



*Repertoire of the Practice of the Security Council*

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## **Part IV**

# **Relations with other United Nations organs**

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## **Introductory note**

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

During the period under review, the General Assembly continued to address recommendations to the Council regarding the general principles of cooperation in the maintenance of international peace and security. The Council and the Assembly, in parallel and within the limitations imposed by the Charter, considered the situation of human rights in the Democratic People's Republic of Korea and in the Syrian Arab Republic. In 2020, the General Assembly encouraged the Council to immediately resume discussion on the situation in the Democratic People's Republic of Korea, including the country's human rights situation. In addition, both organs collaborated in the election of judges to fill vacancies in the International Court of Justice and in the roster of the International Residual Mechanism for Criminal Tribunals consistent with the applicable provisions of the statute of the Mechanism, the provisional rules of procedure of the Council and the rules of procedure of the General Assembly.

In 2020, the President of the Security Council participated and delivered statements in various events of the General Assembly marking the 75<sup>th</sup> anniversary of the United Nations. Due to the impact of the COVID-19 pandemic, many of these events took place virtually. On 26 June 2020, the President of the Council for the month (France) participated in the virtual ceremony to commemorate the signing of the Charter of the United Nations. On 21 September 2020, the President of the Council for the month

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

(Niger) participated in the High-Level Meeting in commemoration of the 75<sup>th</sup> anniversary of the United Nations. On 26 October 2020, the President of the Council for the month (Russian Federation) also participated in the Observance Ceremony in commemoration of United Nations Day. The President of the Council for the month of December (South Africa) also participated in the Special Session of the General Assembly in Response to the Coronavirus Disease (COVID-19) Pandemic held on 3 and 4 December 2020. Moreover, in December 2020, the Council and the General Assembly adopted the third set of identical resolutions, Security Council resolution [2558 \(2020\)](#) and General Assembly resolution [75/201](#), in connection with peacebuilding and sustaining peace further to the review in 2020 of the peacebuilding architecture of the Peacebuilding Commission. The General Assembly adopted a number of other resolutions referring to its relationship with the Security Council, and the Security Council, for its part, continued to refer to various General Assembly resolutions in its decisions.

In 2020, Council members continued to discuss the relations between the Council and subsidiary organs of the General Assembly, in particular the Human Rights Council and the Special Committee on Peacekeeping Operations. During the period under review, Council members explored informal meetings with the Human Rights Council as well as its special procedures in connection with conflict prevention by the Security Council. In addition, during the review period, Council members' discussions focused on the importance of the development of synergies between the Security Council, the General Assembly and the Economic and Social Council, as well as with the other entities of the United Nations system, with respect to addressing contemporary drivers of conflict, climate change, and the COVID-19 pandemic. As described in further detail in part II of this Supplement, in 2020, faced with the absence of meetings in the Council Chamber due to the COVID-19 pandemic, Council members initiated the practice of holding videoconferences and as of 14 July 2020, the Council developed a hybrid model, alternating meetings in-person with videoconferences. Part IV of this Supplement features therefore relevant discussions held in the context of both meetings and videoconferences.

In November 2020, the President of the Economic and Social Council participated in an open videoconference of the Security Council held in connection with the item entitled "Peacebuilding and sustaining peace", which focused on contemporary drivers of

conflict and insecurity. In addition, the President of the Security Council for the month (Saint Vincent and the Grenadines) participated in a Joint meeting of the Economic and Social Council and the Peacebuilding Commission entitled “Fostering Global Solidarity and Conflict-Sensitive Responses to the COVID-19 Pandemic and its Socioeconomic Impacts”.

The President of the International Court of Justice participated in and briefed Council members at two of the Council’s videoconferences during the reporting period; at a closed videoconference on 28 October 2020, and at an open videoconference in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security” focused on strengthening the cooperation between the Security Council and the International Court of Justice. In 2020, the Council did not address, however, any requests for information or assistance to the Economic and Social Council, nor did it make recommendations or decide on measures with regard to the judgments rendered by the International Court of Justice or requested the Court to give an advisory opinion on any legal question.

## I. Relations with the General Assembly

### Note

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

Section I is divided into eight subsections. Subsection A deals with the election by the General Assembly of the non-permanent members of the Council, in accordance with Article 23 of the Charter. Subsections B and C concern the functions and powers of the General Assembly vis-à-vis Articles 10 to 12, with a particular focus on the practice and authority of the Assembly to make recommendations to the Council. Subsection D considers instances in which a decision by the Council must be taken prior to that of the Assembly under Articles 4 to 6, 93 and 97, such as the admission of new Members or the appointment of judges to the International Residual Mechanism for Criminal Tribunals. Subsection E examines the practices for the election of members of the International Court of Justice, requiring concurrent action by the Council and the General Assembly. Subsection F covers the annual and special reports of the Council to the General Assembly, in accordance with Articles 15 and 24 (3) of the Charter. Subsection G concerns Council relations with the subsidiary organs established by the General Assembly which have played a part in the work of the Council during 2020. Subsection H features other Council practice bearing on relations with the Assembly.

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<sup>2</sup> Rule 40 of the provisional rules of procedure is also covered in part II, sect. VIII with regard to decision-making and voting.

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

### *Article 23*

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

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

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

During the period under review, at its seventy-fourth regular session, the General Assembly elected five non-permanent members to the Security Council in accordance with Article 23 of the Charter, to replace those whose terms of office were to expire on 31 December 2020 (see table 1). Due to the extraordinary circumstances caused by the coronavirus (COVID-19) pandemic, in accordance with its decision 74/557 of 29 May 2020 by which it established the procedure for holding elections by secret ballot without a plenary meeting during the COVID-19 pandemic, the General Assembly elected non-permanent members of the Council without holding a plenary meeting. At its 62nd plenary meeting, on 3 September 2020, the General Assembly took note of decision 74/418 of 17 and 18 June 2020, entitled “Election of non-permanent members of the Security Council”.<sup>3</sup>

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<sup>3</sup> General Assembly decision 74/573. See [A/74/49 \(Vol.III\)](#), p. 177.

Table 1

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

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



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

### *Article 10*

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

### *Article 11*

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

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

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

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

During the period under review, the General Assembly addressed recommendations to the Security Council regarding the general principles of cooperation in the maintenance of international peace and security. Several of these recommendations concerned the powers and functions of the Council under the Charter, of relevance for purposes of Articles 10 and 11 (1) of the Charter. The relevant provisions of the

resolutions of the General Assembly are set out in table 2. In addition, in a General Assembly resolution adopted under the item entitled “United Nations Regional Centre for Peace and Disarmament in Africa”, Member States explicitly recalled the provisions of Article 11, paragraph 1, of the Charter of the United Nations, in which it is stipulated that a function of the General Assembly was to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and arms limitation.<sup>4</sup>

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

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

In 2020, the General Assembly did not draw the attention of the Security Council to any situations likely to endanger international peace and security pursuant to Article 11 (3) of the Charter.<sup>5</sup>

Table 2

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

<i>General Assembly resolution and date</i>	<i>Provisions</i>
<b>Implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa</b>	
<a href="#">74/302</a> 3 September 2020	Recognizes the growing and emerging challenges and risks facing United Nations peacekeeping operations and political missions, and in this regard recalls the Action for Peacekeeping initiative, the report of the High-level Independent Panel on Peace Operations and the report of the Secretary-General entitled “The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations”, as well as recommendations supported by Member States in the report of the Special Committee on Peacekeeping in particular on prevention, mediation and stronger global regional partnerships, including between the United Nations and the African Union, and encourages the Security Council, as appropriate, to consult with relevant regional organizations, particularly the African Union, especially if transitioning from a regional to a United Nations peacekeeping operation (para. 35)
<b>Report of the International Criminal Court</b>	
<a href="#">75/3</a> 2 November 2020	Encourages further dialogue between the United Nations and the International Criminal Court, and welcomes in this regard the increased interaction of the Security Council with the Court under various formats, including the holding of open debates on peace and justice and working methods, with a special focus on the role of the Court (para. 20)
<b>Comprehensive review of special political missions</b>	
<a href="#">75/100</a> 10 December 2020	Encouraging enhanced exchanges of information, in an appropriate manner, among the General Assembly, the Security Council and the Secretariat, making use of the advisory role of the Peacebuilding Commission, when relevant, on overall policy matters pertaining to special political missions (seventh preambular paragraph)

Table 3

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

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

<sup>5</sup> For information on other referrals to the Security Council, see part VI, sect. I with regard to referrals of disputes or situations to the Security Council.

<i>General Assembly resolution and date</i>	<i>Provisions</i>
<a href="#">75/190</a> 16 December 2020	<p>Encourages the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of further sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity (para. 12)</p> <p>Also encourages the Security Council to immediately resume discussion on the situation in the Democratic People's Republic of Korea, including the country's human rights situation, in the light of the serious concerns expressed in the present resolution, and looks forward to its continued and more active engagement on this matter (para. 13)</p>
<b>Situation of human rights in the Syrian Arab Republic</b>	
<a href="#">75/193</a> 16 December 2020	<p>Deplores the closure of the Bab al-Salam for the purpose of cross-border humanitarian aid, and urges the Security Council to reauthorize the use of the border crossings of Bab al-Salam and Ya'rubiya and to continue to consider additional crossing points on the basis of the report of the Secretary-General regarding alternative modalities for the border crossing of Ya'rubiya, emphasizes that more than 6.2 million people live in areas not under the control of the Syrian regime and 4.2 million require humanitarian assistance, and also considers the multiplier effect of the COVID-19 pandemic and that the cross-border mechanism remains an indispensable tool to address the humanitarian needs of the population, which cannot be reached through existing operations within the Syrian Arab Republic, in the light of the limitations of cross-line assistance (para. 21)</p> <p>Emphasizes the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, stresses the need to pursue practical steps towards this goal, and for that reason encourages the Security Council to take appropriate action to ensure accountability, noting the important role that the International Criminal Court can play in this regard in accordance with complementarity (para. 38)</p>

Concerning the deliberations in the Council, during the period under review, Article 10 was explicitly referred to once, and Article 11 was explicitly referred to twice. At a meeting of the Security Council held on 13 February 2020 under the item entitled "Peacebuilding and sustaining peace", the representative of the Syrian Arab Republic stated that by adopting resolution [71/248](#), by which it established the International, Impartial and Independent Mechanism, despite its full knowledge that the Security Council was the sole organ responsible for addressing the situation in Syria, the General Assembly had encroached on the mandate of the Security Council and had even ignored the fact that its mandate, as provided in Articles 10, 11, 12 and 22 of the Charter, did not give it the right or authority to establish any investigative or legislative body or such mechanism.<sup>6</sup> The second explicit reference to Article 11 was made at an open

<sup>6</sup> See [S/PV.8723 \(Resumption1\)](#).

videoconference, also held in connection with the item entitled “Peacebuilding and sustaining peace”.<sup>7</sup>

Council members and non-Council members alike continued to address issues that may be considered of relevance for the application and interpretation of Articles 10 and 11 of the Charter in the context of Council’s meetings and open videoconferences held by its members. In that regard, at an open debate held under the item entitled “Maintenance of international peace and security” which took place on 9, 10 and 13 January 2020, the representative of Cuba stated that the United Nations must defend multilateralism and reject any proposal that would constitute interference by the Council in matters falling within the purview of the other principal organs of the Organization, especially the General Assembly.<sup>8</sup> At the same meeting, the representative of Uruguay pointed out that the Charter conferred upon the Council responsibility for the maintenance of peace and security, and such responsibility must be fulfilled under international law, while respecting the principles set out therein, the most fundamental principle being the promise to refrain from the threat or use of force against the territorial integrity or political independence of States and to settle disputes by peaceful means. He added that to that end, the Security Council had a central role to play and must, at all times, work in cooperation with the General Assembly.

In 2020, Council members specifically discussed the Council’s role in tackling the COVID-19 pandemic in connection with different items on its agenda. At an open videoconference held on 2 July 2020 in connection with the item entitled “Maintenance of international peace and security” focused on the implications of COVID-19, the representative of the Russian Federation said that the medical aspects of the international response to the outbreak and the global response to its socioeconomic impact fell to the relevant United Nations entities and agencies, namely, the World Health Organization, the General Assembly and the Economic and Social Council.<sup>9</sup> The representative of South Africa stressed that the attention that the Security Council paid to global public-health emergencies should be clear and directly linked to issues that fell under the purview of its mandate. He urged the Council to be cautious and refrain from focusing on

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<sup>7</sup> See [S/2020/1090](#), Kenya. For more information, see case 1.

<sup>8</sup> See [S/PV.8699 \(Resumption1\)](#).

<sup>9</sup> See [S/2020/663](#).

international public health matters and economic measures that were more appropriately addressed by the broader United Nations system, the Secretary-General and the General Assembly. In his written statement, the representative of the Bolivarian Republic of Venezuela similarly stressed the preference for the issue to be addressed within the framework of the General Assembly. The representative of Cuba submitted that it was the responsibility of the General Assembly to assume the pivotal role in the coordination of international efforts to tackle the pandemic and its consequences and the Council's interference in matters outside its competence must cease. By contrast, at an open videoconference held on 12 August 2020 on "Peacebuilding and sustaining peace" focused on pandemics and the challenges of sustaining peace, the delegation of El Salvador called on the Security Council to continue to address the public health emergency caused by the COVID-19 pandemic particularly with regard to conflict zones and for subsequently taking economic measures, which should be effectively promoted by the United Nations system and the General Assembly.<sup>10</sup> In addition, Council members discussed the role of the Council regarding other challenges, with reference to Articles 10 and 11 of the Charter, as described in case 1 below.

### **Case 1**

#### **Peacebuilding and sustaining peace**

On 3 November 2020, at the initiative of Saint Vincent and the Grenadines which held the Presidency of the Council for the month,<sup>11</sup> Council members held an open videoconference in connection with the above-referenced item focused on contemporary drivers of conflict and insecurity.<sup>12</sup> During the videoconference, Council members heard briefings by the Deputy Secretary-General, the Chief Executive Officer of the African Union Development Agency, the Vice Chancellor of the University of the West Indies and the Permanent Representative of Pakistan, in his capacity as President of the Economic and Social Council. Representatives of all Council members delivered their

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<sup>10</sup> See [S/2020/799](#).

<sup>11</sup> A concept note was circulated by a letter dated 30 October 2020 ([S/2020/1064](#)).

<sup>12</sup> See [S/2020/1090](#).

statements during the videoconference, while the representatives of non-Council members and the European Union submitted their statements in writing.<sup>13</sup>

In a written statement submitted by the representative of Kenya, one explicit reference was made to Article 11 of the Charter. In his statement, the representative of Kenya recalled that the Charter envisioned a preventive diplomatic strategy that would require the Security Council to work in coherence with the General Assembly and the Economic and Social Council, under Chapter IV, Article 11 and Chapter X, Article 65, respectively, to enable the creation of conditions of stability and well-being necessary for peaceful and friendly relations among nations.<sup>14</sup> The representative of China underscored that global threats and challenges called for robust global responses and stressed that the Security Council, the General Assembly, the Economic and Social Council, the Peacebuilding Commission and other bodies should fulfil their respective mandates and complement each other. In its written statement, the delegation of Colombia, while reiterating the importance of the work of the Security Council for the maintenance of international peace and security, underscored that the General Assembly was the proper context for debating and taking decisions relating to the causes and impacts of climate change, as a universal body providing for a comprehensive and inclusive approach that took into account the intrinsic links between climate change and social and economic issues. In its written statement, the representative of Cuba underlined the need to ensure that the Security Council met its overriding responsibility for maintaining international peace and security and respected the mandates entrusted by the Charter to other organs of the Organization, especially the General Assembly. In its written statement, the delegation of Mexico underscored that international security was multidimensional and the threats faced by States were not only military and political, but also related to economic and social development challenges and other phenomena, such as pandemics and environmental challenges. In its written statement, the delegation of Mexico suggested that while the Security Council bore the primary responsibility for the

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<sup>13</sup> The following countries submitted written statements: Azerbaijan, Brazil, Cabo Verde, Canada, Chile, Colombia, Cuba, Denmark, Ecuador, El Salvador, Eritrea, European Union, Georgia, Guatemala, India, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Liechtenstein, Malta, Mexico, Morocco, Namibia, Netherlands, Nigeria, Peru, Philippines, Poland, Portugal, Qatar, Singapore, Slovakia, Slovenia, Sudan, Switzerland, Ukraine and United Arab Emirates.

<sup>14</sup> See [S/2020/1090](https://www.un.org/securitycouncil/content/repertoire/structure).

maintenance of international peace and security, other principal organs of the United Nations, such as the General Assembly and the Economic and Social Council, as well as the Peacebuilding Commission, also had a key role to play in preventing development challenges from becoming a threat to peace. In reference to the unique nature of contemporary drivers of conflicts, the representative of the Islamic Republic of Iran, in his written statement, noted that to address them in an appropriate and realistic manner they required new approaches and innovative measures. He added that rather than traditional measures such as sanctions, those should be addressed by extending economic and financial assistance to the societies concerned, which were exactly the areas where the General Assembly and the Economic and Social Council could play an effective role in the amelioration of the situation.

### **C. Practice in relation to Article 12 of the Charter**

#### *Article 12*

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

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

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



During the period under review, no reference was made to Article 12 (1) in decisions of the Council nor did the Council request the General Assembly to make a recommendation with regard to any dispute or situation. This notwithstanding, Article 12 was explicitly referred to twice at the deliberations of the Council. At an open debate of the Security Council held under the item entitled “Maintenance of international peace and security” on 9, 10 and 13 January 2020, the representative of Morocco said that the Charter constituted the road map of the Organization and it was therefore crucial to safeguard the unity of its message and implement its provisions. He added that to that end, the founding fathers of the United Nations enshrined in the Charter a separation of the functions, powers and prerogatives among the bodies of the Organization and specifically articulated, in Article 12 of the Charter, a distinction between the mandate of the General Assembly and that of the Security Council.<sup>15</sup>

During Council meetings, speakers held differing views regarding the prerogatives and scope of the action of the General Assembly and the Security Council. At a meeting held on 13 February 2020 under the item entitled “Peacebuilding and sustaining peace”, the representative of the Syrian Arab Republic said that the General Assembly had encroached on the mandate of the Security Council, violated Article 12 of the Charter and adopted resolution [71/248](#) establishing the International, Impartial and Independent Mechanism (IIIM), despite its full knowledge that the Security Council was the sole organ responsible for addressing the situation in Syria. He added that the General Assembly had even ignored the fact that its mandate, as provided in Articles 10, 11, 12 and 22 of the Charter, did not give it the right or authority to establish any investigative or legislative body or such mechanism.<sup>16</sup>

In contrast, at an earlier meeting held on 22 January 2020 under the item entitled “The situation in the Middle East, including the Palestinian question”, the representative of Liechtenstein had said that while the Council continued to ignore the calls for ensuring accountability for the worst crimes committed in Syria, in particular the call for a referral to the International Criminal Court, the IIIM had been established as a full-fledged subsidiary organ of the General Assembly.<sup>17</sup> Similarly, at a meeting held on 13 February

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<sup>15</sup> See [S/PV.8699 \(Resumption 2\)](#).

<sup>16</sup> See [S/PV.8723 \(Resumption 1\)](#).

<sup>17</sup> See [S/PV.8706 \(Resumption1\)](#).

2020 under the item entitled “Peacebuilding and sustaining peace”, the representative of Liechtenstein expressed regret that in the ongoing conflict in the Syrian Arab Republic, the Security Council had essentially ignored the accountability and justice dimension and “passed the ball” to the General Assembly, which had established the IIIM. He underscored, however, that there was also a conceptual difficulty with giving transitional justice tasks to the Council; while there were, of course, peacekeeping operations, the Council would not stay engaged for the long years that were often required to provide transitional justice.<sup>18</sup>

In addition, during meetings and open videoconferences, participants also addressed the question of the responsibility and action of the General Assembly in the context of the use of the veto by the permanent members of the Security Council. At the 8699<sup>th</sup> meeting of the Council held on 9 January 2020 under the item “Maintenance of international peace and security”, the representative of Liechtenstein said that as the Security Council acted on behalf of the entire membership, the General Assembly had a responsibility to hold the Security Council accountable. In this regard, she explained that Liechtenstein supported the automatic convening of the General Assembly whenever a veto was cast in the Council to discuss the matter and stressed that such a discussion would take place without prejudice to any possible outcome and irrespective of the substance of the draft resolution that was subject to a veto.<sup>19</sup> At the meeting’s resumption the following day, the representative of Costa Rica expressed support for Liechtenstein’s proposal.<sup>20</sup> The same position was reiterated by the representative of Liechtenstein in his statement for the open videoconference held on 15 May 2020 on the working methods of the Security Council in connection with the item entitled “Implementation of the note by the President ([S/2017/507](#))”.<sup>21</sup> For an open videoconference held on 21 July 2020 in connection with the item entitled “The situation in the Middle East, including the Palestinian question”, the representative of Liechtenstein submitted a statement referring specifically to the use of the veto by two permanent members of the Council to block two draft resolutions relating to the situation in the Syrian Arab Republic. In this regard, he

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<sup>18</sup> See [S/PV.8723](#).

<sup>19</sup> See [S/PV.8699](#).

<sup>20</sup> See [S/PV.8699 \(Resumption I\)](#).

<sup>21</sup> See [S/2020/418](#).

said that it was long past time that such flagrant use of the veto be met with a response from the wider membership, including through action in the General Assembly.<sup>22</sup>

Article 12 (2) requires the Secretary-General to notify the General Assembly of the matters relating to the maintenance of international peace and security being dealt with by the Security Council or with which the Council has ceased to deal. During the period under review, Council members held meetings and open videoconferences throughout the year to discuss matters on its agenda. As described in further detail in part II, despite there being an official record of open videoconferences in the form of an official document of the Council compiling the statements delivered and/or submitted, these were not considered formal meetings of the Council for all relevant purposes, including for their inclusion on the summary statement of the Secretary-General on items of which the Council is seized.<sup>23</sup> Accordingly, while 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 in the context of meetings, he did not do so when those matters were discussed in the context of open videoconferences.<sup>24</sup> The notification was in any event based on the summary statements of matters of which the Council was seized and the stage reached in their consideration, which were circulated each week to the members of the Security Council in accordance with rule 11 of the provisional rules of procedure of the Council.<sup>25</sup> The consent of the Council, required by Article 12 (2), is obtained through the circulation of the draft notification by the Secretary-General to the members of the Council. Following receipt of the notification, the General Assembly formally takes note of it.<sup>26</sup>

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

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<sup>22</sup> See [S/2020/736](#).

<sup>23</sup> See [S/2020/273](#), para. 19. For more information on the procedures and working methods developed during the COVID-19 pandemic, see part II.

<sup>24</sup> [A/75/300](#).

<sup>25</sup> For more information, see part II, sect. III. B.

<sup>26</sup> See General Assembly decision 74/575, where the General Assembly took note of the notification by the Secretary-General under Article 12 (2) of 1 September 2019 (see *Repertoire, Supplement 2019*, part IV, sect. I.C.). As at 31 December 2020, the General Assembly had not taken note of the notification by the Secretary-General under Article 12 (2) of 1 September 2020 ([A/75/300](#)).

*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...*

The Charter provides for joint decision-making by the Security Council and the General Assembly in relation to a number of matters but requires a decision by the Council to be taken first. This is the case with respect to the admission, suspension or expulsion of members (Articles 4, 5 and 6), the appointment of the Secretary-General (Article 97) and the conditions under which a State that is not a member of the United Nations may become a party to the Statute of the International Court of Justice (Article 93 (2)).<sup>27</sup> In addition, the statute of the International Residual Mechanism for Criminal Tribunals provides that the judges of the Mechanism shall be elected by the General Assembly from a list submitted by the Security Council.<sup>28</sup>

During the period under review, no questions arose concerning the conditions of accession to the Statute of the International Court of Justice. There was no reference to Articles 4, 5 or 6, no activity with regard to the admission of new members or suspension or expulsion of any Member State, and no action with regard to the selection and

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<sup>27</sup> 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).

<sup>28</sup> See article 10 of the statute attached as annex 1 to resolution [1966 \(2010\)](#).

appointment of the Secretary-General. Concerning the International Residual Mechanism for Criminal Tribunals, the Security Council and the General Assembly collaborated in the election of judges to fill vacancies in the roster of the Mechanism.

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

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

During the period under review, the Council did not recommend the admission of any State for membership in the United Nations. It made no negative recommendations, which would have required the submission of a special report to the General Assembly. In addition, the Council did not recommend the suspension or expulsion of any Member State. Nonetheless, consistent with previous years, at meetings and open videoconferences in connection with the item entitled “The situation in the Middle East, including the Palestinian question”, participants expressed support for the admission of Palestine as a full Member of the Organization.<sup>29</sup>

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

In connection with the open videoconference held on 15 May 2020 on the “Implementation of the note by the President of the Security Council ([S/2017/507](#))” on the working methods of the Council, the representative of Cuba recognized the increase in the number of public meetings, including open debates and wrap-up sessions, over recent years, as well as the unprecedented process of consultation and exchange with Member States in the selection and appointment of the Secretary-General.<sup>30</sup>

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<sup>29</sup> See, for example, [S/PV.8706](#), Syrian Arab Republic; and [S/PV.8706 \(Resumption1\)](#), Cuba. See also [S/2020/341](#), Cuba, Permanent Observer for the League of Arab States, Qatar (on behalf of the Group of Arab States), Syrian Arab Republic; and [S/2020/1055](#), Cuba and Syrian Arab Republic.

<sup>30</sup> See [S/2020/418](#).

3. *Appointment of judges to the International Residual Mechanism for Criminal Tribunals*

By its resolution [1966 \(2010\)](#) of 22 December 2010, the Security Council established the International Residual Mechanism for Criminal Tribunals to carry out residual functions of the International Tribunals for the Former Yugoslavia and Rwanda.<sup>31</sup> According to the statute of the Mechanism, the judges of the Mechanism are elected by the General Assembly from a list submitted by the Security Council. In the event of a vacancy in the roster of judges of the Mechanism, the Secretary-General appoints judges of the Mechanism after consultation with the Presidents of the Security Council and of the General Assembly, for the remainder of the term of office concerned.<sup>32</sup>

During the period under review, following the resignation of one of the judges of the Mechanism on 19 July 2019 and pursuant to article 10, paragraph 2 of the Statute of the Mechanism, the General Assembly concurred with the intention of the Secretary-General to appoint a judge nominated to fill the vacancy for the remainder of the office, of which the Security Council took note in the previous year.<sup>33</sup> In addition, the Council took note of the intention of the Secretary-General to reappoint 25 judges, including of the President of the Mechanism as well as of the nomination of the Prosecutor for reappointment for a new term of office.<sup>34</sup> The General Assembly subsequently concurred with this intention.<sup>35</sup> Thereafter, by resolution [2529 \(2020\)](#) of 25 June 2020, pursuant to article 14, paragraph 4 of the statute of the Mechanism, the Council reappointed the Prosecutor of the International Residual Mechanism for Criminal Tribunals with effect from 1 July 2020 until 30 June 2022.<sup>36</sup>

For further details on the actions taken by the Secretary-General, the Security Council and the General Assembly, see table 4 below.<sup>37</sup>

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<sup>31</sup> Resolution [1966 \(2010\)](#), para. 1.

<sup>32</sup> See article 10 of the Statute of the International Residual Mechanism for Criminal Tribunals attached as annex 1 to resolution [1966 \(2010\)](#).

<sup>33</sup> See [S/2019/999](#); [S/2019/1000](#); and [S/2020/108](#).

<sup>34</sup> See [S/2020/580](#) and [S/2020/581](#).

<sup>35</sup> See [S/2020/616](#).

<sup>36</sup> Resolution [2529 \(2020\)](#), para. 1.

<sup>37</sup> For more information, see part I, sect. 24.

**Table 4**

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

<i>Letter from the Secretary-General</i>	<i>Letter from the President of the Security Council</i>	<i>Security Council resolution and date</i>	<i>Transmittal to the General Assembly</i>	<i>General Assembly decision or resolution and date</i>
<a href="#">S/2019/999</a> , transmitting nomination of judge to fill a vacancy in the roster of judges of the Mechanism	<a href="#">S/2019/1000</a> , taking note of the intention of the Secretary-General to appoint nominated judge to fill the vacancy			
<a href="#">S/2020/108</a> , transmitting letter from the President of the General Assembly concurring with the appointment of the nominated judge				
<a href="#">S/2020/580</a> , informing of his intention to re-appoint 25 judges and the President of the Mechanism, and transmitting the nomination of the Prosecutor for reappointment	<a href="#">S/2020/581</a> , taking note of the intention of the Secretary-General to reappoint 25 judges and the President of the Mechanism as well as his nomination of the Prosecutor for reappointment	Resolution <a href="#">2529 (2020)</a> , para. 1 25 June 2020		
<a href="#">S/2020/616</a> , transmitting letter from the President of the General Assembly concurring with the re-appointment of the 25 judges				

<sup>a</sup> The table includes actions of the Security Council and the General Assembly in 2019 for background purposes.

**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, the two organs proceeding independently of one another. The procedure for the election is set out in rules 40<sup>38</sup> 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;<sup>39</sup> and rules 150 and 151 of the rules of procedure of the General Assembly.<sup>40</sup>

During the period under review, the Council held an election to fill five seats that would become vacant owing to the expiry of the terms of office of the incumbents on 5 February 2021. In that regard, in accordance with Article 7 of the Statute of the Court, the Secretary-General transmitted a note to the Council and the General Assembly containing a list of nominations submitted by national groups, followed by another note containing the curricula vitae of the nominated judges.<sup>41</sup> The Secretary-General also transmitted to the Council and the General Assembly a memorandum outlining the procedure for the election of the judges.<sup>42</sup> The Security Council and the General Assembly proceeded with the concurrent votes on 11 November 2020.<sup>43</sup> While the Council concluded its election after the first round on the same day, more than five candidates received the absolute majority of votes required at the Assembly, leading to another round of voting.<sup>44</sup> On 12 November 2020, having obtained the required absolute majority of votes in both the General Assembly and the Security Council, Mr. Iwasawa Yuji (Japan), Mr. Georg Nolte (Germany), Ms. Julia Sebutinde (Uganda), Mr. Peter Tomka (Slovakia) and Ms. Xue

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<sup>38</sup> Rule 40 of the provisional rules of procedure is also covered in part II, sect. VIII “Decision-making and voting”.

<sup>39</sup> Articles 4, 8, 10 to 12, 14 and 15 of the Statute of the International Court of Justice establish the procedure for (a) the nomination of the judges by the national groups in the Permanent Court of Arbitration, (b) the majority necessary for the election of judges, (c) the number of meetings to be held for the purpose of the election of judges, (d) the holding of the joint conference in the event of more than three meetings of the Security Council and the General Assembly, (e) the procedure for the filling of vacancies and (f) the term of office applied to elected judges filling out a vacancy. Article 8 provides that the two organs shall proceed independently.

<sup>40</sup> 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.

<sup>41</sup> See [S/2020/615](#) and [S/2020/619](#).

<sup>42</sup> See [S/2020/618](#).

<sup>43</sup> See [S/PV.8773](#) and [A/75/PV.24](#).

<sup>44</sup> *Ibid.*

Hanqin (China) were elected as members of the Court for a nine-year term of office beginning on 6 February 2021.<sup>45</sup>

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

**Table 5**

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

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

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

*Article 15, paragraph 1*

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

*Article 24, paragraph 3*

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

*Rule 60, paragraph 3*

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

During 2020, the Security Council maintained its practice of submitting annual reports to the General Assembly pursuant to Article 24 (3) of the Charter. The annual

<sup>45</sup> General Assembly decision 75/403. See [A/75/49 \(Vol. II\)](#), pp. 4-5.

report was submitted on 14 July 2020 to the General Assembly covering the period from 1 January to 31 December 2019.<sup>46</sup> The note by the President of 30 August 2017 ([S/2017/507](#)) stipulates that the report shall consist of an introduction, containing an agreed concise summary prepared on behalf of the Council under the coordination of the President of the Council for the month of July. The introduction of the annual report was prepared by the delegation of the Russian Federation, as the member of the Council next in English alphabetical order after Peru and Poland, which held the Presidency of the Council for the months of July and August 2019 respectively, since both left the Council at the end of 2019. In accordance with the note by the President of 30 August 2017 ([S/2017/507](#)), in the case of the presidency for the month of July ending its tenure on the Council that year, the task of coordinating the introduction of the report shall then devolve on the member of the Council next in English alphabetical order and who will not be leaving the Security Council that calendar year. As illustrated in case 2, the content and procedure concerning the annual report were discussed at an open videoconference in connection with the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”.

The Council considered and adopted without a vote the draft annual report at its 8746<sup>th</sup> meeting held on 14 July 2020.<sup>47</sup> During the meeting, the representative of the Russian Federation said that the draft report contained information about the actions that the Council had taken in 2019 to maintain international peace and security, recalling that the Council carried out that responsibility on behalf of all States Members of the United Nations, as set out in Article 24 of the Charter. He further stated he was convinced that the annual report was an important mechanism for keeping other Member States informed of the Council’s activities and noted that for the first time, the Council had been able to agree on the draft report by mid-May. In drafting the introduction, he recalled that the Russian Federation had sought to provide a brief but comprehensive description of the key activities of the Council during the reporting period so as to ensure that all Member States and interested parties received as much information as possible about the Council’s work in 2019.<sup>48</sup>

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<sup>46</sup> [A/74/2](#).

<sup>47</sup> [S/PV.8746](#). See also note by the President of 14 July 2020 ([S/2020/666](#)).

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

Due to the extraordinary circumstances imposed by the COVID-19 pandemic, during the period under review the General Assembly considered the annual report of the Security Council during a virtual informal meeting held on 31 August 2020.<sup>49</sup> At its 62<sup>nd</sup> plenary meeting held on 3 September 2020, the General Assembly took note of the report of the Security Council.<sup>50</sup> No special reports were submitted by the Council to the General Assembly during the reporting period.

## Case 2

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

On 15 May 2020, at the initiative of Estonia, which held the Presidency of the Council for the month and Saint Vincent and the Grenadines, as Chair of the Informal Working Group on Documentation and Other Procedural Questions,<sup>51</sup> Council members held an open videoconference in connection with the above-referenced item focused on the Council's working methods.<sup>52</sup> During the videoconference, Council members heard briefings by the Permanent Representative of Saint Vincent and the Grenadines, in her capacity as Chair of the Informal Working Group on Documentation and other Procedural Questions, the Executive Director of Security Council Report, and Professor Edward Luck, Arnold A. Saltzman Professor of Professional Practice in International and Public Affairs of Columbia University. Representatives of six Council members delivered their statements during the videoconference,<sup>53</sup> while the representatives of non-Council members submitted their statements in writing.<sup>54</sup>

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

<sup>50</sup> General Assembly decision 74/576. See also [A/74/PV.62](#).

<sup>51</sup> A concept note was circulated by a letter dated 7 May 2020 ([S/2020/374](#)).

<sup>52</sup> See [S/2020/418](#).

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

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

At the videoconference, participants recognized the importance of the text of the note by the President of 27 December 2019 ([S/2019/997](#)) on the procedure of the annual report. Some of them welcomed the inclusion of deadlines and many Member States stressed the need for the annual report to be submitted on time.<sup>55</sup> The representative of Costa Rica submitted in his statement for the videoconference that that he trusted that the annual report would be duly presented to the membership before 21 June despite the absence of a clear indication as to the applicable deadlines for the internal discussion and presentation of the report for the period 2020. In his statement, the representative of Singapore indicated that the General Assembly's consideration of the annual report of the Council was a vital exercise in transparency and accountability and hoped that the new timelines stipulated in note [S/2019/997](#), namely, that the report must be "discussed and thereafter adopted by the Council no later than 30 May, in time for its consideration by the General Assembly immediately thereafter", would be upheld. While noting that the new time frames adopted by the Council for the publication of its annual report were due to apply from 2021, the delegation of Ireland nevertheless urged the Council to adopt its most recent report as soon as possible. The delegation of Norway similarly expressed hope that greater strides could be made to improve the timeliness and the analysis of the Council's annual report to the General Assembly, especially ahead of the new presidential note on the annual report, due to take effect in 2021.

Participants also expressed the desire for improved content, greater transparency and consultation in the process of elaboration of the annual report. The representative of Costa Rica noted that there were no considerations of content closely tied to transparency and accountability addressed as Member States wished them to be. He added that accountability involved much more than submitting insipid reports that listed activities, without analysing or explaining them, on the major events affecting international peace and security in the period under review. Accountability meant objectively and transparently reporting on and outlining achievements, challenges, lessons learned and the road ahead. Similarly, the representative of Cuba supported greater transparency in the work of the Council and advocated for, inter alia, an annual report that was thorough

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<sup>55</sup> See [S/2020/418](#), Russian Federation, Bahrain, Canada, Costa Rica, El Salvador, Kuwait, Malaysia, Mexico and Singapore.

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

Participants also focused on the importance of monthly assessments. The representative of Singapore emphasized the importance for the General Assembly to have robust discussions on the work of the Council, which enhanced the legitimacy and credibility of the Council. He also stressed that the monthly assessments of the work of the Council were equally important, and expressed disappointment at the low number of monthly assessments available for 2019 and 2020. In this regard, in its written statement, the delegation of Norway urged each presidency to submit their monthly assessments for inclusion in the annual report, as these were particularly valuable in providing context and complementing the information presented in the report's introduction.

In his written statement, the representative of Switzerland, on behalf of the Accountability, Coherence and Transparency group, expressed concern about the effects that the working methods of the Council during the COVID-19 pandemic could have on the Council's reporting instruments under the Charter, in particular its annual report. On behalf of the group, he called on the Security Council to show consistency in the implementation of presidential note [S/2017/507](#) and of the eight most recently adopted notes and to honour its commitment regarding its annual report. In this regard, he recalled the importance of that process as a vehicle for transparency and accountability in the Council's work and looked forward to the opportunity to exchange on its content in the General Assembly as shortly as possible.

#### **G. Relations with subsidiary organs established by the General Assembly**

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

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

During 2020, the Committee on the Exercise of the Inalienable Rights of the Palestinian People participated in the work of the Council. The Chair and Vice-Chair of

the Committee participated in one meeting and two open videoconferences concerning the situation in the Middle East, including the Palestinian question.<sup>56</sup>

#### *Human Rights Council*

One decision adopted by the Security Council contained references to the Human Rights Council. By resolution [2548 \(2020\)](#), the Security Council welcomed the ongoing interaction of Morocco with the special procedures of the Human Rights Council.<sup>57</sup> Table 6 below contains the list of all provisions of decisions of the Security Council making an explicit reference to the Human Rights Council.

The relations between the Security Council and the Human Rights Council were also addressed in meetings and open videoconferences. At a meeting held under the item entitled “Peacebuilding and sustaining peace” on 13 February 2020, which focused on transitional justice in conflict and post-conflict situations, the Executive Director of the Foundation for Human Rights in South Africa, Trustee of the Desmond Tutu Peace Centre and Chair of the Commission on Human Rights in South Sudan, said that in charting the road ahead, the Council needed to be more innovative, taking decisive approaches towards current conflicts on its agenda and acting in concert with other United Nations bodies, including the Human Rights Council, the Office of the High Commissioner for Human Rights, the General Assembly and continental bodies such as the African Union, so as to enhance its legitimacy and its effectiveness in maintaining international peace and security.<sup>58</sup> At that same meeting, the representative of Germany expressed support for the United Nations toolbox, noting in particular the need to strengthen the Council’s focus on human rights. In this regard, he added that the Council should invite commissions mandated by the Human Rights Council to brief the Council on their efforts in collecting evidence and establishing a path leading towards accountability.

At an open videoconference in connection with the item entitled “United Nations peacekeeping operations”, convened on 7 July 2020, the representative of the Russian Federation underscored that the Security Council was not a human rights body and any

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<sup>56</sup> See [S/PV.8706](#), [S/2020/341](#) and [S/2020/736](#).

<sup>57</sup> Resolution [2548 \(2020\)](#), twentieth preambular paragraph.

<sup>58</sup> See [S/PV.8723](#).



attempt to somehow squeeze the topic of human rights into its agenda encroached upon the prerogatives and mandates of the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights and other relevant institutions.<sup>59</sup> By contrast, in her statement for the videoconference, the representative of Liechtenstein submitted that in order to more effectively address human rights violations as part of its peace and security mandate, the Council itself must better coordinate with the human rights machinery of the United Nations, in particular the Human Rights Council, relevant special mandate holders and the Office of the United Nations High Commissioner for Human Rights.

In relation to the open videoconference held on 17 July 2020 in connection with the item entitled “Women and peace and security”, the delegation of India submitted that the issue of violence against women, including sexual violence, was discussed by other United Nations bodies, including at the Human Rights Council, and the deliberations at the Security Council, therefore, should remain focused on such atrocities perpetrated in situations of armed conflicts threatening intentional peace and security.<sup>60</sup>

In the statement submitted for the open videoconference held on 12 August 2020 in connection with the item entitled “Peacebuilding and sustaining peace” and focused on pandemics and the challenges of sustaining peace, the representative of Denmark emphasized that human rights must not become a casualty of the pandemic and the obligation to respect, protect and fulfil human rights must be front and center of the response. In this regard, he welcomed the recent convening of an informal exchange between the Security Council and the Human Rights Council and hoped to see similar exchanges happen more frequently.<sup>61</sup> For the same videoconference, the statement submitted by the delegation of the European Union similarly welcomed the convening of the informal meeting between the Human Rights Council President and the Security Council, adding that an effective response to the challenge would need to draw upon cross-pillar United Nations coherence to ensure a one-United Nations mandate delivery at

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<sup>59</sup> See [S/2020/674](#).

<sup>60</sup> See [S/2020/727](#).

<sup>61</sup> See [S/2020/799](#).

the country level, with full respect for human rights, gender equality and the principle of non-discrimination.

At an open videoconference held on 3 November 2020 in connection with the item entitled “Peacebuilding and sustaining peace” concerning contemporary drivers of conflict and insecurity, the representative of France expressed support for reinforcing synergies with the Human Rights Council while respecting the mandate of each forum.<sup>62</sup>

At the 8775<sup>th</sup> meeting of the Council held on 12 November 2020 under the item entitled “The situation in Somalia”, the representative of the Russian Federation regretted the continued practice of using Security Council resolutions to promote human rights-related aspects of the Somalia dossier and stressed that there was a separate body — the Human Rights Council — that existed to address those issues, calling for respect for the traditional division of labour.<sup>63</sup>

Communications of the Council during the year 2020 also addressed the relations with the Human Rights Council. In a letter dated 14 September 2020 addressed to the President of the Security Council, the permanent representative of Estonia transmitted the Chair’s summary of an open Arria formula meeting on the theme “Human rights in Belarus” held on 4 September 2020.<sup>64</sup> The letter recalled the broad consensus reached at the meeting that the developments in Belarus required the attention of the international community and of the United Nations. It also included a set of recommendations, including the call for convening a special session of the Human Rights Council.<sup>65</sup>

In a letter dated 30 July 2020 addressed to the Secretary-General, the permanent representative of Germany transmitted a letter from the President of the Human Rights Council to the President of the Security Council.<sup>66</sup> In the letter, the President of the Human Rights Council extended thanks to the President of the Security Council for organizing an informal exchange with the members of the Security Council on 28 July 2020. She underscored that the virtual discussion provided a valuable opportunity to

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<sup>62</sup> See [S/2020/1090](#).

<sup>63</sup> See [S/PV.8775](#).

<sup>64</sup> See [S/2020/900](#).

<sup>65</sup> *Ibid.*, annex. For further information on Arria-formula meetings, see part II.

<sup>66</sup> See [S/2020/768](#).

continue the informal channel of dialogue between the Human Rights Council and the Security Council that had been established in 2018 with a view to strengthening the Geneva-New York relationship. She recalled that during the exchange, several members of the Security Council enquired about possible ways of enhancing the dialogue between the two bodies, and she reiterated the proposal of her predecessor to organize an informal conversation between the Human Rights Council and the President of the Security Council for the month.<sup>67</sup>

### *Special Committee on Peacekeeping Operations*

One decision of the Security Council adopted during the reporting period made reference to the Special Committee on Peacekeeping Operations during the reporting period. By resolution [2553 \(2020\)](#), the Council recalled the reports of the Special Committee on Peacekeeping Operations of the General Assembly on the subject of security sector reform and the development of a United Nations approach to security sector reform, and encouraged Member States to continue to be engaged and to facilitate strategic discussions on strengthening the United Nations approach and role in this critical area, including through the Special Committee on Peacekeeping Operations of the General Assembly.<sup>68</sup> Decisions adopted by the Council in 2020 which contained references to the Special Committee on Peacekeeping Operations are featured in table 6 below.

**Table 6**

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

<i>Decision and date</i>	<i>Provision</i>
<b>Human Rights Council</b>	
<b>The situation in Western Sahara</b>	
Resolution <a href="#">2548 (2020)</a> 30 October 2020	Welcoming in this regard, steps and initiatives taken by Morocco, and the role played by the National Council on Human Rights Commissions operating in Dakhla and Laayoune, and Morocco's interaction with Special Procedures of the United Nations Human Rights Council (twentieth preambular paragraph)

<sup>67</sup> Ibid., annex. For more information on past initiatives of informal dialogue between the members of the Security Council and the Human Rights Council, see *Repertoire, Supplement 2019*, part IV, sect. I.G.

<sup>68</sup> Resolution [2553 \(2020\)](#), eleventh preambular paragraph and para. 16.

<i>Decision and date</i>	<i>Provision</i>
<b>Special Committee on Peacekeeping Operations</b>	
<b>Maintenance of international peace and security</b>	
Resolution <a href="#">2553 (2020)</a> 3 December 2020	Recalling reports of the Special Committee on Peacekeeping Operations of the General Assembly, which have provided guidance to the United Nations Secretariat on the subject of security sector reform and the development of a United Nations approach to security sector reform (eleventh preambular paragraph)  Encourages Member States to continue to be engaged and to facilitate strategic discussions on strengthening the United Nations approach and role in this critical area, including through the Special Committee on Peacekeeping Operations of the General Assembly and the Peacebuilding Commission (para. 16)

In addition, in meetings and open videoconferences, Council members recognized the importance of the Special Committee on Peacekeeping Operations. At the open videoconference in connection with the item entitled “United Nations peacekeeping operations”, held on 14 September 2020, the representative of the United States stated that improving peacekeeping performance was an integral part of the Secretary-General’s Action for Peacekeeping agenda, a priority for the Security Council, as outlined in resolution [2436 \(2018\)](#), and a focus area of the Special Committee on Peacekeeping Operations of the General Assembly.<sup>69</sup> At an open videoconference held on 3 December 2020 in connection with the item entitled “Maintenance of international peace and security” and specifically focused on security-sector reform, the representative of China said that security sector reform required coordination and synergy by multiple players, and the Peacebuilding Commission and the Special Committee on Peacekeeping Operations of the General Assembly were important platforms for discussions on issues related to it.<sup>70</sup>

<sup>69</sup> See [S/2020/911](#).

<sup>70</sup> See [S/2020/1176](#).

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

### *Special and other sessions of the General Assembly*

In 2020, at the request of Azerbaijan,<sup>71</sup> the General Assembly convened its 31st special session between 3-4 December 2020.<sup>72</sup> The President of the Security Council participated in the session but did not deliver a statement.<sup>73</sup> In addition, in 2020, the President of the Security Council participated and delivered statements in various events of the General Assembly marking the 75<sup>th</sup> anniversary of the United Nations. On 26 June 2020, the President of the Council for the month (France) participated in the Virtual Ceremony to commemorate the signing of the Charter of the United Nations.<sup>74</sup> On 21 September 2020, the General Assembly held a ceremony in commemoration of the 75<sup>th</sup> anniversary of the United Nations. The President of the Security Council participated in the meeting and delivered a statement.<sup>75</sup> At the ceremony, the General Assembly adopted resolution [75/1](#), containing the “Declaration on the commemoration of the seventy-fifth anniversary of the United Nations”. By the Declaration, Member States reiterated the importance of abiding by the Charter, principles of international law and relevant resolutions of the Security Council and committed to instill new life in the discussions on the reform of the Security Council and continue the work to revitalize the General Assembly and strengthen the Economic and Social Council.<sup>76</sup> On 26 October 2020, the President of the Council for the month (Russian Federation) participated and delivered a statement at the Observance Ceremony in commemoration of United Nations Day.<sup>77</sup>

### *General Assembly decisions concerning relations with the Security Council*

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<sup>71</sup> See letter dated 13 May 2020 from the permanent representative of Azerbaijan addressed to the Secretary-General transmitting the opening statement of the President of the Republic of Azerbaijan, delivered at the online summit-level meeting of the Non-Aligned Movement Contact Group in response to COVID-19 held on 4 May 2020 ([S/2020/364](#)).

<sup>72</sup> For the program of the 31st special session of the General Assembly, see <https://www.un.org/pga/75/wp-content/uploads/sites/100/2020/12/UNGASS-COVID-FINAL-PROGRAM.pdf>. See also decision S-31/10 ([A/S-31/3](#)).

<sup>73</sup> [A/S-31/PV.2](#). See also decision S-31/10 ([A/S-31/3](#)).

<sup>74</sup> Information on the event was recorded in a dedicated website at <https://www.un.org/pga/74/un-charter-day/>.

<sup>75</sup> [A/75/PV.3](#), pp. 3-4.

<sup>76</sup> General Assembly resolution [75/1](#).

<sup>77</sup> Information on the event was recorded in a dedicated website at <https://media.un.org/asset/k1f/k1fjvcf9e>.

Several other decisions of the General Assembly also made reference to its relations with the Security Council. By its decision 74/569 adopted under the item “Question of equitable representation on and increase in the membership of the Security Council” on 31 August 2020, the General Assembly decided to reaffirm the central role of the General Assembly concerning the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council and immediately continue intergovernmental negotiations on Security Council reform in informal plenary of the General Assembly at its 75th session.<sup>78</sup>

With respect to the situation of human rights in the Syrian Arab Republic, the General Assembly adopted resolution [75/193](#) on 16 December 2020, by which it expressed support for the work carried out by the Independent International Commission of Inquiry on the Syrian Arab Republic, welcomed its reports and reiterated its decision to transmit those reports to the Security Council. The General Assembly further requested the Commission to continue to brief the General Assembly and members of the Security Council.<sup>79</sup>

#### *Security Council decisions concerning relations with General Assembly*

A number of resolutions and presidential statements adopted by the Council during 2020 made specific references to the General Assembly in connection with policy and implementation issues other than those covered in subsections A, D, E and G above, as featured in table 7 below.

#### **Table 7**

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<sup>78</sup> General Assembly decision 74/569. The General Assembly also welcomed the active engagement, initiatives and intensive efforts of the President of the General Assembly, and noted with appreciation the active role and concrete efforts of the Co-Chairs undertaken in a consultative manner with a view to an early comprehensive reform of the Security Council and decided to convene the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council during its 75th session, if Member States so decided. By the resolution, the Assembly further decided to include in the agenda of the 75th session of the General Assembly the item entitled “Question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council”.

<sup>79</sup> General Assembly resolution [75/193](#).

## Security Council decisions containing specific references to the General Assembly in connection with policy and implementation issues other than those covered in subsections A, D, E and G

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in Mali</b>	
Resolution <a href="#">2531 (2020)</a> 29 June 2020	Requests MINUSMA to consider the environmental impacts of its operations when fulfilling its mandated tasks and, in this context, to manage them as appropriate and in accordance with applicable and relevant General Assembly resolutions and United Nations rules and regulations (para. 59)
<b>The situation in the Central African Republic</b>	
Resolution <a href="#">2552 (2020)</a> 12 November 2020	Requests MINUSCA to consider the environmental impacts of its operations when fulfilling its mandated tasks and, in this context, to manage them as appropriate and in accordance with applicable and relevant General Assembly resolutions and United Nations rules and regulations (para. 42)
<b>The situation concerning the Democratic Republic of the Congo</b>	
Resolution <a href="#">2556 (2020)</a> 18 December 2020	Requests MONUSCO to consider the environmental impacts of its operations when fulfilling its mandated tasks and, in this context, to manage them as appropriate and in accordance with applicable and relevant General Assembly resolutions and United Nations rules and regulations (para. 46)
<b>Maintenance of international peace and security</b>	
Resolution <a href="#">2532 (2020)</a> 1 July 2020	Having considered the resolution <a href="#">74/270</a> “Global solidarity to fight the coronavirus disease 2019 (COVID-19)” adopted by the UN General Assembly on April 2nd 2020 (ninth preambular paragraph)
Resolution <a href="#">2553 (2020)</a> 3 December 2020	Recalling its resolution <a href="#">2282 (2016)</a> which recalled General Assembly resolution <a href="#">70/1</a> , entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, which adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets (third preambular paragraph) Encourages Member States to continue to be engaged and to facilitate strategic discussions on strengthening the United Nations approach and role in this critical area, including through the Special Committee on Peacekeeping Operations of the General Assembly and the Peacebuilding Commission (para. 16)
<b>Youth peace and security</b>	
Resolution <a href="#">2535 (2020)</a> 14 July 2020	Noting that the term youth is defined in the context of this resolution as persons of the age of 18–29 years old, and further noting the variations of definition of the term that may exist on the national and international levels, including the definition of youth in the General Assembly Resolutions <a href="#">50/81</a> and <a href="#">56/117</a> (ninth preambular paragraph)
<b>Children and armed conflict</b>	
<a href="#">S/PRST/2020/8</a> 10 September 2020	The Security Council notes General Assembly Resolution <a href="#">74/275</a> , which established the International Day to Protect Education from Attack, emphasizes the importance of access to quality education for all girls and boys in armed conflict, including those undergoing reintegration programmes, noting that schools can provide life-saving safe spaces, psychosocial and other support services, skills development, a foundation for lifelong learning and can contribute to stability and poverty reduction, and in this regard acknowledges the importance of education in preventing violent conflict and sustaining peace (twenty-fifth paragraph)
<b>Peacebuilding and sustaining peace</b>	

<i>Decision and date</i>	<i>Provision</i>
Resolution <a href="#">2558 (2020)</a> 21 December 2020	<p>Reaffirming General Assembly and Security Council resolutions <a href="#">70/262</a> and <a href="#">2282 (2016)</a> of 27 April 2016, as well as <a href="#">A/RES/60/180</a> and <a href="#">S/RES/1645 (2005)</a> of 20 December 2005, <a href="#">A/RES/65/7</a> and <a href="#">S/RES/1947 (2010)</a> of 29 October 2010, and <a href="#">A/RES/72/276</a> and <a href="#">S/RES/2413 (2018)</a> of 26 April 2018, and recalling statements of the President of the Security Council of 28 July 2016, 21 December 2017, and 18 December 2018 (second preambular paragraph)</p> <p>Noting that this year marks the twentieth anniversary of Security Council resolution <a href="#">1325 (2000)</a> on Women, Peace and Security, and the fifth anniversaries of Security Council resolution <a href="#">2250 (2015)</a> on Youth, peace and security, and recognising the importance of the full, equal and meaningful participation of women and youth in peacebuilding, recalling further the fifth anniversary of the General Assembly resolution, <a href="#">A/RES/70/1</a>, entitled “Transforming our world: the 2030 Agenda for Sustainable Development” (sixth preambular paragraph)</p> <p>Expressing grave concern about the devastating impact of the COVID-19 pandemic across the world, especially in conflict-affected countries, and stressing the need for full implementation of Security Council resolution <a href="#">2532 (2020)</a> and noting the relevant provisions of General Assembly resolution <a href="#">A/RES/74/306</a> in this regard, further noting that 2020 inaugurates the decade of action on the SDGs, recognizing that progress towards achieving the 2030 Agenda for Sustainable Development and all its goals and targets could be hampered, and peacebuilding and development gains reversed, and emphasizing the need to integrate peacebuilding and sustaining peace into efforts to build back better (seventh preambular paragraph)</p> <p>Notes that peacebuilding financing remains a critical challenge, and therefore takes note of the General Assembly decision to convene a high-level meeting in the seventy-sixth session to advance, explore and consider options for ensuring adequate, predictable and sustained financing for peacebuilding, and to invite, starting in the seventy-fifth session, the relevant United Nations bodies and organs, including the Peacebuilding Commission, in accordance with respective mandates, to present inputs in advance for Member States’ consideration and discussion at this meeting, and to affirm a commitment to pursuing action-oriented outcomes (para. 4)</p> <p>Calls for a further comprehensive review of United Nations peacebuilding in 2025, and requests the Secretary-General to present to the General Assembly and the Security Council an interim report in 2022 and a second, detailed report in 2024 in advance of the review, and also requests the Secretary-General to continue to present a report every two years following that review, on continued implementation of the resolutions on peacebuilding and sustaining peace, with due attention to the impact of relevant reforms on the performance of the United Nations system in advancing the implementation of the resolutions on peacebuilding and sustaining peace, and with emphasis on the systematic impact made at the field level, for the consideration of Member States (para. 5)</p>

### *Other relevant decisions of the General Assembly and the Security Council*

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

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



In 2020, Council members and other participants in meetings and open videoconferences continued to address the Council's cooperation and engagement with the General Assembly.<sup>80</sup> At the open videoconference held on 15 May 2020 in connection with the item entitled "Implementation of the note by the President ([S/2017/507](#))" on the working methods of the Council, the representative of China stressed that the President of the Security Council played a leading role in strengthening the cooperation and coordination between the Council and the Assembly. He recalled that during its Presidency of the Council in March, China had maintained close coordination with the President of the General Assembly, and that such practices had proven conducive to the Council's work, and would be helpful if continued.<sup>81</sup> The representative of Malaysia similarly expressed encouragement by the continuous monthly engagement between the President of the Security Council and the President of the General Assembly, adding that the readout of this engagement, which as circulated by the President of the General Assembly, was valuable to all Member States.

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<sup>80</sup> See [S/PV.8699](#), Kenya, Switzerland and Singapore; [S/PV.8699 \(Resumption 1\)](#), Oman; [S/2020/418](#), China, Brazil, Switzerland, on behalf of the Accountability, Coherence and Transparency Group and Turkey.

<sup>81</sup> See [S/2020/418](#).

## **II. Relations with the Economic and Social Council**

### *Article 65*

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

### **Note**

Section II concerns the relationship between the Security Council and the Economic and Social Council, with a particular focus on the practice of the Security Council in relation to Article 65 of the Charter. Subsection A covers deliberations of the Security Council concerning relations with the Economic and Social Council, including the participation of the President of the Economic and Social Council in a meeting of the Security Council held in November 2020, and subsection B concerns the communications of the Security Council containing references to its relations with the Economic and Social Council. The President of the Economic and Social Council participated in one open videoconference during the reporting period.<sup>82</sup> On 19 November 2020, the President of the Security Council during the month (Saint Vincent and the Grenadines) participated in a Joint Meeting of the Economic and Social Council (ECOSOC) and the Peacebuilding Commission (PBC) entitled “Fostering Global Solidarity and Conflict-Sensitive Responses to the COVID-19 Pandemic and its Socioeconomic Impacts”.<sup>83</sup>

The Security Council did not address any requests to the Economic and Social Council for information or assistance, nor did it explicitly refer to Article 65 of the Charter in any outcome documents.

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

During the period under review, there were several references to the relations between the Security Council and the Economic and Social Council in the deliberations

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<sup>82</sup> See, under the item entitled “Peacebuilding and sustaining peace, [S/2020/1090](#). For more information, see case 4 below.

<sup>83</sup> An informal summary of the joint meeting was made available at: [https://www.un.org/peacebuilding/sites/www.un.org/peacebuilding/files/documents/ecosoc-pbc\\_joint\\_meeting\\_informal\\_summary.pdf](https://www.un.org/peacebuilding/sites/www.un.org/peacebuilding/files/documents/ecosoc-pbc_joint_meeting_informal_summary.pdf).

of the Council, including three explicit references to Article 65 in two open videoconferences.<sup>84</sup> The key discussions in this regard took place during the annual open debate on the Council's working methods as well as in the context of a thematic debate under the item entitled "Peacebuilding and sustaining peace" as featured in cases 3 and 4, respectively.

In addition, Council members discussed the interaction between the Security Council and the Economic and Social Council in the context of specific items on its agenda of a country specific and thematic nature.

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

At an open videoconference held on 23 June 2020 in connection with the item entitled "The situation concerning Haiti", with reference to the transition of the United Nations presence in Haiti from a peacekeeping mission to a special political mission, speakers underscored that the Economic and Social Council and its Ad Hoc Advisory Group on Haiti should play an important role in that process.<sup>85</sup>

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

At an open videoconference held on 21 April 2020 in connection with the item entitled "Protection of civilians in armed conflict" which focused on protecting civilians from conflict-induced hunger, the representative of the Russian Federation noted that the specialized United Nations agencies and platforms continued to play a crucial role in addressing various socioeconomic issues, including the Food and Agriculture Organization of the United Nations and the International Fund for Agricultural Development, and was also convinced of the need to explore the potential of holding discussions on these issues under the auspices of the General Assembly and the Economic and Social Council.<sup>86</sup> At the same videoconference, the representative of Saint Vincent and the Grenadines underscored that to end hunger by 2030, a whole-of-system approach was required to tackle food insecurity both within and beyond situations of

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<sup>84</sup> See [S/2020/418](#), Executive Director of Security Council Report; and [S/2020/1090](#), Permanent Representative of Pakistan and President of the Economic and Social Council; and Kenya.

<sup>85</sup> See [S/2020/568](#), Dominican Republic and Saint Vincent and the Grenadines.

<sup>86</sup> See [S/2020/340](#).

conflict, which meant that the Council must make a greater effort to work alongside the Peacebuilding Commission and other entities, including the Economic and Social Council, to tackle the root causes of insecurity across the peace, security, development and humanitarian nexus.

At an open videoconference held on 2 July 2020 on “Maintenance of international peace and security” to address the implications of COVID-19, the representative of the Russian Federation stated that the Council’s efforts to help combat the pandemic should focus, first and foremost, on its impact on the functioning of peacekeeping missions, ensuring the continuity of peace processes and supporting the implementation of the Secretary-General’s ceasefire initiative, and as for the medical aspects of the international response to the outbreak and the global response to its socioeconomic impact, they fell to the relevant United Nations entities and agencies, namely, the World Health Organization, the General Assembly and the Economic and Social Council.<sup>87</sup>

At an open videoconference held on 24 July 2020 in connection with the item “Maintenance of international peace and security” to address the question of climate and security, the representative of Saint Vincent and the Grenadines recalled that while the United Nations organs such as the General Assembly and the Economic and Social Council continued to play important roles, it was vitally important that climate perspectives be comprehensively incorporated into the peace and security pillar of the United Nations, adding that what was needed was a complementary, synergistic approach to make best use of the expertise of all relevant organs and actors.<sup>88</sup> Similarly, the delegation of Nauru, submitting its statement on behalf of the 51-member Group of Friends of Climate and Security, expressed the view that the Security Council must do more, while recognizing and supporting other efforts and processes taking place within different parts of the United Nations family, including the Economic and Social Council. In its written statement, the delegation of Poland argued that addressing the implications of climate change was not only the responsibility of the General Assembly and the Economic and Social Council but also of the Security Council, as climate change posed risks to peace and security. In its written statement, the delegation of the Republic of

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<sup>87</sup> See [S/2020/663](#).

<sup>88</sup> See [S/2020/751](#).

Korea affirmed that a United Nations system-wide approach to climate-related security risks was needed as well as better coordination among United Nations bodies. It referred to the Economic and Social Council resolution 2020/2 adopted on international support to the Sahel region, as a good example setting out closer cooperation between relevant United Nations bodies and Member States leading to more concrete actions.

At an open videoconference held on 17 September 2020 in connection with the item entitled “Maintenance of international peace and security” and focused on the humanitarian effects of environmental degradation and peace and security, the representative of Brazil underscored in his statement that climate change and environmental challenges were phenomena that could have no possible military solution and challenges that must be dealt with primarily through development tools, avoiding the risk of undue securitization. In this regard, he recalled that the United Nations system relied on a roster of forums and agencies tasked with handling environmental issues: the Economic and Social Council, the Second Committee of the General Assembly, the Peacebuilding Commission, the United Nations Environment Programme and the United Nations Convention to Combat Desertification rank among them.<sup>89</sup>

### Case 3

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

On 15 May 2020, at the initiative of Estonia which held the Presidency of the Council for the month and Saint Vincent and the Grenadines, as Chair of the Informal Working Group on Documentation and Other Procedural Questions,<sup>90</sup> Council members held an open videoconference in connection with the above-referenced item focused on the Council’s working methods.<sup>91</sup> During the videoconference, Council members heard briefings by the Executive Director of Security Council Report, the Permanent Representative of Saint Vincent and the Grenadines, in her capacity as Chair of the Informal Working Group on Documentation and other Procedural Questions and Professor Edward Luck, Arnold A. Saltzman Professor of Professional Practice in

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<sup>89</sup> See [S/2020/929](#).

<sup>90</sup> A concept note was circulated by a letter dated 7 May 2020 ([S/2020/374](#)).

<sup>91</sup> See [S/2020/418](#).

International and Public Affairs of Columbia University. Representatives of six Council members delivered their statements during the videoconference,<sup>92</sup> while the representatives of non-Council members submitted their statements in writing.<sup>93</sup>

The Executive Director of Security Council Report said that the Council had at times hesitated to take up certain forms of global threats, such as climate threats, cyberthreats, pandemic threats or root causes of conflict that lay in structural inequality and other chronic human rights violations, adding that there was no shadow Security Council to address those systemic threats to shared security. In this regard, she noted that the Council did not want to encroach on the mandates of other bodies but that it could be timely to strengthen the exchanges between the Council and those other bodies, as an expression of the Council's own role and as a support to those bodies' taking up those global threats. Recalling that Article 65 of the Charter provided for the Economic and Social Council to furnish information to the Security Council and to assist the Council if requested, she said that these had the potential to bring some root causes of conflict more strongly to the fore. Whether with the Economic and Social Council, the General Assembly, the Peacebuilding Commission or others, she encouraged Council members to develop ways to work coherently and burden-share with those entities to address threats to peace and security.<sup>94</sup> The representative of China similarly stated that with regard to thematic issues that went beyond its mandate, the Council should work in close coordination with other United Nations bodies, such as the General Assembly and the Economic and Social Council. Recalling that China had maintained close coordination with the President of the General Assembly, the President of the Economic and Social Council and the Secretary-General during its Presidency of the Council, and stressing that such practices had proven conducive to the Council's work, he encouraged the presidencies for different months to better coordinate with each other so as to enhance

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<sup>92</sup> China, France, Russian Federation, United Kingdom, United States and Viet Nam (on behalf of the ten elected members of the Security Council).

<sup>93</sup> The following countries submitted written statements:: Afghanistan, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bolivia (Plurinational State of), Brazil, Canada, Chile (on behalf of the Group of Like-minded States on Targeted Sanctions), Costa Rica, Cuba, Cyprus, Ecuador, Egypt, El Salvador, Fiji, Guatemala, India, Ireland, Italy, Japan, Kuwait, Lebanon, Liechtenstein, Malaysia, Malta, Mexico, Morocco, New Zealand, Nigeria, Norway, Philippines, Poland, Republic of Korea, Singapore, Slovakia, Switzerland (on behalf of the members of the Accountability, Coherence and Transparency group), Turkey, United Arab Emirates and Ukraine.

<sup>94</sup> See [S/2020/418](https://www.un.org/secure/2020/418).

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

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

#### **Case 4**

#### **Peacebuilding and sustaining peace**

On 3 November 2020, at the initiative of Saint Vincent and the Grenadines which held the Presidency of the Council for the month,<sup>95</sup> Council members held an open videoconference in connection with the above-referenced item focused on contemporary

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<sup>95</sup> A concept note was circulated by a letter dated 30 October 2020 ([S/2020/1064](#)).

drivers of conflict and insecurity.<sup>96</sup> During the videoconference, Council members heard briefings by the Deputy Secretary-General, the Chief Executive Officer of the African Union Development Agency, the Vice Chancellor of the University of the West Indies and the Permanent Representative of Pakistan to the United Nations, in his capacity as President of the Economic and Social Council. Representatives of all Council members delivered their statements during the videoconference, while the representatives of non-Council members and the European Union submitted their statements in writing.<sup>97</sup>

The President of the Economic and Social Council said that, although little noted and never utilized, Article 65 of the Charter provided that the Economic and Social Council “may furnish information to the Security Council and shall assist the Security Council upon its request”. He added that the Charter’s framers had clearly conceived that the United Nations would both collectively maintain and enforce peace as well as create the “conditions for peace and stability”.<sup>98</sup>

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

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<sup>96</sup> See [S/2020/1090](#).

<sup>97</sup> Brazil, Cabo Verde, Canada, Chile, Colombia, Cuba, Denmark (on behalf of the Nordic countries), Ecuador, El Salvador, Eritrea, Georgia, Guatemala, India, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Liechtenstein, Malta, Mexico, Morocco, Namibia, Netherlands, Nigeria, Peru, Philippines, Poland, Portugal, Qatar, Singapore, Slovakia, Slovenia, Sudan, Switzerland, Ukraine and United Arab Emirates.

<sup>98</sup> See [S/2020/1090](#).



and argued for the development and strengthening of dialogue with the Security Council and the Economic and Social Council.

The delegation of the United Arab Emirates welcomed the Security Council's greater engagement with other entities of the United Nations and encouraged growing synergies. The delegation noted that in recent years, the Economic and Social Council had engaged on several issues on the Security Council's agenda on an ad hoc basis and stressed that such relationships should be strengthened. In his written statement, the representative of Kenya further recalled that the Charter envisioned a preventive diplomatic strategy that would require the Security Council to work in coherence with the General Assembly and the Economic and Social Council, under Chapter IV, Article 11 and Chapter X, Article 65, respectively, to enable "the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations".

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

The delegation of Brazil underscored that peacebuilding and sustaining peace were cross-pillar endeavours connected with topics of interest to the whole United Nations membership, which should be discussed and implemented under the leadership of other

political forums, such as the General Assembly and the Economic and Social Council, in accordance with their respective mandates. In this connection, the delegation of Brazil expressed support for enhancing the advisory capacities of the Peacebuilding Commission with a view to providing recommendations to the Security Council, the General Assembly and the Economic and Social Council. A similar expression of support for the Peacebuilding Commission's advisory capacity and bridging role among the various bodies was articulated by other delegations in their statements.<sup>99</sup> The representative of Namibia called for the Council to make greater use of the expertise and insight that both the Peacebuilding Commission and the Economic and Social Council could provide on their respective focus areas, as such collaboration would serve only to benefit those who were seeking to build peace and security and ensure the implementation of the 2030 Agenda for Development.

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

Several communications circulated as documents of the Security Council during the reporting period referred to the relationship between the Security Council and the Economic and Social Council. In the report of the Secretary-General on "Peacebuilding and sustaining peace", it was indicated that the Economic and Social Council's operational activities for the development segment in 2020 had served to underscore the need to better connect actions in development, humanitarian assistance and peace, taking note of potential for greater collaboration with the Security Council. The report also welcomed the Peacebuilding Commission's consideration of the designation of an informal coordinator to liaise with the General Assembly and the Economic and Social Council.<sup>100</sup>

In a letter dated 3 March 2020 addressed to the President of the Security Council, the permanent representatives of Kuwait and Saint Vincent and the Grenadines transmitted the joint report on the informal retreat on the working methods of the Security Council, organized by the two delegations and held from 17 to 19 January 2020 in Kingstown. The report recalled that the members at the retreat had addressed the subject

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<sup>99</sup> Ibid., Canada, Georgia, Ireland, Mexico, Slovakia and Portugal.

<sup>100</sup> See [S/2020/773](https://www.un.org/SecurityCouncil/Content/Repertoire/Structure).

of interaction with other principal organs of the United Nations, such as the General Assembly and the Economic and Social Council, recalling that there was potential for greater collaboration with the President of the General Assembly and the President of the Economic and Social Council. While the President of the General Assembly met on a monthly basis with the President of the Security Council, that was not the practice with respect to the President of the Economic and Social Council.<sup>101</sup>

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<sup>101</sup> See [S/2020/172](#).

### **III. Relations with the International Court of Justice**

#### *Article 94*

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

#### *Article 96*

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

#### **Note**

Section III concerns the relationship between the 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. Pursuant to Article 96, the Council may also request the Court to give an advisory opinion on any legal question. In addition, pursuant to Article 41 of the Statute of the International Court of Justice, notice of any provisional measures to be taken to preserve the rights of parties may be given by the Court to the parties and to the Council.

During the reporting period, in line with the prior practice of the Council, the President of the International Court of Justice was invited to brief Council members in a closed session. Given the impact of the COVID-19 pandemic on the working methods of

the Council, the President of the International Court of Justice addressed Council members at a closed videoconference on 28 October 2020.<sup>102</sup> In addition, the President of the Court briefed the Council at an open videoconference on 18 December 2020, in connection with the item entitled “The promotion and strengthening of the rule of law” with a focus on the theme of “Strengthening the cooperation between the Security Council and the International Court of Justice” this time.<sup>103</sup> Subsection A below covers the decisions of the Council containing references to the International Court of Justice. Subsection B illustrates the discussions held among Council members during the reporting period on the relations between the Council and the International Court of Justice. Finally, subsection C features the communications of the Council concerning the relationship between the two organs.

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

Marking the 75<sup>th</sup> anniversary of the United Nations, the Council recalled, in a presidential statement issued on 21 December 2020, its previous statements reaffirming the importance of the International Court of Justice in the international architecture and maintenance of international peace and security.<sup>104</sup> Stressing the importance of all the provisions of the Charter regarding the peaceful settlement of disputes and the Court the Council also expressed its continued commitment to foster the interaction between the Court and the Council in accordance with their respective mandates under the Charter of the United Nations.<sup>105</sup> In the presidential statement, the Council recognized the positive contribution of the Court to the rule of law at the international level and its key role in adjudicating disputes among States, thus defusing tensions and restoring peaceful relations among States, and noted the growing number of cases brought to the Court on all aspects of international relations, demonstrating confidence in the Court.<sup>106</sup>

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<sup>102</sup> See [A/75/2](#), part II, chap. 19. For more information on closed meetings held under the item entitled “Briefing by the President of the International Court of Justice”, see parts I and IV of previous supplements.

<sup>103</sup> See [S/2020/1286](#).

<sup>104</sup> [S/PRST/2020/13](#), fifth paragraph. See also [S/PRST/2006/28](#); [S/PRST/2010/11](#); and [S/PRST/2012/1](#).

<sup>105</sup> [S/PRST/2020/13](#), third and tenth paragraphs.

<sup>106</sup> *Ibid.*, sixth and seventh paragraphs.

## **B. Discussion concerning relations with the International Court of Justice**

During the period under review, nine explicit references to Article 94<sup>107</sup> and eight explicit references to Article 96<sup>108</sup> were found in the context of deliberations by Council members. Most of those references, including on the relationship between the Council and the Court, were made in statements submitted in connection with the open videoconference held on 18 December 2020 in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”, which is further elaborated in case 5 below.

One other explicit reference to Article 94 was made at a meeting held on 13 January 2020 under the item entitled “Maintenance of international peace and security” by the representative of Djibouti, who elaborated on the means for peaceful settlement of disputes underscoring that much of the international infrastructure for resolving such disputes was already in place, including the Charter’s creation of the International Court of Justice as the United Nations’ principal judicial organ to resolve legal disputes between States. Encouraged by how frequently States had invoked the Court’s jurisdiction in preceding years, he emphasized that when a State failed to comply with a judgement of the Court, the Council must not hesitate to act under Article 94 of the Charter to decide upon measures to give the judgement effect.<sup>109</sup>

Two other explicit references to Article 96 were made at an open debate held on 9, 10 and 13 January 2020 under the item “Maintenance of international peace and security” by the Secretary-General and the representative of Egypt. The Secretary-General recalled that Chapter VI of the Charter provided for many available tools for the peaceful settlement of disputes, including negotiation, enquiry, mediation, conciliation, arbitration and judicial settlement, and, underlining ample evidence that these could be effective when applied with purpose and unity. In this context, he called on the Council to further utilize the powers granted to it by the Charter, including investigations of disputes in accordance with Chapter VI, and the referral of legal questions to the

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<sup>107</sup> See [S/PV.8699 \(Resumption 2\)](#), Djibouti; and [S/2020/1286](#), Minister Counsellor of France, Saint Vincent and the Grenadines, Tunisia, Bangladesh, Brazil, Mexico, Peru and Portugal.

<sup>108</sup> See [S/PV.8699](#), Secretary-General and Egypt; and [S/2020/1286](#), President of the International Court of Justice, Tunisia, Bangladesh, Denmark, Peru and Portugal.

<sup>109</sup> See [S/PV.8699 \(Resumption 2\)](#).

International Court of Justice for advisory opinions in accordance with Article 96 of the Charter.<sup>110</sup> The representative of Egypt regretted that the Council rushed to use Chapter VII instead of Chapter VI of the Charter, which called for taking pre-emptive and preventive diplomatic steps and for activating the role of the International Court of Justice, in accordance with paragraph 3 of Article 36, on the referral of disputes of a legal nature to the Court, in addition to Article 96, on requesting an advisory opinion from the Court.

At the meeting's resumption the following day, the representative of Slovenia underscored that one of the major intersections between the Charter, the Council and the rule of law was the enforcement of those rules and decisions, especially through the International Court of Justice.<sup>111</sup> The representative of Uruguay emphasized that the relations between the Council and the Court must be strengthened, calling upon the Council to encourage the settlement of disputes, in particular legal ones, when other means, such as negotiation, mediation, conciliation, had not been effective. The representative of Azerbaijan, speaking on behalf of the Non-Aligned Movement, underscored its principled position and commitment with regard to the promotion of the peaceful settlement of disputes in accordance with the Charter and emphasized the significant role played by the Court in promoting and encouraging the settlement of international disputes by peaceful means in accordance with the relevant provisions of the Charter and the Statute of the Court. The Movement further urged the Council, the General Assembly and other organs of the United Nations and its specialized agencies duly authorized to make greater use of the Court as a source of advisory opinions and interpretation of international law within the scope of their activities.

## Case 5

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

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<sup>110</sup> See [S/PV.8699](#).

<sup>111</sup> See [S/PV.8699 \(Resumption 1\)](#).

On 18 December 2020, at the initiative of South Africa which held the Presidency of the Council for the month,<sup>112</sup> Council members held an open videoconference in connection with the above-referenced item focused on strengthening cooperation between the Security Council and the International Court of Justice.<sup>113</sup> During the videoconference, Council members heard a briefing by the President of the International Court of Justice. Representatives of all Council members delivered their statements during the videoconference, while the representatives of non-Council members submitted their statements in writing.<sup>114</sup>

The President of the International Court of Justice focused his briefing on the question how to strengthen the partnership between the Council and the Court to uphold the rule of law at the international level. In his view, while the partnership between the two organs was already strong, it could be further strengthened. He further recalled that the Council had only once exercised its powers under Article 36, paragraph 3, of the Charter to recommend that disputing parties settle their disputes through the Court — in the case of *Corfu Channel*; and had also only once requested an advisory opinion from the International Court of Justice under Article 96 of the Charter — in the *Namibia* dispute. Judge Yusuf stressed that the vitality of the relationship between the two principal organs could not be evaluated by the quantity, but rather by the quality of their collaboration. He recalled that the *Corfu Channel* case, the referral of which had helped avoid a dispute that could have degenerated into a full-blown war involving several protagonists, had demonstrated that the Charter’s system of cooperation between the Court and the Council, could produce results. He also elaborated on the “less visible” ways in which the Court and the Council contributed to each other’s work and thus cooperated with each other, mainly through their respective contributions to the development of international law and, hence, to the strengthening of the international rule of law. Judge Yusuf recalled that for its part, the Court had consistently supported the Council’s mission to maintain international peace and security, for example by

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<sup>112</sup> A concept note was circulated by a letter dated 11 December 2020 ([S/2020/1194](#)).

<sup>113</sup> See [S/2020/1286](#).

<sup>114</sup> The following countries submitted written statements: Austria (on behalf of the Group of Friends of the Rule of Law), Bangladesh, Brazil, Denmark (also on behalf of Finland, Iceland, Norway and Sweden), Japan, Liechtenstein, Mexico, Morocco, Myanmar, Peru and Portugal.



confirming in its advisory opinions that the Council could establish peacekeeping forces that were to be funded by the general budget of the Organization and clarifying how to interpret and determine the binding character of Council resolutions, contributing to their effectiveness. He reiterated the appeal to the Council to resume its past tradition of recommending the referral of legal disputes to the Court and to again make use of the Court's advisory function on legal questions. Judge Yusuf expressed his agreement with General Assembly resolution [43/51](#) in that a request for an advisory opinion from the Court could play an important role in the Council's work on the prevention of situations or disputes from becoming a threat to international peace and security. He also suggested an expanded dialogue between the Court and the Council, recommending in particular that, in addition to the annual briefing of the President of the Court to the Council, the Council include in its schedule a visit to the Court once every three years, following the triennial change in the composition of the Court allowing the Council to see first-hand the work of the Court and discuss issues of common interest. Recalling the Council's previous presidential statements ([S/PRST/2006/28](#), [S/PRST/2010/11](#) and [S/PRST/2012/1](#)), he noted that they contributed to strengthening the relationship between the two organs and suggested that such statements be made periodically — every three to five years — starting from the day of the briefing.<sup>115</sup>

Numerous written statements submitted by Member States invoked Articles 94 and/or 96 of the Charter explicitly or discussed the principles described therein. The Minister Counsellor of France noted that the mandates of the Court and the Council were complementary for the maintenance of international peace and security, and highlighted the links between the two organs enshrined in the Charter. He further underscored that the absence of a referral to the Council under Article 94, paragraph 2 tended to demonstrate the authority of the Court's judgments, adding that the binding scope of decisions also applied to orders. The representative of Saint Vincent and the Grenadines recalled that Chapter VI of the Charter had envisioned a symbiotic relationship between the Council and the Court, with the Council's critical mandate bolstered by the valuable contributions of the Court. She noted, however, that the Council had not taken full advantage of the Court's well-established jurisprudence, grounded in robust decisions

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<sup>115</sup> See [S/2020/1286](#).

and advisory opinions, stressing the need for the Council to encourage Member States to utilize the Court in the pursuit of the peaceful settlements of disputes and noted that it was imperative for the Council to consider making recommendations to give effect to the Court's directions, in line with the Charter's guidance as set out in Article 94.

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

The representative of Bangladesh cautioned that non-compliance with the orders and judgments of the Court posed a serious threat to international peace and security and recalled Article 94, paragraph 2, of the Charter, which gave the Council the power to "make recommendations or decide" on measures to be taken to give effect to a judgment if a request was made by one of the parties to the dispute. She also suggested for the Council to take a proactive approach to help uphold the sanctity of the Court's orders by taking measures to implement the Court's judgments; recommend that the conflicting parties refer their disputes to the Court; and make appropriate use of Article 96, paragraph 1, of the Charter and refer questions of international law to the Court to seek its advisory opinions.

The delegation of Brazil identified four specific ways for fostering cooperation between the Council and the Court, namely on the enforcement of the Court's decisions, making greater use by the Council of the advisory jurisdiction of Court, the continued dialogue and mutual consideration of each organ's views on issues of common interest, and recommending that conflicting States submit their dispute to the Court. The representative of Denmark recalled that the Charter envisaged a close relationship between the Council and the Court, providing the two organs with ample opportunities for intensive cooperation. He stressed that at a time when the rules-based order was

increasingly under pressure, the Council and the Court should use their Charter prerogatives and play vital and mutually complementary roles in promoting the rule of law, including with regard to human rights and peace and security. He emphasized that together they had the potential to be a powerful force for upholding the rule of law at the international level, recalling in particular Articles 33, paragraph 2, and 96, paragraph (a), authorizing the Council to call upon States parties to any dispute to settle such disputes by peaceful means and request advisory opinions from the Court on legal matters.

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

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

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

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

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

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

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

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

The representative of Indonesia highlighted the need for the Council to engage in more dialogue and interaction with the Court in the exercise of its mandate, and recalled that the Charter provided tools to the Council to peacefully settle disputes between States by making use of the Court's jurisdiction in such cases or requesting its advisory opinions

on legal questions that arose in the Council's work, stressing that the Council needed to be encouraged to make use of those Charter tools.

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

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

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

Some speakers underlined the impact of the Court on the enhancement of the rule of law and international law. The representative of the United Kingdom stressed that the rule of law at the international level and the role played by the Court would be further enhanced if more States accepted its compulsory jurisdiction. He welcomed the annual closed meeting between the Council and the Court as a forum for discussion and an example of the cooperation between the Council and the Court. The representative of the United States noted the closed annual briefing by the President of the Court and the exchange of views with the Council about issues of common interest, adding that in the 75th anniversary of the Court, it was fitting to have a second opportunity to highlight the crucial role of the Court and to do so at a public meeting. He further underscored that the Court played a vital role in promoting and preserving the rule of law and in advancing international peace and security through the peaceful resolution of disputes. He pointed out that some of these disputes never reaching the Council reinforced the effectiveness of the United Nations framework. As situations developed into matters requiring the Council's attention, it was necessary to be mindful of where the Court could play a role while preserving the fundamental principle of State consent to judicial settlement of disputes.

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

During the period under review, the Security Council continued to exchange letters with the Secretary-General and to receive his reports on the progress of the Cameroon-Nigeria Mixed Commission established to facilitate the implementation of the ruling of the International Court of Justice of 10 October 2002 on the land and maritime boundary dispute between the two countries.<sup>116</sup> In addition, in a letter dated 3 March 2020 addressed to the President of the Security Council, the permanent representatives of Kuwait and Saint Vincent and the Grenadines transmitted a report of the joint retreat on the working methods of the Security Council, co-hosted by Saint Vincent and the Grenadines and Kuwait, in Kingstown, which had taken place on 17–19 January 2020. The report recalled that the members had called for greater interaction at the annual closed meeting with the President of the International Court of Justice and for the consideration of greater support for the work of the Court.<sup>117</sup>

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<sup>116</sup> See the following exchange of letters: [S/2020/1322](#) and [S/2020/1323](#). See also the following reports: [S/2020/585](#) and [S/2020/1293](#).

<sup>117</sup> See [S/2020/172](#).