
Part IV
Relations with other United Nations organs

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Introductory note

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

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 addition, both organs collaborated on the election of judges to fill vacancies on the roster of the International Residual Mechanism for Criminal Tribunals consistent with the applicable provisions of the statute of the Mechanism, the provisional rules of procedure of the Council and the rules of procedure of the Assembly.

With regard to the selection of the Secretary-General, the General Assembly decided in September 2019 to consolidate the advances gained in relevant Assembly resolutions and explore possible steps to further improve the process, including collaboration between the Assembly and the Council, consistent with Article 97 of the Charter, as well as to explore the possibility for the incumbent Secretary-General to present a vision statement for the next term and to brief the Member States on its content.

In 2019, 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 with its special procedures in connection with the conflict prevention work of the Security Council. In addition, during the review period, discussions in the Council focused on the importance of the development of synergies among the Council, the General Assembly and the Economic and Social Council, as well as with the competent bodies and agencies of the United Nations system, with a view to creating early warning systems for climate-related risks.

During 2019, the President of the Economic and Social Council participated in a meeting of the Security Council under the item entitled “The situation concerning Haiti”.² This was the first time that the President of the Economic and Social Council had participated in a meeting of the Council concerning this country since 2009. In addition, during the period under review, the President of the Economic and Social Council and the Chair of the Peacebuilding Commission informed the Security Council of a joint meeting held on the linkages between climate change and challenges to peacebuilding and sustaining peace in the Sahel, held on

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

² See [S/PV.8641](#).

³ See [S/PV.6101](#).

13 November 2018, building on relevant Security Council meetings. In 2019, however, the Council did not address any requests for information or assistance to the Economic and Social Council, nor did it make recommendations or decide on measures with regard to the judgments rendered by the International Court of Justice or request the Court to give an advisory opinion on any legal question.

I. Relations with the General Assembly

Note

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

Section I is divided into eight subsections. Subsection A deals with the election by the General Assembly of the non-permanent members of the Council, in accordance with Article 23 of the Charter. Subsections B and C concern the functions and powers of the Assembly vis-à-vis Articles 10 to 12, with a particular focus on the practice and authority of the Assembly to make recommendations to the Council. Subsection D covers instances in which a decision by the Council must be taken prior to that of the Assembly under Articles 4 to 6, 93 and 97, such as the admission of new Members or the appointment of judges to the International Residual Mechanism for Criminal Tribunals. Subsection E examines the practices for the election of members of the International Court of Justice, requiring concurrent action by the Council and the Assembly. Subsection F covers the annual and special reports of the Council to the Assembly, in accordance with Articles 15 and 24 (3) of the Charter. Subsection G concerns Council relations with the subsidiary organs established by the Assembly that played a part in the work of the Council during 2019. Subsection H features other Council practice bearing on relations with the Assembly.

⁴ Rule 40 of the provisional rules of procedure is also covered in part II, sect. VIII, “Decision-making and voting”.

A. Election by the General Assembly of 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-third regular session, the General Assembly elected five non-permanent members to the Council in accordance with Article 23 of the Charter, to replace those whose terms of office were to expire on 31 December 2019 (see table 1).

Table 1
Election by the General Assembly of non-permanent members of the Security Council

<i>Term</i>	<i>General Assembly decision</i>	<i>Plenary meeting and date of election</i>	<i>Members elected for the term</i>
2020–2021	73/420	89th 7 June 2019	Estonia, Niger, Saint Vincent and the Grenadines, Tunisia, Viet Nam

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

Article 10

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

Article 11

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

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

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

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

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

the resolutions of the Assembly are set out in table 2. In Assembly resolution [73/341](#), adopted under the item entitled “Revitalization of the work of the General Assembly”, Member States welcomed the efforts of the President of the Assembly to reinforce synergy, coherence and complementarity between the agendas of the Assembly and its Committees, and the Economic and Social Council and its subsidiary bodies, and encouraged regular interaction between the Presidents of the General Assembly, the Security Council and the Economic and Social Council in this regard.⁵ In addition, in Assembly resolution [74/25](#), adopted under the item “Implementation of the Declaration of the Indian Ocean as a Zone of Peace”, the Assembly reiterated its conviction that the participation of all permanent members of the Security Council and the major maritime users of the Indian Ocean in the work of the Ad Hoc Committee was important and would greatly facilitate the development of a mutually beneficial dialogue to advance peace, security and stability in the Indian Ocean region.⁶

In connection with Article 11 (2) of the Charter, the General Assembly made recommendations to the Council with regard to specific questions relating to the maintenance of international peace and security or requesting action by the Council concerning those questions. In its recommendations, in reference to items already on the Council’s agenda, the Assembly called on the Council to ensure accountability, including through consideration of referral of the situation in the Democratic People’s Republic of Korea to the International Criminal Court and to consider the further development of sanctions in order to effectively target those who appeared to be most responsible for human rights violations. The Assembly also called on the Council to ensure accountability of those responsible for violations of international humanitarian law or violations and abuses of human rights law in the Syrian Arab Republic. The relevant provisions of the resolutions of the Assembly are set out in table 3.

The General Assembly did not draw the attention of the Council to any situations under Article 11 (3) of the Charter.⁷

⁵ General Assembly resolution [73/341](#), para. 10.

⁶ General Assembly resolution [74/25](#), para. 2.

⁷ For information on other referrals to the Security Council, see part VI, sect. I.

Table 2

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

General Assembly resolution and date *Provisions*

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

[73/336](#)
10 September 2019

Recognizes the growing and emerging challenges and risks facing United Nations peacekeeping operations and political missions, and in this regard takes note of 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 Operations, 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)

Report of the International Criminal Court

[74/6](#)
4 November 2019

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)

Comprehensive review of special political missions

[74/91](#)
13 December 2019

Encouraging enhanced exchanges of information, in an appropriate manner, among the General Assembly, the Security Council and the Secretariat, making use of the advisory role of the Peacebuilding Commission, when relevant, on overall policy matters pertaining to special political missions (eighth preambular paragraph)

Terrorism and human rights

[74/147](#)
18 December 2019

Encourages the Security Council, the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate to strengthen, within their mandates, the links, cooperation and dialogue with relevant human rights bodies, giving due regard to the promotion and protection of human rights and the rule of law in their ongoing work relating to counter-terrorism (para. 34)

Table 3

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

General Assembly resolution and date *Provisions*

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

[74/166](#)
18 December 2019

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. 13)

Also encourages the Security Council to continue to discuss 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. 14)

Situation of human rights in the Syrian Arab Republic

74/169

18 December 2019

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, in accordance with the principle of complementarity, 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 (para. 35)

Concerning the deliberations in the Council, during the period under review, while Articles 11 (1), (2), (3) or (4) of the Charter were not explicitly referred to, Article 10 was explicitly referenced twice, as described below.

At the 8453rd meeting, held on 30 January 2019, under the item entitled "The situation in Cyprus",⁸ and concerning the renewal of the mandate of the United Nations Peacekeeping Force in Cyprus, the representative of the United Kingdom of Great Britain and Northern Ireland emphasized his country's disagreement with the argument that the Special Committee on Peacekeeping Operations had to approve, endorse or authorize any new developments in peacekeeping policy before the Secretariat could implement it, and noted that his country would not want to see the functions of the Special Committee exceeding the terms of the powers prescribed in Chapter IV, Article 10 of the Charter.

During the annual open debate on the working methods of the Council held under the Presidency of Kuwait on 6 June 2019,⁹ the representative of Brazil highlighted the importance of Article 10 of the Charter. He indicated that the relationship between the Council and the General Assembly should be dynamic and complementary, adding that an enhanced exchange between the two organs could contribute to mitigating the cases of encroachment on and erosion of the authority and mandate of the Assembly by the Council. He further called on the Council to hold more regular and substantive consultations with the Assembly, either to review work plans or to consult specific issues of mutual concern. At the same meeting, several speakers

commented on the interaction between the Council and the Assembly. The representative of Kuwait noted that communications between Council members and non-Council members and communications between the Council and other organs of the United Nations such as the Assembly had improved in the past 25 years. The representative of Turkey called for greater coordination and cooperation between the Council and other main bodies of the United Nations, adding that while the Council was the main organ for the maintenance of international peace and security, it was not the only one. He added that Council members should bear that in mind and make more conscious efforts to ensure better coordination with the Assembly and other organs of the United Nations. The representative of Bahrain also highlighted the importance of increased coordination, cooperation and interaction among the main organs of the United Nations, including the Council and the Assembly. The representative of Singapore welcomed the greater use by the Council of formats such as Arria-formula meetings and Toledo-formula dialogues to increase the interactivity in its engagement with the Assembly.

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*

⁸ See [S/PV.8453](#). For more information on the relationship between the Council and the subsidiary organs of the General Assembly, see part IV, sect. I.G.

⁹ *Ibid.*

maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

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

During the period under review, no reference was made to Article 12 (1) in decisions of the Council, nor did the Council request the General Assembly to make a recommendation with regard to any dispute or situation. Nonetheless, during the annual open debate on the working methods of the Council held under the Presidency of Kuwait on 6 June 2019,¹⁰ the representative of Mexico recalled that the Council had an obligation to inform the Assembly about measures it had decided to adopt in the maintenance or restoration of international peace and security, and deplored that such reports “often [lacked] complete, rigorous and objective information”. He further emphasized that as the most representative organ of the United Nations, the Assembly must and could act with greater independence in matters that were still the exclusive domain of the Council, bearing in mind the powers related to international peace and security enshrined in the Charter, and indicated that the Assembly resolution 377 (V), better known as “Uniting for peace”, was a clear example of that possibility. The representative of Liechtenstein underscored that in situations when the Council failed to act, the wider membership should claim ownership and step in through action in the Assembly, and recalled the creation by the Assembly of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 as an example that such action could be effective. He added that in situations when vetoes were cast in the Council, the Assembly should be convened automatically to discuss vetoed decisions with the involvement of the entire membership, noting that such discussions would improve accountability.¹¹ The representative of

Liechtenstein made similar remarks at a meeting held on 23 May 2019 under the item entitled “Protection of civilians in armed conflict”,¹² noting that the people of the Syrian Arab Republic had been at the receiving end of the failure of the Council to act due to vetoes, which had prompted the Assembly to play a more active role in area of accountability by creating the International, Impartial and Independent Mechanism. He added that that decision was a major step forward in ensuring that violations of international humanitarian law in the Syrian Arab Republic would not go unpunished and also a landmark decision for the accountability work of the United Nations.

In addition, at a meeting in connection with the Palestinian question,¹³ the Permanent Observer of the State of Palestine criticized the “very selective approach” taken by Israel to United Nations resolutions. He stated that the claim that the United Nations adopted a disproportionate number of resolutions on the Israeli-Palestinian conflict was a distortion that disregarded relevant context, since any reference to the number of resolutions adopted by the General Assembly on the Palestinian question must be seen in the context of the paralysis of the Council when it came to the conflict.

Under Article 12 (2), the Secretary-General is required to notify the General Assembly of the matters relating to the maintenance of international peace and security being dealt with by the Council or with which the Council has ceased to deal. During the period under review, in accordance with that provision, the Secretary-General continued to notify the Assembly of the matters relating to the maintenance of international peace and security which were being dealt with by the Council or with which the Council had ceased to deal.¹⁴ The notification was 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 Council in accordance with rule 11 of its provisional rules of procedure.¹⁵ The consent of the Council, required under Article 12 (2), is obtained through the circulation of the draft notification by the Secretary-General to the members of the Council. Following

¹² See [S/PV.8534](#).

¹³ See [S/PV.8690](#).

¹⁴ [A/74/300](#).

¹⁵ For more information, see part II, sect. II.B, “Matters of which the Council is seized (rules 10 and 11)”.

¹⁰ *Ibid.*

¹¹ See also [S/PV.8517](#). For more information on the establishment of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, see *Repertoire, Supplement 2016–2017*, part IV, sect. I.C.

receipt of the notification, the Assembly formally takes note of it.¹⁶

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

Article 4

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

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

Article 5

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

Article 6

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

Article 93, paragraph 2

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

Article 97

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

Rule 60

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

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

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

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

The Charter provides for joint decision-making by the Council and the General Assembly in relation to a number of matters but requires a decision by the Council to be taken first. This is the case with respect to the admission, suspension or expulsion of Members (Articles 4, 5 and 6), the appointment of the Secretary-General (Article 97) and the conditions under which a State that is not a Member of the United Nations may become a party to the Statute of the International Court of Justice (Article 93 (2)).¹⁷ In addition, the statute of the International Residual Mechanism for Criminal Tribunals provides that the judges of the Mechanism

¹⁶ See General Assembly decision 73/560 of 10 September 2019, in which the Assembly took note of the notification by the Secretary-General under Article 12 (2), dated 1 September 2018 (A/73/300); see also *Repertoire, Supplement 2018*, part IV, sect. I.C. As at 31 December 2019, the Assembly had not taken note of the notification by the Secretary-General under Article 12 (2), dated 1 September 2019 (A/74/300).

¹⁷ Articles 4 (3) and 69 of the Statute of the International Court of Justice provide 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.

shall be elected by the Assembly from a list submitted by the Council.¹⁸

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

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

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

During the period under review, the Council did not recommend the admission of any State for membership in the United Nations. It made no negative recommendations, which would have required the submission of a special report to the General Assembly. In addition, the Council did not recommend the suspension or expulsion of any Member State. Nonetheless, at the 8449th meeting, held on 22 January 2019, under the item entitled “The situation in the Middle East, including the Palestinian question”,¹⁹ the Permanent Observer of the State of Palestine called for support for the request by the State of Palestine for admission to United Nations membership, which, he noted, had been pending since 2011. At the same meeting, several speakers expressed support for the admission of the State of Palestine as a full Member of the Organization.²⁰

¹⁸ Article 10 of the statute of the International Residual Mechanism for Criminal Tribunals (resolution 1966 (2010), annex 1).

¹⁹ See S/PV.8449.

²⁰ Indonesia, Kuwait, South Africa, Lebanon, Turkey, Bangladesh (on behalf of the Organization of Islamic Cooperation), Cuba, Vice-Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, Libya and Islamic Republic of Iran. See also S/PV.8517 (Syrian Arab Republic, Ecuador, Bangladesh and Cuba); and S/PV.8648 (Syrian Arab Republic, Bangladesh, Tunisia (on behalf of the Group of Arab States) and Ecuador).

Procedure for the selection and appointment of the Secretary-General

In its resolution 73/341, adopted on 12 September 2019, the General Assembly emphasized that the process of the selection of the Secretary-General was guided by the principles of transparency and inclusiveness and reaffirmed its commitment to continue, in the Ad Hoc Working Group, in accordance with the provisions of Article 97 of the Charter, to examine innovative ways to improve the process of the selection and appointment of the Secretary-General.²¹ In the same resolution, the Assembly decided to further assess, during its seventy-fourth session, the selection and appointment process of the Secretary-General, consolidate the advances gained in the relevant Assembly resolutions and explore possible steps to further improve the process, including the collaboration between the Assembly and the Council, consistent with Article 97 of the Charter, as well as to explore the possibility for the incumbent Secretary-General to present a vision statement for the next term and to brief the Member States on its content.²²

Appointment of judges to the International Residual Mechanism for Criminal Tribunals

By its resolution 1966 (2010) of 22 December 2010, the Council established the International Residual Mechanism for Criminal Tribunals to carry out residual functions of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994.²³ According to the statute of the Mechanism, the judges of the Mechanism are elected by the General Assembly from a list submitted by the Council. In the event of a vacancy in the roster of judges of the Mechanism, the Secretary-General appoints a judge, after consultation with the Presidents of the Council and of the Assembly, for the remainder of the term of office concerned.²⁴

During the period under review, at its sixty-sixth plenary meeting held on 15 January 2019 and pursuant

²¹ General Assembly resolution 73/341, paras. 40 and 41.

²² Ibid., para. 43.

²³ Resolution 1966 (2010), para. 1.

²⁴ Ibid., annex 1.

to article 10 of the Statute of the Mechanism, the General Assembly elected from the list of nominees transmitted by the Council the second of two judges of the Mechanism for a term of office until 30 June 2020.²⁵ In addition, following the passing of one and the resignation of two judges of the Mechanism, and

pursuant to article 10 (2) of the Statute of the Mechanism, the Council took note of the intention of the Secretary-General to appoint judges nominated to fill the vacancies for the remainder of the respective terms of office.²⁶ For further details on the actions taken by the Secretary-General, the Council and the Assembly, see table 4.²⁷

²⁵ See General Assembly decision 73/415 B. See also, in connection with the election of the other judge, which took place in December 2018, *Repertoire, Supplement 2018*, part IV, sect. I.D.

²⁶ S/2018/1152, S/2019/108 and S/2019/1000.

²⁷ For more information, see part I, sect. 28.

Table 4

Actions taken by the Security Council and the General Assembly concerning judges of the International Residual Mechanism for Criminal Tribunals in 2019^a

<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>
International Residual Mechanism for Criminal Tribunals				
S/2018/963, transmitting information on the nominations for the two vacancies in the roster of judges of the Mechanism	S/2018/756, requesting the Secretary-General to invite Member States to submit nominations to fill two vacancies in the roster of judges of the Mechanism		A/73/578	73/415 B 15 January 2019
S/2018/1151, transmitting the nomination of a judge to fill one vacancy in the roster of judges of the Mechanism	S/2018/1152, taking note of the intention of the Secretary-General to appoint the judge nominated to fill the vacancy			
S/2019/84, transmitting a letter from the President of the General Assembly concurring with the appointment of the nominated judge				
S/2019/107, transmitting the nomination of a judge to fill one vacancy in the roster of judges of the Mechanism	S/2019/108, taking note of the intention of the Secretary-General to appoint the judge nominated to fill the vacancy			
S/2019/170, transmitting a letter from the President of the General Assembly concurring with the appointment of the nominated judge				
S/2019/999, transmitting the nomination of a judge to fill one vacancy in the roster of judges of the Mechanism	S/2019/1000, taking note of the intention of the Secretary-General to appoint the judge nominated to fill the vacancy			

^a Includes actions of the Security Council and the General Assembly in 2018 for the purposes of providing background information.

E. Election of members of the International Court of Justice

Rule 40

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

Rule 61

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

The election of members of the International Court of Justice requires action by the Council in conjunction with the General Assembly, with the two organs proceeding independently of one another. The procedure for the election is set out in rules 40²⁸ and 61 of the provisional rules of procedure of the Council; Articles 4, 8, 10 to 12, 14 and 15 of the Statute of the International Court of Justice;²⁹ and rules 150 and 151 of the rules of procedure of the Assembly.³⁰

During the period under review, the Council did not hold elections of members of the International Court of Justice.

²⁸ Rule 40 of the provisional rules of procedure is also covered in part II, sect. VIII, "Decision-making and voting".

²⁹ Articles 4, 10 to 12, 14 and 15 of the Statute of the International Court of Justice establish the procedures for the following: (a) the nomination of the judges by the national groups in the Permanent Court of Arbitration; (b) the majority necessary for the election of judges; (c) the number of meetings to be held for the purpose of the election of judges; (d) the holding of a joint conference in the event of more than three meetings of the Security Council and the General Assembly; (e) 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.

³⁰ 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.

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 2019, the Council maintained its practice of submitting annual reports to the General Assembly pursuant to Article 24 (3) of the Charter. The annual report was submitted to the Assembly covering the period from 1 January to 31 December 2018.³¹ The note by the President of the Council dated 30 August 2017³² 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. However, in the case of the presidency for the month of July ending its tenure on the Council that year, the task devolves on the member of the Council next in English alphabetical order and who will not be leaving the Council that calendar year. Given that Sweden, which held the presidency for the month of July 2018, ended its tenure on the Council at the end of 2018, the introduction of the annual report was prepared by the delegation of the United Kingdom, as President of the Council for the month of August 2018, in accordance with the note by the President dated 30 August 2017.

During the period under review and consistent with past practice, at its 8539th meeting, on 6 June 2019,³³ the Council addressed issues relating to the timely submission and the potential for improving the

³¹ [A/73/2](#).

³² [S/2017/507](#).

³³ See [S/PV.8539](#).

content of the annual report at the annual open debate on its working methods (see case 1).

In a letter dated 19 July 2019, addressed to the President of the Council,³⁴ the permanent representative of Switzerland, on behalf of the Accountability, Coherence and Transparency Group, indicated that the Group was “deeply troubled” by the delay in the submission of the 2018 annual report of the Council to the General Assembly for its consideration. He recalled that the submission of the report was an obligation of the Council vis-à-vis the Assembly under Article 24 (3) of the Charter and expressed regret that the end of the current session of the Assembly was approaching with no set date for the presentation of the report. He further emphasized that the situation undermined the ability of the wider membership to engage in an “adequate manner” in the process. He also called on the Council to expedite the adoption of the 2018 annual report, to take all steps necessary for its subsequent presentation to the Assembly during the first week of September 2019 and to explore ways of strengthening the process through rigorous adherence to the time frame agreed to by the Council in the note by the President dated 30 August 2017.

The Council considered and adopted, without a vote, the draft annual report³⁵ at its 8597th meeting, held on 20 August 2019.³⁶ During the meeting, the representative of the United Kingdom highlighted the importance of the report, as required by Article 24 of the Charter, as a mechanism for keeping the wider membership informed of the activities of the Council. He added that, in drafting the introduction to the report, the United Kingdom aimed to provide a brief description of the key activities and trends in the Council during the reporting period, and expressed hope that the draft report would offer a clear and readable account of the work of the Council in 2018.

The General Assembly considered the annual report of the Council at the 105th and 106th plenary meetings of its seventy-third session under the item entitled “Report of the Security Council”, held on 10 and 12 September 2019.³⁷ During the discussions in the Assembly, many Member States criticized the recent trend of late submission by the Council of its annual report to the Assembly for its consideration, arguing that such late submission was too close to the end of the Assembly session and did not allow Member States

enough time for a meaningful consideration of the work of the Council for the year under review.³⁸ Numerous Member States also called for future annual reports of the Council to be more analytical.³⁹ In addition, the Assembly, in its resolution [73/341](#), adopted under the item entitled “Revitalization of the work of the General Assembly”, requested the President of the Assembly to reconsider the timing of the plenary meeting of the Assembly on the report of the Security Council, in close coordination with the President of the Council, so that discussions of the report were not conducted in a perfunctory manner.⁴⁰ No special reports were submitted by the Council to the Assembly during the reporting period.

At the end of the reporting period, the Council issued a note by the President of the Council dated 27 December 2019.⁴¹ In the note, the Council reiterated its willingness to take action necessary to ensure the timely submission of its report to the General Assembly in accordance with Article 24 (3) of the Charter. The members of the Council also recalled that the introduction to the report should be completed no later than 31 January so as to allow the Secretariat enough time for translation. The Council also decided that the Secretariat should submit the draft report, including the introduction to the report, to the members of the Council no later than 15 March following the period covered by the report, so that it may be discussed and thereafter adopted by the Council no later than 30 May, in time for its consideration by the Assembly immediately thereafter. The Council further specified that the aforementioned provision would be applicable to the report to be presented to the Assembly at its seventy-fifth session, in 2021, covering the period from 1 January to 31 December 2020.

³⁴ [S/2019/582](#).

³⁵ See [S/2019/666](#).

³⁶ See [S/PV.8597](#).

³⁷ See [A/73/PV.105](#) and [A/73/PV.106](#). See also General Assembly decision [73/561](#).

³⁸ See [A/73/PV.105](#) (Switzerland (on behalf of the Accountability, Coherence and Transparency Group and in its national capacity), Thailand (on behalf of the Association of Southeast Asian Nations), Liechtenstein, Singapore, Argentina, Uruguay, Rwanda and Austria); and [A/73/PV.106](#) (Cuba, El Salvador, Mexico, Norway, Georgia, Guatemala, Costa Rica, Pakistan, Saint Vincent and the Grenadines, Cyprus, New Zealand, Ireland, Estonia and India).

³⁹ See [A/73/PV.105](#) (Ukraine, Singapore, Argentina, Rwanda and Austria); and [A/73/PV.106](#) (Cuba, El Salvador, Norway, Italy, Georgia, Guatemala, Costa Rica, Pakistan, Saint Vincent and the Grenadines, Islamic Republic of Iran, Cyprus, Ireland and India).

⁴⁰ General Assembly resolution [73/341](#), para. 17.

⁴¹ [S/2019/997](#). The note by the President of the Security Council was one of eight notes issued on 27 December 2019 in the context of the work of the Informal Working Group on Documentation and Other Procedural Matters. For further details on these notes, see part II, sect. VIII.

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

At its 8539th meeting, held on 6 June 2019, under the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)”,⁴² the Council held the annual open debate on its working methods held under the presidency of Kuwait.⁴³ During the meeting, the Council discussed the timely submission and improvement of its annual report to the General Assembly.⁴⁴

Regarding the submission of the report by the Council to the General Assembly, the representative of Switzerland, speaking on behalf of the Accountability, Coherence and Transparency Group, stressed the importance of ensuring the adequate consideration of the annual report of the Council to the Assembly, mandated by Article 24 of the Charter, in order to enable an inclusive and substantial exchange of views between the Council and the wider membership. He also called on the Council to expedite the adoption of its 2018 annual report and to set a date for its timely consideration by the Assembly. The representative of Singapore noted that, in order for the wider membership to have a considered debate on the work of the Council, the reports should be made available to all members in good time, and regretted the recent trend whereby the report had been submitted later and the debate on the report had been rushed and held at very short notice. He further opined that a delay in the submission of the report did not help the credibility or legitimacy of the Council and indicated that a thorough debate in the Assembly on the work and report of the Council would help to enhance the Council’s credibility and legitimacy. The representative of Argentina emphasized the importance of ensuring a fluid dialogue between the Council and the Assembly, including through the timely submission to the Assembly of the annual reports of the Council, in accordance with Article 24 (3) of the Charter. The representative of India noted that the way in which the reports were submitted caused delays in how and when they were discussed by the Assembly and deprived the membership of an important opportunity to engage with the Council. He also called for the engagement between the two organs to be restored and strengthened. The Executive Director of Security

Council Report similarly opined that the engagement of the wider membership in the work of the Council could include more interaction with regard to the annual report, and pointed out that while the report was due in the spring, in the current year and previous two years the summer had arrived with no report. She further noted that the discussion of the annual report was a primary format through which the wider membership could underline its views and expectations of the Council and suggested that the reporting process be elevated. The representative of Slovenia, echoed by the representative of Costa Rica, also called for the timely submission of the annual report, and indicated that the discussion by the Assembly on the annual report of the Council should be more substantive and allow for an honest exchange of views.

Concerning the substance of the annual report of the Council, the representative of India noted that, while there had been longstanding demands for the annual reports to be more substantive and analytical, the reports were more often full of the usual factual indicators. The representative of Brazil, explicitly citing Article 24 (3) of the Charter, also recalled the frequent call from the wider membership for the submission of analytical and comprehensive annual reports including an assessment of the work of the Council and the challenges ahead. The representative of Costa Rica called for the annual reports to contain analytical elements of the daily work of the Council and to avoid a simple description of what the Council had carried out, in order for States to have the opportunity to participate actively in an interactive and inclusive debate on that analysis. The representative of Cuba regretted that the Council continued to submit to the Assembly annual reports that were merely a descriptive overview of its meetings, activities and decisions, rather than providing an explanatory, comprehensive and analytical description of its work that would enable the wider membership to assess the reasons for and implications of the Council’s decisions. The representative of Colombia also indicated that it was necessary to improve the quality and analytical content of the annual report, and emphasized that the report should not be treated as a procedural matter but rather incorporate greater detail on the tenor of the discussions held and the results achieved based on the resolutions adopted, with a view to adding value to the considerations and observations of the Assembly regarding the actions of the Council. The representative of Ukraine noted that the timely issuance of monthly assessments should not be overlooked, since those assessments constitute a valuable source for preparing annual reports.

⁴² See S/PV.8539.

⁴³ The Council had before it a concept note annexed to a letter dated 29 May 2019 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General (S/2019/450).

⁴⁴ See S/PV.8539.

A few speakers also referred to the matter of special reports of the Council on its measures to maintain international peace and security. The representative of Brazil indicated that, despite having been envisioned in the Charter as another way of keeping the wider membership abreast of the Council's activities, special reports had rarely been presented to the General Assembly. The representative of Cuba said that the lack of special reports on measures to maintain international peace and security for consideration by the Assembly, as requested under Articles 15 and 24 of the Charter, was another shortcoming that the Council should overcome.

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 2019, 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 four

meetings concerning the situation in the Middle East, including the Palestinian question.⁴⁵ On the occasion of the International Day of Solidarity with the Palestinian People, the President of the Council participated in the 398th meeting of the Committee, on 27 November 2019.⁴⁶

Human Rights Council

Several decisions adopted by the Security Council contained references to the Human Rights Council. In those decisions, the Council welcomed the cooperation of the Government of the Democratic Republic of the Congo with the team of international experts on the situation in the Kasai region mandated by the Human Rights Council in its resolution 35/33, and welcomed the ongoing interaction of Morocco with the special procedures of the Human Rights Council. No decision of the Council made reference to the Special Committee on Peacekeeping Operations during the reporting period. Decisions concerning the relations with the Peacebuilding Commission, a joint subsidiary organ of the Security Council and the General Assembly, are covered in detail in part IX, section VII.

Table 5 contains all the provisions of the decisions in which the Security Council made explicit reference to the Human Rights Council.

⁴⁵ See S/PV.8449, S/PV.8517, S/PV.8583 and S/PV.8648.

⁴⁶ See A/AC.183/PV.398.

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

<i>Decision and date</i>	<i>Provision</i>
Human Rights Council	
The situation concerning the Democratic Republic of the Congo	
Resolution 2463 (2019) 29 March 2019	Reiterates its condemnation of the violence witnessed in eastern Democratic Republic of the Congo and the Kasai region, strongly condemns the violence committed in Yumbi territory on 16–18 December 2018, some of which the United Nations Joint Human Rights Office reported may constitute crimes against humanity, further reiterates the importance and urgency of prompt and transparent investigations into violations of international humanitarian law and violations or abuses of human rights in these regions, including sexual violence, as well as its intention to closely monitor progress of the investigations into these violations and abuses, in order to bring to justice and hold accountable all those responsible, and looks forward to their results; welcomes the commitments of the Democratic Republic of the Congo authorities in that regard, further welcomes the cooperation of the Government of the Democratic Republic of the Congo with the team of international experts on the situation in the Kasai regions mandated by the Human Rights Council in its resolution 35/33, requests the Government of the Democratic Republic of the Congo to implement all the recommendations made by the team of international experts in its report, and to cooperate with the team of two international human rights experts, charged with monitoring, evaluating, providing support and reporting on the implementation by

Decision and date

Provision

the Democratic Republic of the Congo of those recommendations; further welcomes the Government of the Democratic Republic of the Congo's continued cooperation with the United Nations team deployed, as agreed, to assist the Congolese authorities investigations into the deaths of the two United Nations experts in March 2017, and calls on them to ensure all perpetrators are brought to justice and held accountable (para. 4)

The situation in Western Sahara

Resolution [2468 \(2019\)](#)
30 April 2019

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 (nineteenth preambular paragraph)

See also resolution [2494 \(2019\)](#), nineteenth preambular paragraph

The relations between the Security Council and the Human Rights Council were also addressed in meetings of the Council. At a meeting on the situation in Somalia held on 15 November 2019,⁴⁷ the representative of the Russian Federation voiced concern over the inclusion of language on Djibouti and Eritrea in the text of the Council resolution [2498 \(2019\)](#) on the Somali sanctions regime. He pointed out that the Council had lifted restrictions on Eritrea the year before and the situation between Asmara and Djibouti did not pose a threat to international peace and security, and the settlement of outstanding issues between the two countries was a matter of bilateral diplomacy. In that regard, he emphasized that the issues did not come under the direct purview of either the Council or the Committee pursuant to resolution [751 \(1992\)](#) concerning Somalia, and that there was a specific body for discussing them, namely, the Human Rights Council. He called for respecting the division of labour in the United Nations. At the same meeting, the representative of China said that his country had always believed that human rights issues should be discussed in specialized bodies, such as the Human Rights Council, and that the Security Council was not the appropriate forum to discuss human rights issues. At meetings held under the item entitled "The situation in the Middle East, including the Palestinian question",⁴⁸ speakers called on the Council to consider and follow-up on the findings of the report in connection with the independent international commission of inquiry on the protests in the Occupied Palestinian Territory established by the Human Rights Council.

In addition, communications of the Council addressed the relations with the Human Rights Council

further to certain initiatives of some Council members. By a note verbale dated 30 April 2019 from the Permanent Mission of Germany to the United Nations addressed to the President of the Security Council,⁴⁹ the Permanent Mission of Germany transmitted a letter from the President of the Human Rights Council. In the note verbale, the President of the Human Rights Council referred to a breakfast organized by and hosted at the Permanent Mission of Germany, on 10 April 2019, with the members of the Security Council, which he described as a valuable opportunity to establish an informal channel of dialogue between the Human Rights Council and the Security Council. He also referenced a proposal discussed at the meeting to organize some form of informal discussion in Geneva between the members of the Human Rights Council and the President of the Security Council for the month. He noted that a practice existed in the Human Rights Council whereby informal conversations between high-level United Nations representatives and members and observers were convened in an ad hoc manner. In this regard, he added that it would be very constructive should there be an opportunity for future Presidents of the Security Council to organize such an informal discussion. In a letter dated 30 May 2019 from the Permanent Representatives of China and Russian Federation to the United Nations addressed to the President of the Security Council,⁵⁰ the Permanent Representatives of China and the Russian Federation clarified that their respective countries did not consider the informal breakfast hosted by the Permanent Mission of Germany on 10 April 2019 between members of the Security Council and the President of the Human Rights Council as the establishment of an informal channel of dialogue between the two bodies, and recalled their countries' rejection of the proposal

⁴⁷ See [S/PV.8665](#).

⁴⁸ See [S/PV.8489](#) (State of Palestine), and [S/PV.8532](#) (Kuwait).

⁴⁹ [S/2019/356](#).

⁵⁰ [S/2019/449](#).

of convening an informal discussion of any kind in Geneva between the members of the Human Rights Council and the President of the Security Council. The Permanent Representatives expressed their conviction regarding the necessity of following the existing division of labour between the principal organs of the United Nations and emphasized that as a subsidiary organ of the General Assembly, the Human Rights Council was not authorized to interact with the Security Council. They also indicated that any contacts between the President of the Security Council and the Human Rights Council should be considered and agreed upon by the members of the Security Council and that all possible trips of the President of the Security Council to Geneva for an informal dialogue with the members of the Human Rights Council would be considered unapproved initiatives in which the President of the Security Council would not be representing the Council in that capacity.

In a second note verbale dated 30 April 2019 from the Permanent Mission of Germany to the United Nations addressed to the President of the Security Council,⁵¹ the Permanent Mission of Germany transmitted a letter from the Chair of the Coordination Committee of the Special Procedures of the Human Rights Council. In the letter, the Chair conveyed information concerning the work of special procedures mandate holders in 2018. He also outlined past formal and informal interactions with the Security Council. In this connection, he referred to the participation of the Special Rapporteur on the rights of persons with disabilities in an Arria-formula meeting on the situation of persons with disabilities in armed conflict and expressed the hope that these interactions would be maintained and strengthened.⁵²

In a letter dated 22 August 2019 from the Permanent Representative of Myanmar to the United Nations addressed to the President of the Security Council,⁵³ the Permanent Representative of Myanmar expressed concern regarding an Arria-formula meeting scheduled for the following day, entitled “Mass atrocity crimes in Myanmar: where do we stand on accountability?”, co-hosted by Germany, Peru and Kuwait. In the letter, the Permanent Representative criticized the purpose and title of the meeting, saying that it was grossly misleading and erroneously conveyed the message that mass atrocities had actually been committed in Myanmar. In addition, he stated that he considered the meeting to be just another one-sided

blaming and finger-pointing session, rather than a sharing of objective and balanced views from relevant stakeholders, and that the intention of the meeting was against the Council’s own stated commitment to respect the sovereignty, political independence, territorial integrity and unity of Myanmar, as contained in the statement by the President of the Council dated 6 November 2017.

Special Committee on Peacekeeping Operations

Concerning the Special Committee on Peacekeeping Operations, participants in Council meetings reaffirmed the importance of the Special Committee as the principal organ to discuss questions relating to peacekeeping operations. At various meetings of the Council, the representative of the Russian Federation insisted that general questions relating to peacekeeping that affected all United Nations peacekeeping operations should be discussed in the Special Committee on Peacekeeping Operations. In a meeting specifically dedicated to the item “United Nations peacekeeping operations”, the representative of the Russian Federation also recalled that the action plan for the report on improving security of United Nations peacekeepers by former United Nations Force Commander Lieutenant General dos Santos Cruz should be implemented only within the parameters agreed on by the Special Committee. At a meeting under the item entitled “The situation in Cyprus”, the representative of the Russian Federation recalled that general peacekeeping issues that affected all United Nations peacekeeping missions should be discussed in the Special Committee on Peacekeeping Operations, with the participation of troop-contributing countries. He also stated that the decision on how to apply comprehensive documents such as the Secretariat’s unfinished strategy to enhance the effectiveness of peacekeeping should be made by the Special Committee. He added that bypassing the Special Committee was “unacceptable” and called on Council members to show greater respect for the prerogatives of specialized intergovernmental bodies of the United Nations. In response, the representative of the United Kingdom expressed disagreement with the argument that the Special Committee on Peacekeeping Operations must approve, endorse or authorize any new developments in peacekeeping policy before they could be implemented by the Secretariat. He further indicated that while the Special Committee had a mandate to “comprehensively review” all aspects of cross-cutting peacekeeping policy, it did not have a right of veto over policy implementation and could not obstruct the ability of the Council to make decisions on

⁵¹ S/2019/357.

⁵² For further details on informal meetings of the members of the Council, see part II, sect. I.C.

⁵³ See S/2019/676.

matters of international peace and security. He added that his country would not want to see the Special Committee's functions exceed the terms of the powers prescribed in Article 10 of the Charter. The representative of the United States of America, recalling that the Council had the primary responsibility for the maintenance of international peace and security, noted that one of the main ways in which it exercised that responsibility was through setting peacekeeping mandates and policies. He added that the view that the Council should cede its leadership and responsibilities to the Special Committee was unacceptable and pledged to continue to defend the primacy of the Council on peacekeeping matters.

Case 2, in relation to United Nations peacekeeping operations, highlights key discussions on the interaction between the Council and the Special Committee on Peacekeeping Operations established by the General Assembly with respect to their distinct functions and mandates.

Case 2 United Nations peacekeeping operations

During the period under review, the Council discussed the role of the Special Committee on Peacekeeping Operations at three of six meetings held under the item entitled "United Nations peacekeeping operations".

At the 8521st meeting, held on 7 May 2019, the Council held a high-level open debate under the presidency of Indonesia, under the sub-item entitled "Investing in peace: improving the safety and performance of United Nations peacekeepers".⁵⁴ At the meeting, the representative of the Russian Federation emphasized that the Special Committee on Peacekeeping Operations should play a key role alongside the Council in defining the parameters for United Nations peacekeeping, and indicated that his country could not accept attempts to circumvent the Special Committee in order to push issues through the Council that had failed to reach agreement in the General Assembly. The representative of South Africa reaffirmed the primacy of the Special Committee in making United Nations peacekeeping policy. The representative of Guatemala underlined that the mandates of the Council were bolstered and updated by the work of the Special Committee, which included a section entitled "Best practices and training" in its annual reports. The representative of Nepal opined that the Special Committee should be revitalized to make it

more effective in providing policy guidance to peace operations.

At the 8570th meeting, held on 10 July 2019,⁵⁵ concerning triangular cooperation in peacekeeping,⁵⁶ the Under-Secretary-General for Peace Operations referred to the Special Committee on Peacekeeping Operations as an important forum for discussion involving members of the Council and troop- and police-contributing countries.⁵⁷ The representative of Côte d'Ivoire recalled that the Special Committee and the Council had been seized with the issue of triangular cooperation for several years, as evidenced by numerous decisions and/or recommendations made in pursuit of efficient cooperation. The representative of France recalled that the Special Committee provided an opportunity for all peacekeeping stakeholders to speak and opined that, instead of establishing new meeting formats to enhance triangular cooperation, efforts should be made to revitalize and improve the effectiveness of existing formats, including through enhanced participation. The representative of the United States also noted the existence of forums such as the Special Committee where all Member States had an opportunity to engage with the Secretariat and to provide guidance on issues that impacted United Nations peacekeeping.

The representative of Kuwait noted that the cooperation of the Council's Working Group on Peacekeeping Operations with the Special Committee provided the Council with the opportunity to take into consideration the concerns of troop- and police-contributing countries as well as those of the wider membership, and recalled that the Special Committee was the sole body mandated to tackle all peacekeeping issues. The representative of the Russian Federation similarly indicated that the Special Committee was the key platform of the United Nations system for implementing triangular cooperation, adding that it was within the Special Committee that members of the Council and troop- and police-contributing countries developed common approaches to the parameters of peacekeeping activities and engaged in interactive dialogue with the Secretariat on current issues. He added that the recommendations and decisions adopted by the Special Committee should guide the Secretariat and missions on the ground in discharging their functions. He further emphasized the importance of observing the division of labour within the United

⁵⁵ See [S/PV.8570](#).

⁵⁶ The Council had before it a concept note annexed to a letter dated 27 June 2019 from the representative of Peru to the Secretary-General ([S/2019/538](#)).

⁵⁷ See [S/PV.8570](#).

⁵⁴ See [S/PV.8521](#).

Nations system and avoiding overstepping the mandate of the Special Committee in considering common issues in peacekeeping while specifying that the Council certainly played the primary role in designing the mandates for specific United Nations peacekeeping operations.

The representative of Ethiopia stated that continuous engagement and consultation with relevant actors – particularly the Special Committee on Peacekeeping Operations and the Fifth Committee of the General Assembly – was imperative for the success of peacekeeping operations. The representative of Bangladesh indicated that consultations between the Council, troop- and police-contributing countries and the Secretariat could help to ease tensions on unresolved issues in other bodies such as the Special Committee on Peacekeeping Operations and the Fifth Committee. The representative of Uruguay indicated that the Special Committee constituted a useful body that brought together the three actors of triangular cooperation and from which recommendations and political directives could be issued on the topic.

At the 8612th meeting, held on 9 September 2019,⁵⁸ concerning United Nations peacekeeping and focused largely on the Action for Peacekeeping initiative of the Secretary-General, the representative of Kuwait indicated that the Special Committee on Peacekeeping Operations was the only Committee mandated to conduct a comprehensive review of peacekeeping in all its aspects and that it reflected a basic consensus among Member States regarding all peacekeeping concepts and policies. The representative of South Africa urged all Member States to work in unison to ensure that the Special Committee continued to discharge its mandate and provide support to the work of the Council. The representative of the Russian Federation noted that the effectiveness of United Nations peacekeeping hinged on respect for the division of labour within the Organization, where the Special Committee played the key role of defining shared approaches to peacekeeping and establishing relevant instructions for the Secretariat; the Fifth Committee discussed logistical, budgetary and staffing issues; and the Council subsequently took those discussions into account to make informed decisions in designing the individual mandates of peacekeeping operations.

⁵⁸ See [S/PV.8612](#).

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

There were no special sessions of the General Assembly convoked by the Secretary-General at the request of the Council pursuant to Article 20 of the Charter. Nonetheless, in connection with the reconvening in June 2018 of the tenth emergency special session of the Assembly,⁵⁹ at a meeting of the Council on 23 May 2019⁶⁰ on protection of civilians in armed conflict, the representative of the League of Arab States regretted that the Council had neither discussed nor sought to agree on a mechanism for the protection of the Palestinian people under occupation further to the report of the Secretary-General submitted to the Assembly and the Council pursuant to resolution [ES-10/20](#).

A number of resolutions and presidential statements adopted by the Council during 2019 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. With regard to the environmental footprint of large United Nations peacekeeping operations, the Council continued to request the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, the United Nations Multidimensional Integrated Stabilization Mission in Mali and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo to consider the environmental impact of their operations when fulfilling their mandated tasks and to manage them as appropriate and in accordance with applicable and relevant Assembly resolutions and United Nations rules and regulations.⁶¹

On the situation concerning Haiti, the Council recalled General Assembly resolution [71/161](#) on the new United Nations approach to cholera in Haiti and noted the continued progress in reductions of suspected cases of cholera, while also reaffirming the importance of the continued work by the Government of Haiti,

⁵⁹ See [A/ES-10/PV.38](#). For more information, see *Repertoire, Supplement 2018*, part IV, sect. I.H.

⁶⁰ See [S/PV.8534](#).

⁶¹ See resolution [2499 \(2019\)](#), para. 42, in relation to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic; resolution [2480 \(2019\)](#), para. 61, in relation to the United Nations Multidimensional Integrated Stabilization Mission in Mali; and resolution [2463 \(2019\)](#), para. 42, in relation to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo.

non-governmental organizations and the United Nations with the support of the international community to eradicate cholera in Haiti.⁶² Regarding

⁶² Resolution 2466 (2019), tenth preambular paragraph.

the protection of civilians in armed conflict, the Council recalled Assembly resolution 73/178 on missing persons.⁶³

⁶³ Resolution 2474 (2019), seventh preambular paragraph.

II. Relations with the Economic and Social Council

Article 65

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

Note

Section II concerns the relationship between the Security Council and the Economic and Social Council, with a particular focus on the practice of the Security Council in relation to Article 65 of the Charter. It covers the 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 October 2019. 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. Communications of the Security Council did not include any references to its relations with the Economic and Social Council; nonetheless, in identical letters dated 23 January 2019 from the President of the Economic and Social Council and the Chair of the Peacebuilding Commission addressed to the President of the General Assembly and the President of the Security Council,⁶⁴ the President of the Economic and Social Council transmitted a summary of a joint meeting of the Economic and Social Council and the Peacebuilding Commission on the linkages between climate change and challenges to peacebuilding and sustaining peace in the Sahel, held on 13 November 2018. The summary indicated that the event built on, inter alia, relevant meetings of the Security Council.

Discussions concerning relations with the Economic and Social Council

During the period under review, there were several references to the relations between the Security

⁶⁴ See [A/73/39-S/2019/73](#).

Council and the Economic and Social Council in the deliberations of the Security Council, including one explicit reference to Article 65. The key discussions in this regard took place in the context of a thematic debate under the item entitled “Maintenance of international peace and security” as well as during the annual open debate on the Security Council’s working methods as featured in cases 3 and 4, respectively.

In addition, at meetings held under the item entitled “The situation concerning Haiti”, some speakers, when discussing the transition of the United Nations presence in Haiti from a peacekeeping mission to a special political mission, underscored that the Economic and Social Council and its Ad Hoc Advisory Group on Haiti should play an important role in that process.⁶⁵ For the first time since 2009,⁶⁶ the President of the Economic and Social Council participated in a meeting of the Council held under the item entitled “The situation concerning Haiti”, on 15 October 2019.⁶⁷ In her statement, the President of the Economic and Social Council explicitly invoked Article 65 of the Charter when recalling that the situation of Haiti had been on the agenda of the Economic and Social Council since 1999, primarily through the work of its Ad Hoc Advisory Group on Haiti, which had been set up in response to a Security Council request to the Economic and Social Council, under Article 65, to provide recommendations on the long-term development of Haiti. She specified that the work of the Ad Hoc Advisory Group on Haiti had included interactions between its Chair and the Security Council. She further noted that the Chair of the Ad Hoc Advisory Group had informally briefed the members of the Security Council on the Ad Hoc Advisory Group’s findings and recommendations following a visit to Washington, D.C., and Haiti in early 2019. She also stressed the need for continued collaboration between the Economic and Social Council and the Security Council and called for breaking down the traditional silos between the peace and development pillars of the

⁶⁵ See [S/PV.8502](#) (Peru and Argentina); and [S/PV.8559](#) (Peru and Haiti).

⁶⁶ See [S/PV.6101](#).

⁶⁷ See [S/PV.8641](#).

United Nations in order to deliver more coherent and effective efforts and to address the interconnected challenges facing Haiti. At the same meeting, the Minister for Foreign Affairs of Peru stressed the need for close cooperation between the United Nations Integrated Office in Haiti (BINUH) and other entities of the system, in particular the Ad Hoc Advisory Group on Haiti of the Economic and Social Council. The representative of France indicated that in carrying out its work, BINUH would take into account the lessons learned by the United Nations from its presence on the ground in Haiti for more than 25 years, especially through the Ad Hoc Advisory Group on Haiti. The representative of Haiti commended the exceptional work done by the Ad Hoc Advisory Group and expressed hope that BINUH would collaborate closely with it.

Case 3 Maintenance of international peace and security

At its 8451st meeting, held on 25 January 2019, the Council held a high-level open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Addressing the impacts of climate-related disasters on international peace and security”,⁶⁸ organized by the Dominican Republic, which held the presidency for the month.⁶⁹ During the meeting, the representative of Peru, echoed by the representative of Kazakhstan, underscored the importance of the development of synergies among the Council, the General Assembly and the Economic and Social Council, as well as with the competent bodies and agencies of the United Nations system, with a view to having early warning systems for climate-related risks and other multidimensional threats.⁷⁰ The representative of the Republic of Korea, defining climate change as “the fundamental cross-cutting issue of our time”, called for a comprehensive response from the United Nations system as a whole with deepened collaboration and coordination in responding to the multifaceted security aspects of climate change. He mentioned, as an example of a meaningful effort in that regard, the joint meeting of the Peacebuilding Commission and the Economic and Social Council held on 13 November 2018 concerning the impact of climate change on the security and humanitarian situation in the Sahel region.

⁶⁸ See [S/PV.8451](#).

⁶⁹ The Council had before it a concept note annexed to a letter dated 2 January 2019 from the representative of the Dominican Republic to the Secretary-General ([S/2019/1](#)).

⁷⁰ [S/PV.8451](#).

The representative of Liechtenstein indicated that, although there were other United Nations organs with the competence to address climate change, including the Economic and Social Council and the General Assembly, it was essential that the Council address the international and transnational threat posed by climate change to peace and security. The representative of Algeria also underlined that it was not illegitimate to think that the Council had a role, a mission and a responsibility in addressing the impacts of climate-related disasters on international peace and security which had yet to be defined. He also recalled that, in its presidential statement of 20 July 2011,⁷¹ the Council had recognized the responsibilities and mandates of the Assembly and the Economic and Social Council in regard to sustainable development issues, including climate change. On the other hand, the representative of the Islamic Republic of Iran noted that climate change should be addressed in other forums, including the United Nations Framework Convention on Climate Change, the Assembly and the Economic and Social Council, but not the Security Council.⁷² He added that there was no consensus among Council members or the wider membership on whether the issue fell within the Council’s purview, and indicated that many countries considered the Council’s consideration of climate change as an encroachment upon the powers and functions of other United Nations organs. The representative of Uruguay, while acknowledging the open debate’s contribution to the discussion of “a priority topic for the future of life on our planet”, warned against linking climate change to security issues and called for the discussion of specific related topics to be restricted to the “corresponding decision areas”, including the Assembly and the Economic and Social Council.

Case 4 Implementation of the note by the President of the Security Council (S/2017/507)

At its 8539th meeting, held on 6 June 2019 under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”,⁷³ the Council held its annual open debate on working methods under the presidency of Kuwait.⁷⁴ During the meeting, the Council discussed, inter alia, its relationship with the Economic and Social Council.⁷⁵

⁷¹ [S/PRST/2011/15](#).

⁷² See [S/PV.8451](#).

⁷³ See [S/PV.8539](#).

⁷⁴ The Council had before it a concept note annexed to a letter dated 29 May 2019 from the representative of Kuwait to the Secretary-General ([S/2019/450](#)).

⁷⁵ See [S/PV.8539](#).

In that regard, the representative of the Russian Federation indicated that his country was very cautious in the consideration of thematic subjects in the Council not to violate the established division of labour vis-à-vis the General Assembly, the Economic and Social Council and other bodies of the Organization, and in order to avoid distracting the Council from its work and priority tasks. The representative of China underscored his country's support to enhance the interaction between the Assembly, the Economic and Social Council and other bodies to make the work of the Security Council more transparent, and recalled that during its presidency of the Security Council in November 2018, China had made a point of improving

its interaction with the Presidents of the Assembly and of the Economic and Social Council. The representative of Turkey called on Council members to bear in mind in their efforts that the Council was the main organ for the maintenance of peace and security but not the only one, and called on them to ensure better coordination with the Assembly, the Economic and Social Council and the Secretariat, as well as with the Peacebuilding Commission. The representative of Bahrain similarly indicated that increased coordination, cooperation and interaction among the main organs of the United Nations, in particular the Security Council, the Assembly, the Economic and Social Council and the Secretariat, was extremely important.

III. Relations with the International Court of Justice

Article 94

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

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

Article 96

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

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

Note

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

International Court of Justice, notice of any provisional measures to be taken to preserve the rights of parties may be given by the Court to the parties and to the Council.

During the period under review, the Council did not discuss its relations with the International Court of Justice during its deliberations, nor did it make recommendations or decide on measures with regard to the judgments rendered by the Court or request the Court to give an advisory opinion on any legal question. In line with the practice of the Council, the President of the International Court of Justice was invited to participate in one private meeting of the Council, on 31 October 2019, under the item entitled "Briefing by the President of the International Court of Justice".⁷⁶ During the review period, no explicit references to Articles 94 or 96 of the Charter were made in decisions of the Council. The paragraph below covers communications concerning relations with the International Court of Justice.

Communications concerning relations with the International Court of Justice

During the period under review, the 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

⁷⁶ See [S/PV.8653](#).

two countries.⁷⁷ In addition, in a letter dated 10 April 2019 from the Chargé d'affaires a.i. of the Permanent Mission of Tunisia to the United Nations addressed to the President of the Security Council,⁷⁸ the Chargé d'affaires a.i. of the Permanent Mission of Tunisia transmitted a letter from the Permanent Observer Mission of the League of Arab States concerning the decision of the President of the United States to recognize the sovereignty of Israel over the "occupied Syrian Golan". In the "Statement on Golan"

⁷⁷ See the following exchange of letters: [S/2019/1012](#) and [S/2019/1013](#). See also the following reports: [S/2019/549](#) and [S/2019/1005](#).

⁷⁸ [S/2019/306](#).

transmitted therein,⁷⁹ issued at the thirtieth ordinary session of the Council of the League of Arab States on 31 March 2019, the leaders of the Arab States rejected the decision of the President of the United States and instructed the ministers for foreign affairs of Member States to intensify bilateral and multilateral contacts with the international community, "including by having the Arab representative in the Security Council (the State of Kuwait) put a draft resolution before the Council and by seeking an opinion from the International Court of Justice regarding the illegality and invalidity of the American decision".

⁷⁹ *Ibid.*, annex.