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Part IV

Relations with other United Nations organs

Council, and the Council, for its part, continued to refer to General Assembly resolutions in its decisions. In addition, Council members continued to discuss the relations between the Council and the subsidiary organs of the General Assembly, in particular the Human Rights Council and the Special Committee on Peacekeeping Operations. H

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

In addition, in Assembly resolution 77/83 adopted under the item entitled "United Nations Regional Centre for Peace and Disarmament in Africa", Member States continued to explicitly recall the provisions of Article 11(1), in which it is stipulated that a function of the Assembly is to consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and arms limitation.[3]

In connection with Article 11 (2) of the Charter, the General Assembly made recommendations to the Council with regard to specific questions relating to the maintenance of international peace and security or requesting action by the Council concerning those questions. In its recommendations, in reference to items of which the Council was already seized, the Assembly continued to call upon the Council to ensure accountability, including through the consideration of a referral of the situation in the Democratic People's Republic of Korea to t Tw 5.975 0 Td[(c)-1 (Tw (f)t)-2 67ly c.c-0.00(i)-2 (ng t)-2 ( )ri

special session on the same situation.[4] By the same resolution, the Assembly decided, on an exceptional basis, to accord precedence in the list of speakers to the permanent member or permanent members of the Council having cast a veto.[5] Pursuant to the resolution and following the casting of vetoes by permanent members of the Council,[6] the Assembly convened formal meetings concerning "Non-proliferation/ Democratic People's Republic of Korea"[7] and "The situation in the Middle East".[8] With regard to the conflict in Ukraine, the discussion on the veto cast on 30 September under the item entitled "Maintenance of peace and security of Ukraine" was held under the umbrella of the eleventh emergency special session pursuant to resolution 2623 (2022) and Assembly resolution 377(V) on 10 October.[9]

77/230 15 December 2022	Deplores the continued closure of the Bab al-Salam and Ya'rubiyah border crossings for the purpose of cross-border humanitarian aid, expresses its concern regarding the limited renewal of the cross-border resolution for only six months, which is considered unsustainable and insufficient, considering growing humanitarian needs as winter approaches, noting that needs have increased to the highest levels since 2011, with more than 14.6 million Syrians in need, according to the United Nations, and urges the Security Council to renew the cross-border mechanism by January 2023 and to reauthorize the use of these border crossings for at least 12 months, emphasizes that more than 6.9 million people live in areas not under the control of the 7 (t)-24 (S)2.s ineeds as wtg (a)-m(n8hyo2(w)2 ((h

accountability of the Council towards the wider membership.[18] The representative of the

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

Subsection C covers the practice of the Council in relation to Article 12 of the Charter. Article 12 (1) limits the authority of the General Assembly with regard to any dispute or situation in respect of which the Council is exercising its functions under the Charter. Article 14 of the Charter provides further that subject to the provisions of Article 12, the Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the Charter setting forth the Purposes and Principles of the United Nations.

During the period under review, no reference was made to Article 12 (1) in decisions of the Council nor did the Council request the General Assembly to make a recommendation with regard to any dispute or situation. However, at a meeting held on 27 February under the item entitled "Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)", for the first time since 1982, the Council adopted a resolution to call an emergency special session of the Assembly consistent with General Assembly resolution 377(V) of 1950.[21] Taking into account that the lack of unanimity of its permanent members at the 8979th meeting had prevented it from exercising its primary responsibility for the maintenance of international peace and security, by resolution 2623 (2022), the Council decided to call an emergency special session of the

[21] For more information, see *Repertoire, 1946-1951*.

General Assembly to examine the question contained in document

Federation's attempts to annex the territory of Ukraine constituted a threat to international peace and security and would have condemned "the Russian Federation's organization of illegal so-called referenda" in regions within Ukraine's internationally recognized borders.[26] Before the vote, the representative of the United States emphasized that if Russia chose to shield itself from accountability, then the United States would take further steps in the General Assembly.[27] In turn, the representative of the Russian Federation criticized the negotiation process on the draft resolution and stated that the penholders were prepared to devalue the efforts of the Council as the principal organ for the maintenance of peace and security and brazenly used the forum of the Council as a dress rehearsal before their main performance in the General Assembly. After the vote, the representative of Albania asserted that her country would continue to fight in the General Assembly anunt (ac)]TJ0lah- 9.3 (h)6 (ei)-1 (ro)2 (c)t A.77 0 Td( )Tjejejtthherierm a aiic(en)1 5aluy

China, India and the United Arab Emirates.[33] After the vote, some Council members discussed the decision to call for the emergency special session of the General Assembly following the veto by the Russian Federation of a draft resolution that would have condemned the 23 February declarat5 (e)-2 (a)-1 (r)-2 (a)4 (t)-2ave r(a)-a-2 (o by t)-10 0 12 28 (n)]TJ0 (m)5c

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)).[38] In addition, the statute of the International Residual Mechanism for Criminal Tribunals provides that the judges of the Mechanism shall be elected by the Assembly from a list submitted by the Council.[39]

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 and no activity with regard to the admission of new members or suspension or expulsion of any Member State. With regard to the International Residual Mechanism for Criminal Tribunals, the Council and the General Assembly collaborated on the election of judges to fill vacancies on the roster of the Mechanism.

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

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

of the Statute of the International Court of Justice;[51] and rules 150 and 151 of the rules of procedure of the Assembly.[52]

During the period under review, the Council held an election to fill a vacancy resulting from the passing of one of the judges of the Court.[53] At its 9073rd meeting, held on 22 June, the Council met under the item entitled "Date of election to fill a vacancy in the International Court of Justice".[54] At the meeting, the Council adopted without a vote resolution 2638 (2022), by which it decided, in accordance with Article 14 of the Statute of the Court, that the election to fill the vacancy would take place on 4 November, at a meeting of the Council and at a meeting of the General Assembly at its seventy-seventh session.[55]

On 4 November, the General Assembly and the Council proceeded with the concurrent votes.[56] On the first ballot, at the 9182nd meeting of the Council and the 29th plenary meeting of the Assembly, Leonardo Nemer Caldeira Brant, a candidate from Brazil, obtained the requisite absolute majority of votes in both bodies and was, therefore, elected as a member of the Court for a term of office from 4 November 2022 until 5 February 2027, in accordance with Articles 2 to4, 7 to12, 14 and 15 of the Statute of the

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Table 6

Concurrent election of member of the International Court of Justice to fill expiring vacancy

Notes by the Secretary-General	*Council meeting setting the date of the election and date*	*Council resolution deciding the election date*	*Council meeting for the election*	*General Assembly plenary meeting for the election*
S/2022/453 A/77/481-S/2022/722 A/77/482-S/2022/723 A/77/483-S/2022/724	S/PV.9073	Resolution 2638 (2022)	S/PV.9182	A/77/PV.29

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 2022, the Council maintained its practice of submitting annual reports to the General Assembly pursuant to Article 24 (3) of the Charter. The annual report submitted to the Assembly covered the period from 1 January to 31 December 2021.[58]

[58] A/76/2.

The note by the President of the Council dated 30 August 2017 provides that the report shall consist of an introduction, containing an agreed concise summary prepared on behalf of the Council under the coordination of the President of the Council for the month of July.[59] However, in accordance with the same note, in the case of the member holding the presidency for the month of July ending its tenure on the Council that year, that task devolves on the member of the Council next in English alphabetical order and who will not be leaving the Council at the end of

In this regard, on 10 October, the representative of Switzerland submitted a letter to the President of the Council on behalf of 26 members of the Accountability, Coherence and Transparency Group (ACT Group), in which he recalled paragraph 3 of Asse(d)5 (e7op (n)]TJ0.002 Tc -

Relations between the Security Council and the Human Rights Council were also addressed during Council meetings. At an open debate held on 18 January 2022 under the item entitled "Women and peace and security" and the subitem entitled "Protecting participation: addressing targeting women in peace and security processes", the representative of Italy expressed hope that increased cooperation between the Human Rights Council and the Security Council could decisively help to prevent targeted violence against women and make sure that women could play a full role in peace and security processes.[91] At a meeting held on 13 April under the same item and the subitems entitled "Accountability as prevention" and "Ending cycles of sexual violence in conflict", the representative of Malaysia asserted that his country saw merits in broadening networking and coordination between the Security Council and the Human Rights Council towards ensuring accountability for human rights violations, including sexual assault and violence against women and children.[92]

At the open debate on working methods of the Council held on 28 June under the item entitled "Implementation of the note by the President of the Security Council (S/2017/507)", the representative of the Republic of Korea encouraged the Council to continue to strengthen its interaction and engagement with other United Nations organs and bodies, including the General Assembly and the Human Rights Council.[93] At the same meeting, however, the representative of the Syrian Arab Republic stressed the importance of respecting individual mandates, adding that the Council should work within its own mandate and not encroach on those of other United Nations bodies such as the General Assembly and the Human Rights Council.[94]

On 3 November, at an open debate held under the item entitled "Peacebuilding and sustaining peace" and the subitem entitled "Integrating effective resilience-building in peace operations for sustainable peace", the representative of Norway stated

issue and indicated that the Special Committee had been giving due consideration to the issue of the mental health of United Nations personnel in peace operations and, as a result, there had been consistent improvement in recent years. He expressed hope that future deliberations on the issue of mental health and well-being of United Nations peace operations personnel would be addressed in a systemic and holistic manner and through all relevant and mandated organs of the United Nations.

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

General Assembly decisions concerning relations with the Security Council

The General Assembly also made reference to its relations with the Council in several other decisions. In its decision 76/572 adopted on 12 July 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 Assembly decided to reaffirm its central role concerning the question of equitable representation on and increase in the membership of the Council and other matters related to the Council.[99] The Assembly also decided to immediately continue intergovernmental negotiations on Council reform in informal plenary meetings at its seventy-sev01 Tc]TJ0.0Ac -0.007 Tw [(av-1 (n) (ilf)4 (t)-

Table 8

Security Council decisions containing specific references to the General Assembly in connection with policy and implementation issues other than those covered in subsections A, D, E and G (country and region-specific items)

Decision and date	*Provision*
The situation in the Central African Republic	
Resolution 2659 (2022)	

On 14 December, at the initiative of India which held the presidency of the Security Council for the month, the Council held a high-level open debate under the decisive response of item entitled "Maintenance of international peace and security" and the subitem entitled "New orientation for reformed multilateralism". During the open debate, Council General and the Presidency of the Secretary-

103

The Secretary-General, noting calls by Member States for the revitalization of the work of the General Assembly in the framework of a reformed multilateralism, the Assembly had showed that it played a valuable role, and had adopted many important resolutions that year, in particular on the war in Ukraine, the right to a healthy environment and the use of the veto by Member States.[104] The President of the General Assembly Member States of the General Assembly had played their part and added Security Council paralysed by a blatant Council members and expected each Council member to act for the good of all and e of a called veto initiative for having opened an important door for a new form of collaboration and accountability. In that context, he noted that the Assembly had been obliged to step up when decisions by the Council had in the fac been blocked.

Several participants highlighted the importance of strengthened cooperation General Assembly the Organization of the United Nations, including the Security Council and

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conflict of interest, together with the veto initiative, had confirmed the necessit
strengthened cooperation amongst the two organs and had contributed to revita
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welcomed the vital role that the Assembly had played that year through P (t)]nd(a)-1 (r)-ua.61 0 Td[(1 (t)f)

in that area by enabling a discussion among Member States every time a veto was cast in the Council. The representative of Malta expressed the belief that the new mechanism established in resolution 76/262 strengthened the link between the Assembly and the Council and brought more transparency, accountability and relevance on veto use to the wider membership. The representative of the European Union similarly indicated that the adoption of a "standing mandate" for a General Assembly debate when a veto was cast in the Council had contributed to the efforts aimed at revitalizing and empowering the Assembly, ensuring that the United Nations was not voiceless when the Council was deadlocked; a position which was echoed by the representative of Latvia. The representative of Liechtenstein noted that the Assembly resolution was a key measure for recalibrating the balance between the Council and the Assembly and a prompt to empower the Assembly to make full use of the authority conferred on it by the Charter and to step in when the Council was unable to act.

and shall assist the Security Council upon its request". He added that it was rare that the Economic and Social Council had been requested to play that role and noted that, apart from creating the Peacebuilding Commission, there had been no serious effort to develop a practice of inviting the Economic and Social Council to work with the Security Council in areas and on issues where their mandates overlapped.

During an open debate held on 14 December under the item entitled "Maintenance of international peace and security" and the subitem entitled "New orientation for reformed multilateralism", the representative of Mexico noted that although the Security Council was the organ tasked with dealing with threats to international peace and security, the United Nations system as a whole had a direct and indirect impact on the maintenance of peace, and added that the success of the Security Council in discharging its responsibilities in accordance with its mandate depended largely not only on non-abuse of the veto by its members, but also on the success of the other main United Nations organs in fulfilling their own mandates, including the Economic and Social Council.[113] The representative of Pakistan emphasized that in a complex world confronted by multiple threats and challenges, empowering and efficiently utilizing all the main organs of the United Nations, including the Economic and Social Council was of vital importance. The representative of Bangladesh affirmed that his country subscribed to the initiative aimed at ensuring the proper implementation of the Charter with respect to the functional relationship between its main organs, in particular the General Assembly and the Economic and Social Council, adding that the interaction with the Security Council had to be improved.[114] The representative of Thailand stressed that, in order to address effectively and in an integrated and holistic manner the trinity of key strategic goals –maintaining international peace, security and stability, promoting sustainable development and growth and preventing the violation, abuse and disregard of universal human rights, while reinforcing human security for all— it was absolutely essential that the United Nations worked across organizations and silos, linking the work of the Security Council with that of the Economic and Social Council and the other main organs, bodies and specialized agencies within the United Nations

[113] See S/PV.9220.
[114] See S/PV.9220 (Resumption1).

B. Communications concerning relations with the Economic and Social Council

Communications of the Security Council did not include any references to its relations with the Economic and Social Council. Nonetheless, on 12 July the representative of Canada, in his capacity as Chair of the Ad Hoc Advisory Group on Haiti of the Economic and Social Council transmitted to the President of the Council a statement on behalf of the Advisory Group in which it called upon the Security Council to renew the mandate of the United Nations Integrated Office in Haiti for a period of 12 months.[115] In addition, on 14 December, the representative of Kenya informed the President of the Security Council that Kenya was planning to hold an Arria-formula meeting on the theme “Transitioning from protracted conflict and fragility into peace through sustainable developmentl1 ( )]Tth y Ce Advih y mbeesident of the Seonom(t)3 (t3)-1 (nd S)1 (oc)4 (i

III. Relations with the International Court of Justice

Article 94

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

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

Article 96

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

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

Note

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

institutionalizing international legal principles of accountability and the related accountability mechanisms in order to have an impact in practice.

At a meeting held on 22 August under the same item and the subitem entitled "Promoting common security through dialogue and cooperation", the representative of Mexico stated that the United Nations had to strengthen coordination between its main organs in order to conduct genuine and effective diplomacy, and added that collaboration among all United Nations organs, agencies, programmes and funds, including the International Court of Justice was essential.[123]

B. Communications concerning relations with the International Court of Justice

During the period under review, the Council continued to exchange letters[124] with the Secretary-General and to receive his reports[125] on the progress of the Cameroon-Nigeria Mixed Commission established to facilitate the implementation of the ruling of the International Court of Justice of 10 October 2002 on the land and maritime boundary dispute between the two countries. In addition, on 17 March, the Secretary-General transmitted a letter to the President of the Council pursuant to paragraph 2 of Article 41 of the Statute of the Court, containing the order indicating provisional measures in the case concerning *Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide* (Ukraine v. Russian Federation).[126]

[123] See S/PV.9112.
[124] S/2022/832 and S/2022/833.
[125] S/2022/521 and S/2022/1019.
[126] S/2022/246.