

Part VI

Consideration of the provisions of Chapter VI of the Charter

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Introductory note

Part VI deals with the practice of the Security Council with regard to the peaceful settlement of disputes within the framework of Chapter VI (Articles 33-38) and Articles 11 and 99 of the Charter of the United Nations and is divided into four sections. Section I illustrates how, under Article 35, States brought any dispute or situation to the attention of the Council. This section also touches upon the functions and practice of the General Assembly and the Secretary-General, under Articles 11 (3) and 99 of the Charter, respectively, in calling the attention of the Council to situations which are likely to threaten the maintenance of international peace and security. Section II sets out investigative and fact-finding activities performed by the Council and other bodies that may be deemed to fall under the scope of Article 34, including Security Council missions. Section III provides an overview of the decisions of the Council with regard to the pacific settlement of disputes. It specifically illustrates recommendations of the Council to the parties to a conflict and its support for the endeavours of the Secretary-General in the peaceful settlement of disputes. Section IV reflects constitutional discussions on the interpretation or application of the provisions of Chapter VI of the Charter and Article 99.

In the period under review, the Council continued to engage in the peaceful settlement of disputes and considered five new situations that had been brought to its attention by Member States, two of them relating to the Korean peninsula and the others to the situation on the border between Cambodia and Thailand, the situation in Libya, and the incident of 31 May 2010 involving an Israeli military operation in international waters against a convoy sailing to Gaza. The Council acknowledged the investigative and fact-finding activities of the Secretary-General and the Human Rights Council and undertook three missions in 2010 and one in 2011. The Council also adopted a number of decisions within the framework of Chapter VI in which it frequently, under several thematic items, stressed the importance of conflict prevention mechanisms and the Secretary-General's role in the pacific settlement of disputes, including his good offices. In dealing with country-specific and regional situations it supported procedures of settlement such as negotiations, dialogues and peace processes facilitated by the Secretary-General, regional and subregional organizations and others. Constitutional discussions during the period under review concerned the roles of the International Court of Justice and the Secretary-General in the pacific settlement of disputes.

I. Referral of disputes or situations to the Security Council

Article 11

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

Article 35

1. *Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.*

2. *A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.*

3. *The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.*

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Note

Within the framework of the Charter of the United Nations, Article 35 (1) and (2) is generally regarded as the provision on the basis of which Member States and States which are not Members of the United Nations may refer disputes to the Security Council. Under Articles 11 (3) and 99, the General Assembly and the Secretary-General, respectively, may call the attention of the Council to situations which are likely to threaten the maintenance of international peace and security. The practice of the Council in this regard is described below. Subsection A provides an overview of the referrals of disputes or situations by States to the Council under Article 35, including the nature of the subject matter that was referred to and actions requested of the Council. Subsections B and C deal with referrals to the Council by the Secretary-General and the General Assembly, respectively, of matters likely to endanger international peace and security.

During the period under review, by a presidential statement of 16 July 2010 adopted in connection with the maintenance of international peace and security, the Council recalled that, in accordance with Articles 99 and 35 of the Charter, the Secretary-General or any Member State may bring to the attention of the Council any matter which is likely to endanger the maintenance of international peace and security.¹ In 2010 and 2011, five new matters were brought to the attention of the Council by Member States, two relating to the Korean peninsula and the others to the situation on the border between Cambodia and Thailand, the situation in Libya, and the incident of 31 May 2010 involving an Israeli military operation in international waters against a convoy sailing to Gaza. Neither the General Assembly nor the Secretary-General explicitly referred matters likely to endanger international peace and security to the Council but the latter did draw the Council's attention to situations which endangered the maintenance of international peace and security and which were already under consideration by the Council.

A. Referrals by States

During the period under review, there were no explicit references to Article 35 of the Charter in any communications to the Council. No State not a Member of the United Nations brought any dispute or situation to the attention of the Council in accordance with Article 35 (2).

All disputes and situations were referred to the Council by means of communications from Member States addressed to the President of the Council. Communications in response to which the Council convened meetings, either in public or private, under an item included in the agenda for the first time, are examined in detail below.² Following the practice in previous Supplements, communications by which States merely conveyed information about a dispute or situation, but did not request a Council meeting or other specific Council action, are not included, as such communications cannot be considered referrals under

¹ S/PRST/2010/14, third paragraph.

² The adoption of a new agenda item does not necessarily imply the existence of a new dispute or situation; it may simply be a new formulation of an item already before the Council. For more information on the agenda, see part II, sect. II.

Article 35. Communications referring to disputes or situations being considered by the Council under existing agenda items are also normally excluded. Table 1 lists communications bringing new disputes or situations to the attention of the Council. Also listed are a number of communications in which Member States called for Council action concerning existing situations under consideration by the Council during the review period.³ Among those are two letters relating to the

situation in the Middle East, including the Palestinian question,⁴ which are included on an exceptional basis in view of the nature of the matter referred to, namely, the military operation by Israel in international waters against the convoy sailing to Gaza on 31 May 2010, the so-called “flotilla incident”.

³ See, for example, the following letters addressed to the President of the Council: in connection with Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999), letters dated 2 July 2010 and 26 July and 13 September 2011 from the representative of Serbia (S/2010/355, S/2011/456 and S/2011/574, respectively) and letter dated 14 September 2011 from the representative of the Russian Federation (S/2011/575); in connection with the situation in Libya, letter dated 19 March 2011 from the representative of the Libyan Arab Jamahiriya (S/2011/161).

⁴ Letters dated 31 May 2010 from the representatives of Turkey and Lebanon (S/2010/266 and S/2010/267, respectively).

Table 1
Communications bringing disputes or situations to the attention of the Security Council, 2010-2011

<i>Communications</i>	<i>Action requested of the Security Council</i>	<i>Meeting and date</i>
The situation in the Middle East, including the Palestinian question		
Letter dated 31 May 2010 from the representative of Turkey (S/2010/266)	Convening of an emergency meeting to discuss the military attack by Israel, in international waters, against a multinational convoy of ships carrying humanitarian assistance to Gaza	6325th meeting 31 May 2010
Letter dated 31 May 2010 from the representative of Lebanon (S/2010/267)		6326th meeting 1 June 2010
Letter dated 4 June 2010 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council (S/2010/281) and other relevant letters		
Letter dated 4 June 2010 from the representative of the Republic of Korea (S/2010/281)	Consideration of the armed attack on 26 March 2010 by the Democratic People’s Republic of Korea against the Republic of Korea Navy ship <i>Cheonan</i> in the territorial waters of the Republic of Korea, which constitutes a threat to peace and security on the Korean peninsula and beyond, and response in a manner appropriate to the gravity of the military provocation to deter the recurrence of any further provocation by the Democratic People’s Republic of Korea	6355th meeting 9 July 2010

<i>Communications</i>	<i>Action requested of the Security Council</i>	<i>Meeting and date</i>
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Letter dated 18 December 2010 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/2010/646)

Letter dated 18 December 2010 from the representative of the Russian Federation (S/2010/646)	Convening of an emergency meeting to consider the escalating tensions in the Korean peninsula	6456th (closed) meeting 19 December 2010
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Letter dated 6 February 2011 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the Security Council (S/2011/58)

Letter dated 6 February 2011 from the representative of Cambodia (S/2011/58)	Convening of an urgent meeting to consider Thailand's aggression against the sovereignty and territorial integrity of Cambodia	6480th (closed) meeting 14 February 2011
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The situation in Libya^a

Letter dated 21 February 2011 from the representative of the Libyan Arab Jamahiriya (S/2011/102)	Convening of an urgent meeting to discuss the grave situation in Libya and to take the appropriate actions	6486th (closed) meeting 22 February 2011
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^a In February 2011, the Council considered issues pertaining to the Libyan Arab Jamahiriya under the item entitled "Peace and security in Africa". Pursuant to a note by the President of the Security Council dated 16 March 2011 (S/2011/141), as from that date the earlier consideration of issues pertaining to the Libyan Arab Jamahiriya was subsumed under the item entitled "The situation in Libya".

States referring a situation or dispute

Situations were referred to the Security Council implicitly under the provisions of Article 35 (1) during the two-year period under review, most often directly by the affected Member States⁵ and in some instances through third States.⁶ For example, the representative of the Republic of Korea sent a letter to the President of the Council seeking a Council response to an attack allegedly by the Democratic People's Republic of Korea on 26 March 2010 leading to the sinking of a naval ship of the Republic of Korea.⁷ In the case of the "flotilla incident", an affected State and a third State, Turkey and Lebanon, respectively, simultaneously referred the matter to the Council.⁸

Nature of matters referred to the Security Council

During the two-year period 2010-2011, different matters deemed to threaten peace and security were brought to the attention of Council. Some

communications discussed in this section described the nature of the situation with a limited amount of detail or chronology of events.⁹ In a letter from the representative of Cambodia, on the other hand, concerning an attack by Thai armed forces on the temple of Preah Vihear, a detailed sequence of events was provided;¹⁰ and, in a letter from the representative of the Republic of Korea, concrete evidence was presented relating to the attack by the Democratic People's Republic of Korea on a Republic of Korea naval ship.¹¹

Chapter VI of the Charter provides the basis on which States may bring matters to the attention of the Council, but the subject matter of the communications submitted to the Council were not limited by the scope of that Chapter. For instance, the communication from the representative of Cambodia described the situation as "Thailand's aggression against the sovereignty and territorial integrity" of his country and a "grave threat to peace and security in the region".¹² The representative of the Republic of Korea stated that the armed attack by

⁵ S/2010/266, S/2010/281 and S/2011/58.

⁶ S/2010/267 and S/2010/646.

⁷ S/2010/281.

⁸ S/2010/266 and S/2010/267.

⁹ S/2010/266, S/2010/267 and S/2011/102.

¹⁰ S/2011/58.

¹¹ S/2010/281.

¹² S/2011/58, p. 1.

the Democratic People's Republic of Korea constituted "a threat to peace and security on the Korean peninsula and beyond".¹³ The Council did not however determine the existence of any threat to the peace, breach of the peace or act of aggression (Chapter VII, Article 39) in either of these two instances.

Action requested of the Security Council

Most Member States bringing situations to the attention of the Council requested it to convene an urgent or emergency meeting to consider the situation, as reflected in table 1. In one case, the submitting State requested the Council to "duly consider" the matter and "respond in a manner appropriate to the gravity" of the situation.¹⁴ In another instance, the submitting State requested the Council to "discuss the grave situation" in that country and to "take the appropriate actions".¹⁵

B. Referrals by the Secretary-General

In his report dated 26 August 2011 on preventive diplomacy, the Secretary-General explicitly referred to his mandate for conflict prevention originating in Article 99 of the Charter. He named the Department of Political Affairs as the main operational arm for the conduct of his good offices. He also reported that the Council had requested the Department to deliver monthly "horizon scanning" briefings that focused on ongoing and emerging conflicts.¹⁶

¹³ S/2010/281, p. 1.

¹⁴ Ibid.

¹⁵ S/2011/102.

¹⁶ S/2011/552, paras. 12 and 17.

During the period under review, the Secretary-General, by means of letters addressed to the President of the Council, drew the attention of the Council to a number of deteriorating situations under its consideration. For example, concerning the post-electoral crisis following the 28 November 2010 presidential run-off elections in Côte d'Ivoire, by a letter dated 4 April 2011, the Secretary-General drew the Council's attention to the deteriorating security situation in Abidjan, where fighting had escalated between the forces loyal to President Alassane Ouattara and military elements that still remained loyal to Laurent Gbagbo.¹⁷ By a letter dated 10 March 2011, the Secretary-General reported that the situation in Libya had seriously deteriorated, in particular because of the disproportionate use of force by the Libyan authorities, and informed the Council of his decision to appoint a Special Envoy who would offer the Secretary-General's good offices and explore how best to resolve the crisis in Libya, in consultation with various stakeholders.¹⁸

C. Referrals by the General Assembly

Under Article 11 (3) of the Charter, the General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security. During the period under review, the General Assembly did not refer any such situations to the Security Council under that Article.¹⁹

¹⁷ S/2011/221.

¹⁸ S/2011/126.

¹⁹ For more information, see part IV, sect. I, with regard to the relations between the Security Council and the General Assembly.

II. Investigation of disputes and fact-finding

Note

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 34 of the Charter of the United Nations expressly provides that the Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, and may determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security. Article 34 does not prevent the Secretary-General or other organs from performing investigative functions nor does it limit the Council's general competence to obtain knowledge of the relevant facts of any dispute

or situation by dispatching a fact-finding or investigative mission. Section II accordingly provides an overview of the practice of the Council with regard to fact-finding and investigation in accordance with Article 34 and is divided into three subsections: A. Security Council missions; B. Investigative and fact-finding functions of the Secretary-General; and C. Other instances of investigative functions acknowledged by the Security Council.

During the period under consideration, the Council undertook four missions to gather first-hand information on the situations it was considering, and acknowledged a number of investigative and/or fact-finding activities initiated by the Secretary-General and the Human Rights Council.

A. Security Council missions

In 2010, the Council dispatched missions consisting of all 15 Council members to the Democratic Republic of the Congo; Uganda and the Sudan; and Afghanistan; in 2011 it dispatched a

mission to Africa, which visited Ethiopia, the Sudan and Kenya (see table 2). Security Council missions were not expressly charged with investigative tasks, but did allow the Council, inter alia, to form an impression of the respective country-specific or regional situation under its consideration, such as those relating to Afghanistan, the Democratic Republic of the Congo, Somalia, the Sudan and South Sudan, and to review and assess its role and consider the future mandate of relevant peacekeeping and political missions.

In his report dated 28 June 2011 on the role of regional and subregional arrangements in implementing the responsibility to protect, the Secretary-General suggested that the Council could make more extensive use of “its broad authority under Article 34 of the Charter” and held that by undertaking several visits or missions each year to see how places of concern were faring, the Council had taken an important step in that direction.²⁰

²⁰ S/2011/393, para. 32.

Table 2
Security Council missions, 2010-2011

<i>Duration</i>	<i>Destination</i>	<i>Composition</i>	<i>Terms of reference</i>	<i>Report</i>	<i>Meeting and date^a</i>
13-16 May 2010	Democratic Republic of the Congo	Austria, Bosnia and Herzegovina, Brazil, China, France (leader of mission), Gabon, Japan, Lebanon, Mexico, Nigeria, Russian Federation, Turkey, Uganda, United Kingdom, United States	S/2010/187 and S/2010/187/Add.1	S/2010/288	6317 19 May 2010
21-24 June 2010	Afghanistan	Austria, Bosnia and Herzegovina, Brazil, China, France, Gabon, Japan, Lebanon, Mexico, Nigeria, Russian Federation, Turkey (leader of mission), Uganda, United Kingdom, United States	S/2010/325	S/2010/564	6351 30 June 2011 (under the item entitled “The situation in Afghanistan”)

<i>Duration</i>	<i>Destination</i>	<i>Composition</i>	<i>Terms of reference</i>	<i>Report</i>	<i>Meeting and date^a</i>
4-10 October 2010	Uganda and the Sudan	Austria, Bosnia and Herzegovina, Brazil, China, France, Gabon, Japan, Lebanon, Mexico, Nigeria, Russian Federation, Turkey, Uganda (leader of mission to Uganda), United Kingdom (co-leader of mission to the Sudan), United States (co-leader of mission to the Sudan)	S/2010/509	S/2011/7	6397 14 October 2010
19-26 May 2011	Africa (Ethiopia, the Sudan and Kenya)	Bosnia and Herzegovina, Brazil, China, Colombia, France (leader of mission to Ethiopia), Gabon, Germany, India, Lebanon, Nigeria, Portugal, Russian Federation (co-leader of mission to the Sudan), South Africa (co-leader of mission to Kenya), United Kingdom (co-leader of mission to Kenya), United States (co-leader of mission to the Sudan)	S/2011/319	S/2013/221	6546 6 June 2011

^a Unless otherwise indicated, the relevant meeting was held under the item entitled “Security Council mission”.

B. Investigative and fact-finding functions of the Secretary-General

During the two-year period 2010-2011, the Council, in its decisions, acknowledged the investigative or fact-finding functions of the Secretary-General on three occasions. In considering the events of 28 September 2009 in Guinea in which a large number of people had been killed, injured and sexually assaulted during a political rally, the Council commended the work of the International Commission of Inquiry established by the Secretary-General to investigate the facts and circumstances of the events.²¹ Following the so-called “flotilla incident” of 31 May

2010 involving an Israeli military operation in international waters against a convoy sailing to Gaza, the Council took note of the statement of the Secretary-General on the need to have a full investigation into the matter.²² In the context of peace and security in Africa, the Council welcomed the intention of the Secretary-General to deploy a United Nations assessment mission to examine the threat of piracy in the Gulf of Guinea.²³ For the relevant provisions of the Council decisions, see table 3.

²² [S/PRST/2010/9](#), third paragraph.

²³ Resolution [2018 \(2011\)](#), para. 7.

²¹ [S/PRST/2010/3](#), sixth paragraph.

The action of the Council in connection with the establishment of a panel of inquiry by the Secretary-General to investigate the “flotilla incident” is illustrated in case 1 below.

Table 3

Decisions referring to investigative and/or fact-finding activities by the Secretary-General

Decision and date

Provision

Peace consolidation in West Africa

S/PRST/2010/3
16 February 2010

The Council commends the work of the International Commission of Inquiry established by the Secretary-General and supported by the Economic Community of West African States and the African Union to investigate the facts and circumstances of the events of 28 September 2009 in Guinea, consistent with its mandate. It takes note positively of the submission by the Commission of its report (sixth paragraph)

The situation in the Middle East, including the Palestinian question

S/PRST/2010/9
1 June 2010

The Council takes note of the statement of the Secretary-General on the need to have a full investigation into the matter and it calls for a prompt, impartial, credible and transparent investigation conforming to international standards (third paragraph)

Peace and security in Africa

Resolution 2018 (2011)
31 October 2011

Welcomes the intention of the Secretary-General to deploy a United Nations assessment mission to examine the threat of piracy and armed robbery at sea in the Gulf of Guinea and explore options on how best to address the problem, and looks forward to receiving the report of the mission with recommendations on the matter (para. 7)

Case 1

The situation in the Middle East, including the Palestinian question

At the 6325th meeting, held on 31 May 2010 in connection with the situation in the Middle East, including the Palestinian question, and in response to the requests of Turkey and Lebanon,²⁴ the Assistant Secretary-General for Political Affairs briefed the Council on the military operation carried out that day by Israel against the convoy sailing to Gaza and underlined the importance of a full investigation into the incident, as called for by the Secretary-General.²⁵ Characterizing the incident as an attack on the United Nations and its values, the representative of Turkey urged the Council to demand an urgent inquiry into the incident.²⁶ Many speakers called for an investigation

into the matter,²⁷ some calling for the investigation to be conducted urgently, independently and/or in line with international standards;²⁸ the representative of the United States called for a credible and transparent investigation and strongly urged the Government of Israel to investigate the incident fully.²⁹ The representative of the United Kingdom also called on the Israeli authorities to provide a full and transparent account of the incident and the subsequent actions taken, including what measures were in hand to ensure an impartial and comprehensive investigation and to ensure that there was no further loss of life.³⁰ The representative of Palestine, on the other hand, called for an “independent, impartial international”

²⁴ S/2010/266 and S/2010/267.

²⁵ S/PV.6325, p. 3.

²⁶ Ibid., p. 5.

²⁷ Ibid., p. 6 (United Kingdom); p. 7 (Mexico, Brazil); p. 8 (Austria, Japan); p. 9 (Nigeria, United States); p. 10 (France); p. 11 (Bosnia and Herzegovina); p. 12 (Lebanon); and p. 13 (Palestine).

²⁸ Ibid., p. 7 (Brazil); p. 8 (Austria, Japan); p. 9 (Nigeria); p. 10 (France); p. 11 (Bosnia and Herzegovina); and p. 12 (Lebanon).

²⁹ Ibid., p. 9.

³⁰ Ibid., p. 6.

investigation, in order to punish the perpetrators and to release and protect all those detained immediately and unconditionally.³¹

By a presidential statement of 1 June 2010, the Council took note of the statement of the Secretary-General on the need to have a full investigation into the matter and called for a prompt, impartial, credible and transparent investigation, conforming to international standards.³²

At the 6363rd meeting, on 21 July 2010, many speakers³³ called for an investigation into the “flotilla incident” in accordance with the principles contained in the above-mentioned presidential statement. Some called for such an investigation into the incident to be established under the auspices of the Secretary-General and offered their support to the efforts of the Secretary-General in that regard.³⁴

The representative of Malaysia said that, as expected, Israel had “exonerated itself” in the “illegitimate” investigation it had conducted, and called for the speedy establishment of a United Nations-led investigation pursuant to the presidential statement of 1 June 2010.³⁵ Similarly, the representative of the Bolivarian Republic of Venezuela held that Israel had conducted a “sham” investigation to cover up proof of its reprehensible crime.³⁶ The representative of Lebanon stated that the unilateral investigation by Israel was neither credible, impartial nor transparent and did not conform to the requisite international standards.³⁷ The representative of Brazil expressed the opinion that the panel established by

Israel failed to meet the requirements set forth by the Council and that the gravity of the incident, its occurrence in international waters and the fact that it involved entities and individuals from various countries required that the investigation be conducted under the auspices of the United Nations.³⁸ The representative of South Africa similarly stated that, as the “flotilla incident” had international ramifications, an investigation should be conducted by independent international investigators, including representatives of Israel and Turkey as proposed by the Secretary-General.³⁹

While affirming the right and obligation of the parties involved to establish their own commissions of inquiry, the representative of Mexico emphasized that such an internal commission should complement an international commission as outlined in the Council’s presidential statement of 1 June 2010.⁴⁰ The representative of Nigeria said it was necessary for the Israeli panel of inquiry to meet international standards of independence and transparency as envisaged in the presidential statement, and encouraged Israel to consider the offer of the Secretary-General to facilitate an impartial and independent investigation of the “flotilla incident”.⁴¹

The representative of the United States, on the other hand, said that Israel was capable of conducting a serious and credible investigation into events that involved its national security, and opined that the Israeli independent public commission could meet the standard of a prompt, impartial, credible and transparent investigation.⁴² The representative of the United Kingdom advocated for the Israeli independent public commission to proceed swiftly, transparently and rigorously with access to all the evidence available.⁴³

By a letter dated 2 August 2010 to the President of the Council, the Secretary-General informed Council members that, in the light of the presidential statement of 1 June 2010 and with the concurrence of Turkey and Israel, he had decided to establish a Panel of Inquiry on the flotilla incident.⁴⁴ The Panel was

³¹ *Ibid.*, p. 13.

³² *S/PRST/2010/9*, third paragraph.

³³ *S/PV.6363*, p. 7 (Palestine); p. 11 (Japan); p. 12 (Bosnia and Herzegovina, Lebanon); p. 14 (Mexico); p. 20 (Austria, Turkey); p. 21 (France); p. 22 (Uganda); and p. 23 (China); *S/PV.6363 (Resumption 1)*, p. 3 (Syrian Arab Republic); p. 9 (Tajikistan, on behalf of the Organization of the Islamic Conference); p. 12 (Cuba); p. 17 (Bolivarian Republic of Venezuela); p. 18 (European Union); and p. 21 (Iceland).

³⁴ *S/PV.6363*, p. 7 (Palestine); p. 12 (Bosnia and Herzegovina); p. 25 (Egypt, on behalf of the Non-Aligned Movement); p. 27 (Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People); *S/PV.6363 (Resumption 1)*, p. 5 (South Africa); p. 13 (Malaysia); and p. 14 (Nicaragua).

³⁵ *S/PV.6363 (Resumption 1)*, p. 13.

³⁶ *Ibid.*, p. 17.

³⁷ *S/PV.6363*, p. 12.

³⁸ *Ibid.*, p. 16.

³⁹ *S/PV.6363 (Resumption 1)*, p. 5.

⁴⁰ *S/PV.6363*, p. 14.

⁴¹ *Ibid.*, p. 24.

⁴² *Ibid.*, p. 10.

⁴³ *Ibid.*, p. 18.

⁴⁴ *S/2010/414*.

established as an independent body tasked with making findings about the facts, circumstances and context of the “flotilla incident”, and recommending ways of avoiding similar incidents in the future.⁴⁵ The Panel began its work on 10 August 2010 and concluded it with the submission of its report on 2 September 2011,⁴⁶ but the Council did not meet to discuss the report during the period under review.

C. Other instances of investigative functions acknowledged by the Security Council

In 2011, for the first time, in its decisions, the Security Council recognized the work of the Human Rights Council as part of its investigative functions. For example, the Security Council welcomed the decision by the Human Rights Council to dispatch an independent international commission of inquiry to investigate all alleged violations of human rights law in the Libyan Arab Jamahiriya, to establish the facts

⁴⁵ S/2011/585, para. 44.

⁴⁶ Available from www.un.org/News/dh/infocus/middle_east/Gaza_Flotilla_Panel_Report.pdf.

and circumstances of such violations.⁴⁷ The Council also welcomed the decision by the Human Rights Council to dispatch an independent international commission of inquiry to investigate the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d’Ivoire following the presidential election of 28 November 2010, called upon all parties to cooperate with the commission of inquiry and took note of the commission’s report⁴⁸ following its issuance.⁴⁹ For the relevant provisions of the Council decisions, see table 4.

During the period under review, the Council continued to support the work of the Commission of Inquiry established in February 2009 to investigate the facts and circumstances of the assassination of the former Prime Minister of Pakistan, Mohtarma Benazir Bhutto, by agreeing to extend its mandate.⁵⁰ In April 2010, the Commission submitted its final report to the Council through the Secretary-General.⁵¹

⁴⁷ Resolution 1970 (2011), fifth preambular paragraph.

⁴⁸ A/HRC/17/48.

⁴⁹ Resolutions 1975 (2011), tenth preambular paragraph and para. 8; and 2000 (2011), sixteenth preambular paragraph.

⁵⁰ S/2010/8.

⁵¹ S/2010/191.

Table 4

Decisions relating to investigation and inquiry by other bodies of the United Nations acknowledged by the Security Council

<i>Decision and date</i>	<i>Provision</i>
The situation in Côte d’Ivoire	
Resolution 1975 (2011) 30 March 2011	Welcoming Human Rights Council resolution 16/25 of 25 March 2011, including the decision to dispatch an independent international commission of inquiry to investigate the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d’Ivoire following the presidential election of 28 November 2010 (tenth preambular paragraph) Also calls upon all parties to fully cooperate with the independent international commission of inquiry put in place by the Human Rights Council on 25 March 2011 to investigate the facts and circumstances surrounding the allegations of serious abuses and violations of human rights committed in Côte d’Ivoire following the presidential election of 28 November 2010, and requests the Secretary-General to transmit this report to the Security Council and other relevant international bodies (para. 8)
Resolution 2000 (2011) 27 July 2011	Taking note of the report and recommendations of the independent international commission of inquiry established pursuant to Human Rights Council resolution 16/25 of 25 March 2011 (sixteenth preambular paragraph)

Decision and date

Provision

The situation in Libya

Resolution 1970 (2011)
26 February 2011

Welcoming Human Rights Council resolution S-15/1 of 25 February 2011, including the decision to urgently dispatch an independent international commission of inquiry to investigate all alleged violations of international human rights law in the Libyan Arab Jamahiriya, to establish the facts and circumstances of such violations and of the crimes perpetrated and, where possible, to identify those responsible (fifth preambular paragraph)

III. Decisions of the Security Council concerning the pacific settlement of disputes

Article 33

1. *The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.*

2. *The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.*

Article 36

1. *The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.*

2. *The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.*

3. *In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.*

Article 37

1. *Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.*

2. *If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.*

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

Note

Article 33 (1) of the Charter of the United Nations expressly provides the framework for parties to settle their disputes by peaceful means. According to Article 33 (2) of the Charter, the Security Council shall call on the parties to settle their disputes by such peaceful means as provided for in Article 33 (1). The Council may recommend appropriate procedures or methods of adjustment for the settlement of disputes under Article 36 (1). According to Article 36 (2) and (3), the Council should take into consideration procedures for the settlement of the dispute already adopted by the parties and that legal disputes should as a general rule be referred by the parties to the International Court of Justice. Article 37 (2) envisages that, following a referral, the Council shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate. Article 38 provides that the Council may

make recommendations to the parties with a view to a pacific settlement of the dispute.

Section III examines the decisions of the Security Council in 2010 and 2011 in connection with its efforts aimed at the peaceful settlement of disputes within the framework of Chapter VI of the Charter. Subsection A covers the relevant decisions of the Council on thematic issues touching upon the provisions of Chapter VI of the Charter. Subsection B illustrates various ways in which the Council, in dealing with country-specific and regional situations, welcomed, encouraged or supported efforts in the peaceful settlement of disputes. Subsection C provides an overview of the Council's efforts towards the pacific settlement of disputes involving the Secretary-General. Subsection D briefly illustrates various ways in which the Council encouraged and supported efforts by regional organizations in the peaceful settlement of disputes, which are covered in detail in part VIII of the present Supplement.

A. Decisions of the Security Council on thematic issues relating to the pacific settlement of disputes

During the two-year period 2010-2011, the Council adopted a number of decisions relating to the pacific settlement of disputes under thematic items including conflict prevention, preventive diplomacy, the Council's effective role in maintaining international peace and security, post-conflict peacebuilding, the rule of law, United Nations peacekeeping operations and women and peace and security. For the relevant provisions of the Council decisions, see table 5.

In three of those decisions, the Council included explicit references to Chapter VI and Articles 33 to 35 and 99 of the Charter. In a presidential statement of 29 June 2010, the Council reiterated its call upon Member States to settle their disputes by peaceful means as set forth in Chapter VI of the Charter, emphasizing the key role of the International Court of Justice in adjudicating disputes between States.⁵² In a presidential statement of 16 July 2010, the Council recalled Articles 33 and 34 of the Charter, and

⁵² [S/PRST/2010/11](#), second paragraph; adopted in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security.

reaffirmed its commitment to the settlement of disputes by peaceful means and the promotion of necessary preventive action in response to disputes or situations, the continuation of which is likely to endanger the maintenance of international peace and security. The Council also recalled that, in accordance with Articles 99 and 35, the Secretary-General or any Member State may bring to the attention of the Council any matter which is likely to endanger the maintenance of international peace and security.⁵³

In other decisions, without explicitly citing Chapter VI or any Articles of the Charter, the Council stressed the importance of early warning, preventive deployment, mediation, practical disarmament and post-conflict peacebuilding, recognizing that those tools were interdependent and complementary components of a comprehensive conflict prevention strategy.⁵⁴ The Council also underlined that the coherent use of preventive diplomacy, peacemaking, peacekeeping and peacebuilding tools was important in creating the conditions for sustainable peace.⁵⁵ It also supported endeavours aimed at enhancing the preventive capacities of the Member States, the United Nations and regional and subregional organizations, and stressed the importance of developing early warning, assessment, mediation and response capabilities of those actors, as well as ensuring sound coordination among them.⁵⁶

During the period under review, the Council also recognized the importance of the peaceful settlement of political disputes in a post-conflict State and of advancing the peace process and peaceful coexistence through inclusive dialogue, national reconciliation and reintegration.⁵⁷ The Council also stressed the role of United Nations peacekeepers in supporting efforts to promote political processes and peaceful settlement of disputes.⁵⁸ In a number of decisions, the Council

⁵³ [S/PRST/2010/14](#), first and third paragraphs; adopted in connection with the maintenance of international peace and security.

⁵⁴ See, in connection with the maintenance of international peace and security, [S/PRST/2010/14](#), fourth paragraph, and [S/PRST/2011/18](#), ninth paragraph.

⁵⁵ See, in connection with the maintenance of international peace and security, [S/PRST/2010/18](#), fifth paragraph.

⁵⁶ [S/PRST/2010/18](#), seventh paragraph.

⁵⁷ See, in connection with post-conflict peacebuilding, [S/PRST/2010/7](#), fourth paragraph.

⁵⁸ See, in connection with United Nations peacekeeping operations, [S/PRST/2011/17](#), third paragraph.

frequently stressed the role of women and the importance of their participation in the prevention and resolution of conflicts.⁵⁹

With regard to the role of the Secretary-General in the pacific settlement of disputes, the Council repeatedly paid tribute to the efforts of the Secretary-General in using his good offices and dispatching his representatives to facilitate durable and comprehensive

settlements, and encouraged him to increasingly and effectively use all the modalities and diplomatic tools at his disposal under the Charter for the purpose of enhancing mediation and its support activities.⁶⁰ In one decision, the Council underlined the importance of the regular briefings it received on swift and timely preventive efforts undertaken by the Organization, and further called upon the Secretary-General to continue that good practice.⁶¹

⁵⁹ See, in connection with women and peace and security, resolution 1960 (2010), fifteenth preambular paragraph; S/PRST/2010/22, seventh paragraph; and S/PRST/2011/20, thirteenth paragraph. In connection with the maintenance of international peace and security, see S/PRST/2010/14, fifth paragraph; S/PRST/2010/18, eighteenth paragraph; and S/PRST/2011/18, thirteenth paragraph. For more information, see part I, sect. 33, with regard to mainstreaming of issues relating to women and peace and security in the decisions of the Security Council.

⁶⁰ See, in connection with the maintenance of international peace and security, S/PRST/2010/18, eighth paragraph; and S/PRST/2011/18, seventh paragraph. In connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, see S/PRST/2010/11, fourth paragraph.

⁶¹ See, in connection with the maintenance of international peace and security, S/PRST/2011/18, eighth paragraph.

Table 5

Decisions of the Security Council under thematic items relating to the pacific settlement of disputes

Decision and date

Provision

Maintenance of international peace and security: optimizing the use of preventive diplomacy tools — prospects and challenges in Africa

S/PRST/2010/14
16 July 2010

The Security Council reaffirms its primary responsibility for the maintenance of international peace and security in accordance with the Charter of the United Nations. The Council recalls Articles 33 and 34 of the Charter and reaffirms its commitment to the settlement of disputes by peaceful means and the promotion of necessary preventive action in response to disputes or situations, the continuation of which is likely to endanger the maintenance of international peace and security (first paragraph)

The Council recalls that the prevention of conflict remains a primary responsibility of Member States. As such, actions undertaken by United Nations entities within the framework of conflict prevention must be designed to support and complement, as appropriate, the conflict prevention roles of national Governments (second paragraph)

The Council notes that, consistent with its functions in relation to international peace and security, it seeks to remain engaged in all stages of the conflict cycle and in exploring ways of preventing the escalation of disputes into armed conflict or a relapse into armed conflict, and recalls that, in accordance with Articles 99 and 35 of the Charter, the Secretary-General or any Member State may bring to the attention of the Council any matter which is likely to endanger the maintenance of international peace and security (third paragraph)

The Council recalls that early warning, preventive diplomacy, preventive deployment, mediation, practical disarmament measures and post-conflict peacebuilding are interdependent and complementary components of a comprehensive conflict prevention strategy. The Council notes the importance of creating and maintaining peace through inclusive dialogue, reconciliation and reintegration (fourth paragraph)

The Council reaffirms the important role of women in the prevention and resolution of conflicts and in peacebuilding, and reiterates its call to increase the equal participation, representation and full involvement of women in preventive diplomacy efforts and all related decision-making processes with regard to conflict resolution and peacebuilding, in line with resolutions [1325 \(2000\)](#), [1820 \(2008\)](#), [1888 \(2009\)](#) and [1889 \(2009\)](#) (fifth paragraph)

The Council encourages the development of peaceful settlement of local disputes through regional arrangements in accordance with Chapter VIII of the Charter and reiterates its support for the efforts of regional and subregional organizations, in particular the African Union, the Economic Community of West African States, the Southern African Development Community, the East African Community, the Intergovernmental Authority on Development and the Economic Community of Central African States, as regards conflict prevention. The Council acknowledges the need for closer and more operational cooperation between the United Nations and regional and subregional organizations in Africa to build national and regional capacities in relation to the preventive diplomacy tools of mediation, information-gathering and analysis, early warning, prevention and peacemaking, and in this context the Council recognizes the important role that regional United Nations offices, such as the United Nations Office for West Africa, can play and stresses the valuable contribution of mediation capacities such as the Council of Elders, the Panel of the Wise and the good offices of the Secretary-General and his special envoys, and of regional and subregional organizations, to ensuring the coherence, synergy and collective effectiveness of their efforts (ninth paragraph)

The Security Council underlines the importance of continually engaging the potential and existing capacities and capabilities of the United Nations Secretariat, regional and subregional organizations as well as national Governments in preventive diplomacy efforts, including mediation, and welcomes the promotion of regional approaches to the peaceful settlement of disputes (tenth paragraph)

The Council further reiterates its support for the work of the Peacebuilding Commission and recognizes the need for greater coordination with the Commission. The Council further recognizes the need for greater coherence with all relevant United Nations entities in relation to the most effective use of preventive diplomacy tools at their disposal. The Council recognizes the important role of the United Nations Integrated Peacebuilding Offices in supporting national efforts to prevent conflicts and in addressing cross-border threats. The Council also recognizes the value that the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa continues to add to the process of embedding preventive diplomacy practices into the conflict management architecture of the Organization. In this connection, the Council recalls the role of the Special Adviser to the Secretary-General on the Prevention of Genocide in matters relating to the prevention and resolution of conflict. The Council emphasizes the need for the full engagement of all relevant actors, including civil society, to sustain the momentum and perspective for a meaningful preventive diplomacy framework (eleventh paragraph)

Decision and date

Provision

Maintenance of international peace and security: ensuring the Security Council's effective role in maintaining international peace and security

[S/PRST/2010/18](#)
23 September 2010

The Council welcomes the considerable progress made in refining and strengthening the United Nations preventive diplomacy, peacemaking, peacekeeping and peacebuilding capabilities in recent years, and pledges to continue to contribute to the adaptation of these tools to changing circumstances. The Council also underlines that the relationship between these tools is not always sequential and that it is necessary to use them in a comprehensive, integrated and flexible manner (fourth paragraph)

The Council stresses that the comprehensive and coherent use of preventive diplomacy, peacemaking, peacekeeping and peacebuilding tools is important in creating the conditions for sustainable peace. The Council undertakes to provide the necessary political support to ensure this overarching objective (fifth paragraph)

The Council calls upon Member States to resolve differences peacefully and draws particular attention to the importance of preventive diplomacy as a cost-effective and efficient way of crisis management and conflict resolution. The Council encourages and reaffirms its support for endeavours aimed at enhancing the preventive capacities of the Member States, the United Nations, and regional and subregional organizations. The Council stresses, in particular, the importance of developing early warning, assessment, mediation and response capabilities of these actors, as well as ensuring a sound coordination among them (seventh paragraph)

The Council pays tribute to the efforts undertaken by the Secretary-General in using his good offices, his Representatives, Special Envoys and mediators, as well as by regional and subregional organizations to help to facilitate durable and comprehensive settlements, and undertakes to continue to support their work (eighth paragraph)

The Council further commits to following closely existing and potential conflict situations that may affect international peace and security, engaging with parties undertaking preventive efforts, encouraging the steps taken to de-escalate tension and build confidence, and supporting efforts aimed at mobilizing the necessary expertise and capabilities available in and to the United Nations. The Council also recognizes the importance of enhancing efforts, including coordination among bilateral and multilateral donors, to ensure predictable, coherent and timely financial support to optimize the use of preventive diplomacy tools (ninth paragraph)

The Council recognizes that a comprehensive and integrated strategy for peacemaking, peacekeeping and peacebuilding should involve all relevant actors, taking into account the unique circumstances of each conflict situation. The Council further acknowledges that sustainable peace and security can best be achieved through effective collaboration among all concerned parties on the basis of their expertise (sixteenth paragraph)

The Council also reaffirms the important role of women in all aspects of the prevention and resolution of conflicts, as well as in peacekeeping and peacebuilding, and recognizes that a concerted and determined approach that addresses the root causes of conflicts also requires a systematic and comprehensive approach to women and peace and security issues. The Council, in this regard, looks forward to marking the 10th anniversary of resolution [1325 \(2000\)](#) by taking action on a comprehensive set of indicators on the basis of recommendations of the Secretary-General (eighteenth paragraph)

Maintenance of international peace and security: conflict prevention

[S/PRST/2011/18](#)
22 September 2011

The Council reaffirms its primary responsibility for the maintenance of international peace and security, acting in accordance with the purposes and principles of the Charter of the United Nations. The Council further expresses its determination to enhance the effectiveness of the United Nations in preventing the eruption of armed conflicts, their escalation or spread when they occur, and their resurgence once they end (third paragraph)

The Council reaffirms that actions undertaken within the framework of conflict prevention by the United Nations should support and complement, as appropriate, the conflict prevention roles of national Governments (sixth paragraph)

The Council pays tribute to the efforts undertaken by the Secretary-General in using his good offices, and dispatching representatives, special envoys and mediators, to help to facilitate durable and comprehensive settlements. The Council encourages the Secretary-General to increasingly and effectively use all the modalities and diplomatic tools at his disposal under the Charter for the purpose of enhancing mediation and its support activities, and recalls in this regard General Assembly resolution [65/283](#) of 22 June 2011, as well as the report of the Secretary-General of 8 April 2009. The Council further encourages concerned parties to act in good faith when engaging with prevention and mediation efforts, including those undertaken by the United Nations (seventh paragraph)

The Council encourages the Secretary-General to continue improving coherence and consolidation within the United Nations system, with a view to maximizing the impact of swift and timely preventive efforts undertaken by the Organization. The Council underlines the importance of the regular briefings it receives on such efforts and further calls upon the Secretary-General to continue this good practice (eighth paragraph)

The Council recalls that a comprehensive conflict prevention strategy should include, inter alia, early warning, preventive deployment, mediation, peacekeeping, practical disarmament, accountability measures as well as post-conflict peacebuilding, and recognizes that these components are interdependent, complementary and non-sequential (ninth paragraph)

The Council emphasizes that an effective preventive diplomacy framework requires the active involvement of civil society, especially youth, and other relevant actors, such as academia and the media. The Council also reaffirms the important role of women in the prevention and resolution of conflicts and in peacebuilding, and reiterates its call to increase the equal participation, representation and full involvement of women in preventive diplomacy efforts in line with resolutions [1325 \(2000\)](#), [1820 \(2008\)](#), [1888 \(2009\)](#) and [1889 \(2009\)](#) and the statements by its President of 13 and 26 October 2010 (thirteenth paragraph)

Post-conflict peacebuilding

[S/PRST/2010/7](#)
16 April 2010

The Council highlights the importance of the peaceful settlement of political disputes in a post-conflict State and addressing the sources of violent conflict as essential elements for achieving sustainable peace. The Council recognizes the importance of advancing the peace process and peaceful co-existence through inclusive dialogue, reconciliation and reintegration. The Council reaffirms that ending impunity is essential if a society recovering from conflict is to come to terms with past abuses committed against civilians affected by armed conflict and to prevent such abuses in the future. The Council underlines the importance of holding free, fair and transparent elections for sustainable peace (fourth paragraph)

Decision and date

Provision

The Council recognizes the importance of pursuing political stability and security alongside socio-economic development for the consolidation of peace. The Council stresses the importance of delivering early peace dividends, including the provision of basic services, in order to help to instil confidence and commitment to the peace process. The Council recognizes that the reintegration of refugees, internally displaced persons and former combatants, in coordination with security sector reform and disarmament, demobilization and reintegration, should not be seen in isolation, but should be carried out in the context of a broader search for peace, stability and development, with special emphasis on the revival of economic activities. The Council notes in this regard that high levels of youth unemployment can be a major challenge to sustainable peacebuilding (sixth paragraph)

The promotion and strengthening of the rule of law in the maintenance of international peace and security

[S/PRST/2010/11](#)
29 June 2010

The Council is committed to and actively supports the peaceful settlement of disputes and reiterates its call upon Member States to settle their disputes by peaceful means as set forth in Chapter VI of the Charter. The Council emphasizes the key role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes between States and the value of its work and calls upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute (second paragraph)

The Council calls upon States to resort also to other dispute settlement mechanisms, including international and regional courts and tribunals which offer States the possibility of settling their disputes peacefully, contributing thus to the prevention or settlement of conflict (third paragraph)

The Council emphasizes the importance of the activities of the Secretary-General in promoting mediation and in the pacific settlement of disputes between States, recalls in this regard the report of the Secretary-General of 8 April 2009 on enhancing mediation and its support activities, and encourages the Secretary-General to increasingly and effectively use all the modalities and diplomatic tools at his disposal under the Charter for this purpose (fourth paragraph)

United Nations peacekeeping operations

[S/PRST/2010/2](#)
12 February 2010

The Council underlines that an advanced peace process is an important factor in achieving successful transition from a peacekeeping operation to other configurations of United Nations presence. It also highlights the importance of a host State protecting its population, managing political disputes peaceably and providing for basic services and long-term development (third paragraph)

The Council stresses the importance of considering early peacebuilding in its own deliberations and of ensuring coherence between peacemaking, peacekeeping and peacebuilding to achieve effective transition strategies. The Council looks forward to discussing further the implementation of this integrated approach and requests the Secretary-General to intensify his efforts in this regard (eleventh paragraph)

<i>Decision and date</i>	<i>Provision</i>
S/PRST/2011/17 26 August 2011	<p>The Council stresses the role of the United Nations peacekeepers in supporting efforts to promote political processes and peaceful settlements of disputes. The Council underlines the need for precise, full and effective implementation of mandates and its intention to continue to review and monitor such implementation on a regular basis. The Council recognizes the role of regional organizations in peacekeeping in accordance with Chapter VIII of the Charter (third paragraph)</p> <p>The Council expresses its commitment to continuing to improve its consideration and reflection of early peacebuilding tasks in the mandates and composition of peacekeeping operations. In this context, the Council notes with appreciation the contribution that peacekeepers and peacekeeping missions make to early peacebuilding and recognizes the need to integrate mission expertise and experience into the development of peacebuilding strategies (tenth paragraph)</p>

Women and peace and security

S/PRST/2010/22 26 October 2010	<p>The Council notes with grave concern that women and girls are disproportionately affected by conflict, and that women's participation at all stages of peace processes and in the implementation of peace accords remains too low, despite the vital role of women in the prevention and resolution of conflicts and in rebuilding their societies. The Council recognizes the need to facilitate the full and effective participation of women in these areas and stresses that the full and effective participation of women is very important for the sustainability of peace processes (seventh paragraph)</p>
Resolution 1960 (2010) 16 December 2010	<p>Recognizing the efforts of the Secretary-General to address the underrepresentation of women in formal peace processes, the lack of mediators and ceasefire monitors with proper training in dealing with sexual violence, and the lack of women as chief or lead peace mediators in United Nations-sponsored peace talks, and encouraging further such efforts (fifteenth preambular paragraph)</p>
S/PRST/2011/20 28 October 2011	<p>The Council welcomes the commitments and efforts of Member States, regional organizations and the Secretary-General to implement its resolutions on women and peace and security. The Council, however, remains concerned about the persistence of gaps and challenges that seriously hinder the implementation of resolution 1325 (2000), including the continued low number of women in formal institutions of conflict prevention and resolution, particularly in preventive diplomacy and mediation efforts (fifth paragraph)</p> <p>The Council recalls the statement by its President of 22 September 2011 on preventive diplomacy, in which it, inter alia, recognized the important role of women in the prevention and resolution of conflicts and in peacebuilding, and reiterated its call to increase the equal participation, representation and full involvement of women in preventive diplomacy efforts. The Council recalls General Assembly resolution 65/283 on strengthening the role of mediation in the peaceful settlement of disputes, conflict prevention and resolution and the encouragement it contains to promote equal, full and effective participation of women in all forums and at all levels of the peaceful settlement of disputes, conflict prevention and resolution, particularly at the decision-making level (eleventh paragraph)</p>

Decision and date

Provision

The Council encourages efforts by Member States, the United Nations Secretariat, United Nations field missions, United Nations agencies, funds and programmes, international financial institutions and regional and subregional organizations to, as appropriate, provide support and strengthen the capacities of relevant government institutions and women's organizations engaged in issues related to armed conflict or post-conflict situations. The Council underlines the importance of the participation of women in conflict prevention and resolution efforts, including in the negotiation and implementation of peace agreements, as well as international dialogues, contact groups, engagement conferences and donor conferences in support of conflict resolution. In this regard, the Council reiterates the need to support, as appropriate, local women's peace initiatives, processes for conflict resolution and initiatives that involve women in implementation mechanisms of the peace agreements, including through the local-level presence of United Nations field missions (twelfth paragraph)

The Council acknowledges the significant contribution that women can have in conflict prevention and mediation efforts and encourages Member States and international and regional organizations to take measures to increase the number of women involved in mediation efforts and the number of women in representative roles in regional and international organizations. The Council therefore stresses the importance of creating enabling conditions for women's participation during all stages of peace processes and for countering negative societal attitudes regarding full and equal participation of women in conflict resolution and mediation (thirteenth paragraph)

The Council encourages negotiating parties and mediation teams to adopt a gender perspective in negotiating and implementing peace agreements and to facilitate increased representation of women in peacebuilding forums. In this regard, the Council requests the Secretary-General and relevant United Nations entities to assist, as appropriate, in enabling regular consultations between women's groups and relevant participants in conflict mediation and peacebuilding processes. The Council also requests the Secretary-General to ensure that regular briefings are provided to his mediators and their teams on gender issues relevant to peace agreement provisions and specific obstacles to full and equal political participation of women (fifteenth paragraph)

The Council recognizes the need for more systematic attention to and implementation of women and peace and security commitments in its own work and expresses its willingness to ensure that measures to enhance women's engagement in conflict prevention and resolution and peacebuilding are advanced in its work, including on preventive diplomacy. The Council welcomes the intention of the Ad Hoc Working Group on Conflict Prevention and Resolution in Africa to incorporate a gender perspective in its work (sixteenth paragraph)

B. Recommendations relating to procedures, methods or terms of the pacific settlement of disputes

Chapter VI of the Charter contains various provisions according to which the Council may make recommendations to the parties to a dispute or situation. Under Article 33 (2) of the Charter, the

Council shall call upon the parties to settle their disputes by such peaceful means as provided for in Article 33 (1). Article 36 (1) states that the Council may "recommend appropriate procedures or methods of adjustment". Under Article 37 (2) the Council shall "recommend such terms of settlement as it may consider appropriate", and Article 38 provides that it may "make recommendations to the parties with a view

to a pacific settlement of the dispute". This subsection provides an overview of recommendations of the Council for the peaceful settlement of disputes addressed to the parties, including endorsements of peace agreements and support for peace processes and other mechanisms for conflict resolution. Instances of such recommendations found in Council decisions are set out in table 6. In contrast to earlier volumes of the *Repertoire*, resolutions in which the Council determined threats to international peace and security in accordance with Article 39, including those explicitly adopted under Chapter VII, are not examined here, as they are covered in part VII.

During the period under review, the Council often encouraged the parties to participate in dialogues, peace processes and negotiations for the peaceful resolution of the situation, which were facilitated by the United Nations, through the Secretary-General and his representatives, regional and subregional organizations and/or regional leaders. The Council frequently stressed the importance of implementing peace and ceasefire agreements by the parties, including through their participation in the subsequent peace processes, national reconciliation, consultative processes and/or political dialogues. In some cases, the Council called upon the parties, including non-State actors, to join or expedite the peace process. With regard to the situation in Darfur, on two occasions the Council stated its willingness to consider measures against any party whose actions undermined the peace on the ground.⁶²

Africa. Concerning Guinea, the Council welcomed the Joint Declaration of Ouagadougou of 15 January 2010⁶³ and called for its implementation by all Guinean stakeholders.⁶⁴ With regard to the Central African Republic, the Council welcomed and supported ongoing efforts aimed at national reconciliation based on the Libreville Comprehensive Peace Agreement of 21 June 2008 and called upon the parties to remain committed to the Agreement and the national reconciliation process.⁶⁵ The Council also called upon the politico-military groups to join the political peace process⁶⁶ and all

remaining armed groups to join the Agreement without delay.⁶⁷ The Council welcomed the ceasefire agreements between the Government and the Convention des patriotes pour la justice et la paix, the last armed group not party to the Agreement, signed on 12 June 2011, and between the Convention des patriotes pour la justice et la paix and the Union des forces démocratiques pour le rassemblement, signed on 8 October 2011.⁶⁸ With regard to Somalia, the Council repeatedly welcomed the consultative process facilitated by the Special Representative of the Secretary-General, and urged all Somali stakeholders to participate constructively in the consultative meetings in line with the spirit of the Djibouti Agreement.⁶⁹ The Council welcomed the signing of the Kampala Accord on 9 June 2011 by the President of the Transitional Federal Government of Somalia and the Speaker of the Transitional Federal Parliament of Somalia, facilitated by the President of Uganda, Yoweri Museveni, and the Special Representative of the Secretary-General for Somalia, and called upon the signatories to honour their obligations. It further called upon the transitional federal institutions to build broad-based representative institutions through an inclusive political process.⁷⁰ On Guinea-Bissau, recalling the events of 1 April 2010 in that country, the Council stressed the need to conduct a genuine and inclusive political dialogue and welcomed the efforts made by regional leaders, in particular the President of Cape Verde, Pedro Pires, to engage in a constructive dialogue with the leadership of that country. The Council further called upon the Government and all political stakeholders to work together to consolidate peace and stability, to use legal and peaceful means to resolve differences and to intensify efforts for such a political dialogue and national reconciliation.⁷¹ With regard to Burundi, the Council encouraged the efforts of the Government to create a space for all political parties and to continue improving dialogue between all actors, including civil society.⁷² Concerning Sierra Leone, the Council urged the Government to accelerate the promotion of national

⁶² See, in connection with the reports of the Secretary-General on the Sudan, [S/PRST/2010/24](#), tenth paragraph; and [S/PRST/2010/28](#), eighth paragraph.

⁶³ [S/2010/34](#), annex.

⁶⁴ [S/PRST/2010/3](#), third and fourth paragraphs.

⁶⁵ [S/PRST/2010/26](#), first paragraph; and [resolution 2031 \(2011\)](#), third preambular paragraph and para. 6.

⁶⁶ [S/PRST/2010/26](#), first paragraph.

⁶⁷ [Resolution 2031 \(2011\)](#), third preambular paragraph.

⁶⁸ *Ibid.*, tenth preambular paragraph.

⁶⁹ [S/PRST/2011/6](#), third paragraph; [S/PRST/2011/10](#), fourth and fifth paragraphs; and [S/PRST/2011/13](#), fourth paragraph.

⁷⁰ [S/PRST/2011/13](#), second and third paragraphs.

⁷¹ [S/PRST/2010/15](#), first and eighth paragraphs; [resolutions 1949 \(2010\)](#), para. 4; and [2030 \(2011\)](#), paras. 4 and 14.

⁷² [Resolutions 1959 \(2010\)](#), fourth preambular paragraph; and [2027 \(2011\)](#), fifth preambular paragraph.

unity and reconciliation.⁷³ On Western Sahara, the Council called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations and to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith.⁷⁴ Regarding the Sudan and South Sudan, the Council repeatedly urged the parties to implement the Comprehensive Peace Agreement, underscoring that the full and timely implementation of the Agreement was essential to peace and security in the region.⁷⁵ The Council also requested that the parties refrain from unilateral action and avoid resorting to violence, provocation and inflammatory rhetoric, and that they show restraint and choose the path of dialogue.⁷⁶ On the situation in Abyei, the Council continuously urged the parties to reach agreement, including through negotiations under the auspices of the African Union High-level Implementation Panel,⁷⁷ and expressed its determination that the future status of Abyei should be resolved by negotiations between the parties in a manner consistent with the Comprehensive Peace Agreement and not by the unilateral actions of either party.⁷⁸ With regard to Blue Nile and Southern Kordofan States, the Council welcomed the start of the popular consultations in Blue Nile State and stressed the importance of inclusive, timely and credible popular consultation processes in the two States, in accordance with the Comprehensive Peace Agreement, while calling for all parties to refrain from unilateral action pending the outcome of the negotiations about post-Agreement political and security arrangements.⁷⁹ Concerning Darfur, the Council repeatedly reaffirmed its support for the African Union-United Nations-led peace process for Darfur hosted by Qatar, and strongly urged all rebel movements to join the peace process, particularly the

Doha peace process.⁸⁰ Recognizing the potential complementary role of a Darfur-led political process to the Doha process, the Council called upon the parties to contribute to the creation of an enabling environment necessary for a Darfur-based political process.⁸¹

Asia. Following the attack of 26 March 2010 which had led to the sinking of the Republic of Korea naval ship *Cheonan*, the Council called for appropriate and peaceful measures to be taken against those responsible for the incident, aimed at the peaceful settlement of the issue in accordance with the Charter and all other relevant provisions of international law. The Council also called for full adherence to the Korean Armistice Agreement⁸² and encouraged the settlement of outstanding issues on the Korean peninsula by peaceful means to resume direct dialogue and negotiation through appropriate channels as soon as possible.⁸³ With regard to Nepal, stressing the importance of the implementation of the Comprehensive Peace Agreement and subsequent agreements, the Council called upon the Government and the Unified Communist Party of Nepal (Maoist) to implement the agreement reached on 13 September 2010 and called upon all political parties to expedite the peace process and to work together in a spirit of cooperation, consensus and compromise.⁸⁴ On 14 January 2011, the day before the United Nations Mission in Nepal completed its mandate, the Council called upon the caretaker Government and all political parties to redouble their efforts, to continue to work together in a spirit of consensus to fulfil the commitments they had made in the agreements and to resolve expeditiously the outstanding issues of the peace process, which the Council would continue to

⁷³ Resolution 1941 (2010), para. 9.

⁷⁴ Resolutions 1920 (2010), paras. 3 and 4; and 1979 (2011), para. 4.

⁷⁵ S/PRST/2010/24, second, fourth, ninth and seventeenth paragraphs; and S/PRST/2011/3, fourth paragraph.

⁷⁶ S/PRST/2010/24, fourth paragraph; S/PRST/2010/28, seventh paragraph; and S/PRST/2011/12, sixth and tenth paragraphs.

⁷⁷ S/PRST/2010/24, fifth paragraph; S/PRST/2010/28, third paragraph; S/PRST/2011/3, sixth paragraph; and S/PRST/2011/8, second paragraph.

⁷⁸ S/PRST/2011/12, seventh paragraph.

⁷⁹ S/PRST/2011/3, sixth paragraph; S/PRST/2011/8, third paragraph; and S/PRST/2011/12, eleventh paragraph.

⁸⁰ S/PRST/2010/24, tenth paragraph; S/PRST/2010/28, eighth paragraph; S/PRST/2011/3, tenth paragraph; and S/PRST/2011/8, tenth paragraph.

⁸¹ S/PRST/2011/8, eleventh paragraph. The Doha peace process had resulted in the signing on 14 July 2011 of the Agreement between the Government of the Sudan and the Liberation and Justice Movement for the Adoption of the Doha Document for Peace in Darfur, as endorsed by the All Darfur Stakeholders Conference held in Doha as the basis for a final settlement of the Darfur conflict (see S/2011/449, enclosure).

⁸² See S/3079.

⁸³ S/PRST/2010/13, fourth and tenth paragraphs.

⁸⁴ Resolutions 1909 (2010), fourth preambular paragraph and para. 5; 1921 (2010), fourth preambular paragraph and para. 5; and 1939 (2010), fourth preambular paragraph and paras. 4 and 5.

support.⁸⁵ Concerning Timor-Leste, the Council urged all parties to continue to work together and engage in political dialogue while welcoming their commitment to foster national dialogue.⁸⁶

Europe. In connection with Cyprus, throughout the period under review, the Council welcomed the progress made in the fully fledged negotiations and the prospect of further decisive progress in the near future towards a comprehensive and durable settlement.⁸⁷ The Council expressly called upon the two leaders to intensify the momentum of the negotiations to reach an enduring, comprehensive and just settlement based on a bicomunal, bizonal federation with political equality and to engage in the process in a constructive and open manner.⁸⁸

Middle East. Following the “flotilla incident” of 31 May 2010 involving a military operation by Israel in international waters against the convoy sailing to Gaza, the Council underlined that the only viable solution to the Israeli-Palestinian conflict was an

agreement negotiated between the parties. The Council voiced concern that the incident had taken place during the proximity talks which it supported, and urged all parties to act with restraint.⁸⁹ Regarding the Syrian Arab Republic, the Council stressed that the only solution to the current crisis was “through an inclusive and Syrian-led political process” with the aim of effectively addressing the legitimate aspirations and concerns of the population.⁹⁰ On Yemen, stressing that the best solution to the current crisis was “through an inclusive and Yemeni-led political process of transition” that met the legitimate demands and aspirations of the Yemeni people for change, the Council noted the signing of the Gulf Cooperation Council initiative by some opposition parties and the General People’s Congress as well as the commitment by the President of Yemen to immediately sign the initiative. The Council called upon all parties to commit themselves to the implementation of a political settlement on the basis of that initiative.⁹¹ Concerning Iraq, the Council called upon the parties to participate in an inclusive political dialogue and underscored the importance of participation by all communities in Iraq.⁹²

⁸⁵ S/PRST/2011/1, second and fourth paragraphs.

⁸⁶ Resolutions 1912 (2010), para. 2; and 1969 (2011), fourth preambular paragraph and para. 2.

⁸⁷ Resolutions 1930 (2010), fourth, fifth and sixth preambular paragraphs and para. 2; 1953 (2010), fourth and sixth preambular paragraphs and para 1; and 1986 (2011), fourth and sixth preambular paragraphs and para. 1.

⁸⁸ Resolutions 1930 (2010), para. 3; 1953 (2010), fifth preambular paragraph and para. 2; 1986 (2011), fifth preambular paragraph and para. 3; and 2026 (2011), fifth preambular paragraph and para. 3.

⁸⁹ S/PRST/2010/9, fifth and sixth paragraphs.

⁹⁰ S/PRST/2011/16, sixth paragraph.

⁹¹ Resolution 2014 (2011), fifteenth preambular paragraph and paras. 4 and 7.

⁹² S/PRST/2010/23, second paragraph; S/PRST/2010/27, ninth paragraph; resolutions 1936 (2010), sixth preambular paragraph; and 2001 (2011), sixth preambular paragraph.

Table 6

Decisions on recommendations relating to methods, procedures or terms of the pacific settlement of disputes

<i>Decision and date</i>	<i>Provision</i>
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Africa

Peace consolidation in West Africa (Guinea)

S/PRST/2010/3 16 February 2010	The Council welcomes the Joint Declaration of Ouagadougou of 15 January 2010, which, consistent with the proposals made on 6 January 2010 by the interim President, General Sékouba Konaté, provides, in particular, for the establishment of a National Unity Government led by a civilian Prime Minister designated by the opposition, the holding of elections within six months, the commitment that the Head of State of the transition, the members of the Conseil national pour la démocratie et le développement, the Prime Minister, the members of the National Unity Government and the defence and security forces in active service will not stand in the forthcoming presidential elections (third paragraph)
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Decision and date

Provision

The Council welcomes further the appointment on 21 January 2010 of Mr. Jean-Marie Doré as Prime Minister and the designation of a National Unity Government on 15 February 2010. It calls upon all Guinean stakeholders to implement the Joint Declaration of Ouagadougou in full and to engage actively in the transition towards the restoration of the normal constitutional order through the holding of elections within six months. It calls upon the international community to bring its support to the Guinean authorities led by interim President Sékouba Konaté and Prime Minister Jean-Marie Doré, including with regard to comprehensive security and justice sector reform, upon request from the Guinean authorities (fourth paragraph)

The situation in Burundi

Resolution 1959
(2010)
16 December 2010

Encouraging the efforts of the Government of Burundi to create a space for all political parties and to continue improving dialogue between all actors, including civil society (fourth preambular paragraph)

Same provision in resolution 2027 (2011), fifth preambular paragraph

The situation in the Central African Republic

S/PRST/2010/26
14 December 2010

The Security Council supports the ongoing efforts aimed at national reconciliation in the Central African Republic and welcomes the progress achieved so far. It calls upon the politico-military groups that have not joined the political peace process to do so (first paragraph)

Resolution 2031
(2011)
21 December 2011

Welcoming ongoing efforts aimed at national reconciliation in the Central African Republic based on the Libreville Comprehensive Peace Agreement of 21 June 2008, calling upon its signatories to remain committed to the Agreement, and calling upon all remaining armed groups to join the Agreement without delay (third preambular paragraph)

Welcoming the ceasefire agreement signed between the Government of the Central African Republic and the Convention des patriotes pour la justice et la paix and the ceasefire agreement signed between the Convention des patriotes pour la justice et la paix and the Union des forces démocratiques pour le rassemblement under the auspices of the Government and the National Mediator and with the support of the United Nations, the African Union, the Mission for the Consolidation of Peace in the Central African Republic and the Government of Chad (tenth preambular paragraph)

Calls upon the Government of the Central African Republic and all armed groups to remain committed to the national reconciliation process by fully observing the recommendations of the inclusive political dialogue that ended in 2008, and demands that all armed groups cooperate with the Government in the disarmament, demobilization and reintegration process (para. 6)

The situation in Guinea-Bissau

S/PRST/2010/15
22 July 2010

The Security Council recalls its previous statements and resolutions on Guinea-Bissau and further recalls the events of 1 April 2010. The Council notes the efforts of the Government of Guinea-Bissau towards achieving stability in the country, but expresses concern at the current security situation and threats to constitutional order. The Council stresses the critical importance of the President, Government, political leaders, armed forces and people of Guinea-Bissau meeting their responsibilities to work towards national reconciliation, maintaining stability and constitutional order, fighting impunity and respecting the rule of law (first paragraph)

The Council acknowledges the plans of the National Assembly to convene a national conference on the theme “Conflicts in Guinea-Bissau: causes, prevention, resolution and consequences”, scheduled for January 2011 and underscores the need to conduct a genuine and inclusive political dialogue aimed at ensuring effective functioning of State institutions and national reconciliation. The Council welcomes, in that regard, efforts made by regional leaders, in particular President Pedro Pires of Cape Verde, to engage in a constructive dialogue with the leadership of Guinea-Bissau (eighth paragraph)

Resolution 1949
(2010)
23 November 2010

Urges the Government and all political stakeholders in Guinea-Bissau to work together to consolidate peace and stability in the country and to intensify efforts for genuine and inclusive political dialogue and national reconciliation, and requests the Secretary-General, including through his Special Representative for Guinea-Bissau, to support such efforts (para. 4)

Resolution 2030
(2011)
21 December 2011

Calls upon the Government and all political stakeholders in Guinea-Bissau to work together to consolidate peace and stability in the country, to use legal and peaceful means to resolve differences and to intensify efforts for genuine and inclusive political dialogue and national reconciliation, including the national conference on reconciliation, and requests the Secretary-General, including through his Special Representative for Guinea-Bissau, to support such efforts (para. 4)

Calls upon all national stakeholders, including political, military and civil society actors, to fully participate in the national conference on reconciliation and to ensure that a follow-up mechanism to implement the recommendations of the national conference is put in place (para. 14)

The situation in Sierra Leone

Resolution 1941
(2010)
29 September 2010

Urges the Government of Sierra Leone to accelerate the promotion of national unity and reconciliation (para. 9)

The situation in Somalia

S/PRST/2011/6
10 March 2011

The Council welcomes the work of Mr. Augustine P. Mahiga, Special Representative of the Secretary-General for Somalia, to support the Somali people in reaching agreement on post-transitional arrangements in consultation with the international community. It strongly urges the transitional federal institutions to engage in this process in a more constructive, open and transparent manner that promotes broader political dialogue and participation in line with the spirit of the Djibouti Agreement. The Council requests the Secretary-General to assess, in his regular reports delivered to the Council before the end of the transitional period, the respect for these principles. These principles are essential for future cooperation between the international community and the transitional federal institutions. The Council notes that the transitional period will end in August 2011. The Council regrets the decision by the Transitional Federal Parliament to extend its mandate unilaterally and without carrying out necessary reforms and urges the transitional federal institutions to refrain from any further unilateral action (third paragraph)

Decision and date

Provision

[S/PRST/2011/10](#)
11 May 2011

The Council notes that the transitional period will end in August 2011. It commends the work of the Special Representative to facilitate the consultative process among Somalis in their efforts to reach an agreement on post-transitional arrangements, in consultation with the international community and within the framework of the Djibouti Agreement. In this regard, it welcomes the high-level consultative meeting held in Nairobi on 12 and 13 April 2011. The Council welcomes the participation of a wide range of Somali stakeholders and partners. It deeply regrets the failure of the Transitional Federal Government to participate in this consultative meeting and urges the Transitional Federal Government to engage fully, constructively and without further delay in the consultative process facilitated by the Special Representative, and to support his efforts to move the peace process forward (fourth paragraph)

The Council welcomes the upcoming consultative meeting to be held in Mogadishu, which will further the debate generated at the high-level consultative meeting held in Nairobi. The Council urges all Somali stakeholders to participate in this meeting and play a role in finalizing arrangements for ending the transition in August 2011. It calls upon the international community, the United Nations and international organizations to fully support this meeting (fifth paragraph)

[S/PRST/2011/13](#)
24 June 2011

The Council welcomes the signing of the Kampala Accord on 9 June 2011, and commends the leadership shown by President Museveni and the Special Representative of the Secretary-General for Somalia, Mr. Augustine P. Mahiga, in facilitating this agreement (second paragraph)

See also resolution [2023 \(2011\)](#), third preambular paragraph

The Council calls upon the signatories to the Kampala Accord to honour their obligations. It takes note of the appointment of the new Prime Minister of the Transitional Federal Government and looks forward to the prompt appointment of a new Cabinet. It calls upon the signatories to ensure cohesion, unity and focus on the completion of the transitional tasks set out in the Djibouti Agreement and the Transitional Federal Charter. It calls upon the transitional federal institutions to build broad-based representative institutions through a political process ultimately inclusive of all, taking into account the need to ensure the participation of women in public life (third paragraph)

In this regard, and recalling the Council's meetings with Somali parties in Nairobi on 25 May 2011, the Council calls upon the transitional federal institutions to consult widely with other Somali groups, including local and regional administrations, and to work closely with the countries of the region, regional organizations and the wider international community. It welcomes the upcoming consultative meeting, with the participation of the transitional federal institutions and all Somali stakeholders, which should agree on a road map of key tasks and priorities to be delivered over the next 12 months, with clear timelines and benchmarks, to be implemented by the transitional federal institutions. The Council notes that future support to the transitional federal institutions will be contingent upon completion of these key tasks. The Council urges all Somali stakeholders to participate constructively and responsibly in this meeting (fourth paragraph)

Reports of the Secretary-General on the Sudan

[S/PRST/2010/24](#)

16 November 2010

The Council reaffirms its strong commitment to the sovereignty, independence, peace and stability of the Sudan and to a peaceful and prosperous future for all Sudanese people, and underlines its support for the full and timely implementation by the Sudanese parties of the Comprehensive Peace Agreement, including the holding of the referendums on the self-determination of the people of Southern Sudan and on the status of Abyei and of the popular consultations in Southern Kordofan and Blue Nile, and for a peaceful, comprehensive and inclusive resolution of the situation in Darfur (second paragraph)

The Council recalls that the Sudanese parties have full responsibility for the implementation of the Comprehensive Peace Agreement, reaffirms its support for and encourages their further efforts to that end and welcomes the leadership of the African Union and the support provided by the African Union High-level Implementation Panel on the Sudan, under the leadership of President Thabo Mbeki, and by the Intergovernmental Authority on Development. The Council recognizes the commitment of the parties to the implementation of the Agreement, remains actively seized of the matter and expresses its readiness to act as necessary in support of full implementation of the Agreement by the parties. The Council underlines the importance of close coordination between international actors involved in assisting the Sudanese peace processes (third paragraph)

The Council urges the parties to the Comprehensive Peace Agreement, while working to make unity attractive and recognizing the right to self-determination of the people of Southern Sudan, to take urgent action to implement their commitment, reaffirmed at the high-level meeting on the Sudan, held in New York on 24 September 2010, to ensure peaceful, credible, timely and free referendums that reflect the will of the people of Southern Sudan and Abyei, as provided for in the Agreement. In this regard, the Council welcomes the start of registration for the Southern Sudan referendum on 15 November 2010 and encourages further efforts to ensure that the referendums are held on 9 January 2011 in accordance with the Agreement and as scheduled in the timeline published for the Southern Sudan referendum by the Southern Sudan Referendum Commission. The Council is concerned by the continued delays in releasing to the Commission the full funding needed for preparations to continue to move forward. The Council calls upon the parties and all Member States to respect the outcome of credible referendums, held in accordance with the Agreement, that reflect the will of the people of Southern Sudan and Abyei. It requests all parties to refrain from unilateral action and to implement the Agreement (fourth paragraph)

The Council underlines the importance of the parties to the Comprehensive Peace Agreement making rapid progress on a way forward for Abyei's referendum, on outstanding Agreement issues and on resolving critical post-referendum issues in a peaceful, mutually beneficial manner, including the border, security, citizenship, debts, assets, currency and natural resources. In this context, the Council welcomes progress in the negotiations, led by President Mbeki, towards a "Framework for Resolving Outstanding Issues Relating to the Implementation of the Comprehensive Peace Agreement and the Future Relations of North and South Sudan", on which agreement was reached on 13 November 2010. The Council urges the parties to resume negotiations on Abyei expeditiously and to reach agreement on all outstanding issues without further delay (fifth paragraph)

Decision and date

Provision

The Council underlines the need for the parties to the Comprehensive Peace Agreement to promote calm, including by providing immediate and ongoing reassurance to people of all nationalities in the Sudan, including Southerners in the North and Northerners in the South, that their rights, safety and property will be respected whatever the outcome of the referendums. The Council calls for an immediate end to statements threatening the security of vulnerable populations. The Council also emphasizes that the protection of civilians is primarily the responsibility of the Sudanese authorities. The Council urges the parties to work actively with local leaders to mitigate tensions in Abyei and other border areas (sixth paragraph)

The Council underlines that, whatever the outcome of the referendums, continued cooperation between the parties to the Comprehensive Peace Agreement will remain essential for managing the transition process, implementing the post-referendum arrangements and maintaining peace and prosperity, and stresses the mutual benefits of partnership in this regard. The Council encourages the international community to support these efforts. The Council urges the parties to the Agreement to respect their obligations (ninth paragraph)

The Council reaffirms its support for the African Union-United Nations-led peace process for Darfur, hosted by Qatar, the work of the African Union-United Nations Joint Chief Mediator for Darfur, Mr. Djibril Bassolé, and the principles guiding the negotiations. The Council strongly urges all rebel movements to join the peace process without further delay or preconditions, and all parties immediately to cease hostilities and engage constructively in negotiations with a view to finding a lasting peace in Darfur. The Council expresses concern about attacks on civilians by militias and calls for all support to such groups to cease. The Council expresses its willingness to consider measures against any party whose actions undermine peace in Darfur (tenth paragraph)

The Council underlines that full and timely implementation of the Comprehensive Peace Agreement is essential to peace and stability in the Sudan and the region and to future cooperation between the Sudan and the international community, and recognizes that enduring cooperation between the parties will be essential for the benefit of all Sudanese people. The Council affirms that the core objective of the international community and all stakeholders in the Sudan is the peaceful coexistence of the people of the Sudan, democratic governance, the rule of law, accountability, equality, respect, human rights, justice and economic development, in particular the establishment of the conditions for conflict-affected communities to build strong, sustainable livelihoods (final paragraph)

S/PRST/2010/28
16 December 2010

The Security Council welcomes the reaffirmations by the Sudanese parties of their commitment to full and timely implementation of the Comprehensive Peace Agreement, and reaffirms its strong support for the efforts of the parties in this regard. The Council welcomes the conclusion of a peaceful registration process for the Southern Sudan referendum in the Sudan, and encourages the parties to continue this forward momentum towards peaceful and credible referendums on 9 January 2011 that reflect the will of the people. The Council strongly urges the parties to the Agreement to promptly fulfil their remaining commitments to finance the Southern Sudan Referendum Commission and the Southern Sudan Referendum Bureau (first paragraph)

The Council notes with deep concern the absence of an agreement on Abyei. The Council strongly urges the parties to calm rising tensions in Abyei, to urgently reach agreement on Abyei and other outstanding Comprehensive Peace Agreement issues, and to resolve critical post-referendum issues, including the border, security, citizenship, debts, assets, currency and natural resources. The Council welcomes the work of the African Union High-level Implementation Panel on the Sudan led by the former President of South Africa, Mr. Thabo Mbeki, and its continuing efforts in this regard (third paragraph)

The Council underlines that, whatever the outcome of the referendums, continued cooperation between the parties to the Comprehensive Peace Agreement will remain essential. The Council stresses the importance of the parties abiding by the commitments recorded in the statement by the African Union High-level Implementation Panel of 15 November 2010, including to find peaceful solutions to all outstanding matters, to never to resort to war again, and that neither party should take any action, or support any group, that would undermine the security of the other. The Council is deeply concerned about the recent military incidents in the Kiir River Valley and the subsequent displacement of civilians, and urges all parties to exercise restraint, avoiding escalation (seventh paragraph)

The Council reaffirms its support for the African Union-United Nations-led peace process for Darfur, hosted by the Government of Qatar. The Council strongly urges all rebel movements to join the peace process without further delay or preconditions. The Council reiterates the importance of increased participation of women in the Sudanese peace processes. The Council reiterates its deep concern about the increase in violence and insecurity in Darfur, including recently in Khor Abeche, such as ceasefire violations, attacks by rebel groups, increased inter tribal fighting, attacks on humanitarian personnel and peacekeepers and aerial bombardment by the Government of the Sudan. The Council recalls the importance it attaches to an end to impunity, and to justice for crimes committed in Darfur. The Council reiterates its willingness to consider measures against any party whose actions undermine peace in the Sudan (eighth paragraph)

[S/PRST/2011/3](#)
9 February 2011

The Council welcomes the work of the Secretary-General's Panel on the Referenda in the Sudan led by former President Benjamin Mkapa. The Council praises the parties to the Comprehensive Peace Agreement for their commitment to the Agreement, as illustrated by their support for a timely and credible referendum process. The Council underlines that full and timely implementation of the Agreement is essential to peace and stability in the Sudan and the region and to future cooperation between northern and southern Sudan and the international community (fourth paragraph)

The Council reaffirms its support for the work of the African Union High-level Implementation Panel on the Sudan and its Chairperson, President Thabo Mbeki, and notes the commitments made by the parties to the Comprehensive Peace Agreement at the Presidency meeting of 27 January 2011, and encourages them to continue to strive for a timely agreement on the implementation of outstanding Agreement issues. The Council urges the parties to reach quickly an agreement on Abyei and other critical issues, including border demarcation, security arrangements, citizenship, debts, assets, currency, wealth-sharing and natural resource management. The Council welcomes the start of the popular consultation process in Blue Nile State and stresses the importance of inclusive, timely and credible popular consultations processes in Blue Nile and Southern Kordofan States, in accordance with the Agreement (sixth paragraph)

Decision and date

Provision

The Council reaffirms its support for the African Union-United Nations-led peace process for Darfur, hosted by Qatar, the work of the Joint African Union-United Nations Chief Mediator for Darfur, Mr. Djibril Bassolé, and the principles guiding the negotiations. The Council welcomes the presence of the Justice and Equality Movement and the Liberation and Justice Movement in Doha, and strongly urges all other rebel movements to join the peace process without further delay or preconditions, and all parties to engage with a view to concluding urgently a comprehensive agreement (tenth paragraph)

S/PRST/2011/8
21 April 2011

The Security Council reaffirms its support for the continued negotiations between the parties to the Comprehensive Peace Agreement, including under the auspices of the African Union High-level Implementation Panel on the Sudan and its Chairperson, President Thabo Mbeki. Noting that the conclusion of the Comprehensive Peace Agreement interim period on 9 July 2011 is soon approaching, the Council urges the parties, meeting at the highest level, as necessary, to reach agreement on outstanding Agreement issues and post-Agreement arrangements. The Council also encourages the parties to engage with the United Nations on the future of the United Nations presence in the Sudan (first paragraph)

The Council reiterates its deep concern over increased tensions, violence and displacement in the Abyei Area. The Council calls upon both parties to implement and adhere to recent security agreements by withdrawing from the Abyei Area all forces other than the Joint Integrated Units and Joint Integrated Police Units allowed under those agreements and to urgently reach an agreement on Abyei's post-Comprehensive Peace Agreement status. The Council affirms that it is the responsibility of the parties to the Agreement, including during their negotiations under the auspices of the African Union High-level Implementation Panel and its Chairperson, President Thabo Mbeki, to reach agreement on the status of Abyei. In this regard, the Council acknowledges the ruling of 22 July 2009 by the Permanent Court of Arbitration at The Hague, which defines the borders of Abyei (second paragraph)

The Council welcomes the start of the popular consultations process in Blue Nile State and the rescheduled gubernatorial and state assembly elections on 2 to 4 May 2011 in Southern Kordofan State. The Council expresses its concern about recent violence in Southern Kordofan and underscores the responsibility of all parties to avoid inflammatory rhetoric and to ensure peaceful and credible elections. The Council also stresses the importance of inclusive, timely and credible popular consultations processes, in accordance with the Comprehensive Peace Agreement. The Council urges both parties to reach a security agreement regarding the future of the tens of thousands of troops from the Sudan People's Liberation Army from Southern Kordofan and Blue Nile States. The Council also urges the parties to reach agreement on security arrangements and to determine the future status of Southerners currently serving in the Sudanese Armed Forces (third paragraph)

The Council reaffirms its support for the African Union-United Nations-led peace process for Darfur, hosted by Qatar, and the work of the Joint African Union-United Nations Chief Mediator for Darfur, Mr. Djibril Bassolé. The Council further reaffirms its support for the principles guiding the negotiations. The Council strongly urges all other rebel movements to join the peace process without further delay or preconditions. The Council urges the parties in Doha to make the necessary concessions to quickly reach a ceasefire and political agreement and looks forward to the outcome of the upcoming All Darfur Stakeholders Conference in Doha. The Council believes this conference should be fully representative of all of Darfur's populations and interest groups. The Council reiterates the importance of increased participation of women in the Sudanese peace processes (tenth paragraph)

The Council recognizes the potential complementary role that a Darfur-based political process could play to ensure the participation and support of the people of Darfur and better enable them to be involved in the implementation of the outcome of the Doha peace process. The Council is nonetheless concerned that important aspects of the enabling environment necessary for a Darfur-based political process are not in place, including (1) the civil and political rights of participants such that they can exercise their views without fear of retribution, (2) freedom of speech and assembly to permit open consultations, (3) freedom of movement of participants and the African Union-United Nations Hybrid Operation in Darfur, (4) proportional participation among Darfurians, (5) freedom from harassment, arbitrary arrest and intimidation, and (6) freedom from interference by the Government or armed movements. The Council calls upon the Government of the Sudan and the armed movements to contribute to the creation of such an enabling environment for a Darfur-based political process, working closely with the Operation as appropriate, and, in particular, calls upon the Government to fulfil its stated commitment to lift the state of emergency in Darfur (eleventh paragraph)

[S/PRST/2011/12](#)
3 June 2011

The Council recalls the commitments made by Vice President Ali Osman Taha and First Vice President Salva Kiir that both parties shall remove any unconditional claims to Abyei in their draft national constitutions and urges the parties to avoid inflammatory rhetoric, especially from the leadership, which undermines the mutual commitment of the parties to resolve all remaining Comprehensive Peace Agreement and post-Agreement issues peacefully through negotiation. The Council again urges both parties to honour these commitments (sixth paragraph)

The Council expresses grave concern following the reports about the unusual, sudden influx of thousands of Misseriya into Abyei town and its environs that could force significant changes in the ethnic composition of the area. The Council condemns all unilateral actions meant to create facts on the ground that would prejudice the outcome of negotiations. The Council expresses its determination that the future status of Abyei shall be resolved by negotiations between the parties in a manner consistent with the Comprehensive Peace Agreement and not by the unilateral actions of either party (seventh paragraph)

The Council stresses that both parties will have much to gain if they show restraint and choose the path of dialogue, including ongoing high-level negotiations between the parties and negotiations under the auspices of the African Union High-level Implementation Panel and its Chairperson, President Thabo Mbeki, instead of resorting to violence or provocations (tenth paragraph)

The Council expresses deep concern about tensions in Blue Nile and Southern Kordofan States. The Council calls for discussions about post-Comprehensive Peace Agreement political and security arrangements for Blue Nile and Southern Kordofan States to resume immediately and for all parties to refrain from unilateral action pending the outcome of those negotiations. The Council stresses that Agreement structures intended to stabilize the security situation in Blue Nile and Southern Kordofan States, specifically the deployment of Joint Integrated Units, should continue until their expiration on 9 July 2011. The Council calls upon both parties to work to reduce tensions and promote calm in this sensitive region. The Council further underscores the need for the parties to respect the mandate of the Mission (eleventh paragraph)

Decision and date

Provision

The situation concerning Western Sahara

Resolution [1920 \(2010\)](#)

30 April 2010

Inviting, in this context, the parties to demonstrate further political will towards a solution (sixth preambular paragraph)

Taking note of the four rounds of negotiations held under the auspices of the Secretary-General and the two rounds of informal talks held in Dürnstein, Austria, and in Westchester County, United States of America, and welcoming the progress made by the parties to enter into direct negotiations (seventh preambular paragraph)

Welcoming also the commitment of the parties to continue the process of negotiations through the United Nations-sponsored talks (tenth preambular paragraph)

Same provision in resolution [1979 \(2011\)](#), sixteenth preambular paragraph

Recognizing that the consolidation of the status quo is not acceptable in the long term, and noting further that progress in the negotiations is essential in order to improve the quality of life of the people of Western Sahara in all its aspects (eleventh preambular paragraph)

Same provision in resolution [1979 \(2011\)](#), seventeenth preambular paragraph

Welcomes the commitment of the parties to continue the process of holding small, informal talks in preparation for a fifth round of negotiations, and recalls its endorsement of the recommendation in the report of the Secretary-General of 14 April 2008 that realism and a spirit of compromise by the parties are essential to achieve progress in negotiations (para. 2)

Calls upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring the implementation of resolutions [1754 \(2007\)](#), [1783 \(2007\)](#), [1813 \(2008\)](#) and [1871 \(2009\)](#), and the success of negotiations, and affirms its strong support for the commitment of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara in this context (para. 3)

Also calls upon the parties to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting and mutually acceptable political solution which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and notes the role and responsibilities of the parties in this respect (para. 4)

Same provision in resolution [1979 \(2011\)](#), para. 6

Resolution [1979 \(2011\)](#)

27 April 2011

Inviting, in this context, the parties to demonstrate further political will towards a solution, including by expanding upon their discussion of each other's proposals (eighth preambular paragraph)

Taking note of the four rounds of negotiations held under the auspices of the Secretary-General, and the continued rounds of informal talks held in Manhasset, United States of America, and in Mellieha, Malta, and welcoming the progress made by the parties to enter into direct negotiations (ninth preambular paragraph)

Decision and date	Provision
	<p>Welcomes the commitment of the parties to continue the process of holding small, informal talks in preparation for a fifth round of negotiations, and recalls its endorsement of the recommendation in the report of the Secretary-General of 14 April 2008 that realism and a spirit of compromise by the parties are essential to achieve progress in negotiations (para. 3)</p> <p>Calls upon the parties to continue to show political will and to work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring the implementation of resolutions 1754 (2007), 1783 (2007), 1813 (2008), 1871 (2009) and 1920 (2010) and the success of negotiations, inter alia, by devoting attention to the ideas set out in paragraph 120 of the report of the Secretary-General of 1 April 2011 (para. 4)</p>
Asia	
Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920) (Nepal)	
<p>Resolution 1909 (2010) 21 January 2010</p>	<p>Acknowledging the strong desire of the Nepalese people for peace and the restoration of democracy and the importance in this respect of the implementation of the Comprehensive Peace Agreement and subsequent agreements by the relevant parties (fourth preambular paragraph)</p> <p><i>Same provision in resolution 1921 (2010), fourth preambular paragraph, and resolution 1939 (2010), fourth preambular paragraph</i></p> <p>Expressing its continued readiness to support the peace process in Nepal in the timely and effective implementation of the Comprehensive Peace Agreement and subsequent agreements, in particular the agreement of 25 June 2008 between the political parties, as requested by the Government of Nepal (fifth preambular paragraph)</p> <p><i>Same provision in resolution 1921 (2010), fifth preambular paragraph, and resolution 1939 (2010), fifth preambular paragraph</i></p> <p>Calls upon all political parties in Nepal to expedite the peace process and to work together in a spirit of cooperation, consensus and compromise in order to continue the transition to a durable long-term solution to enable the country to move to a peaceful, democratic and more prosperous future (para. 5)</p> <p><i>Same provision in resolutions 1921 (2010), para. 5, and 1939 (2010), para. 5</i></p>
<p>Resolution 1921 (2010) 12 May 2010</p>	<p>Expressing its concern at the recent tensions in Nepal, and calling upon all sides to resolve their differences through peaceful negotiation (seventh preambular paragraph)</p>
<p>Resolution 1939 (2010) 15 September 2010</p>	<p>Calling upon all sides to resolve their differences through peaceful negotiation, and noting in this regard the agreement between the caretaker Government of Nepal and the political parties reached on 13 September 2010, namely (i) documents prepared in the Special Committee will be finalized soon with an understanding to forge ahead on the peace process and the agreed documents will be implemented, (ii) the combatants of the Maoist army will be brought under the Special Committee and their total profile will be submitted to the Special Committee without delay, (iii) the remaining tasks of the peace process will be started from 17 September 2010 and will be completed by 14 January 2011, and (iv) the wish of the parties that the tenure of the United Nations Mission in Nepal shall be extended for four months as the last extension (eighth preambular paragraph)</p>

<i>Decision and date</i>	<i>Provision</i>
	<p>Calls upon the Government of Nepal and the Unified Communist Party of Nepal (Maoist) to implement both the agreement reached on 13 September 2010 as well as a timetabled action plan with clear benchmarks for the integration and rehabilitation of Maoist army personnel, with the support of the Special Committee for the supervision, integration and rehabilitation of Maoist army personnel and its Technical Committee (para. 4)</p>
<p>S/PRST/2011/1 14 January 2011</p>	<p>The Council reaffirms its support for the peace process and calls upon the caretaker Government of Nepal and all political parties to redouble their efforts, to continue to work together in the spirit of consensus to fulfil the commitments that they made in the Comprehensive Peace Agreement and other agreements, and to resolve expeditiously the outstanding issues of the peace process. The Council encourages Nepal to complete its new constitution within the foreseen time frame to help it to build a better, more equitable and democratic future for its people (second paragraph)</p> <p>The Council will continue to be supportive of the peace process in Nepal (fourth paragraph)</p>

Letter dated 4 June 2010 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council (S/2010/281) and other relevant letters

<p>S/PRST/2010/13 9 July 2010</p>	<p>The Council deplores the loss of life and injuries, expresses its deep sympathy and condolences to the victims and their families and to the people and Government of the Republic of Korea, and calls for appropriate and peaceful measures to be taken against those responsible for the incident aimed at the peaceful settlement of the issue in accordance with the Charter of the United Nations and all other relevant provisions of international law (fourth paragraph)</p> <p>The Council calls for full adherence to the Korean Armistice Agreement and encourages the settlement of outstanding issues on the Korean peninsula by peaceful means to resume direct dialogue and negotiation through appropriate channels as early as possible, with a view to avoiding conflicts and averting escalation (tenth paragraph)</p>
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The situation in Timor-Leste

<p>Resolution 1912 (2010) 26 February 2010</p>	<p>Urges all parties in Timor-Leste, in particular political leaders, to continue to work together and engage in political dialogue and to consolidate peace, democracy, the rule of law, sustainable social and economic development, advancement of protection of human rights and national reconciliation in the country, and reaffirms its full support for the continued efforts of the Special Representative of the Secretary-General for Timor-Leste aimed at addressing critical political and security-related issues facing the country, including enhancing a culture of democratic governance, through inclusive and collaborative processes (para. 2)</p>
<p>Resolution 1969 (2011) 24 February 2011</p>	<p>Taking note of the general stability through further improvements in the political and security situation, and welcoming the strong commitment of the leadership and other stakeholders in Timor-Leste to fostering national dialogue and peaceful and inclusive participation in democratic processes and their ongoing efforts to promote continued peace, stability and unity (fourth preambular paragraph)</p>

Urges all parties in Timor-Leste, in particular political leaders, to continue to work together and engage in political dialogue and to consolidate peace, democracy, the rule of law, sustainable social and economic development, the promotion of protection of human rights and the advancement of national reconciliation in the country, and reaffirms its full support for the continued efforts of the Special Representative of the Secretary-General for Timor-Leste aimed at addressing critical political and security-related issues facing the country, including enhancing a culture of democratic governance, through inclusive and collaborative processes (para. 2)

Europe

The situation in Cyprus

Resolution 1930
(2010)

15 June 2010

Echoing the Secretary-General's firm belief that the responsibility for finding a solution lies first and foremost with the Cypriots themselves, stressing that there now exists a unique opportunity to make decisive progress in a timely fashion, and reaffirming the primary role of the United Nations in assisting the parties to bring the Cyprus conflict and division of the island to a comprehensive and durable settlement (third preambular paragraph)

Commending the political leadership shown by the Greek Cypriot and Turkish Cypriot leaders, and warmly welcoming the progress made so far in the fully fledged negotiations, and the leaders' joint statements, including those of 23 May and 1 July 2008 (fourth preambular paragraph)

Strongly urging the leaders to increase the momentum of the negotiations to ensure the full exploitation of this opportunity to reach a comprehensive settlement based on a bicomunal, bizonal federation with political equality, as set out in the relevant resolutions (fifth preambular paragraph)

Emphasizing the importance that the international community attaches to all parties engaging fully, flexibly and constructively in the negotiations, echoing the view of the Secretary-General that a solution is well within reach, and looking forward to decisive progress in the near future, building on the progress made to date, consistent with the hope expressed by the two sides on 21 December 2009 that, if possible, 2010 would be the year of solution (sixth preambular paragraph)

Welcomes also the progress made so far in the fully fledged negotiations, and the prospect of further progress in the near future towards a comprehensive and durable settlement that this has created (para. 2)

Urges full exploitation of this opportunity, including by intensifying the momentum of the negotiations, preserving the current atmosphere of trust and goodwill and engaging in the process in a constructive and open manner (para. 3)

Resolution 1953
(2010)

14 December 2010

Welcoming the progress made so far in the fully fledged negotiations, and the leaders' joint statements, including those of 23 May and 1 July 2008 (fourth preambular paragraph)

Same provision in resolution 1986 (2011), fourth preambular paragraph

Decision and date

Provision

Expressing concern at the slow pace of progress in recent months, stressing that the status quo is unsustainable and that there now exists a unique opportunity to make decisive progress in a timely fashion, and strongly urging the leaders to increase the momentum of the negotiations to ensure the full exploitation of this opportunity to reach an enduring, comprehensive and just settlement based on a bicomunal, bizonal federation with political equality, as set out in the relevant Security Council resolutions (fifth preambular paragraph)

Emphasizing the importance that the international community attaches to all parties engaging fully, flexibly and constructively in the negotiations, echoing the view of the Secretary-General that a solution is well within reach, and looking forward to decisive progress in the near future building on the progress made to date (sixth preambular paragraph)

Same provision in resolution [1986 \(2011\)](#), sixth preambular paragraph

Welcomes the progress made so far in the fully fledged negotiations and the prospect of further progress in the near future towards a comprehensive and durable settlement that this has created (para. 1)

Same provision in resolution [1986 \(2011\)](#), para. 1

Takes note of the recommendations contained in the report of the Secretary-General, and calls upon the two leaders: (a) to intensify the momentum of negotiations and engage in the process in a constructive and open manner, including by developing a practical plan for overcoming the major remaining points of disagreement in preparation for their meeting with the Secretary-General in January 2011; (b) to improve the public atmosphere in which the negotiations are proceeding, including by focusing public messages on convergences and the way ahead and delivering more constructive and harmonized messages; (c) to increase the participation of civil society in the process, as appropriate (para. 2)

Resolution [1986 \(2011\)](#)
13 June 2011

Expressing concern at the continued slow pace of progress, stressing that the status quo is unsustainable, and strongly urging the leaders to increase the momentum of the negotiations, particularly on the core issues, to reach an enduring, comprehensive and just settlement based on a bicomunal, bizonal federation with political equality, as set out in the relevant Security Council resolutions (fifth preambular paragraph)

See also resolution [2026 \(2011\)](#), fifth preambular paragraph

Recalls Security Council resolution [1953 \(2010\)](#) of 14 December 2010, and calls upon the two leaders: (a) to intensify the momentum of negotiations, engage in the process in a constructive and open manner and work on reaching convergences on the remaining core issues in preparation for their meeting with the Secretary-General in July 2011; (b) to improve the public atmosphere in which the negotiations are proceeding, including by focusing public messages on convergences and the way ahead and delivering more constructive and harmonized messages; (c) to increase the participation of civil society in the process, as appropriate (para. 3)

Decision and date

Provision

Resolution 2026
(2011)
14 December 2011

Emphasizing the importance that the international community attaches to all parties engaging fully, flexibly and constructively in the negotiations, echoing the Secretary-General's view that a comprehensive settlement can be achieved, looking forward to decisive progress in the near future, leading up to the Secretary-General's meeting with the leaders in January 2012, and echoing the Secretary-General's expectation that "all internal aspects of a settlement will have been resolved by then so that we can move to a multilateral conference shortly thereafter" with the consent of the two sides (sixth preambular paragraph)

Welcomes the encouraging progress made so far in the fully fledged negotiations and the prospect of further decisive progress in the coming months towards a comprehensive and durable settlement that this has created (para. 1)

Recalls Security Council resolution 1986 (2011) of 13 June 2011, and calls upon the two leaders: (a) to intensify the momentum of negotiations, engage in the process in a constructive and open manner and work on reaching convergences on the remaining core issues in preparation for their meeting with the Secretary-General in January 2012 and for further work in the following months towards a settlement; (b) to improve the public atmosphere in which the negotiations are proceeding, including by focusing public messages on convergences and the way ahead and delivering more constructive and harmonized messages; (c) to increase the participation of civil society in the process, as appropriate (para. 3)

Middle East

The situation in the Middle East, including the Palestinian question

S/PRST/2010/9
1 June 2010

The Council underscores that the only viable solution to the Israeli-Palestinian conflict is an agreement negotiated between the parties and re-emphasizes that only a two-State solution, with an independent and viable Palestinian State living side by side in peace and security with Israel and its other neighbours, could bring peace to the region (fifth paragraph)

The Council expresses support for the proximity talks and voices concern that this incident took place while the proximity talks are under way and urges the parties to act with restraint, avoiding any unilateral and provocative actions, and all international partners to promote an atmosphere of cooperation between the parties and throughout the region (sixth paragraph)

The situation in the Middle East

S/PRST/2011/16
3 August 2011

The Council reaffirms its strong commitment to the sovereignty, independence and territorial integrity of the Syrian Arab Republic. It stresses that the only solution to the current crisis in the Syrian Arab Republic is through an inclusive and Syrian-led political process, with the aim of effectively addressing the legitimate aspirations and concerns of the population, which will allow the full exercise of fundamental freedoms for the entire population, including freedom of expression and of peaceful assembly (sixth paragraph)

<i>Decision and date</i>	<i>Provision</i>
Resolution 2014 (2011) 21 October 2011	<p>Stressing that the best solution to the current crisis in Yemen is through an inclusive and Yemeni-led political process of transition that meets the legitimate demands and aspirations of the Yemeni people for change (fifteenth preambular paragraph)</p> <p>Demands that all sides immediately reject the use of violence to achieve political goals (para. 3)</p> <p>Reaffirms its view that the signature and implementation as soon as possible of a settlement agreement on the basis of the Gulf Cooperation Council initiative is essential for an inclusive, orderly and Yemeni-led process of political transition, notes the signing of the Gulf Cooperation Council initiative by some opposition parties and the General People's Congress, calls upon all parties in Yemen to commit themselves to implementation of a political settlement based upon this initiative, notes the commitment by the President of Yemen to immediately sign the Gulf Cooperation Council initiative and encourages him, or those authorized to act on his behalf, to do so and to implement a political settlement based upon it, and calls for this commitment to be translated into action, in order to achieve a peaceful political transition of power, as stated in the Gulf Cooperation Council initiative and the presidential decree of 12 September 2011, without further delay (para. 4)</p> <p>Urges all opposition groups to commit to playing a full and constructive part in the agreement and implementation of a political settlement on the basis of the Gulf Cooperation Council initiative, and demands that all opposition groups refrain from violence and cease the use of force to achieve political aims (para. 7)</p>
<hr/> The situation concerning Iraq	
Resolution 1936 (2010) 5 August 2010	<p>Underscoring the need for all communities in Iraq to participate in the political process and an inclusive political dialogue, to refrain from statements and actions which could aggravate tensions, to reach a comprehensive solution on the distribution of resources, and to develop a just and fair solution for the nation's disputed internal boundaries and work towards national unity (sixth preambular paragraph)</p>
S/PRST/2010/23 12 November 2010	<p>The Council welcomes the inclusive political process and representative outcome and encourages Iraq's leaders to rededicate themselves to the pursuit of national reconciliation (second paragraph)</p>
S/PRST/2010/27 15 December 2010	<p>The Council underscores the important role of the [United Nations Assistance Mission for Iraq] in supporting the people and Government of Iraq to promote dialogue, ease tension and encourage a negotiated political agreement to the nation's disputed internal boundaries, and calls upon all relevant parties to participate in an inclusive dialogue to this end (final paragraph)</p>
Resolution 2001 (2011) 28 July 2011	<p>Underscoring the need for all communities in Iraq to participate in the political process and an inclusive political dialogue, to refrain from statements and actions which could aggravate tensions, to reach a comprehensive solution on the distribution of resources, and to ensure stability and develop a just and fair solution for the nation's disputed internal boundaries and work towards national unity (sixth preambular paragraph)</p>

C. Decisions involving the Secretary-General in the Council's efforts at the pacific settlement of disputes

Article 99 of the Charter provides that the Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security, but the Charter does not otherwise describe or define the role of the Secretary-General in relation to matters of peace and security. The Council's efforts aimed at conflict prevention and the peaceful settlement of disputes however increasingly required the involvement of the Secretary-General, who, in coordination with the Council or at its request, facilitated peace efforts in various ways.

During the period under review, whenever the Council recognized the efforts of the Secretary-General for the pacific settlement of disputes, it most frequently expressed support for his good offices, including through his representatives, negotiations under his auspices, and assistance provided to the parties to a dispute. In some cases, the Council expressly requested the Secretary-General to assume an active role in the process of achieving a political settlement. For the relevant provisions of Council decisions, see table 7.

Africa. Concerning Côte d'Ivoire, the Council requested the Secretary-General, including through his Special Representative, to facilitate political dialogue between the Ivorian stakeholders in order to ensure peace in Côte d'Ivoire and respect for the outcome of the presidential elections of 31 October and 28 November 2010.⁹³ On Guinea-Bissau, the Council repeatedly requested the Secretary-General to support the efforts by the Government and all political stakeholders in that country for genuine and inclusive political dialogue and national reconciliation.⁹⁴ With regard to Libya, supporting the efforts of the Special Envoy of the Secretary-General to find a sustainable and peaceful solution to the crisis there, the Council noted the decision of the Secretary-General to send his Special Envoy to the country with the aim of facilitating dialogue to lead to the political reforms

necessary to find such solution.⁹⁵ Concerning Somalia, the Council repeatedly requested the Secretary-General, through his Special Representative, to extend his good offices and political support for the efforts to establish lasting peace and stability in the country and to facilitate reconciliation among all Somalis and the peace process in general,⁹⁶ and commended the leadership shown by the Special Representative of the Secretary-General in facilitating the Kampala Accord of 9 June 2011.⁹⁷ Concerning the Sudan, the Council reiterated its full support for the African Union-United Nations Joint Chief Mediator and the African Union-United Nations-led peace process for Darfur,⁹⁸ and welcomed the intention of the Secretary-General to develop a road map for the Darfur peace process.⁹⁹ The Council also commended the assistance provided to the parties by the Special Envoy of the Secretary-General for the Sudan and South Sudan and the Head of Mission for the United Nations Interim Security Force for Abyei.¹⁰⁰ With regard to Western Sahara, while taking note of the negotiation rounds held under the auspices of the Secretary-General, the Council affirmed its support for the work of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara, including the latter's visits to the region, facilitation of negotiations and consultations with the parties.¹⁰¹

Asia. With regard to Nepal, the Council echoed the call by the Secretary-General for all parties to move forward swiftly in the implementation of the agreements reached. Following the termination of the United Nations Mission in Nepal, on 15 January 2011, the Council acknowledged the efforts of the Representative of the Secretary-General in assisting the people of Nepal as they worked to complete the peace process, and welcomed the ongoing engagement of the

⁹³ Resolution 1962 (2010), para. 2.

⁹⁴ Resolutions 1949 (2010), para. 4; and 2030 (2011), para. 4.

⁹⁵ Resolution 1973 (2011), para. 2.

⁹⁶ Resolutions 1910 (2010), para. 18; 1964 (2010), paras. 4 and 18; and 2010 (2011), paras. 19 and 27; and S/PRST/2011/10, third paragraph.

⁹⁷ S/PRST/2011/13, second paragraph.

⁹⁸ Resolutions 1935 (2010), para. 11; 1945 (2010), tenth preambular paragraph; S/PRST/2010/24, tenth paragraph; S/PRST/2011/3, tenth paragraph; and S/PRST/2011/8, tenth paragraph.

⁹⁹ Resolution 2003 (2011), para. 9.

¹⁰⁰ Resolutions 2024 (2011), third preambular paragraph; and 2032 (2011), eighth preambular paragraph.

¹⁰¹ Resolutions 1920 (2010), twelfth preambular paragraph and para. 3; and 1979 (2011), eighteenth preambular paragraph and para. 5.

Secretary-General in support of the peace process.¹⁰² Concerning Timor-Leste, the Council reaffirmed its full support for the continued efforts of the Special Representative of the Secretary-General aimed at addressing critical political and security-related issues facing the country.¹⁰³

Europe. Concerning Cyprus, the Council welcomed the continued efforts of the Special Adviser to and the Special Representative of the Secretary-General in assisting the parties in the conduct of fully fledged

¹⁰² Resolutions 1909 (2010), eighth preambular paragraph; and 1921 (2010), eighth preambular paragraph; and S/PRST/2011/1, first and third paragraphs.

¹⁰³ Resolutions 1912 (2010), para. 2; and 1969 (2011), para. 2.

negotiations aimed at reaching a comprehensive settlement, as well as the efforts of the Secretary-General to stimulate progress through his meetings with the two leaders.¹⁰⁴

Middle East. The Council requested the Secretary-General to continue his good offices with regard to Yemen, including through visits to Yemen by his Special Adviser.¹⁰⁵

¹⁰⁴ Resolutions 1930 (2010), nineteenth preambular paragraph; 1953 (2010), seventh and twentieth preambular paragraphs; 1986 (2011), seventh and twentieth preambular paragraphs; and 2026 (2011), twentieth preambular paragraph.

¹⁰⁵ Resolution 2014 (2011), sixth preambular paragraph and para. 11.

Table 7

Decisions involving the Secretary-General in the Council's efforts at the pacific settlement of disputes

Decision and date

Provision

Africa

The situation in Côte d'Ivoire

Resolution 1962 (2010)
20 December 2010 Requests the Secretary-General, including through his Special Representative for Côte d'Ivoire, to facilitate, as appropriate, political dialogue between the Ivorian stakeholders in order to ensure peace in Côte d'Ivoire and respecting the outcome of the presidential election as recognized by the Economic Community of West African States and the African Union (para. 2)

The situation in Guinea-Bissau

Resolution 1949 (2010)
23 November 2010 Urges the Government and all political stakeholders in Guinea-Bissau to work together to consolidate peace and stability in the country and to intensify efforts for genuine and inclusive political dialogue and national reconciliation, and requests the Secretary-General, including through his Special Representative for Guinea-Bissau, to support such efforts (para. 4)

Resolution 2030 (2011)
21 December 2011 Calls upon the Government and all political stakeholders in Guinea-Bissau to work together to consolidate peace and stability in the country, to use legal and peaceful means to resolve differences and to intensify efforts for genuine and inclusive political dialogue and national reconciliation, including the national conference on reconciliation, and requests the Secretary-General, including through his Special Representative for Guinea-Bissau, to support such efforts (para. 4)

Decision and date

Provision

The situation in Libya

Resolution [1973 \(2011\)](#)
17 March 2011

Welcoming the appointment by the Secretary-General of his Special Envoy to the Libyan Arab Jamahiriya, Mr. Abdel-Elah Mohamed Al-Khatib, and supporting his efforts to find a sustainable and peaceful solution to the crisis in the Libyan Arab Jamahiriya (nineteenth preambular paragraph)

Stresses the need to intensify efforts to find a solution to the crisis which responds to the legitimate demands of the Libyan people, and notes the decisions of the Secretary-General to send his Special Envoy to the Libyan Arab Jamahiriya and of the Peace and Security Council of the African Union to send its Ad Hoc High-level Committee on Libya to the Libyan Arab Jamahiriya with the aim of facilitating dialogue to lead to the political reforms necessary to find a peaceful and sustainable solution (para. 2)

The situation in Somalia

Resolution [1910 \(2010\)](#)
28 January 2010

Requests the Secretary-General, through his Special Representative and the United Nations Political Office for Somalia, to redouble efforts to coordinate effectively and develop an integrated approach to all activities of the United Nations system in Somalia, to provide good offices and political support for the efforts to establish lasting peace and stability in Somalia, and to mobilize resources and support from the international community for both the immediate recovery and the long-term economic development of Somalia, taking into account the recommendations contained in his report of 31 December 2009 (para. 18)

Same provision in resolution [1964 \(2010\)](#), para. 18

Resolution [1964 \(2010\)](#)
22 December 2010

Requests the Secretary-General, through his Special Representative for Somalia, to continue to extend his good offices to facilitate reconciliation among all Somalis and the peace process in general, with the support of the international community (para. 4)

[S/PRST/2011/6](#)
10 March 2011

The Council welcomes the work of Mr. Augustine P. Mahiga, Special Representative of the Secretary-General for Somalia, to support the Somali people in reaching agreement on post-transitional arrangements in consultation with the international community. It strongly urges the transitional federal institutions to engage in this process in a more constructive, open and transparent manner that promotes broader political dialogue and participation in line with the spirit of the Djibouti Agreement. The Council requests the Secretary-General to assess, in his regular reports delivered to the Council before the end of the transitional period, the respect for these principles. These principles are essential for future cooperation between the international community and the transitional federal institutions. The Council notes that the transitional period will end in August 2011. The Council regrets the decision by the Transitional Federal Parliament to extend its mandate unilaterally and without carrying out necessary reforms and urges the transitional federal institutions to refrain from any further unilateral action (third paragraph)

[S/PRST/2011/10](#)
11 May 2011

The Council expresses its support for the work of Mr. Augustine P. Mahiga, Special Representative of the Secretary-General for Somalia, the United Nations and the African Union to promote peace and reconciliation in Somalia (third paragraph)

<i>Decision and date</i>	<i>Provision</i>
S/PRST/2011/13 24 June 2011	The Council welcomes the signing of the Kampala Accord on 9 June 2011, and commends the leadership shown by President Museveni and the Special Representative of the Secretary-General for Somalia, Mr. Augustine P. Mahiga, in facilitating this agreement (second paragraph)
Resolution 2010 (2011) 30 September 2011	<p>Requests the Secretary-General, through his Special Representative for Somalia, to continue to extend his good offices to facilitate reconciliation among all Somalis and the peace process in general, with the support of the international community, including, as appropriate, support to reconciliation and peace efforts at the local level (para. 19).</p> <p>Requests the Secretary-General, through his Special Representative for Somalia and the United Nations Political Office for Somalia, to redouble efforts to coordinate effectively and develop an integrated approach to all activities of the United Nations system in Somalia, to provide good offices and political support for the efforts to establish lasting peace and stability in Somalia, and to mobilize resources and support from the international community for both the immediate recovery and the long-term economic development of Somalia taking into account the recommendations contained in his report of 31 December 2009, and stresses the importance that the United Nations Political Office for Somalia and other United Nations offices and agencies work transparently and coordinate with the international community (para. 27)</p>

Reports of the Secretary-General on the Sudan

Resolution 1935 (2010) 30 July 2010	Reiterates that there can be no military solution to the conflict in Darfur and that an inclusive political settlement and the successful deployment of the African Union-United Nations Hybrid Operation in Darfur are essential to re-establishing peace, and reaffirms its full support for the work of the Joint Chief Mediator, Mr. Djibril Yipènè Bassolé, and the African Union-United Nations-led political process for Darfur (para. 11)
Resolution 1945 (2010) 14 October 2010	Commending the efforts of, and reiterating its full support for, the African Union-United Nations Hybrid Operation in Darfur, the African Union-United Nations Joint Chief Mediator for Darfur, the United Nations Secretary-General, the League of Arab States, the African Union High-level Implementation Panel on the Sudan and the leaders of the region to promote peace and stability in Darfur, and expressing its strong support for the political process under the African Union-United Nations-led mediation (tenth preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
S/PRST/2010/24 16 November 2010	The Council reaffirms its support for the African Union-United Nations-led peace process for Darfur, hosted by Qatar, the work of the African Union-United Nations Joint Chief Mediator for Darfur, Mr. Djibril Bassolé, and the principles guiding the negotiations. The Council strongly urges all rebel movements to join the peace process without further delay or preconditions, and all parties immediately to cease hostilities and engage constructively in negotiations with a view to finding a lasting peace in Darfur. The Council expresses concern about attacks on civilians by militias and calls for all support to such groups to cease. The Council expresses its willingness to consider measures against any party whose actions undermine peace in Darfur (tenth paragraph)
S/PRST/2011/3 9 February 2011	The Council reaffirms its support for the African Union-United Nations-led peace process for Darfur, hosted by Qatar, the work of the Joint African Union-United Nations Chief Mediator for Darfur, Mr. Djibril Bassolé, and the principles guiding the negotiations. The Council welcomes the presence of the Justice and Equality Movement and the Liberation and Justice Movement in Doha, and strongly urges all other rebel movements to join the peace process without further delay or preconditions, and all parties to engage with a view to concluding urgently a comprehensive agreement (tenth paragraph)
S/PRST/2011/8 21 April 2011	The Council reaffirms its support for the African Union-United Nations-led peace process for Darfur, hosted by Qatar, and the work of the Joint African Union-United Nations Chief Mediator for Darfur, Mr. Djibril Bassolé. The Council further reaffirms its support for the principles guiding the negotiations. The Council strongly urges all other rebel movements to join the peace process without further delay or preconditions. The Council urges the parties in Doha to make the necessary concessions to quickly reach a ceasefire and political agreement and looks forward to the outcome of the upcoming All Darfur Stakeholders Conference in Doha. The Council believes this conference should be fully representative of all of Darfur's populations and interest groups. The Council reiterates the importance of increased participation of women in the Sudanese peace processes (tenth paragraph)
Resolution 2003 (2011) 29 July 2011	Welcomes the intention of the Secretary-General to develop a road map for the Darfur peace process, and requests the Secretary-General, in this regard, to work in close consultation with the African Union, also consulting, as appropriate, all Sudanese stakeholders and the Implementation Follow-up Commission, and taking into account paragraphs 6, 7 and 8 [of the resolution], and requests the Secretary-General to report to the Council on the road map in his next 90-day report (para. 9)
Resolution 2024 (2011) 14 December 2011	Commending the assistance provided to the parties by the African Union High-level Implementation Panel and its Chairperson, President Thabo Mbeki, the Prime Minister of Ethiopia, Mr. Meles Zenawi, the Special Envoy of the Secretary-General for the Sudan and South Sudan, Mr. Haile Menkerios, and the Head of Mission for the United Nations Interim Security Force for Abyei, Lieutenant General Tadesse Werede Tesfay (third preambular paragraph) <i>Same provision in resolution 2032 (2011), eighth preambular paragraph</i>

Decision and date

Provision

The situation concerning Western Sahara

Resolution [1920 \(2010\)](#) 30 April 2010 Affirming its support for the Personal Envoy of the Secretary-General, Mr. Christopher Ross, and his work in facilitating negotiations between the parties, and also welcoming his recent visit to the region and ongoing consultations with the parties and neighbouring States (twelfth preambular paragraph)

Calls upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations, thus ensuring the implementation of resolutions [1754 \(2007\)](#), [1783 \(2007\)](#), [1813 \(2008\)](#) and [1871 \(2009\)](#), and the success of negotiations, and affirms its strong support for the commitment of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara in this context (para. 3)

Resolution [1979 \(2011\)](#) 27 April 2011 Affirming its support for the Personal Envoy of the Secretary-General, Mr. Christopher Ross, and his work in facilitating negotiations between the parties, and welcoming his ongoing consultations with the parties and neighbouring States (eighteenth preambular paragraph)

Affirms its strong support for the commitment of the Secretary-General and his Personal Envoy towards a solution to the question of Western Sahara in this context, and welcomes the intensified pace of meetings and contacts (para. 5)

Asia

Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)

Resolution [1909 \(2010\)](#) 21 January 2010 Echoing the call by the Secretary-General for all parties in Nepal to move forward swiftly in the implementation of the agreements reached, noting the assessment of the Secretary-General that the United Nations Mission in Nepal is well placed to assist in the monitoring of the management of arms and armed personnel in accordance with the agreement of 25 June 2008 between the political parties, and recognizing the ability of the Mission to assist the parties in this, as requested, in order to achieve a durable solution (eighth preambular paragraph)

Same provision in resolution [1921 \(2010\)](#), eighth preambular paragraph

[S/PRST/2011/1](#)
14 January 2011

As the United Nations Mission in Nepal completes its preparations for its departure on 15 January 2011, the Security Council expresses its appreciation and thanks to the Representative of the Secretary-General in Nepal, Ms. Karin Landgren, and the Mission team for their efforts in assisting the people of Nepal as they work to complete the peace process (first paragraph)

The Council welcomes the ongoing engagement of the Secretary-General and United Nations bodies as they continue to be supportive of the peace process and the people of Nepal (third paragraph)

The situation in Timor-Leste

Resolution [1912 \(2010\)](#) 26 February 2010 Urges all parties in Timor-Leste, in particular political leaders, to continue to work together and engage in political dialogue and to consolidate peace, democracy, the rule of law, sustainable social and economic development, advancement of protection of human rights and national reconciliation in the country, and reaffirms its full support for the continued efforts of the Special Representative of the Secretary-General for Timor-Leste aimed at addressing critical political and security-related issues facing the country, including enhancing a culture of democratic governance, through inclusive and collaborative processes (para. 2)

Same provision in resolution [1969 \(2011\)](#), para. 2

Europe

The situation in Cyprus

Resolution [1930 \(2010\)](#) 15 June 2010 Welcoming also the continued efforts of Mr. Alexander Downer as the Special Adviser to the Secretary-General on Cyprus, with a mandate to assist the parties in the conduct of fully fledged negotiations aimed at reaching a comprehensive settlement, expressing its appreciation for the work of Mr. Tayé-Brook Zerihoun as the Special Representative of the Secretary-General in Cyprus, and welcoming the appointment of Ms. Lisa Buttenheim as the new Special Representative of the Secretary-General (nineteenth preambular paragraph)

Resolution [1953 \(2010\)](#) 14 December 2010 Welcoming the efforts of the Secretary-General to stimulate progress during his meeting with the two leaders on 18 November 2010 and his intention to meet with the two leaders in January 2011, and noting his intention to submit to the Council in February 2011 an updated assessment on the state of the process (seventh preambular paragraph)

Welcoming also the continued efforts of Mr. Alexander Downer as the Special Adviser to the Secretary-General on Cyprus with a mandate to assist the parties in the conduct of fully fledged negotiations aimed at reaching a comprehensive settlement, and the efforts of Ms. Lisa Buttenheim as the Special Representative of the Secretary-General in Cyprus (twentieth preambular paragraph)

Same provision in resolutions [1986 \(2011\)](#), [twentieth preambular paragraph](#), and [2026 \(2011\)](#), [twentieth preambular paragraph](#)

Resolution [1986 \(2011\)](#) 13 June 2011 Welcoming the efforts of the Secretary-General to stimulate progress during his meeting with the two leaders on 26 January 2011 and his intention to meet with the two leaders in July 2011, and noting his intention to submit to the Council in July 2011 an updated assessment on the state of the process (seventh preambular paragraph)

Middle East

The situation in the Middle East

Resolution [2014 \(2011\)](#) 21 October 2011 Welcoming further the continuing efforts of the good offices of the Secretary-General, including the visits to Yemen by the Special Adviser to the Secretary-General on Yemen (sixth preambular paragraph)

Decision and date

Provision

Requests the Secretary-General to continue his good offices, including through visits by his Special Adviser on Yemen, and to continue to urge all Yemeni stakeholders to implement the provisions of the present resolution, and encourage all States and regional organizations to contribute to this objective (para. 11)

D. Decisions involving regional and subregional organizations

During the period under review, the Council not only called upon the parties to a conflict to cooperate with regional and subregional organizations,¹⁰⁶ but also frequently expressed its support and appreciation for the peace efforts undertaken by regional arrangements,

¹⁰⁶ See, for example, in connection with peace and security in Africa, resolution 2023 (2011), para. 2; and, in connection with the reports of the Secretary-General on the Sudan, resolution 1945 (2010), fifth preambular paragraph; and S/PRST/2011/12, eighth paragraph.

including such efforts by the Secretary-General in conjunction with them.¹⁰⁷ Decisions and deliberations of the Council regarding the efforts undertaken by regional arrangements or agencies in the pacific settlement of disputes during the period under review are covered in detail in part VIII of this Supplement.

¹⁰⁷ See, for example, in connection with the reports of the Secretary-General on the Sudan, resolution 1935 (2010), eighth preambular paragraph; and resolution 1945 (2010), tenth preambular paragraph; in connection with the situation in Côte d'Ivoire, resolution 1975 (2011), fourth preambular paragraph; and, in connection with the situation in Somalia, S/PRST/2011/10, third paragraph.

IV. Constitutional discussion bearing on the interpretation or application of the provisions of Chapter VI of the Charter

Note

Section IV features the main arguments raised in the deliberations of the Security Council with regard to the interpretation of specific provisions of Chapter VI of the Charter and Article 99, concerning the role of the Council and the Secretary-General in the peaceful settlement of disputes, and is divided into two subsections, namely, A. Referral of legal disputes to the International Court of Justice in the light of Article 36 (3); and B. Utilization of Article 99 by the Secretary-General, covering constitutional discussions held during the period under review.

During the period 2010-2011, explicit references were made to Articles 33 to 38¹⁰⁸ and 99¹⁰⁹ as well as

¹⁰⁸ In connection with the maintenance of international peace and security, S/PV.6322, p. 8 (Russian Federation); S/PV.6360, p. 28 (South Africa); S/PV.6360 (Resumption 1), p. 3 (Morocco); p. 5 (Gambia); and p. 13 (Pakistan); in connection with post-conflict peacebuilding, S/PV.6299 (Resumption 1), p. 34 (Papua New Guinea); in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, S/PV.6347, p. 5 (Under-Secretary-General for Legal Affairs); p. 8 (Mexico); p. 18 (United Kingdom); and p. 19 (Lebanon); S/PV.6347 (Resumption 1), p. 9 (Republic of Korea); p. 15 (Peru); and p. 16 (South Africa).

¹⁰⁹ In connection with children and armed conflict, S/PV.6581 (Resumption 1), p. 5 (Pakistan); and p. 6 (Thailand); and in connection with the maintenance of international peace and security, S/PV.6360, p. 9 (Brazil).

to Chapter VI of the Charter¹¹⁰ during deliberations, most of which did not give rise to constitutional discussions.

A. Referral of legal disputes to the International Court of Justice in the light of Article 36 (3)

Article 36 (3) of the Charter stipulates that the Security Council, in making recommendations under Article 36, should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court. During the period under review, speakers debated the role of the Court in the peaceful settlement of disputes and its relations with the Council with regard to legal disputes, in a thematic debate on the rule of law (case 2).

¹¹⁰ In connection with the implementation of the note by the President of the Security Council, *S/PV.6300*, p. 21 (Egypt); and p. 28 (Sierra Leone); *S/PV.6300 (Resumption 1)*, p.5 (New Zealand); and p.27 (Pakistan); *S/PV.6672*, p. 4 (Russian Federation); and pp. 12-13 (India); in connection with the maintenance of international peace and security, *S/PV.6360*, p. 5 (Nigeria); p. 13 (Mexico); p. 23 (Lebanon); and p. 29 (Egypt); *S/PV.6360 (Resumption 1)*, pp. 5-6 (Gambia); p. 6 (Australia); p. 13 (Pakistan); and p. 14 (Sierra Leone); *S/PV.6389*, pp. 12-13 (Lebanon); and p. 20 (Mexico); *S/PV.6621*, p. 5 (Colombia); *S/PV.6630*, p. 6 (India); and *S/PV.6668*, pp. 11-12 (Colombia); and p. 22 (United Kingdom); in connection with peace and security in Africa, *S/PV.6561*, p. 12 (Colombia); in connection with the protection of civilians in armed conflict, *S/PV.6354 (Resumption 1)*, p. 10 (India); in connection with the reports of the Secretary-General on the Sudan, *S/PV.6628*, p. 4 (Under-Secretary-General for Peacekeeping Operations); in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, *S/PV.6347*, p. 10 (Bosnia and Herzegovina); p. 13 (Nigeria); and p. 28 (Gabon); *S/PV.6347 (Resumption 1)*, p. 8 (Australia); and p. 9 (Republic of Korea); in connection with the question concerning Haiti, *S/PV.6618*, p. 21 (Haiti); and in connection with United Nations peacekeeping operations, *S/PV.6270 (Resumption 1)*, p.5 (Pakistan); and *S/PV.6603*, p. 19 (South Africa).

Case 2

The promotion and strengthening of the rule of law in the maintenance of international peace and security

In a concept note for the thematic debate on the promotion and strengthening of the rule of law in the maintenance of international peace and security held under the presidency of Mexico, it was pointed out that many disputes were claims about perceived legal rights, and it was therefore suggested that the Security Council should strive to help parties to a dispute to resolve it in accordance with the procedures set out in the Charter, emphasizing the recommendation that legal disputes should be referred to the International Court of Justice as stated in Article 36 (3) of the Charter.¹¹¹

At the 6347th meeting, on 29 June 2010, the Deputy Secretary-General emphasized the special role of the Court in the peaceful settlement of disputes before intractable conflict and post-conflict situations arose.¹¹² The Under-Secretary-General for Legal Affairs said that the General Assembly, the Security Council and the Court all had a responsibility to contribute to the peaceful settlement of disputes, but the fullest use had not been always made of the organic link between those bodies and the procedural means made available to them by the Charter to coordinate and complement their respective action. Recalling Articles 33 and 36 (3) of the Charter, under which recommendations for the settlement of disputes included judicial settlement and referral of legal disputes to the Court, she encouraged the Council to follow up on the recommendation of the then President of the Court in 2006 to bring those tools to life and make them a central policy of the Council.¹¹³

Several speakers acknowledged that the Court was an important mechanism in the peaceful settlement of disputes, contributing to the maintenance of international peace and security.¹¹⁴ The representative of Bosnia and Herzegovina, saying that Chapter VI of

¹¹¹ *S/2010/322*, p. 4.

¹¹² *S/PV.6347*, p. 3.

¹¹³ *Ibid.*, p. 5.

¹¹⁴ *Ibid.*, p. 10 (Bosnia and Herzegovina); p. 13 (Nigeria); p. 14 (France); p. 16 (Brazil); p. 17 (Austria); p. 18 (United Kingdom); p. 19 (Lebanon); p. 22 (Russian Federation); p. 23 (Japan); p. 25 (United States); p. 26 (Turkey); and *S/PV.6347 (Resumption 1)*, p. 2 (Denmark); p. 10 (Argentina); p. 13 (Norway); p. 14 (Peru); p. 16 (South Africa); and p. 19 (Germany).

the Charter referred to the Court as the principal organ for settlement of disputes that were by their nature concerned with supposed legal rights, expressed the opinion that the Council should place stronger emphasis on the Court as one of the central tools in maintaining peace and security, since the enforcement of the Court's judgments lay ultimately with the Council.¹¹⁵ In the context of the boundary dispute between her country and Cameroon concerning the Bakassi peninsula, the representative of Nigeria acknowledged that the mechanism of the Court proved to be a crucial part of the pacific dispute settlement armoury of the United Nations under Chapter VI of the Charter.¹¹⁶

The representative of Norway said that the Court provided an "underused" opportunity for peaceful conflict resolution between States and urged the Council to help the parties to a dispute to refer their disputes to the Court so that the trend towards greater utilization of the Court would continue.¹¹⁷ The representative of Germany said that the Council could further encourage States to make use of the existing judicial institutions, particularly the Court.¹¹⁸ The representative of South Africa stated that the Council could recommend to parties that disputes be referred to the Court in the spirit of Article 36 of the Charter, while noting that the referral of a particular dispute to the Court would depend on the consent of the States concerned. He pointed out that the Council's role in the pacific settlement of disputes was not limited to encouraging parties to a dispute to refer it for adjudication; it also had a role in the enforcement of the decisions of the Court in accordance with Article 94 (2).¹¹⁹ The representative of Mexico expressed the view that the Court's potential had not been fully exploited, although he noted the tendency towards more frequent recourse to the Court in recent years, in particular through special arrangements between parties.¹²⁰ The representative of the Russian Federation hoped that the Court would not lose its standing as the standard-bearer of international justice and held that it was a unique organ that had the final say on the most ambiguous international legal issues.¹²¹

¹¹⁵ S/PV.6347, p. 10.

¹¹⁶ Ibid., p. 13.

¹¹⁷ S/PV.6347 (Resumption 1), p. 13.

¹¹⁸ Ibid., p. 19.

¹¹⁹ Ibid., p. 16.

¹²⁰ S/PV.6347, p. 8.

¹²¹ Ibid., pp. 22-23.

By the presidential statement adopted at the meeting, the Council expressed support for the peaceful settlement of disputes and reiterated its call upon Member States to settle their disputes by peaceful means as set forth in Chapter VI of the Charter. The Council emphasized the key role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, and called upon States that had not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute.¹²²

B. Utilization of Article 99 by the Secretary-General

Under Article 99 of the Charter the Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. In the discussions on optimizing the use of preventive diplomacy tools, speakers encouraged the Secretary-General to utilize Article 99 and strengthen the effectiveness of his good offices (case 3). In another debate, the Council engaged in discussing the role of the Secretary-General and the Secretariat in conflict prevention, with a particular focus on early warning mechanisms (case 4).

Case 3

Maintenance of international peace and security: optimizing the use of preventive diplomacy tools — prospects and challenges in Africa

At its 6360th meeting, on 16 July 2010, on the topic of optimizing the use of preventive diplomacy tools under the item entitled "Maintenance of international peace and security", the Council adopted a presidential statement in which it recalled that, in accordance with Articles 99 and 35 of the Charter, the Secretary-General or any Member State may bring to the attention of the Council any matter which is likely to endanger the maintenance of international peace and security, and stressed the valuable contribution of mediation capacities such as, among others, the good offices of the Secretary-General and his special envoys,

¹²² S/PRST/2010/11, second paragraph.

to ensuring the coherence, synergy and collective effectiveness of their efforts.¹²³

Speaking on behalf of the Secretary-General, the Deputy Secretary-General noted that the term “preventive diplomacy” had been first coined by former Secretary-General Dag Hammarskjöld and that since his time the good offices of successive Secretaries-General had helped in the peaceful resolution of inter-State wars, civil conflicts, electoral disputes, border disputes and questions of autonomy and independence.¹²⁴

A number of speakers recognized the important role of the good offices of the Secretary-General and his representatives in conflict prevention and resolution.¹²⁵ The representative of Mexico considered it a challenge for the Council to provide all necessary support to strengthening and facilitating ongoing mediation exercises, including the preventive diplomacy efforts of the Secretary-General in his role as a mediator and by offering his good offices to parties to a conflict, as well as through his special representatives and special envoys.¹²⁶ The representative of Japan said that the Secretary-General’s good offices and preventive diplomacy had frequently proved effective because they could be launched swiftly and flexibly at his initiative and within his authority under the Charter. To ensure their maximum effect, he suggested that the United Nations should expand a reserve of experienced United Nations envoys and mediators who would act on behalf of the Secretary-General. Noting the importance of drawing the attention of the Council to early warning signs, he suggested that the Secretary-General might provide Council members with a regular political and security briefing focusing on potential risks of conflicts.¹²⁷ The representative of France considered it important that the Council received regular briefings, as soon as it considered necessary, from the Secretariat on zones of fragility so as to be in a position to use, as soon as possible and in coordinated manner, all of the tools available to it to prevent the exacerbation of a tense situation, tools such as mediation, good offices,

condemnation and even sanctions.¹²⁸ The representative of the United Kingdom shared the view that the Council should hear, as a matter of course, from the Secretary-General and his senior staff when they had visited regions where potential conflict was a concern, and said that the Council must be ready to draw on the Secretariat’s early warning analysis and reporting on emerging conflicts. He further suggested that the Secretary-General should offer regular advice to the Council on potential emerging conflicts, a sort of “horizon-scanning” exercise.¹²⁹ The representative of Benin underscored the importance of the regular reports submitted to the Council on the challenges facing some regions in Africa and advocated an increase in the number of visits by the Secretary-General to countries in precarious situations, as he represented the collective conscience of the international community.¹³⁰

Recognizing the recent active engagement of the Secretary-General and his representatives in resolving regional conflicts, the representative of China said that the Council should continue to support the Secretary-General in his active role.¹³¹ Other speakers called for the Council to provide additional support to the efforts by the Secretariat in conflict prevention, through such means as fact-finding missions and mediation.¹³² The representative of Brazil maintained that enhanced prevention activities by the Council required a strong capacity in the Secretariat to identify, assess and provide early warning on disputes. She said the Secretary-General should make full use of Article 99 of the Charter and that further recourse to fact-finding missions and confidence-building measures in the early stages of a dispute might foster its peaceful settlement.¹³³

Case 4 Maintenance of international peace and security: conflict prevention

At the 6621st meeting, on 22 September 2011, on the topic of conflict prevention under the item entitled “Maintenance of international peace and security”, a

¹²³ S/PRST/2010/14, third and ninth paragraphs.

¹²⁴ S/PV.6360, pp. 5-6.

¹²⁵ Ibid., pp. 11-12 (Japan); p. 20 (United States); p. 22 (Turkey); p.23 (Lebanon); p. 27 (Austria); p. 28 (South Africa); p. 31 (Germany); S/PV.6360 (Resumption 1), p. 5 (Gambia); p. 9 (Republic of Korea); and p. 10 (Senegal).

¹²⁶ S/PV.6360, p. 13.

¹²⁷ Ibid., pp. 11-12.

¹²⁸ Ibid., p. 15.

¹²⁹ Ibid., p. 18.

¹³⁰ S/PV.6360 (Resumption 1), p. 16.

¹³¹ S/PV.6360, p. 15.

¹³² Ibid., p. 19 (Bosnia and Herzegovina); p. 20 (United States); p. 22 (Turkey); p. 23 (Lebanon); S/PV.6360 (Resumption 1), p. 4 (Morocco); and p. 6 (Australia).

¹³³ S/PV.6360, pp. 9-10.

number of speakers commended the work of the Organization in preventive diplomacy, as reflected in the report of the Secretary-General dated 26 August 2011,¹³⁴ particularly through the good offices of the Secretary-General including the use of his special envoys, utilization of regional offices and early warning mechanisms.¹³⁵

The representative of France said that the concept, means of action and expectations of preventive diplomacy had broadened in scope, and that the assessments undertaken by the Department of Political Affairs and the information provided by mediators and Special Representatives of the Secretary-General were invaluable, since they shed light on local situations, which were always complex.¹³⁶ The representative of the United States stated that the United Nations was well placed to provide early warning of potential concerns but there were limits to its knowledge and information-gathering capabilities. It must therefore work closely with other capable actors such as Governments, regional organizations and non-governmental organizations, based on their comparative advantages, so as to draw upon all sources of information. She further held that intensive diplomatic efforts by the Secretary-General, his senior envoys and key staff in the field could “pull adversaries back from the brink”, especially when backed by a united international community. She strongly supported the robust use of the Secretary-General’s good offices and special political missions to avert war.¹³⁷ The representative of the Russian

Federation expressed the view that a significant role belonged to the Secretariat, which must be responsible for monitoring and analysing situations in different regions, forecasting the development of crises, planning and expeditiously informing the Council about potential outbreaks of conflict. He shared the opinion of the Secretary-General about the importance of interaction with representatives of civil society, parliaments, business groups and academics so as to keep a hand on the pulse of, and monitor on a regular basis, the development of potential conflict situations.¹³⁸

The representative of Colombia opined that the Charter provided all the proper tools to strengthen preventive diplomacy, such as direct negotiations, good offices, mediation, fact-finding, conciliation, arbitration and judicial settlement, as well as the possibility to call upon parties to settle their disputes by pacific means and to suggest and recommend procedures for adjustment. He considered it would not be ideal to resort to Chapter VII of the Charter, and therefore urged the Council to put those instruments provided for in Chapter VI into practice.¹³⁹

By a presidential statement adopted at the meeting, the Council paid tribute to the efforts undertaken by the Secretary-General in using his good offices, and dispatching representatives, special envoys and mediators, to help to facilitate durable and comprehensive settlements. It encouraged the Secretary-General to increasingly and effectively use all the modalities and diplomatic tools at his disposal under the Charter for the purpose of enhancing mediation and its support activities.¹⁴⁰

¹³⁴ S/2011/552.

¹³⁵ S/PV.6621, p. 6 (South Africa); pp. 7-8 (Nigeria); p. 13 (United Kingdom); pp. 13-14 (France); p. 15 (United States); p. 22 (Bosnia and Herzegovina); and pp. 22-24 (Russian Federation).

¹³⁶ Ibid., pp. 13-14.

¹³⁷ Ibid., p. 15.

¹³⁸ Ibid., pp. 23-24.

¹³⁹ Ibid., p. 5.

¹⁴⁰ S/PRST/2011/18, seventh paragraph.

