
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, 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, specifically illustrating 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.

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 is focused 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 are covered in the relevant sections of parts VII and X. 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 2021, Member States brought various matters to the attention of the Council, including matters of which the Council had not been seized. That notwithstanding, the Council did not convene any meetings under a new item on its agenda. However, the Council convened one meeting pursuant to communications submitted by Member States under the existing item entitled “Peace and security in Africa” to deal with the international friction relating to the construction of the Great Ethiopian Renaissance Dam. The Secretary-General continued to draw the attention of the Council to situations that were deteriorating, including with respect to the conflicts in Afghanistan, Ethiopia and the Syrian Arab Republic, the impact of the coronavirus disease (COVID-19) pandemic on food security in Afghanistan, South Sudan, Yemen, the Horn of Africa and the Sahel, and the international security consequences of climate change.

As featured in section II, for the first time since 2019, the Council dispatched one mission to Mali and the Niger in 2021. 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 Organisation for the Prohibition of Chemical Weapons in connection with the situations in the Central African Republic, the Democratic Republic of the Congo, Ethiopia, Iraq, Libya, Mali, South Sudan and the Syrian Arab Republic.

As described in section III, the Council highlighted the importance of the peaceful settlement of disputes, conflict prevention and sustaining peace and the inclusion therein of women, young people and all other segments of society. The

Council called upon 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 the implementation of peace agreements, political transitions, the resolution of outstanding disputes and efforts to end violence in conflict.

As described in section IV, during 2021, the discussions in the Council were focused on the importance of the peaceful settlement of disputes, conflict prevention and addressing the root causes of conflicts, the importance of inclusivity in peace and security and the peaceful settlement of disputes and conflict prevention in the context of cybersecurity. In their discussions, Council members also addressed the 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 2021, the Council did not convene any meetings under a new item on its agenda. The Council did, however, convene one meeting pursuant to communications submitted by Member States under the existing item entitled “Peace and security in Africa”.

No State that 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 affected or concerned Member States. However, most of those situations were referred to the Council by Member States without an explicit reference to Article 35. In 2021, Article 35 was nonetheless explicitly mentioned in four communications from Member States: one each from Egypt,¹ Ethiopia² and the Sudan³ concerning developments related to the Grand Ethiopian Renaissance Dam, and one from the Bolivarian Republic of Venezuela⁴ regarding the use of a network of transnational organized crime that included “Colombian and United States mercenaries for committing acts of aggression against the Republic of Haiti and the Bolivarian Republic of Venezuela”.

With respect to developments concerning the Grand Ethiopian Renaissance Dam,⁵ in a letter dated 22 June addressed to the President of the Council,⁶ the representative of the Sudan conveyed a letter from the Minister of Foreign Affairs of the Sudan. According to the Minister, the unilateral actions of Ethiopia in proceeding with the second filling of the dam, which it intended to carry out starting in July, without an agreement with his country, as a heavily affected downstream riparian country, represented a threat to the security of the Sudan and the region. Invoking Chapter VI of the Charter, she called upon the Council to seize itself of the matter and convene a session on

¹ See [S/2021/607](#).

² See [S/2021/613](#).

³ See [S/2021/593](#).

⁴ See [S/2021/688](#).

⁵ For more information about discussions related to the Grand Ethiopian Renaissance Dam, see part I, sect. 9.

⁶ See [S/2021/593](#).

the dispute to discuss its impact on peace and security in the Sudan, Egypt and Ethiopia. Similarly, in a letter dated 25 June,⁷ the representative of Egypt conveyed a letter from the Minister for Foreign Affairs of Egypt, drawing the attention of the Council to recent developments. According to the Minister, the question of the dam had evolved into a situation that was causing, as stipulated in Article 34 of the Charter, international friction, the continuation of which could endanger international peace and security. He stated that his country had elected to bring the matter to the attention of the Council pursuant to Article 35 and was calling upon the Council, in the light of its primary responsibility for the maintenance of international peace and security, to consider and take appropriate measures to ensure that the question of the dam was settled amicably and equitably and in a manner that protected and preserved security and stability in an already fragile region. He expressed support for the request made by the Sudan and called upon the Council to convene an urgent session on the question of the dam under the item entitled “Peace and security in Africa”. In a letter dated 28 June,⁸ the representative of Ethiopia conveyed a letter from the Deputy Prime Minister and Minister for Foreign Affairs of Ethiopia, stating that the reference by the Sudan to Article 35 was unwarranted and that the dam did not pose a threat to the peace and security of the countries in the region.

⁷ See [S/2021/607](#).

⁸ See [S/2021/613](#).

In addition, in a letter dated 27 July,⁹ the representative of the Bolivarian Republic of Venezuela expressly invoked Article 35 and requested that the Council, in accordance with the powers entrusted to it by the Charter, specifically by virtue of Article 34, to investigate the mercenary operations planned in the United States, by structures of transnational organized crime that recruited, trained and financed Colombian mercenaries for the commission of armed attacks, acts of terrorism, acts of aggression and the assassination of Heads of State and Government and high-ranking political officials, with the purpose of overthrowing Governments and undermining their constitutional bases. The representative referred in particular to the assassination of the President of Haiti, Jovenel Moïse, on 7 July 2021, and a frustrated attempt of assassination against the President of the Bolivarian Republic of Venezuela, Nicolás Maduro, on 3 May 2020.

In 2021, the Council did not convene any meetings under a new item further to communications from Member States. However, as shown in table 1, the Council convened one meeting under an existing item pursuant to several communications from Member States.¹⁰

⁹ See [S/2021/688](#).

¹⁰ For more information on the applicable provisional rules of procedure, see part II, sect. III.

Table 1

Communications bringing disputes or situations to the attention of the Security Council that resulted in a Council meeting and/or informal consultations of the whole, 2021

| <i>Communication</i> | <i>Action requested of the Security Council</i> | <i>Meeting record and date</i> |
|---|---|--|
| Peace and security in Africa | | |
| Letter dated 22 June 2021 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council (S/2021/593) | To take action to preserve peace and security in the region by: (1) convening a [Council] session on the Grand Ethiopian Renaissance Dam to discuss its impact on the peace and security of millions of people who live and survive along the Blue and main Nile in the Sudan, Egypt and Ethiopia | S/PV.8816 8 July 2021 |
| Letter dated 25 June 2021 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/2021/607) | To convene an urgent session [of the Council] on the question of the Grand Ethiopian Renaissance Dam under the item entitled “Peace and security in Africa” | S/PV.8816 8 July 2021 |

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, although, in most cases, those communications did not result in a meeting of the Council.¹¹

In a letter dated 1 February addressed to the President of the Council,¹² the representative of Pakistan conveyed a letter from the Minister for Foreign Affairs of Pakistan in which the Minister drew the attention of the Council to the recent developments regarding the holding of local council elections by India in Jammu and Kashmir and noted, among other things, that the Council must remain seized of the situation in Jammu and Kashmir and play its rightful role in averting threats to international peace and security posed by India.

In a letter dated 11 May 2021 addressed to the Secretary-General and the Presidents of the General Assembly and the Council,¹³ the Permanent Observer of the State of Palestine drew urgent attention to the escalating “aggression by Israel” in Palestine, which was causing immense human suffering and aggravating tensions, risking further destabilization of the volatile situation, which posed a threat to international peace and security. The Observer stated that the Council must uphold its Charter duty to maintain international peace and security and called upon it to act with urgency to address that crisis and deepening injustice. In a letter dated 12 May addressed to the Secretary-General,¹⁴ the representative of Jordan drew attention to recent violations by Israel against the Aqsa Mosque/Haram al-Sharif and Jerusalemites, including the inhumane threat of evictions of Palestinians in Shaykh Jarrah from their homes. In the letter, the representative called upon the Council to, inter alia, act swiftly, effectively and collectively to prevent the eviction of Palestinians.

In a letter dated 3 August addressed to the President of the Council,¹⁵ the representatives of Liberia, Romania and the United Kingdom drew the attention of the Council to a “serious maritime incident” that had implications for international peace and security, namely, the attack on the merchant vessel *Mercer Street* by the Islamic Republic of Iran off the

coast of Oman using one or more unmanned aerial vehicles, resulting in the death of one British and one Romanian national, and damage to the vessel. The three representatives noted their deep concern and expressed the belief that the act must be condemned by the international community. In connection with the same issue, in a letter dated 3 August addressed to the Secretary-General and the President of the Council,¹⁶ the representative of Israel called upon the Council to unequivocally condemn and sanction the Islamic Republic of Iran and to take all necessary measures to hold the Iranian regime fully accountable for its violations of international law. In a letter dated 4 August addressed to the President of the Council,¹⁷ the representative of the Islamic Republic of Iran rejected the claims made in the above-referenced letters and warned about attempts to create artificial maritime “incidents” in the Persian Gulf and broader region, noting that such acts were detrimental to the security and stability of the region and must stop immediately.

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 or her 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 to Article 99 is featured in case 12 below.

In 2021, the Secretary-General continued to draw the attention of the Council to situations on its agenda that were deteriorating or with respect to which he requested the Council to take urgent action.

In his letters transmitting the monthly reports of the Director General of the Organisation for the Prohibition of Chemical Weapons (OPCW) submitted pursuant to paragraph 12 of resolution 2118 (2013) on the elimination of the chemical weapons programme of the Syrian Arab Republic,¹⁸ the Secretary-General continued to note that the use of chemical weapons was intolerable and impunity for their use equally

¹¹ For more information on the applicable provisional rules of procedure, see part II, section II.

¹² See [S/2021/102](#). See also [S/2021/575](#), [S/2021/697](#), [S/2021/901](#) and [S/2021/1004](#).

¹³ See [S/2021/455](#).

¹⁴ See [S/2021/459](#).

¹⁵ See [S/2021/701](#).

¹⁶ See [S/2021/702](#).

¹⁷ See [S/2021/706](#).

¹⁸ See [S/2021/84](#), [S/2021/200](#), [S/2021/305](#), [S/2021/422](#), [S/2021/514](#), [S/2021/615](#), [S/2021/692](#), [S/2021/764](#), [S/2021/842](#), [S/2021/911](#), [S/2021/989](#) and [S/2021/1103](#).

unacceptable. He pointed to unity in the Council as essential to fulfilling the urgent obligation of accountability. Furthermore, by his letter dated 14 April addressed to the President of the Council,¹⁹ the Secretary-General transmitted to the Council the second report by the Investigation and Identification Team of OPCW on the alleged use of chemical weapons in Sarai, Syrian Arab Republic, on 4 February 2018. 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, as had been the case with the first report.²⁰

During meetings and videoconferences, the Secretary-General and other senior Secretariat officials also drew the attention of the Council to the evolving situations in, among others, the Middle East, Ethiopia and Afghanistan. During an open videoconference held on 28 April in connection with the item entitled “The situation in the Middle East”,²¹ the Special Envoy of the Secretary-General for Syria sounded a warning to prioritize the proactive search for a settlement of the conflict in the Syrian Arab Republic. Reporting a significant escalation of hostilities in the north-west of the country, he noted that, despite more than a year of relative calm, the developments during that month were a reminder of the potential for the situation to further disintegrate or rapidly deteriorate. A nationwide ceasefire as per resolution [2254 \(2015\)](#) was essential, as was a cooperative approach to eradicating listed terrorist groups.

At an extraordinary videoconference held on 16 May in connection with the item entitled “The situation in the Middle East, including the Palestinian question”,²² following the escalation of violence in Israel, Gaza and East Jerusalem, the Secretary-General stated that the Council was meeting amid the most serious escalation in Gaza and Israel in years and that the latest round of violence only perpetuated the cycles of death, destruction and despair and pushed farther to the horizon any hopes of coexistence and peace. He appealed to all parties to heed his call and stop the fighting immediately.

With regard to the situation in Ethiopia, at the meeting held on 2 July in connection with the item entitled “Peace and security in Africa”,²³ the Under-Secretary-General for Political and Peacebuilding Affairs noted that the country was at a critical juncture

and that recent developments demonstrated the need to address issues plaguing the country in a comprehensive and sustainable way. She warned that the consequences of not doing so could be disastrous. The Under-Secretary-General underlined that there was potential for more confrontations and a swift deterioration in the security situation, which was extremely concerning. At a meeting held under the same item on 26 August,²⁴ the Secretary-General reported to the Council that the military confrontation, which had started some 10 months before in the northern region of Tigray, was spreading, and that the level of human suffering was growing, with serious political, economic and humanitarian implications for Ethiopia and the broader region. Furthermore, the Secretary-General expressed deep concern over reports of horrific sexual and gender-based violence and noted other serious allegations of human rights violations and abuses against civilians. He called for an immediate end to hostilities and a lasting ceasefire, as well as unrestricted access to all areas in need. At a meeting held on 6 October,²⁵ the Secretary-General warned the Council that the crisis in Ethiopia had worsened with deeply worrisome reports of violations and human rights abuses perpetrated by all sides.

Following the takeover of Afghanistan by the Taliban on 1 August, during the meeting held on 16 August under the item entitled “The situation in Afghanistan”,²⁶ the Secretary-General urged all parties – especially the Taliban – to exercise utmost restraint to protect lives and to ensure that humanitarian needs could be met. He informed the Council about chilling reports of severe restrictions on human rights throughout the country and expressed particular concern over accounts of mounting human rights violations against the women and girls of Afghanistan.

During the reporting period, Article 99 was featured explicitly in one communication to the Council. In a letter dated 8 February addressed to the President of the Council,²⁷ the representative of Finland transmitted the report of the eighteenth annual workshop for the newly elected members of the Council, held on 12 and 13 November 2020 in New York. According to the report, at the closing of the workshop, the Executive Director of Security Council Report had observed that, at times, the Council seemed reluctant to address, for example, thematic issues such as climate change and human rights, threats of

¹⁹ See [S/2021/371](#).

²⁰ See [S/2020/310](#).

²¹ See [S/2021/418](#).

²² See [S/2021/480](#).

²³ See [S/PV.8812](#).

²⁴ See [S/PV.8843](#).

²⁵ See [S/PV.8875](#).

²⁶ See [S/PV.8834](#).

²⁷ See [S/2021/130](#).

non-State actors other than terrorism, such as criminal networks, and military interventions by States or their non-State proxies. She had argued that such “blackout issues” might come to dwarf the issues that the Council was ready to address and had highlighted the need for more use to be made of Article 99 as a path forward.

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 that are likely to endanger international peace and security. During the period under review, the Assembly did not refer any such situations to the Council under that Article.²⁸

²⁸ 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 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.

During the reporting period, the Council did not make any explicit reference to Article 34 of the Charter in its decisions. Article 34 was, however, explicitly invoked on two occasions, in Council meetings held under the items entitled “Peace and security in Africa”²⁹

²⁹ See [S/PV.8816](#) (Egypt).

and “Maintenance of international peace and security”,³⁰ respectively. In addition, seven communications to the Council in 2021 contained a total of 10 explicit references to Article 34 concerning allegations of armed attacks from Colombian territory against the Bolivarian Republic of Venezuela, the impact of internal conflict in Colombia on the Bolivarian Republic of Venezuela and the role of the Governments of Colombia and the United States in the execution of a strategy of armed aggression against the Bolivarian Republic of Venezuela,³¹ as well as the international friction resulting from the construction of the Grand Ethiopian Renaissance Dam.³²

In 2021, for the first time since 2019, the Council dispatched one mission to the field to Mali and the Niger, more details of which are provided in subsection A below. In addition, in its decisions, 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. Consistent with recent practice, the Council 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 Office 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

³⁰ See [S/PV.8850](#) (Chair of The Elders).

³¹ See [S/2021/330](#); [S/2021/348](#); [S/2021/357](#); [S/2021/688](#); [S/2021/866](#).

³² See [S/2021/593](#) and [S/2021/607](#). For more information about the actions undertaken by the Council in response to communications on the Grand Ethiopian Renaissance Dam, see also sect. I above.

and South Sudan. In addition, Council members deliberated on the investigative functions of the Secretary-General, the Human Rights Council in Ethiopia, Iraq and Libya, and the Organisation for the Prohibition of Chemical Weapons (OPCW) in the Syrian Arab Republic.

A. Security Council missions

In 2021, the Council dispatched one mission, consisting of all 15 members, to Mali and the Niger. It was the first such mission since October 2019.³³ The mission was not explicitly charged with any investigative tasks. The objectives of the mission were, inter alia, to assess the political, security, humanitarian and development efforts carried out by the Transitional

³³ For more information, see [S/2019/825](#). See also *Repertoire, Supplement 2020*, part VI.

Government of Mali, the preparation for the holding of free and fair elections in the country, the implementation of the Agreement on Peace and Reconciliation in Mali of 2015 and the situation in central Mali. The mission was also conducted with the objective of assessing the efforts of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to implement its mandate and the level of operationalization of the Joint Force of the Group of Five for the Sahel. With regard to the Niger, the objectives of the mission were, inter alia, to exchange views with the Nigerien authorities on the security, development and humanitarian situation in the Sahel and to reiterate the Council's support for international and regional efforts aimed at stabilizing the region.³⁴ Table 2 provides more information on the mission, including its terms of reference and report to the Council.

³⁴ See [S/2021/917](#).

Table 2
Security Council missions, 2021

| <i>Duration</i> | <i>Destination</i> | <i>Composition</i> | <i>Terms of reference</i> | <i>Report</i> | <i>Meeting record and date</i> | <i>Item</i> |
|--------------------|--------------------|--|---|---|--|-----------------|
| 23–25 October 2021 | Mali, Niger | All Security Council members (co-leaders: France, Kenya, Niger) | S/2021/917 22 October 2021 | S/2021/1106 4 January 2022 | S/PV.8892 29 October 2021 | Council mission |

In addition, Council missions were referenced in communications submitted to the Council by Member States and discussed in Council meetings and open videoconferences during the period under review. In a letter dated 8 February addressed to the President of the Council,³⁵ the representative of Finland transmitted the report of the eighteenth annual workshop for the newly elected members of the Council, held on 12 and 13 November 2020 in New York. According to the report, one speaker stated that the Council's visiting missions were incredibly important to the Council's understanding of the situations on its agenda and afforded Council members an important opportunity to interact with political figures and local civil society. As there had been no Council visiting missions in 2020, one speaker noted that the travel constraints caused by the pandemic had provided members with an opportunity to consider how to make better use of such trips, adding that missions "tended to be moved from the airport to

³⁵ See [S/2021/130](#).

conference rooms and back to the airport without adequately seeing the situation on the ground". One participant further suggested that the Council consider virtual visiting missions during the pandemic.

The Council also discussed the value of and methods for enhancing Council missions during the annual open debate on its working methods held under the item entitled "Implementation of the note by the President of the Security Council ([S/2017/507](#))" (see case 1).

Case 1 Implementation of the note by the President of the Security Council ([S/2017/507](#))

At a meeting held on 16 June³⁶ at the joint initiative of Estonia, which held the presidency of the Security Council for the month, and Saint Vincent and

³⁶ A concept note was circulated by a letter dated 2 June ([S/2021/527](#)).

the Grenadines, the Permanent Representative of which chaired the Informal Working Group on Documentation and Other Procedural Questions, the Council convened an open debate in connection with the item entitled “Implementation of the note of the President of the Security Council (S/2017/507)” and the sub-item entitled “Working methods of the Security Council”.³⁷ In her briefing, the Executive Director of Security Council Report noted that it had been 20 months since the last Council visiting mission and that some elected members were about to begin the final quarter of their Council tenures without ever having benefited from a Council field trip. Well-designed field visits could strengthen the sense of Council members of realities on the ground, the effect of their decisions and the challenges to mandate implementation. The Executive Director maintained that there was scope for the Council to derive more value from its field visits, including by considering, where possible, consolidating its own travel schedule and those of the chairs of sanctions committees, other subsidiary organs of the Council and the Peacebuilding Commission for greater coherence and effectiveness. There could also be a fresh look at the need for full-scale Council visiting missions, which tended to be extremely costly, but also brief, with packed programmes. In that context, she asked whether that would be a useful option in relation to the Sudan, following the establishment of a new mission in that country, adding that Council members who would remain in New York could, at selected moments, join those missions virtually via videoconference.

Following the briefings, several Council members discussed the utility and modalities of Council missions, with a particular focus on the impact of travel restrictions related to the pandemic. The representative of China stated that, in addressing hotspot issues, the Council should heed the views of the wider membership of the United Nations, especially the countries concerned, countries of the region and regional organizations, adding that the Council should be flexible and creative in organizing field visits. Speaking on behalf of the elected members of the Council, the representative of Kenya noted that the Council benefited greatly from understanding the physical setting of conflicts, which was why field visits were of great importance. That important aspect of the Council’s work had been greatly impeded by the precautionary travel restrictions necessitated by the pandemic. However, with technological creativity and advancement, visits could be carried out virtually. In that regard, the elected members urged that such virtual visits be conducted only where travel was not possible

³⁷ See S/PV.8798.

and with the same frequency that in-person visits would have been conducted, so as to allow the Council to continue to be more agile and responsive and to contribute to its prevention mandate. The representative of the Russian Federation expressed support for the resumption of Council missions, noting that visits helped Council members not only to be heard but also to form their own impressions of what was happening on the ground and to engage with key stakeholders in any given situation on the agenda of the Council. At the same time, the lack of representation of certain States during those visits could be construed as a political signal, for which reason it would be optimal to include all Council members. With respect to virtual and hybrid visits, he asserted that they hardly allowed Council members to achieve the goals that they had set for such visits.

Several non-Council members also referred to the missions of the Council in their written submissions. The representative of Kuwait and the delegation of Ukraine called for enhanced transparency in the selection of the heads of Council’s visiting missions and in the overall conduct of field visits, respectively.³⁸ In addition, in a statement submitted on behalf of 35 former elected members of the Council, the representative of New Zealand stated that Council members should continue to explore ways to develop and enhance provisions regarding Council visiting missions in an effort to promote greater efficiency and flexibility, including utilizing different composition formats when planning visiting missions, such as sending smaller groups of Council members. The delegations of Switzerland and the United Arab Emirates submitted that the Council should explore the possibility of conducting virtual visits as a means of complementing the physical missions.³⁹ The delegation of Egypt stressed the need for the general membership of the United Nations to be informed about visits undertaken by the Council.

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

In 2021, the investigative and fact-finding functions of the Secretary-General were acknowledged and referred to in decisions of the Council as well as during its deliberations and in communications of the Council, as detailed below.

³⁸ See S/2021/572.

³⁹ Switzerland (on behalf of the 27 members of the Accountability, Coherence and Transparency group) and United Arab Emirates.

Decisions of the Council

In its decisions adopted in 2021, 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 3 below.

Table 3

Decisions relating to investigative and/or fact-finding activities by the Secretary-General, 2021

| <i>Decision and date</i> | <i>Provision</i> |
|--|--|
| The situation in the Central African Republic | |
| Resolution 2605 (2021) 12 November 2021 | Calls upon 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. 24) |
| The situation concerning the Democratic Republic of the Congo | |
| Resolution 2582 (2021) 29 June 2021 | 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 work of the United Nations team, known as the Follow-On Mechanism, deployed to assist the Congolese authorities in their investigations, in agreement with the Congolese authorities, and further welcoming their continued cooperation (fifth preambular paragraph) Recalls the Secretary-General’s commitment that the United Nations will do everything possible to ensure that the perpetrators of the killing of the two members of the Group of Experts and the four Congolese nationals accompanying them are brought to justice and stresses the importance of a continued deployment by the Secretary-General of the Follow-on Mechanism, currently comprising a senior United Nations official, four technical experts and support staff, to the Democratic Republic of the Congo to assist with the national investigation, within existing resources (para. 9) |
| Resolution 2612 (2021) 20 December 2021 | 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 , recognizes the improvements in 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 continued cooperation of the Government of the Democratic Republic of the Congo 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 upon them to ensure all perpetrators are brought to justice and held accountable (para. 7) |
| The situation concerning Iraq | |
| Resolution 2576 (2021) 27 May 2021 | Requests further that the Special Representative of the Secretary-General for Iraq and the United Nations Assistance Mission for Iraq (UNAMI), at the request of the Government of Iraq, and taking into account the letter from the Minister for Foreign Affairs of Iraq to the Secretary-General (S/2021/135 , annex), 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/Islamic State in Iraq and the Levant (UNITAD) established in resolution [2379 \(2017\)](#) (para. 4 (d))

The situation in Mali

Resolution [2584 \(2021\)](#)
29 June 2021

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 of the International Criminal Court, taking note that, acting upon the referral of the transitional authorities of Mali dated 13 July 2012, the Prosecutor of the International Criminal Court 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 on Peace and Reconciliation in Mali and as requested in resolution [2364 \(2017\)](#) (sixteenth preambular paragraph)

Calls upon the Malian parties to agree on and set up a national mechanism to follow up on the recommendations of the International Commission of Inquiry on Mali (para. 12)

Decides that the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) shall include the following priority tasks:

(a) *Support to the implementation of the Agreement on Peace and Reconciliation in Mali and to the full realization of the political transition*

....

(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, and to help ensure the effectiveness of justice and corrections officials as well as Malian judicial institutions, particularly regarding the detention, investigation and prosecution of individuals suspected of, and sentencing of those found responsible for, terrorism-related crimes, mass atrocities and transnational organized crime activities (including trafficking in persons, arms, drugs and natural resources, and the smuggling of migrants) (para. 30 (a) (iv))

Expresses serious concerns 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 counter-terrorism 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. 36)

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

Resolution [2567 \(2021\)](#)
12 March 2021

Expressing grave concern at ongoing reports of sexual and gender-based violence, including the findings in the report of the Secretary-General on conflict-related sexual violence to the Security Council ([S/2020/487](#)) of the use of sexual violence as a tactic by parties to the conflict against the civilian population in South Sudan, including the use of rape, sexual slavery and sexual torture for the purpose of intimidation and punishment, based on perceived political affiliation, and employed as part of a strategy targeting members of ethnic groups, and where conflict-related sexual violence and other forms of violence against women and girls have persisted after the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, as documented in the May 2020 report of the United Nations Mission in the Republic of South Sudan (UNMISS) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) on access to health for survivors of conflict-related sexual violence in South Sudan, noting that some progress was observed by South Sudanese parties through the implementation of action plans to

Decision and date

Provision

address sexual violence in conflict, and underlining the urgency and importance of timely investigations to support accountability and the provision of assistance and protection to survivors and victims of sexual and gender-based violence (twelfth 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 report of the African Union Commission of Inquiry 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, 20 February 2020 and 19 February 2021, war crimes and crimes against humanity may have been committed, emphasizing its expectation that these and other credible reports will be duly considered by any transitional justice mechanisms for South Sudan, including those established pursuant to the Revitalized Agreement, stressing the importance of the 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 (seventeenth preambular paragraph)

Threats to international peace and security

Resolution 2597 (2021)
17 September 2021

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 2021 (S/2021/801, annex) and decides to extend until 17 September 2022 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 Islamic State in Iraq and the Levant (ISIL, also known as 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. 3)

Meetings of the Council

In 2021, during the open videoconferences held by Council members in connection with the agenda item entitled "The situation in Mali", several speakers⁴⁰ called upon the Malian authorities to implement the recommendations contained in the report of the International Commission of Inquiry for Mali.

Furthermore, at a meeting of the Council held on 8 July under the item entitled "Peace and security in Africa",⁴¹ the representative of Egypt stated that the "unrelenting unilateralism" of Ethiopia, the continued failure of negotiations and the absence at that juncture of a viable path towards a political settlement of the matter related to the Grand Ethiopian Renaissance Dam had all impelled Egypt to call upon the Council to intercede expeditiously and effectively to prevent an escalation of tensions and to address the situation, which could, as stated in Article 34 of the Charter,

endanger the maintenance of international peace and security.

During a meeting held on 7 September under the item entitled "Maintenance of international peace and security",⁴² speaking about the role of the Council in preventing and responding to violent conflict, the Chair of The Elders urged Council members to use the tools at their disposal, in accordance with Article 34 of the Charter. Moreover, the power of investigation should be used proactively by the Council to engage early in situations, before large-scale violence broke out and hit the international media.

Council members also discussed the investigations of the Council and the Secretary-General in connection with the mandate and work of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD) during the open videoconference and meeting held in connection with the item entitled "Threats to international peace and security" (see case 2).

⁴⁰ See S/2021/47 (Estonia, India and Norway); and S/2021/336 (Ireland and Norway).

⁴¹ See S/PV.8816.

⁴² See S/PV.8850.

Case 2
Threats to international peace and security

On 10 May, Security Council members held an open videoconference in connection with the item entitled “Threats to international peace and security”,⁴³ during which they heard a briefing by the Special Adviser and Head of UNITAD. Presenting his sixth report on the activities of the Investigative Team,⁴⁴ the Special Adviser noted a landmark moment in its work with the completion of initial case briefs in relation to two key investigative priorities, namely, the mass killing of unarmed cadets and military personnel at Tikrit Air Academy in June 2014 and the attacks against the Yazidi community in the Sinjar region.⁴⁵ He confirmed to the Council that, on the basis of the Team’s independent criminal investigations, UNITAD had established clear and convincing evidence that genocide had been committed by ISIL (Da’esh) against the Yazidi as a religious group. The Special Adviser noted the opening of a new investigation into the development and successful deployment of chemical and biological weapons by ISIL (Da’esh) in Iraq. The Team continued to support efforts by the Iraqi Council of Representatives to adopt legislation establishing a legal basis for the prosecution of ISIL (Da’esh) members and that legislation had been presented before the Parliament of the Kurdistan region to establish a court with jurisdiction over international crimes committed by ISIL (Da’esh). He indicated that much of the progress and activities carried out by UNITAD had been achieved through its use of innovation in accelerating investigations, as well as partnership with the Iraqi authorities. In that context, he acknowledged the steadfast support of the Kurdistan Regional Government and stated that the Iraqi judiciary had continued to be exemplary in its engagement with UNITAD, working with the Team as partners in the digitization of evidence and providing extensive information that had accelerated investigations.

During the discussion that followed, Council members reflected on the various aspects of the investigative work carried out by UNITAD, including its cooperation with the Iraqi authorities, the use of technology and the investigation of the use of chemical and biological weapons by ISIL (Da’esh) in Iraq. The representative of the Niger asserted that the agreement reached between UNITAD and the Iraqi judiciary to share information on financial crimes committed in the context of the activities of ISIL (Da’esh) in Iraq, in line

with the Investigative Team’s mandate, would undoubtedly enhance cooperation in the investigation and prosecution of those who facilitated and benefited financially from the crimes committed by the terrorist organization in Iraq. Similarly, the representative of Saint Vincent and the Grenadines recognized the role played by the Government of Iraq, particularly the judiciary, which continued to engage constructively with the Team.

The delegation of Ireland welcomed the work to develop a means of sharing evidence that complied with United Nations policies and best practices for its use in fair and independent criminal proceedings. In that regard, the representative of France recalled the consistent position of the United Nations of non-transmission of material in the context of legal proceedings involving the possibility of a death sentence. The delegation of the United Kingdom welcomed the progress on the draft legislation to provide the domestic legal basis for the prosecution of members of ISIL (Da’esh) for international crimes in Iraq but urged continued momentum and collaboration to secure an evidence-sharing mechanism that would provide assurances regarding the use of the death penalty. The representative of the Russian Federation stated that the transfer of material regarding other crimes should not depend on legislative reforms and that such an approach had never been prescribed by the Council.

The representative of India welcomed the investigation of UNITAD into the development and use of chemical and biological weapons by ISIL (Da’esh) in Iraq and expressed the hope that the investigation by UNITAD would provide valuable insights to help global non-proliferation efforts. The representative of the Russian Federation noted that UNITAD had taken on new tracks of investigation, such as the development and use of chemical and biological weapons by terrorists, and stated that it was important that all such episodes be duly investigated and that those responsible be held accountable, no matter where those incidents had taken place. While, in the case of Iraq, things were called by their real names, as reflected in the UNITAD report, in the case of the Syrian Arab Republic, the investigations were constantly downplayed despite the abundant evidence of chemical weapon use by terrorists. The representative of France also encouraged UNITAD to continue to open investigations into the development and use against civilian populations of chemical and biological weapons by ISIL (Da’esh) in Iraq between 2014 and 2016, as well as the implementation of the joint mass grave excavation strategy.

⁴³ See [S/2021/460](#). For more information on threats to international peace and security, see part I, sect. 33.

⁴⁴ See [S/2021/419](#).

⁴⁵ See [S/2021/460](#).

The delegation of Ireland welcomed the detail provided in the most recent report on the Investigative Team's approach to the investigation of sexual and gender-based crimes and the crimes against children, adding that it was noteworthy that the Gender Crimes and Children Unit had commenced an investigation on ISIL (Da'esh) crimes against the lesbian, gay, bisexual, transgender, queer and intersex community and had conducted interviews with survivors of sexual violence.

At a meeting held on 2 December under the same item,⁴⁶ the Special Adviser and Head of UNITAD presented the seventh report on the activities of the Investigative Team,⁴⁷ including updates on key lines of investigation, such as the development and use of chemical and biological weapons by ISIL (Da'esh) and on the financial mechanisms through which it sustained its campaign of violence. The Special Adviser also reported on the deepened cooperation between UNITAD and the Iraqi authorities and underscored the importance of putting the collected evidence to work before the competent courts.⁴⁸

During the discussion, the representative of Norway welcomed the significant advancement of the dedicated Gender Crimes and Children Unit in its investigations on crimes against children, adding that it was very positive that the Unit had gathered additional evidence on the extent of the gender-based crimes of ISIL (Da'esh), including sexual slavery, rape and persecution. The representative of India emphasized that the investigations of UNITAD into the internal administration of the ISIL (Da'esh) treasury could provide valuable insights into its revenue streams and in preventing flows to ISIL (Da'esh) and its affiliates in other parts of the world. Widening the scope of financial investigations must include the external sources of funding for ISIL (Da'esh). He took note of proactive efforts of UNITAD to share its findings with the Iraqi authorities on the financial crimes of ISIL (Da'esh), which must also extend to other evidence and information collected by the Investigative Team. Despite a lapse of more than three years, UNITAD had been unable to fully service the evidentiary requirements of the Government of Iraq owing to a different interpretation of the Team's mandate. Several speakers⁴⁹ stressed the importance of handing over the evidence to the Iraqi authorities. The representative of China expressed regret that, despite more than three years of UNITAD operations, the extensive evidence

available to it had yet to yield concrete results in accountability for terrorists. The representative of the United Kingdom looked forward to seeing continued efforts to secure an evidence-sharing mechanism that would provide assurances on the use of the death penalty and ensure that the Government of Iraq could move ahead with prosecutions. The representative of Norway stated that it was important that the evidence ultimately fed into judicial processes to hold ISIL (Da'esh) members to account and stated that her delegation would have liked the report to include more information about the discussions between UNITAD and the Iraqi authorities on an arrangement for evidence-sharing.

Council members also discussed the role of technology in the investigative activities of UNITAD,⁵⁰ as well as the partnership and close cooperation between UNITAD and the Iraqi authorities in the areas of, *inter alia*, training, technical support and the digitization of evidence.⁵¹

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 accordance with the existing practice, by his letters dated 1 May and 24 November addressed to the President of the Council,⁵² the Special Adviser and Head of UNITAD transmitted to the Council his sixth and seventh reports, respectively, on the activities of the Investigative Team.

In 2021, the investigative authority of the Council and the role of the Secretary-General were discussed in several communications submitted to the Council. For example, in a letter dated 2 March addressed to the Secretary-General,⁵³ the representative of Tajikistan transmitted a joint statement by the States members of the Collective Security Treaty Organization on ensuring comprehensive stability in the world, in which they emphasized that it was unacceptable to establish international mechanisms that duplicated the functions of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction and bypassed the Council. Opposition in that regard was also expressed in the

⁴⁶ See [S/PV.8914](#).

⁴⁷ See [S/2021/974](#).

⁴⁸ See [S/PV.8914](#).

⁴⁹ China, Iraq, Russian Federation and Tunisia.

⁵⁰ China, Viet Nam, Ireland, Saint Vincent and the Grenadines and Tunisia.

⁵¹ United Kingdom, China, Mexico, Kenya, Saint Vincent and the Grenadines, Norway, India, Niger, Viet Nam, France, Ireland, Tunisia, Estonia, United States and Iraq.

⁵² See [S/2021/419](#) and [S/2021/974](#). For more information, see also part I, sect. 33.

⁵³ See [S/2021/225](#).

joint statements of the Ministers for Foreign Affairs of the Commonwealth of Independent States transmitted by a letter from the representative of Tajikistan dated 4 June and in letters from the representative of Belarus dated 18 November and 6 December.⁵⁴

With respect to the International Commission of Inquiry for Mali, established by the Secretary-General in 2018 and mandated to investigate allegations of abuses and serious violations of international human rights law and international humanitarian law committed throughout the territory of Mali between 2012 and 2018, the representative of Algeria transmitted the communiqué of the forty-third session of the Follow-up Committee on the Agreement on Peace and Reconciliation in Mali, held in Bamako on 29 June, by a letter dated 6 July addressed to the President of the Council.⁵⁵ According to the letter, the participants in the meeting took note of the presentation by the Human Rights Division of MINUSMA on the report of the International Commission of Inquiry for Mali. They recognized the need for structured follow-up to the Commission's recommendations, in cooperation with the Truth, Justice and Reconciliation Commission and the support of MINUSMA and the Follow-up Committee, as part of efforts to coordinate the

promotion of the fight against impunity with the promotion of national reconciliation.

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

In 2021, the investigative functions of other bodies of the United Nations were recognized and acknowledged in decisions of the Council and during deliberations in the context of meetings and videoconferences as well as in communications of the Council, as detailed below.

Decisions of the Council

During the reporting period, the Council recognized the investigative functions of other bodies of the United Nations, notably the Office of the United Nations High Commissioner for Human Rights 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.⁵⁶ Table 4 contains the provisions of Council decisions referring to such functions.

⁵⁴ See [S/2021/534](#), [S/2021/970](#) and [S/2021/1025](#).

⁵⁵ See [S/2021/628](#).

⁵⁶ For further information on relations with other United Nations organs, see part IV.

Table 4

Decisions relating to investigation and inquiry by United Nations bodies and related organizations, 2021

| <i>Decision and date</i> | <i>Provision</i> |
|--------------------------|------------------|
|--------------------------|------------------|

The situation in the Central African Republic

| | |
|--|--|
| Resolution 2605 (2021) 12 November 2021 | Taking note of the joint United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA)-Office of the High Commissioner for Human Rights (OHCHR) report of 4 August 2021 on violations and abuses of human rights and violations of international humanitarian law committed in the Central African Republic and noting with concern that violations and abuses were committed by all parties to the conflict, welcoming the response submitted by the Central African Republic authorities to address the report's findings and expressing support for the implementation of the preventive and corrective measures proposed by the Government (ninth preambular paragraph) |
|--|--|

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. 24)

The situation concerning the Democratic Republic of the Congo

| | |
|--|---|
| Resolution 2612 (2021) 20 December 2021 | 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 , recognizes the improvements in 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 |
|--|---|

Decision and date

Provision

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 continued cooperation of the Government of the Democratic Republic of the Congo 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 upon them to ensure all perpetrators are brought to justice and held accountable (para. 7)

The situation in Mali

Resolution 2584 (2021)
29 June 2021 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 counter-terrorism 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 Human Rights Division of MINUSMA (para. 36)

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

Resolution 2567 (2021)
12 March 2021 Expressing grave concern at ongoing reports of sexual and gender-based violence, including the findings in the report of the Secretary-General on conflict-related sexual violence to the Security Council (S/2020/487) of the use of sexual violence as a tactic by parties to the conflict against the civilian population in South Sudan, including the use of rape, sexual slavery and sexual torture for the purpose of intimidation and punishment, based on perceived political affiliation, and employed as part of a strategy targeting members of ethnic groups, and where conflict-related sexual violence and other forms of violence against women and girls have persisted after the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, as documented in the May 2020 report of the United Nations Mission in the Republic of South Sudan (UNMISS) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) on access to health for survivors of conflict-related sexual violence in South Sudan, noting that some progress was observed by South Sudanese parties through the implementation of action plans to address sexual violence in conflict, and underlining the urgency and importance of timely investigations to support accountability and the provision of assistance and protection to survivors and victims of sexual and gender-based violence (twelfth 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 report of the African Union Commission of Inquiry 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, 20 February 2020 and 19 February 2021, war crimes and crimes against humanity may have been committed, emphasizing its expectation that these and other credible reports will be duly considered by any transitional justice mechanisms for South Sudan, including those established pursuant to the Revitalized Agreement, stressing the importance of the 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 (seventeenth preambular paragraph)

Meetings of the Council

In 2021, the Council discussed the investigations of other bodies of the United Nations and related organizations, namely: (a) 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; (b) the Investigation and Identification Team established by OPCW to look into the alleged use of chemical weapons in Saraqib, Syrian Arab Republic, on

4 February 2018, and the OPCW fact-finding mission in the Syrian Arab Republic; and (c) the joint investigation by OHCHR and the Ethiopian Human Rights Commission with respect to the allegations of human rights violations in Ethiopia. The investigations were discussed during open videoconferences and meetings held in connection with the items entitled “The situation in Libya” (see case 3), “The situation in the Middle East” (see case 4) and “Peace and security in Africa” (see case 5).

Case 3

The situation in Libya

On 17 May, Security Council members held an open videoconference in connection with the item entitled “The situation in Libya”,⁵⁷ during which they heard a briefing by the Prosecutor of the International Criminal Court on the active investigations of her office in the country. In her remarks, the Prosecutor reaffirmed that the Court had continued to extend and enhance its network of cooperation to achieve meaningful progress in its ongoing investigations, adding that fruitful engagements with the Independent Fact-Finding Mission on Libya had also greatly facilitated the sharing of knowledge and expertise. She reiterated the critical importance of international observers and investigators being given full access to all detention facilities in Libya and receiving full cooperation in that regard.

During the discussion, several Council members voiced their support for the Independent Fact-Finding Mission on Libya and stressed the importance of cooperation between the Mission and all other relevant stakeholders in investigating human rights violations. The delegation of the United Kingdom encouraged the Government of National Unity of Libya to facilitate the work of the Mission, as part of its process of national reconciliation and providing accountability and justice for atrocity crimes. Stressing that the Mission must be granted full access throughout the country, the representative of the United States expressed strong support for the creation by the Human Rights Council of an international fact-finding mission to document atrocities and other human rights abuses. The representative of France stressed that the most serious crimes committed in Libya since 2011 must be investigated and prosecuted, including crimes committed by ISIL (Da’esh) and crimes against migrants and refugees. In that regard, she noted that France counted on the full cooperation of the Mission with the Office of the Prosecutor of the International Criminal Court. Condemning the deplorable killing of the lawyer, Hanan Al-Barassi, on 10 November 2020 in Benghazi, the delegation of the United Kingdom called for a full, immediate and transparent investigation, in cooperation with the Mission. The representative of Estonia welcomed the exchange of information and expertise between the Office of the Prosecutor and the Panel of Experts on Libya, the Mission, the European Union Agency for Law Enforcement Cooperation and the United Nations Support Mission in Libya and

encouraged the maintenance of those formats of cooperation and exchange.

On 23 November, at a meeting held in connection with the same item,⁵⁸ the representative of the United States welcomed the report of the Independent Fact-Finding Mission on Libya released on 1 October 2021⁵⁹ as another marker of the importance of documentation and recalled that the Mission had interviewed more than 150 individuals and reviewed hundreds of documents on violations and abuses in Tripoli, Qanfudah and southern Libya.⁶⁰ Welcoming the adoption of Human Rights Council resolution 48/25 to extend the Mission’s mandate, he added that the Mission must be afforded the time to conduct an exhaustive review of its current and future findings. He expressed regret, however, that the extension had been granted for only 9 months rather than the customary 12 months. Also welcoming the renewal of the mandate of the Mission and stressing that the report served to highlight the importance of the Mission, the representative of the United Kingdom shared the concern of the Prosecutor of the International Criminal Court regarding the conclusions contained in the report and called upon the Government of Libya to support the Mission by facilitating unrestricted and unfettered access throughout the country.

At a meeting held on 24 November,⁶¹ the representative of Ireland urged the Council not to lose sight of the human rights situation, as the most recent report of the Independent Fact-Finding Mission on Libya was deeply concerning. The representative of Mexico noted that the report documented serious violations of human rights and international humanitarian law and that it was stated therein that the proliferation of weapons had been one of the factors that had led to the deterioration of the situation in Libya. The information gathered by the Mission must be used to ensure accountability. The representative of Estonia called for the Mission to be granted full, safe and unhindered access to all Libyan territory to fulfil its mandate. In that regard, the representative of Libya stated that the Libyan specialized national institutions, especially the Office of the Attorney General of Libya, in cooperation with the Mission, were working in accordance with their mandates to conclude the necessary investigations into the crimes that had been committed over the past years in Libya, especially war crimes and crimes against humanity, to ensure accountability and end impunity.

⁵⁷ See [S/2021/483](#). For more information about the situation in Libya, see part I, sect. 10.

⁵⁸ See [S/PV.8911](#).

⁵⁹ [A/HRC/48/83](#).

⁶⁰ See [S/PV.8911](#).

⁶¹ See [S/PV.8912](#).

Case 4 The situation in the Middle East

At a meeting held on 3 June in connection with the item entitled “The situation in the Middle East”,⁶² the Security Council heard briefings by the High Representative for Disarmament Affairs and the Director General of the Organisation for the Prohibition of Chemical Weapons (OPCW) in connection with the implementation of resolution 2118 (2013) on the elimination of the chemical weapons programme of the Syrian Arab Republic. In her remarks, the High Representative noted that the fact-finding mission of OPCW 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 Government and other States parties to the Chemical Weapons Convention with regard to a variety of incidents. Following the issuance of its second report in April,⁶³ the Investigation and Identification Team was continuing its investigations into incidents in which the fact-finding mission had determined that chemical weapons had been or had likely been used in the Syrian Arab Republic.⁶⁴ She underscored that there was an urgent need not only to identify but to hold accountable all those who had used chemical weapons in violation of international law, adding that unity in the Council was required to re-establish the norm against chemical weapons.

In his remarks, the Director General stated that, in line with its mandate to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic, the Investigation and Identification Team had issued its second report on 21 April, in which it had concluded that there were reasonable grounds to believe that the Syrian Arab Air Force had used chemical weapons in Saraqib on 4 February 2018. That established case of chemical weapons use there was in addition to the three other cases identified in the Team’s first report of April 2020. He noted that, on 21 April, the Conference of the States Parties of OPCW had decided to express grave concern at the proven cases of chemical weapons use in the Syrian Arab Republic and to deprive it of certain rights and privileges in the Organisation. According to the Director General, OPCW, including the Investigation and Identification Team, as part of the Technical

Secretariat, was never a court or a tribunal and neither was the OPCW-United Nations Joint Investigative Mechanism, established by the Council in 2015 and discontinued in 2017. Through its work, however, OPCW provided the international community with materials that would assist accountability mechanism in their tasks. He stressed that the Technical Secretariat continued to deliver on all the various Syrian-related mandates under extraordinarily difficult conditions, namely, the numerous and sophisticated cyberattacks, the massive spread of disinformation about its work and the challenges imposed by the restrictions stemming from the pandemic. OPCW had delivered assistance upon the request of concerned State parties, and it was the responsibility of the international community at large, as well as OPCW and beyond – the wider United Nations – to take further measures.

During the discussion, Council members exchanged views on the methodology used in the investigations conducted by OPCW into the incidents involving the use of chemical weapons in the Syrian Arab Republic. The representative of the Russian Federation noted that his country questioned the findings of the fact-finding mission on the Duma incident in April 2018 and the methodology used by the Technical Secretariat for relying on information from partisan sources, collecting evidence remotely and drawing “highly likely” conclusions based on it. He observed that the new report of the Investigation and Identification Team on the Saraqib incident did not address the concerns related to the investigation methodology. According to the representative of China, the Chemical Weapons Convention authorized only fact-finding investigations into the alleged use of chemical weapons and did not authorize the identification of perpetrators. He noted that the establishment of the Identification and Investigation Team had overstepped the authorization of the Convention and had been replete with political motives and inconsistent with the technical nature of OPCW. He expressed the deep concern of China at the high degree of politicization of the Organisation’s work and the deep division among the States parties.

By contrast, the representative of the United States asserted that no amount of disinformation could negate or diminish the credibility of the evidence that had been presented by OPCW. According to the representative of the United Kingdom, despite the challenges posed by the pandemic and the intense scrutiny under which the Technical Secretariat operated, it was clear that OPCW continued to implement the duties conferred upon it objectively and professionally. Similarly, the representative of Ireland

⁶² See [S/PV.8785](#). For similar discussions, see also [S/PV.8830](#), [S/PV.8849](#), [S/PV.8872](#) and [S/PV.8921](#). For more information about the situation in the Middle East, see part I, sect. 19.

⁶³ See [S/2021/371](#).

⁶⁴ See [S/PV.8785](#).

stated that OPCW played an essential role as the impartial and technical body mandated by the international community to address chemical weapons. She noted that the professionalism and integrity of the staff of the OPCW was clear, and she expressed regret that some Council members continued to challenge and undermine their work without any factual basis. The representative of France held the view that the second report of the Investigation and Identification Team had been prepared completely independently and that its conclusions were clear and the evidence irrefutable. In a similar vein, the representative of Estonia affirmed that the leadership and experts of OPCW had been under intense scrutiny over the past seven years and had shown nothing less than integrity and dedication to the task of upholding the norm against the use of chemical weapons.

Several Council members stressed the need for the investigative work of OPCW to be carried out in an impartial, transparent and objective manner.⁶⁵ The representative of Kenya asserted that prompt conclusion and closure of the ongoing investigations would bring about optimism for a peaceful Syrian Arab Republic, while the representative of Saint Vincent and the Grenadines encouraged efforts aimed at strengthening the capacities of OPCW to ensure that its work was of the highest possible standard. She noted that the findings of OPCW must be able to withstand rigorous scrutiny to enable States parties to maintain confidence in its processes and that consensus-based decisions ought to be pursued to prevent further polarization and divisiveness and to promote international cooperation.

Case 5 Peace and security in Africa

At a meeting held on 26 August in connection with the item entitled “Peace and security in Africa”,⁶⁶ the Security Council heard a briefing by the Secretary-General in connection with the situation in Ethiopia. The Secretary-General expressed deep concern at reports of horrific sexual and gender-based violence from survivors, including women and children, and noted that the situation was compounded by other serious allegations of human rights violations and abuses against civilians, reportedly perpetrated by all parties to the conflict. Underscoring the need for accountability, he told the Council that a joint investigation by the Office of the United Nations High

Commissioner for Human Rights (OHCHR) and the Ethiopian Human Rights Commission was concluding.

In the discussion, several Council members referred to the role of the joint investigation in the context of reported violations and abuse of human rights in Ethiopia. The representative of Estonia reiterated the importance of the joint investigation and noted that the perpetrators must be held accountable and brought to justice. He also expressed concern over reports of arbitrary detentions and enforced disappearances of ethnic Tigrayans in Addis Ababa and called upon the Ethiopian authorities to investigate those possibly unlawful and discriminatory practices. The representative of France reiterated her country’s full support for the joint investigation into human rights violations, which must irrefutably establish the facts and whose conclusions must be followed by action. She expressed deep regret for the difficulties encountered in the collection of evidence and called upon all parties to guarantee access for the investigators. Similarly, the representative of Norway stated that the alleged atrocities, violations and abuses of international human rights and international humanitarian law must be documented and investigated and that those responsible must be prosecuted, adding that bringing perpetrators to justice was critical for prevention and deterrence. She welcomed the joint investigation by OHCHR and the Ethiopian Human Rights Commission, as well as the independent commission of inquiry of the African Commission on Human and Peoples’ Rights, into alleged atrocities in Tigray. In that regard, she expressed the expectation that all findings would be used to ensure accountability. The representative of the United Kingdom also expressed full support for the joint investigation and affirmed that it was crucial to prospects for peace and reconciliation that the investigation be thorough and robust. According to the representative of Mexico, reports of sexual and gender-based violence against women and girls, as well as grave violations against children, must be investigated and the perpetrators brought to justice. Her delegation looked forward to the results of the ongoing joint investigation.

At a meeting held on 8 November in connection with the same item,⁶⁷ the Under-Secretary-General for Political and Peacebuilding Affairs informed the Council that, in the report of the joint investigation by OHCHR and the Ethiopian Human Rights Commission into the conflict in Tigray, published on 3 November, it was concluded that there were reasonable grounds to believe that all parties to the conflict, including the

⁶⁵ Viet Nam, India, China, Saint Vincent and the Grenadines and Tunisia.

⁶⁶ See [S/PV.8843](#).

⁶⁷ See [S/PV.8899](#).

Ethiopian National Defence Forces, the Eritrean Defence Forces, the Amhara Special Forces and allied militia on one side and Tigrayan forces on the other, had committed violations of international human rights law, humanitarian law and refugee law, including attacks on civilians and civilian infrastructure, indiscriminate attacks resulting in civilian casualties and extrajudicial killings, torture, arbitrary detentions, sexual and gender-based violence and forced displacement. In the report, it was also stated that war crimes and crimes against humanity might have been committed, and steps were outlined that were to be taken to ensure accountability for those acts.

In their discussion, several Council members took note of the report of the joint investigation by OHCHR and the Ethiopian Human Rights Commission and reflected on its findings. The representative of Norway stated that, while the report was limited in time and geographical scope, it outlined a pattern of the killing of civilians and the widespread and systematic use of sexual and gender-based violence. She underscored that incidents must be investigated and perpetrators brought to justice and that all parties to the conflict must fully respect international human rights law and international humanitarian law. The representative of the United Kingdom called upon all parties to implement the recommendations contained in the joint report, ensure accountability and prevent further suffering. The representative of France expressed the expectation that all parties would undertake credible investigations into the allegations, which were extremely serious. The representative of India welcomed the recognition and acceptance of the report by the Government of Ethiopia as an important document that could complement its ongoing efforts to address the allegations of human rights violations and abuses. He noted that the report could not serve to confirm the deliberate or wilful denial of humanitarian assistance to the civilian population in Tigray or the use of starvation as a weapon of war. The representative of Estonia called for the full implementation of the recommendations of the report and ensuring accountability for the perpetrators, noting that it was up to the Government of Ethiopia to carry out its promises in that regard. The representative of the United States asserted that the geographical and chronological scopes of the report should be expanded to ensure that more recent allegations from across the region could be investigated and perpetrators held accountable. In the meantime, suspected individuals needed to be removed from active duty pending investigation, and independent bodies must be allowed to investigate and ensure accountability.

According to the representative of Ethiopia, although the Council had been made to convene over false reports alleging heinous crimes, including the use of hunger as a weapon of war, the truth had come out and the malicious accusations had been dispelled by the report of the joint investigation by the Ethiopian Human Rights Commission and OHCHR.

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 9 July 2021 addressed to the Secretary-General and the President of the Council,⁶⁸ the representative of the Russian Federation stated that the claims made by the Director-General of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons (OPCW) on 3 June during the Council meeting on the implementation of resolution [2118 \(2013\)](#), regarding the Syrian Arab Republic, were ambiguous and therefore required an official response. In the letter, he recalled that the mandates of the two special missions working in the Syrian Arab Republic, namely, the mission established to verify the initial declaration made by Damascus under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (the Declaration Assessment Team) and the mission established to investigate the possible use of chemical weapons (the OPCW fact-finding mission in the Syrian Arab Republic), were the result of a bilateral agreement between the Technical Secretariat of OPCW and the Syrian Arab Republic, which showed political will by assuming additional obligations beyond those under the Convention. Any suggestion that the provisions of Article IV of the Convention supposedly gave the Technical Secretariat of OPCW “special powers” to verify the initial declaration made by the Syrian Arab Republic under the Convention upon accession thereto was totally inappropriate and legally null and void. He clarified that the Council had never delegated its exclusive powers of attribution under the Charter to OPCW, much less to its Technical Secretariat.

In addition, in a letter dated 30 December addressed to the Secretary-General,⁶⁹ the representative of Estonia transmitted a concept note for an Arria-formula meeting on the theme “Accountability in the Syrian Arab Republic”, in which he noted that the Independent International Commission of Inquiry on the Syrian Arab Republic,

⁶⁸ See [S/2021/641](#). See also case 3 above.

⁶⁹ See [S/2021/1112](#).

established by the Human Rights Council in 2011, continued to report on gross human rights violations. In the same concept note, he asserted that 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, was also progressing with its work to assist investigations related to prosecutions of core international crimes.

Furthermore, the Secretary-General continued to transmit the monthly reports of the Director General of OPCW submitted pursuant to paragraph 12 of resolution 2118 (2013).⁷⁰ In addition, by his letter

⁷⁰ See S/2021/84, S/2021/200, S/2021/305, S/2021/422, S/2021/514, S/2021/615, S/2021/692, S/2021/764, S/2021/842, S/2021/911, S/2021/989 and S/2021/1103.

dated 14 April addressed to the President of the Council,⁷¹ the Secretary-General transmitted to the Council the second report by the Investigation and Identification Team of OPCW on the alleged use of chemical weapons in Saraqib, Syrian Arab Republic, on 4 February 2018, in which the Team concluded that there were reasonable grounds to believe that chemical weapons were used by the Syrian Arab Air Force at that location. Finally, by his letter dated 3 May,⁷² the Secretary-General transmitted the decision entitled “Addressing the possession and use of chemical weapons by the Syrian Arab Republic”, adopted by the Conference of the States Parties of OPCW at its twenty-fifth session, on 21 April.

⁷¹ See S/2021/371.

⁷² See S/2021/425.

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

Article 33

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

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

Article 36

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

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

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

Article 37

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

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

Article 38

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

Note

Article 33 (1) of the Charter of the United Nations expressly provides the framework for parties to settle their disputes by peaceful means. According to Article 33 (2), the Council shall call upon 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. Under Article 37 (2), following a referral, the Council is to 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 2021 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 the present section. Subsections A to C feature decisions of the Council in which the pacific settlement of disputes was addressed in the context of, respectively: thematic issues; country-specific and regional situations; and the settlement of disputes involving the Secretary-General. In subsection D, reference is made to decisions of the Council in support of the pacific settlement of disputes by regional and subregional 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 pacific settlement of disputes. In its decisions during the period under review, the Council reaffirmed its commitment to the pacific settlement of disputes under Chapter VI of the Charter and emphasized the key role of the International Court of Justice in that regard. The Council underscored the need to enhance conflict prevention and resolution, for comprehensive approaches to sustaining peace efforts and the inclusion of women and young people therein. In its decisions under thematic items, the Council called for a humanitarian pause and the cessation of hostilities in the context of the pandemic and the inclusion of mine action considerations in peace agreements and ceasefires. A more detailed description of the decisions of the Council relating to these subjects is set out below.

Peaceful settlement of disputes, conflict prevention and resolution, and sustaining peace

In 2021, the Council reaffirmed its commitment to the pacific settlement of disputes in conformity with the Charter, in particular Chapter VI.⁷³ The Council reiterated 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 or situations which might lead to a breach of peace.⁷⁴ Furthermore, the Council emphasized the key role of the International Court of Justice in adjudicating disputes among States and the value of its work.⁷⁵

The Council recognized the need to enhance efforts in support of conflict prevention and resolution, including by the promotion of confidence-building measures and political dialogue through full engagement with concerned parties.⁷⁶ Furthermore, the Council underscored the need to redouble efforts on conflict prevention, mediation, stabilization, transition and peacebuilding.⁷⁷

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 and human rights 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 parties to conflict to end hostilities, ensuring national reconciliation, and moving towards recovery, reconstruction and development.⁷⁸ Furthermore, the Council emphasized the importance of a comprehensive approach to sustaining peace, particularly through the prevention of conflict and

⁷³ *S/PRST/2021/9*, fourth 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. 35.

⁷⁴ *S/PRST/2021/23*, sixth paragraph, in connection with the item entitled “Peacebuilding and sustaining peace”. For more information on the item, see part I, sect. 32.

⁷⁵ *S/PRST/2021/23*, twelfth paragraph.

⁷⁶ *S/PRST/2021/9*, fourth paragraph.

⁷⁷ *S/PRST/2021/21*, fifth paragraph, in connection with the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”.

⁷⁸ *S/PRST/2021/22*, fourth paragraph, in connection with the item entitled “Maintenance of international peace and security”. For more information on the item, see part I, sect. 34.

addressing its root causes, strengthening the rule of law at the international and national levels, and promoting sustained and sustainable economic growth, poverty eradication, social development, sustainable development, national reconciliation and unity, including through inclusive dialogue and mediation, access to justice and transitional justice, accountability, good governance, democracy, accountable institutions, gender equality and respect for, and protection of, human rights and fundamental freedoms.⁷⁹ The Council also emphasized that sustaining peace was a shared task and responsibility that needed to be fulfilled by the Government and all other national stakeholders, should flow through all three pillars of the engagement of the United Nations at all stages of conflict, and in all its dimensions, and needed sustained international attention and assistance.⁸⁰

The Council recognized that peacebuilding was an inherently political process aimed at preventing the outbreak, escalation, recurrence or continuation of conflict, and that peacebuilding encompassed a wide range of political, developmental, and human rights programmes and mechanisms.⁸¹ It reiterated the need to strengthen efforts to resolve armed conflict and build sustainable peace and its conviction that the protection of civilians in armed conflict and the protection of objects indispensable to the survival of the civilian population should be an important aspect in that regard.⁸² The Council stressed that the primacy of politics should be the hallmark of the approach of the United Nations to the resolution of conflict, including through mediation, good offices, the monitoring of ceasefires and assistance to the implementation of peace accords.⁸³ In that regard, the Council stressed the crucial role that peace operations played in the pursuit of sustainable political solutions and building peace.⁸⁴

Inclusivity in peace processes, conflict prevention and resolution, and peacebuilding

The Council reiterated its commitment to the full, equal and meaningful participation of women and the inclusion of young people in all stages of peace,

security, development and decision-making processes, in line with the women and peace and security and youth, peace and security resolutions.⁸⁵ The Council emphasized the essential role of women in the prevention, mediation and resolution of conflicts, in peacebuilding and in post-conflict situations and stressed the importance of their full, equal and meaningful participation and involvement in processes and bodies for the maintenance and promotion of peace and security, as recognized in resolution [1325 \(2000\)](#).⁸⁶ The Council further emphasized that inclusivity was key to advancing national peacebuilding processes and objectives in order to ensure that the needs of all segments of society were taken into account.⁸⁷

Cessation of hostilities, ceasefire and peace agreements

In 2021, the Council recognized that armed conflicts could exacerbate the COVID-19 pandemic and that, inversely, the pandemic could exacerbate the adverse humanitarian impact of armed conflicts, as well as exacerbating inequalities, and expressed concern that the call for a general and immediate cessation of hostilities contained in its resolution [2532 \(2020\)](#) had not been fully heeded.⁸⁸ In that context, the Council demanded that all parties to armed conflicts engage immediately in a durable, extensive and sustained humanitarian pause to facilitate, inter alia, the equitable, safe and unhindered delivery and distribution of COVID-19 vaccinations in areas of armed conflict.⁸⁹ The Council further encouraged the continued inclusion of mine action in ceasefire and peace agreements where appropriate.⁹⁰

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

Article 33 (2) of the Charter provides that the Council 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

⁷⁹ [S/PRST/2021/22](#), eleventh paragraph.

⁸⁰ *Ibid.*, fourth paragraph.

⁸¹ [S/PRST/2021/23](#), tenth paragraph.

⁸² Resolution [2573 \(2021\)](#), fourteenth preambular paragraph, in connection with the item entitled “Protection of civilians in armed conflict”. For more information on the item, see part I, sect. 25.

⁸³ Resolution [2594 \(2021\)](#), third preambular paragraph, in connection with the item entitled “United Nations peacekeeping operations”. For more information on the item, see part I, sect. 22.

⁸⁴ Resolution [2594 \(2021\)](#), para. 1.

⁸⁵ [S/PRST/2021/22](#), eighth paragraph.

⁸⁶ [S/PRST/2021/21](#), thirtieth paragraph.

⁸⁷ [S/PRST/2021/22](#), fifth paragraph.

⁸⁸ Resolution [2565 \(2021\)](#), third preambular paragraph, in connection with the item entitled “Maintenance of international peace and security”.

⁸⁹ *Ibid.*, para. 3.

⁹⁰ [S/PRST/2021/8](#), seventh paragraph, in connection with the item entitled “Maintenance of international peace and security”.

methods of adjustment. In Article 37 (2), it is further established 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 recommending procedures or methods for the pacific settlement of disputes. The decisions featured in the present 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 2021, which are covered in part X.

During the period under review, the Council made a wide range of recommendations with regard to the peaceful settlement of conflicts and disputes that were both inter- and 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 2021, with rising levels of insecurity in the eastern Democratic Republic of the Congo, the Council demanded that all armed groups cease violence and disband and lay down their arms. The Council welcomed the ceasefire agreement in Libya and called for its full implementation, including the withdrawal of foreign forces and mercenaries. The Council also reiterated its call upon Israel and the Syrian Arab Republic to prevent any further breaches of the ceasefire in the Golan Heights and on Israel and Lebanon to respect the cessation of hostilities, support

a permanent ceasefire and find a long-term solution to their dispute.

The Council reiterated its deep concern regarding the humanitarian crisis in the eastern Democratic Republic of the Congo, exacerbated by widespread insecurity including the destabilizing activities of foreign and domestic armed groups, and demanded that all armed groups cease immediately all forms of violence.⁹¹ The Council further demanded that the members of all armed groups immediately and permanently disband and lay down their arms and called for the restoration of State authority of the Government in the eastern part of the country.⁹²

With respect to the situation in the Golan Heights, the Council stressed the obligation of both Israel and the Syrian Arab Republic to scrupulously and fully respect the terms of the Agreement on Disengagement between Israeli and Syrian Forces of 1974.⁹³ The parties were called upon to exercise maximum restraint and prevent any breaches of the ceasefire and the area of separation and to take full advantage of the liaison function of the United Nations Disengagement Observer Force (UNDOF) to address issues of mutual concern and to prevent any escalation of the situation across the ceasefire line.⁹⁴ Furthermore, with respect to the situation in the Syrian Arab Republic, the Council called upon all parties to the domestic conflict in that country to cease military actions throughout the country, including in the UNDOF area of operations.⁹⁵

In relation to the situation in Lebanon, the Council reiterated its call upon 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).⁹⁶ 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 violation of the Blue Line and to respect it in its entirety and to cooperate fully with the United Nations

⁹¹ S/PRST/2021/19, sixth paragraph, in connection with the item entitled “The situation in the Great Lakes region”.

For more information on the item, see part I, sect. 3.

⁹² S/PRST/2021/19, sixth paragraph.

⁹³ Resolutions 2581 (2021) and 2613 (2021), para. 2, in connection with the item entitled “The situation in the Middle East”. For more information on the item, see part I, sect. 19.

⁹⁴ Resolutions 2581 (2021) and 2613 (2021), para. 2.

⁹⁵ Resolutions 2581 (2021) and 2613 (2021), ninth preambular paragraph.

⁹⁶ Resolution 2591 (2021), para. 4, in connection with the item entitled “The situation in the Middle East”.

and the United Nations Interim Force in Lebanon (UNIFIL).⁹⁷

In connection with the situation in Libya, the Council welcomed the ceasefire agreement of 23 October 2020,⁹⁸ called upon all Libyan parties to implement the agreement in full and strongly urged all Member States to respect and support that implementation, including through the withdrawal of all foreign forces and mercenaries from the country without delay.⁹⁹ The Council welcomed the Action Plan agreed by the 5+5 Joint Military Commission and called upon all relevant actors to facilitate its synchronized, phased, gradual and balanced implementation.¹⁰⁰

In relation to the situation in Yemen, the Council reaffirmed its endorsement of the Agreement on the City of Hudaydah and the Ports of Hudaydah, Salif, and Ra's Isa of 2018 and reiterated its call upon the Government of Yemen and the Houthis to work cooperatively to implement all its provisions.¹⁰¹

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

In 2021, the Council emphasized the importance of political dialogue and reconciliation in addressing the deteriorating political, security and humanitarian situations in Afghanistan, Haiti and Myanmar, as well as in advancing political dialogue and allowing for sustainable reconciliation in West Africa and the Sahel. The Council welcomed the formation of an interim executive authority in Libya and called for the organization of peaceful, free, fair and credible elections with the full participation of women. The importance of peaceful, free, fair, credible and inclusive elections was also emphasized with respect to the situations in Haiti and Somalia and in West Africa and the Sahel. The Council further stressed the need for political stakeholders in the Sudan to remain committed to the political transition in that country while also calling for the implementation of peace agreements in both South Sudan and the Sudan.

⁹⁷ Ibid., para. 12.

⁹⁸ See S/2020/1043.

⁹⁹ S/PRST/2021/4, fourth and fifth paragraphs. See also resolution 2570 (2021), fourth preambular paragraph and para. 12; S/PRST/2021/12, tenth paragraph; and S/PRST/2021/24, ninth paragraph, in connection with the item entitled "The situation in Libya". For more information on the item, see part I, sect. 10.

¹⁰⁰ S/PRST/2021/24, ninth paragraph.

¹⁰¹ Resolution 2586 (2021), fifth preambular paragraph, in connection with the item entitled "The situation in the Middle East".

Finally, the Council recognized the achievements made in the implementation of the peace agreement in Colombia and called for further progress in that regard.

Against the backdrop of the takeover of the country by the Taliban in August, the Council encouraged all parties in Afghanistan to seek an inclusive, negotiated political settlement, with the full, equal and meaningful participation of women, that responded to the desire of Afghans to sustain and build upon the country's gains over the past 20 years in adherence to the rule of law, and underlined that all parties must respect their obligations.¹⁰²

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 build upon the progress and address challenges, in particular the continued violence in conflict-affected areas, through comprehensive implementation of the Final Agreement.¹⁰³

In connection with the question concerning Haiti, the Council expressed deep concern regarding the protracted political, constitutional, humanitarian and security crises in the country and urged all political stakeholders to set aside their differences in the interest of the people of Haiti, to engage constructively to enable the organization of elections, and to ensure that elections took place in a peaceful environment.¹⁰⁴ The Council further urged all Haitian stakeholders to commit to an inclusive inter-Haitian national dialogue to address long-standing drivers of instability by creating a sustainable and commonly accepted framework to permit the organization of inclusive, peaceful, free, fair and transparent legislative and presidential elections as soon as technically feasible and with the full, equal and meaningful participation of women.¹⁰⁵

¹⁰² Resolution 2593 (2021), para. 4, in connection with the item entitled "The situation in Afghanistan". For more information on the item, see part I, sect. 14.

¹⁰³ Resolutions 2574 (2021) and 2603 (2021), third preambular paragraph, in connection with the item entitled "Identical letters dated 19 January 2016 from the 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. 13.

¹⁰⁴ S/PRST/2021/7, second and third paragraphs, in connection with the item entitled "The question concerning Haiti". For more information on the item, see part I, sect. 12.

¹⁰⁵ Resolution 2600 (2021), para. 5.

Addressing the political transition in Libya, the Council welcomed the agreement reached by the Libyan Political Dialogue Forum on a new unified interim executive authority charged with leading the country to elections as an important milestone in the Libyan political process.¹⁰⁶ The Council further called upon the interim executive authority to agree swiftly on the formation of a new, inclusive Government and to make the necessary preparations ahead of national presidential and parliamentary elections planned for 24 December,¹⁰⁷ including arrangements to ensure the full, equal and meaningful participation of women and the inclusion of young people.¹⁰⁸ The Council further strongly urged all Libyan stakeholders to commit to accepting the election results and to respect the rights of their political opponents and called upon them to take steps to increase mutual trust and build consensus ahead of the elections, including through dialogue and national reconciliation.¹⁰⁹

Reiterating its deep concern at developments in Myanmar following the declaration of the state of emergency imposed by the military on 1 February and the arbitrary detention of members of the Government in Myanmar, the Council strongly condemned the violence against peaceful protestors, including against women, young people and children and called for the immediate release of all those detained arbitrarily.¹¹⁰ The Council expressed its continued support for the democratic transition and stressed the need to uphold democratic institutions and processes, refrain from violence, fully respect human rights and fundamental freedoms and uphold the rule of law. The Council encouraged the pursuance of constructive dialogue and reconciliation in accordance with the will and interests of the people of Myanmar.¹¹¹

Addressing the situation in Somalia, the Council called upon the Federal Government of Somalia and the federal member States to organize free, fair, credible and inclusive elections in line with the agreements of 17 September 2020 and 27 May 2021 without further delay.¹¹² The Council also called upon them to enhance, as a matter of urgency, broad-based

consultations and consensus-building on national priorities, the implementation of the national security architecture, the delivery of the Somalia Transition Plan, the delivery of further social and economic reforms, the review of the Constitution and the implementation of timely elections in line with the State-building road map set out in the agreement of 27 May.¹¹³

Regarding the situation in the Sudan, the Council called upon the Government to accelerate implementation of key provisions of the 2019 Constitutional Document and 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.¹¹⁴ Welcoming the steps taken to implement the Juba Agreement for Peace in the Sudan of 2020, the Council urged the Government and the Sudanese armed group signatories to ensure its swift, full and inclusive implementation, with the support of the United Nations Integrated Transition Assistance Mission in the Sudan.¹¹⁵ The Council welcomed the signing of the Declaration of Principles on 28 March by the Government and the Sudan People's Liberation Movement-North Abdelaziz al-Hilu faction and urged the signatories to engage constructively to swiftly finalize a comprehensive and inclusive peace agreement. Moreover, the Council urged those who had not yet engaged in peace negotiations to do so immediately, constructively and without preconditions.¹¹⁶

Addressing South Sudan, the Council urged the South Sudanese authorities to make progress on key milestones in the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan of 2018, including the necessary security arrangements; the establishment of the legal framework for elections; the establishment of the composition and functioning of the National Election Commission and the designation of its members; and the allocation of resources for the operating costs of the Commission and a budget for elections operations.¹¹⁷ The Council expressed grave concern regarding the increased violence between

¹⁰⁶ S/PRST/2021/4, first and second paragraphs.

¹⁰⁷ Ibid., third paragraph.

¹⁰⁸ Resolution 2570 (2021), para. 2.

¹⁰⁹ S/PRST/2021/24, fifth and sixth paragraphs.

¹¹⁰ S/PRST/2021/5, first and second paragraphs, in connection with the item entitled "The situation in Myanmar". For more information on the item, part I, sect. 15.

¹¹¹ S/PRST/2021/5, third paragraph.

¹¹² Resolution 2592 (2021), para. 7, in connection with the item entitled "The situation in Somalia". For more information on the item, part I, sect. 2.

¹¹³ Resolution 2592 (2021), para. 8.

¹¹⁴ Resolution 2579 (2021), 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, part I, sect. 7.

¹¹⁵ Resolution 2579 (2021), fifth preambular paragraph.

¹¹⁶ Ibid., sixth preambular paragraph.

¹¹⁷ S/PRST/2021/20, fifth paragraph, in connection with the item entitled "Reports of the Secretary-General on the Sudan and South Sudan".

armed groups in some parts of South Sudan and called upon the South Sudanese leaders to take immediate and effective measures to restore stability throughout the country to facilitate the preparation and conduct of free and fair elections, as stipulated in the Revitalized Agreement.¹¹⁸

In relation to West Africa and the Sahel, the Council called upon all political stakeholders to further advance national political dialogue and to take concrete steps to allow sustainable reconciliation.¹¹⁹ Welcoming the holding of presidential and legislative elections in the region in 2020, most of which had been peaceful, the Council encouraged national stakeholders with upcoming elections to work together to facilitate the preparation for, and the holding of, genuinely free and fair, credible, timely, inclusive and peaceful elections and to take all appropriate steps to prevent any forms of violence and further encouraged them to ensure a level playing field for all candidates and to work towards the full, equal and meaningful participation of women.¹²⁰ The Council also recalled the importance of political dialogue and consensus-building on key national priorities among all stakeholders as a means to achieve sustainable reconciliation and stressed that good governance was critical for long-term peace and stability in West Africa and the Sahel.¹²¹

Peaceful resolution of outstanding disputes through dialogue

The Council called for the peaceful resolution of outstanding disputes related to the situations in Cyprus, the Great Lakes region, the relations between South Sudan and the Sudan, including the Abyei Area, and between Egypt, Ethiopia and the Sudan over the Grand Ethiopian Renaissance Dam.

In that regard, the Council encouraged Egypt, Ethiopia and the Sudan to resume negotiations at the invitation of the Chairperson of the African Union to finalize expeditiously the text of mutually acceptable and binding agreement on the filling and operation of the Grand Ethiopian Renaissance Dam, within a reasonable time frame¹²² and called upon the three

countries to take forward the African Union-led negotiation process in a constructive and cooperative manner.¹²³

The Council reiterated the importance of the Greek Cypriot and Turkish Cypriot sides and all involved participants approaching the informal talks convened by the Secretary-General in the spirit of openness, flexibility and compromise and to show the necessary political will and commitment to freely negotiate a mutually acceptable settlement under the auspices of the United Nations.¹²⁴ The Council noted the easing of tensions in the Eastern Mediterranean and underlined that disputes should be resolved peacefully in accordance with applicable international law.¹²⁵ The Council called upon the leaders of the two communities and all involved parties to refrain from any actions and rhetoric that might damage the settlement process.¹²⁶ The Council welcomed the establishment of a dialogue between the sides and the United Nations resulting in the reopening of the crossing points on 4 June and called upon the leaders to continue cooperation in that vein and to return the crossing points to the operating status that existed prior to 29 February 2020.¹²⁷ In connection with the situation in Varosha, the Council condemned the announcement by Turkish and Turkish Cypriot leaders on 20 July on the further reopening of a part of the fenced-off area and called for the immediate reversal of that course of action and of all steps taken on Varosha since October 2020 that could raise tensions on the island and harm prospects for a settlement.¹²⁸

Regarding the Great Lakes region, the Council welcomed the recent positive political developments, particularly the diplomatic efforts reinvigorated by the President of the Democratic Republic of the Congo, Félix-Antoine Tshisekedi Tshilombo, the President of Uganda, Yoweri Kaguta Museveni, the President of Rwanda, Paul Kagame, and the President of Burundi, Evariste Ndayishimiye, that had led to the signing of various instruments of bilateral cooperation, as well as the efforts of the President of Angola, João Manuel Gonçalves Lourenço, in his leadership of the International Conference on the Great Lakes Region. The Council encouraged the leaders of the region to seize the current momentum to make progress in

¹¹⁸ *Ibid.*, seventh paragraph.

¹¹⁹ *S/PRST/2021/3*, fourteenth paragraph, in connection with the item entitled “Peace consolidation in West Africa”. For more information on the item, see part I, sect. 8.

¹²⁰ *S/PRST/2021/3*, fourteenth paragraph.

¹²¹ *S/PRST/2021/16*, tenth paragraph, in connection with the item entitled “Peace consolidation in West Africa”.

¹²² *S/PRST/2021/18*, fourth paragraph, in connection with the item entitled “Peace and security in Africa”. For more information on the item, see part I, sect. 9.

¹²³ *S/PRST/2021/18*, sixth paragraph.

¹²⁴ Resolution 2587 (2021), para. 2, in connection with the item entitled “The situation in Cyprus”. For more information on the item, see part I, sect. 16.

¹²⁵ Resolution 2587 (2021), para. 3.

¹²⁶ *Ibid.*

¹²⁷ Resolution 2587 (2021), para. 8.

¹²⁸ *S/PRST/2021/13*, third paragraph; and resolution 2587 (2021), para. 14.

overcoming challenges to peace and sustainable development.¹²⁹

With respect to relations between South Sudan and the Sudan and the situation in the Abyei Area, the Council reiterated that any territorial disputes between States were to be settled exclusively by peaceful means and underscored that the future status of Abyei was to be resolved by negotiations between the two countries in a manner consistent with the Comprehensive Peace Agreement of 2005.¹³⁰ The Council urged continued progress towards establishing temporary administrative and security arrangements and the implementation and facilitation of confidence-building measures among the respective communities in the area.¹³¹ 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.¹³² The Council determined that South Sudan and the Sudan should demonstrate measurable progress on border demarcation.¹³³

With regard to the situation concerning Western Sahara, the Council emphasized the need to achieve a realistic, practicable, enduring and mutually acceptable political solution based on compromise.¹³⁴ The Council called upon the parties 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, which 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.¹³⁵ The Council also called upon the parties to comply fully with the military agreements reached with the United Nations Mission for the Referendum in Western Sahara with regard to the ceasefire, implement their commitments to the former Personal Envoy of the Secretary-General for Western Sahara and refrain from any actions that could

undermine United Nations-facilitated negotiations or further destabilize the situation in Western Sahara.¹³⁶

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, of peace agreements and political transitions and of the resolution of outstanding disputes.

Good offices to end violence

The Council reiterated its demand for a general and immediate cessation of hostilities in all situations on its agenda and supported the efforts undertaken by the Secretary-General and his special representatives and special envoys in that respect.¹³⁷ The Council requested that special representatives and special envoys of the Secretary-General, within their respective mandates, and in coordination with all relevant stakeholders, use their good offices and mediation with parties to armed conflicts to facilitate the response to the COVID-19 pandemic, including vaccination in situations of armed conflict.¹³⁸

In connection with the situation in Lebanon, the Council expressed strong support for the continued efforts of UNIFIL to engage with Israel and Lebanon to facilitate liaison, coordination and practical arrangements on the ground.¹³⁹ The Council 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

¹²⁹ S/PRST/2021/19, third paragraph, in connection with the item entitled "The situation in the Great Lakes region".

For more information on the item, see part I, sect. 3.

¹³⁰ Resolution 2609 (2021), third preambular paragraph, in connection with the item entitled "Reports of the Secretary-General on the Sudan and South Sudan".

¹³¹ Resolution 2609 (2021), paras. 11 and 20.

¹³² Ibid., para. 21.

¹³³ Ibid., para. 3.

¹³⁴ Resolution 2602 (2021), para. 2, in connection with the item entitled "The situation concerning Western Sahara". For more information, see part I, sect. 1.

¹³⁵ Resolution 2602 (2021), para. 4.

¹³⁶ Ibid., para. 6.

¹³⁷ Resolution 2565 (2021), para. 2.

¹³⁸ Ibid., para. 13.

¹³⁹ Resolution 2591 (2021), para. 13. For more information on the mandate of UNIFIL, see part X, sect. I.

envisioned in resolution [1701 \(2006\)](#).¹⁴⁰ Regarding the Golan Heights, the Council encouraged Israel and the Syrian Arab Republic to take full advantage of the liaison function of UNDOF regularly to address issues of mutual concern and to prevent any escalation across the ceasefire line.¹⁴¹

With respect to the situation in Libya, the Council underlined the importance of a credible and effective Libyan-led ceasefire monitoring mechanism under the auspices of the United Nations, welcomed the critical steps towards United Nations support for the mechanism through the swift deployment of a United Nations advance team to Libya and looked forward to receiving proposals on the tasks and scale of the ceasefire monitoring mechanism from the Secretary-General.¹⁴² The Council recalled its resolution [2542 \(2020\)](#) and its decision that the United Nations Support Mission in Libya should help to achieve a ceasefire and provide appropriate support to its implementation and requested the Mission to provide support to the 5+5 Joint Military Commission and the Libyan-led and Libyan-owned ceasefire monitoring mechanism.¹⁴³

Good offices in support of peace agreements and political transitions

Addressing peace and security in Africa, the Council reiterated its commitment to work with the Secretary-General to pursue all possible avenues to prevent and end armed conflicts in Africa, including through addressing root causes of armed conflicts in Africa 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.¹⁴⁴

Regarding the Great Lakes region, the Council called upon the Secretary-General to continue to support the efforts of regional and subregional organizations for political efforts and finding peaceful solutions to the conflict situations in the region, including through increased political engagement of his Special Envoy for the Great Lakes region. The Council reiterated its full support for the Special

Envoy of the Secretary-General in fulfilling his mandate to address the remaining challenges in the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the region and to promote peace and stability.¹⁴⁵

On the situation concerning Iraq, the Council commended the efforts of the Government of Iraq to plan and execute genuinely free and fair Iraqi-led and Iraqi-owned early elections and welcomed its request for further United Nations advice, support and technical assistance in that regard, including through the good offices of the Special Representative of the Secretary-General for Iraq and Head of the United Nations Assistance Mission for Iraq.¹⁴⁶

Addressing the situation in Libya, the Council called upon stakeholders to take steps to increase mutual trust and build consensus ahead of the upcoming elections, including through dialogue and national reconciliation, and recognized the important role of the good offices of the United Nations Support Mission in Libya and the Special Envoy of the Secretary-General for Libya in that regard.¹⁴⁷

With regard to the situation in Myanmar, the Council reiterated its support to the Special Envoy of the Secretary-General on Myanmar for her good offices and encouraged her to maintain communication and efforts to engage intensively with all relevant parties in Myanmar and to visit the country as soon as possible.¹⁴⁸

Regarding the situation in Somalia, the Council expressed its deep appreciation for support provided by the United Nations Assistance Mission (UNSOM) in Somalia to the Federal Government of Somalia, in particular with regard to, among other efforts, the development of inclusive politics and preparations for the elections in 2021, the constitutional review process, mediation and the prevention and resolution of conflicts.¹⁴⁹

Concerning the situation in West Africa and the Sahel, the Council recognized that responsible and credible mediation by the United Nations Office in

¹⁴⁰ Ibid., para. 18.

¹⁴¹ Resolutions [2581 \(2021\)](#) and [2613 \(2021\)](#), para. 2. For more information on the mandate of UNDOF, see part X, sect. I.

¹⁴² [S/PRST/2021/4](#), seventh paragraph.

¹⁴³ Resolution [2570 \(2021\)](#), paras. 15 and 16. For more information on the mandate of UNSMIL, see part X, sect. II.

¹⁴⁴ [S/PRST/2021/10](#), tenth paragraph, in connection with the item entitled “Peace and security in Africa”.

¹⁴⁵ [S/PRST/2021/19](#), third paragraph.

¹⁴⁶ Resolution [2576 \(2021\)](#), fourth preambular paragraph, in connection with the item entitled “The situation concerning Iraq”. For more information on the item, see part I, sect. 21. For more information on the mandate of the United Nations Assistance Mission for Iraq, see part X, sect. II.

¹⁴⁷ [S/PRST/2021/24](#), sixth paragraph.

¹⁴⁸ [S/PRST/2021/5](#), fifth paragraph.

¹⁴⁹ Resolution [2592 \(2021\)](#), para. 4. For more information on the mandate of UNSOM, see part X, sect. II.

West Africa and the Sahel (UNOWAS) required, inter alia, national ownership, the consent of the parties to a particular dispute or conflict, and respect for national sovereignty, as set out in the General Assembly resolution 70/304.¹⁵⁰ With regard to Guinea-Bissau, the Council welcomed the assumption by UNOWAS of the good offices functions of the United Nations Integrated Peacebuilding Office in Guinea-Bissau, following the conclusion of its mandate on 31 December 2020, and requested specific reporting on that good offices function in the next report of the Secretary-General.¹⁵¹

Good offices in support of the resolution of outstanding disputes

Regarding Cyprus, the Council expressed full support for the ongoing engagement of the Secretary-General and the agreement by the Greek Cypriot and Turkish Cypriot parties to convene a further round of informal talks in the near future.¹⁵² The Council expressed regret regarding the lack of progress on an effective mechanism for direct military contacts between the sides and the relevant involved parties and urged their engagement, facilitated by the United Nations Peacekeeping Force in Cyprus (UNFICYP), to develop a suitably acceptable proposal on the establishment of such a mechanism and its timely implementation.¹⁵³ The Council called upon the two leaders urgently 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.¹⁵⁴

With respect to the situation in the Abyei Area and relations between South Sudan and the 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 intensify

coordinating efforts to establish temporary administrative and security arrangements for Abyei and to achieve a political solution on its status. The Council also encouraged the United Nations Interim Security Force for Abyei (UNISFA) to increase coordination with the African Union, the Implementation Panel and the Special Envoy on reconciliation, community sensitization and political peace processes and reiterated its request for the Secretary-General to consult with relevant parties on enhancing the role played by the Special Envoy to support the above-mentioned efforts.¹⁵⁵ 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.¹⁵⁶

The Council expressed its full support for the Secretary-General and his Personal Envoy for Western Sahara to facilitate the negotiations process to achieve a solution to the Western Sahara question.¹⁵⁷ The Council called upon the parties to resume negotiations under the auspices of the Secretary-General without preconditions and in good faith and to refrain from any actions that could undermine United Nations-facilitated negotiations or further destabilize the situation in Western Sahara.¹⁵⁸

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 subregional 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.

¹⁵⁰ S/PRST/2021/3, fourth paragraph and S/PRST/2021/16, first paragraph. See also General Assembly resolution 70/304, para. 4. For more information on the mandate of UNOWAS, see part X, sect. II.

¹⁵¹ S/PRST/2021/3, fifteenth paragraph.

¹⁵² Resolutions 2561 (2021) and 2587 (2021), para. 2, in connection with the item entitled "The situation in Cyprus".

¹⁵³ Resolutions 2561 (2021), para. 5, and 2587 (2021), para. 6.

¹⁵⁴ Resolutions 2561 (2021) and 2587 (2021), para. 4 (a). For more information on the mandate of UNFICYP, see part X, sect. I.

¹⁵⁵ Resolution 2609 (2021), para. 12.

¹⁵⁶ Ibid., para. 18.

¹⁵⁷ Resolution 2602 (2021), para. 3.

¹⁵⁸ 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 2021 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 33,¹⁵⁹ Article 36,¹⁶⁰ Article 99¹⁶¹ and Chapter VI¹⁶² of the Charter during the Council's deliberations, although not all cases resulted in a constitutional discussion. No explicit references were made to Articles 37 or 38.

¹⁵⁹ In connection with the letter dated 13 April 2014 from the representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/2014/264), see S/2021/159 (India); in connection with the maintenance of international peace and security, see S/2021/621 (Republic of Korea); in connection with the maintenance of international peace and security, see S/2021/722 (Ukraine); and, in connection with the maintenance of international peace and security, see S/PV.8906 (Islamic Republic of Iran).

¹⁶⁰ In connection with the maintenance of international peace and security, see S/PV.8906 (President of the International Court of Justice).

¹⁶¹ In connection with the maintenance of international peace and security, see S/PV.8906 (Niger, France, Norway and Chile) and S/PV.8906 (Resumption 1) (Malaysia and Ukraine).

¹⁶² In connection with the question concerning Haiti, see S/2021/174 (India); in connection with the reports of the Secretary-General on the Sudan and South Sudan, see S/2021/495 (Russian Federation); in connection with the protection of civilians in armed conflict, see S/2021/505 (India); in connection with the implementation of the note by the President of the Security Council (S/2017/507), see S/2021/572 (Ukraine); in connection with the maintenance of international peace and security, see S/2021/621 (Japan); in connection with the peace and security in Africa, see S/PV.8816 (Mexico); in connection with the maintenance of international peace and security, see S/PV.8850 (India); in connection with the United Nations peacekeeping operations, see S/PV.8851 (President of the Community Development Association of the Sudan) and S/2021/783 (Brazil); and, in connection with the maintenance of international peace and security, see S/PV.8906 (India and Islamic Republic of Iran) and S/2021/952 (Guatemala).

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 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 peaceful 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 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 item entitled "Maintenance of international peace and security" (see cases 6, 7, 8 and 9), as described below. In addition, inclusivity in peace and security and political and peacebuilding processes was discussed in meetings held under the items entitled "Peacebuilding and sustaining peace"¹⁶³ and "Women and peace and security".¹⁶⁴

Case 6 Maintenance of international peace and security

On 29 June, at the initiative of Estonia, which held the presidency of the Security Council for the month,¹⁶⁵ Council members held a high-level open videoconference in connection with the item entitled "Maintenance of international peace and security", with a focus on cybersecurity.¹⁶⁶ During the discussion, Council members and other delegations reflected on the importance of the peaceful settlement of disputes and conflict prevention in the context of cybersecurity. In that regard, several Council members and other

¹⁶³ See S/PV.8877. See also S/2021/868.

¹⁶⁴ See S/PV.8886. See also S/2021/886.

¹⁶⁵ A concept note was circulated by a letter dated 8 June (S/2021/540).

¹⁶⁶ See S/2021/621.

delegations¹⁶⁷ stressed the need for international disputes in cyberspace to be resolved by peaceful settlement. Specifically, in its written statement, the delegation of Switzerland noted that the obligation to resolve disputes by peaceful means applied to the activities of States in cyberspace. The Ambassador for United Nations Affairs and Cyber Policy of the Ministry of Foreign Affairs of Japan highlighted that any international dispute involving cyberoperations must be settled through peaceful means pursuant to Article 2 (3) of the Charter. In order to ensure the peaceful settlement of disputes, the powers of the Council, based on Chapters VI and VII, and the functions of the other United Nations organs should be used in disputes stemming from cyberoperations. Similarly, the representative of the Islamic Republic of Iran emphasized that all cyberrelated international disputes must be settled exclusively by peaceful means, on the basis of the sovereign equality of States and in accordance with the principle of free choice of means as stated in the Manila Declaration on the Peaceful Settlement of International Disputes of 1970. The delegation of Italy stated that further efforts should be dedicated to mechanisms for the peaceful settlement of disputes, as well as to initiatives to develop cyberdiplomacy and cybermediation.

Council members and other delegations also focused on the applicability of international law to conflict prevention in cyberspace, including the purposes and principles of the Charter. The Prime Minister of Estonia held the view that international law, including the Charter in its entirety, international humanitarian law and international human rights law, applied in cyberspace. According to the Minister for Foreign Affairs and Defence of Ireland, States had reaffirmed that international law, particularly the Charter, provided strong, rules-based foundation for all approaches to cybersecurity. The representative of Tunisia reaffirmed the applicability of international law in addressing the use of information and communications technologies by States and stressed in that regard the importance of respecting the principle enshrined in the Charter, including the settlement of international disputes by peaceful means. The representative of Australia and the delegation of Chile reaffirmed their countries' position that international law, and in particular the Charter, was applicable and essential to maintaining peace and stability and to promoting an open, secure, stable, accessible and peaceful information and communications technology environment. The Chilean delegation added that that

position and the specific principles of the Charter, in particular the peaceful settlement of disputes, were indivisible in both the physical and digital domains. Similarly, the Minister for Foreign Affairs and Foreign Trade of Saint Vincent and the Grenadines and the representative of China reiterated that the international community should abide by the purposes and principles of the Charter, including the principle of the peaceful settlement of disputes. The Minister for Foreign Affairs of Viet Nam stated that activities in cyberspace had to comply with the principles of the Charter and international law, in particular, respect for sovereignty, non-interference in internal affairs of States, and non-use of force and the peaceful settlement of disputes.

The Deputy Minister for Foreign Affairs of Norway noted that the affirmation of the applicability of international law to cyberspace was the cornerstone of the consensus reports of both the Group of Governmental Experts and the open-ended working group.¹⁶⁸ According to the Deputy Minister, both reports reaffirmed that international law, and in particular the Charter, was applicable and essential to maintaining peace and stability and promoting an open, secure, stable, accessible and peaceful information and communications technology environment. In that context, the representative of Tunisia welcomed the consensual adoption of the reports of the open-ended working group and of the Group of Governmental Experts. Both groups contributed to deepening the understanding of Member States on how international law applied and offered additional guidance on how voluntary and non-binding norms could play an important role in preventing conflicts.¹⁶⁹ Similarly, the representative of the Republic of Korea expressed support for the recommendation of the Group of Governmental Experts that a party to any international dispute, including those involving the use of information and communications technology, should first seek a solution by peaceful means, as described in Article 33 of the Charter. The delegation of Egypt also noted that, with the adoption by consensus of the final report of the open-ended working group established pursuant to General Assembly resolution [73/27](#), the United Nations had established the initial elements of a framework for conflict prevention and stability in cyberspace.

During the discussion, speakers further emphasized a multi-stakeholder approach to preventing conflicts in cyberspace. The Minister for Foreign Affairs and Defence of Ireland held the view that,

¹⁶⁷ Ireland, Viet Nam, Norway, China, Tunisia, Ecuador and European Union.

¹⁶⁸ See [S/2021/621](#). See also [A/76/135](#).

¹⁶⁹ See [S/2021/621](#).

while the contributions of civil society, technical experts, academics and the private sector had enriched past cyberdiscussions at the United Nations, their engagement to date had been far too limited. Similarly, the delegation of Mexico expressed hope that, in the future deliberations and work of the Council, the growing voices of civil society, academia and the private sector would be heard. According to the delegation of Austria, future discussions on cyberspace should be guided by a holistic, multi-stakeholder approach to ensure that those who had a role in maintaining a free, secure, open and stable cyberspace were heard and contributed to the common goals. The delegation of Chile noted that States should include all stakeholders when it came to generating policies, strategies and other initiatives aimed at preventing conflict, building common understandings and increasing cyberresilience. Similarly, the delegation of Brazil indicated that a multi-stakeholder approach was essential to identifying and combating threats as well as preventing conflict. Also calling for a multi-stakeholder approach to help prevent conflict, the delegation of Denmark, speaking also on behalf of Finland, Iceland, Norway and Sweden, suggested that the United Nations was needed as a convener and platform to establish effective cooperation between governments, civil society, academia and the private sector. Several participants¹⁷⁰ also stressed the importance of ensuring women's participation in policies and decision-making processes related to cyberspace.

Regarding the role of the Council, the Minister for Foreign Affairs and Defence of Ireland reiterated that Ireland valued the role of the Council in preventing conflict and promoting peace and security, including in cyberspace. Urging the Council to remain seized of that matter, the delegation of Malta also believed that the Council had an important role to play when it came to new technologies that could have an impact on international peace and security. The Minister of State for the Commonwealth, the United Nations and South Asia of the United Kingdom asserted that, where malicious activity posed risks to international peace and security – by exacerbating conflict or causing humanitarian suffering – the Council must be ready to respond and should respond just as it would to threats posed by conventional means. The delegation of El Salvador encouraged the Council to continue to discuss the issue in a substantive way, leaving aside all political and/or personal interests and upholding the objective of the

¹⁷⁰ Ireland, Australia, Canada, European Union, Slovenia and Thailand.

prevention of new conflicts and the creation of scenarios for its development. Similarly, the representative of Indonesia stated that, in the future, the Council needed to anticipate a rise in threats in the cybersphere, as well as possible significant incidents in the information and communications technology environment that could lead to major war.

Case 7 Maintenance of international peace and security

On 7 September, the Security Council held a meeting under the item entitled “Maintenance of international peace and security”.¹⁷¹ During the meeting, Council members were given a briefing by the Chair of The Elders, Mary Robinson, and the Elder Emeritus of The Elders, Lakhdar Brahimi. In her briefing, providing an overview of multiple challenges to international peace and security that fell within the Council's mandate and with regard to the role of the Council in preventing and responding to violent conflict, the Chair of The Elders urged the members of the Council to use the tools at their disposal, citing Article 34 of the Charter, and emphasized that the power of investigation should be used proactively by the Council to engage early in situations, before large-scale violence broke out.

Following the briefers, Council members discussed the role of the Council in conflict prevention. The representative of the United Kingdom expressed the view that, where there were clear emerging threats to international peace and security, the Council should consider them in a timely fashion and respond more quickly to warning signs of conflict. The Council should therefore be proactive in horizon-scanning and early warning instead of delaying until conflicts had already passed a “tipping point”. The representative of Estonia stated that prevention and preparedness were the key, instead of dealing with the consequences of conflict. Similarly, the representative of France stated that the most effective tool for addressing crises was prevention, which meant identifying tomorrow's crises and containing threats before they escalated. The representative of Norway recalled that the Council had a mandate to prevent conflict but often shied away from acting early, even when there were urgent warning signs. She said that that was regrettable because it reduced the ability of the Council to perform one of its most important roles, adding that efforts to avert conflict by peaceful means were by far the most effective way to reduce violent conflicts. Informal situational awareness briefings and fact-finding

¹⁷¹ See [S/PV.8850](#).

missions were positive and could be used actively by the Council to engage before conflicts erupted.

Underscoring that pushing for the political settlement of regional hotspot issues was the core mandate of the Council, the representative of China said that many such issues on the Council's agenda were at a critical stage and that it was imperative to resort to, *inter alia*, genuine multilateralism and promote, through good offices and mediation, dialogue and consultation among the parties to overcome their differences. The representative of India recalled that Article 1 of the Charter referred to collective measures to maintain international peace and security, which included actions mentioned in Chapters VI and VIII. The Charter had prescribed a trigger mechanism for collective action by the Council, and action by the Council was not the first step but the last, after exhausting all options.

A number of speakers stressed the need for a comprehensive approach to conflict prevention. The representative of Saint Vincent and the Grenadines reiterated the call for a comprehensive whole-of-system approach to conflict prevention, conflict resolution and post-conflict peacebuilding activities. In a similar vein, the representative of Norway stated that experience showed that transitions posed a risk and needed attention to prevent conflicts from re-erupting, which demanded a coordinated whole-of-United Nations approach in close collaboration with host States. The representative of India drew attention to the distressing consequences of interventions made without allowing for mediation efforts, especially at the regional level. When considering preventive diplomacy, either *suo moto* or through the recommendation of the Secretary-General, Member States had to be convinced that the decision taken by the Council was impartial and carefully considered. Only then would preventive diplomacy be effective or even accepted by all Member States.

Case 8 Maintenance of international peace and security

On 9 November, at a meeting convened at the initiative of Mexico, which held the presidency of the Security Council for the month,¹⁷² Council members held a high-level open debate under the item entitled "Maintenance of international peace and security" and the sub-item entitled "Exclusion, inequality and

conflict".¹⁷³ During the meeting, Council members were given a briefing by the Secretary-General and an indigenous affairs expert, Lourdes Tibán Guala.

In his remarks, the Secretary-General emphasized that conflict prevention was at the heart of his proposed new agenda for peace, as part of the report entitled "Our Common Agenda", in which he called upon the global community to work as one to address the roots of violent conflicts and called for countries in transition to ensure that all groups were part of the peace process.¹⁷⁴ Outlining a road map for inclusion, built around people, prevention, gender and institutions, he noted that, without inclusion, the puzzle of peace remained incomplete, with many gaps to be filled. In that context, the Secretary-General reminded Council members that, in the report, he called for a new social contract within all societies; the need to strengthen the prevention agenda on multiple fronts to address different types of exclusion and inequalities; the need to recognize and prioritize the crucial role of women in building peace; and the need to build trust through inclusive national institutions that represented the entire population. While endorsing the role of women at the centre of conflict prevention, peacemaking and peacebuilding efforts in particular, he added that the United Nations was increasing the number of women peacekeepers and that more lasting and sustainable peace happened when women led and made decisions in mediation and peace processes. In her remarks, Ms. Tibán Guala stressed that indigenous people were familiar with issues concerning peace and conflict in their respective States. It was significant that the international community had recognized that women's participation was essential to achieving lasting peace and that they should have an opportunity to work even more towards achieving that goal, without neglecting the participation of indigenous women and women of African descent, among other ethnic minorities.

During the discussion that followed, Council members and other delegations reflected on the impact of exclusion on conflicts and called for more inclusive peace processes, while also emphasizing the participation of a wide range of actors, including women and young people. The Minister for Foreign Affairs of Estonia stated that it was naïve to think that it was possible to find a peaceful solution to any conflict without broad representation at the negotiating table. Exclusion and inequality, with respect to members of all vulnerable and marginalized groups,

¹⁷² A concept note was circulated by a letter dated 15 October (S/2021/883).

¹⁷³ See S/PV.8900 and S/PV.8900 (Resumption 1). See also S/2021/935.

¹⁷⁴ See S/PV.8900.

were a risk for peace and security. Working consciously and continuously towards achieving women's full, equal and meaningful participation in peace processes was key to long-lasting peace and stability. The representative of the United States held the view that inequality, marginalization and exclusion drove instability, violence, conflict and mass migration, and she underscored that ensuring the meaningful empowerment, participation and protection of women in all aspects of the peace- and security-building process was necessary for building durable and peaceful societies. In that connection, the representative of Norway noted that the promotion of inclusive political settlements in peacebuilding and reconciliation efforts should be given higher priority. Similarly, the representative of Indonesia underscored that promoting peaceful dialogue among different groups within a society was essential to build such an inclusive approach and ensure a sustainable peace.¹⁷⁵ According to the representative of the United Arab Emirates, mandates of peace operations should include perspectives from a broad range of local grass-roots actors, particularly women and youth leaders, to directly incorporate and address their needs and eliminate risks of exclusion or discrimination.¹⁷⁶ The representative of Malaysia expressed the view that the involvement of women in conflict prevention and resolution, including in political and social-economic participation, would promote stability and reduce the risk of the re-emergence of conflict. He emphasized the critical importance of international partners working closely with local stakeholders, as it was essential for international actors to fully understand the local contexts and specific societal dynamics in formulating strategies for conflict prevention and peacebuilding efforts. The representative of Denmark, speaking also on behalf of Finland, Iceland, Norway and Sweden, suggested that addressing the root causes and drivers of conflict, such as exclusion and inequality, must be part of prevention and peacebuilding.¹⁷⁷ The representative of Bangladesh added that the Council should invest more in implementing the women and peace and security and the youth, peace and security agendas to ensure inclusion.

Specifically on the role of young people, the representative of France emphasized that, to prevent the emergence or resurgence of conflicts, the efforts of the Peacebuilding Commission and the Peacebuilding Fund must prioritize young people by supporting the implementation and promotion of the youth, peace and

security agenda.¹⁷⁸ The representative of South Africa recognized that young people were often victims of multiple and interlocking forms of discrimination that could lead to their exclusion from peacemaking and conflict prevention efforts.¹⁷⁹ In addition, while affirming that the inclusion of young people had broad benefits, he stressed the need to invest in their capabilities to contribute to greater economic growth and development, the diminishing of civil unrest and the promotion of sustainable peace. In its written statement, convinced that young people had a role to play in preventing conflict, the delegation of Jordan reminded Council members of resolution [2250 \(2015\)](#), by which the Council reaffirmed the role of young people in conflict prevention and urged Member States to facilitate an enabling environment for young people and to create policies and mechanisms that would allow them to play an effective part in peacebuilding and in strengthening a culture of peace, tolerance and respect for religions.¹⁸⁰

Case 9 Maintenance of international peace and security

On 16 November, at a meeting convened at the initiative of Mexico, which held the presidency of the Security Council for the month,¹⁸¹ Council members held an open debate under the item entitled "Maintenance of international peace and security" and the sub-item entitled "Peace and security through preventive diplomacy: a common objective to all the principal organs of the United Nations".¹⁸² At the meeting, the Council was given a briefing by the Secretary-General, the President of the General Assembly, the President of the Economic and Social Council and the President of the International Court of Justice.¹⁸³ At the same meeting, the Council adopted a presidential statement, reiterating 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 or situations which might lead to a breach of the peace.¹⁸⁴ The Council expressed its continued commitment to fostering interaction on a regular basis with the General Assembly, the Economic and Social Council,

¹⁷⁸ See [S/PV.8900](#).

¹⁷⁹ See [S/PV.8900 \(Resumption 1\)](#).

¹⁸⁰ See [S/2021/935](#).

¹⁸¹ A concept note was circulated by a letter dated 19 October ([S/2021/888](#)).

¹⁸² See [S/PV.8906](#) and [S/PV.8906 \(Resumption 1\)](#). See also [S/2021/952](#).

¹⁸³ See [S/PV.8906](#).

¹⁸⁴ [S/PRST/2021/23](#), sixth paragraph.

¹⁷⁵ See [S/PV.8900 \(Resumption 1\)](#).

¹⁷⁶ See [S/PV.8900](#).

¹⁷⁷ See [S/PV.8900 \(Resumption 1\)](#).

the International Court of Justice and the Secretariat in accordance with their respective mandates under the Charter, in particular on matters relating to preventive diplomacy tools and mechanisms.¹⁸⁵

In his remarks, the Secretary-General stated that, while prevention did not always receive the attention that it deserved, it was absolutely vital to lasting peace and was the ultimate goal of the work of the Council and its resolutions to help countries build peace and stability and to resolve their disputes before they escalated into armed conflicts. He stressed the need to strengthen all the tools of preventive diplomacy for the future, as proposed in his Agenda for Peace, including stronger early warning systems and strategic foresight tools, stronger mediation capacities, expansion of the pool of women leaders to serve as envoys or mediation specialists and more joint work across the United Nations family, including the Peacebuilding Commission.

During the subsequent discussion, members and non-members of the Council stressed the importance of the peaceful settlement of disputes, conflict prevention and addressing the root causes of the growing number of increasingly complex challenges to international peace and security. According to the representative of India, the peaceful settlement of disputes was key for the maintenance of international peace and security and the promotion of the rule of law. Adequate attention needed to be paid to the provisions of Chapter VI of the Charter, rather than Chapter VII becoming the ready recourse. The representative of the Niger asserted that a main function of some of the principal organs of the United Nations was the peaceful settlement of disputes, as enshrined in the Charter, which, if implemented effectively, would prevent many wars with incalculable consequences.

The representative of Finland, speaking also on behalf of Denmark, Iceland, Norway and Sweden, stated that the peaceful settlement of disputes, namely, political and diplomatic solutions, should always be the first option. That applied to active peace mediation in the event of a crisis or more long-term, structural work to address the root causes of conflicts. According to the representative of the Islamic Republic of Iran, a general review of the Council's practices revealed that, despite being mandated to use prevention and non-coercive means under Chapter VI of the Charter, the Council had very rarely applied that principle and had, at times, treated its Chapter VI functions as if they did not exist. In that sense, Chapter VII functions, including sanctions, must be applied only as a measure

of last resort, if necessary, and after all means of peaceful settlement of disputes had been exhausted. Citing Article 33 (1) of the Charter, the representative noted that the responsibility to settle an international dispute rested entirely with the parties concerned, and he stressed that that principle must be fully respected and strictly observed by the Council. Chapter VI functions must never be invoked for the consideration of matters that were essentially within the domestic jurisdiction of States or situations whose continuation was not likely to endanger the maintenance of international peace and security, or for violating or undermining the sovereignty, territorial integrity and political independence of States. Similarly, in its written statement submitted in connection with the meeting, the delegation of Guatemala expressed the belief that the Council should previously exhaust the promotion of and good offices for the settlement of disputes by peaceful means, as indicated in Chapter VI, before undertaking actions outlined in Chapter VII.¹⁸⁶

Referring to the advantages of conflict prevention, the representative of China noted that taking timely and appropriate action could have a multiplier effect in the early stages of a crisis, allowing for more to be done with less.¹⁸⁷ The representative of Argentina stated that conflict prevention was a fundamental responsibility of the Council and the United Nations system as a whole and that the Council had, in recent years, increased its engagement and flexibility to address emerging threats before they escalated and were included on the formal agenda of the Council.¹⁸⁸ Through its actions, the Council could send important signals that could help to ease violence and open a channel for dialogue between warring parties, facilitating, for example, the work of the Secretary-General or that of his special envoys in good offices missions. According to the representative of Albania, the Council had, over the years, considerably improved its work through greater engagement and flexibility in addressing emerging threats before they were placed on its formal agenda and promoting a more proactive approach to preventive diplomacy. However, he noted, for example, that it had taken the Council several months to convene an open meeting on the conflict in Ethiopia, where, unfortunately, every horrible and reprehensible act was taking place, with huge consequences for the population and bleak prospects for the country. Similarly, while welcoming the Council's increased focus on prevention, the representative of Turkey expressed the view that its

¹⁸⁵ See [S/PV.8906](#).

¹⁸⁶ See [S/2021/952](#).

¹⁸⁷ See [S/PV.8906](#).

¹⁸⁸ See [S/PV.8906 \(Resumption 1\)](#).

inability to take preventive action had led to the outbreak of protracted conflicts, which left Member States with little option but to safeguard their security through national measures.

Members and non-members of the Council offered a broad array of views on how the Council should prioritize and enhance its efforts on conflict prevention and utilize the tools at its disposal for that purpose. According to the representative of Estonia, preventive diplomacy needed to include being open to new topics that could be considered part of peace and security in order to make sure that the current tools of the United Nations were the most effective and that the Organization was willing to employ new tools to tackle emerging issues.¹⁸⁹ In that regard, he highlighted the need for the international community, including the Council, to take climate change more seriously; the importance of accountability and respect for the rule of law and human rights; and the need to ensure inclusivity with regard to gender equality and engage persons belonging to marginalized groups. In the view of the representative of France, the Council should take better account of global challenges that could undermine international peace and security and have a comprehensive overview of the risks to international security posed by climate change, pandemics or disinformation. The representative of Saint Vincent and the Grenadines stated that, while the Council must continue its leading role in the maintenance of international peace and security, more creative and innovative approaches should be brought to bear to address existing implementation gaps, which ranged from conflict prevention to post-conflict peacebuilding and across the spectrum of thematic questions concerning women and young people, climate change and environmental degradation, and other fundamental challenges of sustainable development. The representative of Ireland stressed that the Council was too often in crisis-response mode and that, to address challenges such as food insecurity, poverty and gender inequality, which were often precursors to conflict, it was as critical for humanitarian, development and peace support actors to work in a coordinated manner.

More broadly, the representative of the United Kingdom recalled that, in Council resolution [2282 \(2016\)](#) and General Assembly resolution [70/262](#), it was explicitly acknowledged that conflict prevention was the responsibility of the entire United Nations system. A system-wide approach to sustaining peace was therefore critical. The representative of Viet Nam held the view that early conflict prevention also required inclusive and comprehensive solutions to address the

root causes of conflicts that might require the engagement of other organs and actors, in accordance with their respective mandates. According to the representative of Kenya, for the Council to effectively fulfil its mandate, in coordination with the other United Nations principal organs, it must consider and address the economic, political and social dimensions of conflict. The representative of Argentina argued that preventive diplomacy actions that were traditionally carried out by the Secretary-General now depended on dialogue among the principal organs, which enabled crises and conflicts to be addressed from different angles and in a cooperative manner.¹⁹⁰ Many delegations specifically highlighted the significance of the Peacebuilding Commission in conflict prevention and its advisory role vis-à-vis the Council. Stressing the need to strengthen the early warning mechanism, in particular through the exchange of information between the Council and the Peacebuilding Commission, the representative of Belgium said that the Commission should fully exercise its advisory role by providing short, focused, specific and actionable recommendations.

In addition to prevention, several participants emphasized the importance of addressing the root causes of conflict. The representative of China believed that an emergency response could only avert or postpone crises temporarily and that it was only by eliminating the root causes of conflict that lasting peace and stability could be achieved.¹⁹¹ Similarly, the representative of the Bolivarian Republic of Venezuela, speaking on behalf of the Group of Friends in Defence of the Charter of the United Nations, was of the view that there was no “one-size-fits-all” solution to each and every situation and that the root causes and structural drivers of crisis or conflicts must be comprehensively and effectively addressed.¹⁹² The representative of Nepal noted that the root causes of conflict in most cases included, inter alia, systematic discrimination and inequality, poverty, deprivation of freedom, denial of human rights and justice and the lack of rule of law. Addressing those root causes therefore could not only avert potential conflicts but also enable the international community to achieve sustainable peace and development. Several delegations specifically underscored the relevance of

¹⁹⁰ See [S/PV.8906 \(Resumption 1\)](#).

¹⁹¹ See [S/PV.8906](#).

¹⁹² See [S/PV.8906 \(Resumption 1\)](#).

¹⁸⁹ See [S/PV.8906](#).

human rights violations and abuses as early indicators and root causes of conflict.¹⁹³

Some speakers reflected on the possible limitations to the Council's work on conflict prevention. The representative of China said that a successful preventive diplomacy programme was necessarily anchored in a specific situation and owned by the parties concerned.¹⁹⁴ It could not therefore and must not become a pretext for interference in domestic affairs. Furthermore, while the early warning mechanism allowed for the early detection of major problems so that immediate action could be taken to address them, it was necessary to ensure that it did not lead to overreactions and inappropriate involvement. In a similar vein, the representative of the Russian Federation affirmed that early warning could not be based on an arbitrary combination of conflict indicators, even if they were as important as the human rights indicators or those relating to the Sustainable Development Goals.

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 "Maintenance of international peace and security" (see case 10).

Case 10 Maintenance of international peace and security

On 16 November, at a meeting¹⁹⁵ convened at the initiative of Mexico, which held the presidency of the Security Council for the month,¹⁹⁶ Council members held an open debate under the item entitled "Maintenance of international peace and security" and the sub-item entitled "Peace and security through

preventive diplomacy: a common objective to all the principal organs of the United Nations". In a presidential statement adopted at the meeting, the Council, inter alia, emphasized the key role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work.¹⁹⁷

In his briefing, the Secretary-General noted that the United Nations system had given the world a home for dialogue and tools and mechanisms for the peaceful settlement of disputes and recalled that the judicial dimension of prevention was provided by the International Court of Justice.¹⁹⁸ In her statement, the President of the International Court of Justice welcomed efforts by the other principal organs of the United Nations to promote the resort by Member States to the settlement of their disputes before the Court. She recalled that, in addition to depositing a declaration in which the Court's jurisdiction was recognized as compulsory, the principal organs could be and had been involved in other ways in the process that led to contentious cases being submitted before the Court. In that regard, she noted that, under Article 36 (3) of the Charter, the Council might recommend, in relation to legal disputes that endangered international peace and security, that the States involved refer the dispute to the Court, such as with respect to its very first case, namely, the *Corfu Channel case, United Kingdom of Great Britain and Northern Ireland v. Albania*.¹⁹⁹

In their statements, Council members and other delegations acknowledged the important role played by the International Court of Justice in the peaceful settlement of disputes.²⁰⁰ The representative of China recalled that the Court was the principal judicial organ of the United Nations and was dedicated to promoting the international rule of law and the peaceful settlement of disputes. According to the representative of France, the jurisprudence of the Court contributed not only to the calming of relations between States but also to a better understanding and thus to a strengthening of international law, which was the pillar of preventive diplomacy. Speaking on behalf of Denmark, Iceland, Norway and Sweden, the representative of Finland stated that the submission of a dispute to the Court should be regarded not as an unfriendly act but rather as an act to fulfil the obligation of all States to settle their international disputes peacefully. He therefore called upon States that had not yet done so to consider accepting the

¹⁹³ See [S/PV.8906](#) (United Kingdom, Ireland and Norway) and [S/PV.8906 \(Resumption 1\)](#) (Croatia, Netherlands, Liechtenstein, Germany and Albania).

¹⁹⁴ See [S/PV.8906](#).

¹⁹⁵ See [S/PV.8906](#) and [S/PV.8906 \(Resumption 1\)](#). See also [S/2021/952](#).

¹⁹⁶ A concept note was circulated by a letter dated 19 October ([S/2021/888](#)).

¹⁹⁷ [S/PRST/2021/23](#), last paragraph.

¹⁹⁸ See [S/PV.8906](#).

¹⁹⁹ Resolution 22 (1947).

²⁰⁰ See [S/PV.8906](#).

jurisdiction of the Court. The representative of Slovakia was of the view that the success of the Council in fulfilling its responsibility relied to a great degree on the success of the Court.²⁰¹ The work of the Court and the efforts of the Secretary-General in adjudicating disputes among States were just a few of the essential components for the prevention of conflicts and, therefore, for the maintenance of international peace and security. According to the representative of Liechtenstein, by adjudicating disputes between States and upholding the rule of law at the international level, the Court provided an essential platform for the maintenance of international peace and security through the peaceful settlement of disputes. The representative of the United Arab Emirates stated that the Court played a vital role in the peaceful resolution of disputes, as evidenced by the geographical diversity and wide variety of cases before it. Furthermore, the Court contributed positively to the rule of law at the international level and played a key role in defusing tensions among States.

Delegations called for greater cooperation between the Council and the International Court of Justice in the areas of conflict prevention and the peaceful settlement of disputes, including through more frequent use by the Council of referrals of disputes to the Court under Article 36²⁰² and the Court's advisory functions under Article 96 of the Charter.²⁰³ For example, the representative of Estonia stated that more frequent and timely referrals of cases to the Court by the Council would contribute to resolving disputes and thereby promoted international peace and security.²⁰⁴ Similarly, in the view of the representative of Ireland, the Court remained underutilized as a resource for the peaceful adjudication of disputes in accordance with international law, and its role in preventing conflict could be bolstered by greater interaction with the Council. In that regard, she suggested that the Council could recommend that States with a dispute on its agenda resolve the legal aspect of their dispute before the Court. In the same vein, the representative of Saint Vincent and the Grenadines stated that the mediatory and technical capacities of the Court on matters pertaining to the rule of law ought to be leveraged more often.

²⁰¹ See [S/PV.8906 \(Resumption 1\)](#).

²⁰² See [S/PV.8906](#) (Estonia, Ireland and Brazil) and [S/PV.8906 \(Resumption 1\)](#) (Croatia).

²⁰³ See [S/PV.8906](#) (Ireland and Brazil) and [S/PV.8906 \(Resumption 1\)](#) (Croatia, Nepal, Malaysia, Azerbaijan and South Africa).

²⁰⁴ See [S/PV.8906](#).

Regarding the advisory opinions of the Court, the representative of Malaysia said that deliberations on contentious political and security issues could be more effective when reinforced by authoritative legal opinions.²⁰⁵ He therefore urged the Council to seriously consider Article 96 of the Charter and to make greater use of the Court as a source of advisory opinions and of interpretation of relevant norms of international law, particularly with regard to long-standing issues that affected international peace and security. The representative of Brazil said that requests for advisory opinions on legal issues related to both country-specific situations and thematic items on the agenda of the Council could be made.²⁰⁶ Another area of cooperation, according to the representative, was the enforcement of the Court's decisions by the Council in cases of non-compliance, in accordance with Article 94.

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" (see case 11).

Case 11 Maintenance of international peace and security

On 16 November, at a meeting²⁰⁷ convened at the initiative of Mexico, which held the presidency of the Security Council for the month,²⁰⁸ Council members held an open debate under the item entitled "Maintenance of international peace and security" and the sub-item entitled "Peace and security through preventive diplomacy: a common objective to all the principal organs of the United Nations".

In his briefing, while noting that conflict prevention was absolutely vital to lasting peace, the Secretary-General recalled his call for a surge in diplomacy for peace to ensure that political solutions

²⁰⁵ See [S/PV.8906 \(Resumption 1\)](#).

²⁰⁶ See [S/PV.8906](#).

²⁰⁷ See [S/PV.8906](#) and [S/PV.8906 \(Resumption 1\)](#). See also [S/2021/952](#).

²⁰⁸ A concept note was circulated by a letter dated 19 October ([S/2021/888](#)).

remained the first and primary option to settle disputes.²⁰⁹ That included reviews of all the tools that comprised the United Nations peace architecture and a better integration of prevention and risk assessment across United Nations decision-making. The Secretary-General highlighted the use of his good offices to defuse conflicts and advance peace in the context of multiple political crises and disputes. In that regard, he cited examples of the use of regional offices, his special envoys, special political missions and peacekeeping operations in helping to prepare for and ensuring peaceful elections and supporting political transitions. He also emphasized the importance of strengthening all the tools of preventive diplomacy for the future, as proposed in his Agenda for Peace, including stronger early warning systems and strategic foresight tools, stronger mediation capacities and expansion of the pool of women leaders to serve as envoys, mediation specialists and peacekeepers.

During the subsequent discussion, speakers shared their views on the role played by the Secretary-General in preventive diplomacy, early warning and the use of his good offices and mediation in accordance with Article 99 of the Charter. In that regard, several speakers highlighted the important early warning role of the Secretary-General in alerting the Council to any issue that might threaten international peace and security.²¹⁰ The representative of the Niger considered that anticipating crises must be at the centre of the work of the United Nations and stressed the importance of the Secretary-General bringing urgent and sensitive situations that were likely to degenerate into conflicts to the attention of the Council as soon as possible, in accordance with Article 99.²¹¹ The representative of Norway said that the Secretariat and the United Nations system briefers had a key role in using their interactions with the Council to bring emerging issues to its attention and sound the alarm. While better situational awareness might not fix political differences in the Council regarding how to resolve a conflict, it would build a common baseline of understanding and bring forward the point at which the Council first engaged. The representative of Estonia stressed the need for the international community, including the Council, to take climate change more seriously by mandating the Secretary-General to report on its impact on international security.

A number of members and non-members of the Council highlighted the role of the Secretary-General

in conflict prevention through the use of his good offices and mediation. According to the representative of Viet Nam, the Secretary-General played an important role in conflict prevention and had many time-proven tools at his disposal, especially mediation and good offices, which enjoyed broad support. Similarly, the representative of the Russian Federation said that, in the context of the increasing role of mediators in conflict prevention and resolution, the good offices missions of the Secretary-General and his special envoys continued to prove their relevance. Those missions and envoys must be ready to work impartially and independently, as well as to take innovative decisions that were not based on their previous roles and achievements. The representative of France welcomed the push for peace diplomacy of the Secretary-General, which involved the strengthening of mediation capacities and the monitoring and early warning system entrusted to the country teams or the Special Advisers to the Secretary-General on the Prevention of Genocide and on the Responsibility to Protect. The representative of China said that the key to conflict prevention was to formulate a preventive diplomacy strategy that was systematic, scientific and effective, making full use of such means as good offices and mediation, strengthening the early warning mechanism and supporting the Secretary-General in playing his unique role. The representative of Norway underscored that the integrity and independence provided by the good offices of the Secretary-General were essential tools of the United Nations system to prevent conflict through mediation.

The representative of the Netherlands indicated that the good offices of the Secretary-General could serve to strengthen the communication and coordination among the principal organs of the United Nations.²¹² The representative of Slovakia noted that the efforts of the Secretary-General in adjudicating disputes among States were just one of the essential components for the prevention of conflicts and the maintenance of international peace and security. The representative of Nepal acknowledged the role of the Secretary-General and his representatives in mediation, facilitation and dialogues to prevent conflict and secure peace. Member States should fully utilize the good offices of the Secretary-General to promote preventive diplomacy. The representative of Argentina recalled that the term “preventive diplomacy” had first been coined by the former Secretary-General, Dag Hammarskjöld, and that, since then, the good offices of successive Secretaries-General had contributed to the peaceful resolution of different types of conflicts, such

²⁰⁹ See [S/PV.8906](#).

²¹⁰ See [S/PV.8906](#) (Tunisia, Niger, France, Norway and Chile) and [S/PV.8906 \(Resumption 1\)](#) (Malaysia).

²¹¹ See [S/PV.8906](#).

²¹² See [S/PV.8906 \(Resumption 1\)](#).

as international conflicts, internal conflicts, electoral disputes and border disputes. The representative of Ukraine expressed the view that the Secretary-General should use his authority, as envisaged in Article 99 of the Charter, more often and more explicitly by proposing actionable recommendations to resolve conflict, protect civilians and ensure accountability for serious violations of international humanitarian law and international human rights law. The representative of South Africa urged the Council to strengthen its interactions with regional and subregional organizations in preventive diplomacy initiatives and strive to effectively utilize the good offices of the Secretary-General, in collaboration with regional organizations.

The representative of the Niger said that the creation of United Nations regional offices, including the United Nations Office for West Africa and the

Sahel, enabled the Organization to better contribute to conflict prevention and peacebuilding by focusing on specific challenges affecting security in the region, including organized crime, terrorism, the effects of climate change, migration issues and poverty.²¹³ The representative of the Russian Federation stated that United Nations Headquarters and field presences had amassed a huge potential knowledge and expertise in monitoring and analysing situations in the regions and forecasting their development according to crisis scenarios. The Secretariat was a universal institution with a unique legitimacy, playing a significant role in conflict prevention. The representative of Malaysia called for the greater use of United Nations country teams and regional offices in that context.²¹⁴

²¹³ See [S/PV.8906](#).

²¹⁴ See [S/PV.8906 \(Resumption 1\)](#).