
Part VI

Consideration of the provisions of Chapter VI of the Charter

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Introductory note

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

Section I illustrates how States brought disputes or situations to the attention of the Council during the period under review, pursuant to Article 35 of the Charter. It also 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 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.

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

During 2018, as described in section I, Member States brought various matters to the attention of the Council, several of which it had not been previously seized. The Council convened four public meetings in response to communications from Member States, including one under a new agenda item in connection with the poisoning of Sergei Skripal and Yulia Skripal in Salisbury, United Kingdom. In their communications, the most common request made by Member States was for the Council to convene a meeting to consider the dispute or situation in question. The Secretary-General continued drawing the attention of the Council to situations already on its agenda that were deteriorating and requested it to take appropriate action.

As described in section II, the Council dispatched a total of three missions in 2018: one to Afghanistan, one to Bangladesh and Myanmar, and one to the Democratic Republic of the Congo. The Council acknowledged the investigative functions of the Secretary-General in connection with the situations in the Central African Republic, the Democratic Republic of the Congo, Iraq, Mali and South Sudan and also discussed the investigative work of the Organisation for the Prohibition of Chemical Weapons, the Office of the United Nations High Commissioner for Human Rights and the Human Rights Council.

As described in section III, the Council highlighted the obligation of parties to settle their disputes peacefully, the importance of conflict prevention and sustaining peace, the good offices and mediation role of the Secretary-General, and the importance of inclusivity in political processes. The Council called on parties to situations or disputes to cease hostilities and conclude permanent ceasefires, implement inclusive peace and reconciliation processes, resolve outstanding disputes and address the root causes of conflict. The Council recognized the specific

good offices efforts of the Secretary-General in attempts to end violence through the cessation of hostilities and the implementation of permanent ceasefires, inclusive political and reconciliation processes, the resolution of outstanding disputes, supporting political transitions and peacebuilding and addressing cross-border threats and cross-cutting issues related to the prevention of conflict.

As described in section IV, during 2018, the discussions in the Council focused on the importance and need for greater use of peaceful means in the settlement of disputes, with a particular emphasis on the role of mediation and the meaningful participation of women at all stages of political decision-making, the relevance of the provisions of Chapter VI of the Charter in comparison with the provisions of Chapter VII in the context of United Nations peacekeeping, the referral by the Council of legal disputes to the International Court of Justice and the role of the Secretary-General in providing the Council with early warning and bringing to its attention matters which, in his opinion, might threaten the maintenance of international peace and security.

I. Referral of disputes or situations to the Security Council

Article 11

...

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

Article 35

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

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

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

Article 99

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

Note

Within the framework of the Charter of the United Nations, Articles 35 (1) and (2) are generally regarded as the basis on which Member States and States that are not members of the United Nations may refer disputes to the Security Council. Under Articles 11 (3) and 99, the General Assembly and the Secretary-General, respectively, may also bring to the attention of the Council situations that are likely to threaten the maintenance of international peace and security.

The practice of the Council in this regard is described below in three subsections. Subsection A provides an overview of the referrals of disputes or situations by States to the Council pursuant to Article 35. Subsections B and C deal with referrals to the Council by the Secretary-General and the General Assembly, respectively, of matters likely to endanger international peace and security.

In 2018, further to a letter from the United Kingdom, the Council convened a meeting in connection with the poisoning of Sergei Skripal and Yulia Skripal in Salisbury, United Kingdom. The meeting took place under a new item entitled “Letter dated 13 March 2018 from the Chargé d’affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2018/218)”. The Council also convened meetings further to communications submitted by Member States under existing items, namely “Threats to international peace and security”, “The situation in Myanmar” and “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)”.

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

A. Referrals by States

During the period under review, certain situations were referred to the Council pursuant to Article 35 (1) of the Charter by individual Member States and groups of affected or concerned Member States. The majority of such situations were referred to the Council without an explicit reference to Article 35. Article 35 was expressly mentioned in seven communications from Member States, namely from Bahrain,¹ Qatar² and the United Arab Emirates,³ in connection with a series of airspace incidents involving the three countries at the beginning of 2018.⁴ 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 year.

Communications in response to which the Council convened meetings are shown in table 1. As shown in that table, in 2018, the Council convened four public meetings in response to communications submitted to its President. Owing to the large volume of communications received by the Council, communications from States that merely conveyed information about a dispute or situation and did not

¹ S/2018/434.

² S/2018/213, S/2018/228 and S/2018/269.

³ S/2018/46, S/2018/291 and S/2018/425.

⁴ For more information, see S/2018/6, S/2018/23, S/2018/56 and S/2018/310.

contain a request for a Council meeting or other specific Council action have not been included in table 1, with the exception of the letter dated 13 March 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom to the United Nations addressed to the President of the Security Council (S/2018/218), which gave rise to its inclusion as a new item on the agenda of the Council.

In the letter dated 13 March from the Chargé d'affaires a.i. of the Permanent Mission, the United Kingdom transmitted a letter from its Prime Minister to the Secretary-General providing information regarding the poisoning of Sergei Skripal and his daughter Yulia Skripal in Salisbury, United Kingdom, on 4 March 2018. According to the letter, the Government of the United Kingdom believed that it was "highly likely" that the Russian Federation was responsible for the attack. The letter described the attack as a clear challenge by a State Member of the United Nations to the rules-based international order. Further to the communication, the Council convened a meeting on 14 March 2018 under a new item entitled "Letter dated 13 March 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2018/218)".⁵

Matters brought to the attention of the Council in communications submitted by Member States during the period under review sometimes fell beyond the scope of Chapter VI of the Charter relating to the pacific settlement of disputes. For example, in its letter dated 17 May 2018, the Russian Federation transmitted a statement by its President on the missile attacks against the territory of the Syrian Arab Republic carried out on 14 April 2018.⁶ In that statement, the President of the Russian Federation described the attack by the United States, supported by its allies, as an "act of aggression against a sovereign state", committed without a mandate from the Council and in violation of the Charter and norms and principles of international law. The Council, however, did not determine the existence of any new threat to the peace, breach of the peace or act of aggression in connection with those communications.⁷

In most cases, the type of action requested by Member States was for the Council to convene a meeting to consider the dispute or situation in question.⁸ For

example, by a letter dated 16 October 2018, nine members of the Council requested a meeting of the Council on the situation in Myanmar, during which the Chair of the independent international fact-finding mission on Myanmar, established by the Human Rights Council, would formally brief the Council and enable it to "receive further information on the situation and its implications for international peace and security".⁹

In addition to the communications featured in table 1, Member States brought some matters to the attention of the Council of which it was not seized. For example, in a series of communications, Bahrain, Qatar and the United Arab Emirates drew the attention of the Council to allegations of violations of their respective airspace and interference with civilian flights.

In a letter dated 2 January 2018, the Permanent Representative of Qatar informed the Council that a United Arab Emirates warplane had violated the airspace of Qatar without prior notification to or approval from the competent Qatari authorities. According to the letter, the incident was a "flagrant violation of the sovereignty of Qatar", a threat to regional stability and security and a direct violation of the principles of respecting State sovereignty and maintaining international security and peace as set out in the Charter. In the letter, the Permanent Representative of Qatar cautioned that, should such a violation recur, Qatar would take every measure required to defend its borders, airspace and national security, in accordance with international law and norms.¹⁰ On 18 January 2018, the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates to the United Nations wrote to the President of the Council in accordance with Article 35, bringing to the attention of the Council recent incidents in which Qatar had put the security and safety of international civil aviation at risk. The letter contained a description of the incidents, which were described as "regrettable and serious" and as behaviour that might ultimately lead to international friction or give rise to a dispute in the sense provided for in Article 34.¹¹ In a letter dated 4 April 2018, the Permanent Representative of Bahrain to the United Nations informed the Council of "menacing and hostile actions" by Qatar that threatened the safety of navigation of civil aircraft and urged the international community to demand that Qatar immediately end those actions and observe the rules of international law.¹²

Subsequent communications followed during 2018 from Bahrain, Qatar and the United Arab Emirates, in which similar accusations were

⁵ S/PV.8203.

⁶ S/2018/472.

⁷ For more information concerning 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.

⁸ For more information on requests by Member States to convene a meeting of the Council, see part II, sect. I.

⁹ S/2018/926. For further information on the meeting, see part IV, sect. I, case 3, "The situation in Myanmar".

¹⁰ S/2018/6.

¹¹ S/2018/46.

¹² S/2018/310.

exchanged. While Article 35 was invoked in some of those letters,¹³ in others it was not.¹⁴ However, a meeting of the Council was not requested in any of those communications.

¹³ S/2018/213, S/2018/228, S/2018/269, S/2018/291, S/2018/425 and S/2018/434.

¹⁴ S/2018/23 and S/2018/461.

Table 1

Communications bringing disputes or situations to the attention of the Security Council that resulted in a meeting of the Council, 2018

<i>Communication</i>	<i>Action requested of the Security Council</i>	<i>Meeting record and date</i>
Letter dated 13 March 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2018/218)		
Letter dated 13 March 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2018/218)		S/PV.8203 14 March 2018
Threats to international peace and security		
Letter dated 17 May 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General (S/2018/472)	To convene an emergency meeting to discuss the aggressive actions by the United States and its allies	S/PV.8233 14 April 2018
The situation in Myanmar		
Letter dated 16 October 2018 from the representatives of Côte d'Ivoire, France, Kuwait, the Netherlands, Peru, Poland, Sweden, the United Kingdom and the United States to the United Nations addressed to the President of the Security Council (S/2018/926)	To convene a meeting on the situation in Myanmar, pursuant to rule 2 of the provisional rules of procedure, to receive further information on the situation and its implications for international peace and security	S/PV.8381 24 October 2018
Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)		
Letter dated 14 December 2018 from the Permanent Representative of Serbia to the United Nations addressed to the President of the Security Council (S/2018/1111)	To convene an urgent meeting to consider the decision of the Provisional Institutions of Self-Government in Pristina to transform the Kosovo Security Force into armed forces	S/PV.8427 17 December 2018

B. Referrals by the Secretary-General

Article 99 of the Charter provides that the Secretary-General may bring to the attention of the Council any matter which in his opinion may threaten the maintenance of international peace and security. Like Article 35, Article 99 does not specify the means by which the Secretary-General may bring to the attention of the Council any matter that may threaten the maintenance of international peace and security. During the period under review, the Secretary-General did not invoke Article 99, either directly or by implication. Nevertheless, he continued drawing the attention of the Council to situations already on its

agenda that were deteriorating and requested it to take appropriate action. During 2018, Member States made references to horizon-scanning and situational awareness meetings in connection with the Council's meetings on United Nations peacekeeping operations and cooperation between the United Nations and regional and subregional organizations.¹⁵ Discussions of relevance for Article 99 are featured in cases 10, 11 and 12 below.

In his letters transmitting the monthly reports of the Director General of the Organisation for the Prohibition of Chemical Weapons submitted pursuant

¹⁵ S/PV.8218, p. 53; and S/PV.8414, p. 65.

to paragraph 12 of resolution 2118 (2013), on the elimination of the Syrian chemical weapons programme, the Secretary-General continued to express concern regarding the allegations of the use of chemical weapons in the Syrian Arab Republic and drew the attention of the Council to the need to ensure accountability for such use.¹⁶ Furthermore, on 11 April 2018, in a letter addressed to the President of the Council, the Secretary-General referred to the deliberations of the Council which had taken place on 10 April 2018 regarding the ongoing allegations of the use of chemical weapons in the Syrian Arab Republic and expressed his deep disappointment that the Council had been unable to agree upon a dedicated mechanism to attribute responsibility in that regard. The Secretary-General noted the seriousness of allegations regarding the use of chemical weapons in Duma (eastern Ghutah) and appealed to the Council to fulfil its duties and not

¹⁶ S/2018/84, S/2018/182, S/2018/283, S/2018/408, S/2018/523, S/2018/644, S/2018/745, S/2018/804, S/2018/875, S/2018/971, S/2018/1071 and S/2018/1166.

to give up on efforts to agree upon a dedicated, impartial, objective and independent mechanism.¹⁷ The Secretary-General also noted his concern regarding the situation in the Middle East and, particularly, in the Syrian Arab Republic in two meetings of the Council held under the item entitled “Threats to international peace and security”, as described in further detail in case 12 below.

C. Referrals by the General Assembly

Under Article 11 (3) of the Charter, the General Assembly may call the attention of the Council to situations which are likely to endanger international peace and security. During the period under review, the General Assembly did not refer any such situations to the Council under that Article.¹⁸

¹⁷ S/2018/333.

¹⁸ For more information on the relations between the Council and the General Assembly, see part IV, sect. I.

II. Investigation of disputes and fact-finding

Article 34

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

Note

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

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

subsection B to investigative and fact-finding functions of the Secretary-General; and subsection C to other instances of investigative functions acknowledged by the Council.

During the reporting period, the Council dispatched three missions to the field: one to Afghanistan, one to Bangladesh and Myanmar, and one to the Democratic Republic of the Congo. The objectives of the missions were to express support for peace processes, assess the situation on the ground, urge the full implementation of its decisions and express support for United Nations peacekeeping operations. The Council acknowledged the investigative functions of the Secretary-General by taking note of the report of the mapping project describing serious violations and abuses of international human rights law and violations of international humanitarian law in the Central African Republic; reiterating its intention to closely monitor progress of the joint investigations by the Government of the Democratic Republic of the Congo, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the United Nations Joint Human Rights Office into violations of international humanitarian law and violations or abuses of human rights in the Kasai region; welcoming the commitment of the Secretary-General to doing everything possible to ensure that the perpetrators of the killing of two members of the Group of Experts

on the Democratic Republic of the Congo and four Congolese nationals in 2017 were brought to justice; mandating the United Nations Assistance Mission for Iraq (UNAMI) to support the work of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant, established pursuant to resolution 2379 (2017); welcoming the establishment of the International Commission of Inquiry on Mali; and taking note of the reports on the human rights situation in South Sudan issued by the United Nations Mission in South Sudan (UNMISS) and the Secretary-General. The Council also recognized the investigative work of the Organisation for the Prohibition of Chemical Weapons (OPCW), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Human Rights Council in connection with the situations in Burundi, the Central African Republic, the Democratic Republic of the Congo and South Sudan. Council members deliberated on the investigative functions of the Secretary-General and other bodies of the United Nations in relation to the situation in Myanmar, the situation in Iraq and the conflict in the Syrian Arab Republic.

A. Security Council missions

During 2018, the Council dispatched three missions consisting of all 15 Council members: one to Afghanistan, one to Bangladesh and Myanmar, and one to the Democratic Republic of the Congo. None of the Council missions in the period under review was

explicitly charged with investigative tasks. The objectives of the missions were, inter alia, to: (a) underline the support of the Council for the peace, development and stabilization processes in Afghanistan and the importance of continued progress on electoral reform and the holding of credible and inclusive elections in 2018 and 2019; (b) urge the full implementation of the presidential statement of the Council of 6 November 2017 regarding the cessation of hostilities, the granting of humanitarian access and the respect for international human rights law and international humanitarian law in Myanmar,¹⁹ assess the efforts of the Government of Bangladesh and United Nations agencies in supporting the refugees in Bangladesh and seek the views of all concerned parties, including the Rohingya refugee community, regarding the situation in Rakhine State and Bangladesh; and (c) encourage stakeholders in the Democratic Republic of the Congo to create all the conditions necessary to ensure an environment conducive to the peaceful and inclusive conduct of political activities and ensure that the presidential elections of 23 December 2018 took place with the requisite conditions of transparency, credibility, inclusivity and security, and assess the security situation in the country and the ability of MONUSCO to implement its mandate.

Table 2 provides more information on the missions dispatched in 2018, including their duration and composition and the related documents.

¹⁹ S/PRST/2017/22.

Table 2
Security Council missions, 2018

<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>
12–15 January 2018	Afghanistan	All Council members (Kazakhstan (leader))	S/2018/37 12 January 2018	S/2018/419 3 May 2018	S/PV.8158 17 January 2018	Security Council mission
28 April–2 May 2018	Bangladesh and Myanmar	All Council members (Kuwait (co-leader), Peru (co-leader), United Kingdom (co-leader))	S/2018/391 26 April 2018	No report available	S/PV.8255 14 May 2018	Security Council mission
5–7 October 2018	Democratic Republic of the Congo	All Council members (Bolivia (Plurinational State of) (co-leader), Equatorial Guinea (co-leader), France (co-leader))	S/2018/890 3 October 2018	S/2018/1030 15 November 2018	S/PV.8369 11 October 2018	Security Council mission

In 2018, the Council referred to its missions in one of its decisions. In resolution 2419 (2018), in connection with the item entitled “Maintenance of international peace and security”, the Council reiterated the importance of its missions taking into account youth-related considerations including, as appropriate, through consultations with local and international youth groups.²⁰ Council members also discussed the utility of the Council’s missions in the context of meetings on its working methods, as described in case 1.

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

On 31 January 2018, the Council held its 8173rd meeting, under the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)”. The representative of Kazakhstan gave a briefing to the Council as part of the wrap-up session at the end of the presidency of Kazakhstan in January 2018. He described the Council’s mission to Afghanistan from 12 to 15 January 2018, which had been aimed at gaining first-hand information concerning threats facing the country and its potential, as one of the highlights of the presidency. He added that the mission had been able to demonstrate the support of the Council for the country and its commitment to peace and reconciliation.²¹ The representative of Kuwait reaffirmed the importance of such missions, which provided an opportunity to follow developments in conflict zones, understand the real challenges faced by the countries in question and realize the responsibilities of the Council to meet all needs and requirements so as to achieve international peace and security.²²

On 6 February 2018, at its 8175th meeting, further to a concept note²³ circulated by Kuwait, which held the presidency for that month, the Council held an open debate under the sub-item entitled “Working methods of the Security Council”. In his statement to the Council, the Executive Director of Security Council Report, a non-governmental organization, noted that, with five missions having taken place in both 2016 and 2017, the Council was clearly convinced of their value. He suggested that the value of such missions could be enhanced not just by the standard formulation of terms of reference and subsequent briefing, as described in the note by the President, but by more strategic prior discussion of the objectives

around which the Council could unite and subsequent discussion of the follow-up.²⁴

The representative of Côte d’Ivoire stated that Council missions to conflict areas were a direct way for the Council to gather information, making it possible not only to assess whether progress had been made but also to bring pressure to bear on the parties to a conflict in order to induce them to better fulfil their commitments, for example in the framework of a peace agreement.²⁵ The representative of Peru noted that the reports of Council missions provided substantive, first-hand information that was vital when drafting resolutions or statements.²⁶ The representative of Equatorial Guinea stated that the Council should clearly define: (a) the decision-making process on the deployment of missions; (b) the mission composition; (c) the timeline for the submission of reports and the way they were crafted; and (d) the decision-making process regarding a mission’s outcome.²⁷

The representative of Sweden highlighted that the President, in his note, had pointed out the preventive role of Council missions, which should be further explored, including through the use of mini-missions by a smaller number of Council members.²⁸ Similarly, the representative of Lebanon called on the Council to devote more missions to the prevention of conflict.²⁹ Noting the utility of a future Council mission to Bangladesh and Myanmar to reaffirm its support to refugees and displaced persons, the representative of Bangladesh stated that Council missions should be organized in a way that responded to the most urgent conflict and humanitarian situations under its consideration.³⁰

The representatives of Côte d’Ivoire and Egypt referred to the possibility of deploying joint field missions with the Peace and Security Council of the African Union.³¹ The representative of Brazil proposed inviting the Chairs of the Peacebuilding Commission country-specific configurations to join some of the Council’s missions.³²

²⁴ S/PV.8175, p. 4.

²⁵ Ibid., p. 16.

²⁶ Ibid., p. 10.

²⁷ Ibid., p. 17.

²⁸ Ibid., p. 19.

²⁹ Ibid., p. 38.

³⁰ Ibid., p. 49.

³¹ Ibid., p. 16 (Côte d’Ivoire) and p. 64 (Egypt).

³² Ibid., p. 25. For more information on the Council missions dispatched in 2018, see part I, sect 33.

²⁰ Resolution 2419 (2018), para. 4.

²¹ S/PV.8173, pp. 2–3.

²² Ibid., p. 17.

²³ S/2018/66, annex.

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

In its decisions during the period under review, the Council acknowledged the investigative or fact-finding functions of the Secretary-General in connection with five items on its agenda, namely the situations in the Central African Republic, the Democratic Republic of the Congo, Iraq, Mali and South Sudan. The relevant provisions of those decisions are set out in table 3 below.

In connection with the situation in the Central African Republic, the Council took note of the report of the mapping project conducted further to Council resolution 2301 (2016) by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, which described serious violations and abuses of international human rights and violations of international humanitarian law committed within the territory of the Central African Republic between January 2003 and December 2015, and called upon the authorities of the Central African Republic to follow up on the recommendations.³³

With respect to the situation concerning the Democratic Republic of the Congo, the Council reiterated the importance and urgency of prompt and transparent investigations into violations of international humanitarian law and violations of abuses of human rights in the Kasai region, as well as its intention to closely monitor the progress of the investigations into those acts, including the joint investigations by the Government of the Democratic Republic of the Congo, MONUSCO and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo, in order to bring to justice and hold accountable all those responsible.³⁴ In addition, the Council urged the Government of the Democratic Republic of the Congo to fully cooperate with the United Nations team deployed to assist with the national investigation into the deaths of two members of the Group of Experts on the Democratic Republic of the Congo and four Congolese nationals in 2017 and to

ensure that all perpetrators were brought to justice.³⁵ The Council also welcomed the work of the United Nations team and the commitment of the Secretary-General that the United Nations would do everything possible to ensure that the perpetrators of that crime were brought to justice.³⁶

In relation to the situation in Iraq, the Council mandated UNAMI to, inter alia, promote accountability and the protection of human rights, and judicial and legal reform, and support the work of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ Islamic State in Iraq and the Levant, established pursuant to resolution 2379 (2017).³⁷

Regarding the situation in Mali, the Council welcomed the establishment of the International Commission of Inquiry on Mali, the mandate of which is described further below, encouraged its operationalization and called upon the parties to cooperate fully with it.³⁸ The Council also requested the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to support the operations of the International Commission of Inquiry.³⁹

Finally, the Council took note of the reports on the human rights situation in South Sudan issued by UNMISS and the Secretary-General, as well as the Mission's joint report with OHCHR on freedom of expression in South Sudan.⁴⁰

³³ Resolution 2448 (2018), para. 28.

³⁴ Resolution 2409 (2018), para. 14.

³⁵ Ibid. For more information, see letter dated 31 October 2017 from the Secretary-General addressed to the President of the Security Council (S/2017/917) and *The Repertoire of the Practice of the Security Council, Supplement 2016–2017* (United Nations publication, Sales No. E.20.VII.1), part VI, sect. II.B.

³⁶ Resolution 2424 (2018), fourth preambular paragraph.

³⁷ Resolution 2421 (2018), para. 2 (d). For more information on the mandate of UNAMI, see part X, sect. II, "Special political missions". For more information on the mandate of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant, see part IX, sect. III, "Investigative bodies".

³⁸ Resolution 2423 (2018), twenty-third preambular paragraph and para. 15.

³⁹ Ibid., para. 38 (a) (iii). For more information on the mandate of MINUSMA, see part X, sect. I, "Peacekeeping operations".

⁴⁰ Resolution 2406 (2018), seventeenth and twentieth preambular paragraphs.

Table 3
Decisions relating to investigative and/or fact-finding activities by the Secretary-General, 2018

<i>Decision and date</i>	<i>Provision</i>
The situation in the Central African Republic	
Resolution 2448 (2018) 13 December 2018	Takes note in this regard of the report of the mapping project describing serious violations and abuses of international human rights and violations of international humanitarian law committed within the territory of the Central African Republic between January 2003 and December 2015 and further calls on the authorities of the Central African Republic to follow up on the recommendations (para. 28)
The situation concerning the Democratic Republic of the Congo	
Resolution 2409 (2018) 27 March 2018	Reiterates its condemnation of the violence witnessed in the Kasai region over the past year, further reiterates the importance and urgency of prompt and transparent investigations into violations of international humanitarian law and violations or abuses of human rights in the region, as well as its intention to closely monitor progress of the investigations into these violations and abuses, including the joint investigations by the Government of the Democratic Republic of the Congo, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo, in order to bring to justice and hold accountable all those responsible, and looks forward to their results; further calls upon the Government of the Democratic Republic of the Congo to continue to cooperate with the team of international experts on the situation in the Kasai region, as mandated by the Human Rights Council in its resolution 35/33 , and urges the Government of the Democratic Republic of the Congo to fully cooperate with the United Nations team deployed, as agreed, to assist the Congolese authorities' investigations into the deaths of the two United Nations experts in March 2017, and ensure all perpetrators are brought to justice and held accountable (para. 14)
Resolution 2424 (2018) 29 June 2018	Reiterating the need for the Government of the Democratic Republic of the Congo to swiftly and fully investigate the killing of the two members of the Group of Experts and the four Congolese nationals accompanying them and bring those responsible to justice, welcoming the Secretary-General's commitment that the United Nations will do everything possible to ensure that the perpetrators are brought to justice, further welcoming the work of the United Nations team deployed to assist the Congolese authorities in their investigations, in agreement with the Congolese authorities, and calling for continued cooperation (fourth preambular paragraph)
The situation concerning Iraq	
Resolution 2421 (2018) 14 June 2018	Decides further that the Special Representative of the Secretary-General and the United Nations Assistance Mission for Iraq, at the request of the Government of Iraq, and taking into account the letter from the Minister of Foreign Affairs of Iraq to the Secretary-General (S/2018/430), shall: ... (d) Promote accountability and the protection of human rights, and judicial and legal reform, in order to strengthen the rule of law in Iraq, in addition to supporting the work of the investigative team established in resolution 2379 (2017) (para. 2 (d))
The situation in Mali	
Resolution 2423 (2018) 28 June 2018	Recognizing the essential contribution of the transitional justice mechanisms referred to in the Agreement on Peace and Reconciliation in Mali to the promotion of a durable peace in Mali and accountability for human rights abuses and violations, noting the gradual progress achieved in the operationalization of the Truth, Justice and Reconciliation Commission, stressing the need for the Government to extend its mandate beyond December 2018, welcoming the establishment of the International Commission of Inquiry, in accordance with the Agreement, and encouraging its operationalization (twenty-third preambular paragraph) Welcomes the establishment of an International Commission of Inquiry, in accordance with the Agreement and as requested by resolution 2364 (2017) , and calls upon all parties to cooperate fully with it (para. 15)

Decision and date

Provision

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

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

...

(iii) To support the implementation of the reconciliation and justice measures of the Agreement, especially in its part V, by continuing its current activities, including with respect to the support of the operations of the International Commission of Inquiry (para. 38 (a) (iii))

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

Resolution [2406 \(2018\)](#)
15 March 2018

Taking note of the United Nations Mission in South Sudan (UNMISS) and Office of the United Nations High Commissioner for Human Rights report on the freedom of expression in South Sudan, condemning the use of media to broadcast hate speech and transmit messages instigating violence against a particular ethnic group, a practice that has the potential to play a significant role in promoting mass violence and exacerbating conflict, and calling on the Government of South Sudan to immediately condemn and counter increasing hate speech and ethnic violence and to promote reconciliation among its people, including through a process of justice and accountability (seventeenth preambular paragraph)

Taking note with interest of the reports on the human rights situation in South Sudan issued by UNMISS and the Secretary-General, as well as the report of the African Union Commission of Inquiry on South Sudan and the separate opinion, expressing grave concern that according to some reports, including the African Union Commission of Inquiry report on South Sudan released on 27 October 2015, there were reasonable grounds to believe that war crimes and crimes against humanity had been committed and the report of the Commission on Human Rights in South Sudan released on 23 February 2018 that war crimes and crimes against humanity may have been committed, emphasizing its hope that these and other credible reporting will be duly considered by any transitional justice and reconciliation mechanisms for South Sudan, including those established in the Agreement on the Resolution of the Conflict in the Republic of South Sudan, stressing the importance of collection and preservation of evidence for eventual use by the Hybrid Court for South Sudan, and encouraging efforts in this regard (twentieth preambular paragraph)

During the reporting period, the Secretary-General undertook one new investigative action, in relation to the situation in Mali. In his letter dated 19 January 2018 addressed to the President of the Council, the Secretary-General informed the Council that, in response to a request made by the Government of Mali on 5 April 2016, and taking into consideration article 46 of the Agreement on Peace and Reconciliation in Mali, he had decided to establish an International Commission of Inquiry to investigate allegations of abuses and serious violations of international human rights law and international humanitarian law, including allegations of conflict-related sexual violence, committed in the territory of Mali from 1 January 2012 to the date of the establishment of the Commission. The Secretary-General added that the decision was consistent with and in furtherance of Council resolution [2364 \(2017\)](#), in which the Council had decided that one of the

priority tasks of MINUSMA would be to support the implementation of the reconciliation and justice measures in the Agreement, including with respect to the establishment and operations of an international commission of inquiry. He noted his expectation that the findings of the Commission would complement and help advance ongoing efforts to fight impunity by competent Malian authorities and the International Criminal Court.⁴¹

In his letter dated 19 January 2018 addressed to the President of the Council, the Secretary-General requested an extension of the time frame for the submission of the terms of reference for the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant in order to continue the efforts to reach

⁴¹ [S/2018/57](#).

an agreement with the Government of Iraq.⁴² Following the Council's approval of his request for an extension,⁴³ the Secretary-General submitted the terms of reference for the Council's approval in a letter dated 9 February 2018.⁴⁴ They were approved by the Council on 13 February 2018.⁴⁵ The terms of reference, which were acceptable to the Government of Iraq and consistent with resolution [2379 \(2017\)](#), outlined the mandate, structure and composition of the Investigative Team, the standards and procedural requirements for the collection, preservation, storage and use of evidence, and cooperation between the Investigative Team and other entities.⁴⁶

In 2018, Council members also made reference to the investigative authority of the Council and the role of the Secretary-General in their discussions. For example, at the 8152nd meeting, held on 5 January 2018 under the item entitled "The situation in the Middle East", in connection with events in the Islamic Republic of Iran, the representative of the United Kingdom stated that no one was forcing the situation in the Islamic Republic of Iran onto the agenda of the Council, which was "perfectly empowered, through Article 34 of the Charter to 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 was likely to endanger the maintenance of international peace and security".⁴⁷ In contrast, the representative of the Russian Federation maintained that the subject of the meeting did not correspond with the Council's prerogatives under the Charter and that the references made to Article 34 during the meeting were inappropriate.⁴⁸

Similarly, at the 8340th meeting, held on 5 September 2018 under the item entitled "Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security", in connection with the situation in Nicaragua, the representative of Kuwait noted that Article 34 of the Charter underscored the role of the Council to apply preventive diplomacy in order to prevent conflicts and address situations and crises as early as possible if there were any early warning signs of such conflicts that could endanger international peace and security.⁴⁹ The representative of the

Plurinational State of Bolivia responded that the argument for addressing the situation in Nicaragua under Article 34 was not applicable, for no dispute or situation was being investigated that could lead to international friction or give rise to a dispute whose continuance could endanger the maintenance of international peace and security.⁵⁰

Subsequent to the termination of the mandate of the OPCW-United Nations Joint Investigative Mechanism in November 2017, the Council continued its deliberations on the viability of establishing an accountability mechanism to investigate and attribute responsibility for the use of chemical weapons in the Syrian Arab Republic (see cases 2 and 4). The Council also discussed the mandate and the commencement of work of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (see case 3).

Case 2 The situation in the Middle East

On 5 February 2018, the Council held its 8174th meeting, under the item entitled "The situation in the Middle East". During that meeting, it heard a briefing by the High Representative for Disarmament Affairs on the implementation of resolution [2118 \(2013\)](#), on the elimination of the chemical weapons programme of the Syrian Arab Republic, further to the fifty-second monthly report of the Director General of OPCW.⁵¹ The High Representative stated that the OPCW fact-finding mission continued to look into all allegations of the use of chemical weapons in the Syrian Arab Republic. Noting that new reports by the mission were pending, she added that should those investigations conclude that there had been the use, or likely use, of chemical weapons, the obligation to enact a meaningful response would be further intensified. In that regard, she expressed her hope, and the hope of the Secretary-General, that such a response would favour unity, not impunity.⁵²

During the discussion, Council members expressed their concern about and condemned reports on the use of chemical weapons and stated that there was a need for the Council to establish a mechanism to ensure accountability for their use. The representative of Sweden stated that the Council had a responsibility to protect the international disarmament and non-proliferation regimes and to ensure accountability.⁵³

⁴² [S/2018/63](#).

⁴³ [S/2018/64](#).

⁴⁴ [S/2018/118](#).

⁴⁵ [S/2018/119](#).

⁴⁶ [S/2018/118](#), annex.

⁴⁷ [S/PV.8152](#), p. 7.

⁴⁸ *Ibid.*, p. 13.

⁴⁹ [S/PV.8340](#), p. 7.

⁵⁰ *Ibid.*, pp. 16–17.

⁵¹ [S/2018/84](#), enclosure.

⁵² [S/PV.8174](#), pp. 2–3.

⁵³ *Ibid.*, p. 9.

The representative of Peru maintained that, in order to provide credible deterrence against the use of such weapons, it was urgent to establish an attributive mechanism with the highest standards of professionalism, objectivity, transparency and independence to fill the gap left by the OPCW-United Nations Joint Investigative Mechanism.⁵⁴ The representative of the Netherlands added that the fundamental characteristics of any accountability mechanism were the principles of impartiality, independence, comprehensiveness and effectiveness.⁵⁵ The representative of Poland was of the view that any future mechanism would not operate in a void, it had to build on the Joint Investigative Mechanism, and its mandate could not deviate from resolution 2235 (2015).⁵⁶

The representative of the United States stated that the latest draft resolution of the Russian Federation on the establishment of such a mechanism did not meet the criteria of independence and impartiality, particularly as the proposal did not take into consideration the findings of the Joint Investigative Mechanism, altered the process for the selection of investigators, provided for unnecessary and arbitrary investigative standards and allowed for the Council to review the findings and to decide whether to include them in the final report.⁵⁷ The representative of the United Kingdom expressed criticism of the draft proposal for focusing solely on non-State actors, limiting the role of the investigative experts to merely gathering evidence, raising the burden of proof to the standard of “beyond reasonable doubt” and insisting on the conduct of site visits despite the explicit provision in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction for other ways to gather relevant evidence.⁵⁸

Describing the proposal of the Russian Federation as a new and positive opportunity to reach the goal of creating a transparent accountability mechanism, the representative of the Plurinational State of Bolivia called on Council members to commit themselves to a process of purposeful negotiation and echoed the call of the Secretary-General for the Council to demonstrate unity on the issue.⁵⁹ The representative of the Russian Federation criticized the work of the Joint Investigative Mechanism, arguing

that it had formed its conclusions on the basis of disinformation supplied by militant groups.⁶⁰ The representative of Côte d’Ivoire called for the establishment of an accountability mechanism that was acceptable to all and capable of identifying perpetrators and bringing them to justice.⁶¹

On 10 April 2018, at the 8228th meeting, held under the same item, the Council considered three draft resolutions regarding the investigation of alleged chemical weapons attacks in the Syrian Arab Republic, further to the alleged chemical attack in Duma on 7 April 2018.⁶² One of the draft resolutions was sponsored by 26 Member States⁶³ and the remaining two were sponsored by the Russian Federation.⁶⁴ In the draft sponsored by 26 Member States and in one of the resolutions sponsored by the Russian Federation, the establishment of the United Nations Independent Mechanism of Investigation was proposed.⁶⁵ Among other differences, while the draft sponsored by 26 Member States contained a request to all parties within the Syrian Arab Republic to provide Mechanism and OPCW personnel “immediate and unfettered access” to sites, materials and individuals deemed to be of importance for the purpose of its mandate,⁶⁶ the draft sponsored by the Russian Federation specified that such access would be “justified based on the assessment of the facts and circumstances known at the time”.⁶⁷

The draft sponsored by 26 Member States was voted on first and the Council failed to adopt it, owing to the negative vote of the Russian Federation, a permanent member of the Council. The representative of the Russian Federation explained that the draft proposed replicated the “flawed working methods” of the Joint Investigative Mechanism.⁶⁸ The representative of China regretted that the draft did not take into consideration some of the concerns of certain Council members regarding the mechanism’s working methods.⁶⁹ The first of the two draft resolutions sponsored by the Russian Federation was voted on second and the Council failed to adopt it owing to the

⁵⁴ *Ibid.*, p. 8.

⁵⁵ *Ibid.*, p. 13.

⁵⁶ *Ibid.*, p. 9.

⁵⁷ *Ibid.*, pp. 3–4.

⁵⁸ *Ibid.*, pp. 4–5.

⁵⁹ *Ibid.*, p. 7.

⁶⁰ *Ibid.*, p. 11.

⁶¹ *Ibid.*, p. 12.

⁶² See [S/PV.8228](#). For more information on Council deliberations on a new structure for the investigation of the use of chemical weapons in the Syrian Arab Republic, see part IX, sect. VIII, “Subsidiary organs of the Security Council proposed but not established”.

⁶³ [S/2018/321](#).

⁶⁴ [S/2018/175](#) and [S/2018/322](#).

⁶⁵ [S/2018/321](#), para. 7; and [S/2018/175](#), para. 5.

⁶⁶ [S/2018/321](#), paras. 12 and 13.

⁶⁷ [S/2018/175](#), para. 9.

⁶⁸ [S/PV.8228](#), p. 4.

⁶⁹ *Ibid.*, p. 6.

lack of the required number of votes. The second draft resolution sponsored by the Russian Federation was voted on last and the Council failed to adopt it owing to the lack of the required number of votes. In the text of that draft resolution, support was expressed for the OPCW fact-finding mission but the text contained no provisions on the establishment of an investigation mechanism. In the draft resolution, the Council would have welcomed the decision of the Director General of OPCW to send the fact-finding mission experts for investigation in accordance with the Chemical Weapons Convention to the site of the alleged incident in Duma and adjacent areas and would have requested the fact-finding mission to report the results of that investigation to the OPCW Executive Council as soon as possible. It would also have requested the Director General to keep the Council informed of progress.⁷⁰ In addition, the Council would have demanded that all parties in the Syrian Arab Republic facilitate free and safe access for the mission to relevant sites and provide any information and evidence, in accordance with resolution 2118 (2013), in relation to the alleged incident in Duma and adjacent areas.⁷¹

Speaking before the vote on the draft resolution, the representative of the Russian Federation stated that the draft resolution was a practical, non-confrontational and depoliticized initiative in support of OPCW, which would help the specialists to determine what had or had not taken place in Duma.⁷² The draft proposed was criticized by several Council members for its failure to create a mechanism to ensure accountability for the attacks⁷³ and for not stressing the need for the independence of the fact-finding mission.⁷⁴ The representative of the United States criticized the draft resolution for containing a request to OPCW to send its fact-finding mission to Duma when the mission was already under way and when it already had a mandate to investigate and collect samples.⁷⁵ The representative of the Netherlands expressed serious reservations about the text of the draft resolution because the fact-finding mission did not require the Council's authorization for site visits. He stated that his delegation did not want to set a precedent that such authorization was required.⁷⁶ Explaining his country's abstention in the voting, the representative of Kuwait stated that there was no need

for such a draft resolution. He called instead for an international, independent, impartial, neutral and professional body or mechanism that would investigate the incident and identify the party that had used chemical weapons.⁷⁷ The representative of Kazakhstan expressed support for the draft resolution, given the importance of sending the fact-finding mission to Duma, saying that, even if the only information obtained was about the kind of substance used, it would still be very useful to understand who the perpetrators might have been and, at the very least, establish that a chemical attack had taken place.⁷⁸

Case 3 Threats to international peace and security

On 4 December 2018, at the 8412th meeting of the Council, under the item entitled "Threats to international peace and security", further to his first report, dated 15 November 2018,⁷⁹ the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant gave a briefing to the Council on the formal commencement of the Investigative Team's activities, on 20 August 2018, and its deployment to Iraq on 29 October 2018. The Special Adviser announced that investigative activities would commence in early 2019 and he set out the key priorities of the Investigative Team, which included gathering and analysing the evidence within Iraq to discern patterns and subsequently fill identified gaps. He underlined that the dual imperatives of the Investigative Team, namely ensuring independence and seeking cooperation, and demonstrating impartiality and pursuing national engagement, did not represent a dichotomy and that there was no contradiction in upholding independence while supporting national accountability.⁸⁰

In their discussions, many Council members welcomed the preparatory work undertaken by the Investigative Team and the progress made toward the commencement of its investigations. The representative of the United Kingdom stated that it was vital for the Investigative Team to help secure accountability for the victims of Islamic State in Iraq and the Levant in order to bring closure to those who still suffered.⁸¹ The representative of Sweden maintained that, given how difficult it had proved to advance accountability for the violations and abuses of

⁷⁰ S/2018/322, para. 3.

⁷¹ Ibid., para. 4.

⁷² S/PV.8228, p. 13.

⁷³ Ibid., pp. 14–15 (United Kingdom), p. 15 (Sweden), p. 17 (Kuwait), p. 18 (France) and pp. 18–19 (Peru).

⁷⁴ Ibid., p. 18 (Netherlands).

⁷⁵ Ibid., p. 16.

⁷⁶ Ibid., p. 18.

⁷⁷ Ibid., p. 17.

⁷⁸ Ibid.

⁷⁹ S/2018/1031.

⁸⁰ S/PV.8412, p. 5.

⁸¹ Ibid., p. 6.

international humanitarian law and human rights law in the conflicts on the agenda of the Council, the decision to establish the Investigative Team was particularly significant and a major achievement.⁸² According to the representative of Poland, by resolution [2379 \(2017\)](#), the Council had recognized, in a united way, the importance of judicial accountability to the maintenance of international peace and security.⁸³ The representative of the Russian Federation described the Investigative Team as a bold kind of innovation for the Council given that it was neither judicial nor prosecutorial and that the evidence it collected was to be used by the Iraqi judicial system and other national judicial bodies exclusively upon agreement with the Government of Iraq.⁸⁴ The representative of Kuwait stated that the Investigative Team's mission represented a fundamental part of the comprehensive systematic approach to eliminating terrorism.⁸⁵

A number of speakers emphasized the importance of the Investigative Team collecting evidence in accordance with international standards.⁸⁶ The representative of China expressed the hope that the Investigative Team would prioritize the conduct of targeted, field-based investigations.⁸⁷ The representative of Poland encouraged the Investigative Team to pay special attention to sexual and gender-based crimes and to all abuses committed against children.⁸⁸ Some speakers maintained that, in accordance with the practices of the United Nations, the evidence collected by the Investigative Team should not be used in trials that could lead to capital punishment being imposed.⁸⁹

The representative of the United Kingdom stated that the Investigative Team's strong focus on engagement with the Government of Iraq would be crucial to the success of its work.⁹⁰ The representative of the United States underscored that the Government of Iraq should give the Investigative Team the space to operate effectively and noted that independence and impartiality were essential to the Team's credibility.⁹¹

The representatives of China, Ethiopia and the Russian Federation stated that the Investigative Team must operate with full respect for the sovereignty of Iraq and for its jurisdiction over crimes committed in Iraqi territory.⁹² The representative of the Netherlands noted that the Investigative Team's ability to build relationships with affected communities, especially women, would be crucial to its work.⁹³ Emphasizing the importance of cooperation with other United Nations mechanisms, the representative of France welcomed the cooperation of the Investigative Team with UNAMI and the Committee pursuant to resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities, and its team of experts.⁹⁴ The representative of Kazakhstan called on the Investigative Team to cooperate with all organizations, agencies of the United Nations, the private sector, academia, the media and non-governmental organizations.⁹⁵ The representative of the Russian Federation cautioned the leadership of the Investigative Team against any contact with the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, established by the General Assembly in its resolution [71/248](#).⁹⁶ The representatives of Poland and Sweden welcomed the Investigative Team's intention to achieve geographical, gender, ethnic and religious balance among its Iraqi members.⁹⁷

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

During the period under review, the Council recognized the investigative functions of other bodies of the United Nations, such as OHCHR and the Human Rights Council, in relation to the situations in Burundi, the Central African Republic, the Democratic Republic of the Congo and South Sudan. Table 4 contains the provisions of Council decisions referring to such functions.

⁸² Ibid., pp. 14–15.

⁸³ Ibid., p. 13.

⁸⁴ Ibid., p. 8.

⁸⁵ Ibid., p. 10.

⁸⁶ Ibid., p. 9 (Netherlands), p. 11 (Kazakhstan), p. 12 (Equatorial Guinea), p. 14 (Poland), p. 18 (Plurinational State of Bolivia) and p. 19 (Iraq).

⁸⁷ Ibid., p. 16.

⁸⁸ Ibid., p. 14.

⁸⁹ Ibid., p. 9 (Netherlands), p. 13 (France), p. 14 (Poland) and p. 15 (Sweden).

⁹⁰ Ibid., p. 6.

⁹¹ Ibid., p. 7.

⁹² Ibid., p. 8 (Russian Federation), p. 16 (China) and p. 17 (Ethiopia).

⁹³ Ibid., p. 9.

⁹⁴ Ibid., p. 13.

⁹⁵ Ibid., p. 11.

⁹⁶ Ibid., p. 8.

⁹⁷ Ibid., p. 14 (Poland) and p. 15 (Sweden).

Table 4

Decisions relating to investigation and inquiry by United Nations bodies and related organizations, 2018

<i>Decision and date</i>	<i>Provision</i>
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The situation in Burundi

[S/PRST/2018/7](#)
5 April 2018

The Security Council reiterates its regret at the decision by the Government of Burundi to suspend all cooperation and collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR), which has been present in the country since 1995 to strengthen the country's rule of law institutions, and calls for a swift solution through dialogue between OHCHR and the Government in order to enable OHCHR to fully resume its activities, including its monitoring and reporting functions, and fulfil its mandate. The Security Council recalls the commitments that the Government of Burundi undertook during the thirty-sixth session of the Human Rights Council to re-establish full mutual cooperation with the Human Rights Council and OHCHR, including full cooperation with the Office of the High Commissioner in Bujumbura, and to accept the visit of a team of three experts from the Office to collect information on the human rights situation in Burundi. It notes that discussions regarding revisions to the draft memorandum of understanding between Burundi and the United Nations concerning the updated terms for the Office of the High Commissioner in Burundi have been ongoing for over a year and urges the Government of Burundi to take steps to swiftly finalize the agreement with OHCHR without further delay (thirteenth paragraph)

The situation in the Central African Republic

Resolution [2448 \(2018\)](#)
13 December 2018

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, including in the context of the peace process led by the African Initiative for Peace and Reconciliation, welcoming in this regard the official launch of investigations by the Special Criminal Court and the steps initiated by the Government of the Central African Republic in establishing other transitional justice mechanisms to ensure accountability for past crimes and reparation for victims while promoting national reconciliation, and underlining the need to bolster the other national accountability mechanisms as well as the support for the work of the Independent Expert on the situation of human rights in the Central African Republic (eleventh preambular paragraph)

Further authorizes the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to pursue the following tasks of its mandate, bearing in mind that these tasks as well as those in paragraph 39 above are mutually reinforcing:

...

(e) Support for national and international justice, the fight against impunity, and the rule of law

...

(ii) To help build the capacities of the national human rights institution coordinating with the Independent Expert on the situation of human rights, as appropriate (para. 40 (e) (ii))

The situation concerning the Democratic Republic of the Congo

Resolution [2409 \(2018\)](#)
27 March 2018

Reiterates its condemnation of the violence witnessed in the Kasai region over the past year, further reiterates the importance and urgency of prompt and transparent investigations into violations of international humanitarian law and violations or abuses of human rights in the region, as well as its intention to closely monitor progress of the investigations into these violations and abuses, including the joint investigations by the Government of the Democratic Republic of the Congo, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo, in order to bring to

Decision and date

Provision

justice and hold accountable all those responsible, and looks forward to their results; further calls upon the Government of the Democratic Republic of the Congo to continue to cooperate with the team of international experts on the situation in the Kasai region, as mandated by the Human Rights Council in its resolution 35/33, and urges the Government of the Democratic Republic of the Congo to fully cooperate with the United Nations team deployed, as agreed, to assist the Congolese authorities' investigations into the deaths of the two United Nations experts in March 2017, and ensure all perpetrators are brought to justice and held accountable (para. 14)

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

Resolution 2406 (2018)
15 March 2018

Taking note of the United Nations Mission in South Sudan and Office of the United Nations High Commissioner for Human Rights report on the freedom of expression in South Sudan, condemning the use of media to broadcast hate speech and transmit messages instigating violence against a particular ethnic group, a practice that has the potential to play a significant role in promoting mass violence and exacerbating conflict, and calling on the Government of South Sudan to immediately condemn and counter increasing hate speech and ethnic violence and to promote reconciliation among its people, including through a process of justice and accountability (seventeenth preambular paragraph)

Council members made reference to the investigative functions of OPCW and the Human Rights Council in their written communications. For example, in a letter dated 10 January 2018, the United States transmitted an assessment of the positions of the Russian Federation regarding the use of chemical weapons in the Syrian Arab Republic and the work of the OPCW fact-finding mission and the OPCW-United Nations Joint Investigative Mechanism.⁹⁸ On 22 January 2018, the Russian Federation submitted a letter transmitting the comment by the Ministry of Foreign Affairs of the Russian Federation on the “attempts to distort Russian approaches to investigating the use of chemical weapons in Syria” by the United States.⁹⁹ Furthermore, in connection with the poisoning of Sergei Skripal and Yulia Skripal in Salisbury, United Kingdom, the Russian Federation transmitted, in a letter dated 21 March 2018, an aide-memoire in which it stated that it was looking forward to an official, detailed report by OPCW on all aspects of the Skripal case. It expressed its expectation that the OPCW Technical Secretariat would conduct a comprehensive, independent investigation that complied with all the relevant provisions of the Chemical Weapons Convention.¹⁰⁰

Regarding the situation in Myanmar, in a letter dated 27 September 2018 addressed to the President of the Council, the Permanent Representative of the United Kingdom to the United Nations brought to the Council's attention the report of the detailed findings of the independent international fact-finding mission

on Myanmar dated 17 September 2018.¹⁰¹ In a letter dated 16 October 2018, nine Council members requested a meeting of the Council on the situation in Myanmar and a formal briefing to the Council by the Chair of the fact-finding mission, which would enable Council members to receive further information on the situation and its implications for international peace and security.¹⁰² In a letter dated 16 October 2018 addressed to the President of the Council, the Permanent Representative of Myanmar to the United Nations strongly objected to the invitation of the fact-finding mission to provide a briefing to the Council, citing concerns regarding the mandate, sincerity and independence of the fact-finding mission and concerns that such an exercise would be beyond the mandate of the Human Rights Council and would set a bad precedent, with serious negative consequences.¹⁰³ Similarly, in a letter dated 18 October 2018, the Permanent Representatives of Bolivia (Plurinational State of), China, Equatorial Guinea and the Russian Federation to the United Nations strongly objected to the holding of a briefing by the fact-finding mission, maintaining that it was outside the fact-finding mission's mandate, that it would set a bad precedent for the Council and would erode the mandate of the General Assembly and the Human Rights Council and duplicate the work of other United Nations bodies.¹⁰⁴ At its 8381st meeting, held on 24 October 2018 under the item entitled “The situation in Myanmar”,¹⁰⁵ the

⁹⁸ S/2018/35.

⁹⁹ S/2018/54.

¹⁰⁰ S/2018/252.

¹⁰¹ S/2018/879.

¹⁰² S/2018/926.

¹⁰³ S/2018/929.

¹⁰⁴ S/2018/938.

¹⁰⁵ S/PV.8381.

Council heard a briefing by the Chair of the independent international fact-finding mission on Myanmar on the findings and recommendations contained in the report of the fact-finding mission dated 12 September 2018.¹⁰⁶

Further to the meeting held on 10 April 2018 to consider three draft resolutions regarding the investigation of alleged chemical weapons attacks in the Syrian Arab Republic (see case 2), the Council discussed the mandate and work of the OPCW fact-finding mission (see case 4).

Case 4

The situation in the Middle East

On 6 September 2018, at the 8344th meeting of the Council, held under the item entitled “The situation in the Middle East”, the High Representative for Disarmament Affairs gave a briefing to the Council further to the fifty-ninth monthly report of the Director-General of OPCW submitted pursuant to resolution 2118 (2013).¹⁰⁷ The High Representative noted that, on 6 July 2018, the OPCW Technical Secretariat had issued an interim report of the OPCW fact-finding mission in the Syrian Arab Republic regarding the incident of alleged use of toxic chemicals as a weapon in Duma on 7 April 2018, which had been circulated to the Council.¹⁰⁸ She added that the fact-finding mission continued to collect and analyse information and would provide a final report on its findings in due course. In addition, she reported on the activities of the fact-finding mission pertaining to four additional incidents, in Khirbat Masasinah on 7 July and 4 August 2017, Salamiyah on 9 August 2017 and Suran on 8 November 2017. The High Representative further informed the Council that, at its fourth special session, held in June 2018, the Conference of the States Parties to the Chemical Weapons Convention had decided, *inter alia*, that the OPCW Technical Secretariat should put in place arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic in those instances in which the OPCW fact-finding mission determined or had determined that use or likely use had occurred, and cases for which the OPCW-United Nations Joint Investigative Mechanism had not issued a report.¹⁰⁹

Along with other speakers, the representative of Poland condemned the use of chemical weapons in the Syrian Arab Republic and expressed her delegation’s

conviction that those responsible for such attacks had to be held accountable, which was crucial to preserving the integrity of the Chemical Weapons Convention. She stated that Poland was looking forward to the development by OPCW of arrangements necessary to identify the perpetrators in accordance with the decision of the Conference of the States Parties to the Chemical Weapons Convention at its fourth special session.¹¹⁰ The representative of Peru added that it was critical that investigations such as those being carried out by OPCW were able to identify the perpetrators of the use of chemical weapons, with a view to guaranteeing accountability and access to justice, as well as the effectiveness of an international rules-based order.¹¹¹ The representative of the Netherlands called for follow-up to the conclusions of the OPCW fact-finding mission and its future attribution mechanism by referring the situation in the Syrian Arab Republic to the International Criminal Court and the sharing of information with the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic.¹¹² The representative of Equatorial Guinea stated that access to places of investigation required that the security of the personnel of the OPCW fact-finding mission be guaranteed on a permanent basis.¹¹³

The representative of the Russian Federation described the decision that the OPCW Technical Secretariat would identify those responsible for the use of chemical weapons as not legitimate because it was not in line with the goals of the Chemical Weapons Convention and was not recognized by the Russian Federation.¹¹⁴ The representative of the Plurinational State of Bolivia stated that it was essential that any investigation into the use or possible use of chemical weapons included on-site visits as a critical element, with the aim of conducting conclusive and verifiable investigations. He also opined that, regardless of the powers granted to the Technical Secretariat and the Director-General of OPCW at the fourth special session of the Conference of the States Parties to the Chemical Weapons Convention, the Council still had the obligation to reach consensus on the creation of an independent, impartial and representative investigative mechanism.¹¹⁵

¹⁰⁶ A/HRC/39/64.

¹⁰⁷ S/2018/804, enclosure.

¹⁰⁸ S/2018/732, enclosure II.

¹⁰⁹ S/PV.8344, pp. 2–3.

¹¹⁰ *Ibid.*, p. 6.

¹¹¹ *Ibid.*, p. 4.

¹¹² *Ibid.*, p. 13.

¹¹³ *Ibid.*, p. 8.

¹¹⁴ *Ibid.*, pp. 7–8.

¹¹⁵ *Ibid.*, pp. 9–10.

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

Article 33

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

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

Article 36

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

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

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

Article 37

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

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

Article 38

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

Note

Article 33 (1) of the Charter of the United Nations expressly provides the framework for parties to settle their disputes by peaceful means. According to Article 33 (2), the 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 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 Council in 2018 in connection with the peaceful settlement of disputes within the framework of Chapter VI of the Charter. Decisions explicitly adopted under Chapter VII have not been considered for the purposes of that section and are covered in parts VII and X. Subsections A to C illustrate ways in which the Council addressed the pacific settlement of disputes in the context of, respectively, thematic issues, country-specific and regional situations, and the settlement of disputes involving the Secretary-General. Subsection D addresses regional arrangements and agencies, noting that decisions of the Council in support of the pacific settlement of disputes by regional organizations are covered in part VIII.

A. Decisions of the Security Council concerning thematic issues

The present subsection provides an overview of the decisions of the Council adopted on thematic issues that relate to the pacific settlement of disputes. During the period under review, the Council's decisions highlighted, among others, the obligation of parties to settle disputes by peaceful means, the importance of conflict prevention and resolution and sustaining peace, the good offices and mediation role of the Secretary-General and the importance of inclusivity in

the pacific settlement of disputes. A more detailed description of the decisions of the Council decisions relating to these subjects is set out below.

Pacific settlement of disputes

The Council recalled that the parties to any dispute, the continuance of which was likely to endanger the maintenance of international peace and security, should, 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, and urged such parties to settle their disputes by such means.¹¹⁶

Conflict prevention and resolution and sustaining peace

More broadly on conflict prevention, the Council expressed concern over the growing number of conflicts in different geographical areas all over the globe and underlined the urgent need for redoubled efforts for their prevention and resolution.¹¹⁷ The Council also underlined the importance of promoting the ability of the United Nations to deliver on its founding determination to save succeeding generations from the scourge of war and putting emphasis on conflict prevention, preventive diplomacy, peacebuilding and sustaining peace in the light of the increasingly transnational nature of the causes, consequences and contributing factors of conflict.¹¹⁸

The Council recalled that a comprehensive conflict prevention strategy should include early warning, preventive deployment, mediation, peacekeeping, non-proliferation, accountability measures and post-conflict peacebuilding and recognized that those components were interdependent, complementary and non-sequential.¹¹⁹ The Council stressed that the prevention of conflict remained a primary responsibility of States and that actions undertaken within the framework of conflict prevention by the United Nations should support and complement the roles of national Governments.¹²⁰ For the maintenance of international peace and security, the Council underlined the profound need to focus on, inter alia, advancing further conflict prevention and preventive diplomacy tools, facilitating the Council's consideration of prevention issues, and streamlining

the activities and enhancing and strengthening the role of its Ad Hoc Working Group on Conflict Prevention and Resolution in Africa.¹²¹ In reference to Afghanistan, the Council encouraged relevant entities of the United Nations system to work towards preventing conflict and noted the importance of addressing the conflict in that country in a comprehensive manner with the use of preventive diplomacy tools in support of durable peace and prosperity.¹²²

With respect to early warning, the Council acknowledged that serious abuses and violations of human rights or violations of international humanitarian law, including against children, could be an early indication of a descent into conflict or the escalation of conflict, as well as a consequence thereof.¹²³ The Council expressed its commitment to considering and using the tools of the United Nations system to ensure that early warning of potential conflicts was translated into early, concrete preventive action, including towards the goal of protecting children and with a view to building sustainable peace.¹²⁴

The Council recognized that sustaining peace should be understood as a goal and a process to build a common vision of a society, ensuring that the needs of all segments of the population were taken into account, which encompassed activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict, addressing root causes, assisting parties to conflict to end hostilities, ensuring national reconciliation and moving towards recovery, reconstruction and development.¹²⁵ Sustaining peace, according to the Council, was a shared task and responsibility that needed to be fulfilled by the Government and all other national stakeholders and should flow through all three pillars of the engagement of the United Nations at all stages of conflict.¹²⁶ For attaining sustainable peace, including through engagement on conflict prevention and peacebuilding, the Council emphasized the importance of, inter alia, creating potential for scrutinizing the specific relationship between security and development, utilizing a revamped regional approach and strengthening coordination within the United Nations.¹²⁷ Furthermore, the Council recognized that

¹¹⁶ [S/PRST/2018/1](#), fourth paragraph.

¹¹⁷ *Ibid.*, third paragraph.

¹¹⁸ *Ibid.*, seventh paragraph.

¹¹⁹ *Ibid.*, eleventh paragraph.

¹²⁰ Resolution [2427 \(2018\)](#), para. 9.

¹²¹ [S/PRST/2018/1](#), twenty-second paragraph.

¹²² [S/PRST/2018/2](#), twenty-first paragraph.

¹²³ Resolution [2427 \(2018\)](#), para. 7.

¹²⁴ *Ibid.*, para. 8.

¹²⁵ [S/PRST/2018/20](#), second paragraph.

¹²⁶ *Ibid.*

¹²⁷ [S/PRST/2018/1](#), twenty-fourth paragraph.

United Nations police, justice and corrections components in peace operations could contribute to building and sustaining peace by supporting host States.¹²⁸

In the context of United Nations peacekeeping operations, the Council stressed that the primacy of politics should be the hallmark of the approach of the United Nations to the resolution of conflict, including through mediation, good offices, the monitoring of ceasefires and assistance to the implementation of peace accords and that political solutions should guide the design and deployment of such operations. The Council also stressed that political solutions were the cornerstone of mandate implementation and remained key to reach sustainable peace and security.¹²⁹

The Council recognized that effective peacebuilding must involve the entire United Nations system and emphasized the importance of joint analysis and effective strategic planning.¹³⁰ The Council underscored that the Peacebuilding Commission had an important role to play as a dedicated intergovernmental advisory body to bring coherence to international peacebuilding efforts.¹³¹ The Council underscored the importance of peacebuilding, emphasized the need to engage and collaborate with regional actors in policy-related and country-specific issues and acknowledged the significant role of the Peacebuilding Commission and United Nations integrated peacebuilding offices in, inter alia, supporting national efforts to build and sustain peace, as well as addressing cross-border threats in accordance with existing mandates.¹³²

Good offices and mediation role of the Secretary-General

The Council encouraged the Secretary-General to continue enhancing the use of his good offices, dispatching representatives, special envoys and mediators, to help facilitate durable, inclusive and comprehensive settlements and to continue his early engagement in the prevention of potential conflicts.¹³³ The Council also encouraged the Secretary-General, inter alia, to enhance the ability of the United Nations to coherently support the pacific settlement of disputes by Member States and to ensure the better use of conflict prevention and preventive diplomacy tools, in cooperation with regional and subregional

organizations and other relevant actors.¹³⁴ Furthermore, the Secretary-General was encouraged to provide periodic updates to the Council on the status of conflict prevention and preventive diplomacy efforts.¹³⁵

The Council specifically stressed the important role of the Special Representative of the Secretary-General for Children and Armed Conflict in carrying out her mandate regarding the protection of children affected by armed conflict, including the importance of facilitating better collaboration between the United Nations and concerned Governments, and in supporting the enhancement of dialogue with concerned United Nations agencies, Governments and parties to an armed conflict.¹³⁶

Inclusion of women and youth and child protection in the pacific settlement of disputes

The Council stressed the importance of women's empowerment and equal participation in all efforts for the maintenance and promotion of peace and security and the need to increase the role and leadership of women in decision-making and with regard to conflict prevention and resolution and peacebuilding.¹³⁷ The Council noted the substantial link between women's full and meaningful involvement in efforts to prevent, resolve and rebuild from conflict and the effectiveness and long-term sustainability of those efforts.¹³⁸ The Council stressed the need to increase women's roles in decision-making and with regard to conflict prevention and resolution and peacebuilding, including in national, regional and international institutions and mechanisms for the prevention and resolution of conflict, and the importance of considering gender-related issues in all discussions pertinent to sustaining peace.¹³⁹

The Council recognized the important and positive contribution of youth in efforts for the maintenance and promotion of peace and security and affirmed the important role that youth could play in the prevention and resolution of conflicts and as a key aspect of the sustainability, inclusiveness and success of peacekeeping and peacebuilding efforts.¹⁴⁰ The Council called on all relevant actors to consider ways to increase the inclusive representation of youth for the prevention and resolution of conflict, including when negotiating and implementing peace agreements, and

¹²⁸ Resolution 2447 (2018), para. 8.

¹²⁹ S/PRST/2018/10, fourth paragraph.

¹³⁰ S/PRST/2018/20, eighth paragraph.

¹³¹ Ibid., ninth paragraph.

¹³² S/PRST/2018/1, eighteenth paragraph.

¹³³ Ibid., fourteenth paragraph.

¹³⁴ Ibid., sixteenth paragraph.

¹³⁵ Ibid., last paragraph.

¹³⁶ Resolution 2427 (2018), para. 5.

¹³⁷ S/PRST/2018/1, nineteenth paragraph.

¹³⁸ S/PRST/2018/10, sixteenth paragraph.

¹³⁹ Ibid.

¹⁴⁰ S/PRST/2018/1, twentieth paragraph.

to take into account the meaningful participation and views of youth.¹⁴¹ The Council recognized the role of youth in promoting a culture of peace and intercultural and interreligious dialogue aimed at discouraging their participation in acts of violence and also recognized that youth and youth-led civil society could play an important role in peacebuilding and efforts to sustain peace.¹⁴² The Council recommended that the Peacebuilding Commission include in its discussions and advice ways to engage youth meaningfully in national efforts to build and sustain peace and urged the Secretary-General and his special envoys to take into account the views of youth in relevant discussions and to facilitate the equal and full participation of youth at decision-making levels, paying particular attention to the inclusion of young women.¹⁴³

The Council stated that it remained convinced that the protection of children should be an important aspect of any comprehensive strategy to prevent and resolve conflict and to build and sustain peace.¹⁴⁴ In that regard, it called upon Member States and the United Nations to mainstream child protection into all relevant activities in conflict prevention and conflict and post-conflict situations with the aim of sustaining peace and preventing conflict.¹⁴⁵ The Council welcomed the launch of a process to compile practical guidance on the integration of child protection issues into peace processes and underlined the importance of engaging armed forces and armed groups on child protection concerns during peace and peacebuilding processes.¹⁴⁶ Furthermore, in relation to the situation in Afghanistan, the Council underlined the importance of paying due attention to child protection concerns within peace and reconciliation efforts.¹⁴⁷

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

Article 33 (2) of the Charter provides that the Council shall call upon the parties to settle disputes by the means established in Article 33 (1), when deemed necessary. In addition, Article 36 (1) provides that the Council may recommend appropriate procedures or methods of adjustment. Article 37 (2) establishes further that if the Council deems that the continuance

of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate. Article 38 provides that, without prejudice to Articles 33 to 37, the Council may make recommendations to the parties with a view to a pacific settlement of the dispute, if all the parties so request.

The present subsection provides an overview of the practice of the Council relating to the pacific settlement of disputes in situations specific to a country or region. In dealing with complex situations in which the Council determined the existence of a threat to international peace and security, the Council utilized the tools available under Chapter VII of the Charter in parallel with those available under Chapter VI, with a view to restoring peace and to recommending procedures or methods for the pacific settlement of disputes. With the exception of one explicit reference to Article 33 of the Charter, in a decision relating to the situation in Somalia, described below, the decisions featured in this overview do not include those adopted expressly under Chapter VII; they are covered in parts VII and X.

In 2018, the Council made a wide range of recommendations with regard to the peaceful settlement of disputes, most of which, as in previous periods, were primarily intra-State conflicts. As described in the overview below, the Council called upon parties to: (a) cease hostilities and implement permanent ceasefires; (b) implement inclusive peace, reconciliation and State-building processes; (c) resolve outstanding political disputes; and (d) address the root causes of conflict.

Cessation of hostilities and ceasefire

With grave security and humanitarian conditions in the Syrian Arab Republic and Yemen continuing, the Council urged warring parties to immediately cease hostilities and create conditions for a permanent ceasefire. The Council welcomed the unilateral cessation of hostilities by the parties in Darfur and called for the full respect for and implementation of the ceasefire terms in Lebanon and Ukraine, as well as in the Golan Heights.

Under the item entitled “The situation in the Middle East”, the Council addressed the situation in Lebanon, the Syrian Arab Republic and Yemen, as well as in the Golan Heights.¹⁴⁸ With regard to the Golan Heights, the Council once again stressed the obligation

¹⁴¹ Resolution 2419 (2018), para. 2.

¹⁴² *Ibid.*, paras. 9 and 10.

¹⁴³ *Ibid.*, paras. 15 and 16.

¹⁴⁴ S/PRST/2018/1, twenty-first paragraph.

¹⁴⁵ Resolution 2427 (2018), para. 3.

¹⁴⁶ *Ibid.*, para. 22.

¹⁴⁷ S/PRST/2018/2, eleventh paragraph.

¹⁴⁸ For more information, see part I, sect. 23, “The situation in the Middle East”.

of Israel and the Syrian Arab Republic to scrupulously and fully respect the terms of the 1974 Disengagement of Forces Agreement, called on the parties to exercise maximum restraint and prevent any breaches of the ceasefire and the area of separation and encouraged the parties to take advantage of the liaison function of the United Nations Disengagement Observer Force to address issues of mutual concern.¹⁴⁹ In connection with the situation in Lebanon, the Council reiterated its call for Israel and Lebanon to support a permanent ceasefire and a long-term solution.¹⁵⁰

With respect to the conflict in the Syrian Arab Republic, the Council demanded that all parties cease hostilities without delay and engage immediately to ensure full and comprehensive implementation of that demand, for a durable humanitarian pause for at least 30 consecutive days throughout the Syrian Arab Republic, to enable the safe, unimpeded and sustained delivery of humanitarian aid.¹⁵¹ In addition, the Council called upon all parties to respect and fulfil their commitments to existing ceasefire agreements, including the full implementation of resolution 2268 (2016), and called upon Member States to use their influence with the parties to ensure implementation of the cessation of hostilities and the fulfilment of existing commitments and to support efforts to create conditions for a durable and lasting ceasefire.¹⁵² The Council also recalled its demand for the full and immediate implementation of resolution 2254 (2015) to facilitate a Syrian-led and Syrian-owned political transition, in accordance with the Action Group for Syria Final Communiqué as set forth in the International Syria Support Group statements, in order to end the conflict.¹⁵³

Regarding the conflict in Yemen, while expressing its grave concern at the continued deterioration of the humanitarian situation, the Council called upon all parties to the conflict to abandon preconditions and engage in good faith with the United Nations-led process, with the meaningful participation of women and other underrepresented groups in order to overcome obstacles and reach a political solution.¹⁵⁴ Following the conclusion, on 13 December 2018, of the Stockholm Agreement, comprising the Agreement on the City of Hudaydah and the Ports of Hudaydah, Salif, and Ra's Isa, an executive mechanism on activating the prisoner exchange agreement and the

Statement of Understanding on Ta'izz, the Council called on the parties to implement the Agreement according to the timelines determined in it.¹⁵⁵ The Council insisted on the full respect by all parties of the ceasefire agreed for Hudaydah governorate and the mutual redeployment of forces and called on the parties to continue to engage constructively, in good faith and without preconditions, with the Special Envoy of the Secretary-General for Yemen, including on continued work towards stabilizing the Yemeni economy and on Sana'a airport, and participating in the next round of talks, in January 2019.¹⁵⁶

Under the item entitled "Reports of the Secretary-General on the Sudan and South Sudan", in connection with the situation in Darfur, the Council demanded that all parties to the conflict immediately cease all acts of violence and commit themselves to a sustained and permanent ceasefire.¹⁵⁷ The Council reiterated its support for the Doha Document for Peace in Darfur as a viable framework for the peace process in Darfur and demanded that the non-signatory armed movements refrain from impeding its implementation.¹⁵⁸ The Council urged the Government of the Sudan and the armed movements to make immediate progress on the implementation of the African Union High-Level Implementation Panel-sponsored Roadmap Agreement, including the signing of cessation of hostilities and humanitarian assistance agreements among the parties, and also urged the non-signatory armed groups to sign it without delay.¹⁵⁹ In addition, the Council, while welcoming the announcement of the unilateral cessation of hostilities by the Government and by armed movements, including the Sudan Liberation Army-Abdel Wahid, urged all parties to adhere to their unilateral cessations of hostilities and to allow unhindered humanitarian access to populations in need.¹⁶⁰

Under the item entitled "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)", the Council condemned the continuous violations of the ceasefire regime in eastern Ukraine and called for the implementation of disengagement commitments.¹⁶¹ The Council encouraged all the parties to recommit to

¹⁴⁹ Resolutions 2426 (2018), para. 2, and 2450 (2018), para. 2. For more information on the mandate of the United Nations Disengagement Observer Force, see part X, sect. I, "Peacekeeping operations".

¹⁵⁰ Resolution 2433 (2018), para. 4.

¹⁵¹ Resolution 2401 (2018), para. 1.

¹⁵² *Ibid.*, para. 3.

¹⁵³ Resolution 2449 (2018), para. 5.

¹⁵⁴ S/PRST/2018/5, second and twelfth paragraphs.

¹⁵⁵ Resolution 2451 (2018), para. 3.

¹⁵⁶ *Ibid.*

¹⁵⁷ Resolution 2429 (2018), para. 34. For more information, see part I, sect. 10, "Reports of the Secretary-General on the Sudan and South Sudan".

¹⁵⁸ S/PRST/2018/4, fourth paragraph.

¹⁵⁹ *Ibid.*

¹⁶⁰ S/PRST/2018/19, fourth paragraph.

¹⁶¹ S/PRST/2018/12, second paragraph. For more information, see part I, sect. 21, "Items relating to Ukraine".

the peace process and to implement all the measures agreed in order to achieve immediate progress in the implementation of the Minsk agreements.¹⁶²

Implementation of inclusive peace, State-building and reconciliation processes

Referring to the situations in Afghanistan, the Central African Republic, Libya and Somalia, the Council called for the parties on the ground to implement inclusive peace, State-building and reconciliation processes, taking note in particular of the need for the creation of conditions for the conduct of peaceful and credible elections. The Council also urged genuine dialogue to resolve the outstanding political crises in Burundi and Guinea-Bissau and underscored the importance of peaceful, transparent and credible elections in the West African region.

In connection with the situation in Afghanistan, the Council welcomed the continuing efforts of the Government of Afghanistan to advance the peace process to promote an inclusive, Afghan-led and Afghan-owned dialogue on reconciliation and political participation, including the effective and meaningful participation of women, as laid forth in the Kabul Conference Communiqué.¹⁶³ In relation to the parliamentary and district council elections on 20 October 2018 and the presidential elections in 2019, the Council called on all parties concerned to adhere to the fundamental requirements laid out by the electoral law and all other relevant regulations and to uphold the highest standards of integrity throughout that important and historic process, so that the final outcome reflected the will of the people of Afghanistan.¹⁶⁴

On the situation in Burundi, the Council reiterated its deep concern over the slow progress in the inter-Burundian dialogue and called for all Burundian stakeholders to participate actively and unconditionally in that process.¹⁶⁵ It added that it was crucial that all parties, most especially the Government, committed to the East African Community-led process and reached an agreement ahead of the 2020 elections and stressed that dialogue was the only viable process for a sustainable political settlement in Burundi.¹⁶⁶ Further, the Council

called on States in the region to contribute to finding a political solution in Burundi, refrain from any interference and respect their obligations under international law.¹⁶⁷

Under the item entitled “Central African region” and in connection with the conflict in the Central African Republic, the Council urged the armed groups in that country to cease all forms of violence and destabilizing activities, lay down their arms immediately and unconditionally and engage constructively in the peace process.¹⁶⁸ Taking note of planned elections across the Central African region in the upcoming period, the Council emphasized the need for national stakeholders to work together to facilitate the timely preparation for and holding of peaceful, transparent and credible elections with a level playing field for all candidates and the full, equal and effective participation of women.¹⁶⁹

In connection with the item entitled “The situation in the Central African Republic”, the Council reiterated its support to the President of the Central African Republic, Faustin Archange Touadera, in his efforts to promote lasting peace and stability in the Central African Republic and called on the authorities to take all the necessary steps, without delay, to advance the dialogue with armed groups and promote national reconciliation.¹⁷⁰ The Council underscored the urgent need for further progress in an ambitious and inclusive dialogue between the authorities and the armed groups, as well as all segments of society, promoting the full and effective participation of women, and encouraged the President to cement and broaden national ownership of the peace process.¹⁷¹

Under the item entitled “The situation in Guinea-Bissau”, the Council called upon the stakeholders in Guinea-Bissau to strictly respect and comply with the Conakry Agreement and the Economic Community of West African States road map in addressing their differences and the challenges facing their country.¹⁷² The Council also called upon the authorities and all stakeholders, including the military, political parties and civil society, to engage in inclusive, genuine dialogue and to work together to consolidate the

¹⁶² S/PRST/2018/12, fifth paragraph.

¹⁶³ Resolution 2405 (2018), para. 10. See also S/PRST/2018/2, third, fourth and tenth paragraphs. For more information, see part I, sect. 17, “The situation in Afghanistan”.

¹⁶⁴ S/PRST/2018/15, sixth paragraph.

¹⁶⁵ S/PRST/2018/7, second paragraph. For more information, see part I, sect. 4, “The situation in Burundi”.

¹⁶⁶ S/PRST/2018/7, second paragraph.

¹⁶⁷ *Ibid.*, sixth paragraph.

¹⁶⁸ S/PRST/2018/17, tenth paragraph. For more information, see part I, sect. 9, “Central African region”.

¹⁶⁹ S/PRST/2018/17, fifteenth paragraph.

¹⁷⁰ S/PRST/2018/14, third paragraph. For more information, see part I, sect. 7, “The situation in the Central African Republic”.

¹⁷¹ S/PRST/2018/14, fourth paragraph.

¹⁷² Resolution 2404 (2018), para. 6. For more information, see part I, sect. 8, “The situation in Guinea-Bissau”.

progress made so far and to address the root causes of instability.¹⁷³

In connection with the situation in Libya, the Council reaffirmed its endorsement and full support for the United Nations Action Plan for Libya and reiterated its call for all Libyans to work together in a spirit of compromise in the inclusive political process under the leadership of the Special Representative of the Secretary-General for Libya.¹⁷⁴ The Council welcomed all efforts to strengthen an inclusive political dialogue among all Libyans within the framework of the Libyan Political Agreement, affirming that the Agreement remained the only viable framework to end the political crisis.¹⁷⁵ The Council called upon all Member States to urge all Libyans to work constructively to ensure that the required conditions were in place for national elections, as well as to promote the meaningful and equal participation of women in the political process, including the election process.¹⁷⁶

With respect to the situation in Somalia, the Council welcomed the commitment of the Federal Government of Somalia, in accordance with the rule of law, to continuing to make progress on inclusive, transparent and accountable State-building and federalism through the next phase of the constitutional review process, also welcomed the commitment of the Federal Government and the federal member states to working closely together in that regard and encouraged dialogue with civil society and the Somali public, including the integration of women and youth.¹⁷⁷ The Council urged the Federal Government and the federal member states to pursue reconciliation talks at the local, regional and national levels, including a resumption of the dialogue with “Somaliland”.¹⁷⁸ The Council also urged the Federal Government and the federal member states to prioritize efforts to implement the national security architecture agreement.¹⁷⁹

In connection with the item entitled “Peace consolidation in West Africa”, the Council welcomed the positive developments in several West African countries, including the continued efforts being made to carry out political, constitutional and security sector reforms to improve governance, consolidate democracy and increase peaceful participation, as well as the steps

being taken to promote human rights, and encouraged national stakeholders, including civil society, to continue to engage in dialogue in a spirit of tolerance and inclusivity.¹⁸⁰ The Council emphasized the need for national stakeholders to work together to facilitate the timely preparation for and holding of peaceful, transparent and credible elections and urged them to work towards the increased participation of women.¹⁸¹ Reiterating its concern over the situation in Guinea-Bissau, the Council called upon all political leaders to uphold the provisions of the Conakry Agreement and to complete its implementation without further delay.¹⁸²

Resolution of outstanding disputes

In connection with the situations in Cyprus, the Abyei Area, the border between the Sudan and South Sudan, and Western Sahara, the Council called on the parties to resolve outstanding disputes through dialogue with a view to reaching a political settlement.

Regarding the item entitled “The situation in Cyprus”, the Council called upon the Greek Cypriot and Turkish Cypriot leaders to put their efforts behind further work on reaching convergences on the core issues, intensify work with the technical committees with the objective of enhancing intercommunal contacts and improving the daily lives of Cypriots, improve the public atmosphere for negotiation to secure a settlement and increase the participation of civil society in the process, as appropriate.¹⁸³ The Council also called upon them to actively engage with openness and creativity, fully commit to a settlement process under the auspices of the United Nations, use the United Nations consultations to restart negotiations and avoid any actions that might damage the chances of success.¹⁸⁴ The Council stressed the importance of the full and effective participation of civil society, and women in particular, at all stages of the peace process and also stressed the importance of the full and effective participation of youth.¹⁸⁵

Regarding the disputed Abyei Area, under the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, the Council requested the Governments of the Sudan and South Sudan to take

¹⁷³ Resolution 2404 (2018), para. 9.

¹⁷⁴ S/PRST/2018/11, first paragraph. For more information, see part I, sect. 13, “The situation in Libya”.

¹⁷⁵ S/PRST/2018/11, second paragraph.

¹⁷⁶ Ibid., fifth paragraph.

¹⁷⁷ Resolution 2408 (2018), para. 11. For more information, see part I, sect. 3, “The situation in Somalia”.

¹⁷⁸ Resolution 2408 (2018), para. 12.

¹⁷⁹ S/PRST/2018/13, seventh paragraph.

¹⁸⁰ S/PRST/2018/3, fourth paragraph. For more information, see part I, sect. 11, “Peace consolidation in West Africa”.

¹⁸¹ S/PRST/2018/3, fifth paragraph; and S/PRST/2018/16, sixth paragraph.

¹⁸² S/PRST/2018/3, eighth paragraph.

¹⁸³ Resolutions 2398 (2018), para. 4, and 2430 (2018), para. 5. For more information, see part I, sect. 19, “The situation in Cyprus”.

¹⁸⁴ Resolution 2430 (2018), para. 2.

¹⁸⁵ Ibid., paras. 8 and 9.

certain steps towards the implementation of the Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement on temporary arrangements for the administration and security of the Abyei Area, of 20 June 2011, to make progress toward the establishment of Abyei Area interim institutions, including through implementation of all Abyei Joint Oversight Committee decisions, and to implement confidence-building measures among the communities in the Abyei Area, ensuring the involvement of women at all stages.¹⁸⁶ The Council also reiterated its determination that the Sudan and South Sudan should demonstrate measurable progress on border demarcation and outlined specific measures that the parties would need to take before the Council would consider a further extension of the mandate of United Nations Interim Security Force for Abyei to support the Joint Border Verification and Monitoring Mechanism.¹⁸⁷

Under the item entitled "The situation in Somalia" and acting under Chapter VII of the Charter, the Council urged Djibouti and Eritrea to continue efforts to settle their border dispute peacefully in a manner consistent with international law by conciliation, arbitration or judicial settlement, or by any other means of pacific dispute settlement identified in Article 33 of the Charter upon which they agreed.¹⁸⁸ The Council also urged the two countries to engage on the issue of the Djiboutian combatants missing in action, including through the mediation of any relevant party of their own choosing.¹⁸⁹

In relation to the item entitled "The situation concerning Western Sahara", the Council emphasized the need to make progress toward a realistic, practicable and enduring political solution based on compromise.¹⁹⁰ The Council called upon the parties to resume negotiations under the auspices of the Secretary-General without preconditions and in good faith and called upon the neighbouring States to make important contributions to the political process and to increase their engagement in the negotiating process.¹⁹¹ Expressing its full support for the renewed negotiations process expected before the end of 2018, the Council encouraged Morocco, the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro

(Frente POLISARIO), Algeria and Mauritania to work constructively with the Personal Envoy of the Secretary-General for Western Sahara, in the spirit of compromise, throughout the duration of the process to ensure a successful outcome.¹⁹²

Addressing the root causes of conflict and peacebuilding

Regarding the situation in Liberia, and in the context of the Liberia peacebuilding plan entitled "Sustaining peace and securing development" submitted by the Secretary-General to the Council pursuant to resolution 2333 (2016),¹⁹³ the Council emphasized the need for expanded efforts by the authorities to address the root causes of conflict, reinvigorate reconciliation processes, promote land reform, advance constitutional and institutional reforms, promote the active participation of women and youth in peacebuilding, extend State authority and social services throughout the country, continue to improve respect for human rights and build trust between Liberian citizens and government institutions.¹⁹⁴

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

While Article 99 of the Charter provides that the Secretary-General may bring to the attention of the Council any matter which in his opinion may threaten the maintenance of international peace and security, the Charter does not specifically define the role of the Secretary-General in relation to matters of peace and security. The work of the Council regarding conflict prevention and the peaceful settlement of disputes has, however, required the involvement of the Secretary-General in all relevant aspects of that agenda.

During the period under review, the Council recognized the good offices work of the Secretary-General, as well as that of his special representatives and envoys, in efforts to end violence through the cessation of hostilities and the implementation of permanent ceasefires, inclusive political and reconciliation processes, the resolution of outstanding disputes, support for political transitions and peacebuilding, and addressing cross-border threats and cross-cutting issues.

¹⁸⁶ Resolution 2416 (2018), paras. 6 and 16. For more information, see part I, sect. 10, "Reports of the Secretary-General on the Sudan and South Sudan".

¹⁸⁷ Resolutions 2412 (2018), paras. 1 and 3, and 2438 (2018), paras. 1 and 3.

¹⁸⁸ Resolution 2444 (2018), para. 7.

¹⁸⁹ *Ibid.*, para. 6.

¹⁹⁰ Resolution 2414 (2018), para. 2. For more information, see part I, sect. 1, "The situation concerning Western Sahara".

¹⁹¹ Resolution 2414 (2018), paras. 3 and 4.

¹⁹² Resolution 2440 (2018), para. 3.

¹⁹³ See S/2017/282, annex.

¹⁹⁴ S/PRST/2018/8, fifth paragraph. For more information, see part I, sect. 2, "The situation in Liberia".

Good offices to end violence

The Council welcomed the appointment of the Special Envoy of the Secretary-General for Yemen, affirmed its support for his mission and called on all parties to allow him full and unhindered access to all relevant parties in Yemen.¹⁹⁵ The Council also welcomed the Special Envoy's presentation of a framework for negotiations in Stockholm and his plan to discuss it during the next round of talks to pave the way for the resumption of formal negotiations towards a political solution.¹⁹⁶ The Council authorized the Secretary-General to establish and deploy an advance team to begin monitoring and to support and facilitate the immediate implementation of the Stockholm Agreement, including the request for the United Nations to chair the Redeployment Coordination Committee.¹⁹⁷

Good offices in support of political and reconciliation processes

The Council highlighted the role of the Secretary-General in supporting inclusive political, national reconciliation and State-building processes in Afghanistan, Burundi, Guinea-Bissau and Somalia and in the Central African region.

In connection with the situation in Afghanistan, having welcomed the continuing efforts of the Government of Afghanistan to advance the peace process, the Council encouraged the Government to make use of the good offices of the United Nations Assistance Mission in Afghanistan to support that process, as appropriate.¹⁹⁸

Regarding the situation in Burundi, the Council reiterated its full support to the Secretary-General and the Special Envoy of the Secretary-General for Burundi in their efforts to engage and work with the Government of Burundi to help overcome the current political impasse and foster an inclusive reconciliation process.¹⁹⁹ It called on the Secretary-General and the Government to expeditiously finalize and implement the status of the mission agreement for the Office of the Special Envoy, in order to work with the Government and other concerned stakeholders to support the East African Community-led inter-Burundian dialogue and in the areas of security and rule of law, engage with all stakeholders in the crisis and work with all Burundian parties to develop confidence-building measures, improve the human rights and

security situations and foster an environment conducive to political dialogue.²⁰⁰

In reference to the Central African region, the Council recalled the important work of the Special Representative of the Secretary-General for Central Africa and the United Nations Regional Office for Central Africa (UNOCA) and acknowledged the role of UNOCA in promoting inclusive political dialogue in Cameroon, Chad, the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe, in encouraging stability in the region and in preventing or mitigating election-related crises.²⁰¹ The Council encouraged the Special Representative and UNOCA to continue to support the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and increase regional efforts to advance the peace and reconciliation process in the Central African Republic through the African Initiative for Peace and Reconciliation and its road map that had been adopted in Libreville on 17 July 2017.²⁰² The Council welcomed the support of UNOCA in facilitating the then upcoming elections in the States of the Central African region.²⁰³

Regarding the Central African Republic, the Council renewed its strong support to the Special Representative of the Secretary-General for the Central African Republic and MINUSCA in the implementation of the mandate of the Mission in support of the Central African Republic authorities, including its support to the peace process.²⁰⁴ The Council welcomed the joint visit in Bangui of the Under-Secretary-General for Peacekeeping Operations and the Commissioner for Peace and Security of the African Union in April 2018 and underlined the importance of the synergy between the two organizations in supporting the peace process in the Central African Republic.²⁰⁵

In connection with the situation in Guinea-Bissau, the Council called for the implementation of the recommendations of the strategic review mission regarding the need for the United Nations Integrated Peacebuilding Office in Guinea-Bissau to refocus its existing efforts towards political capacities in support of the good offices of the Special Representative of the Secretary-General for Guinea-Bissau.²⁰⁶

¹⁹⁵ S/PRST/2018/5, twelfth paragraph.

¹⁹⁶ Resolution 2451 (2018), para. 4.

¹⁹⁷ Ibid., para. 5.

¹⁹⁸ Resolution 2405 (2018), para. 10.

¹⁹⁹ S/PRST/2018/7, sixteenth paragraph.

²⁰⁰ Ibid.

²⁰¹ S/PRST/2018/17, third paragraph.

²⁰² Ibid., eleventh paragraph.

²⁰³ Ibid., fifteenth paragraph.

²⁰⁴ S/PRST/2018/14, seventh paragraph.

²⁰⁵ Ibid., sixth paragraph.

²⁰⁶ Resolution 2404 (2018), para. 2.

Concerning the situation in Libya, the Council reaffirmed its endorsement and full support for the United Nations Action Plan for Libya, reiterated its call for all Libyans to work together in a spirit of compromise in the inclusive political process under the leadership of the Special Representative of the Secretary-General for Libya and underscored the importance of the role of the United Nations in facilitating a Libyan-led political solution to the challenges facing the country.²⁰⁷ The Council also recognized the key role of the Special Representative in consulting with Libyan parties to set the constitutional basis for elections and to adopt the necessary electoral laws.²⁰⁸

Regarding the situation in Somalia, the Council underscored the importance of the support of the United Nations Assistance Mission in Somalia to the Government-led inclusive political process, including the provision of United Nations good offices functions to support the peace and reconciliation process of the Federal Government, in particular with regard to the consolidation of state formation, mediation, the prevention and resolution of conflicts, constitutional review processes, resource- and revenue-sharing, the improved accountability of Somali institutions and the strengthening of the rule of law.²⁰⁹

Good offices in support of the resolution of outstanding disputes

The Council acknowledged the role of the Secretary-General in supporting the relaunching of political negotiations for the resolution of outstanding disputes in connection with the situation in Cyprus, the Abyei Area and Western Sahara.

In connection with Cyprus, the Council welcomed the Secretary-General's willingness and expressed its full support for his good offices to remain available to assist the Greek Cypriot and Turkish Cypriot sides, should they jointly decide to re-engage in negotiations with the necessary political will.²¹⁰ The Council requested the Secretary-General to maintain transition planning in relation to a settlement and encouraged the sides to engage with each other, as well as with the United Nations Peacekeeping Force in Cyprus and the United Nations good offices mission in that regard.²¹¹ The Council urged the sides and all involved participants to seize the important opportunity presented by the appointment by the Secretary-General of a United Nations consultant to conduct in-depth consultations on a way forward, by engaging

constructively in those consultations and renewing their political will and commitment to a settlement under the auspices of the United Nations.²¹²

With respect to the situation in the Abyei Area, the Council encouraged the African Union High-level Implementation Panel and the Special Envoy of the Secretary-General for the Sudan and South Sudan to continue coordinating efforts towards calling for full implementation of the 2011 agreements between the two Governments.²¹³ The Council also encouraged the United Nations Interim Security Force for Abyei to coordinate with the Panel and the Special Envoy on reconciliation, community sensitization and political peace processes.²¹⁴

In connection with the situation concerning Western Sahara, the Council affirmed its full support for the intention of the Secretary-General and the Personal Envoy of the Secretary-General for Western Sahara to relaunch the negotiations with a new dynamic and a new spirit with the aim of reaching a mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter.²¹⁵ The Council encouraged Morocco, Frente POLISARIO, Algeria and Mauritania, which had responded positively to the invitation to an initial round-table meeting in Geneva, to work constructively with the Personal Envoy, in the spirit of compromise, through the duration of the process to ensure a successful outcome.²¹⁶

Good offices in support of political transition and peacebuilding

In connection with the situation with Liberia, the Council welcomed the continued implementation of the Liberia peacebuilding plan entitled "Sustaining peace and securing development" submitted by the Secretary-General to the Council pursuant to resolution 2333 (2016).²¹⁷ Expressing its appreciation for the important contribution of the United Nations Mission in Liberia (UNMIL), which completed its mandate on 30 March 2018, the Council requested the Secretary-General to undertake a study of the role of UNMIL in the resolution of conflicts and challenges in Liberia through the contributions of good offices, political mediation, the sanctions regime and other relevant factors that allowed

²⁰⁷ S/PRST/2018/11, first paragraph.

²⁰⁸ Ibid., eleventh paragraph.

²⁰⁹ Resolution 2408 (2018), para. 3.

²¹⁰ Resolutions 2398 (2018), para. 5, and 2430 (2018), para. 6.

²¹¹ Ibid.

²¹² Resolution 2430 (2018), para. 1.

²¹³ Resolution 2416 (2018), para. 8.

²¹⁴ Resolution 2445 (2018), para. 9.

²¹⁵ Resolution 2414 (2018), para. 13.

²¹⁶ Resolution 2440 (2018), para. 3.

²¹⁷ S/PRST/2018/8, fifth paragraph.

for the successful completion of the Mission's mandate and transition to the United Nations country team.²¹⁸

Good offices to address cross-border challenges

Concerning West Africa and the Sahel, the Council expressed full support for the Special Representative of the Secretary-General for West Africa and the Sahel and looked forward to ongoing activities undertaken by the United Nations Office for West Africa and the Sahel in the areas of conflict prevention, mediation and good offices, subregional and regional cooperation to address the root causes of conflict and cross-border and cross-cutting threats to peace and security, and the promotion of good governance.²¹⁹

²¹⁸ Ibid., third and fourth paragraphs.

²¹⁹ S/PRST/2018/3, third paragraph.

D. Decisions involving regional arrangements or agencies

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

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

Note

Section IV features the main discussions in the Security Council in 2018 with regard to the interpretation of specific provisions of Chapter VI of the Charter of the United Nations concerning the role of the Council and the Secretary-General in the peaceful settlement of disputes. It excludes those that concern regional organizations, which are covered in part VIII.

During the period under review, explicit references were made to Article 33,²²⁰ Article 36²²¹ and

Article 99,²²² as well as to Chapter VI²²³ of the Charter during deliberations, but in most cases this did not give

²²⁰ In connection with the maintenance of international peace and security, see S/PV.8185, p. 21 (Sweden), p. 24 (France) and p. 26 (Netherlands); S/PV.8262, p. 16 (Kazakhstan), p. 61 (Ukraine), p. 63 (Germany), p. 73 (Djibouti) and p. 74 (Sri Lanka); and S/PV.8334, p. 11 (Plurinational State of Bolivia), p. 15 (Netherlands), p. 18 (Kuwait), p. 22 (Russian Federation), p. 38 (Ukraine), p. 42 (Germany), p. 46 (Portugal), p. 52 (Sri Lanka), p. 55 (Djibouti), p. 60 (Bolivarian Republic of Venezuela), p. 64 (South Africa), p. 66 (Cyprus), p. 69 (Viet Nam), p. 71 (United Arab Emirates) and p. 73 (Armenia); in connection with threats to international peace and security, see S/PV.8233, p. 17 (Equatorial Guinea); in connection with the situation in Somalia, see S/PV.8398, p. 12 (Djibouti); and S/PV.8322, p. 8 (Djibouti); 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.8410, p. 8 (Kuwait).

²²¹ In connection with the maintenance of international peace and security, see S/PV.8262, pp. 4 and 7 (Senior Judge at and President Emeritus of the International Court of Justice), p. 19 (Peru), p. 24 (Plurinational State of Bolivia), p. 39 (Egypt), p. 52 (Italy), p. 71 (Austria) and p. 74 (Djibouti).

²²² In connection with the implementation of the note by the President of the Security Council (S/2017/507), see S/PV.8175, p. 19 (Sweden), p. 48 (Bangladesh) and p. 53 (Australia); and S/PV.8339, p. 5 (Kuwait); in connection with the maintenance of international peace and security, see S/PV.8185, p. 8 (Kuwait), p. 20 (Peru) and p. 21 (Sweden); S/PV.8262, p. 90 (Slovenia); S/PV.8395, p. 29 (United Kingdom); and S/PV.8334, p. 38 (Ukraine) and p. 58 (Italy); in connection with United Nations peacekeeping operations, see S/PV.8218, p. 66 (Ukraine); and in connection with the protection of civilians in armed conflict, see S/PV.8264, p. 57 (Republic of Korea).

²²³ In connection with the implementation of the note by the President of the Security Council (S/2017/507), see S/PV.8173, p. 7 (Peru); and S/PV.8175, p. 20 (Netherlands), p. 35 (Pakistan) and p. 60 (Bahrain); in connection with the maintenance of international peace and security, see S/PV.8185, p. 3 (Secretary-General), p. 7 (Kuwait), p. 17 (Ethiopia), pp. 19–20 (Peru), p. 20 (Sweden) and p. 24 (France); S/PV.8262, p. 11 (Poland), p. 14 (Equatorial Guinea), p. 19 (Peru), p. 24 (Plurinational State of Bolivia), p. 28 (France), p. 32 (Kuwait), p. 42 (Greece), p. 48 (Pakistan), p. 55 (European Union), p. 59 (Australia), p. 61 (Ukraine), p. 64 (Jamaica), p. 66 (Norway), p. 70 (Kenya), p. 76 (Lebanon), p. 82 (Bolivarian Republic of Venezuela), p. 84 (Viet Nam), p. 85 (Portugal), p. 86 (United Arab Emirates), p. 89 (Rwanda) and p. 90 (Slovenia); S/PV.8293, p. 20 (Peru); S/PV.8395, p. 3 (Secretary-General), p. 10 (Sweden), p. 26 (Ethiopia), p. 29 (United Kingdom), p. 42 (Pakistan), p. 47 (Switzerland), p. 61 (Turkey) and p. 76 (Morocco); and S/PV.8334, p. 8 (United Kingdom), p. 11 (Plurinational State of Bolivia), p. 12 (Poland), p. 13 (France), p. 16 (Peru), pp. 18–19 (Kuwait), pp. 20–21 (China), p. 27 (Egypt), pp. 28–29

rise to a constitutional discussion. No explicit references were made to Articles 37 or 38.

The section is divided into four subsections: A. Reference to peaceful means of settlement in the light of Article 33 of the Charter; B. Relevance of the provisions of Chapter VI of the Charter in comparison to the provisions of Chapter VII; C. Referral of legal disputes to the International Court of Justice in the light of Article 36 (3) of the Charter; and D. Utilization of Article 99 of the Charter by the Secretary-General for the pacific settlement of disputes. The section features cases in which there were relevant constitutional discussions during the period under review.

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

Article 33 of the Charter stipulates that any dispute that is likely to endanger the maintenance of international peace and security should first be addressed through negotiation, mediation or other peaceful means, and states that the Council can call upon the parties to settle their disputes by such means. During the period under review, discussions with respect to Article 33 were held in connection with the following items: (a) “Maintenance of international peace and security” (cases 5 and 6); and (b) “Women and peace and security” (case 7).

(Pakistan), p. 32 (Liechtenstein), p. 36 (Guatemala), p. 39 (Mexico), p. 50 (Estonia), pp. 53–54 (Cuba), p. 56 (Morocco), p. 60 (Bolivarian Republic of Venezuela), p. 63 (Slovenia), p. 64 (Maldives), pp. 64–65 (South Africa) and p. 76 (Indonesia); in connection with the letter dated 13 March 2018 from the Chargé d’affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2018/218), see S/PV.8203, p. 6 (Peru); in connection with the question concerning Haiti, see S/PV.8226, p. 4 (Plurinational State of Bolivia) and p. 6 (Equatorial Guinea); in connection with peacebuilding and sustaining peace, see S/PV.8243, p. 19 (Poland); in connection with the situation in the Middle East, including the Palestinian question, see S/PV.8244, p. 40 (Bolivarian Republic of Venezuela); in connection with peace and security in Africa, see S/PV.8407, p. 46 (Bolivarian Republic of Venezuela); and in connection with cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security, see S/PV.8340, p. 7 (Kuwait) and p. 8 (United Kingdom); and S/PV.8414, p. 36 (Pakistan), p. 37 (Bolivarian Republic of Venezuela) and p. 57 (Indonesia).

Case 5 Maintenance of international peace and security

On 17 May 2018, at its 8262nd meeting, further to a concept note²²⁴ circulated by Poland, which held the presidency for that month, the Council held a high-level open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Upholding international law within the context of the maintenance of international peace and security”. Speaking on behalf of the Secretary-General, the Chef de Cabinet stated that the Charter did not prescribe the use of any particular means of settlement for disputes between Member States, nor did it establish any particular hierarchy among them. Member States were free to choose between negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements and other peaceful means of their choice. The Council could call on States to settle their disputes and draw their attention to the means available to them, recommend to States that they use a particular means of settlement, as well as support States in using the means they had chosen, or it could task the Secretary-General to assist them in trying to reach a settlement or even establishing a subsidiary organ for that purpose.²²⁵

In the ensuing discussion, the representative of Poland described Chapter VI of the Charter as the most useful tool at the international community’s disposal in the case of disagreements and imminent conflicts.²²⁶ The representative of Equatorial Guinea stated that, to achieve a just and safe world, it was important to promote the resolution of disputes through peaceful means as an essential part and basic principle of international law enshrined in Chapter VI.²²⁷ The representative of Sweden noted that international rules were not only essential for the maintenance of international peace and security but also confirmed the duty of all States to settle disputes by peaceful means.²²⁸ The representative of Italy recalled that States had broad discretion in choosing mechanisms to settle disputes and that they should show good faith and goodwill to settle their differences, including through non-judicial means, provided that they were inspired by adherence to fundamental legal principles.²²⁹ The representative of Argentina maintained that any method for the peaceful settlement of disputes

²²⁴ S/2018/417/Rev.1, annex.

²²⁵ S/PV.8262, pp. 2–3.

²²⁶ *Ibid.*, p. 11.

²²⁷ *Ibid.*, p. 14.

²²⁸ *Ibid.*, p. 21.

²²⁹ *Ibid.*, p. 52.

was equally valid for resolving conflicts. Referring specifically to negotiation, he stressed the importance of ensuring that the parties to disputes complied in good faith with the calls for negotiations made by United Nations bodies and refrained from any action that could undermine their obligation to resolve the conflict by peaceful means. He added that States outside a dispute should also refrain from conduct that could sabotage a peaceful settlement.²³⁰

The representative of Ukraine underscored that the principle of the peaceful settlement of disputes created obligations for the principal organs of the United Nations, including the Council, especially in the application of Chapters VI and VII of the Charter.²³¹ The representative of Kuwait stated that the Council must use all the tools provided under Chapter VI, including negotiation, inquiry, mediation, conciliation, arbitration and judicial settlement, to help prevent the outbreak of conflict.²³² The representative of Jamaica stated that it should be incumbent on the parties involved in a dispute to explore all available prospects for peaceful resolution, and for the United Nations to be able to play a part in facilitating that solution, particularly in the face of protracted disagreements for which all reasonable approaches had not been fully exploited.²³³ The representative of Rwanda added that the Council needed to make more effective use of the procedures and framework for the peaceful settlement of disputes, particularly Articles 33 to 38 of the Charter.²³⁴

The representative of Peru stressed the importance of strengthening the capacities of the United Nations in preventive diplomacy and the early warning required for that purpose, in compliance with Articles 34 and 99 of the Charter.²³⁵ The representative of Sweden maintained that the Council had to do more than react to violence and had to utilize early warning tools to the fullest extent possible. Noting the commitment of the Secretary-General to conflict prevention and peaceful settlements, he encouraged him to integrate the relevant international law perspectives and tools more clearly in reporting to the Council.²³⁶ Similarly, the representative of the United Arab Emirates proposed that the Council request a report by the Secretary-General on the various modalities of dispute settlement

that would outline the use and practice of such modalities in mitigating disputes.²³⁷

The representative of Austria underscored the need to enhance national expertise in mediation and preventive diplomacy.²³⁸ The representative of Lithuania highlighted that advancing preventive diplomacy, early action and mediation remained vital to preventing conflicts and mass atrocities and described putting an end to impunity and ensuring accountability as crucial elements of conflict prevention.²³⁹ The representative of the European Union called on the Council to continue holding early discussions on situations at risk of violent conflict on a more systematic basis. He added that members of the Council should not vote against a credible draft resolution on timely and decisive action to end the commission of genocide, crimes against humanity or war crimes, or to prevent such crimes. The representative of the European Union also stated that the Council could strive to make greater use of Article 34 of the Charter to investigate disputes or situations.²⁴⁰ The representative of Norway called on the Council to show unity in giving full support to mediation efforts and good offices and welcomed the initiatives of the Secretary-General for strengthening conflict prevention and mediation.²⁴¹

A number of speakers recognized the important role of regional organizations in the peaceful settlement of disputes.²⁴² The representative of the Plurinational State of Bolivia stated that the effective application of negotiation, mediation, reconciliation, prevention and the legal arrangements for the peaceful settlement of disputes, as well as the primary use of the provisions of Chapter VI and VIII of the Charter, were indispensable to the analysis and comprehensive consideration of conflicts and their particularities.²⁴³

Case 6 Maintenance of international peace and security

On 29 August 2018, at its 8334th meeting, further to a concept note²⁴⁴ circulated by the United Kingdom, which held the presidency for that month, the Council held an open debate under the item entitled

²³⁰ Ibid., p. 65.

²³¹ Ibid., p. 61.

²³² Ibid., p. 32.

²³³ Ibid., p. 64.

²³⁴ Ibid., p. 89.

²³⁵ Ibid., p. 19.

²³⁶ Ibid., p. 22.

²³⁷ Ibid., p. 86.

²³⁸ Ibid., p. 71.

²³⁹ Ibid., p. 33.

²⁴⁰ Ibid., p. 55.

²⁴¹ Ibid., p. 66.

²⁴² Ibid., p. 11 (Poland), p. 16 (Kazakhstan), p. 66 (Norway), p. 70 (Kenya) and p. 87 (Ghana).

²⁴³ Ibid., p. 24.

²⁴⁴ S/2018/586, annex.

“Maintenance of international peace and security” and the sub-item entitled “Mediation and settlement of disputes”. In his briefing, the Secretary-General noted that a surge in diplomacy for peace was one of the key priorities of his tenure and stressed that prevention included investment in mediation, peacebuilding and sustainable development. He stated that mediating an end to complex conflicts required bringing together all available mediation tracks in a coordinated way. He made reference to the work of his special representatives and envoys, the Standby Team of Senior Mediation Advisers, the High-level Advisory Board on Mediation, regional and subregional organizations and private mediation actors, including non-governmental organizations. He emphasized the importance of inclusive mediation and recommended investing in women’s meaningful participation and leadership in peace processes, paying greater attention to the gender dimensions of conflict, doing more to engage with young people and investing in the mediation and conciliation opportunities offered by information technology. The Secretary-General underlined that the Council played a central role in conflict resolution, particularly when it signalled to warring parties that they had to settle their disputes peacefully.²⁴⁵

In his remarks, the Archbishop of Canterbury, invited under rule 39 of the provisional rules of procedure and speaking as a member of the High-level Advisory Board on Mediation and a religious leader, underscored that mediation could be effective only when it was conducted in the context of structures of reconciliation. He urged the Council to commit to the ongoing transformation of violent conflict into non-violent disagreement and eventually into a truly inclusive approach to participation in mediation and reconciliation.²⁴⁶ The Co-founder of PAIMAN Alumni Trust addressed the role of women in mediation, stating that the Council should acknowledge the complexity of wars as a critical first step that could lead to designing mediation processes that addressed that complexity by drawing on the vast resources of local actors, especially women. She also highlighted that women’s mediatory roles at informal levels had often served as blueprints for negotiations, adding that women should be involved in mediation and peace process because, at a basic level, their participation was a question of equity and equality.²⁴⁷

During the deliberations, the representative of the Russian Federation stated that the peaceful resolution of conflicts was enshrined in the Charter as both a

founding purpose and a principle of the Organization’s work.²⁴⁸ The representative of Ukraine recalled that Article 33 of the Charter provided an obligation for the peaceful settlement of disputes and a toolkit for doing so.²⁴⁹ In that regard, numerous speakers referred to mediation as one of the essential tools for the pacific settlement of disputes and the prevention of conflict.²⁵⁰

The representative of Egypt highlighted the responsibility of the Council, in line with the mandate given to it under Chapter VI of the Charter, to make all efforts to use, support and activate peaceful means such as negotiation, investigation, mediation and judicial settlement, or resort to regional bodies, organizations and other peaceful means in order to promote the peaceful settlement of disputes.²⁵¹ The representative of the Netherlands encouraged the Council to use tools such as mediation before situations became a threat to international peace and security.²⁵² Speaking on behalf of the Group of Friends of Mediation, the representative of Turkey highlighted the importance of the Council and the entire United Nations strengthening their capacity to undertake prevention and recalibrating their approach from responding to conflict towards sustaining peace.²⁵³

The representative of the United Kingdom stated that the United Nations had made good progress in the previous decade to professionalize and strengthen its mediation role, with the establishment of the Mediation Support Unit, the Standby Team of Senior Mediation Advisers and the High-level Advisory Board on Mediation. He underscored the important mediation work conducted by peacekeeping operations and special political missions.²⁵⁴ The representative of the Plurinational State of Bolivia expressed appreciation for the efforts of the Secretary-General to prioritize conflict prevention as a guide for the work of the entire United Nations system and to place emphasis on mediation as a key tool for that purpose.²⁵⁵ Several speakers highlighted the good offices role of the Secretary-

²⁴⁸ *Ibid.*, p. 22.

²⁴⁹ *Ibid.*, p. 38.

²⁵⁰ *Ibid.*, p. 9 (United Kingdom), p. 11 (Plurinational State of Bolivia), p. 13 (France), p. 15 (Netherlands), p. 16 (Peru), p. 17 (Kazakhstan), pp. 20–21 (China), p. 24 (Brazil), p. 30 (Lithuania), p. 31 (Islamic Republic of Iran), p. 32 (Liechtenstein), p. 34 (Jordan), p. 39 (Mexico), p. 42 (Germany), p. 48 (India), p. 49 (Romania), p. 52 (Sri Lanka), p. 57 (Belgium), p. 60 (Bolivarian Republic of Venezuela), p. 63 (Slovenia), p. 65 (Cyprus) and p. 72 (Armenia).

²⁵¹ *Ibid.*, p. 27.

²⁵² *Ibid.*, p. 15.

²⁵³ *Ibid.*, p. 26.

²⁵⁴ *Ibid.*, p. 9.

²⁵⁵ *Ibid.*, p. 11.

²⁴⁵ S/PV.8334, pp. 2–4.

²⁴⁶ *Ibid.*, pp. 4 and 6.

²⁴⁷ *Ibid.*, pp. 6–7.

General in that context, including through his special representatives and envoys.²⁵⁶ The representative of the United States noted that mediation should not be blind to the realities of what people were doing to each other on the ground and that, when diplomacy did not work, the Council needed to pursue a meaningful response, showing the parties that there would be consequences if they did not commit to talks.²⁵⁷ The representative of Brazil underscored that sanctions regimes should be designed in close coordination with the mediators and those in the field.²⁵⁸ Similarly, in reference to Article 33 of the Charter, the representative of Djibouti expressed the view that mediation would have a better chance of success if the parties understood that one of the consequences of failure would be arbitration or litigation, not a continued stalemate.²⁵⁹

Several speakers stated that mediation should be undertaken in accordance with the provisions of the Charter and should take into account the fundamental principles of national responsibility and respect for State independence, sovereignty and equality in international relations.²⁶⁰ The representative of the Russian Federation added that the most effective way of resolving conflicts was through direct dialogue between conflicting parties and the political will to find mutually acceptable solutions.²⁶¹ The representative of Sri Lanka opined that the peaceful settlement of disputes could not be forced and that the parties to a conflict had to be persuaded by the merits of mediation.²⁶² The representative of Argentina stated that the higher obligation of Member States to settle their disputes by peaceful means could never be subject only to the consent of the parties.²⁶³

The representative of Peru underlined that mediation must be conducted in accordance with international law, including international humanitarian law and international human rights law.²⁶⁴ The representative of Liechtenstein stated that mediation

processes had to address serious crimes and victims' calls for justice.²⁶⁵ The representative of Maldives asserted that mediation would be effective only if mediators and the mediation process were objective, inclusive and, most importantly, impartial.²⁶⁶

Council members and other speakers widely concurred on the need for the United Nations to coordinate its mediation work with and support the mediation capacity-building of regional and subregional organizations. The representative of Equatorial Guinea stated that the United Nations needed to continue its multifaceted support to strengthen the mediation role of the African Union.²⁶⁷ The representative of the Sudan added that regional and subregional organizations, as well as neighbouring countries, were always the best placed and the most capable of acting as mediators.²⁶⁸

A significant aspect of the discussion focused on the importance of inclusivity in mediation. Many speakers referred to the importance of the inclusion of women and youth in mediation processes. For example, the representative of Sweden opined that mediation support teams needed gender expertise to understand how women's rights were part of the issues under discussion.²⁶⁹ The representative of the United Kingdom noted that women being involved in peacekeeping increased the probability of peace lasting much longer. He added that the United Nations system, Member States, civil society and religious leaders had to do more to promote women's participation in conflict prevention and resolution at all levels, including through the appointment of women mediators.²⁷⁰ The representative of Spain called for the training of youth in mediation and for their incorporation into negotiation processes, thereby empowering them as agents to resolve disputes peacefully and preventing the spread of radicalism.²⁷¹

Case 7 Women and peace and security

On 25 October 2018, at its 8382nd meeting, further to a concept note²⁷² circulated by the Plurinational State of Bolivia, which held the presidency for that month, the Council held a high-level open debate under the item entitled "Women and peace and security". The focus of the discussion was

²⁵⁶ Ibid., p. 10 (Equatorial Guinea), p. 12 (Plurinational State of Bolivia), p. 14 (France), p. 18 (Kazakhstan), p. 19 (Kuwait), p. 19 (Sweden), p. 22 (Russian Federation), p. 38 (Argentina), p. 40 (Mexico), p. 54 (Cuba) and p. 69 (Viet Nam).

²⁵⁷ Ibid., pp. 23–24.

²⁵⁸ Ibid., p. 25.

²⁵⁹ Ibid., p. 55.

²⁶⁰ Ibid., p. 21 (China), p. 22 (Russian Federation), p. 43 (Spain), p. 48 (India), pp. 52–53 (Sri Lanka), pp. 53–54 (Cuba), p. 56 (Morocco), p. 69 (Viet Nam) and p. 75 (Bahrain).

²⁶¹ Ibid., p. 22.

²⁶² Ibid., p. 52.

²⁶³ Ibid., p. 39.

²⁶⁴ Ibid., p. 16.

²⁶⁵ Ibid., p. 32.

²⁶⁶ Ibid., p. 63.

²⁶⁷ Ibid., p. 10.

²⁶⁸ Ibid., p. 47.

²⁶⁹ Ibid., p. 20.

²⁷⁰ Ibid., p. 9.

²⁷¹ Ibid., p. 43.

²⁷² S/2018/904, annex.

the sub-item entitled “Promoting the implementation of the women and peace and security agenda and sustaining peace through women’s political and economic empowerment”. Opening the debate, the Secretary-General noted that, despite progress in some areas, the participation of women in formal peace processes remained extremely limited. He urged the Council to invest in gender equality and women’s empowerment as critical means of preventing and ending conflict.²⁷³

The Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) highlighted that women on the front lines were negotiating ceasefires, civilian safe zones, the demobilization of fighters and humanitarian access at the local level and drawing up protection plans at the community level in Afghanistan, the Central African Republic, the Syrian Arab Republic and Yemen. She called on the Council to stop supporting peace agreements that excluded women.²⁷⁴ During her briefing on the status of Palestinian women, the General Director of the Women’s Centre for Legal Aid and Counselling called on the Council to ensure women’s meaningful participation in conflict prevention, democratic transition, reconciliation efforts and any humanitarian work and to use all tools at its disposal to ensure women’s meaningful participation and ensure that gender analysis was integrated into any discussions of the situation in the Occupied Palestinian Territory.²⁷⁵

During the deliberations, Council members and speakers invited under rule 37 of the provisional rules of procedure highlighted the importance of the inclusion of women in political processes across the conflict spectrum. The representative of Sweden opined that empowering women and increasing women’s political participation was one of the most effective tools for advancing global peace and security.²⁷⁶ Similarly, the representative of Côte d’Ivoire, speaking also on behalf of Equatorial Guinea and Ethiopia, noted the general consensus that restoring sustainable peace and stability in a post-crisis context required the active participation of women.²⁷⁷ The representative of Peru stated that when women participated more at every level of political life, societies were less inclined to conflict and more inclined to maintain and consolidate peace.²⁷⁸ The

representative of the United Kingdom maintained that when women meaningfully participated in peace processes, the resulting agreement was 35 per cent more likely to last at least 15 years.²⁷⁹ The representative of the United States expressed the view that countries with high rates of gender inequality were more likely to experience instability and deadly conflict.²⁸⁰

The representative of Kuwait stated that intensifying efforts aimed at the useful political participation of women began with ensuring the political, social and economic rights of women and empowering them to secure an education and basic services.²⁸¹ The representative of Slovenia stated that obstacles to women’s political and economic participation, such as sexual and gender-based violence, contributed to prolonged insecurity and threatened solutions for sustainable peace.²⁸² The representative of the Republic of Korea called for the empowerment of local communities as a sustainable and long-term solution to sexual violence.²⁸³ The representative of Hungary maintained that the protection of the rights of women and girls and their economic empowerment were powerful means for the prevention of, and their protection in, conflict and a prerequisite for their participation in all aspects of life.²⁸⁴

Most speakers during the meeting concurred that, despite the progress achieved, there was a need for further improvement in the participation of women in political processes. The representative of Sweden stated that participation was about having influence, not counting heads.²⁸⁵ Noting the successful inclusion of women in the comprehensive peace agreement in Colombia of 2016, the representative of the Netherlands underlined that civil society had played a big role in that peace process.²⁸⁶ The representative of Kuwait stated that women should be empowered to participate in the implementation of peace agreements through specific and tangible procedures and mechanisms.²⁸⁷ The representative of Slovakia underlined the importance of women’s participation

²⁷³ S/PV.8382, p. 4.

²⁷⁴ Ibid., pp. 5 and 7.

²⁷⁵ Ibid., p. 10.

²⁷⁶ Ibid., p. 12.

²⁷⁷ Ibid., p. 17.

²⁷⁸ Ibid., p. 20.

²⁷⁹ Ibid., p. 14.

²⁸⁰ Ibid., p. 23.

²⁸¹ Ibid., p. 19.

²⁸² Ibid., p. 30.

²⁸³ Ibid., p. 43.

²⁸⁴ Ibid., p. 44.

²⁸⁵ Ibid., p. 11.

²⁸⁶ Ibid., p. 13.

²⁸⁷ Ibid., p. 19.

and full involvement in all stages of security sector reform.²⁸⁸

Regarding the role of the United Nations, the representative of Sweden highlighted a number of improvements, including that all political and peacekeeping missions had a women and peace and security mandate, discussions in the Council were better informed, mandates were more precise, decisions were more inclusive and the number of briefers from civil society organizations had increased considerably, leading to better input. In terms of further progress, she emphasized that special representatives and envoys of the Secretary-General should be measured on how they implemented and delivered on women and peace and security, gender expertise in political and peacekeeping missions should be strategically positioned and conflict analysis should be improved and should include gender equality considerations.²⁸⁹ While noting that more than 70 per cent of Council resolutions and nearly 90 per cent of presidential statements included provisions on women's rights and participation, the representative of France called on the Council to reach 100 per cent.²⁹⁰ The representative of China stated that women were increasingly becoming important participants in, builders of and contributors to peace processes and that they played an indispensable role in preventing conflict, maintaining peace, reconciling differences and integrating social groups. In that regard, he added that the international community needed to strengthen coordination and cooperation so that women could fully play their role in maintaining international peace and security.²⁹¹ The representative of Slovakia emphasized that women's political and economic empowerment needed to be at the centre of women and peace and security efforts to ensure women's political empowerment and equal participation in all spheres of life.²⁹² The representative of Italy stated that women peacekeepers improved dispute resolution, built trust with communities and were more likely to be accepted by civilians, and thereby advance stability and the rule of law.²⁹³ The representative of the United States encouraged the United Nations leadership and the special representatives of the Secretary-General to take the lead in empowering gender advisers and facilitators to support their work.²⁹⁴ A number of speakers noted

the important efforts of the Secretary-General to achieve gender parity in the United Nations system.²⁹⁵

In terms of regional cooperation, the representative of Côte d'Ivoire, speaking also on behalf of Equatorial Guinea and Ethiopia, affirmed the commitment of the African Union to working to strengthen the role of women in peace and security processes, including through promoting gender equality in executive and legislative systems and strengthening the role of women in mediation and prevention strategies.²⁹⁶ Similarly, the representative of the European Union, speaking on behalf of the European Union and its member States, as well as Albania, Bosnia and Herzegovina, Georgia, Montenegro, the Republic of Moldova, Serbia, the former Yugoslav Republic of Macedonia, Turkey and Ukraine, affirmed the commitment of the European Union, together with other regional organizations such as the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization and the African Union, to integrating a stronger gender dimension into all peace and security efforts.²⁹⁷

B. Relevance of the provisions of Chapter VI of the Charter in comparison to the provisions of Chapter VII

During the period under review, some discussions in the Council touched upon the distinction between Chapter VI and Chapter VII of the Charter. During the 8334th meeting, under the item entitled "Maintenance of international peace and security" (see case 6), various references were made to the interaction and distinction between the two Chapters. Two speakers opined that logic and the Charter called on the Council to focus on Chapter VI before resorting to Chapter VII.²⁹⁸ The representative of the Islamic Republic of Iran stated that Chapter VII must be invoked as a measure of last resort.²⁹⁹ The representative

²⁸⁸ Ibid., p. 36.

²⁸⁹ Ibid., p. 11.

²⁹⁰ Ibid., p. 24.

²⁹¹ Ibid., p. 18.

²⁹² Ibid., p. 36.

²⁹³ Ibid., p. 54.

²⁹⁴ Ibid., p. 22.

²⁹⁵ Ibid., p. 15 (Kazakhstan), pp. 19–20 (Kuwait), p. 21 (Russian Federation), pp. 33–34 (India), p. 36 (Slovakia), p. 38 (Norway), p. 40 (Albania), p. 43 (Republic of Korea), p. 44 (Hungary), p. 48 (United Arab Emirates), p. 49 (Dominican Republic), p. 51 (Mexico), p. 63 (Canada, speaking on behalf of the Group of Friends of Women, Peace and Security), p. 79 (Egypt), p. 80 (Kenya), p. 83 (Georgia) and p. 97 (Trinidad and Tobago).

²⁹⁶ Ibid., p. 17.

²⁹⁷ Ibid., p. 58.

²⁹⁸ S/PV.8334, p. 19 (Kuwait) and p. 64 (South Africa).

²⁹⁹ Ibid., p. 31.

of Pakistan maintained that, while Chapter VII was the ultimate instrument for the implementation of Council resolutions, its latent efficacy could be greatly enhanced through a timely and judicious application of Chapter VI.³⁰⁰ The Council deliberated more extensively about the distinction between Chapter VI and Chapter VII in connection with the question concerning Haiti (see case 8).

Case 8

The question concerning Haiti

At its 8226th meeting, held on 10 April 2018, the Council adopted resolution [2410 \(2018\)](#), in which, acting under Chapter VII of the Charter, it renewed the mandate of the United Nations Mission for Justice Support in Haiti (MINUJUSTH) for a period of one year, until 15 April 2019. The resolution was adopted with 13 votes in favour and two abstentions.³⁰¹ In her statement after the vote, the representative of the United States said that the Council had expressed its support for equipping peacekeeping missions with what was needed to protect civilians, and that the case of MINUJUSTH was no different.³⁰² The representative of the United Kingdom added that MINUJUSTH had to have the tools it needed to make the transition in Haiti a success and that included continued authorization under Chapter VII to use all necessary means to carry out its mandate.³⁰³

In contrast, in explaining the decision of his delegation to abstain in the vote, the representative of the Russian Federation questioned the use of Chapter VII in the case of MINUJUSTH, the mandate of which was focused on helping the Government of Haiti to strengthen its own capacity and to monitor human rights. In that regard, he insisted that invoking Chapter VII, if it was even applicable to the situation in Haiti, should be contemplated only as a last resort for issues of physical safety.³⁰⁴ The representative of the Plurinational State of Bolivia expressed concern about the penholders “overstepping their boundaries” without considering the positions and opinions of other Council members, not to mention those of the host country, which had requested that the mandate of the Mission be governed by Chapter VI, as the situation in Haiti was not a threat to regional or international peace

and security.³⁰⁵ Similarly, the representative of Equatorial Guinea, despite voting in favour, expressed his country’s preference for priority to have been given to the spirit of trust between the Mission and the Government of Haiti and for those provisions to have been included under Chapter VI.³⁰⁶ Finally, in his remarks to the Council, the representative of Haiti deplored the fact that the recommendations delivered through Council members had not been taken into account despite the unanimous view that MINUJUSTH was a mission of support and technical assistance for the national institutions responsible for upholding the rule of law in Haiti.³⁰⁷

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

Article 36 (3) of the Charter provides that, in making recommendations under Article 36, the Council should also take into consideration that legal disputes should, as a general rule, be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court. During the period under review, a discussion with respect to Article 36 (3) was held in connection with the item entitled “Maintenance of international peace and security” (see case 9).

Case 9

Maintenance of international peace and security

On 17 May 2018, at its 8262nd meeting, further to a concept note³⁰⁸ circulated by Poland, which held the presidency for that month, the Council held a high-level open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Upholding international law within the context of the maintenance of international peace and security”. Speaking on behalf of the Secretary-General, the Chef de Cabinet stated that, where States had agreed to use the International Court of Justice as a means for settling their dispute, the Council had a role in ensuring that the Court’s judgment was properly observed. She also called on Member States to consider accepting the Court’s compulsory jurisdiction.³⁰⁹

³⁰⁰ *Ibid.*, p. 28.

³⁰¹ China and the Russian Federation abstained in the vote on the draft resolution. For more information on the mandate of MINUJUSTH, see part X, sect. I, “Peacekeeping operations”.

³⁰² [S/PV.8226](#), p. 2.

³⁰³ *Ibid.*, p. 5.

³⁰⁴ *Ibid.*, pp. 2–3.

³⁰⁵ *Ibid.*, p. 4.

³⁰⁶ *Ibid.*, p. 6.

³⁰⁷ *Ibid.*, p. 7.

³⁰⁸ [S/2018/417/Rev.1](#), annex.

³⁰⁹ [S/PV.8262](#), p. 3.

A Senior Judge at and President Emeritus of the International Court of Justice, speaking on behalf of the President of the Court, referred to Article 2 (3) of the Charter, which provided that all States Members of the United Nations should settle their disputes “by peaceful means in such a manner that international peace and security, and justice, are not endangered”. He highlighted the inclusion of the words “and justice” as clearly signifying that international peace and security were to be maintained in parallel with the realization of justice. For that reason, the International Court of Justice could play a role in actively contributing to the maintenance of peace and security in parallel with the Council. He recalled that the Council was empowered, at any stage of a dispute, to make recommendations as part of its duty and that, as provided in Article 36, the Council should take into consideration the fact that legal disputes should, as a general rule, be referred by the parties to the International Court of Justice. Referring to the significance of the Corfu Channel case, whereby the Council had recommended that Albania and the United Kingdom defer their dispute to the Court, newly established at that time, he opined that the Council could pay more attention to its discretionary power under Article 36 (3) and invited it to take inspiration from that early instance of constructive cooperation between the two institutions and consider additional possibilities.³¹⁰

In the subsequent discussion, the representative of Peru expressed support for the provision in Article 36 of the Charter for the Council to recommend that parties to a legal dispute should, as a general rule, resort to the Court.³¹¹ The representative of Uruguay echoed that view and underscored that the Council should promote the settlement of disputes, especially legal ones, through the Court where other means had proved ineffective.³¹² Noting that parties had been referred by the Council to the Court only once, in 1947, the representative of Kenya stated that the Council should look into ways to objectively use that platform, given the increasing inter-State tensions, with their tragic implications for regional and international peace and security.³¹³

In reference to Article 36 of the Charter, speakers highlighted that it was important that the Council made use of all the tools and mechanisms provided by the Court, including the delivery of advisory opinions, which represented a preventive way to settle disputes and contributed significantly to the fulfilment of the

obligation of States to settle their international disputes through peaceful means.³¹⁴ The representative of Equatorial Guinea referred to the border dispute between his country and Gabon as an example of a legal dispute being settled before the International Court of Justice.³¹⁵ Highlighting the importance of judicial settlement as a means of prevention, the representative of Germany called for Member States to respect and implement the decisions of the International Court of Justice, the International Tribunal for the Law of the Sea and other tribunals and arbitration mechanisms.³¹⁶ In that regard, a number of speakers called upon Member States that had not yet done so to recognize the compulsory jurisdiction of the International Court of Justice.³¹⁷ Expanding on the principle of consent, the representative of Djibouti maintained that the Council would not compel any State to go to court or arbitration, but that it would use its influence to have disputing States consent to doing so as an effective means of resolving disputes that, if left unresolved, could constitute threats to international peace and security. As an alternative to working directly with the disputing parties, he added that the Council could request the intervention of the Secretary-General and the use of his good offices to help the parties agree on the settlement of their dispute by one of the means listed in Article 33, including judicial settlement or arbitration.³¹⁸

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

Article 99 of the Charter stipulates that the Secretary-General may bring to the attention of the Council any matter which in his opinion may threaten the maintenance of international peace and security. In the discussions of the Council presented below, Member States encouraged the Secretary-General to fully 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 following items: (a) “Implementation of the note by the President of the Security Council (S/2017/507)” (see case 10); (b) “Maintenance of international peace and

³¹⁰ Ibid., pp. 4 and 7.

³¹¹ Ibid., p. 19.

³¹² Ibid., p. 68.

³¹³ Ibid., p. 70.

³¹⁴ Ibid., p. 24 (Plurinational State of Bolivia), p. 47 (Mexico), p. 73 (Djibouti) and p. 82 (Bolivarian Republic of Venezuela).

³¹⁵ Ibid., p. 14.

³¹⁶ Ibid., p. 63.

³¹⁷ Ibid., p. 25 (Côte d’Ivoire), p. 40 (Slovakia), p. 43 (Japan), p. 52 (Italy), p. 71 (Austria) and p. 74 (Djibouti).

³¹⁸ Ibid., p. 73.

security” (see case 11); and (c) “Threats to international peace and security” (see case 12).

Case 10

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

On 6 February 2018, at its 8175th meeting, further to a concept note³¹⁹ circulated by Kuwait, which held the presidency for that month, the Council held an open debate under the item entitled “Implementation of the note by the President of the Security Council S/2017/507”. In his remarks to the Council, the Executive Director of Security Council Report, a non-governmental organization, opined that, at a time when the Council and the Secretary-General were focused on the prevention of conflict, it was important for Council members to reach an agreement among themselves and with the Secretariat on how the Council wished to be kept well informed and therefore to be ready to engage promptly on emerging threats to peace and security.³²⁰

During the discussion, several Council members and other speakers referred to the good offices role of the Secretary-General. The representative of Sweden stated that the Council’s preventive role had to be operationalized, as foreseen in its sustaining peace resolutions and the Charter. That included the Secretary-General’s utilization of mediation, good offices and his full powers under Article 99 of the Charter. While calling for better and more frequent use of situational awareness briefings, he expressed the hope that, with the reformed Secretariat, the input of the Secretary-General would be more holistic as regards peace and security.³²¹ The representative of Bangladesh observed that, in the context of the situation in Myanmar, the Secretary-General had risen to the occasion by exercising his authority under Article 99 to raise the awareness of the Council about the potential threats posed by the crisis to international peace and security. He urged that that practice be encouraged on a more regular basis, as warranted by any humanitarian exigency likely to be compromised by otherwise political considerations.³²² The representative of Australia encouraged the Secretary-General to make full use of his prerogative under Article 99 to bring to the Council’s attention to any matter that might threaten the maintenance of international peace and security.³²³

³¹⁹ S/2018/66, annex.

³²⁰ S/PV.8175, p. 4.

³²¹ Ibid., p. 19.

³²² Ibid., p. 48.

³²³ Ibid., p. 53.

Case 11

Maintenance of international peace and security

On 21 February 2018, at its 8185th meeting, further to a concept note³²⁴ circulated by Kuwait, which held the presidency for that month, the Council held an open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Purposes and principles of the Charter of the United Nations in the maintenance of international peace and security”. In his remarks, noting that mediation was one of the paths suggested by Chapter VI of the Charter, the Secretary-General recalled that his own good offices were available to the Council at all times to help prevent, manage or resolve conflicts.³²⁵

In his remarks, the representative of Kuwait stressed the important and key role played by the Secretary-General in bringing any matter to the attention of the Council, pursuant to Article 99 of the Charter.³²⁶ The representative of Peru cited the remarks made by the Secretary-General at the time, Javier Pérez de Cuéllar, in connection with the situation in the Persian Gulf in 1991, including that there was a complementarity “between the Secretary-General being fully equipped with the means presupposed in Article 99 of the Charter and the Security Council (in conformity with the spirit of Article 34) maintaining a peace agenda not confined to items formally inserted”.³²⁷ The representative of Sweden called upon the Secretary-General to make even greater use of his prerogatives, including under Article 99, to bring to the attention of the Council any matter that, in his opinion, might threaten the maintenance of international peace and security and encouraged Council members to be responsive to such petitions. He noted that the Secretary-General had taken that step in relation to Myanmar in late 2017, bringing the Council’s attention to the situation there and its potential implications beyond the borders of that country.³²⁸

The representative of Côte d’Ivoire highlighted the good offices of the Secretary-General, which he described as a fundamental element of conflict prevention and resolution through preventive diplomacy. He added that the effectiveness of that instrument, however, lay in the ability of the Secretary-General to embody the moral authority of the United Nations and his persuasive force, particularly with regard to the

³²⁴ S/2018/85, annex.

³²⁵ S/PV.8185, p. 3.

³²⁶ Ibid., p. 8.

³²⁷ Ibid., p. 20. See also A/46/1, p. 3.

³²⁸ S/PV.8185, p. 21.

Council and the General Assembly.³²⁹ Similarly, the representative of France welcomed the efforts of the Secretary-General to strengthen the mediation component of his work by making full use of his good offices, as well as the mediation mechanisms and expertise in the Secretariat, the mobilization of which depended on the ability to anticipate and act prior to crises, through early warning and action.³³⁰

Case 12 Threats to international peace and security

On 13 April 2018, the Council held its 8231st meeting, under the item entitled “Threats to international peace and security” and the sub-item entitled “The situation in the Middle East”. In his briefing, the Secretary-General stated that the situation in the Middle East was in chaos to such an extent that it had become a threat to international peace and security.³³¹ He also stated that existing divisions in the region were reflected in a multiplicity of conflicts, several of which were clearly linked to the threat of global terrorism. He mentioned in particular the Palestinian-Israeli conflict and the conflicts in Iraq, Lebanon, Libya and Yemen. He said that the situation in the Syrian Arab Republic represented the most serious threat to international peace and security. He recalled his letter to the Council of 11 April 2018, in which he had expressed his deep disappointment that the Council was unable to agree upon a dedicated mechanism to attribute responsibility for the use of chemical weapons in the Syrian Arab Republic and reiterated his appeal to the Council to fulfil its duties in that regard.³³²

During the discussion, the representative of Sweden, echoed by the representative of Equatorial Guinea, noted that the Secretary-General had offered to support efforts in the Council to find a way forward on the issue of chemical weapons through his good offices.³³³ The representative of Sweden called on all Council members to muster the political will and respond to the appeal by the Secretary-General.³³⁴ The representatives of Ethiopia, Kazakhstan and Sweden concurred with the views expressed by the Secretary-General about the risks of the current impasse and added that the Council must, at all costs, avoid the situation spiralling out of control.³³⁵ The representative

of Côte d’Ivoire encouraged the Secretary-General to make use of his good offices with stakeholders to restore peace and calm, in order to prevent any further escalation of the situation.³³⁶

One day later, on 14 April 2018, at the Council’s 8233rd meeting, held under the same item and sub-item, the Secretary-General gave a briefing to Council members on reports of air strikes conducted by the United States, France and the United Kingdom in the Syrian Arab Republic on 13 April. He stated that, as the Secretary-General, he had a duty to remind Member States that there was an obligation, particularly when dealing with matters of peace and security, to act consistently with the Charter, and with international law in general. The Secretary-General underscored that there could be no military solution to the crisis and that the solution had to be a political one that was credible and met the aspirations of the Syrian people to dignity and freedom, in accordance with resolution [2254 \(2015\)](#) and the Action Group for Syria Final Communiqué.³³⁷

Concurring with the emphasis of the Secretary-General on the need for a political process, the representative of the United Kingdom proposed that the Council utilize the upcoming retreat with the Secretary-General, hosted by Sweden, to reflect on next steps and the way back to such a process.³³⁸ The representative of Sweden concurred with the statement of the Secretary-General regarding the obligation of Member States to act consistently with the Charter and international law and expressed regret that the Council could not unite behind the call of the Secretary-General for action.³³⁹ The representative of Ethiopia appealed to the members of the Council, especially the permanent members, to help create a situation where diplomacy would have the upper hand and the primacy of politics would be the guide for coming out of a troubled moment in history.³⁴⁰ The representative of Peru encouraged the Secretary-General to redouble his efforts in accordance with the prerogatives entrusted to him in the Charter with a view to helping resolve the stalemate in the Council and to establish a mechanism for the attribution of responsibility for the use of chemical weapons in the Syrian Arab Republic.³⁴¹

³²⁹ *Ibid.*, p. 10.

³³⁰ *Ibid.*, p. 24.

³³¹ [S/PV.8231](#), p. 2.

³³² [S/PV.8231](#), pp. 2–3. See also [S/2018/333](#).

³³³ [S/PV.8231](#), p. 11 (Sweden) and p. 12 (Equatorial Guinea).

³³⁴ *Ibid.*, p. 12.

³³⁵ *Ibid.*, p. 11 (Sweden), p. 16 (Kazakhstan) and p. 17 (Ethiopia).

³³⁶ *Ibid.*, p. 19.

³³⁷ [S/PV.8233](#), pp. 2–3.

³³⁸ *Ibid.*, p. 8.

³³⁹ *Ibid.*, p. 12.

³⁴⁰ *Ibid.*, pp. 16–17.

³⁴¹ *Ibid.*, p. 18.