



Repertoire of the Practice of the Security Council

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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 (1), 20, 23, 24 (3), 65, 93,94, 96 and 97 of the Charter of the United Nations 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. The Trusteeship Council was inactive during the period under review.¹

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 situation of human rights in the Democratic People's Republic of Korea and in the Syrian Arab Republic. Furthermore, both bodies considered the humanitarian situation in the Syrian Arab Republic. Both organs also worked in close collaboration in 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 Tribunal for the Former Yugoslavia and appointed the Prosecutor of the International Residual Mechanism for Criminal Tribunals.

During the biennium, the Security Council was not briefed by the Presidents of the General Assembly or the Economic and Social Council, nor did it 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

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

the International Court of Justice nor requested 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, 10-12, 15 (1), 20, 23, 24 (3), 93 and 94, 96 and 97 of the Charter, rules 40² and 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 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. 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 by the Council must be taken prior to that of the General Assembly under Articles 4 to 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 of 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 2016 and 2017. 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, sect. 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 seventieth and seventy-first regular sessions, the General Assembly elected five and six³ non-permanent members to the Security Council, respectively, in accordance with Article 23 of the Charter to replace those whose terms of office were to expire on 31 December 2016 and 2017 accordingly. Table 1 sets out the details of the elections.

³ During the 2016 elections, after five rounds of inconclusive voting, Italy and the Netherlands agreed to split the 2017 to 2018 term. In accordance to that decision, Italy announced that it would vacate its seat on 31 December 2017, thus on 2 June 2017, the General Assembly, in addition to electing the five non-permanent members for regular two-year terms (see table 1), also elected the Netherlands for a one-year term to fill the seat allocated to the Western Europe and Other States Group which was to be vacated by Italy at the end of 2017.

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>
2017-2018	70/403	106 th and 108 th 28 and 30 June 2016	Bolivia, Ethiopia, Italy, Kazakhstan, Sweden
2018-2019	71/422	86 th 2 June 2017	Netherlands (for a one-year term) Côte d'Ivoire, Equatorial Guinea, Kuwait, Peru, Poland (for two-year terms)

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

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

During the period under review, the General Assembly addressed recommendations to the Security Council regarding the general principles of cooperation in the maintenance of international peace and security. Several of these recommendations concerned the powers and functions of the Council under the Charter of relevance for purposes of Articles 10 and 11(1) of the Charter. The relevant provisions of the resolutions of the General Assembly are included in table 2 below. Furthermore, in one resolution of the General Assembly under the item “Revitalization of the work of the General Assembly”, Member States acknowledged and reaffirmed the Assembly’s role and authority, established in Article 10 of the Charter, to make recommendations to the Members of the United Nations or to the Security Council or to both, on questions or matters within the scope of the Charter, except as provided in Article 12 thereof,⁴ and reaffirmed the role and authority of the General Assembly, including on questions relating to international peace and security, in accordance with Articles 10 to 14 and 35 of the Charter of the United Nations, bearing in mind the Security Council’s primary responsibility for the maintenance of international peace and security.⁵

In connection with Article 11 (2) of the Charter, the General Assembly made recommendations to the Security Council with regard to specific questions relating to the maintenance of international peace and security or requesting action by the Council concerning those questions. The recommendations concerned items already on the Council’s agenda. In its recommendations, the General Assembly called on the Council to, inter alia, strengthen “the mandate of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic”, ensure “accountability, including

⁴ General Assembly resolution [70/305](#), sixth preambular paragraph. See also General Assembly resolution [71/323](#), seventh preambular paragraph

⁵ Ibid., para. 6 of both resolutions.

through consideration of referral of the situation in the Democratic People’s Republic of Korea to the International Criminal Court”, and exercise “its responsibility for the maintenance of international peace and security by taking additional measures to address the crisis in the Syrian Arab Republic”. The relevant provisions of the resolutions of the General Assembly are included in table 3 below.

The General Assembly did not draw the attention of the Security Council to any situations under Article 11 (3) of the Charter.⁶

Concerning the deliberations in the Council, during the period under review, Article 10 was explicitly invoked once in the context of non-proliferation of weapons of mass destruction. At the 7758th meeting held on 23 August 2016, the representative of Costa Rica said that “peace and security as a global public good [could] be achieved, in part, by honouring the Charter of the United Nations, in particular Articles 10 and 26”.⁷ Articles 11(1), (3) or (4) of the Charter were not explicitly referred to but Article 11 (2) was referred to once in relation to the working methods of the Council. At the 7740th meeting of the Council held on 19 July 2016, the representative of Iran, speaking on behalf of the Non-Aligned Movement, stressed that “the Council should fully take into account the recommendations of the General Assembly on matters relating to international peace and security, consistent with Article 11, paragraph 2 of the Charter”.⁸ In addition, Article 11 was broadly invoked four times during deliberations of the Council on the maintenance of international peace and security,⁹ on the working methods of the Council,¹⁰ and on the situation in the Middle East, including the Palestinian question.¹¹ None of these references, however, gave rise to constitutional discussions.

⁶ 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.

⁷ [S/PV.7758](#), p. 65.

⁸ [S/PV.7740](#), p. 21.

⁹ [S/PV.7621](#), p. 36 (Chile) and p. 57 (Algeria).

¹⁰ [S/PV.7740](#), p. 36 (Indonesia).

¹¹ [S/PV.7929](#), pp. 53-54 (Costa Rica).

Table 2

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

<i>General Assembly resolution and date</i>	<i>Provisions</i>
Implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa	
70/292 7 July 2016	Recognizes the growing and emerging challenges and risks facing United Nations peacekeeping operations and political missions, and in this regard takes note of the report of the High-level Independent Panel on Peace Operations and the report of the Secretary-General entitled “The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations,” as well as the recommendations supported by Member States in the report of the Special Committee on Peacekeeping Operations, in particular on prevention, mediation and stronger global-regional partnerships, including between the United Nations and the African Union, and encourages the Security Council, as appropriate, to consult with relevant regional organizations, particularly the African Union, especially if transitioning from a regional to a United Nations peacekeeping operation; (para. 10)
Protection of human rights and fundamental freedoms while countering terrorism	
72/180 19 December 2017	Recognizes the need to continue to ensure 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. 14) Encourages the Security Council, the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate to strengthen, within their mandates, the links, cooperation and dialogue with relevant human rights 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. 22).
Report of the International Criminal Court	
72/3 30 October 2017	Encourages further dialogue between the United Nations and the International Criminal Court, and welcomes in this regard the increased interaction of the Security Council with the Court under various formats, including the holding of open debates on peace and justice and working methods, with a special focus on the role of the Court; (para. 20)

Table 3

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

<i>General Assembly resolution and date</i>	<i>Provisions</i>
Regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa	

<i>General Assembly resolution and date</i>	<i>Provisions</i>
72/63 4 December 2017	Requests the Security Council to consider strengthening the mandate of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic in order to reinforce and support the internal security forces and the defence forces of the Central African Republic in coordination with the European Union Training Mission in the Central African Republic in their efforts to stabilize the country, including in the east, in the context of combating the Lord's Resistance Army and other armed groups; (para. 20)
Situation of human rights in the Democratic People's Republic of Korea	
71/202 19 December 2016	Encourages the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity; (para. 9) Also encourages the Security Council to continue to discuss the situation in the Democratic People's Republic of Korea, including the country's human rights record, in the light of the serious concerns expressed in the present resolution, and looks forward to its continued and more active engagement on this matter; (para. 10) <i>See also resolution 72/188, paras. 11 and 12.</i>
Situation of human rights in the Syrian Arab Republic	
71/203 19 December 2016	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 domestic 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.42) <i>See also resolution 72/191, para. 34.</i>
The situation in the Syrian Arab Republic	
71/130 9 December 2016	Urges the Security Council to further exercise its responsibility for the maintenance of international peace and security by taking additional measures to address the crisis in the Syrian Arab Republic, in particular the devastating humanitarian crisis, and stresses in this regard Article 11 of the Charter of the United Nations; (para. 10)

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 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) in decisions of the Council 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. However, noting the repeated encouragement by the Secretary-General and the High Commissioner for Human Rights for the Security Council to refer the situation in the Syrian Arab Republic to the International Criminal Court, the General Assembly decided to establish the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic. The General Assembly decided to establish the Mechanism under the auspices of the United Nations to closely cooperate with the Independent International Commission of Inquiry on the Syrian Arab Republic to collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations and abuses and to prepare files in order to facilitate and expedite fair and independent criminal proceedings.¹²

Moreover, during 2016 and 2017, there were three explicit references to Article 12 at meetings of the Security Council. At the 7621st meeting held on 16 February 2016, under the item “Maintenance of international peace and security”, the representative of Chile recalled that the General Assembly had preventive capabilities “in accordance with Articles 11 and 12 of the Charter and the action of the Secretary-General and of the

¹² General Assembly resolution [71/248](#), ninth preambular paragraph and para. 4.

different modalities of missions”.¹³ Furthermore, at the 7929th meeting held on 20 April 2017, under the item “The situation in the Middle East, including the Palestinian question”, the representative of Costa Rica deemed the action taken by the Council with regard to the situation in Syria as “insufficient” and urged Member States to “take on their share of responsibility and assume their roles as set out under Articles 11, 12 and 14 of the Charter of the United Nations”.¹⁴ Moreover, at the 8111st meeting held on 21 November 2017, under the item “Maintenance of international peace and security”, the representative of Venezuela, speaking on behalf of the Non-Aligned Movement, reaffirmed the role and authority of the General Assembly, including in matters related to international peace and security, as the main deliberative, normative and representative organ of the United Nations, “in line with the provisions of Article 12 of the Charter of the United Nations”,¹⁵ in the context of discussions of the fight against human trafficking in Council meetings.

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.¹⁶ 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.¹⁷ The consent of the Council, required by Article 12 (2) of the Charter, was obtained through the circulation of the copies of the draft notifications by

¹³ [S/PV.7621](#), p. 36.

¹⁴ [S/PV.7929](#), pp. 53-54.

¹⁵ [S/PV.8111](#), p. 27.

¹⁶ [A/71/300](#) and [A/72/300](#).

¹⁷ For more information, see part II, sect. II, B with regard to matters of which the Council is seized (rules 10-11).

the Secretary-General to the members of the Council. Following receipt of the notifications, the General Assembly formally takes note of them.¹⁸

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.

¹⁸ See General Assembly decision 71/554. As at 31 December 2017, the General Assembly had not taken note of the notification by the Secretary-General under Article 12 (2) of 1 September 2017 ([A/72/300](#)).

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 requires a decision by the Council to be taken first. This is the case with respect to the admission, suspension or expulsion of members (Articles 4, 5 and 6), the appointment of the Secretary-General (Article 97) and the conditions under which a State that is not a member of the United Nations may become a party to the Statute of the International Court of Justice (Article

93 (2)).¹⁹ In addition, the statute of the International Tribunal for the Former Yugoslavia (ICTY) provides for the Security Council to submit a list of candidates to the General Assembly from which the Assembly will elect the judges of the Tribunal.²⁰ 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.²¹

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, the Council took decisions on matters relating to terms of office of permanent judges as well as of the President and the Prosecutor of the Tribunal, as shown in table 4 below. In addition, the Council appointed the Prosecutor of the International Residual Mechanism for Criminal Tribunals. There was no reference to Article 4 and no activity with regard to the admission of new members during the reporting period. Whilst there was one mention of Article 5 and another of Article 6 in deliberations of the Council, there was no suspension or expulsion of any Member State. During the review period, the Security Council and the General Assembly increased significantly their collaboration in connection with the appointment of the Secretary-General, as further described under subheading 2 below.

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

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

¹⁹ 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).

²⁰ The procedure for the election of judges is set out in article 13 (2), (3) and (4) of the statute of the International Tribunal for the Former Yugoslavia.

²¹ See article 10 of the statute attached as annex 1 to Resolution [1966 \(2010\)](#).

each application for membership together with a record of its discussions in relation to the application.

During the period under review, the Council did not recommend the admission of any State for membership in the United Nations. It made no negative recommendations, which would have required the submission of a special report to the General Assembly. In addition, the Council did not recommend the suspension or expulsion of any Member State. This notwithstanding, at a meeting on the item “Non-proliferation/DPRK”, the Council adopted a resolution by which it recalled that a Member of the United Nations against which preventive or enforcement action had 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, and that the exercise of those rights and privileges may be restored by the Security Council.²² At the same meeting, the representative of the United States indicated that the resolution adopted at the meeting recalled that “in keeping with Article 5 of the Charter of the United Nations, if the Democratic People’s Republic of Korea [continued] on its current path, systematically and flagrantly violating its Charter obligations, it could see some or all of its rights and privileges [...] at the United Nations suspended”.²³

At a meeting on the item “The situation in the Middle East, including the Palestinian question”, the representative of Palestine in reference to resolution [2334 \(2016\)](#) and Israel recalled Article 6 of the Charter, “which states that a Member persistently violating Charter principles may be expelled from the Organization.”²⁴ At the same meeting, the Vice-Chairman of the Committee for the Exercise of the Inalienable Rights of the Palestinian People and the representative of Cuba called for the admission of Palestine as a full Member of the Organization.²⁵

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

²² Resolution [2321 \(2016\)](#), para. 19.

²³ [S/PV.7821](#), p. 5.

²⁴ [S/PV.7863](#), p. 5.

²⁵ *Ibid.*, p. 30 (Vice-Chairman of the Committee for the Exercise of the Inalienable Rights of the Palestinian People) and p. 31 (Cuba).

In 2016, several Member States circulated letters addressed to the Security Council and the General Assembly nominating candidates for the position of the Secretary-General, in line with General Assembly resolution [69/321](#).²⁶ On 13 September 2016, the General Assembly adopted resolution [70/305](#), by which it commended the Presidents of the Security Council and the General Assembly for beginning the process of soliciting candidates for the position of Secretary-General by sending a joint letter to all Member States;²⁷ and welcomed the circulation to all Member States of the names of candidates that had already been submitted for consideration for the position.²⁸ Referring to Article 97 of the Charter of the United Nations, the resolution also emphasized the importance of transparency and inclusiveness in the process and called for continued implementation of resolution [69/321](#).²⁹

In a letter dated 13 September 2016 to the President of the Security Council,³⁰ the President of the General Assembly provided “a recap of this historic cooperation” as well as the details that made the process “unique”. In his letter, the President of the General Assembly highlighted, inter alia, the monthly coordination meetings that had taken place between the two Presidents since October 2015, the circulation of candidatures to the entire membership, and the informal dialogues held between candidates and the Assembly as defined by the President of the General Assembly.³¹ In his assessment, while the selection and appointment process had been significantly improved, there remained scope for improvement.³²

At its 7782nd meeting, held in private on 6 October 2016, the Security Council adopted by acclamation resolution [2311 \(2016\)](#), recommending to the General Assembly that Mr. António Guterres be appointed Secretary-General of the United Nations for a term of office from 1 January 2017 to 31 December 2021. At the twenty seventh plenary

²⁶ General Assembly resolution [69/321](#), para. 35. See [S/2016/40](#), [S/2016/43](#), [S/2016/128](#), [S/2016/139](#), [S/2016/166](#), [S/2016/206](#), [S/2016/314](#), [S/2016/340](#), [S/2016/473](#), [S/2016/492](#), [S/2016/597](#) and [S/2016/829](#).

²⁷ [A/70/623-S/2015/988](#). See for further details Part IV, Section D, Subsection 2 of the 19th Supplement to the *Repertoire* (2014-2015).

²⁸ General Assembly resolution [70/305](#), para. 34.

²⁹ *Ibid*, para. 37.

³⁰ [S/2016/784](#).

³¹ [A/70/877](#) and [A/70/878](#).

³² [S/2016/784](#), p. 3.

meeting of its seventy first session on 17 October 2016, the General Assembly, by virtue of resolution [71/4](#), endorsed the recommendation of the Council and appointed Mr. António Guterres Secretary-General of the United Nations.

During the fourteenth annual workshop for the newly elected members of the Security Council, held on 3 and 4 November 2016, the question of the selection and appointment of the Secretary-General was the object of discussion. At that meeting, speakers dwelled on a variety of aspects of that process, including its transparency, innovations and areas for further improvement.³³

On 1 February 2017, the representative of Japan, in his personal capacity, addressed identical letters to the Secretary-General and the President of the Security Council reflecting on the selection process of the Secretary-General the previous year, with a focus on the process within the Council and including lessons learned for future selection processes from his experience in steering the presidency of the Council in July 2016.³⁴ Similarly, in identical letters dated 5 October 2017 addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, Estonia, on behalf of the Accountability, Coherence and Transparency Group also transmitted a note on the selection process of the ninth Secretary-General covering related activities in 2015 and 2016 as well as lessons learned.³⁵

Furthermore, in a resolution adopted on 8 September 2017, the General Assembly reiterated that the process of selecting and appointing the Secretary-General differed from the process used with regard to the executive heads of the organizations of the United Nations system, given the roles of the Security Council and the General Assembly in accordance with Article 97 of the Charter, and emphasized in particular that the process of selection of the Secretary-General was guided by the principles of transparency and inclusiveness, building on the best practices and participation of all Member States.³⁶

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 item

³³ See annex to letter dated 30 May 2017 from the Permanent Representative of Finland to the President of the Security Council ([S/2017/468](#)).

³⁴ [A/71/774-S/2017/93](#), annex.

³⁵ [A/72/514-S/2017/846](#), annex.

³⁶ General Assembly resolution [71/323](#), para. 57.

entitled “Implementation of the note by the President of the Security Council ([S/2010/507](#))”, as featured in case 1 below.

Case 1

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

At the 7633rd meeting on 26 February 2016, under the above-referenced item, the representative of Malaysia commended the President of the Council for organizing informal discussions relating to the selection process of the Secretary-General, and welcomed the initiative of the President of the General Assembly to hold hearings for the aspiring candidates.³⁷ Moreover, the Ukrainian representative opined that “it would be beneficial if the Council were to convene at least once a month on the subject in consultations format, under the “Any other business” item, maybe towards the end of each month”.³⁸

At the 7703rd meeting on 31 May 2016 under the same item, the representative of France commended and encouraged the opening of the election process through the informal dialogues with the wider membership organized by the General Assembly on 7 June.³⁹ The representatives of Uruguay and Ukraine underscored the importance of the Council commencing meetings with prospective candidates,⁴⁰ while the representative of the United Kingdom expressed appreciation for the hearings which had taken place at the General Assembly.⁴¹ Additionally, the representative of the United States recalled the “any-other-business” session held the prior week in which the Council had begun to discuss the next steps in the selection of the Secretary-General.⁴²

On 19 July 2016, at the 7740th meeting under the aforementioned item, many speakers welcomed the closed collaboration in the process of the selection of the

³⁷ [S/PV.7633](#), p. 15.

³⁸ *Ibid.*, p. 17.

³⁹ [S/PV.7703](#), pp. 4-5.

⁴⁰ *Ibid.*, p. 9 (Uruguay) and p.13 (Ukraine).

⁴¹ *Ibid.*, p. 12.

⁴² *Ibid.*, p. 8.

Secretary-General between the General Assembly and the Security Council.⁴³

Representatives of several countries specifically highlighted the central role of the General Assembly in the process.⁴⁴ In addition, several representatives,⁴⁵ recommended that the outcomes of the Council's straw polls be made available to the general membership. Furthermore, the representative of the United States opined that the Council should be decisive and aim for early agreement that would give the next Secretary-General time to prepare to assume the office.⁴⁶

At the 7766th meeting on 31 August 2016, under the same item, the representative of the United Kingdom expressed concern over leaking of the results of the straw polls on social media, maintaining that the Council should aim at confidentiality in relation to candidates.⁴⁷ On the other hand, the representative of Ukraine stated that the “refusal by some Council members to consider the possibility of formally making the results of the straw polls public [did] no good either to the Council or the candidates”.⁴⁸ The representative of France made an explicit reference to Article 97 of the Charter of the United Nations, noting the requirement of the Council under the provision to make its recommendation on the appointment of the Secretary-General to the General Assembly.⁴⁹ The representative of the United States opined that the process was “moving in the right direction”,⁵⁰ while the Malaysian representative pointed out that it could “benefit from greater transparency”.⁵¹

⁴³ [S/PV.7740](#), p. 5 (France), p. 6 (Malaysia), p. 13 (United States), p. 22 (Hungary), p. 28 (Guatemala), p. 34 (Norway), p. 35 (Indonesia) and p. 40 (Turkey).

⁴⁴ *Ibid.*, p. 15 (Mexico), p. 17 (Brazil), p. 21 (Iran ((Islamic Republic of), on behalf of the Non-Aligned Movement), p. 27 (Chile), p. 31 (Estonia), p. 31 (Liechtenstein), and p. 41 (Panama).

⁴⁵ *Ibid.*, p. 17 of Switzerland (on behalf of the Accountability, Coherence and Transparency (ACT) Group); pp. 17-18 (Brazil) p. 30 (Singapore), p. 31 (Liechtenstein), p. 34 (Norway), p. 38 (Kazakhstan)

⁴⁶ *Ibid.*, p. 13.

⁴⁷ [S/PV.7766](#), p. 3.

⁴⁸ *Ibid.*, p. 9.

⁴⁹ *Ibid.*, p. 11.

⁵⁰ *Ibid.*, p. 14.

⁵¹ *Ibid.*, p. 15.

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 the International Tribunal for the Former Yugoslavia (ICTY) or the Secretary-General, the Security Council adopted two resolutions under Chapter VII of the Charter, namely, resolution [2306 \(2016\)](#) and [2329 \(2016\)](#). By virtue of the former, the Council decided to amend the Statute of the ICTY, and by virtue of the latter, it extended the terms of office of its judges.⁵² By resolution [2329 \(2016\)](#), the Council also reiterated its request for the ICTY to complete its work and facilitate the closure of the Tribunal.⁵³ More specifically, the Council took note of the Secretary-General's intention to appoint an ad hoc judge of the ICTY, and extended the term of office of seven permanent judges, as well as that of the President of the ICTY, and reappointed the Prosecutor of the ICTY.⁵⁴ The Council transmitted the text of resolution [2329 \(2016\)](#) 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 ICTY during the period under review, see table 4 below.

Table 4

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

<i>Letter from the Secretary-General</i>	<i>Security Council resolution and date</i>	<i>Transmission to the General Assembly</i>	<i>General Assembly decision or resolution and date</i>
International Tribunal for the Former Yugoslavia			
S/2016/959 , annex, transmitting request for the extension of the term of office until the date specified or until the completion of the cases to which they are or will be assigned, if sooner, of seven permanent judges and one ad hoc judge (until 30 November 2017)	Resolution 2329 (2016) 19 December 2016 (third preambular paragraph and para. 4(a))	A/71/614	71/416 23 December 2016
S/2016/959 , annex, transmitting the request for the extension of the term of office of the	Resolution 2329 (2016) 19 December 2016	A/71/614	71/416 23 December 2016

⁵² Resolutions [2306 \(2016\)](#), para. 1 and [2329 \(2016\)](#), paras. 4 and 5.

⁵³ *Ibid.*, para. 1.

⁵⁴ For details on the mandate of the ICTY and of the Residual Mechanism for Criminal Tribunals, see part IX, section IV with regard to tribunals. See also part I, sect. 28 of the present Supplement, with regard to the ICTY and the Residual Mechanism for Criminal Tribunals.

<i>Letter from the Secretary-General</i>	<i>Security Council resolution and date</i>	<i>Transmission to the General Assembly</i>	<i>General Assembly decision or resolution and date</i>
President of the ICTY until 31 December 2017 or until the completion of the work of the Tribunal	(para. 3)		
S/2016/959 , annex, nominating the reappointment of the Prosecutor of the Tribunal until the completion of the work of the Tribunal	Resolution 2329 (2016) 19 December 2016 (para 4(b))	A/71/699	71/416 23 December 2016

4. *Appointment of Prosecutor of the International Residual Mechanism for Criminal Tribunals*

By resolution [1966 \(2010\)](#) of 22 December 2010, the Council established the International Residual Mechanism for Criminal Tribunals to carry out residual functions of the International Tribunals for the Former Yugoslavia and Rwanda. In accordance with article 14 paragraph 4 of the statute of the Mechanism, by resolution [2269 \(2016\)](#), the Council appointed the Prosecutor of the International Residual Mechanism for Criminal Tribunals with effect from 1 March 2016 until 30 June 2018, upon nomination by the Secretary-General and, decided that, thereafter, the Prosecutor of the Mechanism and the judges of the Mechanism could be appointed or reappointed for two-year terms, notwithstanding Articles 10, paragraph 3 and 14, paragraph 4 of the Statute of the Mechanism.⁵⁵

⁵⁵ Resolution [2269 \(2016\)](#), paras. 1 and 2. See also [S/2016/193](#) and [S/2016/194](#)

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 40⁵⁶ 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;⁵⁷ and rules 150 and 151 of the rules of procedure of the General Assembly.⁵⁸

⁵⁶ Rule 40 of the provisional rules of procedure is also covered in part II, section VIII with regard to decision-making and voting.

⁵⁷ 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.

⁵⁸ 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.

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 would expire on 5 February 2018, as described in case 2 below.⁵⁹ In accordance with Article 5, paragraph 1, of the Statute of the Court, national groups were invited to submit nominations to the Secretary-General no later than 3 July 2017. Seven candidates were initially nominated by national groups,⁶⁰ but the candidature of one of them was subsequently withdrawn.⁶¹

Case 2

Election of five members of the International Court of Justice ([S/2017/619](#), [S/2017/620](#), [S/2017/620/Add.1](#) and [S/2017/621](#))

At its 8092nd meeting, on 9 November 2017, 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 2018, on the expiry of the terms of office of the incumbents.⁶² 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 became necessary. On the fourth ballot during its forty-fourth session, five candidates obtained the required majority number of votes in the General Assembly, four which also obtained the required majority of votes in the Council.⁶³ Hence, the four candidates from France, Brazil, Lebanon and Somalia, were elected as members of the Court for a nine-year term of office beginning on 6 February 2018 but the Council necessitated of subsequent meetings to elect one candidate by further ballots for the one seat remaining to be filled.

⁵⁹ See memorandum by the Secretary-General on election of five members of the International Court of Justice ([S/2017/619](#)).

⁶⁰ [S/2017/620](#), annex.

⁶¹ [S/2017/620/Add.1](#).

⁶² [S/PV.8092](#).

⁶³ [S/PV.8092 \(Resumption 1\)](#).

In accordance with Article 11 of the Statute of the Court, the Council proceeded to conduct six additional ballots at the 8093rd meeting on 9 November 2017, and 8094th, 8095th, 8096th, 8097th and 8098th meetings, on 13 November.⁶⁴ At these meetings, no candidate received the required absolute majority of votes in either the General Assembly nor the Security Council. Prior to the eleventh ballot, the United Kingdom communicated the decision to withdraw the nomination of the British candidate to the International Court of Justice through a letter dated 20 November 2017.⁶⁵ Lastly, on 20 November 2014, at the eleventh ballot during the 8110th meeting of the Council and at the fifty seventh plenary meeting of the General Assembly, the candidate from India 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 2018.⁶⁶

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.

⁶⁴ [S/PV.8093](#), [S/PV.8094](#), [S/PV.8095](#), [S/PV.8096](#), [S/PV.8097](#), and [S/PV.8098](#).

⁶⁵ [S/2017/975](#).

⁶⁶ [S/PV.8110](#). See also General Assembly decision 72/404.

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”. Moreover, 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 an 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 2016 and 2017, the Council maintained its practice of submitting annual reports to the General Assembly pursuant to Article 24 (3) of the Charter. However, as indicated in a note by the President of 10 December 2015,⁶⁷ the Council decided that the report to be presented to the General Assembly at its seventy-first session would cover the period from 1 August 2015 to 31 December 2016 as a transitional arrangement. Thereafter, the period of coverage would be from 1 January to 31 December. On 13 September 2016, in a resolution adopted under the item “Revitalization of the work of the General Assembly”, the Assembly referred to the 10 December 2015 note by the President of the Council and commended the “improvements in the quality of the annual report” while also welcoming “the willingness of the Council to continue to consider other suggestions concerning improvements to the annual report”.⁶⁸

During the reporting period, one annual report was submitted to the General Assembly covering the period from 1 August 2015 to 31 December 2016.⁶⁹ The introduction of the annual report was prepared under the leadership and responsibility of the President of the Council for the month of July 2016, which was Japan, in accordance with the notes by the President of 26 July 2010 and of 10 December 2015.⁷⁰ The Council considered and adopted without a vote the draft annual report at its 8021st meeting held

⁶⁷ [S/2015/944](#), para. 4.

⁶⁸ General Assembly resolution [70/305](#), para. 13. See also General Assembly resolution [71/323](#), para. 17.

⁶⁹ [A/71/2](#).

⁷⁰ [S/2010/507](#) and [S/2015/944](#).

on 9 August 2017.⁷¹ During the meeting, the representative of Japan highlighted the importance of the report as required by Article 24 of the Charter, and noted that in summarizing the activities of the Council over the 17-month period, Japan “intended to be as objective as possible, while making utmost efforts to describe the context in which the Council’s actions were taken, in order to enhance the transparency and accountability of the work of the Council”.⁷² Furthermore, in a note by the President of the Security Council of 30 August 2017, the members of the Council committed to take the necessary action to ensure the timely submission of its report to the General Assembly in accordance with Article 24 (3) of the Charter.⁷³ The note also reiterated the decision contained in the note by the President of 10 December 2015,⁷⁴ that all future reports, starting with the one to be presented at the seventy-second session of the General Assembly, would cover the period from 1 January to 31 December.⁷⁵

The General Assembly considered the annual report at its ninety-fifth plenary meeting of its seventy-first session under the item “Report of the Security Council”, on 28 August 2017.⁷⁶

Case 3

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

At its 7740th meeting held on 19 July 2016 under the item “Implementation of the note by the President of the Security Council ([S/2010/507](#))”, the Council discussed the improvement of its annual report to the General Assembly.⁷⁷ The representative of Colombia said that it was essential to ensure that the annual reports presented by the Council to the General Assembly had a broad analytical component and discussed the

⁷¹ See [S/2017/691](#).

⁷² [S/PV.8021](#), p. 2.

⁷³ [S/2017/507](#), annex, para. 125. This note compiled 13 other presidential notes on the working methods of the Council adopted after issuance of note 507 in July 2010. See for further information, part II of this Supplement

⁷⁴ [S/2015/944](#), third paragraph.

⁷⁵ [S/2017/507](#), annex, para. 126.

⁷⁶ [A/71/PV.95](#). See also General Assembly decision 71/555.

⁷⁷ [S/PV.7740](#)

reasons that had led it to take its decisions, especially on those situations where action was taken by the Council.⁷⁸ Similarly, the representative of Iran, speaking on behalf of the Non-Aligned Movement, opined that the annual reports “should be more explanatory, comprehensive and analytical” and added that they should assess the work of the Council including cases in which it had failed to act as well as feature the views expressed by its members during the consideration of agenda items.⁷⁹ Moreover, the representatives of Hungary and Cuba suggested that the Council submit an analytical assessment of its work and performance in its annual report to the General Assembly.⁸⁰ Additionally, the representatives of Costa Rica and Kazakhstan also stressed that the annual report should be less descriptive and more analytical.⁸¹ The representative of Costa Rica further highlighted the importance of continuing “promoting improvements in the drafting of the Security Council’s annual report to the General Assembly by involving Member States in an informal and interactive debate during both the drafting and the presentation to the Assembly”.⁸² Furthermore, the representative of Iran, echoed by the representative of Cuba, called on the Council to submit special reports for consideration by the General Assembly.⁸³

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 Vice-Chair of the Committee participated in eight meetings concerning the situation in the Middle East, including the Palestinian question.⁸⁴ In addition, on the occasion of the International Day of Solidarity with the

⁷⁸ [Ibid.](#), p. 19.

⁷⁹ [Ibid.](#), p. 20.

⁸⁰ [Ibid.](#), p. 23 (Hungary) and 39 (Cuba).

⁸¹ [Ibid.](#), p. 32 (Costa Rica) and p.38 (Kazakhstan)

⁸² [Ibid.](#), p. 32.

⁸³ [Ibid.](#), p. 20 (Islamic Republic of Iran, on behalf of the Non-Aligned Movement) and p.39 (Cuba).

⁸⁴ [S/PV.7610](#), p. 58; [S/PV.7673 \(Resumption 1\)](#), p. 18; [S/PV.7736](#), p. 49; [S/PV.7792](#), p. 44; [S/PV.7863](#), p. 29; [S/PV.7929](#), p. 38; [S/PV.8011 \(Resumption 1\)](#), p. 14; and [S/PV.8072](#), p. 44.

Palestinian People, the President of the Security Council participated in two meetings of the Committee.⁸⁵

Several decisions adopted by the Security Council contained references to the Human Rights Council and the Special Committee on Peacekeeping Operations. In those decisions, the Council encouraged Member States participating in the Universal Periodic Review process of the Human Rights Council to consider the human rights dimensions of peacebuilding; took note of the visit to Burundi from 1 to 8 March 2016 of the experts' mission requested by the Human Rights Council in its resolution of 17 December 2015; and 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. The Council also recalled the reports of the Special Committee on Peacekeeping Operations, which provided guidance to the Secretariat on topics such as reducing the impact of improvised explosive devices and the standardization of United Nations policing.

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. The list is grouped by subsidiary organ and organized per agenda item, in alphabetical order, with thematic items first and regional or country specific agenda items next. 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 5
Security Council decisions containing references to subsidiary organs of the General Assembly

<i>Decision and date</i>	<i>Provision</i>
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⁸⁵ 380th and 374th meetings on 29 November 2016 and 29 November 2015, respectively ([A/AC.183/PV.380](#) and [A/AC.183/PV.386](#)).

<i>Decision and date</i>	<i>Provision</i>
1. Human Rights Council	
Post-conflict peacebuilding	
Resolution 2282 (2016) 27 April 2016	<i>Encourages</i> United Nations Member States participating in the Universal Periodic Review process of the Human Rights Council to consider the human rights dimensions of peacebuilding, as appropriate; (para. 11)
The situation in Burundi	
Resolution 2279 (2016) 1 April 2016	<i>Takes note of</i> the visit to Burundi from 1 to 8 March 2016 of the experts' mission requested by the Human Rights Council in its resolution of 17 December 2015, and urges the Government of Burundi to continue to cooperate with the Office of the High Commissioner for Human Rights in the fulfilment of the mission's mandate; (para. 3)
Resolution 2303 (2016) 29 July 2016	<i>Noting</i> the visits to Burundi from 1 to 8 March and from 13 to 17 June 2016 of the experts of the United Nations Independent Investigation on Burundi (UNIIB) requested by the Human Rights Council in its resolution of 17 December 2015, (ninth preambular paragraph)
S/PRST/2017/13 2 August 2017	The Security Council reaffirms the primary responsibility of the Government of Burundi for ensuring security in its territory and protecting its population, with respect for the rule of law, human rights and international humanitarian law, as applicable. It urges the Government of Burundi to respect, protect and guarantee human rights and fundamental freedoms for all, in line with the country's constitution and its international obligations, to adhere to the rule of law, to bring to justice and hold accountable all those responsible, including members of the security forces and violent actors affiliated to political parties, for crimes involving violations of international humanitarian law or violations and abuses of human rights, as applicable, including those involving sexual violence and all violations and abuses against children. The Security Council further calls on the Government of Burundi to cooperate with the Commission of Inquiry on Burundi mandated under Human Rights Council resolution A/HRC/33/24 . The Security Council acknowledges the pardon of more than 1,000 prisoners in 2017, with political detainees among them, and calls for further confidence-building measures. (twelfth paragraph)
The situation in Côte d'Ivoire	
Resolution 2284 (2016) 28 April 2016	<i>Decides</i> that until 30 April 2017, the mandate of UNOCI shall be the following: ... (d) Support for compliance with international humanitarian and human rights law To contribute to the promotion and protection of human rights in Côte d'Ivoire, including through early warning activities and in close coordination with the Independent Expert established under the Human Rights Council's resolution A/HRC/RES/17/21 , and to monitor, help investigate, and report to the Security Council on abuses and violations of human rights and violations of international humanitarian law in order to prevent such abuses and violations and contribute to ending impunity; (para. 15 (d))
The situation in Western Sahara	
Resolution 2285 (2016) 29 April 2016	<i>Welcoming</i> in this regard, the recent steps and initiatives taken by Morocco, and the role played by the National Council on Human Rights Commissions operating in Dakhla and Laayoune, and Morocco's interaction with Special Procedures of the United Nations Human Rights Council, (fifteenth preambular paragraph) <i>See also</i> Resolution 2351 (2017) , seventeenth preambular paragraph.

<i>Decision and date</i>	<i>Provision</i>
2. Special Committee on Peacekeeping Operations	
Maintenance of international peace and security	
Resolution 2365 (2017) 30 June 2017	<i>Recalling</i> reports of the Special Committee on Peacekeeping Operations of the General Assembly, which have provided guidance to the United Nations Secretariat on improvised explosive device threat and impact reduction, (second preambular paragraph)
United Nations peacekeeping operations	
Resolution 2378 (2017) 20 September 2017	<i>Recalling</i> the Secretary-General's report entitled "The Future of United Nations Peace Operations: Implementation of the Recommendations of the High-Level Independent Panel on Peace Operations" (A/70/357-S/2015/682) and the recommendations of the report of the High-level Independent Panel on Peace Operations (A/70/95-S/2015/446), which became the basis for further decisions of the Member States in the Security Council, and Fourth and Fifth Committees of the General Assembly, as well as the Special Committee on Peacekeeping Operations, (ninth preambular paragraph)
Resolution 2382 (2017) 6 November 2017	<i>Recalling</i> the work conducted by the Security Council Working Group on Peacekeeping Operations, the Fourth and Fifth Committees of the General Assembly and the Special Committee on Peacekeeping Operations, which have provided guidance to the Secretariat on United Nations policing including on a standardized approach to United Nations Policing and compliance thereto, as well as support to the United Nations Secretariat to address capacity and capability gaps, where they exist, thereby improving the performance of United Nations Policing, (thirteenth preambular paragraph)

The activities and the reports of the Human Rights Council were also referenced in numerous Council deliberations on country-specific items of its agenda, particularly in relation to the situations in Burundi, the Democratic People's Republic of Korea, and Haiti.⁸⁶ The Council also debated the role of the Special Committee on Peacekeeping Operations in the context of discussions of the mandate of the protection of civilians in armed conflict of some United Nations peacekeeping operations;⁸⁷ and reaffirmed its importance as the principal organ to discuss questions relating to peacekeeping operations during discussions on the maintenance of international peace and security.⁸⁸

⁸⁶ See, for example, [S/PV. 8109](#), p. 3 (Special Envoy of the Secretary-General for Burundi), in connection with the situation in Burundi; [S/PV.8130](#), p. 4 (Ethiopia), p. 7 (Assistant Secretary-General for Political Affairs), p. 13 (Senegal), and pp. 17-18 (Kazakhstan), in connection with the situation in the Democratic People's Republic of Korea; and [S/PV.7924](#), p. 2 (Egypt) in connection with the question concerning Haiti. ⁸⁷ [S/PV.7711](#), p. 56 (Guatemala) and p. 63 (Poland).

⁸⁸ [S/PV.7802](#), pp. 25-26 (China), p. 29 (Uruguay), p. 30 (Russian Federation), p. 31 (Venezuela, on behalf of the Non-Aligned Movement), p. 41 (Iran) and p. 74 (Turkey).

The Council also referred to the role of the Special Committee in deliberations on the situation in the Central African Republic and on peace and security in Africa.⁸⁹

Cases 4 and 5 below in relation to the maintenance of international peace and security and United Nations peacekeeping operations highlight 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.

⁸⁹ See for example, [S/PV.8102](#), pp. 3-4 (Egypt), in connection with the situation in the Central African Republic; and [S/PV.8006](#), p. 32 (Indonesia) concerning peace and security in Africa.

Case 4

Maintenance of international peace and security

During the period under review, the Council discussed its relations with the Human Rights Council in the context of open debates under the agenda item “Maintenance of international peace and security” on multiple occasions.

At the 7857th meeting of the Council held on 10 January 2017, the representatives of Germany, Switzerland and Panama underscored the importance of cooperation between the Security Council and the Human Rights Council, adding that the former should make increased use of the latter’s special procedures and reports.⁹⁰ Other speakers emphasized that the main responsibility of the Security Council was the maintenance of international peace and security and cautioned against encroaching upon the work of the Human Rights Council by discussing human rights issues at the Council’s meetings.⁹¹

At the 7898th meeting held on 15 March 2017 on the issue of human trafficking, the representative of Brazil stated that given that there were no “automatic linkages” between human trafficking and armed conflict, “the Security Council should be mindful of the mandate and technical expertise of the General Assembly and the Human Rights Council” for the issue to be effectively addressed.⁹² Also during that meeting, some speakers acknowledged that the Human Rights Council was the principal United Nations body to address human rights matters but affirmed the need for the Security Council to work in close collaboration to improve its conflict prevention capabilities.⁹³

At the 7926th meeting on 18 April 2017, the representative of Sweden underlined the link between the protection and promotion of human rights and the maintenance of international peace and security, adding that “violations and abuses of human rights [could] be drivers of conflict” and stressing that the Human Rights Council and the

⁹⁰ [S/PV.7857](#), p. 37 (Germany), p. 54 (Switzerland) and p. 70 (Panama). See also [S/PV.7926](#), pp. 11-12 (Sweden).

⁹¹ [S/PV.7857](#), p. 26 (Bolivia).

⁹² [S/PV.7898](#), p. 34.

⁹³ [S/PV.7857](#), pp. 37-38 (Germany), p. 54 (Switzerland) and p. 70 (Panama); [S/PV.7898](#), p. 60 (Panama); and [S/PV.7926](#), pp. 5-6 (Ukraine), p. 8 (Kazakhstan), pp. 10-12 (Sweden), p. 16 (France), pp. 17-18 (Senegal), p. 21 (Italy) and p. 25 (Japan).

Security Council were “mutually reinforcing structures”.⁹⁴ At the same meeting, the representative of Ukraine opined that, although the Human Rights Council was a “designated United Nations venue for discussions on human rights issues”, it lacked the ability to take action-oriented decisions concerning peace and security.⁹⁵ Moreover, several speakers expressed appreciation for tools such as the commissions of inquiry established by the Human Rights Council,⁹⁶ and encouraged more frequent briefings on human rights situations,⁹⁷ with the representative of Senegal maintaining that the Human Rights Council could draw the attention of the Security Council to situations that could lead to conflict.⁹⁸ Other speakers, expressed concern about what some would term as the “continuing encroachment”⁹⁹ on the functions and prerogatives of other organs by attempts to expand the Council’s mandate.¹⁰⁰ Some of these representatives also highlighted the usefulness of the Universal Periodic Review in monitoring human rights situations and detecting possible threats to international peace and security.¹⁰¹

Case 5

United Nations peacekeeping operations

During the period under review, the Council dealt with the role of the Special Committee on Peacekeeping Operations in six out of 11 meetings held concerning the item entitled “United Nations peacekeeping operations”. At these meetings, several Member States reaffirmed the central role of the Special Committee in deliberating on issues relating to United Nations peace operations.¹⁰²

⁹⁴ [S/PV.7926](#), pp. 10-11.

⁹⁵ *Ibid.*, pp. 5-6.

⁹⁶ *Ibid.*, p. 16 (France), pp. 17-18 (Senegal) and pp. 19-20 (United Kingdom).

⁹⁷ *Ibid.*, pp. 11-12 (Sweden), p. 16 (France), and p. 21 (Italy).

⁹⁸ *Ibid.*, p. 18.

⁹⁹ *Ibid.*, pp. 9-10 (Egypt).

¹⁰⁰ *Ibid.*, p. 12 (Russian Federation), p. 14 (Ethiopia) and p. 22 (Bolivia).

¹⁰¹ *Ibid.*, p.10 (Egypt), p. 18 (Senegal), p. 20 (United Kingdom), and p. 22 (Bolivia).

¹⁰² [S/PV.7642](#), p. 12 (Malaysia); [S/PV.7808](#), pp. 12-13 (Venezuela (Bolivarian Republic of)), p. 20 (China), and p. 21 (Russian Federation); [S/PV.8033](#), p. 34 (Venezuela (Bolivarian Republic of), on behalf of NAM); [S/PV.8051](#), p. 25 (Russian Federation); [S/PV.8064](#), pp. 13-14 (Russian Federation); and [S/PV.8150](#), pp. 17-18 (Russian Federation) and p. 21 (Japan).

At the 7642nd meeting, held on 10 March 2016 regarding the increasing allegations of sexual exploitation and abuse in peacekeeping operations, the representative of the Russian Federation noted that the problems related to discipline in United Nations operations had been discussed in the Special Committee for years and expressed his national position that the involvement of all Member States in the process of establishing measures would determine the effectiveness of their implementation on practice.¹⁰³ In that context, he further added that “it would simply be wrong to set the Council against the General Assembly”.¹⁰⁴ During the same meeting, Venezuela stressed that it was essential to ensure close coordination with the General Assembly on such a sensitive issue, particularly through the Special Committee on Peacekeeping Operations, “the body in charge of formulating comprehensive policies pertaining to the operations of such missions so as to avoid duplication of functions and to ensure that institutional efforts [were] not scattered around the Organization”.¹⁰⁵ New Zealand, on the other hand, expressed disagreement with the suggestion that the Council was not responsible for the consequences of the mandates it approved or for the actions of the personnel it deployed, and added that the draft resolution under consideration on that matter was “primarily about implementing and enforcing the standards” that the Special Committee and the General Assembly had already agreed or acknowledged.¹⁰⁶ Taking the floor for a second time at the meeting, the representative of the United States indicated that the Security Council had waited a long time for the kind of consensus needed in the Special Committee on Peacekeeping Operations to give the Secretary-General the support he needed to be “more aggressive, commensurate” with the gravity of crimes of sexual exploitation and abuse.¹⁰⁷

At the 8051st meeting held on 20 September 2017 the representative of the Russian Federation called for all shared issues pertaining to peacekeeping to be discussed in forums dedicated to them, such as the Special Committee on Peacekeeping Operations

¹⁰³ [S/PV.7642](#), p. 9.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*, pp. 15-16.

¹⁰⁶ *Ibid.*, p. 19.

¹⁰⁷ *Ibid.*, p. 23.

and the Fifth Committee.¹⁰⁸ Additionally, the representative of Uruguay indicated that the Special Committee had an important contribution to make in the reform process of United Nations peacekeeping - together with the Fifth Committee, the Security Council Working Group on Peacekeeping Operations and the Secretariat.¹⁰⁹

At the 8064th meeting held on 5 October 2017, the representative of China called on the Special Committee on Peacekeeping Operations to play its full role as a policy review body and give troop-contributing countries more say on peacekeeping issues.¹¹⁰ Furthermore, the representative of Ukraine welcomed the participation of members of the Special Committee on Peacekeeping Operations of the General Assembly in a recent meeting of the Security Council Working Group on Peacekeeping Operations.¹¹¹

At the 8150th meeting held on 21 December 2017, the representative of the Russian Federation expressed his national position that work in the area of peacekeeping should be conducted on the basis of discussions and decisions reached in the Special Committee on Peacekeeping Operations.¹¹² The representative of Japan proposed that, in order to address capability gaps in peacekeeping operations, the Security Council Working Group on Peacekeeping Operations and the Special Committee on Peacekeeping Operations organize a joint session to take stock of existing efforts and pledges, identify challenges and share ideas for improvements.¹¹³

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

During the period under review, there were no special sessions of the General Assembly convoked at the request of the Security Council in accordance with Article 20 of the Charter. In December 2017, however, the General Assembly resumed its tenth

¹⁰⁸ [S/PV.8051](#), p. 25. See also, [S/PV. 8086](#), p. 19.

¹⁰⁹ [S/PV.8051](#), p. 27.

¹¹⁰ [S/PV.8064](#), p. 15. See also, [S/PV. 8086](#), p. 16.

¹¹¹ [S/PV.8064](#), p. 17.

¹¹² [S/PV.8150](#), p. 18.

¹¹³ *Ibid.*, p. 21.

emergency special session,¹¹⁴ pursuant to the General Assembly resolution [377\(V\)](#) of 3 November 1950.¹¹⁵ This was done at the request of the Arab Group and the Chair of the Summit of the Organization of the Islamic Cooperation,¹¹⁶ as well as of the Non-Aligned Movement,¹¹⁷ as a result of the negative vote by the United States on 18 December on a draft resolution regarding the status of the city of Jerusalem.¹¹⁸

A number of resolutions and presidential statements adopted by the Council during 2016 and 2017 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. In the context of post-conflict peacebuilding, the Council took note of the decision of the General Assembly to include on the agenda of its seventy-first session an item entitled “Peacebuilding and sustaining peace”, to convene at its seventy-second session under the same item a high-level meeting on efforts undertaken and opportunities to strengthen the United Nations’ work on sustaining peace, and to invite the Secretary-General to report to the seventy-second session of the General Assembly at least 60 days prior to the high-level meeting, on efforts to implement resolution [2282 \(2016\)](#).¹¹⁹

On the situation concerning Haiti, the Council recalled its own resolution [2282 \(2016\)](#) and General Assembly resolution [70/262](#) and reaffirmed Haitian ownership of “sustaining peace” strategies while emphasizing the importance of inclusivity and the role that civil society could play to advance national peacebuilding processes and objectives;¹²⁰ and welcomed General Assembly resolution [71/161](#) on the United Nations “New Approach to Cholera in Haiti”.¹²¹

¹¹⁴ [A/ES-10/PV.37](#).

¹¹⁵ General Assembly resolution [377 \(V\)](#).

¹¹⁶ [A/ES-10/769](#).

¹¹⁷ [A/ES-10/771](#).

¹¹⁸ [S/PV.8139](#), p. 3.

¹¹⁹ Resolution [2282 \(2016\)](#), paras. 28, 29 and 30. Further, in presidential statement [S/PRST/2016/12](#), the Council recalled the decision of the General Assembly to invite the Secretary-General to report to the seventy-second session of the General Assembly, at least sixty days prior to the high-level meeting on “Peacebuilding and Sustaining Peace” (fourteenth paragraph).

¹²⁰ Resolution [2313 \(2016\)](#), sixteenth paragraph.

¹²¹ Resolution [2350 \(2017\)](#), tenth preambular paragraph.

The Council also took note of General Assembly resolutions [71/72](#) and [70/80](#), by which Members States decided to continue to include on the agenda of the General Assembly issues related to assistance in mine action and countering the threat posed by improvised explosive devices.¹²²

Concerning the issue of the trafficking in persons in conflict situations in the context of the maintenance of international peace and security, the Council recalled the Political Declaration on the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons, adopted by the General Assembly on 27 September 2017.¹²³

In regard to threats to international peace and security caused by terrorist acts, the Council emphasized the importance of implementing the United Nations Global Counter-Terrorism Strategy (GCTS) contained in General Assembly resolution [60/288](#) of 8 September 2006, and its subsequent reviews,¹²⁴ and expressed support for the creation and activities of the United Nations Office of Counterterrorism (UNOCT), in accordance with General Assembly resolution [71/291](#) of 15 June 2017.¹²⁵

¹²² Resolution [2365 \(2017\)](#), third preambular paragraph.

¹²³ Resolution [2388 \(2017\)](#), seventh preambular paragraph.

¹²⁴ Resolutions [2341 \(2017\)](#), seventh preambular paragraph and [2370 \(2017\)](#), twelfth preambular paragraph.

¹²⁵ Resolution [2395 \(2017\)](#), eleventh preambular paragraph.

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. Subsections A and B cover decisions and deliberations of the Council concerning relations with the Economic and Social Council, respectively. Subsection C covers the communications of the Council on the relations with the Economic and Social Council. During the period under review, the President of the Economic and Social Council did not brief the Security Council.

A. 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, nor did it explicitly refer to Article 65 of the Charter in any outcome documents. However, at its 7680th meeting on 27 April 2016, under the item “Post-conflict peacebuilding”, the Council adopted resolution [2282 \(2016\)](#) emphasizing that “sustaining peace required coherence, sustained engagement, and coordination between the General Assembly, the Security Council, and the Economic and Social Council, consistent with their mandates as set out in the Charter of the United Nations.”¹²⁶ The Council also stressed the importance of closer cooperation between the Economic and Social Council and the

¹²⁶ Resolution [2282 \(2016\)](#), para. 2.

Peacebuilding Commission, and encouraged the Commission to draw on the expertise of relevant subsidiary bodies of the Economic and Social Council.¹²⁷

B. 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. Speakers frequently stressed the importance of closer collaboration and interaction between the Security Council, the General Assembly, the Economic and Social Council and the Peacebuilding Commission in building and maintaining peace.¹²⁸ The key discussions in this regard took place in the context of thematic debates under the items entitled “Maintenance of international peace and security” and “Peacebuilding and sustaining peace”, as featured in cases 1 and 2 below. Furthermore, in discussions under the item entitled “The question concerning Haiti”, the representative of Egypt repeatedly called for a genuine partnership with the Economic and Social Council and the Peacebuilding Commission in order to deliver comprehensive international aid to Haiti during the transition phase.¹²⁹ Similarly, the representative of Mexico indicated that the new focus of the United Nations Mission for Justice Support in Haiti and its necessary coordination with the country team should be seen as an opportunity for coordination of the efforts of the Security Council, the Economic and Social Council and all United Nations agencies.¹³⁰ There were no explicit references to Article 65 of the Charter during the reporting period.

¹²⁷ Ibid, para. 10.

¹²⁸ See for example, under the item entitled “Implementation of the note by the President of the Security Council (S/2010/507),” [S/PV.7740](#), p. 12 (China), p. 23 (Italy), p. 37 (Kazakhstan) and p. 42 (Republic of Korea); and under the item entitled “United Nations peacekeeping operations,” [S/PV.8033](#), p. 22 (Kazakhstan), and pp. 46-47 (Indonesia); and [S/PV.8051](#), p. 21 (Kazakhstan).

¹²⁹ [S/PV.7789](#), pp. 9-10. See also [S/PV.7651](#), p. 8 and [S/PV.7920](#), pp. 10-11;

¹³⁰ [S/PV.8005](#), p. 20.

Case 6

Maintenance of international peace and security

During 2016 and 2017, many speakers encouraged increasing the synergies between the Council and other United Nations organs, including the Economic and Social Council, in efforts aimed at conflict prevention and the maintenance of peace.¹³¹

At the 7621st meeting on 15 February 2016, the representative of Viet Nam stated that the severity and complexity of the present challenges required a determined approach on the part of the United Nations, particularly its main organs, including the General Assembly, the Security Council and the Economic and Social Council, in upholding the purposes and principles of the Charter, with special attention to the respect for the history, culture, politics and economics of each nation.¹³² During the same meeting, the representative of Indonesia called for a greater mandate to be given to the Economic and Social Council in addressing matters relating to roots of conflict.¹³³

On 10 January 2017, at the 7857th meeting of the Council, the representative of Bolivia stressed that the Security Council should not “encroach upon” the domain of other organs, including the Economic and Social Council.¹³⁴ The representative of Argentina regretted that the preventive action carried out by different organs, including the Security Council and the Economic and Social Council, was “often fragmented [with] a lack of a single overarching vision to shape the efforts made”.¹³⁵ The representatives of Indonesia and Malaysia opined that the Council should aim at increased cooperation with different bodies, including the Economic and Social Council, in order to break through the “silos” that hindered the work of the Organization in the area of maintenance of international peace and security.¹³⁶

¹³¹ [S/PV.7621](#), p. 49 (Kazakhstan) and p. 81 (Guyana); [S/PV.7857](#), p. 20 (China), p. 39 (Brazil), p. 100 (Kenya) and p. 102 (Slovakia); and [S/PV.8144](#), p. 48 (Mexico).

¹³² [S/PV.7621](#), p. 37.

¹³³ *Ibid.*, p. 71.

¹³⁴ [S/PV.7857](#), p. 26.

¹³⁵ *Ibid.*, p. 49.

¹³⁶ *Ibid.*, p. 56 (Indonesia) and p. 91 (Malaysia).

Finally, at the 8144th meeting on 20 December 2017, the representatives of China, Ethiopia and Ecuador, emphasized the need for coordination and coherence between the Security Council, the General Assembly and the Economic and Social Council in the implementation of their respective mandates in regard to conflict prevention and building and sustaining peace.¹³⁷ The representative of the Russian Federation, however, stressed the need to “maintain the principle of division of labour” between the various bodies.¹³⁸

Case 7

Peacebuilding and sustaining peace

At the 7629th meeting of the Council on 23 February 2016, under the item entitled “Post-conflict peacebuilding”,¹³⁹ several speakers emphasized the need for coherence and coordination between the Security Council, the General Assembly and the Economic and Social Council, consistent with the mandates conferred upon them by the Charter, in developing peacebuilding strategies.¹⁴⁰ Furthermore, the representatives of Argentina and Turkey pointed out that the Peacebuilding Commission had the potential to act “as a bridge” between the three organs.¹⁴¹

At the 7723rd meeting on 22 June 2016, the Chair of the Peacebuilding Commission briefed the Council on the work of the Commission, referring to resolution [2282 \(2016\)](#) of the Council and resolution [70/262](#) of the General Assembly, which called for more coordination among the General Assembly, the Security Council and the Economic and Social Council.¹⁴²

¹³⁷ [S/PV.8144](#), p. 17 (China), p. 19 (Ethiopia) and p. 42 (Ecuador).

¹³⁸ *Ibid.*, p. 20.

¹³⁹ In June 2016, pursuant to presidential note [S/2016/560](#), the Security Council decided that as from 22 June 2016, issues pertaining to peacebuilding and post-conflict peacebuilding would be considered under the item entitled “Peacebuilding and sustaining peace”. The Council decided further to subsume under this item the earlier consideration by the Council of those issues under the item entitled “Post-conflict peacebuilding”. For further details see sect. II, part II.

¹⁴⁰ [S/PV.7629](#), p. 6 (Chair of the Advisory Group of Experts on the review of the United Nations Peacebuilding Architecture), p. 31 (Colombia), pp. 31-32 (Brazil), p. 41 (Mexico) and p. 53 (Slovakia).

¹⁴¹ *Ibid.*, p. 52 and p. 70, respectively.

¹⁴² [S/PV.7723](#), p. 4.

C. 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. For example, in a note verbale dated 18 April 2017 addressed to the President of the Security Council, the Permanent Representative of Venezuela to the United Nations, in his capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, transmitted a communiqué issued by the Coordinating Bureau on the same day, in relation to the inclusion of the issue of human rights and the maintenance of international peace and security in the agenda of the Security Council. According to the communiqué, the Coordinating Bureau of the Non-Aligned Movement reiterated its concern over the continuing encroachment by the Security Council on the functions and powers of the General Assembly and the Economic and Social Council through addressing issues which traditionally fell within the competence of the latter organs and opposed and rejected “ongoing attempts to shift issues under the agenda of the General Assembly or the Economic and Social Council to that of the Security Council”.¹⁴³

Furthermore, according to the note by the President of the Security Council [S/2017/507](#) dated 30 August 2017, the Security Council underscored “the importance of increased coordination, cooperation and interaction among the principal organs of the United Nations”, including the Economic and Social Council and reaffirmed that the relationship was mutually reinforcing and complementary” in accordance with and with full respect for their respective “functions, authority powers and competencies”.¹⁴⁴ The note further provided that the members of the Council encouraged the President of the Council to continue holding meetings with the Presidents of the General Assembly and the Economic and Social Council on a regular basis.¹⁴⁵

¹⁴³ [S/2017/335](#), annex, para. 4.

¹⁴⁴ [S/2017/507](#), annex, para. 93.

¹⁴⁵ *Ibid.*, para. 94.

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 26 October 2016 and 25 October 2017, under the item entitled “Briefing by the President of the International Court of Justice”.¹⁴⁶ 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. This section is organized under two subheadings. Subsection A covers decisions and communications concerning relations with the International Court of Justice and subsection B features the deliberations at the Council concerning relations with the International Court of Justice.

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

During 2016 and 2017, the Council did not adopt any decision containing an explicit reference to Articles 94 or 96 of the Charter. Nonetheless, in resolution [2334 \(2016\)](#), adopted on 23 December 2016 under the item entitled “The situation in the Middle East, including the Palestinian question”, the Council recalled the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory.¹⁴⁷

In addition, during the reporting period, the Security Council continued to exchange letters with the Secretary-General and to receive his reports on the progress of the Cameroon-Nigeria Mixed Commission established to facilitate the implementation of the ruling of the International Court of Justice of 10 October 2002 on the land and

¹⁴⁶ [S/PV.7794](#) and [S/PV.8075](#).

¹⁴⁷ Resolution [2334 \(2016\)](#), pp. 3.

maritime boundary dispute between the two countries.¹⁴⁸ Moreover, in a letter dated 29 December 2016, the Council endorsed the recommendation of the Secretary-General that one of the functions of the United Nations Office for West Africa and the Sahel should be to facilitate the implementation of the ruling.¹⁴⁹

B. Discussion concerning relations with the International Court of Justice

During the period under review, reference was made in the deliberations of the Council to the role of the International Court of Justice in connection with the peaceful settlement of disputes. At its 7621st meeting, held on 15 February 2016 under the item entitled “Maintenance of international peace and security”, the representative of Egypt stated that the Council must give priority to peaceful settlement of disputes in accordance with the Charter, which included, inter alia, asking the International Court of Justice for advisory opinions.¹⁵⁰ During the same meeting, the representative of Peru said that by way of its decisions and advisory opinions, the International Court of Justice contributed to the promotion and clarification of international law.¹⁵¹ The representative of Nicaragua emphasized the binding nature of the Court’s judgments,¹⁵² and the representatives of Japan and the Netherlands called on Member States to accept the Court’s compulsory jurisdiction.¹⁵³ In addition, several speakers highlighted the central role of the International Court of Justice in the peaceful settlement of disputes.¹⁵⁴

¹⁴⁸ See the following exchanges of letters, [S/2017/78](#), [S/2017/79](#), [S/2017/1034](#) and [S/2017/1035](#). See also the following reports: [S/2016/566](#), [S/2016/1072](#), [S/2017/563](#), and [S/2017/1104](#).

¹⁴⁹ [S/2016/1128](#), annex. and [S/2016/1129](#). For further information on the mandate of United Nations Office for West Africa and the Sahel, see sect. II, part X.

¹⁵⁰ [S/PV.7621](#), p. 10.

¹⁵¹ *Ibid.*, pp. 78-79.

¹⁵² *Ibid.*, p. 48.

¹⁵³ *Ibid.*, pp. 24 (Japan) and 89 (Netherlands).

¹⁵⁴ *Ibid.*, p. 12 (France), p. 24 (Japan), p. 81 (Guyana) and p. 89 (Netherlands). The representative of the Netherlands also underlined the importance of the International Court of Justice in the peaceful settlement of disputes at the 7886th meeting on 21 February 2017 under the same item ([S/PV.7886](#), pp. 64-65).

Furthermore, at the 7740th meeting held on 19 July 2016 concerning the working methods of the Council, the representative of Romania asserted that closer interaction between the Council and the Court would contribute to conflict prevention.¹⁵⁵

During the 7857th meeting of the Council, on 10 January 2017, under the item entitled “Maintenance of international peace and security” and during the 8033rd meeting on 29 August 2017 under the item entitled “United Nations peacekeeping operations”, the representative of Mexico indicated that enabling the Secretary-General to request advisory opinions from the International Court of Justice could be a valuable instrument of preventive diplomacy.¹⁵⁶

During the review period, no explicit references were made however to either Article 94 or Article 96 of the Charter.

¹⁵⁵ [S/PV.7740](#), p. 26.

¹⁵⁶ [S/PV.7857](#), p. 74 and [S/PV.8033](#), p. 39.