Article 11

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III. Resolutions of the General Assembly pertaining to the general principles of cooperation in the maintenance of international peace and security
Text of Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a State which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the State or States concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Introductory note

1. During the period under review, only the General Assembly among the main United Nations organs expressly referred to Article 11 in its work. However, study of the practice of the various major organs has revealed implicit references to Article 11 itself or to resolutions of the General Assembly relating thereto.

2. Under Article 11, paragraph 1, the General Assembly continued its consideration of the principles governing disarmament and arms limitation and addressed several recommendations on that topic to States and the Security Council.

3. The General Assembly also adopted, in accordance with Article 11, paragraphs 2 and 3, a number of recommendations calling the attention of the Security Council or Member States to situations that endangered or appeared to endanger international peace and security, without getting into discussions of a constitutional nature.

4. Given that Article 11 is closely linked to Articles 10 and 12, it would be necessary to refer to the studies on those articles in order to obtain a more complete view of the constitutional problems relating to the respective powers of the Security Council and the General Assembly regarding the maintenance of international peace and security.
I. General survey

5. During the period under review, the General Assembly adopted only one resolution that made explicit reference to Article 11. None of the resolutions adopted gave rise to a discussion of a constitutional nature on the specific scope of that Article.

6. The General Assembly adopted a number of resolutions that bore on Article 11 and that contained recommendations to the Security Council on matters relating to the maintenance of international peace and security. In some of those resolutions, the General Assembly raised specific issues regarding the maintenance of international peace and security, and requested the Security Council to take specific measures regarding such issues, as it is authorized to do under Article 11 (2). Other resolutions, in accordance with Article 11 (3), sought to draw the attention of the Council to situations that the General Assembly deemed constituted a threat to international peace and security. The Assembly thus urged the Security Council on several occasions to consider (on an urgent basis) the situation in the occupied Palestinian territory, requesting it in particular to consider the necessary measures with a view to securing international protection of Palestinian civilians in the Palestinian territory under Israeli occupation since 1967, including Jerusalem.

7. During the period under review, the General Assembly considered a range of issues in connection with which it made implicit reference to Article 11 by invoking the principles governing disarmament, as well as the principles governing arms limitation. Thus, during its annual consideration of the agenda item entitled “General and complete disarmament”, the Assembly confirmed the central role of the United Nations in the field of disarmament and, in that context, dealt with a wide range of topics.

8. Furthermore, at each session, the General Assembly adopted a number of resolutions pertaining to the issue of disarmament.
B. Summary of the activities of the General Assembly on the maintenance of international peace and security

9. During the period under review, the General Assembly adopted a number of resolutions on a wide range of issues, in which it made implicit reference to Article 11 by referring either to the maintenance of international peace and security,8 or to the general principles of cooperation in the maintenance of international peace and security.9

10. Furthermore, at its forty-eighth session, the General Assembly made explicit reference to Article 11 on the occasion of its adoption of the resolution on the review and implementation of the Concluding Document of its twelfth special session, in which it recalled its functions under that Article: “Mindful of the provisions of Article 11, paragraph 1, of the Charter of the United Nations stipulating that a function of the General Assembly is to consider the general principles of cooperation in the maintenance of international peace and security(...)”.10

C. Reports of the Secretary-General

11. During the period under review, the Secretary-General issued six annual reports on the work of the Organization covering the forty-fourth to the forty-ninth sessions of the General Assembly. In addition, two specific reports were also issued, namely, An Agenda for Peace (1992) and An Agenda for Development (1994). None of those documents made explicit reference to Article 11 of the Charter, but some of them contained indirect and implicit references to the powers granted to the General Assembly under that Article.

8 Cf. Annex II.
9 Cf. Annex III.
10 GA resolution 48/76 E.
11 GA resolutions 48/88 and 49/10.

II. Analytical summary of practice

A. Relationship between the responsibilities of the General Assembly and the primary responsibility of the Security Council with regard to matters pertaining to the maintenance of international peace and security

12. The topics considered during the regular sessions raised no constitutional issues or other matters concerning the form of the relationship between the respective responsibilities of the General Assembly and Security Council in maintaining peace and security.

13. During the period under review, the General Assembly adopted resolutions falling within the scope of Article 11, paragraph 1. In that connection the Assembly raised the issue of the protection of United Nations personnel and requested the Council to take measures to ensure its effectiveness. The Council responded to the invitation of the Assembly by adopting its resolution 868 (1993) on the topic.12 There is no reference to Article 11 in the resolution. The Council nevertheless decided to take up the issue, as evidenced by a presidential statement issued in 1993, in which the President of the Council announced that the Council would consider the matter “further in the light of the Secretary-General's report and of the work done in the General Assembly”.13 At the 3283rd meeting of the Council, which led to the adoption of the aforesaid resolution, the representative of New Zealand first noted that the issue would require “concerted action by [the] Council, by the General Assembly, and by the Secretary-General”14 and then stated that a general action to strengthen the protection of United Nations personnel was “more appropriately the business of the General Assembly”15 and raised the possibility of a proposal to have the General Assembly adopt an international

13 S/25493.
15 Ibid., p. 7.
convention on the problem.\textsuperscript{16} Brazil supported the remarks made by New Zealand on the importance of cooperation between the Security Council and the General Assembly, as well as with the Secretary-General,\textsuperscript{17} and Spain also underlined the need for the General Assembly to take up the issue of a draft international convention, which had been submitted by New Zealand.\textsuperscript{18}

14. Moreover, the General Assembly adopted a number of resolutions falling within the scope of Article 11 (2). Those documents dealt with various situations relating to States or regions.

1. The situation between Iraq and Kuwait

15. During the period under review, the Security Council adopted a number of resolutions on the invasion of Kuwait by Iraq.\textsuperscript{19} In that context, the problem of competences arose in the Security Council when the Council was examining human rights issues and was considering possibly extending an invitation to the special representative of the Human Rights Committee charged with studying the matter under consideration to participate in the Council’s deliberations. India stressed the importance of strictly respecting the competences of the various United Nations organs and opposed the involvement of a representative from a field that lay within the exclusive competence of the General Assembly or the Human Rights Committee. Furthermore, the Council should refrain from making recommendations in that field, given that its primary responsibility was limited to the maintenance of international peace and security.\textsuperscript{20} Those arguments were supported by Zimbabwe\textsuperscript{21} and China.\textsuperscript{22} Ecuador took the opposite view, although it granted that the question of human rights was within the exclusive purview of the Economic and Social Council and the General Assembly. The representative of Ecuador explained that what was at issue was a special situation involving violations of fundamental guarantees that formed the core of what the Council had designated in its resolution 688 (1991) as a threat to peace under Article 39 of the Charter; in other words, in the view of the representative of Ecuador, the unusually broad magnitude of the human rights violations in question brought the situation fully within the competence of the Council.\textsuperscript{23}

2. The situation in Bosnia and Herzegovina

16. Starting on 25 August 1992, the date of the first General Assembly resolution on the situation in Bosnia and Herzegovina, the Assembly urged the Security Council to take measures on an urgent basis, even though the issue had already been put on the Council’s agenda. From that date forward, the Council adopted a number of resolutions on Bosnia and Herzegovina, independently of the general situation in the former Yugoslavia.\textsuperscript{24}

17. The issue of human rights arose again during some of the meetings of the Council on the situation in Bosnia and Herzegovina. China and Zimbabwe recalled their position with regard to the participation in the deliberations of the special representative for human rights, which they had expressed in the context of the situation between Iraq and Kuwait.\textsuperscript{25} The representative of India was of the view that the various political, military and humanitarian aspects of the problem remained difficult to separate\textsuperscript{26} and said that all such aspects should be dealt with simultaneously, without forgetting that, with the exception of exceptional situations, the competent bodies in such matters remained the General Assembly and the Human Rights Committee.

3. The situation in South Africa

18. The General Assembly expressed its views on several occasions since 1989 on the issue of apartheid...
in South Africa and on its impact throughout the southern African region, in particular at its sixteenth special session devoted to the question of apartheid, which took place from 12 to 14 December 1989. At the same time and in parallel, the Security Council adopted resolutions on South Africa, Namibia, Angola and Mozambique, but that did not give rise to a constitutional debate between the two United Nations organs. Furthermore, the Security Council, at its 3096th meeting, explicitly referred to General Assembly resolution S-16/1, which contained a declaration against apartheid.

19. At that special session, the General Assembly extended its traditional involvement with Namibia, at the same time as and in parallel with Security Council.

4. Cambodia

20. In accordance with Article 11 (2), the General Assembly expressed its views on the situation in Cambodia in its resolution 44/22 of 16 November 1989, which affirmed the people’s right to self-determination and called consequently for the withdrawal of all foreign forces. Subsequently, in its resolution 45/3 of 15 October 1990, the General Assembly approved the framework for a “comprehensive political settlement of the Cambodia conflict”, which had been accepted “in its entirety by all the Cambodian parties, as the basis for settling the […] conflict”.

5. The question of Israel

21. During the period under review, the Security Council considered the situation of Israel and the Middle East in general, and the Council was invited by the General Assembly on several occasions to take up the issues of human rights and Israeli nuclear armament. During the period under review, the Council’s decisions focused on two main aspects, namely, the Israeli-Lebanese conflict and Israeli relations with Syria.

22. For its part, the General Assembly adopted several resolutions dealing with the “Question of Palestine” and in particular requested the Security Council, in accordance with the provisions of Article 11 (3), to study, on an urgent basis, measures that could be taken to ensure the protection of Palestinian civilians in the occupied territories. In response to those requests, the Security Council adopted several resolutions dealing specifically with that issue.

23. The Secretary-General mentioned Article 11 indirectly in his report on the work of the Organization submitted to the forty-fourth session of the General Assembly. He drew attention to the evolution of the Assembly’s particular competence in the field of disarmament under Article 11 (1): “A quarter of the resolutions adopted each year by the General Assembly address issues of disarmament”. The Secretary-General pointed out also, with regard to international terrorism, that competence with regard to that issue was shared by the Assembly and the Council. The General Assembly expressed its views on the matter in its resolution 40/61 of 9 December 1985, and the Security Council did the same in its resolution 579 (1985).

24. In 1992, in An Agenda for Peace, the Secretary-General stressed that the responsibility for maintaining international peace and security lay primarily with the Security Council, but “must be shared by the General Assembly and by all the functional elements of the world Organization”, which seems to be in keeping with Article 11 (1), although it is not directly mentioned. The Secretary-General was quite firm in stating that, in matters relating to the maintenance of international peace and security, the General Assembly’s role was limited to contributing recommendations.

32 Security Council, 3277th and 3379th meetings.
33 Security Council, 3096th meeting, Ukraine, p. 161.
Assembly’s capacity “to consider and recommend appropriate action must be recognized”. That capacity may take the form, where peacemaking is concerned, of designating an individual to undertake mediation and negotiation. The designation of such a person may be carried out by both organs, namely, the Assembly and the Council, as well as by the Secretary-General. The Security Council and the General Assembly also have the possibility of initiating a resort to fact-finding, as such missions are within their competences in the field of preventive diplomacy.

25. In his report on the work of the Organization submitted to the General Assembly at its fortieth session, the Secretary-General mentioned the expanded and increasingly practical role played by the General Assembly “in world activities” and “in the area of peacekeeping”.

26. In his report on the work of the Organization submitted to the General Assembly at its forty-ninth session, the Secretary-General noted once again that “The General Assembly is playing an increasingly wide-ranging and comprehensive role in world affairs”, with a growing number of items inscribed on its agenda; the forty-seventh session had 157 items and the forty-eighth session had 180. He also noted that the pressure to rationalize its working methods had had a positive effect with the adoption of a set of guidelines in resolution 48/264. The newly rationalized work of the Assembly continued to deal with issues in the field of international peace and security. In its resolution 47/120, the Assembly encouraged the Secretary-General to set up “a system-wide early warning mechanism for situations likely to endanger international peace and security”. That would be an application of Article 11 (1), which allows for the consideration of the “general principles of cooperation in the maintenance of international peace and security”, on which subject the Assembly may also make recommendations.
Annex I

Resolutions of the General Assembly pertaining to the principles governing disarmament and arms limitation

- 44/104 Implementation of General Assembly resolution 43/62 concerning the signature and ratification of Additional Protocol I of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)
- 44/105 Cessation of all nuclear-test explosions
- 44/106 Amendment of the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water
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- 44/108 Establishment of a nuclear-weapon-free zone in the region of the Middle East
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– 45/66 Prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons
– 45/77 Implementation of the Declaration of the Indian Ocean as a Zone of Peace
– 45/78 Question of Antarctica
– 45/79 Strengthening of security and cooperation in the Mediterranean region
– 45/80 Review of the implementation of the Declaration on the Strengthening of International Security
– Resolution S-17/2 Political Declaration and Global Programme of Action adopted by the General Assembly at its seventeenth special session to consider the question of international cooperation against illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances
– Resolution S-17/21 Report of the Preparatory Committee of the Whole for the Seventeenth Special Session
– 46/16 Report of the International Atomic Energy Agency
– 46/26 Compliance with arms limitation and disarmament agreements
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