
Chapter X

Consideration of the provisions of Chapter VI of the Charter

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Introductory note

Chapter X deals with the practice of the Security Council aimed at promoting and implementing recommendations and methods or procedures for the peaceful settlement of disputes within the framework of Articles 33 to 38 of Chapter VI and Articles 11 and 99 of the Charter of the United Nations.

The period under review was marked by a considerable expansion in the scope of Council action within the framework of Chapter VI of the Charter. By a number of decisions relating to conflict prevention and post-conflict peacebuilding, the Council, further, underlined the need for a broad strategy for conflict prevention and peaceful settlement of disputes in line with Chapter VI. While expressing its commitment to and actively supporting the peaceful settlement of disputes, the Council reiterated its call upon the Member States to settle their disputes by peaceful means as set out in Chapter VI, including the use of regional preventive mechanisms and the International Court of Justice. Emphasizing the need for a coordinated, coherent and integrated approach to post-conflict peacebuilding and reconciliation with a view to achieving sustainable peace, the Council recognized the vital role of the United Nations in preventing conflicts, assisting parties to conflicts to end hostilities and emerge towards recovery, reconstruction and development, and in mobilizing sustained international attention and assistance.

Mindful of the need to respect the principle of sovereignty and non-interference in matters of domestic jurisdiction of States, the Council increasingly expanded the use of a number of instruments aimed at preventing the outbreak and/or the recurrence of conflicts including, Security Council missions and fact-finding missions, to determine whether any situation might lead to international friction or give rise to a dispute; support for the good offices of the Secretary-General and his special representatives and envoys; establishment of special political missions in post-conflict situations which included in their mandates elements relating to the implementation of peace agreements and/or ceasefire agreements as well as to political dialogue, national reconciliation and capacity-building; and inclusion of elements of conflict prevention and peacebuilding in integrated peacekeeping operations.

As chapter VIII of this Supplement sets out a full account of the Security Council's proceedings, including with regard to the peaceful settlement of disputes, the present chapter does not deal with the practice of the Council aimed at the peaceful settlement of disputes in a comprehensive manner. Instead, it focuses on material selected to highlight how the provisions of Chapter VI of the Charter were applied and interpreted in the relevant decisions and deliberations of the Council.

The presentation and classification of the relevant material is designed to set out in readily accessible form the practices and procedures to which the Council has had recourse. As in the previous Supplement to the *Repertoire*, covering the period 2000-2003, the material has been categorized under thematic headings rather than individual Articles of the Charter, so as to avoid ascribing to specific Articles of the Charter, Council proceedings or decisions, which do not themselves refer to any specific Article.

Part I illustrates how, under Article 35, Member States and States which are not members of the United Nations have brought new disputes and situations to the attention of the Security Council. This part also touches upon the functions and

practice of the General Assembly and the Secretary-General, under Articles 11 (3) and 99 of the Charter respectively, in calling the attention of the Security Council to matters which are likely to threaten the maintenance of international peace and security. Part II sets out investigative and fact-finding activities initiated and performed by the Council that may be deemed to fall under the scope of Article 34. Part III provides an overview of the recommendations and decisions of the Council with regard to the pacific settlement of disputes. Specifically, it illustrates the recommendations of the Council to the parties to a conflict, and its support for the endeavours of the Secretary-General in the peaceful settlement of disputes. Part IV reflects constitutional discussions within the Security Council on the interpretation or application of the provisions of Chapter VI of the Charter.

The following Articles of the Charter are cited in this chapter:

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 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 34

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

Article 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 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.

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.

Part I

Referral of disputes and situations to the Security Council

Within the framework of the Charter, Articles 35 (1) and (2) and 37 (1) are generally regarded as the provisions on the basis of which States may or, in the case of Article 37 (1), shall, refer disputes to the Security Council. The practice of the Council in this regard is described below.

The first section, “Referrals by States”, provides an overview of the referrals of disputes and situations to the Security Council under Article 35 (1) and (2). During the period under review, disputes and situations were in general referred to the Security Council by means of a communication by Members of the United Nations, by those directly affected and/or through third States and regional groups. Disputes or situations referred to the Council during the period and on which the Council convened meetings under new agenda items are listed in a table at the end of part I. Following the trend of previous periods, the number of new referrals to the Council decreased during the period 2004-2007.

The second section, “Nature of matters referred to the Security Council”, outlines the subject matter of the relevant communications of Member States to the Council. The section “Action requested of the Security Council” analyses the type of action requested of the Council by Member States submitting a dispute or a situation to the Council.

The sections “Referrals by the Secretary-General” and “Referrals by the General Assembly” refer to Articles 11 (3) and 99 of the Charter, according to which the General Assembly and the Secretary-General, respectively, may refer to the Security Council matters which are likely to endanger international peace and security. During the period under review, neither the General Assembly nor the Secretary-General explicitly referred any matters to the Security Council.

Referrals by States

According to Article 35 of the Charter, which in the absence of evidence pointing to other Charter provisions is commonly regarded as the basis on which matters are referred to the Security Council by States,

any Member State may bring to the Council’s attention any “dispute” or “situation which might lead to” international friction or give rise to a dispute. While Article 35 was expressly referred to in one communication, most communications did not cite any specific Article as the basis on which they were submitted.¹

According to Article 35 (2), a State which is not a member of the United Nations may bring to the attention of the Security Council 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 Charter. During the period under consideration, no States which were not members of the United Nations submitted any dispute or situation to the attention of the Council. Situations were referred to the Security Council exclusively under the provisions of Article 35 (1), directly by the affected Member States, either alone² or through

¹ For an explicit reference to Article 35, see the letter dated 8 August 2007 from the representative of Georgia addressed to the President of the Security Council in connection with the situation in Georgia (S/2007/480).

² See, for example, the following letters addressed to the President of the Security Council: letter dated 30 November 2004 from the representative of the Democratic Republic of the Congo requesting the Security Council “to meet on an urgent basis in order to condemn firmly this further act of aggression by the Rwandese Republic against the Democratic Republic of the Congo” (S/2004/935); letter dated 4 July 2006 from the representative of Japan requesting an immediate meeting of the Security Council to consider “the launch of ballistic missiles or unidentified flying vehicles by the Democratic People’s Republic of Korea” (S/2006/481); letter dated 13 July 2006 from the representative of Lebanon requesting an urgent meeting of the Security Council to consider the “grave situation resulting from the latest Israeli acts of aggression in Lebanon” (S/2006/517); letter dated 31 July 2006 from the representative of Lebanon requesting an urgent meeting of the Council to discuss “the latest Israeli massacre in Qana, southern Lebanon, and the continuous escalation” (S/2006/596); and letter dated 8 August 2007 from the representative of Georgia requesting a meeting of the Security Council in the nearest future in order to address the issue of the bombardment of the territory of Georgia, which “threatened the peace and security of a State Member of the United Nations” (S/2007/480).

communications from third States and/or regional groups.³

³ See the following letters addressed to the President of the Security Council: letter dated 23 February 2004 from the representative of Jamaica on behalf of the States members of the Caribbean Community, requesting an urgent meeting of the Council to consider the situation concerning Haiti in the light of “the steadily deteriorating situation, which affects peace and stability in the region” (S/2004/143); letter dated 17 March 2004 from the representative of Serbia and Montenegro requesting an urgent meeting of the Council to consider the latest outbreak of violence in Kosovo and Metohija (S/2004/220); letter dated 23 March 2004 from the representative of the Libyan Arab Jamahiriya, in his capacity as Chairman of the Group of Arab States, requesting an immediate meeting of the Council to consider “the grave Israeli violation of international humanitarian law and the escalation of the Israeli military attack against the Palestinian people and their leadership” and to take the necessary measures in that regard (S/2004/233); letter dated 19 April 2004 from the representative of Egypt, in his capacity as Chairman of the Group of Arab States, requesting the holding of an immediate meeting of the Council to consider “Israel’s grave violations of international humanitarian law, the most recent of which was the extrajudicial execution of Abdel Aziz al-Rantisi in Gaza, and the escalation of its military attacks against the Palestinian people and their leadership, and to take the necessary measures in that regard” (S/2004/303). The same situation was brought to the attention of the Council by a letter dated 4 October 2004 from the representative of Tunisia, in his capacity as Chairman of the Group of Arab States, requesting an immediate meeting of the Council to consider the situation in the Palestinian occupied territory “as a result of the continuous Israeli aggression in northern Gaza, and to take the required measures to stop the Israeli aggression against the Palestinian people” (S/2004/779); letter dated 19 July 2005 from the representative of Kuwait, in his capacity as Chairman of the Group of Arab States, requesting an immediate meeting of the Council to consider the developments in the Occupied Palestinian Territory, including East Jerusalem, in particular Israel’s continued and accelerated settlement activities, “including the construction of its unlawful wall”, as well as the situation on the ground (S/2005/469); letters dated 26 July 2005 from the representative of the United Kingdom requesting a meeting of the Council to discuss the report of the fact-finding mission to Zimbabwe

Communications by which new disputes or situations were referred to the Council and based on which the Council convened meetings under new agenda items during the period under review are listed in the table below. It should be borne in mind that the adoption of a

(S/2005/485 and S/2005/489); letter dated 10 April 2006 from the representative of Bahrain, in his capacity as Chairman of the Group of Arab States and on behalf of the States members of the League of Arab States, requesting an immediate meeting of the Council to consider the developments in the Occupied Palestinian Territory, including East Jerusalem (S/2006/227); letter dated 11 April 2006 from the representative of Yemen, in his capacity as Chairman of the Organization of the Islamic Conference (OIC) Group, requesting an immediate meeting of the Council to consider the developments in the Occupied Palestinian Territory, including East Jerusalem (S/2006/239); letter dated 12 April 2006 from the representative of Malaysia, in his capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement, supporting the request made by the States members of the League of Arab States for the convening of a meeting of the Council to consider developments in the Occupied Palestinian Territory, including East Jerusalem (S/2006/240); letter dated 15 September 2006 from the representative of the United States of America requesting a meeting to consider the situation in Myanmar and to hear a briefing from the Under-Secretary-General for Political Affairs on the situation in that country and the status and progress of the Secretary-General’s mission of good offices (S/2006/742); letter dated 6 November 2006 from the representative of Qatar, in his capacity as the Chairman of the Group of Arab States, requesting an urgent meeting of the Council to consider the situation in the Middle East, including the Palestinian question (S/2006/868); letter dated 7 November 2006 from the representative of Azerbaijan, in his capacity as Chairman of the OIC Group and on behalf of States members of OIC, requesting an urgent meeting of the Council to consider Israeli aggression in the Gaza Strip and the Occupied Palestinian Territory, including East Jerusalem (S/2006/869); and letter dated 8 November 2006 from the representative of Cuba, in his capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement and on behalf of the States members of the Movement, requesting an urgent meeting of the Council to consider the item entitled “The situation in the Middle East, including the Palestinian question” (S/2006/871).

new agenda item does not necessarily imply the existence of a new dispute or situation, as it can simply be a change in the formulation of an item already before the Council.

In some instances, the Council did not respond positively to requests to convene a meeting. Whereas under Article 35 States have the power to draw the Council's attention to a matter, this does not imply the Council's obligation to consider the matter. For instance, by a letter dated 8 August 2007 addressed to the President of the Council,⁴ the representative of Georgia, explicitly referring to Article 35, requested the Council to convene a meeting in order to "address the issue of the bombardment of the territory of Georgia, which threatened the peace and security" of State Member of the United Nations, namely, Georgia". No meeting of the Security Council was held in response to that request.

Communications by which Member States merely conveyed information, but did not request a Council meeting or other specific Council action, have not been included in the table, as such communications are not considered referrals under Article 35. Furthermore, as was the case in the previous Supplement, the table does not include communications referring to new developments in or deterioration of ongoing conflicts of which the Council was already seized.

The table does however contain two items relating to the situation in the Middle East, because two communications from the representative of Lebanon,⁵ requesting the Security Council to convene an urgent meeting, brought to the attention of the Council a new situation arising in Lebanon and Israel, leading to hostilities and armed conflict.

Nature of matters referred to the Security Council

During the period under review, matters that were brought to the Council's attention were usually referred to as "situations".⁶ In some instances, the subject

matter of the relevant communications was referred to as "developments",⁷ "violations of international law"⁸ or described in narrative form.⁹

It should also be noted that, while the Charter provisions setting out the basis on which States may bring matters likely to endanger international peace and security to the attention of the Council appears in Chapter VI of the Charter, the subject matter of communications submitted to the Council and the type of action requested in relation thereto are not limited

letter dated 6 November 2006 from the representative of Qatar, in his capacity as the Chairman of the Group of the Arab States and on behalf of the States members of the League of Arab States (S/2006/868); letter dated 7 November 2006 from the representative of Azerbaijan, in his capacity as Chairman of the OIC Group and on behalf of States members of OIC (S/2006/869); and letter dated 8 November 2006 from the representative of Cuba, in his capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement and on behalf of the States members of the Movement (S/2006/871).

⁷ See, for example, the following letters addressed to the President of the Security Council in connection with the situation in the Middle East, including the Palestinian question: letter dated 19 July 2005 from the representative of Kuwait, in his capacity as Chairman of the Group of Arab States and on behalf of the States members of the League of Arab States (S/2005/469); letter dated 10 April 2006 from the representative of Bahrain, in his capacity as Chairman of the Group of Arab States and on behalf of the States members of the League of Arab States (S/2006/227); letter dated 11 April 2006 from the representative of Yemen, in his capacity as Chairman of the OIC Group (S/2006/239); and dated 12 April 2006 from the representative of Malaysia, in his capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement (S/2006/240).

⁸ See, for example, the following letters addressed to the President of the Security Council in connection with the situation in the Middle East, including the Palestinian question: letter dated 23 March 2004 from the representative of the Libyan Arab Jamahiriya, in his capacity as Chairman of the Group of Arab States (S/2004/233); and letter dated 19 April 2004 from the representative of Egypt, in his capacity as Chairman of the Group of Arab States and on behalf of the States members of the League of Arab States (S/2004/303).

⁹ See, for example, the following letters addressed to the President of the Security Council: in connection with the outbreak of violence in Kosovo and Metohija, letter dated 17 March 2004 from the representative of Serbia and Montenegro (S/2004/220); and, in connection with the situation in southern Lebanon, letter dated 31 July 2006 from the representative of Lebanon (S/2006/596).

⁴ S/2007/480.

⁵ S/2006/517 and S/2006/596.

⁶ See, for example, the following letters addressed to the President of the Security Council in connection with the situation in the Middle East, including the Palestinian question: letter dated 4 October 2004 from the representative of Tunisia, in his capacity as Chairman of the Group of Arab States and on behalf of the States members of the League of Arab States (S/2004/779);

by the scope of that Chapter. For instance, during the period under review, several communications submitted to the Council described situations as threatening or endangering regional peace and security¹⁰ and/or acts of aggression.¹¹ In connection with these communications, however, the Council did not always determine the existence of a threat to the peace, a breach of the peace or an aggression.

Action requested of the Security Council

In their communications to the Security Council, States for the most part requested the Council to convene an urgent meeting to consider the matters (see table). In a number of cases, the submitting States called upon the Council, in general terms, to act on the specific issue brought to its attention.

For example, in a letter dated 30 November 2004 addressed to the President of the Security Council,¹² the representative of the Democratic Republic of the

Congo requested the Security Council to condemn firmly the act of aggression by the Rwandese Republic against the Democratic Republic of the Congo.

By a letter dated 5 January 2006 addressed to the President of the Security Council,¹³ the representative of Canada, drawing attention to the humanitarian situation in northern Uganda, requested that the Security Council place the issue of northern Uganda on its agenda.

In another instance, by a letter dated 15 September 2006 addressed to the President of the Security Council,¹⁴ the representative of the United States of America, requested that members of the Council receive a briefing from the Under-Secretary-General for Political Affairs on the situation in Myanmar and the status and progress of the Secretary-General's good offices mission.

The representative of the Sudan, finally, in another instance, by a letter dated 11 April 2007 addressed to the President of the Security Council,¹⁵ requested the Council "to deal swiftly and decisively with the aggression [against the Sudan], of which the States sponsors of the Tripoli Agreement have been informed, by conducting an immediate investigation and taking the necessary measures within the framework of its responsibilities under the Charter of the United Nations".

Referrals by the Secretary-General

While Article 99 stipulates that the Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security, the Secretary-General did not invoke Article 99, either expressly or by implication, during the period under review. He did, however, draw the attention of the Security Council to a number of deteriorating situations which were already on the Council's agenda, and requested the Council to consider taking appropriate action. For example, in connection with the situation in Chad and the Sudan, by a letter dated 13 April 2006 addressed to the President of the

¹⁰ In a letter dated 23 February 2004 addressed to the President of the Security Council, the representative of Jamaica, on behalf of the States members of the Caribbean Community, stated that the situation concerning Haiti, in the light of the steadily deteriorating situation, affected peace and stability in the region (S/2004/143). In a letter dated 15 September 2006 addressed to the President of the Security Council, the representative of the United States of America stated that his country and other members of the Security Council were concerned about the deteriorating situation in Myanmar, and that situation was likely to endanger the maintenance of international peace and security (S/2006/742 and annex).

¹¹ By a letter dated 30 November 2004 addressed to the President of the Security Council, the representative of the Democratic Republic of the Congo requested the Council "to meet on an urgent basis in order to condemn firmly this further act of aggression by the Rwandese Republic against the Democratic Republic of the Congo" (S/2004/935). By a letter dated 13 July 2006 addressed to the President of the Security Council, the representative of Lebanon requested an urgent meeting of the Council "to consider the grave situation resulting from the latest Israeli acts of aggression in Lebanon" (S/2006/517). By a letter dated 8 August 2007 addressed to the President of the Security Council, the representative of Georgia, while requesting a meeting of the Council, referred to the two Russian SU-24 aircraft which violated Georgian airspace as "an act of aggression" (S/2007/480).

¹² S/2004/935.

¹³ S/2006/13.

¹⁴ S/2006/742.

¹⁵ S/2007/201.

Security Council,¹⁶ the Secretary-General transmitted a letter dated 13 April 2006 from the Deputy Minister for Foreign Affairs and African Integration of Chad, in which the Government of Chad conveyed its concern at the “Sudan’s aggression against Chad and the threat to State institutions”, and urged the Secretary-General to take the necessary measures prescribed by the Charter to put an end to the aggression against Chad.

By a letter dated 22 November 2006 addressed to the President of the Security Council,¹⁷ the Secretary-General conveyed the request submitted by the Government of Nepal and the Communist Party of Nepal (Maoist), the parties to the Comprehensive Peace Agreement, to provide United Nations assistance

¹⁶ S/2006/256. In response, the Council convened a meeting and adopted a presidential statement, urging the Governments of the Sudan and Chad to abide by their obligations under the Tripoli Agreement of 8 February 2006 and to urgently start implementing the confidence-building measures which had been voluntarily agreed upon; in addition, the Council stated that both the Sudan and Chad must refrain from any actions that violated the border (S/PRST/2006/19).

¹⁷ S/2006/920.

in monitoring the arrangements related to the management of arms and armed personnel, and in monitoring the electoral process. The Secretary-General made a recommendation for an immediate and concrete response of the United Nations with regard to the request. By a statement of the President dated 1 December 2006, the Security Council noted the request to provide assistance in implementing key aspects of the Agreement, and expressed its readiness to consider the Secretary-General’s formal proposals as soon as the technical assessment was complete.¹⁸

Referrals by the General Assembly

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

¹⁸ S/PRST/2006/49.

¹⁹ For more information see chap. VI, part I, sect. B.

Communications bringing disputes or situations to the attention of the Security Council during the period 2004-2007

<i>Communication^a</i>	<i>Action requested of the Security Council</i>	<i>Meeting and date</i>
Letters dated 26 July 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council		
Letters dated 26 July 2005 from representative of the United Kingdom of Great Britain and Northern Ireland (S/2005/485 and S/2005/489)	The convening of a meeting of the Security Council to give members of the Council the opportunity to be briefed by the Special Envoy of the Secretary-General on human settlements issues in Zimbabwe, Ms. Anna Tibaijuka, and to discuss with her the report of the fact-finding mission to Zimbabwe to assess the scope and impact of Operation Murambatsvina	5237th (closed) meeting 27 July 2005
Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council		
Letter dated 4 July 2006 from the representative of Japan (S/2006/481)	The convening of an immediate meeting of the Security Council to consider the launch of ballistic missiles or unidentified flying vehicles by the Democratic People’s Republic of Korea	5490th meeting 15 July 2006
The situation in the Middle East		
Letter dated 13 July 2006 from the representative of Lebanon (S/2006/517)	The convening of an urgent meeting to consider the grave situation resulting from the latest Israeli acts of aggression in Lebanon	5489th meeting 14 July 2006

<i>Communication^a</i>	<i>Action requested of the Security Council</i>	<i>Meeting and date</i>
Letter dated 31 July 2006 from the representative of Lebanon (S/2006/596)	The convening of an urgent meeting of the Security Council to discuss the latest Israeli massacre in Qana, southern Lebanon, and the continuous escalation	5503rd meeting 31 July 2006
The situation in Myanmar		
Letter dated 15 September 2006 from the representative of the United States of America (S/2006/742)	The convening of a meeting under an item entitled “The situation in Myanmar” for members of the Council to receive a briefing from the Under-Secretary-General for Political Affairs on the situation in that country and the status and progress of the Secretary-General’s good offices mission	5526th meeting 15 September 2006

^a All the letters listed were addressed to the President of the Security Council.

Part II Investigation of disputes and fact-finding

Note

Article 34 of the Charter provides that “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 continuation of the dispute or situation is likely to endanger the maintenance of international peace and security”. However, Article 34 does not exclude 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 mission.

During the period under consideration, the Council performed and initiated, or requested the Secretary-General to undertake, a number of investigative and fact-finding activities that may be deemed to fall within the scope of Article 34 or be related to its provisions. Part II containing an overview of the practice of the Security Council in connection with Article 34 of the Charter, including instances in which the Council endorsed the Secretary-General’s initiative to establish bodies entrusted with fact-finding

and investigative functions,²⁰ and instances in which the Council requested the Secretary-General to establish an investigative commission or send a

²⁰ In three instances during the period under consideration, the Council endorsed the Secretary-General’s initiative to establish bodies entrusted with fact-finding or investigative functions. In connection with the situation between Iraq and Kuwait, the Council affirmed the letter dated 31 March 2004 from its President welcoming the Secretary-General’s decision to create an independent high-level inquiry to investigate the administration and management of the oil-for-food programme and took note of the details relating to its organization and terms of reference (resolution 1538 (2004)). In connection with the situation in Timor-Leste, the Council welcomed the initiative of the Secretary-General to ask the United Nations High Commissioner for Human Rights to take the lead in establishing an independent special inquiry commission in response to the request made by the Government of Timor-Leste (resolution 1690 (2006), para. 6). In connection with the agenda item entitled “Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council”, the Council welcomed and expressed support for the Secretary-General’s intention to send a technical assessment mission to Nepal with a view to proposing, following close consultations with the parties, a fully developed concept of United Nations operations, including a United Nations political mission to deliver the assistance requested (S/PRST/2006/49).

technical assessment mission.²¹ In another case, the Council established an international independent investigation commission based in Lebanon.²²

In addition to the above-mentioned fact-finding and investigative missions, the Council continued to request the Secretary-General to report on developments in connection to matters of which the Council was seized. Furthermore, in a number of instances, the Council dispatched missions consisting

of Council members to conflict areas, in West Africa,²³ Central Africa,²⁴ Haiti,²⁵ Ethiopia and Eritrea,²⁶ the Sudan and Chad,²⁷ the Democratic Republic of the Congo,²⁸ Afghanistan,²⁹ Kosovo,³⁰ Addis Ababa, Khartoum, Accra, Abidjan and Kinshasa,³¹ and Timor-Leste.³² The Council missions were not expressly charged with investigative tasks, but did serve, *inter alia*, to form an impression of the respective situations on the ground.

The two case studies below illustrate Council action on investigation and fact-finding. The first, in connection with the reports of the Secretary-General on the Sudan, related to the initiative of the Secretary-General, supported by the Security Council, to establish a Commission of Inquiry to investigate reports of violations of international humanitarian law and human rights law in Darfur, Sudan. The second, in connection with the situation in the Middle East, gives

²¹ In three instances during the period under consideration, the Council requested the Secretary-General to initiate or perform fact-finding or investigative functions. In connection with the situation in Côte d'Ivoire, by a statement of the President dated 25 May 2004, condemning the violations of human rights and international humanitarian law committed in Côte d'Ivoire, including those that occurred in Abidjan on 25-26 March, the Council requested the Secretary-General to establish an international commission of inquiry, as recommended by the commission of inquiry of the Office of the United Nations High Commissioner for Human Rights (S/PRST/2004/17). In connection with the reports of the Secretary-General on the Sudan, the Council requested that the Secretary-General rapidly establish an international commission of inquiry in order to immediately investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide had occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible were held accountable (resolution 1564 (2004)). In connection with the situation in Somalia, the Council requested the Secretary-General to send a technical assessment mission to the African Union headquarters and Somalia to report on the political and security situation and the possibility of a United Nations peacekeeping operation following the African Union's deployment (resolution 1744 (2007)).

²² In connection with the situation in the Middle East, the Council decided to establish an international independent investigation commission based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of the assassination of the former Prime Minister Rafiq Hariri, including to help to identify its perpetrators, sponsors, organizers and their accomplices. It further requested the Secretary-General to consult urgently with the Government of Lebanon with a view to facilitating the establishment and operation of the Commission pursuant to its mandate and terms of reference, and requested also that he report to the Council accordingly and notify it of the date the Commission began its full operations (resolution 1595 (2005)). See case 2 below.

²³ The mission of the Council visited West Africa from 20 to 29 June 2004. For details, see terms of reference (S/2004/491) and final report (S/2004/525).

²⁴ A mission of the Council visited Central Africa from 21 to 25 November 2004. For details, see terms of reference (S/2004/891) and final report (S/2004/934). Another mission of the Council visited Central Africa from 4 to 11 November 2005. For details, see terms of reference (S/2005/682) and final report (S/2005/716).

²⁵ The mission of the Council visited Haiti from 13 to 16 April 2005. For details, see terms of reference (S/2005/220) and final report (S/2005/302).

²⁶ The mission of the Council visited Ethiopia and Eritrea from 6 to 9 November 2005. For details, see terms of reference (S/2005/694) and final report (S/2005/723).

²⁷ The mission of the Council visited the Sudan and Chad from 4 to 10 June 2006. For details, see terms of reference (S/2006/341) and final report (S/2006/433).

²⁸ The mission of the Council visited the Democratic Republic of the Congo from 10 to 12 June 2006. For details, see terms of reference (S/2006/344) and final report (S/2006/434).

²⁹ The mission of the Council visited Afghanistan from 11 to 16 November 2006. For details, see terms of reference (S/2006/875) and final report (S/2006/935).

³⁰ The mission of the Council visited Kosovo from 24 to 29 April 2007. For details, see terms of reference (S/2007/220) and final report (S/2007/256).

³¹ The mission of the Council visited Africa from 14 to 21 June 2007. For details, see terms of reference (S/2007/347) and final report (S/2007/421 and S/2007/421/Corr.1).

³² The mission of the Council visited Timor-Leste from 24 to 30 November 2007. For details, see terms of reference (S/2007/647) and final report (S/2007/711).

details of the decision-making process leading to the establishment by the Security Council of an international commission of inquiry into the assassination of the former Prime Minister of Lebanon, Rafiq Hariri.

Case 1

Reports of the Secretary-General on the Sudan

By a letter dated 10 September 2004 addressed to the President of the Security Council,³³ the representatives of Australia, Canada and New Zealand expressed concern about the evolution of events in Darfur and recommended that the Council call upon the Secretary-General to establish, as a matter of urgency, an impartial commission of experts to investigate allegations of war crimes and crimes against humanity, in particular sexual violence, with a view to providing the Secretary-General with its conclusions on the evidence.

In response to the request, the Council met on 18 September 2004 to consider the reports of the Secretary-General on the Sudan. By resolution 1564 (2004), adopted at the meeting, the Council requested that the Secretary-General rapidly establish an international commission of inquiry in order to investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties, to determine also whether or not acts of genocide had occurred, and to identify the perpetrators of such violations with a view to ensuring that those responsible were held accountable, and called on all parties to cooperate fully with such a commission. Pursuant to the request by the Council, by a letter dated 4 October 2004 addressed to the President of the Security Council,³⁴ the Secretary-General informed the latter that he had established the International Commission of Inquiry that would, *inter alia*, investigate reports of serious violations of international humanitarian law and human rights law committed in Darfur by all parties in the current conflict.

By resolution 1574 (2004) of 19 November 2004, the Council called on all parties to cooperate fully with the International Commission of Inquiry established by the Secretary-General, as described in his letter of 4 October 2004 to the President of the Security

Council, the outcome of which would be communicated to the Security Council.

By a letter dated 31 January 2005 addressed to the President of the Security Council, the Secretary-General transmitted the report of the International Commission of Inquiry on Darfur.³⁵ In the report, the Commission concluded, *inter alia*, that the Government of the Sudan and the Janjaweed militia were responsible for a number of violations of international human rights and humanitarian law. It also recommended the referral of the crimes in Darfur to the International Criminal Court.

In response to the recommendations outlined in the report, the Council met on 31 March 2005 to consider the reports of the Secretary-General on the Sudan.³⁶ The Council adopted resolution 1593 (2005), by which it took note of the report of the International Commission of Inquiry on violations of international humanitarian law and human rights law in Darfur and referred the situation in Darfur since 1 July 2002 to the Prosecutor of the International Criminal Court.

Case 2

The situation in the Middle East

Following the terrorist bombing in Beirut, on 14 February 2005 that killed the former Prime Minister of Lebanon, Rafiq Hariri, the Council, by a statement of the President dated 15 February 2005,³⁷ requested the Secretary-General to follow closely the situation in Lebanon and to report urgently on the circumstances, causes and consequences of this terrorist act.

In response to that request, the Secretary-General, by a letter dated 24 March 2005 addressed to the President of the Security Council,³⁸ transmitted the report of the fact-finding mission inquiring into the causes, circumstances and consequences of the assassination of the former Prime Minister. The mission noted that the Lebanese investigation process suffered from serious flaws and had neither the capacity nor the commitment to reach a satisfactory and credible conclusion, and recommended that an international independent commission be established.

³³ S/2004/739.

³⁴ S/2004/812.

³⁵ S/2005/60.

³⁶ See S/PV.5158. For details of the meeting, see chap. VIII, sect. 16.B.

³⁷ S/PRST/2005/4.

³⁸ S/2005/203.

By a letter dated 29 March 2005 addressed to the Secretary-General,³⁹ the representative of Lebanon stated that his Government approved the decision of the Security Council concerning the establishment of an international commission of inquiry into the assassination of the former Prime Minister, and that it was ready to cooperate with the commission within the framework of Lebanese sovereignty and of its legal system.

By identical letters dated 29 March 2005 addressed to the Secretary-General and the President of the Security Council,⁴⁰ the representative of the Syrian Arab Republic transmitted a letter from the Government of the Syrian Arab Republic, which while critical of aspects of the report, stated that the country would support the position of Lebanon in any investigation of that event, given the fact that it was most solicitous of Lebanon's sovereignty, independence and prosperity.

At its 5160th meeting on 7 April 2005, the Council unanimously adopted resolution 1595 (2005), by which it decided to establish an international independent investigation commission based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of this terrorist act, including to help to identify its perpetrators, sponsors, organizers and their accomplices.

By a letter dated 20 October 2005 addressed to the President of the Security Council,⁴¹ the Secretary-General transmitted the report of the International Independent Investigation Commission. The Commission concluded that, building on the findings of the Commission and Lebanese investigations to date and on the basis of the material and documentary evidence collected, and the leads pursued, there was converging evidence pointing at both Lebanese and Syrian involvement in the terrorist act. It also concluded that the investigation should be carried forward by the appropriate Lebanese judicial and security authorities, who had proved during the investigation that, with international assistance and support, they could move ahead and at times take the lead in an effective and professional manner.

At its 5297th meeting, on 31 October 2005, the Council unanimously adopted resolution 1636 (2005), by which it, *inter alia*, took note with extreme concern

³⁹ S/2005/208.

⁴⁰ S/2005/209.

⁴¹ S/2005/662.

of the Commission's conclusion that there was converging evidence pointing at the involvement of both Lebanese and Syrian officials in the terrorist act. It called on the Syrian Arab Republic to cooperate fully and unconditionally with the Commission and insisted that it not interfere in Lebanese affairs.

Speaking after the vote, several Council members said that they were sending a message of support to the Lebanese people and the Commission, and a message to the Syrian Arab Republic that it must cooperate with the investigation.⁴² A number of speakers warned that the Council would decide on the consequences of any failure by the Syrian authorities to meet their obligations.⁴³ The United States said that with resolution 1636 (2005), the United Nations was taking a step to hold the Syrian Arab Republic accountable for any further failure to cooperate with the Commission's investigations and to consider further action if necessary.⁴⁴ Many speakers also emphasized the importance of bringing to justice those responsible for what they called a "heinous act".⁴⁵ The representative of Benin stated that, in his view, the resolution had no other goal than to give the Commission the means to find out all the details about the terrorist attack that the Council had unanimously condemned in order that the perpetrators might be brought to justice and that law might prevail.⁴⁶

Reiterating his country's appreciation for the solid work of the Commission, the representative of Lebanon was convinced that identifying and punishing the perpetrators of the crime as well as the establishment of justice would greatly contribute to the consolidation of Lebanon's national unity and to its security and stability, as well as that of the region. He called on all concerned parties to cooperate sincerely and seriously with the Commission so that justice could take its proper course.⁴⁷

⁴² S/PV.5297, p. 3 (France); p. 4 (United Kingdom); p. 5 (United States); p. 8 (China); p. 11 (Russian Federation, Argentina); and p. 14 (United Republic of Tanzania).

⁴³ *Ibid.*, p. 3 (France); p. 4 (United Kingdom); p. 5 (United States); p. 9 (Denmark); p. 10 (Greece, Philippines); and p. 14 (Japan).

⁴⁴ *Ibid.*, p. 5.

⁴⁵ *Ibid.*, p. 2 (France); p. 4 (United Kingdom); p. 9 (Greece); p. 11 (Argentina); p. 12 (Benin); and p. 14 (United Republic of Tanzania).

⁴⁶ *Ibid.*, p. 12.

⁴⁷ *Ibid.*, p. 16.

The representative of the Syrian Arab Republic stated that the fundamental criticism of the Commission's report was that it proceeded from the presumption that his country was guilty of committing that crime, rather than presuming its innocence, and that the report did not, instead, seek the facts and evidence that would lead to the real perpetrator. He further stated that it was clear to anyone who had followed the issue that the Syrian Arab Republic had fully cooperated throughout.⁴⁸

By a letter dated 13 December 2005 addressed to the Secretary-General,⁴⁹ the representative of Lebanon forwarded a letter from the Prime Minister of Lebanon, in which he requested that the Council establish a tribunal of an international character to try all those who were found responsible for the assassination of the former Prime Minister, and to expand the mandate of the International Independent Investigation Commission or create an independent international investigation commission to investigate the assassination attempts and assassinations and explosions that had occurred in Lebanon since October 2004.

In response, by resolution 1644 (2005) of 15 December 2005, the Council, having examined carefully the report of the International Independent Investigation Commission, acknowledged the request of the Government of Lebanon that a tribunal of an international character try those eventually charged with involvement in the assassination, and requested the Secretary-General to help the Government to identify the nature and scope of the international assistance needed in that regard. The Council also, took note with satisfaction of the progress of the inquiry achieved since the last report of the

Commission to the Security Council, and noted with extreme concern that, while the inquiry was not yet complete, it confirmed its previous conclusions and that the Government of the Syrian Arab Republic had yet to provide the Commission with the full and unconditional cooperation demanded in resolution 1636 (2005).

On 29 March 2006, by resolution 1664 (2006), the Council requested the Secretary-General to negotiate an agreement with the Government of Lebanon aimed at establishing a tribunal of an international character based on the highest international standards of criminal justice, and acknowledged that the adoption of the legal basis of and framework for the tribunal would not prejudice the gradual phasing-in of its various components and would not predetermine the timing of the commencement of its operations, which would depend on the progress of the investigation.

Speaking after the adoption of the resolution, the representative of Lebanon welcomed the resolution, and stated that the tribunal would follow up on the findings of the investigation concerning the assassination of the former Prime Minister and his companions.⁵⁰

Following negotiations between Lebanon and the United Nations, by resolution 1757 (2007) of 30 May 2007, the Council decided that the provisions of the Agreement on the establishment of a Special Tribunal for Lebanon would enter into force no later than 10 June 2007.⁵¹

⁵⁰ S/PV.5401, p. 2.

⁵¹ For more information on the Special Tribunal for Lebanon, see chap. V, part I, sect. D.

⁴⁸ *Ibid.*, pp. 16-17.

⁴⁹ S/2005/783.

Part III

Decisions of the Security Council concerning the peaceful settlement of disputes

Note

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

the Council may call on the parties to settle their disputes by such peaceful means as provided for in Article 33 (1). According to Article 36 (1) the Council may "recommend appropriate methods or procedures of adjustment". Article 37 (2) envisages that the Council may "recommend such terms of settlement as

it may consider appropriate”, and Article 38 provides that it may “make recommendations to the parties with a view to a pacific settlement of the dispute”.

As part of its efforts aimed at the peaceful settlement of conflicts within the framework of Chapter VI of the Charter, the Council frequently endorsed or supported peace agreements concluded by the parties to a conflict, or recommended various methods or procedures of settlement, such as bilateral or multilateral negotiations,⁵² political settlement or dialogue aimed at achieving national reconciliation,⁵³ democratic means such as elections or the establishment of a representative government,⁵⁴ and peace-consolidating activities such as disarmament, demobilization and reintegration programmes for former combatants.⁵⁵ In several instances, the Council made recommendations with regard to good offices, mediation or conciliation efforts

to be undertaken by the Secretary-General,⁵⁶ or with regard to such efforts undertaken by Governments of neighbouring countries⁵⁷ or regional leaders,⁵⁸ or undertaken by regional arrangements,⁵⁹ by expressing its support and calling upon the parties to a conflict to cooperate with such efforts.

During the period under review, the Council dealt with a growing number of intra-State conflicts characterized by inter-ethnic and interreligious violence, collapse of central State authority, humanitarian crises and implications threatening the stability of neighbouring countries. For example, in

⁵² See, for example, the following decisions of the Council: in connection with the situation in Burundi, resolution 1719 (2006); in connection with the situation in Chad, the Central African Republic and the subregion, S/PRST/2007/30; in connection with the situation in Côte d’Ivoire, S/PRST/2007/8; in connection with the reports of the Secretary-General on the Sudan, resolution 1590 (2005) and S/PRST/2006/21; and in connection with the situation in Cyprus, resolution 1789 (2007).

⁵³ See, for example, in connection with the situation in Chad and the Sudan, S/PRST/2006/19; in connection with the situation in Côte d’Ivoire, S/PRST/2004/17; in connection with the situation in Somalia, S/PRST/2004/3; in connection with the reports of the Secretary-General on the Sudan, resolution 1755 (2007); in connection with the situation concerning Western Sahara, resolution 1541 (2004); in connection with the situation in Myanmar, S/PRST/2007/37; in connection with the situation in Timor-Leste, S/PRST/2007/33; and in connection with the situation in Georgia, resolution 1752 (2007).

⁵⁴ See, for example, in connection with the situation in Burundi, resolution 1577 (2004); in connection with the situation in Côte d’Ivoire, S/PRST/2005/58; in connection with the situation concerning the Democratic Republic of the Congo, S/PRST/2006/36; in connection with the situation in Liberia, resolution 1626 (2005); and in connection with the situation in Georgia, resolution 1524 (2004).

⁵⁵ See, for example, in connection with the situation in Liberia, resolution 1579 (2004); in connection with the reports of the Secretary-General on the Sudan, resolution 1755 (2007); and in connection with the situation in Afghanistan, resolution 1589 (2005).

⁵⁶ See, for example, in connection with the situation in Burundi, resolution 1606 (2005); in connection with the situation between Eritrea and Ethiopia, resolution 1767 (2007); in connection with the situation in Western Sahara, resolution 1754 (2007); and in connection with the situation in Georgia, resolution 1752 (2007).

⁵⁷ See, for example, in connection with the situation concerning the Democratic Republic of the Congo (S/PRST/2004/45); and in connection with the situation in the Great Lakes region (S/PRST/2007/6).

⁵⁸ See, for instance, in connection with the situation in Côte d’Ivoire, resolution 1600 (2005).

⁵⁹ See chap. XII, part III, for further details on the manner in which the Security Council has encouraged efforts undertaken by regional arrangements in the pacific settlement of disputes. For example, in connection with the situation in Sierra Leone, by resolution 1537 (2004), the Council commended the efforts of the Economic Community of West African States towards building peace in the subregion, and encouraged the Presidents of the Mano River Union member States to resume dialogue and to renew their commitment to building regional peace and security. By a statement of the President dated 14 July 2005, the Council welcomed the readiness of the African Union and the Intergovernmental Authority on Development to reinforce their continued support for the establishment of a functioning central government of Somalia, including the possible deployment of a peace support mission to Somalia (S/PRST/2005/32). In connection with the situation in Somalia, by a statement dated 13 July 2006, the Council commended the African Union and the Intergovernmental Authority on Development for their continuing efforts to promote peace and stability in Somalia and the region (S/PRST/2006/31). With regard to items concerning the Sudan, by resolution 1706 (2006), the Council welcomed the efforts of the African Union to find a solution to the crisis in Darfur, including through the success of the African Union-led Inter-Sudanese Peace Talks on the Conflict in Darfur in Abuja, in particular the framework agreed between the parties for a resolution of the conflict in Darfur (the Darfur Peace Agreement).

connection with the situation in Somalia, by a statement of the President dated 13 July 2006,⁶⁰ the Council welcomed the agreement reached in Khartoum on 22 June 2006 between the Transitional Federal Government and the Islamic Courts. It emphasized the importance of dialogue between the two parties. In connection with the reports of the Secretary-General on the Sudan, by resolution 1564 (2004), the Council called upon the Government of the Sudan and the rebel groups, particularly the Justice and Equality Movement and the Sudan Liberation Movement/Army, to work together under the auspices of the African Union to reach a political solution in the negotiations held in Abuja under the leadership of President Obasanjo.

In setting out the parameters for a peace process or settlement to achieve its objective and to prevent a relapse into conflict, the Council often made precise recommendations. For instance, in connection with the item entitled “The role of civil society in conflict prevention and the pacific settlement of disputes”, explicitly acting under Chapter VI of the Charter, the Council underlined the need for a broad strategy for conflict prevention and pacific settlement of disputes in line with Chapter VI of the Charter.⁶¹ Similarly, in connection with the item entitled “Strengthening international law: rule of law and maintenance of international peace and security”, the Council expressed its commitment to and active support of the peaceful settlement of disputes and reiterated its call upon the Member States to settle their disputes by peaceful means as set forth in Chapter VI of the Charter, including by the use of regional preventive mechanisms and the International Court of Justice.⁶²

In a number of instances, the Council, acting on the basis of relevant Security Council decisions, dispatched Security Council missions to conflict areas to, inter alia, express its support for efforts towards peaceful settlement of disputes undertaken by either local actors or regional organizations and to examine how those efforts could be best supported. For instance, in the terms of reference for its mission to Central Africa from 21 to 25 November 2004, the Council stated that the mission would “call on all the components of the Transition to honour their commitments under the Global and All-Inclusive Agreement on the Transition in the Democratic

Republic of the Congo signed in Pretoria on 17 December 2002”.⁶³ In the terms of reference for its mission to the Sudan and Chad from 4 to 10 June 2006, the Council noted that the mission would “call on the parties to the Darfur Peace Agreement to respect their commitments and implement the agreement without delay, and urge those parties that have not signed the Darfur Peace Agreement to do so without delay and not to act in any way that would impede implementation of the agreement”.⁶⁴ In the terms of reference for its mission to Africa from 14 to 21 June 2007, the Council stated that one of the objectives of the mission would be to “encourage the Government of the Sudan and the non-signatory parties to engage constructively in the Darfur Peace Process with a view to finding lasting peace in the Sudan, in particular support for the forthcoming talks to be convened by the United Nations and African Union special envoys on Darfur”.⁶⁵ In the terms of reference for its mission to Timor-Leste from 24 to 30 November 2007, the Council noted that the mission would “encourage the Government, the Parliament, the political parties and the people of Timor-Leste to continue to work together and engage in political dialogue and consolidate peace, democracy, the rule of law, security sector reform, sustainable social and economic development and national reconciliation in the country”.⁶⁶

This part of the chapter provides an overview of the Council’s practice in relation to the peaceful settlement of disputes by highlighting relevant decisions adopted by the Council during the period under review. As it is not always possible to ascertain the specific provisions of the Charter on which individual Council decisions have been based, the overview will aim to set out relevant decisions in a systematic order, without ascribing them to specific Articles of the Charter. Since Council decisions relating to investigation and fact-finding missions are already covered in part II of this chapter, they will not be reflected here.

The practice of the Council under Chapter VI of the Charter is described below in three sections. Section A deals with the decisions of the Council on general and thematic issues touching upon the provisions of Chapter VI. In particular, it outlines the

⁶⁰ S/PRST/2006/31.

⁶¹ S/PRST/2005/42.

⁶² S/PRST/2006/28.

⁶³ S/2004/891.

⁶⁴ S/2006/341.

⁶⁵ S/2007/347.

⁶⁶ S/2007/647.

decisions of the Council relating to the prevention of armed conflicts and the maintenance of international peace and security. Section B illustrates various ways in which the Council, in dealing with specific situations under its consideration, encouraged and supported efforts in the peaceful settlement of disputes. Section C provides an overview of the decisions of the Council, within the framework of its efforts towards the pacific settlement of disputes, involving the Secretary-General. Section D briefly illustrates various ways in which the Council, in dealing with specific situations under its consideration, encouraged and supported efforts by regional organizations in the peaceful settlement of disputes.

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

This section provides an overview of the decisions of the Council on general and thematic issues relating to the pacific settlement of disputes. By such decisions, the Council underlined the centrality of Chapter VI of the Charter in the United Nations system of collective security and emphasized its commitment to addressing the prevention and recurrence of armed conflicts in all regions of the world. The Council also acknowledged the importance of the settlement of disputes by peaceful means and of promoting necessary preventive action in the maintenance of international peace and security.

During the period under review, the Peacebuilding Commission was established as a subsidiary body of the Security Council and the General Assembly, by resolutions adopted concurrently by the two organs on 20 December 2005.⁶⁷ The main purpose of the Peacebuilding Commission was to bring together all relevant actors to marshal resources and to advise on and propose integrated strategies for post-conflict peacebuilding and recovery.

Protection of civilians in armed conflict

By a statement of the President dated 14 December 2004, the Council recognized the importance of a comprehensive, coherent and action-oriented approach, including early planning, to the

⁶⁷ Resolution 1645 (2006) and General Assembly resolution 60/180. See also chapter V, part I, sect. 9.

protection of civilians in situations of armed conflict. It stressed the need to adopt a broad strategy of conflict prevention which addressed the root causes of armed conflict in a comprehensive manner in order to enhance the protection of civilians on a long-term basis, including by promoting sustainable development, poverty eradication, national reconciliation, good governance, democracy, the rule of law and respect for and protection of human rights.⁶⁸

By resolution 1674 (2006) of 28 April 2006, the Council called upon all parties concerned to ensure that all peace processes, peace agreements and post-conflict recovery and reconstruction planning had regard for the special needs of women and children and included specific measures for the protection of civilians, including the cessation of attacks on civilians; the facilitation of the provision of humanitarian assistance; the creation of conditions conducive to the voluntary, safe, dignified and sustainable return of refugees and internally displaced persons; the facilitation of early access to education and training; the re-establishment of the rule of law; and the ending of impunity.

Post-conflict peacebuilding

By a statement of the President dated 26 May 2005, the Council acknowledged that serious attention to the longer term process of peacebuilding in all its multiple dimensions was critically important and that adequate support for peacebuilding activities could help to prevent countries from relapsing into conflict. It further stressed the need to ensure adequate and timely financing for peacebuilding priorities at all stages of the peace process, and the need for sustained financial investment in peacebuilding over the medium to longer-term period of recovery. The Council recognized the importance of rapid initiation of peacebuilding activities to meet immediate needs and encouraged the building of capabilities that could be incorporated rapidly.⁶⁹

By resolution 1645 (2005) of 20 December 2005, emphasizing the need for a coordinated, coherent and integrated approach to post-conflict peacebuilding and reconciliation with a view to achieving sustainable peace, the Council recognized the vital role of the United Nations in preventing conflicts, assisting parties to conflicts to end hostilities and emerge towards recovery,

⁶⁸ S/PRST/2004/46.

⁶⁹ S/PRST/2005/20.

reconstruction and development and in mobilizing sustained international attention and assistance.

The role of the Security Council in humanitarian crises: challenges, lessons learned and the way ahead

By a statement of the President dated 12 July 2005, the Council reiterated the importance it attached to the promotion and urgent restoration of justice and the rule of law in post-conflict societies and in promoting national reconciliation, democratic development, and human rights. It recognized that ending impunity was important in peace agreements and could contribute to efforts to come to terms with past abuses and to achieve national reconciliation to prevent future conflict. The Council further acknowledged that, in post-conflict societies, successful peacebuilding rested on the premise that protection of civilians, the promotion of the rule of law and transitional justice, disarmament, demobilization, repatriation, reintegration and rehabilitation of former combatants, security sector reform and democratic, economic and social reform were integrated elements and that national ownership played an important role which should be supported by the international community, including the regional organizations.⁷⁰

Children and armed conflict

By resolution 1612 (2005) of 26 July 2005, the Council called upon all parties concerned to ensure that the protection, rights and well-being of children affected by armed conflict were specifically integrated into all peace processes, peace agreements and post-conflict recovery and reconstruction planning and programmes.

Threats to international peace and security

By resolution 1625 (2005) of 14 September 2005, the Council expressed its determination to enhance the effectiveness of the United Nations in preventing armed conflicts and to monitor closely situations of potential armed conflict. The Council further affirmed its determination to strengthen United Nations conflict prevention capacities by, inter alia, assessing regularly the developments in regions at risk of armed conflict and encouraging the Secretary-General to provide

⁷⁰ S/PRST/2005/30.

information to the Council on such developments pursuant to Article 99 of the Charter.

Role of civil society in conflict prevention and the peaceful settlement of disputes

By a statement of the President dated 20 September 2005, while recognizing the complex nature of threats to international peace and security, the Council underlined the need for a broad strategy for conflict prevention and peaceful settlement of disputes in line with Chapter VI of the Charter.⁷¹

Cooperation between the United Nations and regional organizations in maintaining international peace and security

By resolution 1631 (2005) of 17 October 2005, the Council reiterated the need to encourage regional cooperation, including through the involvement of regional and subregional organizations in the peaceful settlement of disputes, and to include, where appropriate, specific provisions with this aim in future mandates of peacekeeping and peacebuilding operations authorized by the Council.

Women and peace and security

By a statement of the President dated 27 October 2005, the Council welcomed the various initiatives and actions undertaken by Member States, United Nations entities, civil society organizations and other relevant actors focused on supporting and increasing the representation of women in peace negotiations and mainstreaming gender perspectives into peace agreements. The Council recognized and welcomed the roles of, and contributions made by, women as mediators, educators, peacemakers, peacebuilders and advocates for peace, as well as their active contribution to reconciliation efforts and disarmament, demobilization and reintegration processes.⁷²

By a statement of the President dated 23 October 2007, the Council urged Member States, regional and subregional organizations and the United Nations system to enhance the role of women in decision-making with regard to all peace processes and post-conflict reconstruction and rebuilding of societies as

⁷¹ S/PRST/2005/42.

⁷² S/PRST/2005/52.

vital in all efforts towards the maintenance and promotion of sustainable peace and security.⁷³

Strengthening international law: rule of law and maintenance of international peace and security

By a statement of the President dated 22 June 2006, the Council noted that it was committed to and actively supported the peaceful settlement of disputes, and reiterated its call upon Member States to settle their disputes by peaceful means as set forth in Chapter VI of the Charter, including by use of regional preventive mechanisms and the International Court of Justice. It further emphasized the important role of the Court, the principal judicial organ of the United Nations, in adjudicating disputes among States.⁷⁴

The maintenance of international peace and security: role of the Security Council in supporting security sector reform

By a statement of the President dated 20 February 2007, the Council stressed that reforming the security sector in post conflict environments was critical to the consolidation of peace and stability, promoting poverty reduction, the rule of law and good governance, extending legitimate State authority, and preventing countries from relapsing into conflict. In that regard, a professional, effective and accountable security sector and accessible and impartial law-enforcement and justice sectors were equally necessary to laying the foundations for peace and sustainable development.⁷⁵

Threats to international peace and security caused by terrorist acts

By a statement of the President dated 13 April 2007, the Council supported efforts to promote national dialogue, reconciliation and broad political participation in ensuring unity, peace, security and stability in Iraq.⁷⁶

Maintenance of international peace and security

By a statement of the President dated 28 August 2007, the Council bearing in mind its primary responsibility for the maintenance of international peace and security in accordance with the Charter of

the United Nations, acknowledged the importance of the settlement of disputes by peaceful means and promoting necessary preventive action in response to threats to international peace and security.⁷⁷

The role of regional and subregional organizations in the maintenance of international peace and security

By a statement of the President dated 6 November 2007, the Council encouraged regional cooperation, including through the involvement of regional and subregional organizations in the peaceful settlement of disputes, and stated its intention to consult closely with them, whenever appropriate, on their role in future peacekeeping operations as well as political and integrated missions authorized by the Council.⁷⁸

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

This section provides an overview of the Council's practice aimed at the pacific settlement of disputes in application of Chapter VI of the Charter. It describes decisions, within the regional context, by agenda item and in chronological order in which the Council requested or called upon parties to settle their disputes by peaceful means; recommended procedures or methods of settlement; or proposed or endorsed, welcomed or supported terms of settlement. Although the relevant decisions are presented by agenda item, it should be noted that, during the period under review, the Council increasingly demonstrated in its decisions a regional approach to the resolution of conflicts.

Africa

The situation in Burundi

By three resolutions, concerning the situation in Burundi, the Council, reaffirming its full support for the process of the Peace and Reconciliation Agreement for Burundi, signed at Arusha, United Republic of Tanzania, on 28 August 2000, called upon all the Burundian parties to honour fully their commitments, and assured them of its determination to support their efforts to that end.⁷⁹

⁷³ S/PRST/2007/40.

⁷⁴ S/PRST/2006/28.

⁷⁵ S/PRST/2007/3.

⁷⁶ S/PRST/2007/11.

⁷⁷ S/PRST/2007/31.

⁷⁸ S/PRST/2007/42.

⁷⁹ Resolutions 1545 (2004), 1577 (2004) and 1602 (2005).

By resolution 1577 (2004) of 1 December 2004, the Council welcomed the agreement signed by the Burundian parties at Pretoria on 6 August 2004, and the subsequent adoption by the Parliament of an interim Constitution, on 20 October 2004. It encouraged the parties to continue their dialogue in a spirit of compromise, in particular during the campaign to explain the interim Constitution and the drawing-up of the electoral code, with a view to a lasting political solution. Finally, the Council recalled that there was no alternative to the holding of elections as provided for by the Arusha Agreement, and called upon the transitional authorities to carry through the electoral process scheduled to take place by 22 April 2005.

By a statement of the President dated 14 March 2005, the Council called upon all Burundians to remain committed to the course of national reconciliation, for further steps remained to be taken. It invited, in particular, the political leadership in the country to work together towards the common goal of holding, expeditiously, local and national elections that were free and fair.⁸⁰

By a statement of the President dated 23 May 2005, the Council took note with satisfaction of the declaration signed on 15 May 2005 in Dar es Salaam, United Republic of Tanzania, by the President of Burundi and the leader of the rebel group Parti pour la libération du peuple hutu — Forces nationales de libération (Palipehutu-FNL). It further shared the understanding that the declaration was a first step towards the rapid integration, in a negotiated manner, of the rebel group into the transitional process in progress in Burundi.⁸¹

By resolution 1602 (2005) of 31 May 2005, the Council called upon all Burundian parties to exert greater efforts to ensure the success of the transition, national reconciliation and the stability of the country in the longer term, in particular by refraining from any actions which might affect the cohesion of the Arusha Agreement process.

By a statement of the President dated 23 March 2006, while expressing its deep concern over the continuing violence carried out by the Forces nationales de libération and fighting between them and the Burundian army, the Council urged the Government

of Burundi and FNL to seize the opportunity for negotiations with a view to bringing peace to the whole country.⁸²

By resolution 1692 (2006) of 30 June 2006, the Council welcomed the ongoing negotiations between the Government of Burundi and the Palipehutu-FNL which had been facilitated by South Africa and the regional peace initiative on Burundi, and looked forward to the early conclusion of a comprehensive ceasefire agreement.

By resolution 1719 (2006) of 25 October 2006, the Council welcomed the signing, on 7 September 2006 at Dar es Salaam of the Comprehensive Ceasefire Agreement between the Government of Burundi and Palipehutu-FNL. In view of that development, it called upon the authorities and all political actors in Burundi to persevere in their dialogue on achieving stability and national reconciliation and to promote social harmony in their country, and underscored the importance of successfully completing the reforms provided for in the Peace and Reconciliation Agreement for Burundi, signed at Arusha on 28 August 2000, in the Global Ceasefire Agreement signed at Dar es Salaam on 16 November 2003 and in the Comprehensive Ceasefire Agreement signed at Dar es Salaam on 7 September 2006.

The situation in the Central African Republic

By a statement of the President dated 28 October 2004, the Council, expressing its concern at the possible consequences to the Central African Republic of the crises in the subregion, welcomed with satisfaction the Secretary-General's initiative in asking the United Nations Peacebuilding Support Office in the Central African Republic to assess the implications of developments in neighbouring countries on the situation in the Central African Republic and vice versa.⁸³

The situation in Chad and the Sudan

By a statement of the President dated 25 April 2006 concerning the situation in Chad and the Sudan, the Council expressing deep concern over the political and security situation and instability along Chad's border with the Sudan, as well as over the possible spillover effects of these crises on neighbouring countries and the

⁸⁰ S/PRST/2005/13.

⁸¹ S/PRST/2005/19.

⁸² S/PRST/2006/12.

⁸³ S/PRST/2004/39.

entire region, called for political dialogue and a negotiated solution to the continuing crisis within Chad. Furthermore, it urged the Governments of the two countries to abide by their obligations under the Tripoli Agreement of 8 February 2006 and to urgently start implementing the confidence-building measures which had been voluntarily agreed upon.⁸⁴

By a statement of the President dated 15 December 2006, the Council stressed that a peaceful settlement of the conflict in Darfur, in accordance with the Darfur Peace Agreement and relevant Council resolutions, would contribute to restoring security and stability in the region, in particular in Chad and the Central African Republic. The Council further expressed its concern over the continuing tensions between Chad and the Sudan, and urged the two States to abide fully by the obligations they assumed with regard to respect for and securing of their common border in the Tripoli Agreement of 8 February 2006 and in subsequent agreements concluded between them.⁸⁵

The situation in Chad, the Central African Republic and the subregion

By a statement of the President dated 27 August 2007 concerning the situation in Chad, the Central African Republic and the subregion, the Council welcomed the signing on 13 August 2007 in N'Djamena of the Political Agreement for the reinforcement of the democratic process in Chad. The Council encouraged the authorities and political stakeholders in Chad and the Central African Republic to pursue their efforts at national dialogue, with respect for the constitutional framework.⁸⁶

By resolution 1778 (2007) of 25 September 2007, the Council, recalling the Tripoli Agreement of 8 February 2006 and the other bilateral and multilateral agreements between the Governments of the Sudan, Chad and the Central African Republic, stressed, inter alia, that a proper settlement of the Darfur issue and an improvement in relations between the Sudan, Chad and the Central African Republic would contribute to long-term peace and stability in the region. The Council welcomed the signing on 13 August 2007 at N'Djamena of the Political Agreement for the reinforcement of the democratic process in Chad.

⁸⁴ S/PRST/2006/19.

⁸⁵ S/PRST/2006/53.

⁸⁶ S/PRST/2007/30.

Also by resolution 1778 (2007), the Council encouraged the Governments of the Sudan, Chad and the Central African Republic to ensure that their territories were not used to undermine the sovereignty of others and to cooperate actively with a view to implementing the Tripoli Agreement and other agreements aimed at ensuring security along their common borders. The Council encouraged the authorities and political stakeholders in Chad and the Central African Republic to pursue their efforts at national dialogue, with respect for the constitutional frameworks.

The situation in Côte d'Ivoire

Following the submission, on 6 January 2004, of the report of the Secretary-General on the efforts of the United Nations Mission in Côte d'Ivoire to facilitate peace and stability in the country, the Council, by resolution 1527 (2004) of 4 February 2004, reaffirmed its endorsement of the agreement signed by the Ivorian political forces at Linas-Marcoussis, France, on 23 January 2003.⁸⁷ The Council stressed the importance of the complete and unconditional implementation of the measures provided for under the Linas-Marcoussis Agreement, and took note with satisfaction of the progress made in that regard. The Council called upon the signatories to the Linas-Marcoussis Agreement to carry out expeditiously their responsibilities under the Agreement.

By a statement of the President dated 30 April 2004, the Council, recalling that all Ivorian political forces had committed themselves to implement fully and with no conditions the Linas-Marcoussis Agreement, decided, on the basis of that commitment, to deploy the United Nations Operation in Côte d'Ivoire (UNOCI) to support the process of peaceful settlement of the crisis. It also expressed its readiness to consider further steps to encourage full implementation of the Agreement and to promote the process of national reconciliation in Côte d'Ivoire.⁸⁸

With regard to the peace process defined in the Linas-Marcoussis Agreement, by a statement of the President dated 25 May 2004, the Council, underscoring

⁸⁷ The Linas-Marcoussis Agreement provided for the establishment of a Government of National Reconciliation, in charge of preparing an electoral timetable, rebuilding defence and security forces and organizing the disarmament of all armed groups (see S/2003/99).

⁸⁸ S/PRST/2004/12.

the importance of having all relevant Ivorian parties participate fully in the Government of National Reconciliation, called upon all Ivorian parties to apply faithfully all the provisions of the Agreement, including those regarding the composition and the functioning of the Government of National Reconciliation. It called upon them to resume immediately political dialogue with a view to ensuring the effective functioning of the Government of National Reconciliation.⁸⁹

By a statement of the President dated 5 August 2004, the Council welcomed the spirit of dialogue and responsibility shown by the President, Laurent Gbagbo, and each of the Ivorian parties, who had clearly demonstrated their willingness to lead the political process in Côte d'Ivoire to its completion. The Council welcomed the concrete measures agreed upon by the signatories to the Accra III Agreement with a view to facilitating the full and comprehensive implementation of the Linas-Marcoussis Agreement. It further urged the parties to adhere strictly to the deadlines that had been fixed, in particular to settle the issue of eligibility for the Presidency of the Republic and to begin disarmament, in accordance with the Linas-Marcoussis Agreement, for all paramilitary groups and militias and disband disruptive youth groups. The Council urged all parties to implement in good faith, without delays or preconditions, the obligations they had undertaken in signing the Accra III Agreement.⁹⁰

By a statement of the President dated 6 July 2005, the Council demanded that all the signatories to the Accra III Agreement and all the Ivorian parties concerned implement fully and without delay all the commitments made with the African Union mediation and comply scrupulously with the timetable agreed on 29 June 2005 in Pretoria.⁹¹

Following the signing, by the Ivorian parties, on 6 April 2005, of the Pretoria Agreement,⁹² the Council, by a statement of the President dated 6 July 2005, took

note with interest of the Declaration on the implementation of the Pretoria Agreement on the peace process in Côte d'Ivoire signed on 29 June 2005 in Pretoria under the auspices of the African Union mediator, President Thabo Mbeki.⁹³

By resolution 1600 (2005) of 4 May 2005, the Council welcomed the signing of the Pretoria Agreement and commended the African Union mediator for the essential role he had played, on behalf of the African Union, to restore peace and stability in Côte d'Ivoire, and reaffirmed its full support for his mediation efforts. The Council called upon all parties to implement fully the Pretoria Agreement, and reminded them that they had decided in the Agreement to refer to the mediator any differences which might arise in the interpretation of any part of the Agreement.

By resolution 1603 (2005) of 3 June 2005, the Council endorsed the Pretoria Agreement, and demanded that all the signatories to the Agreement and all the Ivorian parties concerned implement it fully and without delay.

By a statement of the President dated 30 November 2005, the Council affirmed that the rapid appointment of a Prime Minister of Côte d'Ivoire was crucial to relaunching the peace process leading to the holding of free, fair, open and transparent elections by 31 October 2006. It also affirmed that the road map established by the International Working Group at its first meeting on 8 November 2005 in Abidjan had to be fully implemented.⁹⁴

By a statement of the President dated 19 January 2006, the Council firmly called upon all the Ivorian parties to cooperate with the Prime Minister, the International Working Group, the Mediation Group, the Special Representative of the Secretary-General for Côte d'Ivoire and the High Representative for the elections in implementing the road map.⁹⁵

Following several rounds of meetings between Ivorian political and rebel leaders held in Yamoussoukro on 28 February and 5 July 2006, and in Abidjan on 8 April 2006, the Council, by several subsequent decisions, urged the leaders to fulfil their commitments, in particular those made in Yamoussoukro on 28 February 2006, and to rapidly

⁸⁹ S/PRST/2004/17.

⁹⁰ S/PRST/2004/29.

⁹¹ S/PRST/2004/28.

⁹² The Pretoria Agreement on the peace process in Côte d'Ivoire provided for further implementation of the Linas-Marcoussis Agreement, and the Accra II and Accra III Agreements (see S/2005/270). The Security Council welcomed and then endorsed the Pretoria Agreement by two other resolutions adopted under Chapter VII of the Charter (resolutions 1600 (2005) and 1603 (2005)).

⁹³ S/PRST/2005/28.

⁹⁴ S/PRST/2005/58.

⁹⁵ S/PRST/2006/2.

implement the road map, in good faith and in a spirit of trust, in order to organize free, fair, open and transparent elections by 31 October 2006.⁹⁶

By a statement of the President dated 7 August 2006, the Council affirmed its commitment to the implementation of the peace process and of the road map. The Council welcomed the initiatives of the Prime Minister, Charles Konan Banny, and the ongoing dialogue among the President, the Prime Minister and all other Ivorian parties.⁹⁷

By resolution 1739 (2007) of 10 January 2007, the Council decided that UNOCI would, inter alia, have the following mandate: to observe and monitor the implementation of the joint declaration of the end of the war of 6 April 2005 and of the comprehensive ceasefire agreement of 3 May 2003; to prevent, within its capabilities and its areas of deployment, any hostile action, and to investigate violations of the ceasefire; and to promote the peace process as referred to in resolution 1721 (2006) throughout the territory of Côte d'Ivoire, through the mission's public information capacity, in particular its radio broadcasting capability through UNOCI FM.

By a statement of the President dated 28 March 2007, the Council welcomed the agreement signed by President Laurent Gbagbo and Mr. Guillaume Soro in Ouagadougou on 4 March 2007.⁹⁸ It underlined that the Ouagadougou agreement provided a good basis for a comprehensive and all-inclusive settlement of the crisis in Côte d'Ivoire through the organization of credible elections. The Council endorsed the Agreement and called upon the Ivorian parties to implement it fully, in good faith and within a set timetable.⁹⁹

By resolution 1782 (2007) of 29 October 2007, while welcoming the initial measures to implement the Ouagadougou Political Agreement, the Council recalled its request to the Ivorian parties to implement their commitments under the Agreement fully and in good faith, and urged them to take, without delay, the

specific measures necessary to make progress, in particular in the identification and registration of voters, the disarmament and dismantling of militias, the disarmament, demobilization and reintegration programme, the unification and restructuring of the defence and security forces and the restoration of State authority throughout the country.

The situation concerning the Democratic Republic of the Congo

By statements of the President dated 7 June and 22 June 2004 on the situation concerning the Democratic Republic of the Congo,¹⁰⁰ the Council urged all parties represented in the Government of National Unity and Transition to remain fully committed to the peace process of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, and to abstain from any action that would endanger the unity of the transitional Government. By the statement of 7 June 2004, the Council also urged the Government of Rwanda, taking into account its previous relationship with the Rassemblement congolais pour la démocratie-Goma, and all other neighbouring States to do all in their power to support the peace process and help to secure a peaceful resolution to the crisis, while at the same time refraining from any action or declaration that might negatively affect the situation in the Democratic Republic of the Congo.

By resolution 1565 (2004) of 1 October 2004, the Council, welcoming the efforts of the Government of National Unity and Transition for the implementation of the Global and All-Inclusive Agreement, called upon all the Congolese parties to honour their commitments in that regard, in particular so that free, fair and peaceful elections could be held within the agreed time frame.

By a statement of the President dated 7 December 2004, following multiple reports of military operations of the Rwandan army in the eastern part of the Democratic Republic of the Congo, the Council called upon the Governments of the Democratic Republic of the Congo, Burundi, Rwanda and Uganda to commit themselves to and make full use of the multilateral mechanisms that they had agreed to establish, including the Joint Verification Mechanism and the Tripartite Commission, for the peaceful resolution of their disputes. The Council also welcomed steps taken

⁹⁶ S/PRST/2006/14, S/PRST/2006/20 and S/PRST/2006/32.

⁹⁷ S/PRST/2006/37.

⁹⁸ The Ouagadougou Political Agreement provided for the acceleration of identification operations for the elections, further progress in disarmament, demobilization and reintegration of former combatants, and the restoration of State authority throughout the territory of Côte d'Ivoire (see S/2007/144).

⁹⁹ S/PRST/2007/8.

¹⁰⁰ S/PRST/2004/19 and S/PRST/2004/21.

to set up the plan established by the Congolese authorities, with the support of the United Nations Organization Mission in the Democratic Republic of the Congo, aimed at accelerating the disarmament and demobilization of foreign armed groups.¹⁰¹

By a statement of the President dated 12 April 2005, the Council, welcoming the statement issued by the Forces démocratiques de libération du Rwanda (FDLR), in which they condemned the 1994 genocide and committed themselves to renounce the use of force and cease all offensive operations against Rwanda, considered it a significant opportunity to move towards peace in the Democratic Republic of the Congo, national reconciliation in Rwanda, and full normalization of relations between the two countries.¹⁰²

By a statement of the President dated 29 June 2005, the Council, underlining the importance of elections as the foundation for longer-term restoration of peace and stability, national reconciliation, and establishment of the rule of law in the Democratic Republic of the Congo, encouraged the Congolese people to mobilize for and conduct the electoral process in a peaceful manner. It also urged candidates and political parties to refrain from any action that might disrupt the process.¹⁰³

By resolution 1621 (2005) of 6 September 2005, the Council called upon the transitional institutions and all Congolese parties to ensure that free, fair and peaceful elections took place and that the timetable for polls developed by the Independent Electoral Commission was scrupulously respected.

By a statement of the President dated 3 August 2006, the Council urged all political actors in the Democratic Republic of the Congo to continue to work to ensure that the electoral process proceeded in a free, transparent and peaceful manner, in accordance with the agreed timetable.¹⁰⁴

By a statement of the President dated 22 September 2006, the Council, deploring the violence that had erupted between the security forces loyal to President Joseph Kabila and Vice-President Jean-Pierre Bemba, called upon all political parties and the President and Vice-President, to restate their

commitment to the peace process and to work within the agreed framework for the holding of the elections as a means of peacefully resolving political differences. The Council welcomed their first meeting as a first step in that direction and encouraged them to continue to seek a peaceful resolution of their differences.¹⁰⁵

After the elections, by a statement of the President dated 7 November 2006, the Council attached great importance to the signing of a declaration of post-electoral intent by the representatives of the two candidates in the second round of the presidential election and emphasized that political differences must be settled by peaceful means only.¹⁰⁶

By a statement of the President dated 3 April 2007, deploring the violence between the Congolese security forces and the security guards of Senator Jean-Pierre Bemba in the aftermath of the presidential elections, the Council regretted the use of violence instead of dialogue to resolve disputes, and urged all Congolese stakeholders to pursue negotiated solutions to their differences with respect for the constitutional framework and law. It called upon the Government to respect the space and role conferred on parties by the Constitution with a view to ensuring their effective participation in the national political debate, and encouraged all parties to remain committed to the political process.¹⁰⁷

The situation between Eritrea and Ethiopia

By several resolutions concerning the situation between Eritrea and Ethiopia,¹⁰⁸ the Council stressed its unwavering commitment to the peace process, including through the role played by the United Nations Mission in Ethiopia and Eritrea, and to the full and expeditious implementation of the Comprehensive Peace Agreement signed on 12 December 2000 at Algiers by the Governments of the two countries, the preceding Agreement on Cessation of Hostilities signed on 18 June 2000 and the delimitation decision of the Eritrea-Ethiopia Boundary Commission of 13 April 2002, embraced by the parties as final and binding in accordance with the Algiers Agreements. While stressing that Eritrea and Ethiopia had the primary

¹⁰¹ S/PRST/2004/45.

¹⁰² S/PRST/2005/15.

¹⁰³ S/PRST/2005/27.

¹⁰⁴ S/PRST/2006/36.

¹⁰⁵ S/PRST/2006/40.

¹⁰⁶ S/PRST/2006/44.

¹⁰⁷ S/PRST/2007/9.

¹⁰⁸ Resolutions 1560 (2004) of 14 September 2004, 1586 (2005) of 14 March 2005, 1622 (2005) of 13 September 2005, 1661 (2006) of 14 March 2006 and 1678 (2006) of 15 May 2006.

responsibility for the implementation of the Algiers Agreements and the decision of the Boundary Commission, the Council called upon the parties to show political leadership to achieve a full normalization of their relationship, including through the adoption of further confidence-building measures¹⁰⁹ and to consolidate progress achieved so far, by making full use of the existing framework of the Commission.¹¹⁰ It further called upon Eritrea to enter into dialogue and cooperation with the Special Envoy.¹¹¹

By resolution 1640 (2005) of 23 November 2005, the Council, noting with deep concern the high concentration of troops on both sides of the Temporary Security Zone, called upon Eritrea and Ethiopia to work, without preconditions, to break the stalemate through diplomatic efforts.

By a statement of the President dated 24 February 2006, the Council welcomed the successful convening in New York on 22 February 2006 of the meeting of the witnesses to the Algiers Agreement of 12 December 2000 and their efforts to resolve the current impasse between Eritrea and Ethiopia, in order to promote stability between the parties and lay the foundation for sustainable peace in the region.¹¹²

By resolution 1767 (2007) of 30 July 2007, the Council called upon the parties to maintain their full commitment to the Agreement on Cessation of Hostilities of 18 June 2000.

By a statement of the President dated 13 November 2007, the Council stressed the importance of the commitment of both Ethiopia and Eritrea to lay the foundation for sustainable peace in the region and, aware of the responsibilities of the United Nations under the Algiers Agreements, remained determined to encourage and assist both countries in attaining that objective. It urged the parties to take concrete steps to implement immediately and without preconditions the delimitation decision of the Boundary Commission, taking into account the commitments of the parties regarding the Temporary Security Zone, as expressed at the meeting of the Commission held on 6 and 7 September 2007, and to comply fully with the Algiers Agreements and prior resolutions of the Council and statements by its

President, including on the issue of demarcation. The Council called upon the parties to refrain from using force and to settle their disagreements by peaceful means, to normalize their relations, to promote stability between them and to lay the foundation for sustainable peace in the region.¹¹³

The situation in the Great Lakes Region

By resolution 1653 (2006) of 27 January 2006, the Council took note with satisfaction of the holding of the first International Conference on Peace, Security, Democracy and Development in the Great Lakes Region, in Dar es Salaam, United Republic of Tanzania, on 19 and 20 November 2004. It also recognized the Good-Neighbourly Declaration adopted on 25 September 2003 by the representatives of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda,¹¹⁴ and the Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region¹¹⁵ adopted on 20 November 2004. It urged the countries of the Great Lakes region to continue their collective efforts to develop a subregional approach for promoting good relations, peaceful coexistence and peaceful resolution of disputes as envisaged in the aforementioned Dar es Salaam Declaration.

By a statement of the President dated 16 November 2006, the Council, welcoming the cessation of hostilities which took effect on 29 August 2006 and was renewed on 1 November 2006, and stressing the importance of peace and stability in the region, commended the Government of the Sudan for facilitating the agreement on the cessation of hostilities and for its efforts to further a long-term and peaceful solution to the conflict. It called upon all parties to commit themselves fully to that end.¹¹⁶

By a statement of the President dated 20 December 2006, after successful conclusion of the second summit

¹⁰⁹ Resolution 1560 (2004), para. 5.

¹¹⁰ Resolution 1586 (2005), para. 5.

¹¹¹ Resolution 1560 (2004), para. 9.

¹¹² S/PRST/2006/10.

¹¹³ S/PRST/2007/43.

¹¹⁴ S/2003/983, annex.

¹¹⁵ The Dar es Salaam Declaration on Peace, Security, Democracy and Development in the Great Lakes Region was signed by leaders of Angola, Burundi, the Central African Republic, the Congo, the Democratic Republic of the Congo, Kenya, Rwanda, the Sudan, Uganda, the United Republic of Tanzania and Zambia. It defined a framework for collective efforts of the countries of the Great Lakes region aimed at the achievement of peace, security, good governance, democracy and development in the region.

¹¹⁶ S/PRST/2006/45. See also S/PRST/2007/6.

of the International Conference on the Great Lakes Region, the Council congratulated regional leaders on the signing of the Pact on Security, Stability and Development in the Great Lakes Region and welcomed their commitment to its implementation.¹¹⁷

By a statement of the President dated 22 March 2007, the Council stressed its support for a negotiated settlement to the conflict in Northern Uganda, and commended the Government of Southern Sudan and others for their efforts to further a long-term and peaceful solution. It welcomed the meeting between the Government of Uganda and the Lord's Resistance Army held on 11 March 2007, with community representatives present, and the progress made towards a resumption of talks. The Council expressed its hope for further progress in the talks and the renewal of the cessation of hostilities agreement.¹¹⁸

The situation in Liberia

In connection with the situation in Liberia and the implementation of the Comprehensive Peace Agreement of 18 August 2003,¹¹⁹ the Council, by resolution 1561 (2004) of 17 September 2004, called upon all Liberian parties to demonstrate their full commitment to the peace process and to work together to ensure that free, fair and transparent elections took place as planned no later than October 2005.

By resolution 1579 (2004) of 21 December 2004, noting the completion of demobilization and disarmament, respect for the ceasefire, and implementation of the Comprehensive Peace Agreement, the Council emphasized that significant challenges remained in completing the reintegration, repatriation and restructuring of the security sector, as well as establishing and maintaining stability in Liberia and the subregion.

By resolution 1626 (2005) of 19 September 2005, the Council called upon all Liberian parties to demonstrate their full commitment to a democratic process of government by ensuring that the upcoming

¹¹⁷ S/PRST/2006/57.

¹¹⁸ S/PRST/2007/6.

¹¹⁹ The Comprehensive Peace Agreement between the Government of Liberia, the Liberians United for Reconciliation and Democracy, the Movement for Democracy in Liberia and the political parties was signed on 18 August 2003 in Accra. Among other commitments, parties agreed to conduct national elections not later than October 2005 (see S/2003/850).

presidential and legislative elections were peaceful, transparent, free and fair.

The situation in Sierra Leone

By resolution 1537 (2004) of 30 March 2004 concerning the situation in Sierra Leone, the Council commended the efforts of the Economic Community of West African States towards building peace in the subregion, and encouraged the Presidents of the States members of the Mano River Union to resume dialogue and to renew their commitment to building regional peace and security.

By resolution 1793 (2007) of 21 December 2007, the Council welcomed the holding of peaceful and democratic parliamentary and presidential elections in August and September 2007, and stressed that the wide acceptance of the local elections in June 2008 would be another important milestone in consolidating a sustainable peace in Sierra Leone. It also welcomed the adoption on 12 December 2007 of the Sierra Leone Peacebuilding Cooperation Framework highlighting, inter alia, five priority areas in the peace consolidation process to be addressed by the Government of Sierra Leone with the support of the Peacebuilding Commission, the United Nations system and bilateral and multinational partners.

The situation in Somalia

In a statement of the President dated 25 February 2004 concerning the situation in Somalia, and following developments in the Somali National Reconciliation Process, the Council reiterated its firm support for that process and the Somali National Reconciliation Conference in Kenya. The Council welcomed the signing in Nairobi, on 29 January 2004, of the Declaration on Harmonization of Various Issues Proposed by the Somali Delegates at the Somali Consultative Meetings, as an important step towards lasting peace and reconciliation in Somalia. It urged all signatories to the agreement to fully abide by their commitment to move the peace process forward. The Council called upon the Somali parties to build on the progress achieved and swiftly conclude the Somali National Reconciliation Conference with a durable and inclusive solution to the conflict in Somalia by establishing a viable transitional government. The Council called upon all neighbouring States to continue their endeavours to participate fully and constructively

for the success of the Somali National Reconciliation Process and the attainment of peace in the region.¹²⁰

By a statement of the President dated 14 July 2004, the Council welcomed the launching of phase III of the Somali National Reconciliation Conference, and encouraged all parties to continue in their ongoing efforts to move the process forward and agree on a durable and inclusive solution to the conflict in Somalia and the establishment of a transitional federal Government for Somalia. The Council commended the work of Mr. Winston A. Tubman, the Representative of the Secretary-General, welcomed his visit to the region in support of the Intergovernmental Authority on Development-sponsored Somali peace process, and encouraged him to continue his facilitation efforts.¹²¹

By a statement of the President dated 19 November 2004, the Council called upon all Somali parties to seize the historic opportunity for peace by developing a programme of action and timetable for the transitional period, creating a favourable environment for long-term stability and making determined efforts to rebuild the country.¹²²

By a statement of the President dated 7 March 2005, the Council urged all Somali factions and militia leaders to cease hostilities and encouraged them and the Transitional Federal Government to enter into immediate negotiations for a comprehensive and verifiable ceasefire agreement leading to final disarmament. The Council welcomed the efforts of the United Nations Political Office for Somalia and its leading role in coordinating support for the Transitional Federal Government to implement the agreements reached at the Somali National Reconciliation Conference and establish peace and stability in Somalia.¹²³

By a statement of the President dated 14 July 2005, the Council, encouraged by the relocation of the transitional federal institutions to Somalia, urged further progress in that regard and called upon the Somali leaders to continue to work towards reconciliation, through inclusive dialogue and consensus-building within the framework of the transitional federal institutions, in

accordance with the Transitional Federal Charter of the Somali Republic adopted in February 2004.¹²⁴

By a statement of the President dated 13 July 2006, the Council, welcoming the agreement reached in Khartoum on 22 June 2006 between the Transitional Federal Government and the Islamic Courts, emphasized the importance of dialogue between the two parties. It urged all parties to engage constructively at the next round of talks, and looked forward to further progress in pursuit of a lasting political process.¹²⁵

By resolution 1725 (2006) of 6 December 2006, emphasizing its willingness to engage with all parties in Somalia committed to achieving a political settlement through peaceful and inclusive dialogue, the Council urged both the transitional federal institutions and the Union of Islamic Courts to unite behind and continue a process of dialogue, recommit to the principles of the Khartoum Declaration of 22 June 2006 and the agreements made at the meeting held in Khartoum from 2 to 4 September 2006, and establish a stable security situation inside Somalia.

By a statement of the President dated 22 December 2006, the Council, expressing its deep concern over the continued violence inside Somalia, in particular the intensified fighting between the Union of Islamic Courts and the transitional federal institutions, called upon the parties to draw back from conflict, recommit to dialogue, and immediately implement resolution 1725 (2006).¹²⁶

By a statement of the President dated 30 April 2007, the Council welcomed the commitment of the transitional federal institutions to initiate a national reconciliation process, and stressed the need for further progress. It underlined the need for the transitional federal institutions to meet their responsibilities during the transitional period, with particular regard to promoting the widest possible political dialogue across Somalia.¹²⁷

Letter dated 25 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

By a statement of the President dated 25 May 2004 concerning the humanitarian and human rights

¹²⁰ S/PRST/2004/3.

¹²¹ S/PRST/2004/24.

¹²² S/PRST/2004/43.

¹²³ S/PRST/2005/11.

¹²⁴ S/PRST/2005/32.

¹²⁵ S/PRST/2006/31.

¹²⁶ S/PRST/2006/59.

¹²⁷ S/PRST/2007/13.

situation in the Darfur region of the Sudan, the Council, while welcoming the ceasefire agreement signed on 8 April 2004 in N'Djamena, emphasized the urgent need for all parties to observe the ceasefire and to take immediate measures to end the violence. It further called upon the Government of the Sudan to respect its commitments to ensure that the Janjaweed militias were neutralized and disarmed.¹²⁸

Reports of the Secretary-General on the Sudan

Following the submission on 3 June 2004 of the report of the Secretary-General on the Sudan concerning the state of the north-south peace process, the Council, by resolution 1547 (2004) of 11 June 2004, welcomed the signing of the declaration on 5 June 2004 in Nairobi in which the parties confirmed their agreement to the six protocols signed by the Government of the Sudan and the Sudan People's Liberation Movement/Army and reconfirmed their commitment to completing the remaining stages of negotiations. It urged the two parties involved to conclude speedily a comprehensive peace agreement, believing that the progress made in the Naivasha negotiation process would contribute to improved stability and peace in the Sudan.

By resolution 1564 (2004) of 18 September 2004, the Council called upon the Government of the Sudan and the rebel groups, particularly the Justice and Equality Movement and the Sudan Liberation Movement/Army, to work together under the auspices of the African Union to reach a political solution in the negotiations held in Abuja under the leadership of President Obasanjo, and urged the parties to the negotiations to sign and implement the humanitarian agreement immediately and to conclude a protocol on security issues. The Council underscored and supported the role of the African Union in monitoring the implementation of all such agreements reached. The Council urged the Government of the Sudan and the Sudan People's Liberation Movement to conclude a comprehensive peace accord expeditiously as a critical step towards the development of a peaceful and prosperous Sudan.

In connection with the north-south peace process, by resolution 1574 (2004) of 19 November 2004, the Council declared its strong support for the efforts of the Government of the Sudan and the Sudan People's Liberation Movement/Army to reach a comprehensive

peace agreement and encouraged the parties to redouble their efforts in that regard. The Council welcomed the signing of the memorandum of understanding in Nairobi on 19 November 2004 entitled "Declaration on the conclusion of the negotiations of the Intergovernmental Authority on Development on peace in the Sudan", by which the parties agreed that the six protocols referred to in the Nairobi Declaration of 5 June 2004 constituted and formed the core peace agreement. The Council strongly endorsed the parties' commitment to reach a final comprehensive agreement by 31 December 2004, expecting that it would be fully and transparently implemented, with the appropriate international monitoring. The Council declared its commitment, upon conclusion of a comprehensive peace agreement, to assist the people of the Sudan in their efforts to establish a peaceful, united and prosperous nation, on the understanding that the parties were fulfilling all their commitments. The Council emphasized that a comprehensive peace agreement would contribute towards sustainable peace and stability throughout the Sudan and to the efforts to address the crisis in Darfur, and underlined the need for a national and inclusive approach, including the role of women, towards reconciliation and peacebuilding. It further underlined the importance of progress in peace talks in Abuja between the Government of the Sudan and the Sudan Liberation Army and the Justice and Equality Movement towards resolving that crisis and insisted that all parties to the Abuja peace talks negotiate in good faith to reach agreement speedily. The Council welcomed the signature of the Humanitarian and Security Protocols on 9 November 2004 and urged the parties to implement them rapidly, and looked forward to the early signature of a declaration of principles with a view to a political settlement.

By resolution 1590 (2005) of 24 March 2005, the Council welcomed the signing of the Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Army in Nairobi on 9 January 2005. Recognizing that the parties to the Comprehensive Peace Agreement must build on the Agreement to bring peace and stability to the entire country, the Council called upon all Sudanese parties, in particular those parties to the Agreement, to take immediate steps to achieve a peaceful settlement to the conflict in Darfur.

By resolution 1627 (2005) of 23 September 2005, the Council welcomed the implementation of the

¹²⁸ S/PRST/2004/18.

Comprehensive Peace Agreement by the two parties, and, in particular, the formation of the Government of National Unity as a significant and historic step towards lasting peace in the Sudan.

By a statement of the President dated 13 October 2005, the Council, expressing its concern over an upsurge of violence in Darfur, demanded that the Sudan Liberation Movement/Army, the Justice and Equality Movement and the Government of the Sudan immediately cease violence, comply with the N'Djamena ceasefire agreement, end impediments to the peace process and cooperate fully with the African Union Mission in the Sudan. It also expressed its firm commitment to the cause of peace in all of the Sudan, including through the Abuja talks and through full implementation of the Comprehensive Peace Agreement. It encouraged the Government of National Unity and the Darfur rebels to engage in the search for a solution to the Darfur conflict. The Council urged all parties to make rapid progress at the Abuja talks to conclude a peace agreement without further delay.¹²⁹

By a statement of the President dated 3 February 2006, the Council stressed the importance of urgently reaching a successful conclusion of the Abuja peace talks and called upon all parties to negotiate in good faith in order to reach a peace accord. It reiterated in the strongest terms the need for all parties in Darfur to end the violence and atrocities. The Council demanded that all parties to the Darfur conflict cooperate fully with the African Union Mission in the Sudan and fulfil all the obligations to which they had committed themselves.¹³⁰

By resolution 1663 (2006) of 24 March 2006, the Council, welcoming the implementation by the parties of the Comprehensive Peace Agreement of 9 January 2005, and urging them to meet their commitments, stressed the importance of urgently reaching a successful conclusion of the Abuja peace talks, and called upon the parties to conclude a peace agreement as soon as possible.

By a statement of the President dated 9 May 2006, the Council strongly welcomed the agreement of 5 May 2006 reached at the Inter-Sudanese Peace Talks in Abuja as a basis for lasting peace in Darfur, commended the signatories to the agreement, and

¹²⁹ S/PRST/2005/48.

¹³⁰ S/PRST/2006/5.

expressed its appreciation of the efforts of the President of the Congo, the President of Nigeria and the Special Envoy of the African Union and Chief Mediator. The Council called upon all the parties to respect their commitments and implement the agreement without delay, and urged those movements that had not signed the agreement to do so without delay, noting the benefits it would bring them and the people of Darfur, and not to act in any way that would impede implementation of the agreement.¹³¹

By resolution 1679 (2006) of 16 May 2006, the Council stressed the importance of full and rapid implementation of the Darfur Peace Agreement to restore a sustainable peace in Darfur, and welcomed the statement, made on 9 May 2006 by the representative of the Sudan at the special meeting of the Security Council on Darfur, of the Government of National Unity's full commitment to implementing the Darfur Peace Agreement. The Council called upon the parties to the Darfur Peace Agreement to respect their commitments and implement the Agreement without delay, and urged those parties that had not signed the Agreement to do so without delay and not to act in any way that would impede implementation of the Agreement.

By resolution 1706 (2006) of 31 August 2006, the Council, welcoming the efforts of the African Union to find a solution to the crisis in Darfur, including through the success of the African Union-led Inter-Sudanese Peace Talks in Abuja, in particular the Darfur Peace Agreement, commended the efforts of the signatories to the Agreement.

By resolution 1714 (2006) of 6 October 2006, the Council called upon the parties to the Comprehensive Peace Agreement, the Darfur Peace Agreement and the N'Djamena Humanitarian Ceasefire Agreement to respect their commitments and implement fully all aspects of the Agreements without delay, and called upon those parties that had not signed the Darfur Peace Agreement to do so without delay and not to act in any way that would impede implementation of the Agreement.

By resolution 1755 (2007) of 30 April 2007, the Council called upon the parties to the Comprehensive Peace Agreement to accelerate urgently progress on implementing all their commitments, in particular to carry out the establishment of Joint Integrated Units

¹³¹ S/PRST/2006/21.

and other aspects of the security sector reforms, to re-energize the process of disarmament, demobilization and reintegration of combatants, and to complete the full and verified redeployment of forces by 9 July 2007. The Council called upon the parties to the Comprehensive Peace Agreement, the Darfur Peace Agreement, the N'Djamena Humanitarian Ceasefire Agreement, the Eastern Sudan Peace Agreement and the communiqué of 28 March 2007 to respect their commitments and implement fully all aspects of those agreements without delay, and called upon those parties that had not signed the Darfur Peace Agreement to do so without delay and not to act in any way that would impede the implementation of the Agreement.

By resolution 1769 (2007) of 31 July 2007, the Council, expressing concern that the ongoing violence in Darfur might further negatively affect the rest of the Sudan as well as the region, stressed that regional security aspects must be addressed to achieve long-term peace in Darfur, and called upon the Governments of the Sudan and Chad to abide by their obligations under the Tripoli Agreement of 8 February 2006 and subsequent bilateral agreements.

Emphasizing that there could be no military solution to the conflict in Darfur, the Council welcomed the commitment expressed by the Government of the Sudan and some other parties to the conflict to enter into talks and the political process under the mediation and in line with the deadlines set out in the road map of the United Nations Special Envoy for Darfur and the African Union Special Envoy for Darfur. The Council called upon the other parties to the conflict to do likewise, and urged all the parties, in particular the non-signatory movements, to finalize their preparations for the talks.

By a statement of the President dated 24 October 2007, the Council stressed the urgent need for an inclusive and sustainable political settlement in Darfur and strongly welcomed the convening of peace talks on 27 October in Sirte, under the leadership of the United Nations Special Envoy and the African Union Special Envoy, who had the Council's full support. It called upon all parties to attend and to engage fully and constructively in the talks, and, as a first step, to urgently agree upon and implement a cessation of hostilities to be overseen by the United Nations and the African Union. The Council underlined its willingness to take action against any party that sought to undermine the peace process, including by failing to

respect such a cessation of hostilities or by impeding the talks, peacekeeping or humanitarian aid.¹³²

By resolution 1784 (2007) of 31 October 2007, the Council stressed the importance of full and expeditious implementation of all elements of the Comprehensive Peace Agreement, the N'Djamena Humanitarian Ceasefire Agreement, the Darfur Peace Agreement and the Eastern Sudan Peace Agreement, and called for all the parties to respect their commitments to these agreements without delay.

The situation concerning Western Sahara

Following the submission of the report of the Secretary-General on the situation concerning Western Sahara, the Council, by resolution 1541 (2004) of 29 April 2004, called upon all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy.

By resolution 1754 (2007) of 30 April 2007, the Council called upon the Kingdom of Morocco and the Frente Polisario to enter into negotiations without preconditions, in good faith and taking into account the developments of the previous months, 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.

By resolution 1783 (2007) of 31 October 2007, the Council, welcoming the progress made by the parties to enter into direct negotiations under the auspices of the Secretary-General, took note of the parties' agreement to continue the process of negotiations through United Nations-sponsored talks. It called upon them to continue to show political will and work in an atmosphere propitious for dialogue in order to engage in substantive negotiations, thus ensuring implementation of resolution 1754 (2007) and the success of negotiations.

Asia

The situation in Afghanistan

By a statement of the President dated 6 April 2004 concerning the situation in Afghanistan, the Council expressed its full support for the commitment of Afghanistan and the international community to successfully complete the implementation of the Agreement on Provisional Arrangements in Afghanistan

¹³² S/PRST/2007/41.

Pending the Re-establishment of Permanent Government Institutions, signed in Bonn, Germany, on 5 December 2001.¹³³

By resolution 1589 (2005) of 24 March 2005, the Council, welcoming the substantial progress in the disarmament, demobilization and reintegration process in accordance with the Bonn Agreement, encouraged the Government of Afghanistan to continue its active efforts to accelerate the process towards its completion by June 2006, to disband the illegal armed groups and to dispose of the ammunition stockpile.

By resolution 1662 (2006) of 23 March 2006, the Council called upon all Afghan parties and groups to engage constructively in the peaceful political development of the country and avoid resorting to violence. It welcomed the substantial progress in the disarmament, demobilization and reintegration process in accordance with the Bonn Agreement.

By resolution 1746 (2007) of 23 March 2007, the Council called upon all Afghan parties and groups to engage constructively in an inclusive political dialogue, within the framework of the Afghan Constitution and Afghan-led reconciliation programmes, and in the social development of the country, and stressed the importance of these factors to enhance security and stability.

The situation in Myanmar

By a statement of the President dated 11 October 2007 concerning the situation in Myanmar, the Council, emphasizing the importance of the early release of all political prisoners and remaining detainees, called upon the Government of Myanmar and all other parties concerned to work together towards a de-escalation of the situation and a peaceful solution. It stressed the need for the Government of Myanmar to create the necessary conditions for a genuine dialogue with Daw Aung San Suu Kyi and all concerned parties and ethnic groups in order to achieve an inclusive national reconciliation with the direct support of the United Nations.¹³⁴

The situation in Timor-Leste

By resolution 1704 (2006) of 25 August 2006, the Council decided that the mandate of the United Nations Integrated Mission in Timor-Leste would be, inter alia,

to support the Government of Timor-Leste and relevant institutions with a view to consolidating stability, enhancing a culture of democratic governance and facilitating political dialogue among Timorese stakeholders in their efforts to bring about a process of national reconciliation and to foster social cohesion.

By a statement of the President dated 10 September 2007, following the holding of legislative elections and the formation of the new Government in Timor-Leste, the Council emphasized the need for all parties to resolve any disputes through exclusively peaceful channels and within the framework of democratic institutions, and called upon the people of Timor-Leste to refrain from violence and work together in order to ensure security. The Council called upon the Government, Parliament, political parties and the people of Timor-Leste to work together and engage in political dialogue and consolidate peace, democracy, the rule of law, sustainable social and economic development and national reconciliation in the country.¹³⁵

Americas

The question concerning Haiti

By a statement of the President dated 26 February 2004 concerning Haiti, the Council expressed deep concern in regard to the deterioration of the political, security and humanitarian environment in Haiti, and noted that the principles outlined in the Caribbean Community/Organization of American States Plan of Action represented an important basis for a solution to a crisis. It called upon the parties to act responsibly by choosing negotiation instead of confrontation.¹³⁶

By resolution 1542 (2004) of 30 April 2004, by which it established the United Nations Stabilization Mission in Haiti, the Council took note of the political agreement reached by some key parties on 4 April 2004, and urged all parties to work without delay towards a broad political consensus on the nature and duration of the political transition.

By a statement of the President dated 10 September 2004 in connection with the transitional process in Haiti, the Council underlined the fact that only a comprehensive and inclusive dialogue in Haiti could lay down the foundations of a peaceful and democratic political environment. It called upon all

¹³³ S/PRST/2004/9.

¹³⁴ S/PRST/2007/37.

¹³⁵ S/PRST/2007/33.

¹³⁶ S/PRST/2004/4.

Haitian political actors to participate in the national dialogue, as well as in the transition and the electoral process to occur in 2005.¹³⁷

Europe

The situation in Bosnia and Herzegovina

By several resolutions concerning the situation in Bosnia and Herzegovina,¹³⁸ the Council emphasized its full support for the continued role of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. The Council reminded the parties that, under the Peace Agreement, they had committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which were otherwise authorized by the Security Council. The Council emphasized its full support for the continued role of the High Representative in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement. The Council also expressed its determination to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations.¹³⁹

The situation in Cyprus

By two resolutions concerning the situation in Cyprus, by which it extended the mandate of the United Nations Peacekeeping Force in Cyprus (UNFICYP), the Council urged Greek Cypriots and Turkish Cypriots to work towards the resumption of negotiations for a comprehensive settlement of the Cyprus problem.¹⁴⁰

By resolutions 1728 (2006) of 15 December 2006, 1758 (2007) of 15 June 2007 and 1789 (2007) of 14 December 2007, the Council welcomed the principles and decisions enshrined in the agreement of

8 July 2006,¹⁴¹ including recognition that the status quo was unacceptable and that a comprehensive settlement based on a bicomunal, bizonal federation and political equality, as set out in the relevant Security Council resolutions, was both desirable and possible and should not be delayed. In resolution 1789 (2007), the Council deplored the continued failure to implement the agreement of 8 July 2006; urged the leaders of both communities to act to start the process without delay in order to prepare the ground for fully fledged negotiations leading to a comprehensive and durable settlement; and called upon both sides to continue to engage, as a matter of urgency, in consultations with UNFICYP on the demarcation of the buffer zone, and on the United Nations aide-memoire of 1989, with a view to reaching early agreement on outstanding issues.

The situation in Georgia

By resolution 1524 (2004) of 30 January 2004, the Council, having considered the report of the Secretary-General on the situation in Abkhazia, Georgia, noted the holding of presidential elections in Georgia in January 2004, and encouraged the new Georgian leadership as well as the Abkhaz side to pursue a comprehensive, peaceful political settlement of the conflict in Abkhazia. The Council stressed that result-oriented activities in three priority areas — economic cooperation, the return of internally displaced persons and refugees, and political and security matters — remained key for building common ground between the Georgian and Abkhaz sides and ultimately for concluding meaningful negotiations on a comprehensive political settlement based on the document entitled “Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi” and its letter of transmittal. Finally, the Council called upon the parties to ensure the necessary revitalization of the peace process in all its major aspects.

By resolution 1554 (2004) of 29 July 2004, the Council called upon the parties to spare no effort to overcome their ongoing mutual mistrust, and underlined the fact that the process of negotiation

¹³⁷ S/PRST/2004/32.

¹³⁸ Resolutions 1551 (2004), 1575 (2004), 1639 (2005), 1722 (2006) and 1785 (2007).

¹³⁹ Resolutions 1639 (2005), 1722 (2006) and 1785 (2007).

¹⁴⁰ Resolutions 1642 (2005) and 1687 (2006).

¹⁴¹ On 8 July 2006, the Greek Cypriot and Turkish Cypriot leaders signed a Set of Principles and a decision by the two leaders, affirming, inter alia, their commitment to a comprehensive settlement and the establishment of technical committees on issues affecting the day-to-day life of people (see S/2006/572).

leading to a lasting political settlement acceptable to both sides would require concessions from both sides. The Council further called upon the parties to take concrete steps to revitalize the peace process in all its major aspects, including their work in the Coordinating Council and its relevant mechanisms, and to build on the results of the third meeting on confidence-building measures between the Georgian and Abkhaz sides, held in Yalta, Ukraine, on 15 and 16 March 2001.

By resolutions 1582 (2005) of 28 January 2005 and 1615 (2005) of 29 July 2005, the Council called upon both sides to participate in constructive negotiations towards a political settlement of the conflict and to spare no efforts to overcome their ongoing mutual mistrust, and underlined the fact that the process of negotiation leading to a lasting political settlement acceptable to both sides would require concessions from both sides. The Council welcomed the commitment by the Georgian side to a peaceful resolution of the conflict, and called upon both parties further to publicly dissociate themselves from all militant rhetoric and demonstrations of support for military options.

By resolution 1716 (2006) of 13 October 2006, the Council urged both parties to comply fully with previous agreements and understandings regarding ceasefire, non-use of violence and confidence-building measures, and stressed the need to strictly observe the Moscow Agreement in the air, on the sea and on land, including in the Kodori Valley. While commending the presentation by both sides of ideas as a basis for dialogue, the Council called upon the two sides to resume the dialogue by using all existing mechanisms as described in the relevant Council resolutions in order to come to a peaceful settlement.

By resolution 1752 (2007) of 13 April 2007, the Council called upon both sides to resume dialogue, to make full use of all existing mechanisms as described in the relevant Council resolutions, to comply fully with previous agreements regarding ceasefire measures and the non-use of violence, and to finalize without delay the package of documents on the non-use of violence and on the return of refugees and internally displaced persons. The Council urged the sides to address seriously each other's legitimate security concerns, to refrain from any actions which might impede the peace process, and to extend the necessary cooperation to the United Nations Observer Mission in Georgia and the peacekeeping force of the Commonwealth of Independent States.

By resolution 1781 (2007) of 15 October 2007, the Council called upon the parties to further increase their bilateral contacts by making full use of all existing mechanisms as described in the relevant Council resolutions in order to come to a peaceful settlement, including the safe and dignified return of refugees and internally displaced persons.

Middle East

The situation in the Middle East, including the Palestinian question

By a statement of the President dated 16 February 2005, the Council welcomed the summit held in Sharm El-Sheikh on 8 February 2005, and the resumption of direct talks between the Prime Minister of Israel and the President of the Palestinian Authority. It commended the role being played by Egypt and Jordan in facilitating a successful resumption of dialogue between the two parties within the framework of the road map.¹⁴²

By a statement of the President dated 9 March 2005, the Council hoped that the London Meeting on Supporting the Palestinian Authority, held on 1 March, would be part of the longer-term process of international support to the Palestinian people and the Palestinian Authority and a contribution to helping both sides to implement the road map endorsed by the Council in its resolution 1515 (2003) and agreed to by the parties as the path towards a lasting comprehensive negotiated settlement to the Middle East conflict, based on Council resolutions 242 (1967), 338 (1973) and 1397 (2002).¹⁴³

By a statement of the President dated 23 September 2005, the Council supported the statement issued by the Quartet on 20 September 2005 after its meeting in New York to discuss the Gaza disengagement and the prospects for movement towards peace in the Middle East. The Council urged the Government of Israel and the Palestinian Authority to cooperate, along with other parties concerned, with the efforts to achieve the goals set out in the aforementioned statement.¹⁴⁴

By a statement of the President dated 30 November 2005, the Council welcomed the Agreement on Movement and Access and the Agreed Principles for the Rafah Crossing reached between the Government of Israel and the Palestinian Authority on

¹⁴² S/PRST/2005/6.

¹⁴³ S/PRST/2005/12.

¹⁴⁴ S/PRST/2005/44.

15 November 2005. It called upon the parties to take immediate action to implement the terms of both agreements according to the timelines established therein. The Council stressed the importance of, and the need to achieve, a just, comprehensive and lasting peace in the Middle East, based on all its relevant resolutions, including resolutions 242 (1967), 338 (1973), 1397 (2002) and 1515 (2003), the Madrid terms of reference and the principle of land for peace.¹⁴⁵

The situation in the Middle East

By resolution 1680 (2006) of 17 May 2006, the Council welcomed the decision of the Lebanese national dialogue to disarm Palestinian militias outside refugee camps within six months, supported its implementation, and called for further efforts to disband and disarm all Lebanese and non-Lebanese militias and to restore fully the Government of Lebanon's control over all Lebanese territory.

By a statement of the President dated 12 December 2006, the Council stressed that there could be no military solution to the problems of the region and that negotiation was the only viable way to bring peace and prosperity to peoples throughout the Middle East. The Council further welcomed the agreement between Israeli Prime Minister Ehud Olmert and Palestinian Authority President Mahmoud Abbas to establish a mutual ceasefire in Gaza. The Council welcomed the steps taken by both sides to maintain the ceasefire and expressed its hope that it would lead to a sustained period of calm. It called upon both sides to avoid any actions that could jeopardize further progress.¹⁴⁶

By resolution 1773 (2007) of 24 August 2007, the Council welcomed the tripartite arrangements referred to in the report of the Secretary General, and encouraged the parties to coordinate further with the United Nations Interim Force in Lebanon, notably to visibly mark the Blue Line and reach an agreement on the northern part of Ghajar. The Council called upon all parties to cooperate fully with the Security Council and the Secretary General to achieve a permanent ceasefire and a long term solution as envisioned in resolution 1701 (2006), and emphasized the need for greater progress in that regard.

¹⁴⁵ S/PRST/2005/57.

¹⁴⁶ S/PRST/2006/51.

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 Security Council any matter which in his opinion may threaten the maintenance of international peace and security, the Charter does not otherwise describe or define the role of the Secretary-General in relation to matters of peace and security. The Council's efforts at conflict prevention and the peaceful settlements of disputes have increasingly, however, required the involvement of the Secretary-General.

During the period under review, the Council recognized, in a number of decisions, the important role that the Secretary-General was called upon to play in the prevention of armed conflicts.

By resolution 1625 (2005) of 14 September 2005, in connection with the Council's consideration of the item entitled "Threats to international peace and security", the Council affirmed its determination to strengthen United Nations conflict prevention capacities by, inter alia, assessing regularly the developments in regions at risk of armed conflict and encouraging the Secretary-General to provide information to the Council on such developments pursuant to Article 99 of the Charter. The Council further requested the Secretary-General to provide to the Council regular reports and analyses of developments in regions of potential armed conflicts, particularly in Africa, and as appropriate a presentation of ongoing preventive diplomacy initiatives. It also requested the Secretary-General to assist countries at risk of armed conflict in performing strategic conflict risk assessments, implementing the measures agreed by the concerned countries, enhancing national dispute management capacities, and addressing the root causes of armed conflict.

In a statement by its President dated 28 August 2007, the Council noted the recommendations in the report of the Secretary-General on the prevention of armed conflict,¹⁴⁷ welcomed the efforts that had been made to strengthen the risk assessment and conflict prevention capacities of the United Nations, and

¹⁴⁷ A/60/891.

encouraged the Secretary-General to continue those efforts in order to improve the United Nations early warning, mediation support and other preventive activities in Africa and around the world. The Council stressed the crucial role of the Special Advisers of the Secretary-General on the Prevention of Genocide and on matters relating to the prevention and resolution of conflict as well as, where appropriate, the contribution of United Nations bodies such as the Peacebuilding Commission and the Human Rights Council.¹⁴⁸

During the period under review, in accordance with the provisions of Article 33 of the Charter, the Council frequently called on the parties to a dispute or situation to cooperate in negotiations held under the auspices of the Secretary-General, expressed support for conciliation efforts undertaken by the Secretary-General, expressly requested the Secretary-General to assume an active role in the process of achieving a political settlement, or endorsed the initiatives of the Secretary-General within the framework of his good offices. In this context, the Secretary-General made more frequent use of Special Envoys, Advisers and Representatives to assist him in his efforts.¹⁴⁹ For instance, he appointed a Special Representative for the Sudan;¹⁵⁰ subsequently, the Council requested the Secretary-General, through his Special Representative, to provide good offices and political support for the efforts to resolve all ongoing conflicts in the Sudan.¹⁵¹

Beyond the discharge of his good offices, the Secretary-General increasingly proposed the establishment or continuation of special political missions in a number of places around the world, to undertake peacebuilding efforts to prevent conflicts or the re-emergence of conflicts, which included political, humanitarian and development assistance, as well as assistance to transitional national governments in establishing viable institutions. For instance, on the basis of the recommendations of the Secretary-General that an integrated office be established in Sierra Leone following the withdrawal of the United Nations Mission in Sierra Leone in order to continue to assist the Government of Sierra Leone to consolidate peace by enhancing political and economic governance,

building the national capacity for conflict prevention, and preparing for elections in 2007,¹⁵² the Council, by resolution 1620 (2005) of 31 August 2005, established the United Nations Integrated Office in Sierra Leone for an initial period of 12 months, beginning on 1 January 2006.

In connection with the item entitled “Letter dated 22 November 2006 from the Secretary-General addressed to the President of the Security Council (S/2006/920)”, the Council welcomed the report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process¹⁵³ and, having considered its recommendations, which were based on the request of the signatories of the Comprehensive Peace Agreement and the findings of the technical assessment mission, decided to establish a United Nations political mission in Nepal under the leadership of a Special Representative of the Secretary-General to, inter alia, monitor the management of arms and armed personnel of both sides, in line with the provisions of the Agreement. The Council welcomed the Secretary-General’s proposal that his Special Representative coordinate the United Nations effort in Nepal in support of the peace process, in close consultation with the relevant parties in Nepal and in close cooperation with other international actors.¹⁵⁴

The overview that follows sets out examples, by region and in chronological order, of decisions by which the Security Council specifically requested, supported, endorsed, encouraged or welcomed the Secretary-General’s endeavours in the peaceful settlement of disputes and the prevention of outbreak or recurrence of conflict. The practice described below is illustrative and does not purport to be comprehensive.

Africa

The situation in Burundi

By resolution 1545 (2004) of 21 May 2004, following the submission of the report of the Secretary-General on Burundi,¹⁵⁵ conveying the assessment of the potential United Nations support for the implementation of the Arusha Agreement on Peace and Reconciliation in Burundi, the Council decided to

¹⁴⁸ S/PRST/2007/31.

¹⁴⁹ Including his Special Envoy in Africa, Special Adviser on Cyprus, Special Representative for the Great Lakes region, and Adviser for Special Assignments in Africa.

¹⁵⁰ See S/2004/503 and S/2004/504.

¹⁵¹ Resolution 1590 (2005), para. 3.

¹⁵² See S/2005/273 and Add.2.

¹⁵³ S/2007/7.

¹⁵⁴ See resolution 1740 (2007).

¹⁵⁵ S/2004/210.

authorize, for an initial period of six months as from 1 June 2004, with the intention to renew it for further periods, the deployment of a peacekeeping operation, the United Nations Operation in Burundi (ONUB), in order to support and help to implement the efforts undertaken by Burundians to restore lasting peace and bring about national reconciliation, as provided under the Arusha Agreement. Furthermore, the Council authorized ONUB to use all necessary means to carry out its mandate, which included, *inter alia*, to ensure that ceasefire agreements were respected, by monitoring implementation and investigating violations of those agreements; and to contribute to the successful completion of the electoral process stipulated in the Arusha Agreement by ensuring a secure environment for free, transparent and peaceful elections.

By resolution 1606 (2005) of 20 June 2005, the Council requested the Secretary-General to initiate negotiations with the Government of Burundi and consultations with all Burundian parties concerned on how to implement his recommendations, and to report to the Council by 30 September 2005 on details of implementation, including costs, structures and time frame.

By resolution 1719 (2006) of 25 October 2006, the Council requested the Secretary-General to establish the United Nations Integrated Office in Burundi as recommended in the addendum to his report, in order to support the Government of Burundi in its effort towards long-term peace and stability throughout the peace consolidation phase. Furthermore, it called upon the Government of Burundi and the Parti pour la Libération du peuple Hutu — Forces Nationales de Libération to expeditiously implement in good faith the Comprehensive Ceasefire Agreement which they signed at Dar es Salaam on 7 September 2006 and to pursue their efforts to resolve outstanding issues in a spirit of cooperation.

The situation in the Central African Republic

By a statement of the President dated 22 November 2006, the Council welcomed the efforts of the Government of the Central African Republic to revive dialogue through meetings with political stakeholders and representatives of civil society. It called upon the Secretary-General to encourage, through the United Nations Peacebuilding Support Office in the Central African Republic, the holding on a regular basis of such meetings, which were vital to

restoring trust among Central Africans and promoting lasting reconciliation.¹⁵⁶

The situation in Côte d'Ivoire

By resolution 1528 (2004) of 27 February 2004, the Council decided to establish the United Nations Operation in Côte d'Ivoire (UNOCI) for an initial period of 12 months as from 4 April 2004, requested the Secretary-General to transfer authority from the United Nations Mission in Côte d'Ivoire and the forces of the Economic Community of West African States (ECOWAS) to UNOCI on that date, and set out the mandate of the United Nations Operation in Côte d'Ivoire.

By a statement of the President dated 16 December 2004, the Council expressed its appreciation to the Special Representative of the Secretary-General for Côte d'Ivoire, for his unsparing efforts to support the restoration of a durable peace in Côte d'Ivoire under challenging circumstances.¹⁵⁷

By resolution 1572 (2004) of 15 November 2004, the Council expressed its full support for the efforts of the Secretary-General, the African Union and ECOWAS, and encouraged them to continue those efforts in order to relaunch the peace process in Côte d'Ivoire.

By resolution 1603 (2005) of 3 June 2005, the Council requested the Secretary-General to continue to keep it regularly informed of the developments in the situation in Côte d'Ivoire, and the implementation of the mandate of UNOCI¹⁵⁸ and of the Linas-Marcoussis and Pretoria Agreements.

By resolution 1765 (2007) of 16 July 2007, the Council endorsed the recommendations contained in the report of the Secretary-General of 14 May 2007,¹⁵⁹ which adapted the role of UNOCI to the new phase of the peace process in Côte d'Ivoire as set out in the Ouagadougou Political Agreement, and, accordingly, requested the mission, within its existing resources, to support the full implementation of that Agreement.

The situation in the Great Lakes region

By a statement of the President dated 22 March 2007, the Council commended the support provided to the talks between the Government of Uganda and the

¹⁵⁶ S/PRST/2006/47.

¹⁵⁷ S/PRST/2004/48.

¹⁵⁸ See resolution 1528 (2004).

¹⁵⁹ S/2007/275.

Lord's Resistance Army by States in the region, welcomed contributions to the Juba Initiative Project, and urged the Secretariat and the countries and regional actors involved to provide further support, where possible, to the Special Envoy of the Secretary-General, Joaquim Chissano, and the mediation team.¹⁶⁰

The situation between Eritrea and Ethiopia

By resolution 1767 (2007) of 30 July 2007, the Council welcomed and looked forward to the continuation of the ongoing efforts of the Secretary-General and the international community to engage with Eritrea and Ethiopia to help them to normalize their relations, to promote stability between the parties and to lay the foundation for sustainable peace in the region.

The situation in Guinea-Bissau

By resolution 1580 (2004) of 22 December 2004, the Council decided to extend the mandate of the United Nations Peacebuilding Support Office in Guinea-Bissau (UNOGBIS), as a special political mission, for one year from the date of adoption of the resolution, and decided also to revise the mandate of the Office to, inter alia, support all efforts to enhance political dialogue and to promote national reconciliation and respect for the rule of law and human rights. The Council encouraged the authorities of Guinea-Bissau to enhance political dialogue and pursue constructive civil-military relations, as a way forward, towards the peaceful completion of the political transition, including the holding of presidential elections as envisaged in the Political Transition Charter.

By a statement of the President dated 19 October 2007, the Council recognized and commended the important role played by the Representative of the Secretary-General for Guinea-Bissau and the staff of UNOGBIS towards helping to consolidate peace, democracy and the rule of law, and expressed its appreciation for their activities.¹⁶¹

The situation in Sierra Leone

By resolution 1620 (2005) of 31 August 2005, the Council requested the Secretary-General to establish the United Nations Integrated Office in Sierra Leone, as recommended in the addendum to his report,¹⁶²

beginning on 1 January 2006, with the following key tasks: to assist the Government of Sierra Leone in, inter alia, promoting a culture of peace, dialogue and participation in critical national issues through a strategic approach to public information and communication, including by building an independent and capable public radio capacity.

Reports of the Secretary-General on the Sudan

By resolution 1547 (2004) of 11 June 2004 concerning the Sudan, the Council declared its readiness to consider establishing a United Nations peace support operation to support the implementation of a comprehensive peace agreement, and requested the Secretary-General to submit to the Council his recommendations for the size, structure and mandate of that operation as soon as possible after the signing of a comprehensive peace agreement. The Council endorsed the conclusions of the Secretary-General with regard to the situation in the Sudan,¹⁶³ and urged the parties to the ceasefire agreement signed in N'Djamena on 8 April 2004 to conclude a political agreement without delay.

By resolution 1590 (2005) of 24 March 2005, the Council decided to establish the United Nations Mission in the Sudan (UNMIS) and requested the Secretary-General, through his Special Representative for the Sudan, to coordinate all the activities of the United Nations system in the Sudan. The mandate of the Mission was, inter alia, to assist the parties to the Comprehensive Peace Agreement in promoting understanding of the peace process and the role of the Mission by means of an effective public information campaign, targeted at all sectors of society, in coordination with the African Union; and to assist the parties to the Comprehensive Peace Agreement in promoting the rule of law, including an independent judiciary, and the protection of human rights of all people of the Sudan through a comprehensive and coordinated strategy with the aim of combating impunity and contributing to long-term peace and stability and to assist the parties to the Agreement to develop and consolidate the national legal framework.

By resolution 1706 (2006) of 31 August 2006, the Council requested the Secretary-General to consult jointly with the African Union, in close and continuing consultation with the parties to the Darfur Peace Agreement, including the Government of National

¹⁶⁰ S/PRST/2007/6.

¹⁶¹ S/PRST/2007/38.

¹⁶² S/2005/273/Add.2.

¹⁶³ See S/2004/453.

Unity, on a plan and timetable for transition from the African Union Mission in the Sudan (AMIS) to a United Nations operation in Darfur; decided that those elements outlined in paragraphs 40 to 58 of the Secretary-General's report of 28 July 2006¹⁶⁴ should begin to be deployed no later than 1 October 2006, that thereafter as part of the process of transition to a United Nations operation additional capabilities should be deployed as soon as possible and that UNMIS should take over from AMIS responsibility for supporting the implementation of the Darfur Peace Agreement upon the expiration of the mandate of AMIS but in any event no later than 31 December 2006.

The situation concerning Western Sahara

By resolution 1754 (2007) of 30 April 2007, the Council called upon the Kingdom of Morocco and the Frente Polisario to enter into negotiations without preconditions, in good faith and taking into account the developments of the previous months, 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. The Council requested the Secretary-General to set up those negotiations under his auspices, and invited Member States to lend appropriate assistance to such talks.

Asia

The situation in Afghanistan

By a statement of the President dated 6 April 2004, the Council invited the Secretary-General to include in his future reports to the Council and the General Assembly on the situation in Afghanistan, in addition to the information on implementation of the Bonn Agreement, chapters on progress achieved in the implementation of the Berlin Declaration, the Work Plan of the Afghan Government and in the promotion of regional and international cooperation with Afghanistan.¹⁶⁵

The situation in Myanmar

By a statement of the President dated 11 October 2007, the Council welcomed the recent mission by the Special Adviser to the Secretary-General on Myanmar, Mr. Ibrahim Gambari, reaffirmed its strong and

unwavering support for the Secretary-General's mission of good offices as mandated by the General Assembly in its resolution 61/232 of 22 December 2006, and expressed its appreciation for the personal engagement of the Secretary-General.¹⁶⁶

The situation in Timor-Leste

By a statement of the President dated 25 May 2006, the Council welcomed the initiatives of the Secretary-General, including his intention to send a special envoy to Timor-Leste in order to facilitate the political dialogue.¹⁶⁷

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

By resolution 1740 (2007) of 23 January 2007, the Council welcomed the Secretary-General's proposal that his Special Representative would coordinate the United Nations effort in Nepal in support of the peace process, in close consultation with the relevant parties in Nepal and in close cooperation with other international actors.

Americas

The question concerning Haiti

By resolution 1576 (2004) of 29 November 2004, the Council commended the work of the Special Representative of the Secretary-General in support of the efforts of the Transitional Government of Haiti and all political actors in Haiti towards a comprehensive and inclusive national dialogue and reconciliation process, including the holding of fair and free elections in 2005 and the subsequent transfer of power to elected authorities.

Europe

The situation in Georgia

By three resolutions concerning the situation in Georgia, the Council commended and strongly supported the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator, as well as of the Group of Friends of the

¹⁶⁴ S/2006/591.

¹⁶⁵ S/PRST/2004/9.

¹⁶⁶ S/PRST/2007/37.

¹⁶⁷ S/PRST/2006/25.

Secretary-General, and of the Organization for Security and Cooperation in Europe, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which had to include a settlement of the political status of Abkhazia within the State of Georgia.¹⁶⁸

By resolution 1752 (2007) of 13 April 2007, the Council extended the mandate of the United Nations Observer Mission in Georgia, and requested the Secretary-General to make use of the extended mandate to support the parties in implementing measures to build confidence and to establish an intensive and meaningful dialogue, and to inform the Council in his next report on the situation in Abkhazia, Georgia, on progress made in this respect.

By resolution 1781 (2007) of 15 October 2007, the Council requested the Secretary General to make use of the mandate in order to support the parties in implementing measures to build confidence and to establish an intensive and meaningful dialogue, with a view to achieving a lasting and comprehensive settlement, including the facilitation of a meeting at the highest level, and to inform the Council in his next report on the situation in Abkhazia, Georgia, on progress made in this respect.

Middle East

The situation in the Middle East

By two statements of the President dated 4 May 2005 and 3 January 2006, the Council commended the Secretary-General and his Special Envoy for their relentless efforts and dedication to facilitating and assisting the parties in the implementation of all provisions of resolution 1559 (2004), and requested that they continue their work in that regard.¹⁶⁹

By resolution 1701 (2006) of 11 August 2006, the Council requested the Secretary-General to develop, in liaison with relevant international actors and the parties concerned, proposals to implement the relevant provisions of the Taif Accords, and resolutions 1559

¹⁶⁸ Resolutions 1524 (2004), 1582 (2005) and 1615 (2005).

¹⁶⁹ S/PRST/2005/17 and S/PRST/2006/3.

(2004) and 1680 (2006), including disarmament, and for delineation of the international borders of Lebanon, especially in those areas where the border was disputed or uncertain, and to present those proposals to the Council within 30 days.

The situation between Iraq and Kuwait

By resolution 1546 (2004) of 8 June 2004, the Council welcomed the efforts of the Special Adviser to the Secretary-General to assist the people of Iraq in achieving the formation of the Interim Government of Iraq, as set out in the letter dated 7 June 2004 from the Secretary-General addressed to the President of the Security Council.¹⁷⁰

By a statement of the President dated 24 March 2004, the Council welcomed and strongly supported the decision of the Secretary-General to dispatch to Iraq his Special Adviser, Mr. Lakhdar Brahimi, and his team, as well as an electoral assistance team, in order to lend assistance and advice to the Iraqi people in the formation of an interim Iraqi government to which sovereignty would be transferred on 30 June 2004, as well as in the preparations for direct elections held before the end of January 2005.¹⁷¹

D. Decisions involving regional arrangements or agencies

During the period under review, the Council not only called upon the parties to the conflict to cooperate with regional arrangements, but also, in accordance with Article 52 of the Charter, frequently expressed its support and appreciation for the peace efforts undertaken by regional arrangements or requested the Secretary-General to undertake such efforts in conjunction with regional arrangements. Decisions of the Council regarding the joint or parallel efforts undertaken by the Council and regional agencies or arrangements in the pacific settlement of disputes during the period under review are covered in detail in chapter XII.

¹⁷⁰ S/2004/461.

¹⁷¹ S/PRST/2004/6.

Part IV

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

Note

This part of the chapter highlights the important arguments raised in the deliberations of the Council with regard to the interpretation of specific provisions of the Charter concerning the role of the Council in the peaceful settlement of disputes. It includes in particular discussions regarding the competence of the Council to consider a dispute or situation and its power to make appropriate recommendations within the framework of Chapter VI of the Charter. It also includes the consideration by the Council of the appropriateness for Member States and non-Member States to bring any dispute or situation to the attention of the Security Council.

According to the relevant provisions of Chapter VI of the Charter, the Council shall, when it deems necessary, make recommendations in relation to disputes or situations which are likely to endanger international peace and security. Therefore, this part will focus on discussions concerning the existence of a dispute or situation within the meaning of Chapter VI. When making recommendations to the parties the Council is also required, pursuant to Article 36 of the Charter, to take into consideration procedures for settlement which have already been adopted by the parties (para. 2) and the general rule that legal disputes should be referred to the International Court of Justice (para. 3). Instances in which the requirements stipulated by Article 36 (2) and (3) became the subject of deliberations are, therefore, also considered below.

During the course of thematic debates held in the Council, several speakers suggested new ideas and new approaches to the role of the Security Council as defined under Chapter VI. The measures available under Chapter VI were often referred to as means that the Council could employ in resolving conflicts. In this regard, the role that the United Nations should play was underlined by many delegations. For instance, in connection with the item entitled “Complex crises and United Nations response”, the President suggested that the Security Council should pay greater attention to resolving conflicts, and noted that Chapter VI of the Charter

contained a whole inventory of measures that the Council could employ in the pursuit of this objective.¹⁷²

Part IV is divided into six sections, focusing on discussions concerning the provisions of Chapter VI and the provision of Article 99 dealing with the role of the Secretary-General in bringing matters to the attention of the Security Council that might threaten international peace and security. Sections that include more than one item are organized by item of the agenda. Those items under which more than one provision of Chapter VI was dealt with at once are included under different subheadings. It is important to note that, in some cases, it is difficult to establish a clear-cut distinction between the constitutional developments relevant to Chapter VI and those relevant to Chapter VII. In several instances, Member States provided different interpretations of the provisions of Chapter VI or challenged the Security Council’s interpretation of those provisions, or even its role in the pacific settlement of disputes.

Reference to peaceful means of settlement of disputes in the light of Article 33 (1) and (2)

Article 33 of the Charter stipulates the obligation of Member States to settle their disputes by peaceful means. Article 33 (1) gives primary responsibility in resolving a dispute to the parties concerned. Article 33 (2) gives the Security Council discretionary power to request the parties to settle their dispute by peaceful means, when it deems necessary. Article 33 was explicitly invoked by Council members, principally during debates on thematic issues relating to conflict prevention and the pacific settlement of disputes, as illustrated in the cases below. In one instance, an explicit reference to Article 33 was made by the President of the International Court of Justice, who noted that recourse to the Court was one of the methods of dispute settlement envisaged by the Charter in Article 33.¹⁷³ Three case studies relate to the

¹⁷² S/PV.4980, p. 29.

¹⁷³ S/PV.5474, p. 8.

question concerning Haiti; cooperation between the United Nations and regional organizations in stabilization processes; and a letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council in connection with the Democratic People's Republic of Korea; these cases exemplify how the Security Council called upon the parties to resolve their disputes by political and diplomatic efforts, through dialogue and negotiation.

The question concerning Haiti

At the 4917th meeting of the Council, on 26 February 2004, speakers unanimously expressed concern about the deteriorating situation in Haiti. They implicitly highlighted the significance of the provisions enshrined in Article 33, and how it could play an important role in settling the dispute in Haiti. Several speakers called upon the parties to the dispute to settle the crisis by peaceful means, through negotiation and dialogue, in the best interest of the Haitian people.¹⁷⁴

The representative of Haiti called on the opposition to contribute to restoring peace and security in order to find a negotiated political settlement.¹⁷⁵ The representative of Algeria noted that the crisis could be solved through negotiation and responsible dialogue among the parties and emphasized that the Security Council should continue to urge the parties to favour dialogue over confrontation.¹⁷⁶ The representative of the United Kingdom called on the parties to exercise restraint and urged the Government and the opposition to re-enter negotiations in the interests of the Haitian people.¹⁷⁷ While calling on the parties to settle the dispute by peaceful means, the representative of Chile emphasized that the efforts of the international community should be focused on finding a political solution to the crisis, and that its objective should be to support an agreement that would facilitate the restoration of peace, democracy and full respect for human rights in Haiti.¹⁷⁸ The representative of

Germany stated that political dialogue had to be conducted in a spirit of compromise on all sides and that it was the responsibility of all Haitian parties concerned to reject violent means as a tool for achieving political change.¹⁷⁹ The representative of the United States urged all democratic elements in Haiti to maintain active dialogue to reach a lasting political solution.¹⁸⁰ The representative of France emphasized that it was up to the Haitian political forces to make the concessions necessary to achieve a political agreement and joined the calls issued by the Security Council to the government authorities and the opposition to act responsibly by choosing negotiation instead of confrontation.¹⁸¹ The representative of Romania urged all Haitian parties to show the necessary spirit of compromise and urged the armed rebels to stop the violence and make a political settlement possible.¹⁸² The representative of Benin urged the parties to commit themselves to the path of dialogue and negotiation and noted that the quest for peace and the resumption of dialogue had to be carried out in the context of the existing constitutional order.¹⁸³ The representative of Brazil called on the opposition sector to reconsider its position, show willingness to engage in an effective and constructive dialogue and renounce all violent acts designed to put forward its political agenda. He called on all parties to render possible assistance to efforts towards peace in Haiti.¹⁸⁴ The representative of China urged all sides to resolve the crisis by peaceful means, through dialogue, in the best interests of their people and their nation and called on all sides to redouble their efforts to prevent further bloodshed and conflict.¹⁸⁵ The representative of Ireland, speaking on behalf of the European Union, emphasized that the crisis in Haiti had to be resolved peacefully, through constitutional means and a process of political dialogue and compromise. He called on the parties to refrain from any action which would further imperil the welfare of the Haitian people.¹⁸⁶ The representative of Argentina called on the parties to show restraint and underlined that the solution had to involve dialogue between the Government and the

¹⁷⁴ S/PV.4917, p. 6 (Haiti); p. 9 (Algeria); p. 10 (United Kingdom, Chile); p. 13 (Benin, Germany); p. 15 (United States of America, France); p. 16 (Romania); p. 17 (Brazil); p. 18 (China); p. 19 (Ireland); p. 23 (Argentina); and p. 28 (Japan).

¹⁷⁵ Ibid., p. 6.

¹⁷⁶ Ibid., p. 9.

¹⁷⁷ Ibid., p. 10.

¹⁷⁸ Ibid., p. 10.

¹⁷⁹ Ibid., p. 13.

¹⁸⁰ Ibid., p. 15.

¹⁸¹ Ibid., p. 15.

¹⁸² Ibid., p. 16.

¹⁸³ Ibid., p. 13.

¹⁸⁴ Ibid., p. 17.

¹⁸⁵ Ibid., p. 18.

¹⁸⁶ Ibid., p. 19.

opposition.¹⁸⁷ The representative of Peru emphasized that the most rational formula for resolving the crisis in Haiti was to achieve political peace and stability while strictly respecting Haiti's constitution.¹⁸⁸ The representative of Japan argued that a peaceful political solution, achieved through dialogue between the parties, was the best possible strategy.¹⁸⁹

At the end of the deliberations, the President made a statement commending the Organization of American States and the Caribbean Community for their lead role in promoting a peaceful solution and for trying to re-establish confidence among the parties, in particular through their Plan of Action, and called upon the parties to act responsibly by choosing negotiation instead of confrontation.¹⁹⁰

Cooperation between the United Nations and regional organizations in stabilization processes

At the 5007th meeting, on 20 July 2004, the Permanent Observer of the Organization of the Islamic Conference (OIC) underlined the continuing cooperation between the United Nations and OIC in peacemaking, preventive diplomacy and peacekeeping. He stated that in the spheres of conflict resolution and peacebuilding, the Charter of OIC complemented the Charter of the United Nations, and called for the settlement of disputes that might arise among Member States by peaceful means such as negotiation, mediation, conciliation and arbitration.¹⁹¹ Similarly, the representative of the African Union stated that the development of regional strategies that involved regional actors in the resolution of conflicts had been the primary approach of countries in the region. He further stated that the Constitutive Act of the African Union upheld Article 33 of the Charter of the United Nations, which he noted enjoined the pacific settlement of disputes through negotiation, enquiry, mediation, conciliation, arbitration and resort to regional agencies or arrangements.¹⁹²

Letter dated 4 July 2006 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council

At its 5490th meeting, on 15 July 2006, the Council unanimously adopted resolution 1695 (2006) in response to the launching of ballistic missiles by the Democratic People's Republic of Korea. The Council demanded that the Democratic People's Republic of Korea suspend all activities related to its ballistic missile programme, called upon it to show restraint and refrain from any action that might aggravate tension, and to continue to work on the resolution of non-proliferation concerns through political and diplomatic efforts. The Council urged the Democratic People's Republic of Korea to return immediately to the six-party talks without precondition, to work towards the expeditious implementation of the Joint Statement of 19 September 2005, in particular to abandon all nuclear weapons and existing nuclear programmes, and to return at an early date to the Treaty on the Non-Proliferation of Nuclear Weapons and International Atomic Energy Agency safeguards.

After the adoption of the resolution, a number of speakers emphasized that the launching of missiles constituted a serious threat to international peace and security.¹⁹³ The representative of Japan welcomed the unanimous adoption of the resolution, praised the swift and robust Council response and stressed that the launches had been more than a direct threat to Japan.¹⁹⁴ The representative of the United States noted that extensive diplomatic efforts had been undertaken, particularly in Pyongyang itself, but that those efforts had been exhausted, owing to the "continued intransigence and defiance of the North Korean leadership".¹⁹⁵ The representative of France stated that the action by the Security Council was an appropriate response to a serious situation and that the development and testing of ballistic missiles seriously endangered security in North-East Asia and beyond.¹⁹⁶ The representative of China stated that China had always been committed to maintaining peace and stability on the Korean peninsula and had insisted on

¹⁸⁷ Ibid., p. 23.

¹⁸⁸ Ibid., p. 24.

¹⁸⁹ Ibid., p. 28.

¹⁹⁰ S/PRST/2004/4.

¹⁹¹ S/PV.5007, p. 2.

¹⁹² S/PV.5007 (Resumption 1), p. 12.

¹⁹³ S/PV.5490, pp. 2-3 (Japan); p. 4 (United States); and p. 7 (France).

¹⁹⁴ Ibid., pp. 2-3.

¹⁹⁵ Ibid., p. 4.

¹⁹⁶ Ibid., p. 7.

resolving the relevant issues through peaceful dialogue and negotiations.¹⁹⁷

The representative of the Democratic People's Republic of Korea stated that it was "unjustifiable and gangster-like" for the Security Council to debate the missile launch, both in view of the competence of the Council and under international law. He emphasized that his delegation resolutely condemned the attempt by some countries to misuse the Security Council for the "despicable political aim of isolating and pressuring" his country. He rejected the resolution adopted at the meeting, but stated that his Government remained unchanged in its will to denuclearize the Korean peninsula in a negotiated, peaceful manner. He underlined that the Korean People's Army would go on with missile launch exercises and would take stronger physical actions if other countries dared to take issue with the exercises and put pressure upon it.¹⁹⁸

Recourse to investigation by the Security Council in the light of Article 34

Article 34 of the Charter stipulates that 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. In the instances described below, Article 34 was implicitly and/or explicitly invoked, mainly in connection with the role of the United Nations in post-conflict national reconciliation, United Nations response to complex crises, and protection of civilians in armed conflict.

Post-conflict national reconciliation: role of the United Nations

At its 4903rd meeting, on 26 January 2004, the Council considered post-conflict national reconciliation and the role of the United Nations. During the debate, the representative of Pakistan noted that the precise response of the Security Council and of the United Nations would naturally depend on the specific nature and content of a given situation. Such responses could include the dispatch of a special envoy to mediate, a fact-finding mission, utilizing the specific mechanisms

of the Commission on Human Rights and the Office of the United Nations High Commissioner for Human Rights, the appointment of a special representative of the Secretary-General, and/or dispatching a peace observer mission.¹⁹⁹

Complex crises and United Nations response

At its 4980th meeting, on 28 May 2004, the Council met to discuss ways to prevent and effectively respond to complex crises. The representative of China suggested that the special envoys of the Secretary-General could join the envoys of regional organizations in their good offices and mediation efforts and that the United Nations should increase assistance to regional organizations to help them enhance their overall capacity in early warning, peacekeeping and other endeavours.²⁰⁰ The representative of Romania stated that the Security Council should make greater use of Chapter VI procedures to promote conflict prevention. He said that mechanisms such as commissions, fact-finding missions and direct dialogue with the parties to a dispute could offer opportunities to identify and address the root causes of complex crises in the early stages of their development.²⁰¹

The President noted that there were several means at the Council's disposal, ranging from the Secretary-General's good offices and the initiatives that could be taken by the General Assembly to the mechanisms prescribed in Article 34 of the Charter. He argued that these means could be usefully employed to address situations whose continuance could endanger the maintenance of international peace and security. He said that the Council's missions to regions of crisis had become an important tool for gaining a better understanding of realities on the ground and for finding ways of containing conflict and promoting peace processes. He noted that Chapter VI of the Charter contained a whole inventory of measures that the Council could employ and that there had to be a clear recognition that durable peace could be established only when the underlying causes of conflict were effectively addressed.²⁰²

¹⁹⁹ S/PV.4903, p. 20.

²⁰⁰ S/PV.4980, p. 9.

²⁰¹ Ibid., p. 28.

²⁰² Ibid., p. 29.

¹⁹⁷ Ibid., p. 5.

¹⁹⁸ Ibid., pp. 8-9.

Protection of civilians in armed conflict

At its 4990th meeting, on 14 June 2004, the Council met to consider the protection of civilians in armed conflict. The representative of Pakistan, while underlining that conflict prevention remained the single most important dimension of protection, noted that there were several means at the disposal of the Council, *inter alia*, the mechanisms prescribed in Article 34 of the Charter and that these could be usefully employed to address situations whose continuance could endanger the security of civilians.²⁰³ The representative of the United Kingdom said that regional organizations had a particularly important role to play in time-critical settings, as demonstrated by the deployment of the Economic Community of West African States Mission in Liberia in August 2003, and that the Council should continue its work of supporting regional organizations.²⁰⁴ The representative of Switzerland emphasized the need to fight impunity at both the national and international levels and invited the Security Council to make greater use of the tools of observation and fact-finding missions in order to prevent crisis situations.²⁰⁵ The representative of Canada urged the Council to take more resolute actions, and recognized that not all actions could or should be public, but that other measures such as discreet Council fact-finding missions and communications between the Council President and the parties to a conflict could be considered.²⁰⁶

At its 5319th meeting, on 9 December 2005, the Council again considered the protection of civilians in armed conflict. The representative of Qatar, while noting that impunity from law at the national and international levels had to end, called on the Council to use monitoring mechanisms and fact-finding missions.²⁰⁷ The representative of Pakistan suggested that, whenever a conflict broke out, the United Nations should apply a standard operating procedure of dispatching a fact-finding mission, including for the purpose of observing and reporting on the treatment of civilians.²⁰⁸

²⁰³ S/PV.4990, p. 14.

²⁰⁴ *Ibid.*, p. 18.

²⁰⁵ S/PV.4990 (Resumption 1), p. 3.

²⁰⁶ *Ibid.*, p. 15.

²⁰⁷ S/PV.5319 (Resumption 1), p. 12.

²⁰⁸ *Ibid.*, p. 15.

**Referral of disputes to the
Security Council in the light of
Article 35**

Article 35 (1) and (2) grants Member States and non-Member States the right to bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council. The Council did not include in its agenda “the issue of the bombardment of the territory of Georgia”, even though a Member State in accordance with Article 35 (1) brought the situation to the attention of the Council.²⁰⁹ In the case described below, the parties discussed whether the item entitled “The situation in Myanmar” should be included in the agenda of the Security Council.

At the 5526th meeting, on 15 September 2006, the representative of China underlined that, according to the Charter, only those questions that constitute threats to international peace and security that warrant discussion by the Security Council. He stated that neither the direct neighbours of Myanmar nor the overwhelming majority of Asian countries recognized the situation in Myanmar as a threat to regional peace and security. He said that to force the Security Council into intervening was not only inappropriate but would also further complicate the situation and have a negative impact on future interaction between Myanmar and the United Nations. He emphasized that so long as the situation in Myanmar did not pose a threat to international or regional peace and security, China would be unequivocally against including the question of Myanmar in the agenda of the Security Council.²¹⁰ The representative of Qatar noted that his Government feared that, by including the question in the agenda of the Council, the diplomatic channels opened by Myanmar with the competent international human rights institutions and with the Secretary-General would be closed. He emphasized that including the matter in the agenda of the Council was inappropriate and Qatar objected to the proposed inclusion.²¹¹

²⁰⁹ By a letter dated 8 August 2007 addressed to the President of the Security Council (S/2007/480), the representative of Georgia requested the Council to convene a meeting to address “the issue of the bombardment of the territory of Georgia”, asserting that the situation threatened the peace and security of Georgia.

²¹⁰ S/PV.5526, pp. 2-3.

²¹¹ *Ibid.*, p. 3.

On the other hand, the representative of the United States referred to the letter dated 15 September 2006 addressed to the President of the Security Council,²¹² in which his delegation expressed concern about the deteriorating situation in Myanmar. He opined that the situation was likely to endanger the maintenance of international peace and security and requested that the situation in Myanmar be placed on the Council's agenda. He further argued that matters of a similar kind had been considered threats to international peace and security since the adoption of resolution 688 (1991) dealing with refugee flows from Iraq.²¹³

At the end of the deliberations, the provisional agenda ("The situation in Myanmar") was put to the vote, and adopted by 10 votes to 4 (China, Congo, Qatar, Russian Federation), with 1 abstention (United Republic of Tanzania).

Referral of legal disputes in the light of Article 36 (3)

Article 36 (3) of the Charter stipulates that the Security Council, in making recommendations under Article 36, should 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.

In the case described below, the Member States debated the question whether the Security Council could make more frequent recourse to the provisions of the Statute of the Court.

Strengthening international law: rule of law and maintenance of international peace and security

At the 5474th meeting, on 22 June 2006, speakers unanimously expressed their commitment to the rule of law and the principles of the Charter, as well as their support of the International Court of Justice, and stressed that reintroducing and promoting the rule of law was the only way to rebuild societies shattered by conflict. While identifying certain issues that his delegation believed to merit particular attention, the President (Denmark) underlined that the peaceful settlement of disputes through, inter alia, resort to the International Court of Justice, was at the heart of the

Charter of the United Nations.²¹⁴ The Legal Counsel of the United Nations emphasized the fundamental principle requiring States to settle their international differences through peaceful means and the specific role entrusted by the Charter to the International Court of Justice. He further stated that the judgments of the Court had made a valuable contribution to the cause of peace.²¹⁵

The President of the International Court of Justice stated that the role of the Court was at the heart of the general system for the maintenance of international peace and security through its specific contribution to the peaceful settlement of disputes. Citing the provision enshrined under Article 36 (3), he said that the Security Council had failed to make use of this provision for many years, and emphasized that that tool needed to be brought to life and made a central policy of the Council.²¹⁶

The representative of the United Kingdom underlined that the peaceful settlement of disputes was at the heart of the Charter. While expressing support for the International Court of Justice, she underlined that it was the principal United Nations organ charged with settling disputes between States and had an absolutely central role in maintaining international peace and security.²¹⁷ The representative of Greece suggested that the Security Council should do more to promote the pacific settlement of disputes and underlined that full implementation of the judgments and advisory opinions of the International Court of Justice would further enhance its role in promoting legality and the primacy of international law in international relations. She further stated that she supported the abovementioned view of the President of the Court regarding greater use of Article 36 (3).²¹⁸ The representative of Mexico emphasized that legal disputes should be referred to the International Court of Justice and that, generally speaking, all disputes between States stemmed from differences concerning the interpretation of some rule of international law.²¹⁹

²¹⁴ S/PV.5474, p. 3.

²¹⁵ Ibid., p. 4.

²¹⁶ Ibid., p. 8.

²¹⁷ Ibid., p. 9.

²¹⁸ Ibid., p. 23.

²¹⁹ Ibid., p. 29.

²¹² S/2006/742.

²¹³ S/PV.5526, pp. 3-4.

Referrals by the Secretary-General in the light of Article 99

Article 99 of the Charter empowers the Secretary-General to bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. In the deliberations of the Council described below, Member States encouraged the Secretary-General to fully and effectively exercise his power as stipulated in Article 99, and Article 99 was also raised during a discussion of whether the Council had the mandate to deliberate on matters concerning security aspects of climate change. In a number of instances, Article 99 was explicitly invoked by a Member State in communications addressed to the President of the Security Council. For example, in connection with the item entitled “Complex crises and United Nations response”, the representative of Pakistan, by a letter dated 8 September 2004 addressed to the President of the Security Council, transmitted a summary of the important ideas and suggestions presented during the Council’s debate on complex crises and United Nations response, in which it was noted that the role of the Secretary-General pursuant to Article 99 was critical, and that more frequent use should be made of the provisions of resolutions 1296 (2000) and 1366 (2001), by which the Secretary-General was encouraged to convey to the Security Council his assessment of potential threats to international peace and security in accordance with Article 99 of the Charter.²²⁰

Complex crises and United Nations response

At its 4980th meeting, on 28 May 2004, the Council considered the item entitled “Complex crisis and United Nations response”. The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator held that greater use should be made both of resolution 1296 (2000), by which the Council requested the Secretary-General to bring to its attention situations of grave concern in respect of the protection of civilians in armed conflict, and of resolution 1366 (2001), by which the Council encouraged the Secretary-General to convey to it his assessment of potential threats to international peace and security. He added, however, that there was no

²²⁰ S/2004/723.

point to early warnings if resources were lacking to do something in response.²²¹

In the debate, a few speakers explicitly invoked Article 99 and argued that it should be used as an early warning mechanism.²²² The representative of Spain noted that, while there were many early warning systems within the United Nations, the time had come to give serious consideration to how they could be coordinated so that the information at their disposal could contribute effectively and immediately to the decision-making process. He emphasized how critical the role of the Secretary-General was pursuant to Article 99 in that connection. He said that the Secretary-General’s initiative to appoint a special adviser on the prevention of genocide was promising, in that it would ensure that the relevant information would reach the highest decision-making bodies early enough.²²³

The representative of Benin noted that the Council had a wide range of instruments at its disposal to bring critical situations under control and steer them towards a more positive outcome and that, more than in the past, the obligation to act flowed from the Council’s responsibility to protect and its exclusive right to authorize the legal use of force for that purpose. He considered that to be the reason the Council was more often questioned on its slowness to respond. He emphasized that from that perspective it was particularly important for the Secretary-General to fully and effectively exercise his power to draw the attention of the Security Council to any matter that in his opinion could threaten the maintenance of the international peace and security, as set out in Article 99.²²⁴

The representative of Chile, noting the provisions of Article 99, said that, with the tools available to the Secretary-General and the system, it would appear that the Security Council was called upon only when a crisis was imminent and that little preventive action could therefore be taken in advance. He said that, in “An Agenda for Peace” issued in 1992, the then-Secretary-General, Boutros Boutros-Ghali, rightly noted that the tools which could be made available to the Secretariat would allow the elaboration of an appropriate preventive policy; the former Secretary-

²²¹ S/PV.4980, p. 4.

²²² Ibid., p. 7 (Spain); p. 13 (Benin); p. 18 (Chile); and p. 24 (United Kingdom).

²²³ Ibid., p. 7.

²²⁴ Ibid., p. 13.

General Dag Hammarskjöld had also resorted to Article 99 to initiate peacekeeping operations. He suggested that it might be interesting for the Security Council and its subsidiary bodies to look into how the Secretary-General might be given better tools for pursuing preventive policies and thereby achieve the objective of involving the Council in situations that might evolve into conflict.²²⁵

The representative of the United Kingdom encouraged the Secretary-General to make greater use of his authority under Article 99 to bring to the attention of the Council any matter which in his or her opinion might threaten the maintenance of international peace and security.²²⁶

Letter dated 5 April 2007 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

At its 5663rd meeting, on 17 April 2007, the Council held an open debate in which it discussed the relationship between energy, security and climate. It was the first time the Council held a thematic debate that addressed the security aspects of climate change. The representative of the Netherlands, noting that the timely addressing of climate change and identifying its potential security risks could help to prevent conflicts, urged the Secretary-General to alert the Security Council of climate-related crisis situations which might endanger peace and security.²²⁷ The representative of Qatar noted that the responsibility of the Secretary-General to bring the matter to the attention of the Council under Article 99 of the Charter limited that prerogative to matters which in the opinion of the Secretary-General might threaten the maintenance of international peace and security. He further argued that the Security Council, because of “imbalances in its power hierarchy”, was not the optimal mechanism to address the question of climate change.²²⁸

²²⁵ Ibid., p. 18.

²²⁶ Ibid., p. 24.

²²⁷ S/PV.5663, p. 21.

²²⁸ Ibid., p. 10.

Relevance of the provisions of Chapter VI to the prevention of conflicts

The role of civil society in conflict prevention and the pacific settlement of disputes

At its 5264th meeting, on 20 September 2005, the Council considered the item entitled “The role of civil society in conflict prevention and the pacific settlement of disputes”. Several speakers emphasized that the essential responsibility for conflict prevention rested with national Governments, but agreed on the important role of civil society in support of conflict prevention and the pacific settlement of disputes, in line with Chapter VI of the Charter.²²⁹ The representative of Romania noted that, given the potential represented by the knowledge and intuitive understanding of civil society actors, emphasis should be placed on promoting an improved and upgraded cooperation between the United Nations system and civil society organizations.²³⁰ The representative of Peru stated that civil society could support preventive diplomacy and mediation, including through the peaceful settlement of conflicts. He said that, through the action of local and international non-governmental organizations, civil society had an active role to play in helping to mobilize the international community’s resources.²³¹ The representative of Benin argued that civil society had real potential in shaping the public sphere and in acting as a social intermediary, and thus in the peaceful settlement of disputes and the prevention of violent conflicts.²³² The representative of the Russian Federation noted that the comprehensive nature of threats to international peace and security required that the Security Council develop a comprehensive strategy for conflict prevention and for the peaceful settlement of disputes. He said that in such a strategy a useful role could be played by civil society, together with the efforts of States and organizations.²³³

The President called on the Security Council to nurture and encourage a meaningful role for civil society in preventing disputes and in the peaceful settlement of disputes.²³⁴ At the end of deliberations

²²⁹ S/PV.5264, p. 9 (Romania); p. 14 (Peru); p. 18 (Benin); and p. 21 (Russian Federation).

²³⁰ Ibid., p. 9.

²³¹ Ibid., p. 14.

²³² Ibid., p. 18.

²³³ Ibid., p. 21.

²³⁴ Ibid., p. 27.

the President made a statement on behalf of the Council, in which it underlined the need for a broad strategy for conflict prevention and pacific settlement of disputes in line with Chapter VI of the Charter.²³⁵

Post-conflict peacebuilding

At the 5627th meeting, on 31 January 2007, the Assistant Secretary-General in the Peacebuilding Support Office said that three new pillars — the Peacebuilding Commission, the Peacebuilding Support Office and the Peacebuilding Fund — offered a new opportunity to address the critical and fragile period in the life of a country ravaged by conflict.²³⁶

Noting a strong correlation between low levels of development and violent conflict, the President of the Economic and Social Council expressed the readiness of that Council to contribute to the best of its ability to developing the strategic goals and defining a viable peacebuilding strategy for the Peacebuilding Commission, thereby ensuring its lasting added value.²³⁷

The representative of Japan said that the Peacebuilding Commission had been established as an intergovernmental advisory body to address issues which encompassed the mandates of the principal organs, including the Security Council, the General Assembly and the Economic and Social Council. In his view, this meant that there must be ways of ensuring meaningful interface and interaction between the Commission on the one hand and those relevant principal organs and bodies on the other, if its work were to be useful and effective.²³⁸ The representative of Guatemala indicated that it was important for the Commission to collaborate proactively with the Economic and Social Council, bearing in mind the experience gained in the ad hoc advisory groups on African countries, but at the same time stressed that the role of the Social and Economic Council in its own area must not be forgotten.²³⁹

At the 5761st meeting, on 17 October 2007, the Chairman of the Peacebuilding Commission, introducing the report of the Commission, said that the Commission had significantly contributed to the promotion of integrated post-conflict peacebuilding

strategies in Burundi and Sierra Leone. He noted that it had also sought to accumulate best practices and lessons learned from some critical peacebuilding issues. He further noted that the Commission had faced challenges during its initial phase of establishment and that the United Nations peacebuilding architecture was now fully in place. As the Commission was entering its second year of activity, the Chairman said that it should begin addressing the points to be considered for adding new countries to its agenda. He underlined the need to strengthen the Commission's relationship with relevant actors, in particular the principal organs of the United Nations.²⁴⁰

The Assistant Secretary-General in the Peacebuilding Support Office underlined that the Peacebuilding Commission had an important and strategic role to play in bringing all actors together, including the Council, the General Assembly and the Economic and Social Council, to address the critical and fragile period in the life of a country ravaged by conflict.²⁴¹ The representative of Peru expressed the hope that there would be flexible and effective interaction between the Peacebuilding Commission, the Council, the General Assembly and the Economic and Social Council.²⁴²

*Maintenance of international peace and security:
role of the Security Council in conflict prevention
and resolution, in particular in Africa*

At the 5735th meeting, on 28 August 2007, speakers were unanimous in reaffirming the importance of preventing conflict in a comprehensive manner and renewing their commitment to enhancing the Council's role in preventing and resolving conflict in all its forms.

Opening the debate, the Secretary-General stressed that more resources should be devoted to conflict prevention and underlined that it was also important to increase mediation capacity. He said that in the coming months he would present proposals for strengthening the capabilities of the Department of Political Affairs of the Secretariat, with the goal of making more effective use of his good offices, as he believed in engagement and dialogue, not

²³⁵ S/PRST/2005/42.

²³⁶ S/PV.5627, p. 5.

²³⁷ Ibid., p. 4.

²³⁸ S/PV.5627 (Resumption 1), p. 4.

²³⁹ Ibid., pp. 11-12.

²⁴⁰ S/PV.5761, p. 3.

²⁴¹ Ibid., p. 5.

²⁴² Ibid., p. 14.

confrontation. He added that it was better to respond proactively, before a crisis fully developed.²⁴³

The representative of Panama called on the Council and the General Assembly to redouble efforts to facilitate the success of the measures provided for under Chapter VI of the Charter for the peaceful settlement of disputes, given the human consequences inherent in any conflict.²⁴⁴ The representative of the Sudan hoped that the discussion would follow an operational and objective approach that would contribute to strengthening the role of the Security Council in preventing conflicts, in keeping with the goal of eliminating the root causes of such conflicts through peaceful settlement, in order to achieve lasting peace and security.²⁴⁵

The representative of Norway expressed support for the role that regional organizations, particularly the

African Union, played in the prevention and resolution of conflicts. He was encouraged by the fact that African countries themselves were taking a leading role in the settlement of African disputes by peaceful means and in the promotion of preventive action in response to threats to regional peace and security. He said that, to strengthen those important regional efforts, close cooperation between the United Nations and other partners was needed.²⁴⁶ The representative of Guatemala said that conflict prevention was best reflected in Chapter VI, particularly through the peaceful means contained in Article 33.²⁴⁷ The representative of Benin argued that conflict prevention was an essential aspect of the Security Council's mandate emanating from Chapter VI of the Charter, specifically, Article 34.²⁴⁸

²⁴³ S/PV.5735, pp. 2-4.

²⁴⁴ *Ibid.*, p. 6.

²⁴⁵ *Ibid.*, p. 27.

²⁴⁶ *Ibid.*, p. 28.

²⁴⁷ S/PV.5735 (Resumption 1), p. 3.

²⁴⁸ *Ibid.*, p. 13.