Assembly session</i>	<i>Agenda item</i>	<i>General Assembly resolution</i>
The policies of <i>apartheid</i> of the Government of the Republic of South Africa: (a) Reports of the Special Committee on the Policies of <i>apartheid</i> of the Government of the Republic of South Africa; (b) Reports of the Secretary-General	(XX)	36	2054 (XX)
Question of South West Africa: 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	(XX)	69	2074 (XX) 2075 (XX)
Question of Tibet	(XX)	91	2079 (XX)
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	(XX)	93	2077 (XX)
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	(XX)	101	2053 (XX)
Restoration of the lawful rights of the People's Republic of China in the United Nations	(XX)	102	2025 (XX)
The inadmissibility of intervention in the domestic affairs of States and the protection of their independence and sovereignty	(XX)	107	2131 (XX)
Co-operation between the United Nations and the Organization of African Unity	(XX)	108	2011 (XX)