



*Repertoire of the Practice of the Security Council*

**25<sup>th</sup> Supplement**

**2022**

Department of Political and Peacebuilding Affairs - Security Council Affairs Division  
Security Council Practices and Charter Research Branch

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## **Part IV**

# **Relations with other United Nations organs**

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## Introductory note

Part IV of the present supplement covers the practice of the Security Council with regard to Articles 4—6, 10—12, 15 (1), 20, 23, 24 (3), 65, 93, 94, 96 and 97 of the Charter of the United Nations concerning the relations of the Council with other principal organs of the United Nations, namely, the General Assembly, the Economic and Social Council and the International Court of Justice. Material relating to the relations of the Council with the Secretariat is featured in part II, section V, which deals with the administrative functions and powers of the Secretary-General in connection with meetings of the Council pursuant to rules 21 to 26 of its provisional rules of procedure. The Trusteeship Council continued to be inactive during the period under review.<sup>1</sup>

During the period under review, the General Assembly continued to address recommendations to the Council regarding the general principles of cooperation in the maintenance of international peace and security. The Council and the Assembly, in parallel and within the limitations imposed by the Charter, considered the situation of human rights in the Democratic People's Republic of Korea and in the Syrian Arab Republic.

For the first time since 1982, by resolution [2623 \(2022\)](#) of 27 February, the Council decided to call an emergency special session of the Assembly on the situation in Ukraine under the item entitled “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council ([S/2014/136](#))”. Accordingly, the eleventh emergency special session was convened by the Secretary-General at United Nations Headquarters on 28 February. During the course of the year, the Assembly reconvened the eleventh emergency special session several times, including for the adoption of five resolutions concerning the conflict in Ukraine.

In addition, recalling Articles 10 and 12 of the Charter, the Assembly adopted resolution [76/262](#) on 26 April, by which it decided that its President should convene a formal meeting of the Assembly within 10 working days of the casting of a veto by one

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<sup>1</sup> The Trusteeship Council completed its mandate under the Charter in 1994 and suspended its operations on 1 November 1994. For more information see *Repertoire, Supplement 1993-1995*, chap. VI, part III.

or more permanent members of the Council, to hold a debate provided that the Assembly did not meet in an emergency special session on the same situation. By the same resolution the Assembly also invited the Council, in accordance with Article 24 (3) of the Charter, to submit to the Assembly a special report on the use of the veto in question in advance of the relevant discussion in the Assembly. Pursuant to the same resolution, in 2022, the Assembly held meetings following vetoes cast on draft resolutions in connection with the following items: “Non-proliferation/Democratic Republic of Korea” and “The situation in the Middle East”. The Council submitted a total of 2 special reports to the Assembly in advance of the debates. In addition, with regard to the conflict in Ukraine, while the discussion on the veto cast on 30 September was held under the umbrella of the eleventh emergency special session pursuant to resolution [2623 \(2022\)](#) and Assembly resolution [377\(V\)](#), the Council submitted a special report pursuant to General Assembly resolution [76/262](#).

The two organs also collaborated in the election of a judge to fill a vacancy in the International Court of Justice further to the passing of Judge Antônio Augusto Cançado Trindade and the Council reappointed in collaboration with the General Assembly and the Secretary-General, 25 judges of the International Residual Mechanism for Criminal Tribunals consistent with the applicable provisions of the statute of the Mechanism, the provisional rules of procedure of the Council and the rules of procedure of the Assembly.

During 2022, the President of the Security Council participated and delivered statements in sessions and events of the General Assembly. On 9 June, the President of the Council for the month (Albania) participated in the plenary meeting of the General Assembly to introduce the annual report of the Security Council. On 29 November, the President of the Council for the month (Ghana) participated at the invitation of the Committee on the Exercise of the Inalienable Rights of the Palestinian People of the General Assembly, to deliver a statement in the Assembly’s high-level Special Meeting on the International Day of Solidarity with the Palestinian People. In addition, on 14 December, the Council was briefed by the President of the General Assembly during a high-level open debate held under the item entitled “Maintenance of international peace and security” and the subitem entitled “New orientation for reformed multilateralism”. The Assembly adopted a number of resolutions referring to its relationship with the

Council, and the Council, for its part, continued to refer to General Assembly resolutions in its decisions. In addition, Council members continued to discuss the relations between the Council and the subsidiary organs of the General Assembly, in particular the Human Rights Council and the Special Committee on Peacekeeping Operations.

In 2022, the Council did not address any requests for information or assistance to the Economic and Social Council, nor did it make recommendations or decide on measures with regard to the judgments rendered by the International Court of Justice or request the Court to give an advisory opinion on any legal question. The President of the International Court of Justice briefed the Council at an open debate on 2 June, held under the item entitled “Maintenance of international peace and security”, as well as at a private meeting held on 26 October, under the item entitled “Briefing by the President of the International Court of Justice”.

## I. Relations with the General Assembly

### Note

Section I is focused on various aspects of the relationship between the Council and the General Assembly in accordance with Articles 4—6, 10—12, 15 (1), 20, 23, 24 (3), 93, 94, 96 and 97 of the Charter, rules 40,<sup>2</sup> 60 and 61 of the provisional rules of procedure of the Council and Articles 4, 8, 10—12 and 14 of the Statute of the International Court of Justice.

Section I is divided into eight subsections. Subsection A deals with the election by the General Assembly of the non-permanent members of the Council, in accordance with Article 23 of the Charter. Subsections B and C concern the functions and powers of the Assembly vis-à-vis Articles 10 to 12, with a particular focus on the practice and authority of the Assembly to make recommendations to the Council. Subsection D covers instances in which a decision by the Council must be taken prior to that of the Assembly under Articles 4 to 6, 93 and 97, such as the admission of new Members or the appointment of the Secretary-General and of judges to the International Residual Mechanism for Criminal Tribunals. Subsection E concerns the practices for the election of members of the International Court of Justice, requiring concurrent action by the Council and the Assembly. Subsection F covers the annual and special reports of the Council to the Assembly, in accordance with Articles 15 and 24 (3). Subsection G concerns Council relations with the subsidiary organs established by the Assembly that have played a part in the work of the Council during the year 2022. Subsection H features other Council practice bearing on relations with the Assembly.

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<sup>2</sup> Rule 40 of the provisional rules of procedure is also covered in part II, sect. IX.

## **A. Election by the General Assembly of the non-permanent members of the Security Council**

### *Article 23*

*1. The Security Council shall consist of fifteen 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 ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.*

*2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.*

*3. Each member of the Security Council shall have one representative.*

During the period under review, at its seventy-sixth regular session, the General Assembly elected five non-permanent members to the Council, in accordance with Article 23 of the Charter, to replace those whose terms of office were to expire on 31 December 2022 (see table 1).

**Table 1**

### **Election by the General Assembly of non-permanent members of the Security Council**

<i>Term</i>	<i>General Assembly decision</i>	<i>Plenary meeting and record and date of election</i>	<i>Members elected for the term</i>
2023-2024	76/422	<a href="#">A/76/PV.79</a> 9 June 2022	Ecuador, Japan, Malta, Mozambique and Switzerland

## **B. Recommendations made by the General Assembly to the Security Council under Articles 10 and 11 of the Charter**

### *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 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.*

During the period under review, the General Assembly addressed recommendations to the Council regarding the general principles of cooperation in the maintenance of international peace and security. Several of these recommendations concerned the powers and functions of the Council under Articles 10 and 11 (1) of the Charter. The relevant provisions of the resolutions of the Assembly are set out in table 2.



In addition, in Assembly resolution [77/83](#) adopted under the item entitled “United Nations Regional Centre for Peace and Disarmament in Africa”, Member States continued to explicitly recall the provisions of Article 11(1), in which it is stipulated that a function of the Assembly is to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and arms limitation.<sup>3</sup>

In connection with Article 11 (2) of the Charter, the General Assembly made recommendations to the Council with regard to specific questions relating to the maintenance of international peace and security or requesting action by the Council concerning those questions. In its recommendations, in reference to items of which the Council was already seized, the Assembly continued to call upon the Council to ensure accountability, including through the consideration of a referral of the situation in the Democratic People’s Republic of Korea to the International Criminal Court and to consider the further development of sanctions in order to effectively target those who appeared to be most responsible for human rights violations. The Assembly encouraged the Council to immediately resume discussion on the situation in the Democratic People’s Republic of Korea, including the country’s human rights situation. Concerning the humanitarian situation in the Syrian Arab Republic, the Assembly continued to urge the Council to reauthorize the use of the border crossings of Bab al-Salam and Ya‘rubiyah for the delivery of humanitarian assistance to the country. The Assembly also continued to call upon the Council to ensure accountability of those responsible for violations and abuses of international humanitarian law or human rights law in the Syrian Arab Republic. The relevant provisions of the resolutions of the Assembly are set out in table 3.

In 2022, the General Assembly adopted resolution [76/262](#), recalling its authority under Article 10 of the Charter as well as Article 12, and deciding that its President shall convene a formal meeting of the Assembly within 10 working days of the casting of a veto by one or more permanent members of the Council, to hold a debate on the situation as to which the veto was cast, provided that the Assembly did not meet in an emergency

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<sup>3</sup> General Assembly resolution [77/83](#), first preambular paragraph.

special session on the same situation.<sup>4</sup> By the same resolution, the Assembly decided, on an exceptional basis, to accord precedence in the list of speakers to the permanent member or permanent members of the Council having cast a veto.<sup>5</sup> Pursuant to the resolution and following the casting of vetoes by permanent members of the Council,<sup>6</sup> the Assembly convened formal meetings concerning “Non-proliferation/ Democratic People’s Republic of Korea”<sup>7</sup> and “The situation in the Middle East”.<sup>8</sup> With regard to the conflict in Ukraine, the discussion on the veto cast on 30 September under the item entitled “Maintenance of peace and security of Ukraine” was held under the umbrella of the eleventh emergency special session pursuant to resolution [2623 \(2022\)](#) and Assembly resolution [377\(V\)](#) on 10 October.<sup>9</sup>

In 2022, the General Assembly did not draw the attention of the Council to any situations likely to endanger international peace and security pursuant to Article 11 (3) of the Charter.<sup>10</sup>

## **Table 2**

### **Recommendations to the Security Council in resolutions of the General Assembly regarding the general principles of cooperation in the maintenance of international peace and security**

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<sup>4</sup> General Assembly resolution [76/262](#), para. 1.

<sup>5</sup> *Ibid.*, para. 2. See Chapter XII of the rules of procedure of the General Assembly.

<sup>6</sup> See [S/PV.9048](#) and [S/PV.9087](#).

<sup>7</sup> See [A/76/PV.77](#), [A/76/PV.78](#), [A/76/PV.81](#) and [A/76/PV.82](#).

<sup>8</sup> See [A/76/PV.95](#) and [A/76/PV.96](#).

<sup>9</sup> See [A/ES-11/PV.12](#). A special report was submitted following the veto cast at the 9143<sup>rd</sup> meeting of the Council on 30 September ([S/PV.9143](#)) under the item entitled “Maintenance of peace and security of Ukraine”. For further information see sect. F below.

<sup>10</sup> For information on other referrals to the Security Council, see part VI, sect. I.

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*General Assembly*      *Provisions*  
*resolution and date*

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**Comprehensive Review of Special Political Missions**

[77/127](#)  
12 December 2022      Encourages enhanced exchanges of information, in an appropriate manner, among the General Assembly, the Security Council and the Secretariat, making use of the advisory role of the Peacebuilding Commission, when relevant, on overall policy matters pertaining to special political missions (tenth preambular paragraph)

Acknowledges the importance of strong coordination, coherence and cooperation of the Security Council and the General Assembly with the Peacebuilding Commission, and in this regard encourages the Security Council to continue to regularly request, deliberate and draw upon the specific, strategic and targeted advice of the Commission, including to assist with the longer-term perspective requires for sustaining peace being reflected in the formation, review and drawdown of peacekeeping operations and special political missions mandates, in line with General Assembly resolution [70/262](#) and Security Council resolution [2282 \(2016\)](#) (para. 4)

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**Report of the International Criminal Court**

[77/6](#)  
02 November 2022      Encourages further dialogue between the United Nations and the International Criminal Court, and welcomes in this regard the increased interaction of the Security Council with the Court under various formats, including the holding of open debates on peace and justice and working methods, with a special focus on the role of the Court (para. 20)

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**Standing mandate for a General Assembly debate when a veto is cast in the Security Council**

[76/262](#)  
26 April 2022      Invites the Security Council, in accordance with Article 24(3) of the Charter of the United Nations, to submit a special report on the veto in question to the General Assembly at least 72 hours before the relevant discussion in the Assembly (para. 3)

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**Table 3**

**Recommendations to the Security Council in resolutions of the General Assembly with regard to specific questions relating to the maintenance of international peace and security**

*General Assembly*      *Provisions*  
*resolution and date*

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**Situation of human rights in the Democratic People's Republic of Korea**

[77/226](#)  
15 December 2022      Encourages the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of further sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity (para. 12)

Also encourages the Security Council to immediately resume discussion on the situation in the Democratic People's Republic of Korea and invite the office of the United Nations High Commissioner for Human Rights to give a briefing to the Council, including on the country's human rights situation, in the light of the serious concerns expressed in the present resolution, and looks forward to its continued and more active engagement on this matter (para. 13)

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**Situation of human rights in the Syrian Arab Republic**

[77/230](#)

15 December 2022

Deplores the continued closure of the Bab al-Salam and Ya'rubiyah border crossings for the purpose of cross-border humanitarian aid, expresses its concern regarding the limited renewal of the cross-border resolution for only six months, which is considered unsustainable and insufficient, considering growing humanitarian needs as winter approaches, noting that needs have increased to the highest levels since 2011, with more than 14.6 million Syrians in need, according to the United Nations, and urges the Security Council to renew the cross-border mechanism by January 2023 and to reauthorize the use of these border crossings for at least 12 months, emphasizes that more than 6.9 million people live in areas not under the control of the Syrian regime and 5.3 million require humanitarian assistance in the north-east and north-west, and considers with great concern the serious threats posed by the recent outbreak of cholera, which disproportionately affects those who are already most vulnerable, and that the cross-border mechanism remains an indispensable tool to address the humanitarian needs of the population, including to deliver vaccines and supplies to combat the coronavirus disease (COVID-19) pandemic, which cannot be adequately reached through existing operations within the Syrian Arab Republic; (para. 17)

Emphasizes the need to ensure that all those responsible for violations of international humanitarian law or violates and abuses of human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, stresses the need to pursue practical steps towards this goal, and for that reason encourages the Security Council to take appropriate action to ensure accountability, noting the important role that the International Criminal Court can play in this regard in accordance with complementarity (para. 35)

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Concerning the deliberations in the Council, during the period under review, no explicit references were made to Articles 10 or 11 of the Charter. Nonetheless, Council members and non-Council members alike continued to address issues that may be considered of relevance for the application and interpretation of Articles 10 and 11 of the Charter in the context of Council meetings.

At a high-level open debate held on 2 June under the item entitled “Maintenance of international peace and security” and the subitem entitled “Strengthening accountability and justice for serious violations of international law” at the initiative of Albania which held the presidency for the month,<sup>11</sup> participants discussed the convening of formal meetings of the Assembly following the casting of a veto at a Council meeting, pursuant to Assembly resolution [76/262](#). The representative of Ireland indicated that any permanent member using the veto had to account for that use to all members of the United Nations, and said that he was looking forward to the Assembly’s first debate under that resolution the following week.<sup>12</sup> The representative of Malaysia, expressing support for the recent adoption of the Assembly resolution, recalled that the text provided a standing mandate to hold a debate whenever a veto was cast in the Council. The representative of Latvia underlined that Russia’s use of its power of veto to block Council

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<sup>11</sup>A concept note was circulated by a letter dated 24 May 2022 ([S/2022/418/Rev.1](#)).

<sup>12</sup> See [S/PV.9052](#).

resolutions denouncing its invasion of Ukraine had compelled the Organization's membership to enhance the role of the General Assembly, in accordance with its mandate under the Charter, in order to prevent deadlock in the Council and maintain the rules-based international order.<sup>13</sup> The representatives of Denmark, Estonia, Türkiye and Switzerland welcomed the adoption of the Assembly resolution, which provided for the convening of a formal meeting of the Assembly to hold a debate following the casting of a veto in the Council.<sup>14</sup>

The implementation of Assembly resolution [76/262](#) was the subject of further discussion at the annual open debate on working methods held under the item entitled, "Implementation of the note by the President of the Security Council ([S/2017/507](#))" (see case 1).

### Case 1

#### **Implementation of the note by the President of the Security Council ([S/2017/507](#))**

On 28 June, at the initiative of Albania, which held the presidency of the Council for the month,<sup>15</sup> the Council held its annual open debate on its working methods under the item entitled "Implementation of the note by the President of the Security Council ([S/2017/507](#))".<sup>16</sup> During the meeting, Council members heard briefings by Ms. Loraine Sievers, Director of Security Council Procedure and co-author of "The Procedure of the UN Security Council", and by Ms. Karin Landgren, Executive Director of Security Council Report. The representative of non-Council member Saint Vincent and the Grenadines, who had served as Chair of the Informal Working Group on Documentation and Other Procedural Questions in 2020 and 2021, submitted her statement in writing.<sup>17</sup>

During the debate, many participants underlined the importance of the adoption and implementation of General Assembly resolution [76/262](#) for enhancing the

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<sup>13</sup> See [S/PV.9052 \(Resumption1\)](#).

<sup>14</sup> Ibid.

<sup>15</sup> A concept note was circulated by a letter dated 21 June 2022 ([S/2022/499](#)).

<sup>16</sup> See [S/PV.9079](#) and [S/PV.9079 \(Resumption1\)](#).

<sup>17</sup> See [S/2022/519](#). For more information on the procedures and working methods developed since the onset of the COVID-19 pandemic, see part II, sect. I.

accountability of the Council towards the wider membership.<sup>18</sup> The representative of the United States was pleased to see the smooth implementation of the Assembly resolution following a double veto on the draft resolution submitted by the United States under the item entitled “Non-proliferation/The Democratic Republic of Korea”, adding that the Assembly meeting had provided an opportunity for those casting a veto to explain themselves and for the States Members of the United Nations to react to the veto.<sup>19</sup> The representative of Switzerland emphasized that the new accountability mechanism [provided for in the Assembly resolution] mobilized the broader United Nations membership whenever the Council was unable to fulfill its duties because of the use of the veto by a permanent member. The representative of Poland expressed the belief that the new practice of convening a General Assembly plenary meeting following the use of the veto would contribute to improving the United Nations system and translate into strengthening international peace and stability. The representative of Kuwait indicated that General Assembly resolution [76/262](#) would promote the role of the Assembly and enable it to strengthen transparency and effectiveness in its relationship with the Council.

Many participants discussed the relationship between the Council and the Assembly more broadly. The representative of Ireland stressed that the Council should strengthen its engagement with the wider United Nations membership, including by being more transparent and by creating more opportunities for the members of the General Assembly to interact with the work of the Council, while preserving the various tools at the command of the Council to ensure its effectiveness. The representative of China emphasized that the Council belonged to all Member States and had to strive to work in greater coordination and synergy with the President of the General Assembly, the Secretary-General, the Economic and Social Council and the Peacebuilding Commission. The representative of Ecuador insisted on the need to deepen the relationship between the Council and the Assembly. The representative of Luxembourg emphasized that it was crucial that cooperation be strengthened between the Council and the Assembly. The representative of the Republic of Korea encouraged the Council to strengthen its interaction and engagement with other United Nations organs, including the General

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<sup>18</sup> See [S/PV.9079](#), United States, United Kingdom, Switzerland, Luxembourg, Republic of Korea ), Poland , Liechtenstein , Austria , Portugal and Slovenia (p. 35); and [S/PV.9079 \(Resumption 1\)](#), Slovakia .

<sup>19</sup> See [S/PV.9079](#).

Assembly. The representative of Thailand underlined that, given the strong interlinkages between the various global crises affecting humankind and the inherent peace-development-governance nexus in most conflict situations, it was more important than ever that the Council worked in increased coordination, cooperation and interaction with other United Nations organs, including the General Assembly. The representative of Malta stressed that the interaction between the Council and the Assembly should be strengthened wherever possible, as the Council could not work in isolation.

Some participants focused their interventions on the need to preserve the distinctive mandates of the Council and the Assembly to avoid encroachment and prevent the duplication of work amongst the two organs. In that connection, the representative of the Islamic Republic of Iran underscored that, to avoid duplicating efforts and encroaching on the Assembly's mandate, the Council had to improve communication and cooperation with the Assembly and other UN organs on cross-cutting issues. The representative of Cuba called for the Council to abide by its mandate and respect the functions of other United Nations organs, adding that the Council had to stop expanding the scope of its interpretation of international peace and security and infringing on the functions and responsibilities of the Assembly. The representative of the Syrian Arab Republic similarly emphasized the importance of respecting individual mandates, indicating that the Council should work within its own mandate and not encroach on those of other United Nations bodies such as the Assembly.<sup>20</sup> The representative of Sudan noted that there had been a debate in recent years about the Council's encroachment on the powers of other organs of the Organization, particularly the Assembly, and indicated that a quick glance at the Council's agenda revealed that it was rapidly expanding, necessitating a pause for reflection and meaningful review.

### **C. Practice in relation to Article 12 of the Charter**

#### *Article 12*

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<sup>20</sup> See [S/PV.9079 \(Resumption 1\)](#).



*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 relative to the maintenance of international peace and security 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.*

Subsection C covers the practice of the Council in relation to Article 12 of the Charter. Article 12 (1) limits the authority of the General Assembly with regard to any dispute or situation in respect of which the Council is exercising its functions under the Charter. Article 14 of the Charter provides further that subject to the provisions of Article 12, the 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 Charter setting forth the Purposes and Principles of the United Nations.

During the period under review, no reference was made to Article 12 (1) in decisions of the Council nor did the Council request the General Assembly to make a recommendation with regard to any dispute or situation. However, at a meeting held on 27 February under the item entitled “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council ([S/2014/136](#))”, for the first time since 1982, the Council adopted a resolution to call an emergency special session of the Assembly consistent with General Assembly resolution [377\(V\)](#) of 1950.<sup>21</sup> Taking into account that the lack of unanimity of its permanent members at the 8979th meeting had prevented it from exercising its primary responsibility for the maintenance of international peace and security, by resolution [2623 \(2022\)](#), the Council decided to call an emergency special session of the

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<sup>21</sup> For more information, see *Repertoire, 1946-1951*.



General Assembly to examine the question contained in document [S/Agenda/8979](#).<sup>22</sup> More concretely, the resolution was adopted further to the use of the veto by the Russian Federation on 25 February on a draft resolution that would have condemned the 23 February declaration by the Russian Federation of a special military operation in Ukraine.<sup>23</sup> Immediately following the adoption of resolution [2623 \(2022\)](#), some Council members discussed the Council's accountability vis-à-vis the Assembly regarding the use of the veto (see case 2).

**Table 4**  
**Eleventh Emergency Special Session – Actions taken by the Security Council, the Secretary-General and the General Assembly**

<i>Council resolution and date</i>	<i>Note by the Secretary-General and date</i>	<i>Request for resumption by Member States</i>	<i>Meetings of the General Assembly</i>	<i>Assembly decisions and date</i>
Resolution <a href="#">2623 (2022)</a> 27 February 2022	Note by the Secretary-General ( <a href="#">A/ES-11/1</a> ) 27 February 2022		<a href="#">A/ES-11/PV.1</a> <a href="#">A/ES-11/PV.2</a> <a href="#">A/ES-11/PV.3</a> <a href="#">A/ES-11/PV.4</a> <a href="#">A/ES-11/PV.5</a> <a href="#">A/ES-11/PV.6</a> 28 February – 2 March 2022	<a href="#">A/RES/ES-11/1</a> 2 March 2022
		<a href="#">A/ES-11/4</a> 21 March 2022	<a href="#">A/ES-11/PV.7</a> <a href="#">A/ES-11/PV.8</a> <a href="#">A/ES-11/PV.9</a> 23 – 24 March 2022	<a href="#">A/RES/ES-11/2</a> 24 March 2022
		<a href="#">A/ES-11/6</a> 5 April 2022	<a href="#">A/ES-11/PV.10</a> <a href="#">A/ES-11/PV.11</a> 7 April 2022	<a href="#">A/RES/ES-11/3</a> 7 April 2022
		<a href="#">A/ES-11/8</a> 3 October 2022	<a href="#">A/ES-11/PV.12</a> <a href="#">A/ES-11/PV.13</a> 10 – 12 October 2022	<a href="#">A/RES/ES-11/4</a> 12 October 2022
		<a href="#">A/ES-11/10</a> 7 November 2022	<a href="#">A/ES-11/PV.14</a> <a href="#">A/ES-11/PV.15</a> 14 November 2022	<a href="#">A/RES/ES-11/5</a> 14 November 2022

<sup>22</sup> The last time the Council decided to convoke an emergency special session of the General Assembly was in 1982 by resolution [500 \(1982\)](#) in connection with the item entitled “The situation in the occupied Arab territories”. For more information, see *Repertoire, Supplement 1981-84*.

<sup>23</sup> At the Council's meeting of 25 February 2022 ([S/PV.8979](#)), draft resolution [S/2022/155](#) was not adopted due to the veto cast by the Russian Federation.

Insofar as it concerns the discussion at the Council, speakers at various meetings exchanged views on the scope of the action of the General Assembly and the Security Council. Article 12 was explicitly referred to once, during the annual open debate on working methods of the Council, held on 18 June under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”. At the meeting, the representative of the Syrian Arab Republic emphasized the importance of respecting the working methods of the Council as well as the individual mandates of the principal bodies of the United Nations.<sup>24</sup> In that context, he stated that the Council should not encroach on the mandate of other United Nations bodies and that neither should the General Assembly violate Article 12 of the Charter, which stated that the Assembly should not make any recommendations with regard to a situation being discussed in the Council.

Aside explicit references, speakers also discussed issues that may be of relevance for the implementation and interpretation of Article 12 of the Charter. On 23 March, at a meeting held under the item entitled “Letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council ([S/2014/264](#))”, the representative of France indicated that the Russian Federation had obstructed a draft resolution negotiated by France and Mexico with the objective of obtaining an immediate cessation of hostilities and to provide a concrete response to the humanitarian catastrophe unfolding in Ukraine, which had prompted the penholders to take that initiative to the General Assembly.<sup>25</sup> In that context, France emphasized that the Assembly had to play its role and call for an immediate cessation of hostilities and call for an end to the war and for full respect for international humanitarian law. The representative of the United Kingdom also acknowledged that the Assembly was going to take action on a draft resolution on the humanitarian crisis in Ukraine.

On 30 September, at a meeting held under the item entitled “Maintenance of peace and security of Ukraine”, owing to the negative vote of the Russian Federation, the Council failed to adopt a draft resolution which would have determined that the Russian

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<sup>24</sup> See [S/PV.9079 \(Resumption 1\)](#).

<sup>25</sup> See [S/PV.9002](#).

Federation's attempts to annex the territory of Ukraine constituted a threat to international peace and security and would have condemned "the Russian Federation's organization of illegal so-called referenda" in regions within Ukraine's internationally recognized borders.<sup>26</sup> Before the vote, the representative of the United States emphasized that if Russia chose to shield itself from accountability, then the United States would take further steps in the General Assembly.<sup>27</sup> In turn, the representative of the Russian Federation criticized the negotiation process on the draft resolution and stated that the penholders were prepared to devalue the efforts of the Council as the principal organ for the maintenance of peace and security and brazenly used the forum of the Council as a dress rehearsal before their main performance in the General Assembly. After the vote, the representative of Albania asserted that her country would continue to fight in the General Assembly and call on the Assembly to defend the Charter. The representative of Norway emphasized that it was unacceptable that the Council had again been blocked from taking action on a significant threat to international peace and security, adding that Norway was, however, assured that the Assembly would have an opportunity to take up that grave and important issue. The representative of Norway further urged the speedy production of a special report on the use of the veto. The representative of Ireland similarly called on the Council to submit a special report on the use of the veto in that instance. The representative of Kenya underlined that the draft resolution, whether in the Council or in the Assembly, would not solve the crisis, and explained that Kenya's affirmative vote was based on the country's principled defence of the Charter.

In 2022, in meetings under items related to the situation in Ukraine, Council members and other participants invoked some of the resolutions adopted at the eleventh emergency special session of the General Assembly.<sup>28</sup> In addition, and consistent with past practice, Council members and other Member States continued to address the

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<sup>26</sup> At the meeting ([S/PV.9143](#)), draft resolution [S/2022/720](#) was not adopted owing to the negative vote of the Russian Federation.

<sup>27</sup> See [S/PV.9143](#).

<sup>28</sup> See, for example, [S/PV.9008](#) (France, Mexico, Ghana, United Kingdom, Brazil, United States, Ukraine); [S/PV.9011](#), (Brazil and Mexico), [S/PV.9013](#), (Albania, United Kingdom, Ukraine). [S/PV.9161](#) (France, Ireland, Albania, Ukraine, Slovakia, Germany, Poland) and [S/PV.9195](#), (Albania, France, United Kingdom, Russian Federation, Ukraine, Poland, European Union and Slovakia).

prerogatives of the General Assembly and the Council at meetings held under the items entitled “The situation in Myanmar” and “Women and peace and security”.<sup>29</sup>

Under Article 12 (2), the Secretary-General is required to notify the General Assembly of the matters relating to the maintenance of international peace and security being dealt with by the Council or with which the Council has ceased to deal. During the period under review, in accordance with that provision, the Secretary-General continued to notify the Assembly of the matters relating to the maintenance of international peace and security that were being dealt with by the Security Council or with which the Council had ceased to deal.<sup>30</sup> The notification was based on the summary statements of matters of which the Council was seized and the stage reached in their consideration, which were circulated weekly to Council members in accordance with rule 11 of its provisional rules of procedure.<sup>31</sup> The consent of the Council, required by Article 12 (2), is obtained through the circulation of the draft notification by the Secretary-General to the members of the Council. Following receipt of the notification, the General Assembly formally takes note of it.<sup>32</sup>

## Case 2

### **Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council ([S/2014/136](#))**

On 27 February, the Security Council adopted resolution [2623 \(2022\)](#), in which it decided to call an emergency special session of the General Assembly to examine the question contained in document [S/Agenda/8979](#). The resolution was adopted with eleven votes in favour, one vote against by the Russian Federation, and three abstentions by

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<sup>29</sup> See, for example, under the item entitled “The situation in Myanmar”, [S/PV.9231](#) (Russian Federation); and under the item entitled “Women and peace and security”, [S/PV.8989 \(Resumption1\)](#) (Iran (Islamic Republic of)), [S/PV.9016 \(Resumption1\)](#) (Iran, (Islamic Republic of)). For further information on the mandate of the Council, see part V, sect. I.

<sup>30</sup> See [A/77/300](#).

<sup>31</sup> For more information, see Part II, sect. II.B, “Matters of which the Council is seized (rules 10 and 11)”.

<sup>32</sup> See General Assembly decision 76/566 (see [A/76/49 \(Vol. III\)](#), p. 233) of 9 June 2022, in which the Assembly took note of the notification by the Secretary-General under Article 12 (2), dated 1 September 2021 ([A/76/300](#)); see also *Repertoire, Supplement 2021*, part IV, sect. I.C. As at 31 December 2022, the Assembly had not taken note of the notification by the Secretary-General under Article 12 (2) dated 1 September 2022 ([A/77/300](#)).

China, India and the United Arab Emirates.<sup>33</sup> After the vote, some Council members discussed the decision to call for the emergency special session of the General Assembly following the veto by the Russian Federation of a draft resolution that would have condemned the 23 February declaration by the Russian Federation of a special military operation in Ukraine.<sup>34</sup>

The representative of the United States noted that with the adoption of the resolution, the Council had taken an important step forward towards accountability concerning the aggression against Ukraine.<sup>35</sup> She added that the conflict in Ukraine affected all Member States and that following the adoption of resolution [2623 \(2022\)](#), the Assembly could make their voices heard concerning the conflict, and further expressed her intention to vote on a draft resolution at the emergency special session that would hold Russia to account for its indefensible actions and for its violations of the Charter. The representative of Albania underlined that the five lines of the text that had just been adopted opened the big doors of the General Assembly to speak out and condemn an unprovoked and unjustified pure act of aggression. The representative of Ireland indicated that the Russian veto of the Council's draft resolution condemning its aggression in Ukraine would not prevent the international community from responding to Russia's blatant breaches of international law or deter it from holding Russia accountable for its actions, and called on the members of the General Assembly to step up where the Council had failed. The representative of Mexico stated that in response to the paralysis of the Council, it had invoked Assembly resolution [377\(V\)](#), entitled "Uniting for peace" to convene an emergency special session of the Assembly with the urgency that the situation warranted. The representative of Norway noted that the Council's response to the breach of the peace and the act of aggression had failed because of the veto by the aggressor itself, which had made necessary to reconvene and decide to call an emergency special session of the Assembly on the issue. She added that the matter would be taken to the Assembly for the purpose of making appropriate recommendations to Members for collective measures. The representative of Brazil indicated that the urgency of the situation had convinced the Council of the need to add the voice of the Assembly to that

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<sup>33</sup> For more information, on decision-making and voting, see part II, sect. VIII.

<sup>34</sup> See [S/2022/155](#).

<sup>35</sup> See [S/PV.8980](#).

of the Council in seeking solutions to the crisis in and around Ukraine, while also clarifying that such action in no way detracted from Brazil's firm belief that the Council had not yet exhausted the instruments and mechanisms at its disposal to contribute to a negotiated and diplomatic solution towards peace. He further emphasized that the Council and the Assembly had to work together. The representative of Ghana recalled that at its previous meeting,<sup>36</sup> the Council had been unable to assume its primary responsibility to act on a threat to international peace and security following the Russian Federation's aggression against Ukraine and indicated that it was time for the General Assembly to assume its residual responsibility and to pronounce itself on the matter.<sup>37</sup>

#### **D. Practice in relation to provisions of the Charter involving recommendations made by the Security Council to the General Assembly**

##### *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 Organization, 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 Organization by the General Assembly upon the recommendation of the Security Council.*

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<sup>36</sup> See [S/PV.8979](#).

<sup>37</sup> See [S/PV.8980](#).

*Article 93, paragraph 2*

*A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.*

*Article 97*

*The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.*

*Rule 60*

*The Security Council shall decide whether in its judgement the applicant is a peace-loving State and is able and willing to carry out the obligations contained in the Charter and, accordingly, whether to recommend the applicant State for membership.*

*If the Security Council recommends the applicant State for membership, it shall forward to the General Assembly the recommendation with a complete record of the discussion.*

*If the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, it shall submit a special report to the General Assembly with a complete record of the discussion.*

*In order to ensure the consideration of its recommendation at the next session of the General Assembly following the receipt of the application, the Security Council shall make its recommendation not less than twenty-five days in advance of a regular session of the General Assembly, nor less than four days in advance of a special session...*

The Charter provides for joint decision-making by the Council and the General Assembly in relation to a number of matters but requires a decision by the Council to be taken first. This is the case with respect to the admission, suspension or expulsion of members (Articles 4, 5 and 6), the appointment of the Secretary-General (Article 97) and



the conditions under which a State that is not a Member of the United Nations may become a party to the Statute of the International Court of Justice (Article 93 (2)).<sup>38</sup> In addition, the statute of the International Residual Mechanism for Criminal Tribunals provides that the judges of the Mechanism shall be elected by the Assembly from a list submitted by the Council.<sup>39</sup>

During the period under review, no questions arose concerning the conditions of accession to the Statute of the International Court of Justice. There was no reference to Articles 4, 5 or 6 and no activity with regard to the admission of new members or suspension or expulsion of any Member State. With regard to the International Residual Mechanism for Criminal Tribunals, the Council and the General Assembly collaborated on the election of judges to fill vacancies on the roster of the Mechanism.

*1. Membership in the United Nations: references to Articles 4 and 6*

The admission of a State to membership in the United Nations and the suspension or expulsion of a Member State from the Organization are effected by the General Assembly upon the recommendation of the Council (Articles 4 (2), 5 and 6 of the Charter). In accordance with rule 60 of its provisional rules of procedure, the Council submits to the Assembly, within specified time limits, its recommendations concerning each application for membership together with a record of its discussions in relation to the application.

During the period under review, the Council did not recommend the admission of any State for membership in the United Nations. It made no negative recommendations, which would have required the submission of a special report to the General Assembly. In addition, the Council did not recommend the suspension or expulsion of any Member State. Nonetheless, consistent with previous years, at meetings held under the item entitled “The situation in the Middle East, including the Palestinian question”, participants expressed support for the admission of the State of Palestine as a full

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<sup>38</sup> Articles 4 (3) and 69 of the Statute of the International Court of Justice provides for the Council to make recommendations to the General Assembly regarding the conditions under which a State which is a party to the Statute but is not a Member of the United Nations may participate in electing members of the Court, and in making amendments to the Statute.

<sup>39</sup> See article 10 of the Statute (Council resolution [1966 \(2010\)](#), annex 1).



Member of the Organization.<sup>40</sup> Furthermore, at a meeting under the item entitled “ Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council ([S/2014/136](#))”, on 23 February, the representative of Ukraine cited paragraphs 1 and 2 of Article 4 and asserted that the Russian Federation was not able to carry out any of its obligations under Article 4 as its President had declared war on Ukraine.<sup>41</sup> In addition, at a meeting held under the item entitled “Maintenance of peace and security of Ukraine”, on 28 June, the President of Ukraine recalled the letter of Article 6 of the Charter and noted that even though Russia was violating fundamental principles of the United Nations and the international legal order, it was still not being held to account at the global level and continued to enjoy the privileges of the seat it occupied as a permanent member of the Council.<sup>42</sup>

2. *Procedure for the selection and appointment of the Secretary-General*

In a letter dated 8 September, the representative of Costa Rica conveyed, on behalf of 27 Member States of the cross-regional group named Accountability, Coherence and Transparency Group,<sup>43</sup> a position paper on the selection and appointment process of the Secretary-General with the hope that the paper would serve as reference and encourage timely discussion on future selection processes.<sup>44</sup>

3. *Appointment of judges to the International Residual Mechanism for Criminal Tribunals*

By its resolution [1966 \(2010\)](#) of 22 December 2010, the Council established the International Residual Mechanism for Criminal Tribunals to carry out residual functions of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former

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<sup>40</sup> See, for example, [S/PV.9174 \(Resumption 1\)](#). Tunisia, Malaysia, League of Arab States, Syrian Arab Republic), Vice Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and Cuba.

<sup>41</sup> See [S/PV.8974](#).

<sup>42</sup> See [S/PV.9080](#).

<sup>43</sup> Austria, Chile, Costa Rica, Denmark, Ecuador, Estonia, Finland, Gabon, Ghana, Hungary, Ireland, Jordan, Latvia, Liechtenstein, Luxembourg, Maldives, New Zealand, Norway, Papua New Guinea, Peru, Portugal, Rwanda, Saudi Arabia, Slovenia, Sweden, Switzerland and Uruguay.

<sup>44</sup> [A/76/950-S/2022/695](#).

Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.<sup>45</sup> According to Article 10 of the statute of the Mechanism, the judges of the Mechanism are elected by the General Assembly from a list submitted by the Council. In the event of a vacancy in the roster of judges of the Mechanism, the Secretary-General appoints judges after consultation with the Presidents of the Council and of the Assembly, for the remainder of the term of office concerned.<sup>46</sup>

During the period under review, the Council took note of the intention of the Secretary-General to reappoint 25 judges and to appoint a new President of the Mechanism, as well as of the nomination of the Prosecutor for reappointment for a new term of office.<sup>47</sup> Thereafter, by resolution [2637 \(2022\)](#) of 22 June 2022, pursuant to article 14 (4) of the statute of the Mechanism, the Council appointed the Prosecutor of the International Mechanism for Criminal Tribunals, with effect from 1 July 2022 until 30 June 2024.<sup>48</sup>

For further details on the actions taken by the Secretary-General, the Council and the General Assembly, see table 5 below.<sup>49</sup>

## **Table 5**

### **Action taken by the Security Council and the General Assembly concerning judges of the International Residual Mechanism for Criminal Tribunals in 2022**

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<sup>45</sup> Resolution [1966 \(2010\)](#), para. 1.

<sup>46</sup> See article 10 of the statute of the International Residual Mechanism for Criminal Tribunals (resolution [1966 \(2010\)](#), annex 1).

<sup>47</sup> See [S/2022/487](#). Concerning the President of the Mechanism, the Secretary-General informed the Council that the sitting President was not seeking to be reappointed and, pursuant to article 11, paragraph 1, of the statute and after consultation with the judges of the Mechanism, he intended to appoint a different judge who had served the Mechanism since 2012 as President for a term of office from 1 July 2022 to 30 June 2024 ([S/2022/486](#)).

<sup>48</sup> Resolution [2637 \(2022\)](#), para. 1.

<sup>49</sup> For more information concerning the International Residual Mechanism for Criminal Tribunals, see part I, sect. 25.

<i>Letter from the Secretary-General</i>	<i>Letter from the President of the Security Council</i>	<i>Council resolution and date</i>	<i>Transmittal to the General Assembly</i>	<i>Assembly decision or resolution and date</i>
<a href="#">S/2022/486</a> , informing the Council of his intention to reappoint 25 judges and to appoint a new President of the Mechanism and transmitting the nomination of the Prosecutor for reappointment	<a href="#">S/2022/487</a> , taking note of the intention of the Secretary-General to reappoint 25 judges and to appoint a new President of the Mechanism as well as his nomination of the Prosecutor for reappointment	Resolution <a href="#">2637 (2022)</a> 22 June 2022 (para. 1)		
<a href="#">S/2022/511</a> , transmitting a letter from the President of the General Assembly concurring with the reappointment of 25 judges of the Mechanism				

## **E. Election of members of the International Court of Justice**

### *Rule 40*

*Voting in the Security Council shall be in accordance with the relevant Articles of the Charter and of the Statute of the International Court of Justice.*

### *Rule 61*

*Any meeting of the Security Council held in pursuance of the Statute of the International Court of Justice for the purpose of the election of members of the Court shall continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes.*

The election of members of the International Court of Justice requires action by the Council in conjunction with the General Assembly, with the two organs proceeding independently of one another. The procedure for the election is set out in rules 40,<sup>50</sup> and 61 of the provisional rules of procedure of the Council, Articles 4, 8, 10 to 12, 14 and 15

<sup>50</sup> Rule 40 of the provisional rules of procedure is also covered in part II, sect. IX.

of the Statute of the International Court of Justice;<sup>51</sup> and rules 150 and 151 of the rules of procedure of the Assembly.<sup>52</sup>

During the period under review, the Council held an election to fill a vacancy resulting from the passing of one of the judges of the Court.<sup>53</sup> At its 9073rd meeting, held on 22 June, the Council met under the item entitled “Date of election to fill a vacancy in the International Court of Justice”.<sup>54</sup> At the meeting, the Council adopted without a vote resolution [2638 \(2022\)](#), by which it decided, in accordance with Article 14 of the Statute of the Court, that the election to fill the vacancy would take place on 4 November, at a meeting of the Council and at a meeting of the General Assembly at its seventy-seventh session.<sup>55</sup>

On 4 November, the General Assembly and the Council proceeded with the concurrent votes.<sup>56</sup> On the first ballot, at the 9182nd meeting of the Council and the 29th plenary meeting of the Assembly, Leonardo Nemer Caldeira Brant, a candidate from Brazil, obtained the requisite absolute majority of votes in both bodies and was, therefore, elected as a member of the Court for a term of office from 4 November 2022 until 5 February 2027, in accordance with Articles 2 to 4, 7 to 12, 14 and 15 of the Statute of the Court, rules 150 and 151 of the rules of procedure of the Assembly and rules 40 and 61 of the provisional rules of procedure of the Council.<sup>57</sup>

For details of the procedure of the election of the new member of the Court, see table 6.

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<sup>51</sup> Articles 4, 8, 10 to 12, 14 and 15 of the Statute of the International Court of Justice establish the procedure for (a) the nomination of the judges by the national groups in the Permanent Court of Arbitration, (b) the majority necessary for the election of judges, (c) the number of meetings to be held for the purpose of the election of judges, (d) the holding of the joint conference in the event of more than three meetings of the Council and the General Assembly, (e) the procedure for the filling of vacancies and (f) the term of office applied to elected judges filling out a vacancy. Article 8 provides that the two organs shall proceed independently.

<sup>52</sup> Rules 150 and 151 of the General Assembly provide that the election of the members of the International Court of Justice take place in accordance with the Statute of the Court and that any meeting of the Assembly held in pursuance of the Statute of the Court for the purpose of electing members of the Court continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes.

<sup>53</sup> See [S/2022/453](#).

<sup>54</sup> See [S/PV.9073](#).

<sup>55</sup> See resolution [2638 \(2022\)](#).

<sup>56</sup> See [S/PV.9182](#) and [A/77/PV.29](#).

<sup>57</sup> General Assembly decision 77/404 (see [A/77/49 \(Vol. II\)](#)).

**Table 6**

**Concurrent election of member of the International Court of Justice to fill expiring vacancy**

<i>Notes by the Secretary-General</i>	<i>Council meeting setting the date of the election and date</i>	<i>Council resolution deciding the election date</i>	<i>Council meeting for the election</i>	<i>General Assembly plenary meeting for the election</i>
<a href="#">S/2022/453</a> <a href="#">A/77/481-</a> <a href="#">S/2022/722</a> <a href="#">A/77/482-</a> <a href="#">S/2022/723</a> <a href="#">A/77/483-</a> <a href="#">S/2022/724</a>	<a href="#">S/PV.9073</a>	Resolution <a href="#">2638 (2022)</a>	<a href="#">S/PV.9182</a>	<a href="#">A/77/PV.29</a>

**F. Annual and special reports of the Security Council to the General Assembly**

*Article 15, paragraph 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.*

*Article 24, paragraph 3*

*The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.*

*Rule 60, paragraph 3*

*If the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, it shall submit a special report to the General Assembly with a complete record of the discussion.*

During 2022, the Council maintained its practice of submitting annual reports to the General Assembly pursuant to Article 24 (3) of the Charter. The annual report submitted to the Assembly covered the period from 1 January to 31 December 2021.<sup>58</sup>

<sup>58</sup> [A/76/2](#).

The note by the President of the Council dated 30 August 2017 provides that the report shall consist of an introduction, containing an agreed concise summary prepared on behalf of the Council under the coordination of the President of the Council for the month of July.<sup>59</sup> However, in accordance with the same note, in the case of the member holding the presidency for the month of July ending its tenure on the Council that year, that task devolves on the member of the Council next in English alphabetical order and who will not be leaving the Council at the end of that calendar year. In 2022, the introduction of the annual report for 2021 was therefore prepared by the delegation of France, as the member of the Council which had held the presidency of the Council for the month of July 2021. In accordance with the note by the President of the Council dated 27 December 2019,<sup>60</sup> the report was adopted before 30 May 2022. The procedure and content of the annual report were discussed in connection with the annual open debate on working methods held under the item entitled, “Implementation of the note by the President of the Security Council ([S/2017/507](#))” (see case 3).<sup>61</sup>

The Council considered and adopted its draft annual report, without a vote, at its 9037<sup>th</sup> meeting, held on 20 May.<sup>62</sup> During the meeting, the representative of France emphasized that the drafting of the annual report was not only a mandatory task enshrined in the Charter, but also an important document for reviewing the activities of the Council over the previous year and opening a discussion with all Member States on how the Council had implemented its mandate.

The General Assembly considered the annual report of the Council at the 79<sup>th</sup> plenary meeting of its seventy-sixth session under the item “Report of the Security Council”.<sup>63</sup> The President of the Council for the month (Albania) participated in the 79<sup>th</sup> plenary meeting of the Assembly to introduce the report.<sup>64</sup> During the discussions in the Assembly, many Member States acknowledged or expressed appreciation for the improved timeline regarding the adoption and submission of the annual report of the Council in accordance with the note by the President of the Council dated 27 December

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<sup>59</sup> See [S/2017/507](#), para. 127.

<sup>60</sup> See [S/2019/997](#), para. (c).

<sup>61</sup> See [S/PV.9079](#). See also [S/PV.9079 \(Resumption1\)](#).

<sup>62</sup> See [S/PV.9037](#).

<sup>63</sup> See [A/76/PV.79](#).

<sup>64</sup> *Ibid.*

2019,<sup>65</sup> by which Member States were to be allowed time for a more careful consideration and discussion of the work of the Council for the year under review.<sup>66</sup> Numerous Member States also called for future annual reports of the Council to be more analytical.<sup>67</sup> At its 79th plenary meeting held on 9 June, the General Assembly took note of the report of the Council.<sup>68</sup>

### Case 3

#### **Implementation of the note by the President of the Security Council ([S/2017/507](#))**

On 28 June, at the initiative of Albania, which held the presidency of the Council for the month,<sup>69</sup> the Council held its annual open debate on its working methods under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”.<sup>70</sup> During the meeting, Council members heard briefings by Ms. Loraine Sievers, Director of Security Council Procedure and co-author of “The Procedure of the UN Security Council”, and by Ms. Karin Landgren, Executive Director of Security Council Report. The representative of non-Council member Saint Vincent and the Grenadines, who had served as Chair of the Informal Working Group on Documentation and Other Procedural Questions in 2020 and 2021, submitted her statement in writing.<sup>71</sup>

During the debate, Member States discussed the consideration of annual and special reports of the Council by the General Assembly in the context of the relationship between the two bodies. The representative of Costa Rica called for greater transparency in preparing the annual report of the Council to the Assembly.<sup>72</sup> The representative of Cuba noted that the lack of special reports on measures to maintain international peace and security, as provided for in Articles 15 and 24, was a gap that should be overcome.

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<sup>65</sup> [S/2019/997](#).

<sup>66</sup> See [A/76/PV.79](#) (Ecuador (on behalf of the Accountability, Coherence and Transparency Group), Portugal, Austria, Malaysia, Mexico, Singapore, Poland, Argentina and Indonesia).

<sup>67</sup> See [A/76/PV.79](#) (Ecuador (on behalf of the Accountability, Coherence and Transparency Group), Portugal, Austria, Singapore, Cyprus, , Iran (Islamic Republic of), Malta, Cuba, South Africa, Argentina, Georgia, Indonesia, Italy, Slovenia, Ukraine and Costa Rica).

<sup>68</sup> General Assembly decision [76/567](#) (see [A/76/49 \(Vol. III\)](#)). See also [A/76/PV.79](#).

<sup>69</sup> A concept note was circulated by a letter dated 21 June 2022 ([S/2022/499](#)).

<sup>70</sup> See [S/PV.9079](#) and [S/PV.9079 \(Resumption1\)](#).

<sup>71</sup> See [S/2022/519](#).

<sup>72</sup> See [S/PV.9079](#).

He expressed support for the proposal to hold the debate in the General Assembly on the annual reports of the Security Council at a date nearer to the year-end, which would allow for a more contextualized analysis of the organ's work during the review period.

Multiple delegations stressed that the Council's annual report should be more substantive, analytical, detailed and comprehensive.<sup>73</sup> The representative of the Islamic Republic of Iran underscored that the annual reports of the Council should contribute to the much-needed transparency and accountability of decisions and measures taken by the Council, and recalled that during recent discussions in the Assembly on the issue, the vast majority of Member States had renewed their call on the Council to present an annual report that went beyond a simple compilation of its activities. The representatives of France and Kuwait welcomed the timely submission of the annual report on the activities of the Council to the Assembly, while the latter also emphasized that the substance of the report could be more analytical and detailed. The representative of Pakistan welcomed the improved timeline in the submission of the report of the Council to the Assembly, but was discouraged by the contents of the report itself, noting that it provided a compendium of the Council's deliberations on various issues but did not throw any light on how the Council considered specific situations and the ways in which it reached its decisions.

In addition, participants addressed the Council's implementation of General Assembly resolution [76/262](#), concerning the submission of a special report to the Assembly, following the casting of a veto in the Council.<sup>74</sup> The representative of the United States indicated that while the United States had been disappointed with the double veto cast on 26 May on the draft resolution submitted in response to the ballistic missiles launched by the Democratic People's Republic of Korea,<sup>75</sup> the Council had been able to reach consensus on a fact-based special report to the General Assembly at the Assembly's invitation.<sup>76</sup> Several participants also welcomed the timely transmission of the special report by the Council in the first application of the Assembly resolution.<sup>77</sup> Citing Article 24 of the Charter, the representative of Switzerland welcomed the timely transmission of the special report. The representative of Liechtenstein noted that the

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<sup>73</sup> Ibid., Switzerland, Iran (Islamic Republic of), Kuwait, Portugal and Cuba.

<sup>74</sup> General Assembly resolution [76/262](#), para. 3.

<sup>75</sup> See [S/PV.9048](#).

<sup>76</sup> See [S/PV.9079](#). For the special report, see [A/76/853](#).

<sup>77</sup> See [S/PV.9079](#), Switzerland, Luxembourg and Liechtenstein.



Council was swiftly able to agree on the special report, highlighting its importance, given that no such document had been produced in 46 years. Similarly, the representative of Luxembourg welcomed the submission of the report in good time by the Council, as well as the participation of a large number of Member States during the General Assembly debate.<sup>78</sup> The representative of Thailand underlined that the debate on the working methods of the Council together with the debate in the General Assembly on the use of the veto in the Council, reinforced the dialogue between the two bodies with a view to supporting the effective workings of the Council.<sup>79</sup> The representative of Portugal further encouraged Council members to enclose a special report in its next annual report, together with a summary of the debate in the General Assembly on the use of the veto.

*Special reports by the Council to the Assembly on the use of the veto*

On 26 April, the General Assembly adopted resolution [76/262](#), in which it invited the Council, in accordance with Article 24 (3) of the Charter, to submit a special report to the Assembly at least 72 hours before the relevant discussion in the Assembly on the use of the veto by one or more permanent members of the Council.<sup>80</sup>

During the reporting period, the Council submitted three special reports to the Assembly pursuant to resolution [76/262](#) on the use of the veto in connection with the items entitled “Non-proliferation/Democratic People’s Republic of Korea”, “The situation in the Middle East” and “Maintenance of peace and security of Ukraine”.<sup>81</sup> Following the submission of the reports, the Assembly met to discuss the use of the veto in each of the three instances; the last of these meetings was held under the umbrella of the eleventh emergency special session pursuant to resolution [2623 \(2022\)](#) and Assembly resolution [377\(V\)](#).<sup>82</sup>

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<sup>78</sup> See [A/76/PV.77](#) and [A/76/PV.78](#). See also [S/PV. 9048](#).

<sup>79</sup> See [S/PV.9079](#).

<sup>80</sup> General Assembly resolution [76/262](#), paras. 1 and 3.

<sup>81</sup> [A/76/853](#), [A/76/905](#) and [A/77/551](#).

<sup>82</sup> See [A/76/PV.77](#), [A/76/PV.78](#), [A/76/PV.81](#) and [A/76/PV.82](#); [A/76/PV.95](#) and [A/76/PV. 96](#). For the meeting of the eleventh emergency special session of the General Assembly concerning the special report on the use of the veto at the 9143rd meeting of the Security Council, held on 30 September 2022 in connection with the item entitled “Maintenance of peace and security of Ukraine”, see [A/ES-11/PV.12](#).

In this regard, on 10 October, the representative of Switzerland submitted a letter to the President of the Council on behalf of 26 members of the Accountability, Coherence and Transparency Group (ACT Group), in which he recalled paragraph 3 of Assembly resolution [76/262](#) concerning the submission by the Council of a special report on the use of the veto to the Assembly, and welcomed the Council's continuation of the practice with regard to the veto cast on 30 September in producing a special report in advance of the meeting of the eleventh emergency special session of the Assembly on that same day.<sup>83</sup> He added that in accordance with the terms of the Assembly resolution, the Group considered the meeting of the emergency special session to be "the relevant discussion", mandated in paragraph 1 of resolution [76/262](#), for which the special report was to be submitted. The representative of Switzerland further welcomed the fact that the Council had established a consistent practice with respect to the implementation of resolution [76/262](#).

During Council meetings in 2022, Council members underlined the importance of General Assembly resolution [76/262](#) and its implementation, and in particular the submission of special reports to the Assembly. On 26 May, following the negative vote by China and the Russian Federation of a draft resolution concerning the item entitled "Non-proliferation/Democratic People's Republic of Korea", the representative of Mexico indicated that in the light of the recent adoption of General Assembly resolution [76/262](#), Mexico was looking forward to the convening of a meeting of the Assembly, as well as the special report to be prepared by the Council, in order for the highest international organ to hear those permanent members discuss the issue and take the decisions that it deemed appropriate.<sup>84</sup> The representative of Ireland similarly expressed anticipation for the swift issuance of a special report by the Council in accordance with Article 24, paragraph 3 of the Charter.<sup>85</sup> The representative of Norway recognized that in accordance with its consensus resolution [76/262](#), the Assembly would be taking up the issue for discussion in line with its own responsibilities with regard to international peace and security. She added that Norway expected the Council to comply with the provision of the resolution inviting it to submit a special report on the issue for the Assembly's

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<sup>83</sup> See [S/2022/752](#).

<sup>84</sup> See [S/PV.9048](#). For the draft resolution submitted by the United States, see [S/2022/431](#).

<sup>85</sup> See [S/PV.9048](#).

consideration. On 8 July, following the negative vote by the Russian Federation of a draft resolution concerning the item entitled “The situation in the Middle East”,<sup>86</sup> the representative of Mexico indicated that the General Assembly could turn to discussing the use of the veto pursuant to resolution [76/262](#), for which Mexico asked the presidency to prepare a corresponding special report.<sup>87</sup>

## **G. Relations with subsidiary organs established by the General Assembly**

During the period under review, the Council continued to develop its relations with various subsidiary organs established by the General Assembly, namely, the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Human Rights Council and the Special Committee on Peacekeeping Operations.

### *Committee on the Exercise of the Inalienable Rights of the Palestinian People*

In 2022, the Committee on the Exercise of the Inalienable Rights of the Palestinian People continued to participate in the work of the Council. The Vice-Chair of the Committee delivered statements at four Council meetings concerning the situation in the Middle East, including the Palestinian question.<sup>88</sup> On 29 November, on the occasion of the International Day of Solidarity with the Palestinian People, the President of the Council participated in a meeting of the Committee.<sup>89</sup>

### *Human Rights Council*

One decision adopted by the Security Council contained a reference to the Human Rights Council. By its resolution [2654 \(2022\)](#), of 27 October, the Security Council welcomed Morocco’s interaction with the Special Procedures of the United Nations Human Rights Council in the context of enhancing the promotion and protection of human rights in Western Sahara and the Tindouf refugee camps.<sup>90</sup>

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<sup>86</sup> See [S/PV.9087](#). For the draft resolution submitted by Ireland and Norway ([S/2022/538](#)).

<sup>87</sup> See [S/PV.9087](#).

<sup>88</sup> See [S/PV.8950](#) and [S/PV.8950 \(Resumption 1\)](#); [S/PV.9021](#) and [S/PV.9021 \(Resumption 1\)](#); [S/PV.9099](#) and [S/PV.9099 \(Resumption 1\)](#); and [S/PV.9174](#) and [S/PV.9174 \(Resumption 1\)](#).

<sup>89</sup> See [A/AC.183/PV.409](#).

<sup>90</sup> Resolution [2654 \(2022\)](#), twentieth preambular paragraph.

Relations between the Security Council and the Human Rights Council were also addressed during Council meetings. At an open debate held on 18 January 2022 under the item entitled “Women and peace and security” and the subitem entitled “Protecting participation: addressing targeting women in peace and security processes”, the representative of Italy expressed hope that increased cooperation between the Human Rights Council and the Security Council could decisively help to prevent targeted violence against women and make sure that women could play a full role in peace and security processes.<sup>91</sup> At a meeting held on 13 April under the same item and the subitems entitled “Accountability as prevention” and “Ending cycles of sexual violence in conflict”, the representative of Malaysia asserted that his country saw merits in broadening networking and coordination between the Security Council and the Human Rights Council towards ensuring accountability for human rights violations, including sexual assault and violence against women and children.<sup>92</sup>

At the open debate on working methods of the Council held on 28 June under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”, the representative of the Republic of Korea encouraged the Council to continue to strengthen its interaction and engagement with other United Nations organs and bodies, including the General Assembly and the Human Rights Council.<sup>93</sup> At the same meeting, however, the representative of the Syrian Arab Republic stressed the importance of respecting individual mandates, adding that the Council should work within its own mandate and not encroach on those of other United Nations bodies such as the General Assembly and the Human Rights Council.<sup>94</sup>

On 3 November, at an open debate held under the item entitled “Peacebuilding and sustaining peace” and the subitem entitled “Integrating effective resilience-building in peace operations for sustainable peace”, the representative of Norway stated that there was no better way of preventing conflict than protecting human rights, and emphasized the need for greater interaction between the Security Council and its peacekeeping

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<sup>91</sup> See [S/PV.8949](#).

<sup>92</sup> See [S/PV.9016 \(Resumption 1\)](#).

<sup>93</sup> See [S/PV.9079](#).

<sup>94</sup> See [S/PV.9079 \(Resumption 1\)](#).

operations, together with the High Commissioner for Human Rights and the Human Rights Council, to facilitate early engagement and prevention.<sup>95</sup>

*Special Committee on Peacekeeping Operations*

In 2022, the Security Council did not refer to the Special Committee on Peacekeeping Operations in any of its decisions. On 6 September, however, at a meeting held under the item entitled “United Nations peacekeeping operations” concerning the safety of peacekeepers, the representative of the Russian Federation expressed the belief that the main thrusts of United Nations peacekeeping activities had to be determined in an intergovernmental format.<sup>96</sup> He added in that regard, that the Special Committee on Peacekeeping Operations of the General Assembly was a unique platform in which a majority of the Member States of the Organization, including troop-contributing countries and host States, had an opportunity to develop common approaches to the parameters for peacekeeping activities to guide the Secretariat and missions on the ground. In addition, on 21 December, during the explanation of vote following the adoption of a resolution concerning the mental health of peacekeepers and the personnel of peacekeeping operations and special political missions,<sup>97</sup> the representative of the Russian Federation explained that while his country supported the resolution, it considered that there had been a violation of the principle of the division of labour and expressed the view that, when putting forward initiatives, Member States had to take into account the prerogatives of the principal organs as enshrined in the Charter.<sup>98</sup> In that context, he emphasized that there was a specialized platform to discuss general peacekeeping issues, namely, the General Assembly’s Special Committee on Peacekeeping Operations, which was where all interested parties, including troop contributors and Secretariat experts, came together for a comprehensive review of all aspects concerning peacekeeping operations. The representative of India, who also voted in favour of the resolution, similarly expressed the belief that the General Assembly’s Special Committee on Peacekeeping Operations was the right forum to deliberate the

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<sup>95</sup> See [S/PV.9181](#).

<sup>96</sup> See [S/PV.9123](#).

<sup>97</sup> Resolution [2668 \(2022\)](#).

<sup>98</sup> See [S/PV.9229](#).

issue and indicated that the Special Committee had been giving due consideration to the issue of the mental health of United Nations personnel in peace operations and, as a result, there had been consistent improvement in recent years. He expressed hope that future deliberations on the issue of mental health and well-being of United Nations peace operations personnel would be addressed in a systemic and holistic manner and through all relevant and mandated organs of the United Nations.

## **H. Other Security Council practice bearing on relations with the General Assembly**

### *General Assembly decisions concerning relations with the Security Council*

The General Assembly also made reference to its relations with the Council in several other decisions. In its decision [76/572](#) adopted on 12 July under the item entitled “Question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council”, the Assembly decided to reaffirm its central role concerning the question of equitable representation on and increase in the membership of the Council and other matters related to the Council.<sup>99</sup> The Assembly also decided to immediately continue intergovernmental negotiations on Council reform in informal plenary meetings at its seventy-seventh session, building on the informal meetings held during its seventy-sixth session, as reflected in the letter dated 16 May 2022 from the Co-Chairs, and on the document entitled “Co-Chairs’ Revised Elements Paper on Convergences and Divergences on the question of equitable representation on and increase in the membership of the Security Council and related matters”, circulated on 19 May, as well as the positions of and proposals made by Member States, reflected in the text and its annex circulated on 31 July 2015.

On the situation of human rights of the Rohingya Muslims and other minorities in Myanmar, the General Assembly adopted resolution [77/227](#) on 15 December, reiterating the urgent need to ensure that all those responsible for crimes related to violations and abuses of international law throughout Myanmar, including international human rights law, international humanitarian law and international criminal law, were held to account

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<sup>99</sup> General Assembly decision [76/572](#) (see [A/76/49 \(Vol. III\)](#)).

through credible and independent national, regional or international justice mechanisms, while recalling the authority of the Council in this regard.<sup>100</sup>

With respect to the situation of human rights in the Syrian Arab Republic, in its resolution [77/230](#) of 15 December, the General Assembly expressed continued support for the work carried out by the Independent International Commission of Inquiry on the Syrian Arab Republic, welcomed its reports, and reiterated its decision to transmit those reports to the Council.<sup>101</sup>

#### *Security Council decisions concerning relations with the General Assembly*

A number of resolutions and presidential statements adopted by the Council during 2022 contained specific references to the General Assembly in connection with policy and implementation issues other than those covered in subsections A, D, E and G above, as set out in tables 7 and 8.

**Table 7**

#### **Security Council decisions containing specific references to the General Assembly in connection with policy and implementation issues other than those covered in subsections A, D, E and G (thematic items)**

<i>Decision and date</i>	<i>Provision</i>
<b>General issues relating to sanctions</b>	
Resolution <a href="#">2664 (2022)</a> 9 December 2022	Encouraging the United Nations, where appropriate, to take an active role in coordinating humanitarian activities in situations where its sanctions are applicable, recalling the United Nations guiding principles of General Assembly Resolution 46/182 of humanitarian emergency assistance, including humanity, neutrality, impartiality and independence, and noting that the intention of this resolution is to provide clarity to ensure the continuation of humanitarian activities in the future (ninth preambular paragraph)
<b>International Residual Mechanisms for Criminal Tribunals</b>	
Resolution <a href="#">2637 (2022)</a> 22 June 2022	Recalling the strong need for States to cooperate with the Mechanism to achieve the arrest and surrender of those remaining fugitives indicted by the ICTR, and, in this regard, recalling also General Assembly resolution 74/273 of 21 April 2020 (sixth preambular paragraph)

<sup>100</sup> General Assembly resolution [77/227](#), thirty-seventh preambular paragraph.

<sup>101</sup> General Assembly resolution [77/230](#), twenty-third preambular paragraph.

**Table 8**

**Security Council decisions containing specific references to the General Assembly in connection with policy and implementation issues other than those covered in subsections A, D, E and G (country and region-specific items)**

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in the Central African Republic</b>	
Resolution <a href="#">2659 (2022)</a> 14 November 2022	Requests the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to consider the environmental impacts of its operations when fulfilling its mandated tasks and, in this context, to manage them as appropriate and in accordance with applicable and relevant General Assembly resolutions and United Nations rules and regulations (para. 45)
<b>The situation in Mali</b>	
Resolution <a href="#">2640 (2022)</a> 29 June 2022	Requests the United Nations Multidimensional Integrated Stabilization Mission in Mali to consider the environmental impacts of its operations when fulfilling its mandated tasks and, in this context, to manage them as appropriate and in accordance with applicable and relevant General Assembly resolutions and United Nations rules and regulations (para. 53)
<b>The situation in Somalia</b>	
Resolution <a href="#">2628 (2022)</a> 31 March 2022	Expressing serious concern about the humanitarian situation in Somalia, and calling for all parties to the conflict to allow and facilitate, in accordance with relevant provisions of international law, including applicable international humanitarian law, and in a manner consistent with the United Nations guiding principles of humanitarian emergency assistance (United Nations General Assembly resolution 46/182), including humanity, neutrality, impartiality and independence, the provision of humanitarian assistance necessary to support Somalia (twenty-fourth preambular paragraph)  <i>See also resolution <a href="#">2657 (2022)</a>, twelfth preambular paragraph and resolution <a href="#">2662 (2022)</a>, eleventh preambular paragraph</i>

*Security Council discussions concerning relations with the General Assembly*

In 2022, Council members and other participants in meetings continued to address the Council's coordination and interaction with the General Assembly. On 14 December, at a high-level open debate held under the item entitled "Maintenance of international peace and security", and the subitem entitled "New orientation for reform multilateralism", at which Council members heard briefings by the Secretary-General and the President of the General Assembly, Council members and other participants discussed the relationship between the Council and the Assembly (see case 4).

**Case 4**

**Maintenance of international peace and security**



On 14 December, at the initiative of India which held the presidency of the Security Council for the month,<sup>102</sup> the Council held a high-level open debate under the item entitled “Maintenance of international peace and security” and the subitem entitled “New orientation for reformed multilateralism”. During the open debate, Council members heard briefings by the Secretary-General and the President of the General Assembly.<sup>103</sup>

The Secretary-General, noting calls by Member States for the revitalization of the work of the General Assembly in the framework of a reformed multilateralism, stated that the Assembly had showed that it played a valuable role, and had adopted many important resolutions that year, in particular on the war in Ukraine, the right to a healthy environment and the use of the veto by Member States.<sup>104</sup> The President of the General Assembly emphasized that multilateralism could work, and had to work better, and added that 193 Member States of the General Assembly had placed their trust in the 15 Security Council members and expected each Council member to act for the good of all and uphold the Charter. He further stated that collaboration across bodies, organs and processes made sense, and highlighted the so-called veto initiative for having opened an important door for a new form of collaboration and accountability. In that context, he noted that the Assembly had been obliged to step up when decisions by the Council had been blocked.

Several participants highlighted the importance of strengthened cooperation among the principal organs of the United Nations, including the Security Council and the General Assembly. The representative of Albania underlined that the decisive response of the Assembly to the aggression in Ukraine, in the face of a Council paralysed by a blatant conflict of interest, together with the veto initiative, had confirmed the necessity of such strengthened cooperation amongst the two organs and had contributed to revitalizing and empowering the Assembly while also showing the imperative of improving the functioning of the Council and its ability to take action, remain credible and act on behalf of the entire United Nations membership. The representative of Norway emphasized that the Council had to be more connected to the rest of the multilateral system, and

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<sup>102</sup> A concept note was circulated by a letter dated 25 November 2022 ([S/2022/880](#)).

<sup>103</sup> See [S/PV.9220](#) and [S/PV.9220 \(Resumption 1\)](#).

<sup>104</sup> See [S/PV.9220](#).

welcomed the vital role that the Assembly had played that year through Uniting for Peace, adopting and successfully implementing the veto initiative. The representative of Bangladesh emphasized the importance of bridging the power gap between the Assembly and the Council as a matter of priority, and expressed support for the initiative aimed at ensuring the proper implementation of the Charter with respect to the functional relationship between its main organs, in particular the Assembly and the Economic and Social Council.<sup>105</sup> In that regard, he stated that the interaction with the Security Council had to be improved. The representative of Thailand stressed that to achieve the strategic goals of maintaining international peace, security and stability, promoting sustainable development and growth and preventing the violation, abuse and disregard of universal human rights, it was absolutely essential that the United Nations worked across organizations and silos, linking the work of the Security Council with that of other United Nations bodies and agencies, including the General Assembly.

During the discussion, many participants welcomed the adoption of General Assembly resolution [76/262](#). Some speakers explained how the adoption of the Assembly resolution had changed the dynamics between the Council and the Assembly. The representative of Switzerland indicated that Assembly resolution [76/262](#) promoted complementarity between the United Nations organs in the event of blockages created by the use of the veto. Emphasizing that a robust multilateral system required a strengthened role for the Assembly, the representative of Singapore indicated that the Assembly had shown clearly that it had the capacity and will to act when the Council was unable or unwilling to make decisions. He added in that regard, that the adoption of resolution [76/262](#), which had stipulated that the Assembly would meet whenever a veto was cast in the Council, was a significant decision. The representative of Estonia also highlighted the importance of the Assembly resolution, stating that it had enabled the Assembly to take a more active stance on international peace and security issues in cases where the Council was paralysed as well as increasing the Council's accountability and transparency. The representative of Ecuador stressed the need to strengthen the Council's synergy with every entity in the United Nations system, including the General Assembly, and added that Assembly resolution [76/262](#) had revitalized the dynamics of the Assembly's efforts

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<sup>105</sup> See [S/PV.9020 \(Resumption1\)](#).

in that area by enabling a discussion among Member States every time a veto was cast in the Council. The representative of Malta expressed the belief that the new mechanism established in resolution [76/262](#) strengthened the link between the Assembly and the Council and brought more transparency, accountability and relevance on veto use to the wider membership. The representative of the European Union similarly indicated that the adoption of a “standing mandate” for a General Assembly debate when a veto was cast in the Council had contributed to the efforts aimed at revitalizing and empowering the Assembly, ensuring that the United Nations was not voiceless when the Council was deadlocked; a position which was echoed by the representative of Latvia. The representative of Liechtenstein noted that the Assembly resolution was a key measure for recalibrating the balance between the Council and the Assembly and a prompt to empower the Assembly to make full use of the authority conferred on it by the Charter and to step in when the Council was unable to act.

## **II. Relations with the Economic and Social Council**

### *Article 65*

*The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.*

### **Note**

Section II concerns the relationship between the Security Council and the Economic and Social Council, with a particular focus on the practice of the Security Council in relation to Article 65 of the Charter of the United Nations. In 2022, the decisions of the Council made no reference to the relations with the Economic and Social Council nor to Article 65 of the Charter. Subsection A therefore covers the deliberations of the Security Council concerning relations with the Economic and Social Council. Subsection B features communications of the Security Council concerning the relationship with the Economic and Social Council.

### **A. Discussion concerning the relations with the Economic and Social Council**

During the period under review, several references were made in meetings of the Council to the relations with the Economic and Social Council, including one explicit reference to Article 65.<sup>106</sup> In addition, Council members and other participants at its meetings discussed the interaction with the Economic and Social Council in the context of both region-specific and thematic items.

#### *Discussions in relation to country or region-specific items*

At a meeting held on 18 February, under the item entitled “The question concerning Haiti”, the representative of Brazil stated that Haiti had to break the perverse, reinforcing cycle of poverty, criminality and political violence, which, he added, could only be achieved through a system-wide strategy that enabled enhanced cooperation

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<sup>106</sup> See [S/PV.9079](#) (Pakistan).

between the Council and other United Nations entities primarily responsible for economic and social development.<sup>107</sup> In that context, the representative of Brazil suggested exploring mechanisms to strengthen cooperation and coordination with the Economic and Social Council and even with the Peacebuilding Commission. At a meeting held on 16 June, under the same item, the representative of Brazil again encouraged enhanced cooperation between the Security Council and other United Nations bodies, such as the Economic and Social Council and the Peacebuilding Commission.<sup>108</sup> At another meeting held on 21 December also under the item entitled “The question concerning Haiti”, the representative of the United Arab Emirates underscored the need to achieve progress on the political level in order to put Haiti on the path to peace and improve the humanitarian economic and security situations in the country including by working closely with other stakeholders in all efforts.<sup>109</sup> In that connection, she indicated that the Caribbean Community and the Economic and Social Council Ad Hoc Advisory Group on Haiti played a critical role in promoting development and stability in Haiti while ensuring consistent and sustained regional and international support. At the same meeting, the representative of Canada spoke on behalf of the Economic and Social Council Ad Hoc Advisory Group on Haiti and informed the Council on the activities of the Ad Hoc Advisory Group since the beginning of the multifaceted crisis in Haiti following the assassination of President Jovenel Moïse the previous summer. During his statement, the representative of Canada stressed that the Advisory Group had no specific mandate on peace and security and asserted that the Advisory Group was thoroughly respectful of that. He added, nonetheless, that the nexus between peace, security, economic growth and development was real and further indicated that the Ad Hoc Advisory Group was committed to addressing security as a precondition for democratic development and political solidarity.

In addition, during an open debate held on 9 August in connection with the item “Peace and security in Africa”, the representative of Thailand stated that, as a member of the Peacebuilding Commission, his country would continue to play its part in supporting global-regional endeavours for Africa, including by encouraging greater consultations

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<sup>107</sup> See [S/PV.8969](#).

<sup>108</sup> See [S/PV.9066](#).

<sup>109</sup> See [S/PV.9233](#).

and coordination between the Security Council, the Peacebuilding Commission and the Economic and Social Council to better mobilize capacity-building assistance and resources to support African countries in conflict settings.<sup>110</sup>

*Discussion in relation to thematic items*

At an open debate held on 8 March, under the item entitled “Women and peace and security” and the subitem entitled “Women’s economic inclusion and participation as a key to building peace”, the representative of Switzerland emphasized that synergies between the Security Council, the Economic and Social Council and the Peacebuilding Commission must be intensified.<sup>111</sup>

During an open debate held on 28 June, under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”, concerning the working methods of the Security Council, the representative of China suggested that the Security Council should listen to wide-ranging views in the course of its work, taking the concerns of States and regional organizations seriously and striving to work in greater coordination and synergy with the President of the General Assembly, the Secretary-General, the Economic and Social Council and the Peacebuilding Commission.<sup>112</sup> The representative of Thailand emphasized that, given the strong interlinkages between the various global crises affecting humankind and the inherent peace-development-governance nexus in most conflict situations, it was more important than ever that the Council work in increased coordination, cooperation and interaction with other United Nations organs and bodies, in particular the General Assembly, the Economic and Social Council and the Peacebuilding Commission. He added that such interaction could be mutually reinforcing and complementary and should be in accordance with the Charter of the United Nations. The representative of Pakistan also underscored that the Security Council’s relationships with the General Assembly and the Economic and Social Council should also be brought into conformity with the letter and the spirit of the Charter of the United Nations. In that context, he also recalled that Article 65 of the Charter provided that the Economic and Social Council “may furnish information to the Security Council

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<sup>110</sup> See [S/PV.9106 \(Resumption 1\)](#).

<sup>111</sup> See [S/PV.8989](#).

<sup>112</sup> See [S/PV.9079](#).

and shall assist the Security Council upon its request”. He added that it was rare that the Economic and Social Council had been requested to play that role and noted that, apart from creating the Peacebuilding Commission, there had been no serious effort to develop a practice of inviting the Economic and Social Council to work with the Security Council in areas and on issues where their mandates overlapped.

During an open debate held on 14 December under the item entitled “Maintenance of international peace and security” and the subitem entitled “New orientation for reformed multilateralism”, the representative of Mexico noted that although the Security Council was the organ tasked with dealing with threats to international peace and security, the United Nations system as a whole had a direct and indirect impact on the maintenance of peace, and added that the success of the Security Council in discharging its responsibilities in accordance with its mandate depended largely not only on non-abuse of the veto by its members, but also on the success of the other main United Nations organs in fulfilling their own mandates, including the Economic and Social Council.<sup>113</sup> The representative of Pakistan emphasized that in a complex world confronted by multiple threats and challenges, empowering and efficiently utilizing all the main organs of the United Nations, including the Economic and Social Council was of vital importance. The representative of Bangladesh affirmed that his country subscribed to the initiative aimed at ensuring the proper implementation of the Charter with respect to the functional relationship between its main organs, in particular the General Assembly and the Economic and Social Council, adding that the interaction with the Security Council had to be improved.<sup>114</sup> The representative of Thailand stressed that, in order to address effectively and in an integrated and holistic manner the trinity of key strategic goals –maintaining international peace, security and stability, promoting sustainable development and growth and preventing the violation, abuse and disregard of universal human rights, while reinforcing human security for all— it was absolutely essential that the United Nations worked across organizations and silos, linking the work of the Security Council with that of the Economic and Social Council and the other main organs, bodies and specialized agencies within the United Nations

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<sup>113</sup> See [S/PV.9220](#).

<sup>114</sup> See [S/PV.9220 \(Resumption1\)](#).

## **B. Communications concerning relations with the Economic and Social Council**

Communications of the Security Council did not include any references to its relations with the Economic and Social Council. Nonetheless, on 12 July the representative of Canada, in his capacity as Chair of the Ad Hoc Advisory Group on Haiti of the Economic and Social Council transmitted to the President of the Council a statement on behalf of the Advisory Group in which it called upon the Security Council to renew the mandate of the United Nations Integrated Office in Haiti for a period of 12 months.<sup>115</sup> In addition, on 14 December, the representative of Kenya informed the President of the Security Council that Kenya was planning to hold an Arria-formula meeting on the theme “Transitioning from protracted conflict and fragility into peace through sustainable development”, with the Vice-President of the Economic and Social Council as one of the briefers.<sup>116</sup>

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<sup>115</sup> [S/2022/552](#).

<sup>116</sup> [S/2022/949](#).



### **III. Relations with the International Court of Justice**

#### *Article 94*

- 1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.*
- 2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.*

#### *Article 96*

- 1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.*
- 2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.*

#### **Note**

Section III concerns the relationship between the Council and the International Court of Justice. In accordance with Article 94 of the Charter of the United Nations, the Council may make recommendations or decide upon measures to be taken to give effect to the judgment rendered by the Court if a party to a case fails to perform its obligations under that judgment. Pursuant to Article 96, the Council may also request the Court to give an advisory opinion on any legal question. In addition, pursuant to Article 41 of the Statute of the International Court of Justice, notice of any provisional measures to be taken to preserve the rights of parties may be given by the Court to the parties and to the Council.

During the reporting period, the Council did not make recommendations or decide on measures with regard to the judgements rendered by the Court, nor did it request the Court to give an advisory opinion on any legal question.

In line with prior practice, in 2022, the President of the International Court of Justice was invited to participate in one private meeting of the Council, on 26 October, under the item entitled “Briefing by the President of the International Court of Justice”.<sup>117</sup> In addition, the President of the Court participated in an open debate of the Council held on 2 June, under the item entitled “Maintenance of international peace and security” and the subitem entitled “Strengthening accountability and justice for serious violations of international law”.<sup>118</sup> The election of a member of the Court held concurrently by the Council and the Assembly during the reporting period is covered in section I.E above. During the review period, no explicit references to Articles 94 or 96 of the Charter were made in decisions of the Council.

Subsection A covers the discussions held among Council members and other participants at Council meetings during the reporting period on the relations between the Council and the Court. Subsection B features the communications of the Council concerning the relationship between the two organs.

#### **A. Discussion concerning relations with the International Court of Justice**

During the period under review, reference was made in the deliberations of the Council to the role of the International Court of Justice in connection with the peaceful settlement of disputes and to the relationship between the Council and the Court, including one explicit reference to Article 94 of the Charter. At a meeting held on 17 March under the item entitled “Threats to international peace and security”, the representative of Ukraine encouraged Council members to exercise their duty envisaged by Article 94, paragraph 2, of the Charter, to make recommendations or decide upon measures to be taken in the case of the Russian Federation’s failure to comply with the obligations incumbent upon it under the judgment rendered by the Court in the case

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<sup>117</sup> See [S/PV.9166](#).

<sup>118</sup> See [S/PV.9052](#) and [S/PV.9052 \(Resumption 1\)](#).

concerning *Allegations of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide* (Ukraine v. Russian Federation).<sup>119</sup>

In addition, at a meeting held on 25 May under the item entitled “Protection of civilians in armed conflict”, the representative of Bangladesh, recalling resolution [2601 \(2021\)](#), on protecting the protectors, underlined that while it was critically important to strengthen national judicial institutions in host countries, the Council also had to support international accountability mechanisms, including the International Court of Justice, and thereby send the right message to perpetrators.<sup>120</sup>

On 2 June, the Council held an open debate under the item entitled “Maintenance of international peace and security” and the subitem entitled “Strengthening accountability and justice for serious violations of international law”, at which the President of the International Court of Justice was one of the briefers. During the debate, the representative of Ireland urged all members of the United Nations, and especially Council members, to accept the Court’s compulsory jurisdiction, and called on the Council to strengthen its cooperation with the Court.<sup>121</sup> The representative of Norway, underlining the important role of the Court in the peaceful resolution of disputes and deploring the blatant examples of disregard of the Court’s rulings, stated that those in the Council had a special responsibility to do what they could to ensure that parties faithfully abided by binding decisions rendered by the Court. The representative of Austria emphasized that the Council had to take clear and decisive action to stop violations of international law threatening international peace and security if a violation was ongoing, including by enforcing judgments of the International Court of Justice, and to ensure that States and individuals were being held accountable.<sup>122</sup> The representative of the Philippines suggested that Member States could consider making greater use of the fact-finding capacity of the Council, in accordance with the Charter, and that the Council could also request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities, including on the issue of

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<sup>119</sup> See [S/PV.8998](#).

<sup>120</sup> See [S/PV.9042 \(Resumption 1\)](#).

<sup>121</sup> See [S/PV.9052](#).

<sup>122</sup> See [S/PV.9052 \(Resumption 1\)](#).

institutionalizing international legal principles of accountability and the related accountability mechanisms in order to have an impact in practice.

At a meeting held on 22 August under the same item and the subitem entitled “Promoting common security through dialogue and cooperation”, the representative of Mexico stated that the United Nations had to strengthen coordination between its main organs in order to conduct genuine and effective diplomacy, and added that collaboration among all United Nations organs, agencies, programmes and funds, including the International Court of Justice was essential.<sup>123</sup>

## **B. Communications concerning relations with the International Court of Justice**

During the period under review, the Council continued to exchange letters<sup>124</sup> with the Secretary-General and to receive his reports<sup>125</sup> on the progress of the Cameroon-Nigeria Mixed Commission established to facilitate the implementation of the ruling of the International Court of Justice of 10 October 2002 on the land and maritime boundary dispute between the two countries. In addition, on 17 March, the Secretary-General transmitted a letter to the President of the Council pursuant to paragraph 2 of Article 41 of the Statute of the Court, containing the order indicating provisional measures in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide* (Ukraine v. Russian Federation).<sup>126</sup>

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<sup>123</sup> See [S/PV.9112](#).

<sup>124</sup> [S/2022/832](#) and [S/2022/833](#).

<sup>125</sup> [S/2022/521](#) and [S/2022/1019](#).

<sup>126</sup> [S/2022/246](#).