

Part IV

Relations with other United Nations organs

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Introductory note

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

During the period under review, the Security Council and the General Assembly, in parallel and within the limitations imposed by the Charter, dealt with the situation of human rights in the Democratic People's Republic of Korea and in the Syrian Arab Republic. Both organs also deliberated on the process of selection and appointment of the next Secretary-General. As in previous periods, they elected new members of the International Court of Justice consistent with the applicable provisions of the Statute of the Court, the provisional rules of procedure of the Council and the rules of procedure of the General Assembly. The Council also extended the terms of the judges of the International Tribunals for the Former Yugoslavia and Rwanda.

During the biennium, the Security Council was briefed by the President of the General Assembly and the Vice-President of the Economic and Social Council. The Security Council, however, did not address any requests for information or assistance to the Economic and Social Council. It did not make recommendations or decide on measures with regard to the judgments rendered by the International Court of Justice nor did it request the Court to give an advisory opinion on any legal question.

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

I. Relations with the General Assembly

Note

Section I focuses on various aspects of the relationship between the Security Council and the General Assembly in accordance with Articles 4-6, 10-12, 15 (1), 20, 23, 24 (3), 93, 94, 96 and 97 of the Charter, rules 40,² 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.

This section is divided into eight subsections. Subsection A deals with the election by the General Assembly of the non-permanent members of the Council, in accordance with Article 23 of the Charter. Subsections B and C concern the functions and powers of the General Assembly vis-à-vis Articles 10 to 12, with a particular focus on the practice and authority of the General Assembly to make recommendations to the Security Council. Subsection D covers instances in which a decision by the Council must be taken prior to that of the General Assembly under Articles 4 to 6, 93 and 97, such as the admission of new Members or the appointment of judges of the International Tribunals. Subsection E examines the practices for the election of members of the International Court of Justice, requiring concurrent action by the Council and the General Assembly. Subsection F covers the annual and special reports of the Council to the General Assembly, in accordance with Articles 15 and 24 (3) of the Charter. Subsection G concerns Council relations with the subsidiary organs established by the General Assembly which played a part in the work of the Council during the years 2014 and 2015. Subsection H features other Council practice bearing on relations with the General Assembly.

² 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 sixty-ninth and seventieth regular sessions, the General Assembly elected five non-permanent members to the Security Council in accordance with Article 23 of the Charter to replace those whose terms of office were to expire on 31 December 2014 and 31 December 2015 (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>
2015–2016	69/402	25th 16 October 2014	Angola, Malaysia, New Zealand, Spain, Venezuela (Bolivarian Republic of)
2016–2017	70/403	33rd 15 October 2015	Egypt, Japan, Senegal, Ukraine, Uruguay

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

Article 10

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

Article 11

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

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

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

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

During the period under review, the General Assembly addressed recommendations to the Security Council, in accordance with its powers under Articles 10 and 11 (1) of the Charter, concerning the following items: (a) the situation of human rights in the Democratic People's Republic of Korea, (b) the situation of human rights in the Syrian Arab Republic, and (c) the protection of human rights and fundamental freedoms while countering terrorism. The relevant provisions of the resolutions of the General Assembly are reproduced in table 2.

During the period under review, Article 10 was not explicitly invoked in the deliberations of the Council. By contrast, Article 11 (2) of the Charter was explicitly referred to in relation to the working methods of the Council,³ but that reference did not give rise to a constitutional discussion. The General Assembly did not make any recommendation to the Council under Article 11 (2) with regard to specific questions relating to the maintenance of international peace and security, nor did it request action from the Council. Moreover, the General Assembly did not draw the attention of the Security Council to any situations under Article 11 (3) of the Charter.⁴

³ [S/PV.7539](#) (Resumption 1), p. 6 (Indonesia); and p. 24 (Algeria).

⁴ For information on other referrals to the Security Council, see part VI, sect. I, "Referral of disputes or situations to the Security Council".

Table 2

Recommendations to the Security Council in resolutions of the General Assembly

General Assembly resolution and date

Provisions

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

[69/188](#)

18 December 2014

Decides to submit the report of the commission of inquiry^a to the Security Council, and encourages the Council to consider the relevant conclusions and recommendations of the commission 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 the scope for effective targeted sanctions against those who appear to be most responsible for acts that the commission has said may constitute crimes against humanity (para. 8)

Situation of human rights in the Syrian Arab Republic

69/189

18 December 2014

Recalls the statement made by the Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic on 16 September 2014 that the Syrian authorities remain responsible for the majority of the civilian casualties, killing and maiming scores of civilians daily, and decides to transmit the reports of the Commission of Inquiry to the Security Council (para. 8)

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, national or international, criminal justice mechanisms in accordance with the principle of complementarity, and stresses the need to pursue practical steps towards this goal, and for this 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. 22)

Protection of human rights and fundamental freedoms while countering terrorism

70/148

17 December 2015

Welcomes the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its respective bodies, namely, the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate, with the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and the Counter-Terrorism Committee to strengthen the links, cooperation and dialogue with relevant human rights bodies, in particular with the Office of the High Commissioner, the Special Rapporteur, other relevant special procedures and mechanisms of the Human Rights Council and relevant treaty bodies, giving due regard to the promotion and protection of human rights and the rule of law in their ongoing work relating to counter-terrorism (para. 21)

^a The report of the Human Rights Council commission of inquiry on human rights in the Democratic People's Republic of Korea (A/HRC/25/63) was transmitted to the Security Council by a letter dated 14 April 2014 from the representatives of Australia, France and the United States of America addressed to the President of the Security Council (S/2014/276).

C. Practice in relation to Article 12 of the Charter

Article 12

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

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

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

During the period under review, no reference was made to Article 12 (1), nor did the Council request the General Assembly to make a recommendation with regard to any dispute or situation.

Article 12 (2) requires the Secretary-General to notify the General Assembly of the matters relating to the maintenance of international peace and security which are being dealt with by the Security Council or with which the Council has ceased to deal. During the period under review, in accordance with those provisions, the Secretary-General continued to notify the General Assembly of the matters relating to the maintenance of international peace and security which were being dealt with by the Council or with which the

Council had ceased to deal.⁵ The notifications were based on the summary statements of matters of which the Council was seized and the stage reached in their consideration, which were circulated each week to the members of the Security Council in accordance with rule 11 of the provisional rules of procedure of the Council.⁶ The consent of the Council, required by Article 12 (2), was obtained through the circulation of the draft notifications to the members of the Council. Following receipt of the notifications, the General Assembly, at each session, formally took note of them.⁷

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 Security Council and the General Assembly in relation to a number of matters, but it 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)).⁸ Under

⁵ A/69/300 and A/70/300.

⁶ For more information, see part II, sect. II.B, "Matters of which the Security Council is seized (rules 10 and 11)".

⁷ General Assembly decisions 69/511 and 70/511.

⁸ The Statute of the International Court of Justice provides for the Security Council to make recommendations to the General Assembly regarding the conditions under which a State which is a party to the Statute but is not a member of the United Nations may participate in electing members of the Court, and in making amendments to the Statute (Articles 4 (3) and 69 of the Statute).

the statutes of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda⁹ the Security Council submits a list of candidates to the General Assembly from which the Assembly elects the judges of the Tribunals.¹⁰ Similarly, the statute of the International Residual Mechanism for Criminal Tribunals provides that the judges of the Mechanism shall be elected by the General Assembly from a list submitted by the Security Council.¹¹

During the period under review, no questions arose concerning the conditions of accession to the Statute of the International Court of Justice. With regard to the two Tribunals, the Council took decisions on matters relating to the terms of office of permanent and ad litem judges (see table 3). There was no action regarding the election of judges of the Mechanism. Although a reference was made to Article 4, there was no activity with regard to the admission of new Members. There was however a great deal of discussion with regard to the procedure for the appointment of the Secretary-General, described below.

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

In 2014 and 2015 the Council did not discuss the admission, suspension or expulsion of any Member State, but an explicit reference to Article 4 of the Charter was made at the 7430th meeting, held under the item entitled “The situation in the Middle East, including the Palestinian question”, by the representative of the Bolivarian Republic of Venezuela, who called upon the Council to assume its responsibilities and adopt a resolution recognizing Palestine as a State and a full Member of the United

Nations.¹² During the period under review, there were no references to Article 6.

Deliberations on the procedure for the appointment of the Secretary-General

During the reporting period, the procedure for the selection and appointment of the Secretary-General was extensively discussed by the Council during open debates under the items entitled “Maintenance of international peace and security” and “Implementation of the note by the President of the Security Council (S/2010/507)”. At those meetings, speakers made explicit reference to Article 97 in discussing the procedure for the appointment of the Secretary-General (see case 1). Speakers supported enhanced cooperation between the General Assembly and the Security Council as well as a more inclusive and transparent process (see case 2).

Case 1 Maintenance of international peace and security

At the 7479th meeting, held on 30 June 2015 on the maintenance of international peace and security, the representatives of Spain and the Russian Federation made explicit reference to Article 97 of the Charter in connection with the selection process for the new Secretary-General. The representative of Spain stressed that transparency should be a “central principle, pursuant to Article 97 of the Charter”,¹³ and the representative of the Russian Federation noted that the existing procedure was “working fine” and discouraged any attempt to “rewrite” Article 97.¹⁴ The representative of the United Kingdom advocated a more “transparent, structured and inclusive selection process for the next Secretary-General”. While emphasizing the leading role of the Security Council in the process pursuant to the Charter, he said that the members should also think about how to give all Member States and civil society an opportunity to assess the candidates’ credentials.¹⁵ The representative of the Bolivarian Republic of Venezuela also emphasized the need for transparency and inclusiveness and said that the official presentation of candidacies for the post of Secretary-General should be done far enough in advance to ensure better interaction between the Security Council and the General Assembly.¹⁶

⁹ The full titles of the two Tribunals are: International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994.

¹⁰ The procedure for the election of judges of the two Tribunals is set out in article 13 (2), (3) and (4) of the statute of the International Tribunal for the Former Yugoslavia and article 12 (2), (3), (4) and (5) of the statute of the International Criminal Tribunal for Rwanda.

¹¹ See article 10 of the statute attached as annex 1 to resolution 1966 (2010).

¹² S/PV.7430, p. 20.

¹³ S/PV.7479, p. 8.

¹⁴ Ibid., p. 17.

¹⁵ Ibid., p. 4.

¹⁶ Ibid., p. 15.

Case 2**Implementation of the note by the President of the Security Council (S/2010/507)**

On 11 September 2015, the General Assembly, in its resolution [69/321](#) on the revitalization of the General Assembly, requested the Presidents of the Security Council and the General Assembly, through a joint letter addressed to all Member States, to start the process of soliciting candidates for the position of Secretary-General, reiterated that the process should be conducted in accordance with Article 97 of the Charter and emphasized that it should be guided by the principles of transparency and inclusiveness.

At the 7539th meeting of the Council, held on 20 October 2015 in connection with the item entitled “Implementation of the note by the President of the Security Council (S/2010/507)”, speakers addressed the question of the procedure for the appointment of the Secretary-General. Many speakers supported greater cooperation between the General Assembly and the Security Council in relation to the selection of the future Secretary-General as well as a more transparent process.¹⁷ The President of the General Assembly reaffirmed that resolution [69/321](#) provided “clear guidance” for the way forward and noted that the Presidents of the General Assembly and the Security Council would jointly circulate to all Member States, on an ongoing basis, the names of individuals that had been submitted for consideration as candidates, together with accompanying documents. He added that Member States had “requested that the General Assembly, without prejudice to the role of the principal organs as enshrined in Article 97 of the Charter, conduct informal dialogues or meetings with candidates, thus contributing to the transparency and inclusivity of the process.”¹⁸

¹⁷ Ibid., p. 15. [S/PV.7539](#), p. 9 (United States); p. 11 (United Kingdom); p. 13 (Lithuania); p. 15 (Bolivarian Republic of Venezuela); p. 16 (Nigeria); p. 18 (Russian Federation); p. 24 (Germany, on behalf of France and Germany); p. 27 (Mexico); p. 28 (Colombia, Poland); and p. 31 (Netherlands); [S/PV.7539](#) (Resumption 1), p. 2 (Thailand); p. 4 (Egypt); p. 5 (Australia); p. 8 (Holy See); p. 10 (Singapore); p. 15 (Brazil); p. 19 (Czech Republic); p. 22 (Ukraine); p. 24 (Argentina); p. 27 (Rwanda); p. 31 (Tunisia); and p. 32 (Republic of Korea).

¹⁸ [S/PV.7539](#), p. 4.

On 15 December 2015, the Presidents of the Security Council and the General Assembly addressed a joint letter to all Permanent Representatives and Permanent Observers, setting out the overall framework of the selection process and inviting presentation of candidates “who have proven leadership and managerial abilities, extensive experience in international relations and strong diplomatic, communication and multilingual skills”. Invoking the need to guarantee equal opportunities for women and men in gaining access to senior decision-making positions, the two Presidents encouraged Member States to consider presenting women, as well as men, as candidates for the position of Secretary-General, and noted the “regional diversity in the selection of previous Secretaries-General”.¹⁹

Extension of the terms of judges of the International Tribunals for the Former Yugoslavia and Rwanda

During the period under review, in response to requests made by the two Tribunals or the Secretary-General, the Security Council adopted three resolutions under Chapter VII of the Charter concerning the extension of the terms of judges as well as some other aspects of the management of the two Tribunals. With regard to the International Tribunal for the Former Yugoslavia, the Council decided to extend the term of office of permanent and ad litem judges, and twice reappointed the Prosecutor. Concerning the International Criminal Tribunal for Rwanda, the Council decided to extend the term of permanent and ad litem judges as well as the term of the Prosecutor until 31 December 2015, the date of the definitive closure of the Tribunal. The Council transmitted the text of all three resolutions to the General Assembly and the Assembly decided, in turn, to endorse those decisions of the Council (see table 3).²⁰

¹⁹ See [A/70/623-S/2015/988](#).

²⁰ For information on the mandates of the two Tribunals, see part IX, sect. IV, “Tribunals”.

Table 3

Action taken by the Security Council and the General Assembly concerning judges of the International Tribunals for the Former Yugoslavia and Rwanda

<i>Letter from the Secretary-General</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 Tribunal for the Former Yugoslavia			
S/2014/780 , transmitting request for the extension of the term of office until the date specified or until the completion of the cases to which they are or will be assigned, if sooner, of six permanent judges (until 31 December 2015); eight permanent judges (until 31 July 2017); and three ad litem judges (until 31 December 2015)	2193 (2014) 18 December 2014	A/69/678	69/416 23 December 2014
S/2014/781 , requesting reappointment of the Prosecutor of the Tribunal and extension of the appointment for a term from 1 January 2015 until 31 July 2017 or until the completion of the work of the Tribunal	2193 (2014) 18 December 2014	A/69/678	69/416 23 December 2014
S/2014/865 , transmitting an amendment to the previous request (S/2014/780), by which the term of one permanent judge would be extended only until 31 July 2015 (instead of 31 July 2017) or until the completion of the cases to which he is assigned, if earlier	2193 (2014) 18 December 2014	A/69/678	69/416 23 December 2014
S/2015/825 , transmitting request for the extension of the term of office until the date specified or until the completion of the cases to which they are or will be assigned, if sooner, of 14 permanent judges (4 until 31 March, one until 30 June and 2 until 31 October 2016 and 7 until 30 November 2017) and 3 ad litem judges (2 until 31 March and one until 31 October 2016)	2256 (2015) 22 December 2015	A/70/661	70/227 23 December 2015
S/2015/969 , requesting the reappointment of the Prosecutor of the Tribunal, whose term would end on 31 December 2015	2256 (2015) 22 December 2015	A/70/661	70/227 23 December 2015
International Tribunal for Rwanda			
S/2014/778 , requesting reappointment of the Prosecutor of the Tribunal and extension of the appointment from 1 January to 31 December 2015 or until the completion of the work of the Tribunal	2194 (2014) 18 December 2014	A/69/679	69/415 23 December 2014
S/2014/779 , transmitting request for the extension of the term of office of six permanent judges of the Appeals Chamber, four until 31 December 2015 and two until 31 July 2015, or until completion of the cases to which they are or will be assigned, if sooner; and one ad litem judge of the Trial Chamber and President of the Tribunal until 31 December 2015 or until the closure of the Tribunal, if sooner	2194 (2014) 18 December 2014	A/69/679	69/415 23 December 2014

E. Election of members of the International Court of Justice

Rule 40

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

Rule 61

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

The election of members of the International Court of Justice requires action by the Security Council and the General Assembly, the two organs proceeding independently of one another. The procedure for the election is set out in rules 40²¹ and 61 of the provisional rules of procedure of the Security Council, Articles 4, 8, 10 to 12, 14 and 15 of the Statute of the International Court of Justice;²² and rules 150 and 151 of the rules of procedure of the General Assembly.²³

During the period under review, the Council held an election to fill the seats of the five members of the International Court of Justice whose terms of office expired on 5 February 2015 (see case 3).²⁴ In accordance with Article 5, paragraph 1, of the Statute of the Court, national groups were invited to submit

nominations to the Secretary-General no later than 30 June 2014. Nine candidates were nominated by national groups.²⁵

Case 3

Election of five members of the International Court of Justice

At its 7297th meeting, on 6 November 2014, the Council proceeded with the election of five members of the International Court of Justice to fill the five seats that would become vacant on 5 February 2015 on the expiry of the terms of office of the incumbents. Prior to the first round of balloting, Mauritania decided to withdraw the nomination of its candidate. On the first ballot, as more than five candidates obtained an absolute majority of the votes (eight votes), the Council proceeded to a second ballot including all candidates, in accordance with established practice. The second and third ballots also resulted in more than five candidates obtaining an absolute majority, and a fourth ballot was necessary. On the fourth ballot, five candidates obtained the required majority of votes. The President of the Council communicated the result of the vote to the President of the General Assembly in writing. Subsequently, he informed Council members that he had received a letter from the President of the General Assembly informing him that five candidates had obtained an absolute majority of votes in the General Assembly at the 39th plenary meeting of its sixty-ninth session, being held concurrently with the meeting of the Council. Four of them were candidates that had obtained the required majority of votes in the Council. Having received the required absolute majority of votes in the two bodies, the four candidates from Australia, Morocco, the Russian Federation and the United States were elected as members of the Court for a nine-year term of office beginning on 6 February 2015.²⁶

In accordance with Article 11 of the Statute of the Court, the Council proceeded to conduct seven additional ballots, at the 7298th, 7299th, 7300th, 7301st, 7302nd, 7303rd and 7304th meetings, all held on 7 November 2014, to fill the remaining vacancy. No candidate obtained the required absolute majority of votes in either the General Assembly or the Security Council. Prior to the eleventh ballot, and given that two candidates from the Latin American and Caribbean region remained, the representative of Argentina, in a letter dated 11 November 2014, communicated her

²¹ Rule 40 of the provisional rules of procedure is also covered in part II, sect. VIII, "Decision-making and voting".

²² Articles 4, 10 to 12, 14 and 15 of the Statute of the International Court of Justice establish the procedure for (a) the nomination of the judges by the national groups in the Permanent Court of Arbitration, (b) the majority necessary for the election of judges, (c) the number of meetings to be held for the purpose of the election of judges, (d) the holding of a joint conference in the event of more than three meetings of the Security Council and the General Assembly, (e) the procedure for the filling of vacancies and (f) the term of office applied to judges elected to fill a vacancy. Article 8 provides that the two organs shall proceed independently.

²³ 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.

²⁴ See [S/2014/520](#) and [S/2014/522](#).

²⁵ See [S/2014/521](#).

²⁶ See General Assembly decision 69/406 and the decision of the Security Council (*Resolutions and Decisions of the Security Council, 1 August 2014–31 July 2015*).

country's decision to withdraw the nomination of the Argentinian candidate.²⁷ At the 7313th meeting, and at the 53rd plenary meeting of the General Assembly, on 17 November 2014, the candidate from Jamaica obtained the required absolute majority of votes in both bodies, and was therefore elected as a member of the Court for a nine-year term of office beginning on 6 February 2015.²⁶

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 2014 and 2015, the Council maintained its practice of submitting annual reports to the General Assembly pursuant to Article 24 (3) of the Charter. No special reports were submitted to the General Assembly during the period.

Two annual reports were submitted to the General Assembly, covering the periods from 1 August 2013 to 31 July 2014 and from 1 August 2014 to 31 July 2015.²⁸ The introduction to the annual report was prepared under the leadership and responsibility of the President of the Council for the month of July in accordance with the note by the President of 26 July 2010: Rwanda in July 2014 and New Zealand in July 2015.²⁹

The Council considered and adopted without a vote the draft annual reports at its 7283rd and 7538th

meetings, on 22 October 2014 and 20 October 2015, respectively.³⁰ At the 7283rd meeting, the representative of Rwanda provided statistics of the Council's work over the period covered by the annual report as well as a detailed account of the situations dealt with by the Council.³¹ At the 7538th meeting, the representative of New Zealand noted that a "revised approach" had been taken to the preparation of the report, as requested by Council members, in particular by "providing an introduction that is half the length of the introductions in recent years". The introduction aimed to provide an accessible summary of the Council's activities. The representative of New Zealand acknowledged those Member States that had called for "transparency in the work of the Council" and had expressed interest in increasing the quality of the dialogue with the General Assembly, including through improvements in the introduction to the report.³²

The General Assembly considered the annual reports at plenary meetings of its sixty-ninth and seventieth sessions, under the item entitled "Report of the Security Council", on 21 November 2014 and 12 November 2015, respectively.³³

During the period under review, one communication contained an explicit reference to Article 24 (3) of the Charter, stressing that the Security Council should be accountable to the General Assembly.³⁴ At its 7285th meeting, the Council considered ways to improve its annual report (see case 4).

Case 4

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

At its 7285th meeting, held on 23 October 2014 under the item entitled "Implementation of the note by the President of the Security Council (S/2010/507)", the Council held deliberations on improving the annual report of the Council. Among the speakers, the representatives of Algeria, Guatemala and Kazakhstan expressed the need for a more informative and analytical annual report on situations being considered by the Council, and the representative of Lithuania called for updating the structure of the annual report as well as increasing its analytical and thought-provoking aspects.³⁵ The representative of India referred to the

²⁷ S/2014/808.

²⁸ A/69/2 (1 August 2013 to 31 July 2014) and A/70/2 (1 August 2014 to 31 July 2015).

²⁹ S/2010/507, paras. 70-75.

³⁰ See S/2014/750 and S/2015/771.

³¹ S/PV.7283, pp. 2-3.

³² S/PV.7538, p. 2.

³³ See A/69/PV.58 and A/70/PV.51.

³⁴ S/2014/573, annex I, para. 79.

³⁵ S/PV.7285, p. 17 (Lithuania); S/PV.7285 (Resumption 1), p. 4 (Guatemala); p. 13 (Kazakhstan); and p. 34 (Algeria).

“highly unsatisfactory” nature of the annual report, and said it had no transparency or detail regarding the way in which the Council actually works.³⁶ The representative of the Islamic Republic of Iran, on behalf of the Non-Aligned Movement, noted that “transparency, openness and consistency” were key elements that the Security Council should observe in all its activities. He made reference to instances in which the Council had “neglected those”, including in the submission of annual reports which he considered still lacked “sufficient information and analytical content”.³⁷

G. Relations with subsidiary organs established by the General Assembly

During the two years under review, 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 seven meetings concerning the situation in the Middle East, including the Palestinian question.³⁸ On the occasion of the International Day of Solidarity with the Palestinian People, the President of

the Security Council participated in two meetings of the Committee.³⁹

Several decisions adopted by the Security Council contained references to the Human Rights Council and the Special Committee on Peacekeeping Operations. In those decisions, the Council expressed support for compliance with international humanitarian and human rights law. It also called on the United Nations Operation in Côte d’Ivoire to contribute to the promotion and protection of human rights in Côte d’Ivoire in close coordination with the Independent Expert established pursuant to Human Rights Council resolution 17/21. The Council further welcomed the ongoing interaction of Morocco with the special procedures of the Human Rights Council. Concerning the situation in the Central African Republic, the Council welcomed the holding of a special session of the Human Rights Council and took note with appreciation of the appointment of the Independent Expert on the situation of human rights in the country.

Table 4 contains all provisions of decisions in which the Security Council made explicit reference to the above-mentioned subsidiary organs of the General Assembly. 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.

³⁶ S/PV.7285 (Resumption 1), p. 30.

³⁷ Ibid., p. 20 (Islamic Republic of Iran).

³⁸ See S/PV.7096 (Resumption 1), p. 33; S/PV.7164, p. 55; S/PV.7222, p. 38; S/PV.7281, p. 48; S/PV.7360, p. 50; S/PV.7430, p. 46; and S/PV.7540 (Resumption 1), p. 14.

³⁹ 367th and 374th meetings, held on 24 November 2014 and 23 November 2015, respectively (see A/AC.183/PV.367 and A/AC.183/PV.374).

Table 4
Security Council decisions containing references to subsidiary organs of the General Assembly

Decision and date	Provision
Human Rights Council	
The situation in the Central African Republic	
Resolution 2134 (2014) 28 January 2014	<p><i>Welcoming</i> the holding of a special session of the Human Rights Council, and taking note with appreciation of the appointment of the Independent Expert on the situation of human rights in the Central African Republic (twentieth preambular paragraph)</p> <p><i>Welcomes</i> the appointment of the International Commission of Inquiry on 22 January 2014, in order to immediately investigate reports of violations of international humanitarian law and international human rights law and abuses of human rights in the Central African Republic by all parties since 1 January 2013, calls upon all parties to cooperate fully with the Commission, and encourages the United Nations Integrated Peacebuilding Office in the Central African Republic to cooperate, as appropriate, with the Independent Expert of the Human Rights Council and the International Commission of Inquiry (para. 19)</p>

The situation in Côte d'Ivoire

Resolution [2162 \(2014\)](#)
25 June 2014

Decides that the mandate of the United Nations Operation in Côte d'Ivoire shall be the following:

...

(g) *Support for compliance with international humanitarian and human rights law*

To contribute to the promotion and protection of human rights in Côte d'Ivoire, with special attention to grave violations and abuses committed against children and women, notably sexual and gender-based violence, in close coordination with the Independent Expert established pursuant to Human Rights Council resolution 17/21 (para. 19)

Resolution [2226 \(2015\)](#)
25 June 2015

Decides that the mandate of UNOCI shall be the following:

...

(g) *Support for compliance with international humanitarian and human rights law*

...

To contribute to the promotion and protection of human rights in Côte d'Ivoire, with special attention to grave violations and abuses committed against children and women, notably sexual and gender-based violence, in close coordination with the Independent Expert established pursuant to Human Rights Council resolution 17/21 (para. 19)

The situation in the Middle East

Resolution [2140 \(2014\)](#)
26 February 2014

Looks forward to steps by the Government of Yemen, towards the implementation of Republican Decree No. 140 of 2012, which establishes a committee to investigate allegations of violations of human rights in 2011 and which states that investigations shall be transparent and independent and adhere to international standards, in accordance with Human Rights Council resolution 19/29, and invites the Government of Yemen to provide soon a time frame for the early appointment of members of that committee (para. 6)

The situation concerning Western Sahara

Resolution [2152 \(2014\)](#)
29 April 2014

Recognizing and welcoming, in this regard, the recent steps and initiatives taken by Morocco to strengthen the National Council on Human Rights regional commissions operating in Dakhla and Laayoune, and Morocco's ongoing interaction with special procedures of the United Nations Human Rights Council, including those planned for 2014, as well as the planned visit of the Office of the United Nations High Commissioner for Human Rights in 2014 (fourteenth preambular paragraph)

Resolution [2218 \(2015\)](#)
28 April 2015

Recognizing and welcoming, in this regard, the recent steps and initiatives taken by Morocco to strengthen the National Council on Human Rights regional commissions operating in Dakhla and Laayoune, and Morocco's ongoing interaction with special procedures of the United Nations Human Rights Council, including those planned for 2015, as well as the planned visit of the Office of the United Nations High Commissioner for Human Rights in 2015 (fourteenth preambular paragraph)

Special Committee on Peacekeeping Operations

Maintenance of international peace and security: security sector reform

Resolution [2151 \(2014\)](#)
28 April 2014

... encourages Member States to continue to be engaged and to facilitate strategic discussions on strengthening the United Nations approach in this critical area, including through the Special Committee on Peacekeeping Operations of the General Assembly and the Peacebuilding Commission (para. 11)

United Nations peacekeeping operations

Resolution [2185 \(2014\)](#)
20 November 2014

Requests the Secretary-General to further promote professionalism, effectiveness and system-wide coherence in the policing-related work of the United Nations, including, in close consultation, as appropriate, with Member States and the Special Committee on Peacekeeping Operations in full respect of its vital role ... (para. 4)

The activities and the reports of the Human Rights Council were referred to in numerous Council deliberations on country- and region-specific items, in particular the situations in the Central African Republic, the Democratic People's Republic of Korea and Guinea-Bissau, and on thematic items such as "Maintenance of international peace and security", "Women and peace and security" and "Protection of civilians in armed conflict".

Key discussions on the interaction between the Security Council and the subsidiary organs established by the General Assembly with respect to their distinct functions and mandates are highlighted in case 5, in relation to the situation of human rights in the Democratic People's Republic of Korea.

Case 5**The situation in the Democratic People's Republic of Korea**

During the period under review, the Council held two meetings concerning the item entitled "The situation in the Democratic People's Republic of Korea". At the 7353rd meeting, on 22 December 2014, the representative of China stated that each organ of the United Nations had its own respective functions and mandates and that the Security Council was "not a forum designed for involvement in human rights issues".⁴⁰ Echoing this view, the representative of the Russian Federation said that human rights issues should be addressed in the Human Rights Council, "a body that was created, with the active participation of many members of the Security Council, specifically to debate such issues" and "endowed with the necessary powers and expertise to that end".⁴¹ The representative of Argentina referred to the strategic vision of "a clear delineation of tasks" among the different organs of the United Nations.⁴² The representative of the United States expressed the view that the comprehensive report issued in February 2014 by the Human Rights Council commission of inquiry on human rights in the

Democratic People's Republic of Korea⁴³ provided "a major impetus" for the Security Council to take up this issue. She expressed support for the efforts of the Office of the United Nations High Commissioner for Human Rights to continue documenting human rights violations in the Democratic People's Republic of Korea, as mandated by the Human Rights Council, as well as for the work of the Special Rapporteur, and requested both to brief the Security Council at future meetings on new developments on that issue.⁴⁴ The representative of the United Kingdom noted that both the Human Rights Council and the General Assembly "by overwhelming majorities" had encouraged the Security Council to consider the human rights situation in the Democratic People's Republic of Korea. He expressed support for the call for the Security Council to consider "appropriate action to ensure accountability", including through consideration of a referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court.⁴⁵

At the 7575th meeting, held on 10 December 2015 under the same item, the representative of Angola noted that the human rights situation in the Democratic People's Republic of Korea did not constitute a threat to regional or international peace and security, and therefore fell "outside the mandate of the Security Council".⁴⁶ Similarly, the representative of the Bolivarian Republic of Venezuela said that issues relating to human rights should be taken up by the General Assembly and by the Human Rights Council in Geneva.⁴⁷ The representative of Japan, however, said that it was essential that the Security Council remain seized of the situation in the Democratic People's Republic of Korea.⁴⁸

⁴⁰ [S/PV.7353](#), p. 2.

⁴¹ *Ibid.*, p. 19.

⁴² *Ibid.*

⁴³ [S/2014/276](#), annex.

⁴⁴ [S/PV.7353](#), pp. 9-11.

⁴⁵ *Ibid.*, p. 15.

⁴⁶ [S/PV.7575](#), p. 8.

⁴⁷ *Ibid.*, p. 11.

⁴⁸ *Ibid.*, p. 21.

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

During the period under review, the President of the General Assembly participated in the 7539th meeting of the Council, held on 20 October 2015 under the item entitled “Implementation of the note by the President of the Security Council (S/2010/507)”, and briefed the Council.⁴⁹

No special sessions of the General Assembly were convoked at the request of the Security Council pursuant to Article 20 of the Charter, or any emergency special sessions pursuant to General Assembly resolution 377 (V) of 3 November 1950.

A number of resolutions and presidential statements adopted by the Council during 2014 and 2015 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. Concerning the promotion and strengthening of the rule of law in the maintenance of international peace and security, the Council recalled the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels, held on 24 September 2012.⁵⁰ In connection with peace and security in Africa, the Council also welcomed the efforts of the United Nations Mission for Ebola Emergency Response to provide overall leadership and direction to the operational work of the United Nations system, as mandated by the General Assembly.⁵¹ During the period under review, the Council

encouraged Member States to continue to be engaged and to facilitate strategic discussions on strengthening the United Nations approach in the area of security sector reform, including through the Special Committee on Peacekeeping Operations of the General Assembly and the Peacebuilding Commission.⁵² During the deliberations in the Council, speakers brought up the roles and responsibilities of the Council vis-à-vis those of the other organs of the United Nations as established by the Charter.⁵³

⁵² Resolution 2151 (2014), para. 11.

⁵³ See, in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, S/PV.7113, p. 80 (Bangladesh); in connection with women and peace and security, S/PV.7160, pp. 11–12 (China); S/PV.7289, p. 18 (China); and S/PV.7533, p. 21 (China); in connection with the maintenance of international peace and security, S/PV.7247, p. 30 (Malaysia); S/PV.7361, pp. 12–13 (Russian Federation); p. 43 (South Africa, on behalf of the Group of 77 and China); p. 66 (Indonesia); and p. 71 (Cuba); S/PV.7389, pp. 53–54 (Kazakhstan); and S/PV.7561, p. 39 (Italy); p. 64 (Paraguay); p. 66 (Japan); and pp. 69–70 (Ukraine); in connection with briefings by the Chairmen of subsidiary bodies of the Security Council, S/PV.7184, p. 17 (Argentina); in connection with United Nations peacekeeping operations, S/PV.7196, p. 7 (Chile); and p. 26 (Russian Federation); in connection with the implementation of the note by the President of the Security Council (S/2010/507), S/PV.7285 (Resumption 1), p. 26 (Maldives); S/PV.7516, p. 15 (Spain); and S/PV.7539 (Resumption 1), p. 6 (Indonesia); p. 8 (Holy See); p. 10 (Singapore); p. 12 (Sierra Leone); p. 14 (Turkey); p. 15 (Brazil); p. 17 (Costa Rica); p. 20 (Pakistan); pp. 24–25 (Algeria); and p. 30 (Tunisia); in connection with threats to international peace and security caused by terrorist acts, S/PV.7316, p. 64 (Guatemala); and in connection with the protection of civilians in armed conflict, S/PV.7374, p. 12 (China); and p. 30 (Brazil).

⁴⁹ S/PV.7539.

⁵⁰ S/PRST/2014/5, third paragraph.

⁵¹ S/PRST/2014/24, fourth paragraph.

II. Relations with the Economic and Social Council

Article 65

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

Note

Section II concerns the relationship between the Security Council and the Economic and Social Council, with a particular focus on the practice of the Council in relation to Article 65 of the Charter. Subsection A concerns briefings by the President of the

Economic and Social Council to the Security Council. Subsections B and C cover decisions and deliberations of the Council concerning relations with the Economic and Social Council, respectively. Subsection D covers the communications addressed to the Council concerning relations with the Economic and Social Council.

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

During 2014 and 2015, the Security Council heard one briefing by the Vice-President of the Economic and Social Council, on behalf of its President, at the 7539th meeting on 20 October 2015. In addition to briefing the Council on the work of the Economic and Social Council, he said that the meeting was a welcome step in improving cooperation among Charter bodies. He noted however that, despite the clear legal basis for cooperation between the Security Council and the Economic and Social Council provided by Article 65, the use of that provision had been “very limited”.⁵⁴

B. Decisions concerning relations with the Economic and Social Council

During the period under review, the Security Council did not formally address any requests to the Economic and Social Council for information or assistance. However, the Council adopted one resolution and issued one presidential statement that made explicit references to the Economic and Social Council and Article 65 of the Charter. In the resolution, the Council emphasized the role of all relevant United Nations system entities, in particular the General Assembly, the Economic and Social Council and the Peacebuilding Commission, in supporting the national, regional and international efforts to respond to the Ebola outbreak.⁵⁵ In the presidential statement, the Council highlighted the contribution of the Economic and Social Council to addressing economic, social, cultural and humanitarian issues and underlined the importance of close cooperation in accordance with Article 65 of the Charter.⁵⁶

C. Discussion concerning relations with the Economic and Social Council

During the period under review, there were many references to the relations between the Security Council and the Economic and Social Council in the deliberations of the Security Council. Cases 6 and 7 cover key discussions in this regard.

Case 6 Maintenance of international peace and security

During deliberations under the item entitled “Maintenance of international peace and security”, several speakers highlighted the need for closer cooperation, coordination and synergy between the General Assembly, the Economic and Social Council and the Security Council, especially in reference to the rule of law, peacebuilding and development.⁵⁷

At the 7361st meeting, on 19 January 2015, the representative of Brazil and Chair of the Peacebuilding Commission emphasized the need for the Council to coordinate approaches and “work with greater synergy” with other bodies, including the Economic and Social Council, regarding development matters.⁵⁸ Similarly, in relation to issues of sustainable development or financing for development, the representative of Pakistan highlighted the need to “promote synergy” among various United Nations bodies, including the Economic and Social Council.⁵⁹ The representative of the Russian Federation noted that there was “room for close cooperation” among the Peacebuilding Commission, the Security Council, the General Assembly and the Economic and Social Council with regard to post-conflict rebuilding.⁶⁰

Case 7 Implementation of the note by the President of the Security Council (S/2010/507)

At the 7285th meeting, on 23 October 2014, under the item entitled “Implementation of the note by the President of the Security Council (S/2010/507)”, several speakers highlighted the need to coordinate the division of labour and to appreciate the roles of other United Nations organs in addressing peace and security challenges.⁶¹ The representative of China said that all United Nations bodies should fulfil their respective mandates and that, on thematic issues, the Council should “enhance its consultation and coordination with the General Assembly, the Economic and Social Council and other United Nations bodies in order to avoid duplication of effort”.⁶² The representative of Brazil said that closer cooperation was needed, “not

⁵⁴ S/PV.7539, pp. 5-6.

⁵⁵ Resolution 2177 (2014), eighteenth preambular paragraph.

⁵⁶ S/PRST/2015/3, last paragraph.

⁵⁷ S/PV.7361, p. 4 (Chair of the Peacebuilding Commission); p. 13 (Russian Federation); p. 34 (Pakistan); p. 66 (Indonesia); and p. 86 (Benin).

⁵⁸ Ibid., p. 4.

⁵⁹ Ibid., p. 34.

⁶⁰ Ibid., p. 13.

⁶¹ S/PV.7285, p. 10 (China); p. 11 (Russian Federation); and p. 28 (Saint Lucia).

⁶² Ibid., p. 10.

only with the General Assembly regarding, for instance, the issue of the Security Council's encroachment on the General Assembly's prerogatives, but also with the Economic and Social Council and the Peacebuilding Commission".⁶³

D. Communications concerning relations with the Economic and Social Council

During the period under review, several communications addressed to the Council made reference to the Economic and Social Council. Among the communications is the letter dated 1 August 2014 from the representative of the Islamic Republic of Iran, in his capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, transmitting the outcome document of the Seventeenth Ministerial Conference of the Non-Aligned Movement. At their conference, the Ministers of the Non-Aligned Movement stressed the central role of the United Nations in global governance, which could only be achieved by strictly observing the "delicate balance" between the principal organs of the United Nations, revitalizing the work of the General Assembly and the Economic and Social Council, and the reform of the Security Council.⁶⁴ The Ministers also reiterated their concern over "the continuing encroachment by the Security Council" on

the functions and powers of the General Assembly and the Economic and Social Council,⁶⁵ and committed themselves to the strengthening of the Economic and Social Council. They further reaffirmed the primary and essential role of the Economic and Social Council, along with other organs, with regard to women's development, human rights and fundamental freedoms.⁶⁶

The Chair of the Advisory Working Group of Experts on the Review of the Peacebuilding Architecture addressed identical letters dated 29 June 2015 to the President of the General Assembly and the President of the Security Council, transmitting the report of the Advisory Group. In its report, the Advisory Group expressed the view that, in the area of sustainable peace, the Security Council, the General Assembly and the Economic and Social Council must be partners, each within the particular purview conferred upon it by the Charter.⁶⁷ This was especially underlined in the case of peacebuilding in Sierra Leone, in which the involvement of the Economic and Social Council and the General Assembly could have strengthened early attention to development as part of the peacebuilding on the ground.⁶⁸

⁶³ S/PV.7285 (Resumption 1), p. 6.

⁶⁴ S/2014/573, annex I, para. 75.5.

⁶⁵ Ibid., paras. 80 and 95.

⁶⁶ Ibid., para. 706.

⁶⁷ S/2015/490, para. 66.

⁶⁸ Ibid., p. 25.

III. Relations with the International Court of Justice

Article 94

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

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

Article 96

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

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

Note

Section III concerns the relationship between the Security Council and the International Court of Justice. In accordance with Article 94 of the Charter, the Council may make recommendations or decide upon measures to be taken to give effect to the judgment rendered by the Court if a party to a case fails to perform its obligations under that judgment. Pursuant to Article 96, the Council may 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 Security Council.

During the period under review, the Council did not make recommendations or decide on measures with regard to the judgments rendered by the Court, nor did it 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 two private meetings of the Security Council, on 29 October 2014 and 4 November 2015, under the item entitled “Briefing by the President of the International Court of Justice”.⁶⁹ Elections of members of the International Court of Justice held concurrently by the Security Council and the General Assembly during the period under review are covered in section I.E above. During the period, no explicit references to Articles 94 or 96 of the Charter were made in decisions of the Security Council. The deliberations in the Council concerning its relations with the International Court of Justice are described below.

Discussion concerning relations with the International Court of Justice

During the period under review, an explicit reference to Article 94 was made by the representative of Mexico at the 7113th meeting, under the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”. The representative of Mexico stated that the permanent members of the Security Council had a “special responsibility” in the maintenance of international peace and security, and that therefore “their acceptance of the Court’s compulsory jurisdiction” would encourage other States to follow that example and to comply with the international norms of the rule of law. He noted that, in cases of

non-compliance, Article 94, paragraph 2, of the Charter set out the process to be followed.⁷⁰ No explicit references were made to Article 96 of the Charter during the reporting period. The relations between the Security Council and the International Court of Justice were also discussed during a thematic debate concerning the maintenance of international peace and security (see case 8).

Case 8 Maintenance of international peace and security

At the 7247th meeting, held on 21 August 2014 under the item entitled “Maintenance of international peace and security”, the representative of Mexico called upon all Member States “to jointly explore the possibility of empowering the Secretary-General to request advisory opinions from the International Court of Justice”, arguing that all conflicts have a legal expression or purport to be justified by a violation of an obligation under international law.⁷¹ The representative of Chile highlighted in particular the work of the International Court of Justice in resolving “international disputes” and in issuing advisory opinions on legal matters.⁷²

At the 7389th meeting, held on 23 February 2015 under the same item, several speakers noted the contribution of the International Court of Justice to the strengthening of the international rule of law, including through its advisory opinions on the peaceful settlement of disputes.⁷³

⁷⁰ [S/PV.7113](#), p. 41.

⁷¹ [S/PV.7247](#), p. 23.

⁷² *Ibid.*, p. 9.

⁷³ [S/PV.7389](#), p. 20 (United Kingdom); p. 25 (France); p. 34 (Pakistan); p. 35 (European Union); p. 40 (Mexico); p. 45 (Austria); p. 49 (Japan); p. 69 (Romania); and p. 100 (Morocco).

⁶⁹ See [S/PV.7290](#) and [S/PV.7548](#).