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

Note

During the period under review, the General Assembly made a number of recommendations in the form of resolutions to the Security Council regarding the maintenance of international peace and security. Several of these recommendations were of a general nature, touching upon the powers and functions of the Council under the Charter and/or upon the general principles of cooperation in the maintenance of international peace and security. As such, they may be seen to be illustrative of the recommendation-making powers of the Assembly under Articles 10 and 11 (1) of the Charter, respectively. A table of those recommendations is set out below.

The General Assembly did not make recommendations to the Security Council with regard to specific questions relating to the maintenance of international peace and security or request action from the Council with regard to such questions in accordance with Article 11 (2) of the Charter. The General Assembly did not draw the attention of the Security Council to any situations under Article 11 (3).

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general principles of cooperation in the maintenance of international peace and security

General Assembly resolution	*Item*	*Recommendation*
62/275 11 September 2008	Implementation of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa	Welcomes efforts to enhance practical cooperation, within the framework of an effective partnership, between the United Nations and the African Union in the realm of conflict prevention and resolution, crisis management, peacemaking, peacekeeping and post-conflict peacebuilding in Africa, and in this context urges the United Nations system and the international community to increase, coordinate and sustain their efforts aimed at assisting African countries in addressing the full range of causes of conflict in Africa (para. 5) Calls upon the United Nations system and Member States to support the African Union in its effort to effectively integrate training in international humanitarian law and international human rights law, with particular emphasis on the rights of women and children, in the training of civilian and military personnel of national standby

General Assembly resolution	*Item*	*Recommendation*
		Welcomes the ongoing efforts of the African Union to ensure the protection of the rights of women in conflict and post-conflict situations, recalls in this regard the adoption and entry into force of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003), the Solemn Declaration on Gender Equality in Africa (2004) and the African Union Gender Policy (2009), as well as the Southern African Development Community Protocol on Gender and Development (2008), stresses the significance of those instruments for all countries in Africa in strengthening the role of women in peace and conflict prevention on the continent, and strongly urges the United Nations and all parties to redouble their efforts and support in this regard (para. 15)
		Takes note of the conclusions of the expert group meeting on "Promoting partnerships in support of African Peer Review Mechanism implementation", held in Ethiopia in November 2007, and invites the United Nations system and Member States to take those conclusions into account in support of good governance in Africa (para. 19)
		Calls upon the United Nations system and invites Member States to assist African countries emerging from conflict in their efforts to build national capacities of governance,

He stressed that the session was taking place as the Council was actively addressing the situation in southern Israel and the Gaza Strip. The Charter stated that, while the Council was exercising its function, the Assembly should not make any recommendation with regard to a disputed situation.[15] Taking the floor, the Under-Secretary-General for General Assembly and Conference Management stated that this was not a new emergency special session. He had sought the advice of the Office of Legal Affairs, which noted that the President of the General Assembly was authorized under Assembly resolution ES-10/17 to resume the meeting of the tenth emergency special session upon request from Member States.[16]

The President of the General Assembly stated that there seemed to be a presumption that, if the Security Council had decided to respond to the current crisis in Gaza within the grouping of the Quartet, or other Member States, the Assembly was bound and had to confine itself to supporting and following their lead. He underlined, however, that all Member States shared an individual and collective responsibility, as the General Assembly, to uphold the Charter and ensure compliance with United Nations resolutions and international law. The President also stated that he had convened the meeting at the request of the 118 Member States that made up the Non-Aligned Movement and was fully aware that the Security Council had adopted resolution 1860 (2009). However, the resolution failed to bring about either an immediate ceasefire or unimpeded humanitarian access and had been rejected by the two sides, Israel and Hamas. The President

inter alia, demanded full respect for resolution 1860 (2009), including its urgent call for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from the Gaza37( )-195(G)RG6-tioie

2. Appointment of the Secretary-General

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 48

… Any recommendation to the General Assembly regarding the appointment of the Secretary-General shall be discussed and decided at a private meeting.

In accordance with r

2008.[31] In response to that request, on 12 December 2008 the Security Council adopted resolution 1849 (2008), by which it decided that the Secretary-General may appoint, within existing resources, additional ad litem judges upon the request of the President of the Tribunal in order to complete existing trials or conduct additional trials.

B

Tribunal in which the latter requested the expansion of the membership of the Appeals Chamber by authorizing the President to redeploy four permanent judges from the Trial Chambers to the Appeals Chamber.[45] In response to that request, on 7 July 2009 the Council adopted resolution 1878 (2009), by which it decided, inter alia, to review the extension of the terms of office of the permanent judges of the Tribunal who were members of the Appeals Chamber, by 31 December 2009, in the light of the progress of the Tribunal in the implementation of the completion strategy. The Council also decided to amend article 13 (3) of the statute.[46] By a letter dated 8 July 2009 addressed to the President of the General Assembly, the President of the Security Council transmitted the text of resolution 1878 (2009).[47] At the 104th plenary meeting of its sixty-third session, on 9 September 2009, the Assembly decided to endorse the recommendations contained in resolution 1878 (2009).[48]

In a letter addressed to the President of the Security Council, the Secretary-General transmitted letters from the President of the Tribunal in which the latter requested the Council to permit the Tribunal to exceed the maximum number of ad litem judges allowed by article 11 (1) of the statute of the Tribunal by extending to 31 December 2010 the authorization granted in resolution 1855 (2008).[49] In response to that request, on 16 December 2009 the Council adopted resolution 1901 (2009), by which it underlined its intention to extend, by 30 June 2010, the terms of office of all trial judges of the Tribunal on the basis of its projected trial schedule and the terms of office of all appeals judges until 31 December 2012 or until the completion of the cases to which they were assigned, if sooner. By a letter dated 22 December 2009 addressed to the President of the General Assembly, the President of the Security Council transmitted the text of resolution 1901 (2009).[50] At the 68th plenary meeting of its sixty-fourth session, on 23 October 2009, the General Assembly decided to endorse the recommendations contained in resolution 1901 (2009).[51]

[45] S/2009/333.

[46] Resolution 1878 (2009), paras. 1 and 8. For the amended paragraph, see the annex to the resolution.

[47] A/63/956.

[48] General Assembly decision 63/425.

[49] S/2009/571 (2 November 2009).

[50] A/64/590.

E. Reports of the Security Council to the General Assembly

Article 24, paragraph 3

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

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.

Note

I

the report of the Secretary-General on the protection of civilians and its annex on constraints on humanitarian access, which identified the core challenges to the effective protection of civilians. In that regard, the Council welcomed the proposals, conclusions and recommendations on the protection of civilians included in the report of the Special Committee on Peacekeeping Operations and its Working Group.[59]

Case 5
Committee on the Exercise of Inalienable Rights of the Palestinian People

On 24 November 2008 and 30 November 2009, the President of the Security Council made statements

[59] A/63/19; see resolution 1894 (2009), twentieth

II. Relations with the Economic and Social Council: practice in relation to Article 65 of the Charter

Article 65

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

Note

The present section concerns the relationship between the Security Council and the Economic and Social Council. Subsection A deals with decisions of the Security Council which contain a reference to either Article 65 of the Charter or the Economic and Social Council. Subsection B covers deliberations of the Security Council during the course of which the importance of closer ties between the two organs was emphasized, particularly in the context of post-conflict peacebuilding (cases 6 to 8).

During the period under review, the President of the Economic and Social Council was invited to brief the Security Council at a meeting held in connection with the question of Haiti (case 6).[61] Conversely, there was one instance in which the President of the Security Council was invited to participate in a meeting of the Economic and Social Council.[62]

A.

[61] At the resumed 6233rd meeting, the representative of Luxembourg spoke partly in her national capacity and partly in her capacity as President of the Economic and Social Council. She was invited under rule 37 of the provisional rules of procedure (S/PV.6233 (Resumption 1), pp. 12-13).

2. Presidential statements containing references to the Economic and Social Council

Statement	*Item*	*Relevant provisions*
S/PRST/2009/32	Peace and security in Africa	The Security Council recognizes the importance of the actions undertaken by the General Assembly, the Economic and Social Council, the Commission on Narcotic Dru

(a) Roles of the Security Council and the Economic and Social Council

At the 5895th meeting, held on 20 May 2008, the representative of China stressed that, as the organ entrusted with the sacred mission of maintaining international peace and security, the Security Council should play a crucial role in peacebuilding and that, to that end, it should work together with other United Nations organs, such as the General Assembly, the Economic and Social Council and the Peacebuilding Commission.[87]

At the 5997th meeting, held on 21 October 2008, the representative of Indonesia stated that the Peacebuilding Commission could play a very important role as a nexus for linking the political and security components taken up at the Security Council with the social, humanitarian and economic aspects on which