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Part IV

Relations with other United Nations organs

I. Relations with the General Assembly

Note

Section I is focused on various aspects of the relationship between the Council and the General Assembly in accordance with Articles 10-12, 15 (1), 20, 23, 24 (3), 93 and 94, 96 and 97 of the Charter, rules 40 and 60 and 61 of the provisional rules of procedure of the Council and Articles 4, 8, 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-

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.

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

During the period under review, at its seventy-fifth 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 2021 (see table 1).

Table 1

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

Term	General Assembly decision	Plenary meeting and date of election	Members elected for the term
2022-2023	75/421 (see A/75/49 (Vol. III)),		

table 2. In addition, in Assembly resolution 76/57 adopted under the item entitled "United Nations Regional Centre for

Council members and non-Council members alike continued to address issues that may be considered of relevance for the application and interpretation of Articles 10 and 11 of the Charter in the context of Council's meetings and open videoconferences. In that regard, at an open videoconference held on 6 January in connection with the item entitled "Maintenance of international peace and security" focused on the challenges of maintaining peace and security in fragile contexts, the Prime Minister and Minister for Foreign Affairs of Saint Vincent and the Grenadines highlighted that the Security Council had to continue to play a leading role as it worked more closely with the other main organs of the United Nations system, namely the General Assembly and the Economic and Social Council, to foster developmental solutions to the challenges of peace and security.[8] Furthermore, the representative of China underscored that the Security Council, the General Assembly, the Economic and Social Council, the Peacebuilding Commission and the relevant regional organizations should carry out their respective functions, strengthen collaboration and forge synergies. In a similar vein, the representative of Slovakia expressed support for further strengthening of the ties between those bodies, as well as with civil society organizations and communities on the ground.

On 23 February, at an open videoconference held in connection with the item entitled "Maintenance of international peace and security" focused on climate and security, the Prime Minister and Minister for Foreign Affairs of Saint Vincent and the Grenadines indicated that the Council must engage with the General Assembly to effectively address climate and security risks across the joinder of issues touching and concerning humanitarian support, sustainable development, health pandemics, peace and security.[9] The representative of El Salvador also emphasized that greater coordination and consistency among the efforts of the General Assembly, the Economic and Social Council and the Security Council were imperative to tackle climate-related security risks.

On 19 May, at a videoconference held in connection with the item entitled "Peace and security in Africa" focused on addressing root causes of conflict while promoting post-pandemic recovery in Africa, the representative of Brazil emphasized the importance of a stronger collaboration among the Security Council, the General

[8] See S/2021/24.
[9] See S/2021/198.

Assembly, the Economic and Social Council and the Peacebuilding Commission in the

During the period under review, Council members held meetings and open videoconferences throughout the year to discuss matters on its agenda. As described in further detail in part II, despite there being an official record of open videoconferences in the form of a document of the Council in which all statements, whether delivered orally or submitted in writing, were compiled, those videoconferences were considered formal meetings of the Council for all relevant purposes, including for their inclusion in the summary statement of the Secretary-General on items of which the Council is seized and the stage reached in their consideration circulated weekly to Council members in accordance with rule 11 of the provisional rules of procedure.[22] Accordingly, although the Secretary-General continued to notify the Assembly of the matter relating to the maintenance of international peace and security that was being dealt with by the Security Council in the context of meetings,[23] he did not do so when those matters were discussed in the context of open videoconferences, as the notification was prepared on the basis of those weekly statements.

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.

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> recommendation with a complete record of the discussion.
>
> If the Security Council does not recommend the applicant State for membership or postpones the consideration of the application, it shall submit a special report to the General Assembly with a complete record of the discussion.
>
> In order to ensure the consideration of its recommendation at the next session of the General Assembly following the receipt of the application, the Security Council shall make its recommendation not less than twenty-five days in advance of a regular session of the General Assembly, nor less than four days in advance of a special session…

The Charter provides for joint decision-making by the Security Council and the General Assembly in relation to a number of matters but requires a decision by the Council to be taken first. This is the case with respect to the admission, suspension or expulsion of members (Articles 4, 5 and 6), the appointment of the Secretary-General (Article 97) and the conditions under which a State that is not a member of the United Nations may become a party to the Statute of the International Court of Justice (Article 93 (2)).[25] In addition, the statute of the International Residual Mechanism for Criminal Tribunals provides that the judges of the Mechanism shall be elected by the General Assembly from a list submitted by the Security Council.[26]

During the period under review, no questions arose concerning the conditions of accession to the Statute of the International Court of Justice. There was no reference to Articles 4, 5 or 6, no activity with regard to the admission of new members or suspension or expulsion of any Member State. During the review period, the Security Council and the General Assembly significantly increased their collaboration at the occasion of the appointment of the Secretary-General, as described below. Concerning the International Residual Mechanism for Criminal Tribunals, the Council and the General Assembly collaborated in the election of judges to fill vacancies in the roster of the Mechanism.

[25] Articles 4 (3) and 69 of 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 elections of the Court, and in making amendments to the Statute.

[26]

1. Membership in the United Nations: references to Article 1

least one Member State, in accordance with the ongoing practice. The Assembly also decided to further assess during its seventy-seventh session the selection and appointment process of the Secretary-General, to explore possible steps to improve future processes, including the collaboration between the Assembly and the Security Council, consistent with Article 97 of the Charter.

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

By its resolution 1966 (2010) of 22 December 2010, the Security Council established the International Residual Mechanism for Criminal Tribunals to carry out residual functions of the International 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.[38] According to Article 10 of the statute of the Mechanism, the judges of the Mechanism are elected by the

For further details on the actions taken by the Secretary-General, the Council and the General Assembly, see table 4 below.[12]

Table 4

Action taken by

submission of the annual report of the Security Council in accordance with the note by the President of 27 December 2019,[62] which allowed Member States time for a more careful consideration and discussion of the work of the Council for the year under review.[63] Numerous Member States also called for future annual reports of the Council to be more analytical.[64] At its 79th plenary meeting, held on 11 June 2021, the General Assembly took note of the report of the Security Council.[65] In addition, as in previous years, the Assembly, in resolution 75/325, adopted under the item entitled "Revitalization of the work of the General Assembly", recognized the timely submission of the report of the Security Council to the Assembly in accordance with Article 24, paragraph 3 of the Charter and requested the President of the Assembly to continue scheduling 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.[66] No special reports were submitted by the Council to the General Assembly during the reporting period.

(S/2017/507)”.[68] During the meeting, Council members heard briefings by the Chair of the Informal Working Group, by Ms. Loraine Sievers, co-author of the fourth edition of “The Procedure of the UN Security Council”, and by the Executive Director of Security Council Report. The representatives of 28 non-Council member States submitted their statements in writing.[69]

In the written statements submitted in connection with the meeting, Member States discussed the consideration of the annual report of the Council by the General Assembly in the context of the relationship between the two bodies. The representative of Argentina stated that the submission of the annual report to the Assembly was one of the many interactions between the two bodies and emphasized that the report had to be sent in a timely manner so that it could be given serious consideration by the Assembly.[70] The representative of the Islamic Republic of Iran indicated that the Council was responsible to the Member States, on behalf of which it acted and to which it had therefore remain accountable, which was the raison d’être of Article 24(3) of the Charter, pursuant to

incorporating the main challenges to international peace and security, as well as contributions to address them. In a similar vein, prefacing that the consideration of the reports of the Security Council to the General Assembly remained one of the most visible aspects of interaction between the two bodies, the representative of Ukraine underscored the need for the Council to enhance the analytical perspective of reports as well as their forward-looking approach. The representative of Brazil also agreed that the Council's annual report had to be more analytical and forward-looking.

(...) participants made concrete suggestions on the conte(nt)-26 doc [(hj 03 (no)8a1 (s

expressed support for further strengthening the ties between the Security Council and other bodies, including the Human Rights Council, as well as with civil society organizations and communities on the ground.[76]

At the open videoconference convened on 15 March, in connection with the item entitled "The situation in the Middle East", the representative of Estonia expressed full support for the work of investigative mechanisms such as 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, of the General Assembly, and the Independent

August.[87] In the summary, the co-Chairs noted that the briefers for the meeting had emphasized the importance of women's participation in human rights monitoring and had

At the closing of the seventy-fifth session of the General Assembly, the President of the General Assembly highlighted that he had held monthly coordination meetings, with combined bimonthly trilateral meetings with the President of the Security Council and the Secretary-General, in a bid to streamline the work of the United Nations principal organs and ensure mutually reinforcing efforts.[93] He further reiterated that cooperation between the General Assembly and the Security Council had to be strengthened. He also emphasized that there were synergies between the two bodies that were not being exploited, for example in regard to the work of the General Assembly on Myanmar, Syria and Palestine, which supported that of the Security Council.

General Assembly decisions concerning relations with the Security Council

The General Assembly also made reference to its relations with the Security Council in several other decisions. By its decision 75/569 adopted on 22 June 2021 under the item entitled "Question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council", the General Assembly decided to reaffirm its central role concerning the question of equitable representation on and increase in the membership of the Security Council and other matters related to the Security Council.[94] The Assembly further decided to continue intergovernmental negotiations on Council reform in informal plenary meetings of the Assembly at its seventy-sixth session, building on the informal meetings held during its seventy-fifth session, as reflected in the letter dated 12 May 2021 from the Co-Chairs, and on the document entitled "Co-Chairs' Elements Paper on Convergences and Divergences on the question of equitable representation on and increase in the membership of the Security Council and related matters", circulated on 29 April 2021.

On 10 September 2021, by resolution 75/325 adopted under the item entitled "Revitalization of the work of the General Assembly", the Assembly encouraged regular interaction and continued coordination between the Presidents of the General Assembly, the Security Council and the Economic and Social Council.[95]

[93] See A/75/PV.105.
[94] General Assembly decision 75/569 (see A/75/49 (Vol. III)).
[95] General Assembly resolution 75/325, para. 12.

With regard to the United Nations Global Counter-Terrorism Strategy, on 30 June, the Assembly adopted (resolution 75/291) its seventh review of the Strategy (A/RES/75/291).

collective goals of building and sustaining peace.[103] The President of the General Assembly acknowledged that the membership of the United Nations had increasingly called for a more representative Security Council that could work in tandem with other United Nations organs to deliver comprehensive solutions to current and emerging security issues. He also pointed out that work done by the Secretary-General in

continued support for the United Nations focus on prevention for ending and resolving conflicts, including by bolstering the authority of the General Assembly. He added that operationalizing the concept of One United Nations required coherence, coordination and complementarity among the principal organs, and that close and seamless communication in a horizontal manner among the key organs was essential. Speaking on behalf of the Movement of Non-Aligned Countries, the representative of Azerbaijan recalled that the Heads of State and Government of the Movement, at its eighteenth summit, had called on the Presidents of the General Assembly, the Economic and Social Council and the Security Council to conduct regular discussions and coordination among themselves on

Security Council were strengthened further referring explicitly to Articles 10 and 11 of the Charter, the representative of Argentina also

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The Secretary-General stated that prevention was the very reason for the existence of the United Nations and highlighted the role played by its principal organs in conflict prevention and the peaceful settlement of disputes, including the work of the Economic and Social Council in addressing conflict by advancing sustainable development.

Council; to hold regular meetings among the heads of the principal organs under the Charter and the Chair of the Peacebuilding Commission; drawing on the experience of the existing regular interactions among the General Assembly, the Economic and Social Council and the Peacebuilding Commission; and to extend to the entire membership of the Council, the Economic and Social Council and the Peacebuilding Commission the participation in joint meetings on common themes. In closing, the President of the Economic and Social Council indicated that recovery from the COVID-19 pandemic, including equitable vaccine access, was another area where the Economic and Social Council and the Security Council could work together.

carry out only those functions and powers established in their respective mandate, he also emphasized that close cooperation and coordination among the principal organs of the United Nations was highly indispensable in order to enable the United Nations to remain relevant and capable of meeting existing, new and emerging threats and challenges. The representative of the United Arab Emirates indicated that maintaining regular communication and transparency between the Council and the wider United Nations membership was vital and expressed support for regular engagement on shared priorities with the Economic and Social Council and the Peacebuilding Commission, as well as with the incoming President of the Council and the President of the General Assembly.

Other Member States called on the principal organs of the United Nations to maintain or increase cooperation amongst each other while focusing on their respective mandates.[144] The representative of Chile expressed conviction that coordination among the main organs of the United Nations, in accordance with their Charter mandates, was the best way to prevent conflicts and recalled that paragraph 2 of resolution 2282 (2016) stated that sustaining peace required coherence, sustained engagement, and coordination between the General Assembly, the Security Council, and the Economic and Social Council, consistent with their mandates as set out in the Charter of the United Nations.[145] The representative of China stated that the Economic and Social Council had comparative advantages in promoting economic development and advancing peace and stability, and should therefore, carry out its work while maintaining communication and cooperation. The representative of Finland, speaking on behalf of the Nordic countries, stated that the principal organs of the United Nations all had key roles to play in preventing conflicts and sustaining peace within their respective mandates, and encouraged closer cooperation between the Council and the Economic and Social Council. The representative of Brazil expressed the firm belief that the purposes of the United Nations Charter were better achieved through increased coordination, cooperation and interaction between the Council and the relevant organs of the United Nations and called for more engagement between the Council and the Economic and Social Council not only to enhance its

[144] For more information on the division of labour between the principal organs of the United Nations and the need to operate within their respective mandates, see part V, sect. III, case 6.
[145] See S/PV.8906

One communication circulated as a document of the Security Council during the reporting period made reference to the relationship between the Security Council and the Economic and Social Council. In a letter dated 8 February 2021 addressed to the President of the Security Council, the delegation of Finland transmitted the report of the 18th annual workshop for the newly elected members of the Council held on 12 and 13 November 2020.[148] As described in the report, one participant maintained that the Council should stick more closely to its priorities and work towards a better and more well-defined division of labour on issues dealt with by the Council and organs such as the General Assembly and the Economic and Social Council.

[148] See S/2021/130.

III. Relations with the International Court of Justice

Article 94

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

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

Article 96

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

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

Note

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

During the reporting period, in line with the prior

meeting of the Council, on 2 November 2021.[149] In addition, the Council heard a briefing by the President of the Court at a meeting held on 16 November 2021, under the item entitled "Maintenance of international peace and security" and the item entitled "Peace and security through preventive diplomacy: a common objective to all the principal organs of the United Nations".[150] The election of a member of the Court held concurrently by the Council and the General Assembly during the period under review is covered in section I.E above. Subsection A covers the decisions of the Council containing references to the Court. Subsection B illustrates the discussions held among Council members during the reporting period on the relations between the Council and the Court. Subsection C features the communications of the Council concerning the relationship between the two organs.

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

In the presidential statement adopted on 16 November 2021, the Council expressed its continued commitment to foster interaction on a regular basis with the General Assembly, the Economic and Social Council, the International Court of Justice, and the Secretariat in accordance with their respective mandates under the Charter of the United Nations, in particular on matters relating to preventive diplomacy tools and mechanisms.[151] The Council also emphasized the key role of the Court, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work.[152]

B. Discussion concerning relations with the International Court of Justice

During the period under review, reference was made in the delib[redacted]TJ 0.001 T (e)5 (r341(i)-1 (c

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[171] [172]