Article 11

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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 a 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, no resolution of the General Assembly explicitly referred to Article 11.

2. In accordance with paragraph 1 of Article 11, the General Assembly continued its consideration of the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and arms regulation and made recommendations to Member States to that effect.

3. Similarly, by virtue of paragraph 2 of Article 11, the General Assembly also considered a number of questions relating to the maintenance of international peace and security, and adopted recommendations addressed to the Member States. No recommendation was made to the Security Council.

4. Article 11 is closely linked to Articles 10 and 12. Therefore, reference may be made to studies relating to these Articles in order to obtain a more comprehensive view of the constitutional issues with regard to the respective competence of the General Assembly and the Security Council concerning the maintenance of peace and security.
Chapter IV. The General Assembly

I. General survey

A. Criteria applied in the preparation of the annexes

5. The resolutions listed in the annexes include those dealing with questions bearing upon the general principles of cooperation in the maintenance of international peace and security and recommendations adopted by the Assembly in this regard (annex I), and those dealing with questions bearing upon the principles governing disarmament and the regulation of armaments, and recommendations adopted in this respect (annex II).

6. The annexes have been prepared with the sole purpose of giving the reader a comprehensive view of the range and types of activities of the General Assembly in the field of international peace and security during the period under review. It should therefore not be considered as an attempt to subsume the Assembly resolutions under various areas of application of Article 11 and still less as an attempt to interpret their significance with regard to the application of Article 11.

B. Summary of the activities of the General Assembly on the maintenance of peace and international security

7. During the period under review, the General Assembly adopted a number of resolutions which implicitly invoked paragraph 1 of Article 11. These resolutions touched upon various aspects of the general principles of cooperation in the maintenance of international peace and security, including promoting cooperation between the United Nations system and regional organizations or agencies,1 promoting multilateral relationships to enhance regional stability,2 and strengthening of cooperative efforts among States in support of peace and security objectives.3

Recommendations bearing on the general principles of cooperation in the maintenance of international peace and security were addressed to all States,4 Member States,5 certain States,6 and to the Security Council as well.7

8. The General Assembly also continued its consideration of the strengthening of its relationship with other main organs of the Organization, in particular with the Security Council.8 The importance of enhanced dialogue and cooperation between the General Assembly and the Security Council on peace and security matters was stressed by many Member States at plenary discussions during this period.9

9. Furthermore, with implicit reference to paragraph 2 of Article 11, the General Assembly also discussed a range of specific questions and situations relating to the maintenance of international peace and security and made recommendations thereon. These questions included, inter alia, the situation in Bosnia and Herzegovina,10 the situation in the Middle East,11 the question of Palestine,12 the situation of democracy and human rights in Haiti,13 the situation in Burundi,14 and the situation in Afghanistan and its implications for international peace and security.15

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1 See e.g. GA resolutions 50/16, paras. 5 and 7; 51/18, paras. 4 to 6; 52/22, paras. 2, 3 and 18; 53/16, paras. 4 to 7; and 54/9, para. 5.
2 See e.g. GA resolutions 50/75, paras. 5 to 9; 51/50, paras. 4, 7, 8, 9, 10 and 11; 52/14, para. 2; 53/82, paras. 5 to 8; and 54/59, paras. 5 to 8.
3 See e.g. GA resolutions 50/88 B, para. 10; 51/19, paras. 1 and 2; 52/69, para. 3; 53/97, paras. 5 to 8; and 54/81 B, para. 3.
4 See e.g. GA resolutions 50/53, para. 5; 50/18, para. 2; 51/55, paras. 1 and 2; 51/156, paras. 3, 4 and 7.
5 See e.g. GA resolutions 50/30, para. 3; 51/136, para. 3; 52/69, para. 3; and 54/81 B, para. 3.
6 See e.g. GA resolutions 50/75, paras. 5 to 9; 50/80 B, para. 5; 51/50, paras. 4, 7, 8, 9, 10 and 11; 52/43, paras. 5 to 8; 52/48, para. 3; 53/82, paras. 5 to 8; 54/59, paras. 5 to 8; and 54/189 A, para. 17.
7 See e.g. GA resolutions 50/158, para. 3; 51/151, para. 3; 52/20, para. 3; 53/91, para. 4; and 54/94, para. 4.
8 See e.g. GA resolution 51/193, paras. 3 and 4.
9 See e.g. A/50/PV.73 and A/54/PV.36.
10 See e.g. GA resolutions 51/203, 52/150, 53/35 and 54/119.
11 See e.g. GA resolutions 50/21, 50/22, 50/23, 51/27, 51/28, 51/29, 52/53, 52/54, 53/37; 53/38, 54/37 and 54/38.
12 See e.g. GA resolutions 50/84 D, 51/26, 52/52, 53/42; and 54/42.
13 See GA resolution 54/193.
14 See GA resolution 50/159.
15 See e.g. GA resolutions 50/88 B, 51/195 B, 52/211 B, 53/203 A and 54/189 A.
C. Summary of the activities of the General Assembly on disarmament and the regulation of armaments

10. During the period under review, the General Assembly adopted a range of resolutions bearing upon the principles governing disarmament and the regulation of armaments. The topics of these resolutions encompassed, inter alia, compliance with arms limitation and disarmament agreements, establishment of nuclear-weapon-free zones, verification in all its aspects, prevention of an arms race in outer space and prohibition of the development and manufacture of new types of weapons of mass destruction and new systems of such weapons. Agenda items such as those entitled “General and complete disarmament” and “Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly” were subject to periodic review during each session. Furthermore, the Assembly addressed its recommendations to all States, Member States, certain States and specific States. No recommendation was addressed to the Security Council during this period.

II. Analytical summary of practice

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

11. During the period under review, discussions arose over the relationship between the responsibilities of the General Assembly and the primary responsibility of the Security Council regarding matters concerning maintenance of international peace and security. The discussions were carried out during both the general debate and those pertaining to specific agenda items. For example, in the closing address of the fifty-third session, the President of the General Assembly recalled the competence of the Assembly under Article 11 to deal with the maintenance of international peace and security, and mentioned that the international community had formally declared that the inability of the Security Council to discharge its functions did not deprive the Assembly of its rights or relieve it of its responsibilities under the Charter. This question was further discussed in the consideration of the following agenda items.

1. Resolution 50/22 C in connection with the situation in the Middle East

12. At the request of the Non-Aligned Movement, the General Assembly resumed its fiftieth session and reopened the consideration of the agenda item entitled “The situation in the Middle East”, in order to consider Israeli military actions against Lebanon and their consequences.

13. During the discussion, a number of Member States supported the resumption of the session and the point was made that the resumption indicated the ability of the Assembly to exercise the powers vested in it by Articles 10, 11 and 14 of the Charter, with regard to the maintenance of international peace and security. The representative of the United States of America opposed the draft resolution, which called upon Israel to

16 See e.g. GA resolution 50/60, paras. 1 and 2.
17 See e.g. GA resolutions 51/41, para. 1; and 51/42, para. 2.
18 See e.g. GA resolution 54/46, para. 1.
19 See e.g. GA resolution 53/76, para. 4.
20 See e.g. GA resolution 54/44, para. 3.
21 See e.g. GA resolutions 50/65, para. 5; 51/45 B, para. 3; 52/38 A, para. 2; 53/71, para. 1; and 54/54 Q, para. 2.
22 See e.g. GA resolutions 50/60, para. 1; 51/39, para. 2; 53/70, para. 1; and 54/50, para. 2.
23 See e.g. GA resolutions 50/70 P, para. 4; 51/45 O, para. 3; 52/38 K, para. 2; 53/77 U, para. 5; and 54/54 D, para. 3.
24 See e.g. GA resolutions 51/48, para. 2; 52/41, para. 1; and 53/80, para. 1.
26 A/50/940.
27 See e.g. A/50/PV.113-115.
28 See e.g. A/50/PV.115.
immediately cease its military actions. The representative of the United States of America stated that the adoption of a different resolution from that of the Security Council would create a divided house — the United Nations speaking with two voices and with no clear direction. Counter-arguments were made that, when the Security Council failed in fulfilling the mandate given to it under Article 24, the Assembly would have an opportunity to play its full role as the representative of the common will of the international community and to shoulder its primary responsibility for the maintenance of international peace and security. The view was also expressed that the Assembly must do what the Security Council was not able to do.

14. After discussion, the General Assembly adopted resolution 50/22 C of 25 April 1996, entitled “The Israeli military attacks against Lebanon and their consequences”, by 64 votes to 2, with 65 abstentions. In the resolution, the Assembly called upon Israel immediately to cease its military action against the territorial integrity of Lebanon and to withdraw forthwith its forces from all Lebanese territory. The Assembly also considered that Lebanon was entitled to appropriate redress for the destruction it had suffered and that Israel was responsible for such compensation.

2. Resolution 51/223 in connection with the situation in the Middle East and the question of Palestine

15. At the request of Qatar and the Non-Aligned Movement, the Assembly convened an urgent meeting on 12 March 1997 to consider two agenda items, entitled “The situation in the Middle East” and “The question of Palestine”.

16. During the discussion, reference was made to the lack of unanimity in the Security Council on the adoption of a draft resolution with regard to the construction of a new settlement by Israel in East Jerusalem. A number of Member States stated their support for consideration by the Assembly of this situation due to the failure of the Security Council to take necessary measures. Views were expressed that, under these circumstances, it is therefore incumbent upon the General Assembly to pronounce itself in keeping with its responsibility under the Charter.

17. After discussion, the Assembly adopted resolution 51/223 of 13 March 1997, by 130 votes to 2, with 2 abstentions, entitled “Israeli settlement activities in the occupied Palestinian territory, in particular occupied East Jerusalem”. In the resolution, the Assembly called upon the Israeli authorities to refrain from the settlement activities, and to abide scrupulously by its legal obligations and responsibilities under the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949.

3. Resolutions ES-10/2, ES-10/3, ES-10/4, ES-10/5 and ES-10/6 in connection with the situation in the Middle East

18. Despite the adoption of resolution 51/223 of 13 March 1997, Israel commenced the construction of the new settlement in East Jerusalem on 18 March 1997. The Security Council considered the situation on 21 March 1997 but was again unable to adopt a draft resolution due to the lack of unanimity. On 31 March 1997, the representative of Qatar addressed a letter to the Secretary-General, requesting an emergency special session of the General Assembly to be convened to discuss an item entitled “Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory”. A majority of Member States concurred in the request of Qatar. Accordingly, pursuant to resolution 377 A (V), entitled “Uniting for peace”, the tenth emergency special session was convened on 24 April 1997.

19. During the discussion, Israel noted that the dispute between Israel and the Palestinians over the building of a new neighbourhood in Jerusalem and any other dispute that might arise between the two sides, could not be considered by any stretch of the imagination as a threat to international peace and security. Furthermore, no determination had been made during the two meetings of the Security Council that this dispute constituted a

29 A/50/L.70/Rev.1.
31 See A/50/PV.113.
32 See A/50/PV.115.
33 See A/50/PV.114 and A/50/PV.115.
34 A/51/822.
35 A/51/823.
36 See Security Council draft resolution S/1997/199; and S/PV.3747.
37 See A/51/PV.91-93.
38 See A/51/PV.93.
40 GA resolution 377 A (V) of 3 November 1950, para. 1.
“threat to international peace and security”, nor had the Security Council called for the convening of an emergency special session.  On the contrary, a number of Member States supported the convening of the emergency special session as it was due to the failure of the Security Council in discharging its responsibilities of maintenance of international peace and security.  The representative of Egypt expressed the view that resolution 377 (V) of 1950 affirmed this important responsibility borne by the Assembly for dealing with any threat to international peace and security if the Security Council failed to discharge its responsibilities in this regard, and the provisions of this resolution had been included in rules 8 (b) and 9 (b) of the rules of procedure of the Assembly which thereby became binding on all Member States.  The representative of the Syrian Arab Republic further stated that the provisions of resolution 377 A (V) of 1950 gave the Assembly the right to address any matter that could affect international peace and security in the event of the Security Council failing to shoulder its responsibilities.  The representative of the United States of America expressed opposition to the draft resolution, which in his view clearly infringed on the authority of the Security Council and set a dangerous precedent for the Assembly to endorse the collective action against one of its Member States.

20. After consideration, the Assembly adopted resolution ES-10/2 on 25 April 1997, by 134 votes to 3, with 11 abstentions. In the resolution, the Assembly demanded immediate and full cessation of the construction and of all other settlement activities, and further demanded that Israel accept the de jure applicability of the fourth Geneva Convention.

21. Given the fact that Israel had not abandoned the construction of the settlement nor had it accepted the de jure applicability of the fourth Geneva Convention to all territories occupied since 1967, the emergency special session was reconvened on another four occasions, in 1997, 1998 and 1999 respectively, during which the Assembly further adopted resolutions ES-10/3, ES-10/4, ES-10/5 and ES-10/6, reiterating the demands made to Israel.  As of the end of the period under review, the tenth emergency special session was temporarily adjourned on 9 February 1999 until further request from Member States.

4. Resolutions 50/30, 51/136, 52/69, 53/58 and 54/81 in connection with the comprehensive review of the whole question of peacekeeping operations in all their aspects

22. During the period under review, the Assembly considered the agenda item entitled “Comprehensive review of the whole question of peacekeeping operations in all their aspects” and adopted resolutions at each session. During the discussion, it was maintained that, while the Security Council bore primary responsibility for the maintenance of international peace and security, the Assembly should play a greater role in the decision-making, coordination, establishing guidelines for, and assessment of peacekeeping operations, as well as participation in preventative diplomacy.  On the other hand, it was argued that the Security Council was the only body empowered to authorize peacekeeping operations.

5. The agenda item entitled “Armed aggression against the Democratic Republic of the Congo”

23. During the period under review, the Assembly also considered the agenda item entitled “Armed aggression against the Democratic Republic of the Congo” during its fifty-third session, while discussion was also being held in the Security Council. During the discussion, explicit reference was made to Article 11 and views were expressed that, as a principal organ of the Organization, the efforts of the Assembly would complement those of the Security Council in safeguarding international peace and security, and that the debate in the Assembly was an opportunity to...
develop further the mutually reinforcing roles of the Security Council and the General Assembly with respect to the maintenance of international peace and security.57

**B. The question of the meaning and scope of the term “action” as used in Article 11 (2)**

**C. The question of the extent of the competence and powers of the General Assembly with regard to questions “on which action is necessary”

**D. The question of the force of a determination by the General Assembly of the obligation of Member States under Article 2 (4) of the Charter

**E. The question of the nature and limits of the power of investigation of the General Assembly in matters related to the maintenance of international peace and security

57 Ibid.
Annex I

Resolutions bearing upon the general principles of cooperation in the maintenance of international peace and security

*Fiftieth session of the General Assembly*

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51/151 Cooperation between the United Nations and the Organization of African Unity (paras. 3, 4, 5 and 7)

51/156 Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (paras. 4 to 7)

51/195 B Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan and the situation in Afghanistan and its implications for international peace and security (para. 6)

51/210 Measures to eliminate terrorism (paras. 3 and 4)

Fifty-second session of the General Assembly

52/4 Cooperation between the United Nations and the Organization of the Islamic Conference (paras. 3 to 5)

52/5 Cooperation between the United Nations and the League of Arab States (paras. 5 and 6)

52/14 Zone of peace and cooperation in the South Atlantic (paras. 1, 2 and 17)

52/20 Cooperation between the United Nations and the Organization of African Unity (paras. 3, 5, 6, 8 and 10)

52/22 Cooperation between the United Nations and the Organization for Security and Cooperation in Europe (paras. 2, 3 and 18)

52/43 Strengthening of security and cooperation in the Mediterranean (paras. 1 to 8)

52/48 Development of good-neighbourly relations among Balkan States (paras. 6 and 7)

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52/69 Comprehensive review of peacekeeping operations (para. 3)

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53/8 Cooperation between the United Nations and the League of Arab States (para. 5)

53/16 Cooperation between the United Nations and the Organization of the Islamic Conference (paras. 4 to 7)

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53/97 Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (paras. 5 to 8)
53/108 Measures to eliminate terrorism (paras. 3, 4, 6 and 9)
53/203 Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan and the situation in Afghanistan and its implications for international peace and security (paras. 9 and 10)

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## Annex II

**Resolutions bearing upon the principles governing disarmament and the regulation of armaments**

*Fiftieth session of the General Assembly*

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