
Part IV
Relations with other United Nations organs

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Introductory note

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

During the period under review, the General Assembly continued to address recommendations to the Council regarding the general principles of cooperation in the maintenance of international peace and security. The Council and the Assembly, in parallel and within the limitations imposed by the Charter, considered the situation of human rights in the Democratic People's Republic of Korea and in the Syrian Arab Republic. In 2021, the Assembly continued to encourage the Council to immediately resume discussion on the situation in the Democratic People's Republic of Korea, including the country's human rights situation. In addition, the two organs collaborated on the election of judges to fill a vacancy at the International Court of Justice and two vacancies on the roster of the International Residual Mechanism for Criminal Tribunals, consistent with the applicable provisions of the statute of the Mechanism, the provisional rules of procedure of the Council and the rules of procedure of the Assembly.

In 2021, the President of the Security Council participated in and delivered statements at sessions and events of the General Assembly. On 5 May, the President of the Council for the month (China) participated in an interactive dialogue to commemorate the International Day of Multilateralism and Diplomacy for Peace. On 11 June, the President of the Council for the month (Estonia) participated in the plenary meeting of the Assembly to introduce the annual report of the Council. On 18 June, the President also participated in the plenary meeting of the Assembly to report on the work undertaken by the Council with regard to the appointment of the Secretary-General. The Assembly adopted a number of resolutions referring to its relationship with the Council, and the Council, for its part, continued to refer to various Assembly resolutions in its decisions.

In 2021, Council members continued to discuss the relations between the Council and the subsidiary organs of the General Assembly, in particular the Human Rights Council and the Special Committee on Peacekeeping Operations. During the period under review, Council members discussed enhancing coordination with the Human Rights Council and its investigative mechanisms and reaffirmed the importance of the Special Committee, in particular in improving the safety and security of peacekeeping personnel.

As described in greater detail in part II of the present supplement, in 2021, although Council members continued to hold videoconferences, in-person meetings resumed. Part IV of the supplement features relevant discussions held in the context of both meetings and videoconferences.

The Council heard a briefing by the President of the General Assembly at its seventy-fifth session during a videoconference held on 7 May in connection with

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

the item entitled “Maintenance of international peace and security” and focused on upholding multilateralism and the United Nations-centred international system. The Council also heard a briefing by the President of the International Court of Justice at a private meeting held on 2 November.

In addition, during the review period, Council members deliberated on the importance of developing synergies among the Security Council, the General Assembly and the Economic and Social Council, as well as with the other entities of the United Nations system. Those discussions took place primarily at an open debate of the Council held on 16 November under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Peace and security through preventive diplomacy: a common objective to all the principal organs of the United Nations”, which included briefings by the Secretary-General and the Presidents of the Assembly, the Economic and Social Council and the International Court of Justice.

In 2021, the Council did not address any requests for information or assistance to the Economic and Social Council, nor did it make recommendations or decide on measures with regard to the judgments rendered by the International Court of Justice or request the Court to give an advisory opinion on any legal question.

I. Relations with the General Assembly

Note

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

Section I is divided into eight subsections. Subsection A deals with the election by the General Assembly of the non-permanent members of the Council, in accordance with Article 23 of the Charter. Subsections B and C concern the functions and powers of the Assembly vis-à-vis Articles 10 to 12, with a particular focus on the practice and authority of the Assembly to make recommendations to the Council. Subsection D covers instances in which a decision by the Council must be taken prior to that of the Assembly under Articles 4 to 6, 93 and 97, such as the admission of new Members or the appointment of the Secretary-General and of judges to the International Residual Mechanism for Criminal Tribunals. Subsection E concerns the practices for the election of members of the International Court of Justice, requiring concurrent action by the Council and the Assembly. Subsection F covers the annual and special reports of the Council to the Assembly, in accordance with Articles 15 and 24 (3). Subsection G concerns Council relations with the subsidiary organs established by the Assembly that have played a part in the work of the Council during 2021. Subsection H features other Council practice bearing on relations with the Assembly.

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

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

Article 23

1. *The Security Council shall consist of fifteen Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect ten other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.*

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

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

During the period under review, at its seventy-fifth regular session, the General Assembly elected five non-permanent members to the Council, in accordance with Article 23 of the Charter, to replace those whose terms of office were to expire on 31 December 2021 (see table 1).

Table 1

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

<i>Term</i>	<i>General Assembly decision</i>	<i>Plenary meeting record and date</i>	<i>Members elected for the term</i>
2022–2023	75/421	A/75/PV.78 11 June 2021	Albania, Brazil, Gabon, Ghana, United Arab Emirates

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

Article 10

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

Article 11

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

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

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

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

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

In addition, in Assembly resolution [76/57](#), adopted under the item entitled “United Nations Regional Centre for Peace and Disarmament in Africa”, Member States explicitly continued to explicitly recall the provisions of Article 11 (1), in which it is stipulated that a function of the Assembly is to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and arms limitation.³

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

In 2021, the General Assembly did not draw the attention of the Council to any situations likely to endanger international peace and security pursuant to Article 11 (3) of the Charter.⁴

³ General Assembly resolution [76/57](#), first preambular paragraph.

⁴ For information on other referrals to the Security Council, see part VI, sect. I.

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

*General Assembly
resolution and date*

Provisions

Comprehensive review of special political missions

<p>76/83 9 December 2021</p>	<p>Encouraging enhanced exchanges of information, in an appropriate manner, among the General Assembly, the Security Council and the Secretariat, making use of the advisory role of the Peacebuilding Commission, when relevant, on overall policy matters pertaining to special political missions (ninth preambular paragraph)</p> <p>Acknowledges the importance of strong coordination, coherence and cooperation of the Security Council and the General Assembly with the Peacebuilding Commission, and in this regard encourages the Security Council to continue to regularly request, deliberate and draw upon the specific, strategic and targeted advice of the Commission, including to assist with the longer-term perspective required for sustaining peace being reflected in the formation, review and drawdown of peacekeeping operations and special political missions mandates, in line with General Assembly resolution 70/262 and Security Council resolution 2282 (2016) (para. 4)</p>
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Report of the International Criminal Court

<p>76/5 11 November 2021</p>	<p>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)</p>
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Terrorism and human rights

<p>76/169 16 December 2021</p>	<p>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. 35)</p>
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Table 3

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

*General Assembly
resolution and date*

Provisions

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

<p>76/177 16 December 2021</p>	<p>Encourages the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of further sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity; (para. 12)</p> <p>Also encourages the Security Council to immediately resume discussion on the situation in the Democratic People's Republic of Korea and invite the Office of the United Nations High Commissioner for Human Rights to give a briefing to the Council, including on the country's human rights situation, in the light of the serious concerns expressed in the present resolution, and looks forward to its continued and more active engagement on this matter (para. 13)</p>
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Situation of human rights in the Syrian Arab Republic

[76/228](#)
24 December 2021

Deplores the continued closure of the Bab al-Salam and Ya‘rubiyah border crossings for the purpose of cross-border humanitarian aid, and urges the Security Council to reauthorize the use of these border crossings and to continue to consider additional crossing points to meet humanitarian needs, considering that humanitarian needs have risen 38 per cent in north-east Syrian Arab Republic since the closing of the Ya‘rubiyah border crossing alone, according to the United Nations, emphasizes that more than 6.9 million people live in areas not under the control of the Syrian regime and 5.3 million require humanitarian assistance in the north-east and north-west, and also considers the multiplier effect of the coronavirus disease (COVID-19) pandemic and that the cross-border mechanism remains an indispensable tool to address the humanitarian needs of the population, including to deliver vaccines and supplies to combat the COVID-19 pandemic, which cannot be adequately reached through existing operations within the Syrian Arab Republic, in the light of the limitations of cross-line assistance (para. 20)

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, stresses the need to pursue practical steps towards this goal, and for that reason encourages the Security Council to take appropriate action to ensure accountability, noting the important role that the International Criminal Court can play in this regard in accordance with complementarity (para. 43)

Concerning the deliberations in the Council, during the period under review, Article 10 of the Charter was explicitly referred to twice, and Article 11 was explicitly referred to three times. All the explicit references to Articles 10 and 11 were made at an open debate held under the item entitled “Maintenance of international peace and security” and focused on the theme “Peace and security through preventive diplomacy: a common objective to all the principal organs of the United Nations”.⁵ During the debate, the representative of Kenya stated that a preventive diplomatic strategy required the Council to work in coherence with the General Assembly, as underlined in Article 11 of the Charter.⁶ At the same meeting, the representative of Malta also emphasized that ways in which the various United Nations organs could contribute to preventive diplomacy were clearly identified in the Charter, including in its Articles 10 and 11. The representative of Argentina highlighted that, in accordance with Articles 10 and 11 of the Charter, the General Assembly had broad authority to consider conflict prevention in all its aspects, develop recommendations and bring to the attention of the Council situations that may endanger international peace and security, adding that the Assembly played a central role in the preventive diplomacy architecture.⁷

Council members and non-Council members alike continued to address issues that may be considered of relevance for the application and interpretation of Articles 10 and 11 of the Charter in the context of the Council’s meetings and open videoconferences. In that regard, at an open videoconference held on 6 January in connection with the item entitled “Maintenance of international peace and security” and focused on the challenges of maintaining peace and security in fragile contexts, the Prime Minister and Minister for Foreign Affairs of Saint Vincent and the Grenadines highlighted that the Security Council had to continue to play a leading role as it worked more closely with the other main organs of the United Nations system, namely the General Assembly and the Economic and Social Council, to foster developmental solutions to the challenges of peace and security.⁸ Furthermore, the representative of China underscored that the Security Council, the General Assembly, the Economic and Social Council, the Peacebuilding Commission and the relevant regional organizations should carry out their respective functions, strengthen collaboration and forge synergies. Similarly, the representative of Slovakia expressed support for further strengthening of the ties between those bodies, as well as with civil society organizations and communities on the ground.

On 23 February, at an open videoconference held in connection with the item entitled “Maintenance of international peace and security” and focused on

⁵ See [S/PV.8906](#) and [S/PV/8906 \(Resumption 1\)](#). For more information on the meeting, see case 2 below.

⁶ See [S/PV.8906](#).

⁷ See [S/PV.8906 \(Resumption 1\)](#).

⁸ See [S/2021/24](#).

climate and security, the Prime Minister and Minister for Foreign Affairs of Saint Vincent and the Grenadines indicated that the Council must engage with the General Assembly to effectively address climate and security risks across the joinder of issues touching and concerning humanitarian support, sustainable development, health pandemics, peace and security.⁹ The representative of El Salvador emphasized that greater coordination and consistency among the efforts of the General Assembly, the Economic and Social Council and the Security Council were imperative to tackle climate-related security risks.

On 19 May, at a videoconference held in connection with the item entitled “Peace and security in Africa” and focused on addressing root causes of conflict while promoting post-pandemic recovery in Africa, the representative of Brazil emphasized the importance of stronger collaboration among the Security Council, the General Assembly, the Economic and Social Council and the Peacebuilding Commission in the face of multifaceted challenges.¹⁰ At the same videoconference, the Chair of the Peacebuilding Commission underscored that peacebuilding and sustaining peace required coherence, sustained engagement and coordination among the principal United Nations organs, consistent with their mandates set forth in the Charter. In a similar vein, at a meeting held on 12 October under the item entitled “Peacebuilding and sustaining peace” and the sub-item entitled “Diversity, State-building and the search for peace”, the representative of Mexico reiterated that the Council must strengthen dialogue with the other main bodies of the United Nations including the General Assembly, specifically to prevent development challenges and human rights violations from becoming a threat to international peace and security.¹¹ The representative of Chile indicated that the international security prevention road map must include cooperation of regional organizations and the principal bodies of the United Nations system involved in peacebuilding, including the Assembly and the Council.¹²

With regard to modalities of coordination between the General Assembly and the Council, at the annual open debate on working methods held on 16 June under the item entitled “Implementation of the note by the President (S/2017/507)”, the representative of China stated that the Council should improve communication and coordination with the Assembly

and other organs to avoid broadening its scope of consideration, when it came to cross-cutting issues.¹³

In addition, Council members and participants discussed the role of the Council and complementarity with the General Assembly concerning certain thematic or cross-cutting issues in connection with a number of items on the Council’s agenda. On 29 June, at a videoconference held in connection with the item entitled “Maintenance of international peace and security” and focused on cybersecurity, the representative of Brazil stated that the Council should be guided first and foremost by the objective of promoting adherence to past and future recommendations adopted by the General Assembly on the issue of cybersecurity.¹⁴ The representative of Indonesia indicated that the Council must be guided by the norms and rules being deliberated upon and developed by the Assembly in that regard. The representative of Senegal highlighted that, in holding the videoconference, the Council had demonstrated its awareness regarding the threat to international peace and security stemming from the proliferation of malicious acts in cyberspace, and added that the Council was part of the Assembly’s efforts on cybersecurity, which had been ongoing and unending for over a decade.

On 8 September, at a meeting held under the item entitled “United Nations peacekeeping operations” and the sub-item entitled “United Nations transitions”, the representative of Saint Vincent and the Grenadines called for greater coordination, coherence and complementarity across all peace and security, development, human rights and humanitarian activities undertaken through the institutional nexus involving the Security Council, the General Assembly and the Economic and Social Council, with the Peacebuilding Commission playing a bridging, convening and advisory role.¹⁵ In a written statement submitted in connection with the meeting, the representative of Colombia also emphasized that effective development, monitoring and periodic adjustment of peacekeeping mandates should be carried out through dialogue between the receiving State, the Secretary-General, the Security Council, the General Assembly and regional organizations, in addition to troop- and police-contributing countries.¹⁶

⁹ See [S/2021/198](#).

¹⁰ See [S/2021/490](#).

¹¹ See [S/PV.8877](#).

¹² See [S/2021/868](#).

¹³ See [S/PV.8798](#).

¹⁴ See [S/2021/621](#).

¹⁵ See [S/PV.8851](#).

¹⁶ See [S/2021/783](#).

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.*

Subsection C covers the practice of the Council in relation to Article 12 of the Charter. Article 12 (1) limits the authority of the General Assembly with regard to any dispute or situation in respect of which the Council is exercising its functions under the Charter.

During the period under review, no reference was made to Article 12 (1) in decisions of the Council, nor did the Council request the General Assembly to make a recommendation with regard to any dispute or situation. Nonetheless, Article 12 was explicitly referred to once during the deliberations of the Council. At an open debate held on 16 November under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Peace and security through preventive diplomacy: a common objective to all the principal organs of the United Nations”, the representative of Morocco called for strengthening the consistency of action among different United Nations bodies, for rationalizing mandates and initiatives on cross-cutting issues and for appropriately prioritizing attention and resources, focusing on pragmatic high-impact solutions, while scrupulously respecting the mandates and prerogatives of each body in line with the Charter, in particular Article 12 (1).¹⁷

During Council meetings and videoconferences, speakers expressed views regarding the scope of the action of the General Assembly and the Council. On 16 May, at an open videoconference held in connection

with the item entitled “The situation in the Middle East, including the Palestinian question”, the representative of Indonesia echoed a statement made by the Organization of Islamic Cooperation, in which the latter had voiced its determination to pursue the actions and decisions of the Assembly if the Council failed to live up to its responsibility.¹⁸ Similarly, the representative of the Islamic Republic of Iran stressed that the Assembly should take the necessary measures if the Council continued to be prevented from playing its role in settling the Palestinian question. The representative of South Africa also concluded that, if the Council was unable or unwilling to act, the matter must be referred to the Assembly for consideration.

In addition, and consistent with past practice, Council members and other Member States continued to address the prerogatives of the General Assembly and the Council at meetings and open videoconferences held in connection with a variety of thematic items.¹⁹

In 2021, two explicit references to Article 12 of the Charter were found in letters dated 26 April and 5 May from the representative of the Syrian Arab Republic addressed to the Secretary-General and the President of the Council. In the first letter,²⁰ the representative indicated that the General Assembly was encroaching on the powers of the Council and had violated Article 12 in establishing 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 since March 2011. In the second letter,²¹ the representative noted that the jurisdiction of the Assembly to consider matters relating to the situation in his country was never meant to extend to cross-border delivery of humanitarian assistance, which fell within the purview

¹⁸ See [S/2021/480](#).

¹⁹ See, for example, under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”, [S/PV.8798](#) (Russian Federation); in connection with the item entitled “Maintenance of international peace and security”, [S/2021/198](#) (Russian Federation), [S/PV.8900](#) (Russian Federation and Islamic Republic of Iran), [S/PV.8923](#) (Russian Federation and Belarus); in connection with the item entitled “Peacebuilding and sustaining peace”, [S/2021/868](#) (Brazil); under the item entitled “Small arms”, [S/PV.8874](#) (Russian Federation) and [S/PV.8909](#) (Ireland and Russian Federation); and under the item entitled “Women and peace and security”, [S/PV.8886](#) (Russian Federation). For further information on the mandate of the Council, see part V, sect. I.

²⁰ [S/2021/406](#).

²¹ [S/2021/439](#).

¹⁷ See [S/PV.8906 \(Resumption 1\)](#). For more information, see case 2 below.

of the Council. The President of the Assembly at its seventy-fifth session had therefore violated Article 12, as he had infringed upon what was properly the exclusive mandate of the Council.

Under Article 12 (2), the Secretary-General is required to notify the General Assembly of the matters relating to the maintenance of international peace and security being dealt with by the Council or with which the Council has ceased to deal. During the period under review, Council members held meetings and open videoconferences throughout the year to discuss matters of which the Council was seized. As described in further detail in part II, despite there being an official record of open videoconferences in the form of a document of the Council in which all statements, whether delivered orally or submitted in writing, were compiled, those videoconferences were not considered formal meetings of the Council for all relevant purposes, including for inclusion in the summary statement of the Secretary-General on items of which the Council is seized and the stage reached in their consideration circulated weekly to Council members in accordance with rule 11 of the provisional rules of procedure.²² Accordingly, although the Secretary-General continued to notify the Assembly of the matters relating to the maintenance of international peace and security that were being dealt with by the Council in the context of meetings,²³ he did not do so when those matters were discussed in the context of open videoconferences, as the notification was prepared on the basis of those weekly statements. The consent of the Council, required by Article 12 (2), is obtained through the circulation of the draft notification by the Secretary-General to the members of the Council. Following receipt of the notification, the Assembly formally takes note of it.²⁴

²² S/2020/273, para. 19. For more information on the procedures and working methods developed since the onset of the COVID-19 pandemic, see *Repertoire, Supplement 2020*, part II, sect. I. For information specific to matters of which the Council was seized, see part II, sect. III.B.

²³ See A/76/300.

²⁴ See General Assembly decision 75/567 of 11 June 2021, in which the Assembly took note of the notification by the Secretary-General under Article 12 (2) dated 1 September 2020 (A/75/300); see also *Repertoire, Supplement 2020*, part IV, sect. I.C. As at 31 December 2021, the Assembly had not yet taken note of the notification by the Secretary-General under Article 12 (2) dated 1 September 2021 (A/76/300).

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

Article 4

1. *Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.*

2. *The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.*

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

Article 93, paragraph 2

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

Article 97

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

Rule 60

The Security Council shall decide whether in its judgment the applicant is a peace-loving State and is able and willing to carry out the obligations contained

in the Charter and, accordingly, whether to recommend the applicant State for membership.

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

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

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

The Charter provides for joint decision-making by the Council and the General Assembly in relation to a number of matters, but requires a decision by the Council to be taken first. This is the case with respect to the admission, suspension or expulsion of Members (Articles 4 to 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)).²⁵ In addition, the statute of the International Residual Mechanism for Criminal Tribunals provides that the judges of the Mechanism shall be elected by the Assembly from a list submitted by the Council.²⁶

During the period under review, no questions arose concerning the conditions of accession to the Statute of the International Court of Justice. There was no reference to Articles 4, 5 or 6 and no activity with regard to the admission of new Members or the suspension or expulsion of any Member State. During the review period, the Council and the General Assembly significantly increased their collaboration on the occasion of the appointment of the Secretary-General, as described below. With regard to the International Residual Mechanism for Criminal

Tribunals, the Council and the Assembly collaborated on the election of judges to fill vacancies on the roster of the Mechanism.

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

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

During the period under review, the Council did not recommend the admission of any State for membership in the United Nations. It made no negative recommendations, which would have required the submission of a special report to the General Assembly. In addition, the Council did not recommend the suspension or expulsion of any Member State. Nonetheless, consistent with previous years, at meetings and open videoconferences in connection with the item entitled “The situation in the Middle East, including the Palestinian question”, participants expressed support for the admission of the State of Palestine as a full Member of the Organization.²⁷ Furthermore, at the videoconference in connection with the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)” held on 13 April, the Foreign Minister and Deputy Prime Minister of Kosovo reiterated that Kosovo was also looking to become a Member of the United Nations at a certain point in future.²⁸

Procedure for the selection and appointment of the Secretary-General

Article 97 of the Charter provides that the Secretary-General shall be appointed by the General Assembly upon the recommendation of the Council. In accordance with rule 48 of the provisional rules of procedure of the Council, the meetings to consider the question of the recommendation for the appointment of the Secretary-General are held in private, and the Council votes by secret ballot. At the end of each meeting, in accordance with rule 55, a communiqué is

²⁵ Articles 4 (3) and 69 of the Statute of the International Court of Justice provide for the Council to make recommendations to the General Assembly regarding the conditions under which a State which is a party to the Statute but is not a Member of the United Nations may participate in electing members of the Court, and in making amendments to the Statute.

²⁶ Article 10 of the statute of the Mechanism (resolution 1966 (2010), annex 1).

²⁷ See, for example, [S/2021/91](#) (Saint Vincent and the Grenadines, Cuba, Syrian Arab Republic and United Arab Emirates (also on behalf of the Group of Arab States)); [S/2021/404](#) (Cuba); and [S/2021/685](#) (Cuba).

²⁸ See [S/2021/370](#).

circulated which indicates the stage reached in the consideration of the question.

On 5 February, in line with General Assembly resolution [69/321](#) and subsequent related Assembly resolutions, the President of the Assembly and the President of the Council presented a joint letter addressed to all Permanent Representatives and Permanent Observers to the United Nations,²⁹ which served to set in motion the process of selecting and appointing the Secretary-General in accordance with the provisions of Article 97 of the Charter and guided by the principles of transparency and inclusivity.³⁰ In the same letter, the Presidents of the Assembly and the Council noted that the term of the incumbent Secretary-General, António Guterres, would conclude on 31 December 2021 and that the Secretary-General, in a letter circulated to Member States dated 11 January,³¹ had conveyed his availability to serve a second term. In their letter, the Presidents of the Assembly and the Council called upon Member States presenting candidates to do so in a letter addressed to the Presidents of the Assembly and of the Council, and indicated that both Presidents would jointly circulate to all Member States the names of individuals submitted for consideration, upon receipt, and would offer all candidates opportunities for informal dialogues or meetings with members of their respective bodies.³² Furthermore, informal dialogues with candidates in the Assembly would be held before the Council began its selection, by May or June 2021, and could continue, if necessary, throughout the process of selection.

With reference to their joint letter dated 5 February, the Presidents of the General Assembly and the Council circulated a letter dated 24 February from the representative of Portugal, containing a letter from the Prime Minister of Portugal, in which the latter presented the candidature of Mr. Guterres for a second term as Secretary-General.³³

On 7 May, the General Assembly held an informal dialogue with Mr. Guterres with regard to the position of Secretary-General for the 2022–2026 term, which was followed, on 18 May, by an informal dialogue with Council members.³⁴ During the dialogue with Council members, Mr. Guterres presented his

vision statement on challenges and opportunities facing the United Nations, then took questions from Council members. On 3 June, the Council discussed the procedure on the selection of the Secretary-General under “Other matters”.³⁵

At a private meeting held on 8 June 2021, the Council considered the question of the recommendation for the appointment of the Secretary-General. The Council adopted by acclamation resolution [2580 \(2021\)](#), recommending to the Assembly that Mr. Guterres be appointed Secretary-General for a second term of office, from 1 January 2022 to 31 December 2026. By a letter dated 8 June addressed to the President of the Assembly, the President of the Council informed the Assembly of the adoption of the resolution.³⁶ Acting in accordance with the Council’s recommendation, on 18 June, the Assembly, by resolution [75/286](#), appointed Mr. Guterres for a second term of office. By the same resolution, the Assembly welcomed the process of appointment of the Secretary-General and its timely conclusion, guided by the principles of transparency and inclusivity, including the organization of an informal dialogue with the incumbent as candidate for the position.

On 18 June, the President of the Council participated in the 82nd plenary meeting of the Assembly to report on the work undertaken by the Council on the appointment of the Secretary-General.³⁷

On 10 September, by its resolution [75/325](#), the General Assembly recommended that the Presidents of the Assembly and the Council, in future joint letters on the process of selection and appointment of the Secretary-General, encourage Member States to publicize the call for nominations, including with civil society and other stakeholders, with the aim of identifying potential candidates.³⁸ Furthermore, the Assembly decided that, in order to for nominations of candidates to be circulated in a joint letter by the Presidents of the Assembly and the Council pursuant to the process established in Assembly resolution [69/321](#), they must be submitted by at least one Member State, in accordance with ongoing practice. The Assembly also decided to further assess during its seventy-seventh session the process of selection and appointment of the Secretary-General, to explore possible steps to improve future processes, including the collaboration between the Assembly and the Council, consistent with Article 97 of the Charter.

²⁹ [S/2021/179](#).

³⁰ For further information on the process immediately preceding the selection and appointment of the Secretary-General, see previous supplements covering the period 2015–2020.

³¹ [S/2021/27](#).

³² See [S/2021/179](#).

³³ [S/2021/180](#), annex.

³⁴ See [S/2021/683](#).

³⁵ See [S/2021/1032](#).

³⁶ See [A/75/912](#).

³⁷ See [A/75/PV.82](#).

³⁸ General Assembly resolution [75/325](#), paras. 55–57.

Appointment of judges to the International Residual Mechanism for Criminal Tribunals

By its resolution [1966 \(2010\)](#) of 22 December 2010, the Council established the International Residual Mechanism for Criminal Tribunals to carry out residual functions of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.³⁹ According to article 10 of the statute of the Mechanism, the judges of the Mechanism are elected by the General Assembly from a list submitted by the Council. In the event of a vacancy in the roster of judges of the Mechanism, the Secretary-

General appoints judges after consultation with the Presidents of the Council and of the Assembly, for the remainder of the term of office concerned.⁴⁰

During the period under review, following the death of one of the judges of the Mechanism and the resignation of another, and pursuant to article 10 (2) of the statute of the Mechanism, the Council took note of the intention of the Secretary-General to appoint the judges nominated to fill the vacancies for the remainder of the respective terms of office.⁴¹ The General Assembly subsequently concurred with the intention of the Secretary-General to appoint the two judges.⁴²

For additional details on the actions taken by the Secretary-General, the Council and the General Assembly, see table 4.⁴³

⁴⁰ Ibid., annex 1.

⁴¹ See [S/2021/675](#) and [S/2021/1065](#).

⁴² See [S/2021/726](#) and [S/2021/1083](#).

⁴³ For more information concerning the Mechanism, see part I, sect. 24.

³⁹ Resolution [1966 \(2010\)](#), para. 1.

Table 4

Action taken by the Security Council and the General Assembly concerning judges of the International Residual Mechanism for Criminal Tribunals, 2021

<i>Letter from the Secretary-General</i>	<i>Letter from the President of the Security Council</i>	<i>Council resolution and date</i>	<i>Transmittal to the General Assembly</i>	<i>Assembly decision or resolution and date</i>
S/2021/674 , transmitting the nomination of a judge to fill one vacancy on the roster of judges of the Mechanism	S/2021/675 , taking note of the intention of the Secretary-General to appoint the judge nominated to fill the vacancy			
S/2021/726 , transmitting a letter from the President of the Assembly concurring with the appointment of the nominated judge				
S/2021/1064 , transmitting the nomination of a judge to fill one vacancy in the roster of judges of the Mechanism	S/2021/1065 , taking note of the intention of the Secretary-General to appoint the judge nominated to fill the vacancy			
S/2021/1083 , transmitting a letter from the President of the Assembly concurring with the appointment of the nominated judge				

E. Election of members of the International Court of Justice

Rule 40

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

Rule 61

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

The election of members of the International Court of Justice requires action by the Council in conjunction with the General Assembly, with the two organs proceeding independently of one another. The procedure for the election is set out in rules 40⁴⁴ and 61 of the provisional rules of procedure of the Council; Articles 4, 8, 10 to 12, 14 and 15 of the Statute of the International Court of Justice⁴⁵ and rules 150 and 151 of the rules of procedure of the Assembly.⁴⁶

During the period under review, the Council held an election to fill a vacancy resulting from the death of one of the judges of the Court.⁴⁷ At its 8808th meeting, held on 29 June, the Council met under the item entitled “Date of election to fill a vacancy in the International Court of Justice”.⁴⁸ At the meeting, the Council adopted without a vote resolution [2583 \(2021\)](#), by which it decided, in accordance with Article 14 of the Statute of the Court, that the election to fill the vacancy would take place on 5 November, at a meeting of the Council and at a meeting of the General Assembly at its seventy-sixth session.⁴⁹ By a memorandum submitted to the Assembly and the Council, the Secretary-General outlined the composition of the Court and the voting procedure in the two organs and indicated that national groups had been invited to undertake the nomination of persons in a position to accept the duties of a member of the Court, and nominations were to be received no later than 15 September.⁵⁰ The names and curricula vitae of the candidates nominated by the national groups were transmitted in separate notes by the Secretary-General as documents of the Assembly and the two bodies.⁵¹

On 5 November, the General Assembly and the Council proceeded with the concurrent votes.⁵² On the first ballot, at the 8897th meeting of the Council and the 27th plenary meeting of the Assembly, Hillary Charlesworth, the candidate from Australia, obtained the requisite absolute majority of votes in both bodies and was, therefore, elected as a member of the Court for a term of office from 5 November 2021 until 5 February 2024, in accordance with Articles 2 to 4, 7 to 12, 14 and 15 of the Statute of the Court, rules 150 and 151 of the rules of procedure of the Assembly and rules 40 and 61 of the provisional rules of procedure of the Council.⁵³

For details of the procedure of the election of the new member of the Court, see table 5.

⁴⁴ Rule 40 of the provisional rules of procedure is also covered in part II, sect. IX.

⁴⁵ Articles 4, 10–12, 14 and 15 of the Statute of the International Court of Justice establish the procedure for the following: (a) the nomination of the judges by the national groups in the Permanent Court of Arbitration; (b) the majority necessary for the election of judges; (c) the number of meetings to be held for the purpose of the election of judges; (d) the holding of the joint conference in the event of more than three meetings of the Council and the General Assembly; (e) the procedure for the filling of vacancies; and (f) the term of office applied to elected judges filling out a vacancy. Article 8 provides that the two organs proceed independently.

⁴⁶ Rules 150 and 151 of the General Assembly provide that the election of the members of the International Court of Justice take place in accordance with the Statute of the Court and that any meeting of the Assembly held in pursuance of the Statute of the Court for the purpose of electing members of the Court continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes.

⁴⁷ See [S/2021/586](#).

⁴⁸ See [S/PV.8808](#).

⁴⁹ See resolution [2583 \(2021\)](#).

⁵⁰ See [A/76/337-S/2021/821](#).

⁵¹ See [A/76/338-S/2021/822](#) and [A/76/339-S/2021/823](#).

⁵² See [S/PV.8897](#) and [A/76/PV.27](#).

⁵³ See General Assembly decision 76/403.

Table 5
Concurrent election of a member of the International Court of Justice to fill an expiring vacancy

<i>Note by the Secretary-General</i>	<i>Record of Council meeting to set the date of the election</i>	<i>Council resolution deciding the election date</i>	<i>Record of Council meeting for the election</i>	<i>Record of General Assembly plenary meeting for the election</i>
S/2021/586 A/76/337-S/2021/821 A/76/338-S/2021/822 A/76/339-S/2021/823	S/PV.8808	Resolution 2583 (2021)	S/PV.8897	A/76/PV.27

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

Article 15, paragraph 1

The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

Article 24, paragraph 3

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

Rule 60, paragraph 3

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

During 2021, the Council maintained its practice of submitting annual reports to the General Assembly pursuant to Article 24 (3) of the Charter. The annual report submitted to the Assembly covered the period from 1 January to 31 December 2020.⁵⁴ The note by the President of the Council dated 30 August 2017 contains the stipulation that the report consist of an introduction, containing an agreed concise summary prepared on behalf of the Council under the coordination of the President of the Council for the month of July.⁵⁵ However, in accordance with the same note, in the case of the member holding the presidency for the month of July ending its tenure on the Council that year, that task devolves on the member of the Council next in English alphabetical order and who

will not be leaving the Council at the end of that calendar year. In 2021, the introduction of the annual report for 2020 was therefore prepared by the delegation of Niger, as the member of the Council next in English alphabetical order after Germany and Indonesia, which had held the presidency of the Council for the months of July and August 2020, respectively, as both had left the Council at the end of 2020. In accordance with the note by the President of the Council dated 27 December 2019,⁵⁶ the report was adopted before 30 May 2021. The content of and procedure concerning the annual report were discussed in connection with the annual open debate on working methods held under the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)” (see case 1).⁵⁷

In a letter dated 8 February addressed to the President of the Council,⁵⁸ the Permanent Representatives of New Zealand and Switzerland, on behalf of the Accountability, Coherence and Transparency Group, invited the Council to a wider reflection on working methods, including on how to embed relevant improvements made during the COVID-19 pandemic into regular practice so that they would continue during normal times. In that context, the Group called for institutionalizing the practice of analysing and discussing the comments and observations made by Member States during the general debate on the annual report of the Council to the General Assembly, considering that the discussion of such a report by the Assembly was an open issue on its agenda, pursuant to its resolution [51/241](#) of 22 August 1997.

The Council considered and adopted its draft annual report, without a vote, at a meeting held on 27 May.⁵⁹ During the meeting, the representative of the Niger stated that the draft provided a summary of the

⁵⁴ [A/75/2](#).

⁵⁵ [S/2017/507](#), annex, para. 127.

⁵⁶ [S/2019/997](#), para. (c).

⁵⁷ See [S/PV/8798](#). See also [S/2021/572](#).

⁵⁸ [S/2021/121](#).

⁵⁹ See [S/PV.8781](#). See also [S/2021/500](#).

activities and decisions of the Council for 2020, and that the report was the outcome of the collective efforts of the Council. He also expressed hope that the document would provide the Member States and other interested organizations with useful information that they might need in the course of their activities.⁶⁰

The General Assembly considered the annual report of the Council⁶¹ at the 78th and 79th plenary meetings of its seventy-fifth session, both held on 11 June 2021, under its agenda item entitled “Report of the Security Council”.⁶² The President of the Council for the month (Estonia) participated in the 78th plenary meeting of the Assembly to introduce the report.⁶³ During the discussions in the Assembly, many Member States⁶⁴ acknowledged or expressed appreciation for the improved timeline regarding the adoption and submission of the annual report of the Council in accordance with the note by the President of the Council dated 27 December 2019, by which Member States were to be allowed time for a more careful consideration and discussion of the work of the Council for the year under review.⁶⁵ Numerous Member States also called for future annual reports of the Council to be more analytical.⁶⁶ At its 79th plenary meeting, held on 11 June, the Assembly took note of the report of the Council.⁶⁷ In addition, as in previous years, the Assembly, in resolution [75/325](#), adopted under the item entitled “Revitalization of the work of the General Assembly”, recognized the timely submission of the report of the Council to the Assembly in accordance with Article 24 (3) of the Charter and requested the President of the Assembly to continue scheduling the plenary meeting on the report of the Council in close coordination with the President of the Council so that discussions of the report were

not conducted in a perfunctory manner.⁶⁸ No special reports were submitted by the Council to the Assembly during the reporting period.

Case 1 Implementation of the note by the President of the Security Council ([S/2017/507](#))

On 16 June, at the initiative of Estonia, which held the presidency of the Security Council for the month, and Saint Vincent and the Grenadines, the Permanent Representative of which was Chair of the Informal Working Group on Documentation and Other Procedural Questions,⁶⁹ the Council held its annual open debate on its working methods under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”.⁷⁰ During the meeting, Council members heard briefings by the Chair of the Informal Working Group, by a co-author of the fourth edition of *The Procedure of the UN Security Council*, Loraine Sievers, and by the Executive Director of Security Council Report. The representatives of 28 non-Council member States submitted their statements in writing.⁷¹

In the written statements submitted in connection with the meeting, Member States addressed the consideration of the annual report of the Council by the General Assembly in the context of the relationship between the two bodies. The representative of Argentina indicated that the submission of the annual report to the Assembly was one of the many interactions between the two bodies, and emphasized that the report should be sent in a timely manner so that it could be given serious consideration by the Assembly. The representative of the Islamic Republic of Iran indicated that the Council was responsible to the Member States, on behalf of which it acted and to which it must therefore remain accountable, which was the *raison d’être* of Article 24 (3) of the Charter, pursuant to which the Council was obliged to submit annual and special reports to the Assembly, where all Member States were represented.

⁶⁰ See [S/PV.8781](#).

⁶¹ [A/75/2](#).

⁶² See [A/75/PV.78](#) and [A/75/PV.79](#).

⁶³ See [A/75/PV.78](#).

⁶⁴ Portugal (also on behalf of the Accountability, Coherence and Transparency Group), Costa Rica, Singapore, Islamic Republic of Iran, Mexico, Pakistan, Georgia, South Africa, Austria, Canada, Chile and New Zealand (see [A/75/PV.78](#)); and El Salvador, Cyprus, Qatar, Indonesia, Italy, Bangladesh, Egypt and India (see [A/75/PV.79](#)).

⁶⁵ [S/2019/997](#).

⁶⁶ See [A/75/PV.78](#) (Portugal (also on behalf of the Accountability, Coherence and Transparency Group), Ecuador, Costa Rica, Malaysia, Liechtenstein, Islamic Republic of Iran, Pakistan, Georgia, South Africa, Austria, Canada and Chile); and [A/75/PV.79](#) (El Salvador, Ukraine, Qatar, Argentina, Brazil, Italy, Cuba, Bangladesh, Ghana, Egypt and India).

⁶⁷ See General Assembly decision [75/568](#).

⁶⁸ General Assembly resolution [75/325](#), paras. 22 and 23.

⁶⁹ A concept note was circulated by a letter dated 2 June 2021 ([S/2021/527](#)).

⁷⁰ See [S/PV.8798](#).

⁷¹ See [S/2021/572](#) (Argentina, Austria, Bahrain, Brazil, Chile, Colombia, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Guatemala, Islamic Republic of Iran, Italy, Japan, Kuwait, Latvia, Liechtenstein, Malta, New Zealand, Pakistan, Republic of Korea, Singapore, Slovakia, Sweden, Switzerland, Ukraine and United Arab Emirates).

Some participants emphasized the need for the Council to submit a more analytical annual report. The representatives of Argentina and Cuba expressed regret that the content of the annual report continued to be a factual description of the meetings, activities and decisions of the Council, lacking analytical content that would allow the wider membership to conduct an assessment of its activities. The representatives of Kuwait and New Zealand, the latter on behalf of 35 countries from all regional groups that had served as elected members on the Council over the past decade, appreciated the efforts made by the Council in the timely submission of the annual report to the General Assembly, but emphasized nonetheless that the substance of the report could be more analytical and detailed. The representative of Colombia noted that a more analytical, integrated and contextualized annual report must go beyond by incorporating the main challenges to international peace and security, as well as contributions to address them. In a similar vein, prefacing that the consideration of the reports of the Council to the Assembly remained one of the most visible aspects of interaction between the two bodies, the representative of Ukraine underscored the need for the Council to enhance the analytical perspective and forward-looking approach of reports. The representative of Brazil also agreed that the Council's annual report should be more analytical and forward-looking.

In addition, participants made suggestions on the content of the annual report. The delegation of El Salvador, recognizing the progress made by the Council in the elaboration and submission of its report to the Assembly for 2020, encouraged the members of the Council to submit future reports that contained a full, substantive and analytical account of its work and to hold open consultations before and during its drafting to take into consideration the concerns and views of the wider membership. The delegation added that the report should include an analysis on the decision-making process within the Council, including elements to clarify the use of the veto by the permanent members. Welcoming the adoption of the annual report, the representative of Latvia suggested that contingency planning considerations be included in the Council's annual report. The representative of Switzerland, on behalf of the Accountability, Coherence and Transparency group, reiterated its call upon the Council to give due consideration in its annual report to the impact of the pandemic on international peace and security and the Council's work and tools, possibly through a dedicated section with an overall and cross-cutting analysis of the matter.

G. Relations with subsidiary organs established by the General Assembly

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

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

During 2021, the Committee on the Exercise of the Inalienable Rights of the Palestinian People participated in the work of the Council. The Committee submitted written statements for two open videoconferences and two meetings concerning the situation in the Middle East, including the Palestinian question.⁷² On 29 November, on the occasion of the International Day of Solidarity with the Palestinian People, the President of the Council participated in the 404th meeting of the Committee.⁷³

Human Rights Council

One decision adopted by the Security Council contained a reference to the Human Rights Council. By its resolution [2612 \(2021\)](#), of 20 December, the Security Council welcomed the cooperation of the Government of the Democratic Republic of the Congo with the team of international experts on the situation in the Kasai regions mandated by the Human Rights Council in its resolution [45/34](#).⁷⁴

Relations between the Security Council and the Human Rights Council were also addressed in meetings and open videoconferences. In a statement submitted for the open videoconference held on 6 January in connection with the item entitled "Maintenance of international peace and security" and focused on the challenges of maintaining peace and security in fragile contexts, the delegation of Switzerland encouraged the Security Council to integrate human rights instruments into all of its activities, from joint analysis to decision-making and accountability, and specified that those instruments included the Human Rights Council.⁷⁵ The

⁷² See [S/2021/91](#), [S/2021/404](#), [S/2021/685](#) (in connection with [S/PV.8826](#)) and [S/2021/884](#) (in connection with [S/PV.8883](#)).

⁷³ See [A/AC.183/PV.404](#).

⁷⁴ Council resolution [2612 \(2021\)](#), para. 7.

⁷⁵ See [S/2021/24](#).

representative of Denmark, speaking on behalf of the Nordic countries, emphasized that closer and more systematic cooperation between the Security Council and the Peacebuilding Commission, as well as with the Human Rights Council and the Economic and Social Council, including in a briefing and advisory capacity, must be ensured.⁷⁶ The representative of Slovakia also expressed support for further strengthening the ties between the Security Council and other bodies, including the Human Rights Council, as well as with civil society organizations and communities on the ground.⁷⁷

At the open videoconference convened on 15 March, in connection with the item entitled “The situation in the Middle East”, the representative of Estonia expressed full support for the work of investigative mechanisms, such as 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 since March 2011, of the General Assembly, and the Independent International Commission of Inquiry on the Syrian Arab Republic, of the Human Rights Council.⁷⁸ In that regard, he expressed hope that the Security Council would work more closely with those mechanisms and incorporate the matter into its agenda.

At an open videoconference held on 7 May in connection with the item entitled “Maintenance of international peace and security” and focused on upholding multilateralism and the United Nations-centred international system, the Minister for Foreign Affairs of Estonia expressed support for improved information exchange between the Security Council, the Human Rights Council and its special procedures, and the Office of the United Nations High Commissioner for Human Rights.⁷⁹ She stated that it was crucial that the Security Council took into account and considered the valuable work of the High Commissioner and the Human Rights Council in its deliberations.

In a statement submitted for the open videoconference held on 19 May under the item entitled “Peace and security in Africa” and focused on addressing root causes of conflict while promoting post-pandemic recovery in Africa, the delegation of Denmark, on behalf of the Nordic countries, called for

closer cooperation between the Security Council and the Peacebuilding Commission, as well as the Human Rights Council and the Economic and Social Council respectively.⁸⁰

In a statement submitted for a meeting held on 16 June under the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)” and focused on working methods, the representative of Slovakia asserted that the further development of more active and meaningful relationships with the Peacebuilding Commission, the Human Rights Council and other relevant bodies could increase the effectiveness of the response of the Security Council to conflicts and strengthen its role in conflict prevention and sustaining peace.⁸¹

In connection with a meeting held on 8 September under the item entitled “United Nations peacekeeping operations” and the sub-item entitled “United Nations transitions”,⁸² the representative of Liechtenstein submitted a statement in which he underscored that, in order to more effectively address human rights violations as part of its peace and security mandate, the Security Council must better coordinate with the human rights machinery of the United Nations, in particular the Human Rights Council, relevant special procedures mandate holders and the Office of the United Nations High Commissioner for Human Rights.⁸³

On 6 August, at a meeting held under the item entitled “The situation in Afghanistan”, the representative of Afghanistan asked the Council and called on the international community to take preventive measures, including the convening of a special session of the Security Council and the Human Rights Council, to avert a catastrophic situation of human rights violations and the large-scale displacement of the civilian population in Afghanistan.⁸⁴

At a meeting held on 12 October under the item entitled “Peacebuilding and sustaining peace” and under the sub-item entitled “Diversity, State-building and the search for peace”, the representative of Mexico emphasized that the Security Council must strengthen dialogue with the other main bodies of the United Nations, as well as with the Human Rights Council and the Peacebuilding Commission, specifically to prevent development challenges and human rights violations

⁷⁶ For more information on the relationship between the Security Council and the Economic and Social Council, see section II.

⁷⁷ See [S/2021/24](#).

⁷⁸ See [S/2021/265](#).

⁷⁹ See [S/2021/456](#).

⁸⁰ See [S/2021/490](#).

⁸¹ See [S/2021/572](#).

⁸² See [S/PV.8851](#).

⁸³ See [S/2021/783](#).

⁸⁴ See [S/PV.8831](#).

from becoming a threat to international peace and security.⁸⁵

On 9 November, at a meeting held under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Exclusion, inequality and conflict”, the representative of Ireland stated that the Security Council must work better with other parts of the United Nations system, notably the Peacebuilding Commission, the General Assembly and the Human Rights Council, in order to remain credible and to meet its responsibilities.⁸⁶

At a meeting held on 16 November under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Peace and security through preventive diplomacy: a common objective to all the principal organs of the United Nations”, the representative of Mexico expressed the belief that coordination among the principal organs should be incorporated into their subsidiary bodies, especially the Human Rights Council, whose work was fundamental to preventive diplomacy and to sustainable peace and development.⁸⁷ At the same meeting, the representative of Ireland, highlighting that bodies and entities such as the Human Rights Council played an important role in the maintenance of international peace and security, underlined that the entirety of the human rights architecture was inextricably linked to the work of the Security Council. The representative of Norway stressed that greater interaction among the Security Council, the Office of the United Nations High Commissioner for Human Rights and the Human Rights Council was needed to facilitate early engagement and prevent conflict. The representative of Finland encouraged closer cooperation between the Security Council and other bodies, including the Human Rights Council, and emphasized that interaction and cooperation with the Human Rights Council and the wider human rights architecture were also crucial, as human rights violations were often the first sign of an emerging conflict.

In its communications of 2021, the Council also addressed its relations with the Human Rights Council. In a letter dated 2 September addressed to the President of the Security Council,⁸⁸ the representatives of Ireland, Mexico and the United Kingdom transmitted the summary of the meeting of the Informal Expert Group on Women and Peace and Security held on 19 August to discuss the situation in Afghanistan. In

the summary, the co-Chairs noted that the briefers at the meeting had emphasized the importance of the participation of women in human rights monitoring, and had encouraged Security Council members to advocate the use of Human Rights Council mechanisms to monitor human rights violations, including the impact of the Taliban’s rule on the rights of women.

Special Committee on Peacekeeping Operations

In 2021, the Security Council did not refer to the Special Committee on Peacekeeping Operations in any of its decisions. During meetings and open videoconferences, however, Council members and other participants recognized the importance of the Special Committee, in particular with regard to improving the safety and security of peacekeeping personnel. At an open videoconference held on 24 May in connection with the item entitled “United Nations peacekeeping operations”, the representative of Mexico stated that, in considering the issues that must be taken into account when the Council reviewed and adjusted the mandates of peace operations, the Council should make full use of the review carried out by the Special Committee, as it provided relevant information on the main challenges in ensuring the safety and security of personnel.⁸⁹ The representative of the Russian Federation noted that the question of the safety and security of peacekeepers remained as ever a focus of the Council, its Working Group on Peacekeeping Operations, the Special Committee and field missions, adding that the number of injuries and casualties among the blue helmets had dropped significantly in recent years thanks to coordinated efforts and consultations in those formats, as well as to the close interaction between Member States and the Secretariat.

In a statement submitted for an open videoconference held on 25 May in connection with the item entitled “Protection of civilians in armed conflict”, the delegation of Canada underscored that protection mandates should be effectively matched with sufficient resources and progressive policies, including by better aligning the Council, the Special Committee on Peacekeeping Operations and the Fifth Committee.⁹⁰

At a meeting of the Council held on 18 August under the item entitled “United Nations peacekeeping operations” and the sub-item entitled “Protecting the protectors: technology and peacekeeping”, the

⁸⁵ See [S/PV.8877](#).

⁸⁶ See [S/PV.8900](#).

⁸⁷ See [S/PV.8906](#).

⁸⁸ [S/2021/770](#).

⁸⁹ See [S/2021/501](#).

⁹⁰ See [S/2021/505](#).

representative of Mexico reiterated that the lessons learned from the pandemic showed that remote information-sharing could also benefit from the involvement of other actors and representatives including United Nations entities, and that those aspects must be considered in adjusting the mandates of peace operations while taking into account the recommendations of the Special Committee on Peacekeeping Operations and of troop- and personnel-contributing countries.⁹¹ At another meeting, held on 10 November under the same item and focused on police commissioners, the representative of the Russian Federation expressed the conviction that the police component of peacekeeping warranted greater attention from States Members of the United Nations, both in the Council, when it came to individual country situations, and in the General Assembly.⁹² She added that the best forums for discussing general police matters were the Working Group on Peacekeeping Operations and the Special Committee.

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

Special and other sessions of the General Assembly

In 2021, there were no special sessions of the General Assembly convoked by the Secretary-General at the request of the Council pursuant to Article 20 of the Charter. Nonetheless, the President of the Council for the month of May (China) participated in an interactive dialogue organized by the President of the Assembly held on 5 May to commemorate the International Day of Multilateralism and Diplomacy for Peace, where he delivered a statement.⁹³

At the closing of the seventy-fifth session of the General Assembly, the President of the Assembly highlighted that he had held monthly coordination meetings, with combined bimonthly trilateral meetings with the President of the Council and the Secretary-General, in a bid to streamline the work of the principal organs of the United Nations and ensure mutually reinforcing efforts.⁹⁴ He reiterated that cooperation between the Assembly and the Council must be strengthened. He also emphasized that there were synergies between the two bodies that were not being exploited, for example with regard to the work of

the Assembly on Myanmar, the Syrian Arab Republic and the State of Palestine, which supported the work of the Council.

General Assembly decisions concerning relations with the Security Council

The General Assembly also made reference to its relations with the Council in several other decisions. In its decision 75/569 adopted on 22 June under the item entitled “Question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council”, the Assembly decided to reaffirm its central role concerning the question of equitable representation on and increase in the membership of the Council and other matters related to the Council.⁹⁵ The Assembly also decided to continue intergovernmental negotiations on Council reform in informal plenary meetings of its seventy-sixth session, building on the informal meetings held during its seventy-fifth session, as reflected in the letter dated 12 May from the Co-Chairs, and on the document entitled “Co-Chairs’ Elements Paper on Convergences and Divergences on the question of equitable representation on and increase in the membership of the Security Council and related matters”, circulated on 29 April.

On 10 September, in its resolution 75/325 adopted under the item entitled “Revitalization of the work of the General Assembly”, the Assembly encouraged regular interaction and continued coordination among the Presidents of the Assembly, the Security Council and the Economic and Social Council.⁹⁶

With regard to the United Nations Global Counter-Terrorism Strategy, on 30 June, the Assembly adopted resolution 75/291 on the seventh review of the Strategy, in which it noted with appreciation the continued contribution of the United Nations entities, including the subsidiary bodies of the Council, to the work of the Global Counter-Terrorism Coordination Compact entities in support of the implementation of the Strategy by Member States, and noted in that regard the establishment of the Global Counter-Terrorism Coordination Platform.⁹⁷

On the situation of human rights of Rohingya Muslims and other minorities in Myanmar, the General Assembly adopted resolution 76/180 on 16 December, reiterating the urgent need to ensure that all those

⁹¹ See [S/PV.8838](#).

⁹² See [S/PV.8901](#).

⁹³ See <https://media.un.org/en/asset/k1u/k1uz5py2e3>.

⁹⁴ See [A/75/PV.105](#).

⁹⁵ General Assembly decision 75/569.

⁹⁶ General Assembly resolution 75/325, para. 12.

⁹⁷ General Assembly resolution 75/291, thirteenth preambular paragraph.

responsible for crimes related to violations and abuses of international law throughout Myanmar, including international human rights law, international humanitarian law and international criminal law, were held to account through credible and independent national, regional or international justice mechanisms, while recalling the authority of the Council in this regard.⁹⁸

With respect to the situation of human rights in the Syrian Arab Republic, in its resolution [76/228](#), the General Assembly expressed continued support for the work carried out by the Independent International

Commission of Inquiry on the Syrian Arab Republic, welcomed its reports and reiterated its decision to transmit those reports to the Council.⁹⁹

Security Council decisions concerning relations with the General Assembly

A number of resolutions and presidential statements adopted by the Council in 2021 contained specific references to the General Assembly in connection with policy and implementation issues other than those covered in subsections A, D, E and G above, as set out in tables 6 and 7.

⁹⁸ General Assembly resolution [76/180](#), twenty-eighth preambular paragraph.

⁹⁹ General Assembly resolution [76/228](#), nineteenth preambular paragraph.

Table 6
Security Council decisions containing specific references to the General Assembly in connection with policy and implementation issues other than those covered in subsections A, D, E and G (thematic items)

<i>Decision and date</i>	<i>Provision</i>
Maintenance of international peace and security	
Resolution 2565 (2021) 26 February 2021	Recalling its resolutions 2286 (2016) and 2532 (2020) and General Assembly resolutions 74/270 and 74/274 (first preambular paragraph)
S/PRST/2021/22 9 November 2021	The Security Council reaffirms that sustaining peace requires 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 (sixth paragraph)
S/PRST/2021/23 16 November 2021	The Security Council expresses its continued commitment to foster interaction on a regular basis with the General Assembly, the Economic and Social Council, the International Court of Justice, and the Secretariat in accordance with their respective mandates under the Charter of the United Nations, in particular on matters relating to preventive diplomacy tools and mechanisms (eighth paragraph)
Threats to international peace and security caused by terrorist acts	
Resolution 2610 (2021) 17 December 2021	Reiterates the need to enhance ongoing cooperation among the Committee and United Nations counter-terrorism bodies, including the Counter-Terrorism Committee and the Committee established pursuant to resolution 1540 (2004) and Office of Counter-Terrorism established pursuant to General Assembly resolution 71/291 , as well as their respective groups of experts, including through, as appropriate, enhanced information-sharing, coordination on visits to countries within their respective mandates, on facilitating and monitoring technical assistance, on relations with international and regional organizations and agencies and on other issues of relevance to these bodies (para. 94)
Resolution 2617 (2021) 30 December 2021	Underscoring the central role of the United Nations in the global fight against terrorism and welcoming the seventh review of the United Nations Global Counter-Terrorism Strategy (resolution 75/291) of 2 July 2021, which affirmed the importance of integrated and balanced implementation of all four pillars of the Strategy, and expressing support for the activities of the Office of Counter-Terrorism, in accordance with resolution 71/291 of 15 June 2017, and its central role in promoting the balanced implementation of the Strategy (twelfth preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
	Stresses that the heads of the Counter-Terrorism Committee Executive Directorate and the Office of Counter-Terrorism should meet regularly to discuss areas of mutual interest and the incorporation of the recommendations and analysis of the Executive Directorate into the Office's work, in particular in the implementation of technical assistance and capacity-building, and directs the Office and the Executive Directorate to draft jointly a report by 30 March 2022 setting out practical steps to be taken by both bodies to ensure the incorporation of the recommendations and analysis of the Executive Directorate into the Office's work, to be considered by the Counter-Terrorism Committee, as well as the General Assembly in the context of the Strategy review (para. 24)

United Nations peacekeeping operations

Resolution 2594 (2021) 9 September 2021	<p>Reiterating the primary responsibility of States to protect the population throughout their territories, recognizing that reconfigurations of missions may entail increased risks for civilians, in particular for women, youth, children, persons with disabilities, and, where relevant, the need to enhance States' capacity to protect their own civilians, emphasizing the importance of security sector reform, poverty reduction measures, gender equality, human rights monitoring and reporting, the promotion of rule of law and good governance, and the extension of legitimate State authority in ensuring the protection of civilians over the longer term and in the consolidation of peace and stability, taking note of interlinkages between transitional justice, inclusive disarmament, demobilization and reintegration processes, functional child protection services, national small arms and light weapons management, and organized crime and anti-corruption measures, for enhancing stability, reaffirming that development, peace and security, and human rights are interlinked and mutually reinforcing, and recalling further General Assembly resolution 70/1, entitled "Transforming our world: the 2030 Agenda for Sustainable Development" (sixth preambular paragraph)</p> <p>Recognizes that peacebuilding financing remains a critical challenge, takes note of the General Assembly decision to convene a high-level meeting in the seventy-sixth session to advance, explore and consider options for ensuring adequate, predictable and sustainable financing for peacebuilding, and reiterates the importance of adequately resourcing United Nations peace operations, including during mission transitions to support the long-term stability and continuity of peacebuilding activities (para. 13)</p>
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Table 7
Security Council decisions containing specific references to the General Assembly in connection with policy and implementation issues other than those covered in subsections A, D, E and G (country- and region-specific items)

<i>Decision and date</i>	<i>Provision</i>
The situation in the Central African Republic	
Resolution 2605 (2021) 12 November 2021	Requests the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to consider the environmental impacts of its operations when fulfilling its mandated tasks and, in this context, to manage them as appropriate and in accordance with applicable and relevant General Assembly resolutions and United Nations rules and regulations (para. 44)
The situation concerning the Democratic Republic of the Congo	
Resolution 2612 (2021) 20 December 2021	Requests the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo to consider the environmental impacts of its operations when fulfilling its mandated tasks and, in this context, to manage them as appropriate and in accordance with applicable and relevant General Assembly resolutions and United Nations rules and regulations (para. 45)

Decision and date

Provision

The situation in Mali

Resolution [2584 \(2021\)](#)
29 June 2021 Requests the United Nations Multidimensional Integrated Stabilization Mission in Mali to consider the environmental impacts of its operations when fulfilling its mandated tasks and, in this context, to manage them as appropriate and in accordance with applicable and relevant General Assembly resolutions and United Nations rules and regulations (para. 58)

The situation in Somalia

Resolution [2607 \(2021\)](#)
15 November 2021 Reaffirms that without prejudice to humanitarian assistance programmes conducted elsewhere, the measures imposed by paragraph 3 of its resolution [1844 \(2008\)](#) shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia, by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the General Assembly that provide humanitarian assistance, and their implementing partners, including bilaterally or multilaterally funded non-governmental organizations participating in the United Nations Humanitarian Response Plan for Somalia (para. 37)

Security Council discussions concerning relations with the General Assembly

In 2021, Council members and other participants in meetings and open videoconferences continued to address the Council's coordination and interaction with the General Assembly. On 16 November, at a meeting held under the item entitled "Maintenance of international peace and security" and the sub-item entitled "Peace and security through preventive diplomacy: a common objective to all the principal organs of the United Nations", and in the written statements submitted for the meeting, Council members and other participants made both explicit and implicit references to Articles 10, 11 and 12 of the Charter, aside from those covered in subsections B, C and G above. During the meeting, speakers also discussed the relationship between the Council and the Assembly (see case 2).

Case 2**Maintenance of international peace and security**

On 16 November, at the initiative of Mexico, which held the presidency of the Security Council for the month,¹⁰⁰ the Council held an open debate under the item entitled "Maintenance of international peace and security" and the sub-item entitled "Peace and security through preventive diplomacy: a common objective to all the principal organs of the United

Nations".¹⁰¹ During the open debate, Council members heard briefings by the Secretary-General, the President of the General Assembly, the President of the Economic and Social Council and the President of the International Court of Justice. Representatives of Council members and other participants delivered statements during the meeting. The representatives of some non-Council member States submitted their statements in writing.¹⁰²

The Secretary-General stated that the United Nations system had given the world a home for dialogue and tools and mechanisms for the peaceful settlement of disputes, including the twin resolutions adopted by the General Assembly and the Council in 2016,¹⁰³ which had served as a reminder once again that prevention must be at the heart of the collective goals of building and sustaining peace.¹⁰⁴ The President of the Assembly acknowledged that the membership of the United Nations had increasingly been calling for a more representative Security Council that worked in tandem with other United Nations organs to deliver comprehensive solutions to current and emerging security issues. He also pointed out that work done by the Assembly and the Economic and Social Council to build resilient and prosperous communities facilitated the work of the Security Council. He called upon the membership to work together to implement Assembly resolution [75/325](#), in which the Assembly had encouraged regular interaction

¹⁰⁰ A concept note was circulated by a letter dated 19 October 2021 ([S/2021/888](#)). The meeting is also the subject of case 3, on the relationship between the Security Council and the Economic and Social Council, and case 4, on the relationship between the Security Council and the International Court of Justice.

¹⁰¹ See [S/PV.8906](#) and [S/PV.8906 \(Resumption 1\)](#).

¹⁰² See [S/2021/952](#) (Australia, Guatemala, Italy and Republic of Korea).

¹⁰³ See Council resolution [2282 \(2016\)](#) and General Assembly resolution [70/262](#).

¹⁰⁴ See [S/PV.8906](#).

and continued coordination among the Presidents of the Assembly, the Security Council and the Economic and Social Council. He further noted that regular coordination meetings among the Assembly, the Security Council and the Economic and Social Council helped to bridge differences and improve the efficiency of the work of the United Nations.

During the discussion that ensued, several speakers highlighted the importance of coordination among the principal organs of the United Nations, including the Security Council and the General Assembly, as well as the need for enhanced cooperation and coordination to create synergies within the United Nations system.¹⁰⁵ In that regard, the representative of Ecuador, while expressing support for the continuation of monthly meetings among the heads of the principal organs and calling for the results of those meetings to be circulated for the information of all delegations, also emphasized that the synergy among the principal organs was not limited to the close relationship among their Presidents, but instead implied an ongoing and constructive relationship on the part of all its members, including Member States.¹⁰⁶ The representative of Malaysia also underscored the importance of greater coordination and transparency between the Council and the Assembly, including with the latter's subsidiary organs, such as the Disarmament Commission, the Peacebuilding Commission and the Human Rights Council. The representative of Bangladesh emphasized that carrying out structural preventive measures required all organs of the United Nations to perform in a coherent, coordinated and integrated manner, and expressed continued support for the Organization's focus on prevention for ending and resolving conflicts, including by bolstering the authority of the Assembly. He added that operationalizing the concept of One United Nations required coherence, coordination and complementarity among the principal organs, and that close and seamless horizontal communication among the key organs was essential. Speaking on behalf of the Movement of Non-Aligned Countries, the representative of Azerbaijan recalled that the Heads of State and Government of the Movement, at its eighteenth summit, had called upon the Presidents of the Assembly, the Economic and Social Council and the Security Council to conduct regular discussions and coordination among themselves on their respective agendas and programmes of work, in order to establish increased mutually reinforcing coherence and

complementarity among those organs, being respectful of one another's mandates, and with a view to generating a mutual understanding among them. The representative of South Africa also underscored that the Assembly, the Economic and Social Council and the International Court of Justice all had the potential to play a greater role in supporting the Security Council in preventing conflict, and further emphasized the need for regular interaction, coordination and collaboration between the Council and other primary organs of the United Nations in fulfilling the Council's mandate.

With regard to specific modalities of enhanced coordination among the principal organs of the United Nations, including the General Assembly and the Council, the representative of Brazil encouraged the continued practice of holding regular dialogues between the Presidents of the Assembly and the Council, aimed at streamlining and coordinating the agendas of the two organs. The representative of Malta suggested holding annual or biannual interactive dialogues among the President of the Security Council, the President of the Assembly, the President of the Economic and Social Council and the Chair of the Peacebuilding Commission, along with representatives of civil society. The representative of Egypt stressed the importance of concerted efforts and coordination of the principal organs of the United Nations to ensure that they worked in harmony and complementarity to prevent the outbreak of conflict, in accordance with their respective mandates. He added, in that regard, that holding an annual meeting collectively among all the principal organs and the Peacebuilding Commission with a view to strengthening coordination was an idea worth considering. Emphasizing that maintaining regular communication and transparency between the Security Council and the wider membership was vital, the representative of the United Arab Emirates stated that such communication could not be limited to an annual report submitted to the Assembly. She expressed support for regular engagement on shared priorities with the incoming President of the Council and the President of the Assembly. In a statement submitted for the meeting, the delegation of Italy stated that the Council should further strengthen its relationship with the Assembly and suggested that the Assembly be more involved in preventive diplomacy by instituting regular meetings of the Council to review conflict-prone situations.¹⁰⁷

Several speakers invoked specific Council decisions concerning coordination and collaboration between the two principal organs. The representative of

¹⁰⁵ See [S/PV.8906](#) (China and Malta); and [S/PV.8906 \(Resumption 1\)](#) (Ecuador, Egypt and South Africa).

¹⁰⁶ See [S/PV.8906 \(Resumption 1\)](#).

¹⁰⁷ See [S/2021/952](#).

the United Kingdom referred to the pair of groundbreaking resolutions on peacebuilding and sustaining peace, Council resolution 2282 (2016) and General Assembly resolution 70/262.¹⁰⁸ In that context, she emphasized that the resolutions explicitly acknowledged for the first time that conflict prevention was the responsibility of the entire United Nations system and envisioned a more integrated and coherent United Nations approach to preventing conflict, building on the collective recognition that development, peace and security, and human rights were interlinked and mutually reinforcing. The representative of Chile also encouraged the further development of the joint work of the two bodies, as established in resolution 2282 (2016), and recalled that the Council, in that resolution, had emphasized that sustaining peace required coherence, sustained engagement and coordination among the Assembly, the Security Council and the Economic and Social Council, consistent with their mandates as set out in the Charter. The representative of Ecuador voiced his country's endorsement of the sixth paragraph of the presidential statement adopted on 9 November,¹⁰⁹ in which the Security Council had reaffirmed that sustaining peace required coherence, sustained engagement and coordination among the Assembly, the Security Council, and the Economic and Social Council, consistent with their mandates as set out in the Charter.¹¹⁰

Council members and other participants also focused on the importance of an integrated approach to preventive diplomacy, highlighting in that regard the roles of and relationship between the two organs as stated in the relevant Articles of the Charter. The representative of Tunisia recalled that, while the Charter conferred the primary responsibility for the maintenance of international peace and security upon the Council, it also attributed to the General Assembly several prerogatives in that area, including those of discussing all matters linked to international peace and security and drawing the attention of the Council to situations that might endanger international peace and security.¹¹¹ The representative of Kenya stated that a preventive diplomatic strategy required the Council to work in coherence with the Assembly, as underlined in Article 11. The representative of France stated that the Council's action in the area of preventive diplomacy must be coordinated with that of other bodies and organizations, adding that the respective missions

entrusted by the Charter to the Security Council, the Assembly and the Economic and Social Council complemented and reinforced one another. The representative of Saint Vincent and the Grenadines emphasized that the agenda-setting powers of the Assembly should be leveraged more often. The representative of Nepal stated that the Assembly should provide a normative framework and adequate resources for preventive diplomacy and hold meaningful interactions with the Council with a view to coordinating sustainable preventive and peacebuilding strategies.¹¹² The representative of Malta emphasized that the Charter clearly identified ways in which the various United Nations organs could contribute to preventive diplomacy, and referred to Articles 10 and 11 of the Charter.¹¹³ In addition, she drew attention to Article 14, which stated that the Assembly may recommend measures for the peaceful adjustment of any situation, and she noted that those important powers could yield even better results if triggered in a timely manner and if synergies between the Assembly and the Council were strengthened further. Referring explicitly to Articles 10 and 11, the representative of Argentina also confirmed the broad authority of the Assembly to consider conflict prevention in all its aspects, develop recommendations and bring to the attention of the Council situations that may endanger international peace and security,¹¹⁴ and said that the Assembly thereby also played a central role in the preventive diplomacy architecture. The representative of Poland, emphasizing the urgent and clear need for more coherent and sustained cooperation among the principal United Nations bodies, called for the Council's engagement in advancing proactive, integrated and forward-looking preventive diplomacy in collaboration with other bodies, such as the Assembly.

Some participants also expressed views on the complementarity between the work of the Council and that of the General Assembly, in particular in the context of conflict prevention. The representative of Brazil emphasized that the Council should engage more regularly with the Assembly, not only to enhance its effectiveness but also to avoid encroachment on the mandate of the Assembly and unnecessary duplication of work.¹¹⁵ The representative of Morocco highlighted the importance of greater coherence between the work of the different bodies, to better anticipate conflicts

¹⁰⁸ See [S/PV.8906](#).

¹⁰⁹ See [S/PRST/2021/22](#).

¹¹⁰ See [S/PV.8906 \(Resumption 1\)](#).

¹¹¹ See [S/PV.8906](#).

¹¹² See [S/PV.8906 \(Resumption 1\)](#).

¹¹³ See [S/PV.8906](#). For more information on the explicit references to Article 10 and 11 of the Charter, see subsection B.

¹¹⁴ See [S/PV.8906 \(Resumption 1\)](#).

¹¹⁵ See [S/PV.8906](#).

and crises and overcome difficulties in adapting to the evolving nature of conflicts, so as to reinforce the capacity of the United Nations to prevent them.¹¹⁶ In that connection, he stressed the need to strengthen consistency of action among United Nations bodies, rationalize mandates and initiatives on cross-cutting issues and appropriately prioritize attention and resources, focusing on pragmatic high-impact solutions, with scrupulous respect for the mandates and prerogatives of each body and in line with the Charter, in particular Article 12 (1).¹¹⁷ Other participants focused specifically on the role of the Assembly in instances when the Council failed to fulfil its responsibility for the maintenance of international peace and security. The representative of Croatia emphasized that the Assembly should utilize its own powers to prevent conflicts and atrocity crimes more effectively and respond to them when they occurred, especially when the Council failed to do so.¹¹⁸ Similarly, the representative of Turkey recalled that the Assembly served as a critical backstop for the

maintenance of peace and security when the Council failed to fulfil its responsibility. She stressed that the relationship between the two organs was an important element of preventive diplomacy. In that context, she expected the Council and the Assembly to work together closely to advance peace and security without encroaching on each other's mandates, adding that such coordination would enhance the accountability and transparency of the Council and promote greater cohesion throughout the system. The representative of Liechtenstein expressed support for a strong and active role of the Assembly as the central deliberative and decision-making organ of the United Nations and the guardian of international law. In that regard, he emphasized that the Assembly had demonstrated in a number of instances, most notably in connection with the situations in Myanmar and the Syrian Arab Republic, that it was indeed capable of stepping in where the Council could not fulfil its role. In addition, he stated that Liechtenstein would continue to pursue initiatives aimed at underscoring the Assembly's role in upholding peace and security, including the possibility of mandating a debate every time a veto was cast in the Council, without prejudice to the outcome of such a debate.

¹¹⁶ See [S/PV.8906 \(Resumption 1\)](#).

¹¹⁷ For more information on the explicit reference to Article 12 (1) of the Charter, see sect. I.C.

¹¹⁸ See [S/PV.8906 \(Resumption 1\)](#).

II. Relations with the Economic and Social Council

Article 65

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

Note

Section II concerns the relationship between the Security Council and the Economic and Social Council, with a particular focus on the practice of the Security Council in relation to Article 65 of the Charter of the United Nations. Subsection A features decisions of the Security Council concerning relations with the Economic and Social Council. Subsection B covers the deliberations of the Council concerning its relations with the Economic and Social Council, including the participation of the President of the Economic and Social Council in a meeting of the Security Council held on 16 November 2021.¹¹⁹ Subsection C concerns communications of the Security Council containing

references to its relations with the Economic and Social Council.

A. Decisions of the Security Council concerning relations with the Economic and Social Council

During the period under review, the Security Council did not formally address any requests to the Economic and Social Council for information or assistance. However, it adopted two presidential statements that made explicit references to the Economic and Social Council, one of which also contained an explicit reference to Article 65 of the Charter of the United Nations.

In a presidential statement adopted on 9 November in connection with the item entitled "Maintenance of international peace and security", the Security Council reaffirmed that sustaining peace required coherence, sustained engagement and coordination among the General Assembly, the Security Council, and the Economic and Social Council, consistent with their mandates as set out in

¹¹⁹ See [S/PV.8906](#). The meeting was held under the item entitled "Maintenance of international peace and security".

the Charter.¹²⁰ Furthermore, the Security Council highlighted the contribution that the Economic and Social Council could make in addressing economic, social, cultural and humanitarian issues and underlined the importance of close cooperation in accordance with Article 65.¹²¹

In a presidential statement adopted on 16 November in connection with the same item, the Security Council expressed its continued commitment to foster interaction on a regular basis with the principal organs of the United Nations, including the Economic and Social Council, with their respective mandates under the Charter, in particular on matters relating to preventive diplomacy tools and mechanisms.¹²²

B. Discussions concerning relations with the Economic and Social Council

During the period under review, there were several references made to the relations between the Security Council and the Economic and Social Council in the deliberations of the former, including five explicit references to Article 65.¹²³ The key discussions in that regard took place during a thematic debate held under the item entitled “Maintenance of international peace and security” (see case 3).

In addition, Security Council members discussed the interaction between the Security Council and the Economic and Social Council in the context of both region-specific and thematic items.

Discussions in relation to country- or region-specific items

In a statement submitted for the videoconference held on 19 May in connection with the item entitled “Peace and security in Africa” and focused on addressing root causes of conflict while promoting post-pandemic recovery in Africa, the delegation of Brazil affirmed the importance of stronger collaboration among the Security Council, the General Assembly, the Economic and Social Council and the Peacebuilding Commission, in the face of multifaceted challenges.¹²⁴ The Chair of the Peacebuilding Commission reiterated that peacebuilding and

sustaining peace required coherence, sustained engagement and coordination among the Assembly, the Security Council and the Economic and Social Council, consistent with their mandates set forth in the Charter.

Discussion in relation to thematic items

At an open videoconference held on 6 January in connection with the item entitled “Maintenance of international peace and security” and focused on challenges of maintaining peace and security in fragile contexts, the Prime Minister and the Minister for Foreign Affairs of Saint Vincent and the Grenadines emphasized that the Security Council must continue to play a leading role as it worked more closely with the other main organs of the United Nations system, namely, the General Assembly and the Economic and Social Council, to foster developmental solutions to the challenges of peace and security.¹²⁵ The representative of China stated that the Security Council, the Assembly, the Economic and Social Council, the Peacebuilding Commission and the relevant regional organizations should carry out their respective functions, strengthen collaboration and forge synergies, given the various complex security risks and challenges. In a written statement submitted on behalf of the Nordic countries, the representative of Denmark underscored the importance of ensuring closer and more systematic cooperation between the Security Council and the Peacebuilding Commission, as well as with the Human Rights Council and the Economic and Social Council, including in a briefing and advisory capacity. The representative of Slovakia, in a statement submitted for the videoconference, also expressed support for further strengthening the ties between the Security Council and the Assembly, the Economic and Social Council, the Peacebuilding Commission and the Human Rights Council, as well as with civil society organizations and communities on the ground.

At an open videoconference held on 11 March under the item “Maintenance of international peace and security” and focused on conflict and food security, the Minister of Agriculture, Forestry, Fisheries, Rural Transformation, Industry and Labour of Saint Vincent and the Grenadines underscored that the Security Council must also work more closely with the General Assembly and the Economic and Social Council to foster developmental solutions that met the basic needs of people in conflict settings.¹²⁶ In a statement submitted for the videoconference, the delegation of Brazil stressed that strategies aimed purely at security

¹²⁰ [S/PRST/2021/22](#), sixth paragraph.

¹²¹ *Ibid.*, final paragraph.

¹²² [S/PRST/2021/23](#), eighth paragraph.

¹²³ See [S/PV.8906](#) (President of Economic and Social Council, and Kenya); and [S/PV.8906 \(Resumption 1\)](#) (Malaysia).

¹²⁴ See [S/2021/490](#).

¹²⁵ See [S/2021/24](#).

¹²⁶ See [S/2021/250](#).

could not, on their own, adequately address the overwhelming majority of the situations on the agenda of the Security Council, including with regard to food security. In that connection, increased cooperation with the Economic and Social Council was clearly needed, as was greater interaction between the Security Council and the Peacebuilding Commission.

During an open debate held on 12 October under the item entitled “Peacebuilding and sustaining peace” and the sub-item entitled “Diversity, State-building and the search for peace”, the representative of Mexico emphasized that the Council must strengthen dialogue with other main bodies of the United Nations, including the Economic and Social Council, specifically to prevent development challenges and human rights violations from becoming a threat to international peace and security.¹²⁷ In a written statement submitted in connection with the meeting, the delegation of Chile emphasized that the international security prevention road map required a framework rooted in international law and must include the cooperation of regional organizations and of the principal bodies of the United Nations system involved in peacebuilding, including the Economic and Social Council and the Security Council.¹²⁸ The representative of South Africa stressed that coordination among bodies, such as the Peacebuilding Commission and the Security Council, as well as the Economic and Social Council, remained critical for peace, security, and development issues.

At an open debate held on 9 November under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Exclusion, inequality and conflict”, the representative of Viet Nam underscored that a coordinated approach required the Security Council to work together with other entities in the United Nations system, including the Economic and Social Council, the United Nations country teams and other development partners, in accordance with their respective mandates.¹²⁹ The representative of the Islamic Republic of Iran also stressed that the constructive contribution of the United Nations to conflict prevention required coherence, sustained engagement and coordination among the General Assembly, the Security Council and the Economic and Social Council, consistent with their mandates as set out in the Charter. In a written statement submitted in connection with the meeting, the delegation of Brazil indicated that, as the Security Council began to consider a broader set of issues in order to better fulfil

its mandate on peace and security, it was imperative that the cooperation between the Security Council and other United Nations bodies primarily responsible for the issue at hand become more regular and effective.¹³⁰ In that connection, increased cooperation between the Security Council and the Economic and Social Council was clearly needed.

Case 3

Maintenance of international peace and security

On 16 November, at the initiative of Mexico, which held the presidency of the Security Council for the month,¹³¹ the Council held an open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Peace and security through preventive diplomacy: a common objective to all the principal organs of the United Nations”.¹³² During the open debate, Council members heard briefings by the Secretary-General, the President of the General Assembly, the President of the Economic and Social Council and the President of the International Court of Justice.¹³³ Representatives of Security Council members and other participants delivered their statements during the meeting. The representatives of some non-Council member States submitted their statements in writing.¹³⁴

The Secretary-General stated that prevention was the very reason for the existence of the United Nations, and highlighted the role played by its principal organs in conflict prevention and the peaceful settlement of disputes, including the work of the Economic and Social Council in addressing conflict by advancing sustainable development.¹³⁵ The President of the General Assembly stated that work done by the Assembly and the Economic and Social Council to build resilient and prosperous communities facilitated the work of the Security Council. He called upon Member States to work together to implement Assembly resolution 75/325, in which the Assembly had encouraged regular interaction and continued coordination among the Presidents of the Assembly, the Security Council and the Economic and Social

¹²⁷ See [S/PV.8877](#).

¹²⁸ See [S/2021/868](#).

¹²⁹ See [S/PV.8900](#).

¹³⁰ See [S/2021/935](#).

¹³¹ A concept note was circulated by a letter dated 19 October 2021 ([S/2021/888](#)). The meeting is also the subject of case 2, on the relationship between the Security Council and the General Assembly, and case 4, on the relationship between the Council and the International Court of Justice.

¹³² See [S/PV.8906](#) and [S/PV.8906 \(Resumption 1\)](#).

¹³³ See [S/PV.8906](#).

¹³⁴ See [S/2021/952](#) (Australia, Guatemala, Italy and Republic of Korea).

¹³⁵ See [S/PV.8906](#).

Council. The President of the Economic and Social Council underscored that the work of that body in conflict settings and on humanitarian action was highly relevant to the maintenance of peace and security. He noted that, to date, interactions between the Security Council and the Economic and Social Council had remained sporadic and ad hoc, and emphasized that the complex challenges of the day required more institutionalized collaboration. In that connection, both entities had the legal basis for inter-Council collaboration and coordination under Article 65 of the Charter, which provides that the Economic and Social Council may furnish information to the Security Council and shall assist it upon its request.

The President of the Economic and Social Council further referred to the rules of procedure of that body, noting that the Security Council could request special sessions of the Economic and Social Council or propose agenda items for its consideration, and indicated that the Sahel, South Sudan and Haiti were matters addressed by both Councils and could benefit from joint and complementary approaches. He shared a series of practical options for strengthening inter-Council coordination, including furthering the collaboration between the two Councils, building on their previous collaboration of the early 2000s, when the Chair of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa had regularly participated in the work of the Economic and Social Council Ad Hoc Advisory Groups on African Countries emerging from conflict; holding regular meetings of the heads of the principal organs under the Charter and the Chair of the Peacebuilding Commission, drawing on the experience of the existing regular interactions among the General Assembly, the Economic and Social Council and the Peacebuilding Commission; and extending participation in joint meetings on common themes to the entire membership of the Security Council, the Economic and Social Council and the Peacebuilding Commission. In closing, the President of the Economic and Social Council indicated that recovery from the COVID-19 pandemic, including equitable vaccine access, was another area where the two Councils could work together in coordination with the Assembly in a complementary manner, in accordance with their respective mandates.

Following the briefings, Security Council members and participants discussed the relationship between the two organs in the context of conflict prevention. Some called for strengthened coordination and increased cooperation among principal organs of the United Nations, including among the Security Council and the Economic and Social Council, in

preventive diplomacy,¹³⁶ and in the service of sustainable development.¹³⁷ The representative of France also underscored that the respective missions entrusted by the Charter to the Security Council, the General Assembly and the Economic and Social Council complemented and reinforced one another.¹³⁸ The representative of South Africa called upon the primary organs of the United Nations to work in synergy in order to achieve the goal of preventative diplomacy, and said that the primary organs, such as the Economic and Social Council, had the potential to play a greater role in supporting the Security Council in preventing conflict.¹³⁹ Therefore, regular interaction, coordination and collaboration between the Security Council and other primary organs of the United Nations in fulfilling the Council's mandate could not be overemphasized; such activities would establish increased coherence and complementarity among those organs, respectful of each other's mandates.

The representative of Kenya stated that a preventative diplomatic strategy required the Security Council to work in coherence with the Economic and Social Council, as underlined in Article 65 of the Charter.¹⁴⁰ For the Council to effectively fulfil its mandate, it must consider and address the economic, political, and social dimensions of conflict, in coordination with the other principal organs. In a statement submitted for the meeting, the delegation of Italy expressed the belief that the Economic and Social Council could play a greater role in identifying social and economic problems likely to result in a crisis, and in developing strategies to deal with economic and social causes of conflict.¹⁴¹ In the context of the 2030 Agenda for Sustainable Development, the representative of Malaysia underscored that partnerships between special political missions mandated by the Security Council and the Economic and Social Council were critical to realizing a comprehensive approach that linked security with social and economic development in building lasting peace, and he encouraged the Security Council to make greater use of Article 65.¹⁴²

Some Member States highlighted the importance of communication between the Security Council and the Economic and Social Council. The representative

¹³⁶ See [S/PV.8906](#) (Mexico, Niger and France); [S/PV.8906 \(Resumption 1\)](#) (Poland); and [S/2021/952](#) (Italy).

¹³⁷ See [S/PV.8906 \(Resumption 1\)](#) (Nepal and Malaysia).

¹³⁸ See [S/PV.8906](#).

¹³⁹ See [S/PV.8906 \(Resumption 1\)](#).

¹⁴⁰ See [S/PV.8906](#).

¹⁴¹ See [S/2021/952](#).

¹⁴² See [S/PV.8906 \(Resumption 1\)](#).

of Estonia stated that his country valued the regular exchanges between the Security Council and representatives of other principal organs of the United Nations, and emphasized that communication, both in public and private, were of vital importance.¹⁴³ The representative of Costa Rica reiterated the importance of improving the working methods of the Security Council by deepening its communication with other organs and actors, including the Economic and Social Council. Such communication should be more fluid and dynamic. The representative of Azerbaijan, speaking on behalf of the Movement of Non-Aligned Countries, recalled that, at the eighteenth Summit of the Movement, its Heads of State and Government had called upon the Presidents of the General Assembly, the Economic and Social Council and the Security Council to conduct regular discussions and coordination among themselves with regard to their agendas and programmes of work to establish increased coherence and complementarity among the organs.¹⁴⁴ While recalling that each organ had a distinct and separate role and reaffirming that they must carry out only those functions and powers established in their respective mandate, he also emphasized that close cooperation and coordination among the principal organs of the United Nations was highly indispensable in order to enable the United Nations to remain relevant and capable of meeting existing, new and emerging threats and challenges. The representative of the United Arab Emirates indicated that maintaining regular communication and transparency between the Council and the wider United Nations membership was vital, and expressed support for regular engagement on shared priorities with the Economic and Social Council and the Peacebuilding Commission, as well as with the incoming President of the Security Council and the President of the Assembly.

Other Member States called upon the principal organs of the United Nations to maintain or increase cooperation among themselves while focusing on their respective mandates.¹⁴⁵ The representative of Chile expressed the conviction that coordination among the main organs of the United Nations, in accordance with their Charter mandates, was the best way to prevent conflicts, and recalled that the Security Council, in paragraph 2 of its resolution [2282 \(2016\)](#), had stated that sustaining peace required coherence, sustained

engagement and coordination among the General Assembly, the Security Council, and the Economic and Social Council, consistent with their mandates as set out in the Charter.¹⁴⁶ The representative of China stated that the Economic and Social Council had comparative advantages in promoting economic development and advancing peace and stability, and should therefore, carry out its work while maintaining communication and cooperation. The representative of Finland, speaking on behalf of the Nordic countries, stated that the principal organs of the United Nations all had key roles to play in preventing conflicts and sustaining peace within their respective mandates, and encouraged closer cooperation between the Security Council and the Economic and Social Council. The representative of Brazil expressed the firm belief that the aims of the Charter were better achieved through increased coordination, cooperation and interaction between the Security Council and the relevant organs of the United Nations, and called for more engagement between the two Councils, not only to enhance the effectiveness of the Security Council but also to avoid any encroachment on its mandate and any unnecessary duplication of work.

Several Member States provided specific recommendations for the Economic and Social Council to further assist the Security Council in its work. The representative of Tunisia recalled that the Charter requested the Economic and Social Council to provide information to the Security Council and, if it so requested, to provide assistance. The representative of Malta affirmed that the Economic and Social Council could play a central role in identifying the socioeconomic drivers of conflict in specific contexts and country situations and could therefore form an integral part of a comprehensive early warning system. In that context, annual or biannual interactive dialogues among the Presidents of the Security Council, the General Assembly and the Economic and Social Council and the Chair of the Peacebuilding Commission, as well as with representatives of civil society, to discuss and examine emerging challenges at an early stage. The representative of Ecuador endorsed the ninth paragraph of the presidential statement adopted that morning,¹⁴⁷ reaffirming that sustaining peace required coherence, sustained engagement and coordination among the Assembly, the Security Council and the Economic and Social Council, consistent with their mandates, expressing support for the continuation of monthly meetings among the heads of the principal organs and calling for the results of those meetings to be circulated for the information of all

¹⁴³ See [S/PV.8906](#).

¹⁴⁴ See [S/PV.8906 \(Resumption 1\)](#).

¹⁴⁵ For more information on the division of labour between the principal organs of the United Nations and the need to operate within their respective mandates, see part V, sect. III, case 6.

¹⁴⁶ See [S/PV.8906](#).

¹⁴⁷ See [S/PRST/2021/23](#), ninth paragraph.

delegations.¹⁴⁸ The representative of Bangladesh indicated that the United Nations needed to increase the visibility of its principal organs vis-à-vis the global community in order to demonstrate their joint cooperation and coordination on the prevention of conflict, and suggested that the Presidents of the Assembly, the Economic and Social Council and the Security Council organize joint media stakeouts on a quarterly basis.

C. Communications concerning relations with the Economic and Social Council

One communication circulated as a document of the Security Council during the reporting period

¹⁴⁸ See [S/PV.8906 \(Resumption 1\)](#).

contained a reference to the relationship between the Security Council and the Economic and Social Council. In a letter dated 8 February addressed to the President of the Security Council, the delegation of Finland transmitted the report of the eighteenth annual workshop for the newly elected members of the Council, held on 12 and 13 November 2020.¹⁴⁹ As described in the report, one participant maintained that the Council should stick more closely to its priorities and work towards a better, and better defined, division of labour on issues dealt with by the Council and other organs, such as the General Assembly and the Economic and Social Council.

¹⁴⁹ See [S/2021/130](#).

III. Relations with the International Court of Justice

Article 94

1. *Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.*

2. *If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.*

Article 96

1. *The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.*

2. *Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.*

Note

Section III concerns the relationship between the Council and the International Court of Justice. In accordance with Article 94 of the Charter of the United Nations, the Council may make recommendations or decide upon measures to be taken to give effect to the judgment rendered by the Court if a party to a case

fails to perform its obligations under that judgment. Pursuant to Article 96, the Council may also request the Court to give an advisory opinion on any legal question. In addition, pursuant to Article 41 of the Statute of the International Court of Justice, notice of any provisional measures to be taken to preserve the rights of parties may be given by the Court to the parties and to the Council.

During the reporting period, in line with the prior practice of the Council, the President of the International Court of Justice was invited to participate in a private meeting of the Council, held on 2 November.¹⁵⁰ In addition, the Council heard a briefing by the President of the Court at a meeting held on 16 November under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Peace and security through preventive diplomacy: a common objective to all the principal organs of the United Nations”.¹⁵¹ The election of a member of the Court held concurrently by the Council and the Assembly during the reporting period is covered in section I.E. Subsection A covers the decisions of the Council containing references to the Court. Subsection B covers the discussions held among Council members during the reporting period on the relations between the Council and the Court. Subsection C covers the communications of the Council concerning the relationship between the two organs.

¹⁵⁰ See [S/PV.8894](#).

¹⁵¹ See [S/PV.8906](#), [S/PV.8906 \(Resumption 1\)](#) and [S/2021/952](#).

A. Decisions referring to the International Court of Justice

In the presidential statement adopted on 16 November, the Council expressed its continued commitment to fostering interaction on a regular basis with the General Assembly, the Economic and Social Council, the International Court of Justice and the Secretariat, in accordance with their respective mandates under the Charter, in particular on matters relating to preventive diplomacy tools and mechanisms.¹⁵² In addition, the Council emphasized the key role of the Court, the principal judicial organ of the United Nations, in adjudicating disputes among States, and also emphasized the value of the Court's work.¹⁵³

B. Discussions concerning relations with the International Court of Justice

During the period under review, reference was made in the deliberations of the Council to the role of the International Court of Justice in connection with the peaceful settlement of disputes and to the relationship between the Council and the Court. Most of the references, including two explicit references to Article 94¹⁵⁴ and one to Article 96,¹⁵⁵ as well as general references to the relationship between the Council and the Court, were made at the open debate held on 16 November under the item entitled "Maintenance of international peace and security" (see case 4).

In addition, at an open videoconference held on 6 January in connection with the item entitled "Maintenance of international peace and security" and focused on the challenges of maintaining peace and security in fragile contexts, the delegation of Azerbaijan, in a written statement submitted on behalf of the Movement of Non-Aligned Countries, emphasized the significant role played by the International Court of Justice in promoting and encouraging the settlement of international disputes by peaceful means in accordance with the relevant provisions of the Charter. In that connection, the Movement urged the Council, the General Assembly and other organs of the United Nations, as well as its specialized agencies duly authorized to do so, to make greater use of the Court as a source of advisory

opinions and interpretation of international law within the scope of the activities of those entities.¹⁵⁶

In a written statement submitted for an open videoconference on "The situation in Libya" held on 28 January, the representative of Libya expressed his indignation about the state of Libyan funds and assets frozen pursuant to Council resolutions. In that regard, his Government would not stand idly by while certain countries attempted to tamper with those funds. It held the Council responsible for taking a firm stand against such attempts. If the state of affairs continued, and if the request by Libya to manage the frozen assets was blocked, Libya would be forced to refer the matter to the International Court of Justice to seek redress.¹⁵⁷

Case 4

Maintenance of international peace and security

On 16 November, at the initiative of Mexico, which held the presidency of the Security Council for the month,¹⁵⁸ the Council held an open debate under the item entitled "Maintenance of international peace and security" and the sub-item entitled "Peace and security through preventive diplomacy: a common objective to all the principal organs of the United Nations". During the open debate, Council members heard briefings by the Secretary-General, the President of the General Assembly, the President of the International Court of Justice and the President of the Economic and Social Council.¹⁵⁹ Representatives of Council members and other participants delivered their statements during the meeting. The representatives of some non-Council member States submitted their statements in writing.¹⁶⁰

The Secretary-General stated that prevention was vital to lasting peace and that it was the ultimate goal of the work of the Council and its resolutions to help countries build peace and stability and resolve their disputes before they escalated into armed conflicts.¹⁶¹ In that regard, he highlighted that the judicial dimension of prevention provided by the International Court of Justice was essential. The President of the

¹⁵⁶ See [S/2021/24](#).

¹⁵⁷ See [S/2021/97](#).

¹⁵⁸ A concept note was circulated by a letter dated 19 October 2021 ([S/2021/888](#)). The meeting is also the subject of case 2, on the relationship between the Security Council and the General Assembly, and of case 3, on the relationship between the Security Council and the Economic and Social Council.

¹⁵⁹ See [S/PV.8906](#) and [S/PV.8906 \(Resumption 1\)](#).

¹⁶⁰ See [S/2021/952](#) (Australia, Guatemala, Italy and Republic of Korea).

¹⁶¹ See [S/PV.8906](#).

¹⁵² [S/PRST/2021/23](#), eighth paragraph.

¹⁵³ *Ibid.*, final paragraph.

¹⁵⁴ See [S/PV.8906](#) (President of International Court of Justice and Brazil).

¹⁵⁵ See [S/PV.8906 \(Resumption 1\)](#).

Court indicated that it welcomed efforts by other principal organs to promote Member States resolving their disputes before the Court. Regarding the relationship between the Court and the Council, she invoked Article 36 (3) of the Charter, which states that the Council may recommend, in relation to legal disputes that endanger international peace and security, that the States involved refer the dispute to the Court. The Council had made such a recommendation for the very first case heard by the Court: the Corfu Channel case. The President of the Court also referred to the 2012 declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, which recalled the ability of the relevant organs of the United Nations to request advisory opinions from the Court. The question of whether to seek any particular advisory opinion from the Court was entirely in the hands of the relevant organ or specialized agency and its members. The Court itself stood ready to receive any requests for advisory opinions that relevant United Nations organs and specialized agencies made.

The President of the International Court of Justice further recalled Article 94 (2) of the Charter, which sets out a specific role for the Council in the implementation of the decisions of the Court. However, the limited use of that provision suggested that States had found it more valuable to pursue other avenues to achieve the full implementation of judgments of the Court. She highlighted, nonetheless, that the principal organs of the United Nations could play a positive role in that regard, citing as an example the fundamental role played by former Secretary-General Kofi Annan in bringing about the implementation of the Court's 2012 judgment in the case concerning the land and maritime boundary between Cameroon and Nigeria. United Nations organs had opportunities, within their respective purview, to contribute to the implementation of judgments of the Court and the promotion of peace, security and justice. The President encouraged Council members to consider ways in which contributions of the Court and other principal organs could be mutually reinforcing.

Several Council members and other participants saw value in enhancing interactions between the Council and the International Court of Justice. The representative of Estonia highlighted the importance of the annual discussions held by the Council with the President of the Court, adding that, more often than not, the problem was not the lack of information nor the early warning, but rather the lack of early and united action.¹⁶² The representative of Saint Vincent

and the Grenadines underlined that the mediatory and technical capacities of the Court on matters pertaining to the rule of law ought to be leveraged more often. The representative of Costa Rica reiterated the importance of improving the working methods of the Council by deepening its communication with other organs, including the Court, and indicated that such communication should be more fluid and dynamic. The representative of Poland called for the Council's engagement in advancing proactive, integrated and forward-looking preventive diplomacy, in collaboration with other organs, including the Court.¹⁶³ The representative of the United Arab Emirates similarly expressed support for greater interaction between the Council and the Court, in accordance with the Council's mandates under the Charter. The delegation of Italy expressed the belief that the Council should further strengthen its relationship with and make greater use of the Court in the peaceful settlement of disputes.¹⁶⁴

In addition, some speakers emphasized the importance of the role of the International Court of Justice in the peaceful settlement of international disputes and in upholding and promoting the rule of law through its judgments and advisory opinions.¹⁶⁵ The representative of Estonia expressed the belief that more frequent and timely referrals of cases to the Court by the Council would contribute to resolving disputes, thereby promoting international peace and security.¹⁶⁶ The representative of Azerbaijan, speaking on behalf of the Movement of Non-Aligned Countries, urged the Council, the General Assembly and other organs of the United Nations, as well as its specialized agencies that were duly authorized to do so, to make greater use of the Court as a source of advisory opinions and interpretation of international law within the scope of those entities' activities.¹⁶⁷

The representative of Brazil indicated that there was potential for increased cooperation between the Council and the Court, such as on requests for advisory opinions on legal issues related to both country-specific situations and thematic items addressed by the Council.¹⁶⁸ The Council could more often recommend that conflicting States submit their disputes to the

¹⁶³ See [S/PV.8906 \(Resumption 1\)](#).

¹⁶⁴ See [S/2021/952](#).

¹⁶⁵ See [S/PV.8906](#) (Ireland); [S/PV.8906 \(Resumption 1\)](#) (Croatia, Slovakia, Nepal, Liechtenstein, Azerbaijan (on behalf of the Movement of Non-Aligned Countries), South Africa and United Arab Emirates); and [S/2021/952](#) (Guatemala).

¹⁶⁶ See [S/PV.8906](#).

¹⁶⁷ See [S/PV.8906 \(Resumption 1\)](#).

¹⁶⁸ See [S/PV.8906](#).

¹⁶² See [S/PV.8906](#).

Court and also cooperate in the enforcement of the decisions of the Court in cases of non-compliance, taking into account Article 94 of the Charter. The representative of Malaysia emphasized that deliberations on contentious political and security issues could be more effective when they were reinforced by authoritative legal opinions, and urged the Council to seriously consider Article 96.¹⁶⁹ In addition, he called on the Council to make greater use of the International Court of Justice as a source of advisory opinions and of interpretation of relevant norms of international law, particularly regarding long-standing issues that affected international peace and security. The representative of Bangladesh underscored that, as the principal entity responsible for enforcing the decisions of the Court, the Council needed to fulfil its role in a transparent and non-discriminatory manner, including by supporting monitoring mechanisms, where they existed.

Several participants also spoke about the role of the International Court of Justice in preventive diplomacy and the peaceful settlement of disputes. In that regard, the representative of Ireland underscored the Court's potential role in adjudicating disputes between States which might otherwise have led to conflict.¹⁷⁰ She added that the Court remained underutilized as a resource for the peaceful adjudication of disputes in accordance with international law and that its role in preventing conflict could be bolstered by greater interaction between the

Council and the Court. The Council should consider, where appropriate, the possibility of seeking the Court's input in the form of advisory opinions. It could also recommend that States involved in a dispute on the agenda of the Council resolve the legal aspect of the dispute before the Court. The representative of South Africa encouraged the Council to interact regularly with the Court and to draw upon the legal advisory expertise pertaining to the prevention of conflicts and the settlement of disputes that may have catastrophic implications for countries concerned.¹⁷¹ The representative of Ecuador urged the pursuit of synergies with the Court, especially in efforts aimed at the peaceful settlement of disputes, which were part of preventative diplomacy.

C. Communications concerning relations with the International Court of Justice

During the period under review, the Council continued to exchange letters¹⁷² with the Secretary-General and to receive his reports¹⁷³ on the progress of the Cameroon-Nigeria Mixed Commission established to facilitate the implementation of the ruling of the International Court of Justice of 10 October 2002 on the land and maritime boundary dispute between the two countries.

¹⁷¹ See [S/PV.8906 \(Resumption 1\)](#).

¹⁷² [S/2021/1069](#) and [S/2021/1070](#).

¹⁷³ See [S/2021/612](#) and [S/2021/1091](#).

¹⁶⁹ See [S/PV.8906 \(Resumption 1\)](#).

¹⁷⁰ See [S/PV.8906](#).