

Part IV

Relations with other United Nations organs

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Introductory note

Part IV deals with relations between the Security Council and the following principal organs of the United Nations: the General Assembly, the Economic and Social Council and the International Court of Justice. In this supplement, the election of members of the International Court of Justice is featured under relations with the General Assembly, given the involvement of both the General Assembly and the Security Council in that process.

During the period under review, the Security Council, among various matters it considered in conjunction with other principal organs, recommended the appointment of Ban Ki-moon, for a second term as Secretary-General, from 2012 to 2016, recommended the admission of a new Member to the United Nations, South Sudan, which became the 193rd State Member of the Organization and, for the first time, elected the judges of the International Residual Mechanism for Criminal Tribunals, which was established pursuant to resolution [1966 \(2010\)](#) of 22 December 2010 to carry out residual functions of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. These matters are covered in section I, Relations with the General Assembly.

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 to 6, 10 to 12, 15, 20, 23, 24 (3), 93, 94, 96 and 97 of the Charter of the United Nations, rules 40,¹ 60 and 61 of the provisional rules of procedure of the Council and Articles 4, 8, 10 to 12 and 14 of the Statute of the International Court of Justice.

Subsection A deals with the election by the General Assembly of non-permanent members of the Security 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 in making recommendations to the Council. Subsection D considers instances in which a decision of the Council must be taken prior to a decision of the Assembly under Articles 4 to 6, 93 and 97, on matters such as the admission of new Members to the Organization and the appointment of the Secretary-General. Subsection E examines the practices relating to the election of members of the International Court of Justice, which requires concurrent actions by the Council and the Assembly. Subsection F deals with 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 which have played a part in the work of the Council. Subsection H covers other Council practice bearing on relations with the Assembly.

¹ Rule 40 of the provisional rules of procedure is also covered in part II, sect. VIII, "Decision-making and voting".

A. Election by the General Assembly of 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.*

In accordance with Article 23 of the Charter, the General Assembly, at each regular session, elects five non-permanent members of the Security Council for a two-year term, to replace those members whose terms of office expire on 31 December of that year. Table 1 sets out the details of the elections held in 2010 and 2011.

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>
2011-2012	65/402	28th 12 October 2010	Colombia, Germany, India, Portugal, South Africa
2012-2013	66/402	37th 21 October 2011	Guatemala, Morocco, Pakistan, Togo
	66/402	40th 24 October 2011	Azerbaijan

B. Recommendations of 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.*

In accordance with Articles 10 and 11 of the Charter, the General Assembly may make recommendations to the Security Council on any matter except as provided in Article 12 and on general principles of cooperation in the maintenance of international peace and security.

In 2010 and 2011, the General Assembly addressed the Council in a few resolutions adopted under the item entitled “Protection of human rights and fundamental freedoms while countering terrorism” which might be considered illustrative of the recommendation-making powers of the Assembly under Articles 10 and 11 (1) of the Charter (see table 2).

During the period under review, in the deliberations of the Council, Article 10 was explicitly invoked in the discussion relating to the working methods of the Council,² which is the subject of a case study below (case 1). Explicit references were also made four times to Article 11 and its paragraph 2, although this did not give rise to a constitutional discussion.³ The General Assembly made no

² S/PV.6300, p. 27 (Saint Vincent and the Grenadines, on behalf of the 14 States members of the Caribbean Community (CARICOM)); S/PV.6672, p. 19 (Switzerland); and p. 23 (Jordan).

³ S/PV.6300, p. 21 (Egypt, speaking on behalf of the Non-Aligned Movement (NAM)); p. 27 (Saint Vincent and the Grenadines, on behalf of CARICOM); S/PV.6300 (Resumption 1), p. 26 (Qatar); and S/PV.6672, p. 25 (Egypt, speaking on behalf of NAM).

recommendations to the Council on specific questions relating to the maintenance of international peace and security, nor did it request action from the Council in accordance with Article 11 (2). The Assembly did not

draw the attention of the Council to any situations under Article 11 (3).⁴

⁴ For more information on Article 11 (3), see part VI, sect. I, “Referrals of disputes or situations to the Security Council”.

Table 2

Recommendations to the Security Council in resolutions of the General Assembly

General Assembly resolution and date *Provisions*

Protection of human rights and fundamental freedoms while countering terrorism

[65/221](#)

21 December 2010

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 establishing an 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. 9)

Welcomes the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links, cooperation and dialogue with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, 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. 12)

Same provision in resolution [66/171](#) of 19 December 2011, para. 14

[66/171](#)

19 December 2011

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)

Case 1

Implementation of the note by the President of the Security Council

At the 6300th meeting, on 22 April 2010, under the item entitled “Implementation of the note by the President of the Security Council ([S/2006/507](#))”, the representative of Saint Vincent and the Grenadines,

speaking on behalf of the 14 States members of the Caribbean Community, said that Article 30 of the Charter, concerning the adoption of the rules of procedure by the Council, did not make the Council immune from the General Assembly’s explicit authority to discuss and make recommendations on any matters within the scope of the Charter relating to the functions of any organ of the United Nations, including

the Council. Referring to Articles 10 to 12, which he said established the scope of the Assembly's powers and its limits with absolute clarity, he affirmed that the General Assembly was clearly empowered not only to discuss the Council's working methods but to make recommendations to the Council, whether or not those recommendations touched on and concerned the rules of procedure; given the acknowledged role of the General Assembly in conferring legitimacy on bodies, decisions and norms, the Council should adopt, rather than resist, the relevant recommendations arising from the wider membership.⁵

At the 6672nd meeting, on 30 November 2011, under the item entitled "Implementation of the note by the President of the Security Council (S/2010/507)", the representative of Switzerland, speaking on behalf of the group of five small countries,⁶ recalled that the 2005 World Summit Outcome,⁷ "in line with Article 10" of the Charter mandating the General Assembly to make recommendations, including to the Security Council, reflected the need for measures to achieve the goals of legitimacy, transparency and accountability. He said that the group of five small countries had been formed for the sole purpose of contributing to the improvement of the working methods of the Council.⁸ The representative of Jordan, a member of the group, said that the group based its recommendations in a draft resolution to be submitted to the General Assembly⁹ "on the right accorded to the General Assembly under Article 10" of the Charter.¹⁰

C. Practice in relation to Article 12 of the Charter

Article 12

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

⁵ S/PV.6300, p. 27.

⁶ Costa Rica, Jordan, Liechtenstein, Singapore and Switzerland.

⁷ General Assembly resolution 60/1.

⁸ S/PV.6672, p. 19.

⁹ Not circulated as a United Nations document.

¹⁰ S/PV.6672, p. 23.

2. *The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.*

This subsection concerns 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 of any dispute or situation while the Security Council is exercising the functions assigned to it in the Charter, and Article 12 (2) requires that the Secretary-General notify the Assembly of any matters relating to the maintenance of international peace and security which are being dealt with by the Council or with which the Council ceases to deal.

Authority of the General Assembly to make recommendations in accordance with Article 12 (1)

During the period under review, there was no discussion in the Council of the nature of the limitation placed by Article 12 (1) upon the authority of the General Assembly to make recommendations, although one explicit reference to Article 12 was made.¹¹ Nor did the Council request the Assembly to make a recommendation in respect of a dispute or situation in accordance with the exception provided for in Article 12 (1).

Notification by the Secretary-General to the General Assembly in accordance with Article 12 (2)

During the period under review, in accordance with Article 12 (2), 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.¹² Following receipt of the notifications, the General

¹¹ S/PV.6300, p. 27 (Saint Vincent and the Grenadines, on behalf of CARICOM); see case 1 above.

¹² See A/65/300 and A/66/300.

Assembly, at each session, formally took note of them.¹³

In accordance with past practice, those notifications were based upon the summary statement of matters of which the Council was seized and the stage reached in their consideration, circulated each week to the members of the Council in accordance with rule 11 of the provisional rules of procedure. The items listed in the notifications were the same as those in the summary statements for the relevant period, except that those items not considered to relate to the maintenance of international peace and security were omitted.¹⁴ The consent of the Council, required under Article 12 (2), was obtained through the circulation by the Secretary-General to the members of the Council of copies of the draft notifications.

D. Practice in relation to provisions of the Charter involving recommendations of 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

¹³ General Assembly decisions 65/509 and 66/509.

¹⁴ For more information, see part II, sect. II.B, "Matters of which the Security Council is seized (rules 10 and 11)".

General Assembly, but requires a decision of 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)).¹⁵ In addition, the statutes of the International Tribunals for the Former Yugoslavia and Rwanda¹⁶ require the Council to submit a list of candidates to the Assembly, from which the Assembly will elect the judges of the Tribunals.¹⁷

During the period under review, no questions arose concerning the conditions of accession to the Statute of the International Court of Justice. With regard to the International Tribunals, there were no elections of 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, which the General Assembly then endorsed. The two organs were also involved in the election of judges of the International Residual Mechanism for Criminal Tribunals established pursuant to resolution 1966 (2010) to carry out residual functions of the Tribunals.

This section considers briefly the Council's practice in relation to the admission of Members, the recommendation for the appointment of the Secretary-General, and matters relating to judges of the International Tribunals and the election of the judges of the Mechanism.

Membership in the United Nations

The admission of a State to membership in the United Nations, and the suspension or expulsion of a Member State from the Organization, is effected by "the General Assembly upon the recommendation of the Security Council" as set out in 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 General Assembly, within specified time limits, its recommendations concerning each application for membership, together with a record of its discussions of the application.

In 2010 and 2011, the Council recommended the admission of one State, the Republic of South Sudan, to membership in the United Nations (see case 2). The Council also considered the application of Palestine for admission to membership in the United Nations¹⁸ and referred the application to its Committee on the Admission of New Members at the 6624th meeting on 28 September 2011; the Committee made no recommendation.¹⁹ The Council did not discuss or recommend the suspension or expulsion of any Member.

Case 2 Admission of new Members

In a letter dated 9 July 2011 from the President of the Republic of South Sudan addressed to the Secretary-General, the Republic of South Sudan submitted an application for admission to membership

¹⁵ 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 the members of the Court and in making amendments to the Statute (Articles 4 (3) and 69 of the Statute).

¹⁶ The full titles of the two Tribunals are: International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994; and 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.

¹⁷ The procedure for the election of judges of the two Tribunals is set out in article 13 (2), (3) and (4) of the statute of the International Tribunal for the Former Yugoslavia and article 12 (2), (3), (4) and (5) of the statute of the International Tribunal for Rwanda. In each case, in accordance with the statute, the Secretary-General forwards to the President of the Security Council the nominations received. The Council then convenes a meeting, in accordance with the understanding reached in its prior consultations, and adopts a resolution establishing the list of candidates for judges. Subsequently, the President of the Security Council formally transmits, by letter, the text of the resolution to the President of the General Assembly. The Assembly then proceeds to elect the judges from the list contained in that resolution.

¹⁸ S/2011/592.

¹⁹ For more information on the Committee on the Admission of New Members, see part IX, sect. I.A, "Standing Committees".

in the United Nations, which was circulated in a note by the Secretary-General of the same date.²⁰

The Council considered the application at its 6580th meeting, on 11 July 2011 and, in accordance with rule 59 of its provisional rules of procedure, referred the application to the Committee on the Admission of New Members. The Committee unanimously decided to recommend to the Council that the Republic of South Sudan be admitted to membership in the United Nations and recommended the adoption of a draft resolution to that effect.²¹

At the 6582nd meeting, on 13 July 2011, the Council adopted resolution [1999 \(2011\)](#), without a vote, recommending to the General Assembly that the Republic of South Sudan be admitted to membership in the United Nations. The Council also adopted a presidential statement making known its recommendation and congratulating the Republic of the Sudan on the historic occasion.²² In a letter of the same date from the President of the Council to the Secretary-General, the Council requested the latter to transmit to the General Assembly resolution [1999 \(2011\)](#) and the verbatim records of the 6580th and 6582nd meetings in accordance with rule 60.²³

On 14 July 2011, having received the recommendation of the Security Council, the General Assembly decided to admit the Republic of South Sudan to membership in the United Nations by its resolution [65/308](#).

Recommendation for the appointment of the Secretary-General

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

²⁰ [S/2011/418](#).

²¹ See the report of the Committee on the Admission of New Members concerning the application of the Republic of South Sudan for admission to membership in the United Nations ([S/2011/420](#), para. 3).

²² [S/PRST/2011/14](#).

²³ [A/65/905](#).

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

During the period under review, the Council recommended the appointment of Ban Ki-moon as the Secretary-General for a second term of office (see case 3).

Case 3 Recommendation for the appointment of the Secretary-General

At its 6556th meeting, held in private on 17 June 2011, the Council considered the question of the recommendation for the appointment of the Secretary-General of the United Nations. The Council adopted resolution [1987 \(2011\)](#) by acclamation, recommending to the General Assembly that Mr. Ban Ki-moon be appointed Secretary-General for a second term of office, from 1 January 2012 to 31 December 2016. By a letter dated 17 June 2011 addressed to the President of the General Assembly, the President of the Security Council informed the Assembly of the adoption of the resolution.²⁴

Acting in accordance with the Council's recommendation, on 21 June 2011, the General Assembly, by resolution [65/282](#), appointed Mr. Ban Ki-moon for a second term of office.

Matters relating to judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

During the period under review, in response to requests made by the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, the Council, as the parent organ of the Tribunals, adopted seven resolutions under Chapter VII of the Charter by which it authorized the judges to serve beyond the expiry of their terms of office and beyond the statutory limit of their cumulative service,²⁵ authorized the Tribunals to temporarily exceed their statutory limits for the total number of ad litem judges²⁶ and amended a relevant provision of the statute of the International Tribunal for Rwanda,²⁷ all for the purpose of completing the

²⁴ [A/65/865](#).

²⁵ Resolutions [1931 \(2010\)](#), [1932 \(2010\)](#), [1954 \(2010\)](#), [1955 \(2010\)](#), [1993 \(2011\)](#) and [2029 \(2011\)](#).

²⁶ Resolutions [1915 \(2010\)](#) and [1955 \(2010\)](#).

²⁷ Resolution [1932 \(2010\)](#).

ongoing cases by the serving judges. The Council then transmitted the text of the resolutions to the General Assembly, the organ which had originally elected those judges. The Assembly then decided to endorse those decisions of the Council. An example of such a proceeding is presented below (case 4). For all the actions taken by the Council and the Assembly in

relation to the judges of the Tribunals during the period under review, see table 3.²⁸

²⁸ For information on the mandates of the Tribunals, see part IX, sect. IV, "Tribunals".

Table 3

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

<i>Letter from the Secretary-General transmitting the request from the Tribunal</i>	<i>Security Council resolution</i>	<i>Transmission to the General Assembly</i>	<i>General Assembly decision and date</i>
International Tribunal for the Former Yugoslavia			
S/2010/133 , transmitting request (a) for extension of the terms of office of two ad litem judges to complete a case; and (b) to allow the total number of ad litem judges to exceed the statutory limit of 12	Resolution 1915 (2010) of 18 March 2010, deciding that the total number of ad litem judges could temporarily exceed the maximum of 12, to a maximum of 13, returning to a maximum of 12 by 30 June 2010 or upon completion of the case, if sooner	A/64/727	64/416 B 29 March 2010
S/2010/330 , transmitting request (a) for extension of the terms of office of three ad litem judges until 31 December 2011, four permanent and seven ad litem judges until 31 December 2012, four permanent judges until 31 December 2013 and five permanent judges until 31 December 2014, or until completion of their cases, if sooner; and (b) to permit nine ad litem judges to serve beyond the cumulative period of three years provided for under article 13 ter (2) of the statute of the Tribunal	Resolution 1931 (2010) of 29 June 2010, deciding (a) to extend the terms of office of all the judges concerned until 31 December 2011, 31 December 2012 or until completion of their cases, if sooner; and (b) to allow nine ad litem judges to serve beyond the cumulative period of service provided for under the statute of the Tribunal	A/64/861	64/416 C 16 July 2010
S/2010/599 , transmitting request (a) for extension of the terms of office of one permanent judge until 28 February 2011 and one ad litem judge until 30 April 2011; and (b) to allow the said ad litem judge to serve beyond the cumulative period provided for under article 13 ter (2) of the statute of the Tribunal	Resolution 1954 (2010) of 14 December 2010, (a) authorizing the two judges to complete their cases notwithstanding the expiry of their terms of office; and (b) deciding to allow the ad litem judge to serve beyond the cumulative period of service provided for under the statute of the Tribunal	A/65/662	65/413 A 14 January 2011

Repertoire of the Practice of the Security Council, 2010-2011

<i>Letter from the Secretary-General transmitting the request from the Tribunal</i>	<i>Security Council resolution</i>	<i>Transmission to the General Assembly</i>	<i>General Assembly decision and date</i>
S/2011/392 , transmitting request (a) for extension of the terms of office of six ad litem judges until 31 December 2012, 10 permanent and two ad litem judges until 31 December 2014 and three permanent judges and one ad litem judge until 31 December 2015 or until completion of their cases, if sooner; and (b) to permit eight ad litem judges to serve beyond the cumulative period of service provided for under article 13 ter (2) of the statute of the Tribunal	Resolution 1993 (2011) of 29 June 2011, deciding to extend the terms of office of eight permanent and nine ad litem judges until 31 December 2012 or until completion of their cases, if sooner	A/65/894	65/413 B 19 July 2011
International Criminal Tribunal for Rwanda			
S/2010/289 , transmitting request (a) for extension of the terms of office of one permanent and nine ad litem judges until 31 December 2011, four permanent judges until 31 December 2013 and two permanent judges until 31 December 2014 or until completion of their cases, if sooner; (b) to change the time frame for redeployment of judges to the Appeals Chamber; (c) to address the need for judges to fill the key functions of the Tribunal by (i) converting ad litem judges to permanent judges or (ii) amending the statute of the Tribunal so that ad litem judges would have the same powers as permanent judges; and (d) to amend article 12 ter (2) of the statute to re-establish a roster of non-serving judges	Resolution 1932 (2010) of 29 June 2010, deciding (a) to extend the terms of office of five permanent and nine ad litem judges until 31 December 2011 and two permanent judges until 31 December 2012 or until completion of their cases, if sooner; and (b) to amend article 12 ter of the statute concerning the appointment of former permanent or ad litem judges	A/64/862	64/415 B 16 July 2010
S/2010/513 , transmitting request (a) for extension of the terms of office of one permanent judge and one ad litem judge to complete their cases; (b) for an extension of the exemption concerning the maximum number of ad litem judges; and (c) to fill the key functions of the Tribunal by (i) conversion of at least three ad litem judges to permanent judges or (ii) amendment of the statute of the Tribunal to permit ad litem judges to have the same powers as permanent judges	Resolution 1955 (2010) of 14 December 2010, (a) authorizing the three judges to complete their cases, notwithstanding the expiry of their terms of office; and (b) deciding that the total number of ad litem judges could temporarily exceed the maximum provided for in the statute, returning to a maximum of nine by 31 December 2011	A/65/661	65/412 14 January 2011

<i>Letter from the Secretary-General transmitting the request from the Tribunal</i>	<i>Security Council resolution</i>	<i>Transmission to the General Assembly</i>	<i>General Assembly decision and date</i>
S/2010/598, transmitting request for extension of the term of office of one ad litem judge to complete a case			
S/2011/780, transmitting request for extension of the terms of office of four permanent judges and seven ad litem judges until 30 June 2012 or until completion of their cases, if sooner	Resolution 2029 (2011) of 21 December 2011, deciding to extend the terms of office of all the judges concerned until 30 June 2012	A/66/660	66/418 A 25 January 2012
S/2011/781, transmitting request for extension of the term of office of one ad litem judge until 30 June 2012 or until completion of her cases, if sooner			

Case 4

Other actions of the Security Council and the General Assembly relating to the International Criminal Tribunal for Rwanda

By identical letters dated 13 October and 23 November 2010 addressed to the President of the General Assembly and the President of the Security Council, the Secretary-General transmitted letters from the President of the International Criminal Tribunal for Rwanda requesting the extension of the term of office of one permanent judge and one ad litem judge in order to allow them to complete the *Ndindiliyimana et al.* case, and of another ad litem judge to allow for the completion of the *Hategekimana* case. The President of the Tribunal further requested that the Tribunal be allowed to exceed temporarily the maximum number of nine ad litem judges allowed by article 11 (1) of the statute of the Tribunal, by extending an earlier exemption granted by resolution 1901 (2009) and General Assembly decision 64/415, and that in order to address the need to fill the key functions of the Tribunal, either (a) at least three ad litem judges be converted to permanent judges or (b) the statute be amended to permit ad litem judges to have the same powers as permanent judges, including to be elected President and Presiding Judge.²⁹

In response to those requests, the Council on 14 December 2010 adopted resolution 1955 (2010), by which, acting under Chapter VII of the Charter, it decided that, notwithstanding the expiry of their term

of office on 31 December 2010, the three judges concerned were authorized to complete the *Ndindiliyimana et al.* case and the *Hategekimana* case and that, in order for the Tribunal to complete existing trials or conduct additional trials, the total number of ad litem judges serving at the Tribunal could, from time to time, temporarily exceed the maximum of nine provided for in article 11 (1) of the statute, to a maximum of 12 at any one time, returning to a maximum of nine by 31 December 2011. By a letter dated 20 December 2010 to the President of the General Assembly, the President of the Council transmitted the text of resolution 1955 (2010).³⁰

At the 74th plenary meeting of its sixty-fifth session, on 14 January 2011, the General Assembly decided to endorse the recommendations contained in resolution 1955 (2010).³¹

Election of judges of the International Residual Mechanism for Criminal Tribunals

By resolution 1966 (2010) of 22 December 2010, the Council established the International Residual Mechanism for Criminal Tribunals to carry out residual functions of the International Tribunals for the Former Yugoslavia and Rwanda. In accordance with article 10 of the statute of the Mechanism, the judges of the

³⁰ A/65/661.

³¹ General Assembly decision 65/412.

²⁹ A/65/529-S/2010/513 and A/65/587-S/2010/598.

Mechanism were elected by the General Assembly from a list submitted by the Council.³²

In 2011, the Council for the first time considered the election of judges of the Mechanism. Having considered the 37 nominations for judges of the Mechanism received by the Secretary-General,³³ the President of the Council, by a letter dated 16 November 2011 addressed to the President of the General Assembly, transmitted 36 nominations to the Assembly in accordance with article 10, paragraph 1 (d) of the statute.³⁴ At the 87th plenary meeting of its sixty-sixth session, on 20 December 2011, the General Assembly elected 25 judges to a four-year term of office beginning on 1 July 2012.³⁵

³² According to article 10 of the statute of the Mechanism, the election of judges requires that the judges of the Mechanism shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner: (a) the Secretary-General shall invite nominations for judges, preferably from among persons with experience as judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, from States Members of the United Nations and non-Member States maintaining permanent observer missions at United Nations Headquarters; (b) within 60 days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in article 9, paragraph 1, of the statute; (c) the Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than 30 candidates, taking due account of the qualifications set out in article 9, paragraph 1, and adequate representation of the principal legal systems of the world; (d) the President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect 25 judges of the Mechanism. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-Member States maintaining permanent observer missions at United Nations Headquarters shall be declared elected. Should more than two candidates of the same nationality obtain the required majority vote, the two who received the highest number of votes shall be considered elected (resolution 1966 (2010), annex 1).

³³ S/2011/659.

³⁴ A/66/564.

³⁵ General Assembly decision 66/416.

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.

Statute of the International Court of Justice

Article 4

1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions. ...

Article 8

The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

Article 10

1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

Article 11

If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

Article 12

1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptance.

2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

Article 14

Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

The election of members of the International Court of Justice requires action by the Security Council

in conjunction with the General Assembly, the two organs proceeding independently. The procedure for the election is set out in Articles 4, 8, 10 to 12 and 14 of the Statute of the International Court of Justice; rules 150 and 151 of the rules of procedure of the Assembly;³⁶ and rules 40³⁷ and 61 of the provisional rules of procedure of the Council.

The Council begins the election process to fill the vacancies by fixing the date of the elections, as provided in Article 14 of the Statute of the Court. In the case of the election to replace a member whose term of office has not expired, the Council adopts a resolution to set a date of the election, after receiving a note by the Secretary-General concerning the date of an election to fill a vacancy. The Security Council and the General Assembly then proceed independently but concurrently with the elections. A candidate who obtains an absolute majority of the votes in both the Assembly and Council is considered to be elected a member of the Court, in accordance with Article 10 (1) of the Statute of the Court.

During the period under review, the Council conducted two separate elections in 2010 to fill one vacancy each, owing to the resignation of a member of the Court (see table 4). Given that the proceedings were the same for those two elections, one case is drawn from the first election (case 5). The Council also held an election to fill five seats that would become vacant owing to the expiry of the terms of office of the incumbents; that election required nine ballots in total (case 6).

³⁶ Rules 150 and 151 of the rules of procedure 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.

³⁷ Rule 40 of the provisional rules of procedure is also covered in part II, sect. VIII, "Decision-making and voting".

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 on setting the date of the election</i>	<i>Council resolution deciding the date of the election</i>	<i>Council meeting on the election</i>	<i>General Assembly plenary meeting on the election</i>
S/2010/136	6285 18 March 2010	1914 (2010)	6346 29 June 2010	102nd 29 June 2010
S/2010/255	6327 2 June 2010	1926 (2010)	6381 9 September 2010	118th 9 September 2010

**Case 5
 Election of a member of the International Court of Justice**

By a note dated 15 March 2010 concerning the date of an election to fill a vacancy in the International Court of Justice, the Secretary-General informed the Security Council of the resignation of one of the members and requested it to consider setting the date of the election to fill the vacancy which would occur on 28 May 2010.³⁸

At its 6285th meeting, on 18 March 2010, the Council adopted resolution [1914 \(2010\)](#), by which, in accordance with Article 14 of the Statute of the Court, it decided that the election would take place on 29 June 2010 at a meeting of the Security Council and at a meeting of the General Assembly at its sixty-fourth session.

At its 6346th meeting, on 29 June 2010, the Council met to proceed with the election; one candidate obtained the required majority of votes on the first ballot. The President of the Council communicated the result of the vote to the President of the General Assembly. Subsequently, he announced that he had received a letter from the President of the General Assembly informing him that the same candidate had obtained an absolute majority of votes in the Assembly at its 102nd plenary meeting. The candidate in question was therefore elected for a term of office beginning on 29 June 2010 and expiring on 5 February 2012.³⁹

³⁸ [S/2010/136](#).

³⁹ [S/PV.6346](#) and General Assembly decision 64/426 A.

**Case 6
 Election of five members of the International Court of Justice**

At its 6651st meeting, on 10 November 2011, the Council proceeded with the election of five members of the Court, to fill the five seats that would become vacant on 5 February 2012 on the expiry of the terms of office of the incumbents. On the first ballot, five candidates obtained the required majority of votes. The President of the Council communicated the result of the vote to the President of the General Assembly in writing. Subsequently, he informed Council members that he had received a letter from the President of the General Assembly informing him that five candidates had obtained an absolute majority of votes in the General Assembly at its 53rd plenary meeting being held concurrently with the meeting of the Council. Four of them were the candidates that had obtained the required majority of votes in the Council. Having received the requisite absolute majority of votes in both bodies, those four candidates were elected as members of the Court for a nine-year term of office beginning on 6 February 2012.

In accordance with Article 11 of the Statute of the Court, the Council proceeded to conduct seven additional ballots at the 6652nd to 6655th and 6665th to 6667th meetings, on 10 and 22 November 2011, to fill the remaining vacancy. However, no candidate gained the requisite absolute majority of votes in either the General Assembly or the Security Council. At the 6682nd meeting, and at the 84th plenary meeting of the General Assembly, on 13 December 2011, a ninth ballot was held, in which one candidate obtained the requisite absolute majority of votes in both bodies. Having met the requirements set forth in Article 10 (1) of the Statute of the Court, that candidate was elected

as a member of the Court for a nine-year term of office beginning on 6 February 2012.⁴⁰

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 Article 24 (3) of the Charter, the Council continued to submit annual reports to the General Assembly in 2010 and 2011; it did not submit special reports to the General Assembly under, for example, rule 60 (3) of the Council's provisional rules of procedure.

The two annual reports submitted during the period under review, covering the periods from 1 August 2009 to 31 July 2010 and from 1 August 2010 to 31 July 2011,⁴¹ were prepared in accordance with the note by the President of 26 July 2010,⁴² which had incorporated and further developed three previous notes by the President on working methods.⁴³ The introduction of each annual report was prepared under the leadership and responsibility of the President of the

Council for the month of July of each calendar year, that is, the delegations of Nigeria in 2010 and Germany in 2011, while the Secretariat prepared the remainder of the report. The Council considered and adopted without a vote the draft annual reports at its 6413th and 6641st meetings, on 28 October 2010 and 27 October 2011, respectively. At those meetings, the representative of the delegation responsible for drafting the introduction stressed that, in the drafting process, the monthly assessments and the views expressed by all Council members had been taken into account,⁴⁴ as recommended in the note by the President.⁴⁵ The General Assembly considered the annual reports at its sixty-fifth and sixty-sixth sessions, on 11 and 12 November 2010 and 8 November 2011.⁴⁶

During the period under review, two communications made explicit references to Article 24 and its paragraph 3 regarding annual and special reports of the Council.⁴⁷ In addition, during a discussion in 2010 on the format and preparation of the annual and special reports in the context of improving the working methods of the Council, a number of explicit references were made to Article 24 and its paragraph 3 (see case 7).⁴⁸

The General Assembly, in two resolutions on the revitalization of its work adopted during the period under review, welcomed the improvements that had been made in the quality of the annual reports of the Security Council to the Assembly and encouraged the Council to make further improvements as necessary.⁴⁹

⁴⁴ See [S/PV.6413](#) and [S/PV.6641](#).

⁴⁵ [S/2010/507](#), para. 71.

⁴⁶ See [A/65/PV.48](#); [A/65/PV.50](#); and [A/66/PV.50](#).

⁴⁷ Identical letters dated 15 April 2010 and 23 November 2011 from the representative of Egypt, in his capacity as Chair of the Coordinating Bureau of NAM, to the President of the General Assembly and the President of the Council, forwarding the position of NAM concerning the working methods of the Council as reflected in documents adopted by NAM Heads of State and Government and Ministers ([S/2010/189](#), p. 4 and [S/2011/732](#), pp. 2-4, respectively).

⁴⁸ See, in connection with the implementation of the note by the President of the Security Council, [S/PV.6300](#), p. 21 (Egypt, speaking on behalf of NAM); p. 37 (Peru); [S/PV.6300 \(Resumption 1\)](#), p. 8 (Argentina); p. 9 (Cuba); p. 10 (India); p. 19 (Kenya); and p. 20 (Namibia).

⁴⁹ General Assembly resolutions [64/301](#), para. 9, and [65/315](#), para. 10.

⁴⁰ See [S/PV.6682](#) and General Assembly decision 66/404.

⁴¹ [A/65/2](#) and [A/66/2](#).

⁴² [S/2010/507](#), paras. 70-75.

⁴³ Notes by the President of the Council dated 19 July 2006, 19 December 2007 and 31 December 2008 ([S/2006/507](#), [S/2007/749](#) and [S/2008/847](#), respectively).

Case 7
Implementation of the note by the President of the Security Council

At the 6300th meeting, on 22 April 2010, under the item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”, a number of speakers recognized that the annual report had improved in terms of quality and the details contained therein,⁵⁰ while others called for further improvement, emphasizing the need for the report to be more substantive and analytical.⁵¹ The representative of Peru stressed that non-members of the Council had a right to greater access to information that was substantive, not merely descriptive, as was the case in the annual reports.⁵² The representative of Australia considered it necessary to establish qualitative and quantitative metrics, and assess progress against them with a more effective annual report.⁵³

In terms of concrete proposals for improvement of the annual report to the General Assembly, the representative of Liechtenstein, speaking on behalf of the group of five small countries,⁵⁴ proposed that the annual report should include an illustration of linkages between country situations and thematic issues and a chapter on the improvement of the working methods of the Council.⁵⁵ The representative of India called the current annual report a statistical compilation of events and a bland summary and listing of meetings and outcome documents. He said that the General Assembly should be aware not only of the decisions taken by the Council but also of the rationale, efficacy and impact of the Council’s decisions for the general membership.⁵⁶ The representative of Namibia stressed that the annual report, as the most visible source of information on the work of the Council, should be

analytical and provide not only an account of the matters considered by the Council in the year under review, but also an assessment of the ability of the Council to deal with the problems at hand, while signalling difficulties and areas where improvements could be made.⁵⁷

With regard to the process of preparation and adoption of the annual report, several speakers supported the practice of holding informal meetings with the general membership, as initiated by Viet Nam in 2008.⁵⁸ The representative of Liechtenstein, speaking on behalf of the group of five small countries, stated that such consultations offered a good opportunity to discuss, in particular, the introductory section of the annual report, which was the only part that included political analysis.⁵⁹ A few considered that the use of monthly assessments of the presidency in the preparation for the annual report would enhance its quality.⁶⁰ A number of speakers encouraged open discussion on the annual report in both the Council and the General Assembly, allowing a genuine exchange of views between the general membership and the Council.⁶¹

With regard to special reports of the Council, a few speakers held that the Council should also submit, whenever necessary, such reports to the General Assembly in accordance with Articles 15 and 24 (3).⁶² The representative of Costa Rica opined that the submission of special reports could be a useful tool in situations such as the establishment of a new peacekeeping operation or sanctions regime, or non-action of the Council due to the use of the veto.⁶³

⁵⁰ S/PV.6300, p. 4 (Russian Federation); p. 5 (Mexico); p. 10 (Nigeria); p. 12 (United States); p. 17 (Gabon); p. 28 (Sierra Leone, on behalf of the Group of African States); and S/PV.6300 (Resumption 1), p. 6 (Australia); and p. 12 (Malta).

⁵¹ S/PV.6300, p. 22 (Egypt); p. 29 (Slovakia); p. 37 (Peru); S/PV.6300 (Resumption 1), p. 6 (Australia); p. 8 (Argentina); p. 9 (Cuba); p. 10 (India); p. 20 (Namibia); p. 21 (Czech Republic); p. 25 (Qatar); and p. 28 (Republic of Korea).

⁵² S/PV.6300, p. 37.

⁵³ S/PV.6300 (Resumption 1), p. 6.

⁵⁴ See footnote 6.

⁵⁵ S/PV.6300, p. 20.

⁵⁶ S/PV.6300 (Resumption 1), p. 10.

⁵⁷ Ibid., pp. 20-21.

⁵⁸ S/PV.6300, p. 7 (Austria); p. 11 (Nigeria); p. 17 (Uganda); p. 20 (Liechtenstein, on behalf of the group of five small countries); p. 35 (Slovenia); and S/PV.6300 (Resumption 1), p. 15 (Singapore).

⁵⁹ S/PV.6300, p. 20.

⁶⁰ Ibid., p. 10 (Nigeria); and p. 20 (Liechtenstein, on behalf of the group of five small countries).

⁶¹ Ibid., p. 20 (Liechtenstein, on behalf of the group of five small countries); p. 29 (Slovakia); and S/PV.6300 (Resumption 1), p. 19 (Kenya).

⁶² S/PV.6300, p. 21 (Egypt, on behalf of NAM); S/PV.6300 (Resumption 1), p. 8 (Costa Rica, Argentina); p. 9 (Cuba); p. 10 (India); p. 19 (Kenya); and p. 24 (Ecuador).

⁶³ S/PV.6300 (Resumption 1), p. 8.

G. Relations with subsidiary organs established by the General Assembly

A number of subsidiary organs established by the General Assembly continued to play a role in the work of the Security Council. During the two-year period under review, there were four such subsidiary organs interacting with the Council: the Peacebuilding Commission, the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Human Rights Council and the Special Committee on Peacekeeping Operations. Relations with the Peacebuilding Commission, including participation of the representatives of the Commission and decisions of the Council referring to the Commission, are covered in part IX, section VII. Relations with subsidiary organs of the General Assembly other than the Peacebuilding Commission are examined in this subsection.

With regard to participation in meetings of the Security Council by the representatives of the subsidiary organs of the General Assembly, during the period under review, the Chair or the Vice-Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People participated in seven meetings concerning the situation in the Middle East, including the Palestinian question.⁶⁴ On the occasion of the International Day of Solidarity with the Palestinian People, 29 November, the President of the Security Council participated in two meetings of the Committee.⁶⁵

Several decisions adopted by the Council during the period under review contained references to two of

the subsidiary organs of the General Assembly, namely, the Human Rights Council and the Special Committee on Peacekeeping Operations. The Council welcomed the decisions of the Human Rights Council to dispatch independent international commissions of inquiry to investigate alleged violations of human rights in Côte d'Ivoire⁶⁶ and the Libyan Arab Jamahiriya.⁶⁷ The Council acknowledged the role and welcomed the reports of the Special Committee on Peacekeeping Operations in the context of United Nations peacekeeping operations,⁶⁸ women and peace and security⁶⁹ and the protection of civilians in armed conflict.⁷⁰ For provisions of Council decisions relating to these bodies, see table 5.

During the deliberations of the Council, some speakers called for enhanced cooperation and dialogue between the Security Council and the Human Rights Council⁷¹ and the Special Committee on Peacekeeping Operations.⁷²

⁶⁶ [Resolution 1975 \(2011\)](#), tenth preambular paragraph.

⁶⁷ [Resolution 1970 \(2011\)](#), fifth preambular paragraph.

⁶⁸ [S/PRST/2010/2](#), eighth paragraph, and [S/PRST/2011/17](#), eleventh paragraph.

⁶⁹ [Resolution 1960 \(2010\)](#), fourteenth preambular paragraph.

⁷⁰ [S/PRST/2010/25](#), thirteenth paragraph.

⁷¹ In connection with implementation of note by the President of the Security Council, see [S/PV.6300 \(Resumption 1\)](#), p. 8 (Argentina); and [S/PV.6672](#), p. 10 (Germany). In connection with maintenance of international peace and security, see [S/PV.6360 \(Resumption 1\)](#), p. 10 (Senegal). In connection with women and peace and security, see [S/PV.6411](#), p. 28 (Russian Federation); and p. 30 (China). In connection with the protection of civilians in armed conflict, see [S/PV.6531](#), p. 16 (Colombia); and [S/PV.6650 \(Resumption 1\)](#), p. 17 (Japan).

⁷² In connection with United Nations peacekeeping operations, see [S/PV.6270](#), p. 23 (Brazil); p. 25 (Bosnia and Herzegovina); and p. 31 (Mexico); [S/PV.6603](#), p. 11 (United Kingdom); and p. 15 (Brazil).

⁶⁴ 6265th, 6298th, 6363rd, 6470th, 6520th, 6590th and 6636th meetings, held on 27 January, 14 April and 21 July 2010 and 19 January, 21 April, 26 July and 24 October 2011.

⁶⁵ 329th and 337th meetings (see [A/AC.183/PV.329](#) and [A/AC.183/PV.337](#)).

Table 5
Security Council decisions containing references to subsidiary organs of the General Assembly

<i>Decision and date</i>	<i>Provision</i>
Human Rights Council	
The situation in Libya	
Resolution 1970 (2011) 26 February 2011	Welcoming Human Rights Council resolution S-15/1 of 25 February 2011, including the decision to urgently dispatch an independent international commission of inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya, to establish the facts and circumstances of such violations and of the crimes perpetrated and, where possible, to identify those responsible (fifth preambular paragraph)
The situation concerning Western Sahara	
Resolution 1975 (2011) 30 March 2011	Welcoming the establishment of the National Council on Human Rights in Morocco and the proposed component regarding Western Sahara, and the commitment of Morocco to ensure unqualified and unimpeded access to all special procedures of the United Nations Human Rights Council (twelfth preambular paragraph)
The situation in Côte d'Ivoire	
Resolution 1975 (2011) 30 March 2011	Welcoming Human Rights Council resolution 16/25 of 25 March 2011, including the decision to dispatch an independent international commission of inquiry to investigate the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d'Ivoire following the presidential election of 28 November 2010 (tenth preambular paragraph) Also calls upon all parties to cooperate fully with the independent international commission of inquiry put in place by the Human Rights Council on 25 March 2011 to investigate the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d'Ivoire following the presidential election of 28 November 2010, and requests the Secretary-General to transmit this report to the Security Council and other relevant international bodies (para. 8)
Resolution 2000 (2011) 27 July 2011	Taking note of the report and recommendations of the independent international commission of inquiry established pursuant to Human Rights Council resolution 16/25 of 25 March 2011 (sixteenth preambular paragraph) Decides that the United Nations Operation in Côte d'Ivoire shall have the following mandate: ... (g) <i>Support for efforts to promote and protect human rights</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 whose mandate was established pursuant to Human Rights Council resolution 17/21 of 17 June 2011 (para. 7)

Decision and date

Provision

The situation in the Middle East

Resolution [2014 \(2011\)](#)
21 October 2011

Taking note of the Human Rights Council resolution on Yemen,^a and underlining the need for a comprehensive, independent and impartial investigation consistent with international standards into alleged human rights abuses and violations, with a view to avoiding impunity and ensuring full accountability, and noting in this regard the concerns expressed by the United Nations High Commissioner for Human Rights (seventh preambular paragraph)

Special Committee on Peacekeeping Operations**Maintenance of international peace and security: impact of HIV/AIDS epidemic on international peace and security**

Resolution [1983 \(2011\)](#)
7 June 2011

Recalling the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals and the report of the Special Committee on Peacekeeping Operations (fourth preambular paragraph)

Protection of civilians in armed conflict

[S/PRST/2010/25](#)
22 November 2010

The Council welcomes the proposals, conclusions and recommendations on the protection of civilians included in the report of the Special Committee on Peacekeeping Operations. The Council stresses the importance of ensuring engagement by senior mission leadership on the protection of civilians, with a view to ensuring that all mission components and all levels of the chain of command are properly informed of and involved in the mission's protection mandate and their relevant responsibilities. The Council welcomes progress made by the Secretary-General in elaborating a conceptual framework, outlining resource and capability requirements and developing operational tools for the implementation of protection of civilians mandates. The Council emphasizes the importance of improving predeployment training for peacekeeping personnel on the protection of civilians. The Council encourages troop- and police-contributing countries to make full use of and provide feedback on these important materials (thirteenth paragraph)

United Nations peacekeeping operations

[S/PRST/2010/2](#)
12 February 2010

The Council reaffirms its belief that United Nations peacekeeping is a unique global partnership that draws together the contributions and commitment of the entire United Nations system. The Council is committed to strengthening this partnership and acknowledges the key role of the Special Committee on Peacekeeping Operations of the General Assembly and the Fifth Committee of the Assembly in that regard. The Council recognizes the need for continuous review of the military planning, police, judicial, rule of law and institution-building capabilities of the Secretariat to ensure their effective utilization and coordination (eighth paragraph)

[S/PRST/2011/17](#)
26 August 2011

The Council also recognizes the important work conducted by the Special Committee on Peacekeeping Operations and the Fifth Committee of the General Assembly (eleventh paragraph)

^a Resolution [18/19](#).

Women and peace and security

Resolution 1960 (2010)
16 December 2010

Welcoming the proposals, conclusions and recommendations included in the report of the Special Committee on Peacekeeping Operations on the need for adequate capabilities and clear and appropriate guidelines to enable peacekeeping missions to carry out all their mandated tasks, including prevention of and response to sexual violence; stressing the importance of ensuring engagement by senior mission leadership on protection of civilians, including the prevention of and response to instances of sexual violence in armed conflict, with a view to ensuring that all mission components and all levels of the chain of command are properly informed of and involved in the mandate of the mission and their relevant responsibilities; welcoming progress made by the Secretary-General in developing operational tools for the implementation of protection of civilians mandates; and encouraging troop- and police-contributing countries to make full use of and provide feedback on these important materials (fourteenth preambular paragraph)

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. No special sessions of the General Assembly were convoked at the request of the Council in accordance with Article 20 of the Charter, nor any emergency special sessions pursuant to Assembly resolution 377 A (V) of 3 November 1950.

A number of resolutions and presidential statements adopted by the Council in 2010 and 2011 referred to the General Assembly in connection with issues other than the admission of new Members, the appointment of the Secretary-General, or the elections of members of the International Court of Justice and matters relating to judges of the International Tribunals for the Former Yugoslavia and Rwanda. In connection with the maintenance of international peace and security, the Council stressed the importance of strengthening its partnership with the General Assembly;⁷³ supported the ongoing efforts of the General Assembly to bolster the effectiveness and efficiency of United Nations peacekeeping operations⁷⁴

⁷³ S/PRST/2010/18, seventeenth paragraph, and S/PRST/2011/18, twelfth paragraph.

⁷⁴ S/PRST/2010/18, tenth paragraph.

and recognized the key role of the Fifth Committee of the General Assembly;⁷⁵ also recognized the responsibility of the General Assembly for sustainable development issues, including climate change,⁷⁶ and its role in addressing HIV and AIDS.⁷⁷ In connection with women and peace and security, the Council welcomed the resolution⁷⁸ by which the General Assembly had established the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).⁷⁹ Concerning the situation in Libya, the Council welcomed the engagement of the Secretary-General and the President of the General Assembly, including through their visit to Libya, which had affirmed the key role of the United Nations in supporting Libyan national efforts in the post-conflict phase.⁸⁰

In 2010 and 2011, the Council also considered its relations with the General Assembly together with its relations with the Economic and Social Council (see case 8).

⁷⁵ In connection with United Nations peacekeeping operations, S/PRST/2010/2, eighth paragraph, and S/PRST/2011/17, eleventh paragraph.

⁷⁶ S/PRST/2011/15, second paragraph.

⁷⁷ Resolution 1983 (2011), seventh preambular paragraph.

⁷⁸ General Assembly resolution 64/289.

⁷⁹ S/PRST/2010/22, third paragraph.

⁸⁰ Resolution 2022 (2011), fifth preambular paragraph.

II. Relations with the Economic and Social Council

Article 65

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

Note

Section II concerns the relationship between the Security Council and the Economic and Social Council, with a particular focus on the practice of the Council in relation to Article 65 of the Charter. Subsection A considers briefings by the President of the Economic and Social Council to the Security Council. Subsections B and C cover decisions and deliberations of the Council concerning relations with the Economic and Social Council, respectively. In communications received by the Security Council during the period under review, no explicit references were made to Article 65 of the Charter.

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

In 2010 and 2011, the President of the Economic and Social Council was invited to brief the Security Council at two meetings concerning women and peace and security, at which the President stressed the importance of maintaining close dialogue between the

Economic and Social Council and the Security Council in their common areas of work.⁸¹

B. Decisions concerning relations with the Economic and Social Council

During the period under review, the Security Council did not formally address any requests to the Economic and Social Council for information or assistance, but referred to the Economic and Social Council in several decisions, all under the item entitled “Maintenance of international peace and security”. In one presidential statement dealing with the interdependence between security and development, the Council highlighted the contributions that the Economic and Social Council could make in addressing economic, social, cultural and humanitarian issues and underlined the importance of close cooperation in accordance with Article 65.⁸² In other decisions, the Council recognized the role and the responsibility of the Economic and Social Council in addressing the issues of the HIV/AIDS epidemic and climate change, and underlined the need to strengthen its partnership with the Economic and Social Council in the context of conflict prevention and ensuring the Council’s effective role in maintaining international peace and security. See table 6 for the relevant provisions of Council decisions under the item entitled “Maintenance of international peace and security”.

⁸¹ S/PV.6411, pp. 9-10 and S/PV.6642, pp. 5-6.

⁸² S/PRST/2011/4, final paragraph.

Table 6

Decisions of the Security Council containing references to the Economic and Social Council under the item entitled “Maintenance of international peace and security”

<i>Decision and date</i>	<i>Provision</i>
Conflict prevention	
S/PRST/2011/18 22 September 2011	The Council intends to continue to strengthen its partnerships with all other relevant players, both at the strategic level and on the ground, in particular the General Assembly, the Economic and Social Council, the Peacebuilding Commission and international financial institutions, such as the World Bank ... (twelfth paragraph)
Ensuring the Security Council’s effective role in maintaining international peace and security	
S/PRST/2010/18 23 September 2010	... The Council also underlines that it should continue to strengthen its partnerships with all other relevant players both at the strategic level and on the ground, in particular the General Assembly, the Economic and Social Council, the Peacebuilding Commission, international financial institutions, such as the World Bank, and civil society (seventeenth paragraph)
Impact of climate change	
S/PRST/2011/15 20 July 2011	The Council recognizes the responsibility for sustainable development issues, including climate change, conferred upon the General Assembly and the Economic and Social Council (second paragraph)
Impact of HIV/AIDS epidemic on international peace and security	
Resolution 1983 (2011) 7 June 2011	Emphasizing the important roles of the General Assembly and the Economic and Social Council in addressing HIV and AIDS and the continuing need for coordinated efforts of all relevant United Nations entities, in line with their respective mandates, to assist in the global efforts against the epidemic (seventh preambular paragraph)
The interdependence between security and development	
S/PRST/2011/4 11 February 2011	The Council highlights the contribution that the Economic and Social Council can make in addressing economic, social, cultural and humanitarian issues and underlines the importance of close cooperation in accordance with Article 65 of the Charter (final paragraph)

C. Constitutional discussion concerning relations with the Economic and Social Council

In deliberations during the period under review, speakers frequently touched upon relations between the Security Council and the Economic and Social Council, with a particular emphasis on strengthening cooperation, coordination and interaction between the two bodies;⁸³ Article 65 of the Charter was explicitly referred to on two occasions.⁸⁴ Case 8 is drawn from the discussion on the working methods of the Security Council.

Case 8 Implementation of the note by the President of the Security Council

At the 6300th meeting, on 22 April 2010, under the item entitled “Implementation of the note by the President of the Security Council (S/2006/507)”, many speakers emphasized the need for strengthened cooperation, coordination and interaction, including the exchange of information between the Security Council, the General Assembly and the Economic and Social Council.⁸⁵ Several speakers called on the Council to hold regular consultations of the three

principal organs of the United Nations.⁸⁶ The representative of Colombia said that meetings among the Presidents of the three organs would improve the Council’s working methods and its relations with the General Assembly.⁸⁷ The representative of Turkey suggested that the Presidents of the Economic and Social Council and the General Assembly should be invited to the Security Council’s luncheons with the Secretary-General.⁸⁸ The representative of Argentina said that regular and substantive dialogue should be established between the Security Council and the Economic and Social Council, reinforcing the communication provided for in Article 65 of the Charter.⁸⁹

At the 6672nd meeting, on 30 November 2011, under the item entitled “Implementation of the note by the President of the Security Council (S/2010/507)”, several speakers again called for increased interaction between the President of the Security Council and the Presidents of the Economic and Social Council and the General Assembly.⁹⁰ The representative of the Russian Federation considered it important to improve the quality of the Council’s interaction with other United Nations bodies on issues within the Council’s competence and in that regard held that one relevant task was the future formulation of effective forms and methods for dialogue between the Security Council and the Economic and Social Council among other bodies.⁹¹ Being mindful of the division of labour among United Nations organs in accordance with the Charter, the representative of China emphasized that the Security Council, the Economic and Social Council and the General Assembly should maintain communication through their Presidents.⁹² A few speakers also stressed the need for regular discussions and interaction among the three Presidents in order to improve complementarity and increase coherence.⁹³

⁸³ See, for example, in connection with the maintenance of international peace and security, S/PV.6389, p. 2 (Turkey); p. 8 (Nigeria); and p. 16 (Brazil); S/PV.6547, p. 13 (Russian Federation); p. 16 (Brazil); and p. 18 (Bosnia and Herzegovina); S/PV.6479, p. 3 (Secretary-General); p. 10 (Colombia); p. 17 (South Africa); p. 20 (Nigeria); pp. 21-22 (Russian Federation); and p. 27 (Brazil); S/PV.6479 (Resumption 1), p. 2 (Thailand); p. 5 (Pakistan); p. 15 (Luxembourg); p. 25 (Chile); p. 32 (Senegal); p. 38 (Malaysia); and p. 42 (El Salvador, Nicaragua); in connection with post-conflict peacebuilding, see S/PV.6299, p. 18 (Russian Federation); and p. 33 (China); S/PV.6299 (Resumption 1), pp. 6-7 (Egypt); p. 10 (Pakistan); p. 27 (Rwanda); p. 30 (Botswana); and p. 32 (Bangladesh).

⁸⁴ S/PV.6300 (Resumption 1), p. 8 (Argentina); and S/PV.6389, p. 16 (Brazil).

⁸⁵ S/PV.6300, p. 3 (Turkey); p. 10 (Lebanon); p.14 (Bosnia and Herzegovina); and p. 29 (Slovakia); S/PV.6300 (Resumption 1), p. 8 (Argentina); p. 10 (India); p. 18 (Colombia); p. 19 (Kenya); pp. 21-22 (Czech Republic); and p. 27 (Pakistan).

⁸⁶ S/PV.6300, p. 3 (Turkey); S/PV.6300 (Resumption 1), p. 8 (Argentina); p. 10 (India); p. 18 (Colombia); and p. 19 (Kenya).

⁸⁷ S/PV.6300 (Resumption 1), p. 18.

⁸⁸ S/PV.6300, p. 3.

⁸⁹ S/PV.6300 (Resumption 1), p. 8.

⁹⁰ S/PV.6672, p. 8 (Nigeria); p. 11 (Lebanon); and p. 14 (China); and S/PV.6672 (Resumption 1), pp. 11-12 (Sudan).

⁹¹ S/PV.6672, p. 4.

⁹² Ibid., p. 14.

⁹³ Ibid., p. 8 (Nigeria); and p. 25 (Egypt, on behalf of NAM).

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.*

Statute of the International Court of Justice

Article 41

1. *The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.*

2. *Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.*

Note

Section III concerns the relationship between the Security Council and the International Court of Justice. In accordance with Article 94, 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. In accordance with Article 96, the Council may request the Court to give an advisory opinion on any legal question.

During the period under review, the Council did not make recommendations or decide on measures with regard to any judgment rendered by the Court, nor did it request the Court to give an advisory opinion on a legal question. The President of the International Court of Justice was invited to participate in two private meetings of the Council under the item entitled “Briefing by the President of the International Court of Justice”.⁹⁴ Elections of members of the International Court of Justice held concurrently by the Security Council and the General Assembly during the period under review are covered in section I. E, “Relations with the General Assembly”.

This section covers (a) decisions and communications concerning relations with the International Court of Justice and (b) discussions concerning relations with the International Court of Justice.

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

In 2010 and 2011, the Council adopted no decisions containing an explicit reference to Article 94 or Article 96. However, in one presidential statement under the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”, the Council emphasized the key role of the International Court of Justice in adjudicating disputes among States and the value of its work.⁹⁵

A number of communications contained explicit references to Article 94 of the Charter.⁹⁶ In addition, the Council continued to exchange letters with the Secretary-General concerning the Cameroon-Nigeria Mixed Commission established to facilitate the

⁹⁴ The 6412th (closed) and 6637th (closed) meetings, held on 27 October 2010 and 25 October 2011, respectively.

⁹⁵ [S/PRST/2010/11](#), second paragraph.

⁹⁶ See letter dated 18 June 2010 from the representative of Mexico addressed to the Secretary-General ([S/2010/322](#), p. 5); and letters dated 5 and 6 February 2011 from the representative of Cambodia addressed to the President of the Security Council ([S/2011/56](#), p. 2, and [S/2011/58](#), p. 2, respectively).

implementation of the ruling of the Court on 10 October 2002 on the land and maritime boundary between the two countries.⁹⁷

B. Constitutional discussion concerning relations with the International Court of Justice

In the period under review, the Security Council, in its deliberations, touched upon the advisory opinions of the International Court of Justice of 9 July 2004 and 22 July 2010 rendered in response to the requests of the General Assembly concerning the legal consequences of the construction of a wall in the occupied Palestinian territory⁹⁸ and the unilateral declaration of independence by Kosovo,⁹⁹ respectively, which did not give rise to a constitutional discussion. Relations between the Security Council and the Court were discussed in a thematic debate concerning the rule of law, as well as the interpretation and the application of Articles 94 and 96 (see case 9).

Case 9

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

In the concept paper on the subject prepared by Mexico, it was argued that advisory opinions of the International Court of Justice significantly contributed to strengthening the rule of law at the international level, as did respect for the Court's decisions, a matter in which the Council was called upon to play a critical role under Article 94 (2) of the Charter.¹⁰⁰

The Council held its 6347th meeting on 29 June 2010 under the item entitled "The promotion and strengthening of the rule of law in the maintenance of

international peace and security". The Deputy Secretary-General emphasized the special role of the International Court of Justice in the peaceful settlement of disputes before intractable conflict and post-conflict situations arose, and held that strengthening the relationship between the Court and the Council would fortify the rule of law.¹⁰¹ The Under Secretary-General for Legal Affairs similarly referred to the system of settling disputes peacefully envisaged in the Charter and underlined that the General Assembly, the Security Council and the Court all had a responsibility to contribute to the peaceful settlement of disputes. She noted that the fullest use had not always been made of the organic link between those bodies and the procedural means made available to them by the Charter to coordinate and complement their respective actions.¹⁰² Many speakers during the debate acknowledged the role of the Court in the peaceful settlement of disputes and the maintenance of international peace and security.¹⁰³ The representative of Germany stressed that the Council should further encourage States to make use of the Court.¹⁰⁴ The representative of the Russian Federation opined that the Court was a unique organ that had the final say on the most ambiguous international legal issues.¹⁰⁵

The representative of the Solomon Islands was of the view that advisory opinions of the Court should be respected and upheld.¹⁰⁶ The representative of Mexico reminded the Council that it had the power to request advisory opinions on any legal matter which would lead to strengthening international law in its daily work, in cases where that was required.¹⁰⁷ The representative of South Africa expressed the view that the Council could play a role in promoting the rule of law through regular recourse to advisory opinions from the Court. He encouraged the Council to follow the General Assembly's practice and to request advisory

⁹⁷ S/2010/637 and S/2010/638.

⁹⁸ In connection with the situation in the Middle East, including the Palestinian question, see, for example, S/PV.6265 and S/PV.6265 (Resumption 1); S/PV.6298 and S/PV.6298 (Resumption 1); S/PV.6363 and S/PV.6363 (Resumption 1); S/PV.6404 and S/PV.6404 (Resumption 1); S/PV.6470 and S/PV.6470 (Resumption 1); S/PV.6520 and S/PV.6520 (Resumption 1); and S/PV.6636

⁹⁹ In connection with Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999), see, for example, S/PV.6264, S/PV.6314, S/PV.6353, S/PV.6367 and S/PV.6422.

¹⁰⁰ S/2010/322, p. 5.

¹⁰¹ S/PV.6347, p. 3.

¹⁰² *Ibid.*, p. 5.

¹⁰³ *Ibid.*, p. 10 (Bosnia and Herzegovina); p. 13 (Nigeria); p. 14 (France); p. 16 (Brazil); p. 18 (United Kingdom); p. 19 (Lebanon); p. 22 (Russian Federation); p. 23 (Japan); p. 25 (United States); p. 26 (Turkey); p. 28 (Gabon); S/PV.6347 (Resumption 1), p. 2 (Denmark); p. 10 (Argentina); p. 13 (Norway); p. 14 (Peru); and p. 19 (Germany).

¹⁰⁴ S/PV.6347 (Resumption 1), p. 19.

¹⁰⁵ S/PV.6347, p. 23.

¹⁰⁶ S/PV.6347 (Resumption 1), p. 20.

¹⁰⁷ *Ibid.*, p. 8.

opinions when faced with questions of legal complexity, citing as an example the request which resulted in the 1971 Namibia opinion. While recognizing that advisory opinions of the Court were not binding in and of themselves, in the sense of Article 94, he said that they were not without legal consequence and failure to comply with them indicated a violation of whatever rule the Court might have deemed to be at issue in that opinion. He called upon the Council, in the interests of promoting the rule of law, to take appropriate action to ensure the implementation of the advisory opinions on Western Sahara and the legal consequences of the construction of a wall in the occupied Palestinian territory.¹⁰⁸

Regarding the role of the Council in the execution of a decision of the Court in accordance with Article 94 (2), the representative of Mexico stated that,

¹⁰⁸ [S/PV.6347 \(Resumption 1\)](#), pp. 16-17.

in cases of non-compliance, Article 94 (2) set out the path to follow although States rarely activated that mechanism.¹⁰⁹ The representative of Bosnia and Herzegovina stressed that, since the enforcement of the Court's judgments lay ultimately with the Security Council, the Council, through its own actions, should give stronger emphasis and "exploit" the Court more as one of the central tools in maintaining peace and security.¹¹⁰

At the meeting, the Council adopted a presidential statement in which it emphasized the key role of the Court, the principal judicial organ of the United Nations, in adjudicating disputes among States, and the value of its work.¹¹¹

¹⁰⁹ [S/PV.6347](#), p. 8 (Mexico).

¹¹⁰ [S/PV.6347](#), p. 10.

¹¹¹ [S/PRST/2010/11](#), second paragraph.

