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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 present Supplement 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 provides an illustration of how States brought disputes or situations to the attention of the Council during the period under review, pursuant to Article 35 of the Charter. It also provides a survey of 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 contains a description of 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 Council missions. Section III provides an overview of the decisions of the Council taken with regard to the pacific 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. Section IV contains a reflection of constitutional discussions on the interpretation or application of the provisions of Chapter VI and Article 99 of the Charter.

As described in further detail in part II of this Supplement, during the year 2020, the work of the Council was significantly impacted by the COVID-19 pandemic. Faced with the absence of meetings in the Security Council Chamber, Council members initiated the practice of holding videoconferences and as of 14 July 2020, the Council developed a hybrid model, alternating meetings in-person with videoconferences. Part VI of this Supplement features therefore discussions of constitutional relevance to Chapter VI of the Charter held in the context of both meetings and videoconferences.

As in previous supplements, the practice of the Council with respect to the pacific settlement of disputes is not discussed in an exhaustive manner in part VI, which focuses instead on selected materials aimed at highlighting the interpretation and application of the provisions of Chapter VI of the Charter in the decisions and deliberations of the Council. Actions with regard to the pacific settlement of disputes in the context of the United Nations field missions authorized under Chapter VII of the Charter are covered in the relevant sections of parts VII and X of the present Supplement. Joint or parallel efforts undertaken by the Council and regional

arrangements or agencies in the pacific settlement of disputes are covered in part VIII.

As described in section I, during 2020, Member States brought various matters to the attention of the Council, including matters of which the Council was not seized. This notwithstanding, the Council did not convene any meetings under a new item on its agenda. Furthermore, while the Council did not convene any formal meetings in response to a communication from a Member State, Council members held two open videoconferences further to such letters in connection with the items entitled “The situation in the Bolivarian Republic of Venezuela” and “Peace and security in Africa”. Council members also discussed the situations in the Syrian Arab Republic and the Bolivarian Republic of Venezuela in informal consultations of the whole and in closed videoconferences. The Secretary-General continued to draw the attention of the Council to situations already on its agenda that were deteriorating, including with respect to the Palestinian question and the conflicts in the Syrian Arab Republic and Yemen. The Secretary-General further drew the attention of the Council to the impact of the COVID-19 pandemic on international peace and security.

As described in section II, owing to the health and safety and travel restrictions during the COVID-19 pandemic, the Council did not dispatch any missions in 2020. The Council acknowledged and deliberated on the investigative functions of the Secretary-General and the work of the United Nations High Commissioner for Human Rights, the Human Rights Council, and the Organization for the Prohibition of Chemical Weapons in connection with the situations in the Central African Republic, the Democratic Republic of the Congo, Iraq, Libya, Mali, South Sudan, and the Syrian Arab Republic.

As described in section III, the Council highlighted the importance of the inclusion of women and youth, in the peaceful settlement of disputes and sustaining peace as well as the consideration in this regard of the interests of children. The Council called on parties to conflicts to cease hostilities and establish permanent ceasefires, fully implement peace agreements, ensure peaceful and inclusive political dialogue and transitions, and engage in dialogue for the resolution of outstanding disputes. The Council recognized the good offices work of the Secretary-General, as well as that of his special representatives and envoys, in support of efforts to end violence in conflict, the implementation of peace agreements, political transitions, and the resolution of outstanding disputes.

As described in section IV, during 2020, the discussions in the Council were focused on

the importance of and the need for greater use of peaceful means in the settlement of disputes. The discussions emphasized the importance of upholding the Charter of the United Nations and the application of Chapter VI and the tools provided to the Council thereunder, the meaningful participation of youth and women and the inclusion of the interests of children in peace processes and the peaceful resolution of disputes. In their discussions, Council members also addressed the need for cooperation between the Council and the International Court of Justice in the maintenance of international peace and security, and the role of the Secretary-General and his special envoys and representatives, through their good offices, in the peaceful settlement of disputes.

I. Referral of disputes or situations to the Security Council

Article 11

...

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

Article 35

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

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

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

Article 99

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

Note

Within the framework of the Charter of the United Nations, Articles 35 (1) and (2) are generally regarded as the basis on which Member States and States that are not members of the United Nations may refer disputes to the Council. Under Articles 11 (3) and 99, the General Assembly and the Secretary-General, respectively, may also bring to the attention of the Council situations that 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 Council pursuant to Article 35. Subsections B and C deal with referrals to the Council by the Secretary-General and the General Assembly, respectively, of matters likely to endanger international peace and security.

In 2020, the Council did not convene any meetings under a new item on its agenda. Furthermore, while the Council did not convene any formal meetings in response to a communication from a Member State,¹ Council members held two open videoconferences further to letters submitted to the Council by Member States in connection with existing items, namely, “The situation in the Bolivarian Republic of Venezuela” and “Peace and security in Africa”. In addition, Council members held informal consultations of the whole and one closed videoconference on the situations in the Syrian Arab Republic and the Bolivarian Republic of Venezuela, respectively, further to communications from Member States.

No State which was not a member of the United Nations brought any dispute or situation to the attention of the Council during the period under review. Neither the General Assembly nor the Secretary-General explicitly referred to the Council any matters likely to endanger international peace and security.

A. Referrals by States

During the period under review, certain situations were referred to the Council pursuant to Article 35 (1) of the Charter by individual and groups of affected or concerned Member States. Most of the situations were referred to the Council by Member States without including an explicit reference to Article 35. However, Article 35 was explicitly mentioned in three communications from Member States, namely from Egypt² and Ethiopia³ regarding the Grand Ethiopian Renaissance Dam, and in a communication from Namibia,⁴ in connection with the situation concerning Western Sahara.

¹ For information on the procedures and working methods of the Council developed during the COVID-19 pandemic, see part II.

² See [S/2020/566](#).

³ See [S/2020/567](#).

⁴ See [S/2020/633](#).

In a letter dated 19 June 2020 addressed to the President of the Council,⁵ the Minister for Foreign Affairs of Egypt drew the attention of the Council to the situation regarding the Grand Ethiopian Renaissance Dam which he indicated was a matter of the greatest consequence for Egypt, and which continued to gain urgency as Ethiopia remained insistent on unilaterally commencing the filling of the Dam in contravention with its legal obligations. Recalling the provisions of Article 35 of the Charter, the Foreign Minister stated that, given the gravity of the situation, he was requesting the Council to address this matter urgently. In a letter dated 22 June addressed to the President of the Council,⁶ the Minister for Foreign Affairs of Ethiopia stressed that the Dam did not cause significant harm to Egypt and the Sudan, that it was a national project designated to help extricate Ethiopia's people from abject poverty and was by no means a threat to peace and security, justifying the invocation of the mandate of the Council under Article 35 of the Charter.

In a letter dated 1 July 2020 addressed to the President of the Security Council,⁷ the Permanent Representative of Namibia referenced the letter dated 29 June 2020 from the Permanent Representative of Morocco addressed to the President of the Council,⁸ and categorically rejected any attempt to hamper or obstruct the full exercise of its sovereign rights in accordance with Article 35 of the Charter, as well as with rule 6 of the Provisional Rules of Procedure of the Council.

In 2020, the Council did not convene any meetings under a new item further to communications from Member States. As detailed in part II of this Supplement, the functioning of the Council was profoundly impacted by the COVID-19 pandemic. Faced with the impossibility of meeting in-person in the Security Council Chamber, Council members developed instead the practice of holding videoconferences. As shown in table 1, Council members convened two open videoconferences under two items of which the Council was already seized further to communications from Member States.

⁵ See [S/2020/566](#).

⁶ See [S/2020/567](#).

⁷ See [S/2020/633](#).

⁸ In a letter dated 29 June 2020 addressed to the President of the Council, the Permanent Representative of Morocco objected to the circulation to the Council by the Permanent Representative of Namibia of a letter from the Secretary-General of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) concerning the situation in Western Sahara (see [S/2020/621](#)). See also letter dated 29 June 2020 from the Permanent Representative of Namibia to the United Nations addressed to the President of the Security Council ([S/2020/611](#)).

Specifically, on 20 May 2020, Council members held an open videoconference in connection with the item entitled “The situation in the Bolivarian Republic of Venezuela” further to an identical letter dated 13 May 2020 from the Permanent Representative of the Bolivarian Republic of Venezuela addressed to the Secretary-General and the President of the Security Council⁹ regarding what was described as the illegal entry into Venezuela on 3 and 4 May 2020 of “armed groups of mercenaries and terrorists, organized, trained, financed and protected by the Governments of the Republic of Colombia and the United States of America”. This followed a closed videoconference held on 22 April 2020, on the same item further to a letter dated 3 April 2020 from the Permanent Representative of the Bolivarian Republic of Venezuela addressed to the Secretary-General and the President of the Security Council¹⁰ regarding the announcement by the United States on 1 April 2020 of the deployment of warships to waters of the western Caribbean, near the Venezuelan coast.

On 29 June 2020, further to the letter dated 19 June 2020 from the Minister for Foreign Affairs of Egypt addressed to the President of the Council¹¹ regarding the Grand Ethiopian Renaissance Dam, Council members held an open videoconference in connection with the item entitled “Peace and security in Africa”.

Table 1

Communications bringing disputes or situations to the attention of the Security Council that resulted in a Council meeting, videoconference, or informal consultations of the whole, 2020

<i>Communications</i>	<i>Action requested of the Security Council</i>	<i>Meeting and date</i>
The situation in the Bolivarian Republic of Venezuela		
Identical letters dated 13 May 2020 from the Permanent Representative of the Bolivarian Republic of Venezuela to the Secretary-General and the President of the Security Council (S/2020/399)	Requesting the Council to urgently hold the necessary discussions in order to: (a) recognize that the aggression perpetrated by the Governments of Bogota and Washington against Venezuela on 3 and 4 May 2020 was an armed attack that threatened the peace and security of my nation and the region; and (b) issue a clear statement condemning and prohibiting the use or threat of use of force in all its forms and manifestations against Venezuela, in accordance with the	S/2020/435 20 May 2020 ^a

⁹ See [S/2020/399](#).

¹⁰ See [S/2020/277](#).

¹¹ See [S/2020/566](#).

<i>Communications</i>	<i>Action requested of the Security Council</i>	<i>Meeting and date</i>
	powers conferred upon that body under Article 39 of the Charter	
Peace and security in Africa		
Letter dated 19 June 2020 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/2020/566)	Requesting the Council to urgently consider the situation regarding the Grand Ethiopian Renaissance Dam (GERD) at the earliest possible opportunity under the agenda item titled “Peace and security in Africa”	S/2020/636 29 June 2020

^a See also letter dated 3 April 2020 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Council ([S/2020/277](#)) further to which Council members held a closed videoconference on 22 April 2020 (see [S/2020/558](#)).

Other communications from Member States

Member States also brought other matters to the attention of the Council. In some cases, the communications concerned matters of which the Council was not seized and in most cases, those communications did not result in a meeting of the Council. For example, in a letter dated 14 August 2020 addressed to the President of the Security Council,¹² the Permanent Representative of the Russian Federation transmitted a statement by the President of the Russian Federation which noted that debates around the “Iranian issue” within the Council were becoming increasingly strained and that the tensions were running high. The President of the Russian Federation stated that his Government maintained its unwavering commitment to the Joint Comprehensive Plan of Action (JCPOA) of 2015, which he described as a landmark political and diplomatic achievement that helped fend off the threat of an armed conflict and reinforced nuclear non-proliferation. The President of the Russian Federation further proposed convening an online meeting of the Heads of State of the permanent members of the Council, with the participation of the Heads of State of Germany and the Islamic Republic of Iran, as soon as possible, in order to outline steps that could prevent confrontation or a spike in tensions in the Council.

In a letter dated 11 August 2020 addressed to the Secretary-General,¹³ the Permanent Representative of Greece drew the attention of the Council to a “significant escalation” of tensions in the Eastern Mediterranean following the dispatching by Turkey of the *Oruc Reis*, a

¹² See [S/2020/804](#).

¹³ See [S/2020/795](#).

research and survey vessel for seismic activities to an area, as alleged in the letter, falling within the Greek continental shelf. The Permanent Representative described the dispatching of the vessel as a violation of the law of the sea which seriously endangered peace and security in the region and violated the sovereign rights of Greece. In the letter dated 21 August 2020 addressed to the Secretary-General,¹⁴ the Permanent Representative of Turkey maintained that the area in question lied entirely within the Turkish continental shelf and that the Turkish naval presence was in no way aimed towards an escalation. The Permanent Representative reiterated Turkey's readiness to give support to any initiative that could safeguard a just, peaceful, and equitable solution to the existing issues in the Eastern Mediterranean in accordance with international law. In a subsequent letter dated 4 September 2020 addressed to the President of the Security Council,¹⁵ the Prime Minister of Greece stressed that his country remained committed to the principles of the peaceful settlement of disputes as enunciated in the Charter and was ready to resume its dialogue with Turkey.

In addition, the Permanent Representatives of Armenia and Azerbaijan brought the situation on the Armenia-Azerbaijan border to the attention of the Council in a succession of letters addressed to the President of the Security Council between 16 and 22 July 2020.¹⁶ On 27 and 28 September 2020, the Permanent Representatives of Armenia and Azerbaijan, respectively, sent letters to the President of the Council in reference to the recrudescence of the situation at the border. While the Permanent Representative of Azerbaijan referred to the launching of "another aggression" by the armed forces of Armenia against Azerbaijan "blatantly violating the ceasefire regime",¹⁷ the Permanent Representative of Armenia made reference to a "pre-planned large-scale military offensive" by Azerbaijan along the entire line of contact between Artsakh (Nagorno-Karabakh) and Azerbaijan, accompanied by deliberate targeting of the civilian population and infrastructure.¹⁸ Subsequently, on 29 September 2020, Council members met in informal consultations of the whole under "Other matters" to discuss the

¹⁴ See [S/2020/826](#).

¹⁵ See [S/2020/888](#).

¹⁶ See [S/2020/719](#) and [S/2020/732](#).

¹⁷ See [S/2020/948](#).

¹⁸ See [S/2020/955](#).

situation arising from the outbreak of heavy fighting between Armenia and Azerbaijan in Nagorno-Karabakh.¹⁹

B. Referrals by the Secretary-General

Article 99 of the Charter provides that the Secretary-General may bring to the attention of the Council any matter which in his opinion may threaten the maintenance of international peace and security. Like Article 35, Article 99 does not specify the means by which the Secretary-General may bring such a matter to the attention of the Council. During the period under review, the Secretary-General did not invoke Article 99, either directly or by implication. A discussion of relevance for Article 99 is featured in case 11 below.

In 2020, the Secretary-General continued to draw the attention of the Council to situations on its agenda that were deteriorating, or in instances where he had requested the Council to take urgent action.

In his letters transmitting the monthly reports of the Director General of the Organization for the Prohibition of Chemical Weapons (OPCW) submitted pursuant to paragraph 12 of resolution [2118 \(2013\)](#),²⁰ on the elimination of the chemical weapons programme of the Syrian Arab Republic, the Secretary-General reiterated that the use of chemical weapons was intolerable and that impunity in this regard was equally unacceptable. He further underlined that it was imperative to identify and hold accountable all those who had used chemical weapons, and that unity in the Council was essential to achieve this urgent obligation. Furthermore, by his letter dated 15 April 2020 addressed to the President of the Council,²¹ the Secretary-General transmitted to the Council the first report by the OPCW Investigation and Identification Team on the alleged use of chemical weapons in Ltamenah, Syrian Arab Republic on 24, 25 and 30 March 2017. Noting that any use of chemical weapons posed a serious threat to international peace and security, he stated that it was appropriate that the report be shared with Council members.

In his letter dated 18 August 2020 addressed to the President of the Council,²² the Secretary-General, further to the briefing of the Under-Secretary-General for Humanitarian

¹⁹ See [S/2020/1333](#).

²⁰ See [S/2020/82](#), [S/2020/164](#), [S/2020/262](#), [S/2020/348](#), [S/2020/456](#), [S/2020/620](#), [S/2020/769](#), [S/2020/871](#), [S/2020/961](#), [S/2020/1056](#), [S/2020/1152](#), and [S/2020/1300](#).

²¹ See [S/2020/310](#).

²² See [S/2020/808](#).

Affairs and the Executive Director of the United Nations Environment Programme on 15 July 2020, updated the Council on the status of efforts being undertaken by the United Nations to assist with the increasing environmental and humanitarian risks posed by the *FSO SAFER* oil tanker off the coast of Yemen. Noting that the United Nations mission remained ready to deploy pending authorization by the Houthis, the Secretary-General stated that averting the calamity of the oil tanker should not be politicized and this was a solvable problem that did not need to be added to the many burdens of the Yemeni people.

The Secretary-General and other senior Secretariat officials also briefed Council members, in the context of meetings and videoconferences, on evolving situations relating to, among others, the conflicts in the Syrian Arab Republic and Yemen, the Palestinian question, and the impact of the COVID-19 pandemic on international peace and security. In that regard, at the 8707th meeting of the Council, held on 29 January 2020 under the item entitled “The situation in the Middle East,” the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator expressed alarm about the dire and deteriorating humanitarian situation affecting women and children, in particular in the north-west of the Syrian Arab Republic, owing to intense bombing, shelling, and other fighting in the Idlib area. He stated that the parties to the conflict and those with influence had to stop the fighting in order to avoid an even greater humanitarian catastrophe, and expressed hope that the Council would take every step to avert that.²³

In connection with the same item, during an open videoconference held on 15 July 2020, the Executive Director of the United Nations Environment Programme and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator briefed Council members on the developments regarding the *FSO SAFER* oil tanker off the coast of Yemen.²⁴ The Executive Director cautioned that the Red Sea environment and its people were seriously exposed to the risk of a massive oil leakage from the *FSO SAFER*. Should the situation get out of control, it would directly affect millions of people in a country that was already enduring the world’s largest humanitarian emergency and that it would destroy entire ecosystems for decades and extend beyond borders. The Under-Secretary-General emphasized that the risk from the *FSO*

²³ See [S/PV.8707](#).

²⁴ See [S/2020/721](#).

SAFER was by no means strictly environmental and would have a direct and severe threat to the well-being, and potentially the survival of millions of Yemenis. He expressed hope that the official request to the Ansar Allah authorities for the deployment of a United Nations assessment mission would be quickly approved, and emphasized that the Ansar Allah authorities had an important opportunity to take steps that would spare millions of their fellow citizens from yet another tragedy.

On 24 June 2020, at an open videoconference held in connection with the item entitled “The situation in the Middle East, including the Palestinian question”, the Secretary-General and the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General briefed the Council regarding the announcement by Israel of its intention to annex parts of the occupied West Bank.²⁵ The Secretary-General expressed a deep sense of concern over the evolving situation in Israel and Palestine. He stated that, if implemented, annexation would constitute a most serious violation of international law, grievously harm the prospect of a two-State solution and undercut the possibilities of a renewal of negotiations. He added that any unilateral steps hampered efforts to advance regional peace and to maintain international peace and security. He called on the Israeli Government to abandon its annexation plans and urged Israeli and Palestinian leaders to commit to meaningful dialogue, with the support of the international community.

The Secretary-General also briefed Council members on the impact of the COVID-19 pandemic on international peace and security in open videoconferences held on 2 July and 24 September 2020. In his remarks at the open videoconference on 2 July 2020, held in connection with the item entitled “Maintenance of international peace and security” which focused on the implications of COVID-19, the Secretary-General stated that the COVID-19 pandemic continued to profoundly affect peace and security across the globe, but the impacts were particularly apparent in countries already experiencing conflict or emerging from it and that conflict could soon engulf others. The Secretary-General stated that the Council had an important role in bringing its voice and influence to bear on these situations, and welcomed its support, as expressed in resolution [2532 \(2020\)](#) of 1 July 2020.²⁶ At the open videoconference held on 24

²⁵ See [S/2020/596](#).

²⁶ See [S/2020/663](#).

September 2020 in connection with the same item and the sub-item entitled “Global governance after COVID-19,” the Secretary-General stated that the COVID-19 pandemic was the number one threat in the world and was unfolding against a backdrop of high geopolitical tensions and other global threats in unpredictable and dangerous ways.²⁷

In 2020, Member States made reference to horizon-scanning briefings during several videoconferences of Council members in connection with the maintenance of international peace and security, the implementation of the note by the President of the Security Council of 30 August 2017 ([S/2017/507](#)), and peacebuilding and sustaining peace.²⁸

C. Referrals by the General Assembly

Under Article 11 (3) of the Charter, the General Assembly may call the attention of the Council to situations which are likely to endanger international peace and security. During the period under review, the General Assembly did not refer any situations to the Council under Article 11 (3).²⁹

²⁷ See [S/2020/953](#).

²⁸ See [S/2020/340](#) (United Kingdom); [S/2020/418 \(Australia, United Kingdom\)](#); [S/2020/751](#) (Deputy Prime Minister and Minister of Finance and Development Cooperation of Belgium); [S/2020/897](#) (United Kingdom); and [S/2020/1090](#) (Minister of Development Cooperation and Urban Policy of Belgium). For more information on horizon scanning briefings, see *Repertoire, Supplement 2010-2011*, part VI, sect. IV.B and *Repertoire*, supplements covering the period 2012-2019, part II.

²⁹ For more information regarding the relations between the Council and the General Assembly, see part IV, sect. I.

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 that basis, the 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 provides an overview of the practice of the Council relating to fact-finding and investigation in accordance with Article 34 of the Charter, in three subsections. Subsection A relates to Council missions; subsection B to investigative and fact-finding functions of the Secretary-General; and subsection C to other instances of investigative functions acknowledged by the Council.

In 2020, in a letter dated 20 February 2020 addressed to the President of the Security Council,³⁰ the Permanent Representative of the Bolivarian Republic of Venezuela referred to Article 34 of the Charter and requested the Council to investigate the empirical grounds for the threat of the use of force and the misleading use of the principle of self-defence provided for in Article 51 of the Charter by the Governments of both the United States and Colombia against Venezuela which were intended to justify the use of armed force against his country. In a subsequent letter dated 3 April 2020 addressed to the President of the Council,³¹ the Permanent Representative of the Bolivarian Republic of Venezuela alerted the Council to the “dangerous actions” being taken by the Government of the United States “which threaten[ed] the peace and

³⁰ See [S/2020/130](#).

³¹ See [S/2020/277](#).

security of Venezuela and the entire region,” namely the announcement by the United States of the deployment of warships to the waters of the western Caribbean, near the Venezuelan coast. The Permanent Representative noted that his Government had, in previous communications and under less pressing circumstances, asked the Council to use its powers under Article 34 of the Charter to open an investigation into this situation, which it considered was “likely to endanger the maintenance of international peace and security”. The Permanent Representative noted that, unfortunately, there had been no effective response from the Council.³²

In 2020, owing to health and safety concerns and travel restrictions during the COVID-19 pandemic, the Council did not dispatch any mission to the field. In its decisions, the Council acknowledged the investigative functions of the Secretary-General and findings of investigations related to serious violations and abuses of international human rights and violations of international humanitarian law in the Central African Republic, violations and abuses of international human rights and international humanitarian law by the Malian Defence and Security Forces in the conduct of counterterrorism operations, and conflict-related sexual violence in Northern Unity, South Sudan. The Council also took note of the finalization of the work of the International Commission of Inquiry on Mali and called for a follow-up on its recommendations. The Council further renewed the mandate of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/Islamic State in Iraq and the Levant (UNITAD), established pursuant to resolution [2379 \(2017\)](#). The Council also recognized the investigative work of the United Nations High Commissioner for Human Rights (OHCHR) and the Human Rights Council in connection with the situations in the Central African Republic, the Democratic Republic of the Congo, Mali, and South Sudan. In addition, Council members deliberated on the investigative functions of the Secretary-General, the Human Rights Council, and the Organization for the Prohibition of Chemical Weapons (OPCW) in Iraq, Libya, and the Syrian Arab Republic.

³² See sect. I concerning actions undertaken by the Council in response to these and other communications.

A. Security Council missions

In 2020, owing to health and safety concerns and travel restrictions during the COVID-19 pandemic, the Council did not dispatch any missions to the field. Council missions were, however, referenced in communications submitted to the Council by Member States and discussed in Council meetings and videoconferences during the period under review.

In a letter dated 11 February 2020 addressed to the President of the Council,³³ the Permanent Representative of Finland transmitted the report of the 17th annual workshop for the newly elected members of the Council, which was held on 7 and 8 November 2019. According to the report, one speaker expressed the view that the Council's visiting missions had proven to be very useful in bringing Council members closer to the people affected by conflicts and the actors involved and that they were especially productive when properly targeted and prepared. A different speaker underscored that penholders should make more use of the insights and information gained through visits. Another speaker pointed out that it was no longer regular practice to prepare a written report following visiting missions.

Similarly, in a letter dated 3 March 2020 addressed to the President of the Council,³⁴ the Permanent Representatives of Kuwait and Saint Vincent and the Grenadines, as the outgoing and incoming Chairs of the Informal Working Group on Documentation and Other Procedural Questions, respectively, transmitted a report on the informal retreat held on 17 to 19 January 2020 on the working methods of the Council. As indicated in the report, Council members discussed the effectiveness of visiting missions, as they were understood to allow for a better assessment of certain situations. Council members noted the value of such visits and called for careful consideration of their number and impact. Council members further highlighted the importance of follow-up action after visits and the involvement of political coordinators in the missions, either separately or in addition to permanent representatives, deputy permanent representatives and sanctions experts.

Council members also discussed the value of and ways to enhance Council missions during an open videoconference held on 15 May 2020 in connection with the item entitled "Implementation of the note by the President of 30 August 2017 ([S/2017/507](#))" (case 1).

³³ See [S/2020/116](#).

³⁴ See [S/2020/172](#).

Case 1

Implementation of the note by the President of the Security Council ([S/2017/507](#))

On 15 May 2020, at the initiative of Estonia, which held the Presidency for the month, jointly with Saint Vincent and the Grenadines, whose Permanent Representative held the Chair of the Informal Working Group on Documentation and Other Procedural Questions,³⁵ Council members held an open videoconference on the working methods of the Council in connection with the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”.³⁶ In her briefing to the Council, the Executive Director of Security Council Report, an independent think tank, noted that the Council had actively sought to strengthen its interaction with the field, including the visiting missions that had become an effective Council tool in the early 1990s. While five such missions a year was typical, she noted that the COVID-19 pandemic had halted them. She recalled former Council members’ call for the Council to ensure that “we are not just speaking about countries concerned but also speaking to them” and observed that technology made this more possible. She added that there was potential for a more dynamic engagement with the field. In this regard, she noted that virtual meetings with Heads of Governments, parliamentarians, ministers, a range of civil society representatives; with the United Nations agencies, funds, and programmes on the ground; visits to hard-to-reach field locations –were all potentially available, freed from the severe constraints of time, security and logistics that were part and parcel of most Council field visits. She added that virtual discussions with the field and with troop- and police-contributing countries could be held at various points of the mandate cycle and actively mitigate against the risks of “adopt and forget,” a phenomenon she described as – quoting the Permanent Representative of France – the relatively fleeting attention the Council was able to devote to the mandating of peace operations.

On behalf of the Accountability, Coherence and Transparency Group, the representative of Switzerland stated that the Council could explore conducting virtual visits to the field as a

³⁵ A concept note was circulated by letter dated 7 May 2020 ([S/2020/374](#)).

³⁶ See [S/2020/418](#).

complementary instrument to existing and established physical visits. The representative of El Salvador stated that field visits were valuable, as they gave Council members a broader view of the local situation, enabling them to make sound decisions and to discharge their mandate more effectively. She underlined the importance of considering the participation of other relevant parties in the proceedings, including Member States that contributed military, police, and civilian contingents to peace operations. The representative further stated that, with a view to coordinating efforts and strengthening the dynamics of the United Nations, missions could be carried out among the various subsidiary bodies of the Council, including the Peacebuilding Commission, and the Economic and Social Council which would enhance greater strategic effectiveness while reducing overall costs. The representative of Canada suggested that the Council also consider inviting the Peacebuilding Commission Chair or the chairs of its country-specific configurations to join missions to countries where both bodies were engaged, as a means of further institutionalizing the linkages between the Peacebuilding Commission and the Council. The representative of Egypt called for the briefings to the wider membership on the monthly programme of work to provide an overview of the most important, meetings, activities and visits carried out by the Council.

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

Decisions of the Council

In its decisions adopted during the period under review, the Council acknowledged the investigative and fact-finding functions of the Secretary-General in connection with the situations in the Central African Republic, the Democratic Republic of the Congo, Iraq, Mali, and South Sudan, and with the thematic item entitled “Threats to international peace and security”. The relevant provisions of those decisions are set out in table 2 below.

In connection with the situation in the Central African Republic, the Council called on the authorities to follow up on the recommendations of the report of the Mapping Project conducted pursuant to resolution [2301 \(2016\)](#) by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, which described serious violations and abuses of international human rights and violations of international humanitarian law within the

territory of the Central African Republic between January 2003 and December 2015.³⁷

With regard to the investigations into the killing in March 2017 of the two members of the Group of Experts on the Democratic Republic of the Congo and the four Congolese nationals accompanying them, the Council welcomed the work of the United Nations team deployed to assist the Congolese authorities in their investigations and the commitment of the Secretary-General that the United Nations would do everything possible to ensure that the perpetrators were brought to justice.³⁸ The Council also welcomed in that regard the continued cooperation of the Government of the Democratic Republic of the Congo with the United Nations team and called on them to ensure that all perpetrators were brought to justice and held accountable.³⁹

In relation to the situation concerning Iraq, the Council mandated the Special Representative of the Secretary-General for Iraq and the United Nations Assistance Mission in Iraq to promote accountability and the protection of human rights and judicial and legal reform, and to support the work of UNITAD.⁴⁰ In connection with the item entitled “Threats to international peace and security”, the Council reaffirmed resolution [2379 \(2017\)](#), by which UNITAD had been established, and extended its mandate until 18 September 2021.⁴¹

Regarding the situation in Mali, the Council took note of the finalization of the work of the International Commission of Inquiry, established by the Secretary-General in accordance with the Agreement on Peace and Reconciliation in Mali of 2015 and as requested by the Council in resolution [2364 \(2017\)](#), and called upon the Malian parties to follow up on its recommendations once they were conveyed.⁴² The Council requested the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to support the follow-up on these recommendations.⁴³ Expressing serious concern about repeated allegations of violations of international human rights law and international humanitarian law by the Malian Defence and Security Forces in the conduct of counterterrorism operations, the Council urged the Government of Mali to effectively implement the measures announced in response to these

³⁷ Resolution [2552 \(2020\)](#), para. 22.

³⁸ Resolution [2528 \(2020\)](#), fifth preambular paragraph. For more information on the matter, see [S/2017/917](#) and *Repertoire, Supplement 2016–2017*, part VI, sect. II.B.

³⁹ Resolution [2556 \(2020\)](#), para. 7.

⁴⁰ Resolution [2522 \(2020\)](#), para. 2 (d). For more information on the mandate of UNAMI, see part X, sect. II.

⁴¹ Resolution [2544 \(2020\)](#), paras. 1 and 2. For more information on the mandate of UNITAD, see part IX, sect. III.

⁴² Resolution [2531 \(2020\)](#), sixteenth preambular paragraph and para. 11. For more information on the mandate of MINUSMA, see part X, sect. I.

⁴³ Resolution [2531 \(2020\)](#), para. 28 (a)(iv).

allegations, especially as it related to the allegations documented by the MINUSMA Human Rights Division.⁴⁴

In connection with South Sudan, the Council expressed grave concern at the ongoing reports of sexual and gender-based violence, including the findings of the report of the Secretary-General on Sexual Violence in Conflict to the Council ([S/2019/280](#)) of the use of sexual violence as a tactic by parties to the conflict against the civilian population. The Council also referred to the report of the United Nations Mission in South Sudan (UNMISS) and the Office of the High Commissioner for Human Rights (OHCHR) of February 2019 on conflict-related sexual violence in Northern Unity in the period between September and December 2018, in which the normalization and continuation of violence against women and girls, despite the suspension of most military offensives, was documented.⁴⁵ The Council further expressed grave concern regarding the reports on the human rights situation in South Sudan issued by UNMISS and the Secretary-General, emphasized its hope that these and other credible reports would be duly considered by any transitional justice mechanisms for South Sudan, stressed the importance of collection and preservation of evidence for eventual use by the Hybrid Court for South Sudan and other accountability mechanisms, and encouraged efforts in this regard.⁴⁶ In addition, the Council took note of the joint report of UNMISS and OHCHR on the freedom of expression in South Sudan.⁴⁷

Table 2
Decisions relating to investigative and/or fact-finding activities by the Secretary-General, 2020

<i>Decision and date</i>	<i>Provision</i>
The situation in the Central African Republic	
Resolution 2552 (2020) 12 November 2020	Calls on the Central African Republic authorities to follow-up on the recommendations of the report of the Mapping Project describing serious violations and abuses of international human rights and violations of international humanitarian law committed within the territory of CAR between January 2003 and December 2015 (para. 22)
The situation concerning the Democratic Republic of the Congo	

⁴⁴ *Ibid.*, para. 34.

⁴⁵ Resolution [2514 \(2020\)](#), twentieth preambular paragraph.

⁴⁶ *Ibid.*, twenty-third preambular paragraph.

⁴⁷ *Ibid.*, twenty-fifth preambular paragraph.

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- Resolution [2528 \(2020\)](#)
25 June 2020
- Reiterating the need for the Government of the Democratic Republic of the Congo to swiftly and fully investigate the killing of the two members of the Group of Experts and the four Congolese nationals accompanying them and bring those responsible to justice, welcoming the Secretary General's commitment that the United Nations will do everything possible to ensure that the perpetrators are brought to justice, further welcoming the work of the United Nations team deployed to assist the Congolese authorities in their investigations, in agreement with the Congolese authorities, and welcoming their continued cooperation (fifth preambular paragraph)
- Resolution [2556 \(2020\)](#)
18 December 2020
- Welcomes the cooperation of the Government of the Democratic Republic of the Congo with the team of international experts on the situation in the Kasai regions mandated by the Human Rights Council in its resolution [45/34](#), recognises the improvements in the cooperation since President Tshisekedi's election, requests the Government of the Democratic Republic of the Congo to implement all the recommendations made by the team of international experts in its report, and to cooperate with the team of two international human rights experts, charged with monitoring, evaluating, providing support and reporting on the implementation by the Democratic Republic of the Congo of those recommendations, further welcomes the Government of the Democratic Republic of the Congo's continued cooperation with the United Nations team deployed, as agreed, to assist the Congolese authorities investigations into the deaths of the two United Nations experts in March 2017, and calls on them to ensure all perpetrators are brought to justice and held accountable (para. 7)
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The situation concerning Iraq

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- Resolution [2522 \(2020\)](#)
18 May 2020
- Decides further that the Special Representative of the Secretary-General and the United Nations Assistance Mission in Iraq (UNAMI), at the request of the Government of Iraq, and taking into account the letter from the Acting Minister of Foreign Affairs of Iraq to the Secretary-General ([S/2020/448](#)), shall:
- ...
- (d) promote accountability and the protection of human rights, and judicial and legal reform, with full respect for the sovereignty of Iraq, in order to strengthen the rule of law and improve governance in Iraq, in addition to supporting the work of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) in Iraq and the Levant established in resolution [2379 \(2017\)](#) (para. 2 (d))
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The situation in Mali

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- Resolution [2531 \(2020\)](#)
29 June 2020
- Reiterating, in this regard, the importance of holding accountable all those responsible for such acts and that some of such acts referred to in the paragraph above may amount to crimes under the Rome Statute, taking note that, acting upon the referral of the transitional authorities of Mali dated 13 July 2012, the Prosecutor of the International Criminal Court (ICC) opened on 16 January 2013 an investigation into alleged crimes committed on the territory of Mali since January 2012, and further taking note of the finalization of the work of the International Commission of Inquiry established in accordance with the Agreement and as requested by resolution [2364 \(2017\)](#) (sixteenth preambular paragraph)
- Calls upon the Malian parties to follow-up on the recommendations of the International Commission of Inquiry once they are conveyed (para. 11)
- Decides that the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali shall include the following priority tasks:
- (a) *Support to the implementation of the Agreement on Peace and Reconciliation in Mali*
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....
(iv) To support the implementation of the reconciliation and justice measures of the Agreement, especially in its Part V, including to support the operations of the Truth, Justice and Reconciliation Commission and the follow-up of the recommendations of the International Commission of Inquiry (para. 28 (a) (iv))

Expresses serious concerns about repeated allegations of violations of international human rights law and international humanitarian law by Malian Defence and Security Forces in the conduct of counterterrorism operations, takes positive note of the measures announced by the Government of Mali in response to these allegations, and urges the Government of Mali to effectively implement these measures, notably by carrying out transparent, credible and timely investigations and holding accountable those responsible, especially as it relates to the allegations documented by the MINUSMA Human Rights Division (para. 34)

Reports of the Secretary-General on the Sudan and South Sudan

Resolution [2514 \(2020\)](#)
12 March 2020

Expressing grave concern at ongoing reports of sexual and gender-based violence, including the findings of the report of the Secretary-General on Sexual Violence in Conflict to the Security Council ([S/2019/280](#)) of the use of sexual violence as a tactic by parties to the conflict against the civilian population in South Sudan, including use of rape and gang-rape of women and girls, and abduction, forced marriage and sexual slavery, and where persistent levels of conflict-related sexual violence and other forms of violence against women and girls has become normalized and continued after the signing of the Revitalised Agreement and despite the suspension of most military offensives, as documented in the February 2019 United Nations Mission in South Sudan (UNMISS) and Office of the United Nations High Commissioner for Human Rights (OHCHR) report on “Conflict-Related Sexual Violence in Northern Unity” between September and December 2018, underlining the urgency and importance of timely investigations and the provision of assistance and protection to victims of sexual and gender-based violence (twentieth preambular paragraph)

Expressing grave concern regarding the reports on the human rights situation in South Sudan issued by UNMISS and the Secretary-General, further expressing grave concern that according to the African Union Commission of Inquiry report on South Sudan, released on 27 October 2015, and the reports of the Commission on Human Rights in South Sudan, released on 23 February 2018, 20 February 2019, and 20 February 2020 war crimes and crimes against humanity may have been committed, emphasizing its hope that these and other credible reports will be duly considered by any transitional justice mechanisms for South Sudan including those established pursuant to the Revitalised Agreement, stressing the importance of collection and preservation of evidence for eventual use by the Hybrid Court for South Sudan and other accountability mechanisms, and encouraging efforts in this regard (twenty-third preambular paragraph)

Taking note of the joint UNMISS and OHCHR “Report on the Freedom of Opinion and Expression in South Sudan Since the July 2016 Crisis ” issued in February 2018, expressing ongoing concern on the severe restriction of freedoms of opinion, expression, and association, condemning the use of media to broadcast hate speech and transmit messages instigating violence against a particular ethnic group, a practice that has the potential to lead to widespread violence and exacerbate armed conflict, and calling on the Government of South Sudan to immediately condemn and counter increasing hate speech and ethnic violence and to promote reconciliation among its people (twenty-fifth preambular paragraph)

Threats to international peace and security

Resolution 2544 (2020) 18 September 2020	Reaffirms its resolution 2379 (2017) , by which UNITAD, headed by a Special Adviser, was established; and recalls the terms of reference approved by the Council (S/2018/119) (para. 1) Takes note of the request from the Government of Iraq contained in its letter dated 16 September 2020 (S/2020/909) and decides to extend until 18 September 2021 the mandate of the Special Adviser and UNITAD, with any further extension to be decided at the request of the Government of Iraq, or any other government that has requested the Team to collect evidence of acts that may amount to war crimes, crimes against humanity, or genocide, committed by ISIL (Da'esh) in its territory, in accordance with its resolution 2379 (2017) (para. 2) Requests the Special Adviser to continue to submit and present reports to the Council on the Team's activities every 180 days (para. 4)
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Communications submitted to the Council

The Secretary-General did not undertake any new investigative action during the reporting period. With respect to ongoing investigations, in a letter dated 6 April 2020 addressed to the President of the Council,⁴⁸ in his capacity as Chief Administrative Officer of the United Nations, the Secretary-General submitted a summary of the report of the internal United Nations Headquarters Board of Inquiry, established in 2019, to investigate a number of incidents that were reported to have occurred in the north-west of the Syrian Arab Republic since the signing of the Memorandum on Stabilization of the Situation in the Idlib De-escalation Area by the Russian Federation and Turkey on 17 September 2018. The investigation encompassed incidents in which facilities that were on the United Nations deconfliction list, or that were receiving support from the United Nations, were reported to have been hit or to have otherwise sustained damage in the course of military operations. The Secretary-General stated that his aim in establishing the Board of Inquiry was to develop a clear record of the facts of these incidents, their causes and the persons or entities to which they could be attributable, emphasizing in this regard that the board was not mandated to make legal findings or consider questions of legal liability or legal responsibility. The Secretary-General added that this would make it possible for him to, inter alia, identify any gaps or shortcomings in the Organization's procedures and take any measures and put in place any arrangements that might be needed to prevent the recurrence of such incidents in the future or at least minimize their number and mitigate their effects.

⁴⁸ See [S/2020/278](#).

Finally, the Secretary-General stated that he would appoint a senior independent adviser in order to help determine how best to address the recommendations of the board.

In a letter dated 30 June 2020 addressed to the President of the Council,⁴⁹ the Permanent Representative of the Russian Federation transmitted the findings of the Ministry of Defence of the Russian Federation with respect to the summary of the United Nations Board of Inquiry report. The Permanent Representative underscored that the Russian Federation considered the establishment of the board illegitimate, noting that the board went beyond its announced goal of finding whether reports of United Nations-supported facilities in the Syrian Arab Republic being damaged were true and in fact made assertions in the form of “highly probable” to which parties to those incidents might be attributable. The letter added that the Russian Ministry of Defence investigation experts failed to find traces of either aerial bombing or artillery on these objects and presented specific conclusions in that regard.

In a letter dated 29 July 2020 addressed to the President of the Council,⁵⁰ the Permanent Representative of the Russian Federation expressed serious concern about references to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction at the open videoconference held on 2 July 2020 in connection with the item entitled “Maintenance of international peace and security” focused on the implications of COVID-19.⁵¹ In the letter, the Permanent Representative pointed to the need for institutional and operational strengthening of the Convention and called on the Secretariat to take necessary practical measures to facilitate the strengthening of the regime, including its investigation capacities in accordance with article VI of the Convention.⁵² The Permanent Representative expressed his delegation’s conviction that any investigative efforts in the field of alleged use of biological weapons should be primarily based on the procedures and instruments envisaged by the Convention, and that the principles and procedures of the Secretary-General’s Mechanism for Investigation of the Alleged Use of Chemical and Biological Weapons, established in 1988, should be updated.

⁴⁹ See [S/2020/629](#).

⁵⁰ See [S/2020/756](#).

⁵¹ See [S/2020/663](#).

⁵² See [S/2020/756](#).

By a letter dated 17 December 2020 addressed to the President of the Council,⁵³ the Secretary-General transmitted the report of the International Commission of Inquiry on Mali, established by the Secretary-General in 2018. As noted in the report, the Commission was mandated to investigate allegations of abuses and serious violations of international human rights law and international humanitarian law, including allegations of conflict-related sexual violence, committed throughout the territory of Mali between 1 January 2012 and the date of establishment of the Commission; to establish the facts and circumstances concerning the commission of such abuses and violations, including those that could constitute international crimes; and to identify those allegedly responsible for such abuses and violations. After completing its investigations, the Commission was able to conclude that abuses and serious violations of international human rights law and international humanitarian law, some of which constituted war crimes and crimes against humanity, were committed by the main parties to the conflict that began in 2012. In accordance with its mandate, the Council presented recommendations on the fight against impunity in the light of the abuses, violations and crimes identified.

In accordance with existing practice, by his letters dated 11 May and 11 November 2020 addressed to the President of the Council,⁵⁴ the Special Adviser of the Secretary-General and Head of UNITAD transmitted the fourth and fifth reports on the activities of the Investigative Team.

Meetings of the Council

In meetings of the Council, Council members and other speakers referred to the investigative authority of the Council and the role of the Secretary-General. For example, at the 8699th meeting of the Council, held on 9 January 2020 under the item entitled “Maintenance of international peace and security”, the Secretary-General recalled that Chapter VI outlined many available tools for the Council in the pacific settlement of disputes. In this regard, he called on the Council to further utilize the powers granted to it by the Charter, including investigations of disputes in accordance with Chapter VI.⁵⁵

⁵³ See [S/2020/1332](#).

⁵⁴ See [S/2020/386](#) and [S/2020/1107](#).

⁵⁵ See [S/PV.8699](#).

Council members also discussed the investigations of the Council and the Secretary-General in connection with the findings of the United Nations Board of Inquiry on the Syrian Arab Republic in the context of the situation in the Middle East (case 2) and the mandate and work of UNITAD in connection with threats to international peace and security (case 3).

Case 2

The situation in the Middle East

At an open videoconference held on 29 April 2020 in connection with the item entitled “The situation in the Middle East”, Council members discussed the findings of the United Nations Board of Inquiry on the Syrian Arab Republic.⁵⁶ While welcoming the report of the Board, the representative of Germany underscored that there had to be follow-up and that impunity for those responsible for serious violations of international law was not an option. The representative of the United Kingdom stated that, even though the report did not explicitly identify the Russian Federation as the “regime’s ally” responsible for some of the attacks on civilian infrastructure, it was clear which country was meant when there was only one flying military aircraft over Idlib alongside the “regime”. He added that this conclusion was supported by the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic which was established by the Human Rights Council. Noting that the Council had to hold those who threatened Syria’s peace and stability accountable, the representative of the United States stressed the need for the board’s evidence to be shared with the Commission of Inquiry and the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, established by the General Assembly. The representatives of South Africa and the United States welcomed the intention of the Secretary-General to appoint a senior independent adviser to address the Board’s recommendations.

⁵⁶ See [S/2020/353](#).

The representative of the Russian Federation recalled that his delegation did not recognize the Board of Inquiry, which the Secretary-General had established “in excess of his authority”. Nevertheless, the representative pointed out that the Board could not establish a single civilian death caused by alleged shelling by the Syrian air force or its allies. He further highlighted that the Board managed to uncover victims of shelling by terrorists and that, according to the report, not a single medical facility was destroyed, with only minor damage reported.

Case 3

Threats to international peace and security

On 10 December 2020, at an open videoconference held in connection with the item entitled “Threats to international peace and security”, the Special Adviser of the Secretary-General and Head of UNITAD presented his fifth report on the activities of the Investigative Team.⁵⁷ The Special Adviser confirmed continued progress in the Investigative Team’s key lines of investigation and reported that the continued momentum allowed for the envisaged finalization of the first thematic case briefs in the first half of 2021 on crimes committed against the Yazidi community in Sinjar and the massacre of unarmed air cadets and other personnel in Tikrit, Iraq. In parallel, UNITAD had continued to expand its lines of investigations, with rapid progress on investigations in relation to crimes committed against the Christian, Kaka’i, Shabak, Sunni and Turkmen Shia communities. The Special Adviser highlighted that, faced with the unprecedented challenges posed by the COVID-19 pandemic, UNITAD had further strengthened its cooperation with Iraqi authorities and those of the Kurdistan region. He was encouraged by the efforts made in the Iraq Council of Representatives to take forward legislation that would allow for the prosecution of ISIL (Da’esh) crimes under domestic law as war crimes, crimes against humanity and genocide. The Special Adviser confirmed his continued engagement with the Government of Iraq with a view to establishing modalities for the sharing of evidence with competent Iraqi authorities in accordance with the Investigative Team’s terms of reference. In

⁵⁷ See [S/2020/1193](https://www.un.org/securitycouncil/content/repertoire/structure).

parallel, UNITAD had also reinforced its engagement with national authorities in other jurisdictions through the provision of support in ongoing proceedings in line with its mandate. The Special Adviser noted the engagement of UNITAD with all parts of the Iraqi society, including civil society and the religious leadership. He concluded by noting that the unique partnership underpinning the Investigative Team's mandate – between independent investigations based on close collaboration with national authorities and international standards adapted to domestic context – was working and served as an innovative model of criminal accountability developed by the Council.

In the discussion that followed, the representative of Belgium commended the Investigative Team for the considerable progress made in the implementation of its mandate, including through exchanges with all segments of Iraqi society and the entering of a significant number of its investigative priorities into the phase of evidentiary consolidation and legal analysis. The representative of Indonesia affirmed that all elements of Iraqi society had to be engaged and empowered and involved in UNITAD's activities. The representative of South Africa stated that UNITAD's engagement with Iraqi religious leaders and civil society could only bolster important gains it had made in establishing credibility in the fractured country. Several delegations stressed the importance of witness protection and psychosocial support for witnesses and victims,⁵⁸ as well as the investigation of sexual and gender-based crimes and crimes against children.⁵⁹

Most Council members welcomed the progress made in cooperation between UNITAD and the Government of Iraq, with some also reiterating the importance of national ownership and respect for the country's sovereignty.⁶⁰ The representative of South Africa expressed his country's belief that the cooperation between UNITAD and the Government of Iraq could serve as a model of best practice from which important lessons could be drawn in similar situations. The representative of the United Kingdom urged the Investigative Team, the Government of Iraq and the Kurdistan Regional Government to collaborate closely on securing an evidence-sharing mechanism that provided assurances on the use of the death penalty. The representative of France recalled the position of the United Nations regarding the non-transmission of evidence in

⁵⁸ Belgium, Estonia, Indonesia, Saint Vincent and the Grenadines, United Kingdom, United States, and Viet Nam.

⁵⁹ Dominican Republic, Estonia, Saint Vincent and the Grenadines, and United Kingdom.

⁶⁰ Belgium, Dominican Republic, China, France, Saint Vincent and the Grenadines, Tunisia, and Viet Nam.

judicial proceedings that could result in the death penalty. The representative of Germany stated that it was very important to engage in training with the Iraqi judiciary so that the necessary legislation was adopted with the objective of achieving fair and independent criminal proceedings, consistent with international law. The representative of the United States said that evidence-based trials would not only establish the clear culpability of ISIL (Da'esh) and its members, but would also help showcase Iraq's justice system and its commitment to the rule of law. The representative of France underscored the importance of cooperation between UNITAD and the United Nations Assistance Mission for Iraq (UNAMI) and the representative of South Africa underlined their complementary and reinforcing roles.

The representative of China stated that, given that pursuant to resolution [2379 \(2017\)](#) Iraq was the main recipient of the collected evidence, UNITAD should hand over the evidence in a timely and comprehensive manner. He added that the prior consent of Iraq should be obtained before information was shared with other Member States and that the principles of transparency and non-discrimination should be followed. Noting that the Investigative Team had refrained from handing over the evidence to Iraqi authorities required to launch legal proceedings against terrorists until the Iraqi Parliament approved a special law on international crimes. The representative of the Russian Federation underscored that a holding pattern should not negatively impact the implementation of the main part of the mandate of UNITAD. He further stressed that resolution [2379 \(2017\)](#) did not oblige Iraq to criminalize any particular form of act but clearly defined the Iraqi authorities as the main recipients of evidence collected by the Team. The representative of the Russian Federation also recalled the importance for UNITAD to receive information first-hand and that excessive dependence on non-governmental organization-sourced information could result in a distorted image of the crimes committed and steer the activity of the Investigative Team.

The representative of the United States underscored that Iraq should not have to continue to shoulder responsibility for foreign terrorist fighters and associated family members alone, and noted the valuable support UNITAD could provide to other Member States in conducting such investigations and prosecutions. The representative of Belgium underlined that support for national authorities of third States in response to their requests for assistance was essential given that many procedures were under way in those countries, particularly in Europe, and that

resulting cooperation between the Iraqi judicial authorities and those of third countries would most certainly contribute in the longer term to the opening of specific cases in Iraq.

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

In decisions of the Council

During the period under review, the Council also recognized the investigative functions of other bodies of the United Nations, notably OHCHR and the Human Rights Council, in relation to the situations in the Central African Republic, the Democratic Republic of the Congo, Mali, and South Sudan.⁶¹ Table 3 below contains the provisions of Council decisions referring to such functions.

Table 3
Decisions relating to investigation and inquiry by United Nations bodies and related organizations, 2020

<i>Decision and date</i>	<i>Provision</i>
The situation in the Central African Republic	
Resolution 2552 (2020) 12 November 2020	Calls on the Central African Republic authorities to follow-up on the recommendations of the report of the Mapping Project describing serious violations and abuses of international human rights and violations of international humanitarian law committed within the territory of the Central African Republic between January 2003 and December 2015 (para. 22)
The situation concerning the Democratic Republic of the Congo	
Resolution 2556 (2020) 18 December 2020	Welcomes the cooperation of the Government of the Democratic Republic of the Congo with the team of international experts on the situation in the Kasai regions mandated by the Human Rights Council in its resolution 45/34 , recognises the improvements in the cooperation since President Tshisekedi's election, requests the Government of the Democratic Republic of the Congo to implement all the recommendations made by the team of international experts in its report, and to cooperate with the team of two international human rights experts, charged with monitoring, evaluating, providing support and reporting on the implementation by the Democratic Republic of the Congo of those recommendations, further welcomes the Government of the Democratic Republic of the Congo's continued cooperation with the United Nations team deployed, as agreed, to assist the Congolese authorities investigations into the deaths of the two United Nations experts in March 2017, and calls on them to ensure all perpetrators are brought to justice and held accountable (para. 7)

⁶¹ For further information on the relations with other United Nations organs, see part IV.

The situation in Mali

Resolution [2531 \(2020\)](#)
29 June 2020

Expresses serious concerns about repeated allegations of violations of international human rights law and international humanitarian law by Malian Defence and Security Forces in the conduct of counterterrorism operations, takes positive note of the measures announced by the Government of Mali in response to these allegations, and urges the Government of Mali to effectively implement these measures, notably by carrying out transparent, credible and timely investigations and holding accountable those responsible, especially as it relates to the allegations documented by the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) Human Rights Division (para. 34)

Reports of the Secretary-General on the Sudan and South Sudan

Resolution [2514 \(2020\)](#)
12 March 2020

Expressing grave concern at ongoing reports of sexual and gender-based violence, including the findings of the report of the Secretary-General on Sexual Violence in Conflict to the Security Council ([S/2019/280](#)) of the use of sexual violence as a tactic by parties to the conflict against the civilian population in South Sudan, including use of rape and gang-rape of women and girls, and abduction, forced marriage and sexual slavery, and where persistent levels of conflict-related sexual violence and other forms of violence against women and girls has become normalized and continued after the signing of the Revitalised Agreement and despite the suspension of most military offensives, as documented in the February 2019 UNMISS and Office of the United Nations High Commissioner for Human Rights (OHCHR) report on “Conflict-Related Sexual Violence in Northern Unity” between September and December 2018, underlining the urgency and importance of timely investigations and the provision of assistance and protection to victims of sexual and gender-based violence (twentieth preambular paragraph)

Expressing grave concern regarding the reports on the human rights situation in South Sudan issued by the United Nations Mission in South Sudan (UNMISS) and the Secretary-General, further expressing grave concern that according to the African Union Commission of Inquiry report on South Sudan, released on 27 October 2015, and the reports of the Commission on Human Rights in South Sudan, released on 23 February 2018, 20 February 2019, and 20 February 2020 war crimes and crimes against humanity may have been committed, emphasizing its hope that these and other credible reports will be duly considered by any transitional justice mechanisms for South Sudan including those established pursuant to the Revitalised Agreement, stressing the importance of collection and preservation of evidence for eventual use by the Hybrid Court for South Sudan and other accountability mechanisms, and encouraging efforts in this regard (twenty-third preambular paragraph)

Taking note of the joint UNMISS and OHCHR “Report on the Freedom of Opinion and Expression in South Sudan Since the July 2016 Crisis ” issued in February 2018, expressing ongoing concern on the severe restriction of freedoms of opinion, expression, and association, condemning the use of media to broadcast hate speech and transmit messages instigating violence against a particular ethnic group, a practice that has the potential to lead to widespread violence and exacerbate armed conflict, and calling on the Government of South Sudan to immediately condemn and counter increasing hate speech and ethnic violence and to promote reconciliation among its people (twenty-fifth preambular paragraph)

In communications of the Council

The investigative functions of other bodies of the United Nations and related organizations were also raised in several communications submitted to the Council by the Russian Federation. In a letter dated 4 February 2020 addressed to the Secretary-General and the President of the Council,⁶² the Permanent Representative of the Russian Federation transmitted a “moderator’s summary” of the Arria-formula meeting held on 20 January 2020 regarding the report of the OPCW fact-finding mission in the Syrian Arab Republic on the alleged use of chemical weapons in Douma, Syrian Arab Republic, on 7 April 2018.⁶³ Furthermore, in letters dated 15 April and 19 June 2020 addressed to the Secretary-General and the President of the Council, the Permanent Representative of the Russian Federation transmitted two aide-memoires regarding the investigation of the OPCW Investigation and Identification Team on the alleged use of chemical weapons in Ltamenah, Syrian Arab Republic on 24, 25 and 30 March 2017.⁶⁴ The aide-memoires from the Russian Federation⁶⁵ questioned the basis for the establishment of the Team, its methodology, impartiality, and findings, as well submitting that the body was encroaching on the exclusive powers of the Council.

In a letter dated 12 May 2020 addressed to the Secretary-General and the President of the Security Council,⁶⁶ the Permanent Representative of the Russian Federation expressed regret that, despite his delegation’s genuine attempts to hold a frank and candid discussion on 12 May 2020 with the Director General of the OPCW in the format of an open videoconference of the Council, some Council members insisted on conducting the interaction behind closed doors as an “informal informal”. In his letter, the Permanent Representative recalled what he described as the “illicit and illegitimate” nature of the OPCW Investigation and Identification Team, which had been established in violation of Article XV of the Convention on Chemical Weapons and undermined the goals and principles of the Convention.

⁶² See [S/2020/96](#).

⁶³ See letter dated 4 March 2019 from the Secretary-General addressed to the President of the Council, transmitting the report of the OPCW fact-finding mission ([S/2019/208](#)). For more information, see *Repertoire, Supplement 2018*, part VI, sect. II.B.

⁶⁴ See [S/2020/311](#) and [S/2020/565](#). See also letter dated 15 April 2020 from the Secretary-General addressed to the President of the Council, transmitting the first report by the OPCW Investigation and Identification Team ([S/2020/310](#)).

⁶⁵ See [S/2020/311](#) and [S/2020/565](#).

⁶⁶ See [S/2020/390](#).

In meetings of the Council

During 2020, the Council discussed the investigations of other bodies of the United Nations and related organizations, namely the Independent Fact-Finding Mission on Libya established by the Human Rights Council to investigate human rights violations throughout Libya since the beginning of 2016, the OPCW Investigation and Identification Team on the alleged use of chemical weapons in Ltamenah, Syrian Arab Republic on 24, 25 and 30 March 2017, and the OPCW fact-finding mission on the Syrian Arab Republic. These investigations were discussed in the context of videoconferences held in connection with the items entitled “The situation in Libya” (case 4) and “The situation in the Middle East” (case 5).

Case 4

The situation in Libya

On 8 July 2020, Council members held a high-level open videoconference in connection with the item entitled “The situation in Libya”.⁶⁷ In his statement, the Secretary-General noted that, after the Government of National Accord had retaken control of Tarhouna from the Libyan National Army in June 2020, numerous mass graves were discovered. He therefore welcomed the decision by the Human Rights Council to establish an international fact-finding mission to Libya to look into human rights violations since the beginning of 2016 and promote accountability. He also noted that the International Criminal Court announced that it would not hesitate to investigate possible war crimes and crimes against humanity. The Secretary-General further informed the Council that on 19 June 2020, the United Nations had responded to the written request from Prime Minister Serraj to support the investigation into the mass graves and noted that the Organization stood ready to advise on the conduct of investigations, the security of mass graves, and the establishment of national mechanisms to assist the victims.

Council members and non-Council member alike expressed support for the establishment of the Independent Fact-Finding Mission on Libya by the Human Rights Council to investigate violations and abuses of international human rights law and international humanitarian law in

⁶⁷ See [S/2020/686](https://www.un.org/press/docs/2020/20200708.sgsm20200708.html).

Libya.⁶⁸ The representative of Belgium noted in his statement that the fact-finding mission was also mandated to preserve evidence with a view to ensuring perpetrators were held accountable. Maintaining that the persistent climate of impunity in Libya had to be addressed, the Minister of State for the Middle East and North Africa of the United Kingdom called on all parties to allow the international, independent fact-finding mission of the Human Rights Council to access the whole country. Also emphasizing the need for access, the representative of the United States added that this had to include the ability to speak freely with witnesses.

Case 5

The situation in the Middle East

On 10 September 2020, Council members held an open videoconference in connection with the item entitled “The situation in the Middle East” regarding the implementation of resolution [2118 \(2013\)](#) on the elimination of chemical weapons in the Syrian Arab Republic.⁶⁹ In her briefing, the United Nations High Representative for Disarmament Affairs noted that the OPCW fact-finding mission remained in the process of studying all available information related to allegations of the use of chemical weapons in the Syrian Arab Republic and continued its engagement with the Syrian Government and other State parties to the Chemical Weapons Convention with regard to a variety of incidents. She added that further deployments of the mission would be subject to the evolution of the COVID-19 pandemic and its impact on OPCW activities. The High Representative stated that, following its first report of 8 April 2020, the OPCW Investigation and Identification Team was continuing its investigations into incidents in which the Team had determined that chemical weapons were used or likely used and would issue further reports in due course. She added that the OPCW Technical Secretariat had yet to receive a response from the Syrian Arab Republic to the letter sent to the Syrian Arab Republic by the OPCW Director-General on 20 July 2020, outlining the obligations of the Syrian Arab Republic under OPCW Executive Council decision EC-94/DEC.2 entitled “Addressing the Possession and Use of Chemical Weapons by the Syrian Arab Republic” (A/74/959) of 9 July 2020, to be

⁶⁸ South Africa, Belgium, Dominican Republic, Saint Vincent and the Grenadines, United States, Turkey, and Netherlands.

⁶⁹ See [S/2020/902](#).

completed within 90 days of the decision. The High Representative stated that ensuring accountability for chemical weapons use was a collective responsibility and expressed her sincere hope that Council members would unite on this issue.

Council members⁷⁰ condemned the use of chemical weapons, noting that their use constituted a violation of international law and a threat to international peace and security, with several speakers⁷¹ stressing the need for accountability in this regard. The representative of France expressed his delegation's full confidence in the unassailable professionalism, integrity and impartiality of the OPCW investigation teams. The representative of the United Kingdom welcomed the robust, proportionate and reasonable decision taken by the OPCW Executive Council on 9 July 2020 which accepted the findings of the Investigation and Identification Team report, provided a deadline for the Syrian Arab Republic to comply finally with its obligations, and recommended that the Conference of State Parties to the Chemical Weapons Convention take action should it fail to comply. The representative of the Dominican Republic called on the Syrian Arab Republic to fulfil its obligations emanating from the decision of the OPCW Executive Council.

With regard to the decision to establish the Investigation and Identification Team, the representative of China emphasized that the OPCW should strictly comply with the provisions of the Chemical Weapons Convention in the conduct of its work. The representative of the Russian Federation criticized the methodology and findings of both previous investigations by the OPCW fact-finding mission, the OPCW-United Nations Joint Investigative Mechanism and the more recent OPCW Investigation and Identification Team. Specifically, he maintained that the investigations of the fact-finding mission and the Joint Investigative Mechanism focused on a number of doubtful, handpicked incidents, with a total disregard for evidence of fact manipulation and of the staging of those incidents. Moreover, by disregarding the so-called chain of custody, which required that evidence be collected on site and exclusively by the OPCW specialists, the investigative mechanisms had conducted their investigations in clear violation of the Convention. The representative added that the Investigation and Identification Team's gaps,

⁷⁰ Dominican Republic, Estonia, France, Indonesia, Niger, Saint Vincent and the Grenadines, United Kingdom, and United States.

⁷¹ Dominican Republic, Estonia, France, Niger, Saint Vincent and the Grenadines, South Africa, United States and Turkey.

inconsistencies, discrepancies, and inherent bias logically followed on the illegitimacy of the Team itself, coupled with the OPCW Technical Secretariat's managerial, infrastructural and policy flaws.

At an open videoconference held on 11 December 2020 in connection with the same item, the High Representative for Disarmament Affairs reiterated her full support for the integrity, professionalism, impartiality, objectivity, and independence of the work of the OPCW.⁷² In his remarks, the Director-General of the OPCW recalled that the report of the Investigation and Identification Team of 8 April 2020 had concluded that there were reasonable grounds to believe that individuals belonging to the Syrian Arab Air Force had used chemical weapons in Ltamenah on three occasions in March 2017. He noted that on 14 October 2020, he had reported to the Executive Council of the OPCW that the Syrian Arab Republic had not completed any of the requirements as set out in the Executive Council's decision of 9 July 2020. He further recalled that while the Technical Secretariat had the authority to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic since June 2018, it was the State parties to the Convention which had the tools to proceed further on the basis of the information received and that the same applied to the Security Council and to the United Nations more broadly. Finally, the Director-General informed the Council that the Technical Secretariat had also released two reports of the OPCW fact-finding mission regarding the alleged use of chemical weapons in Aleppo in November 2018 and in Saraqib in August 2016, which concluded that it was not possible for the mission to establish whether chemicals were used or likely used as a weapon in those incidents.⁷³

Several delegations expressed their full support and confidence regarding the work and impartiality of the OPCW investigations, including the Investigation and Identification Team.⁷⁴ The representative of Belgium urged the Syrian Arab Republic to guarantee the Team access to its territory. The representative of Estonia stated that, given that the OPCW and the Council shared the same objectives of upholding the prohibition on the use of chemical weapons and

⁷² See [S/2020/1202](#).

⁷³ See letter dated 3 November 2020 from the Secretary-General addressed to the President of the Council, transmitting the report of the OPCW fact-finding mission in the Syrian Arab Republic regarding the incident of alleged use of chemicals as a weapon in Saraqib on 1 August 2016 and Aleppo on 24 November 2018 ([S/2020/1082](#)).

⁷⁴ See [S/2020/1202](#) (Belgium, Dominican Republic, Estonia, France, Germany, Niger, Saint Vincent and the Grenadines, United Kingdom, South Africa, Tunisia, United States, Viet Nam, and Turkey).

supporting chemical disarmament, it was important to ensure close collaboration between them in order to move things forward on the file. Some speakers⁷⁵ stressed the need for the work of the OPCW to be free from politicization. The representative of Indonesia further underscored that the OPCW investigations had to function in a balanced, impartial and transparent manner. The representative of Viet Nam similarly emphasized that investigations must be carried out in a comprehensive, conclusive, objective, and impartial manner. The representative of Saint Vincent and the Grenadines said that it was fundamentally important for the work of the OPCW and its various facets and subsidiary bodies to be impartial and independent, recalling also the need for constructive communication to resolve any gaps or inconsistencies. The representative of Niger added that the investigation teams had to be inclusive and participatory.

The representative of China noted that many independent experts had raised doubts about the OPCW reports on the use of chemical weapons in the Syrian Arab Republic from a technical standpoint and highlighted contradictions in the reports, to which the OPCW should provide professional, science-based and convincing responses. He described the working methods of the OPCW Investigation and Identification Team as opaque and added that its reports did not reflect the integrity of the chain of custody, meaning that they were highly controversial. The representative of the Russian Federation outlined a number of concerns regarding the working methods, including evidentiary practices, and findings of the OPCW Investigation and Identification Team and fact-finding mission, as well as the readiness of the OPCW Technical Secretariat to engage with the Syrian Arab Republic in this regard.

Several delegations⁷⁶ underlined the responsibility of the Council to take measures to hold the Syrian Arab Republic accountable for the use of chemical weapons in response to the investigations of the OPCW. The representative of Estonia expressed hope that the Council would not stand by in the face of clear evidence that chemical weapons had been used by the Syrian Arab Republic and that it would take action to uphold its resolutions and the Charter of the United Nations. The representative of Belgium stated that it was not in the Council's interest to "espouse conspiracy theories" which only served to weaken its role in the maintenance of international peace and security, and underlined the need to preserve the Council's mandate as

⁷⁵ Indonesia, Saint Vincent and the Grenadines, and Viet Nam.

⁷⁶ Belgium, United Kingdom, United States, and Turkey.

envisioned by the Charter. Several delegations further stressed the importance of unity in the Council in the collective endeavor to prevent the recurrence and address the issue of the use of chemical weapons in the Syrian Arab Republic.⁷⁷

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.*

⁷⁷ Ibid., Dominican Republic, Indonesia, Tunisia, Turkey, and Viet Nam.

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), the 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.

In Section III, the decisions of the Council in 2020 are examined in connection with the peaceful settlement of disputes within the framework of Chapter VI of the Charter. Decisions explicitly adopted under Chapter VII have not been considered for the purposes of this section. Subsections A to C feature decisions of the Council which addressed the pacific settlement of disputes in the context of, respectively: thematic issues, country-specific and regional situations, and the settlement of disputes involving the Secretary-General. Subsection D refers to decisions of the Council in support of the pacific settlement of disputes by regional organizations which are covered in detail in Part VIII.

A. Decisions of the Security Council concerning thematic issues

The present subsection provides an overview of the decisions adopted by the Council on thematic issues that relate to the peaceful settlement of disputes. During the year under review, the decisions of the Council highlighted the importance of the peaceful settlement of disputes and sustaining peace, including the role of the International Court of Justice and the importance of and the inclusion of women, youth, and the interests of children in security sector reform. A more detailed description of the decisions of the Council relating to these subjects is set out below.

Peaceful settlement of disputes and sustaining peace

In 2020, on the occasion of the seventy-fifth anniversary of the United Nations, the Council recalled its commitment to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes which might lead to a breach of the peace.⁷⁸ The Council stressed the importance of all provisions of the Charter of the United Nations regarding the peaceful settlement of disputes and the International Court of Justice, including those pertaining to the interaction between the two organs.⁷⁹ While recognizing the positive contribution of the Court to the rule of law at the international level, and its key role in adjudicating disputes among States, the Council also recognized the need to enhance efforts aimed at capacity building and assisting Member States, upon their request, in the implementation of their respective obligations under the Charter, including the obligation to settle disputes by peaceful means.⁸⁰

The Council reaffirmed that sustaining peace should be broadly understood as a goal and a process to build a common vision of a society, ensuring that the needs of all segments of the population were taken into account, which encompassed activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict, addressing root causes, assisting

⁷⁸ [S/PRST/2020/13](#), fourth paragraph, in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”.

⁷⁹ *Ibid.*, third paragraph.

⁸⁰ *Ibid.*, sixth and eighth paragraphs.

parties to conflict to end hostilities, ensuring national reconciliation, and moving towards recovery, reconstruction and development.⁸¹ The Council also reaffirmed the primary responsibility of national Governments and authorities in identifying, driving and directing priorities, strategies and activities for peacebuilding and sustaining peace and, in that regard, emphasized that inclusivity was key to advancing these processes and objectives.⁸² The Council reiterated its commitment to work with the Secretary-General to pursue all possible avenues to prevent and end armed conflicts, including through addressing their underlying root causes in an inclusive, integrated and sustainable manner by promoting dialogue, mediation, consultations, political negotiations and other peaceful means while enhancing humanitarian, development and peacebuilding efforts.⁸³

The Council reaffirmed the importance of security sector reform in peacebuilding and sustaining peace, including conflict prevention and in the stabilization and reconstruction of States in the aftermath of conflict.⁸⁴ The Council encouraged the Special Representatives of the Secretary-General in United Nations peacekeeping operations and special political missions to fully integrate security sector governance and reform, where and as mandated, into their good offices and consider its role in mission efforts to advance peace processes, extend state authority and strengthen a proactive environment for civilians.⁸⁵

Inclusion of women, youth, and the interests of children in the pacific settlement of disputes

In 2020, the Council reaffirmed the important role of women and youth in the prevention and resolution of conflicts and in peacebuilding, as well as in post-conflict situations.⁸⁶ The Council recognized the significance of the twentieth anniversary of resolution [1325 \(2000\)](#) and the twenty-fifth anniversary of the Beijing Declaration and Platform for Action as momentum for

⁸¹ Resolution [2558 \(2020\)](#), fourth preambular paragraph, in connection with the item entitled, “Peacebuilding and sustaining peace”.

⁸² *Ibid.*, fifth preambular paragraph.

⁸³ [S/PRST/2020/6](#), twelfth paragraph, in connection with the item entitled “Protection of civilians in armed conflict”.

⁸⁴ Resolution [2553 \(2020\)](#), para. 1, in connection with the item entitled “Maintenance of international peace and security”.

⁸⁵ *Ibid.*, para. 20 (d).

⁸⁶ [S/PRST/2020/11](#), sixteenth paragraph, in connection with the item entitled, “Cooperation between the United Nations and regional and subregional organizations”.

Member States to commit to implementing the women and peace and security agenda and its priorities, by ensuring and promoting the full, equal and meaningful participation of women in peace processes and to remain committed to increasing the number of civilian and uniformed women in peacekeeping at all levels and in all positions, including senior leadership positions.⁸⁷

The Council called on all relevant actors to consider ways to increase the inclusive representation of youth for the prevention and resolution of conflict, as well as in peacebuilding, including when negotiating and implementing peace agreements, and to ensure the full, effective and meaningful participation of youth, recognizing that their marginalization was detrimental to building sustainable peace.⁸⁸ The Council encouraged the Peacebuilding Commission to continue to support the important peacebuilding role that young people played and the participation and views of youth-led organizations, in planning and stabilization efforts in peacebuilding and sustaining peace, and to continue to bring its observations and advice to the attention of the Council.⁸⁹ In this regard, the Council recognized the role of the Special Envoy of the Secretary-General on Youth and the work of relevant entities of the United Nations, Rapporteurs, Special Envoys, Special Representatives of the Secretary-General, and Resident Coordinators in the implementation of the youth, peace and security agenda, as outlined by resolution [2250 \(2020\)](#), including by ensuring that the essential role of young people in advancing peace and security was fully recognized and supported.⁹⁰ Moreover, the Council requested the Secretary-General and his Special Envoys to include the views of youth in relevant discussions pertinent to the maintenance of peace and security, peacebuilding and sustaining peace, and to facilitate the full, effective and meaningful participation of youth at all decision-making levels, paying particular attention to the inclusion of young women and without distinction or discrimination of any kind.⁹¹

The Council renewed its call to Member States, United Nations entities, the Peacebuilding Commission, and other parties concerned to integrate, from the early stages of all peace processes, child protection provisions and taking into account children's views, where

⁸⁷ Resolution [2538 \(2020\)](#), fifth preambular paragraph, in connection with the item entitled "United Nations peacekeeping operations".

⁸⁸ Resolution [2535 \(2020\)](#), para. 1, in connection with the item entitled "Maintenance of international peace and security".

⁸⁹ *Ibid.*, para. 15.

⁹⁰ *Ibid.*, para. 19.

⁹¹ *Ibid.*, para. 20.

possible, in these processes, and, ensuring that the specific needs of girls and boys as well as children with disabilities were addressed.⁹² Commending the development of the practical guidance on the integration of child protection issues in peace processes, entitled “Practical guidance for mediators to better protect children in situations of armed conflict”, the Council encouraged mediators, facilitators and other negotiators, including Member States, regional and subregional organizations and all other relevant actors involved in peace and mediation processes, to use the guidance as a tool, as much as possible, in peace and mediation processes.⁹³ In this regard, the Council also acknowledged the importance of education in preventing violent conflict and sustaining peace.⁹⁴

B. Recommendations of the Security Council concerning country-specific and regional situations

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. In addition, Article 36 (1) provides that the Council may recommend appropriate procedures or methods of adjustment. Article 37 (2) establishes further that if the 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 provides that, without prejudice to Articles 33 to 37, the Council may make recommendations to the parties with a view to a pacific settlement of the dispute, if all the parties so request.

The present subsection provides an overview of the practice of the Council relating to the pacific settlement of disputes in situations specific to a country or region. In dealing with complex situations in which the Council determined the existence of a threat to international peace and security, the Council utilized the tools available under Chapter VII of the Charter in parallel with those available under Chapter VI, with a view to restoring peace and to recommend procedures or methods for the pacific settlement of disputes. The decisions featured in this

⁹² [S/PRST/2020/3](#), seventh paragraph, in connection with the item entitled “Children and armed conflict”.

⁹³ *Ibid.*, ninth and thirteenth paragraphs.

⁹⁴ [S/PRST/2020/8](#), twenty-fifth paragraph, in connection with the item entitled “Children and armed conflict”.

overview do not include those adopted expressly under Chapter VII, which are covered in parts VII and X. The section also does not include the wide variety of good offices, mediation and political support tasks of peacekeeping operations and special political missions specifically mandated by the Council in 2020, which are covered in part X.

During the period under review, the Council made a wide range of recommendations for the peaceful settlement of conflicts that were primarily intra-State in nature. As described in the overview below, the Council called for the cessation of hostilities and engagement on establishing permanent ceasefires; the full implementation of peace agreements, peaceful and inclusive political dialogue, transitions and elections; and dialogue for the resolution of longer-term outstanding disputes.

Cessation of hostilities and permanent ceasefire

In 2020, in light of the COVID-19 pandemic and recognizing the Secretary-General's appeal for a global ceasefire, the Council demanded a general cessation of hostilities and humanitarian pause with respect to all situations on its agenda. Furthermore, the Council welcomed the opening of negotiations towards permanent ceasefires in Afghanistan and Libya and called on the parties to undertake confidence-building measures in support of these processes. The Council reiterated its call for an end to the fighting in the Syrian Arab Republic and support for a political solution to the conflict. The Council also reiterated its call on Israel and the Syrian Arab Republic to prevent any further breaches of the ceasefire in the Golan Heights, and on Israel and Lebanon specifically to respect the cessation of hostilities, support a permanent ceasefire and find a long-term solution to their dispute.

In connection with the maintenance of international peace and security, a thematic item, the Council demanded a general and immediate cessation of hostilities in all situations on its agenda. The Council further called upon all parties to armed conflict to engage immediately in a durable humanitarian pause for least 90 consecutive days, in order to enable the safe, unhindered and sustained delivery of humanitarian assistance.⁹⁵

Regarding the situation in Afghanistan, the Council welcomed the significant steps

⁹⁵ Resolution [2532 \(2020\)](#), paras. 1 and 2, in connection with the item entitled "Maintenance of international peace and security. For more information on the item, see part I, sect. 35.

towards ending the war and opening the door to intra-Afghan negotiations enabled by the Joint Declaration between the Islamic Republic of Afghanistan and the United States for Bringing Peace to Afghanistan of 29 February 2020.⁹⁶ Following the launch of the intra-Afghan negotiations in Doha, Qatar on 12 September 2020, the Council strongly encouraged the Government of Afghanistan and the Taliban to continue pursuing confidence-building measures, including additional reductions in violence, and to engage in good faith with the aim of a permanent and comprehensive ceasefire and an inclusive political settlement to end the conflict.⁹⁷ The Council further emphasized the importance of the effective and meaningful participation of women, youth, and minorities.⁹⁸

With respect to the situation in the Golan Heights, the Council stressed the obligation of Israel and the Syrian Arab Republic to scrupulously and fully respect the terms of the Agreement on Disengagement between Israeli and Syrian Forces of 1974.⁹⁹ The parties were called upon to exercise maximum restraint and prevent any breaches of the ceasefire and the area of separation and encouraged to take full advantage of the liaison function of the United Nations Disengagement Observer Force (UNDOF) to address issues of mutual concern and prevent any escalation of the situation across the ceasefire line.

In relation to the situation in Lebanon, the Council reiterated its call on Israel and Lebanon to support a permanent ceasefire and a long-term solution based on the principles and elements set out in paragraph 8 of resolution [1701 \(2006\)](#).¹⁰⁰ The Council condemned all violations of the Blue Line, both by air and ground, and strongly called upon all parties to respect the cessation of hostilities, to prevent any violations of the Blue Line and to respect it in its entirety, and to cooperate fully with the United Nations and the United Nations Interim Force in Lebanon (UNIFIL).¹⁰¹

In connection with the situation in Libya, the Council welcomed the Berlin Conference convened on 19 January 2020, emphasized the vital importance of making progress towards a

⁹⁶ Resolution [2513 \(2020\)](#), para. 1, in connection with the item entitled “The situation in Afghanistan”. See also [S/2020/185](#). For more information on the item, see part I, sect. 16.

⁹⁷ Resolution [2543 \(2020\)](#), para. 4, in connection with the item entitled “The situation in Afghanistan”.

⁹⁸ Resolution [2513 \(2020\)](#), para. 3, in connection with the item entitled “The situation in Afghanistan”.

⁹⁹ Resolutions [2530 \(2020\)](#), para. 2; and [2555 \(2020\)](#), para. 2, in connection with the item entitled “The situation in the Middle East”. For more information on the item, see part I, sect. 20.

¹⁰⁰ Resolution [2539 \(2020\)](#), para. 4, in connection with the item entitled, “The situation in the Middle East”.

¹⁰¹ *Ibid.*, para. 11.

political solution to end the conflict and endorsed the conference conclusions, noting that they represented an important element of a comprehensive solution to the situation in the country.¹⁰² Moreover, the Council welcomed the nomination of representatives to the 5+5 Joint Military Commission and called for the continuation of its meetings with full participation and without delay in order to agree to a permanent ceasefire, the separation of forces, confidence-building measures and the establishment of associated working groups supported by the United Nations.¹⁰³

With respect to the situation in the Syrian Arab Republic, the Council recalled its demand for the full and immediate implementation of resolution [2254 \(2015\)](#) to facilitate a Syrian-led and Syrian-owned political transition, in accordance with the Geneva Communiqué as set forth in the International Syria Support Group Statements, in order to end the conflict.¹⁰⁴

In relation to the situation in Yemen, the Council reaffirmed its endorsement of the 2018 Agreement on the City of Hudaydah and the Ports of Hudaydah, Salif and Ra's Isa and reiterated its call on the Government of Yemen and the Houthis to implement it.¹⁰⁵

Peace agreements, peaceful and inclusive political dialogue, transitions and elections

In 2020, the Council emphasized the importance of peaceful, inclusive, civilian-led political transitions in Mali and the Sudan leading to elections and, in the case of Mali, the return to constitutional order. The Council also called for the full and immediate implementation of the peace agreements addressing the conflicts in the two countries, as well as further sustained progress on the implementation of the peace agreement in Colombia. Furthermore, the Council underscored the importance of peaceful and inclusive political dialogue and reconciliation, the consolidation of peace through governance reform, and peaceful elections and resolution of post-electoral disputes in Burundi, Guinea, Guinea-Bissau, Somalia, and West Africa and the Sahel region.

Regarding the situation in Burundi, the Council took note of the improved security

¹⁰² Resolution [2510 \(2020\)](#), paras. 1 and 2, in connection with the item entitled, "The situation in Libya". See also [S/2020/63](#). For more information on the item, see part I, sect. 11.

¹⁰³ Resolution [2510 \(2020\)](#), para. 4.

¹⁰⁴ Resolution [2504 \(2020\)](#), para. 5, in connection with the item entitled "The situation in the Middle East".

¹⁰⁵ Resolutions [2505 \(2020\)](#), fourth preambular paragraph; and [2534 \(2020\)](#), fourth preambular paragraph, in connection with the item entitled "The situation in the Middle East".

situation following the broadly peaceful elections which marked a new phase for the country.¹⁰⁶ The Council added that there was important work ahead to advance national reconciliation, promotion of the rule of law and of an independent and effective judiciary, preservation of democratic space and respect for fundamental freedoms, peacebuilding, social cohesion, and development. In this regard, the Council called on the Government of Burundi to cooperate with the United Nations in addressing these challenges.¹⁰⁷

Welcoming the progress made towards peace across Colombia since the adoption of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, the Council urged the parties to work together to sustain progress and address challenges, in particular the continued violence in conflict-affected areas, through comprehensive implementation of the agreement.¹⁰⁸

Addressing the situation in Guinea, the Council called on all political stakeholders, regardless of their political affiliation, to resume dialogue without delay with the view to ensuring that electoral processes as well as political reforms were conducted with broad consensus.¹⁰⁹

Regarding Guinea-Bissau, the Council welcomed the generally peaceful conduct of the presidential election in 2019 in Guinea-Bissau and urged all national stakeholders to ensure a peaceful implementation of the results.¹¹⁰ The Council called on all political stakeholders to refrain from actions and statements that could disrupt the political process, escalate tensions or incite discrimination, hatred or violence, and urged them to call on their constituencies to do likewise.¹¹¹ The Council further called on the Government, the Organizing Committee of the National Conference and relevant political stakeholders and civil society organizations to

¹⁰⁶ [S/PRST/2020/12](#), first paragraph, in connection with the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”. For more information on the item, see part I, sect. 36.

¹⁰⁷ [S/PRST/2020/12](#), second paragraph.

¹⁰⁸ Resolution [2545 \(2020\)](#), third preambular paragraph, in connection with the item entitled “Identical letters dated 19 January 2016 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2016/53](#))”. For more information on the item, see part I, sect. 14.

¹⁰⁹ [S/PRST/2020/2](#), fifteenth paragraph and [S/PRST/2020/7](#), fifteenth paragraph, in connection with the item entitled “Peace consolidation in West Africa”. For more information, see part I, sect. 9.

¹¹⁰ [S/PRST/2020/2](#), sixteenth paragraph, in connection with the item entitled “The situation in Guinea-Bissau”. For more information on the item, see part I, sect. 6.

¹¹¹ Resolution [2512 \(2020\)](#), para. 9.

organize an inclusive national conference for peace, stability and reconciliation.¹¹² In addition, the Council called on the Government to implement urgent reforms as per the Conakry Agreement and the Economic Community of West African States (ECOWAS) Six Point Roadmap.¹¹³

Regarding the situation in Mali, the Council expressed its deep concern regarding political tensions in Mali and urged the Malian stakeholders to prioritise the use of dialogue to resolve them, without delay, take into account the recommendations made by ECOWAS on 19 July 2020, to refrain from any action likely to fuel further tensions, and to work inclusively and constructively to preserve the rule of law.¹¹⁴ Following the establishment of a transitional body in the country, the Council welcomed the appointment of a transitional president, vice-president, prime minister, and Government, and the issuance of a Transition Charter, as well as the release of all the officials detained.¹¹⁵ The Council underlined that the transition be conducted in accordance with the Transition Charter, leading to constitutional order and elections, within 18 months. It called on all Malian stakeholders to prioritize the building of trust, engaging in dialogue and being willing to compromise, in order to conduct a civilian-led, consensual and inclusive transition. The Council further reiterated the importance of ensuring women's full, equal and meaningful participation in the political processes in Mali.¹¹⁶ Beyond the political transition, the Council called for the implementation of the Agreement on Peace and Reconciliation in Mali of 2015 to resume without delay, on the transitional authorities to take ownership of the agreement, and on the signatory armed groups to fulfil their commitments to its implementation.¹¹⁷

Noting the responsibilities of all parties to improve cooperation and engage in discussions led by the Federal Government of Somalia in Dhusamareb, the Council called upon the Federal Government and the federal member states to enhance as a matter of urgency broad-based consultations and consensus-building on key national priorities, including the implementation of the National Security Architecture, the delivery of the Somali-led Transition Plan, further

¹¹² Ibid., para. 12.

¹¹³ Ibid., para. 10.

¹¹⁴ [S/PRST/2020/7](#), thirteenth paragraph, in connection with the item entitled "Peace consolidation in West Africa".

¹¹⁵ [S/PRST/2020/10](#), first paragraph, in connection with the item entitled "The situation in Mali". For more information on the item, see part I, sect. 12.

¹¹⁶ [S/PRST/2020/10](#), third paragraph.

¹¹⁷ Ibid., fourth paragraph.

economic reform, the review of the Constitution, and timely elections.¹¹⁸

Regarding the situation in the Sudan, the Council welcomed the signing of the Constitutional Document on 17 August 2019 on the establishment of a new civilian-led transitional Government and transitional institutions and called upon all stakeholders to remain committed to the transition in order for the aspirations of the Sudanese people for a peaceful, stable, democratic, and prosperous future to be realized.¹¹⁹ With the signing of the Juba Peace Agreement on 3 October 2020, the Council encouraged the Government of the Sudan, the Sudan Revolutionary Front and the Sudan Liberation Movement-Minni Minawi to begin swiftly the process of implementation, particularly key provisions pertaining to security arrangements and addressing the root causes of the conflict in Darfur and the Two Areas, and to ensure the full, effective and meaningful participation of women.¹²⁰ The Council further urged those who had yet to join the peace process with the Government of the Sudan to do so immediately, constructively and without preconditions.¹²¹

In relation to West Africa and the Sahel, the Council emphasized the need for national stakeholders in Burkina Faso, Côte d'Ivoire, Ghana, Guinea, the Niger, Mali, and Togo to work together to facilitate the timely preparation for, and holding of genuinely free and fair, credible, timely and peaceful elections, and to take all appropriate steps to prevent violence.¹²² The Council further urged them to ensure a level playing field for all candidates and to work towards the full, effective, and meaningful participation of women.¹²³

Peaceful resolution of outstanding disputes through dialogue

The Council called for the peaceful resolution of outstanding disputes related to the situations in Cyprus, Western Sahara, the Abyei Area and the border between the Sudan and

¹¹⁸ Resolution [2540 \(2020\)](#), tenth preambular paragraph and para. 6, in connection with the item entitled “The situation in Somalia”. For more information on the item, part I, sect. 2.

¹¹⁹ Resolution [2524 \(2020\)](#), third preambular paragraph, in connection with the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”. For more information on the item, see part I, sect. 8.

¹²⁰ Resolution [2559 \(2020\)](#), eighth and ninth preambular paragraphs, in connection with the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”.

¹²¹ Resolution [2559 \(2020\)](#), tenth preambular paragraph.

¹²² [S/PRST/2020/2](#), fourteenth paragraph and [S/PRST/2020/7](#), fourteenth paragraph, in connection with the item entitled “Peace consolidation in West Africa”.

¹²³ [S/PRST/2020/2](#), fourteenth paragraph and [S/PRST/2020/7](#), fourteenth paragraph.

South Sudan through dialogue and with a view to achieving a lasting political solution.

In that regard, the Council urged the Greek Cypriot and Turkish Cypriot sides and all involved participants, to renew their political will and commitment to a settlement under United Nations auspices, including by engaging actively and with a sense of urgency with the Secretary-General and senior United Nations official, Jane Holl Lute.¹²⁴ The Council further called for a reduction of tensions in the Eastern Mediterranean over hydrocarbon exploration, and called upon the leaders of the two Cypriot communities and all involved parties to refrain from any actions and rhetoric that may damage the chances of success for a settlement of the dispute.¹²⁵ In connection with the situation in Varosha, the Council expressed its deep concern regarding the announcement by Turkey on 6 October 2020 regarding the opening of the coastline and called for the reversal of this course of action, and for avoiding any unilateral actions that could raise the tensions on the island.¹²⁶ The Council reaffirmed its commitment to an enduring, comprehensive and just settlement and called on the Cypriot sides and the Guarantor Powers to engage in dialogue constructively and with a sense of urgency following the electoral process in the Turkish Cypriot community.¹²⁷

With respect to the Abyei Area, the Council reiterated that any territorial disputes between States must be settled exclusively by peaceful means and underscored that the future status of Abyei would be resolved by negotiations between the Sudan and South Sudan in a manner consistent with the Comprehensive Peace Agreement.¹²⁸ The Council urged continued progress towards the establishment of the Abyei Area institutions and the implementation of confidence-building measures among the respective communities.¹²⁹ The Council expressed concern that women remained absent from the leadership of local peace committees and called upon all parties to promote the full, equal, and meaningful participation of women, including at all levels of intercommunity dialogue, to ensure a credible and legitimate process.¹³⁰ The Council further determined that the Sudan and South Sudan should demonstrate measurable

¹²⁴ Resolutions [2506 \(2020\)](#), para. 2; and [2537 \(2020\)](#), para. 2, in connection with the item entitled, “The situation in Cyprus”. For more information, see part I, sect. 17.

¹²⁵ Resolutions [2506 \(2020\)](#), para. 3; and [2537 \(2020\)](#), para. 3.

¹²⁶ [S/PRST/2020/9](#), second paragraph, in connection with the item entitled “The situation in Cyprus”.

¹²⁷ [S/PRST/2020/9](#), fourth paragraph.

¹²⁸ Resolution [2550 \(2020\)](#), third preambular paragraph, in connection with the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”.

¹²⁹ Resolution [2550 \(2020\)](#), para. 9 and 17.

¹³⁰ *Ibid.*, para. 18.

progress on border demarcation.¹³¹

With regard to the situation concerning Western Sahara, the Council emphasized the need to achieve a realistic, practicable and enduring political solution based on compromise.¹³² The Council called upon Morocco, the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro, Algeria, and Mauritania to resume 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 that would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter.¹³³ Emphasizing the importance of a renewed commitment by the parties to advancing the political process in preparation for further negotiations, the Council also encouraged the neighbouring countries to make important, active contributions to that process.¹³⁴

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

While Article 99 of the Charter provides that the Secretary-General may bring to the attention of the 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 in all relevant aspects of that agenda.

During the period under review, the Council recognized the good offices work of the Secretary-General, as well as that of his special representatives and envoys, in support of efforts to end violent conflict, peace agreements and political transitions, and the resolution of outstanding disputes.

Good offices to end violence

¹³¹ Ibid., para. 3.

¹³² Resolution [2548 \(2020\)](#), para. 2, in connection with the item entitled, "The situation concerning Western Sahara". For more information, see part I, sect. 1.

¹³³ Resolution [2548 \(2020\)](#), para. 4.

¹³⁴ Ibid., para. 8.

The Council expressed support for the call of the Secretary-General for an immediate global ceasefire following the outbreak of the COVID-19 pandemic. With respect to specific country situations, the Council highlighted the role of the Secretary-General, as well as his special envoys and representatives, in efforts to ensure respect for the ceasefire in the Golan Heights and to achieve a permanent ceasefire in Lebanon and Libya.

The Council recognized the efforts and measures proposed by the Secretary-General concerning the response to the potential impact of the COVID-19 pandemic to conflict-affected countries, in particular his appeal for a global ceasefire.¹³⁵ The Council further expressed support for the efforts undertaken by the Secretary-General and his special representatives and special envoys in ensuring a general and immediate cessation of hostilities in all situations on the Council's agenda.¹³⁶

In connection with the situation in Lebanon, the Council expressed its strong support for the continued efforts of UNIFIL to engage with Israel and Lebanon to facilitate liaison, coordination, and practical arrangements on the ground.¹³⁷ It also urged all parties to cooperate fully with the Council and the Secretary-General to make tangible progress towards a permanent ceasefire and a long-term solution as envisioned in resolution [1701 \(2006\)](#).¹³⁸ Regarding the Golan Heights, the Council encouraged Israel and the Syrian Arab Republic to take full advantage of the liaison function of UNDOF to regularly to address issues of mutual concern and to prevent any escalation across the ceasefire line.¹³⁹

With respect to the situation in Libya, the Council expressed its strong support for the ongoing efforts of the United Nations Support Mission in Libya and underscored the importance of the central role of the United Nations in facilitating a Libyan-led and Libyan-owned inclusive political process and in achieving a lasting ceasefire.¹⁴⁰

Good offices in support of peace agreements and political transitions

¹³⁵ Resolution [2532 \(2020\)](#), eighth preambular paragraph.

¹³⁶ *Ibid.*, para. 1.

¹³⁷ Resolution [2539 \(2020\)](#), para. 12. For more information on the mandate of UNIFIL, see part X, sect. I.

¹³⁸ Resolution [2539 \(2020\)](#), para. 17.

¹³⁹ Resolutions [2530 \(2020\)](#), para. 2; and [2555 \(2020\)](#), para. 2. For more information on the mandate of UNDOF, see part X, sect. I.

¹⁴⁰ Resolutions [2510 \(2020\)](#), third preambular paragraph; and [2542 \(2020\)](#), fourth and fifth preambular paragraphs.

The Council highlighted the good offices role of the Secretary-General in support of the implementation of peace agreements and political transitions, including conflict prevention, political dialogue, governance reform, peaceful and credible elections, and peacebuilding in Guinea, Iraq, Somalia, Sudan and the West Africa and the Sahel region.

With regard to Guinea, while calling on all political stakeholders to resume dialogue without delay with the view to ensuring that electoral processes as well as political reforms were conducted with broad consensus, the Council encouraged the Special Representative of the Secretary-General for West Africa and the Sahel to continue carrying out good offices in this country.¹⁴¹ More generally, concerning the situation in West Africa and the Sahel, the Council recognized that responsible and credible mediation by the United Nations Office for West Africa and the Sahel (UNOWAS) required, inter alia, national ownership, the consent of the parties to a particular dispute or conflict, respect for national sovereignty, as set out in the General Assembly resolution of 9 September 2016 ([A/RES/70/304](#)).¹⁴²

On the situation concerning Iraq, the Council commended the Government of Iraq's efforts to plan and execute genuinely free and fair Iraqi-led, Iraqi-owned elections and welcomed its request for further United Nations advice, support, and technical assistance in this regard, including through the good offices of the Special Representative of the Secretary-General for Iraq and Head of UNAMI.¹⁴³

Regarding the situation in Somalia, the Council expressed its deep appreciation for the support of the United Nations Assistance Mission in Somalia (UNSOM) to the Federal Government of Somalia, in particular with regard to the development of an inclusive political settlement and preparation for the elections in 2021, the constitutional review process, mediation, prevention and resolution of conflicts, the development of a federal police and justice system, strengthening the rule of law and security sector reform, and coordinating capacity-building support on anti-corruption issues.¹⁴⁴

¹⁴¹ [S/PRST/2020/2](#), fifteenth paragraph, in connection with the item entitled "Peace consolidation in West Africa".

¹⁴² [S/PRST/2020/2](#), seventh paragraph and [S/PRST/2020/7](#), sixth paragraph. For more information on the mandate of UNOWAS, see part X, sect. II.

¹⁴³ Resolution [2522 \(2020\)](#), fifth preambular paragraph, in connection with the item entitled "The situation concerning Iraq". For more information on the item, see part I, sect. 22. For more information on the mandate of UNAMI, see part X, sect. II.

¹⁴⁴ Resolution [2540 \(2020\)](#), para. 4, in connection with the item entitled "The situation in Somalia". For more information on the mandate of UNSOM, see part X, sect. II.

Regarding the political transition in the Sudan, the Council requested the Secretary-General to appoint expeditiously a Special Representative of the Secretary-General for the Sudan and Head of the United Nations Integrated Transition Assistance Mission in Sudan (UNITAMS), who would, inter alia, perform good offices, advisory and advocacy role at the political level and coordinate efforts of the international community in support of the strategic objectives of the UNITAMS mandate.¹⁴⁵ The Council requested the Secretary-General, in partnership with all relevant actors, including international financial institutions, to support the Government of the Sudan in conducting a comprehensive assessment to define the country's longer term conflict prevention, recovery and peacebuilding needs and in developing relevant strategies to address these needs.¹⁴⁶

Good offices in support of the resolution of outstanding disputes

The Council expressed support for the efforts of the Secretary-General to address longer-term disputes regarding Cyprus, the Abyei Area and the border between the Sudan and South Sudan, and Western Sahara.

Regarding Cyprus, the Council welcomed the agreement of the Secretary-General to extend his efforts to achieve terms of reference to serve as a consensus starting point for phased, meaningful, and results-oriented negotiations at the earliest feasible opportunity.¹⁴⁷ The Council further called for the establishment of an effective mechanism for direct military contact between the sides and the relevant involved parties, and encouraged full engagement with the proposal on the establishment of such a mechanism presented by the United Nations Interim Security Force in Cyprus (UNFICYP) and for its timely implementation.¹⁴⁸ The Council called upon the leaders of the Greek Cypriot and Turkish Cypriot communities to consider the advice of the good offices mission of the Secretary-General regarding further ways to empower the technical committees and improve their performance.¹⁴⁹ The Council further reiterated its support for the Secretary-

¹⁴⁵ Resolution [2524 \(2020\)](#), para. 3, in connection with the item entitled "Reports of the Secretary-General on the Sudan and South Sudan". For more information on the mandate of UNITAMS, see part X, sect. II.

¹⁴⁶ Resolution [2524 \(2020\)](#), para. 6.

¹⁴⁷ Resolution [2506 \(2020\)](#), para. 2 and [2537 \(2020\)](#), para. 2, in connection with the item entitled "The situation in Cyprus".

¹⁴⁸ Resolution [2537 \(2020\)](#), para. 6. For more information on the mandate of UNFICYP, see part X, sect. I.

¹⁴⁹ Resolution [2506 \(2020\)](#), para. 5 (b) and [2537 \(2020\)](#), para. 5 (b).

General and his intention to convene a meeting as agreed between the Turkish Cypriot and Greek Cypriot sides in their meeting with the Secretary-General in November 2019.¹⁵⁰ The Council called upon the relevant involved parties to explore ways to establish mechanisms and to enhance existing initiatives, with UNFICYP as facilitator through its liaison role.¹⁵¹

With respect to the situation in the Abyei Area and relations between the Sudan and South Sudan, the Council encouraged the African Union, its High-level Implementation Panel, and the Special Envoy of the Secretary-General for the Horn of Africa to continue coordinating efforts to establish temporary administrative and security arrangements and to achieve a political solution to the status of Abyei.¹⁵² The Council encouraged the United Nations Interim Security Force for Abyei (UNISFA) to coordinate with the African Union, the Panel and the Special Envoy of the Secretary-General on reconciliation, community sensitization, and political peace processes.¹⁵³ The Council requested the Secretary-General to consult with relevant parties on enhancing the role played by the Special Envoy for the Horn of Africa to support the above mentioned effort.¹⁵⁴ The Council further welcomed the initiatives by UNISFA to support community dialogue and efforts by the Misseriya, Ngok Dinka, and all other communities to strengthen intercommunal relationships and facilitate stability and reconciliation in the Abyei Area.¹⁵⁵

The Council expressed its full support for the ongoing efforts of the Secretary-General and his incoming Personal Envoy for Western Sahara to sustain the renewed negotiations process in order to achieve a solution to the Western Sahara question.¹⁵⁶ The Council called upon the parties to resume negotiations under the auspices of the Secretary-General and to implement their commitments to the Personal Envoy of the Secretary-General, and refrain from any actions that could undermine the United Nations-facilitated negotiations or further destabilize the

¹⁵⁰ [S/PRST/2020/9](#), fifth paragraph.

¹⁵¹ Resolution [2506 \(2020\)](#), para. 6.

¹⁵² Resolution [2550 \(2020\)](#), para. 10, in connection with the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”.

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

¹⁵⁵ *Ibid.*, para. 16.

¹⁵⁶ Resolution [2548 \(2020\)](#), para. 3, in connection with the item entitled “The situation concerning Western Sahara”.

situation in Western Sahara.¹⁵⁷

D. Decisions involving regional arrangements or agencies

During the period under review, pursuant to Article 52 of the Charter, the Council expressed support for the crucial role of regional and sub-regional organizations and other arrangements in the pacific settlement of disputes, and encouraged them to continue with those efforts and to enhance their cooperation and coordination with the United Nations in that regard. The Council's decisions regarding joint or parallel efforts undertaken by the Council and regional organizations, arrangements or agencies in the pacific settlement of disputes during the period under review are covered in part VIII.

¹⁵⁷ Ibid., paras. 4 and 6.

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

Note

Section IV features the main discussions in the Security Council in 2020 with regard to the interpretation of specific provisions of Chapter VI of the Charter of the United Nations 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.

During the period under review, explicit references were made to Article 33,¹⁵⁸ Article 36,¹⁵⁹ Article 38,¹⁶⁰ Article 99,¹⁶¹ and Chapter VI¹⁶² of the Charter during the Council's deliberations, although this did not result in a constitutional discussion in all cases. No explicit references were made to Article 37 of the Charter.

The section is divided into three subsections: A. Reference to peaceful means of settlement in the light of Article 33 of the Charter; B. Referral of legal disputes to the

¹⁵⁸ In connection with the maintenance of international peace and security, see [S/PV.8699](#) (South Africa and Brazil) and [S/PV.8699 \(Resumption 2\)](#) (Djibouti); in connection with peacebuilding and sustaining peace, see [S/PV.8723](#) (Germany); in connection with the 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 ([S/2014/264](#)), see [S/PV.8726](#) (Indonesia and Tunisia); in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, see [S/2020/1286](#) (Russian Federation, United States, and Denmark).

¹⁵⁹ In connection with the maintenance of international peace and security, see [S/PV.8699](#) (Egypt) and [S/PV.8699 \(Resumption 2\)](#) (Djibouti and Austria); and, in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, see [S/2020/1286](#) (President of the International Court of Justice, Estonia, Niger, Tunisia, Austria, Bangladesh, Japan, Liechtenstein, Peru, and Portugal).

¹⁶⁰ In connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, see [S/2020/1286](#) (President of the International Court of Justice).

¹⁶¹ In connection with the maintenance of international peace and security, see [S/PV.8699](#) (United Kingdom, Italy, and Singapore) and [S/PV.8699 \(Resumption 1\)](#) (Slovenia, Canada and the United Arab Emirates); in connection with the maintenance of international peace and security, see [S/2020/663](#) (Mexico); and, in connection with peacebuilding and sustaining peace, see [S/2020/1090](#) (Belgium).

¹⁶² In connection with the maintenance of international peace and security, see [S/PV.8699](#) (Secretary-General, Chair of the Elders, Republic of Korea, Brazil, Egypt, Guatemala, Philippines, and Romania), [S/PV.8699 \(Resumption 1\)](#) (Slovenia, Kuwait, Peru, Oman) and [S/PV.8699 \(Resumption 2\)](#) (Angola and Senegal); in connection with the reports of the Secretary-General on the Sudan and South Sudan, see [S/2020/336](#) (Russian Federation, South Africa, and Sudan); in connection with the implementation of the note by the President of the Security Council ([S/2017/507](#)), see [S/2020/418](#) (Bahrain); in connection with cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security, see [S/PV.8711](#) (Tunisia); in connection with peacebuilding and sustaining peace, see [S/PV.8723 \(Resumption 1\)](#) (Slovenia); and, in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, see [S/2020/1286](#) (Saint Vincent and the Grenadines, South Africa, Brazil, and Peru).

International Court of Justice in the light of Article 36 (3) of the Charter; and C. Utilization of Article 99 of the Charter by the Secretary-General for the pacific settlement of disputes. The section features cases in which there were relevant constitutional discussions 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 upon the parties to settle their disputes by such means. During the period under review, discussions with respect to Article 33 were held in connection with the following items: (i) “Maintenance of international peace and security” (cases 6 and 8); (ii) “Children and armed conflict” (case 7); and (iii) “Women and peace and security” (case 9).

Case 6

Maintenance of international peace and security

On 9, 10 and 13 January 2020, at its 8699th meeting, convened at the initiative of Viet Nam¹⁶³ which held the Presidency for the month, the Council held a high-level open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Upholding the United Nations Charter”. At the outset of the meeting, the Council issued a presidential statement marking the seventy-fifth anniversary of the United Nations and reaffirming its commitment to the Charter of the United Nations, including the purposes and principles of the United Nations.¹⁶⁴

In his briefing, the Secretary-General stated that there was ample evidence to suggest that the tools available under Chapter VI, including negotiation, enquiry, mediation, conciliation, arbitration, and judicial settlement, could be effective when applied with purpose and unity. The Secretary-General called on the Council to further utilize investigations of disputes in accordance

¹⁶³ A concept note was circulated by letter dated 31 December 2019 ([S/2020/1](#)).

¹⁶⁴ [S/PRST/2020/1](#), first paragraph.

with Chapter VI and the referral of legal questions to the International Court of Justice for advisory opinions in accordance with Article 96 of the Charter.¹⁶⁵ The Chair of the Elders recalled in her briefing that Chapter VI of the Charter required parties to any dispute that threatened international peace and security to hold negotiations or use other peaceful means to resolve their conflict.

During the discussion, speakers underscored their strong support for multilateralism and a rules-based international order as enshrined in the Charter as the framework for addressing evolving challenges and threats to international peace and security, including the principle and duty of States to resolve their disputes peacefully. The representative of South Africa stated that, while the Charter reinforced respect for the sovereignty of nations, Article 33 of the Charter also called on all nations to collectively pursue a non-antagonistic and mutually beneficial approach to international relations. Similarly, the representative of Brazil stated that the duty of parties to seek peaceful solutions to their disputes under Article 33 went hand in hand with the prohibition of the use of force. The representative of Indonesia underscored the need to stop unilateral actions and promote dialogue and the peaceful settlement of disputes. Also noting the duty of States to resolve disputes through peaceful means, the representatives of Greece and Myanmar underlined that this should be done in accordance with international law. The representative of the Plurinational State of Bolivia stated that all countries should exhaust all peaceful means of resolving disputes before employing the use of force as a last resort.

The representative of Egypt called on States to cooperate in accordance with the principles of good neighbourliness, the peaceful settlement of disputes, mediation with sincere intentions and mediation by the international community in various disputes.¹⁶⁶ The representative of Argentina argued that any method of peaceful settlement was equally valid for resolving conflicts and achieving fair solutions, with negotiations serving as the primary and fundamental means of doing so. Moreover, parties to a dispute had the obligation to behave in such a way that the negotiations had meaning and to refrain from behaviour that could frustrate the process, while States outside of the dispute had to refrain from acting in any way that could thwart those efforts. The Plurinational State of Bolivia stressed that dialogue required a dynamic,

¹⁶⁵ See [S/PV.8699](#).

¹⁶⁶ *Ibid.*

inclusive, and participatory process that promoted mutual understanding and cooperation. The representative of Romania called for the increased use of conflict prevention and the political settlement of disputes through early warning, mediation, coordination and strategic communication.

Speakers widely underscored the need for the Council to utilize all the tools at its disposal under the Charter, including those for the peaceful settlement of disputes and conflict prevention as provided under Article 33 and Chapter VI of the Charter. The representative of Kenya recalled that the Charter bequeathed a tool to facilitate the prevention of war by recommending that solutions to any dispute be made, first and foremost, through negotiation, enquiry, mediation, conciliation, arbitration and judicial settlement, among others, which the representative of Djibouti described as some of the most effective means for resolving disputes.¹⁶⁷ The representative of the Republic of Korea stated that the Council had to do more to overcome divisions, embrace prevention and make greater use of mediation and other tools set out in Chapter VI of the Charter.¹⁶⁸ The representative of Slovenia encouraged the Council to use Chapter VI more often and to explore ways of analysing crises and risks as early as possible in order to address them head-on and, if necessary, take collective action.¹⁶⁹

The representative of Belgium stated that, when circumstances required, the Council had to make use of the full range of tools at its disposal, in particular peacekeeping operations and sanctions.¹⁷⁰ The representative of Kenya highlighted the challenge of finding an efficient workable balance between the pacific settlement of disputes and provisions relating to actions in support of the peace, breaches of the peace and acts of aggression, and the involvement of regional arrangements and agencies. The balance would ensure that peacekeeping mandates also involved and provided for a transition to peacebuilding, including efforts to ensure the sustainability of peace and development. The representative of Egypt expressed the view that the Council rushed to use Chapter VII instead of Chapter VI of the Charter, which called for taking pre-emptive and preventive diplomatic steps and activating the role of the International Court of Justice in accordance with Articles 36 and 96. The representative of Eritrea stressed the need for

¹⁶⁷ Kenya (see [S/PV.8699](#)); and Djibouti (see [S/PV.8699 \(Resumption 2\)](#)).

¹⁶⁸ See [S/PV. 8699](#).

¹⁶⁹ See [S/PV.8699 \(Resumption 1\)](#).

¹⁷⁰ See [S/PV.8699](#).

transparent rules and procedures for invoking Chapters VI and VII of the Charter.¹⁷¹ The representative of Senegal stated that the success of the United Nations depended more on its ability to apply Chapter VI rather than the more difficult and challenging Chapter VII of the Charter.

The representative of the Russian Federation expressed his delegation's opposition to the use of unilateral coercive measures in the absence of Council resolutions or in addition to measures taken by the Council. Doing so undermined the role of the Council in the maintenance of international peace and security and was incompatible with the Charter and the universally recognized principles of international law, including, among others, the peaceful settlement of international disputes.¹⁷² Similarly, the representative of Nicaragua stated that exceptionalism and policies involving the use or threat of the use of force in international relations in violation of international law did not help resolve conflicts peacefully, but aggravated and subjected the international situation to further stress.

Speakers also addressed the need to focus on preventive action by focusing on the root causes of conflict as well as on the engagement with civil society, in particular women and youth. The representative of Albania underlined the need for collective mobilization to prevent the deterioration of situations by addressing the root causes of conflict long before they escalated into violence. The representatives of Albania and the Netherlands highlighted the importance of women's participation in decision-making, which would result in peace agreements being stronger and societies more resilient.¹⁷³ Echoing this view, the representative of Italy also pointed to the need to give a voice and space to young people to participate.¹⁷⁴ Concurring with respect to the need to address the root causes of conflict, the representative of Slovenia stated that gross human rights violations were an alarming indicator that a larger conflict may be under way.¹⁷⁵ The representative of Costa Rica stated that, when Governments failed to comply with their responsibility to protect their citizens, the international community, particularly the Council, had to use means such as preventive diplomacy, good offices and mediation.¹⁷⁶ The

¹⁷¹ See [S/PV.8699 \(Resumption 2\)](#).

¹⁷² See [S/PV.8699](#).

¹⁷³ Albania (see [S/PV.8699](#)); and Netherlands (see [S/PV.8699 \(Resumption 1\)](#)).

¹⁷⁴ See [S/PV.8699](#).

¹⁷⁵ See [S/PV.8699 \(Resumption 1\)](#).

¹⁷⁶ *Ibid.*

representative of Angola opined that the 2030 Agenda for Sustainable Development was a direct and commendable product of the conflict prevention tools provided under the Charter to address the economic and social drivers of conflict.¹⁷⁷

Case 7

Children and armed conflict

On 12 February 2020, at its 8721st meeting, convened at the initiative of Belgium,¹⁷⁸ which held the Presidency for the month, the Council held a high-level meeting under the item entitled “Children and armed conflict” and subitem entitled “Integrating child protection into peace processes”.¹⁷⁹ At the outset of the meeting, the Council issued a presidential statement renewing its call to Member States, United Nations entities, the Peacebuilding Commission, and other parties concerned, to integrate child protection provisions at the early stages of all peace processes.¹⁸⁰ Furthermore, while commending the development of the United Nations practical guidance on the integration of child protection into peace processes, the Council encouraged the Secretary-General to ensure its broad dissemination.¹⁸¹ The Council further encouraged mediators, facilitators and other negotiators to use the guidance as a tool in peace and mediation processes.¹⁸²

In his remarks, the Secretary-General stated that children under the age of 18 made up more than half of the population in countries affected by war and were among the most vulnerable.¹⁸³ According to the Secretary-General, the practical guidance for mediators being launched by the Secretariat was the next step in the overall strategy to put children at the heart of protection, peacebuilding, and prevention efforts. The guidance recognized that children’s needs and rights had to be considered in all phases of conflict, from prevention to mediation and recovery, through sustainable inclusive development. Moreover, it provided the means for

¹⁷⁷ See [S/PV.8699 \(Resumption 2\)](#).

¹⁷⁸ A concept note was circulated by letter dated 5 February 2020 ([S/2020/97](#)).

¹⁷⁹ See [S/PV.8721](#).

¹⁸⁰ [S/PRST/2020/3](#), seventh paragraph.

¹⁸¹ *Ibid.*, ninth and tenth paragraphs.

¹⁸² *Ibid.*, thirteenth paragraph.

¹⁸³ See [S/PV.8721](#).

mediators and negotiators to conduct a children's rights-based analysis of conflict and welcomed the involvement and participation of children with the appropriate support. The Secretary-General added that, as important as the guidance was, it was not enough and urged all Member States to take concrete action to prioritize the protection of children at the national, regional, and global levels.

The African Union Commissioner for Peace and Security stated that it was integral to sustainable peace that violations of children's rights be not only prevented but also addressed before, during and after conflicts. It was therefore critical that all actors engaged in mediation and peace processes incorporated child protection language and provisions in peace agreements. Over the years, the African Union and the regional economic communities and mechanisms had invested time and resources in ensuring that peace processes and peace agreements systematically addressed and prevented violations of children's rights, as well as provided for the meaningful participation of children in peacemaking and peacebuilding efforts. He further described the practical guidance as an invaluable tool for African Union mediators, envoys and Member States engaged in peace processes.

In her statement, the Chair of the Advisory Board of Watchlist on Children and Armed Conflict, a global network of human rights and humanitarian organizations, observed that peace agreements that addressed child protection remained the exception, not the norm. In this regard, she explained that Watchlist had prepared a checklist of provisions related to children and armed conflict in ceasefire and peace agreements, which inspired the guidance that was being launched by the United Nations and Member States. Some of the key components identified included prioritizing child protection in the agendas of peace talks from the very beginning, ensuring that all parties explicitly agreed to end the six grave violations against children, as well as including provisions in peace agreements addressing disarmament, demobilization and reintegration for children associated with armed forces, education, post-conflict programming, transitional justice, accountability and reparations, and monitoring of child protection provisions. The Chair urged the Council to take a series of steps, including, among others, to ensure that the impact of armed conflict on children was dealt with at the beginning of any peace effort, to ensure that country-specific resolutions on peace processes emphasized the need for explicit and comprehensive provisions for child protection, and to urge mediators, the United Nations, parties to conflict, and other stakeholders to ensure the meaningful participation of affected children.

Council members welcomed the launching of the practical guidance for mediators, which they described as a useful tool to promote child protection in peace processes. They agreed that the inclusion of child protection considerations in peace processes increased the chances of achieving sustainable peace. Council members also called for the broad dissemination of the guidance and encouraged its use by mediators, negotiators, and other relevant actors in peace processes. The representative of South Africa stated that the protection of children should be addressed at all levels, including in preventive diplomacy, the mediation of peace processes, and peacekeeping, and stressed that it was imperative that all concerned parties ensure that the protection, rights and well-being of children were integrated into peace processes, peace agreements and post-conflict recovery and reconstruction phases. The representative of the United Kingdom opined that the integration of child protection into mediation and peace processes was essential in order to ensure that negotiating parties committed to upholding their international, regional and national child-protection obligations, to guarantee that the special needs of children and young people were taken into consideration and embedded in efforts to build and sustain peace, and to improve the sustainability and success of peace efforts. The representative of China stated that the fundamental approach to protecting children was to stop and resolve armed conflicts. He underlined that disputes should be resolved through dialogue and negotiation on an equal footing, and that the use or threat of force had to be avoided.

The Minister for Foreign Affairs of Indonesia stated that all actors involved in peace processes, including parties to conflict, mediators, negotiators, child advisers, and humanitarian actors should develop capacity, sensitivity, and awareness to the needs of children. The representative of the Dominican Republic said that it was paramount for mediators to have an expert on the issue of child protection on their team. The representative of Germany underlined the importance of child protection advisers in United Nations peace operations. The Deputy Minister for Foreign Affairs of Estonia stated that the integration of child protection into peace processes needed to be gender-sensitive and take into account the needs of girls and boys. The representative of the Russian Federation expressed hope that, with the new guidance, there would be more examples of the successful reintegration of child combatants.

The King of the Belgians observed that, at times, parties to conflict could agree more easily on measures to assist children than on other issues, a focus which could build trust and serve as a springboard and catalyst for broader agreements. The representative of South Africa

added that the realization on the part of warring parties and mediators of the importance of integrating child protection into peace processes and agreements could be instrumental in fostering dialogue, building confidence and assisting in bringing immediate and long-term benefits for children. The representative of France stated that the guidance illustrated what successful mediation should look like, namely, combining short-term diplomacy to pacify tense situations with long-term stabilization, which was essential for sustainable peace.

Case 8

Maintenance of international peace and security

On 27 April 2020, at the initiative of the Dominican Republic which held the presidency for the month,¹⁸⁴ Council members held an open videoconference in connection with the item entitled “Maintenance of international peace and security” and focusing on the implementation of the youth, peace and security agenda.¹⁸⁵ In his remarks, the Secretary-General welcomed the opportunity to present his first report on youth, peace and security.¹⁸⁶ He stated that, just five years after the adoption of resolution [2250 \(2015\)](#) on the youth, peace and security agenda and despite challenges, encouraging steps were being taken to enable young people to play their essential role in building peace and just societies.¹⁸⁷ From prevention to mediation and from humanitarian assistance to post-conflict healing and reconciliation, young people were stepping up through formal and informal mechanisms and by using traditional platforms and new technologies. Notwithstanding that progress, youth participation still faced formidable challenges with opportunities remaining inadequate, especially for young women. The Secretary-General expressed encouragement with the global networks that had emerged to support young peacebuilders and noted that the United Nations, for its part, was striving to integrate the youth, peace and security agenda across the Organization guided by the United Nations Youth Strategy. He stated that across its work, the efforts of the international community had to reflect a

¹⁸⁴ A concept note was circulated by letter dated 13 April 2020 ([S/2020/302](#)).

¹⁸⁵ See [S/2020/346](#).

¹⁸⁶ Ibid. See also [S/2020/167](#).

¹⁸⁷ See [S/2020/346](#).

fundamental understanding: young people were not subjects to be protected, but should be seen as citizens with equal rights, as full members of societies and powerful agents for change.

The Special Envoy of the Secretary-General for Youth underlined the need for the meaningful participation of young people towards building sustainable peace, which would include a wide range of actions, from formal participation in political, electoral or peace processes, to informal participation at the community level and in digital spaces. Although inclusion had shown to positively impact the sustainability of peace agreements, young people continued to be excluded from decisions that directly impacted their present and prospects for peace. She urged the Council to put young people at the heart of its efforts to bring about global peace and security.

Council members and other delegations acknowledged the important role of youth in conflict prevention, peace processes, peacekeeping, peacebuilding, and sustaining peace. The representative of the Dominican Republic stated that the meaningful participation of youth in peacebuilding and sustaining peace and security was essential to achieve just, inclusive, and peaceful societies and was also their right. The representative of China stated that young people should also be enabled to participate in conflict prevention and resolution, contribute to social stability and development, and take an active part in post-conflict reconstruction. The representative of Indonesia stated that the participation of young people could increase the legitimacy and sustainability of peace efforts and that leaving them out of the equation led to an imbalanced approach to peace and could create a perception of injustice and deepen existing challenges. Several participants¹⁸⁸ noted the important role of youth and the need to engage them in the prevention of violent extremism.

Council members and other delegations noted, however, that the meaningful participation of youth in matters of peace and security remained a challenge owing to a number of factors, including marginalization, gender discrimination, a lack of security and human rights violations and abuses, including sexual and gender-based violence, restrictions on the freedom of expression, a lack of access to education, socioeconomic circumstances, and inadequate resources for local initiatives, among others. The delegation of Liechtenstein observed that even in situations where a ceasefire was possible and efforts towards broader agreements could begin,

¹⁸⁸ Indonesia, United States, Viet Nam, Bangladesh, Djibouti, Japan, Kazakhstan, Malta, and Morocco.

young people were often left on the sidelines of negotiations, even though they made up the majority of the population in most of the situations on the Council's agenda.

The representative of China stated that it was important to fully take into consideration youth-related factors in the political settlement of hotspot issues, ensure the constructive participation of young people in the peace processes of their home countries, draw on young people's strengths and listen to their views. The representative of Armenia expressed the view that young people could play a key role at all stages of conflict prevention, particularly in promoting dialogue and confidence-building across the dividing lines. The delegation of Liechtenstein stated that efforts to integrate young people into peace negotiations should harness their long-term perspective on peace since they would be responsible for the long-term implementation of peace agreements. The representative of the Russian Federation stated that the involvement of young people in any political activity should be meaningful and based on their professional knowledge and skills and that young people should not be drawn into activities until they reached the legal age to do so. The delegation of Slovenia suggested that mediation techniques should be part of a comprehensive education for young people, to empower them in contributing to making mediation processes inclusive and efficient. Underscoring the crucial importance of education and a culture of peace, the representative of Viet Nam stated that all initiatives on conflict prevention and resolution and national reconciliation came primarily from the understanding of the values of peace, tolerance and moderation.

The representative of the Niger expressed regret that only 20 per cent of peace agreements signed between 1990 and 2018 contained special provisions for women. A gender-based approach to conflict prevention would enlarge and consolidate the civic space for young women's participation. The representative of Germany stated that conflict prevention and peacebuilding had to include diverse perspectives and involve youth from all backgrounds, including young women; lesbian, gay, bisexual, transgender, and intersex persons; and young persons with disabilities.

Regarding the role of the United Nations in promoting the participation of youth, the representative of Hungary emphasized that the Council through its resolutions had a mandate to ensure that they were included in and participated meaningfully and inclusively in mediation, peace processes and wider decision-making structures, and in implementing ceasefires and peace agreements. The delegations of Ireland and Norway, as well as the representative of Tunisia,

suggested adding specific language to mission mandates to encourage or require the meaningful participation of youth in peace and security efforts, including mediation and peace negotiations, monitoring and implementation of ceasefires, negotiation and implementation of peace agreements, and integrating a gender and youth, peace and security analysis in their reporting. To further the participation of youth, the representative of Tunisia, together with the delegations of the Democratic Republic of the Congo, Fiji, Switzerland and the United Arab Emirates proposed increasing the participation of young briefers in the Council. The representative of the Niger expressed support for the designation of a youth focal point in each peacekeeping mission to ensure the participation of young people in peace processes. The representative of the Dominican Republic stated that the creation of a regional young mediators network and a focal point network within the United Nations system, including in peacekeeping and political missions, was essential. The delegation of Canada encouraged the Council to include youth and peace and security as a standing agenda item and to consult young people and include their perspectives and advice in Council decisions.

Case 9

Women and peace and security

On 29 October 2020, at the initiative of the Russian Federation, which held the Presidency for the month,¹⁸⁹ Council members held a high-level open videoconference in connection with the item entitled “Women and peace and security” focusing on the twentieth anniversary of Security Council resolution [1325 \(2000\)](#) and its better implementation.¹⁹⁰

In his remarks, the Secretary-General stated that 20 years since the adoption of resolution [1325 \(2000\)](#), despite some progress, power structures remained dominated by men with women leading only seven per cent of countries, men making up three quarters of COVID-19 pandemic task forces, and men still overwhelmingly making decisions about international peace and security. He noted that the pandemic’s disproportionate negative impact on women and girls would contribute to their continued marginalization from political decision-making and peace

¹⁸⁹ A concept note was circulated by letter dated 14 October 2020 ([S/2020/1014](#)).

¹⁹⁰ See [S/2020/1084](#).

processes. Furthermore, even as the representation of women in United Nations mediation teams was being improved, women remained largely excluded from delegations to peace talks and negotiations. The Secretary-General maintained that women's meaningful and effective participation in mediation broadened the prospects for peace, stability, social cohesion, and economic advancement. He added that ensuring women's full participation in peace processes also required stronger partnerships among the United Nations, regional organizations, Member States, and civil society and for the United Nations and Member States to consider how to create conditions for women's equal representation and participation in peace talks. Finally, the Secretary-General reported that, at the beginning of 2020, the United Nations leadership had achieved gender parity, including Resident Coordinators in countries affected by conflict, and reaffirmed his determination to push for parity at all levels including field missions and special political missions.

Council members and other delegations largely concurred that insufficient progress had been made in the implementation of resolution [1325 \(2000\)](#) and the women and peace and security agenda over the past 20 years, and noted that women remained excluded from peace processes and political decision-making. They outlined several obstacles to such progress, including insecurity, human rights abuses and violations, sexual and gender-based violence, insufficient access to education and healthcare, discrimination and other forms of marginalization, the impact of the COVID-19 pandemic, and insufficient funding for civil society organizations.

Several Council members and other delegations¹⁹¹ underlined that the participation of women was key to ensuring the sustainability of peace processes. The representatives of Belgium and Viet Nam called for the full involvement of women as equal partners from the earliest stages of every political and peace process. The delegation of the Netherlands expressed the view that gender inequality was in itself a driver of instability and conflict, and should therefore be addressed as a root cause of conflict. A number of delegations¹⁹² called for the greater involvement of women as mediators and negotiators. The delegation of Poland stated that the

¹⁹¹ Dominican Republic, Estonia, Indonesia, Albania, Argentina, Canada, Denmark, Egypt, Ethiopia, Guatemala, Hungary, Ireland, Israel, Jordan, Lebanon, Malta, Mexico, Montenegro, Peru, Poland, Romania, Slovenia, Spain, United Arab Emirates, and Uruguay.

¹⁹² France, Indonesia, South Africa, Albania, Brazil, Czech Republic, Poland, Qatar, and Spain.

meaningful participation of women was not just about the number of women “at the table,” but also about their leadership. The delegations of Jordan and Morocco recognized the contribution of women to early warning mechanisms. The delegation of Liechtenstein opined that achieving peaceful, just and inclusive societies required increased access for women to justice, developing gender-responsive legal and judicial systems, and promoting the greater participation of women in the justice sector, including transitional justice mechanisms and reparations processes.

Delegations also referred to the means to implement the women and peace and security agenda at the local level, emphasizing the importance of national ownership and regional cooperation. The representative of Japan underscored the principle of national ownership of the women and peace and security agenda. On behalf of the Group of Friends of the African Women Leaders Network to the United Nations, the representative of Ghana recognized the urgent need to support a bottom-up approach at the local and national levels in order to ensure long-term gains for peace and security. She further stressed the need to ensure that women’s rights, needs and experiences were heard and reflected in peace outcome documents and reconstruction processes. A number of delegations¹⁹³ called for the protection of women civil society representatives and human rights defenders. The representative of Kenya highlighted that regional frameworks and mechanisms were vital in reinforcing national peacebuilding policies and projects.

Regarding the role of the United Nations, on behalf of the Group of Friends of Women, Peace and Security, the delegation of Canada and the representative of Denmark called on the Organization to aim towards making women’s full, equal and meaningful participation a requirement in all mediation teams and political transitions the United Nations would lead or co-lead. Several delegations expressed support for the system-wide gender parity strategy of the Secretary-General¹⁹⁴ and the Uniformed Gender Parity Strategy 2018-2028 of the Department of Peace Operations.¹⁹⁵ Furthermore, many delegations¹⁹⁶ called for the greater and more effective participation of women in peacekeeping. The representative of Bangladesh, the delegation of

¹⁹³ Dominican Republic, South Africa, Austria, Bulgaria, Canada, Denmark, European Union, Uruguay.

¹⁹⁴ South Africa, Bangladesh, Ecuador, Egypt, Qatar, and Senegal.

¹⁹⁵ South Africa, Bangladesh, Brazil, Ecuador.

¹⁹⁶ Dominican Republic, Indonesia, Niger, United States, Bangladesh, India, Lebanon, Mexico, Poland, Romania, Senegal, Switzerland, and Uruguay.

Switzerland and the Permanent Observer of the League of Arab States called for the greater representation of women in senior leadership positions in the United Nations system.

A number of Council members and delegations¹⁹⁷ mentioned the need for the Council to ensure that issues related to the women and peace and security agenda were considered across all of its deliberations and outcomes and to increase its engagement with women civil society representatives. The delegation of Canada underscored that the recommendations of civil society activists to the Council had to be translated into informed decisions for action. The representative of the United States called for more language promoting the meaningful participation of women in peace negotiations in Council decisions on mandates of peacekeeping operations and special political missions. In addition to mainstreaming the agenda in peace operations mandates, the representative of El Salvador suggested increasing the number of Arria formula meetings on women and peace and security. The delegation of Ireland stated that Council field visits, be they virtual or in-person, had to be used as an opportunity to engage with women affected by conflict, and those who were working to build peace, including at the grassroots level. It further noted that the important work of the Informal Expert Group on Women and Peace and Security and the Peacebuilding Commission should inform Council discussions and outcomes. In this regard, the delegation of Mexico suggested inviting the Group's co-chairs to review specific situations and the Council's thematic agenda.

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

Article 36 (3) of the Charter provides that, in making recommendations under Article 36, the 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. During the period under review, a discussion with respect to Article 36 (3) was held in connection with the item entitled "The promotion and strengthening of the rule of law in the maintenance of international peace and security" (case 10).

¹⁹⁷ Estonia, Niger, Saint Vincent and the Grenadines, Albania, Denmark, Ireland, Mexico, and Switzerland.

Case 10

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

On 18 December 2020, at the initiative of South Africa, which held the Presidency for the month,¹⁹⁸ Council members held an open videoconference in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security” focused on strengthening the cooperation between the Security Council and the International Court of Justice.¹⁹⁹

In his briefing, the President of the International Court of Justice stated that the partnership between the Council and the Court was strong but could be further strengthened. He recalled that the Council had only once exercised its powers under Article 36 (3) of the Charter²⁰⁰ to recommend that disputing parties settle their dispute through the Court, namely in the *Corfu Channel* case (United Kingdom of Great Britain and Northern Ireland v. Albania). The Council had also only once requested an advisory opinion from the Court under Article 96 of the Charter,²⁰¹ in the case of *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa)*.²⁰²

In terms of suggestions on how to further reinforce cooperation between the two organs, the President of the Court distinguished between two possibilities. He acknowledged the reluctance of the Council to recommend the referral of a dispute by the parties concerned to the Court unless it was clear that both parties were ready for it, particularly given that Article 36 (3) of the Charter referred to “recommendations” by the Council, which would be legally non-binding. The Council could not, therefore, establish the jurisdiction of the Court over a dispute without the consent of the parties. However, the request for an advisory opinion from the Court would be a different matter as it would not be binding and would not be directly addressed to States, but rather would be rendered for the benefit of the Council to clarify a specific legal issue.

¹⁹⁸ A concept note was circulated by a letter dated 11 December 2020 from the Permanent Representative of South Africa addressed to the Secretary-General ([S/2020/1194](#)).

¹⁹⁹ See [S/2020/1286](#).

²⁰⁰ See resolution [22 \(1947\)](#).

²⁰¹ See resolution [284 \(1970\)](#).

²⁰² *Advisory Opinion, I.C.J. Reports 1971*, p. 16.

Citing General Assembly resolution [43/51](#) of 5 December 1988 entitled “Declaration of the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and the Role of the United Nations in this Field,” the President recalled the General Assembly’s view that a request for an advisory opinion from the Court could play an important role in the Council’s work on the prevention of situations or disputes from becoming a threat to international peace and security. Finally, noting that only 74 Member States had done so, the President suggested for the Council to periodically issue presidential statements calling upon States that had not yet done so to consider accepting the jurisdiction of the Court. Without a court of law to which disputes could be referred to for peaceful resolution, the existence of the international rule of law could be called into question.

In their statements, Council members and other delegations acknowledged the shared role of the Council and the International Court of Justice in the maintenance of international peace and security and the peaceful settlement of disputes. In this regard, some delegations²⁰³ stressed the important connection between the rule of law and justice, conflict prevention and sustainable peace. The representative of South Africa stated that, while the Council played a significant role in ensuring international peace and security, the role of the Court in settling disputes before they escalated into threats to international peace and security remained one of the most important cornerstones of the international system. Several delegations²⁰⁴ also expressed the view that the increasing number of cases before the Court reflected the trust and recognition placed by Member States in the Court as a means for the peaceful settlement of disputes.

Most delegations called for greater cooperation between the Council and the Court in the area of conflict prevention and the peaceful resolution of disputes, including more frequent referrals to the Court by the Council under Article 36²⁰⁵ and the use of the Court’s advisory functions under Article 96 of the Charter.²⁰⁶ The representative of Brazil noted that promoting the peaceful settlement of a dispute through institutionalized and reliable means was at the core of prevention and should therefore be considered more often. Similarly, the delegation of Peru stated that recourse to the peaceful settlement of disputes under Chapter VI of the Charter was an

²⁰³ South Africa, Austria, Denmark, and Morocco.

²⁰⁴ Belgium, China, United Kingdom, United States, Austria, Bangladesh, and Denmark.

²⁰⁵ Germany, Indonesia, Niger, South Africa, Tunisia, Austria, Bangladesh, Peru, and Portugal.

²⁰⁶ Germany, Tunisia, Bangladesh, Denmark, Mexico, Peru, Portugal.

underutilized tool with a real capacity to offer positive alternatives for action before, during and after conflicts. Among those tools, the submission of legal disputes to the Court on the recommendation of the Council, as a visible element of the rules based international system, was certainly worth emphasizing. The representative of Estonia called on the Council to consider a stricter application of Article 36 (3) of the Charter, so that legal disputes would, as a general rule, be referred to the Court. Several delegations²⁰⁷ also called on Member States that had not yet done so to accept the compulsory jurisdiction of the Court.

The representative of the Russian Federation stated that a key element of the principle of commitment to the peaceful settlement of disputes, as enshrined in Article 33 of the Charter, was the freedom of each State to choose its own peaceful means of settlement, including those set out in the Charter. The representative of the United States underscored that, as situations developed into matters requiring Council's attention, Council members had to remain mindful of where the Court could play a role while preserving the fundamental principle of State consent to judicial settlement of disputes enshrined in the Statute of the Court. He added that many disputes were successfully resolved through other peaceful means thereby never reaching the Court or the Security Council. The representative of Saint Vincent and the Grenadines called on parties to disputes to pursue dialogue and mediation, including through suitable regional mechanisms and without prejudice to their rights to seek a judicial settlement. The representative of France said that the Court's decisions contributed most to the pacification of relations between States when other means of peaceful settlement of disputes had failed. The representative of Portugal encouraged the Council to, as a first step, draft a road map on specific ways to implement the tools that the Charter made available to the Council.

Addressing the limited number of instances when States in dispute resorted to the Council to address instances of non-compliance with the decisions of the Court in accordance with Article 94 of the Charter, the delegation of Brazil encouraged reflection on whether issues of non-compliance fell under Chapter VI of the Charter, thus requiring a party to a dispute to abstain from voting on the matter. Similarly, the representative of Estonia encouraged parties to a dispute to recuse themselves from voting in the Council, in accordance with the Charter, and

²⁰⁷ Estonia, Germany, United Kingdom, Austria, Denmark, Japan, Liechtenstein, and Mexico.

echoed the plea for Council members not to use the votes of other members to block any recommendations regarding the judicial settlement of disputes by the Council.

C. Utilization of Article 99 of the Charter by the Secretary-General for the pacific settlement of disputes

Article 99 of the Charter stipulates that the Secretary-General may bring to the attention of the Council any matter which, in his opinion, may threaten the maintenance of international peace and security. The multiple tools available to the Secretary-General under Article 99 were discussed in connection with the item entitled “Maintenance of international peace and security” (case 11).

Case 11

Maintenance of international peace and security

On 9, 10 and 13 January 2020, at its 8699th meeting, convened at the initiative of Viet Nam, which held the Presidency for the month,²⁰⁸ the Council held a high-level open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Upholding the United Nations Charter”. As part of the discussion, several speakers addressed the good offices role of the Secretary-General in conflict prevention and the peaceful settlement of disputes.

Several speakers²⁰⁹ recognized the importance of the good offices role conferred upon the Secretary-General under Article 99 of the Charter. The representatives of Canada and Slovenia further encouraged the Secretary-General to make use of the article more frequently.²¹⁰ The representative of Belgium further recognized that the Secretary-General, through his good offices, facilitated the peaceful settlement of conflicts.²¹¹ The representative of Lithuania expressed the view that the efforts and contribution of the Secretary-General to conflict

²⁰⁸ A concept note was circulated by letter dated 31 December 2019 ([S/2020/1](#)).

²⁰⁹ United Kingdom, Italy and Singapore (see [S/PV.8699](#)); and Slovenia, Canada and United Arab Emirates (see [S/PV.8699 \(Resumption 1\)](#)).

²¹⁰ See [S/PV.8699 \(Resumption 1\)](#).

²¹¹ See [S/PV.8699](#).

resolution, preventive diplomacy, peacebuilding and sustaining peace were of the utmost importance for the international community and the United Nations to develop the capacity for a swift and effective response to conflict. She added that preventive diplomacy, early action and mediation were vital measures in preventing conflicts and mass atrocities and that a decisive element of conflict prevention involved putting an end to impunity and ensuring justice for all. The representative of Singapore stated that, while preventive diplomacy may be time-consuming, it was an effective way to enhance the prospects for peace and reconciliation and applauded the pledge of the Secretary-General to make prevention a “priority of the priorities”. The representative of France welcomed the establishment by the Secretary-General of the High-Level Advisory Board on Mediation. The representative of Norway, echoed by the representative of Yemen, stated that special political missions and special envoys of the Secretary-General played a crucial role in reducing tensions, in many instances, through creative and persistent diplomacy, while peacekeeping operations proved critical in halting violence and creating an enabling environment for peace.²¹²

²¹² Norway (see [S/PV.8699](#)); and Yemen (see [S/PV.8699 \(Resumption 1\)](#)).