



Repertoire of the Practice of the Security Council

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Part IV

Relations with other United Nations organs

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Introductory note

Part IV of the *Repertoire* covers the practice of the Security Council with regard to Articles 4-6, 10-12, 15, 20, 23, 24 (3), 65, 93-94, 96 and 97 of the Charter concerning the relations of the Security Council with other principal organs of the United Nations: the General Assembly, the Economic and Social Council and the International Court of Justice. During the period under review, no material relating to the Trusteeship Council required treatment. Material relating to the relations of the Security Council with the Secretariat is featured in part II, section V, which deals with the administrative functions and powers of the Secretary-General in connection with meetings of the Council under rules 21 to 26 of its provisional rules of procedure.

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

I. Relations with the General Assembly

Note

Section I focuses on various aspects of the relationship between the Security Council and the General Assembly in accordance with Articles 4-6, 10-12, 15, 20, 23, 24 (3), 93-94 and 96-97 of the Charter, rules 40¹ and 60-61 of the provisional rules of procedure of the Council and Articles 4, 8, 10-12 and 14 of the Statute of the International Court of Justice.

This section is divided in eight subsections. Subsection A deals with the election by the General Assembly of the non-permanent members of the Council, in accordance with Article 23. The next two subsections (B and C) concern the functions and powers of the General Assembly vis-à-vis Articles 10 through 12, with a particular focus on the practice and authority of the General Assembly to make recommendations to the Security Council. Subsection D considers instances in which a decision by the Council must be taken prior to that of the General Assembly under Articles 4 through 6, 93 and 97, such as the admission of new members or the appointment of judges of the International Tribunals. Subsection E examines the practices for the election of members of the International Court of Justice, requiring concurrent action by both the Council and the General Assembly. Subsection F covers the annual and special reports by the Council to the General Assembly, in accordance with Articles 15 and 24 (3). Subsection G concerns Council relations with the subsidiary organs established by the General Assembly which have played a part in the work of the Council during the 2012 and 2013 biennium. Finally, subsection H features other Council practice bearing on relations with the General Assembly.

¹ Rule 40 of the provisional rules of procedure is also covered in part II, section VIII with regard to decision-making and voting.

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

Article 23

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

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

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

During the period under review, in accordance with Article 23 of the Charter, the General Assembly elected, at the 67th and 68th regular sessions, five non-permanent members of the Security Council for a two-year term to replace those members whose terms of office were to expire on 31 December of the respective year. Further to the decision of Saudi Arabia not to assume its seat on the Security Council, as explained in the letter dated 12 November 2013 from the Permanent Representative of Saudi Arabia addressed to the Secretary-General,² an additional plenary meeting of the Assembly was held on 6 December 2013 at which the seat vacated by Saudi Arabia was filled by the election of Jordan. Table 1 sets out the details of the elections.

² [A/68/599](#).

Table 1

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

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

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

Article 10

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

Article 11

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

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

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

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

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

In the Security Council, Article 10 was explicitly invoked in the discussion relating to the working methods of the Council,³ which is included as a case study (case 1). An explicit reference was made to Article 11 (2) in the context of a different meeting also relating to the working methods of the Council, without giving rise to a constitutional discussion.⁴ Additionally, the General Assembly did not make any recommendation to the Security Council in accordance with Article 11 (2), with regard to specific questions relating to the maintenance of international peace and security, nor did it request action from the Council. Moreover, the General Assembly did not draw the attention of the Security Council to any situations under Article 11 (3).⁵

³ [S/PV.7052](#), pp. 31-32 (Malaysia), [S/PV.7052 \(Resumption 1\)](#), p. 2 (Ukraine).

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

⁵ For information on other referrals to the Security Council, see part VI, section I with regard to referrals of disputes or situations to the Security Council.

Table 2

Recommendations to the Security Council in resolutions of the General Assembly

<i>General Assembly resolution and date</i>	<i>Provisions</i>
Situation in the Syrian Arab Republic	
66/253 B 3 August 2012	Stresses again the importance of ensuring accountability and the need to end impunity and hold to account those responsible for human rights violations, including those violations that may amount to crimes against humanity (para. 8) Encourages the Security Council to consider appropriate measures in this regard (para. 9) See also GA resolution 67/262 , paras 8 and 9
Declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels	
67/1 24 September 2012	Recognizing the role under the Charter of the United Nations of effective collective measures in maintaining and restoring international peace and security, we encourage the Security Council to continue to ensure that sanctions are carefully targeted, in support of clear objectives and designed carefully so as to minimize possible adverse consequences, and that fair and clear procedures are maintained and further developed (para. 29)
Pattern of conferences	
68/251 27 December 2013	Notes that the lists of individuals and entities subject to sanctions, according to the sanctions committees of the Security Council, have not yet been translated into all six official languages, reiterates its recommendation that the Informal Working Group on Documentation and Other Procedural Questions of the Security Council look further into the practices related to the issuance of these lists, including their translation, and requests the Secretary-General to report thereon at the sixty-ninth session of the General Assembly (para. 102)
Protection of human rights and fundamental freedoms while countering terrorism	
68/178 18 December 2013	Recognizes the need to continue ensuring that fair and clear procedures under the United Nations terrorism-related sanctions regime are strengthened in order to enhance their efficiency and transparency, and welcomes and encourages the ongoing efforts of the Security Council in support of these objectives, including by supporting the enhanced role of the office of the ombudsperson and continuing to review all the names of individuals and entities in the regime, while emphasizing the importance of these sanctions in countering terrorism (para. 11) Welcomes the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its respective bodies, namely, the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate, with the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and the Counter-Terrorism Committee to strengthen the links, cooperation and dialogue with relevant human rights bodies, in particular with the Office of the High Commissioner, the Special Rapporteur, other relevant special procedures and mechanisms of the Human Rights Council and relevant treaty bodies, giving due regard to the promotion and protection of human rights and the rule of law in their ongoing work relating to counter-terrorism (para. 21)
Situation of human rights in the Syrian Arab Republic	
68/182 18 December 2013	Stresses the importance of ensuring accountability and the need to end impunity and hold to account those responsible for violations of international humanitarian law and violations and abuses of human rights, including those violations that may amount to crimes against humanity, notably in the Ghouta area of Damascus on 21 August 2013, encourages the Security Council to consider appropriate measures to ensure accountability in the Syrian Arab Republic, and stresses the important role that international criminal justice could play in this regard (para. 10)

Case 1

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

At the 7052nd meeting of the Council in connection with the implementation of the note by the President of the Security Council, speakers made reference to the need for further interaction between the Security Council and the General Assembly as well as to the tension existing between Articles 10 and 30 of the Charter. Whilst Article 30 provided that the Council would adopt its own rules of procedure, Article 10 established that the General Assembly may make recommendations to the Council on its powers and functions. According to the representative of Malaysia, a key to resolving this tension would be to “work together to help the Council function more effectively” and “make the Council an organ that serve[d] the wider membership”.⁶ The representative of Ukraine argued that the Council would benefit from “taking on board” innovative ideas of the wider United Nations membership.⁷ The representative of the United States made reference to the need for the wider membership “to be informed of and appropriately involved in the Council’s work” in pursuance of Article 30.⁸

C. Practice in relation to Article 12 of the Charter

Article 12

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

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United

⁶ [S/PV.7052](#), pp. 31-32.

⁷ [S/PV.7052 \(Resumption 1\)](#), p. 2.

⁸ [S/PV.7052](#), p. 4.

Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

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

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

⁹ [A/67/300](#) and [A/68/300](#).

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

¹¹ [A/67/PV.38](#), p. 1 and [A/68/PV.46](#), p. 1. and [68/509](#).

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

Article 4

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

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

Article 5

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

Article 6

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

Article 93, paragraph 2

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

Article 97

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

Security Council. He shall be the chief administrative officer of the Organization.

Rule 60

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

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

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

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

On a number of matters, the Charter provides for joint decision-making by the Security Council and the General Assembly, but requires a decision by the Council to be taken first. This is the case with respect to the admission, suspension or expulsion of members (Articles 4, 5 and 6), the appointment of the Secretary-General (Article 97) and the conditions under which a State that is not a United Nations member may become a party to the Statute of the International Court of Justice (Article 93 (2)).¹² In addition, the statutes of the International Tribunals for the Former Yugoslavia (ICTY) and Rwanda (ICTR)¹³ provide for the Security Council to submit a list of candidates to the General

¹² The Statute of the International Court of Justice provides for the Security Council to make recommendations to the General Assembly regarding the conditions under which a State which is a party to the Statute but is not a Member of the United Nations may participate in electing members of the Court, and in making amendments to the Statute (Articles 4(3) and 69 of the Statute).

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

Assembly, from which the Assembly would elect the judges of the Tribunals.¹⁴

Similarly, the statute of the International Residual Mechanism for International Tribunals provides that “the judges of the Mechanism shall be elected by the General Assembly from a list submitted by the Security Council”.¹⁵

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

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

Further to the decision of the General Assembly on 29 November 2012¹⁶ to accord Palestine non-member observer State status, during the 6906th meeting of the Security Council, the representative of Palestine expressed the hope that the decision would pave the way for the acceptance of the application by Palestine for full membership in the United Nations.¹⁷ By contrast, the representative of the United States affirmed her country’s position, namely, that the resolution did not bestow Palestinian statehood or recognition and therefore any reference to the State of Palestine in the United Nations, including “on the placard in the Security Council”, did not reflect the United States’ acquiescence to the view that Palestine was a State.¹⁸ The representative

Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994.

¹⁴ The procedure for the election of judges of the two Tribunals is set out in article 13 (2), (3) and (4) of the statute of the ICTY and article 12 (2), (3), (4) and (5) of the statute of the ICTR.

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

¹⁶ [A/RES/67/19](#).

¹⁷ [S/PV.6906](#), p. 6.

¹⁸ [S/PV.6906](#), p. 12. The representative of Canada was also critical of the participation of the Palestinians under the name of the State of Palestine. It risked giving the false impression that Palestine had achieved

of Japan urged Palestine to exercise prudence with respect to its conduct, such as applying for membership in international organizations.¹⁹ The representative of Togo argued that while granting Palestine the status of observer State in the United Nations gave rise to hope, concerns remained over the definition of the territories comprising the State.²⁰ The representative of Lebanon argued that Palestine ought to be granted full membership in the Organization and expressed the hope that the Council, based on Article 4 of the Charter, would recommend to the General Assembly the admission of Palestine as “full Member of the United Nations”.²¹

During the 6866th meeting of the Council under the agenda item of “The situation concerning the Democratic Republic of the Congo”, the representative of the Democratic Republic of the Congo, alleged that the responsibility of Rwanda had been established in the destabilization of the country, in human rights violations as well as in the humanitarian tragedy affecting the people of North Kivu. Proposing a series of Council actions, he suggested the Council to recall that, pursuant to Article 6 of the Charter, a Member that persistently violated the principles of the Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.²²

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

During the period under review, in response to requests made by its two subsidiary organs (the ICTY and ICTR), the Security Council adopted four resolutions under Chapter VII of the Charter concerning the extension of the terms of judges as well as some other aspects of the management of the two Tribunals.

statehood. In that regard, he confirmed that Canada would continue to oppose any attempts to appropriate a higher status ([S/PV.6906 \(Resumption 1\)](#), p. 33).

¹⁹ [S/PV.6906 \(Resumption 1\)](#), p. 11.

²⁰ [S/PV.6906](#), pp. 25-26.

²¹ [S/PV.6906](#), p. 31. The representatives of India, Indonesia, Cuba, the Bolivarian Republic of Venezuela, Namibia, Qatar and Nigeria also expressed their support to Palestine becoming a full member of the United Nations (see [S/PV.6906 \(Resumption 1\)](#), p. 20 (India), p. 27 (Indonesia), p. 29 (Cuba), p. 32 (Bolivarian Republic of Venezuela), p. 34 (Namibia), p. 36 (Qatar) and p. 38 (Nigeria)).

²² [S/PV.6866](#), p. 3.

Insofar as it concerns the ICTY, the Council decided to extend the term of office for the permanent and ad litem judges: (i) first, until 1 June and 31 December 2013, or the completion of the cases to which they were assigned, if sooner; and (ii) subsequently, until 31 December 2014 or the completion of the cases to which they were assigned, if sooner.

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

The Council transmitted the text of all four resolutions to the General Assembly and the General Assembly decided, in turn, to endorse those decisions of the Council.

For further details of the actions taken in relation to the judges of the two Tribunals during the period under review, see table 3.²³

Table 3

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

<i>Letter from the Secretary-General transmitting the request from the Tribunal</i>	<i>Security Council resolution and date</i>	<i>Transmission to the General Assembly</i>	<i>General Assembly resolution and date</i>
International Tribunal for the Former Yugoslavia			
S/2012/845 (requesting to extend the term of office of 13 permanent judges of the Trial and Appeals Chambers and 8 ad litem judges of the Trial Chamber of the Tribunal beyond 31 December 2012)	Resolution 2081 (2012) of 17 December 2012	A/67/653	67/417 24 December 2012
S/2013/685 (requesting to extend the term of office of 14 permanent judges of the Trial and Appeals Chambers and three ad litem judges of the Trial Chamber of the Tribunal beyond 31 December 2013)	Resolution 2130 (2013) of 18 December 2013	A/68/668	68/413B 23 November 2013
International Tribunal for Rwanda			
S/2012/392 (requesting to: (i) extend the term of office of one permanent judge and two ad	Resolution 2054 (2012) of 29 June 2012	A/66/870	66/418B 25 January 2012

²³ For details of the mandate of the two Tribunals, see part IX, section IV with regard to tribunals.

<i>Letter from the Secretary-General transmitting the request from the Tribunal</i>	<i>Security Council resolution and date</i>	<i>Transmission to the General Assembly</i>	<i>General Assembly resolution and date</i>
litem judges of the Trial Chamber of the Tribunal until 31 December 2012); and (ii) extend the term of office of the President of the International Criminal Tribunal for Rwanda and the three judges hearing the <i>Ngirabatware</i> case until 31 December 2012)			
S/2012/893 (requesting to extend the terms of office of five permanent judges of the Appeals Chamber of the Tribunal until 31 December 2014)	Resolution 2080 (2012) of 12 December 2012	A/67/652	67/416 24 December 2012

E. Election of members of the International Court of Justice

Rule 40

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

Rule 61

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

The election of members of the International Court of Justice requires action by the Security Council in conjunction with the General Assembly, but with both organs proceeding independently. The procedure for the election is set out in rules 40²⁴ and 61 of the provisional rules of procedure of the Security Council, Articles 4, 8, 10 to 12, 14 and 15 of the Statute of the International Court of Justice;²⁵ and rules 150 and 151 of the rules of procedure of the General Assembly.²⁶

²⁴ Rule 40 of the provisional rules of procedure is also covered in part II, section VIII with regard to decision-making and voting.

²⁵ Articles 4, 8, 10 to 12, 14 and 15 of the Statute of the International Court of Justice establish the procedure for (i) the nomination of the judges by the national groups in the Permanent Court of Arbitration, (ii) the majority necessary for the election of judges, (iii) the number of meetings to be held for the purpose

During the period under review, the Council conducted one election in 2012 to fill the vacancy of a resigning member of the Court. Further to the note of the Secretary-General informing the Council of the occurrence of a vacancy in the Court on 31 December 2011, on 19 January 2012 the Security Council adopted, without a vote, resolution [2034 \(2012\)](#). In that resolution, the Council noted with regret the resignation of Judge Awn Shawkat Al-Khasawneh and decided, under Article 14 of the Statute of the Court, that the election to fill the vacancy for the remainder of the term of Judge Al-Khasawneh²⁷ should take place on 27 April 2012 at concurrent meetings of the Security Council and the General Assembly at its 66th session.

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

Table 4

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

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

of the election of judges, (iv) the holding of the joint conference in the event of more than three meetings of the Security Council and the General Assembly, (v) the procedure for the filling of vacancies and (vi) the term of office applied to elected judges filling out a vacancy.

²⁶ Rules 150 and 151 of the General Assembly provide that the election of the members of the Court shall take place in accordance with the Statute of the Court and that any meeting of the General Assembly held in pursuance of the Statute of the Court for the purpose of electing members of the Court shall continue until as many candidates as are required for all the seats to be filled have obtained in one or more ballots an absolute majority of votes.

²⁷ Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of the predecessor's term.

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.

In accordance with Articles 15 (1) and 24 (3) of the Charter, the Security Council submits annual and, on occasion, special reports to the General Assembly which “shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security”. Under rule 60 (3) of the Council’s provisional rules of procedure, the Council also submits special reports to the General Assembly when it does not recommend the applicant State for membership or postpones the consideration of the application. No special reports were submitted to the General Assembly during the review period. During 2012 and 2013, the Council maintained its practice of submitting annual reports to the General Assembly pursuant to Article 24 (3) of the Charter covering the period from 1 August to 31 July of the following year. Two annual reports were submitted to the General Assembly covering the periods from 1 August 2011 to 31 July 2012 and from 1 August 2012 to 31 July 2013.²⁸ The introduction of the annual reports was prepared under the leadership and responsibility of the President of the Council for the month of July in accordance with the note by the

²⁸ [A/67/2](#) (1 August 2011 to 31 July 2012) and [A/68/2](#) (1 August 2012 to 31 July 2013).

President of 26 July 2010;²⁹ by Colombia in July 2012 and by the United States in July 2013.

The Council considered and adopted without a vote the draft annual reports at its 6856th and 7053rd meetings, on 8 November 2012 and 13 October 2013, respectively.³⁰ During the 6856th meeting, the representative of Colombia provided statistics of the Council's work over the period covered by the annual report as well as a detailed account of the situations dealt with by the Council.³¹ During the 7053rd meeting of the Council, without elaborating on the content of the report, the representative of the United States noted that the report included “a comprehensive account of all the meetings and activities” of the Council and that it was drafted relying primarily on the Council's monthly assessments with the aim of striking “a careful balance so as to maintain a useful amount of substance while also keeping the report as concise and readable as possible”.³²

The General Assembly considered the annual reports at its plenary meetings of the 67th and 68th sessions under the agenda item “Question of equitable representation on and increase in the membership of the Security Council and related matters”, on 15 November 2012 and 7 November 2013, respectively.³³ Additionally, as in previous years, the General Assembly in two resolutions adopted under the item “Revitalization of the work of the General Assembly”, welcomed the improvements in the quality of the annual reports and encouraged the Council to make further improvements, as necessary.³⁴

Furthermore, two communications contained an explicit reference to Article 24 (3), highlighting the need for accountability of the Security Council to the General Assembly.³⁵

²⁹ [S/2010/507](#), paras. 70-75.

³⁰ See [S/2012/815](#) and [S/2013/635](#).

³¹ [S/PV.6856](#), pp. 2-4.

³² [S/PV.7053](#), p. 2.

³³ [A/67/PV.38](#), [A/67/PV.39](#) and [A/68/PV.46](#).

³⁴ General Assembly resolutions [66/294](#), para. 11 and [67/297](#), para. 10.

³⁵ Letters dated 8 October 2012 and 15 November 2012 from the representative of the Islamic Republic of Iran, in his capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement (NAM), addressed respectively, to the Secretary-General ([S/2012/752](#), p. 45) and to the Secretary-General and the President of the Security Council ([S/2012/831](#), p. 3), stressing “that the Council should report and be accountable to the General Assembly in accordance with Article 24 (3) of the Charter” .

During the period under review, the Council held a meeting concerning its working methods in the context of which consideration was also given to measures to improve the annual report, as described in further detail in case 2.

Case 2

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

Further to the concept note circulated by India and Portugal,³⁶ at the 6871st meeting on 26 November 2012 held under the agenda item “Implementation of the note by the President of the Security Council (S/2010/507)”, speakers made reference to the need to improve the quality of the annual report by, inter alia, (i) reinforcing aspects related to the interaction with non-Council members prior to the preparation of the report and providing more substantive information in the report,³⁷ (ii) including more analysis in the monthly reports (including more information on consultations of the whole),³⁸ (iii) being more expansive, analytical and self-critical,³⁹ and (iv) including more analysis.⁴⁰ The representatives of Egypt and the Islamic Republic of Iran emphasized the need for the annual reports to include detailed information on the background behind the decisions of the Council.⁴¹ The representatives of Egypt and Cuba demanded greater accountability towards the General Assembly and added that the Council should submit special reports for the General Assembly’s consideration, pursuant to Article 15 (1) and Article 24 (3) of the Charter.⁴²

³⁶ [S/2012/853](#). According to the concept note, consideration should be given during the debate to “[e]nsuring more informative annual reporting of the Security Council to the General Assembly by encouraging interactive consultations with the wider membership before adoption and submission of the reports to the Assembly and by devising ways to ensure that more substantive and analytical information [was] provided on situations under the Council’s consideration, on the work of its subsidiary bodies and on its working methods”.

³⁷ [S/PV.6870](#), p. 2 (Portugal).

³⁸ *Ibid.*, p. 7 (Azerbaijan).

³⁹ *Ibid.*, p. 9 (United Kingdom).

⁴⁰ *Ibid.*, p. 28 (Egypt), p. 31 (Islamic Republic of Iran), p. 33 (Ireland); [S/PV.6870 \(Resumption 1\)](#), pp. 6-7 (Sweden) and p. 13 (Cuba).

⁴¹ [S/PV.6870](#), p. 29 (Egypt) and pp. 31-32 (Islamic Republic of Iran).

⁴² [S/PV.6870](#), p. 29 (Egypt) and [S/PV.6870 \(Resumption 1\)](#), p. 13 (Cuba).

G. Relations with subsidiary organs established by the General Assembly

During the biennium under review, only the Peacebuilding Commission and the Committee on the Exercise of the Inalienable Rights of the Palestinian People participated in the work of the Council, either because (i) the Council invited their officers to participate in its meetings and vice versa (the Committee on the Exercise of the Inalienable Rights of the Palestinian People), or (ii) the inherent relationship they had been placed in with the Council (the Peacebuilding Commission). It should be noted that relations with the Peacebuilding Commission, a joint subsidiary organ of the Security Council and the General Assembly, are covered in detail in part IX, section VII, with regard to the Peacebuilding Commission.

With regard to participation in meetings of the Security Council by representatives of the subsidiary organs of the General Assembly, during the period under review the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People participated in eight meetings concerning the situation in the Middle East, including the Palestinian question.⁴³ In addition, on the occasion of the International Day of Solidarity with the Palestinian People, the President of the Security Council participated in two meetings of the Committee.⁴⁴

Furthermore, several decisions adopted by the Security Council contained references to two other subsidiary organs of the General Assembly: the Human Rights Council and the Ad Hoc Committee established by General Assembly resolution 51/210.⁴⁵ In its decisions, the Council welcomed Member State support to the special procedures as well as to the universal periodic review mechanism of the Human Rights Council. In some cases, the Council urged implementation of the recommendations of

⁴³ [S/PV.6706 \(Resumption 1\)](#), p. 7; [S/PV.6757 \(Resumption 1\)](#), p. 13; [S/PV.6816](#), p. 2; [S/PV.6847 \(Resumption 1\)](#), p. 2; [S/PV.6906 \(Resumption 1\)](#), p. 16; [S/PV.6950 \(Resumption 1\)](#), p. 10; [S/PV.7007](#), p. 37; [S/PV.7047](#), p. 35

⁴⁴ 347th and 356th meetings on 29 November 2012 and 25 November 2013, respectively ([A/AC.183/PV.347](#) and [A/AC.183/PV.356](#)).

⁴⁵ By resolution [51/210](#) the General Assembly established an Ad Hoc Committee “to elaborate an international convention for the suppression of terrorist bombings and, subsequently, an international convention for the suppression of acts of nuclear terrorism, to supplement related existing international instruments, and thereafter to address means of further developing a comprehensive legal framework of conventions dealing with international terrorism” (para. 9).

these mechanisms and took note of the reports issued by the investigative mechanisms of the Human Rights Council. In addition, the Council also called for the United Nations Operation in Côte d'Ivoire (UNOCI) to cooperate with the designated independent expert established by the Council on the promotion and protection of human rights. Table 5 below contains the list of all provisions of decisions of the Security Council making explicit reference to the above-mentioned subsidiary organs of the General Assembly. The list is grouped by subsidiary organ and organized in alphabetical order per agenda item.

Table 5

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

<i>Decision and date</i>	<i>Provision</i>
1. Human Rights Council	
The situation in the Central African Republic	
Resolution 2121 (2013) 10 October 2013	<i>Noting with appreciation</i> the United Nations Human Rights Council resolution on the 25th of September, which decided to appoint a United Nations independent expert to monitor the situation of human rights in the CAR and to make recommendations concerning technical assistance and capacity-building in the field of human rights (sixth preambular paragraph)
The situation in Côte d'Ivoire	
Resolution 2112 (2013) 30 July 2013	Decides that the mandate of UNOCI shall be the following: (f) <i>Support for compliance with international humanitarian and human rights law</i> – To contribute to the promotion and protection of human rights in Côte d'Ivoire, with special attention to grave violations and abuses committed against children and women, notably sexual- and gender-based violence, in close coordination with the Independent Expert established under the Human Rights Council's resolution A/HRC/17/26 (para. 6)
The situation in Libya	
Resolution 2040 (2012) 12 March 2012	<i>Taking note</i> of its briefing by the High Commissioner for Human Rights on 25 January 2012 and the report of the International Commission of Inquiry on Libya to the Human Rights Council of 2 March 2012 (A/HRC/19/68) (eighteenth preambular paragraph)
The situation in Sierra Leone	
Resolution 2065 (2012) 12 September 2012	<i>Urges</i> the Government of Sierra Leone to continue its efforts to hold regular, inclusive and genuine dialogue with all relevant national and international stakeholders on Sierra Leone's peacebuilding and development goals, and further urges the Government to ensure that the forthcoming Agenda for Prosperity continues to build on progress achieved in strengthening the political, security, justice and human rights institutions in the country, including through implementation of the recommendations of the Truth and Reconciliation Commission and

Sierra Leone's universal periodic review (para. 8)

The situation in Timor-Leste

Resolution [2037 \(2012\)](#)
23 February 2012
Welcoming the positive engagement and constructive response by the Government of Timor-Leste following the review of its National Report through the Human Rights Council's Universal Periodic Review mechanism (nineteenth preambular paragraph)

The situation concerning Western Sahara

Resolution [2044 \(2012\)](#)
24 April 2012
Welcoming the opening of National Council on Human Rights Commissions operating in Dakhla and Laayoune, and the steps taken by Morocco in order to fulfil its commitment to ensure unqualified and unimpeded access to all Special Procedures of the United Nations Human Rights Council (thirteenth preambular paragraph)

Resolution [2099 \(2013\)](#)
25 April 2013
Recognizing and welcoming, in this regard, the steps taken by Morocco to strengthen the National Council on Human Rights Commissions operating in Dakhla and Laayoune, and Morocco's ongoing interaction with Special Procedures of the United Nations Human Rights Council, including those planned for 2013 (fourteenth preambular paragraph)

2. Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996

Peace and security in Africa

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

The activities and the reports of the Human Rights Council were also referenced in numerous Council deliberations on (i) country- and region-specific items on its agenda (in relation to the situation in the Middle East (specifically Syria and Yemen), the situation in the Middle East, including the Palestinian question, Libya and Timor Leste), as well as (ii) thematic items (such as the Protection of civilians and Women and peace and security). It is with regard to the latter that the Council dwelled on the interaction between the Security Council and the subsidiary organs established by the General Assembly, as described in cases 3 and 4. Furthermore, the Council specifically recognized the investigative functions performed by the Human Rights Council. For

further details, refer to part VI, section II.C of this Supplement with regard to the investigative functions conducted by organs other than the Secretary-General.

Case 3

Women and peace and security

During the period under review, in three meetings concerning the item entitled “Women and peace and security”, the representatives of the Russian Federation and China pointed to the fact that certain themes, such as countering sexual violence, were also covered by other organs of the United Nations, namely, the General Assembly, the Human Rights Council, the Peacebuilding Commission and the Commission on the Status of Women. In their opinion, a clear division of labour was called for to avoid duplication of efforts and intruding “into one another’s authority”,⁴⁶ and to foster synergy and strengthen the exchange of information and communication.⁴⁷ In that context, they also emphasized the need for the Council to focus on threats to international peace and security.

Case 4

Protection of civilians

Further to the report of the Secretary-General on the protection of civilians in armed conflict, on 25 June 2012, during the 6790th meeting of the Council, the High Commissioner for Human Rights welcomed the increased practice of referring to the findings of commissions of inquiry established by other bodies.⁴⁸ He also highlighted the Council’s potential to play an important role in enhancing accountability through the work of the commissions, by requesting States and other actors to cooperate with them,

⁴⁶ The Russian Federation: [S/PV.6722](#), p. 15, [S/PV.6877](#), p. 15, [S/PV.6948](#), p. 20. The Russian Federation added further that the Council should focus on sexual violence insofar as it was one of the primary issues on the protection of civilians.

⁴⁷ China: [S/PV.6722](#), p. 24, [S/PV.6877](#), p. 24, [S/PV.6948](#), p. 12.

⁴⁸ [S/PV.6790](#), p. 5.

among other measures.⁴⁹ Other speakers echoed that view during the debate. They emphasized the ability of the Council to strengthen accountability by taking measures on the basis of the results of the commissions of inquiry and other fact-finding missions.⁵⁰

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

During the period under review, the President of the General Assembly did not participate in any meeting of the Security Council. Furthermore, there were no special sessions of the General Assembly convoked at the request of the Security Council in accordance with Article 20 of the Charter nor emergency special sessions pursuant to the General Assembly resolution 377A(V) of 3 November 1950.⁵¹

The President of the Security Council, however, further to the invitation from the General Assembly,⁵² on 24 September 2012 addressed the high-level meeting of the General Assembly on the rule of law at the national and international levels.⁵³ In his statement, he pointed to thematic and country-specific decisions adopted by the Council since 2003 that related to the rule of law in both its international and national dimensions.⁵⁴

A number of resolutions and presidential statements adopted by the Council during 2012 and 2013 made reference to the General Assembly in connection with policy and implementation issues other than those covered in subsections A, D, E and G above. In particular, the Council stressed the importance of the continued implementation of the United Nations Counter-Terrorism Strategy⁵⁵ and welcomed the third review of the Strategy by the General Assembly in June 2012 as well as the creation of the Counter-Terrorism Centre⁵⁶ and the Counter-Terrorism Implementation Task Force (CTITF).⁵⁷ In

⁴⁹ Ibid.

⁵⁰ Ibid., p. 16 (Portugal), and p. 29 (Liechtenstein).

⁵¹ [A/RES/377 A\(V\)](#).

⁵² See [S/PRST/2012/1](#), sixteenth paragraph.

⁵³ The High-level meeting was organized further to General Assembly resolution [66/102](#).

⁵⁴ [S/2012/962](#), pp. 11-12.

⁵⁵ [S/PRST/2012/17](#), nineteenth and twenty seventh paragraphs and [S/PRST/2013/1](#), sixth and twenty sixth paragraphs.

⁵⁶ [S/PRST/2012/17](#), twenty seventh paragraph.

addition, the Council requested the Secretary-General to brief the Council and the General Assembly on further progress in the United Nations peacebuilding efforts in the aftermath of conflict, including the issue of the participation of women in peacebuilding, and lessons learned from peacebuilding activities in country-specific contexts, taking into consideration the views of the Peacebuilding Commission.⁵⁸

In a presidential statement issued in relation to the illicit cross-border trafficking and movement under the agenda item of “Threats to international peace and security”, the Council recognized that the subject often involved cross-cutting issues, many of which were considered by the General Assembly and other United Nations organs and bodies.⁵⁹

Further and against the backdrop of the Syrian conflict and under the agenda item entitled “The situation in the Middle East”, the Council reaffirmed in several instances its support for the Joint Envoy of the United Nations and the League of Arab States appointed further to the General Assembly resolution [66/253](#) A of 16 February 2012.⁶⁰

During the biennium under review, the deliberations in the Council in relation to different agenda items reflected a shared conviction among Member States of the need to improve the coordination and interaction of the Council with other organs of the United Nations, including the General Assembly, while respecting the boundaries established by the Charter.⁶¹

⁵⁷ Resolution [2083 \(2012\)](#), fifteenth preambular paragraph.

⁵⁸ [S/PRST/2012/29](#), nineteenth paragraph.

⁵⁹ [S/PRST/2012/16](#), second paragraph. During the debate that followed the adoption of the presidential statement, Council members made reference to the need for better coordination between UN organs, including the General Assembly, within the functions and competencies assigned to each by the Charter ([S/PV.6760](#)). Also in the monthly assessment for November 2012 ([S/2012/957](#)) concerning the informal consultations held on the topic of illegal trafficking, reference was made to some Council members cautioning against the Council “usurping” the issues that should be addressed by the General Assembly.

⁶⁰ [S/PRST/2012/6](#), fourth paragraph, resolution [2042 \(2012\)](#), second paragraph, and resolution [2043 \(2012\)](#), second paragraph. In addition, the Council continued to be briefed by the Special Adviser on Myanmar in the implementation of the good offices role entrusted to him by the General Assembly (see [A/69/2](#)). The Council was also briefed on multiple occasions by the Special Coordinator for the Middle East Peace Process on the developments in the region, including the Palestinian question (for the reference to all briefings under rule 39, see part I, sect. 22).

⁶¹ See [S/PV.6705](#), p. 12 (Colombia) (The promotion and strengthening of the rule of law in the maintenance of international peace and security), [S/PV. 6760](#), P.4 (Portugal) (Threats to international peace and security), [S/PV.6765](#), p. 18 (South Africa) (Threats to international peace and security caused by terrorist acts), [S/PV.6789](#), p. 16 (Colombia) (United Nations peacekeeping operations), [S/PV. 6870](#), p. 6 (Russian Federation), p. 10 (China), p. 11 (Pakistan), p. 29 (Egypt), [S/PV. 6870 \(Resumption 1\)](#), p. 10 (Senegal) (Implementation of the note by the President of the Security Council (S/2010/507), [S/PV. 6877](#), p. 22

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

This section concerns the relationship between the Security Council and the Economic and Social Council during the review period, with a particular focus on the practice in relation to Article 65 of the Charter. Subsection A below covers deliberations at the Security Council and subsection B surveys the communications concerning the relations with the Economic and Social Council. In 2012 and 2013, however, there were no briefings by the President of the Economic and Social Council and no decision of the Security Council that made reference either to the Economic and Social Council or to Article 65 of the Charter.

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

In deliberations of the Security Council, speakers made reference to the relations between the Security Council and the Economic and Social Council in the context of other organs but none amounted to a constitutional discussion. Particularly, during its 6805th meeting, held under the agenda item entitled “Post-conflict peacebuilding”, some speakers appreciated the cooperative approach between the Peacebuilding Commission and the Economic and Social Council and argued that it testified to the increasingly

(China) (Women and peace and security), [S/PV.6982](#), pp. 15-16 (China), [S/PV.6982 \(Resumption 1\)](#), p. 10 (Guatemala) (Maintenance of international peace and security), [S/PV. 7052](#), p. 12 (Republic of Korea), p.20 (Portugal), p. 24 (Brazil), [S/PV. 7052 \(Resumption 1\)](#), p. 2 (Ukraine), p. 10 (Turkey) (Implementation of the note by the President of the Security Council (S/2010/507).

integrated approach to peacebuilding, in recognition of the link between security and development.⁶²

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

During the biennium under review, no explicit references were made to Article 65 of the Charter in the communications of the Security Council. There were, however, several communications touching upon the relations with the Economic and Social Council. Among the many communications, worth highlighting is the letter dated 15 November 2012 from the representative of the Islamic Republic of Iran transmitting the final document of the Sixteenth Conference of the Heads of State of the Non-Aligned Movement held in Tehran in August 2012 concerning working methods of the Security Council, including relations with other United Nations organs. According to that document, the Heads of State expressed concern over the continuing encroachment by the Security Council on the functions and powers of the General Assembly and the Economic and Social Council and over the Council's use of thematic issues to expand its mandate into areas which did not pose a threat to international peace and security.⁶³ They further stressed the necessity to promote the institutional relation between the Peacebuilding Commission and the General Assembly, the Security Council and the Economic and Social Council.⁶⁴ Also worth noting is the letter dated 30 December 2013 from the Chair of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa transmitting its annual report for 2013.⁶⁵ In the report, mention was made of the fact that the Working Group's role in promoting cooperation between the Economic and Social Council and the Security Council had become irrelevant with the establishment of the Peacebuilding Commission, whose Chairs reported directly to the Council.⁶⁶

⁶² [S/PV.6805](#), p. 14 (former Chair of the Peacebuilding Commission), p. 22 (South Africa), p. 25 (Morocco) and p. 28 (France).

⁶³ [S/2012/831](#), p. 3, para. 82.

⁶⁴ *Ibid.*, p. 7, para. 111.

⁶⁵ [S/2013/778](#).

⁶⁶ *Ibid.*, p. 5, para. 5.

III. Relations with the International Court of Justice

Article 94

- 1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.*
- 2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.*

Article 96

- 1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.*
- 2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.*

Note

This section concerns the relationship between the Security Council and the International Court of Justice. In accordance with Article 94 of the Charter, the Council may make recommendations or decide upon measures to be taken to give effect to the judgment rendered by the Court if a party to a case failed to perform its obligations under that judgment. The Council may also request the Court to give an advisory opinion on any legal question pursuant to Article 96. In addition, pursuant to Article 41 of the Statute of the International Court of Justice, notice of any provisional measures may be given by the Court to the parties and to the Security Council.

During the period under review, the Council did not make recommendations or decide on measures with regard to the judgments rendered by the Court nor requested the Court to give an advisory opinion on any legal question. The President of the International Court of Justice was invited to participate in one private meeting of the Security Council under the item entitled “Briefing by the President of the International Court of Justice”.⁶⁷ With regard to the election of members of the International Court of Justice held concurrently by the Security Council and the General Assembly during the period under review, see section I.E.

This section is organized under two subheadings. Subsection A covers decisions and communications concerning relations with the International Court of Justice and subsection B features the discussion at the Council concerning relations with the International Court of Justice.

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

During 2012 and 2013, the Security Council did not adopt any decision containing an explicit reference to Articles 94 or 96 of the Charter. In following previous practice, however, the Council issued one presidential statement under the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security” emphasizing the key role of the International Court of Justice in adjudicating disputes among States and the value of the work of the Court.⁶⁸

Two communications contained explicit references to Article 94 of the Charter, both from the representative of Honduras, with regard to the judgment of the International Court of Justice of 11 September 1992 in the case concerning the Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening).⁶⁹ In the letters dated 26 October 2012 and 20 November 2013, Honduras requested the Security Council to act pursuant to Article 94 of the Charter. Specifically, in the 2013

⁶⁷ [S/PV.7051](#).

⁶⁸ [S/PRST/2012/1](#), third paragraph.

⁶⁹ [S/2012/797](#), p. 2 and [S/2013/688](#).

letter, Honduras called upon the Council to adopt a resolution to prevent an unnecessary conflict from arising in the Gulf of Fonseca and to make recommendations or decide upon measures consistent with the judgment.⁷⁰

In addition, the Council continued to exchange letters with the Secretary-General concerning the continuation of activities and funding of the Cameroon-Nigeria Mixed Commission established to facilitate the implementation of the ruling of the Court of 10 October 2002 on the land and maritime boundary between the two countries.⁷¹

B. Discussion concerning relations with the International Court of Justice

In deliberations of the Council, speakers made reference to the advisory opinions of the International Court of Justice of 9 July 2004 and 22 July 2010, rendered in response to the requests by the General Assembly concerning the legal consequences of the construction of a wall in the occupied Palestinian territory⁷² and the unilateral declaration of independence by Kosovo,⁷³ respectively. However, none gave rise to a constitutional discussion.

In addition, during deliberations in the Council at its 6705th meeting on the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”, one reference was made to Article 94 of the Charter.⁷⁴ In a subsequent meeting on the same agenda item, speakers encouraged the more frequent

⁷⁰ [S/2013/688](#), p. 3, paras. 6-7.

⁷¹ [S/2012/29](#), [S/2012/954](#) and [S/2012/955](#). The Secretary-General reported on the progress of the implementation of the judgment of the Court in his reports on the activities of the United Nations Office for West Africa in 2012 and 2013 ([S/2012/510](#), [S/2012/977](#), [S/2013/384](#), and [S/2013/732](#)).

⁷² See for example, [S/PV.6706](#), p. 24 (Azerbaijan) and p. 33 (Lebanon), [S/PV.6775](#), p. 3 (Special Coordinator for the Middle East Peace Process), [S/PV.6788](#), pp. 2-3 (Assistant Secretary-General for Political Affairs), [S/PV.6816](#), p. 4 (Special Coordinator for the Middle East Peace Process), [S/PV.6824](#), p. 3 (Under-Secretary-General for Political Affairs), [S/PV.6835](#), p. 3 (Special Coordinator for the Middle East Peace Process), [S/PV.6847](#), pp. 3-4 (Under-Secretary-General for Political Affairs), [S/PV.6906](#), p. 4 (Special Coordinator for the Middle East Peace Process), [S/PV.6926](#), p. 3 (Special Coordinator for the Middle East Peace Process), [S/PV.6950](#), p. 3 (Under-Secretary-General for Political Affairs), [S/PV.6969](#), p. 3 (Special Coordinator for the Middle East Peace Process), [S/PV.6986](#), p. 4 (Assistant Secretary-General for Political Affairs), [S/PV.7007](#), p. 37 (Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People), and [S/PV.7047](#), p. 47 (Jordan).

⁷³ See for example, [S/PV.6713](#), p. 15 (Azerbaijan), [S/PV.6769](#), p. 24 (Azerbaijan), [S/PV.6939](#), p. 8 (Serbia), and [S/PV.7064](#), p. 12 (Serbia).

⁷⁴ [S/PV.6705](#), p. 29 (Costa Rica).

recourse to the International Court of Justice as a means for the Council to promote the rule of law and for the maintenance of international peace and security.⁷⁵ During the 7052nd meeting on the working methods of the Council (under the item entitled “Implementation of the note by the President of the Security Council (S/2010/507)”), speakers also emphasized the potential for the Council, in terms of conflict prevention and maintenance of peace and security, of requesting advisory opinions of the Court and strengthening the relationship between the two organs.⁷⁶

⁷⁵ [S/PV.6849](#), p. 12 (China) and [S/PV.6849 \(Resumption 1\)](#), p. 7 (Japan).

⁷⁶ [S/PV.7052](#), p. 11 (Rwanda) and [S/PV.7052 \(Resumption 1\)](#), p. 9 (Belgium).