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**Part IV**  
**Relations with other United Nations organs**

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## Introductory note

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

During the period under review, the General Assembly continued to address recommendations to the Council regarding the general principles of cooperation in the maintenance of international peace and security. The Council and the Assembly, in parallel and within the limitations imposed by the Charter, considered the situation of human rights in the Democratic People's Republic of Korea and in the Syrian Arab Republic. In 2020, 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. In addition, the two organs collaborated on the election of judges to fill vacancies at the International Court of Justice and 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 2020, the President of the Security Council participated in and delivered statements at various events of the General Assembly marking the seventy-fifth anniversary of the United Nations. Owing to the impact of the coronavirus disease (COVID-19) pandemic, many of those events were held online. On 26 June, the President of the Council for the month (France) participated in a virtual ceremony to commemorate the signing of the Charter. On 21 September, the President of the Council for the month (Niger) participated in the high-level meeting to commemorate the seventy-fifth anniversary of the United Nations. On 26 October, the President of the Council for the month (Russian Federation) also participated in the observance ceremony in commemoration of United Nations Day. The President of the Council for the month of December (South Africa) also participated in a meeting of the special session of the General Assembly in response to the COVID-19 pandemic, held on 3, 4 and 14 December. Moreover, in December, the Council and the General Assembly adopted their third set of identical resolutions, Council resolution [2558 \(2020\)](#) and Assembly resolution [75/201](#), in connection with peacebuilding and sustaining peace and the 2020 review of the peacebuilding architecture of the Peacebuilding Commission. The Assembly adopted a number of other 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 2020, Council members continued to discuss the relations between the Council and 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 held informal meetings with the Human Rights Council and its special procedures in connection with conflict prevention by the Security Council. In addition, during the review period, Council members'

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

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discussions were focused on the importance of the development of 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, with respect to addressing contemporary drivers of conflict, climate change and the COVID-19 pandemic. As described in greater detail in part II of the present supplement, in 2020, faced with the absence of meetings in the Security Council Chamber due to the pandemic, Council members initiated the practice of holding videoconferences and, starting from 14 July 2020, developed a hybrid model, alternating in-person meetings with videoconferences. Part IV of the supplement features relevant discussions held in the context of both meetings and videoconferences.

In November 2020, the President of the Economic and Social Council participated in an open videoconference of the Security Council held in connection with the item entitled “Peacebuilding and sustaining peace”, which was focused on contemporary drivers of conflict and insecurity. In addition, the President of the Security Council for the month (Saint Vincent and the Grenadines) participated in a joint meeting of the Economic and Social Council and the Peacebuilding Commission entitled “Fostering global solidarity and conflict-sensitive responses to the COVID-19 pandemic and its socioeconomic impacts”.

Council members heard two briefings by the President of the International Court of Justice during the reporting period: the first at a closed videoconference held on 28 October and the second, on 18 December, at an open videoconference held in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security” and focused on strengthening cooperation between the Council and the Court. In 2020, 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.

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## I. Relations with the General Assembly

### Note

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

Section I is divided into eight subsections. Subsection A deals with the election by the General Assembly of the non-permanent members of the Council, in accordance with Article 23 of the Charter. Subsections B and C concern the functions and powers of the Assembly vis-à-vis Articles 10 to 12, with a particular focus on the practice and authority of the Assembly to make recommendations to the Council. Subsection D covers instances in which a decision by the Council must be taken prior to that of the Assembly under Articles 4 to 6, 93 and 97, such as the admission of new Members or the appointment of judges to the International Residual Mechanism for Criminal Tribunals. Subsection E examines 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 2020. Subsection H features other Council practice bearing on relations with the Assembly.

### 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-fourth 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 2020 (see table 1). Owing to the extraordinary circumstances caused by the COVID-19 pandemic, in accordance with its decision 74/557 of 29 May 2020, by which it established the procedure for holding elections by secret ballot without a plenary meeting during the pandemic, the Assembly elected non-permanent members of the Council without holding a plenary meeting. On 3 September, the Assembly took note of its decision 74/418 of 17 and 18 June 2020, entitled “Election of non-permanent members of the Security Council”.<sup>3</sup>

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<sup>3</sup> See General Assembly decision 74/573 of 3 September 2020. See also [A/74/PV.62](#).

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

Table 1

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

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<i>Term</i>	<i>General Assembly decision</i>	<i>Date of election</i>	<i>Members elected for the term</i>
2021–2022	74/418	17–18 June 2020	India, Ireland, Kenya, Mexico and Norway

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## **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 [75/76](#), adopted under the item entitled “United Nations Regional Centre for Peace and Disarmament in Africa”, Member States explicitly recalled the provisions of Article 11 (1), in which it is stipulated that a function of the Assembly is to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and arms limitation.<sup>4</sup>

In connection with Article 11 (2) of the Charter, the General Assembly made recommendations to the Council with regard to specific questions relating to the maintenance of international peace and security or requesting action by the Council concerning those questions. In its recommendations, in reference to items already on the Council’s agenda, the Assembly called on the Council to ensure accountability, including through the consideration of a referral of the situation in the Democratic People’s Republic of Korea to the International Criminal Court and to consider the further development of sanctions in order to effectively target those who appeared to be most responsible for human rights violations. The Assembly also 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 on the basis of the report of the Secretary-General regarding alternative modalities for the border crossing of Ya’rubiyah. The Assembly also continued to call on 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 2020, the General Assembly did not draw the attention of the Council to any situations likely to endanger international peace and security pursuant to Article 11 (3) of the Charter.<sup>5</sup>

<sup>4</sup> General Assembly resolution [75/76](#), first preambular paragraph.

<sup>5</sup> For information on referrals of other disputes or situations 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**

<i>General Assembly resolution and date</i>	<i>Provisions</i>
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**Implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa**

<a href="#">74/302</a> 3 September 2020	Recognizes the growing and emerging challenges and risks facing United Nations peacekeeping operations and political missions, and in this regard recalls the Action for Peacekeeping initiative, the report of the High-level Independent Panel on Peace Operations and the report of the Secretary-General entitled “The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations”, as well as recommendations supported by Member States in the report of the Special Committee on Peacekeeping in particular on prevention, mediation and stronger global regional partnerships, including between the United Nations and the African Union, and encourages the Security Council, as appropriate, to consult with relevant regional organizations, particularly the African Union, especially if transitioning from a regional to a United Nations peacekeeping operation (para. 35)
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**Report of the International Criminal Court**

<a href="#">75/3</a> 2 November 2020	Encourages further dialogue between the United Nations and the International Criminal Court, and welcomes in this regard the increased interaction of the Security Council with the Court under various formats, including the holding of open debates on peace and justice and working methods, with a special focus on the role of the Court (para. 20)
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**Comprehensive review of special political missions**

<a href="#">75/100</a> 10 December 2020	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 (eighth preambular paragraph)
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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**

<i>General Assembly resolution and date</i>	<i>Provisions</i>
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**Situation of human rights in the Democratic People’s Republic of Korea**

<a href="#">75/190</a> 16 December 2020	Encourages the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry on human rights in the Democratic People’s Republic of Korea and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People’s Republic of Korea to the International Criminal Court and consideration of further sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity (para. 12)  Also encourages the Security Council to immediately resume discussion on the situation in the Democratic People’s Republic of Korea, including the country’s human rights situation, in the light of the serious concerns expressed in the present resolution, and looks forward to its continued and more active engagement on this matter (para. 13)
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**Situation of human rights in the Syrian Arab Republic**

<p>75/193 16 December 2020</p>	<p>Deplores the closure of the Bab al-Salam for the purpose of cross-border humanitarian aid, and urges the Security Council to reauthorize the use of the border crossings of Bab al-Salam and Ya'rubiyah and to continue to consider additional crossing points on the basis of the report of the Secretary-General regarding alternative modalities for the border crossing of Ya'rubiyah, emphasizes that more than 6.2 million people live in areas not under the control of the Syrian regime and 4.2 million require humanitarian assistance, 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, which cannot be reached through existing operations within the Syrian Arab Republic, in the light of the limitations of cross-line assistance (para. 21)</p> <p>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. 38)</p>
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Concerning the deliberations in the Council, during the period under review, Article 10 of the Charter was explicitly referred to once, and Article 11 was explicitly referred to twice. At a meeting of the Council held on 13 February under the item entitled “Peacebuilding and sustaining peace”,<sup>6</sup> the representative of the Syrian Arab Republic stated that, in adopting resolution 71/248, by which it had established 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, despite its full knowledge that the Council was the sole organ responsible for addressing the situation in his country, the General Assembly had encroached upon the mandate of the Council and had even ignored the fact that its mandate, as provided in Articles 10, 11, 12 and 22 of the Charter, did not give it the right or authority to establish any investigative or legislative body or a mechanism such as that. The second explicit reference to Article 11 was made in the context of an open videoconference, also held in connection with the item entitled “Peacebuilding and sustaining peace”.<sup>7</sup>

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 debate

held on 9, 10 and 13 January under the item entitled “Maintenance of international peace and security”,<sup>8</sup> the representative of Cuba stated that the United Nations must defend multilateralism and reject any proposal that would constitute interference by the Council in matters falling within the purview of the other principal organs of the Organization, especially the General Assembly.<sup>9</sup> At the same meeting, the representative of Uruguay pointed out that the Charter conferred upon the Council responsibility for the maintenance of peace and security and that such responsibility must be fulfilled under international law, while respecting the principles set out therein, the most fundamental principle being the promise to refrain from the threat or use of force against the territorial integrity or political independence of States and to settle disputes by peaceful means. To that end, the Council had a central role to play and must, at all times, work in cooperation with the General Assembly.

In 2020, Council members specifically discussed the Council’s role in tackling the COVID-19 pandemic in connection with different items on its agenda. At an open videoconference held on 2 July in connection with the item entitled “Maintenance of international peace and security” and focused on the implications of COVID-19,<sup>10</sup> the representative of the Russian Federation said that the medical aspects of the international response to the outbreak and the global response to its socioeconomic impact fell to the relevant United Nations entities and agencies, namely, the World

<sup>6</sup> See S/PV.8723 (Resumption 1).

<sup>7</sup> See S/2020/1090 (Kenya). For more information, see cases 1 and 4.

<sup>8</sup> See S/PV.8699, S/PV.8699 (Resumption 1) and S/PV.8699 (Resumption 2).

<sup>9</sup> See S/PV.8699 (Resumption 1).

<sup>10</sup> See S/2020/663.



Health Organization, the General Assembly and the Economic and Social Council. The representative of South Africa stressed that the attention that the Council paid to global public health emergencies should be clear and directly linked to issues that fell under the purview of its mandate. He urged the Council to be cautious and to refrain from focusing on international public health matters and economic measures that were more appropriately addressed by the broader United Nations system, the Secretary-General and the Assembly. In his written statement, the representative of the Bolivarian Republic of Venezuela similarly stressed a preference for the issue to be addressed within the framework of the Assembly. The representative of Cuba indicated in her statement that it was the responsibility of the Assembly to assume the pivotal role in the coordination of international efforts to tackle the pandemic and its consequences, and the Council's interference in matters outside its competence must cease. By contrast, at an open videoconference held on 12 August in connection with the item entitled "Peacebuilding and sustaining peace" and focused on pandemics and the challenges of sustaining peace,<sup>11</sup> the delegation of El Salvador called on the Security Council to continue to address the public health emergency caused by the COVID-19 pandemic, in particular with regard to conflict zones and with a view to subsequently taking economic measures, which should be promoted effectively by the United Nations system and the Assembly. Council members also discussed the role of the Council regarding other challenges, with reference to Articles 10 and 11 of the Charter (see case 1).

### **Case 1 Peacebuilding and sustaining peace**

On 3 November, at the initiative of Saint Vincent and the Grenadines, which held the presidency of the Council for the month,<sup>12</sup> Council members held an open videoconference in connection with the item entitled "Peacebuilding and sustaining peace" and focused on contemporary drivers of conflict and insecurity.<sup>13</sup> During the videoconference, Council members heard briefings by the Deputy Secretary-General, the Chief Executive Officer of the African Union Development Agency, the Vice Chancellor of the University of the West Indies and the President of the Economic and Social Council. Representatives of all Council members delivered their statements during the videoconference. The representatives of

non-Council member States and the European Union submitted their statements in writing.<sup>14</sup>

One explicit reference was made to Article 11 of the Charter, by the representative of Kenya, who recalled that the Charter provided a vision for a preventive diplomatic strategy that would require the Council to work in coherence with the General Assembly and the Economic and Social Council, under Articles 11 and 65, respectively, to enable the creation of conditions of stability and well-being necessary for peaceful and friendly relations among nations. The representative of China underscored that global threats and challenges called for robust global responses and stressed that the Security Council, the General Assembly, the Economic and Social Council, the Peacebuilding Commission and other bodies should fulfil their respective mandates and complement each other. The delegation of Colombia, while reiterating the importance of the work of the Council for the maintenance of international peace and security, underscored its view that the Assembly, as a universal body providing for a comprehensive and inclusive approach that took into account the intrinsic links between climate change and social and economic issues, was the proper context for debating and taking decisions relating to the causes and impacts of climate change. The representative of Cuba stressed the need to ensure that the Council met its overriding responsibility for maintaining international peace and security and respected the mandates entrusted to it by the Charter to other organs of the Organization, especially the Assembly. The delegation of Mexico noted that international security was multidimensional and that the threats faced by States were not only military and political, but were also related to economic and social development challenges and other phenomena, such as pandemics and environmental challenges. While the Council bore the primary responsibility for the maintenance of international peace and security, other principal organs of the United Nations, such as the Assembly and the Economic and Social Council, as well as the Peacebuilding Commission, also had a key role to play in preventing development challenges from becoming a threat to

<sup>11</sup> See [S/2020/799](#).

<sup>12</sup> The Council had before it a concept note annexed to a letter dated 30 October 2020 ([S/2020/1064](#)).

<sup>13</sup> See [S/2020/1090](#).

<sup>14</sup> The following countries submitted written statements: Azerbaijan, Brazil, Cabo Verde, Canada, Chile, Colombia, Cuba, Denmark (on behalf of the Nordic countries), Ecuador, El Salvador, Eritrea, Georgia, Guatemala, India, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Liechtenstein, Malta, Mexico, Morocco, Namibia, Netherlands, Nigeria, Peru, Philippines, Poland, Portugal, Qatar, Singapore, Slovakia, Slovenia, Sudan, Switzerland, Ukraine and United Arab Emirates.

peace. In reference to the unique nature of contemporary drivers of conflicts, the representative of the Islamic Republic of Iran noted that new approaches and innovative measures were required in order to address those drivers in an appropriate and realistic manner. Rather than applying traditional measures such as sanctions, those drivers should be addressed by extending economic and financial assistance to the societies concerned, which were exactly the areas where the Assembly and the Economic and Social Council could play an effective role in the amelioration of the situation.

### 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 twice during the deliberations of the Council. At an open debate of the Council held on 9, 10 and 13 January 2020 under the item entitled “Maintenance of international peace and security”,<sup>15</sup> the representative of Morocco said that the Charter constituted the road map of the Organization and that it was therefore crucial to safeguard the unity of its message and implement its provisions. To that end, the

founding fathers of the United Nations had enshrined in the Charter a separation of the functions, powers and prerogatives among the bodies of the Organization and specifically articulated, in its Article 12, a distinction between the mandate of the Assembly and that of the Council.

During Council meetings, speakers held differing views regarding the prerogatives and scope of the action of the General Assembly and the Council. At a meeting held on 13 February under the item entitled “Peacebuilding and sustaining peace”,<sup>16</sup> the representative of the Syrian Arab Republic said that the Assembly had encroached on the mandate of the Council and violated Article 12 of the Charter in adopting resolution 71/248 establishing the International, Impartial and Independent Mechanism, despite its full knowledge that the Council was the sole organ responsible for addressing the situation in his country. The Assembly had ignored the fact that its mandate, as provided in Articles 10, 11, 12 and 22 of the Charter, did not give it the right or authority to establish any investigative or legislative body or a mechanism such as the International, Impartial and Independent Mechanism.

In contrast, at an earlier meeting held on 22 January under the item entitled “The situation in the Middle East, including the Palestinian question”,<sup>17</sup> the representative of Liechtenstein had said that the International, Impartial and Independent Mechanism had been established as a full-fledged subsidiary organ of the General Assembly, while the Council continued to ignore the calls for ensuring accountability for the worst crimes committed in the Syrian Arab Republic, in particular the call for a referral to the International Criminal Court. Similarly, at the meeting held on 13 February under the item entitled “Peacebuilding and sustaining peace”,<sup>18</sup> the same representative expressed regret that, in the ongoing conflict in the Syrian Arab Republic, the Council had essentially ignored the accountability and justice dimension and had “passed the ball” to the Assembly, which had consequently established the Mechanism. He underscored, however, that there was also a conceptual difficulty with giving transitional justice tasks to the Council; although it had mandated peacekeeping operations, the Council would not stay engaged for the long years that were often required to provide transitional justice.

During meetings and open videoconferences, participants also addressed the question of the responsibility and action of the General Assembly in

<sup>15</sup> See S/PV.8699 (Resumption 2).

<sup>16</sup> See S/PV.8723 (Resumption 1).

<sup>17</sup> See S/PV.8706 (Resumption 1).

<sup>18</sup> See S/PV.8723.

the context of the use of the veto by the permanent members of the Council. At the 8699th meeting of the Council, held on 9 January under the item “Maintenance of international peace and security”,<sup>19</sup> the representative of Liechtenstein said that, as the Council acted on behalf of the entire membership, the Assembly had a responsibility to hold the Council accountable. In that regard, she explained that Liechtenstein supported the automatic convening of the Assembly whenever a veto was cast in the Council, in order to discuss the matter, and stressed that such a discussion would take place without prejudice to any possible outcome and irrespective of the substance of the draft resolution that had been subject to a veto. At the first resumption of that meeting, held the following day,<sup>20</sup> the representative of Costa Rica expressed support for the proposal put forward by Liechtenstein. That position was reiterated by another representative of Liechtenstein in his statement submitted for the open videoconference held on 15 May on the working methods of the Council, in connection with the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)”.<sup>21</sup> In his statement submitted for an open videoconference held on 21 July in connection with the item entitled “The situation in the Middle East, including the Palestinian question”,<sup>22</sup> the same representative referred specifically to the use of the veto by two permanent members of the Council to block two draft resolutions relating to the situation in the Syrian Arab Republic. In that regard, he said that it was long past time that such flagrant use of the veto be met with a response from the wider membership, including through action in the Assembly.

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 on its agenda. 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.<sup>23</sup> 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,<sup>24</sup> 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 under 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.<sup>25</sup>

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

##### *Article 4*

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

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

##### *Article 5*

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

<sup>23</sup> S/2020/273, para. 19. For more information on the procedures and working methods developed during the COVID-19 pandemic, see part II, sect. I. For information specific to matters of which the Council is seized, see part II, sect. III.B.

<sup>24</sup> See A/75/300.

<sup>25</sup> See General Assembly decision 74/575 of 3 September 2020, in which the Assembly took note of the notification by the Secretary-General under Article 12 (2), dated 1 September 2019 (A/74/300); see also *Repertoire, Supplement 2019*, part IV, sect. I.C. As at 31 December 2020, the Assembly had not taken note of the notification by the Secretary-General under Article 12 (2), dated 1 September 2020 (A/75/300).

<sup>19</sup> See S/PV.8699.

<sup>20</sup> See S/PV.8699 (Resumption 1).

<sup>21</sup> See S/2020/418.

<sup>22</sup> See S/2020/736.

*Article 6*

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

*Article 93, paragraph 2*

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

*Article 97*

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

*Rule 60*

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

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

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

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

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

General (Article 97) and the conditions under which a State that is not a Member of the United Nations may become a party to the Statute of the International Court of Justice (Article 93 (2)).<sup>26</sup> In addition, the statute of the International Residual Mechanism for Criminal Tribunals provides that the judges of the Mechanism shall be elected by the Assembly from a list submitted by the Council.<sup>27</sup>

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

**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

<sup>26</sup> 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.

<sup>27</sup> Article 10 of the statute of the International Residual Mechanism for Criminal Tribunals (resolution 1966 (2010), annex 1).

East, including the Palestinian question”, participants expressed support for the admission of the State of Palestine as a full Member of the Organization.<sup>28</sup>

### Procedure for the selection and appointment of the Secretary-General

In a statement submitted in connection with the open videoconference held on 15 May on the “Implementation of the note by the President of the Security Council (S/2017/507)”, which concerns the working methods of the Council,<sup>29</sup> the representative of Cuba recognized the increase in the number of public meetings, including open debates and wrap-up sessions, over recent years, as well as the unprecedented process of consultation and exchange with Member States in the selection and appointment of the Secretary-General.

### 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.<sup>30</sup> According to Article 10 of the statute of the Mechanism, the judges of the Mechanism are elected by the General Assembly from a list submitted by the Council. In the event of a vacancy in the roster of judges of the Mechanism, the Secretary-General appoints judges after consultation with the Presidents of the Council and of the Assembly, for the remainder of the term of office concerned.<sup>31</sup>

During the period under review, following the resignation of one of the judges of the Mechanism on 19 July 2019 and pursuant to article 10 (2) of the statute of the Mechanism, the General Assembly concurred with the intention of the Secretary-General to appoint a judge nominated to fill the vacancy for the remainder of the office, of which the Council had taken note in the previous year.<sup>32</sup> In addition, the Council took note of the intention of the Secretary-General to reappoint the 25 judges, including the President of the Mechanism, as well as of his nomination of the Prosecutor of the Mechanism for reappointment for a new term of office.<sup>33</sup> The General Assembly subsequently concurred with those intentions and that nomination.<sup>34</sup> Thereafter, by its resolution 2529 (2020) of 25 June, pursuant to article 14 (4) of the statute of the Mechanism, the Council reappointed the Prosecutor of the Mechanism, with effect from 1 July 2020 to 30 June 2022.<sup>35</sup>

For further details on the actions taken by the Secretary-General, the Council and the General Assembly, see table 4.<sup>36</sup>

<sup>28</sup> See, for example, S/PV.8706 (Syrian Arab Republic); and S/PV.8706 (Resumption 1) (Cuba). See also S/2020/341 (Cuba, League of Arab States, Qatar (on behalf of the Group of Arab States) and Syrian Arab Republic); and S/2020/1055 (Cuba and Syrian Arab Republic).

<sup>29</sup> See S/2020/418.

<sup>30</sup> Resolution 1966 (2010), para. 1.

<sup>31</sup> Ibid., annex 1.

<sup>32</sup> See S/2019/999, S/2019/1000 and S/2020/108.

<sup>33</sup> See S/2020/580 and S/2020/581.

<sup>34</sup> See S/2020/616.

<sup>35</sup> Resolution 2529 (2020), para. 1.

<sup>36</sup> For more information, see part I, sect. 24.

Table 4

### Actions taken by the Security Council and the General Assembly concerning judges of the International Residual Mechanism for Criminal Tribunals in 2020<sup>a</sup>

<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/2019/999, transmitting the nomination of a judge to fill one vacancy in the roster of judges of the Mechanism	S/2019/1000, taking note of the intention of the Secretary-General to appoint the judge nominated to fill the vacancy			

<i>Letter from the Secretary-General</i>	<i>Letter from the President of the Security Council</i>	<i>Council resolution and date</i>	<i>Transmittal to the General Assembly</i>	<i>Assembly decision or resolution and date</i>
<a href="#">S/2020/108</a> , transmitting a letter from the President of the General Assembly reflecting his concurrence with the appointment of the nominated judge				
<a href="#">S/2020/580</a> , transmitting information on the intention of the Secretary-General to reappoint 25 judges and the President of the Mechanism and on the nomination of the Prosecutor for reappointment	<a href="#">S/2020/581</a> , taking note of the intention of the Secretary-General to reappoint 25 judges and the President of the Mechanism and his nomination of the Prosecutor for reappointment	Resolution <a href="#">2529 (2020)</a> , para. 1 25 June 2020		
<a href="#">S/2020/616</a> , transmitting a letter from the President of the General Assembly reflecting his concurrence with the reappointment of the 25 judges				

<sup>a</sup> Includes actions of the Council and the General Assembly in 2019 for the purposes of providing background information.

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

### *Rule 40*

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

### *Rule 61*

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

The election of members of the International Court of Justice requires action by the Council in conjunction with the General Assembly, with the two organs proceeding independently of one another. The procedure for the election is set out in rules 40<sup>37</sup> 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 Justice;<sup>38</sup> and

rules 150 and 151 of the rules of procedure of the Assembly.<sup>39</sup>

During the period under review, the Council held an election to fill the seats of the five members of the Court whose terms of office would expire on 5 February 2021. In accordance with Article 7 of the Statute of the Court, the Secretary-General transmitted a note to the Council and the General Assembly containing a list of nominations submitted by national groups, followed by another note containing the curricula vitae of the nominated judges.<sup>40</sup> The Secretary-General also transmitted to the Council and the General Assembly a memorandum in which he set out the procedure for the election of the judges.<sup>41</sup> The Council and the Assembly proceeded with the concurrent votes on 11 November 2020.<sup>42</sup> The Council concluded its election after the first round on the same day, but more than five candidates received the

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 judges elected to fill a vacancy. Article 8 provides that the two organs proceed independently.

<sup>39</sup> Rules 150 and 151 of the General Assembly provide that the election of the members of the Court take place in accordance with the Statute of the Court and that any meeting of the Assembly held in pursuance of the Statute of the Court for the purpose of electing members of the Court continue until as many candidates as are required for all the seats to be filled have obtained, in one or more ballots, an absolute majority of votes.

<sup>40</sup> See [S/2020/615](#) and [S/2020/619](#).

<sup>41</sup> See [S/2020/618](#).

<sup>42</sup> See [S/PV.8773](#) and [A/75/PV.24](#).

<sup>37</sup> Rule 40 of the provisional rules of procedure is also covered in part II, sect. IX.

<sup>38</sup> Articles 4, 10 to 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 a joint

absolute majority of votes required at the Assembly, leading to another round of voting.<sup>43</sup> On 12 November, having obtained the required absolute majority of votes in both the Assembly and the Council, Iwasawa Yuji (Japan), Georg Nolte (Germany), Julia Sebutinde (Uganda), Peter Tomka (Slovakia) and Xue Hanqin

<sup>43</sup> Ibid.

(China) were elected as members of the Court for a nine-year term of office beginning on 6 February 2021.<sup>44</sup>

For details regarding the election of the new members of the Court, see table 5.

<sup>44</sup> See General Assembly decision 75/403 of 12 November 2020.

Table 5

**Concurrent elections of members of the International Court of Justice to fill expiring vacancies**

<i>Note by the Secretary-General</i>	<i>Council meeting setting the date of the election and date</i>	<i>Council resolution deciding the election date</i>	<i>Council meeting for the election</i>	<i>General Assembly plenary meeting for the election</i>
<a href="#">S/2020/615</a>			<a href="#">S/PV.8773</a>	<a href="#">A/75/PV.24</a>

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

*Article 15, paragraph 1*

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

*Article 24, paragraph 3*

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

*Rule 60, paragraph 3*

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

During 2020, the Security Council maintained its practice of submitting annual reports to the General Assembly pursuant to Article 24 (3) of the Charter. The annual report was submitted to the Assembly, covering the period from 1 January to 31 December 2019.<sup>45</sup> The note by the President of the Council dated 30 August 2017<sup>46</sup> 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.

<sup>45</sup> [A/74/2](#).

<sup>46</sup> [S/2017/507](#).

However, 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. The introduction of the annual report was therefore prepared by the delegation of the Russian Federation, as the member of the Council next in English alphabetical order after Peru and Poland, which had held the presidency of the Council for the months of July and August 2019, respectively, as both had left the Council at the end of 2019. The content and procedure concerning the annual report were discussed at an open videoconference in connection with the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))” (see case 2).

The Council considered and adopted its draft annual report, without a vote, at its 8746th meeting, held on 14 July.<sup>47</sup> During the meeting, the representative of the Russian Federation said that the draft report contained information about the actions that the Council had taken in 2019 to maintain international peace and security, recalling that the Council carried out that responsibility on behalf of all States Members of the United Nations, as set out in Article 24 of the Charter.<sup>48</sup> He expressed the conviction that the annual report was an important mechanism for keeping other Member States informed of the Council’s activities and noted that, for the first time, the Council had been able to agree on the draft report by mid-May. In drafting the introduction, he recalled that the Russian Federation had sought to provide a brief but comprehensive description of the key activities of the Council during the reporting period so as to ensure that all Member

<sup>47</sup> See [S/PV.8746](#). See also [S/2020/666](#).

<sup>48</sup> See [S/PV.8746](#).

States and interested parties received as much information as possible about the Council's work in 2019.

Owing to the extraordinary circumstances imposed by the COVID-19 pandemic during the period under review, the General Assembly considered the annual report of the Council during a virtual informal meeting held on 31 August.<sup>49</sup> On 3 September, the Assembly took note of the report.<sup>50</sup> No special reports were submitted by the Council to the Assembly during the reporting period.

## Case 2

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

On 15 May, at the initiative of Estonia, which held the presidency of the Council for the month, and Saint Vincent and the Grenadines, as Chair of the Informal Working Group on Documentation and Other Procedural Questions,<sup>51</sup> Council members held an open videoconference in connection with the item entitled "Implementation of the note by the President of the Security Council (S/2017/507)" and focused on the Council's working methods.<sup>52</sup> During the videoconference, Council members heard briefings by the Executive Director of Security Council Report, the Chair of the Informal Working Group and the Arnold A. Saltzman Professor of Professional Practice in International and Public Affairs of Columbia University, Edward Luck. Representatives of six Council members delivered their statements during the videoconference.<sup>53</sup> The representatives of non-Council member States submitted their statements in writing.<sup>54</sup>

At the videoconference, participants recognized the importance of the text of the note by the President of the Council dated 27 December 2019<sup>55</sup> on the procedure of the annual report. Some of them welcomed the inclusion of deadlines, and many Member States stressed the need for the annual report to be submitted on time.<sup>56</sup> The representative of Costa Rica expressed his country's expectation that the annual report would be duly presented to the membership before 21 June, despite the absence of a clear indication as to the applicable deadlines for the internal discussion and presentation of the report for the period. The representative of Singapore indicated that the General Assembly's consideration of the annual report of the Council was a vital exercise in transparency and accountability and expressed the hope that the timelines stipulated in the new note by the President of the Council, namely, that the report must be "discussed and thereafter adopted by the Council no later than 30 May", in time for its consideration by the Assembly "immediately thereafter", would be upheld. While noting that the new time frames adopted by the Council for the publication of its annual report were due to apply starting from 2021, the delegation of Ireland nevertheless urged the Council to adopt its most recent report as soon as possible. Similarly, the delegation of Norway, on behalf of the Nordic countries, expressed the hope that greater strides could be made to improve the timeliness and analysis of the Council's annual report to the Assembly, especially ahead of the new note by the President, due to take effect in 2021.

Participants also expressed the desire for improved content, greater transparency and consultation in the process of preparing the annual report. The representative of Costa Rica noted that considerations of content closely tied to transparency and accountability were not addressed as Member States wished them to be. Accountability involved much more than submitting insipid reports that listed activities, without analysing or explaining them, on the major events affecting international peace and security in the period under review; it meant objectively and transparently reporting on and outlining achievements, challenges, lessons learned and the road ahead. Similarly, the representative of Cuba expressed support for greater transparency in the work of the Council and advocated in favour of, inter alia, an annual report that was thorough and analytical and expressed regret that the annual reports submitted to the General Assembly consisted of merely descriptive accounts of Council meetings, activities

<sup>49</sup> See <https://media.un.org/en/asset/k1a/k1auw4vqh2> and <https://media.un.org/en/asset/k1w/k1wbz0q3vu>.

<sup>50</sup> See General Assembly decision 74/576 of 3 September 2020. See also A/74/PV.62.

<sup>51</sup> The Council had before it a concept note annexed to a letter dated 7 May 2020 (S/2020/374).

<sup>52</sup> See S/2020/418.

<sup>53</sup> China, France, Russian Federation, United Kingdom, United States and Viet Nam (on behalf of the 10 elected members of the Security Council).

<sup>54</sup> The following countries submitted written statements: Afghanistan, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bolivia (Plurinational State of), Brazil, Canada, Chile (in its national capacity and on behalf of the Group of Like-Minded States on Targeted Sanctions), Costa Rica, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Fiji, Guatemala, India, Ireland, Italy, Japan, Kuwait, Lebanon, Liechtenstein, Malaysia, Malta, Mexico, Morocco, New Zealand, Nigeria, Norway (on behalf of the Nordic countries), Philippines, Poland, Republic of Korea, Singapore, Slovakia, Switzerland (on behalf of the members of the Accountability, Coherence and Transparency Group), Turkey, United Arab Emirates and Ukraine.

<sup>55</sup> S/2019/997.

<sup>56</sup> See S/2020/418 (Russian Federation, Australia, Bahrain, Canada, Costa Rica, El Salvador, Kuwait, Malaysia, Mexico, Singapore and Slovakia).



and decisions, rather than reflecting a comprehensive explanatory analysis of its work in order to assess the causes and implications of its decisions. The delegation of Fiji emphasized that a deeper analysis of the general underlying trends and drivers would be welcome, as well as of those specific to the situations being reported on. The representative of India expressed support for calls to make the annual report more substantive and analytical, rather than a mere summary of the number and dates of the Council's meetings, and stressed that the manner of submitting the annual report also led to delays, thereby limiting an important opportunity for engagement of the wider membership with the Council. The delegation of Ireland reiterated its call for the inclusion of an analytical introduction in the report to enable the Assembly to engage in a meaningful way with the Council; simply recounting a list of meetings held and decisions made during the preceding year did not permit such review and interaction. The delegation of Canada suggested that the annual report to the Assembly should be substantive, informative and timely and should serve to strengthen the linkages between the two bodies. In their statements, the representatives of Brazil and Nigeria also called for a more analytical and comprehensive annual report. In its statement, the delegation of Mexico also stressed the importance for the Council's annual reports to the Assembly to contain analytical information on its deliberations. The representative of Slovakia argued, in his statement, that the timely submission of the annual report of the Council to the Assembly would enable more substantive consideration of the report, in line with the mandate of the Assembly as the main deliberative organ of the United Nations, and emphasized that discussions on such an important report must not be conducted in a perfunctory manner. The representative of El Salvador underscored that a substantive increase in the participation of the entire United Nations membership in the work of the Council meant greater interaction with regard to its annual report to the Assembly and expressed regret that, despite repeated calls, the Council had not fulfilled its commitment in that regard, thus undermining the ability of Assembly members to participate in the process.

Participants also focused on the importance of monthly assessments. The representative of Singapore emphasized the importance for the General Assembly to have robust discussions on the work of the Council, which enhanced the legitimacy and credibility of the Council. He also stressed that the monthly assessments of the work of the Council were equally important and expressed disappointment at the low number of monthly assessments available for 2019 and 2020. In

that regard, the delegation of Norway, on behalf of the Nordic countries, urged all presidencies to submit their monthly assessments for inclusion in the annual report, as they were especially valuable for providing context and complementing the information presented in the introduction to the report.

On behalf of the members of the Accountability, Coherence and Transparency Group, the representative of Switzerland expressed concern about the effects that the working methods of the Council during the COVID-19 pandemic could have on the Council's reporting instruments under the Charter, in particular its annual report, and called on the Council to show consistency in the implementation of the note by the President of the Council dated 30 August 2017<sup>57</sup> and of the eight most recently adopted notes on measures to enhance the efficiency and transparency of the work of the Council<sup>58</sup> and to honour its commitment regarding its annual report.<sup>59</sup> Recalling the importance of that process as a vehicle for transparency and accountability in the Council's work, the Group looked forward to the opportunity to discuss its content in the General Assembly as soon as possible.

### **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 2020, the Committee on the Exercise of the Inalienable Rights of the Palestinian People participated in the work of the Council. The Chair and Vice-Chair of the Committee participated in one meeting and two open videoconferences concerning the situation in the Middle East, including the Palestinian question.<sup>60</sup>

<sup>57</sup> S/2017/507.

<sup>58</sup> S/2019/990, S/2019/991, S/2019/992, S/2019/993, S/2019/994, S/2019/995, S/2019/996, S/2019/997.

<sup>59</sup> See S/2020/418.

<sup>60</sup> See S/PV.8706, S/PV.8706 (Resumption 1), S/2020/341 and S/2020/736.

### Human Rights Council

One decision adopted by the Security Council contained references to the Human Rights Council. By its resolution [2548 \(2020\)](#) of 30 October, the Council welcomed the ongoing interaction of Morocco with the special procedures of the Human Rights Council.<sup>61</sup> The provisions of the decision in which the Security Council made explicit reference to the Human Rights Council are set out in table 6.

The relations between the two Councils were also addressed in meetings and open videoconferences. At a meeting held on 13 February under the item entitled “Peacebuilding and sustaining peace”, which was focused on transitional justice in conflict and post-conflict situations,<sup>62</sup> the Executive Director of the Foundation for Human Rights in South Africa, Trustee of the Desmond Tutu Peace Centre and Chair of the Commission on Human Rights in South Sudan, said that, in charting the road ahead, the Council needed to be more innovative, by taking decisive approaches towards current conflicts on its agenda and acting in concert with other United Nations bodies, including the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the General Assembly and continental bodies such as the African Union, so as to enhance its legitimacy and its effectiveness in maintaining international peace and security. At the same meeting, the representative of Germany expressed support for the United Nations toolbox, noting in particular the need to strengthen the Council’s focus on human rights. In that regard, he added that the Council should invite commissions mandated by the Human Rights Council to provide briefings on their efforts in collecting evidence and establishing a path leading towards accountability.

At an open videoconference held on 7 July in connection with the item entitled “United Nations peacekeeping operations”,<sup>63</sup> the representative of the Russian Federation underscored that the Security Council was not a human rights body and that any attempt to somehow squeeze the topic of human rights into its agenda encroached upon the prerogatives and mandates of the Human Rights Council, OHCHR and other relevant institutions. By contrast, in her statement submitted for the same videoconference, the representative of Liechtenstein stated that, in order to address human rights violations more effectively as part of its peace and security mandate, the Council itself must better coordinate with the human rights machinery of the United Nations, in particular the

Human Rights Council, relevant special procedure mandate holders and OHCHR.

In its statement submitted for the open videoconference held on 17 July in connection with the item entitled “Women and peace and security”,<sup>64</sup> the delegation of India noted that, as the issue of violence against women, including sexual violence, was discussed by other United Nations bodies, including the Human Rights Council, the deliberations of the Security Council should remain focused on such atrocities perpetrated in situations of armed conflict threatening intentional peace and security.

In the statement submitted for the open videoconference held on 12 August in connection with the item entitled “Peacebuilding and sustaining peace” and focused on pandemics and the challenges of sustaining peace,<sup>65</sup> the representative of Denmark emphasized that human rights must not become a casualty of the pandemic and that the obligation to respect, protect and fulfil human rights must be “front and centre” in the response. He welcomed the recent convening of an informal exchange between the two Councils and hoped to see similar exchanges happen more frequently. Similarly, in its statement submitted for the same videoconference, the delegation of the European Union welcomed the convening of the informal meeting between the Security Council and the President of the Human Rights Council, adding that an effective response to the challenge would need to draw upon cross-pillar United Nations coherence to ensure a “One United Nations” mandate delivery at the country level, with full respect for human rights, gender equality and the principle of non-discrimination.

At an open videoconference held on 3 November in connection with the item entitled “Peacebuilding and sustaining peace” concerning contemporary drivers of conflict and insecurity,<sup>66</sup> the representative of France expressed support for reinforcing synergies with the Human Rights Council while respecting the mandate of each forum.

At the 8775th meeting of the Council, held on 12 November under the item entitled “The situation in Somalia”,<sup>67</sup> the representative of the Russian Federation expressed regret for the continued practice of using Council resolutions to promote human rights-related aspects of the Somalia dossier and, stressing that a separate body, the Human Rights Council, existed to

<sup>64</sup> See [S/2020/727](#).

<sup>65</sup> See [S/2020/799](#).

<sup>66</sup> See [S/2020/1090](#).

<sup>67</sup> See [S/PV.8775](#).

<sup>61</sup> Resolution [2548 \(2020\)](#), twentieth preambular paragraph.

<sup>62</sup> See [S/PV.8723](#).

<sup>63</sup> See [S/2020/674](#).

address those issues, called for respect for the traditional division of labour.

In its communications of 2020, the Council also addressed its relations with the Human Rights Council. In a letter dated 14 September 2020 addressed to the President of the Security Council, the representative of Estonia transmitted the Chair's summary of an open Arria-formula meeting on human rights in Belarus, held on 4 September.<sup>68</sup> In his summary, the Chair recalled the broad consensus reached at the meeting that the developments in Belarus required the attention of the international community and of the United Nations. He also included a set of recommendations, including a call to convene a special session of the Human Rights Council.<sup>69</sup>

In a letter dated 30 July 2020 addressed to the Secretary-General,<sup>70</sup> the representative of Germany transmitted a letter from the President of the Human Rights Council to the President of the Security Council. In the letter, the President of the Human Rights Council extended her thanks to the President of the Security Council for organizing the informal exchange held on 28 July with the members of the Security Council. She underscored that the virtual discussion had provided a valuable opportunity to continue the informal channel of dialogue between the two Councils that had been established in 2018 with a

view to strengthening the Geneva-New York relationship. She recalled that, during the exchange, several members of the Security Council had enquired about possible ways of enhancing the dialogue between the two bodies, and she reiterated the proposal of her predecessor to organize an informal conversation between the Human Rights Council and the President of the Security Council for the month.<sup>71</sup>

### Special Committee on Peacekeeping Operations

In one decision adopted during the reporting period, the Council made reference to the Special Committee on Peacekeeping Operations of the General Assembly. By its resolution [2553 \(2020\)](#) of 3 December, the Council recalled the reports of the Special Committee on the subject of security sector reform and the development of a United Nations approach to security sector reform, and encouraged Member States to continue to be engaged and to facilitate strategic discussions on strengthening the United Nations approach and role in that critical area, including through the Special Committee.<sup>72</sup> Decisions adopted by the Council in 2020 that contained references to the Special Committee are featured in table 6.

<sup>68</sup> [S/2020/900](#), annex. The meeting was chaired by the Minister for Foreign Affairs of Estonia.

<sup>69</sup> For further information on Arria-formula meetings, see part II.

<sup>70</sup> [S/2020/768](#).

<sup>71</sup> For more information on prior initiatives relating to informal dialogue between the members of the Security Council and the Human Rights Council, see *Repertoire, Supplement 2019*, part IV, sect. I.G.

<sup>72</sup> Resolution [2553 \(2020\)](#), eleventh preambular paragraph and para. 16.

Table 6  
Security Council decisions containing references to subsidiary organs of the General Assembly

<i>Decision and date</i>	<i>Provision</i>
<b>Human Rights Council</b>	
<b>The situation in Western Sahara</b>	
Resolution <a href="#">2548 (2020)</a> 30 October 2020	Welcoming in this regard, steps and initiatives taken by Morocco, and the role played by the National Council on Human Rights regional commissions operating in Dakhla and Laayoune, and Morocco's interaction with special procedures of the United Nations Human Rights Council (twentieth preambular paragraph)
<b>Special Committee on Peacekeeping Operations</b>	
<b>Maintenance of international peace and security</b>	
Resolution <a href="#">2553 (2020)</a> 3 December 2020	Recalling reports of the Special Committee on Peacekeeping Operations of the General Assembly, which have provided guidance to the United Nations Secretariat on the subject of security sector reform and the development of a United Nations approach to security sector reform (eleventh preambular paragraph)

Encourages Member States to continue to be engaged and to facilitate strategic discussions on strengthening the United Nations approach and role in this critical area, including through the Special Committee on Peacekeeping Operations of the General Assembly and the Peacebuilding Commission (para. 16)

In addition, in meetings and open videoconferences, Council members recognized the importance of the Special Committee on Peacekeeping Operations. At an open videoconference held on 14 September in connection with the item entitled “United Nations peacekeeping operations”,<sup>73</sup> the representative of the United States stated that improving peacekeeping performance was an integral part of the Secretary-General’s Action for Peacekeeping agenda, a priority for the Security Council, as outlined in resolution 2436 (2018), and a focus area of the Special Committee. At an open videoconference held on 3 December in connection with the item entitled “Maintenance of international peace and security” and focused specifically on security sector reform,<sup>74</sup> the representative of China said that security sector reform required coordination and synergy by multiple players and that the Peacebuilding Commission and the Special Committee were important platforms for discussions on issues related to it.<sup>75</sup>

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

### Special and other sessions of the General Assembly

In 2020, at the request of the President of Azerbaijan,<sup>76</sup> the General Assembly convened its thirty-first special session between 10 July and 14 December.<sup>77</sup> The President of the Security Council for the month (South Africa) participated in a meeting of the special session, held on 3, 4 and 14 December, but did not deliver a statement.<sup>78</sup> In addition, in 2020, the President of the Council participated in and

<sup>73</sup> See [S/2020/911](#).

<sup>74</sup> See [S/2020/1176](#).

<sup>75</sup> Decisions concerning relations with the Peacebuilding Commission, a joint subsidiary organ of the Security Council and the General Assembly, are covered in detail in part IX, section VII.

<sup>76</sup> See [S/2020/364](#), annex I.

<sup>77</sup> See [www.un.org/pga/75/wp-content/uploads/sites/100/2020/12/UNGASS-COVID-FINAL-PROGRAM.pdf](#). See also [A/S-31/3](#).

<sup>78</sup> See [A/S-31/PV.2](#), [A/S-31/PV.2 \(Resumption 1\)](#) and [A/S-31/PV.2 \(Resumption 2\)](#). See also decision [S-31/10 \(A/S-31/3, section II.B\)](#).

delivered statements at various events of the Assembly marking the seventy-fifth anniversary of the United Nations. On 26 June, the President of the Council for the month (France) participated in a virtual ceremony to commemorate the signing of the Charter of the United Nations.<sup>79</sup> On 21 September, the General Assembly held a ceremony in commemoration of the seventy-fifth anniversary of the United Nations.<sup>80</sup> The President of the Council for the month (Niger) participated in the meeting and delivered a statement. At the ceremony, the Assembly adopted its resolution [75/1](#), containing a declaration on the commemoration of the seventy-fifth anniversary of the United Nations, in which Member States reiterated the importance of abiding by the Charter, principles of international law and relevant resolutions of the Security Council and committed themselves to instilling new life in discussions on the reform of the Security Council and to continuing the work to revitalize the Assembly and strengthen the Economic and Social Council.<sup>81</sup> On 26 October, the President of the Council for the month (Russian Federation) participated in and delivered a statement at the observance ceremony in commemoration of United Nations Day.<sup>82</sup>

### 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. By its decision [74/569](#), adopted on 31 August 2020 under the item entitled “Question of equitable representation on and increase in the membership of 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, and to immediately continue intergovernmental

<sup>79</sup> See [www.un.org/pga/74/un-charter-day/](#). France was represented by its Minister for Europe and Foreign Affairs.

<sup>80</sup> See [A/75/PV.3](#).

<sup>81</sup> General Assembly resolution [75/1](#), paras. 9 and 14.

<sup>82</sup> See [https://media.un.org/asset/k1f/k1f1jvcf9e](#).

negotiations on Council reform in informal plenary meetings of the Assembly at its seventy-fifth session.<sup>83</sup>

With respect to the situation of human rights in the Syrian Arab Republic, in its resolution [75/193](#), adopted on 16 December 2020, the General Assembly expressed support for the work carried out by the

Independent International Commission of Inquiry on the Syrian Arab Republic, welcomed the reports of the Commission of Inquiry and reiterated its decision to transmit those reports to the Council. The Assembly further requested the Commission to continue to provide briefings to the Assembly and the members of the Council.<sup>84</sup>

<sup>83</sup> General Assembly decision 74/569. The Assembly also welcomed the active engagement, initiatives and intensive efforts of the President of the General Assembly, noted with appreciation the active role and concrete efforts of the Co-Chairs undertaken in a consultative manner with a view to an early comprehensive reform of the Council and decided to convene the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council during its seventy-fifth session, if Member States so decided. The Assembly also decided to include the item in the agenda of its seventy-fifth session.

### Security Council decisions concerning relations with General Assembly

A number of resolutions and presidential statements adopted by the Council in 2020 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 table 7.

<sup>84</sup> General Assembly resolution [75/193](#), twenty-second preambular paragraph.

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

<i>Decision and date</i>	<i>Provision</i>
<b>Children and armed conflict</b>	
<a href="#">S/PRST/2020/8</a> 10 September 2020	The Security Council notes General Assembly resolution <a href="#">74/275</a> , which established the International Day to Protect Education from Attack, emphasizes the importance of access to quality education for all girls and boys in armed conflict, including those undergoing reintegration programmes, noting that schools can provide life-saving safe spaces, psychosocial and other support services, skills development and a foundation for lifelong learning and can contribute to stability and poverty reduction, and in this regard acknowledges the importance of education in preventing violent conflict and sustaining peace (twenty-fifth paragraph)
<b>Maintenance of international peace and security</b>	
Resolution <a href="#">2532 (2020)</a> 1 July 2020	Having considered resolution <a href="#">74/270</a> , entitled “Global solidarity to fight the coronavirus disease 2019 (COVID-19)”, adopted by the General Assembly on 2 April 2020 (ninth preambular paragraph)
Resolution <a href="#">2553 (2020)</a> 3 December 2020	Recalling its resolution <a href="#">2282 (2016)</a> , which recalled General Assembly resolution <a href="#">70/1</a> , entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, which adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets (third preambular paragraph)
	Encourages Member States to continue to be engaged and to facilitate strategic discussions on strengthening the United Nations approach and role in this critical area, including through the Special Committee on Peacekeeping Operations of the General Assembly and the Peacebuilding Commission (para. 16)
<b>Peacebuilding and sustaining peace</b>	
Resolution <a href="#">2558 (2020)</a> 21 December 2020	Reaffirming General Assembly and Security Council resolutions <a href="#">70/262</a> and <a href="#">2282 (2016)</a> of 27 April 2016, as well as <a href="#">60/180</a> and <a href="#">1645 (2005)</a> of 20 December 2005, <a href="#">65/7</a> and <a href="#">1947 (2010)</a> of 29 October 2010 and <a href="#">72/276</a> and <a href="#">2413 (2018)</a> of 26 April 2018, and recalling statements by the President of the Security Council of 28 July 2016, 21 December 2017 and 18 December 2018 (second preambular paragraph)

Noting that this year marks the twentieth anniversary of Security Council resolution [1325 \(2000\)](#) on women and peace and security, and the fifth anniversary of Security Council resolution [2250 \(2015\)](#) on youth and peace and security, and recognizing the importance of the full, equal and meaningful participation of women and youth in peacebuilding, recalling further the fifth anniversary of General Assembly resolution [70/1](#), entitled “Transforming our world: the 2030 Agenda for Sustainable Development” (sixth preambular paragraph)

Expressing grave concern about the devastating impact of the COVID-19 pandemic across the world, especially in conflict-affected countries, and stressing the need for full implementation of Security Council resolution [2532 \(2020\)](#) and noting the relevant provisions of General Assembly resolution [74/306](#) in this regard, further noting that 2020 inaugurates the decade of action for the Sustainable Development Goals, recognizing that progress towards achieving the 2030 Agenda for Sustainable Development and all its Goals and targets could be hampered, and peacebuilding and development gains reversed, and emphasizing the need to integrate peacebuilding and sustaining peace into efforts to build back better (seventh preambular paragraph)

Notes that peacebuilding financing remains a critical challenge, and therefore 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 sustained financing for peacebuilding, and to invite, starting at the seventy-fifth session, the relevant United Nations bodies and organs, including the Peacebuilding Commission, in accordance with respective mandates, to present inputs in advance for Member States’ consideration and discussion at this meeting, and to affirm a commitment to pursuing action-oriented outcomes (para. 4)

Calls for a further comprehensive review of United Nations peacebuilding in 2025, and requests the Secretary-General to present to the General Assembly and the Security Council an interim report in 2022 and a second, detailed report in 2024 in advance of the review, and also requests the Secretary-General to continue to present a report every two years following that review, on continued implementation of the resolutions on peacebuilding and sustaining peace, with due attention to the impact of relevant reforms on the performance of the United Nations system in advancing the implementation of the resolutions on peacebuilding and sustaining peace, and with emphasis on the systematic impact made at the field level, for the consideration of Member States (para. 5)

**The situation concerning the Democratic Republic of the Congo**

Resolution <a href="#">2556 (2020)</a> 18 December 2020	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. 46)
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**The situation in Mali**

Resolution <a href="#">2531 (2020)</a> 29 June 2020	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. 59)
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**The situation in the Central African Republic**

Resolution <a href="#">2552 (2020)</a> 12 November 2020	Authorizes French armed forces, within the provisions of their existing bilateral agreement with the Central African Republic and the limits of their capacities and areas of deployment, at the request of the Secretary-General, to use all the means to provide operational support to elements of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic when under serious threat, from the date of adoption of this resolution, and requests France to ensure reporting to the Council on the implementation of this mandate and to coordinate its reporting with that of the Secretary-General referred to in paragraph 54 of this resolution (para. 52)
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**Youth and peace and security**

Resolution 2535 (2020) 14 July 2020	Noting that the term “youth” is defined in the context of this resolution as persons of the age of 18–29 years old, and further noting the variations of definition of the term that may exist on the national and international levels, including the definition of youth in General Assembly resolutions 50/81 and 56/117 (ninth preambular paragraph)
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**Other relevant decisions of the General Assembly and the Security Council**

In December 2020, the Council and the General Assembly adopted their third set of identical resolutions (Council resolution 2558 (2020) and Assembly resolution 75/201) in connection with peacebuilding and sustaining peace and the 2020 review of the peacebuilding architecture of the Peacebuilding Commission.

**Security Council discussions concerning relations with the General Assembly**

In 2020, Council members and other participants in meetings and open videoconferences continued to address the Council’s cooperation and engagement with the General Assembly.<sup>85</sup> At the open videoconference held on 15 May in

connection with the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)”, which concerns the working methods of the Council,<sup>86</sup> the representative of China stressed that the President of the Council played a leading role in strengthening the cooperation and coordination between the Council and the Assembly. He recalled that, during its presidency of the Council in March, China had maintained close coordination with the President of the General Assembly and that such practices had proven conducive to the Council’s work and would be helpful if continued. The representative of Malaysia similarly expressed a sense of encouragement generated by the continuous monthly engagement between the Presidents of the Council and of the Assembly, adding that the readout of that engagement, which was circulated by the President of the Assembly, was valuable to all Member States.

<sup>85</sup> See S/PV.8699 (Kenya, Switzerland and Singapore); S/PV.8699 (Resumption 1) (Oman and Uruguay); and S/2020/418 (Executive Director of Security Council Report, China, Bahrain, Brazil, El Salvador, Malaysia, Switzerland (on behalf of the members of the Accountability, Coherence and Transparency Group) and Turkey).

<sup>86</sup> See S/2020/418.

**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 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. Subsection A covers the deliberations of the Council concerning 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 in November 2020. Subsection B concerns the communications of the Council containing references to its relations with the Economic and

Social Council. The President of the Economic and Social Council participated in one open videoconference during the reporting period, held under the item entitled “Peacebuilding and sustaining peace”.<sup>87</sup> On 19 November, the President of the Security Council for the month (Saint Vincent and the Grenadines) participated in a joint meeting of the Economic and Social Council and the Peacebuilding Commission, entitled “Fostering global solidarity and conflict-sensitive responses to the COVID-19 pandemic and its socioeconomic impacts”.<sup>88</sup>

The Council did not address any requests to the Economic and Social Council for information or

<sup>87</sup> See S/2020/1090. For more information, see case 4.

<sup>88</sup> For an informal summary of the joint meeting, see [www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/ecosoc-pbc\\_joint\\_meeting\\_informal\\_summary.pdf](http://www.un.org/peacebuilding/sites/www.un.org.peacebuilding/files/documents/ecosoc-pbc_joint_meeting_informal_summary.pdf).

assistance, nor did it explicitly refer to Article 65 of the Charter in any outcome documents.

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

During the period under review, there were several references to the relations between the Security Council and the Economic and Social Council in the deliberations of the Security Council, including three explicit references to Article 65 in two open videoconferences.<sup>89</sup> The key discussions in this regard took place during the annual open debate on the Council's working methods (see case 3), as well as in the context of a thematic debate under the item entitled "Peacebuilding and sustaining peace" (see case 4).

In addition, Security Council members discussed the interaction between the two Councils in the context of both country-specific and thematic items on its agenda.

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

At an open videoconference held on 19 June in connection with the item entitled "The question concerning Haiti", with reference to the transition of the United Nations presence in Haiti from a peacekeeping mission to a special political mission, speakers underscored that the Economic and Social Council and its Ad Hoc Advisory Group on Haiti should play an important role in that process.<sup>90</sup>

#### **Discussion in relation to thematic items**

At an open videoconference held on 21 April in connection with the item entitled "Protection of civilians in armed conflict" and focused on protecting civilians from conflict-induced hunger,<sup>91</sup> the representative of the Russian Federation noted that the specialized United Nations agencies and platforms, including the Food and Agriculture Organization of the United Nations and the International Fund for Agricultural Development, continued to play a crucial role in addressing various socioeconomic issues. His delegation was convinced of the need to explore the potential of holding discussions on those issues under the auspices of the General Assembly and the

Economic and Social Council. At the same videoconference, the representative of Saint Vincent and the Grenadines underscored that, in order to end hunger by 2030, a whole-of-system approach was required to tackle food insecurity, both within and beyond situations of conflict, which meant that the Council must make a greater effort to work alongside the Peacebuilding Commission and other entities, including the Economic and Social Council, to tackle the root causes of insecurity across the peace, security, development and humanitarian nexus.

At an open videoconference held on 2 July in connection with the item entitled "Maintenance of international peace and security" and aimed at addressing the implications of COVID-19,<sup>92</sup> the representative of the Russian Federation stated that the Council's efforts in helping to combat the pandemic should be focused, first and foremost, on its impact on the functioning of peacekeeping missions, by ensuring the continuity of peace processes and supporting the implementation of the Secretary-General's ceasefire initiative. The medical aspects of the international response to the outbreak and the global response to its socioeconomic impact fell to the relevant United Nations entities and agencies, namely, the World Health Organization, the General Assembly and the Economic and Social Council.

At an open videoconference held on 24 July in connection with the item entitled "Maintenance of international peace and security" and aimed at addressing the question of climate and security,<sup>93</sup> the representative of Saint Vincent and the Grenadines recalled that while United Nations organs such as the General Assembly and the Economic and Social Council continued to play important roles, it was vitally important that climate perspectives be incorporated comprehensively into the peace and security pillar of the Organization, adding that what was needed was a complementary, synergistic approach to make the best use of the expertise of all relevant organs and actors. Similarly, the delegation of Nauru, in its statement submitted on behalf of the 51-member Group of Friends on Climate and Security, while recognizing and supporting other efforts and processes taking place within different parts of the United Nations family, including the Economic and Social Council, expressed the view that the Security Council must do more. In its written statement, the delegation of Poland argued that addressing the implications of climate change was not only the responsibility of the Assembly and the Economic and Social Council, but

<sup>89</sup> See [S/2020/418](#) (Executive Director of Security Council Report); and [S/2020/1090](#) (President of the Economic and Social Council and Kenya).

<sup>90</sup> See [S/2020/568](#) (Dominican Republic and Saint Vincent and the Grenadines (also on behalf of the Niger, South Africa and Tunisia)).

<sup>91</sup> See [S/2020/340](#).

<sup>92</sup> See [S/2020/663](#).

<sup>93</sup> See [S/2020/751](#).



also of the Security Council, as climate change posed risks to peace and security. In its written statement, the delegation of the Republic of Korea affirmed that a United Nations system-wide approach to climate-related security risks was needed, as was better coordination among United Nations bodies. The delegation referred to the Economic and Social Council resolution 2020/2 on international support to the Sahel region, in which closer cooperation between relevant United Nations bodies and Member States was set out, as a good example leading to more concrete actions.

At an open videoconference held on 17 September in connection with the item entitled “Maintenance of international peace and security” and focused on the humanitarian effects of environmental degradation and peace and security,<sup>94</sup> the representative of Brazil underscored in his written statement that climate change and environmental challenges were phenomena that could have no possible military solution and were challenges that must be dealt with primarily through development tools, avoiding the risk of undue securitization. In that regard, the United Nations system relied on a roster of forums and agencies tasked with handling environmental issues, including the Economic and Social Council, the Second Committee of the General Assembly, the Peacebuilding Commission, the United Nations Environment Programme and the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa.

### **Case 3 Implementation of the note by the President of the Security Council (S/2017/507)**

On 15 May, at the initiative of Estonia which held the presidency of the Council for the month, and Saint Vincent and the Grenadines, as Chair of the Informal Working Group on Documentation and Other Procedural Questions,<sup>95</sup> Council members held an open videoconference in connection with the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)” and focused on the Council’s working methods.<sup>96</sup> During the videoconference, Council members heard briefings by the Executive Director of Security Council Report, the Chair of the Informal Working Group and the Arnold A. Saltzman Professor of Professional Practice in International and Public Affairs of Columbia

University, Edward Luck. Representatives of six Council members delivered their statements during the videoconference.<sup>97</sup> The representatives of non-Council member States submitted their statements in writing.<sup>98</sup>

The Executive Director of Security Council Report said that the Council had, at times, hesitated to take up certain forms of global threats, such as climate threats, cyberthreats, pandemic threats or root causes of conflict that lay in structural inequality and other chronic human rights violations, adding that there was no shadow Council to address those systemic threats to shared security. In that regard, she noted that, as the Council did not want to encroach on the mandates of other bodies, it could be timely to strengthen the exchanges between the Council and those other bodies, as an expression of the Council’s own role and as support for those bodies’ taking up those global threats. The provision in Article 65 of the Charter for the Economic and Social Council to furnish information to the Security Council, and assistance if requested, had the potential to bring some root causes of conflict more strongly to the fore. Whether it be with the Economic and Social Council, the General Assembly, the Peacebuilding Commission or other bodies, she encouraged Council members to develop ways to work coherently and burden-share with those entities to address threats to peace and security. Similarly, the representative of China stated that, with regard to thematic issues that went beyond its mandate, the Council should work in close coordination with other United Nations bodies, such as the General Assembly and the Economic and Social Council. Recalling that, during its presidency of the Council, China had maintained close coordination with the President of the General Assembly, the President of the Economic and Social Council and the Secretary-General and stressing that such practices had proved conducive to the Council’s work, he encouraged the presidencies for different months to better coordinate with each other so

<sup>97</sup> China, France, Russian Federation, United Kingdom, United States and Viet Nam (on behalf of the 10 elected members of the Security Council).

<sup>98</sup> The following countries submitted written statements: Afghanistan, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bolivia (Plurinational State of), Brazil, Canada, Chile (in its national capacity and on behalf of the Group of Like-Minded States on Targeted Sanctions), Costa Rica, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Fiji, Guatemala, India, Ireland, Italy, Japan, Kuwait, Lebanon, Liechtenstein, Malaysia, Malta, Mexico, Morocco, New Zealand, Nigeria, Norway (on behalf of the Nordic countries), Philippines, Poland, Republic of Korea, Singapore, Slovakia, Switzerland (on behalf of the members of the Accountability, Coherence and Transparency Group), Turkey, United Arab Emirates and Ukraine.

<sup>94</sup> See S/2020/929.

<sup>95</sup> The Council had before it a concept note annexed to a letter dated 7 May 2020 (S/2020/374).

<sup>96</sup> See S/2020/418.

as to enhance integrity and synergy and avoid duplication. The representative of the Russian Federation reiterated his delegation's appeal for the Council's agenda not to be overloaded and abused with the consideration of thematic subjects on the agendas of the General Assembly, the Economic and Social Council or other United Nations bodies.

In his statement, the representative of Bahrain indicated that his delegation welcomed the relentless pursuit of greater coordination and cooperation among the main organs of the United Nations, including the Security Council, the General Assembly, the Economic and Social Council and other relevant bodies, so as to enable the Organization to work rapidly and effectively and support the Security Council in implementing its mandate. The representative of Malaysia said that his delegation was encouraged by the continuous monthly engagement between the Presidents of the Council and of the Assembly and expressed hope that similar engagement could be strengthened with the President of the Economic and Social Council, as peace and security issues were also linked to the subjects of women, youth and development. The representative of Turkey also stressed in his statement the need to increase coordination and cooperation between the Security Council and other main bodies of the United Nations, including the Economic and Social Council. The representative of El Salvador expressed support for greater interaction by the Council with the General Assembly, the Economic and Social Council and other United Nations bodies. Noting that the Security Council's field visits were valuable but could be very costly, she further suggested that they could be carried out among the various subsidiary bodies of the Council, including the Peacebuilding Commission, and by the Economic and Social Council, with a view to coordinating efforts and strengthening the dynamics of the Organization.

#### **Case 4 Peacebuilding and sustaining peace**

On 3 November, at the initiative of Saint Vincent and the Grenadines, which held the presidency of the Council for the month,<sup>99</sup> Council members held an open videoconference in connection with the item entitled "Peacebuilding and sustaining peace" and focused on contemporary drivers of conflict and insecurity.<sup>100</sup> During the videoconference, Council members heard briefings by the Deputy Secretary-General, the Chief Executive Officer of the African Union Development

Agency, the Vice Chancellor of the University of the West Indies and the President of the Economic and Social Council. Representatives of all Council members delivered their statements during the videoconference. The representatives of non-Council member States and the European Union submitted their statements in writing.<sup>101</sup>

The President of the Economic and Social Council said that, although little noted and never utilized, Article 65 of the Charter provided that the Economic and Social Council might "furnish information to" the Council and should assist the Council "upon its request". He added that the framers of the Charter had clearly conceived that the United Nations would both collectively maintain and enforce peace and create the conditions for peace and stability.

Following the briefings, videoconference participants discussed the relations between the two organs and the potential for concrete cooperation. The Prime Minister of Saint Vincent and the Grenadines stressed that, amid the vast and continually expanding health, economic, social, humanitarian and security challenges experienced by people globally, it was necessary to take bold steps to alleviate human suffering, especially in conflict-affected areas. He called for a whole-of-system approach and enhanced cooperation between the Council and other main organs such as the Economic and Social Council, as exemplified by the work of the Ad Hoc Advisory Group on Haiti. The representative of China underscored that global threats and challenges called for robust global responses, and stressed that the Security Council, the General Assembly, the Economic and Social Council, the Peacebuilding Commission and other bodies should fulfil their respective mandates and complement each other. The Deputy Minister for Foreign Affairs of the Russian Federation expressed support for the cooperation and pooling of efforts of various United Nations agencies, when appropriate and agreed to by all Member States, and for the development and strengthening of dialogue between the two Councils.

In its statement, the delegation of the United Arab Emirates welcomed the Council's greater engagement with other entities of the United Nations and encouraged growing synergies. Noting that, in recent

<sup>99</sup> The Council had before it a concept note annexed to a letter dated 30 October 2020 (S/2020/1064).

<sup>100</sup> See S/2020/1090.

<sup>101</sup> The following countries submitted written statements: Azerbaijan, Brazil, Cabo Verde, Canada, Chile, Colombia, Cuba, Denmark (on behalf of the Nordic countries), Ecuador, El Salvador, Eritrea, Georgia, Guatemala, India, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Liechtenstein, Malta, Mexico, Morocco, Namibia, Netherlands, Nigeria, Peru, Philippines, Poland, Portugal, Qatar, Singapore, Slovakia, Slovenia, Sudan, Switzerland, Ukraine and United Arab Emirates.

years, the Economic and Social Council had engaged on several issues on the Security Council's agenda on an ad hoc basis, the delegation stressed that such relationships should be strengthened. In his statement, the representative of Kenya recalled that the Charter provided a vision for a preventive diplomatic strategy that would require the Security Council to work in coherence with the General Assembly and the Economic and Social Council, under Articles 11 and 65, respectively, to enable the creation of conditions of stability and well-being necessary for peaceful and friendly relations among nations.

The representative of Ecuador suggested in his statement that, in coordination with the Economic and Social Council, the Security Council should take account of the economic dimensions of armed conflicts and promote initiatives aimed at ensuring stable contexts for the involvement of civil society, academia and the private sector. In his statement, the representative of the Islamic Republic of Iran noted that the effects of climate change in terms of the emergence or escalation of conflicts could not be properly addressed through the application of traditional measures such as sanctions, but rather through extending economic and financial assistance to the societies concerned, which were the exact areas where the General Assembly and the Economic and Social Council could play an effective role in the amelioration of the situation. In its statement, the delegation of Mexico argued that threats such as pandemics and environmental challenges could not be addressed or overcome in isolation and that, while the Security Council bore the primary responsibility for the maintenance of international peace and security, other principal organs of the United Nations, including the Economic and Social Council, also had a key role to play in preventing development challenges from becoming a threat to peace.

The delegation of Brazil underscored that peacebuilding and sustaining peace were cross-pillar endeavours that were connected with topics of interest to the whole United Nations membership and that should be discussed and implemented under the leadership of other political forums, such as the General Assembly and the Economic and Social Council, in accordance with their respective mandates. In that connection, the delegation expressed support for enhancing the advisory capacities of the Peacebuilding Commission with a view to providing recommendations to the Security Council, the General Assembly and the Economic and Social Council. A similar expression of support for the Commission's advisory capacity and bridging role

among the various bodies was articulated by other delegations in their statements.<sup>102</sup> The representative of Namibia called for the Council to make greater use of the expertise and insight that both the Commission and the Economic and Social Council could provide on their respective focus areas, as such collaboration would serve only to benefit those who were seeking to build peace and security and ensure the implementation of the 2030 Agenda for Sustainable Development.

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

Several communications circulated as documents of the Council during the reporting period contained references to the relationship between the Security Council and the Economic and Social Council. In his report on peacebuilding and sustaining peace,<sup>103</sup> the Secretary-General took note of the potential for greater collaboration between the two Councils, indicating that the operational activities for the Economic and Social Council's development segment in 2020 had served to underscore the need to better connect actions in development, humanitarian assistance and peace. The Secretary-General also welcomed the Peacebuilding Commission's consideration of the designation of an informal coordinator to liaise with the General Assembly and the Economic and Social Council.

In a letter dated 3 March 2020 addressed to the President of the Security Council,<sup>104</sup> the representatives of Kuwait and Saint Vincent and the Grenadines transmitted their joint report on the informal retreat on the working methods of the Council, co-hosted by the two delegations and held in Kingstown from 17 to 19 January 2020. According to the report, some members at the retreat had addressed the subject of interaction with other principal organs of the United Nations, such as the General Assembly and the Economic and Social Council, emphasizing that there was potential for greater collaboration with the Presidents of those two organs. Although the President of the Security Council met on a monthly basis with the President of the Assembly, that was not the practice with respect to the President of the Economic and Social Council.

<sup>102</sup> Canada, El Salvador, Georgia, Ireland, Mexico, Nigeria, Portugal and Slovakia.

<sup>103</sup> [S/2020/773](#).

<sup>104</sup> [S/2020/172](#).

### 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 give a briefing to Council members in a closed session. Given the impact of the COVID-19 pandemic on the working methods of the Council, the President of the Court addressed Council members at a closed videoconference held on

28 October 2020.<sup>105</sup> In addition, the Council heard a briefing by the President of the Court at an open videoconference, held on 18 December, in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”, with a focus on the theme of strengthening the cooperation between the Council and the Court.<sup>106</sup> Subsection A covers the decisions of the Council containing references to the Court. Subsection B provides information on discussions held among Council members during the reporting period on the relations between the Council and the Court. Subsection C covers communications of the Council concerning the relationship between the two organs.

#### A. Decisions of the Council referring to the International Court of Justice

In a presidential statement adopted on 21 December to mark the seventy-fifth anniversary of the United Nations, the Council recalled its previous statements in which it had reaffirmed the importance of the International Court of Justice in the international architecture and maintenance of international peace and security.<sup>107</sup> Stressing the importance of all the provisions of the Charter regarding the peaceful settlement of disputes and the Court, the Council also expressed its continued commitment to fostering interaction between the two organs, in accordance with their respective mandates under the Charter.<sup>108</sup> The Council also recognized the positive contribution of the Court to the rule of law at the international level and its key role in adjudicating disputes among States, thus defusing tensions and restoring peaceful relations among States, and noted the growing number of cases brought to the Court on all aspects of international relations, which demonstrated confidence in the Court.<sup>109</sup>

<sup>105</sup> See [A/75/2](#), part II, chap. 19. For more information on closed meetings held under the item entitled “Briefing by the President of the International Court of Justice”, see *Repertoire, Supplement 2000–2003 to 2019*.

<sup>106</sup> See [S/2020/1286](#).

<sup>107</sup> [S/PRST/2020/13](#), fifth paragraph. See also [S/PRST/2006/28](#), [S/PRST/2010/11](#) and [S/PRST/2012/1](#).

<sup>108</sup> [S/PRST/2020/13](#), third and tenth paragraphs.

<sup>109</sup> *Ibid.*, sixth and seventh paragraphs.

## B. Discussions concerning relations with the International Court of Justice

During the period under review, nine explicit references to Article 94<sup>110</sup> of the Charter and eight explicit references to Article 96<sup>111</sup> were found in the context of deliberations by Council members and non-Council members. Most of those references, including on the relationship between the Council and the Court, were made in statements submitted for the open videoconference held on 18 December in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security” (see case 5).

One explicit reference to Article 94 of the Charter was made at a meeting held on 13 January under the item entitled “Maintenance of international peace and security”,<sup>112</sup> by the representative of Djibouti, who elaborated on the means for peaceful settlement of disputes, underscoring that much of the international infrastructure for resolving such disputes was already in place, including the creation, through the Charter, of the International Court of Justice as the principal judicial organ of the United Nations for resolving legal disputes between States. Expressing a sense of encouragement stemming from how frequently States had invoked the Court’s jurisdiction in preceding years, he emphasized that, when a State failed to comply with a judgment of the Court, the Council must not hesitate to act under Article 94 to decide upon measures to give the judgment effect.

Two explicit references to Article 96 of the Charter were made at an open debate held on 9, 10 and 13 January under the item “Maintenance of international peace and security”,<sup>113</sup> by the Secretary-General and the representative of Egypt. On the first day of the debate, the Secretary-General recalled that Chapter VI of the Charter provided for many available tools for the peaceful settlement of disputes, including negotiation, enquiry, mediation, conciliation, arbitration and judicial settlement.<sup>114</sup> Emphasizing that there was ample evidence that those tools could be effective when applied with purpose and unity, he called upon

the Council to further utilize the powers granted to it under the Charter, including the investigation of disputes in accordance with Chapter VI and the referral of legal questions to the International Court of Justice for advisory opinions in accordance with Article 96. The representative of Egypt expressed regret that the Council rushed to use Chapter VII of the Charter instead of Chapter VI, which contained a call for taking pre-emptive and preventive diplomatic steps and for activating the role of the Court, in accordance with Article 36 (3) of the Charter, on the referral of disputes of a legal nature to the Court, and with Article 96, on requests for an advisory opinion from the Court.

At the resumption of the meeting held the following day,<sup>115</sup> the representative of Slovenia underscored that one of the major intersections between the Charter, the Council and the rule of law was the enforcement of those rules and decisions, especially through the International Court of Justice. The representative of Uruguay emphasized that the relations between the Council and the Court must be strengthened, calling upon the Council to encourage the settlement of disputes, in particular legal ones, when other means, such as negotiation, mediation, conciliation, had not been effective. The representative of Azerbaijan, speaking on behalf of the Non-Aligned Movement, underscored the Movement’s principled position and commitment with regard to the promotion of the peaceful settlement of disputes in accordance with the Charter and emphasized the significant role played by the Court in promoting and encouraging the settlement of international disputes by peaceful means in accordance with the relevant provisions of the Charter and the Statute of the Court. The Movement urged the Council, the General Assembly and other organs of the United Nations and its specialized agencies, when duly authorized, to make greater use of the Court as a source of advisory opinions on and interpretation of international law within the scope of their activities.

### Case 5 The promotion and strengthening of the rule of law in the maintenance of international peace and security

On 18 December, at the initiative of South Africa, which held the presidency of the Council for the month,<sup>116</sup> Council members held an open videoconference in connection with the item entitled “The promotion and strengthening of the rule of law in

<sup>110</sup> See [S/PV.8699 \(Resumption 2\)](#) (Djibouti); and [S/2020/1286](#) (France, Saint Vincent and the Grenadines, Tunisia, Bangladesh, Brazil, Mexico, Peru and Portugal).

<sup>111</sup> See [S/PV.8699](#) (Secretary-General and Egypt); and [S/2020/1286](#) (President of the International Court of Justice, Tunisia, Bangladesh, Denmark, Peru and Portugal).

<sup>112</sup> See [S/PV.8699 \(Resumption 2\)](#).

<sup>113</sup> See [S/PV.8699](#), [S/PV.8699 \(Resumption 1\)](#) and [S/PV.8699 \(Resumption 2\)](#).

<sup>114</sup> See [S/PV.8699](#).

<sup>115</sup> See [S/PV.8699 \(Resumption 1\)](#).

<sup>116</sup> The Council had before it a concept note annexed to a letter dated 11 December 2020 ([S/2020/1194](#)).

the maintenance of international peace and security” and focused on strengthening cooperation between the Council and the International Court of Justice.<sup>117</sup> During the videoconference, Council members heard a briefing by the President of the International Court of Justice. Representatives of all Council members delivered their statements during the videoconference. The representatives of non-Council member States submitted their statements in writing.<sup>118</sup>

The President of the International Court of Justice focused his briefing on the question of how to strengthen the partnership between the Council and the Court so as to uphold the rule of law at the international level. In his view, while the partnership between the two organs was already strong, it could be further strengthened. He recalled that the Council had only once exercised its powers under Article 36 (3) of the Charter to recommend that disputing parties settle their disputes through the Court,<sup>119</sup> namely, in the *Corfu Channel case (United Kingdom of Great Britain and Northern Ireland v. Albania)*. The Council had also only once requested an advisory opinion from the Court under Article 96,<sup>120</sup> namely, in the case of *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*. He stressed that the vitality of the relationship between the two principal organs could not be evaluated by the quantity, but rather by the quality, of their collaboration.<sup>121</sup> He recalled that the *Corfu Channel* case, the referral of which had helped to avoid a dispute that could have degenerated into a full-blown war involving several protagonists, had demonstrated that the system of cooperation established through the Charter between the Court and the Council could produce results. The President of the Court also elaborated on the “less visible” ways in which the two organs contributed to each other’s work and thus cooperated with each other, mainly through their respective contributions to the development of international law and, hence, to the strengthening of the international rule of law. He recalled that the Court had consistently supported the Council’s mission to maintain international peace and security, for example by confirming in one advisory opinion that the Council

could establish peacekeeping forces, to be funded through the general budget of the Organization, and by clarifying in two others how to interpret and determine the binding character of Council resolutions, thereby contributing to their effectiveness. The President of the Court reiterated his prior appeal to the Council to resume its past tradition of recommending the referral of legal disputes to the Court and to again make use of the Court’s advisory function on legal questions. He expressed his agreement with the text of the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and on the Role of the United Nations in this Field, set out in the annex to General Assembly resolution 43/51, in that a request for an advisory opinion from the Court could play an important role in the Council’s work on preventing situations or disputes from becoming a threat to international peace and security. He also suggested an expanded dialogue between the two organs, recommending in particular that, in addition to the annual briefing of the Council by the President of the Court, that the Council include in its schedule a visit to the Court once every three years, following the triennial change in the composition of the Court, so as to allow the Council to see, first-hand, the work of the Court and discuss issues of common interest. Recalling the previous presidential statements in which the Council called upon States to consider accepting the jurisdiction of the Court,<sup>122</sup> he noted that such statements had contributed to strengthening the relationship between the two organs and suggested that they be made periodically – every three to five years – starting from the date of his briefing.<sup>123</sup>

In numerous statements prepared for the videoconference, Member States either invoked Articles 94 and/or 96 of the Charter explicitly or discussed the principles described therein. The representative of France noted that the mandates of the International Court of Justice and the Council were complementary for the maintenance of international peace and security and highlighted the links between the two organs as enshrined in the Charter. She further underscored that the absence of a referral to the Council under Article 94 (2) tended to demonstrate the authority of the Court’s judgments, adding that the binding scope of decisions also applied to orders. The representative of Saint Vincent and the Grenadines recalled that, under Chapter VI of the Charter, a symbiotic relationship had been envisioned between the Council and the Court, with the Council’s critical

<sup>117</sup> See [S/2020/1286](#).

<sup>118</sup> The following countries submitted written statements: Austria (on behalf of the Group of Friends of the Rule of Law, as well as Cyprus), Bangladesh, Brazil, Denmark (on behalf of the Nordic countries), Japan, Liechtenstein, Mexico, Morocco, Myanmar, Peru and Portugal.

<sup>119</sup> See resolution 22 (1947).

<sup>120</sup> See resolution 284 (1970).

<sup>121</sup> See [S/2020/1286](#).

<sup>122</sup> [S/PRST/2006/28](#), [S/PRST/2010/11](#) and [S/PRST/2012/1](#).

<sup>123</sup> See [S/2020/1286](#).

mandate bolstered by the valuable contributions of the Court. She noted, however, that the Council had not taken full advantage of the Court's well-established jurisprudence, which was grounded in robust decisions and advisory opinions, stressing the need for the Council to encourage Member States to utilize the Court in the pursuit of the peaceful settlement of disputes. She added that it was imperative for the Council to consider making recommendations to give effect to the Court's directions, in line with the guidance of the Charter, as set out in Article 94.

The representative of Tunisia underscored the different yet related competencies of the two organs in the settlement of international disputes, within the framework of the Charter, and called for enhanced interaction and coordination within their respective mandates by making full use of relevant international legal provisions. He added that the Council should consider referrals to the International Court of Justice and requests for the Court to issue advisory opinions on any legal questions, as provided for under Articles 36 (3) and 96 (1) of the Charter. He also acknowledged the role of the Court in spurring the Council to action as provided for under Article 94.

The representative of Bangladesh cautioned that non-compliance with the orders and judgments of the International Court of Justice posed a serious threat to international peace and security and recalled that, under Article 94 (2) of the Charter, the Council had been granted the power to "make recommendations or decide" on measures to be taken to give effect to a judgment if a request was made by one of the parties to the dispute. She also suggested that the Council should take a proactive approach, to help to uphold the sanctity of the Court's orders by taking measures to implement the Court's judgments, such as recommending that conflicting parties refer their disputes to the Court and making appropriate use of Article 96 (1) of the Charter to refer questions of international law to the Court so as to seek its advisory opinions.

The delegation of Brazil identified four specific ways in which cooperation could be fostered between the Council and the International Court of Justice, namely, through greater use by the Council of the advisory jurisdiction of Court; through continued dialogue and mutual consideration by each organ of the other's views on issues of common interest; by recommending that States in conflict submit their dispute to the Court; and through the enforcement of the Court's decisions. On behalf of the Nordic countries, the representative of Denmark recalled that through the Charter, a close relationship was envisaged between the Council and the Court, providing the two

organs with ample opportunities for intensive cooperation. He stressed that, at a time when the rules-based order was increasingly under pressure, the Council and the Court should use their Charter prerogatives to play vital and mutually complementary roles in promoting the rule of law, including with regard to human rights and peace and security. Together, they had the potential to be a powerful force for upholding the rule of law at the international level, in particular through Articles 33 (2) and 96 (1) of the Charter, under which the Council was authorized to call upon States parties to any dispute to settle such disputes by peaceful means and to request advisory opinions from the Court on legal matters.

The delegation of Mexico stressed the role of the Council in the execution of the judgments of the International Court of Justice under Article 94 (2) and called on those States, including permanent members of the Council, that had not yet accepted the compulsory jurisdiction of the Court to make a statement in that regard as a show of support between two principal organs. The delegation further suggested that the Council could take greater advantage of its ability to request advisory opinions from the Court in order to obtain an impartial, legal and technical view of certain situations, thereby helping to depoliticize certain items on its agenda.

The delegation of Peru noted that, historically, the Council had not taken advantage of the full potential offered by its interaction with the International Court of Justice and stressed that the Council was empowered, at any stage of a dispute, to make recommendations within the framework of its functions. It was essential that the Council recommend, on a more regular basis, that situations between States that jeopardized international peace and security be referred to the Court. It was also essential that the Council take a more active role should one of the parties fail to comply with the obligations arising from a ruling of the Court, by discussing the matter in depth and dictating the necessary measures to ensure its implementation, in accordance with Article 94 (2) of the Charter. The delegation encouraged the members of the Council to promote the effective use of the prerogative to request an advisory opinion, in accordance with Article 96 (1), because of the benefits it could bring to resolving disputes or to clarifying the legal basis of certain decisions of the Council. Similarly, the delegation of Portugal noted that, under Article 94 (2), the Council could be called on to take action to enforce a judgment of the Court. The delegation indicated that strengthening of the cooperation between the two organs would reinforce

the tasks conferred, under the Charter, upon the United Nations, its Member States and specifically those two organs, and recalled a number of concrete steps already provided for in the Charter that the Council could take to ensure progress in that direction, such as recommending the submission of dispute to the Court; revisiting its power to ensure compliance with Court judgments, pursuant to Article 94; taking a more proactive role and establishing an overview procedure, together with the Court, to monitor compliance; and requesting advisory opinions of the Court, pursuant to Article 96 (1), with greater frequency. The delegation further suggested the drafting of a road map on specific ways to implement the tools made available to the Council under the Charter.

Council members reflected on concrete measures and actions that the Council could take to strengthen cooperation between the two organs. The representative of Belgium recalled that, under the Charter, the Council was unambiguously granted three powers for cooperation with the International Court of Justice: two at the outset, by recommending that disputes be submitted to the Court or by requesting an advisory opinion, and one subsequently, by making recommendations or taking measures to enforce a decision of the Court, without which the Court could not be truly effective. He further suggested that, in addition to those three specific functions, the Council could also innovate by, for example, inviting the President of the Court to provide briefings when non-compliance with Court decisions could threaten international peace and security. A similar view was voiced by the representative of South Africa, who also expressed regret that the Council and Member States had, over the years, not made frequent enough use of the potential of the Court to settle disputes peacefully. He also suggested that Council members, in their consideration of thematic agenda items and country-specific situations alike, should bear in mind the provisions of the Charter concerning the interaction of the two organs and the possible role that the Court could play in assisting the Council in the execution of its mandate.

The delegation of the Dominican Republic recalled that the relationship between the two organs had remained largely inactive and minimal over the years and called upon the Council to increase opportunities for cooperation with the International Court of Justice in the area of conflict prevention as a peaceful mechanism for the settlement of disputes. It further urged the members of the Council to enhance the jurisdiction of the Court and to explore new forms

of cooperation, in particular in the areas of peacekeeping operations and transitional justice.

The representative of Estonia affirmed that the mandate of the Council in relation to the International Court of Justice was manifold; the Council could request advisory opinions from the Court, could recommend that parties to a legal dispute refer it to the Court and could proactively take measures to ensure compliance with a judgment of the Court. He recalled, however, that those comprehensive tools had been far too rarely used by the Council during the 75 years of its existence and underscored that there was scope for improvement and further cooperation between the two organs and among Member States. In that regard, he called for more frequent recourse to the Court by the Council as a useful avenue for the clarification of legal issues. He also expressed the hope that the discussion held that day would contribute to further consideration of a stricter application of Article 36 (3) of the Charter, namely, that legal disputes should, as a general rule, be referred to the Court. Similarly, the representative of the Niger expressed his delegation's wish to see greater involvement by the Council with the Court through the referral of legal disputes to the Court, in accordance with Article 36 (3).

Referring to the proposals made by the President of the International Court of Justice in his briefing, the representative of Germany stressed that it would be good if disputes were referred to the Court more often; it could also be valuable if the Council invited the President of the Court to provide briefings when instances of non-compliance with decisions of the Court could threaten international peace and security. With respect to the use of advisory functions with regard to conflict prevention, his country subscribed to the recommendation that the Council use it more often. He also expressed support for the possibility of the Council visiting the Court and pointed out that, as the evolution of international law was reflected in both the practice of the Council and the jurisdiction of the Court, cooperation between the two organs was needed more than ever.

The representative of Indonesia highlighted the need for the Council to engage in more dialogue and interaction with the International Court of Justice in the exercise of its mandate, and recalled that the Charter provided tools to the Council to peacefully settle disputes between States by making use of the Court's jurisdiction in such cases or requesting its advisory opinions on legal questions that arose in the Council's work, stressing that the Council needed to be encouraged to make use of those Charter tools.



The representative of Viet Nam highlighted the separate but complementary roles of the International Court of Justice and the Council, adding that there was much space for strengthening the coordination and cooperation between the two organs. He expressed his country's support for the enhanced cooperation between the Council and the Court in accordance with the established institutional framework, recalling the Council's mandate to recommend that the relevant parties refer their disputes to the Court, while noting that the *Corfu Channel* case was the first and only example thereof. Furthermore, of 28 advisory opinions issued by the Court, only one had been made upon request of the Council; the Council could build on its good past practices to promote the peaceful settlement of disputes in accordance with international law as a conflict prevention tool. He underlined the need to strengthen dialogue between the two organs on more substantive matters and added that the judicial expertise of the Court could make a significant contribution to the work and activities of the Council in dealing with burning international legal issues arising in thematic agenda items and in the context of conflict or post-conflict situations. The delegation of Austria, on behalf of the Group of Friends of the Rule of Law, as well as Cyprus, also encouraged the Council to make more use of the Court's expertise and to use all the tools provided by the Charter in that regard, including encouraging States to refer legal disputes to the Court in its resolutions and always, when considering situations that constituted a threat to international peace and security, examining whether the Court should be seized of the matter.

Various delegations welcomed the open debate on strengthening cooperation between the Council and the International Court of Justice. The representative of Japan expressed his delegation's expectation for discussions on the topic to continue in the Council, while emphasizing the need for the Court to continue rendering judgments and advisory opinions of the highest quality and for the Council to duly respect the role and function of the Court in its consideration of the maintenance of international peace and security. Similarly, the representative of Liechtenstein expressed hope that the debate would be the beginning of a new conversation on the Council making more frequent usage of the Court, as a legal tool.

Participants at the videoconference also focused on the distinct and complementary functions of the two organs. The representative of China emphasized that strengthening cooperation between the Council and the International Court of Justice was conducive to maintaining the United Nations-centred international

system and the international order underpinned by international law. He emphasized the need to strengthen the interaction between the two organs and called on the Council to respect and support the independent work of Court, stressing the need for both to perform their respective duties and collaborate with each other under the Charter. The representative of the Russian Federation pointed out that, each within its respective mandate, the Court and the Council interacted with one another and contributed to the peaceful settlement of disputes. The delegation of Morocco also underscored that the action of the two organs was complementary and distinct and that the strengthening of the existing cooperation between them, within the institutional framework provided by the Charter and with full respect for their respective mandates, contributed positively to the work of the Council.

Some speakers underscored the impact of the International Court of Justice on the enhancement of the rule of law and international law. The representative of the United Kingdom stressed that the rule of law at the international level and the role played by the Court would be further enhanced if more States accepted its compulsory jurisdiction. He said that his country welcomed the annual closed meeting between the Council and the Court as a forum for discussion and an example of the cooperation between the Council and the Court. The representative of the United States noted the private annual briefing by the President of the Court and the exchange of views with the Council about issues of common interest, adding that, in the light of the seventy-fifth anniversary of the Court, it was fitting to have a second opportunity to highlight the crucial role of the Court, and to do so at a public meeting. He further underscored that the Court played a vital role in promoting and preserving the rule of law and in advancing international peace and security through the peaceful resolution of disputes. He pointed to the likelihood that some of those disputes might never reach the Council as reinforcing the effectiveness of the United Nations framework. As situations developed into matters requiring the Council's attention, it was necessary to be mindful of where the Court could play a role while preserving the fundamental principle of State consent to the judicial settlement of disputes.

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

During the period under review, the Council continued to exchange letters<sup>124</sup> with the Secretary-General and to receive his reports<sup>125</sup> on the progress of the Cameroon-Nigeria Mixed Commission established to facilitate the implementation of the ruling of the International Court of Justice of 10 October 2002 on the land and maritime boundary dispute between the two countries. In addition, in a letter dated 3 March 2020

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<sup>124</sup> S/2020/1322 and S/2020/1323.

<sup>125</sup> S/2020/585 and S/2020/1293.

addressed to the President of the Security Council,<sup>126</sup> the representatives of Kuwait and Saint Vincent and the Grenadines transmitted a joint report on the informal retreat on the working methods of the Security Council, which had been co-hosted by the two delegations and held in Kingstown from 17 to 19 January. According to the report, members at the retreat had called for greater interaction at the annual closed meeting with the President of the International Court of Justice and for the consideration of greater support for the work of the Court.

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<sup>126</sup> S/2020/172.