

been accepted and acted upon by any state concerned. In exercising jurisdiction to give advisory opinions the ICJ is keen to avoid situations where an answer to a question would have the effect of deciding a specific dispute between two states since to do so would infringe the general requirement of the consent of states to the Resolution of contentious cases. Thus, in the *Eastern Carelia* case (1923) the PCIJ declined to give an opinion which would have directly affected a dispute between Finland and the USSR.

10 The Court must first consider whether it has the jurisdiction to give a reply to the request of the General Assembly for an advisory opinion and whether, should the answer be in the affirmative, there is any reason it should decline to exercise any such jurisdiction.

The Court draws its competence in respect of advisory opinions from Article 65, para 1, of its Statute. Under this article, the Court

... may give an advisory opinion on any legal question at the request of whatever body may be authorised by or in accordance with the Charter of the United Nations to make such a request.

11 For the Court to be competent to give an advisory opinion, it is thus necessary at the outset for the body requesting the opinion to be 'authorised by or in accordance with the Charter of the United Nations to make such a request'. The Charter provides in Article 96, para 1, that:

The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

Some states which oppose the giving of an opinion by the Court argued that the General Assembly and Security Council are not entitled to ask for opinions on matters totally unrelated to their work. They suggested that, as in the case of organs and agencies acting under Article 96, para 2, of the Charter, and notwithstanding the difference in wording between that provision and para 1 of the same article, the General Assembly and Security Council may ask for an advisory opinion on a legal question only within the scope of their activities.

In the view of the Court, it matters little whether this interpretation of Article 96, para 1, is or is not correct; in the present case, the General Assembly has competence in any event to seise the Court. Indeed, Article 10 of the Charter has conferred upon the General Assembly a competence relating to 'any questions or any matters' within the scope of the Charter. Article 11 has specifically provided it with a competence to 'consider the general principles ... in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments'. Lastly, according to Article 13, the General Assembly 'shall initiate studies and make recommendations for the purpose of ... encouraging the progressive development of international law and its codification'.

12 The question put to the Court has a relevance to many aspects of the activities and concerns of the General Assembly including those relating to the threat or use of force in international relations, the disarmament process, and the progressive development of international law. The General Assembly has a long-standing interest in these matters and in their relation to nuclear weapons. This interest has been manifested in the annual First Committee debates, and the Assembly Resolutions on nuclear weapons; in the holding of three special sessions on disarmament (1978, 1982 and 1988) by the General Assembly, and the annual meetings of the Disarmament Commission since 1978; and also in the commissioning of studies on the effects of the use of nuclear weapons. In this

context, it does not matter that important recent and current activities relating to nuclear disarmament are being pursued in other fora.

Finally, Article 96, para 1, of the Charter cannot be read as limiting the ability of the Assembly to request an opinion only in those circumstances in which it can take binding decisions. The fact that the Assembly's activities in the above-mentioned field have led it only to the making of recommendations thus has no bearing on the issue of whether it had the competence to put to the Court the question of which it is seised.

13 The Court must furthermore satisfy itself that the advisory opinion requested does indeed relate to a 'legal question' within the meaning of its Statute and the United Nations Charter.

The Court has already had occasion to indicate that questions:

... framed in terms of law and rais[ing] problems of international law ... are by their very nature susceptible of a reply based on law ... [and] appear ... to be questions of a legal character (*Western Sahara, Advisory Opinion [1975] ICJ Rep at p 18, para 15*).

The question put to the Court by the General Assembly is indeed a legal one, since the Court is asked to rule on the compatibility of the threat or use of nuclear weapons with the relevant principles and rules of international law. To do this, the Court must identify the existing principles and rules, interpret them and apply them to the threat or use of nuclear weapons, thus offering a reply to the question posed based on law.

The fact that this question also has political aspects, as, in the nature of things, is the case with so many questions which arise in international life, does not suffice to deprive it of its character as a 'legal question' and to 'deprive the Court of a competence expressly conferred on it by its Statute' (*Application for Review of Judgment No 158 of the United Nations Administrative Tribunal, Advisory Opinion [1973] ICJ Rep at p 172, para 14*). Whatever its political aspects, the Court cannot refuse to admit the legal character of a question which invites it to discharge an essentially judicial task, namely, an assessment of the legality of the possible conduct of states with regard to the obligations imposed upon them by international law (*cf Conditions of Admission of a state to Membership in the United Nations (Article 4 of the Charter), Advisory Opinion [1947-48] ICJ Rep at pp 61-62; Competence of the General Assembly for the Admission of a state to the United Nations, Advisory Opinion [1950] ICJ Rep at pp 6-7; Certain Expenses of the United Nations (Article 17, para 2, of the Charter), Advisory Opinion [1962] ICJ Rep at p 155*).

Furthermore, as the Court said in the Opinion it gave in 1980 concerning the Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt:

Indeed, in situations in which political considerations are prominent it may be particularly necessary for an international organisation to obtain an advisory opinion from the Court as to the legal principles applicable with respect to the matter under debate ... (*Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion [1980] ICJ Rep at p 87, para 33*.)

The Court moreover considers that the political nature of the motives which may be said to have inspired the request and the political implications that the opinion given might have are of no relevance in the establishment of its jurisdiction to give such an opinion.

14 Article 65, para 1, of the Statute provides: 'The Court may give an advisory opinion ...' This is more than an enabling provision. As the Court has repeatedly emphasised, the Statute leaves a discretion as to whether or not it will give an advisory opinion that has been requested of it, once it has established its competence to do so. In this context, the Court has previously noted as follows:

The Court's Opinion is given not to the states, but to the organ which is entitled to request it; the reply of the Court, itself an 'organ of the United Nations', represents its participation in the activities of the Organisation, and, in principle, should not be refused.' (Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase, Advisory Opinion [1950] *ICJ Rep* at p 71; see also Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion [1951] *ICJ Rep* at p 19; Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco, Advisory Opinion [1956] *ICJ Rep* at p 86; Certain Expenses of the United Nations (Article 17, para 2, of the Charter), Advisory Opinion [1962] *ICJ Rep* at p 155; and Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations, Advisory Opinion [1989] *ICJ Reps* at p 189.)

The Court has constantly been mindful of its responsibilities as 'the principal judicial organ of the United Nations' (Charter, Art 92). When considering each request, it is mindful that it should not, in principle, refuse to give an advisory opinion. In accordance with the consistent jurisprudence of the Court, only 'compelling reasons' could lead it to such a refusal (Judgments of the Administrative Tribunal of the ILO upon Complaints Made against Unesco, Advisory Opinion [1956] *ICJ Rep* at p 86; Certain Expenses of the United Nations (Article 17, para 2, of the Charter), Advisory Opinion [1962] *ICJ Reps* at p 155; Legal Consequences for states of the Continued Presence of South Africa (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion [1971] *ICJ Rep* at p 27; Application for Review of Judgment No 158 of the United Nations Administrative Tribunal, Advisory Opinion [1973] *ICJ Rep* at p 183; Western Sahara, Advisory Opinion [1975] *ICJ Rep* at p 21; and Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations, Advisory Opinion [1989] *ICJ Rep* at p 191). There has been no refusal, based on the discretionary power of the Court, to act upon a request for advisory opinion in the history of the present Court; in the case concerning the Legality of the Use by a state of Nuclear Weapons in Armed Conflict, the refusal to give the World Health Organisation the advisory opinion requested by it was justified by the Court's lack of jurisdiction in that case. The Permanent Court of International Justice took the view on only one occasion that it could not reply to a question put to it, having regard to the very particular circumstances of the case, among which were that the question directly concerned an already existing dispute, one of the states parties to which was neither a party to the Statute of the Permanent Court nor a Member of the League of Nations, objected to the proceedings, and refused to take part in any way (*Status of Eastern Carelia*, PCIJ Ser B, No 5).

15 Most of the reasons adduced in these proceedings in order to persuade the Court that in the exercise of its discretionary power it should decline to render the opinion requested by General Assembly Resolution 49/75K were summarised in the following statement made by one state in the written proceedings:

The question presented is vague and abstract, addressing complex issues which are the subject of consideration among interested states and within other bodies of the United Nations which have an express mandate to address these matters. An opinion by the Court in regard to the question presented would provide no practical assistance to the General Assembly in carrying out its functions under the Charter. Such an opinion has the potential of undermining progress already made or being made on this sensitive subject and, therefore, is contrary to the interest of the United Nations Organisation (United States of America, Written statement, pp 1–2; *cf* pp 3–7, II. See also United Kingdom, Written statement, pp 9–20, paras 2.23–2.45; France, Written statement, pp 13–20, paras 5–9; Finland, Written statement, pp 1–2; Netherlands, Written statement, pp 3–4, paras 6–13; Germany, Written Statement, pp 3–6, para 2(b)).

In contending that the question put to the Court is vague and abstract, some states appeared to mean by this that there exists no specific dispute on the subject matter of the question. In order to respond to this argument, it is necessary to distinguish between requirements governing contentious procedure and those applicable to advisory opinions. The purpose of the advisory function is not to settle – at least directly – disputes between states, but to offer legal advice to the organs and institutions requesting the opinion (*cf* Interpretation of Peace Treaties [1950] *ICJ Rep* at p 71). The fact that the question put to the Court does not relate to a specific dispute should consequently not lead the Court to decline to give the opinion requested.

Moreover, it is the clear position of the Court that to contend that it should not deal with a question couched in abstract terms is ‘a mere affirmation devoid of any justification’, and that ‘the Court may give an advisory opinion on any legal question, abstract or otherwise’ (Conditions of Admission of a state to Membership in the United Nations (Article 4 of the Charter), Advisory Opinion [1947–48] *ICJ Rep* at p 61; see also Effect of Awards of Compensation Made by the United Nations Administrative Tribunal, Advisory Opinion [1954] *ICJ Rep* at p 51; and Legal Consequences for states of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970), Advisory Opinion [1971] *ICJ Reps* at p 27, para 40).

Certain states have however expressed the fear that the abstract nature of the question might lead the Court to make hypothetical or speculative declarations outside the scope of its judicial function. The Court does not consider that, in giving an advisory opinion in the present case, it would necessarily have to write ‘scenarios’, to study various types of nuclear weapons and to evaluate highly complex and controversial technological, strategic and scientific information. The Court will simply address the issues arising in all their aspects by applying the legal rules relevant to the situation.

16 Certain states have observed that the General Assembly has not explained to the Court for what precise purposes it seeks the advisory opinion. Nevertheless, it is not for the Court itself to purport to decide whether or not an advisory opinion is needed by the Assembly for the performance of its functions. The General Assembly has the right to decide for itself on the usefulness of an opinion in the light of its own needs.

Equally, once the Assembly has asked, by adopting a Resolution, for an advisory opinion on a legal question, the Court, in determining whether there are any compelling reasons for it to refuse to give such an opinion, will not have regard to the origins or to the political history of the request, or to the distribution of votes in respect of the adopted resolution.

17 It has also been submitted that a reply from the Court in this case might adversely affect disarmament negotiations and would, therefore, be contrary to the interest of the United Nations. The Court is aware that, no matter what might be its conclusions in any opinion it might give, they would have relevance for the continuing debate on the matter in the General Assembly and would present an additional element in the negotiations on the matter. Beyond that, the effect of the opinion is a matter of appreciation. The Court has heard contrary positions advanced and there are no evident criteria by which it can prefer one assessment to another. That being so, the Court cannot regard this factor as a compelling reason to decline to exercise its jurisdiction.

18 Finally, it has been contended by some states that in answering the question posed, the Court would be going beyond its judicial role and would be taking upon itself a law-making capacity. It is clear that the Court cannot legislate, and, in the circumstances of the present case, it is not called upon to do so. Rather its task is to engage in its normal judicial function of ascertaining the existence or otherwise of legal principles and rules applicable to the threat or use of nuclear weapons. The contention that the giving of an answer to the question posed would require the Court to legislate is based on a supposition that the present *corpus juris* is devoid of relevant rules in this matter. The Court could not accede to this argument; it states the existing law and does not legislate. This is so even if, in stating and applying the law, the Court necessarily has to specify its scope and sometimes note its general trend.

19 In view of what is stated above, the Court concludes that it has the authority to deliver an opinion on the question posed by the General Assembly, and that there exist no 'compelling reasons' which would lead the Court to exercise its discretion not to do so.

An entirely different question is whether the Court, under the constraints placed upon it as a judicial organ, will be able to give a complete answer to the question asked of it. However, that is a different matter from a refusal to answer at all.¹⁵

13.8.4 Law applied by the Court

It has already been pointed out that a major difference between arbitration and judicial settlement is that with judicial settlement the parties do not have a choice as to the law applied. Article 38(1) of the Statute provides that the ICJ must decide such disputes as are submitted to it in accordance with international law. Article 38(2), however, does provide that, if the parties to a dispute agree, the court can adopt a slightly more flexible approach and decide disputes *ex aequo et bono*.

13.8.5 Effect of judgment

The decision of the ICJ in contentious cases has no binding force except between the parties (Article 59 of the ICJ Statute), although the court does have regard to earlier decisions. According to Article 60 the decision is final and without appeal although the court can interpret its decision if there is any confusion. Article 61 allows the court to revise its judgment in the light of discovery of some new and decisive fact. Such revision must be requested within 10 years of judgment and the new fact must have been one which could not have been

15 *Legality of the Threat or Use of Nuclear Weapons* case, International Court of Justice, 8 July 1996.

discovered with due diligence at the time of the original case. The rate of compliance with judgments of the court is relatively high. A far greater problem is caused by non-appearance.

13.8.6 Non-appearance

There have been a number of cases in recent years where the court has had to have recourse to Article 53. Its effect is to require the court to advance the legal arguments of the absent party.

13.9 Settlement within the UN

By Article 24 of the UN Charter the UN Security Council is given primary responsibility for the maintenance of international peace and security and member states are under an obligation to carry out the decisions of the Security Council. Chapter VI of the Charter deals with the peaceful settlement of disputes. Under Article 34 the Security Council has the power to investigate any dispute or potential dispute and can call upon the parties to seek a peaceful resolution of the dispute. If the parties to the dispute fail to settle it by peaceful means they should refer it to the Security Council which can then recommend appropriate action, including terms of settlement. Under Chapter VI the Security Council can only make non-binding recommendations. However, if the Security Council determines that the continuance of the dispute constitutes a threat to the peace, or that the situation involves a breach of the peace or act of aggression it can take action under Chapter VII of the Charter. Chapter VII gives the Security Council the power to make decisions which are binding on member states, once it has determined the existence of a threat to the peace, breach of the peace, or act of aggression. Security Council action under Chapter VII of the Charter will be discussed in Chapter 14.

Although the Security Council has primary responsibility for maintaining peace and security, under Article 14 the General Assembly may recommend measures for the peaceful adjustment of any situation which 'it deems likely to impair the general welfare or friendly relations among nations'.

The role of regional organisations in maintaining the peace is recognised by Article 52 of the UN Charter and a number of regional organisations and groupings of states, such as the Organisation of American states and the Organisation for Security and Co-operation in Europe, have created their own machinery for the settlement of disputes.

CHARTER OF THE UNITED NATIONS

[AMENDMENTS ARE IN ITALICS]

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practise tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the City of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organisation to be known as the United Nations.

CHAPTER I

PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

- 1 To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
- 2 To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
- 3 To achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
- 4 To be a centre of harmonising the actions of nations in the attainment of these common ends.

Article 2

The Organisation and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles:

- 1 The Organisation is based on the principle of the sovereign equality of all its Members.
- 2 All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

- 3 All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
- 4 All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
- 5 All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
- 6 The Organisation shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of peace and security.
- 7 Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER II MEMBERSHIP

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organisation at San Francisco, or having previously signed the Declaration by United Nations of 1 January 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

- 1 Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organisation, are able and willing to carry out these obligations.
- 2 The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organisation by the General Assembly upon the recommendation of the Security Council.

CHAPTER III
ORGANS

Article 7

- 1 There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.
- 2 Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

CHAPTER IV
THE GENERAL ASSEMBLY
Composition

Article 9

- 1 The General Assembly shall consist of all the Members of the United Nations.
- 2 Each member shall have not more than five representatives in the General Assembly.

Functions and Powers

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.

Article 11

- 1 The General Assembly may consider the general principles of co-operation 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, para 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.

Article 12

- 1 While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.
- 2 The Secretary General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13

- 1 The General Assembly shall initiate studies and make recommendations for the purpose of:
 - (a) Promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;
 - (b) Promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realisation of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.
- 2 The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in para 1(b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

- 1 The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.
- 2 The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

- 1 The General Assembly shall consider and approve the budget of the Organisation.
- 2 The expenses of the Organisation shall be borne by the Members as apportioned by the General Assembly.
- 3 The General Assembly shall consider and approve any financial and budgetary arrangements with specialised agencies referred to in Article 57

and shall examine the administrative budgets of such specialised agencies with a view to making recommendations to the agencies concerned.

Voting

Article 18

- 1 Each Member of the General Assembly shall have one vote.
- 2 Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the Members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of the members of the Trusteeship Council in accordance with para 1(c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the Trusteeship system, and budgetary questions.
- 3 Decision on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the Members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organisation shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

Procedure

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V

THE SECURITY COUNCIL

Composition

Article 23

- 1 The Security Council shall consist of 15 Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect 10 other Members of the United Nations to be non-