

## **GENERAL ASSEMBLY AND SECURITY COUNCIL**

-PALLABI PAUL

### **ABSTRACT**

In this article ,organs of UN Organization that is General Assembly of United Nations and Security Council of United Nations are discussed The United Nations also has a distinct legal personality of its own apart from those of its members.It highlights the functions and relationships of both the Security Council and General Assembly .

### **INTRODUCTION**

United Nations (UN) is an intergovernmental association that expects to keep up global harmony and security, grow cordial relations among countries, accomplish universal collaboration, and be an inside for blending the activities of nations.It is the biggest, generally natural, most universally spoke to and most impressive intergovernmental association on the planet. The UN is headquartered on a global area in New York City; other fundamental workplaces are in Geneva, Nairobi, Vienna and The Hague.

The UN was built up after World War II with the point of forestalling future wars, succeeding the inadequate League of Nations.On 25 April 1945, 50 governments met in San Francisco for a gathering and began drafting the UN Charter, which was embraced on 25 June 1945 and produced results on 24 October 1945, when the UN started activities. In accordance with the Charter, the association's destinations incorporate keeping up universal harmony and security, ensuring human rights, conveying compassionate guide, advancing maintainable turn of events, and maintaining worldwide law.At its establishing, the UN had 51 part expresses; this number developed to 193 out of 2011, speaking to most by far of the world's sovereign states.

The association's crucial save world harmony was confused in its initial a very long time by the Cold War between the United States and Soviet Union and their separate partners. Its missions have comprised basically of unarmed military eyewitnesses and delicately outfitted soldiers with principally observing, revealing and certainty building jobs. UN participation became altogether following broad decolonization starting during the 1960s. From that point forward, 80 previous states have picked up autonomy, including 11 trust regions that had been observed by the Trusteeship Council. By the 1970s, the UN's financial plan for monetary and social improvement programs far surpassed its spending on peacekeeping. After the finish of the Cold War, the UN moved and extended its field activities, undertaking a wide assortment of complex tasks.

Also, non-legislative associations might be conceded consultative status with ECOSOC and different offices to partake in the UN's work. The UN's boss authoritative official is the Secretary-General, as of now Portuguese legislator and ambassador António Guterres, who started his multi year-term on 1 January 2017. The association is financed by surveyed and deliberate commitments from its part states.

The UN, its officials, and its offices have won numerous Nobel Peace Prizes, however different assessments of its adequacy have been blended. A few reporters accept the association to be a significant power for harmony and human turn of events, while others have called it inadequate, one-sided, or corrupt.

### **General Assembly**

**Composition of General Assembly** - The General Assembly is one of the key organs of the United Nations. The General Assembly comprises of the considerable number of individuals from the United Nations. Each part may not in excess of five agents in the General Assembly. At the present the General Assembly of 193 members. The focal situation of the General Assembly is solidly settled in a progression of contract arrangements incorporating a wide scope of capacities and forces. First are the arrangements presenting its forces as the major deliberative body of the UN. With two special cases (portrayed beneath), the General Assembly has the privilege to talk

about and make suggestions regarding any matter that falls inside the extent of the sanction itself, including the capacities and forces of different organs. Consequently, it is in the General Assembly that the entirety of the UN's significant tasks (aside from the Security Council's peacekeeping activities) start—those managing political inquiries, demobilization, monetary and social turn of events, human rights, decolonization of ward regions, and improvement of worldwide law.

Voting Rights - Each individual from the General Assembly has one vote, Decision on significant inquiries are made by a two third lion's share of the individuals present and voting. Such questions incorporates the issues identifying with the support of International harmony and security ,the appointment of the non changeless individuals from the Security Council, the appointment of the individuals from the Economic and Social Council and Trusteeship Council ,the confirmation of new individuals from the United Nations, the suspension of the rights and benefits of enrollment ,the ejection of members, questions identifying with the activity of the trusteeship system, and budgetary questions.

### **Function and Powers**

Professor Leonard has classified the powers and functions of the General Assembly under the five headings - **(1) Deliberative Functions**

**(2) Supervisory functions (3) Financial functions**

**(4) Elective Functions (5) Constituent functions**

- Deliberative Functions - By deliberative functions we mean the functions of the General Assembly regarding discussion ,studies and recommendation and passing of resolutions on different matters - General Assembly performs the following deliberative functions -

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Elective Functions - The General Assembly performs two of elective functions like - (A) Regarding admissions of new State to the United Nations. (B) Election of members for other organs.

(A) Regarding admission of new States to the United Nations - The General Assembly performs important functions in respect of admission of new States to the United Nations. The Charter of the United Nations uses the term admission in this respect. It is in fact election and therefore comes under the elective functions of the United Nations. A new States is admitted to U.N by decision of General Assembly by two third majority of the members present and voting upon the recommendations of the Security Council. Besides this ,the General Assembly also possesses certain powers in respect of suspension and expulsion of members.

1) 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 rights and

privileges of membership by the General Assembly upon the recommendations of the Security Council. Since the suspension of the rights and privileges of the membership is an important and substantial matter, it can be done only when the General Assembly passes resolution by two third majority of the members present and voting upon the recommendations of the Security Council.

2. A member of the United Nations which has persistently violated the principles as contained in the Charter may be expelled from the Organization by the General Assembly upon the recommendations of the Security Council.

3. A member of the United Nations which is in arrears of the payment of its financial contribution to the organization may be deprived of its vote by General Assembly by resolution passed to that effect by two third majority of the members present and voting.

Constituent Functions - The General Assembly performs important constituent functions also. It takes part in the amendment of Charter. The Charter provides the amendment to the present Charter shall come into force for all members of the United Nations when they have adopted by a vote of two third of the members of General Assembly. (10)

## **SECURITY COUNCIL**

**Composition** - The Security Council contains 15 individuals (5 changeless individuals and 10 non lasting individuals ) China, Russia, America, France, and Britain are the perpetual individuals from the Security Council . The main Security Council appeared on twelfth January ,1946, when the General Assembly chose its 6 members. Thus on non substantial matters ,the Security Council can take a choice based on the agreed votes of the non perpetual members. Ten non lasting individuals are chosen by the General Assembly for a time of 2 years.

Casting a ballot Rights - According to Article 27, each individual from the Security Council will have one vote. The choice on significant issues requires certifiable votes of 9 individuals including the confirmed votes of 5 perpetual members. There are an exemption to the standard - for any choices under Chapter VI and under passage 3 of Article 62, a gathering to a question will swear off voting. A negative vote cast by a lasting part on a generous issue is known as a 'veto'. For throwing of a veto it is important that the delegate of the changeless part craving to practice this privilege must be available and made his choice in the gathering of the Security Council. Absence of the agent of the lasting part from the gathering of the Security Council isn't considered as veto.

### **Functions and Powers of the Security Council**

- 1) Maintenance of International Peace and Security**
- 2) Elective Functions**
- 3) Supervisory Functions**
- 4) Constituent Functions**

1) Maintenance of International Peace and Security - The motivation behind the United Nations Organization is world peace. In request to guarantee expeditious and powerful activity by the United Nations, Member States have presented upon the Security Council the 'essential duty' for the support of International harmony and security. The individuals have likewise concurred that in completing its obligations under this obligation, the Security Council follows up on their behalf. The individuals from the United Nations have additionally consented to acknowledge and do the choices of Security Council. The Security Council is so sorted out as to have the option to work continuously. Each individual from the Security Council will for this object be spoken to consistently at all seats of Organizations. It will hold intermittent gathering at which every one of its individuals may in the event that it so wants be spoken to by an individual from the Government or some other uncommonly assigned representative.

2) Elective Functions - The Security Council likewise play out some elective functions. For model Security Council and the General Assembly independently choose the adjudicators of the International Court of Justice. In along these lines the Security Council partakes in the

appointment of Judges of the World Court. It additionally suggests the arrangement of the Secretary General of the United Nations. Article 97 gives that the Secretary General will be named by the General Assembly upon the proposals of the Security Council.

**Administrative Functions** - The Security Council manages the capacity of the association all in all in spite of the fact that its administrative capacities are not wide as that of the general gathering but rather it has been given upon some significant capacities with respect to the ejection and suspension of the members. Article 5 gives that an individual from the United Nations against which preventive or authorization move has been made by the Security Council might be suspended from the activity of the rights and benefits of participation by the General Assembly upon the proposals of the Security Council. This Article further gives that the activity of these rights and benefits might be reestablished by the Security Council.

**Constituent Functions** - The constituent forces of the Security Council are very important. Article 108 of the Charter gives that alteration to the current Charter will come into power for all individuals from the United Nations when they have been embraced by a vote of two third of individuals from the General Assembly and sanctioned as per their separate sacred procedures by two third of the individuals from the United Nations, including all the perpetual individuals from the Security Council.

#### Connection between Security Council and General Assembly

As per the arrangements of Article 7 of the Charter both Security Council and General Assembly are the vital organs of the United Nations. These two organs involve a position of noticeable quality in the entire set up of the United Nations. Many matters under the Charter require suggestion of the Security Council and a choice of the General Assembly. That is to say, no choice can be taken in such issues except if the Security Council has suggested and the General

Assembly independently additionally agreed with that decision. For example, the Security Council and General Assembly independently choose the Judges of International Court of Justice. Besides this their cooperation is important for conceding another state to the United Nations. Moreover there are sure different arrangements under which the Security Council and the General Assembly are associated with one another. The Security Council sends its yearly report to the General Assembly. The Budget of the Security Council is likewise passed concerned its essential obligation settles upon the Security Council (Article 24) yet on the off chance that Security Council neglects to play out its capacities or neglects to make its confirmed proposal as to any contention, the General Assembly may step in and play out specific capacities identified with harmony and security.

#### Restricting Character of the Resolutions of Security Council.

As it would see it concerning the Legal Consequences for States of the Continued Presence of South Africa the International Court of Justice laid these questions to rest. The World Court watched: It has been battled that Article 25 of the Charter applies it to implementation estimates embraced under Chapter VII of the Charter. It is beyond the realm of imagination to expect to discover in the Charter any help for this view. Article 25 isn't restricted to choices as to requirement activity yet applies to the choice as to authorization activity however applies to the choice of the Security Council received as per the Charter. Moreover the article is put, not in Charter VII, yet following Article 24 in that Part of the Charter which manages the capacities and forces of the Security Council. If Article 25 had reference exclusively to choices of the Security Council concerning implementation activities under Article 41 and 42 of the Charter that is to state, in the event that it were just such choices which had restricting effect, then Article 25 would be superfluous, since the impact is made sure about by Article 48 and 49 of the Charter.

Joined Nations (UN) is an intergovernmental association that means to keep up universal harmony and security, grow benevolent relations among countries, accomplish global collaboration, and be an inside for orchestrating the activities of nations. It is the biggest, generally recognizable, most globally spoke to and most remarkable intergovernmental association on the planet. The UN is headquartered on a global area in New York City. General Assembly and Security Council are the most significant organs of United Nations.

### **Reference**

[1] [www.un.org](http://www.un.org).

[2] Ibid

[3] Ibid

[4] DR.S.K.KAPOOR, INTERNATIONAL LAW AND HUMAN RIGHTS, (DR.NAGENDRA SINGH, TWENTIETH ) EDITION)

[5] Ibid

[6] Article 98 of the UN Charter

[7] Supra note 2 pg- 523 -524

[8] Article 8

[9] Id pg-530

[10] Id pg-538

[11] Ibid

[12] Article 4 n 8 of International Court of Justice

[13]Id pg -547

[14]Ibid