
Part IV

Relations with other United Nations organs

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Introductory note

Part IV of the *Repertoire* covers the practice of the Security Council with regard to Articles 4-6, 10-12, 15, 20, 23, 24 (3), 65, 93, 94, 96 and 97 of the Charter concerning the relations of the Security Council with the following principal organs of the United Nations: the General Assembly, the Economic and Social Council and the International Court of Justice. Information relating to the relations of the Security 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 under rules 21 to 26 of its provisional rules of procedure.

During the period under review, the Security Council and the General Assembly, in parallel and within the limitations imposed by the Charter, dealt with counter-terrorism strategies as well as with the conflict in the Syrian Arab Republic; elected a new member of the International Court of Justice; and extended terms of judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and took action on other aspects of the management of the two Tribunals. The Security Council did not address any requests for information or assistance to the Economic and Social Council. It did not make any recommendations or decide on measures with regard to the judgments rendered by the International Court of Justice nor did it request the Court to give an advisory opinion on any legal question.

I. Relations with the General Assembly

Note

Section I focuses on various aspects of the relationship between the Security Council and the General Assembly in accordance with Articles 4-6,¹ 10-12, 15, 20, 23, 24 (3), 93, 94, 96 and 97 of the Charter, rules 40, 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.

This section 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. Subsections B and C concern the functions and powers of the General Assembly vis-à-vis Articles 10 to 12, with a particular focus on the practice and authority of the General Assembly to make recommendations to the Security Council. Subsection D considers instances in which a decision must be taken by the Council prior to a decision of the General Assembly under Articles 4 to 6, 93 and 97, for example on the admission of new Members or the appointment of judges of the International Tribunals. Subsection E examines the practice with regard to the election of members of the International Court of Justice, requiring concurrent action by the Council and the General Assembly. Subsection F covers the reports of the Council to the General Assembly, in accordance with Articles 15 and 24 (3). Subsection G concerns relations of the Council with the subsidiary organs established by the General Assembly which have played a part in the work of the Council during 2012 and 2013. Subsection H features other Council practice bearing on relations with the General Assembly.

¹ Rule 40 of the provisional rules of procedure is also covered in part II, sect. VIII, “Decision-making and voting”.

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, in accordance with Article 23 of the Charter, the General Assembly, at its sixty-seventh and sixty-eighth regular sessions, elected five non-permanent members of the Security Council for a two-year term to replace those members whose terms of office were to expire on 31 December of that year. Further to the decision of Saudi Arabia not to assume its seat on the Security Council, as explained in the letter dated 12 November 2013 from the Permanent Representative of Saudi Arabia addressed to the Secretary-General,² an additional plenary meeting of the Assembly was held on 6 December 2013 at which the seat vacated by Saudi Arabia was filled by the election of Jordan. Table 1 sets out the details of the elections.

² A/68/599.

Table 1
Election by the General Assembly of non-permanent members of the Security Council

<i>Term (two years)</i>	<i>General Assembly decision</i>	<i>Plenary meeting and date of election</i>	<i>Members elected for the term</i>
2013-2014	67/402	27th 18 October 2012	Argentina, Australia, Luxembourg, Republic of Korea, Rwanda
2014-2015	68/403	34th 17 October 2013	Chad, Chile, Lithuania, Nigeria, Saudi Arabia
	68/403	61st 6 December 2013	Jordan

B. Recommendations by the General Assembly to the Security Council in the form of resolutions 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 years 2012 and 2013, the General Assembly made several recommendations to the Security Council on general principles of cooperation in the maintenance of international peace and security, in accordance with Articles 10 and 11 and the limitations set by Article 12 of the Charter. The recommendation-making powers of the General Assembly are illustrated in resolutions relating to (a) the situation in the Syrian Arab Republic, particularly with regard to measures to ensure accountability, and (b) sanctions, specifically the design, effect and due process aspects of sanctions. The relevant provisions of those resolutions are reproduced in full in table 2.

In the Security Council, Article 10 was explicitly invoked in a discussion relating to the working methods of the Council (see case 1).³ An explicit reference was made to Article 11 (2) at another meeting on the working methods of the Council, without giving rise to a constitutional discussion.⁴ The General Assembly did not make any recommendation to the Security Council pursuant to Article 11 (2), with regard to specific questions relating to the maintenance of international peace and security, nor did it request action from the Council. Moreover, the General Assembly did not draw the attention of the Security Council to any situations under Article 11 (3).⁵

³ S/PV.7052, pp. 31-32; S/PV.7052 (Resumption 1), p. 2 (Ukraine).

⁴ S/PV.6870, p. 32 (Islamic Republic of Iran).

⁵ For information on other referrals to the Security Council, see part VI, sect. I, "Referral of disputes or situations to the Security Council".

Table 2

Recommendations to the Security Council in resolutions of the General Assembly

General Assembly resolution and date

Provisions

Situation in the Syrian Arab Republic

[66/253 B](#)

3 August 2012

Stresses again the importance of ensuring accountability and the need to end impunity and hold to account those responsible for human rights violations, including those violations that may amount to crimes against humanity (para. 8)

Encourages the Security Council to consider appropriate measures in this regard (para. 9)

See also General Assembly resolution [67/262](#), paras. 8 and 9

Situation of human rights in the Syrian Arab Republic

[68/182](#)

18 December 2013

Stresses the importance of ensuring accountability and the need to end impunity and hold to account those responsible for violations of international humanitarian law and violations and abuses of human rights, including those violations that may amount to crimes against humanity, notably in the Ghouta area of Damascus on 21 August 2013, encourages the Security Council to consider appropriate measures to ensure accountability in the Syrian Arab Republic, and stresses the important role that international criminal justice could play in this regard (para. 10)

Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels

[67/1](#)

24 September 2012

Recognizing the role under the Charter of the United Nations of effective collective measures in maintaining and restoring international peace and security, we encourage the Security Council to continue to ensure that sanctions are carefully targeted, in support of clear objectives and designed carefully so as to minimize possible adverse consequences, and that fair and clear procedures are maintained and further developed (para. 29)

Protection of human rights and fundamental freedoms while countering terrorism

[68/178](#)

18 December 2013

Recognizes the need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomes and encourages the ongoing efforts of the Security Council in support of these objectives, including by supporting the enhanced role of the office of the ombudsperson and continuing to review all the names of individuals and entities in the regime, while emphasizing the importance of these sanctions in countering terrorism (para. 11)

Welcomes the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its respective bodies, namely, the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate, with the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and the Counter-Terrorism Committee to strengthen the links, cooperation and dialogue with relevant human rights bodies, in particular with the Office of the High Commissioner, the Special Rapporteur, other relevant special procedures and mechanisms of the Human Rights Council and relevant treaty bodies, giving due regard to the promotion and protection of human rights and the rule of law in their ongoing work relating to counter-terrorism (para. 21)

Pattern of conferences

[68/251](#)

27 December 2013

Notes that the lists of individuals and entities subject to sanctions, according to the sanctions committees of the Security Council, have not yet been translated into all six official languages, reiterates its recommendation that the Informal Working Group on Documentation and Other Procedural Questions of the Security Council look further into the practices related to the issuance of these lists, including their translation, and requests the Secretary-General to report thereon at the sixty-ninth session of the General Assembly (para. 102)

Case 1 Implementation of the note by the President of the Security Council (S/2010/507)

At the 7052nd meeting, held on 29 October 2013 in connection with the implementation of the note by the President of the Security Council (S/2010/507), speakers made reference to the need for further interaction between the Security Council and the General Assembly as well as to the tension existing between Articles 10 and 30 of the Charter. While Article 30 provides that the Council shall adopt its own rules of procedure, Article 10 provided that the General Assembly may make recommendations to the Council on matters relating to its powers and functions. According to the representative of Malaysia, a key to resolving this tension would be to work together to help the Council to function more effectively and make the Council an organ that served the wider membership.⁶ The representative of Ukraine said that the Council would benefit from “taking on board” innovative ideas of the wider United Nations membership.⁷ The representative of the United States made reference to the need for the wider membership to be informed of and appropriately involved in the Council’s work in pursuance of Article 30.⁸

C. Practice in relation to Article 12 of the Charter

Article 12

1. *While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.*

2. *The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters 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.

This subsection covers the practice of the Council in relation to Article 12 of the Charter. Article 12 (1) limits the authority of the General Assembly in respect to any dispute or situation while the Security Council is exercising its functions under the Charter and dealing with the dispute or situation. During the period under review, there was no reference to Article 12 (1) nor did the Council request the General Assembly to make a recommendation in respect of a dispute or situation in accordance with the exception provided for in Article 12 (1).

Article 12 (2) requires notification to the General Assembly by the Secretary-General of the matters relating to the maintenance of international peace and security which are being dealt with by the Security Council or with which the Council has ceased to deal. During the period under review, in accordance with Article 12 (2) of the Charter, the Secretary-General continued to notify the General Assembly of the matters relating to the maintenance of international peace and security which were being dealt with by the Security Council or with which the Council had ceased to deal.⁹ The notifications were based on the summary statements of matters of which the Council was seized and the stage reached in their consideration, circulated each week to the members of the Council in accordance with rule 11 of the provisional rules of procedure of the Council.¹⁰ The consent of the Council, required by Article 12 (2), was obtained through the circulation of the draft notifications by the Secretary-General to the members of the Council. Following receipt of the notifications, the General Assembly, at each session, formally took note of them.¹¹

⁹ See A/67/300 and A/68/300.

¹⁰ For more information on the matters of which the Council is seized, see part II, sect. II.B.

¹¹ See General Assembly decisions 67/511 and 68/513.

⁶ S/PV.7052, pp. 31-32.

⁷ S/PV.7052 (Resumption 1), p. 2.

⁸ S/PV.7052, p. 4.

D. Practice in relation to provisions of the Charter involving recommendations 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.

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 ...

On a number of matters, the Charter provides for joint decision-making by the Security Council and the General Assembly, but requires the decision of 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)).¹² In addition, the statutes of the International Tribunal for the Former Yugoslavia

¹² The Statute of the International Court of Justice provides for the Security 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 (Articles 4(3) and 69 of the Statute).

and the International Criminal Tribunal for Rwanda¹³ provide for the Security Council to submit a list of candidates to the General Assembly from which the Assembly will elect the judges of the Tribunals.¹⁴ Similarly, the statute of the International Residual Mechanism for Criminal Tribunals provides that the judges of the Mechanism shall be elected by the General Assembly from a list submitted by the Security Council.¹⁵

During the period under review, no questions arose concerning the conditions of accession to the Statute of the International Court of Justice and no action was taken regarding the election of judges of the Mechanism. While references were made to Articles 4 and 6 of the Charter, there was also no action with regard to the admission of new Members or the election of the Secretary-General. With regard to the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, there were no elections of judges but the Council took decisions on matters relating to terms of office of judges, and the statutory limits for the number of *ad litem* judges, as shown in table 3.

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

Article 4

On 29 November 2012, the General Assembly decided to accord Palestine non-member observer State

status.¹⁶ At the 6906th meeting of the Security Council, on 23 January 2013, the representative of Palestine expressed the hope that the decision would pave the way for the acceptance of the application by Palestine for admission to full membership in the United Nations.¹⁷ The representative of the United States, however, affirmed her country's position, namely, that the resolution did not bestow Palestinian statehood or recognition and that therefore any reference to the State of Palestine in the United Nations, including "on the placard in the Security Council", did not reflect the acquiescence of the United States to the view that Palestine was a State.¹⁸ The representative of Canada was also critical of the participation of the Palestinians under the name of the State of Palestine, and said that it risked giving the false impression that Palestine had achieved statehood. He confirmed that Canada would continue to oppose any attempts to appropriate a higher status.¹⁹ The representative of Japan urged Palestine to exercise prudence with respect to its conduct, such as applying for membership in international organizations.²⁰ The representative of Togo said that, while granting Palestine the status of observer State in the United Nations gave rise to hope, concerns remained over the definition of the territories comprising the State.²¹ The representative of Lebanon stated that Palestine ought to be granted full membership in the Organization and expressed the hope that the Council, on the basis of Article 4 of the Charter, would recommend to the General Assembly the admission of Palestine as a full Member of the United Nations.²²

Article 6

At the 6866th meeting, held on 20 November 2012 under the item entitled "The situation concerning

¹³ The full titles of the two Tribunals are: International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and 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 1994 and 31 December 1994.

¹⁴ The procedure for the election of judges of the two Tribunals is set out in article 13 (2), (3) and (4) of the statute of the International Tribunal for the Former Yugoslavia and article 12 (2), (3), (4) and (5) of the statute of the International Criminal Tribunal for Rwanda.

¹⁵ See article 10 of the statute attached as annex 1 to resolution [1966 \(2010\)](#).

¹⁶ Resolution [67/19](#).

¹⁷ [S/PV.6906](#), p. 6.

¹⁸ *Ibid.*, p. 12.

¹⁹ [S/PV.6906 \(Resumption 1\)](#), p. 33.

²⁰ *Ibid.*, p. 11.

²¹ [S/PV.6906](#), pp. 25-26.

²² *Ibid.*, p. 31. The representatives of India, Indonesia, Cuba, the Bolivarian Republic of Venezuela, Namibia, Qatar and Nigeria also expressed their support to Palestine becoming a full member of the United Nations (see [S/PV.6906 \(Resumption 1\)](#), p. 20 (India), p. 27 (Indonesia), p. 29 (Cuba), p. 32 (Bolivarian Republic of Venezuela), p. 34 (Namibia), p. 36 (Qatar), and p. 38 (Nigeria)).

the Democratic Republic of the Congo”, the representative of the Democratic Republic of the Congo alleged that the responsibility of Rwanda had been established in the destabilization of the country, in human rights violations as well as in the humanitarian tragedy affecting the people of North Kivu. Proposing a series of Council actions, he said that the Council should recall that, in accordance with Article 6 of the Charter, a Member that persistently violates the principles of the Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.²³

Term of office of judges of the International Tribunals

During the period under review, in response to requests made by its two subsidiary organs, the International Tribunal for the Former Yugoslavia and International Criminal Tribunal for Rwanda, the Council adopted four resolutions under Chapter VII of the Charter concerning the extension of the term of office of judges as well as some other aspects of the management of the two Tribunals.

²³ S/PV.6866, p. 3.

With regard to the International Tribunal for the Former Yugoslavia, the Council decided to extend the term of office of the permanent and ad litem judges: in the first instance, until 1 June and 31 December 2013, or the completion of the cases to which the judges were assigned, if sooner; and subsequently until 31 December 2014 or the completion of the cases to which they were assigned, if sooner.

With regard to the International Criminal Tribunal for Rwanda, the Council decided to extend the term of ad litem judges until 31 December 2012 or until the completion of the *Ngirabatware* case, and of one permanent judge, on an exceptional basis, until 31 December 2014 so that he could continue to perform the functions required of him as trial judge and President of the Tribunal. Subsequently, the Council extended the term of office of permanent judges who were members of the Appeals Chamber, until 31 December 2014.

The Council transmitted all four resolutions to the General Assembly and the Assembly decided, in turn, to endorse those decisions of the Council (see table 3).²⁴

²⁴ For details of the mandate of the two Tribunals, see part IX, sect. IV, “Tribunals”.

Table 3

Actions of the Security Council and the General Assembly concerning judges of the International Tribunals for the Former Yugoslavia and Rwanda

<i>Letter from the Secretary-General transmitting the request from the Tribunal</i>	<i>Security Council resolution and date</i>	<i>Transmission to the General Assembly</i>	<i>General Assembly resolution and date</i>
International Tribunal for the Former Yugoslavia			
S/2012/845, transmitting request for extension of the term of office of 13 permanent judges of the Trial and Appeals Chambers and 8 ad litem judges of the Trial Chamber of the Tribunal beyond 31 December 2012	2081 (2012) 17 December 2012	A/67/653	67/417 24 December 2012
S/2013/685, transmitting request for extension of the term of office of 14 permanent judges of the Trial and Appeals Chambers and 3 ad litem judges of the Trial Chamber of the Tribunal beyond 31 December 2013	2130 (2013) 18 December 2013	A/68/668	68/413 B 23 December 2013
International Criminal Tribunal for Rwanda			
S/2012/392, transmitting request for (a) extension of the term of office of one permanent judge and two ad litem judges of the Trial Chamber of the Tribunal until 31 December 2012 or until completion of the <i>Ngirabatware</i> case; and (b) extension of the term of office of the President of the Tribunal until 31 December 2014	2054 (2012) 29 June 2012	A/66/870	66/418 B 23 July 2012

<i>Letter from the Secretary-General transmitting the request from the Tribunal</i>	<i>Security Council resolution and date</i>	<i>Transmission to the General Assembly</i>	<i>General Assembly resolution and date</i>
S/2012/893, transmitting request for extension of the term of office of five permanent judges of the Appeals Chamber of the Tribunal until 31 December 2014	2080 (2012) 12 December 2012	A/67/652	67/416 24 December 2012

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 Security Council and the General Assembly, the two organs proceeding independently of one another. The procedure for the election is set out in rules 40²⁵ and 61 of the provisional rules of procedure of the Security Council, Articles 4, 8, 10 to 12, 14 and 15 of the Statute of the

International Court of Justice,²⁶ and rules 150 and 151 of the rules of procedure of the General Assembly.²⁷

During the period under review, the Council conducted one election in 2012 to fill a vacancy created by the resignation of a member of the Court. Further to the note of the Secretary-General informing the Council of the occurrence of a vacancy in the Court on 31 December 2011, on 19 January 2012 the Council adopted, without a vote, resolution 2034 (2012), in which it noted with regret the resignation of Judge Awn Shawkat Al-Khasawneh and decided, under Article 14 of the Statute of the Court, that the election to fill the vacancy for the remainder of the term of Judge Al-Khasawneh²⁸ should be held on 27 April 2012 at concurrent meetings of the Security Council and the General Assembly at its sixty-sixth session.

At its 6763rd meeting, the Council elected Mr. Dalveer Bhandari to fill the vacancy. The same candidate received an absolute majority of the votes in the General Assembly and was therefore elected a member of the International Court of Justice. For details of the procedure for that election, see table 4.

²⁵ Rule 40 of the provisional rules of procedure is also covered in part II, sect. VIII, "Decision-making and voting".

²⁶ Articles 4, 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 a joint conference in the event of more than three meetings of the Security Council and the General Assembly, (e) the procedure for the filling of vacancies and (f) the term of office applied to judges elected to fill a vacancy. Article 8 provides that the two organs shall proceed independently.

²⁷ Rules 150 and 151 of the rules of procedure of the General Assembly provide that the election of the members of the Court shall take place in accordance with the Statute of the Court and that any meeting of the General Assembly held in pursuance of the Statute of the Court for the purpose of electing 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.

²⁸ Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of the predecessor's term.

Table 4

Concurrent elections of a member of the International Court of Justice to fill a vacancy due to the resignation of the incumbent

<i>Note by the Secretary-General</i>	<i>Council meeting setting the date of the election</i>	<i>Council resolution deciding the date of the election</i>	<i>Council meeting on the election</i>	<i>General Assembly plenary meeting on the election</i>
S/2012/38	S/PV.6704 19 January 2012	2034 (2012)	S/PV.6763 27 April 2012	107th 27 April 2012

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 2012 and 2013, the Council maintained its practice of submitting annual reports to the General Assembly pursuant to Article 24 (3) of the Charter. No special reports were submitted to the Assembly during the period.

Two annual reports were submitted to the General Assembly, covering the periods from 1 August 2011 to 31 July 2012 and from 1 August 2012 to 31 July 2013, respectively.²⁹ The introduction to the annual report was prepared under the leadership and responsibility of the President of the Council for the month of July in accordance with the note by the President of 26 July

²⁹ [A/67/2](#) (1 August 2011 to 31 July 2012) and [A/68/2](#) (1 August 2012 to 31 July 2013).

2010;³⁰ by Colombia in July 2012 and by the United States in July 2013.

The Council considered and adopted without a vote the draft annual reports at its 6856th and 7053rd meetings, on 8 November 2012 and 13 October 2013, respectively.³¹ At the 6856th meeting, the representative of Colombia provided statistics of the Council's work over the period covered by the annual report as well as a detailed account of the situations dealt with by the Council.³² At the 7053rd meeting, the representative of the United States noted that the report included a comprehensive account of all the meetings and activities of the Council, summarized with the aim of striking "a careful balance so as to maintain a useful amount of substance while also keeping the report as concise and readable as possible";³³ he added that it relied primarily on the monthly assessments prepared by former Presidents of the Council.

The General Assembly considered the annual reports at its sixty-seventh and sixty-eighth sessions under the items entitled "Report of the Security Council" and "Question of equitable representation on and increase in the membership of the Security Council and related matters", on 15 November 2012 and 7 November 2013, respectively.³⁴ In addition, as in previous years, the General Assembly, in two resolutions adopted under the item entitled "Revitalization of the work of the General Assembly", welcomed the improvements in the quality of the annual reports and encouraged the Council to make further improvements, as necessary.³⁵

³⁰ [S/2010/507](#), paras. 70-75.

³¹ See [S/2012/815](#) and [S/2013/635](#).

³² [S/PV.6856](#), pp. 2-4.

³³ [S/PV.7053](#), p. 2.

³⁴ See [A/67/PV.38](#), [A/67/PV.39](#) and [A/68/PV.46](#).

³⁵ General Assembly resolutions [66/294](#), para. 11, and [67/297](#), para. 10.

Two communications received contained an explicit reference to Article 24 (3), highlighting the need for accountability of the Security Council to the General Assembly.³⁶

During the period under review, at a meeting concerning its working methods, the Council also considered measures to improve the annual report, as described in further detail in case 2.

Case 2

Implementation of the note by the President of the Security Council (S/2010/507)

At the 6870th meeting, held on 26 November 2012 under the item entitled “Implementation of the note by the President of the Security Council (S/2010/507)”, prior to which a concept note was circulated by the representatives of India and Portugal,³⁷ speakers made reference to the need to improve the quality of the annual report by, inter alia, reinforcing aspects related to the interaction with non-members of the Council prior to the preparation of the report and providing more substantive information

in the report;³⁸ including more analysis in the monthly assessments, including more information on consultations of the whole;³⁹ being more expansive, analytical and self-critical;⁴⁰ and including more analysis in the annual report.⁴¹ The representatives of Egypt and the Islamic Republic of Iran emphasized the need for the annual reports to include detailed information on the background behind the decisions of the Council.⁴² The representatives of Egypt and Cuba called for greater accountability towards the General Assembly and added that the Council should submit special reports for the General Assembly’s consideration, pursuant to Article 15 (1) and Article 24 (3) of the Charter.⁴³

G. Relations with subsidiary organs established by the General Assembly

During 2011 and 2012, representatives of only two subsidiary organs of the General Assembly, namely, the Peacebuilding Commission and the Committee on the Exercise of the Inalienable Rights of the Palestinian People, participated in the work of the Council, either because the Council invited them to participate in its meetings and vice versa (Committee on the Exercise of the Inalienable Rights of the Palestinian People), or because of its inherent relationship with the Council (Peacebuilding Commission). Relations with the Peacebuilding Commission, a joint subsidiary organ of the Security Council and the General Assembly, are covered in detail in part IX, section VII.

³⁶ Letters dated 8 October 2012 and 15 November 2012 from the representative of the Islamic Republic of Iran, in his capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, addressed to the Secretary-General (S/2012/752) and to the Secretary-General and the President of the Security Council (S/2012/831), transmitting the view of the Heads of State or Government of the Non-Aligned Movement “that the Council should report and be accountable to the General Assembly in accordance with Article 24 (3) of the Charter”.

³⁷ See S/2012/853. It was suggested in the concept note that consideration should be given during the debate to ensuring more informative annual reporting of the Security Council to the General Assembly by encouraging interactive consultations with the wider membership before adoption and submission of the reports to the Assembly and by devising ways to ensure that more substantive and analytical information was provided on situations under the Council’s consideration, on the work of its subsidiary bodies and on its working methods.

³⁸ S/PV.6870, p. 3 (Portugal).

³⁹ Ibid., p. 7 (Azerbaijan).

⁴⁰ Ibid., p. 9 (United Kingdom).

⁴¹ Ibid., p. 28 (Egypt); p. 31 (Islamic Republic of Iran); p. 33 (Ireland); S/PV.6870 (Resumption 1), pp. 6-7 (Sweden); and p. 13 (Cuba).

⁴² S/PV.6870, p. 29 (Egypt); and pp. 31-32 (Islamic Republic of Iran).

⁴³ Ibid., p. 29 (Egypt); and S/PV.6870 (Resumption 1), p. 13 (Cuba).

The Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People participated in eight meetings of the Council concerning the situation in the Middle East, including the Palestinian question.⁴⁴ On the occasion of the International Day of Solidarity with the Palestinian People, the President of the Security Council participated in two meetings of the Committee.⁴⁵

Several decisions adopted by the Security Council contained references to two other subsidiary organs of the General Assembly, the Human Rights Council and the Ad Hoc Committee established by

⁴⁴ See [S/PV.6706 \(Resumption 1\)](#), p. 7; [S/PV.6757 \(Resumption 1\)](#), p. 13; [S/PV.6816](#), p. 2; [S/PV.6847 \(Resumption 1\)](#), p. 2; [S/PV.6906 \(Resumption 1\)](#), p. 16; [S/PV.6950 \(Resumption 1\)](#), p. 10; [S/PV.7007](#), p. 37; and [S/PV.7047](#), p. 35.

⁴⁵ 347th and 356th meetings, held on 29 November 2012 and 25 November 2013, respectively ([A/AC.183/PV.347](#) and [A/AC.183/PV.356](#)).

General Assembly resolution [51/210](#).⁴⁶ In its decisions, the Council welcomed Member State support to the special procedures as well as to the universal periodic review mechanism of the Human Rights Council. In some cases, the Council urged implementation of the recommendations of those mechanisms and took note of the reports issued by the investigative mechanisms of the Human Rights Council. The Council also called for the United Nations Operation in Côte d'Ivoire to cooperate in the promotion and protection of human rights with the independent expert established by the Human Rights Council. Table 5 shows all provisions of decisions of the Council making explicit reference to the above-mentioned subsidiary organs of the General Assembly.

⁴⁶ By resolution [51/210](#) the General Assembly established an Ad Hoc Committee to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement related existing international instruments, and thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism (para. 9).

Table 5

Security Council decisions containing references to subsidiary organs of the General Assembly

<i>Decision and date</i>	<i>Provision</i>
Human Rights Council	
The situation in the Central African Republic	
Resolution 2121 (2013) 10 October 2013	Noting with appreciation Human Rights Council resolution 24/34 of 25 September 2013, in which the Council decided to appoint an independent expert to monitor the situation of human rights in the Central African Republic and to make recommendations concerning technical assistance and capacity-building in the field of human rights (sixth preambular paragraph)
The situation in Côte d'Ivoire	
Resolution 2112 (2013) 30 July 2013	Decides further that the mandate of the United Nations Operation in Côte d'Ivoire shall be the following: <ul style="list-style-type: none"> (f) <i>Support for compliance with international humanitarian and human rights law</i> <ul style="list-style-type: none"> – To contribute to the promotion and protection of human rights in Côte d'Ivoire, with special attention to grave violations and abuses committed against children and women, notably sexual and gender-based violence, in close coordination with the independent expert established pursuant to Human Rights Council resolution 17/21 of 17 June 2011 (para. 6)

*Decision and date**Provision*

The situation in LibyaResolution [2040 \(2012\)](#)
12 March 2012

Taking note further of its briefing by the United Nations High Commissioner for Human Rights on 25 January 2012 and the report of the International Commission of Inquiry on Libya to the Human Rights Council of 2 March 2012 (eighteenth preambular paragraph)

The situation in Sierra LeoneResolution [2065 \(2012\)](#)
12 September 2012

Urges the Government of Sierra Leone to continue its efforts to hold regular, inclusive and genuine dialogue with all relevant national and international stakeholders on Sierra Leone's peacebuilding and development goals, and further urges the Government to ensure that the forthcoming Agenda for Prosperity continues to build on progress achieved in strengthening the political, security, justice and human rights institutions in the country, including through implementation of the recommendations of the Truth and Reconciliation Commission and Sierra Leone's universal periodic review by the Human Rights Council (para. 8)

The situation in Timor-LesteResolution [2037 \(2012\)](#)
23 February 2012

Welcoming also the positive engagement and constructive response by the Government of Timor-Leste following the review of its national report through the universal periodic review mechanism of the Human Rights Council (nineteenth preambular paragraph)

The situation concerning Western SaharaResolution [2044 \(2012\)](#)
24 April 2012

Welcoming the opening of National Council on Human Rights regional commissions operating in Dakhla and Laayoune, and the steps taken by Morocco in order to fulfil its commitment to ensure unqualified and unimpeded access to all special procedures of the United Nations Human Rights Council (thirteenth preambular paragraph)

Resolution [2099 \(2013\)](#)
25 April 2013

Recognizing and welcoming, in this regard, the steps taken by Morocco to strengthen the National Council on Human Rights regional commissions operating in Dakhla and Laayoune, and Morocco's ongoing interaction with special procedures of the United Nations Human Rights Council, including those planned for 2013 (fourteenth preambular paragraph)

Ad Hoc Committee established by General Assembly resolution [51/210](#) of 17 December 1996**Peace and security in Africa**[S/PRST/2013/5](#)
13 May 2013The Council recalls its resolutions [1267 \(1999\)](#) and [1989 \(2011\)](#), [1373 \(2001\)](#), [1540 \(2004\)](#) and [1624 \(2005\)](#), as well as other applicable international counter-terrorism instruments, stresses the need for their full implementation, renews its call upon States to consider becoming parties as soon as possible to all relevant international conventions and protocols and to fully implement their obligations under those to which they are parties and notes the decision by the Ad Hoc Committee established by General Assembly resolution [51/210](#) of 17 December 1996, noting that more time was required to achieve substantive progress on the outstanding issues, to recommend that the Sixth Committee, at the sixty-ninth session of the General Assembly, establish a working group with a view to finalizing the process on the draft comprehensive convention on international terrorism (eleventh paragraph)

The activities and the reports of the Human Rights Council were also referred to in numerous Council deliberations on country- and region-specific matters including the situation in the Middle East (specifically the Syrian Arab Republic and Yemen), the situation in the Middle East, including the Palestinian question, Libya and Timor-Leste, as well as thematic issues such as the protection of civilians and women and peace and security. With regard to the two latter items, the Council considered the interaction between the Security Council and the subsidiary organs established by the General Assembly, as described in cases 3 and 4. Furthermore, the Council specifically recognized the investigative functions performed by the Human Rights Council.⁴⁷

Case 3
Women and peace and security

At three meetings concerning the item entitled “Women and peace and security”, the representatives of the Russian Federation and China pointed to the fact that certain themes, such as countering sexual violence, were also covered by other organs of the United Nations, namely, the General Assembly, the Human Rights Council, the Peacebuilding Commission and the Commission on the Status of Women. In their opinion, a clear division of labour was called for to avoid duplication of efforts and intruding “upon one another’s areas of authority” and to foster synergy and strengthen the exchange of information and communication. They emphasized the need for the Council to focus on threats to international peace and security. The representative of the Russian Federation added that the Council should focus on situations where sexual violence was one of the primary issues in terms of the protection of civilians.⁴⁸

Case 4
Protection of civilians

At the 6790th meeting, on 25 June 2012, the United Nations High Commissioner for Human Rights, referring to the report of the Secretary-General on the protection of civilians in armed conflict, welcomed the

Council’s increased practice of referring to the findings of commissions of inquiry established by other bodies. He highlighted the Council’s potential to play an important role in enhancing the impact of the work of commissions, which were important mechanisms for promoting accountability, by requesting States and other actors to cooperate with them.⁴⁹ Other speakers echoed that view during the debate. They emphasized the ability of the Council to strengthen accountability by taking measures on the basis of the results of the commissions of inquiry and other fact-finding missions.⁵⁰

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

During the period under review, the President of the General Assembly did not participate in any meeting of the Security Council. The General Assembly did not convoke any special sessions at the request of the Security Council under Article 20 of the Charter or emergency special sessions pursuant to General Assembly resolution 377 A (V) of 3 November 1950.

The President of the Security Council, at the invitation of the General Assembly,⁵¹ did address the high-level meeting of the General Assembly on the rule of law at the national and international levels held on 24 September 2012.⁵² In his statement, he said that thematic and country-specific decisions adopted by the Council since 2003 had regularly addressed issues related to the rule of law in both its international and national dimensions.⁵³

A number of resolutions and presidential statements adopted by the Council during 2012 and 2013 made reference to the General Assembly in connection with policy and implementation issues other than those covered in subsections A, D, E and G above. In particular, the Council stressed the

⁴⁷ For more information, see part VI, sect. II.C, “Other instances of investigative functions acknowledged by the Security Council”.

⁴⁸ [S/PV.6722](#), p. 15 (Russian Federation); p. 24 (China); [S/PV.6877](#), p. 15 (Russian Federation); p. 24 (China); and [S/PV.6948](#), p. 12 (China); p. 20 (Russian Federation).

⁴⁹ Statement delivered by the Assistant Secretary-General, Head of the New York Office of the High Commissioner for Human Rights ([S/PV.6790](#), p. 5).

⁵⁰ [S/PV.6790](#), p. 16 (Portugal); and p. 29 (Liechtenstein).

⁵¹ See General Assembly resolution [66/102](#), para. 15 (b).

⁵² The high-level meeting was held at the sixty-seventh session pursuant to General Assembly resolution [66/102](#) (see [A/67/PV.3](#)).

⁵³ [A/67/PV.3](#), p. 5.

importance of the continued implementation of the United Nations Global Counter-Terrorism Strategy,⁵⁴ and welcomed the third review of the Strategy by the General Assembly in June 2012 as well as the creation of the United Nations Counter-Terrorism Centre⁵⁵ and the Counter-Terrorism Implementation Task Force.⁵⁶ In addition, the Council requested the Secretary-General to brief the Council and the General Assembly on further progress in the United Nations peacebuilding efforts in the aftermath of conflict, including the issue of the participation of women in peacebuilding, and lessons learned from peacebuilding activities in country-specific contexts, taking into consideration the views of the Peacebuilding Commission.⁵⁷

In a presidential statement issued in relation to illicit cross-border trafficking and movement under the item entitled “Threats to international peace and security”, the Council recognized that the subject often involved cross-cutting issues, many of which were considered by the General Assembly and other United Nations organs and bodies.⁵⁸

Against the backdrop of the Syrian conflict and under the item entitled “The situation in the Middle East”, the Council reaffirmed in several decisions its

support for the Joint Special Envoy of the United Nations and the League of Arab States appointed pursuant to General Assembly resolution 66/253 A of 16 February 2012.⁵⁹

During the period under review, the deliberations in the Council on a number of agenda items reflected a shared conviction among Member States of the need to improve the coordination and interaction of the Council with other organs of the United Nations, including the General Assembly, while respecting the boundaries established by the Charter.⁶⁰

⁵⁴ S/PRST/2012/17, nineteenth paragraph; and S/PRST/2013/1, sixth paragraph.

⁵⁵ S/PRST/2012/17, twenty-seventh paragraph.

⁵⁶ Resolution 2083 (2012), fifteenth preambular paragraph.

⁵⁷ S/PRST/2012/29, nineteenth paragraph.

⁵⁸ S/PRST/2012/16, second paragraph. During the debate that followed the adoption of the presidential statement, Council members made reference to the need for better coordination between United Nations organs, including the General Assembly, within the functions and competencies assigned to each by the Charter (see S/PV.6760). In the monthly assessment for November 2012 (S/2012/957), it was noted that, in informal consultations on illegal trafficking, some Council members cautioned against the Council “usurping” issues that should be addressed by the General Assembly.

⁵⁹ S/PRST/2012/6, fourth paragraph, resolution 2042 (2012), second preambular paragraph, and resolution 2043 (2012), second preambular paragraph. The Council continued to be briefed by the Special Adviser to the Secretary-General on Myanmar in the implementation of the good offices role entrusted to him by the General Assembly (see A/69/2, introduction). The Council was also briefed on multiple occasions by the Special Coordinator for the Middle East Peace Process on the developments in the region, including the Palestinian question. For information on all briefings on this question under rule 39, see part I, sect. 22.

⁶⁰ See S/PV.6705, p. 12 (Colombia) (The promotion and strengthening of the rule of law in the maintenance of international peace and security); S/PV.6760, p. 4 (Portugal) (Threats to international peace and security); S/PV.6765, p. 18 (South Africa) (Threats to international peace and security caused by terrorist acts); S/PV.6789, p. 16 (Colombia) (United Nations peacekeeping operations); S/PV.6870, p. 6 (Russian Federation), p. 10 (China), p. 11 (Pakistan), p. 29 (Egypt), and S/PV.6870 (Resumption 1), p. 10 (Senegal) (Implementation of the note by the President of the Security Council (S/2010/507)); S/PV.6877, p. 24 (China) (Women and peace and security); S/PV.6982, pp. 15-16 (China) (Maintenance of international peace and security); S/PV.7052, p. 12 (Republic of Korea), p. 20 (Portugal), p. 24 (Brazil), and S/PV.7052 (Resumption 1), p. 2 (Ukraine), p. 10 (Turkey) (Implementation of the note by the President of the Security Council (S/2010/507)).

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 during the period under review, with a particular focus on the practice in relation to Article 65 of the Charter. Subsection A covers deliberations in the Security Council and subsection B surveys communications concerning relations with the Economic and Social Council. In 2012 and 2013, there were no briefings by the President of the Economic and Social Council and the Security Council adopted no decision in which reference was made either to the Economic and Social Council or to Article 65 of the Charter.

A. Discussion concerning relations with the Economic and Social Council

At meetings of the Security Council, speakers made reference to the relations between the Security Council and the Economic and Social Council in the context of other organs but no deliberations amounted to a constitutional discussion. At the 6805th meeting, held on 12 July 2012 under the item entitled “Post-conflict peacebuilding”, some speakers expressed appreciation for the cooperative relationship between the Peacebuilding Commission and the Economic and Social Council and said that it testified to the increasingly integrated approach to peacebuilding, in recognition of the link between security and development.⁶¹

⁶¹ S/PV.6805, p. 4 (former Chair of the Peacebuilding Commission); p. 22 (South Africa); p. 25 (Morocco); and p. 28 (France).

B. Communications concerning relations with the Economic and Social Council

During the period under review, no explicit references were made to Article 65 of the Charter in the communications received by the Security Council. Several communications did however touch upon the relations with the Economic and Social Council, for example the letter dated 15 November 2012 from the representative of the Islamic Republic of Iran transmitting excerpts from the final document of the Sixteenth Conference of Heads of State or Government of the Non-Aligned Movement, held in Tehran in August 2012, concerning the working methods of the Security Council, including relations with other United Nations organs. The Heads of State or Government expressed concern over the continuing encroachment by the Security Council on the functions and powers of the General Assembly and the Economic and Social Council and the Security Council’s use of thematic issues to expand its mandate into areas which did not pose a threat to international peace and security.⁶² They further stressed the necessity to promote the institutional relation between the Peacebuilding Commission and the General Assembly, the Security Council and the Economic and Social Council.⁶³ Attention is also drawn to the letter dated 30 December 2013 from the Chair of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa, transmitting the annual report of the Working Group for 2013, in which it was stated that the Working Group’s role in promoting cooperation between the Economic and Social Council and the Security Council had become irrelevant with the establishment of the Peacebuilding Commission, whose Chair reported directly to the Security Council.⁶⁴

⁶² S/2012/831, annex, para. 82.

⁶³ Ibid., para. 111.

⁶⁴ S/2013/778, para. 5.

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 Security Council and the International Court of Justice. In accordance with Article 94 of the Charter, 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. The Council may also request the Court to give an advisory opinion on any legal question pursuant to Article 96. Pursuant to Article 41 of the Statute of the International Court of Justice, notice of any provisional measures may be given by the Court to the parties and to the Security Council.

During the period under review, the Council did not make any recommendations or decide on any measures with regard to the judgments rendered by the Court, nor did it request the Court to give an advisory opinion on any legal question. The President of the International Court of Justice was invited to participate

in one private meeting of the Security Council under the item entitled “Briefing by the President of the International Court of Justice”.⁶⁵ For information on the election of members of the International Court of Justice by the Security Council and the General Assembly, see section I.E above.

This section comprises two subsections. Subsection A covers decisions and communications concerning relations with the International Court of Justice and subsection B features the discussion in the Council concerning relations with the Court.

A. Decisions and communications concerning relations with the International Court of Justice

During 2012 and 2013, the Security Council adopted no decision containing an explicit reference to Articles 94 or 96 of the Charter. Following previous practice, however, the Council issued one presidential statement under the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”, in which it emphasized the key role of the International Court of Justice in adjudicating disputes among States and the value of the work of the Court.⁶⁶

Two communications, both from the representative of Honduras, contained explicit references to Article 94 of the Charter. In the letters, dated 26 October 2012 and 20 November 2013, with regard to the judgment of the International Court of Justice of 11 September 1992 in the case concerning the *Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)*, Honduras requested the Security Council to act pursuant to Article 94 of the Charter.⁶⁷ Specifically, in the letter of 2013, Honduras called upon the Council to adopt a resolution to prevent an unnecessary conflict from arising in the Gulf of Fonseca and to make

⁶⁵ See [S/PV.7051](#).

⁶⁶ [S/PRST/2012/1](#), third paragraph.

⁶⁷ [S/2012/797](#) and [S/2013/688](#).

recommendations or decide upon measures consistent with the judgment of the Court.⁶⁸

The Council continued to exchange letters with the Secretary-General concerning the continuation of activities and funding 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 between the two countries.⁶⁹

B. Discussion concerning relations with the International Court of Justice

In deliberations of the Council, speakers made reference to the advisory opinions of the International Court of Justice of 9 July 2004 and 22 July 2010, rendered in response to the requests by the General Assembly concerning the legal consequences of the construction of a wall in the occupied Palestinian territory⁷⁰ and the unilateral declaration of

independence by Kosovo,⁷¹ respectively. No constitutional discussion arose, however.

During deliberations at the 6705th meeting, held on 19 January 2012 on the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”, one reference was made to Article 94 of the Charter.⁷² At a subsequent meeting on the same item, speakers encouraged the more frequent recourse to the International Court of Justice as a means for the Council to promote the rule of law and for the maintenance of international peace and security.⁷³ At the 7052nd meeting, held on 29 October 2013 on the working methods of the Council, under the item entitled “Implementation of the note by the President of the Security Council (S/2010/507)”, speakers expressed the view that the Council could consider requesting advisory opinions of the Court on issues related to the maintenance of international peace and security, and that the relationship between the two organs could be strengthened.⁷⁴

⁶⁸ S/2013/688, paras. 6-7.

⁶⁹ S/2012/29, S/2012/954 and S/2012/955. The Secretary-General also reported on the progress of the implementation of the judgment of the Court in his reports on the activities of the United Nations Office for West Africa in 2012 and 2013 (S/2012/510, S/2012/977, S/2013/384 and S/2013/732).

⁷⁰ See, for example, S/PV.6706, p. 24 (Azerbaijan); and p. 33 (Lebanon); S/PV.6775, p. 3 (Special Coordinator for the Middle East Peace Process); S/PV.6788, pp. 2-3 (Assistant Secretary-General for Political Affairs); S/PV.6816, p. 4 (Special Coordinator for the Middle East Peace Process); S/PV.6824, p. 3 (Under-Secretary-General for Political Affairs); S/PV.6835, p. 3 (Special Coordinator for the Middle East Peace Process); S/PV.6847, pp. 3-4 (Under-Secretary-General for Political Affairs); S/PV.6906, p. 4 (Special Coordinator for the Middle East Peace Process); S/PV.6926, p. 3 (Under-Secretary-General for Political Affairs); S/PV.6950, p. 3 (Under-Secretary-General for Political Affairs); S/PV.6969, p. 3 (Special Coordinator for the Middle East Peace Process); S/PV.6986, p. 4 (Assistant Secretary-General for Political Affairs); S/PV.7007, p. 37 (Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People); and S/PV.7047, p. 47 (Jordan).

⁷¹ See, for example, S/PV.6713, p. 15 (Azerbaijan); S/PV.6769, p. 24 (Azerbaijan); S/PV.6939, p. 8 (Hashim Thaçi); and S/PV.7064, p. 12 (Hashim Thaçi).

⁷² S/PV.6705, p. 29 (Costa Rica).

⁷³ S/PV.6849, p. 12 (Pakistan); and S/PV.6849 (Resumption 1), p. 7 (Japan).

⁷⁴ S/PV.7052, p. 11 (Rwanda); and S/PV.7052 (Resumption 1), p. 9 (Belgium).