

## **Part VI**

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

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## Introductory note

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

Section I illustrates how States brought disputes or situations to the attention of the Security Council during the period under review, pursuant to Article 35 of the Charter. It also surveys the practice of the General Assembly and the Secretary-General, under Articles 11(3) and 99 of the Charter, respectively, in drawing the attention of the Council to situations which are likely to threaten the maintenance of international peace and security. Section II describes investigative and fact-finding activities performed by the Council and other bodies that may be deemed to fall under the scope of Article 34, including Security Council missions. Section III provides an overview of the decisions of the Council taken with regard to the pacific settlement of disputes. It specifically illustrates recommendations of the Council to parties to a conflict and its support for the efforts of the Secretary-General in the peaceful settlement of disputes. Section IV reflects constitutional discussions on the interpretation or application of the provisions of Chapter VI and Article 99 of the Charter.

The practice of the Council with respect to the pacific settlement of disputes is not discussed in an exhaustive manner in part VI. It does not include actions with regard to the pacific settlement of disputes in the context of the United Nations field missions authorized under Chapter VII of the Charter, which are covered in the relevant sections of parts VII and X of the present Supplement. Instead, the part focuses on selected materials that highlight the interpretation and application of the provisions of Chapter VI in the decisions and deliberations of the Council during the period under review. Joint or parallel efforts undertaken by the Council and regional arrangements or agencies in the pacific settlement of disputes during the period under review are covered in part VIII.

During the years 2014 and 2015, as described in section I, several new situations or disputes were brought to the attention of the Council, in particular in relation to the conflict in eastern Ukraine, the human rights situation in the Democratic People's Republic of Korea and the spread of the Ebola virus in West Africa. During 2014 and 2015, as in previous periods, the Council also received communications containing information relating to matters already under its consideration. Those communications are not covered in this part.

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

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

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

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## I. Referral of disputes or situations to the Security Council

### Article 11

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

### Article 35

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

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

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

### Article 99

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

## Note

Within the framework of the Charter of the United Nations, Articles 35 (1) and (2) are generally regarded as the basis on which Member States and States which are not members of the United Nations may refer disputes to the Security Council. Under Articles 11 (3) and 99, the General Assembly and the Secretary-General, respectively, may call to the attention of the Council situations which are likely to threaten the maintenance of international peace and security. The practice of the Council in this regard is described below in three subsections.

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

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

## A. Referrals by States

During the period under review, certain situations were referred to the Council pursuant to Article 35 (1) directly by the affected Member State<sup>1</sup> or by a group of concerned Member States.<sup>2</sup> Article 35 was expressly referred to in several communications addressed to the President of the Council (see table 1). No State which was not a member of the United Nations brought any dispute or situation to the attention of the Council under Article 35 (2) during the period.

Communications in response to which the Council convened meetings, either in public or private, under an item included in the agenda for the first time, are examined in detail below.<sup>3</sup> As in previous Supplements, and owing to the large volume of communications received by the Council, communications from States that merely convey information about a dispute or situation and do not contain a request for a Council meeting or other specific Council action have not been included.

## Nature of the matters referred to the Security Council

During the period under review, Member States brought various matters to the attention of the Council. It should be noted that, while Chapter VI of the Charter provides the basis on which States may bring matters likely to endanger international peace and security to the attention of the Council, the subject matter of communications submitted to the Council and the type of action requested in relation thereto are not limited by the scope of that Chapter. For instance, in a letter

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<sup>1</sup> S/2014/134, S/2014/136, S/2014/139, S/2014/166, S/2014/170, S/2014/264, S/2014/512, S/2014/638 and S/2014/798.

<sup>2</sup> S/2014/872 and S/2015/931.

<sup>3</sup> For more information about the agenda, see part II, sect. II.

dated 1 March 2014 addressed to the President of the Security Council, the representative of Ukraine described a situation as “an act of aggression” by the Russian Federation against Ukraine.<sup>4</sup> In a letter dated 5 December 2014 addressed to the President of the Security Council, a group of Member States expressed concern about the “scale and gravity of human rights violations” in the Democratic People’s Republic of Korea that threatened to have a destabilizing impact on the region and the maintenance of international peace and security.<sup>5</sup> In connection with those communications, however, the Council did not determine the existence of any new threat to the peace, breach of the peace or act of aggression.<sup>6</sup>

<sup>4</sup> S/2014/139.

<sup>5</sup> S/2014/872.

<sup>6</sup> For more information about the determination of a threat to the peace, breach of the peace or act of aggression in accordance with Article 39 of the Charter, see part VII, sect. I.

### Action requested of the Security Council

In their communications to the Security Council, Member States often requested the Council to convene an urgent emergency meeting to consider a dispute or situation (see table 1).<sup>7</sup> In other cases, they called upon the Council to take other actions on the specific issue brought to its attention. By a letter dated 7 November 2014 addressed to the President of the Security Council, the representative of Ukraine requested the Council to “defuse the situation” in the Donbas region of Ukraine and to “meet its responsibilities under the Charter of the United Nations”.<sup>8</sup> On another occasion, in a letter dated 5 December 2014, a group of Member States requested that the situation in the Democratic People’s Republic of Korea be formally placed on the Council’s agenda without prejudice to the item on non-proliferation in the Democratic People’s Republic of Korea.<sup>9</sup>

<sup>7</sup> For more information about requests by Member States to convene a meeting of the Council, see part II, sect. I.A.1.

<sup>8</sup> S/2014/798.

<sup>9</sup> S/2014/872.

Table 1

### Communications bringing a dispute or situation to the attention of the Security Council, 2014–2015<sup>a</sup>

<i>Communication</i>	<i>Action requested of the Security Council</i>	<i>Meeting record and date</i>
<b>Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council</b>		
Letter dated 28 February 2014 from the representative of Ukraine (S/2014/136)	In accordance with Articles 34 and 35 of the Charter, convening of an urgent meeting to discuss the deteriorating situation in the Autonomous Republic of the Crimea, Ukraine, which threatened the territorial integrity of Ukraine	S/PV.7123 (closed) 28 February 2014 Followed by informal consultations of the whole on 28 February 2014
Letter dated 1 March 2014 from the representative of Ukraine (S/2014/139)	In accordance with Articles 34 and 35 of the Charter, convening of an urgent open meeting with regard to an act of aggression of the Russian Federation against Ukraine	S/PV.7124 1 March 2014 Followed by informal consultations of the whole on 1 March 2014
Letter dated 9 March 2014 from the representative of Ukraine (S/2014/166)	In accordance with Articles 34 and 35 of the Charter, convening of an urgent meeting	S/PV.7131 (closed) 10 March 2014
Letter dated 10 March 2014 from the representative of Ukraine (S/2014/170)	In accordance with Articles 34 and 35 of the Charter and rule 3 of the provisional rules of procedure of the Security Council, convening of an open meeting	S/PV.7134 13 March 2014 Followed by informal consultations of the whole on 13 March 2014

<i>Communication</i>	<i>Action requested of the Security Council</i>	<i>Meeting record and date</i>
Letter dated 28 August 2014 from the representative of Ukraine (S/2014/638)	In accordance with Articles 34 and 35 of the Charter, convening of an urgent open meeting of the Security Council	<a href="#">S/PV.7253</a> 28 August 2014
Letter dated 7 November 2014 from the representative of Ukraine (S/2014/798)	To act to defuse the situation in the Donbas region of Ukraine, to meet its responsibilities under the Charter and to clearly demand that the Russian Federation and its backed illegal armed groups immediately and strictly comply with the Minsk arrangements of 5 September 2014, and that the Russian Federation withdraw its military forces from the territory of Ukraine	<a href="#">S/PV.7311</a> 12 November 2014
<b>Letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council</b>		
Letter dated 13 April 2014 from the representative of the Russian Federation (S/2014/264)	In accordance with rule 2 of the provisional rules of procedure, convening of an emergency meeting of the Security Council to consider the alarming developments in Ukraine	<a href="#">S/PV.7154</a> 13 April 2014
<b>The situation in the Democratic People's Republic of Korea</b>		
Letter dated 5 December 2014 from the representatives of Australia, Chile, France, Jordan, Lithuania, Luxembourg, the Republic of Korea, Rwanda, the United Kingdom and the United States (S/2014/872)	In accordance with rule 2 of the provisional rules of procedure, formally placing the situation in the Democratic People's Republic of Korea on the Council's agenda, without prejudice to the item on non-proliferation in the Democratic People's Republic of Korea, and convening of a meeting of the Security Council	<a href="#">S/PV.7353</a> 22 December 2014 Preceded by informal consultations of the whole on 15 December 2014
Letter dated 3 December 2015 from the representatives of Chile, France, Jordan, Lithuania, Malaysia, New Zealand, Spain, the United Kingdom and the United States (S/2015/931)	In accordance with rule 2 of the provisional rules of procedure, convening of a meeting of the Security Council on the situation in the Democratic People's Republic of Korea	<a href="#">S/PV.7375</a> 10 December 2015

<sup>a</sup> Only communications that resulted in a formal meeting of the Security Council are included in the table.

## B. Referrals by the Secretary-General

Article 99 of the Charter provides that the Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security. During the period under review, the Secretary-General did not invoke Article 99, directly or by implication.

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

In a joint letter dated 29 August 2014 addressed to the Secretary-General, later transmitted to the Security Council,<sup>10</sup> the Presidents of Sierra Leone,

<sup>10</sup> See [S/2014/669](#).

Liberia and Guinea detailed the impact of the Ebola virus disease and requested the adoption of a resolution that would include a coordinated international response to end the outbreak. On 17 September 2014, the Secretary-General informed the General Assembly and the Council in a letter that the Ebola outbreak<sup>11</sup> was no longer “just a public health crisis” and that it posed “a grave threat to the people of the infected countries”. In that letter, the Secretary-General also informed the Assembly and the Council of his decision to establish a United Nations mission with the singular strategic objective and purpose of stopping the Ebola outbreak.<sup>12</sup> The following day, 18 September 2014, the Council held its 7268th meeting, under the item entitled “Peace and security in Africa” and, for the first

time, under the sub-item “Ebola”. At that meeting, the Council adopted resolution 2177 (2014), in which it determined that “the unprecedented extent of the Ebola outbreak in Africa” constituted a threat to international peace and security.<sup>13</sup>

### C. Referrals by the General Assembly

Under Article 11 (3) of the Charter, the General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security. During the period under review, the General Assembly did not refer any such situations to the Security Council under that Article.<sup>14</sup>

<sup>11</sup> First reported to the Security Council in the thirty-fourth report of the Secretary-General on the United Nations Operation in Côte d’Ivoire, dated 15 May 2014 (S/2014/342).

<sup>12</sup> A/69/389-S/2014/679.

<sup>13</sup> For more information, see part VII, sect. I.A.

<sup>14</sup> For more information, see part IV, sect. I, “Relations with the General Assembly”.

## II. Investigation of disputes and fact-finding

### Article 34

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

### Note

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

Section II provides an overview of the practice of the Security Council relating to fact-finding and investigation in accordance with Article 34 of the Charter, in three subsections: A. Security Council missions; B. Investigative and fact-finding functions of

the Secretary-General; and C. Other instances of investigative functions acknowledged by the Security Council.

During the period under review, the Council dispatched four missions in order to, inter alia, gain understanding of and assess on the ground particular conflicts or situations that it was considering as well as the implementation of its resolutions. The Council also acknowledged and welcomed the investigative functions of the Secretary-General in bringing to its attention situations which in his opinion could threaten the maintenance of international peace and security. In particular, the Council requested the Secretary-General (a) to establish an international commission of inquiry to investigate reported violations of international humanitarian law and human rights law in the Central African Republic since 1 January 2013, (b) to facilitate the establishment of the international commission of inquiry in Mali, and (c) to establish an Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism to identify those responsible for the use of chemical weapons in the Syrian Arab Republic. The Council increasingly acknowledged and relied upon investigations conducted not by the Secretary-General but by entities such as the Human Rights Council, in considering the matters before it.



## A. Security Council missions

During the period under review, the Security Council dispatched four missions consisting of all 15 Council members, to Mali; Europe (Belgium and the Netherlands) and Africa (South Sudan and Somalia); Haiti; and Africa (Central African Republic, Ethiopia and Burundi). None of the Council missions in the period under review was explicitly charged with investigative tasks. In most cases, the terms of reference of the missions included tasks such as

reaffirming or expressing the support of the Council to the Governments and countries visited; assessing the implementation of relevant Security Council resolutions; assessing the evolution of the situations on the ground; or supporting, reviewing and assessing the role and mandate of the relevant peacekeeping and political missions. For more information on the Security Council missions dispatched during 2014 and 2015, including their duration and composition and the related documents, see table 2.

Table 2  
Security Council missions, 2014–2015

<i>Duration</i>	<i>Destination</i>	<i>Composition</i>	<i>Terms of reference</i>	<i>Report</i>	<i>Meeting record and date</i>	<i>Item</i>
1–3 February 2014	Mali	Argentina, Australia, Chad (co-leader), Chile, China, France (co-leader), Jordan, Lithuania, Luxembourg, Nigeria, Republic of Korea, Russian Federation, Rwanda, United Kingdom, United States	<a href="#">S/2014/72</a> 30 January 2014	<a href="#">S/2014/173</a> 11 March 2014	<a href="#">S/PV.7120</a> 26 February 2014	Security Council mission
8–14 August 2014	Europe (Belgium, Netherlands) and Africa (South Sudan, Somalia)	Argentina, Australia (co-leader for Belgium), Chad, Chile (co-leader for Netherlands), China, France, Jordan, Lithuania, Luxembourg (co-leader for Netherlands), Nigeria (co-leader for Somalia), Republic of Korea, Russian Federation, Rwanda (co-leader for South Sudan), United Kingdom (co-leader for Belgium and Somalia) and United States (co-leader for South Sudan)	<a href="#">S/2014/579</a> 8 August 2014	No report available	<a href="#">S/PV.7245</a> 19 August 2014	Security Council mission
23–25 January 2015	Haiti	Angola, Chad, Chile (co-leader), China, France, Jordan, Lithuania, Malaysia, New Zealand, Nigeria, Russian Federation, Spain, United Kingdom, United States (co-leader), Venezuela (Bolivarian Republic of)	<a href="#">S/2015/40</a> 19 January 2015	No report available	<a href="#">S/PV.7372</a> 29 January 2015	Security Council mission
9–13 March 2015	Africa (Central African Republic, Ethiopia, Burundi)	Angola (co-leader), Chad, Chile, China, France (co-leader), Jordan, Lithuania, Malaysia, New Zealand, Nigeria, Russian Federation, Spain, United Kingdom, United States (co-leader only for Burundi), Venezuela (Bolivarian Republic of)	<a href="#">S/2015/162</a> 5 March 2015	<a href="#">S/2015/503</a> 30 June 2015	<a href="#">S/PV.7407</a> 18 March 2015	Security Council mission

Discussions relating to the undertaking of missions by the Council were held during the two open debates on the working methods of the Council, under the item “Implementation of the note by the President

of the Security Council ([S/2010/507](#))”. Specifically, at the resumption of the 7285th meeting, on 23 October 2014, the representative of the Netherlands, speaking also on behalf of Belgium, welcomed the cooperation

between the Council and the International Criminal Court, in particular the Council's visit to the Court in August 2014, and said that active follow-up of the Council to enforce its own resolutions was essential.<sup>15</sup> At the 7539th meeting, on 20 October 2015, the representative of France, speaking also on behalf of Germany, spoke in favour of more contacts between the Council and the Court through the exchange of visits and improved sharing of information.<sup>16</sup> The representative of Switzerland, speaking on behalf of the Accountability, Coherence and Transparency group, expressed his satisfaction with the way the Council missions had recently been arranged, namely, with two Council members co-leading the mission.<sup>17</sup> The representative of Lithuania said that visits by the Chairs of subsidiary bodies to the countries concerned should be encouraged.<sup>18</sup>

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

During the period under review, the Security Council, in its decisions, acknowledged the investigative or fact-finding functions of the Secretary-General on three occasions. The relevant provisions of those decisions are set out in table 3.

Pursuant to resolution [2127 \(2013\)](#), concerning the situation in the Central African Republic, the Secretary-General by a letter dated 20 January 2014 reported to the Council that arrangements were under way for the establishment of a commission of inquiry to investigate reported violations of international humanitarian law and human rights law in the Central African Republic since 1 January 2013.<sup>19</sup> By resolution [2134 \(2014\)](#), the Council welcomed the appointment of the International Commission of Inquiry on 22 January 2014 and called upon all parties to cooperate with the Commission.<sup>20</sup> By resolution [2149 \(2014\)](#), the Council underlined its support for the work of the Commission, and decided that the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), established by that resolution, should support the Commission.<sup>21</sup> By a letter dated 26 June 2014, the Secretary-General transmitted the preliminary report of the Commission as requested by

the Council.<sup>22</sup> In response, the Council, in a statement by the President, looked forward to the final report of the Commission,<sup>23</sup> which was transmitted by a letter dated 19 December 2014 from the Secretary-General addressed to the President of the Council.<sup>24</sup> By resolution [2196 \(2015\)](#), the Council took note of the final report of the Commission, of 22 December 2014.<sup>25</sup> Subsequently, the Council noted with concern the Commission's findings and decided that the mandate of MINUSCA should include support to the implementation of relevant recommendations of the Commission.<sup>26</sup>

In relation to the situation in Mali, by resolution [2164 \(2014\)](#), the Council requested the Secretary-General to facilitate the establishment of the international commission of inquiry as envisaged in the Ouagadougou preliminary agreement of 18 June 2013 and the ceasefire agreement of 23 May 2014.<sup>27</sup> By its resolution [2227 \(2015\)](#) the Council decided that the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali would include support to the implementation of the Agreement on Peace and Reconciliation in Mali, notably the establishment of an international commission of inquiry, in consultation with the parties.<sup>28</sup>

On the basis of the findings of the fact-finding mission of the Organisation for the Prohibition of Chemical Weapons (OPCW) concerning the use of chemical weapons in the Syrian Arab Republic that chlorine had been used repeatedly and systematically as a weapon in that country,<sup>29</sup> the Council requested the Secretary-General, in coordination with the Director General of OPCW, to submit recommendations regarding the establishment of an OPCW-United Nations Joint Investigative Mechanism to identify individuals, entities, groups or governments involved in the use of chemicals as weapons in the Syrian Arab Republic, and to present a report to the Council as of the date the Mechanism began its operations and every 30 days thereafter on the progress made.<sup>30</sup> Case 1 provides greater detail on the discussions relating to the establishment of the Joint Investigative Mechanism.

<sup>15</sup> [S/PV.7285 \(Resumption 1\)](#), p. 9.

<sup>16</sup> [S/PV.7539](#), p. 19.

<sup>17</sup> *Ibid.*, p. 23.

<sup>18</sup> *Ibid.*, p. 12.

<sup>19</sup> [S/2014/43](#).

<sup>20</sup> Resolution [2134 \(2014\)](#), para. 19.

<sup>21</sup> Resolution [2149 \(2014\)](#), eleventh preambular paragraph and para. 30 (e) (iii).

<sup>22</sup> [S/2014/373](#).

<sup>23</sup> [S/PRST/2014/28](#), twenty-second paragraph.

<sup>24</sup> [S/2014/928](#).

<sup>25</sup> Resolution [2196 \(2015\)](#), tenth preambular paragraph.

<sup>26</sup> Resolution [2217 \(2015\)](#), tenth preambular paragraph and para. 32 (e) (iii).

<sup>27</sup> Resolution [2164 \(2014\)](#), para. 2.

<sup>28</sup> Resolution [2227 \(2015\)](#), para. 14 (b) (iii).

<sup>29</sup> See [S/2015/138](#).

<sup>30</sup> Resolution [2235 \(2015\)](#), paras. 5 and 10.

Table 3

**Decisions relating to investigative and/or fact-finding activities by the Secretary-General, 2014–2015**

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in the Central African Republic</b>	
Resolution <a href="#">2134 (2014)</a> 28 January 2014	Welcomes the appointment of the International Commission of Inquiry on 22 January 2014, in order to immediately investigate reports of violations of international humanitarian law and international human rights law and abuses of human rights in the Central African Republic by all parties since 1 January 2013, calls upon all parties to cooperate fully with the Commission, and encourages the Integrated Peacebuilding Office to cooperate, as appropriate, with the Independent Expert of the Human Rights Council and the International Commission of Inquiry (para. 19)
Resolution <a href="#">2149 (2014)</a> 10 April 2014	Stressing the urgent and imperative need to end impunity in the Central African Republic and to bring to justice perpetrators of violations of international humanitarian law and of abuses and violations of human rights, underlining in this regard the need to bolster national accountability mechanisms, and underlining its support for the work of the Independent Expert of the Human Rights Council on human rights in the Central African Republic and of the International Commission of Inquiry (eleventh preambular paragraph)  ... the mandate of the Stabilization Mission shall initially focus on the following priority tasks:  ...  To support the International Commission of Inquiry on the Central African Republic and the implementation of its recommendations (para. 30 (e) (iii))
<a href="#">S/PRST/2014/28</a> 18 December 2014	The Council looks forward to the final report of the International Commission of Inquiry on the Central African Republic established by resolution <a href="#">2127 (2013)</a> (twenty-second paragraph)
Resolution <a href="#">2196 (2015)</a> 22 January 2015	Taking note of the final report of the International Commission of Inquiry on the Central African Republic of 22 December 2014 (tenth preambular paragraph)
Resolution <a href="#">2217 (2015)</a> 28 April 2015	Welcoming the submission of the report of the International Commission of Inquiry on the Central African Republic established by resolution <a href="#">2127 (2013)</a> , noting with concern its finding that the main parties to the conflict, including ex-Séléka, the anti-balaka and elements from the Armed Forces of the Central African Republic who collaborated with armed groups committed violations of international humanitarian law and human rights violations and abuses since 1 January 2013 that may amount to war crimes and crimes against humanity, including ethnic cleansing by elements of the anti-balaka militia (tenth preambular paragraph)  ... the mandate of the Stabilization Mission shall include the following immediate priority tasks:  ...  To support the implementation of relevant recommendations of the International Commission of Inquiry on the Central African Republic (para. 32 (e) (iii))
<b>The situation in Mali</b>	
Resolution <a href="#">2164 (2014)</a> 25 June 2014	Urges the signatories to the ceasefire agreement of 23 May 2014 to respect it fully, to immediately implement its provisions, including the liberation of prisoners and the establishment of an international commission of inquiry, and to take steps that support national reconciliation, and requests the Secretary-General to facilitate the swift establishment of the commission, in consultation with the parties (para. 2)

Resolution [2227 \(2015\)](#)  
29 June 2015

Decides that the United Nations Multidimensional Integrated Stabilization Mission in Mali shall perform the following tasks:

(b) *Support to the implementation of the Agreement on Peace and Reconciliation in Mali*

(iii) To support the implementation of the reconciliation and justice measures of the Agreement, especially in part V thereof, notably the establishment of an international commission of inquiry, in consultation with the parties (para.14 (b) (iii))

### The situation in the Middle East

Resolution [2235 \(2015\)](#)  
7 August 2015

Requests the Secretary-General, in coordination with the Director General of the Organisation for the Prohibition of Chemical Weapons (OPCW), to submit to the Security Council, for its authorization, within 20 days of the adoption of the present resolution, recommendations, including elements of terms of reference, regarding the establishment and operation of an OPCW-United Nations Joint Investigative Mechanism to identify to the greatest extent feasible individuals, entities, groups or governments who were perpetrators, organizers, sponsors or otherwise involved in the use of chemicals as weapons, including chlorine or any other toxic chemical, in the Syrian Arab Republic where the OPCW fact-finding mission determines or has determined that a specific incident in the Syrian Arab Republic involved or likely involved the use of chemicals as weapons, including chlorine or any other toxic chemical, and expresses its intent to respond to the recommendations, including elements of terms of reference, within five days of receipt (para. 5)

Requests further that after the Security Council has authorized the Joint Investigative Mechanism that the Secretary-General, in coordination with the Director General of OPCW, undertake without delay the steps, measures and arrangements necessary for the speedy establishment and full functioning of the Joint Investigative Mechanism, including recruiting impartial and experienced staff with relevant skills and expertise in accordance with the terms of reference, and notes that due regard should be paid to the importance of recruiting the staff on as wide a geographical basis as is practicable (para. 6)

Recalls that, in its resolution [2118 \(2013\)](#), it decided that the Syrian Arab Republic and all parties in the Syrian Arab Republic shall cooperate fully with OPCW and the United Nations, and stresses that this includes an obligation to cooperate with the Director General of OPCW and its fact-finding mission and the Secretary-General and the Joint Investigative Mechanism, that such cooperation includes full access to all locations, individuals and materials in the Syrian Arab Republic that the Joint Investigative Mechanism deems relevant to its investigation and where it determines there are reasonable grounds to believe access is justified based on its assessment of the facts and circumstances known to it at the time, including in areas within the Syrian territory but outside the control of the Syrian Arab Republic, and that such cooperation also includes the ability of the Joint Investigative Mechanism to examine additional information and evidence that was not obtained or prepared by the fact-finding mission but that is related to the mandate of the Joint Investigative Mechanism as set forth in paragraph 5 (para. 7)

Requests the Secretary-General, in coordination with the Director General of OPCW, to present a report to the Security Council and inform the Executive Council of OPCW as of the date the Joint Investigative Mechanism begins its full operations and every 30 days thereafter on the progress made (para. 10)

Requests the Joint Investigative Mechanism to complete its first report within 90 days of the date on which it commences its full operations, as notified by the Secretary-General, and complete subsequent reports as appropriate thereafter, and requests the Joint Investigative Mechanism to present the report, or reports, to the Security Council and inform the Executive Council of OPCW (para. 11)

Requests the Joint Investigative Mechanism to retain any evidence related to possible uses of chemical weapons in the Syrian Arab Republic other than those cases in which the fact-finding mission determines or has determined that a specific incident in the Syrian Arab Republic involved or likely involved the use of chemicals as weapons, including chlorine or any other toxic chemical, and to transmit that evidence to the fact-finding mission through the Director General of OPCW and to the Secretary-General as soon as practicable (para. 12)

During the reporting period, the Secretary-General undertook two more investigative actions, upon the Council's request in relation to the situation in Liberia, and in his capacity as Chief Administrative Officer of the Organization concerning the conflict in the Gaza Strip and southern Israel.

By a letter dated 16 July 2014, the President of the Security Council informed the Secretary-General that the Council had completed its review of the measures pertaining to the sanctions regime in Liberia and, as a result, requested the Secretary-General to conduct an assessment mission and to report to the Council, by 1 October 2014, on the progress that Liberia had made towards meeting the conditions set out in resolution 1521 (2003) for the termination of sanctions, and to provide recommendations on United Nations assistance and other technical assistance to the Government of Liberia.<sup>31</sup> In response, by a letter dated 29 September 2014, the Secretary-General submitted the report of the assessment mission concerning the Liberia sanctions regime.<sup>32</sup>

During the course of a conflict in the Gaza Strip and southern Israel (also known as Operation Protective Edge), a number of incidents occurred between 8 July and 26 August 2014 affecting United Nations personnel, premises and operations. As a result and in his capacity as the Chief Administrative Officer of the Organization, the Secretary-General decided to establish a United Nations Headquarters board of inquiry to review and investigate 10 of those incidents, in which death or injuries occurred at, or damage was done to, United Nations premises, or in which the presence of weaponry was reported at those premises. The Board was convened on 10 November 2014, conducted a field visit from 26 November to 13 December and submitted its report to the Secretary-General on 5 February 2015. By a letter dated 27 April 2015, the Secretary-General transmitted to the Security Council a summary of the report, prepared by the

Secretariat, including a summary of the key findings and the Board's recommendations in full.<sup>33</sup>

### Case 1 The situation in the Middle East

On 6 March 2015, at its 7401st meeting, the Council adopted resolution 2209 (2015) concerning reports of the OPCW fact-finding mission on the use of chlorine as a chemical weapon in the Syrian Arab Republic. The resolution was adopted by 14 votes in favour, with 1 abstention (Bolivarian Republic of Venezuela). After the vote, the representative of the Bolivarian Republic of Venezuela explained that his country had abstained in the voting because the resolution prejudged the investigative process being conducted by OPCW. He considered it necessary to conclude the investigation prior to the adoption of a resolution. Explicitly referring to Chapter VI of the Charter, he called for a peaceful resolution of the Syrian conflict.<sup>34</sup> Several other speakers expressed support for the work and findings of the fact-finding mission and expressed concern about its conclusion that chlorine had been systematically used as a chemical weapon in the Syrian Arab Republic.<sup>35</sup> The representative of China supported the efforts of all relevant parties to fully implement the decisions and resolutions adopted by OPCW and the Security Council concerning Syrian chemical weapons, and said that the authority of OPCW must be maintained in that process.<sup>36</sup> The representative of the Russian Federation called for strict observance of the provisions of the General Assembly resolution on cooperation between the United Nations and OPCW, under which cases of particular gravity and urgency should be brought directly to the attention of the Assembly and the Security Council by the OPCW Executive Council. He stressed that further activity of the OPCW fact-finding mission should be based on professionalism, objectivity and impartiality, and that only the guiding

<sup>31</sup> S/2014/504.

<sup>32</sup> S/2014/707.

<sup>33</sup> S/2015/286.

<sup>34</sup> S/PV.7401, p. 2.

<sup>35</sup> Ibid., pp. 3–4 (United States); p. 4 (United Kingdom, Jordan); and p. 5 (France).

<sup>36</sup> Ibid., p. 3.



bodies of OPCW might confirm the facts of alleged violations of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and resolution 2118 (2013).<sup>37</sup>

On 7 August 2015, at its 7501st meeting, the Council unanimously adopted resolution 2235 (2015), in which it requested the Secretary-General, in coordination with the OPCW Director General, to submit recommendations regarding the establishment of an OPCW-United Nations Joint Investigative Mechanism to identify those who had been responsible for the use of chemical weapons in the Syrian Arab Republic. During the discussion, speakers expressed support for the efforts of the Secretary-General to set up the Mechanism, as requested by the Council. Several speakers acknowledged the reports of the OPCW fact-finding mission and its role in confirming the use of chemical weapons in the Syrian Arab Republic, and called for its cooperation with the Mechanism.<sup>38</sup> The representative of the Russian Federation said he believed that the Mechanism would work impartially and objectively.<sup>39</sup> The representative of the Bolivarian Republic of Venezuela also said that the Mechanism must respect the principles of impartiality, transparency and objectivity, in accordance with the terms agreed upon by the Secretary-General and OPCW.<sup>40</sup> The representative of Spain emphasized the need to act upon the recommendations and findings of the Mechanism.<sup>41</sup>

<sup>37</sup> Ibid.

<sup>38</sup> S/PV.7501, p. 2 (United States); p. 3 (Russian Federation); p. 4 (China), p. 5 (France, Bolivarian Republic of Venezuela); p. 6 (Jordan); p. 7 (Lithuania, United Kingdom); and p. 8 (Nigeria).

<sup>39</sup> Ibid., p. 4.

<sup>40</sup> Ibid., p. 6.

<sup>41</sup> Ibid., p. 5.

The representative of the United Kingdom reiterated the Council's call on all States to cooperate fully with United Nations investigators, as well as with the fact-finding mission of OPCW; they would play a key facilitating role in the work of the Mechanism.<sup>42</sup> The representative of the Syrian Arab Republic, speaking after Council members, expressed regret that the inquiry into the attack on Khan Al-Asal village near Aleppo which his Government had asked the Secretariat to conduct had not been carried out two years later.<sup>43</sup>

On 9 November 2015, the Council authorized the recommendations of the Secretary-General, including elements of the terms of reference, regarding the establishment and operation of the Joint Investigative Mechanism.<sup>44</sup>

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

During the period under review, the Security Council recognized investigative functions performed by the Office of the United Nations High Commissioner for Human Rights, the Human Rights Council and OPCW in relation to matters before the Council. The provisions of decisions of the Council referring to such functions are set out in table 4.

<sup>42</sup> Ibid., p. 7.

<sup>43</sup> Ibid., p. 9.

<sup>44</sup> See letters dated 27 August and 9 September 2015 from the Secretary-General (S/2015/669 and S/2015/696) and letter dated 10 September 2015 from the President of the Security Council (S/2015/697). The Secretary-General informed the Council that the Joint Investigative Mechanism would begin its full operations on 13 November 2015 (S/2015/854). For more information, see part IX, sect. III.

Table 4

#### Decisions relating to investigation and inquiry by United Nations bodies and related organizations, 2014–2015

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in the Central African Republic</b>	
Resolution 2134 (2014) 28 January 2014	... the mandate of the Integrated Peacebuilding Office shall be reinforced and updated as follows:  ...  To help to strengthen the capacities, including through technical assistance, of the national judicial system, including transitional justice mechanisms, and of the national human rights institutions and assist with national reconciliation efforts, coordinating with the International Commission of Inquiry on the Central African Republic as well as the Independent Expert of the Human Rights Council ..., as appropriate (para. 2 (e))

Decision and date

Provision

Welcomes the appointment of the International Commission of Inquiry on 22 January 2014, in order to immediately investigate reports of violations of international humanitarian law and international human rights law and abuses of human rights in the Central African Republic by all parties since 1 January 2013, calls upon all parties to cooperate fully with the Commission, and encourages the Integrated Peacebuilding Office to cooperate, as appropriate, with the Independent Expert of the Human Rights Council and the International Commission of Inquiry (para. 19)

Resolution [2149 \(2014\)](#)  
10 April 2014

Stressing the urgent and imperative need to end impunity in the Central African Republic and to bring to justice perpetrators of violations of international humanitarian law and of abuses and violations of human rights, underlining in this regard the need to bolster national accountability mechanisms, and underlining its support for the work of the Independent Expert of the Human Rights Council on human rights in the Central African Republic and of the International Commission of Inquiry (eleventh preambular paragraph)

#### **The situation concerning the Democratic Republic of the Congo**

[S/PRST/2014/22](#)  
5 November 2014

In this context, the Council expresses its grave concern at the decision of the Government of the Democratic Republic of the Congo to expel the head of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo. The Council further expresses concern over recent threats made against other staff members of the Office. The Council recalls that monitoring, reporting and follow-up on human rights violations and abuses and violations of international humanitarian law are fully part of the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and expresses its full support to the Office, the Mission and the United Nations personnel. The Council recalls the importance of the obligations and commitments of the Government in terms of the promotion and protection of human rights and the fight against impunity, and calls upon the Government to investigate the allegations included in the report. The Council calls for continued cooperation and dialogue between the Mission and the Government. In this regard, the Council takes note of the letter dated 20 October 2014 from the Permanent Representative of the Democratic Republic of the Congo to the President of the Security Council and of the willingness expressed by the Government to continue to work with the Mission, including the Office (tenth paragraph)

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

Resolution [2209 \(2015\)](#)  
6 March 2015

Noting also the first, second and third reports of the Organisation for the Prohibition of Chemical Weapons (OPCW) fact-finding mission, which was mandated to establish the facts surrounding allegations of the use of toxic chemicals for hostile purposes in the Syrian Arab Republic (fifth preambular paragraph)

Expresses deep concern that toxic chemicals have been used as a weapon in the Syrian Arab Republic as concluded with a high degree of confidence by the OPCW fact-finding mission, and notes that such use of toxic chemicals as a weapon would constitute a violation of resolution [2118 \(2013\)](#) and of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (para. 2)

Expresses support for the decision of 4 February 2015 of the Executive Council of OPCW to continue the work of the fact-finding mission, in particular to study all available information relating to allegations of use of chemical weapons in the Syrian Arab Republic, and welcomes the intention of the Director General of OPCW to include further reports of the mission as part of his monthly reports to the Security Council (para. 5)

Stresses that those individuals responsible for any use of chemicals as weapons, including chlorine or any other toxic chemical, must be held accountable, and calls upon all parties in the Syrian Arab Republic to extend their full cooperation to the fact-finding mission (para. 6)

**The situation in Côte d’Ivoire**

Resolution 2226 (2015) ... the mandate of the United Nations Operation in Côte d’Ivoire shall be the following:  
25 June 2015

...

To contribute to the promotion and protection of human rights in Côte d’Ivoire, with special attention to grave violations and abuses committed against children and women, notably sexual and gender-based violence, in close coordination with the Independent Expert established pursuant to Human Rights Council resolution 17/21 (para. 19 (g))

At the 7105th meeting, held on 29 January 2014 under the item “Maintenance of international peace and security”, a number of speakers expressed support for the Council’s full use of the tools at its disposal, including in particular commissions of inquiry and fact-finding missions established by the Council under Article 34 of the Charter.<sup>45</sup> By a letter dated 14 April 2014, the representatives of Australia, France and the United States transmitted to the Council the report of the Human Rights Council commission of inquiry on human rights in the Democratic People’s Republic of Korea, which contained an account of human rights violations in the Democratic People’s Republic of Korea together with the commission’s recommendations.<sup>46</sup> By a letter dated 11 July 2014, the representatives of Australia, France and the United States transmitted a non-paper summarizing the discussion at an Arrria-formula meeting held on 17 April on the commission’s report, and suggested that the Council formally discuss the commission’s findings of human rights violations in the Democratic People’s Republic of Korea and its recommendations to the Council, and consider appropriate action.<sup>47</sup> By a letter dated 5 December 2014, the representatives of Australia, Chile, France, Jordan, Lithuania, Luxembourg, the Republic of Korea, Rwanda, the United Kingdom and the United States requested that the situation in the Democratic People’s Republic of Korea be formally placed on the Council’s agenda without prejudice to the item on non-proliferation in the Democratic People’s Republic of Korea; they also requested that a senior official from the Office of the United Nations High Commissioner for Human Rights brief the Council on the situation.<sup>48</sup>

Cases 2 and 3 illustrate instances of the Council’s consideration of the outcome of fact-finding missions conducted by bodies of the United Nations, other than the Secretary-General, in relation to the situation in the Syrian Arab Republic (discussed under the items entitled “The situation in the Middle East, including the Palestinian question” and “The situation in the Middle East”).

**Case 2  
The situation in the Middle East, including the  
Palestinian question**

On 20 January 2014, at the 7096th meeting, held under the item entitled “The situation in the Middle East, including the Palestinian question”, reference was made to the conflict in the Syrian Arab Republic during the discussion. The representative of the European Union reaffirmed the support of the Union to the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council.<sup>49</sup> The representative of Brazil reiterated his concern, in line with the reports of the Commission of Inquiry, about the negative impact of unilateral sanctions on the living conditions of the Syrian people.<sup>50</sup> On 29 April 2014, at the 7164th meeting, several speakers expressed concern about the findings of the reports of the Commission of Inquiry, confirming human rights violations by both sides of the conflict. The representative of Argentina said that the reports of the Commission of Inquiry and of the Secretary-General should not be allowed to become bureaucratic routine or ritual.<sup>51</sup> The representative of Brazil said that violations of human rights by both sides, consistently denounced by the Commission of Inquiry, should be roundly condemned.<sup>52</sup> The

<sup>45</sup> S/PV.7105, p. 9 (Australia); p. 12 (Lithuania); p. 14 (United States); p. 46 (Azerbaijan); and p. 47 (Switzerland).

<sup>46</sup> S/2014/276.

<sup>47</sup> S/2014/501.

<sup>48</sup> S/2014/872. For more information on the inclusion of the new item in the agenda, see part II, sect. II.A.

<sup>49</sup> S/PV.7096 (Resumption 1), p. 23.

<sup>50</sup> Ibid., p. 8.

<sup>51</sup> S/PV.7164, p. 28.

<sup>52</sup> Ibid., p. 40.



representative of Guatemala called for all violations and crimes to be investigated and brought to justice.<sup>53</sup>

### Case 3

#### The situation in the Middle East

On 22 May 2014, at the 7180th meeting, under the item entitled “The situation in the Middle East”, several speakers referred to the evidence of war crimes and atrocities in the Syrian Arab Republic documented by the Independent International Commission of Inquiry and by the Office of the United Nations High Commissioner for Human Rights, and called for the situation in that country to be referred to the International Criminal Court.<sup>54</sup> On 27 March 2015, the Council held its 7419th meeting, a high-level meeting focusing on the victims of attacks and abuses on ethnic

or religious grounds in the Middle East. During the debate, the representative of the European Union acknowledged the reports and efforts of the Commission of Inquiry, as did a number of other speakers,<sup>55</sup> and supported the renewal of its mandate as well as the documentation of crimes in the Syrian Arab Republic.<sup>56</sup> On 24 April 2015, at the 7433rd meeting, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator suggested that the Council give a mandate to the International Independent Commission of Inquiry to look specifically at the situation in besieged communities and the militarization and responsibility for attacks on medical and educational facilities, which should be done through the conduct of a fact-finding mission.<sup>57</sup>

<sup>53</sup> Ibid., p. 49.

<sup>54</sup> S/PV.7180, p. 5 (United States); pp. 7–8 (Luxembourg); and p. 9 (Australia).

<sup>55</sup> S/PV.7419, p. 40 (Brazil); p. 44 (Bulgaria); p. 56 (Switzerland); and p. 65 (Luxembourg).

<sup>56</sup> Ibid., p. 34.

<sup>57</sup> S/PV.7433, p. 3.

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

### Article 33

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

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

### Article 36

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

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

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

### Article 37

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

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

### Article 38

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

### Note

Article 33 (1) of the Charter of the United Nations expressly provides the framework for parties to settle their disputes by peaceful means. According to Article 33 (2) of the Charter, the Security Council shall call on the parties to settle their disputes by such peaceful means as provided for in Article 33 (1). The

Council may recommend appropriate procedures or methods of adjustment for the settlement of disputes under Article 36 (1). According to Article 36 (2) and (3), the Council should take into consideration procedures for the settlement of the dispute already adopted by the parties and that legal disputes should as a general rule be referred by the parties to the International Court of Justice. Article 37 (2) envisages that, following a referral, the Council shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate. Article 38 provides that the Council may make recommendations to the parties with a view to a pacific settlement of the dispute.

Section III examines the decisions of the Security Council in 2014 and 2015 in connection with its efforts aimed at the peaceful settlement of disputes within the framework of Chapter VI of the Charter. Decisions explicitly adopted under Chapter VII of the Charter have not been considered for the purposes of this section. The section is divided into four subsections. Subsection A covers the decisions of the Council, adopted on thematic issues, that relate to the provisions of Chapter VI of the Charter. Subsection B illustrates various ways in which the Council, in dealing with country-specific and regional situations, welcomed, encouraged or supported efforts in the peaceful settlement of disputes. Subsection C provides an overview of the Council's efforts towards the pacific settlement of disputes involving the Secretary-General. Subsection D briefly illustrates various ways in which the Council encouraged and supported efforts by regional organizations in the peaceful settlement of disputes, which are covered in detail in part VIII of the present supplement.

### **A. Decisions of the Security Council concerning thematic issues**

This subsection provides an overview of the decisions of the Security Council, adopted on general and thematic issues, that relate to the pacific settlement of disputes. During the period under review, the Council explicitly referred to Chapter VI, in particular Articles 33, 34, and to Article 99 of the Charter, in one decision.<sup>58</sup> By resolution 2171 (2014), adopted unanimously in connection with the maintenance of international peace and security, the Council expressed its determination to pursue the objective of prevention of armed conflict as an integral part of its primary

<sup>58</sup> Resolution 2171 (2014), sixteenth preambular paragraph and para. 5.

responsibility for the maintenance of international peace and security; reaffirmed the duty of all States to settle their disputes by peaceful means, inter alia, through negotiation, enquiry, good offices, mediation, conciliation, arbitration and judicial settlement; recognized that some of the tools for conflict prevention set out in Chapter VI of the Charter, including negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement and resort to regional and subregional organizations and arrangements, as well as the good offices of the Secretary-General, had not been fully utilized, and stressed its determination to make and call for the greater and more effective use of such tools; and encouraged the Secretary-General to continue enhancing the use of his good offices and to continue his early engagement in the prevention of potential conflicts.<sup>59</sup> The Council, further, emphasized the important role that women and civil society can play in relation to prevention of armed conflict; and called for enhanced cooperation with regional and subregional organizations and arrangements to help to prevent armed conflicts, including cooperation in early warning mechanisms.<sup>60</sup>

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

The Council repeatedly acknowledged the importance of mediation efforts and the good offices of the Secretary-General and his envoys in the peaceful settlement of conflict. Recognizing that mediation was an important means for the pacific settlement of disputes, including, wherever possible, preventively and before disputes evolve into violence, the Council expressed appreciation for the efforts of the Secretary-General to continue to strengthen United Nations mediation support capacities, including the Mediation Support Unit as a provider of mediation support to the United Nations system, in accordance with agreed mandates.<sup>61</sup> The Council recognized the important role of the good offices of the Secretary-General in Africa,

<sup>59</sup> *Ibid.*, paras. 1, 4, 6 and 9.

<sup>60</sup> *Ibid.*, paras. 18 and 22.

<sup>61</sup> See, in connection with the item entitled "Maintenance of international peace and security", resolution 2171 (2014), para. 11.

and encouraged him to continue to use mediation as often as possible to help to resolve conflicts peacefully, in close coordination with the African Union.<sup>62</sup> The Council further encouraged the Special Representatives and Envoys of the Secretary-General to fully take into account the strategic value of security sector reform in their work, including through their good offices.<sup>63</sup> The Council requested the Secretary-General to include in his reports information on measures relating to prevention, partnerships, participation, protection, disengagement and reintegration of youth.<sup>64</sup>

With specific reference to conflict prevention, the Council recalled the important role of the Special Advisers to the Secretary-General on the Prevention of Genocide and the Responsibility to Protect, whose functions include acting as an early warning mechanism to prevent potential situations that could result in genocide, crimes against humanity, war crimes and ethnic cleansing, as well as the important role that the Special Representative on Sexual Violence in Conflict and the Special Representative for Children and Armed Conflict can play in contributing to conflict prevention.<sup>65</sup> Acknowledging that serious abuses of international human rights or humanitarian law, including sexual and gender-based violence, could be an early indication of a descent into conflict or escalation of conflict, the Council called upon States to consider ratifying the instruments of international humanitarian, human rights and refugee law and to take appropriate steps to implement those instruments domestically, which could contribute to timely prevention of conflicts.<sup>66</sup> With respect to mediation, good offices and peacekeeping, the Council encouraged the Secretary-General and regional and subregional organizations to enhance information-sharing and continue to compile best practices.<sup>67</sup>

The Council acknowledged that sanctions could contribute to the peaceful resolution of situations that

threaten or breach international peace and security and support conflict prevention.<sup>68</sup> The Council expressed its commitment to consider and use the tools of the United Nations system to ensure that early warning of potential conflict translated into preventive action, in accordance with the Charter.<sup>69</sup> In connection with the sanctions measures imposed on individuals, groups, undertakings and entities associated with the Taliban, the Council emphasized the importance of a comprehensive political process in Afghanistan to support peace and reconciliation among all Afghans, and outlined mechanisms to allow travel of listed individuals to meetings in support of peace and reconciliation.<sup>70</sup>

The Council on several occasions expressed its support for the inclusive participation of all stakeholders in the peaceful settlement of conflict and stressed the role of women in the prevention and resolution of conflicts.<sup>71</sup> Under the item entitled “Women and peace and security”, the Council recognized the critical contributions of civil society, including women’s organizations, to conflict prevention, resolution and peacebuilding, and the importance of sustained consultation and dialogue between women and national and international decision makers.<sup>72</sup> In resolution 2242 (2015), adopted under that item, the Council called upon Member States to ensure increased representation of women at all decision-making levels in institutions and mechanisms for the prevention and resolution of conflict; encouraged those supporting peace processes to facilitate women’s meaningful inclusion in delegations to peace talks; and urged the participation of women in developing strategies to counter terrorism and violent extremism.<sup>73</sup> In connection with the item “Maintenance of international peace and security”, the Council encouraged Member States to engage relevant local communities and non-governmental actors in developing strategies, including through interreligious, interethnic and intercultural dialogue, to counter the violent extremist narrative that could incite terrorist

<sup>62</sup> See, in connection with the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”, S/PRST/2014/27, thirtieth paragraph.

<sup>63</sup> See, in connection with the item entitled “United Nations peacekeeping operations: the role of policing in peacekeeping and post-conflict peacebuilding”, resolution 2185 (2014), para. 11.

<sup>64</sup> See, in connection with the item entitled “Maintenance of international peace and security”, resolution 2250 (2015), para. 21.

<sup>65</sup> See, in connection with the item entitled “Maintenance of international peace and security”, resolution 2171 (2014), para. 16.

<sup>66</sup> Resolution 2171 (2014), para. 13.

<sup>67</sup> Resolution 2167 (2014), para. 16.

<sup>68</sup> Resolution 2171 (2014), para. 8.

<sup>69</sup> *Ibid.*, para. 20.

<sup>70</sup> See, in connection with the item entitled “Threats to international peace and security caused by terrorist acts”, resolution 2255 (2015), para. 19. For more information on sanctions measures adopted in accordance with Article 41 of the Charter, see part VII, sect. III.

<sup>71</sup> See, for example, in connection with the item entitled “Women and peace and security”, resolution 2242 (2015), para. 1; and, in connection with the item entitled “Maintenance of international peace and security”, resolution 2151 (2014), para. 19.

<sup>72</sup> S/PRST/2014/21, fourth paragraph.

<sup>73</sup> See resolution 2242 (2015), paras. 1 and 13.

acts, including by empowering youth, families, women, religious, cultural and education leaders, and all other concerned groups of civil society.<sup>74</sup>

Also in connection with the item “Maintenance of international peace and security”, the Council recognized that security sector reform needed to be in support of, and informed by, broader national political processes, inclusive of all segments of the society, that lay the foundations for stability and peace through national dialogue and reconciliation efforts.<sup>75</sup> The Council reiterated the need for a comprehensive and integrated approach that addressed the root causes of each conflict; and affirmed that sustainable peace and development could not be achieved without the inclusion of all relevant stakeholders, including women.<sup>76</sup>

In resolution [2250 \(2015\)](#), adopted under the item “Maintenance of international peace and security”, the Council addressed the role of youth in the prevention and resolution of conflict. The Council urged Member States to increase representation of youth in decision-making at all levels in institutions and mechanisms for the prevention and resolution of conflict, called upon all relevant actors to take into account the participation and views of youth when negotiating peace agreements, and recognized that the marginalization of youth was detrimental to building sustainable peace in all societies. It requested the Secretary-General to include in his reports information on youth in situations of armed conflict.<sup>77</sup> Under the item entitled “Children and armed conflict”, the Council urged Member States, United Nations entities and other parties to ensure that child protection provisions, including those relating to the release and reintegration of children formerly associated with armed forces or armed groups, were integrated into all peace negotiations and ceasefire and peace agreements.<sup>78</sup>

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

This subsection deals with the Security Council’s practice with regard to the pacific settlement of disputes in application of Chapter VI of the Charter in the context of country- or region-specific situations.

<sup>74</sup> See [S/PRST/2015/3](#), eleventh paragraph.

<sup>75</sup> See resolution [2151 \(2014\)](#), para. 4.

<sup>76</sup> See [S/PRST/2015/3](#), third and fifth paragraphs.

<sup>77</sup> Resolution [2250 \(2015\)](#), paras. 1, 2 and 21.

<sup>78</sup> See resolutions [2143 \(2014\)](#), para. 9, and [2225 \(2015\)](#), para. 9.

Article 33 (2) of the Charter provides that the Council shall call upon the parties to settle disputes by the means established in Article 33 (1), when deemed necessary. Article 36 (1) of the Charter provides, in addition, that the Council may recommend appropriate procedures or methods of adjustment. Article 37 (2) establishes further that if the Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate. Article 38 provides that, without prejudice to Articles 33 to 37, the Council may make recommendations to the parties with a view to a pacific settlement of the dispute, if all the parties so request.

This subsection provides an overview of the recommendations made by the Council during the period under review aimed at the pacific settlement of disputes in country- or region-specific situations. Decisions adopted expressly under Chapter VII of the Charter are not included in this subsection but are covered in parts VII and X.

During 2014 and 2015, as in previous periods, the Council oversaw for the most part intra-State conflicts, in the context of which it often called upon the parties to disputes to engage in peace negotiations, to support an inclusive political dialogue and national reconciliation, and to adhere to provisions of peace agreements. An overview by country and by region is set out below.

With regard to Burundi, the Council encouraged the Government to pursue its efforts of peace consolidation and reconstruction in a regional perspective, and to cooperate with the East African Community-led mediation endorsed by the African Union to enable it to immediately convene an inclusive and genuine inter-Burundian dialogue in order to find a consensual and nationally owned solution to the crisis.<sup>79</sup>

On the Central African Republic, the Council reiterated its appeal to all parties and stakeholders to embark upon the path of dialogue as the only viable means towards achieving lasting reconciliation and peace, and its call upon the transitional authorities to take concrete action, with the full, effective and equal participation of women, towards an inclusive and comprehensive political dialogue and reconciliation process at the local and national levels.<sup>80</sup> The Council further underscored the importance of making all

<sup>79</sup> Resolutions [2137 \(2014\)](#), para. 16, and [2248 \(2015\)](#), para. 3.

<sup>80</sup> [S/PRST/2014/28](#), second and third paragraphs.



appropriate efforts to ensure peace and reconciliation in the country, commended the joint action of religious leaders in pursuing intercommunal peace, called upon the Central African Republic authorities to take all necessary steps to create conditions for lasting reconciliation, and emphasized that the role of the region was critical for the promotion of lasting peace and stability in the country.<sup>81</sup>

In connection with the Central African region, the Council welcomed the efforts undertaken by the Democratic Republic of the Congo, South Sudan, Uganda and the Central African Republic, in coordination with the African Union, to end the threat posed by the Lord's Resistance Army, and urged further efforts from those countries, as well as from other countries in the region, and commended and encouraged the regional and international mediation efforts in the Central African Republic.<sup>82</sup>

On the situation in the Democratic Republic of the Congo, the Council stressed that the durable return of stability in the country and the region also required the swift fulfilment of implementation of the reforms committed to by the Government in the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region.<sup>83</sup>

Regarding the situation in Guinea-Bissau, the Council renewed the mandate of the United Nations Integrated Peacebuilding Office in Guinea-Bissau to support an inclusive political dialogue and national reconciliation process to facilitate democratic governance, welcomed the efforts of international partners to enhance cooperation in support of the legitimate democratic Government, and encouraged them to work together towards the stabilization of the country.<sup>84</sup>

In connection with Libya, the Council encouraged Member States, particularly in the region, to continue to urge all parties to engage constructively in the United Nations-facilitated Libyan political dialogue.<sup>85</sup>

Concerning the situation in Mali, the Council commended the initial efforts of the Government of Mali to launch a series of national consultative events on the situation in the north of Mali to promote good

governance, institutional reform and economic and social development and to reinforce national unity and security.<sup>86</sup> The Council commended the facilitation role played by Algeria, at the request of the Malian authorities, in the launching of formal peace talks and in convening the Government of Mali and the signatory and adherent armed groups of the Ouagadougou preliminary agreement, and called upon the members of the international mediation team to devise concrete oversight mechanisms that would ensure the full, faithful and immediate implementation of a future comprehensive and inclusive peace agreement.<sup>87</sup>

With regard to Somalia, the Council renewed the mandate of the United Nations Assistance Mission in Somalia to provide the United Nations "good offices" functions, supporting the Federal Government of Somalia's peace and reconciliation process, called upon the Federal Government of Somalia to develop a clear plan towards elections in 2016 and encouraged close dialogue between the Government and appropriate regional administrations.<sup>88</sup>

On the Sudan and in the context of Darfur, the Council commended the efforts of the African Union-United Nations Joint Special Representative for Darfur to revitalize the peace process, including through renewed engagement of the non-signatory movements. The Council called for an urgent end to inter-tribal clashes, criminality and banditry that affected civilians, and further called for reconciliation and dialogue.<sup>89</sup> Concerning the situation in Abyei, the Council called upon the communities and the Governments of the Sudan and South Sudan to work with the United Nations towards the resumption of community dialogue, and to take steps to implement confidence-building measures, including through reconciliation processes at the grass-roots level, and strongly urged all Abyei communities to exercise maximum restraint and desist from acts that could lead to violent clashes.<sup>90</sup> On the situation in South Sudan, the Council urgently called upon President Salva Kiir, former Vice President Riek Machar and all parties to implement the Agreement to Resolve the Crisis in South Sudan signed on 9 May 2014 by South Sudan and the Sudan People's Liberation Movement/Army (in Opposition) and to engage fully and inclusively in

<sup>81</sup> S/PRST/2015/17, fourteenth and fifteenth paragraphs.

<sup>82</sup> S/PRST/2014/8, eighth paragraph; S/PRST/2014/25, fifteenth paragraph; and S/PRST/2015/12, second paragraph.

<sup>83</sup> S/PRST/2014/22, fifth paragraph.

<sup>84</sup> Resolutions 2157 (2014), paras. 1 (a) and 4; 2186 (2014), paras. 1 (a) and 4; and 2203 (2015), paras. 2 (a) and 7.

<sup>85</sup> Resolutions 2238 (2015), para. 4, and 2259 (2015), para. 5.

<sup>86</sup> S/PRST/2014/2, third paragraph.

<sup>87</sup> S/PRST/2014/15, second paragraph, and S/PRST/2015/5, ninth paragraph.

<sup>88</sup> Resolution 2158 (2014), paras. 1 and 9.

<sup>89</sup> Resolutions 2173 (2014), para. 3, and 2228 (2015), paras. 7 and 11.

<sup>90</sup> Resolution 2156 (2014), paras. 2 and 12.

ongoing peace talks in Addis Ababa.<sup>91</sup> The Council commended the Intergovernmental Authority on Development for its relentless work in establishing a forum for political and security dialogue and in leading the mediation since the onset of the crisis.<sup>92</sup>

In connection with Western Sahara, during the review period the Council continued to call upon the parties to enter into a more intensive and substantive phase of negotiations under the auspices of the Secretary-General without preconditions and in good faith with a view to achieving a just, lasting, and mutually acceptable political solution.<sup>93</sup>

In connection with the situation in Afghanistan, the Council called upon Afghanistan and its regional partners to continue their efforts to enhance regional dialogue and confidence, and recalled that women play a vital role in the peace process.<sup>94</sup>

With regard to the situation in Cyprus, the Council called on the two leaders to improve the public atmosphere for the negotiations, including by focusing public messages on convergences and the way ahead and delivering more constructive and harmonized messages.<sup>95</sup> In connection with the situation in the eastern regions of Ukraine, the Council called upon all parties to fully implement the Package of Measures for the Implementation of the Minsk Agreements, adopted and signed in Minsk on 12 February 2015.<sup>96</sup>

In relation to the Palestinian question, the Council urged the parties and the international community to achieve a comprehensive peace based on the vision of a region where two democratic States, Israel and Palestine, live side by side in peace within secure and recognized borders, as envisioned in Council resolution 1850 (2008).<sup>97</sup> Concerning the conflict in the Syrian Arab Republic, the Council reiterated that the only sustainable solution to the crisis in that country was through an inclusive and Syrian-led political process with a view to the full implementation of the Geneva communiqué of 30 June 2012.<sup>98</sup> The

Council further expressed support for a nationwide ceasefire to come into effect as soon as the representatives of the Government and the opposition had begun steps towards a political transition on the basis of the Geneva communiqué, as set forth in the statement of the International Syria Support Group of 14 November 2015.<sup>99</sup> Regarding the Golan Heights, the Council stressed the obligations on both parties to scrupulously and fully respect the terms of the disengagement of forces agreement of 1974, and called upon them to prevent any breaches of the ceasefire and the area of separation.<sup>100</sup> On the situation in Yemen, the Council called upon all Yemenis to fully respect the implementation of the political transition and adhere to the values of the implementation mechanism agreement and to resolving their differences through dialogue and consultation.<sup>101</sup> The Council strongly called upon all parties to abide by the Gulf Cooperation Council initiative and its implementation mechanism, and stressed the importance of full implementation of agreements reached and commitments made towards reaching a consensus solution.<sup>102</sup> Regarding the situation in Lebanon, the Council strongly called upon all parties concerned to respect the cessation of hostilities, to prevent any violation of the Blue Line and to respect it in its entirety and to cooperate fully with the United Nations and the United Nations Interim Force in Lebanon.<sup>103</sup> The Council further encouraged all parties in Lebanon to demonstrate renewed unity and determination to resist a slide into violence and conflict and noted with appreciation the message of moderation made by the leaders of Lebanon, including ongoing dialogues and recent calls to defuse sectarian tensions and develop a national strategy to combat terrorism in Lebanon.<sup>104</sup> Concerning the situation in Iraq, the Council urged the people of Iraq to continue, expand and strengthen cooperation against violence and terror, and stressed the critical importance of continued national dialogue and unity. The Council also underscored the need for all segments of the Iraqi population to participate in the political process.<sup>105</sup>

<sup>91</sup> S/PRST/2014/16, third paragraph.

<sup>92</sup> S/PRST/2015/9, fourth paragraph, and S/PRST/2015/16, second paragraph.

<sup>93</sup> Resolutions 2152 (2014), paras. 5 and 7, and 2218 (2015), paras. 5 and 7.

<sup>94</sup> Resolutions 2145 (2014), paras. 17 and 44, and 2210 (2015), paras. 17 and 43.

<sup>95</sup> Resolutions 2135 (2014), para. 3 (c), 2168 (2014), para. 3 (c), 2197 (2015), para. 3 (c), and 2234 (2015), para. 3 (c).

<sup>96</sup> Resolution 2202 (2015), para. 3.

<sup>97</sup> S/PRST/2014/13, seventh paragraph.

<sup>98</sup> Resolutions 2165 (2014), para. 9, and 2191 (2014), para. 4, and S/PRST/2015/10, last paragraph.

<sup>99</sup> Resolution 2254 (2015), para. 5.

<sup>100</sup> Resolutions 2163 (2014), para. 2, 2192 (2014), para. 2, 2229 (2015), para. 2, and 2257 (2015), para. 2; and S/PRST/2014/19, first paragraph.

<sup>101</sup> Resolutions 2140 (2014), para. 10, and 2201 (2015), para. 2; and S/PRST/2014/18, second paragraph, and S/PRST/2015/8, sixteenth paragraph.

<sup>102</sup> S/PRST/2015/8, fifteenth paragraph.

<sup>103</sup> See resolutions 2172 (2014), para. 5; and 2236 (2015), para. 5.

<sup>104</sup> S/PRST/2015/7, eleventh paragraph.

<sup>105</sup> S/PRST/2014/1, second paragraph, and S/PRST/2014/20, second paragraph.

### 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 specifically define the role of the Secretary-General in relation to matters of peace and security. The work of the Council regarding conflict prevention and the peaceful settlement of disputes has, however, required the involvement of the Secretary-General in all relevant aspects of that agenda.

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

With regard to Western Sahara, the Council took note of the rounds of negotiations held under the auspices of the Secretary-General, and affirmed its support for his commitment and that of his Personal Envoy towards a solution to the question of Western Sahara.<sup>106</sup> Concerning the situation in Burundi, the Council commended the roles played by the Special Representative of the Secretary-General for Burundi and the Special Envoy of the Secretary-General for the Great Lakes Region in the facilitation of dialogue between political actors in Burundi.<sup>107</sup> The Council further welcomed the decision of the Secretary-General to appoint a Special Adviser on Conflict Prevention, including in Burundi, to work in support of an inclusive inter-Burundian dialogue and peaceful resolution of conflict, and stressed the importance of the Secretary-General following closely the situation in Burundi.<sup>108</sup> Regarding the Democratic Republic of the Congo, the Council expressed its full support to the mandate of good offices of the Special Representative of the Secretary-General and welcomed the engagement of the Special Envoy of the Secretary-General for the

Great Lakes Region.<sup>109</sup> In relation to the situation in the Central African Republic, the Council commended the work of the Special Representative of the Secretary-General, and urged the United Nations Multidimensional Integrated Stabilization Mission to intensify the implementation of its mandate, in particular in support of the reconciliation process.<sup>110</sup> Concerning Guinea-Bissau, the Council expressed its strong support for the key role of the Special Representative of the Secretary-General, and requested the United Nations Integrated Peacebuilding Office in Guinea-Bissau, through the use of the good offices and political support of the Special Representative, to support an inclusive political dialogue and national reconciliation process.<sup>111</sup> In connection with the item entitled "Central African region", the Council regularly paid tribute to the holders of the position of Special Representative of the Secretary-General for Central Africa and Head of the United Nations Regional Office for Central Africa for their leadership in support of consolidating peace and preventing conflict in the Central African region.<sup>112</sup>

With regard to the situation in Darfur, the Council commended the efforts of the African Union-United Nations Joint Special Representative to revitalize the peace process and to increase its inclusiveness, including through renewed engagement of the non-signatory movements, and emphasized the importance of the Representative's strengthened coordination with the African Union High-level Implementation Panel and the Special Envoy of the Secretary-General for the Sudan and South Sudan in synchronizing their mediation efforts.<sup>113</sup> In the context of peace consolidation in West Africa, the Council repeatedly encouraged the Office of the Special Envoy of the Secretary-General for the Sahel to work closely with the countries of the Group of Five for the Sahel and other regional and international actors to tackle the threats to peace, security and development in the Sahel.<sup>114</sup> Regarding the situation in Libya, the Council requested the Secretary-General to support the implementation by the Libyans of agreements and confidence-building measures.<sup>115</sup> With regard to the situation in Mali, the Council repeatedly lent its full

<sup>106</sup> Resolutions 2152 (2014), tenth preambular paragraph and para. 6, and 2218 (2015), tenth preambular paragraph and para. 6.

<sup>107</sup> S/PRST/2015/6, first paragraph, and S/PRST/2015/13, third paragraph.

<sup>108</sup> Resolution 2248 (2015), paras. 5 and 7.

<sup>109</sup> S/PRST/2014/22, sixth paragraph; see also S/PRST/2015/20, first paragraph.

<sup>110</sup> S/PRST/2014/28, fourteenth and fifteenth paragraphs.

<sup>111</sup> Resolution 2203 (2015), paras. 2 and 2 (a).

<sup>112</sup> S/PRST/2014/8, second paragraph, S/PRST/2014/25, third paragraph, and S/PRST/2015/12, second paragraph.

<sup>113</sup> Resolution 2173 (2014), para. 3.

<sup>114</sup> S/PRST/2014/17, second paragraph, and S/PRST/2015/24, second paragraph.

<sup>115</sup> Resolutions 2238 (2015), para. 13, and 2259 (2015), para. 16.

support to the Special Representative of the Secretary-General for Mali to use good offices, in close coordination with the international community, towards the restoration of peace and security throughout the national territory of Mali, in the context of a comprehensive agreement ending the crisis.<sup>116</sup>

Concerning Afghanistan, the Council repeatedly requested that the Special Representative of the Secretary-General provide outreach as well as good offices to support the Afghan-led and Afghan-owned process of peace and reconciliation, including through the implementation of the Afghan Peace and Reintegration Programme and supporting confidence-building measures within the framework of the Afghan Constitution.<sup>117</sup>

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

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

During 2014 and 2015, the Council welcomed cooperation between the United Nations and regional and subregional organizations in peace processes.<sup>118</sup> The Council specifically commended the involvement of the European Union in international negotiations and mediation, inter alia, in efforts to find comprehensive negotiated solutions with regard to the nuclear programme of the Islamic Republic of Iran and with regard to the Western Balkans region.<sup>119</sup> As in previous periods, the Council commended the increased contribution of the African Union to peacekeeping, and welcomed the United Nations-African Union cooperation on early warning, preventive diplomacy, mediation, electoral assistance, peacekeeping, conflict prevention and resolution, promotion of human rights and the rule of law, and post-conflict recovery and reconstruction.<sup>120</sup> It also stressed the importance of strengthened African Union and United Nations capacities for early warning, conflict analysis, dialogue and mediation and increased collaboration in the area of good offices and between United Nations-African Union envoys, and underscored the need to support the Continental Early Warning System.<sup>121</sup> Decisions of the Council concerning joint or parallel efforts undertaken by the Council and regional arrangements or agencies in the pacific settlement of disputes during the period under review are covered in detail in part VIII.

<sup>116</sup> S/PRST/2014/2, fourth paragraph, S/PRST/2014/15, sixth paragraph, and S/PRST/2015/5, third paragraph.

<sup>117</sup> Resolutions 2145 (2014), para. 6 (c), and 2210 (2015) para. 6 (c).

<sup>118</sup> S/PRST/2015/22, seventh paragraph.

<sup>119</sup> S/PRST/2014/4, fourth paragraph.

<sup>120</sup> S/PRST/2014/27, eighth paragraph.

<sup>121</sup> *Ibid.*, thirty-second paragraph; see also resolution 2167 (2014), paras. 3 and 4.

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

### Note

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

During the period under review, explicit references were made to Articles 33,<sup>122</sup> 36<sup>123</sup> and

the Congo); S/PV.7247, p. 22 (Republic of Korea); p. 52 (Montenegro); p. 55 (Qatar); and p. 58 (South Africa, Zimbabwe); S/PV.7389, p. 35 (European Union); and p. 78 (Philippines); and S/PV.7561, p. 79 (Sierra Leone); in connection with the protection of civilians in armed conflict, see S/PV.7109, p. 59 (Netherlands); and p. 79 (Uganda); in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, see S/PV.7113, p. 16 (Republic of Korea); and p. 41 (Mexico); and, in connection with the letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136), see S/PV.7125, p. 11 (Argentina).

<sup>122</sup> In connection with the maintenance of international peace and security, see S/PV.7105, p. 49 (Netherlands); p. 63 (Montenegro); and p. 71 (Democratic Republic of

<sup>123</sup> In connection with the implementation of the note by the President of the Security Council (S/2010/507), see S/PV.7254, p. 9 (Argentina).



99,<sup>124</sup> as well as to Chapter VI<sup>125</sup> of the Charter during deliberations, but in most cases this did not give rise to

a constitutional discussion. No explicit references were made to Article 37 or Article 38 of the Charter.

<sup>124</sup> In connection with the maintenance of international peace and security, see [S/PV.7247](#), p. 7 (Luxembourg); p. 14 (Rwanda); p. 21 (France); p. 36 (Peru); p. 37 (Denmark); and p. 50 (Slovenia); and [S/PV.7561](#), p. 15 (Spain); and p. 76 (Kuwait); in connection with the implementation of the note by the President of the Security Council ([S/2010/507](#)), see [S/PV.7254](#), p. 10 (Luxembourg); and [S/PV.7539 \(Resumption 1\)](#), p. 5 (Australia); p. 17 (Costa Rica); p. 24 (Algeria); and p. 31 (Tunisia); and in connection with children and armed conflict, see [S/PV.7466](#), p. 36 (India).

<sup>125</sup> In connection with the maintenance of international peace and security, see [S/PV.7105](#), p. 27 (New Zealand); p. 47 (Switzerland); p. 74 (Norway); and p. 76 (Pakistan); [S/PV.7247](#), p. 6 (United Kingdom); p. 7 (Luxembourg); p. 17 (Nigeria); p. 20 (Jordan); p. 22 (Republic of Korea, Mexico); p. 24 (Pakistan); p. 28 (Egypt); p. 30 (Malaysia); p. 35 (Islamic Republic of Iran); p. 39 (Ethiopia); p. 45 (Colombia); p. 47 (Thailand); p. 48 (Ireland); p. 51 (Netherlands); p. 57 (South Africa); and p. 58 (Zimbabwe); [S/PV.7361](#), p. 11 (Spain); and p. 19 (China); [S/PV.7389](#), p. 9 (New Zealand); p. 22 (Jordan); p. 27 (Serbia); p. 31 (India); p. 34 (Pakistan); p. 39 (Colombia); p. 41 (Mexico); p. 46 (Algeria); p. 50 (Estonia); p. 57 (Zimbabwe); p. 65 (Turkey); p. 74 (Netherlands); p. 78 (Ecuador, Philippines); p. 81 (Costa Rica); p. 96 (Kuwait); and p. 100 (Morocco); [S/PV.7505 \(Resumption 1\)](#), p. 13 (Morocco); [S/PV.7527](#), p. 19 (Angola); and p. 74 (Montenegro); and [S/PV.7561](#), p. 15 (Spain); p. 39 (Italy); p. 58 (Morocco); and p. 67 (Slovenia); in connection with the protection of civilians in armed conflict, see [S/PV.7109](#), p. 79 (Uganda); in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, see [S/PV.7113](#), p. 16 (Republic of Korea); in connection with the letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council ([S/2014/136](#)), see [S/PV.7138](#), p. 10 (Luxembourg); and [S/PV.7144](#), p. 3 (Deputy Secretary-General); in connection with threats to international peace and security, see [S/PV.7155](#), p. 6 (Colin Keating); and p. 22 (Australia); in connection with United Nations peacekeeping operations, see [S/PV.7196](#), p. 17 (Jordan); [S/PV.7228](#), p. 27 (Jordan); and p. 61 (Philippines); and [S/PV.7275](#), p. 5 (Force Commander of the United Nations Disengagement Observer Force); and p. 13 (United States); in connection with the implementation of the note by the President of the Security Council ([S/2010/507](#)), see [S/PV.7254](#), p. 2 (United Kingdom); [S/PV.7285](#), p. 11 (Russian Federation); [S/PV.7285 \(Resumption 1\)](#), p. 6 (Brazil); p. 20 (Islamic Republic of Iran); p. 31 (Egypt); p. 33 (New Zealand); p. 35 (Algeria); and p. 37 (Montenegro); and [S/PV.7539 \(Resumption 1\)](#), p. 3 (Italy); in connection with cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security, see [S/PV.7343](#), p. 15 (Argentina);

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

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

Article 33 of the Charter stipulates that any dispute that is likely to endanger the maintenance of international peace and security should first be addressed through negotiation, mediation or other peaceful means, and states that the Council can call on the parties to use such means to settle their disputes. During the period under review, reference to Article 33 was made explicitly and implicitly in connection with the following items: maintenance of international peace and security (case 4), protection of civilians in armed conflict (case 5), the promotion and strengthening of the rule of law in the maintenance of international peace and security (case 6), and letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council ([S/2014/136](#)) (case 7).

#### **Case 4 Maintenance of international peace and security**

On 29 January 2014, the Council convened its 7105th meeting, under the item “Maintenance of international peace and security” and the sub-item “War, its lessons, and the search for a permanent peace”, having before it a concept note circulated by Jordan, which held the presidency of the Council during that month.<sup>126</sup> Opening the debate, the Under-

p. 35 (New Zealand); and p. 48 (Namibia); in connection with the briefing by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe, see [S/PV.7391](#), p. 15 (Angola); in connection with the situation in the Middle East, see [S/PV.7401](#), p. 2 (Bolivarian Republic of Venezuela); in connection with children and armed conflict, see [S/PV.7414](#), p. 18 (China); and [S/PV.7466](#), p. 17 (China); and, in connection with women and peace and security, see [S/PV.7428](#), p. 20 (China).

<sup>126</sup> [S/2014/30](#).

Secretary-General for Political Affairs said that reconciling competing visions of history and identity was far from a developed science.<sup>127</sup> A few speakers explicitly stressed the significance of the provisions enshrined in Article 33. The representative of the Netherlands referred to Article 33 in connection with the mediation role of the United Nations and also referred to the “Rights up front” initiative as an element of early warning of conflicts.<sup>128</sup> Concerning early warning, the representative of Montenegro advocated for the establishment of mediation as a core function of the United Nations, as prescribed in Article 33 of the Charter. He added that mediation had been “largely under-utilized” and rightfully deserved increased resources and the increased attention of the United Nations system and the United Nations membership.<sup>129</sup> The representative of the Democratic Republic of the Congo said that Article 33 established the “sacred principle” of the peaceful settlement of disputes, which prohibited all use of force, and pointed out that the Charter’s premise was to establish an effective prevention principle that sought to make war and the use of force violations of international law.<sup>130</sup>

On 21 August 2014, the Council held its 7247th meeting under the same item and the sub-item “Conflict prevention”, having before it a concept note circulated by the United Kingdom. According to the concept note, the Council’s rare use of the tools available under Chapter VI represented a missed opportunity to detect the indicators of conflict; the Council should serve as “a smoke detector, not just a fire extinguisher”.<sup>131</sup>

At the meeting, many speakers invoked Article 33 of the Charter. The representative of the Republic of Korea cited Article 33 explicitly and said that the Security Council and the Secretary-General needed to regularly take stock of their efforts for conflict prevention, which would help them to explore the most effective system-wide strategy to utilize conflict prevention tools under Chapter VI of the Charter.<sup>132</sup> As a member of the Group of Friends of Mediation, the representative of Montenegro advocated for establishing mediation as a true core function of the United Nations, as prescribed in Article 33.<sup>133</sup> The representative of Qatar spoke of the need to enable international and regional organizations to assume their roles in

accordance with Article 33 of the Charter so as to prevent disputes from reaching the stage of armed conflict.<sup>134</sup> The representative of South Africa referred to Article 33 and to mediation as one of the diplomatic methods for the peaceful settlement of disputes, and said that preventive diplomacy had become an indispensable tool for both the United Nations and regional organizations in view of the evolution of the nature of conflict from inter- to intra-State.<sup>135</sup> The representative of Zimbabwe cited the preventive role of the Security Council in the maintenance of international peace and security as set out in Article 33 (1) of the Charter, which listed a variety of the tools at the Council’s disposal, including negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, preventive diplomacy and the involvement of regional organizations. In this regard, she said that the comparative advantage of regional and subregional organizations made the difference needed to prevent tense situations from deteriorating into violent conflict, and that they were well placed to understand the root causes of a conflict because of their proximity to the crisis and ability to influence its prevention and resolution.<sup>136</sup>

At the meeting, the Council unanimously adopted resolution 2171 (2014), in which it recalled Chapter VI, in particular Article 33, of the Charter, and reaffirmed its commitment to the settlement of disputes by peaceful means and the promotion of necessary preventive action in response to disputes or situations, the continuance of which would likely endanger the maintenance of international peace and security.<sup>137</sup>

On 23 February 2015, the Council held its 7389th meeting, under the item “Maintenance of international peace and security”, having before it a concept note prepared by the presidency (China). In its concept note, China stated that Member States should reaffirm their commitment to the purposes and principles of the Charter and to the peaceful settlement of international disputes, and that the Council should support the efforts of the countries involved and regional organizations to resolve disputes through dialogue, negotiation, reconciliation, good offices and other peaceful means.<sup>138</sup> Many speakers affirmed the importance of the means for the peaceful settlement of disputes provided for in Chapter VI of the Charter,

<sup>127</sup> S/PV.7105, p. 2.

<sup>128</sup> Ibid., p. 49.

<sup>129</sup> Ibid., p. 63.

<sup>130</sup> Ibid., p. 71.

<sup>131</sup> S/2014/572.

<sup>132</sup> S/PV.7247, p. 22.

<sup>133</sup> Ibid., p. 52.

<sup>134</sup> Ibid., p. 55.

<sup>135</sup> Ibid., p. 58.

<sup>136</sup> Ibid., pp. 58–59.

<sup>137</sup> Resolution 2171 (2014), para. 5.

<sup>138</sup> S/2015/87.

including mediation,<sup>139</sup> arbitration<sup>140</sup> and negotiation.<sup>141</sup> The representative of the European Union emphasized mediation in particular, explicitly citing Article 33 of the Charter.<sup>142</sup> Referring to the challenging task of resolving tensions in regional seas, specifically disputes in the West Philippine Sea and the South China Sea, the representative of the Philippines said that her country had resorted to arbitration, as fully entrenched in Article 33, to settle maritime disputes peacefully.<sup>143</sup>

#### **Case 5 Protection of civilians in armed conflict**

On 12 February 2014, at the 7109th meeting of the Council, held under the item entitled “Protection of civilians in armed conflict”, the representative of the Netherlands explicitly invoked Article 33 of the Charter as defining the crucial means for the peaceful settlement of conflict, and said that the best way to protect civilians in any situation was to prevent a conflict from happening.<sup>144</sup> The representative of Uganda emphasized the importance of mediation in the peaceful settlement of conflicts, and underscored the need for the parties to a conflict to seek political solutions through dialogue, conciliation, arbitration, judicial settlement or the use of regional and international arrangements in accordance with Article 33 of the Charter.<sup>145</sup>

#### **Case 6 The promotion and strengthening of the rule of law in the maintenance of international peace and security**

At the 7113th meeting, held on 19 February 2014 under the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”, the representative of the Republic of Korea said that the rule of law had an important role to play in the settlement of international

disputes. He recalled that Chapter VI of the Charter detailed a number of methods for that purpose and explicitly cited Article 33 as stipulating the basic principle of the international community regarding Member States seeking a peaceful solution of their own choice to disputes.<sup>146</sup> The representative of Mexico said that his country had resorted several times to the means provided for in Article 33 as a party to arbitration proceedings or trials before international tribunals, as a friendly activist on behalf of and promoter of such mechanisms for the peaceful settlement of conflicts in the Latin American and the Caribbean region and in the defence of its citizens’ rights.<sup>147</sup>

#### **Case 7 Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)**

On 3 March 2014, at the 7125th meeting, held in connection with events in Ukraine, several members of the Council expressed deep concern about the latest political developments in Ukraine, especially in the Autonomous Republic of Crimea, and called on the parties to resolve the dispute through peaceful means. The representative of Argentina reaffirmed the Security Council’s responsibility to maintain international peace and security within the framework of the principles enshrined in the Charter. She recalled the obligations of all States to settle international disputes in a peaceful fashion in order not to endanger international peace and security and in accordance with the provisions of Article 33 of the Charter.<sup>148</sup> The representative of Nigeria called on all concerned to abide by the provisions of the Charter, which called on all Member States to settle their disputes by peaceful means.<sup>149</sup> The representatives of Chile and Chad called on the parties to refrain from taking action in contravention of the Charter and expressed support for all mediation efforts of the international community.<sup>150</sup> The representative of the Republic of Korea expressed support for the mediation efforts of the Secretary-General and the Deputy Secretary-General.<sup>151</sup>

<sup>139</sup> S/PV.7389, p. 16 (Spain); p. 23 (Chad); p. 30 (United Arab Emirates); p. 31 (Sweden); p. 35 (European Union); p. 46 (Algeria); p. 54 (Italy); p. 60 (Slovenia); p. 65 (Turkey); p. 70 (Indonesia); p. 73 (Burundi); p. 74 (Netherlands); p. 80 (Egypt); p. 81 (Cost Rica); p. 89 (Montenegro); p. 96 (Kuwait); p. 99 (Switzerland); and p. 100 (Morocco).

<sup>140</sup> Ibid., p. 22 (Jordan); p. 74 (Netherlands); p. 78 (Philippines); and p. 96 (Kuwait).

<sup>141</sup> Ibid., p. 13 (Nigeria); p. 54 (Kazakhstan); p. 69 (Romania); p. 80 (Egypt); and p. 85 (Nicaragua).

<sup>142</sup> Ibid., p. 35.

<sup>143</sup> Ibid., p. 78.

<sup>144</sup> S/PV.7109, p. 59.

<sup>145</sup> Ibid., p. 79.

<sup>146</sup> S/PV.7113, p. 16.

<sup>147</sup> Ibid., p. 41.

<sup>148</sup> S/PV.7125, p. 11.

<sup>149</sup> Ibid.

<sup>150</sup> Ibid., pp. 10–11 (Chile); and p. 12 (Chad).

<sup>151</sup> Ibid., p. 12.

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

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

### Case 8 Maintenance of international peace and security

On 21 August 2014, at its 7247th meeting, held in connection with the maintenance of international peace and security, specifically conflict prevention, the Council had before it a concept note prepared by the presidency (United Kingdom). In the concept note the important role of the Secretary-General was recognized, including through his good offices function; fact-finding and confidence-building missions to regions of tension were also considered valuable.<sup>152</sup> During the discussion, Council members encouraged the use of regular horizon-scanning briefings.<sup>153</sup> The representative of Australia spoke of the need to support the Secretary-General in his good offices, advocacy and mediation efforts, and to mandate fact-finding missions and commissions of inquiry, and said that the Council should seriously consider and take action on the recommendations of those commissions and that the commissions should have an official channel of communication with the Council.<sup>154</sup>

Under the same item, on 17 November 2015, the Council held its 7561st meeting. At the meeting, two members of the Council expressed support for the greater use of Chapter VI of the Charter, explicitly citing Article 99 on the relationship of the Secretary-General with the Council.<sup>155</sup> Other members expressed support for the “horizon-scanning” informal briefings

used by the Secretariat to draw the attention of the Council to emerging situations or issues of concern.<sup>156</sup>

### Case 9 Implementation of the note by the President of the Security Council (S/2010/507)

On 20 October 2015, the Council held an open debate on the implementation of the note by the President of the Security Council (S/2010/507), having before it a concept note circulated by the presidency (Spain). The note made reference to Articles 98 and 99 of the Charter as the basis for the functions entrusted to the Secretary-General, which included measures to ascertain the facts, good offices, joint efforts to promote political settlements, peacekeeping and implementation of peace agreements, support to international and special tribunals, and the implementation of sanctions regimes.<sup>157</sup>

Several Council members referred to the power of the Secretary-General to bring to the attention of the Council any matter threatening the maintenance of international peace and security, including in the context of early warning and conflict prevention. The representative of Australia recognized the need for the Council to make better use of early-warning mechanisms and timely briefings on threats. She stated that the Secretariat should be empowered to bring to the Council’s attention emerging threats, in line with the “Rights up front” initiative and Article 99 of the Charter.<sup>158</sup>

The representative of Costa Rica emphasized the importance of the role of the Secretary-General, whether through his good offices in accordance with Article 99 of the Charter, or through initiatives such as “Rights up front”.<sup>159</sup> With regard to Article 99, the representative of Algeria said that the Secretary-General had a powerful tool at his disposal and that inclusiveness would benefit the international community as a whole when it came to early warning, conflict prevention and resolution and the promotion of peace.<sup>160</sup> The representative of Tunisia said that the fulfilment of the functions entrusted to the Secretary-General by Articles 98 and 99 of the Charter required joint efforts and collaboration with the Security Council to ease the task of the Secretariat in undertaking good offices, promoting political settlement and peacekeeping and implementing peace agreements and sanctions regimes.<sup>161</sup>

<sup>152</sup> S/2014/572.

<sup>153</sup> S/PV.7247, p. 6 (United Kingdom); p. 14 (Lithuania); and p. 22 (Republic of Korea).

<sup>154</sup> Ibid., p. 18.

<sup>155</sup> S/PV.7561, p. 15 (Spain); and p. 76 (Kuwait).

<sup>156</sup> Ibid., p. 10 (Lithuania); p. 27 (Netherlands); p. 30 (Portugal); p. 32 (European Union); p. 45 (Estonia); and p. 68 (Poland).

<sup>157</sup> S/2015/793.

<sup>158</sup> S/PV.7539 (Resumption 1), p. 5.

<sup>159</sup> Ibid., p. 17.

<sup>160</sup> Ibid., p. 24.

<sup>161</sup> Ibid., p. 31.