



Repertoire of the Practice of the Security Council

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Part IV

Relations with other United Nations organs

Contents

Introductory note.....	3
I. Relations with the General Assembly.....	4
Note.....	4
A. Election by the General Assembly of the non-permanent members of the Security Council.....	5
B. Recommendations by the General Assembly to the Security Council in the resolutions under Articles 10 and 11 of the Charter	6
C. Practice in relation to Article 12 of the Charter	9
D. Practice in relation to provisions of the Charter involving recommendations by the Security Council to the General Assembly	10
E. Election of members of the International Court of Justice.....	17
F. Annual and special reports of the Security Council to the General Assembly.....	19
G. Relations with subsidiary organs established by the General Assembly	22
H. Other Security Council practice bearing on relations with the General Assembly	26
II. Relations with the Economic and Social Council	28
Note.....	28
A. Briefings by the President of the Economic and Social Council.....	28
B. Decisions concerning the relations with the Economic and Social Council.....	29
C. Discussion concerning the relations with the Economic and Social Council.....	29
D. Communications concerning the relations with the Economic and Social Council	31
III. Relations with the International Court of Justice.....	33
Note.....	33
A. Discussion concerning relations with the International Court of Justice	34

Introductory note

Part IV of the *Repertoire* 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 concerning the relations of the Security 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 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, whilst still existing,¹ the Trusteeship Council was inactive and did not carry out any activity.

During the period under review, the Security Council and the General Assembly, in parallel and within the limitations imposed by the Charter, dealt with the human rights' situation in the Democratic People's Republic of Korea and in the Syrian Arab Republic. Both organs also deliberated on the process of selection and appointment of the next Secretary-General. In addition, as in previous periods, they elected new members of the International Court of Justice consistent with the applicable provisions of the Statute of the Court, the provisional rules of procedure of the Council and the rules of procedure of the General Assembly. The Council also extended the terms of the judges of the International Tribunals for the Former Yugoslavia and Rwanda.

During the biennium, the Security Council was briefed by the President of the General Assembly and the Vice-president of the Economic and Social Council. The Council, however, did not address any requests for information or assistance to the Economic and Social Council. It also did not make recommendations or decide on measures with regard to the judgments rendered by the International Court of Justice nor requested the Court to give an advisory opinion on any legal question.

¹ The Trusteeship Council completed its mandate under the Charter in 1994. For further details see 12th Supplement (1993-95), chapter VI, part III.

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, 10-12, 15 (1), 20, 23, 24 (3), 93-94 and 96-97 of the Charter, rules 40² and 60-61 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 in 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. The next two subsections, B and C, concern the functions and powers of the General Assembly vis-à-vis Articles 10 through 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 by the Council must be taken prior to that of the General Assembly under Articles 4 through 6, 93 and 97, such as the admission of new members or the appointment of judges of the International Tribunals. Subsection E examines the practices for the election of members of the International Court of Justice, requiring concurrent action by both the Council and the General Assembly. Subsection F covers the annual and special reports by the Council to the General Assembly, in accordance with Articles 15 and 24 (3) of the Charter. Subsection G concerns Council relations with the subsidiary organs established by the General Assembly which have played a part in the work of the Council during the 2014 and 2015 biennium. Finally, subsection H features other Council practice bearing on relations with the General Assembly.

² Rule 40 of the provisional rules of procedure is also covered in part II, section VIII with regard to 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, at its 69th and 70th regular sessions, the General Assembly elected five non-permanent members to the Security Council in accordance with Article 23 of the Charter to replace those whose terms of office were to expire on 31 December 2014 and 2015. Table 1 sets out the details of the elections.

Table 1

Elections of non-permanent members of the Security Council by the General Assembly

<i>Term</i>	<i>General Assembly decision</i>	<i>Plenary meeting and date of election</i>	<i>Members elected for the term</i>
2015-2016	69/402	25 th 16 October 2014	Angola, Malaysia, New Zealand, Spain and Venezuela (Bolivarian Republic of)
2016-2017	70/403	33 rd 15 October 2015	Egypt, Japan, Senegal, Ukraine and Uruguay

B. Recommendations by the General Assembly to the Security Council in the 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 2014 and 2015 review period, the General Assembly addressed recommendations to the Security Council of relevance for purposes of Articles 10 and 11(1) of the Charter in connection with the power to make recommendations by the General Assembly. The General Assembly did so particularly in relation to the following items: (i) the human rights situation in the Democratic People's Republic of Korea, (ii) the human rights situation in the Syrian Arab Republic, and (iii) the protection of human rights and fundamental freedoms while countering terrorism. The relevant provisions of the resolutions of the General Assembly are included in table 2 below.

During the period under review, Article 10 was not explicitly invoked in the deliberations of the Council. By contrast, Article 11(2) of the Charter was explicitly referred to in relation to the working methods of the Council.³ This notwithstanding, this reference did not give rise to a constitutional discussion. Furthermore, in 2014 and 2015, the General Assembly did not make any recommendation to the Security Council in accordance with 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) of the Charter.⁴

Table 2

Recommendations to the Security Council in resolutions of the General Assembly

<i>General Assembly resolution and date</i>	<i>Provisions</i>
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³ [S/PV.7539 \(Resumption 1\)](#), p. 6 (Indonesia); and p. 24 (Algeria).

⁴ For information on other referrals to the Security Council, see part VI, section I with regard to referrals of disputes or situations to the Security Council.

<i>General Assembly resolution and date</i>	<i>Provisions</i>
Situation of human rights in the Democratic People's Republic of Korea⁵	
69/188 21 January 2015	Decides to submit the report of the commission of inquiry to the Security Council, and encourages the Council to consider the relevant conclusions and recommendations of the commission 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 the scope for effective targeted sanctions against those who appear to be most responsible for acts that the commission has said may constitute crimes against humanity (para. 8)
Situation of human rights in the Syrian Arab Republic	
69/189 29 January 2015	Recalls the statement made by the Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic on 16 September 2014 that the Syrian authorities remain responsible for the majority of the civilian casualties, killing and maiming scores of civilians daily, and decides to transmit the reports of the Commission of Inquiry to the Security Council (para. 8) Emphasizes the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights law are held to account through appropriate fair and independent, national or international, criminal justice mechanisms in accordance with the principle of complementarity, and stresses the need to pursue practical steps towards this goal, and for this 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 (para 22)
Protection of human rights and fundamental freedoms while countering terrorism	
70/148 17 December 2015	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)

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

⁵ The report of the Human Rights Council commission of inquiry on human rights in the Democratic People's Republic of Korea ([A/HRC/25/63](#)) was already transmitted by letter dated 14 April 2014 from the Permanent Representatives of Australia, France and the United States of America to the President of the Security Council ([S/2014/276](#)).

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 includes 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 in which the Security Council is involved in exercising its functions under the Charter.

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 to a dispute or situation in accordance with the exception provided therein.

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 removed from the agenda of the Council.

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.⁶ These notifications were based on the summary statements of matters of which the Security Council was seized and the stage reached in their consideration, which were circulated each week to the members of the Security Council in accordance with rule 11 of the provisional rules of procedure of the Council.⁷ The consent of the Council, required by Article 12 (2), was obtained through the circulation of the copies of the draft notifications by the Secretary-

⁶ [A/69/300](#) and [A/70/300](#).

⁷ For more details, see part II, section II, B with regard to matters of which the Council is seized (rules 10-11).

General to the members of the Council. Following receipt of the notifications, the General Assembly, at each session, formally took note of them.⁸

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.

⁸ General Assembly decisions 69/511 and 70/511.

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 the joint decision-making by the Security Council and the General Assembly in relation to a number of matters, but it 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 United Nations member

may become a party to the Statute of the International Court of Justice (Article 93 (2)).⁹ In addition, the statutes of the International Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR)¹⁰ 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.¹¹ 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.¹²

During the period under review, no questions arose concerning the conditions of accession to the Statute of the International Court of Justice. With regard to the ICTY and ICTR, the Council took decisions on matters relating to terms of office of permanent and ad litem judges, as shown in table 3 below. On the other hand, no activity took place regarding the election of judges of the Mechanism. In addition, in spite of a reference to Article 4, there was no activity with regard to the admission of new members. Significantly, however, there was a great amount of discussion with regard to the procedure for the appointment of the Secretary-General as covered under subheading 2 below.

1. References to Articles 4 and 6 relating to the membership in the United Nations

Whilst in the period 2014 to 2015 the Council did not discuss the admission, suspension or expulsion of any Member State, Article 4 of the Charter was explicitly referred to by the representative of Bolivarian Republic of Venezuela during the 7430th

⁹ 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).

¹⁰ 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.

¹¹ 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.

¹² See article 10 of the statute attached as annex 1 to resolution [1966 \(2010\)](#).

meeting of the Security Council under the agenda item entitled “The situation in the Middle East, including the Palestinian question”. At that meeting, the representative of Bolivarian Republic of Venezuela called upon the Council to assume its responsibilities and adopt a resolution recognizing Palestine as a State and a full Member of the United Nations.¹³ During the period under review, there were no references to Article 6.

2. *Deliberations on the procedure for the appointment of the Secretary-General*

During the reporting period, the procedure for the selection and appointment of the Secretary-General was extensively discussed by the Council in the context of open debates under the following agenda items: “Implementation of the note by the President of the Security Council (S/2010/507)” and “Maintenance of international peace and security”. In those meetings, speakers made explicit reference to Article 97 in discussing the procedure for the appointment of the Secretary-General as described in case 1 below. In addition, speakers supported enhanced cooperation between the General Assembly and the Security Council as well as a more inclusive and transparent process (case 2).

Case 1

Maintenance of international peace and security

At its 7479th meeting on 30 June 2015 under the above referenced agenda item, the representatives of Spain and the Russian Federation made explicit reference to Article 97 of the Charter in connection with the selection process of the new Secretary-General.¹⁴ While the representative of Spain underscored that transparency should be a “central principle pursuant to Article 97 of the Charter”,¹⁵ the representative of the Russian Federation noted that the existing procedure was “working fine” and discouraged any attempt to “rewrite” Article 97.¹⁶ The representative of the United Kingdom advocated for a more “transparent, structured and inclusive selection process for the next Secretary-General”. Whilst emphasizing the leading role of the Security Council in the process

¹³ [S/PV.7430](#), p. 20.

¹⁴ [S/PV.7479](#), pp. 8-9 (Spain); and p. 17 (Russian Federation).

¹⁵ *Ibid.*, p. 8.

¹⁶ *Ibid.*, p. 17.

pursuant to the Charter, he argued the need to also think about how to give all Member States and civil society an opportunity to assess the candidates.¹⁷ The representative of the Bolivarian Republic of Venezuela also emphasized the need for transparency and inclusiveness and to ensure better interaction between the Security Council and the General Assembly by means of the official presentation of official candidacies to the post of Secretary-General.¹⁸

Case 2

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

On 22 September 2015, the General Assembly adopted resolution [69/321](#) on the revitalization of the General Assembly. In that resolution, the General Assembly called for the Presidents of the Security Council and the General Assembly through the issuance of a joint letter to the whole membership, “to begin soliciting candidates and to set into motion the process of selecting and appointing the next Secretary-General of the United Nations, in accordance with the provisions of Article 97 of the Charter and guided by principles of transparency and inclusivity.”¹⁹

Further to this resolution, during the 7539th meeting of the Council under the agenda item entitled “Implementation of the note by the President of the Security Council (S/2010/507)”, speakers addressed the question of the procedure for the appointment of the Secretary-General. At the meeting, many speakers supported greater cooperation between the General Assembly and the Security Council in relation to the selection of the future Secretary-General as well as a more transparent process.²⁰ The President of the General Assembly reaffirmed that resolution [69/321](#) provided “clear guidance” for the

¹⁷ Ibid., p. 4.

¹⁸ Ibid., p. 15.

¹⁹ [S/2015/988](#).

²⁰ [S/PV.7539](#), p. 9 (United States); p.11 (United Kingdom); p.13 (Lithuania); p.15 (Bolivarian Republic of Venezuela); p.16(Nigeria); p.18 (Russian Federation); p. 24 (Germany, on behalf of France and Germany); p. 27 (Mexico); p. 28 (Colombia); p. 28 (Poland); and p. 31 (Netherlands); [S/PV.7539 \(Resumption 1\)](#), p. 2 (Thailand); p. 4 (Egypt); p. 5 (Australia); p. 8 (Holy See); p. 10 (Singapore), p. 15 (Brazil), p. 19 (Czech Republic); p. 22 (Ukraine); p. 24 (Argentina); p.27 (Rwanda); p. 31 (Tunisia); and p. 32 (Republic of Korea).

way forward and noted that the names of individuals who had been submitted for consideration as candidates, together with their accompanying documents, would be jointly circulated to all Member States on an ongoing basis.²¹ In addition, he informed that Member States had “requested that the General Assembly, without prejudice to the role of the principal organs as enshrined in Article 97 of the Charter, conduct informal dialogues or meetings with candidates, thus contributing to the transparency and inclusivity of the process.”²²

On 15 December 2015, a joint letter from the President of the Security Council and the President of the General Assembly was issued defining the overall framework of the selection process, inviting presentation of candidates “who have proven leadership and managerial abilities, extensive experience in international relations and strong diplomatic, communication and multilingual skills.” The joint letter underscored the need to guarantee equal opportunities for women and men in gaining access to senior decision-making positions and encouraged the Member States to consider presenting women, as well as men, as candidates for the position of Secretary-General, noting the “regional diversity in the selection of previous Secretaries-General.”²³

3. Extension of the judges of the International Tribunals for the Former Yugoslavia and Rwanda

During the period under review, in response to requests made by its two subsidiary organs (the ICTY and ICTR), the Security Council adopted three resolutions under Chapter VII of the Charter concerning the extension of the terms of judges as well as some other aspects of the management of the two Tribunals. Insofar as it concerns the ICTY, the Council decided to extend the term of office for the permanent and ad litem judges as featured in table 3 below. The Council also reappointed the Prosecutor of the ICTY twice as shown in table 3 below. Concerning the ICTR, the Council decided to extend the term of permanent and ad litem judges as well as the Prosecutor until 31

²¹ [S/PV.7539](#), p. 4.

²² Ibid.

²³ [S/2015/988](#).

December 2015 (see table 3), the date of the ICTR's definitive closure. The Council transmitted the text of all three resolutions to the General Assembly and the General Assembly decided, in turn, to endorse those decisions of the Council. For further details of the actions taken in relation to the two Tribunals during the period under review, see table 3.²⁴

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/2014/780 (requesting to extend the term of office of six permanent judges until 31 December 2015; eight permanent judges until 31 July 2017; and three ad litem judges of the Tribunal until 31 December 2015 or until the completion of the cases to which they are or will be assigned, if sooner)	Resolution 2193 (2014) of 18 December 2014	A/69/559	69/416 23 December 2014
S/2014/781 (requesting extension of appointment of the Prosecutor of the ICTY from 1 January 2015 until 31 July 2017 or until the completion of the cases, if sooner)	Resolution 2193 (2014) of 18 December 2014		69/416 23 December 2014
S/2014/865 (requesting amendment to S/2014/780 with respect to one permanent judges extension only through 31 July 2015, or until the completion of the cases to which he is assigned, if sooner)	Resolution 2193 (2014) of 18 December 2014	A/69/631	69/416 23 December 2014
S/2015/969 (requesting the reappointment of the Prosecutor of the Tribunal beyond 31 December 2015)	Resolution 2256 (2015) of 22 December 2015		70/227 23 December 2015
International Tribunal for Rwanda			
S/2014/778 (requesting the extension of the appointment of the Prosecutor of ICTR from 1 January 2015 through 31 December 2015 or until the completion of the work, if sooner)	Resolution 2194 (2014) of 18 December 2014	A/69/560	69/415 23 December 2014
S/2014/779 (requesting the extension of six permanent judges of the Appeals Chamber; four through 31 December 2015 and two through 31 July 2015; and one ad litem judge of the Trial Chamber and President of the Tribunal through 31 December 2015 or until the closure of the Tribunal, if sooner)	Resolution 2194 (2014) of 18 December 2014	A/69/560	69/415 23 December 2014

²⁴ For details on the mandate of the two Tribunals, see part IX, section IV with regard to tribunals.

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 in conjunction with the General Assembly, but with both organs proceeding independently. 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 held the election of five members of the International Court of Justice, to fill the five seats of the members whose terms of office expired on 5 February 2015 as described in case 3 below.²⁸ In accordance with

²⁵ Rule 40 of the provisional rules of procedure is also covered in part II, section VIII with regard to decision-making and voting.

²⁶ Articles 4, 8, 10 to 12, 14 and 15 of the Statute of the International Court of Justice establish the procedure for (i) the nomination of the judges by the national groups in the Permanent Court of Arbitration, (ii) the majority necessary for the election of judges, (iii) the number of meetings to be held for the purpose of the election of judges, (iv) the holding of the joint conference in the event of more than three meetings of the Security Council and the General Assembly, (v) the procedure for the filling of vacancies and (vi) the term of office applied to elected judges filling out a vacancy.

²⁷ Rules 150 and 151 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 Memorandum by the Secretary-General on election of five members of the International Court of Justice ([S/2014/520](#)).

Article 5, paragraph 1, of the Statute of the Court, national groups were invited to submit nominations to the Secretary-General no later than 30 June 2014. Nine candidates were nominated by national groups.²⁹

Case 3

Election of five members of the International Court of Justice ([S/2014/520](#), [S/2014/521](#) and [S/2014/522](#))

At its 7297th meeting, on 6 November 2014, the Council proceeded with the election of five members of the International Court of Justice to fill the five seats that would become vacant on 5 February 2015 on the expiry of the terms of office of the incumbents. Prior to the first round of ballot, Mauritania decided to withdraw the nomination of its candidate from the election. On the first ballot, as more than five candidates obtained an absolute majority of the Council (eight votes), the Council proceeded to a second ballot on all candidates in line with the established practice. The second and third ballots also resulted in more than five candidates obtaining an absolute majority, and a fourth ballot was necessary. On the fourth ballot, five candidates obtained the required majority of votes. The President of the Council communicated the result of the vote to the President of the General Assembly in writing. Subsequently, he informed Council members that he had received a letter from the President of the General Assembly informing him that five candidates had obtained an absolute majority of votes in the General Assembly at its 39th plenary meeting being held concurrently with the meeting of the Council. Four of them were the candidates that had obtained the required majority of votes in the Council. Having received the requisite absolute majority of votes in both bodies, the four candidates from Australia, Morocco, Russian Federation and United States, were elected as members of the Court for a nine-year term of office beginning on 6 February 2015.

²⁹ [S/2014/521](#).

In accordance with Article 11 of the Statute of the Court, the Council proceeded to conduct seven additional ballots at the 7298th, 7299th, 7300th, 7301st, 7302nd, 7303rd, and 7304th meetings, on 7 November 2014, to fill the remaining vacancy.³⁰ However, no candidate gained the requisite absolute majority of votes in either the General Assembly or the Security Council. Prior to the eleventh ballot, and given that two candidates from the Latin American and Caribbean region remained in the race, the Argentine Republic through a letter dated 11 November 2014 communicated the decision to withdraw the nomination of the Argentinian candidate to the International Court of Justice. Thence, at the eleventh ballot at the 7313th meeting, and at the 53rd plenary meeting of the General Assembly, on 17 November 2014, the candidate from Jamaica obtained the requisite absolute majority of votes in both bodies and was, therefore elected as member of the Court for a term of office of nine years beginning on 6 February 2015.³¹

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.

³⁰ [S/PV.7298](#), [S/PV.7299](#), [S/PV.7300](#), [S/PV.7301](#), [S/PV.7302](#), [S/PV.7303](#) and [S/PV.7304](#).

³¹ [S/PV.7313](#).

In accordance with Articles 15 (1) and 24 (3) of the Charter, the Security Council submits annual and, on occasion, special reports to the General Assembly which “shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security”. Under rule 60 (3) of the Council’s provisional rules of procedure, the Council also submits special reports to the General Assembly when it does not recommend the applicant State for membership or postpones the consideration of the application. No special reports were submitted to the General Assembly during the review period.

During 2014 and 2015, the Council maintained its practice of submitting annual reports to the General Assembly pursuant to Article 24 (3) of the Charter covering the period from 1 August to 31 July of the following year. Two annual reports were submitted to the General Assembly covering the periods from 1 August 2013 to 31 July 2014 and from 1 August 2014 to 31 July 2015.³² The introduction of the annual reports 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 2010, by Rwanda in July 2014 and New Zealand in July 2015.³³

The Council considered and adopted without a vote the draft annual reports at its 7283th and 7538th meetings, on 22 October 2014 and 20 October 2015, respectively.³⁴ During the 7283th meeting, the representative of Rwanda 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.³⁵ During the 7538th meeting of the Council, the representative of New Zealand noted that a “revised approach” was taken into the preparation of the report as requested by Council members, in particular by “providing an introduction that is half the length of the introductions in recent years.” The introduction aimed to provide an accessible summary of the Council’s activities. The representative of New Zealand acknowledged those Members States that had called for “transparency in

³² [A/69/2](#) (1 August 2013 to 31 July 2014) and [A/70/2](#) (1 August 2014 to 31 July 2015).

³³ [S/2010/507](#), paras. 70-75.

³⁴ See [S/2014/750](#) and [S/2015/771](#).

³⁵ [S/PV.7283](#), p. 2.

the work of the Council” and expressed interest in increasing the quality of the dialogue with the General Assembly, including through improvements in the introduction to the report.³⁶

The General Assembly considered the annual reports at its plenary meetings of the 69th and 70th sessions under the agenda item “Report of the Security Council”, on 21 November 2014 and 12 November 2015, respectively.³⁷ Furthermore, during the review period, one communication contained an explicit reference to Article 24 (3) of the Charter, highlighting the need for accountability of the Security Council to the General Assembly.³⁸ As illustrated below in case 4, consideration was given to measures to improve the annual report of the Security Council.

Case 4

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

At its 7285th meeting under the agenda item “Implementation of the note by the President of the Security Council (S/2010/507)”, the Council held deliberations on improving the annual report of the Council. Among the speakers, the representatives of Algeria, Guatemala, the Islamic Republic of Iran, Kazakhstan and Rwanda expressed the need for a more informative and analytical annual report on situations under the Council’s consideration. On the other hand, Lithuania called for “updating of the structure of the annual report” as well as “increasing its analytical and thought-provoking aspects.”³⁹ Specifically, India described the nature of the annual report as “highly unsatisfactory”, lacking transparency or detail regarding the way in which the Council actually works.⁴⁰ The representative of the Islamic Republic of Iran, on behalf of the Non-Aligned Movement, noted that “transparency, openness and consistency” were key elements for the Security Council to observe for all its activities. In this connection he

³⁶ [S/PV.7538](#), p. 2.

³⁷ [A/69/PV.58](#) and [A/70/PV.51](#).

³⁸ [S/2014/573](#), p. 47.

³⁹ [S/PV.7285](#), p. 14 (Rwanda); and p. 17 (Lithuania); [S/PV.7285 \(Resumption 1\)](#), p. 4 (Guatemala); p. 13 (Kazakhstan); p. 19 (Islamic Republic of Iran); and p. 34 (Algeria).

⁴⁰ [S/PV.7285 \(Resumption 1\)](#), p. 30.

made reference to instances where the Council had “neglected those”, including in the submission of annual reports which he considered still lacked “sufficient information and analytical content”.⁴¹

G. Relations with subsidiary organs established by the General Assembly

During the biennium under review, the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Human Rights Council participated in the work of the Council. The Chairman and Vice Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People participated in seven meetings concerning the situation in the Middle East, including the Palestinian question.⁴² In addition, 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.⁴³

Several decisions adopted by the Security Council contained references to the Human Rights Council and the Special Committee on Peacekeeping Operations.⁴⁴ In those decisions, the Council expressed support for compliance with international humanitarian and human rights law. It also called on the United Nations Operation in Côte d'Ivoire (UNOCI) to contribute to the promotion and protection of human rights in Côte d'Ivoire in close coordination with the Independent Expert established pursuant to the Human Rights Council's resolution A/HRC/RES/17/21. The Council further welcomed Morocco's ongoing interaction with the Special Procedures of the United Nations Human Rights Council. Concerning the situation in the Central African Republic, the Council welcomed the holding of a special session of the Human Rights Council and took note with appreciation of the appointment of the Independent Expert on the situation of human rights in the country.

⁴¹ Ibid., p. 20 (Islamic Republic of Iran).

⁴² [S/PV.7096 \(Resumption 1\)](#), p. 33; [S/PV.7164](#), p. 55; [S/PV.7222](#), p. 38; [S/PV.7281](#), p. 48; [S/PV.7360](#), p. 50; [S/PV.7430](#), p. 46; and [S/PV.7540 \(Resumption 1\)](#), p. 14.

⁴³ 367th and 374th meetings on 24 November 2014 and 23 November 2015, respectively ([A/AC.183/PV.367](#) and [A/AC.183/PV.374](#)).

⁴⁴ Table 5 below contains the list of all provisions of decisions of the Security Council making explicit reference to the above-mentioned subsidiary organs of the General Assembly.

Table 4 below contains the list of all provisions of decisions of the Security Council making explicit reference to the above-mentioned subsidiary organs of the General Assembly. The list is grouped by subsidiary organ and organized in alphabetical order per agenda item. It should be noted, however, that 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.

Table 4
Security Council decisions containing references to subsidiary organs of the General Assembly

<i>Decision and date</i>	<i>Provision</i>
1. Human Rights Council	
The situation in Burundi	
Resolution 2137 (2014) 13 February 2014	<i>Calls upon</i> the Government of Burundi to pursue its efforts to ensure the promotion and protection of human rights and, together with its international partners, to support and strengthen the capacities of the National Independent Human Rights Commission and the Office of the Ombudsman in accordance with General Assembly resolution A/RES/48/134 on national institutions for the promotion and protection of human rights (para.12)
The situation in the Central African Republic	
Resolution 2134 (2014) 28 January 2014	<i>Welcoming</i> the holding of a special session of the Human Rights Council and taking note with appreciation of the appointment of the Independent Expert on the situation of human rights in the CAR (twentieth preambular paragraph) <i>Welcomes</i> the appointment of the International Commission of Inquiry on 22 January 2014, in order to immediately investigate reports of violations of international humanitarian law, international human rights law and abuses of human rights in CAR by all parties since 1 January 2013, calls on all parties to cooperate fully with this commission, and encourages BINUCA to cooperate, as appropriate, with the Human Rights Council Independent expert and the International Commission of Inquiry (para.19)
The situation in Côte d'Ivoire	
Resolution 2162 (2014) 25 June 2014	Decides that the mandate of UNOCI shall be the following: ... (g) <i>Support for compliance with international humanitarian and human rights law</i> 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 under the Human Rights Council's resolution A/HRC/17/26 (para.19)
Resolution 2226 (2015)	Decides that the mandate of UNOCI shall be the following:

25 June 2015

...

(g) *Support for compliance with international humanitarian and human rights law*

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 under the Human Rights Council's resolution A/HRC/RES/17/21 (para. 19)

The situation in the Middle East

Resolution [2140](#)
(2014)
26 February 2014

Looks forward to steps by the Government of Yemen, towards the implementation of Republican Decree No. 140 of 2012, which establishes a committee to investigate allegations of violations of human rights in 2011 and which states that investigations shall be transparent and independent and adhere to international standards, in accordance with Human Rights Council resolution 19/29, and invites the Government of Yemen to provide soon a time frame for the early appointment of members of that committee (para 6)

The situation in Western Sahara

Resolution [2152](#)
(2014)
29 April 2014

Recognizing and welcoming, in this regard, the recent steps and initiatives taken by Morocco to strengthen the National Council on Human Rights 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 2014, as well as the planned visit of the Office of the High Commissioner for Human Rights (OHCHR) in 2014 (fourteenth preambular paragraph)

Resolution [2218](#)
(2015)
28 April 2015

Recognizing and welcoming, in this regard, the recent steps and initiatives taken by Morocco to strengthen the National Council on Human Rights 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 2015, as well as the planned visit of the Office of the High Commissioner for Human Rights (OHCHR) in 2015 (fourteenth preambular paragraph)

2. Special Committee on Peacekeeping Operations

Maintenance of international peace and security

Resolution [2151](#)
(2014)
28 April 2014

Encourages Member States to continue to be engaged and to facilitate strategic discussions on strengthening the United Nations approach in this critical area, including through the Special Committee on Peacekeeping Operations of the General Assembly and the Peacebuilding Commission (para. 11)

Resolution [2185](#)
(2014)
20 November 2014

Requests the Secretary-General to further promote professionalism, effectiveness and system-wide coherence in the policing-related work of the United Nations including, in close consultation, as appropriate, with Member States and the Special Committee on Peacekeeping Operations in full respect of its vital role (para.4)

The activities and the reports of the Human Rights Council were also referenced in numerous Council deliberations on (i) country- and region-specific items of its agenda

(particularly in relation to the situations in the Central African Republic, the Democratic People's Republic of Korea, and Guinea-Bissau); as well as (ii) thematic items such as Maintenance of international peace and security, Women and peace and security and the Protection of civilians in armed conflict.

Case 5 below in relation to the human rights situation in the Democratic People's Republic of Korea highlights key discussions on the interaction between the Security Council and the subsidiary organs established by the General Assembly with respect to their distinct functions and mandates.

Case 5

The situation in the Democratic People's Republic of Korea

During the period under review, two meetings were held concerning the agenda item entitled "The situation in the Democratic People's Republic of Korea". At the Council's 7353rd meeting, on 22 December 2014, the representative of China underscored that each organ of the United Nations had its own respective functions and mandates and that the Security Council was "not a forum designed for involvement in human rights".⁴⁵ Echoing this view, the representative of the Russian Federation called for human rights issues to be addressed in "the Human Rights Council, a body that was created, with the active participation of many members of the Security Council, specifically to debate such issues" and "endowed with the necessary powers and expertise to that end".⁴⁶ The representative of Argentina at the meeting noted the importance of "a clear delineation of tasks" among the different organs of the United Nations.⁴⁷ The representative of the United States expressed the view that the comprehensive report issued in February 2014 by the United Nations Human Rights Council commission of inquiry in the Democratic People's Republic of Korea ([S/2014/276](#), annex) provided "a major impetus" for the Security Council to take up this issue. Furthermore, she expressed support for the efforts of the Office of the High Commissioner for Human Rights to continue documenting the

⁴⁵ [S/PV.7353](#), p. 2.

⁴⁶ *Ibid.*, p. 19.

⁴⁷ *Ibid.*

Democratic People's Republic of Korea's human rights violations, as mandated by the Human Rights Council, as well as for the work of the Special Rapporteur, and requested both to brief the Security Council on new developments in future sessions on that issue.⁴⁸ The representative of the United Kingdom noted that both the Human Rights Council and the General Assembly "by overwhelming majorities" had encouraged the Security Council to consider the human rights situation in the Democratic People's Republic of Korea. Therefore, he expressed support for the Security Council to consider "appropriate action to ensure accountability", including through consideration of a referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court.⁴⁹

Under the same agenda item at the 7575th meeting, on 10 December 2015, the representative of Angola noted that the human rights situation in the Democratic People's Republic of Korea did not constitute a threat to regional or international peace and security and therefore fell "outside the mandate of the Security Council".⁵⁰ Similarly, the representative of the Bolivarian Republic of Venezuela argued that human rights should be taken up by the General Assembly and by the Human Rights Council in Geneva.⁵¹ The representative of Japan, however, noted that it was essential that the Security Council remain seized of the situation in the Democratic People's Republic of Korea.⁵²

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

During the period under review, the President of the General Assembly participated and briefed the Security Council at the 7539th meeting on 20 October 2015, held under the agenda item entitled "Implementation of the note by the President of the Security Council ([S/2010/507](#))".⁵³ There were, however, no special sessions of the General Assembly convoked, at the request of the Security Council, in accordance with

⁴⁸ Ibid., p. 9-11.

⁴⁹ Ibid., p. 15.

⁵⁰ [S/PV.7575](#), p. 8.

⁵¹ Ibid., pp. 10-11.

⁵² Ibid., p. 21.

⁵³ [S/PV.7539](#).

Article 20 of the Charter, nor any emergency special sessions pursuant to the General Assembly resolution 377(V) of 3 November 1950.⁵⁴

A number of resolutions and presidential statements adopted by the Council during 2014 and 2015 made 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. Concerning the promotion and strengthening of the rule of law in the maintenance of international peace and security, the Council recalled the declaration of the High-level meeting of the General Assembly on the rule of law at the national and international levels, held on 24 September 2012.⁵⁵ In connection with Peace and security in Africa, the Council also welcomed the efforts of United Nations Mission for Ebola Emergency Response (UNMEER) to provide overall leadership and direction to the operational work of the United Nations System, as mandated by the United Nations General Assembly.⁵⁶ During the period under review, in resolution [2151 \(2014\)](#), the Council encouraged Member States to continue to be engaged and to facilitate strategic discussions on strengthening the United Nations approach in the area of security sector reform, including through the Special Committee on Peacekeeping Operations of the General Assembly and the Peacebuilding Commission.⁵⁷ And finally, the deliberations in the Council reflected an interest of the United Nations' membership in defining the roles and responsibilities of the Council and the other organs of the United Nations, including the General Assembly, as established by the Charter.⁵⁸

⁵⁴ [A/RES/377 \(V\)](#).

⁵⁵ [S/PRST/2014/5](#), third paragraph.

⁵⁶ [S/PRST/2014/24](#), fourth paragraph.

⁵⁷ Resolution [2151 \(2014\)](#), para. 11.

⁵⁸ See [S/PV.7113](#), p. 80 (Bangladesh), (The promotion and strengthening of the rule of law in the maintenance of international peace and security); [S/PV.7143](#) p. 4 (Chair of the Peacebuilding Commission) and p. 10 (Nigeria), (Post-conflict peacebuilding); [S/PV.7160](#), p. 11 (China), (Women and peace and security); [S/PV.7161 \(Resumption 1\)](#), p. 10 (Pakistan) (Maintenance of international peace and security); [S/PV.7184](#), p. 17 (Argentina) (Briefings by the Chairmen of subsidiary bodies of the Security Council); [S/PV.7196](#), p. 7 (Chile) and p. 26 (Russian Federation), (United Nations peacekeeping operations); [S/PV.7247](#), p. 30 (Malaysia), (Maintenance of international peace and security); [S/PV.7285 \(Resumption 1\)](#), p. 26 (Maldives) and p. 33 (Botswana) (Implementation of the note by the President of the Security Council ([S/2010/507](#))); [S/PV.7289](#), p. 18 (China), (Women and peace and security); [S/PV.7316](#), p. 64 (Guatemala), (Threats to international peace and security); [S/PV.7361](#), p. 4 (Chair of the Peacebuilding Commission 1), p. 12 (Russian Federation), p. 43 (South Africa for G77 and China), p. 66 (Indonesia) and

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 Council in relation to Article 65 of the Charter. Subsection A considers briefings by the President of the Economic and Social Council to the Security Council. Subsections B and C cover decisions and deliberations of the Council concerning relations with the Economic and Social Council, respectively. Finally Subsection D covers the communications of the Council on the relations with the Economic and Social Council.

A. Briefings by the President of the Economic and Social Council

During 2014 and 2015, the Security Council heard one briefing by the Vice-President of the Economic and Social Council, on behalf of its President at its 7539th meeting on 20 October 2015. In addition to briefing the Council on the work of ECOSOC, he welcomed the steps taken in “improving cooperation among United Nations Charter bodies”, particularly the relations between the Security Council and the Economic and Social

p. 71 (Cuba), (Maintenance of international peace and security); [S/PV.7374](#), p. 12 (China) and p. 30 (Brazil), (Protection of civilians in armed conflict); [S/PV.7389](#), p. 53 (Kazakhstan), (Maintenance of international peace and security); [S/PV.7516](#), p. 15 (Spain) (Implementation of the note by the President of the Security Council ([S/2010/507](#))); [S/PV.7533](#), p. 21 (China), (Women and peace and security); [S/PV.7539 \(Resumption 1\)](#), p. 6 (Indonesia), p. 8 (Holy See), p. 10 (Singapore), p. 12 (Sierra Leone), p. 14 (Turkey), p. 15 (Brazil), p. 17 (Costa Rica) p. 20 (Pakistan) p. 24-25 (Algeria) and p. 30 (Tunisia) (Implementation of the note by the President of the Security Council ([S/2010/507](#))); [S/PV.7547](#), p. 2 (Implementation of the note by the President of the Security Council ([S/2010/507](#))); [S/PV.7561](#), p. 39 (Italy), p. 64 (Paraguay), p. 66 (Japan) and p. 70 (Ukraine), (Maintenance of international peace and security).

Council. He, however, noted that despite having a clear legal basis for cooperation provided by Article 65, its use had been “very limited”.⁵⁹

B. Decisions concerning the relations with the Economic and Social Council

During the period under review, the Security Council did not formally address any requests to the Economic and Social Council for information or assistance. However, the Council adopted one resolution and issued one presidential statement that made explicit references to the Economic and Social Council and Article 65 of the Charter. In the resolution, the Council emphasized the role of all relevant United Nations System entities, in particular the United Nations General Assembly, the Economic and Social Council, and the Peacebuilding Commission, in supporting the national, regional and international efforts to respond to the Ebola outbreak.⁶⁰ In the presidential statement, the Council highlighted the contribution of the Economic and Social Council to addressing economic, social, cultural and humanitarian issues and underlined the importance of close cooperation in accordance with Article 65 of the Charter.⁶¹

C. Discussion concerning the relations with the Economic and Social Council

During the period under review, there were many references to the relations between the Security Council and the Economic and Social Council in the deliberations of the Security Council. Cases 6 and 7 below cover key discussions in this regard.

Case 6

Maintenance of international peace and security

During deliberations under the agenda item “Maintenance of international peace and security”, several speakers highlighted the need for closer cooperation, coordination and synergy between the General Assembly, the Economic and Social Council and the

⁵⁹ [S/PV.7539](#), p. 6.

⁶⁰ Resolution [2177 \(2014\)](#), eighteenth preambular paragraph.

⁶¹ [S/PRST/2015/3](#), twenty-first paragraph.

Security Council, especially in reference to the rule of law, peacebuilding and development.⁶²

At its 7113th meeting, on 19 February 2014, the representative of Colombia called for the United Nations, particularly the Security Council, to adopt a “cooperative approach” with States for strengthening the rule of law, and to “broaden communication between the General Assembly, the Economic and Social Council and the Security Council.”⁶³

At the 7361st meeting under the same agenda item held on 19 January 2015, the representative of Brazil and Chair of the Peacebuilding Commission, emphasized the need “to coordinate” and to “work with greater synergy” between the Security Council and other bodies, including with the Economic and Social Council on development matters.⁶⁴ Similarly, in relation to issues of sustainable development, the representative of Pakistan highlighted the need to “promote synergy” among various United Nations bodies, including with the Economic and Social Council.⁶⁵ The representative of the Russian Federation at the meeting noted that there was “room for close cooperation” among the Peacebuilding Commission, the Security Council, the General Assembly and the Economic and Social Council on post-conflict re-building.⁶⁶

Case 7

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

At the 7285th meeting, on 23 October 2014, under the item entitled “Implementation of the note by the President of the Security Council (S/2010/507)”, several speakers highlighted the need to coordinate the division of labour and to appreciate exclusive

⁶² [S/PV.7113](#), p. 52 (Colombia); [S/PV.7361](#), p. 4 (Chair of the Peacebuilding Commission), p. 13 (Russian Federation), p. 34 (Pakistan), p. 66 (Indonesia), p. 71 (Cuba) and p. 86 (Benin).

⁶³ [S/PV.7113](#), p. 52.

⁶⁴ [S/PV.7361](#), p. 4.

⁶⁵ *Ibid.*, p. 34.

⁶⁶ *Ibid.*, p. 13.

competence of other UN organs in addressing peace and security challenges.⁶⁷ The representative of China called upon all United Nations bodies to fulfil “their respective mandates” and on thematic issues, called upon the Council to “enhance its consultation and coordination with the General Assembly, the Economic and Social Council and other United Nations bodies in order to avoid duplication of effort”.⁶⁸ The representative of Brazil expressed the need for “closer cooperation, not only with the General Assembly regarding, for instance, the issue of Security Council’s encroachment on the General Assembly’s prerogatives, but also with the Economic and Social Council and the Peacebuilding Commission”.⁶⁹

D. Communications concerning the relations with the Economic and Social Council

During the period under review, several communications of the Council made reference to the Economic and Social Council. Among the many communications, worth highlighting is the letter dated 1 August 2014, from the representative of the Islamic Republic of Iran, in his capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, transmitting the outcome document of the Seventeenth Ministerial Conference of the Non-Aligned Movement. According to that document, the Ministers of the Non-Aligned Movement stressed the central role of the United Nations in global governance which could only be achieved through a strict observance of the “delicate balance” between the principal organs of the United Nations, revitalizing the work of the General Assembly and the Economic and Social Council, and the reform of the Security Council.⁷⁰ In that letter, the Ministers reiterated their 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 welcomed the strengthening of the role of the Economic and Social Council.⁷¹ Finally, they also reaffirmed the primary and

⁶⁷ [S/PV.7285](#), p. 10 (China), p. 11 (Russian Federation) and p. 27 (Saint Lucia).

⁶⁸ *Ibid.*, p. 10.

⁶⁹ [S/PV.7285 \(Resumption 1\)](#), p. 6.

⁷⁰ [S/2014/573](#), Section A, para. 75.5, p. 43.

⁷¹ [S/2014/573](#) para. 80 p. 47.

essential role of the Economic and Social Council along with other organs on women's development, human rights and fundamental freedoms.⁷²

The Chair of the Advisory Working Group of Experts on the Review of the Peacebuilding Architecture also addressed identical letters dated 29 June 2015 to the President of the General Assembly and the Security Council.⁷³ In those letters, the Advisory Group underscored that in the area of sustainable peace, the Security Council, the General Assembly and the Economic and Social Council should be partners, each within the purview conferred upon it by the Charter.⁷⁴ This was especially underlined in the case of peacebuilding in Sierra Leone where engagement of both the Economic and Social Council and the General Assembly could have strengthened early attention to development as part of the peacebuilding on the ground.⁷⁵

⁷² [S/2014/573](#) para. 706, p. 196.

⁷³ [S/2015/490](#).

⁷⁴ *Ibid.*, para. 66, p. 23.

⁷⁵ *Ibid.*, p. 25.

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

This section 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 failed 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. In addition, 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 recommendations or decide on measures with regard to the judgments rendered by the Court nor requested the Court to give an advisory opinion on any legal question. In line with the practice of the Council, the President of the International Court of Justice was invited to participate in two private meetings of the Security Council, on 29 October 2014 and 4 November 2015, under the item entitled “Briefing by the President of the International Court of Justice”.⁷⁶ Elections of members of the International Court of Justice held concurrently by the Security Council and the General Assembly during the period under review are covered in section I. E above. Furthermore, during the review period, there were no decisions of the Security Council that made explicit reference to Articles 94 or 96 of the Charter. Subsection A below covers the deliberations at the Council concerning the relations with the International Court of Justice.

A. Discussion concerning relations with the International Court of Justice

During the period under review, explicit reference to Article 94 was only made by the representative of Mexico at the 7113th meeting under the agenda item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”. At that meeting, the representative of Mexico highlighted that the permanent members of the Security Council had a “special responsibility” in the maintenance of international peace and security and therefore “their acceptance of the Court’s compulsory jurisdiction” would encourage other States to do so and to comply with international norms and the rule of law. In particular, he noted that in the cases of non-compliance, Article 94, paragraph 2 of the Charter set out the process to be followed.⁷⁷ No explicit references were made to Article 96 of the Charter during the reporting period. The relations between the Security Council and the International Court of Justice were also discussed in the context of a thematic debate concerning the agenda item “Maintenance of international peace and security” as featured in case 8 below.

⁷⁶ [S/PV.7290](#) and [S/PV.7548](#).

⁷⁷ [S/PV.7113](#), p. 41.

Case 8

Maintenance of international peace and security

At the Council's 7247th meeting on 21 August 2014, under the agenda item entitled "Maintenance of international peace and security" the representative of Mexico invited "all Member States to jointly explore the possibility of empowering the Secretary-General to request advisory opinions from the International Court of Justice", arguing that all conflicts have a legal expression or purport to be justified by a violation of an obligation under international law.⁷⁸ The representative of Chile at that meeting also highlighted in particular the work of the International Court of Justice in resolving "international disputes" and in issuing advisory opinions on legal matters.⁷⁹

At the 7389th meeting on 23 February 2015 under the same agenda item, several speakers noted the contribution of the International Court of Justice to the strengthening of the international rule of law, including through its advisory opinions for peaceful settlement of disputes.⁸⁰

⁷⁸ [S/PV.7247](#), p. 23.

⁷⁹ *Ibid.*, p. 9.

⁸⁰ [S/PV.7389](#), p. 20 (United Kingdom); p. 25 (France); p. 34 (Pakistan); p. 35 (European Union), p. 40 (Mexico); p. 45 (Austria); p. 49 (Japan); p. 69 (Romania); and p. 100 (Morocco).