



*Repertoire of the Practice of the Security Council*

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**Part VI**

**Consideration of the provisions of Chapter VI of  
the Charter**

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## **Introductory note**

Part VI of the *Repertoire* covers the practice of the Security Council with regard to the peaceful settlement of disputes within the framework of Chapter VI (Articles 33 to 38) and Articles 11 and 99 of the Charter of the United Nations. It is divided into four main sections.

Section I illustrates how States brought disputes or situations to the attention of the Security Council during the period under review, pursuant to Article 35 of the Charter. It also surveys the practice of the General Assembly and the Secretary-General, under Articles 11(3) and 99 of the Charter, respectively, in drawing the attention of the Council to situations which are likely to threaten the maintenance of international peace and security. Section II features 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 taken with regard to the peaceful settlement of disputes. It specifically illustrates recommendations of the Council to parties to a conflict and its support for the efforts of the Secretary-General in the peaceful settlement of disputes. Finally, Section IV features constitutional discussions on the interpretation or application of the provisions of Chapter VI and Article 99 of the Charter.

Part VI does not discuss the practice of the Council with respect to the peaceful settlement of disputes in an exhaustive manner. It does not cover actions with regard to the peaceful settlement of disputes in the context of the United Nations field missions authorized under Chapter VII of the Charter, which are covered in the relevant sections of parts VII and X of this Supplement. Instead, the part focuses on selected materials that highlight the interpretation and application of the provisions of Chapter VI, both in the decisions and deliberations of the Council during the period under review. In addition, joint or parallel efforts undertaken by the Council and regional arrangements or agencies in the peaceful settlement of disputes during the period under review are not covered in this part but in part VIII of this Supplement.

During the period 2014 and 2015, as featured in section III, several new situations or disputes were brought to the attention of the Council in particular in relation to the conflict in eastern Ukraine, the human rights situation in the Democratic People's Republic of Korea and

the spread of the Ebola virus in West Africa. As in previous periods, communications containing information regarding existing items of the agenda of the Council were also brought to its attention during 2014 and 2015. These communications are not covered in this part.

During the period under review, as shown in section II, the Council dispatched four missions to Africa, the Americas and Europe, visiting destinations in Burundi, the Central African Republic, Ethiopia, Mali, Somalia and South Sudan; Belgium and the Netherlands; and in Haiti. In addition, the Council requested and supported investigations by the Secretary-General in connection with the violations of international humanitarian law and human rights law in the Central African Republic, the escalating violence in Mali, the alleged use of chemical weapons against civilians in the Syrian Arab Republic and the incidents of death and injuries which occurred in the summer of 2014 during Operation Protective Edge in southern Israel and the Gaza strip.

During the period under review, as described in section III, the Council emphasised the importance of conflict prevention, early warning, good offices and mediation efforts in the peaceful settlement of disputes and advocated for the inclusive participation of women, the youth and civil society in peace processes.

Moreover, as described in section IV below, during the period under review, the discussions in the Council reflected enduring support by Member States for the use of the tools available under Chapter VI of the Charter for the peaceful settlement of disputes and in particular for the use and strengthening of mediation. The importance of early warning mechanisms was made evident in Council discussions as was the role of the Secretary-General in this regard pursuant to Article 99 of the Charter.

## **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, Articles 35 (1) and (2) are generally regarded as the basis on 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 to the attention of the

Council situations which are likely to threaten the maintenance of international peace and security. The practice of the Council in this regard is described below in three subsections.

Subsection A provides an overview of the referrals of disputes or situations by States to the Security Council pursuant to Article 35. Subsections B and C deal with referrals of matters likely to endanger international peace and security to the Council by the Secretary-General and the General Assembly, respectively.

During the period under consideration, Member States referred matters already on its agenda and also brought to its attention new situations of concern, including in relation to the situations in Ukraine and in the Korean peninsula (see table 1 below). No State which was not a Member of the United Nations submitted any dispute or situation to the attention of the Council. Neither the General Assembly nor the Secretary-General explicitly referred matters likely to endanger international peace and security to the Council.

#### **A. Referrals by States**

During the period under review, certain situations were referred to the Council pursuant to Article 35 (1) directly by the affected Member State<sup>2</sup> or by a group of concerned Member States.<sup>3</sup> Article 35 was expressly referred to in several communications addressed to the President of the Council as listed below in table 1. In spite of Article 35 (2) of the Charter, during 2014 and 2015, no State which was not a Member of the United Nations submitted any dispute or situation to the attention of the Council.

Communications in response to which the Council convened meetings, either in public or private, under an item included on the agenda for the first time, are examined in detail below.<sup>4</sup> Following the approach of previous Supplements and due to the large volume of communications received by the Council, communications from States merely conveying information about a dispute or situation without requesting a Council meeting or other specific Council action have not been included in this section.

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<sup>2</sup> [S/2014/136](#), [S/2014/139](#), [S/2014/166](#), [S/2014/170](#), [S/2014/638](#), [S/2014/798](#), [S/2014/264](#), [S/2014/512](#) and [S/2014/134](#).

<sup>3</sup> [S/2014/872](#) and [S/2015/931](#).

<sup>4</sup> For more information on the agenda, see part II, sect. II.

## **Nature of the matters referred to the Security Council**

During the period under review, Member States brought different matters to the attention of the Council. It should be noted that, while Chapter VI of the Charter provides the basis on which States may bring matters likely to endanger international peace and security to the attention of the Council, the subject matter of communications submitted to the Council and the type of action requested in relation thereto are not limited by the scope of that Chapter. For instance, by a letter dated 1 March 2014 addressed to the President of the Security Council, the representative of Ukraine described the situation as “an act of aggression” by the Russian Federation against Ukraine.<sup>5</sup> In another instance, by a letter dated 5 December 2014 addressed to the President of the Security Council, a group of Member States expressed concern about the “scale and gravity of human rights violations” in the Democratic People’s Republic of Korea that threatened to destabilize the region and international peace and security.<sup>6</sup> In connection with these communications, however, the Council did not determine the existence of any new threat to the peace, breach of the peace or act of aggression.<sup>7</sup>

## **Action requested of the Security Council**

In their communications to the Security Council, Member States often requested the Council to convene an urgent emergency meeting to consider disputes or situations, as reflected in table 1 below.<sup>8</sup> In other cases, they called upon the Council to take other actions on the specific issue brought to its attention. By a letter dated 7 November 2014 addressed to the President of the Security Council, the representative of Ukraine requested the Council to “diffuse the situation” in the Donbas region of Ukraine and to “meet its responsibilities under the Charter of the United Nations”.<sup>9</sup> On another occasion, by a letter dated 5 December 2014, a group of Member States requested that the situation in the Democratic People’s Republic of Korea be

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<sup>5</sup> [S/2014/139](#).

<sup>6</sup> [S/2014/871](#), p.1.

<sup>7</sup> For more information on the determination of a threat to the peace, breach of the peace or act of aggression in accordance with Article 39 of the Charter, see part VII, sect. I.

<sup>8</sup> See for further details on requests by Member States to convene a meeting of the Council, part II, sect. I.A.1.

<sup>9</sup> [S/2014/798](#), p. 1.

formally placed on the Council's agenda without prejudice to the item on non-proliferation in the Democratic People's Republic of Korea.<sup>10</sup>

**Table 1**  
**Communications bringing disputes or situations to the attention of the Security Council, 2014-2015**

<i>Communications</i>	<i>Action requested of the Security Council</i>	<i>Meeting and date</i>
<b>Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council</b>		
Letter dated 28 February 2014 from the representative of Ukraine ( <a href="#">S/2014/136</a> )	In accordance with Articles 34 and 35 of the Charter, convening of an urgent meeting to discuss the deteriorating situation in the Autonomous Republic of the Crimea, Ukraine, which threatened the territorial integrity of Ukraine	<a href="#">7123<sup>rd</sup></a> meeting (closed) 28 February 2014 ( <a href="#">S/PV.7123</a> ) Followed by informal consultations of the whole on 28 February 2014 <sup>11</sup>
Letter dated 1 March 2014 from the representative of Ukraine ( <a href="#">S/2014/139</a> )	In accordance with Articles 34 and 35 of the Charter, convening of an urgent open meeting with regard to an act of aggression of the Russian Federation against Ukraine	<a href="#">7124<sup>th</sup></a> meeting 1 March 2014 ( <a href="#">S/PV.7124</a> ) Followed by informal consultations of the whole on 1 March 2014 <sup>12</sup>
Letter dated 9 March 2014 from the representative of Ukraine ( <a href="#">S/2014/166</a> )	In accordance with Articles 34 and 35 of the Charter, convening of an urgent meeting	<a href="#">7131<sup>st</sup></a> meeting (closed) 10 March 2014 ( <a href="#">S/PV.7131</a> )
Letter dated 10 March 2014 from the representative of Ukraine ( <a href="#">S/2014/170</a> )	In accordance with Articles 34 and 35 of the Charter and rule 3 of the provisional rules of procedure of the Security Council, convening of an urgent meeting	<a href="#">7134<sup>th</sup></a> meeting ( <a href="#">S/PV.7134</a> ) Followed by informal consultations of the whole on 13 March 2014 <sup>13</sup>
Letter dated 28 August 2014 from the representative of Ukraine ( <a href="#">S/2014/638</a> )	In accordance with Articles 34 and 35 of the Charter, convening of an open meeting of the Security Council	<a href="#">7253<sup>rd</sup></a> meeting 28 August 2014 ( <a href="#">S/PV.7253</a> )
Letter dated 7 November 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council ( <a href="#">S/2014/798</a> )	To act to diffuse the situation in the Donbas region of Ukraine and to meet its responsibilities under the Charter and to clearly demand that the Russian Federation and its backed illegal armed groups immediately and strictly comply with the Minsk arrangements of 5 September 2014, and that the Russian Federation withdraw its military forces from the territory of Ukraine	<a href="#">7311<sup>th</sup></a> meeting 12 November 2014 ( <a href="#">S/PV.7311</a> )

**Letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council**

<sup>10</sup> [S/2014/872](#), p. 1.

<sup>11</sup> [A/69/2](#), p. 211.

<sup>12</sup> *Ibid.*, p. 211.

<sup>13</sup> *Ibid.*, p.211.

<i>Communications</i>	<i>Action requested of the Security Council</i>	<i>Meeting and date</i>
Letter dated 13 April 2014 from the representative of the Russian Federation ( <a href="#">S/2014/264</a> )	In accordance with rule 2 of the provisional rules of procedure, convening of an emergency meeting of the Security Council to consider the alarming developments in Ukraine	<a href="#">7154<sup>th</sup></a> meeting 13 April 2014 ( <a href="#">S/PV.7154</a> )
<b>The situation in the Democratic People's Republic of Korea</b>		
Letter dated 5 December 2014 from the representatives of Australia, Chile, France, Jordan, Lithuania, Luxembourg, the Republic of Korea, Rwanda, the United Kingdom and the United States ( <a href="#">S/2014/872</a> )	In accordance with rule 2 of the provisional rules of procedure, requesting that the situation in the Democratic People's Republic of Korea be formally placed on the Council's agenda without prejudice to the item on non-proliferation in the Democratic People's Republic of Korea and convening of a meeting of the Security Council on the situation in the Democratic People's Republic of Korea	<a href="#">7353<sup>rd</sup></a> meeting 22 December 2014 ( <a href="#">S/PV.7353</a> ) Preceded by informal consultations of the whole on 15 December 2014 <sup>14</sup>
Letter dated 3 December 2015 from the representatives of Chile, France, Jordan, Lithuania, Malaysia, New Zealand, Spain, the United Kingdom and the United States ( <a href="#">S/2015/931</a> )	In accordance with rule 2 of the provisional rules of procedure, requesting a meeting of the Security Council on the situation in the Democratic People's Republic of Korea	<a href="#">7375<sup>th</sup></a> meeting 10 December 2015 ( <a href="#">S/PV.7375</a> )

## **B. Referrals by the Secretary-General**

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. During the period under review, the Secretary-General did not invoke Article 99, directly or by implication.

As with Article 35, Article 99 of the Charter does not specify the means by which the Secretary-General may bring to the attention of the Security Council any matter that may threaten the maintenance of international peace and security.

By a joint letter dated 29 August 2014 addressed to the Secretary-General, later transmitted to the Security Council ([S/2014/669](#)), the Presidents of the Republics of Sierra Leone, Liberia and Guinea detailed the impact of the Ebola virus and requested the adoption of a resolution that would include, among other things, a coordinated international response to the Ebola virus. On 17 September 2014, the Secretary-General informed the Council that the Ebola outbreak (first reported by the Secretary-General to the Council in his 34<sup>th</sup> report on the United

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<sup>14</sup> Ibid., p.186.

Nations Operation in Côte d'Ivoire, [S/2014/342](#)) was no longer “just a public health crisis” and that it had become “a grave threat to the people of the infected countries”. In his letter, the Secretary-General informed the General Assembly and the Council of his decision to establish a United Nations mission with the singular strategic objective and purpose of stopping the Ebola outbreak.<sup>15</sup> The day after, on 18 September 2014, the Council held its 7268<sup>th</sup> meeting under the item “Peace and security in Africa” and for the first time under the sub-item “Ebola”. At that meeting, the Council adopted resolution [2177 \(2014\)](#) determining that “the unprecedented extent of the Ebola outbreak in Africa” constituted a threat to international peace and security.<sup>16</sup>

### **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.<sup>17</sup>

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<sup>15</sup> [S/2014/679](#).

<sup>16</sup> See for further details, part VII, sect. I.A.1 of this Supplement.

<sup>17</sup> 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**

### *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.*

### **Note**

Article 34 of the Charter of the United Nations provides that the Security Council may investigate any dispute or any situation which might lead to international friction or give rise to a dispute. On this basis, the Security Council may determine whether the continuation 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 below provides an overview of the practice of the Security Council relating to fact-finding and investigation in accordance with Article 34 of the Charter in 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 review, the Council dispatched four missions in order to, inter alia, understand and assess particular conflicts or situations on the ground that it was considering as well as the implementation of its resolutions. The Council also acknowledged and welcomed the investigative functions of the Secretary-General in bringing to its attention early warning cases, which, in his opinion, could threaten the maintenance of international peace and security. In particular, the Council requested the Secretary-General (i) to establish an international commission of inquiry to investigate reported violations of international humanitarian law and human rights law in the Central African Republic since 1 January 2013, (ii) to facilitate the establishment of the international commission of inquiry in Mali, as well as (iii) to establish an Organization for the Prohibition of Chemical Weapons (OPCW) -United Nations Joint

Investigative Mechanism to identify the use of chemical weapons in Syria. Finally, the Council increasingly acknowledged and relied upon the investigations conducted by organs other than the Secretary-General, such as the Human Rights Council, in considering the items on its agenda.

### A. Security Council missions

During the period under review, the Security Council dispatched four missions consisting of all 15 Council members to: (i) Mali; (ii) Europe (Belgium and the Netherlands) and Africa (South Sudan and Somalia); (iii) Haiti; and (iv) Africa (Central African Republic, Ethiopia and Burundi). None of the Council missions in the period under review were explicitly charged with investigative tasks. In most cases, the terms of reference of the missions included tasks such as, (i) reaffirming or expressing the support of the Council to the Governments and countries visited, (ii) assessing the implementation of relevant Security Council resolutions, (iii) assessing the evolution of the situations on the ground, or (iv) supporting, reviewing and assessing the role and mandate of the relevant peacekeeping and political missions. For details on the Security Council missions that were dispatched during the period 2014 and 2015, including duration, composition and related documents, see table 2 below.

**Table 2**  
**Security Council missions, 2014-2015**

<i>Duration</i>	<i>Destination</i>	<i>Composition</i>	<i>Terms of reference</i>	<i>Report</i>	<i>Meeting and date</i>	<i>Agenda item</i>
31 January to 3 February 2014	Mali	Argentina, Australia, Chad (co-lead), Chile, China, France (co-lead), Jordan, Lithuania, Luxembourg, Nigeria, Republic of Korea, Russian Federation, Rwanda, United Kingdom and United States	<a href="#">S/2014/72</a> 30 January 2014	<a href="#">S/2014/173</a> 11 March 2014	<a href="#">S/PV.7120</a> 26 February 2014	Security Council mission
8 to 14 August 2014	Europe (Belgium and the Netherlands) and Africa (South Sudan and Somalia)	Argentina, Australia (co-lead to Belgium), Chad, Chile (co-lead to the Netherlands), China, France, Jordan, Lithuania, Luxembourg (co-lead to the Netherlands), Nigeria (co-lead to Somalia), Republic of Korea, Russian Federation, Rwanda (co-lead to South Sudan), United Kingdom (co-lead to Belgium and Somalia) and United States (co-lead to South Sudan)	<a href="#">S/2014/579</a> 8 August 2014	No report available	<a href="#">S/PV.7245</a> 19 August 2014	Security Council mission

<i>Duration</i>	<i>Destination</i>	<i>Composition</i>	<i>Terms of reference</i>	<i>Report</i>	<i>Meeting and date</i>	<i>Agenda item</i>
23 to 25 January 2015	Haiti	Angola, Chad, Chile (co-lead), China, France, Jordan, Lithuania, Malaysia, New Zealand, Nigeria, Russian Federation, Spain, United Kingdom, United States (co-lead) and Venezuela (Bolivarian Republic of)	<a href="#">S/2015/40</a> 19 January 2015	No report available	<a href="#">S/PV.7372</a> 29 January 2015	Security Council mission
9 to 13 March 2015	Africa (Central African Republic, Ethiopia and Burundi)	Angola (co-lead), Chad, Chile, China, France (co-lead), Jordan, Lithuania, Malaysia, New Zealand, Nigeria, Russian Federation, Spain, United Kingdom, United States (co-lead only to Burundi) and Venezuela (Bolivarian Republic of)	<a href="#">S/2015/162</a> 5 March 2015	<a href="#">S/2015/503</a> 30 June 2015	<a href="#">S/PV.7407</a> 18 March 2015	Security Council mission

In addition, discussions relating to the use of missions by the Council took place during the two open debates on the working methods of the Council, under the item “Implementation of the note by the President of the Security Council ([S/2010/507](#))”. Specifically, at the resumption of the [7285<sup>th</sup>](#) meeting on 23 October 2014, the representative of the Netherlands, speaking also on behalf of Belgium, welcomed the cooperation between the Council and the International Criminal Court (ICC), in particular through the Council’s visit to the Court in August 2014, as a follow-up to enforce its resolutions.<sup>18</sup> On another occasion, at the [7539<sup>th</sup>](#) meeting on 20 October 2015, the representative of France, speaking also on behalf of Germany, spoke in favour of more contacts between the Council and the ICC through exchange of visits and improved sharing of information.<sup>19</sup> The representative of Switzerland, speaking on behalf of the Accountability, Coherence and Transparency group, expressed his satisfaction with the way the Council visiting missions had been arranged, namely, with two Council members co-leading the mission.<sup>20</sup> The representative of Lithuania added that visits by the Chairs of subsidiary bodies to the countries concerned should be encouraged.<sup>21</sup>

<sup>18</sup> [S/PV.7285 \(resumption1\)](#), p. 9.

<sup>19</sup> [S/PV.7539](#), p. 19.

<sup>20</sup> *Ibid.*, p. 23.

<sup>21</sup> *Ibid.*, p. 12.

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

During the period under review, the Security Council, in its decisions, acknowledged the investigative or fact-finding functions of the Secretary-General on three occasions.

In connection with the situation in the Central African Republic, pursuant to resolution [2127 \(2013\)](#), by a letter dated 20 January 2014, the Secretary-General reported to the Council that arrangements for the establishment of a commission of inquiry to investigate reported violations of international humanitarian law and human rights law in the Central African Republic since 1 January 2013 were under way.<sup>22</sup> By resolution [2134 \(2014\)](#), the Council welcomed the appointment of the International Commission of Inquiry on 22 January 2014 and called on all parties to cooperate with the Commission.<sup>23</sup> By resolution [2149 \(2014\)](#), the Council underlined its support for the work of the Commission, and decided that the established United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) should support the Commission.<sup>24</sup> By a letter dated 26 June 2014, the Secretary-General transmitted the preliminary report of the Commission as requested by the Council.<sup>25</sup> In response, the Council, in a subsequent statement by the President, expressed its wishes to receive the final report of the Commission,<sup>26</sup> which was then transmitted by a letter dated 19 December 2014 from the Secretary-General addressed to the President of the Council.<sup>27</sup> By resolution [2196 \(2015\)](#), the Council further acknowledged the receipt of the final report of the Commission of 22 December 2014.<sup>28</sup> Subsequently, the Council noted with concern its findings and decided that the mandate of MINUSCA should include support to the implementation of relevant recommendations of the International Commission of Inquiry.<sup>29</sup>

In relation to the situation in Mali, by resolution [2164 \(2014\)](#), the Council requested the Secretary-General to facilitate the establishment and to support the activities of the international commission of inquiry as envisaged in the Ouagadougou Preliminary Agreement and the

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<sup>22</sup> [S/2014/43](#).

<sup>23</sup> Resolution [2134 \(2014\)](#), para. 19.

<sup>24</sup> Resolution [2149 \(2014\)](#), eleventh preambular paragraph and para. 30 (e) (iii).

<sup>25</sup> [S/2014/373](#).

<sup>26</sup> [S/PRST/2014/28](#), twenty-second paragraph.

<sup>27</sup> [S/2014/928](#).

<sup>28</sup> Resolution [2196 \(2015\)](#), tenth preambular paragraph.

<sup>29</sup> Resolution [2217 \(2015\)](#), tenth preambular paragraph and para. 32 (e) (iii).

ceasefire agreement of 23 May 2014.<sup>30</sup> Further to the report of the Secretary-General on the situation in Mali dated 22 September 2014,<sup>31</sup> the Council decided in resolution [2227 \(2015\)](#) that the mandate of MINUSMA would include support to the implementation of the Agreement on Peace and Reconciliation in Mali, including to the establishment of an international commission of inquiry, in consultation with the parties.<sup>32</sup>

Further to the findings of the Fact-Finding Mission of the Organization for the Prohibition of Chemical Weapons (OPCW) concerning the use of chemical weapons in the Syrian Arab Republic, which concluded that chlorine had been used repeatedly and systematically as a weapon in Syria ([S/2015/138](#)) by resolution [2235 \(2015\)](#), the Council requested the Secretary-General, in coordination with the OPCW Director-General, to establish an OPCW-United Nations Joint Investigative Mechanism to identify the use of chemical weapons in Syria and to present a report to the Council as the Joint Investigative Mechanism began its operation and every 30 days thereafter on the progress made.<sup>33</sup> Case 1 below provides greater detail on the discussions relating to the establishment of the Joint Investigative Mechanism. For all the relevant provisions of the decisions mentioned above, see table 3 below.

**Table 3**  
**Decisions relating to investigative and/or fact-finding activities by the Secretary-General in 2014-2015**

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in the Central African Republic</b>	
Resolution <a href="#">2134 (2014)</a> 28 January 2014	Welcomes the appointment of the International Commission of Inquiry on 22 January 2014, in order to immediately investigate reports of violations of international humanitarian law, international human rights law and abuses of human rights in CAR by all parties since 1 January 2013, calls on all parties to cooperate fully with this commission, and encourages BINUCA to cooperate, as appropriate, with the Human Rights Council Independent expert and the International Commission of Inquiry (para. 19)
Resolution <a href="#">2149 (2014)</a> 10 April 2014	Stressing the urgent and imperative need to end impunity in the CAR and to bring to justice perpetrators of violations of international humanitarian law and of abuses and violations of human rights, underlining in this regard the need to bolster national accountability mechanisms and underlining its support for the work of the Independent Expert on human rights in the CAR and of the International Commission of Inquiry (eleventh preambular paragraph)
	To support the International Commission of Inquiry and the implementation of its recommendations

<sup>30</sup> Resolution [2164 \(2014\)](#), para. 2.

<sup>31</sup> [S/2014/692](#).

<sup>32</sup> Resolution [2227 \(2015\)](#), para. 14 (b) (iii).

<sup>33</sup> Resolution [2235 \(2015\)](#), paras. 5, 6 and 11.

<i>Decision and date</i>	<i>Provision</i>
	(para. 30(e)(iii))
<a href="#">S/PRST/2014/28</a> 18 December 2014	The Security Council looks forward to the final report of the International Commission of Inquiry established by Security Council resolution <a href="#">2127 (2013)</a> (twenty-second paragraph)
Resolution <a href="#">2196 (2015)</a> 22 January 2015	Taking note of the final report of the United Nations International Commission of Inquiry ( <a href="#">S/2014/928</a> ) of 22 December 2014 (tenth preambular paragraph)
Resolution <a href="#">2217 (2015)</a> 28 April 2015	Welcoming the submission of the report ( <a href="#">S/2014/928</a> ) of the International Commission of Inquiry established by resolution <a href="#">2127 (2013)</a> , noting with concern its finding that the main parties to the conflict, including ex-Seleka the anti-Balaka, and elements from the CAR Armed Forces (FACA) who collaborated with armed groups committed violations of international humanitarian law and human rights violations and abuses since 1st January 2013, that may amount to war crimes and crimes against humanity, including ethnic cleansing by elements of the anti-balaka militia (tenth preambular paragraph)  To support the implementation of relevant recommendations of the International Commission of Inquiry (para. 32(e)(iii))
<b>The situation in Mali</b>	
Resolution <a href="#">2164 (2014)</a> 25 June 2014	Urges the signatories to the ceasefire agreement of 23 May 2014 to respect it fully, to immediately implement its provisions, including the liberation of prisoners and the establishment of an international commission of inquiry, and to take steps that support national reconciliation, and requests the Secretary-General to facilitate the swift establishment of the commission, in consultation with the parties (para. 2)
Resolution <a href="#">2227 (2015)</a> 29 June 2015	<i>Decides</i> that MINUSMA shall perform the following tasks: <i>Support to the implementation of the Agreement on Peace and Reconciliation in Mali</i> (iii) To support the implementation of the reconciliation and justice measures of the Agreement, especially in its Part V, notably the establishment of an international commission of inquiry, in consultation with the parties (para. 14 (b) (iii))
<b>The situation in the Middle East</b>	
Resolution <a href="#">2235 (2015)</a> 7 August	Requests the UN Secretary-General, in coordination with the OPCW Director-General, to submit to the Security Council, for its authorisation, within 20 days of the adoption of this resolution, recommendations, including elements of Terms of Reference, regarding the establishment and operation of an OPCW-United Nations Joint Investigative Mechanism to identify to the greatest extent feasible individuals, entities, groups, or governments who were perpetrators, organisers, sponsors or otherwise involved in the use of chemicals as weapons, including chlorine or any other toxic chemical, in the Syrian Arab Republic where the OPCW FFM determines or has determined that a specific incident in the Syrian Arab Republic involved or likely involved the use of chemicals as weapons, including chlorine or any other toxic chemical, and expresses its intent to respond to the recommendations, including elements of Terms of Reference, within five days of receipt (para. 5)  Requests further that after the Security Council has authorised the Joint Investigative Mechanism that the United Nations Secretary-General, in coordination with the OPCW Director-General, undertake without delay the steps, measures, and arrangements necessary for the speedy establishment and full functioning of the Joint Investigative Mechanism, including recruiting impartial and experienced staff with relevant skills and expertise in accordance with Terms of Reference and notes due regard should be paid to the importance of recruiting the staff on as wide of a geographical basis as is practicable (para. 6)  Recalls that in its resolution <a href="#">2118 (2013)</a> , it decided that the Syrian Arab Republic and all parties in Syria shall cooperate fully with the OPCW and the United Nations and stresses that this includes an obligation to cooperate with the OPCW Director-General and its FFM and the United Nations Secretary-General and the Joint Investigative Mechanism, that such cooperation includes full access to all locations, individuals, and materials in the Syrian Arab Republic that the Joint Investigative Mechanism deems relevant to its investigation and where it determines there are reasonable grounds to believe access is justified based on its assessment of the facts and circumstances known to it at the time, including in areas within the Syrian territory but outside of the control of the Syrian Arab Republic, and

<i>Decision and date</i>	<i>Provision</i>
	that such cooperation also includes the ability of the Joint Investigative Mechanism to examine additional information and evidence that was not obtained or prepared by the FFM but that is related to the mandate of the Joint Investigative Mechanism as set forth in paragraph 5 (para. 7)
	Requests the United Nations Secretary-General, in coordination with the OPCW Director-General, to present a report to the United Nations Security Council and inform the OPCW Executive Council as of the date the Joint Investigative Mechanism begins its full operations and every 30 days thereafter on the progress made (para. 10)
	Requests the Joint Investigative Mechanism to complete its first report within 90 days of the date on which it commences its full operations, as notified by the United Nations Secretary-General, and complete subsequent reports as appropriate thereafter and requests the Joint Investigative Mechanism to present the report, or reports, to the United Nations Security Council and inform the OPCW Executive Council (para. 11)
	Requests the Joint Investigative Mechanism to retain any evidence related to possible uses of chemical weapons in the Syrian Arab Republic other than those cases in which the FFM determines or has determined that a specific incident in the Syrian Arab Republic involved or likely involved the use of chemicals as weapons, including chlorine or any other toxic chemical, and to transmit that evidence to the FFM through the Director-General of the OPCW and to the Secretary-General as soon as practicable (para. 12)

During the reporting period, the Secretary-General undertook two more investigative actions, upon the Council's request to do so in relation to the situation in Liberia and in his capacity as Chief Administrative Officer of the Organization concerning the conflict in the Gaza strip and southern Israel. By a letter dated 16 July 2014, the President of the Security Council informed the Secretary-General that the Council had completed its review of the sanctions measures in Liberia and, as a result, requested the Secretary-General to dispatch an assessment mission and to report to the Council, by 1 October 2014, on the progress that Liberia had made towards meeting the conditions set out in resolution [1521 \(2003\)](#) for the termination of sanctions and to provide recommendations on United Nations assistance and other technical assistance to the Government of Liberia.<sup>34</sup> In response, by a letter dated 29 September 2014, the Secretary-General submitted the report of the assessment mission concerning the Liberia sanctions regime.<sup>35</sup>

In addition, during the conflict in the Gaza strip and southern Israel in July and August 2014 (also known as Operation Protective Edge), a number of incidents occurred between 8 July and 26 August 2014 affecting United Nations personnel, premises and operations. As a result and in his capacity as the Chief Administrative Officer of the Organization, the Secretary-General

<sup>34</sup> [S/2014/504](#).

<sup>35</sup> [S/2014/707](#).

decided to establish a United Nations Headquarters board of inquiry to review and investigate 10 of those incidents affecting or involving United Nations personnel, in which death or injuries occurred at, or damage was done to, United Nations premises, or in which the presence of weaponry was reported at those premises. The Board was convened on 10 November 2014, conducted a field visit from 26 November to 13 December 2014 and submitted its report to the Secretary-General on 5 February 2015. Thereafter, by a letter dated 27 April 2015, the Secretary-General transmitted to the Security Council a summary of the report, which was prepared by the Secretariat, including in particular the key findings and recommendations of the Board.<sup>36</sup>

## Case 1

### The situation in the Middle East

On 6 March 2015, the Security Council held its 7401<sup>st</sup> meeting during which the Council adopted resolution [2209 \(2015\)](#) in connection with the reports of the OPCW fact-finding mission on the use of chlorine as a chemical weapon in the Syrian Arab Republic.<sup>37</sup> The resolution was adopted with fourteen votes in favor and one abstention by the Bolivarian Republic of Venezuela. In his explanation of the vote, the representative of Venezuela explained that his country abstained in the voting because the resolution prejudged the investigative process being conducted by the OPCW. He considered necessary to conclude the investigation prior to the adoption of the resolution. Explicitly referring to Chapter VI of the Charter, he called for a peaceful resolution of the Syrian conflict.<sup>38</sup> Several other speakers expressed support to the work and findings of the fact-finding mission and expressed concern about its conclusion that chlorine had been systematically used as a chemical weapon in Syria.<sup>39</sup> The representative of China supported the efforts of all relevant parties to fully implement the decisions and resolutions adopted by the OPCW and the Security Council concerning Syrian chemical weapons, and stressed that the authority of the OPCW must be maintained in that process.<sup>40</sup> The representative

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<sup>36</sup> [S/2015/286](#).

<sup>37</sup> [S/PV.7401](#).

<sup>38</sup> *Ibid.*, p. 2.

<sup>39</sup> [S/PV.7401](#), p. 3-4 (United States), p. 4 (United Kingdom and Jordan) and p. 5 (France).

<sup>40</sup> *Ibid.*, p. 3.

of the Russian Federation stressed that cases of particular gravity and urgency should, as envisaged by the General Assembly resolution on cooperation between the United Nations and the OPCW, be brought directly to the attention of the General Assembly and the Security Council by the OPCW Executive Council in accordance with existing procedures.<sup>41</sup> Furthermore, he stressed that further activity of the OPCW fact-finding mission should be based on professionalism, objectivity and impartiality, and that only the guiding bodies of the OPCW might in future confirm the facts of alleged violations of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and resolution [2118 \(2013\)](#).<sup>42</sup>

On 7 August 2015, the Council held its 7501<sup>st</sup> meeting under the same agenda item.<sup>43</sup> Council members unanimously adopted resolution [2235 \(2015\)](#) requesting the Secretary-General, in coordination with the OPCW Director-General, to establish the OPCW-United Nations Joint Investigative Mechanism to identify those who had been responsible for the use of chemical weapons in the Syrian Arab Republic.<sup>44</sup> During the discussion, speakers expressed support to the efforts of the Secretary-General, as called on by the Council, to take steps on setting up the Joint Investigative Mechanism. Several speakers acknowledged the fact-finding role of the OPCW fact-finding mission as well as its reports in confirming the use of chemical weapons in Syria, and called for its cooperation with the Joint Investigative Mechanism.<sup>45</sup> The representative of the Russian Federation expressed the hope that the Joint Investigative Mechanism would work impartially and objectively.<sup>46</sup> In the same vein, the representative of the Bolivarian Republic of Venezuela also called on the Joint Investigative Mechanism to respect the principles of impartiality, transparency and objectivity, in accordance with the terms agreed upon by the Secretary-General and the OPCW.<sup>47</sup> The representative of Spain emphasized the need to act upon the recommendations and findings once the Joint Investigative Mechanism was established.<sup>48</sup> The representative of the United Kingdom reiterated the Council's call on all

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<sup>41</sup> Ibid., p. 3.

<sup>42</sup> Ibid., p. 3.

<sup>43</sup> [S/PV.7501](#).

<sup>44</sup> Resolution [2235 \(2015\)](#), para. 5.

<sup>45</sup> [S/PV.7501](#), p. 2 (United States), p. 3 (Russian Federation), p. 4 (China), p. 5 (France and Venezuela), p. 6 (Jordan), p. 7 (Lithuania and United Kingdom) and p. 8 (Nigeria).

<sup>46</sup> Ibid., p. 4.

<sup>47</sup> Ibid., p. 6.

<sup>48</sup> Ibid., p. 5.

Member States to fully cooperate with the investigators, as well as with the fact-finding mission of the OPCW which would play a key facilitating role in the work of the Joint Investigative Mechanism.<sup>49</sup> The representative of the Syrian Arab Republic, speaking after Council members, regretted, however, that the Syrian Government's initiative in asking the Secretariat to conduct an inquiry into the attack on Khan Al-Asal near Aleppo had yet to be carried out.<sup>50</sup>

Subsequently, on 9 November 2015, the Security Council authorized the terms of the establishment and operation of the Joint Investigative Mechanism further to the letters of the Secretary-General of 27 August and 9 September 2015.<sup>51</sup>

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

During the period under review, the Security Council recognized investigative functions performed by the United Nations High Commissioner for Human Rights, the Human Rights Council and the OPCW in relation to matters on the agenda of the Council. Table 4 below features the provisions of decisions of the Council referring to such functions.

**Table 4**  
**Decisions relating to investigation and inquiry by other bodies of the United Nations acknowledged by the Security Council in 2014-2015**

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in the Central African Republic</b>	
Resolution <a href="#">2134 (2014)</a> 28 January 2014	To help strengthen the capacities, including through technical assistance, of the national judicial system, including transitional justice mechanisms, and of the national human rights institutions and assist with national reconciliation efforts, coordinating with the International Commission of Inquiry as well as the Independent Expert, as appropriate (para. 2(e))  Welcomes the appointment of the International Commission of Inquiry on 22 January 2014, in order to immediately investigate reports of violations of international humanitarian law, international human rights law and abuses of human rights in CAR by all parties since 1 January 2013, calls on all parties to cooperate fully with this commission, and encourages BINUCA to cooperate, as appropriate, with the Human Rights Council Independent expert and the International Commission of Inquiry (para. 19)
Resolution <a href="#">2149 (2014)</a> 10 April 2014	Stressing the urgent and imperative need to end impunity in the CAR and to bring to justice perpetrators of violations of international humanitarian law and of abuses and violations of human rights, underlining in this regard the need to bolster national accountability mechanisms and underlining its support for the

<sup>49</sup> Ibid., p. 7.

<sup>50</sup> Ibid., p. 9.

<sup>51</sup> See letters dated 27 August and 9 September 2015 of the Secretary-General ([S/2015/669](#) and [S/2015/696](#)) and letter of the President of the Security Council dated 9 November 2015 ([S/2015/697](#)). The Secretary-General informed the Council that the Joint Investigative Mechanism would begin its full operations on 13 November 2015 ([S/2015/854](#)). See for further details, part IX, sect. III of this Supplement.

<i>Decision and date</i>	<i>Provision</i>
	work of the Independent Expert on human rights in the CAR and of the International Commission of Inquiry (eleventh preambular paragraph)
<b>The situation concerning the Democratic Republic of the Congo</b>	
<a href="#">S/PRST/2014/22</a> 5 November 2014	In this context, the Security Council expresses its grave concern at the decision of the government of the DRC to expel the head of the United Nations Joint Human Rights Office in the DRC. The Security Council further expresses concern over recent threats made against other staff members in the office. The Security Council recalls that monitoring, reporting and follow-up on human rights violations and abuses and violations of international humanitarian law are fully part of MONUSCO's mandate and expresses its full support to the Joint Human Rights Office, to MONUSCO and to the UN personnel. The Security Council recalls the importance of the obligations and commitments of the government of the DRC in terms of promotion and protection of human rights and fight against impunity, and calls on the DRC government to investigate the allegations included in the report. The Security Council calls for continued cooperation and dialogue between MONUSCO and the government of the DRC. In this regard, the Security Council takes note of the letter of the Permanent Representative of the DRC to the Security Council on 20 October 2014 and of the willingness expressed by the government of the DRC to continue to work with MONUSCO, including the Joint Human Rights Office (tenth paragraph)
<b>The situation in the Middle East</b>	
Resolution <a href="#">2209 (2015)</a> 6 March 2015	<p>Noting the first, second, and third reports from the Organization for the Prohibition of Chemical Weapons (OPCW) Fact-Finding Mission, which was mandated to establish the facts surrounding allegations of the use of toxic chemicals for hostile purposes in the Syrian Arab Republic (fifth preambular paragraph)</p> <p>Expresses deep concern that toxic chemicals have been used as a weapon in the Syrian Arab Republic as concluded with a high degree of confidence by the OPCW Fact-Finding Mission and notes that such use of toxic chemicals as a weapon would constitute a violation of resolution <a href="#">2118 (2013)</a> and of the CWC (para. 2)</p> <p>Expresses support for the OPCW Executive Council decision of 4 February 2015 to continue the work of the OPCW Fact-Finding Mission, in particular to study all available information relating to allegations of use of chemical weapons in Syria and welcomes the intention of the OPCW Director-General to include further reports of the Mission as part of his monthly reports to the Security Council (para. 5)</p> <p>Stresses that those individuals responsible for any use of chemicals as weapons, including chlorine or any other toxic chemical, must be held accountable, and calls on all parties in the Syrian Arab Republic to extend their full cooperation to the OPCW Fact-Finding Mission (para. 6)</p>
<b>The situation in Côte d'Ivoire</b>	
Resolution <a href="#">2226 (2015)</a> 25 June 2015	To contribute to the promotion and protection of human rights in Côte d'Ivoire, with special attention to grave violations and abuses committed against children and women, notably sexual- and gender-based violence, in close coordination with the Independent Expert established under the Human Rights Council's resolution <a href="#">A/HRC/RES/17/21</a> (para. 19(g))

At its 7105<sup>th</sup> meeting on 29 January 2014 under the item “Maintenance of international peace and security”, a number of speakers expressed support for the Council's full use of the tools at its disposal, including in particular commissions of inquiry and fact-finding missions established by the Council under Article 34 of the Charter, in ensuring accountability for violations of human rights and crimes against humanity as an essential part of addressing

conflicts.<sup>52</sup> In addition, by a letter dated 14 April 2014, the representatives of Australia, France and United States transmitted to the Council the report of the Human Rights Council commission of inquiry on human rights in the Democratic People’s Republic of Korea ([A/HRC/23/63](#)) containing an account of the human rights violations in the Democratic People’s Republic of Korea along with the Commission’s recommendations.<sup>53</sup> Referring to an earlier letter dated 11 July 2014, the representatives of Australia, France and the United States transmitted a non-paper summarising the discussion of an Arria-formula meeting of 17 April 2014 on the Commission’s report and suggested that the Council formally discuss the Commission’s findings of human rights violations in the Democratic People’s Republic of Korea and its recommendations to the Council and consider appropriate action.<sup>54</sup> Subsequently, by a letter dated 5 December 2014, the representatives of Australia, Chile, France, Jordan, Lithuania, Luxembourg, the Republic of Korea, Rwanda, the United Kingdom and the United States requested that the situation in the Democratic People’s Republic of Korea be formally placed on the Council’s agenda without prejudice to the item on non-proliferation in the Democratic People’s Republic of Korea. In the same letter, they also requested that under that item a senior official from the Office of the United Nations High Commissioner for Human Rights would brief the Council.<sup>55</sup>

The cases below illustrate instances of the Security Council considering the outcome of fact-finding missions by bodies of the United Nations, other than the Secretary-General, in relation to the situation in the Syrian Arab Republic discussed under the item “the situation in the Middle East, including the Palestinian Question” and “The situation in the Middle East” (cases 2 and 3).

## **Case 2**

### **The situation in the Middle East, including the Palestinian question**

On 20 January 2014, the Security Council held its 7096<sup>th</sup> meeting under the above referenced agenda item. During the discussion, reference was made to the conflict in the Syrian

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<sup>52</sup> [S/PV.7105](#), p. 9 (Australia), p. 12 (Lithuania), p. 14 (United States), p. 46 (Azerbaijan) and p. 47 (Switzerland).

<sup>53</sup> [S/2014/276](#).

<sup>54</sup> [S/2014/501](#).

<sup>55</sup> [S/2014/872](#). See for further details on the inclusion of the new item on the agenda of the Council, part II, sect. II.A of this Supplement.

Arab Republic. The representative of the European Union reaffirmed his support to the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council.<sup>56</sup> The representative of Brazil reiterated his concern about the negative impact of unilateral sanctions on the living conditions of the Syrian people, in line with the reports of the Commission of Inquiry.<sup>57</sup> Subsequently, on 29 April 2014, the Council held its 7164<sup>th</sup> meeting, during which several speakers expressed concern about the findings of the reports of the Independent International Commission of Inquiry on Syria, confirming human rights violations by both sides of the conflict.<sup>58</sup> The representative of Argentina said that the reports of the Commission and of the Secretary-General should not be allowed to become bureaucratic routine or ritual.<sup>59</sup> The representative of Brazil said that violations of human rights by both sides as consistently demonstrated by the Human Rights Council's Independent Commission of Inquiry should be denounced.<sup>60</sup> The representative of Guatemala called for all violations to be investigated and brought to justice.<sup>61</sup>

### **Case 3**

#### **The situation in the Middle East**

On 22 May 2014, the Security Council held its 7180<sup>th</sup> meeting, during which several speakers referred to the evidence of war crimes and atrocities in Syria documented by the Independent International Commission of Inquiry established by the Human Rights Council and by the United Nations High Commissioner for Human Rights, and called for the situation in Syria to be referred to the International Criminal Court (ICC).<sup>62</sup> On 27 March 2015, the Council held its 7419<sup>th</sup> meeting, a high-level meeting focusing on the victims of attacks and abuses on ethnic or religious grounds in the Middle East. During the debate, the representative of the European Union, while acknowledging the reports and efforts of the Independent International

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<sup>56</sup> [S/PV.7096 \(Resumption 1\)](#), p. 23.

<sup>57</sup> *Ibid.*, p. 8.

<sup>58</sup> [S/PV.7164](#), p. 28 (Argentina) and p. 40 (Brazil).

<sup>59</sup> *Ibid.*, p. 28.

<sup>60</sup> *Ibid.*, p. 40.

<sup>61</sup> *Ibid.*, p. 49.

<sup>62</sup> [S/PV.7180](#), p. 5 (United States), p. 7 (Luxembourg) and p. 9 (Australia).

Commission of Inquiry on Syria along with a number of speakers,<sup>63</sup> also supported the renewal of its mandate as well as its continuous documentation of crimes in Syria.<sup>64</sup> On 24 April 2015, the Council held its 7433<sup>rd</sup> meeting. At that meeting, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator suggested that the Council give a specific mandate to the International Independent Commission of Inquiry on Syria to look specifically at the situation in besieged communities and the militarization and responsibility for attacks on medical and educational facilities, which should be done through the conduct of a fact-finding mission.<sup>65</sup>

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<sup>63</sup> [S/PV.7419](#), p. 40 (Brazil), p. 44 (Bulgaria), p. 56 (Switzerland) and p. 65 (Luxembourg).

<sup>64</sup> *Ibid.*, p. 34.

<sup>65</sup> [S/PV.7433](#), p. 3.

### **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 2014 and 2015 in connection with its efforts aimed at the peaceful settlement of disputes within the framework of Chapter VI of the Charter. As mentioned in the introduction, decisions explicitly adopted under Chapter VII of the Charter have not been considered for the purposes of this section. The section is divided into four subsections. 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**

This subsection provides an overview of the decisions of the Security Council on general and thematic issues relating to the pacific settlement of disputes. During the period under review, the Council explicitly referred to Chapter VI, in particular Articles 33, 34 and 99 of the Charter in one decision.<sup>66</sup> By resolution [2171 \(2014\)](#), adopted unanimously in connection with the maintenance of international peace and security, the Council expressed its determination to pursue the prevention of armed conflict as an integral part of its responsibility for the maintenance of international peace and security.<sup>67</sup> Recognizing that some of the conflict prevention tools set out in Chapter VI of the Charter, including negotiation, enquiry, mediation, conciliation, arbitration, judicial settlements and resort to regional and subregional organizations and arrangements, as well as the good offices of the Secretary-General, had not been fully utilised, the Council stressed its determination to make and call for the greater and more effective use of such tools.<sup>68</sup> The Council reaffirmed the duty of States to settle disputes peacefully, inter alia, through negotiation, enquiry, good offices, mediation, conciliation, arbitration and judicial settlements, and encouraged the Secretary-General to continue the use of his good offices and early engagement in the prevention of potential conflicts.<sup>69</sup> Furthermore, the Council emphasized the role of women and civil society in conflict prevention, encouraged closer cooperation with regional and subregional organizations and called for strengthening conflict prevention capacity, including early warning mechanisms.<sup>70</sup>

As described in further detail below, in the 2014 to 2015 period, whilst not explicitly citing Chapter VI or any related articles of the Charter, the Council stressed the importance of conflict prevention, early warning, good offices and mediation efforts in the peaceful settlement of disputes, advocated for the inclusive participation of women, youth and civil society in peace processes and voiced support for the continued involvement of regional and subregional organizations. The Council also made reference to other tools such as sanctions to contribute to the peaceful resolution of conflict.

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<sup>66</sup> Resolution [2171 \(2014\)](#), para. 5.

<sup>67</sup> *Ibid.*, para. 1.

<sup>68</sup> *Ibid.*, para. 6.

<sup>69</sup> *Ibid.*, paras. 4 and 9.

<sup>70</sup> *Ibid.*, paras. 18, 21 and 22.

The Council repeatedly acknowledged the importance of mediation efforts and the good offices of the Secretary-General and his envoys in the peaceful settlement of conflict. Recognizing that mediation was an important means for the pacific settlement of disputes, including wherever possible preventively and before disputes evolve into violence, the Council expressed appreciation for the efforts of the Secretary-General to continue to strengthen United Nations mediation support capacities, including the Mediation Support Unit as a provider of mediation support to the United Nations system, in accordance with agreed mandates.<sup>71</sup> The Council recognized the importance of the good offices of the Secretary-General in Africa and encouraged him to continue using mediation to help resolve conflicts peacefully, in close coordination with the African Union.<sup>72</sup> The Council further encouraged the Secretary-General's Special Representatives and Envoys to fully take into account the strategic value of security sector reform through their good offices.<sup>73</sup> The Council requested the Secretary-General to report on the measures taken in the context of the prevention, partnerships, participation, protection, disengagement and reintegration of youth.<sup>74</sup>

Specifically on conflict prevention, the Council recalled the important role of the Secretary-General's Special Advisers on the Prevention of Genocide and the Responsibility to Protect in acting as an early warning mechanism to prevent potential situations that could result in genocide, crimes against humanity, war crimes and ethnic cleansing, as well as the important role that the Special Representative on Sexual Violence in Conflict and the Special Representative on Children and Armed Conflict can play in contributing to conflict prevention.<sup>75</sup> Acknowledging that serious abuses of human rights or humanitarian law, including sexual and gender-based violence, could be an early indication of a descent into conflict or escalation of conflict, the Council called on States to consider ratifying the instruments of international humanitarian, human rights and refugee law, and to take appropriate steps to implement these

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<sup>71</sup> See, in connection with the item entitled "Maintenance of international peace and security", resolution [2171 \(2014\)](#), para.11.

<sup>72</sup> See, in connection with the item entitled "Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security", [S/PRST/2014/27](#), thirtieth paragraph.

<sup>73</sup> See, in connection with the item entitled "United Nations peacekeeping operations: the role of policing in peacekeeping and post-conflict peacebuilding", resolution [2185 \(2014\)](#), para.11.

<sup>74</sup> See, in connection with maintenance of international peace and security, resolution [2250 \(2015\)](#), para. 21.

<sup>75</sup> See, in connection with the maintenance of international peace and security, resolution [2171 \(2014\)](#), paras.16 and 17.

instruments domestically, which could contribute to timely prevention of conflicts.<sup>76</sup> In the field of mediation, good offices and peacekeeping, the Council encouraged the Secretary-General and regional organizations to compile and share information and best practices.<sup>77</sup>

As mentioned above, the Council acknowledged that sanctions were capable of contributing to peaceful resolution of situations that threatened or constituted a breach of international peace and to supporting conflict prevention.<sup>78</sup> The Council also expressed its commitment to consider and use all conflict prevention tools, including early warning and preventive action in accordance with the Charter.<sup>79</sup> In connection with the sanctions measures imposed on individuals, groups, undertakings and entities associated with the Taliban, the Council emphasized the importance of a comprehensive political process in Afghanistan to support peace and reconciliation among all Afghans and outlined mechanisms for considering travel of listed individuals to meetings in support of peace and reconciliation.<sup>80</sup>

Moreover, the Council expressed in several instances its support for the inclusive participation of all stakeholders in the peaceful settlement of conflict and stressed the role of women in the prevention and resolution of conflicts.<sup>81</sup> The Council recognised the critical contributions of civil society, including women’s organizations to conflict prevention, resolution and peacebuilding and the importance of sustained consultation and dialogue between women and national and international decision makers.<sup>82</sup> In resolution [2242 \(2015\)](#), the Council called on Member States to ensure women’s increased representation at all decision-making levels for the prevention and resolution of conflict, on counter-terrorism and combatting violent extremism. In this same resolution, the Council also encouraged those supporting peace processes to facilitate women’s meaningful inclusion in peace talks delegations.<sup>83</sup> In addition, in relation to the item “Maintenance of international peace and security”, the Council encouraged

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<sup>76</sup> Resolution [2171 \(2014\)](#), para. 13.

<sup>77</sup> Resolution [2167 \(2014\)](#), para. 16.

<sup>78</sup> Resolution [2171 \(2014\)](#), para. 8.

<sup>79</sup> *Ibid.*, paras. 8 and 20.

<sup>80</sup> See resolution [2255 \(2015\)](#), paras. 1 (b), 19, 29, 31-32, 34, 34 (b), 39 and 48 adopted in relation to the item “Threats to international peace and security caused by terrorist acts”. For more information on sanctions measures adopted in accordance with Article 41 of the Charter, see part VII, sect. III.

<sup>81</sup> See, for example, in connection with women and peace and security, resolution [2242 \(2015\)](#), paras. 1, 7, 13; in connection with the maintenance of international peace and security, see resolution [2151 \(2014\)](#), para. 19.

<sup>82</sup> See, in connection with item “Women and peace and security”, [S/PRST/2014/21](#), para. 4.

<sup>83</sup> See, in connection with “Women and peace and security”, resolution [2242 \(2015\)](#), paras. 1, 11, 13 and 15.

Member States to engage relevant local communities and non-governmental actors in developing strategies, including through interreligious, interethnic and intercultural dialogue, to counter the violent extremist narrative that could incite terrorist acts, including by empowering youth, families, women, religious, cultural and education leaders, and all other concerned groups of civil society.<sup>84</sup>

Also in connection with the item “Maintenance of international peace and security”, the Council recognized that security sector reform needed to be in support of, and informed by, broader national political processes, inclusive of all society, to lay foundations for stability and peace through national dialogue and reconciliation.<sup>85</sup> The Council affirmed that sustainable peace and development could not be achieved without the inclusion of all relevant stakeholders, including women, and reiterated the need for a comprehensive and integrated approach to address the root causes of each conflict.<sup>86</sup>

The Council also encouraged initiatives to prevent the marginalisation of youth and requested the Secretary-General to include in his reports information on prevention measures relating to youth in situations of armed conflict.<sup>87</sup>

In resolution [2250 \(2015\)](#), the Council addressed the role of youth in the prevention and resolution of conflict. The Council specifically urged Member States to increase youth representation at all levels of decision-making for the prevention and resolution of conflict, called on all relevant actors to take into account youth participation and views in peace agreements and violence prevention activities and recognised that youth marginalisation was detrimental to building sustainable peace in all societies.<sup>88</sup> In connection with the item entitled “Children and armed conflict”, the Council urged Member States, United Nations entities and other parties to ensure that child protection provisions, including those relating to the release and

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<sup>84</sup> See [S/PRST/2015/3](#), eleventh paragraph.

<sup>85</sup> See resolution [2151 \(2014\)](#), para. 4.

<sup>86</sup> See, in connection with maintenance of international peace and security: inclusive development for the maintenance of international peace and security, [S/PRST/2015/3](#), third, fifth and eleventh paragraphs.

<sup>87</sup> See resolution [2250 \(2015\)](#), paras. 17 (c) and 21 in connection with the item “Maintenance of international peace and security”.

<sup>88</sup> *Ibid.*, paras. 1, 2, 10.

reintegration of children formerly associated with armed forces or armed groups, were integrated into all peace negotiations, ceasefire and peace agreements.<sup>89</sup>

## **B. Recommendations of the Security Council on country-specific issues relating to the pacific settlement of disputes**

This subsection provides an overview of the Security Council's practice aimed at the pacific settlement of disputes in application of Chapter VI of the Charter in the context of country or region specific situations. It should be recalled that Article 33 (2) of the Charter provides that the Council shall call upon the parties to settle disputes by the means established in Article 33 (1), when deemed necessary. Article 36 (1) of the Charter provides in addition, that the Council may "recommend appropriate procedures or methods of adjustment". Article 37 (2) establishes further that 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 in turn provides that without prejudice to Articles 33 to 37, the Security Council may make recommendations to the parties with a view to a pacific settlement of the dispute, if all the parties so request.

This subsection provides an overview of the recommendations put forward by the Council during the period under review aimed at the pacific settlement of disputes in country- or region-specific situations. Decisions adopted expressly under Chapter VII of the Charter are not included in this subsection. For details on those decisions, please refer to parts VII and X.

During 2014 and 2015 as in previous periods, the Council oversaw mostly intra-State conflicts in the context of which it often called on the parties to disputes to engage in peace negotiations, to support an inclusive political dialogue and national reconciliation, and, to adhere to provisions of peace agreements. Below is an overview per country and per region.

In relation to Burundi, the Council encouraged the Government to pursue its efforts of peace consolidation and reconstruction in a regional perspective and to cooperate with the East African Community-led mediation endorsed by the African Union to immediately convene an

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<sup>89</sup> See resolutions [2143 \(2014\)](#), para. 9 and [2225 \(2015\)](#) para. 9.

inclusive and genuine inter-Burundian dialogue in order to find a consensual and nationally owned solution to the crisis.<sup>90</sup>

On the Central African Republic, the Council reiterated its appeal to all parties and stakeholders to embark upon the path of dialogue as the only viable means towards achieving lasting reconciliation and peace and its call upon the Transitional Authorities to take concrete action, with the full, effective and equal participation of women, towards an inclusive and comprehensive political dialogue and reconciliation process at the local and national levels.<sup>91</sup> The Council further underscored the importance of making all appropriate efforts to ensure peace and reconciliation, commended the joint action of religious leaders in pursuing intercommunal peace and called upon the Central African Republic authorities to take all necessary steps to create conditions for lasting reconciliation and emphasised the critical role of the region for the promotion of lasting peace and stability in the country.<sup>92</sup>

In connection with the item entitled “Central African region”, the Council welcomed the efforts undertaken by the Democratic Republic of the Congo, the Republic of South Sudan, Uganda and the Central African Republic, in coordination with the African Union, to end the threat posed by the Lord’s Resistance Army, and urged further efforts from these countries, as well as from other countries in the region and commended and encouraged the regional and international mediation efforts in the Central African Republic.<sup>93</sup>

On the situation in the Democratic Republic of the Congo, the Council stressed that the durable return of stability in the country and the region also required the swift fulfillment of implementation of the reforms committed to by the Government in the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region.<sup>94</sup>

Regarding the situation in Guinea-Bissau, the Council renewed the mandate of the United Nations Integrated Peacebuilding Office in Guinea-Bissau to support an inclusive political dialogue and national reconciliation process to facilitate democratic governance and welcomed

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<sup>90</sup> Resolutions [2137 \(2014\)](#), para. 15 and [2248 \(2015\)](#), paras. 3 and 4.

<sup>91</sup> [S/PRST/2014/28](#), second and third paragraphs.

<sup>92</sup> [S/PRST/2015/17](#), fourteenth and fifteenth paragraphs.

<sup>93</sup> [S/PRST/2014/8](#), eighth paragraph; [S/PRST/2014/25](#), fifteenth paragraph; and [S/PRST/2015/12](#), second paragraph.

<sup>94</sup> [S/PRST/2014/22](#), fifth paragraph.

the work of international partners to enhance cooperation in support of the legitimate democratic government and encouraged them to work together towards the stabilization of the country.<sup>95</sup>

In connection with Libya, the Council encouraged Member States, particularly in the region, to continue to urge all parties to engage constructively in the United Nations-facilitated Libyan Political Dialogue.<sup>96</sup>

Concerning the situation in Mali, the Council commended the initial efforts of the Government of Mali to launch a series of national consultative events on the situation in the North of Mali to promote good governance, institutional reform, economic and social development and to reinforce national unity and security.<sup>97</sup> The Council commended the facilitation role played by Algeria, at the request of the Malian authorities, in the launching of formal peace talks and in convening the Government of Mali and the signatory and adherent armed groups of the Ouagadougou Agreement and called on the members of the international mediation team to devise concrete oversight mechanisms to ensure the full, faithful and immediate implementation of a future comprehensive and inclusive peace agreement.<sup>98</sup>

With regard to Somalia, the Council renewed the mandate of the United Nations Assistance Mission in Somalia to provide the United Nations “good offices” functions supporting the Federal Government of Somalia’s peace and reconciliation process and called upon the Federal Government of Somalia to develop a “clear plan” towards the holding of elections in 2016.<sup>99</sup>

On the Sudan and in the context of Darfur, the Council commended the efforts by the Joint Special Representative to revitalise the peace process, including through renewed engagement of the non-signatory movements.<sup>100</sup> The Council called for an urgent end to inter-tribal clashes, criminality and banditry that affected civilians and further called for reconciliation and dialogue.<sup>101</sup> Concerning the situation in Abyei, the Council called upon the communities and the Governments of Sudan and South Sudan to work towards the resumption of community

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<sup>95</sup> Resolutions [2157 \(2014\)](#), paras. 1(a) and 4; [2186 \(2014\)](#) paras. 1(a) and 4; and [2203 \(2015\)](#), paras. 2(a) and 7.

<sup>96</sup> Resolutions [2238 \(2015\)](#), para. 2 and [2259 \(2015\)](#), para. 7.

<sup>97</sup> [S/PRST/2014/2](#), third paragraph.

<sup>98</sup> [S/PRST/2014/15](#), second paragraph and [S/PRST/2015/5](#), ninth paragraph.

<sup>99</sup> Resolution [2158 \(2014\)](#), paras. 1 and 9.

<sup>100</sup> Resolutions [2173 \(2014\)](#), para. 3 and [2228 \(2015\)](#), para. 7.

<sup>101</sup> Resolution [2228 \(2015\)](#), para. 11.

dialogue and to take steps to implement confidence-building measures through reconciliation processes at the grass-roots level and strongly urged all Abyei communities to exercise maximum restraint to avoid violent clashes.<sup>102</sup> On the situation in South Sudan, the Council urgently called upon President Salva Kiir, former Vice President Riek Machar and all parties to implement the Agreement to Resolve the Crisis in South Sudan signed on 9 May 2014 by the Republic of South Sudan and the Sudan People's Liberation Movement (in Opposition) to engage fully and inclusively in ongoing peace talks in Addis Ababa.<sup>103</sup> The Council commended the work of the Intergovernmental Authority on Development (IGAD) in leading the mediation since the onset of the crisis and for its relentless work in establishing a forum for political and security dialogue.<sup>104</sup>

In connection with Western Sahara, during the review period the Council continued calling upon the parties to enter into a more intensive and substantive phase of negotiations under the auspices of the Secretary-General without preconditions and in good faith with a view to achieving a just, lasting, and mutually acceptable political solution.<sup>105</sup>

In connection with the situation in Afghanistan, the Council reaffirmed the ongoing Afghan-led regional effort to continue efforts to enhance regional dialogue and confidence,<sup>106</sup> and recalled that women play a vital role in the peace process.<sup>107</sup>

With regard to the situation in Cyprus, the Council called on the two parties' leaders to improve the public atmosphere for the negotiations, including by focusing public messages on convergences and the way ahead, and delivering more constructive and harmonised messages.<sup>108</sup> In connection with the situation in eastern regions of Ukraine, the Council called on all parties to fully implement the "Package of measures for the Implementation of the Minsk Agreements", adopted on 12 February 2015.<sup>109</sup>

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<sup>102</sup> Resolution [2156 \(2014\)](#), paras. 2 and 12.

<sup>103</sup> [S/PRST/2014/16](#), third paragraph.

<sup>104</sup> [S/PRST/2015/9](#), fourth and sixth paragraphs and [S/PRST/2015/16](#), second paragraph.

<sup>105</sup> Resolutions [2152 \(2014\)](#), paras. 5 and 7 and [2218 \(2015\)](#), paras. 5 and 7.

<sup>106</sup> Resolutions [2145 \(2014\)](#), para. 17 and [2210 \(2015\)](#), para. 17.

<sup>107</sup> Resolutions [2145 \(2014\)](#), para. 44 and [2210 \(2015\)](#), para. 43.

<sup>108</sup> Resolutions [2135 \(2014\)](#), para. 3(c), [2168 \(2014\)](#), para. 3(c), [2197 \(2015\)](#), para. 3(c) and [2234 \(2015\)](#), para. 3(c).

<sup>109</sup> Resolution [2202 \(2015\)](#), para. 3.

In relation to the Palestinian question, the Council urged the parties and the international community to achieve a comprehensive peace based on the vision of a region where two democratic states, Israel and Palestine, live side by side in peace with secure and recognised borders as envisioned in Security Council resolution [1850 \(2008\)](#).<sup>110</sup> Concerning the conflict in the Syrian Arab Republic, the Council reiterated that the only sustainable solution to the crisis was through an inclusive and Syrian-led political process with a view to the full implementation of the Geneva Communiqué of 30 June 2012.<sup>111</sup> The Council further expressed support for a Syrian-led political process and for a nationwide ceasefire in Syria to come into effect as soon as the representatives of the Syrian government and the opposition had begun steps towards a political transition on the basis of the Geneva Communiqué of 14 November 2015 the International Syria Support Group (ISSG) Statement.<sup>112</sup> Relating to the Golan Heights, the Council stressed the obligations on both parties to scrupulously and fully respect the terms of the 1974 Disengagement of Forces Agreement and called on them to respect the ceasefire in the area of separation.<sup>113</sup> And finally, on the situation in Yemen, the Council called upon all Yemenis to fully respect the implementation of the political transition and to adhere to the values of the Implementation Mechanism Agreement and to resolving their differences through dialogue and consultation.<sup>114</sup> The Council further called strongly on all parties to abide by the Gulf Cooperation Initiative and its Implementation Mechanism and stressed the importance of the full implementation of agreements reached and commitments made towards reaching a consensus solution.<sup>115</sup> Regarding the situation in Lebanon, the Council strongly called upon all parties concerned to respect the cessation of hostilities, to respect and prevent any violation of the Blue Line and to cooperate fully with the United Nations and the United Nations Interim Force in Lebanon (UNIFIL).<sup>116</sup> The Council further encouraged all parties in Lebanon to demonstrate renewed unity and determination to resist a slide into violence and conflict and noted with

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<sup>110</sup> [S/PRST/2014/3](#), seventh paragraph.

<sup>111</sup> See resolutions [2165 \(2014\)](#), para.9 and [2191 \(2014\)](#), para. 4, [S/PRST/2015/10](#), fifteenth paragraph and [S/PRST/2015/15](#), ninth paragraph.

<sup>112</sup> Resolution [2254 \(2015\)](#), para.5.

<sup>113</sup> Resolutions [2163 \(2014\)](#), para.2, [2192 \(2014\)](#), para.2, [2229 \(2015\)](#), para. 2, [2257 \(2015\)](#), para.2, and [S/PRST/2014/19](#), first paragraph.

<sup>114</sup> See resolutions [2140 \(2014\)](#), para. 10 and [2201 \(2015\)](#), para. 2; and [S/PRST/2014/18](#), second paragraph. and [S/PRST/2015/8](#), sixteenth paragraph.

<sup>115</sup> [S/PRST/2015/8](#), fifteenth paragraph.

<sup>116</sup> See resolutions [2172 \(2014\)](#) paras. 5 and 9; and [2236 \(2015\)](#), para. 5.

appreciation the message of moderation made by the leaders of Lebanon, including ongoing dialogues and recent calls to defuse sectarian tensions and counter terrorism in Lebanon.<sup>117</sup>

Concerning the situation in Iraq, the Council urged the people of Iraq to continue expanding and strengthening cooperation against violence and terror and stressed the critical importance of continued national dialogue and unity.<sup>118</sup> The Council also underscored the need for all segments of the Iraqi population to participate in the political process.<sup>119</sup>

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

Whilst 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, the Charter does not specifically define the role of the Secretary-General in relation to matters of peace and security. The work of the Council regarding conflict prevention and the peaceful settlement of disputes, has however, required the involvement of the Secretary-General on all relevant aspects of that agenda.

During the period under review, the Council recognized the work of the Secretary-General in connection with the pacific settlement of disputes, and frequently expressed support for his good offices (including through his special representatives), negotiations under his auspices and assistance provided to parties to a dispute. In this regard, outlined below are some of the Council decisions making reference to the work of the Secretary-General clustered by region.

With regard to Western Sahara, the Council took note of the negotiation rounds held under the auspices of the Secretary-General and affirmed its support for his work and that if his Personal Envoy towards a solution to the question of Western Sahara.<sup>101</sup> Concerning the situation in Burundi, the Council commended the roles played by Special Representative of the Secretary-General, Mr. Parfait Onanga-Anyanga and the Special Envoy of the Secretary-General for the Great Lakes Region, Said Djinnit in the facilitation of dialogue between political actors in

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<sup>117</sup> [S/PRST/2015/7](#), eleventh paragraph.

<sup>118</sup> [S/PRST/2014/1](#), second paragraph.

<sup>119</sup> [S/PRST/2014/20](#), second paragraph.

<sup>101</sup> Resolutions [2152 \(2014\)](#) tenth preambular paragraph and para. 6 and [2218 \(2015\)](#), tenth preambular paragraph and para. 6.

Burundi.<sup>120</sup> The Council further welcomed the decision of the Secretary-General to appoint a Special Adviser on Conflict Prevention, including in Burundi, to support an inclusive inter-Burundian dialogue and peaceful resolution of conflict and stressed the importance of the Secretary-General following closely the situation in Burundi.<sup>121</sup> Regarding the Democratic Republic of the Congo, the Council expressed its full support to the good offices of the Special Representative of the Secretary-General and welcomed the engagement of the Special Envoy of the Secretary-General for the Great Lakes region and the Special Representatives of the Secretary-General for the Democratic Republic of Congo.<sup>122</sup> In relation to the situation in the Central African Republic, the Council commended the work of the Special Representative of the Secretary-General Babacar Gaye and urged the mission to intensify the implementation of its mandate in particular in support of the reconciliation.<sup>123</sup> Concerning Guinea-Bissau, the Council expressed its strong support for the key role of the Special Representative of the Secretary-General for Guinea-Bissau, and requested the use of the good offices and political support of the Special Representative to support an inclusive political dialogue and national reconciliation process.<sup>124</sup> In connection with its consideration of the item entitled “Central African region”, the Council regularly paid tribute to the Special Representatives of the Secretary-General for Central Africa as well as the Heads of the Regional Office for Central Africa (UNOCA) for their leadership in support of consolidating peace and preventing conflict in the Central African region.<sup>125</sup>

With regard to the situation in Darfur, the Council commended the efforts of the Joint Special Representative to revitalise the peace process and to increase its inclusiveness, including through renewed engagement of the non-signatory movements, and emphasized the importance of the coordination with the African Union’s High-level Implementation Panel and the United Nations Special Envoy for Sudan and South Sudan with regard to their mediation efforts.<sup>126</sup> In the context of the peace consolidation in West Africa, the Council repeatedly encouraged the

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<sup>120</sup> See [S/PRST/2015/6](#), first paragraph and [S/PRST/2015/13](#), third paragraph.

<sup>121</sup> Resolution [2248 \(2015\)](#), paras.5 and 7.

<sup>122</sup> See [S/PRST/2014/22](#), sixth paragraph and [S/PRST/2015/20](#), first paragraph.

<sup>123</sup> [S/PRST/2014/28](#), fourteenth and fifteenth paragraphs.

<sup>124</sup> Resolution [2203 \(2015\)](#), para 2 and 2 (a).

<sup>125</sup> [S/PRST/2014/8](#), second paragraph and [S/PRST/2014/25](#), third paragraph, and [S/PRST/2015/12](#), second paragraph.

<sup>126</sup> Resolution [2172 \(2014\)](#), para. 3.

Office of the Special Envoy of the Secretary-General for the Sahel to work closely with the Group of Five for the Sahel countries and other regional and international actors to tackle the threats to peace and security and development in the Sahel.<sup>127</sup> Regarding the situation in Libya, the Council requested the Secretary-General to support the implementation agreements by the Libyans as well as confident-building measures.<sup>128</sup> With regard to the situation in Mali, the Council repeatedly lent its full support to the Special Representative of the Secretary-General for Mali to use good offices, in close coordination with the international community, towards the restoration of peace and security throughout the national territory of Mali, in the context of a comprehensive agreement ending the crisis.<sup>129</sup>

Concerning Afghanistan, the Council repeatedly requested the Secretary-General to provide outreach as well as good offices to support the Afghan-led and Afghan-owned process of peace and reconciliation, including through the implementation of the Afghan Peace and Reintegration Programme and confidence building measures within the framework of the Afghan constitution.<sup>130</sup>

#### **D. Decisions involving regional arrangements or agencies**

During the period under review, consistent with Article 52 of the Charter, the Council called upon the parties to a conflict to cooperate with regional and subregional organizations, expressed support for the efforts for the pacific settlement of disputes through regional organizations and other arrangements and encouraged the continuation of those efforts.

During 2014 to 2015, the Council repeatedly welcomed the cooperation and encouraged the early involvement of regional and subregional organizations and the Secretary-General in peace processes ([S/PRST/2015/22](#), seventh paragraph). The Council specifically commended the involvement of the European Union in international negotiations and mediation, in particular in efforts to find comprehensive negotiated solutions on the Iranian nuclear program and in the Western Balkans region ([S/PRST/2014/4](#), fourth paragraph). Moreover, as in previous periods, the Council commended the increased contribution of the African Union to peacekeeping and

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<sup>127</sup> [S/PRST/2014/17](#), second paragraph and [S/PRST/2015/24](#), second paragraph.

<sup>128</sup> Resolutions [2238 \(2015\)](#), para. 13, and [2259 \(2015\)](#), para. 16.

<sup>129</sup> [S/PRST/2014/2](#) fourth paragraph, [S/PRST/2014/15](#) sixth paragraph, [S/PRST/2015/5](#), third paragraph.

<sup>130</sup> Resolutions [2145 \(2014\)](#), paragraph 6 (c) and [2210 \(2015\)](#) paragraph 6 (c).

welcomed the United Nations-African Union cooperation on early warning, preventive diplomacy, mediation, electoral assistance, peacekeeping, conflict prevention and resolution, promotion of human rights and the rule of law, and post-conflict recovery and reconstruction ([S/PRST/2014/27](#), eight paragraph). Moreover, it also stressed the importance of strengthened African Union and United Nations capacities for early warning, conflict analysis, dialogue and mediation, increased cooperation in the area of good offices and between United Nations-African Union Envoys and welcomed the work of the Continental Early Warning System and the regional Coordination Mechanism for Africa ([S/PRST/2014/27](#), twenty-first, thirty-second paragraphs).<sup>131</sup> For further details on decisions of the Council with regard to joint or parallel efforts undertaken by the Council and regional arrangements or agencies in the pacific settlement of disputes during the period under review are covered in detail in part VIII.

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<sup>131</sup> See also resolution [2167 \(2014\)](#), paras. 3 and 4.

## IV. Discussion on the interpretation or application of the provisions of Chapter VI of the Charter

### Note

This section of the *Repertoire* features the main discussions that took place in the Security Council during the review period with regard to the interpretation of specific provisions of Chapter VI of the Charter concerning the role of the Council and the Secretary-General in the peaceful settlement of disputes. It excludes those that concern regional organizations, which are covered in part VIII of the present Supplement.

During the period under review, explicit references were made to Articles 33,<sup>132</sup> 36,<sup>133</sup> and 99,<sup>134</sup> as well as to Chapter VI<sup>135</sup> of the Charter during deliberations, most of which did not

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<sup>132</sup> In connection with cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security, [S/PV.7343](#), p. 48 (Namibia); in connection with letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council ([S/2014/136](#)), [S/PV.7125](#), p. 11 (Argentina); in connection with maintenance of international peace and security, [S/PV.7105](#), p. 49 (Netherlands); p. 63 (Montenegro); and p. 71 (Democratic Republic of the Congo); [S/PV.7247](#), p. 22 (Republic of Korea); p. 52 (Montenegro); p. 55 (Qatar); and p. 58 (South Africa and Zimbabwe); [S/PV.7389](#), p. 35 (European Union); and p. 78 (Philippines); and [S/PV.7561](#), p. 79 (Sierra Leone); in connection with protection of civilians in armed conflict, [S/PV.7109](#), p. 59 (Netherlands); and p. 79 (Uganda); and in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, [S/PV.7113](#), p. 16 (Republic of Korea); and p. 41 (Mexico).

<sup>133</sup> In connection with implementation of the note by the President of the Security Council ([S/2010/507](#)), [S/PV.7254](#), p. 9 (Argentina).

<sup>134</sup> In connection with children and armed conflict, [S/PV.7466](#), p. 36 (India); in connection with implementation of the note by the President of the Security Council ([S/2010/507](#)), [S/PV.7254](#), p. 10 (Luxembourg); and [S/PV.7539 \(Resumption 1\)](#), p. 5 (Australia); p. 17 (Costa Rica); p. 24 (Algeria); and p. 31 (Tunisia); and in connection with maintenance of international peace and security, [S/PV.7247](#), p. 7 (Luxembourg); p. 14 (Rwanda); p. 21 (France); p. 36 (Peru); p. 37 (Denmark); and p. 50 (Slovenia); and [S/PV.7561](#), p. 15 (Spain); and p. 76 (Kuwait).

<sup>135</sup> In connection with briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe, [S/PV.7391](#), p. 15 (Angola); in connection with children and armed conflict, [S/PV.7414](#), p. 18 (China); and [S/PV.7466](#), p. 17 (China); in connection with cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security, [S/PV.7343](#), p. 15 (Argentina); and p. 35 (New Zealand); p. 48 (Namibia); in connection with implementation of the note by the President of the Security Council ([S/2010/507](#)), [S/PV.7254](#), p. 2 (United Kingdom); [S/PV.7285](#), p. 11 (Russian Federation); [S/PV.7285 \(resumption 1\)](#), p. 6 (Brazil); p. 20 (Islamic Republic of Iran); p. 31 (Egypt); p. 33 (New Zealand); p. 35 (Algeria); and p. 37 (Montenegro); and [S/PV.7539 \(Resumption 1\)](#), p. 3 (Italy); in connection with letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council ([S/2014/136](#)), [S/PV.7138](#), p. 10 (Luxembourg); and [S/PV.7144](#), p. 3 (Deputy Secretary-General); in connection with maintenance of international peace and security, [S/PV.7105](#), p. 27 (New Zealand); p. 47 (Switzerland); p. 74 (Norway); and p. 76 (Pakistan); [S/PV.7247](#), p. 6 (United Kingdom); p. 7 (Luxembourg); p. 17 (Nigeria); p. 20 (Jordan); p. 22 (Republic of Korea and Mexico); p. 24 (Pakistan); p. 28 (Egypt); p. 30 (Malaysia); p. 35 (Islamic Republic of Iran); p. 39 (Ethiopia); p. 45 (Colombia); p. 47 (Thailand); p. 48 (Ireland); p. 51 (Netherlands); p. 57

give rise to constitutional discussions. No explicit references were made to Articles 37 or 38 of the Charter of the United Nations.

The section below is divided into two subsections: A. Reference to peaceful means of settlement in the light of Article 33 of the Charter and B. Utilization of Article 99 by the Secretary-General for the peaceful settlement of disputes, featuring cases in which relevant constitutional discussions took place during the period under review.

### **A. Reference to peaceful means of settlement in the light of Article 33 of the Charter**

Article 33 of the Charter stipulates that any dispute that is likely to endanger the maintenance of international peace and security should first be addressed through negotiation, mediation or other peaceful means, and states that the Council can call on the parties to use such means to settle their disputes. During the period under review, reference to this article was made explicitly and implicitly in connection with the following items: maintenance of international peace and security (case 5), protection of civilians (case 6), the promotion and strengthening of the rule of law in the maintenance of international peace and security (case 7) and letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council ([S/2014/136](#)) (case 8).

#### **Case 4**

#### **Maintenance of international peace and security**

On 29 January 2014, the Security Council convened its 7105<sup>th</sup> meeting under the item “Maintenance of international peace and security” and the sub-item “War, its lessons, and the

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(South Africa); and p. 58 (Zimbabwe); [S/PV.7361](#), p. 11 (Spain); and p. 19 (China); [S/PV.7389](#), p. 9 (New Zealand); p. 22 (Jordan); p. 27 (Serbia); p. 31 (India); p. 34 (Pakistan); p. 39 (Colombia); p. 41 (Mexico); p. 46 (Algeria); p. 50 (Estonia); p. 57 (Zimbabwe); p. 65 (Turkey); p. 74 (Netherlands); p. 78 (Ecuador and Philippines); p. 81 (Costa Rica); p. 96 (Kuwait); and p. 100 (Morocco); [S/PV.7505 \(resumption 1\)](#), p. 13 (Morocco); [S/PV.7527](#), p. 19 (Angola); and p. 74 (Montenegro); and [S/PV.7561](#), p. 15 (Spain); p. 39 (Italy); p. 58 (Morocco); and p. 67 (Slovenia); in connection with protection of civilians in armed conflict, [S/PV.7109](#), p. 79 (Uganda); in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, [S/PV.7113](#), p. 16 (Republic of Korea); in connection with the situation in the Middle East, [S/PV.7401](#), p. 2 (Bolivarian Republic of Venezuela); in connection with threats to international peace and security, [S/PV.7155](#), p. 6 (Ambassador Colin Keating); and p. 22 (Australia); in connection with United Nations peacekeeping operations, [S/PV.7196](#), p. 17 (Jordan); [S/PV.7228](#), p. 27 (Jordan); and p. 61 (Philippines); and [S/PV.7275](#), p. 5 (Force Commander of the United Nations Disengagement Observer Force); and p. 13 (United States); and in connection with women and peace and security, [S/PV.7428](#), p. 20 (China).

search for a permanent peace” further to the concept note circulated by Jordan, which held the Presidency of the Council during that month.<sup>136</sup> Opening the debate, the Under-Secretary-General for Political Affairs said that reconciling competing visions of history and identity were important elements of reconciliation.<sup>137</sup> A few speakers explicitly stressed the significance of the provisions enshrined in Article 33. The representative of the Netherlands referred to Article 33 in connection with the mediation role of the United Nations as well as the Rights Up Front initiative as part of the early warning system for the prevention of conflict.<sup>138</sup> Concerning early warning, the representative of Montenegro advocated for the establishment of mediation as a core function of the United Nations, as prescribed in Article 33 of the Charter of the United Nations.<sup>139</sup> He added that mediation had been “largely under-utilized” and rightfully deserved the increased attention and resources of the United Nations system and the United Nations membership. The representative of the Democratic Republic of the Congo said that Article 33 established the “sacred principle” of the peaceful settlement of disputes, which prohibited all use of force, and pointed out that the United Nations Charter was to establish an effective prevention principle as a legitimate means for settling international disputes.<sup>140</sup>

Later in 2014, on 21 August, the Council held its 7247<sup>th</sup> meeting under the same agenda item and this time on conflict prevention further to the concept note circulated by the United Kingdom. According to the concept note, the Council should not miss the opportunity to use the tools available under Chapter VI to detect “the indicator of conflict” and should serve as “a smoke detector, not just a fire extinguisher”.<sup>141</sup>

At the meeting, many speakers explicitly invoked Article 33 of the Charter. The representative of the Republic of Korea cited Articles 33 explicitly and argued that the Security Council and the Secretary-General needed to regularly take stock of their efforts for conflict prevention as part of efforts to explore the most effective system-wide strategy to utilise conflict prevention tools under the Chapter VI of the Charter.<sup>142</sup> As a member of the Group of Friends of Mediation, the representative of Montenegro advocated for establishing mediation as a true core

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<sup>136</sup> [S/2014/30](#), pp.2-3.

<sup>137</sup> [S/PV.7105](#), pp. 2-3.

<sup>138</sup> *Ibid.*, p. 49.

<sup>139</sup> *Ibid.*, pp. 62-63.

<sup>140</sup> *Ibid.*, p.71.

<sup>141</sup> [S/2014/572](#), p.3.

<sup>142</sup> [S/PV.7247](#), p.22.

function of the United Nations, as prescribed in Article 33 of the United Nations Charter.<sup>143</sup> The representative of Qatar argued in favour of international and regional organizations assuming their roles in accordance with Article 33 of the Charter so as to prevent disputes from reaching armed conflict.<sup>144</sup> The representative of South Africa referred to Article 33 and to mediation as one of the diplomatic methods for the pacific settlement of disputes and argued that preventive diplomacy had become an indispensable tool for both the United Nations and regional organizations in view of the evolution of the nature of conflict from inter to intra-state.<sup>145</sup> The representative of Zimbabwe endorsed the view that regional and subregional organizations had a comparative advantage in preventing tense situations from deteriorating into violent conflict as they were well placed to understand the root causes of conflict given their proximity to the crisis as well as the ability to influence its prevention and resolution.<sup>146</sup> In this regard, she cited the preventive role of the Security Council in the maintenance of international peace and security as set out in paragraph 1, Article 33 of Chapter VI of the Charter, which listed a variety of the tools at the Council's disposal, including negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, preventive diplomacy and the involvement of regional organizations.<sup>147</sup>

At the meeting, the Council unanimously adopted resolution [2171 \(2014\)](#) recalling Chapter VI, in particular Article 33 of the Charter, and reaffirming its commitment to the settlement of disputes by peaceful means and the promotion of necessary preventive action in response to disputes or situations, the continuance of which would likely endanger the maintenance of international peace and security.<sup>148</sup>

On 23 February 2015, again under the same item, the Council held its 7389<sup>th</sup> meeting following the concept note prepared for the meeting by the Presidency of China. In its concept note, China reaffirmed the purposes and principles of the Charter and the commitment to the peaceful settlement of international disputes and called upon the countries involved and regional organizations to resolve disputes through dialogue, negotiation, reconciliation, good offices and other peaceful means.<sup>149</sup> Many speakers affirmed the importance of the means for the peaceful

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<sup>143</sup> Ibid., p.52.

<sup>144</sup> Ibid., p.55.

<sup>145</sup> Ibid., p.58.

<sup>146</sup> Ibid., p.58.

<sup>147</sup> Ibid., pp.58-59.

<sup>148</sup> Resolution [2171 \(2014\)](#), para.5.

<sup>149</sup> [S/2015/87](#), p. 3.

settlement of disputes as provided for in Chapter VI of the Charter, including mediation,<sup>150</sup> arbitration<sup>151</sup> and negotiation.<sup>152</sup> The representative of the European Union emphasized mediation in particular, explicitly citing Article 33 of the Charter of the United Nations.<sup>153</sup> Referring to the challenging task of resolving maritime disputes in the West Philippine Sea and the South China Sea, the representative of the Philippines referred to arbitration as a means of pacific settlement of disputes as fully entrenched in Chapter VI, Article 33 of the United Nations Charter.<sup>154</sup>

## Case 5

### Protection of civilians in armed conflict

On 12 February 2014, at the 7109<sup>th</sup> meeting of the Council under the item entitled “Protection of civilians in armed conflict”, the representative of the Netherlands explicitly invoked Article 33 of the Charter as defining the crucial means for the pacific settlement of conflict and argued that the best way to protect civilians in any situation was to prevent a conflict from happening.<sup>155</sup> The representative of Uganda emphasized the importance of mediation in the peaceful settlement of conflicts and underscored the need for the parties to a conflict to seek political solutions through dialogue, conciliation, arbitration, judicial settlement or the use of regional and international arrangements in accordance with Article 33 of the Charter.<sup>156</sup>

## Case 6

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

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<sup>150</sup> [S/PV.7389](#), p.16 (Spain), p. 23 (Chad), p. 30 (United Arab Emirates), p. 31 (India), p. 35 (European Union), p. 46 (Algeria), p. 54 (Kazakhstan), p. 59 (Poland), p. 65 (Turkey), p. 70 (Indonesia), p. 73 (Burundi), p. 74 (Netherlands), p.80 (Egypt), p. 81 (Cost Rica), p. 89 (Montenegro), p. 90 (Azerbaijan), p. 96 (Kuwait), p. 99 (Switzerland), and p. 100 (Morocco).

<sup>151</sup> *Ibid.*, p.22 (Jordan), p. 74 (Netherlands), p. 78 (Philippines), and p. 96 (Kuwait).

<sup>152</sup> *Ibid.*, p.13 (Nigeria), p. 54 (Kazakhstan), p. 69 (Romania), p. 80 (Egypt), and p. 85 (Nicaragua).

<sup>153</sup> *Ibid.*, p. 35.

<sup>154</sup> *Ibid.*, p. 35 (European Union); and p. 78 (Philippines).

<sup>155</sup> [S/PV.7109](#), p.59.

<sup>156</sup> *Ibid.*, p.79.

At its 7113<sup>rd</sup> meeting held on 19 February 2014 under the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”, the representative of the Republic of Korea said that the rule of law played an important role in the settlement of international disputes. He recalled that Chapter VI of the Charter contained a number of methods to settle international disputes and cited explicitly Article 33 stipulating the basic principle of the international community regarding Member States seeking a peaceful solution to disputes of their own choice.<sup>157</sup> The representative of Mexico made reference Mexico’s use of the means provided for in Article 33 of the Charter as a party to arbitration proceedings or proceedings before international tribunals, as a friendly activist on behalf of a promoter of such mechanisms for the peaceful settlement of conflicts in the Latin American and the Caribbean region and in the defense of its citizens’ rights.<sup>158</sup>

### Case 7

#### **Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)**

On 3 March 2014, at its 7125<sup>th</sup> meeting held in connection with the situation in Ukraine, several Council members of the Council expressed deep concern about the latest political developments in Ukraine, especially in the Autonomous Republic of Crimea, and called on the parties to resolve the dispute through peaceful means. The representative of Argentina reaffirmed the Security Council’s responsibility to maintain international peace and security within the framework of the principles enshrined in the United Nations Charter. She recalled the obligations of all States to settle international disputes in a peaceful fashion in order not to endanger international peace and security and in accordance with the provisions of Article 33 of Chapter VI of the Charter.<sup>159</sup> The representative of Nigeria called on all concerned to abide by the provisions of the Charter, which called on all Member States to settle their disputes by peaceful means.<sup>160</sup> The representatives of Chile and Chad called on the parties to refrain from taking action in contravention of the Charter of the United Nations and expressed support to the

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<sup>157</sup> [S/PV.7113](#), p. 16.

<sup>158</sup> *Ibid.*, p. 41.

<sup>159</sup> [S/PV.7125](#), p. 11.

<sup>160</sup> *Ibid.*, p. 11.

international mediation efforts in order to help resolve the crisis.<sup>161</sup> In particular, members of the Council spoke in favour of the ongoing mediation efforts and voiced support to the efforts made by the Secretary-General and the Deputy Secretary-General.<sup>162</sup>

## **B. Utilization of Article 99 by the Secretary-General**

Article 99 of the Charter stipulates 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. In the discussions of the Council presented below, Member States encouraged the Secretary-General to effectively exercise his power under Article 99 and to strengthen the effectiveness of his good offices. As detailed below in case 9, the utilisation of Article 99 by the Secretary-General was explicitly discussed in the context of a meeting relating to the implementation of the note by the President of the Security Council ([S/2010/507](#)). References to the multiple tools available to the Secretary-General under Article 99 were discussed in connection with the item “Maintenance of international peace and security” as described in case 8 below.

### **Case 8**

#### **Maintenance of international peace and security**

On 21 August 2014, at the Security Council held its 7247<sup>th</sup> meeting in connection with the maintenance of international peace and security and specifically on conflict prevention further to the concept note prepared by the Presidency of the United Kingdom. The concept note recognised the valuable role of the Secretary-General in this regard including through fact-finding and confidence-building missions to regions of tension.<sup>163</sup> During the discussion, Council members encouraged the use of regular horizon-scanning briefings.<sup>164</sup> The representative of Australia affirmed her support to the Secretary-General’s initiatives in mandating, in particular, fact-finding missions and commissions of inquiry, and advised the Council to give serious

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<sup>161</sup> Ibid., pp. 10-11 (Chile) and p. 12 (Chad).

<sup>162</sup> Ibid., p.10 (Chile), p.12 (Republic of Korea).

<sup>163</sup> [S/2014/572](#).

<sup>164</sup> [S/PV.7247](#), p. 6 (United Kingdom), p. 14 (Lithuania), p. 22 (Republic of Korea).

consideration to and take action on the recommendations of those commissions and that the commissions should have an official channel of communication with the Council.<sup>165</sup>

Under the same item, on 17 November 2015, the Security Council held its 7561<sup>st</sup> meeting. During the meeting, two members of the Council expressed support for the greater use of Chapter VI of the Charter, explicitly citing Article 99 on the relationship of the Secretary-General with the Council.<sup>166</sup> Other members expressed support for the “horizon-scanning” informal briefings used by the Secretariat to draw the attention of the Council to emerging situations or issues of concern.<sup>167</sup>

## Case 9

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

On 20 October 2015, the Council held an open debate on the implementation of the note by the President of the Security Council ([S/2010/507](#)) further to the concept note circulated by the Presidency of Spain. The note made reference to Articles 98 and 99 of the Charter as the basis for the Secretary-General’s functions including on measures to ascertain the facts, good offices, joint efforts to promote political settlements, peacekeeping and implementation of peace agreements, support to international and special tribunals, and the implementation of sanctions regimes.<sup>168</sup>

Several Council members referred to the power of the Secretary-General to bring to the attention of the Council any matter threatening the maintenance of international peace and security, including in the context of early warning and conflict prevention. The representative of Australia recognised the need for the Council to make better use of early-warning mechanisms and timely briefings on threats. She stated that the Secretariat should be empowered to bring to the Council’s attention emerging threats, in line with the Human Rights Up Front initiative and Article 99 of the Charter.<sup>169</sup>

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<sup>165</sup> Ibid., p. 18.

<sup>166</sup> [S/PV.7561](#), p.15 (Spain) and p.76 (Kuwait).

<sup>167</sup> Ibid., p. 9 (Lithuania), p. 26 (Malaysia), p. 27 (Netherlands), p. 30 (Portugal), p. 32 (European Union), p. 45 (Estonia), p. 68 (Poland).

<sup>168</sup> [S/2015/793](#), p. 3.

<sup>169</sup> [S/PV.7539 \(Resumption 1\)](#), p. 5.

In addition, the representative of Costa Rica emphasized the importance of the role of the Secretary-General, whether through his good offices in accordance with Article 99 of the Charter, or through initiatives such as “Rights Up Front”.<sup>170</sup> With regard to Article 99, the representative of Algeria argued the Secretary-General had a powerful tool at his disposal and stated that inclusiveness would benefit the international community as a whole when it came to early warning, conflict prevention and resolution and the promotion of peace.<sup>171</sup> The representative of Tunisia said that the fulfilment of the functions entrusted to the Secretary-General by Articles 98 and 99 of the Charter required joint efforts and collaboration with the Security Council in order to facilitate the task of the Secretariat to undertake good offices, promote political settlement and peacekeeping and implement peace agreements and sanctions regimes.<sup>172</sup>

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<sup>170</sup> Ibid., p. 17.

<sup>171</sup> Ibid., p. 24.

<sup>172</sup> Ibid., p.31.