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## **Part VI**

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

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## Introductory note

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

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

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

During 2019, 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 two public meetings in response to a communication from a Member State under a new item entitled “The situation in the Bolivarian Republic of Venezuela” and the item entitled “Letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/2014/264)”. Council members also discussed the India-Pakistan question in informal consultations, pursuant to a written request from a Member State. The Secretary-General continued to draw the attention of the Council to situations already on its agenda that were deteriorating, including the conflicts in Mali, the Syrian Arab Republic and Yemen.

As described in section II, the Council dispatched five missions in 2019: one to Côte d’Ivoire and Guinea-Bissau; one to Burkina Faso and Mali; one to Iraq and Kuwait; one to Colombia; and one to Ethiopia and South Sudan. The Council acknowledged and deliberated on the investigative functions of the Secretary-General and the work of the United Nations High Commissioner for Human Rights and the Human Rights Council in connection with the situations in the Central African Republic, the Democratic Republic of the Congo, Iraq, Mali, South Sudan and the Syrian Arab Republic.

As described in section III, the Council highlighted the importance of the peaceful settlement of disputes and its close connection with the need to address the root causes of conflict, of including affected groups in peace processes and of ensuring justice and accountability. The Council called on the parties to cease

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hostilities and respect ceasefires; ensure the full and accelerated implementation of peace agreements; engage in peaceful and inclusive political dialogue, reconciliation and elections; and use dialogue to resolve longer-term outstanding disputes. The Council recognized the good offices work of the Secretary-General, as well as that of his special representatives and envoys, in support of efforts to end violent conflict, peace and reconciliation processes and the resolution of outstanding disputes.

As described in section IV, during 2019, the discussions in the Council were focused on the importance of and need for greater use of peaceful means in the settlement of disputes, with a particular emphasis on the role of conflict prevention, mediation and reconciliation and the meaningful participation of women and young people in peace processes and 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 operations and special political missions and the role of the Secretary-General and his special envoys and representatives, through their good offices, in the peaceful settlement of disputes.

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

### Article 11

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

### Article 35

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

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

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

### Article 99

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

## Note

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

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

In 2019, pursuant to a letter from the United States, the Council convened a meeting under a new item entitled “The situation in the Bolivarian Republic of Venezuela”. Council members also held consultations on the India-Pakistan question pursuant to a letter from Pakistan.

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

### A. Referrals by States

During the period under review, certain situations were referred to the Council pursuant to Article 35 (1) of the Charter by 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 explicitly mentioned in two communications from Member States: one from Cyprus,<sup>1</sup> regarding the status of the city of Varosha, and one from Qatar,<sup>2</sup> regarding an airspace incident involving Qatar and Bahrain.

As shown in table 1, the Council convened two meetings pursuant to communications submitted to its President. In a letter dated 24 January 2019 addressed to the President of the Council,<sup>3</sup> the Chargé d’affaires a.i. of the United States Mission to the United Nations transmitted resolution CP/RES. 1117 (2200/19) of the Permanent Council of the Organization of American States, of 10 January 2019, and resolution AG/RES. 2929 (XLVIII-O/18) of the General Assembly of the Organization of American States, adopted on 5 June 2018, concerning the situation in the Bolivarian Republic of Venezuela. Pursuant to that communication, the Council convened a meeting on 26 January 2019 under the item entitled “The situation in the Bolivarian Republic of Venezuela”.<sup>4</sup> At the outset of the meeting, the provisional agenda was adopted following a procedural vote.<sup>5</sup> The Council held three additional meetings under this item in 2019.<sup>6</sup>

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<sup>1</sup> S/2019/815.

<sup>2</sup> S/2019/121.

<sup>3</sup> S/2019/80.

<sup>4</sup> See S/PV.8452.

<sup>5</sup> For more information on the adoption of the agenda, see part II, sect. II.

<sup>6</sup> See S/PV.8472, S/PV.8476 and S/PV.8506.

On 20 May 2019, the Council convened a meeting at the request of the Russian Federation expressed in a letter dated 17 May 2019 addressed to the President of the Council,<sup>7</sup> following the adoption by the Parliament of Ukraine of a law on “the functioning of Ukrainian as the state language”. In the letter, the Permanent Representative of the Russian Federation to the United Nations affirmed that the law violated the spirit and letter of the Package of Measures for the Implementation of the Minsk Agreements, endorsed by the Council in its resolution [2202 \(2015\)](#). The provisional agenda for the meeting was not adopted, and the meeting was adjourned shortly after the vote.<sup>8</sup>

Council members also met once in informal consultations of the whole pursuant to a written request from Pakistan. In a letter dated 13 August 2019 addressed to the President of the Council,<sup>9</sup> the Permanent Representative of Pakistan to the United Nations transmitted a letter from the Minister for Foreign Affairs of Pakistan drawing the attention of the Council to the recent developments “in occupied Jammu and Kashmir”. In his letter, the Minister requested an urgent meeting of the Council under the item entitled “The India-Pakistan question” to consider the situation arising from the recent “aggressive actions by India”, which posed “a threat to international peace and security”.

<sup>7</sup> [S/2019/408](#).

<sup>8</sup> See [S/PV.8529](#).

<sup>9</sup> [S/2019/654](#). See also subsequent letters from the representative of Pakistan dated 22 August 2019 ([S/2019/679](#)), 21 September 2019 ([S/2019/766](#)) and 4 November 2019 ([S/2019/860](#)).

Table 1

**Communications bringing disputes or situations to the attention of the Security Council that resulted in a meeting of the Council and/or informal consultations of the whole, 2019**

<i>Communication</i>	<i>Action requested of the Security Council</i>	<i>Meeting record and date</i>
<b>The situation in the Bolivarian Republic of Venezuela</b>		
Letter dated 24 January 2019 from the Chargé d'affaires a.i. of the United States Mission to the United Nations addressed to the President of the Security Council ( <a href="#">S/2019/80</a> )		<a href="#">S/PV.8452</a> 26 January 2019
<b>Letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (<a href="#">S/2014/264</a>)</b>		
Letter dated 17 May 2019 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council ( <a href="#">S/2019/408</a> )	For the President of the Council to arrange for a briefing of the Council to be held in the Council Chamber at 3 p.m. on 20 May 2019, in connection with the item entitled “Letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council ( <a href="#">S/2014/264</a> )”	<a href="#">S/PV.8529</a> 20 May 2019 <sup>a</sup>
<b>The India-Pakistan question</b>		
Letter dated 13 August 2019 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council ( <a href="#">S/2019/654</a> )	To convene an urgent meeting under the item entitled “The India-Pakistan question” to consider the situation arising from the recent aggressive actions by India and to allow a representative of the Government of Pakistan to participate in the meeting in accordance with rule 37 of the provisional rules of procedure of the Council	Informal consultations of the whole 16 August 2019 <sup>b</sup>

<sup>a</sup> The meeting was convened but the agenda was not adopted.

<sup>b</sup> [A/74/2](#), para. 72.

Other matters of which the Council was not seized were brought to the attention of the Council by Member States in communications that did not result in a meeting. For example, in a letter dated 7 February 2019,<sup>10</sup> the Permanent Representative of Qatar to the United Nations informed the Council that a Bahraini Air Force aircraft had violated the airspace of Qatar on 27 December 2018 without prior authorization from the competent Qatari authorities. According to the letter, the incident represented a “flagrant violation of international law” and was thus brought to the attention of the Council in accordance with Articles 34 and 35 of the Charter. In the letter, the Permanent Representative condemned and strongly rejected “such illegal behaviour”, holding Bahrain responsible for the air violation and reiterating that Qatar would take the measures required to defend its borders, airspace, maritime space and national security, in accordance with international laws and rules. She called on the Council to put a stop to “provocative Bahraini violations” in order to maintain international peace and security.<sup>11</sup>

Matters brought to the attention of the Council in communications submitted by Member States sometimes fell beyond the scope of Chapter VI of the Charter relating to the pacific settlement of disputes. For example, by a letter dated 26 February 2019,<sup>12</sup> the Permanent Representative of Pakistan to the United Nations transmitted a letter from the Minister for Foreign Affairs of Pakistan addressed to the Secretary-General and the President of the Council, in which the Minister drew attention to “developments whereby Indian military aircraft violated the Line of Control” and, on the same day, hit “the territory of Pakistan”. In his letter, the Minister said that he regarded those developments as “an act of aggression against Pakistan” that would have “grave implications for regional peace and security”. Noting that “wilful and dangerous aggressive actions” by India constituted a clear violation of the Charter, the Minister maintained that Pakistan reserved the right to take appropriate action in self-defence.

In a letter dated 15 May 2019,<sup>13</sup> the Permanent Representatives of Norway, Saudi Arabia and the United Arab Emirates to the United Nations drew the attention of the Council to an incident posing “a threat to the safety and security of international shipping and

maritime navigation”. According to the letter, four commercial vessels carrying the flags of those three countries had been targeted and damaged on 12 May 2019 in the territorial waters of the United Arab Emirates. In a letter dated 6 August 2019,<sup>14</sup> the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations denounced “several dangerous actions” that undermined the peace and security of both the Bolivarian Republic of Venezuela and the Latin American and Caribbean region. Such actions, according to the letter, included a threat by the President of the United States regarding the imposition of a naval blockade and quarantine and “hostile and illegal” incursions by United States military aircraft and ships within the flight information region and into the jurisdictional waters, respectively, of the Bolivarian Republic of Venezuela. Citing Chapter VII of the Charter, the Permanent Representative referred to the situation as an “aggression and violation of the Charter” and requested the Council to investigate the threats in accordance with Article 34. The Council did not, however, determine the existence of any new threat to the peace, breach of the peace or act of aggression in connection with those communications.<sup>15</sup>

## B. Referrals by the Secretary-General

Article 99 of the Charter provides that the Secretary-General may bring to the attention of the Council any matter which in his opinion may threaten the maintenance of international peace and security. Like Article 35, Article 99 does not specify the means by which the Secretary-General may bring such a matter to the attention of the Council. During the period under review, the Secretary-General did not invoke Article 99, either directly or by implication. Discussions of relevance for Article 99 are featured in cases 10 and 11 below.

The Secretary-General continued to draw the attention of the Council to situations already on its agenda that were deteriorating or with respect to which he requested the Council to take urgent action. In his letters transmitting the monthly reports of the Director General of the Organisation for the Prohibition of Chemical Weapons submitted pursuant to paragraph 12 of resolution 2118 (2013), on the elimination of the chemical weapons programme of the Syrian Arab Republic, the Secretary-General reiterated that the use

<sup>10</sup> S/2019/121.

<sup>11</sup> For more information on previous incidents involving Bahrain and Qatar, see *Repertoire, Supplement 2018*, part VI, sect. I.

<sup>12</sup> S/2019/182.

<sup>13</sup> S/2019/392.

<sup>14</sup> S/2019/641.

<sup>15</sup> 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.

of chemical weapons was abhorrent and that impunity for their use was inexcusable. He emphasized the fundamental importance of unity in the Council to achieving the urgent obligation of accountability.<sup>16</sup>

At the 8497th meeting of the Council, held on 29 March 2019 under the item entitled “The situation in Mali”,<sup>17</sup> the Secretary-General informed the Council that the security situation in Mali was deteriorating rapidly, in particular in the centre of the country. He stressed that if concerns related to the expansion of extremist movements and its effect on intercommunal tensions and to the proliferation of arms were not addressed, there was a high risk of further escalation that could lead to the commission of atrocity crimes. He called on the Government of Mali, the leaders of the political opposition and the signatory movements to the Agreement on Peace and Reconciliation in Mali of 2015 to overcome the challenges facing the country.<sup>18</sup> In another instance, at the Council’s 8619th meeting, held on 16 September 2019 under the item entitled “The situation in the Middle East”,<sup>19</sup> the Special Envoy of the Secretary-General for Yemen gave a briefing on the worrying military escalation following an attack on Aramco facilities in Saudi Arabia on 14 September 2019, which, he noted, had

consequences well beyond the region. Echoing the statement of the Secretary-General condemning the attack, the Special Envoy added that that extremely serious incident made the chances of a regional conflict beyond Yemen much higher and of a rapprochement much lower.<sup>20</sup>

In 2019, Member States made references to horizon-scanning briefings conducted during informal consultations, by which the Secretariat brought new situations to the attention of Council members, in connection with the Council’s meetings on the implementation of the note by the President of the Security Council (S/2017/507), peace and security in Africa and cooperation between the United Nations and regional and subregional organizations.<sup>21</sup>

### 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.<sup>22</sup>

<sup>16</sup> S/2019/91, S/2019/201, S/2019/279, S/2019/355, S/2019/447, S/2019/541, S/2019/601, S/2019/697, S/2019/784, S/2019/854, S/2019/915 and S/2019/1016.

<sup>17</sup> See S/PV.8497.

<sup>18</sup> For more information on the situation in Mali, see part I, sect. 13.

<sup>19</sup> See S/PV.8619.

<sup>20</sup> For more information on the situation in the Middle East, see part I, sect. 22.

<sup>21</sup> See, for example, S/PV.8539, S/PV.8548, S/PV.8633 and S/PV.8650.

<sup>22</sup> 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 five missions to the field: one to Côte d’Ivoire and Guinea-Bissau; one to Burkina Faso and



Mali; one to Iraq and Kuwait; one to Colombia; and one to Ethiopia and South Sudan. The objectives of the missions were to take stock of evolving situations on the ground and to express support for peace processes, political transitions and post-conflict recovery efforts and for the work of United Nations peacekeeping operations, special political missions and country teams. The Council acknowledged the investigative functions of the Secretary-General and findings of investigations related to serious violations and abuses of international human rights and violations of international humanitarian law committed in the Central African Republic in the period between January 2003 and December 2015, possible crimes against humanity committed in Yumbi territory in the Democratic Republic of the Congo from 16 to 18 December 2018 and sexual violence in northern Unity in South Sudan in the period between September and December 2018. The Council expressed support for the work of the International Commission of Inquiry on Mali and renewed the mandate of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ Islamic State in Iraq and the Levant (UNITAD), established pursuant to resolution 2379 (2017). The Council also recognized the investigative work of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Human Rights Council in connection with the situations in the Central African Republic, the Democratic Republic of the Congo and South Sudan. Council members deliberated on the investigative functions of the Secretary-General and the Human Rights Council in relation to the situations in Iraq, Myanmar and the Syrian Arab Republic.

### A. Security Council missions

During 2019, the Council dispatched five missions consisting of all 15 Council members: one to West Africa (Côte d'Ivoire and Guinea-Bissau); one to the Sahel (Burkina Faso and Mali); one to Iraq and

Kuwait; one to Colombia; and one to the Horn of Africa (Ethiopia and South Sudan). None of those missions were explicitly charged with investigative tasks. The objectives of the missions were, inter alia: (a) to take stock of the transition process in Côte d'Ivoire, as well as those in Liberia and Sierra Leone, and express support for the conflict prevention and peacebuilding efforts of the United Nations Office for West Africa and the Sahel and of the United Nations country teams in the Mano River subregion; (b) to assess the implementation of the Agreement on Peace and Reconciliation in Mali of 2015 and the level of operationalization of the Joint Force of the Group of Five for the Sahel, as well the current security situation in Burkina Faso, including the threat posed by terrorism and transnational organized crime; (c) to demonstrate support for post-conflict recovery and reconstruction, the efforts of the United Nations Assistance Mission for Iraq (UNAMI) to implement its mandate and the efforts of UNITAD; (d) to demonstrate the full commitment of the Council to the peace process in Colombia and express support for the efforts of the United Nations Verification Mission in Colombia to implement its mandate; and (e) to demonstrate the support of the Council for the peace process in South Sudan and urge the parties to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan signed in 2018 to resolve outstanding issues in order to allow for the peaceful formation of a revitalized transitional Government of national unity. On 22 October 2019, during their visit to Ethiopia, Council members met with the Peace and Security Council of the African Union at their thirteenth annual joint consultative meeting.<sup>23</sup>

Table 2 provides more information on the missions dispatched in 2019, including their terms of reference and reports to the Council.

<sup>23</sup> A/74/2, para. 55. For more information on regional arrangements, see part VIII.

Table 2  
Security Council missions, 2019

<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>
13–17 February 2019	West Africa (Côte d'Ivoire, Guinea-Bissau)	All Council members (co-leaders: Côte d'Ivoire, Equatorial Guinea)	S/2019/123 8 February 2019	S/2019/303 10 April 2019	S/PV.8470 26 February 2019	Security Council mission

## Repertoire of the Practice of the Security Council, 2019

<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>
21–25 March 2019	Sahel (Burkina Faso, Mali)	All Council members (co-leaders: Côte d’Ivoire, France, Germany)	<a href="#">S/2019/252</a> 20 March 2019	No report available	<a href="#">S/PV.8492</a> 27 March 2019	Security Council mission
27–30 June 2019	Iraq, Kuwait	All Council members (co-leaders: Kuwait, United States)	<a href="#">S/2019/533</a> 27 June 2019	No report available	<a href="#">S/PV.8571</a> 11 July 2019	Security Council mission
11–14 July 2019	Colombia	All Council members (co-leaders: Peru, United Kingdom)	<a href="#">S/2019/557</a> 10 July 2019	<a href="#">S/2019/827</a> 18 October 2019	<a href="#">S/PV.8580</a> 19 July 2019	Security Council mission
19–23 October 2019	Africa (Ethiopia, South Sudan)	All Council members (co-leaders: South Africa, United States)	<a href="#">S/2019/825</a> 16 October 2019	No report available	No briefing held	

In 2019, the Council referred to such missions in two of its decisions. In its resolution [2475 \(2019\)](#) of 20 June 2019, in connection with the item entitled “Protection of civilians in armed conflict”, the Council recognized the importance of interactions with civil society and, in that regard, expressed its intention to consider including interactive meetings with local persons with disabilities, and their representative organizations, in the field during Council missions.<sup>24</sup>

In connection with the measures set out in the note by the President of the Council of 30 August 2017,<sup>25</sup> Council members agreed on additional measures to enhance the efficiency and transparency of the Council’s work as it pertained to its missions. In the note by the President of 27 December 2019,<sup>26</sup> Council members reaffirmed the value of their missions for understanding, assessing and preventing the escalation of particular conflicts or situations on the agenda of the Council. In the note, the Council members underlined the importance of conducting missions within a conflict prevention framework to countries or regions with developing crises, in addition to visiting countries hosting peace operations mandated by the Council. In an effort to promote greater efficiency and flexibility, Council members agreed to consider different composition formats when planning missions, including considering the possibility of sending smaller groups of Council members, inviting the Chairs of country-specific configurations of the Peacebuilding Commission to participate as observers and dispatching missions with regional and subregional organizations. Lastly, Council members stressed the importance of effective communication and engagement with the host

country and encouraged closer coordination within the United Nations system, including with the Chairs of the Council’s subsidiary bodies. At a meeting on the Council’s working methods in the context of the implementation of the note by the President of the Security Council ([S/2017/507](#)) (case 1), Council members also discussed the value and means of enhancing Council missions.

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

On 6 June 2019, at its 8539th meeting, convened at the initiative of Kuwait, which held the presidency of the Council for the month,<sup>27</sup> the Council held an open debate under the sub-item entitled “Working methods of the Security Council”.<sup>28</sup> In her opening remarks, discussing initiatives for strengthening the role of the Council in conflict prevention and peacekeeping, the Executive Director of Security Council Report, a non-governmental organization, stated that the Council had used visiting missions to good effect, including visiting countries not on its agenda, citing the mission to Burkina Faso as a recent example. She explained that field visits, which had been used occasionally with a preventive intent, were valuable because they allowed Council members to gain a different sense of local dynamics, of how Council mandates were implemented in practice and of the work of the United Nations country teams. Noting that such visits were “phenomenally expensive” and rarely coordinated with field travel conducted by the subsidiary bodies of the Council, including the

<sup>24</sup> Resolution [2475 \(2019\)](#), para. 10.

<sup>25</sup> [S/2017/507](#).

<sup>26</sup> [S/2019/990](#).

<sup>27</sup> The Council had before it a concept note annexed to a letter dated 29 May 2019 ([S/2019/450](#)).

<sup>28</sup> See [S/PV.8539](#).

Peacebuilding Commission, the Executive Director said that active coordination and the revived use of mini-missions could give such trips greater strategic impact while reducing costs.

In the discussion, the representative of the United Kingdom agreed that Council missions should be well-considered, be properly aligned with the activities of other bodies and ensure a focus on conflict prevention. He added that the Council should reconsider the possible use of mini-missions. Referring to the possibility of doing more to institutionalize the linkages with the Peacebuilding Commission, the representative of Canada called on the Council to consider inviting the Chair of the Commission or the Chairs of country-specific configurations of the Commission to join Council missions to countries in which both bodies were engaged. He added that the Council, when conducting field visits, should meet with local women's civil society groups.

The representative of Egypt called for periodic briefings to the wider membership on the monthly programme of work, including any Council visits to be carried out in a given month. The representative of South Africa stated that additional measures to facilitate the planning and preparations of newly elected Council members would allow them to better prepare for meetings and visiting missions. The representative of Ukraine expressed his delegation's satisfaction in seeing several of its priorities, including making the field visits of the Council more transparent, reflected in the note by the President (S/2017/507).

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

### **Decisions of the Council**

In its decisions during the period under review, the Council acknowledged the investigative or fact-finding functions of the Secretary-General, in particular through the work of investigative mechanisms and United Nations peacekeeping operations, in connection with five country-specific items on its agenda, namely, the situations in the Central African Republic, the Democratic Republic of the Congo, Iraq, Mali and South Sudan, and with the thematic item entitled "Threats to international peace and security". The relevant provisions of those decisions are set out in table 3 below.

In connection with the situation in the Central African Republic, the Council called on the national authorities to follow up on the recommendations of the report of the mapping project conducted pursuant to

resolution 2301 (2016) by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, which described serious violations and abuses of international human rights and violations of international humanitarian law committed in the country in the period between January 2003 and December 2015.<sup>29</sup>

With regard to the situation concerning the Democratic Republic of the Congo, the Council reiterated its condemnation of the violence witnessed in the eastern part of the country and the Kasai region. It also strongly condemned the violence committed in Yumbi territory from 16 to 18 December 2018, some of which the United Nations Joint Human Rights Office of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo reported might constitute crimes against humanity.<sup>30</sup> In addition, with regard to the investigations into the killing in March 2017 of the two members of the Group of Experts on the Democratic Republic of the Congo and the four Congolese nationals accompanying them, the Council welcomed the work of the United Nations team and the commitment of the Secretary-General that the United Nations would do everything possible to ensure that the perpetrators were brought to justice.<sup>31</sup> The Council also welcomed in that regard the cooperation of the Government of the Democratic Republic of the Congo with the United Nations team deployed to assist the Congolese authorities and called on them to ensure that all perpetrators were brought to justice and held accountable.<sup>32</sup>

In relation to the situation concerning Iraq, the Council mandated the Special Representative of the Secretary-General for Iraq and Head of UNAMI to promote accountability and the protection of human rights, and judicial and legal reform, and to support the work of UNITAD.<sup>33</sup> In connection with the item entitled "Threats to international peace and security", the Council reaffirmed its resolution 2379 (2017), by which UNITAD had been established, and extended the mandate of the Investigative Team until 21 September 2020.<sup>34</sup>

<sup>29</sup> Resolution 2499 (2019), para. 23.

<sup>30</sup> Resolution 2463 (2019), para. 4.

<sup>31</sup> Resolution 2478 (2019), fourth preambular paragraph.

<sup>32</sup> *Ibid.*; and resolution 2502 (2019), para. 7. For more information on the matter, S/2017/917 and *Repertoire, Supplement 2016–2017*, part VI, sect. II.B.

<sup>33</sup> Resolution 2470 (2019), para. 2 (d). For more information on the mandate of UNAMI, see part X, sect. II. For more information on the mandate of UNITAD, see part IX, sect. III.

<sup>34</sup> Resolution 2490 (2019), paras. 1–2.

Regarding the situation in Mali, the Council called on all parties to cooperate fully with the International Commission of Inquiry established by the Secretary-General in accordance with the Agreement on Peace and Reconciliation in Mali of 2015 and as requested by the Council in resolution 2364 (2017).<sup>35</sup> The Council also mandated the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to continue to support the operations of the International Commission of Inquiry.<sup>36</sup>

In connection with South Sudan, the Council expressed grave concern at the ongoing reports of sexual and gender-based violence, in particular against women and girls, including the findings of the Secretary-General in his report on conflict-related

sexual violence (S/2018/250) regarding the use of sexual violence as a tactic by the parties against the civilian population.<sup>37</sup> The Council also made reference to the report of the United Nations Mission in South Sudan (UNMISS) and OHCHR of February 2019 on conflict-related sexual violence in northern Unity in the period between September and December 2018, in which the normalization and continuation of violence against women and girls, despite the suspension of most military offensives, was documented.<sup>38</sup> In addition, the Council took note of the joint report of UNMISS and OHCHR on freedom of expression in the country and expressed grave concern regarding the reports on the human rights situation in South Sudan issued by the Mission and the Secretary-General.<sup>39</sup>

<sup>35</sup> Resolution 2480 (2019), para. 13.

<sup>36</sup> *Ibid.*, para. 28 (a) (iii). For more information on the mandate of MINUSMA, see part X, sect. I.

<sup>37</sup> Resolution 2459 (2019), eighteenth preambular paragraph.

<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*, twenty-first and twenty-fourth preambular paragraphs.

Table 3

**Decisions relating to investigative and/or fact-finding activities by the Secretary-General, 2019**

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in the Central African Republic</b>	
Resolution 2499 (2019) 15 November 2019	Calls on the authorities of the Central African Republic to follow up on the recommendations of the report of the mapping project describing serious violations and abuses of international human rights and violations of international humanitarian law committed within the territory of the Central African Republic between January 2003 and December 2015 (para. 23)
<b>The situation concerning the Democratic Republic of the Congo</b>	
Resolution 2463 (2019) 29 March 2019	Reiterates its condemnation of the violence witnessed in eastern Democratic Republic of the Congo and the Kasai region, strongly condemns the violence committed in Yumbi territory from 16 to 18 December 2018, some of which the United Nations Joint Human Rights Office reported may constitute crimes against humanity, 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 these regions, including sexual violence, as well as its intention to closely monitor progress of the investigations into these violations and abuses, in order to bring to justice and hold accountable all those responsible, and looks forward to their results; welcomes the commitments of the authorities of the Democratic Republic of the Congo in that regard, further welcomes the cooperation of the Government of the Democratic Republic of the Congo with the team of international experts on the situation in the Kasai regions mandated by the Human Rights Council in its resolution 35/33, requests the Government of the Democratic Republic of the Congo to implement all the recommendations made by the team of international experts in its report, and to cooperate with the team of two international human rights experts charged with monitoring, evaluating, providing support and reporting on the implementation by the Democratic Republic of the Congo of those recommendations; further welcomes the continued cooperation of the Government of the Democratic Republic of the Congo with the United Nations team deployed, as agreed, to assist the Congolese authorities' investigations into the deaths of the two United Nations experts in March 2017, and calls on them to ensure all perpetrators are brought to justice and held accountable (para. 4)

<i>Decision and date</i>	<i>Provision</i>
Resolution <a href="#">2478 (2019)</a> 26 June 2019	Reiterating the need for the Government of the Democratic Republic of the Congo to swiftly and fully investigate the killing of the two members of the Group of Experts and the four Congolese nationals accompanying them and bring those responsible to justice, welcoming the Secretary General's commitment that the United Nations will do everything possible to ensure that the perpetrators are brought to justice, further welcoming the work of the United Nations team deployed to assist the Congolese authorities in their investigations, in agreement with the Congolese authorities, and welcoming their continued cooperation (fourth preambular paragraph)
Resolution <a href="#">2502 (2019)</a> 19 December 2019	Welcomes the cooperation of the Government of the Democratic Republic of the Congo with the team of international experts on the situation in the Kasai regions mandated by the Human Rights Council in its resolution <a href="#">35/33</a> , recognizes the improvements in the cooperation since President Tshisekedi's election, requests the Government of the Democratic Republic of the Congo to implement all the recommendations made by the team of international experts in its report, and to cooperate with the team of two international human rights experts charged with monitoring, evaluating, providing support and reporting on the implementation by the Democratic Republic of the Congo of those recommendations, further welcomes the continued cooperation of the Government of the Democratic Republic of the Congo with the United Nations team deployed, as agreed, to assist the Congolese authorities' investigations into the deaths of the two United Nations experts in March 2017, and calls on them to ensure all perpetrators are brought to justice and held accountable (para. 7)

#### **The situation concerning Iraq**

Resolution <a href="#">2470 (2019)</a> 21 May 2019	Decides further that the Special Representative of the Secretary-General and the United Nations Assistance Mission in 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 ( <a href="#">S/2019/414</a> ), shall:  ...  (d) promote accountability and the protection of human rights, and judicial and legal reform, with full respect for the sovereignty of Iraq, in order to strengthen the rule of law in Iraq, in addition to supporting the work of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD), established in resolution <a href="#">2379 (2017)</a> (para. 2 (d))
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#### **The situation in Mali**

Resolution <a href="#">2480 (2019)</a> 28 June 2019	Calls upon all parties to fully cooperate with the International Commission of Inquiry established in accordance with the Agreement and as requested by resolution <a href="#">2364 (2017)</a> (para. 13)  Decides that the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali shall include the following priority tasks:  (a) <i>Support to the implementation of the Agreement on Peace and Reconciliation in Mali</i>  ...  (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. 28 (a) (iii))
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#### **Reports of the Secretary-General on the Sudan and South Sudan**

Resolution <a href="#">2459 (2019)</a> 15 March 2019	Expressing grave concern at ongoing reports of sexual and gender-based violence, particularly against women and girls, including the findings of the report of the Secretary-General on sexual violence in conflict to the Security Council ( <a href="#">S/2018/250</a> ) of the use of sexual violence as a tactic by parties to the conflict against the civilian population in South Sudan, including use of rape and gang-rape of women and girls, and abduction, forced marriage and sexual slavery, and where persistent levels of conflict-related sexual violence and other forms of violence against women
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and girls have become normalized and continued after the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan and despite the suspension of most military offensives, as documented in the February 2019 United Nations Mission in South Sudan (UNMISS) and Office of the United Nations High Commissioner for Human Rights (OHCHR) report on conflict-related sexual violence in northern Unity between September and December 2018, underlining the urgency and importance of timely investigations and the provision of assistance and protection to victims of sexual and gender-based violence (eighteenth preambular paragraph)

Taking note of the UNMISS OHCHR report on the freedom of expression in South Sudan, and expressing ongoing concern on the severe restriction of freedoms of opinion, expression and association, and 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 (twenty-first preambular paragraph)

Expressing grave concern regarding 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 reports of the Commission on Human Rights in South Sudan released on 23 February 2018 and 20 February 2019 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 Revitalized Peace Agreement, 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 (twenty-fourth preambular paragraph)

### Threats to international peace and security

- Resolution [2490 \(2019\)](#)  
20 September 2019
- Reaffirms its resolution [2379 \(2017\)](#), by which UNITAD, headed by a Special Adviser, was established, and recalls the terms of reference approved by the Council (see [S/2018/119](#)) (para. 1)
- Takes note of the request from the Government of Iraq contained in its letter dated 19 September 2019 ([S/2019/760](#)) and decides to extend until 21 September 2020 the mandate of the Special Adviser and UNITAD, with any further extension to be decided at the request of the Government of Iraq, or any other Government that has requested the Team to collect evidence of acts that may amount to war crimes, crimes against humanity or genocide, committed by Islamic State in Iraq and the Levant (Da'esh) in its territory, in accordance with its resolution [2379 \(2017\)](#) (para. 2)
- Requests the Special Adviser to continue to submit and present reports to the Council on the Investigative Team's activities every 180 days (para. 3)

### New investigative action by the Secretary General

During the reporting period, the Secretary-General undertook one new investigative action, in connection with the conflict in the Syrian Arab Republic. In his report of 21 August 2019 on the implementation of Council resolutions [2139 \(2014\)](#), [2165 \(2014\)](#), [2191 \(2014\)](#), [2258 \(2015\)](#), [2332 \(2016\)](#), [2393 \(2017\)](#), [2401 \(2018\)](#) and [2449 \(2018\)](#), the

Secretary-General noted his decision to establish an internal United Nations Headquarters board of inquiry to investigate a series of incidents in the north-western part of the Syrian Arab Republic. The investigation would encompass incidents that had taken place since the signing of the memorandum on the stabilization of the situation in the Idlib de-escalation area by the Russian Federation and Turkey on 17 September 2018 and would cover the destruction of, or damage to,

facilities on the deconfliction list and United Nations-supported facilities in the area.<sup>40</sup>

With respect to ongoing investigations, by his letters dated 17 May and 13 November 2019 addressed to the President of the Council,<sup>41</sup> the Special Adviser and Head of UNITAD transmitted the second and third reports on the activities of the Investigative Team. In his report of 30 December 2019 on the situation in Mali,<sup>42</sup> the Secretary-General informed the Council that the mandate of the International Commission of Inquiry on Mali, established on 19 January 2018, had been extended until June 2020.<sup>43</sup>

### Meetings of the Council

In meetings of the Council, Council members made reference to the investigative authority of the Council and the role of the Secretary-General. For example, at the 8539th meeting of the Council, held on 6 June 2019 under the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)”,<sup>44</sup> the representative of the United Kingdom asserted that it was important to respond to the call of the Secretary-General for a surge in diplomacy to support conflict prevention. He noted that the Council needed to shoulder its responsibilities under Article 34 of the Charter and that Council members had too often blocked or attempted to block discussions of situations that could endanger the maintenance of international peace and security.

At the 8452nd meeting, held on 26 January 2019 under the item entitled “The situation in the Bolivarian Republic of Venezuela”,<sup>45</sup> the representative of Peru stated that it was important for the Council to discuss the situation in the Bolivarian Republic of Venezuela in accordance with Article 34 of the Charter, by which the Council was authorized to address any situation that was likely to endanger the maintenance of international peace and security. At the same meeting, the representative of Kuwait pointed to the fundamental role of the Council, in accordance with Article 34, in implementing preventive diplomacy in order to prevent conflicts and address crises at an early stage should there be any early signs of a situation leading to a threat to international peace and security. At the 8506th

meeting, held on 10 April 2019 under the same item,<sup>46</sup> the representative of the Bolivarian Republic of Venezuela stated that the Council, under Articles 24, 34 and 39, had the responsibility for the maintenance of international peace and security and for determining the existence of any threat to the peace or any act of aggression. He called on the Council to investigate and determine whether there was a legal basis for what he described as aggression against the people of the Bolivarian Republic of Venezuela.

At the 8534th meeting, held on 23 May 2019 under the item entitled “Protection of civilians in armed conflict”,<sup>47</sup> the representative of Belgium maintained that the Council must be better informed about cases of serious violations of international law and should make better use of relevant instruments for that purpose. The representative of Lithuania stated that the commissions, mechanisms and other investigative bodies established by the United Nations were important tools for ensuring the preservation of evidence for future investigations. The representative of Fiji urged the Council to use all tools at its disposal to protect civilians in armed conflicts, including establishing mechanisms in the form of commissions of inquiry and investigations to address violations. The representative of Costa Rica recognized the efforts of the Council to establish ad hoc tribunals and investigative mechanisms, such as the investigative mechanism created in the case of the chemical weapons attacks in the Syrian Arab Republic, and urged their re-establishment.

The Council also discussed the investigations of the Council and the Secretary-General in connection with the mandates and work of UNITAD in the context of threats to international peace and security (case 2) and the United Nations internal board of inquiry established by the Secretary-General to investigate incidents that had taken place in the north-western part of the Syrian Arab Republic since 17 September 2018 in the context of the situation in the Middle East (case 3).

### Case 2 Threats to international peace and security

On 15 July 2019, at the 8573rd meeting of the Council, held under the item entitled “Threats to international peace and security”,<sup>48</sup> the Special Adviser of the Secretary-General and Head of UNITAD presented his second report on the activities of the

<sup>40</sup> S/2019/674, para. 43.

<sup>41</sup> S/2019/407 and S/2019/878.

<sup>42</sup> S/2019/983.

<sup>43</sup> For more information on the International Commission of Inquiry on Mali, see *Repertoire, Supplement 2018*, part VI, sect. II.B.

<sup>44</sup> See S/PV.8539.

<sup>45</sup> See S/PV.8452.

<sup>46</sup> See S/PV.8506.

<sup>47</sup> See S/PV.8534.

<sup>48</sup> See S/PV.8573.

Investigative Team.<sup>49</sup> The Special Adviser noted that UNITAD had made significant progress since his previous briefing, in December 2018, and had begun to receive evidence, information and witness statements.<sup>50</sup> He informed the Council that investigative efforts in Iraq were focused on three main areas: (a) attacks against the Yazidi communities in the Sinjar area; (b) crimes against religious minorities, women and children and crimes relating to sexual slavery and gender-based violence in Mosul; and (c) the massacre at Camp Speicher in June 2014. The Special Adviser stressed that, in order to fully deliver on its mandate, UNITAD would focus on ensuring that its work fed into proceedings in Iraqi courts and contributed to domestic accountability efforts. He emphasized that the ability of the Investigative Team to deliver on its mandate depended on the support of the Council and the international community.

In the discussion, the representative of Belgium stated that, in establishing the Investigative Team, the Council had played its part in ensuring measures to combat impunity and promote respect for international law, both of which contributed to the maintenance of international peace and security. The representative of the Russian Federation noted that UNITAD was an important element of the counter-terrorism strategy in the Middle East. The representative of France welcomed the determination of Iraq to integrate the fight against impunity into efforts to stabilize and rebuild Iraqi society, which was key to preventing a resurgence of Islamic State in Iraq and the Levant (ISIL, also known as Da'esh).

Commending UNITAD for the establishment of its witness protection strategy, the representative of the Dominican Republic underscored the need to protect the rights of women and children and to prevent persons with family ties to ISIL members from being prosecuted for the crimes of their relatives. The representative of Poland stated that, in order to deliver meaningful justice to the victims of the crimes of ISIL members, the Investigative Team would need to ensure that the collection and analysis of evidence was conducted in accordance with the highest international standards. The representative of Germany, echoed by the representatives of Belgium and France, stated that evidence gathered by UNITAD should be used only in prosecutions that complied with international legal standards, which disqualified the use of such evidence if capital punishment could not be excluded.

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<sup>49</sup> S/2019/407.

<sup>50</sup> See S/PV.8573.

With regard to the composition of UNITAD, the representative of Poland recognized the efforts made to ensure geographical diversity and gender, ethnic and religious balance in the appointment of Iraqi members of the Investigative Team. She emphasized that the composition of the team should reflect the diversity of the Iraqi population in order to increase its capabilities in collecting evidence in various communities.

Council members welcomed the efforts by UNITAD to strengthen cooperation with the Iraqi authorities. The representative of Côte d'Ivoire expressed deep concern about the ongoing challenges that could hinder such cooperation, in particular the characterization in Iraqi legislation of crimes within the scope of the investigation as only terrorist crimes, as well as the need for judicial cooperation among States in the region. A number of speakers emphasized that the work of UNITAD should fully respect the sovereignty of Iraq. The representative of the United States called on the Government of Iraq to continue to give the Investigative Team the space to operate effectively, stating that independence and impartiality were essential to the Team's credibility.

Noting that the crimes of ISIL did not stop at the Iraqi border, the representative of Germany encouraged the Special Adviser of the Secretary-General to pursue transnational cooperation in the investigations and welcomed the possible support for the prosecution of those crimes in other national jurisdictions. The representative of the Russian Federation urged the Special Adviser to strictly follow his core mandate, which was to support national efforts to prosecute ISIL members for the most serious crimes under international law committed in Iraq.

### **Case 3** **The situation in the Middle East**

On 14 November 2019, the Council held its 8664th meeting, under the item entitled, "The situation in the Middle East",<sup>51</sup> in connection with the conflict in the Syrian Arab Republic. In his briefing, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator expressed concern about an increase in air strikes and ground-based strikes, mostly in parts of southern and western Idlib, which had caused a high number of civilian casualties. He added that civilians in those areas continued to suffer under the presence of Hay'at Tahrir Al-Sham, a United Nations-listed terrorist organization. In that context, the Under-Secretary-General stated that the internal United Nations Headquarters board of inquiry established by the Secretary-General had begun its

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<sup>51</sup> See S/PV.8664.



work of investigating a series of incidents that had occurred in the north-western part of the Syrian Arab Republic since September 2018. He reminded the Council of the Secretary-General's request for all relevant parties to extend their support to the board in the conduct of its duties.

In the discussion, a number of Council members welcomed the establishment of and expressed support for the board of inquiry. The representative of the United States noted that her delegation sought full accountability for those responsible for the attacks on hospitals, schools and civilian homes. The representative of France expressed the hope that the board of inquiry would shed light on new strikes on medical facilities in the north-western part of the country. She added that those who committed such flagrant violations of international humanitarian law must be held accountable before the courts and called for the cooperation of all parties with the board. The representative of Peru expressed the hope that the board would help to clarify the facts and responsibilities with regard to the attacks perpetrated on facilities covered by the system to prevent attacks on humanitarian targets.

Several speakers addressed the issue of whether the findings of the board of inquiry would be made public. The representative of the United States, echoed by the United Kingdom, maintained that a public accounting of the board's findings would be essential

to ensuring accountability and deterring future attacks. The representative of the Dominican Republic expressed the hope that at least part of the board's conclusions and recommendations would be made public. The representative of Germany cited a news report about possible "pressure on the Secretary-General" by the Russian Federation to keep the board's findings secret. In response, the representative of the Russian Federation stated that the board of inquiry was an internal mechanism of the United Nations and that its report would be presented to the Secretary-General. He added that it would be for the Secretary-General, who was required to follow corresponding procedures, to decide what to do with the report.

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

#### In decisions of the Council

During the period under review, the Council recognized the investigative functions of other bodies of the United Nations, notably OHCHR and the Human Rights Council, in relation to the situations in the Central African Republic, the Democratic Republic of the Congo and South Sudan, as well as under the thematic item entitled "Women and peace and security". Table 4 contains the provisions of Council decisions referring to such functions.

Table 4

#### Decisions relating to investigation and inquiry by United Nations bodies and related organizations, 2019

<i>Decision and date</i>	<i>Provision</i>
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#### The situation in the Central African Republic

Resolution <a href="#">2499 (2019)</a> 15 November 2019	Calls on the authorities of the Central African Republic to follow up on the recommendations of the report of the mapping project describing serious violations and abuses of international human rights and violations of international humanitarian law committed within the territory of the Central African Republic between January 2003 and December 2015 (para. 23)
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#### The situation concerning the Democratic Republic of the Congo

Resolution <a href="#">2463 (2019)</a> 29 March 2019	Reiterates its condemnation of the violence witnessed in eastern Democratic Republic of the Congo and the Kasai region, strongly condemns the violence committed in Yumbi territory from 16 to 18 December 2018, some of which the United Nations Joint Human Rights Office reported may constitute crimes against humanity, 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 these regions, including sexual violence, as well as its intention to closely monitor progress of the investigations into these violations and abuses, in order to bring to justice and hold accountable all those responsible, and looks forward to their results; welcomes the commitments of the authorities of the Democratic Republic of the Congo in that regard, further welcomes the cooperation of the Government of the Democratic Republic of the Congo with the team of international experts on the situation in the Kasai regions mandated by the Human Rights Council in its resolution <a href="#">35/33</a> , requests the Government of the Democratic Republic of the Congo to implement all the recommendations made by the team of international
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experts in its report and to cooperate with the team of two international human rights experts charged with monitoring, evaluating, providing support and reporting on the implementation by the Democratic Republic of the Congo of those recommendations; further welcomes the continued cooperation of the Government of the Democratic Republic of the Congo with the United Nations team deployed, as agreed, to assist the Congolese authorities' investigations into the deaths of the two United Nations experts in March 2017, and calls on them to ensure all perpetrators are brought to justice and held accountable (para. 4)

Resolution [2502 \(2019\)](#)  
19 December 2019

Welcomes the cooperation of the Government of the Democratic Republic of the Congo with the team of international experts on the situation in the Kasai regions mandated by the Human Rights Council in its resolution [35/33](#), recognizes the improvements in the cooperation since President Tshisekedi's election, requests the Government of the Democratic Republic of the Congo to implement all the recommendations made by the team of international experts in its report, and to cooperate with the team of two international human rights experts, charged with monitoring, evaluating, providing support and reporting on the implementation by the Democratic Republic of the Congo of those recommendations, further welcomes the continued cooperation of the Government of the Democratic Republic of the Congo with the United Nations team deployed, as agreed, to assist the Congolese authorities' investigations into the deaths of the two United Nations experts in March 2017, and calls on them to ensure all perpetrators are brought to justice and held accountable (para. 7)

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

Resolution [2459 \(2019\)](#)  
15 March 2019

Expressing grave concern at ongoing reports of sexual and gender-based violence, particularly against women and girls, including the findings of the report of the Secretary-General on sexual violence in conflict to the Security Council ([S/2018/250](#)) of the use of sexual violence as a tactic by parties to the conflict against the civilian population in South Sudan, including use of rape and gang-rape of women and girls, and abduction, forced marriage and sexual slavery, and where persistent levels of conflict-related sexual violence and other forms of violence against women and girls have become normalized and continued after the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan and despite the suspension of most military offensives, as documented in the February 2019 United Nations Mission in South Sudan (UNMISS) and Office of the United Nations High Commissioner for Human Rights (OHCHR) report on conflict-related sexual violence in northern Unity between September and December 2018, underlining the urgency and importance of timely investigations and the provision of assistance and protection to victims of sexual and gender-based violence (eighteenth preambular paragraph)

Taking note of the UNMISS and OHCHR report on the freedom of expression in South Sudan, and expressing ongoing concern on the severe restriction of freedoms of opinion, expression and association, and 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 (twenty-first preambular paragraph)

#### Women and peace and security

Resolution [2467 \(2019\)](#)  
23 April 2019

Noting United Nations commissions of inquiry and United Nations fact-finding missions, as appropriate and where relevant, as mechanisms to verify and investigate allegations of violations and abuses of international human rights law and violations of international humanitarian law, and, in accordance with their respective mandates, to make recommendations to advance accountability and justice and protection for survivors, and, in accordance with their respective mandates and within existing resources, to partner with funds and agencies in the provision of specialized multisectoral services (seventeenth preambular paragraph)

Encourages relevant United Nations mandating bodies, as appropriate, in the establishment, inter alia, of commissions of inquiry and independent investigative entities to ensure that considerations to address sexual violence in armed conflict and post-conflict situations are included in their mandates and terms of reference, where relevant, and the Secretary-General to ensure that they are established and operationalized with the capacity and relevant expertise to address such considerations, and in this regard encourages the use of existing rosters of investigators with relevant expertise; emphasizes further that all efforts to document and investigate sexual violence in conflict and post-conflict situations should take into account the specific needs of survivors, be well-coordinated and respect safety, confidentiality and informed consent of survivors as well as independence and impartiality, and that monitoring and investigation strategies are connected to specialized multisectoral referral pathways to services for survivors (para. 8)

### In communications of the Council

Council members also made reference to the investigative functions of other bodies of the United Nations and related organizations in their communications. For example, by a letter dated 26 February 2019 addressed to the President of the Council,<sup>52</sup> the Permanent Representative of Peru to the United Nations, also on behalf of Argentina, Brazil, Canada, Chile, Colombia, Guatemala, Honduras, Panama and Paraguay, transmitted a document entitled “Lima Group Declaration in support of the process of democratic transition and the reconstruction of Venezuela”. According to the Declaration, the members of the Group decided to promote the designation by the Human Rights Council of an independent expert or a commission of inquiry on the situation in the Bolivarian Republic of Venezuela, in response to the deep concern with “the serious violations of human rights in the context of a political, economic, social and humanitarian crisis” in that country, expressed in Human Rights Council resolution 39/1 of 27 September 2018. The members of the Group also reiterated their call on the United Nations High Commissioner for Human Rights to respond promptly to the situation in that country, prior to the presentation of her comprehensive report at the forty-first session of the Human Rights Council.

In a letter dated 20 May 2019 addressed to the Secretary-General and the President of the Council,<sup>53</sup> the Permanent Representative of the Russian Federation to the United Nations transmitted an aide-memoire on the assessments by the Russian Federation of the report of the Organisation for the Prohibition of Chemical Weapons fact-finding mission in the Syrian Arab Republic regarding the incident of alleged use of

toxic chemicals as a weapon in Duma, Syrian Arab Republic, on 7 April 2018.<sup>54</sup>

### In meetings of the Council

At the 8477th meeting of the Council, held on 28 February 2019 under the item entitled “The situation in Myanmar”, Council members discussed the work of the Independent Investigative Mechanism for Myanmar and the independent international fact-finding mission on Myanmar, established by the Human Rights Council in its resolutions 39/2 of 27 September 2018 and 34/22 of 24 March 2017, respectively, as described in case 4.

### Case 4

#### The situation in Myanmar

On 28 February 2019, at the 8477th meeting of the Council, held under the item entitled “The situation in Myanmar”,<sup>55</sup> the Special Envoy of the Secretary-General on Myanmar announced that the Independent Commission of Enquiry, established by Myanmar, had responded positively to her recommendation that it engage with United Nations human rights entities, including OHCHR and the independent international fact-finding mission on Myanmar, established by the Human Rights Council. She also called for complementarity between the Commission and the Independent Investigative Mechanism for Myanmar of the Human Rights Council. The Special Envoy underscored the importance of national responsibility and ownership of the accountability process, while clarifying that accountability should extend beyond criminal liability to include initiatives that gave victims different kinds of voices.

<sup>52</sup> S/2019/183.

<sup>53</sup> S/2019/415.

<sup>54</sup> S/2019/208, annex. For more information on the matter, see *Repertoire, Supplement 2018*, part VI, sect. II.B.

<sup>55</sup> See S/PV.8477.

In the discussion, several Council members echoed the call of the Special Envoy for complementarity between the United Nations accountability mechanisms and the Independent Commission of Enquiry of Myanmar. The representative of the United Kingdom stated that better outcomes would result from greater cooperation between the Commission and the efforts of the United Nations High Commissioner for Human Rights. The representative of Germany stressed that the Independent Investigative Mechanism of the Human Rights Council must be complementary and that those responsible for the ethnic cleansing and crimes against humanity must be brought to justice. The representative of Peru expressed the hope that the efforts of the Commission and those of the Mechanism would contribute to the goal of achieving justice. The representative of the United States stated that the operationalization of the Mechanism had been expeditious, recalling that its mandate was to collect, consolidate, preserve and analyse evidence of the most serious crimes. The representative of the Russian Federation added that the Commission was gradually gaining momentum and expressed his delegation's satisfaction that it had not refused to engage in dialogue with international bodies.

The representative of France maintained that the Council had no guarantee that the Independent Commission of Enquiry was truly able to carry out an independent, credible and impartial investigation. Stating that the conclusions of the independent international fact-finding mission were unambiguous, he called on the Council to ensure full cooperation

with the International Criminal Court and the Independent Investigative Mechanism. Similarly, the representative of the Dominican Republic maintained that, according to the report of the fact-finding mission dated 12 September 2018, the judicial system in Myanmar could not conduct a just and independent investigation and the process would therefore need to be led by the international community.

The representative of Myanmar expressed his country's strong objection to the establishment of the Independent Investigative Mechanism, because it had been set up beyond the mandate of the Council and represented a "discriminatory and double-standard practice" on the part of the United Nations human rights body. He added that the Mechanism's terms of reference were very intrusive and that such measures would further polarize the different communities within Myanmar. He stated that the report of the independent international fact-finding mission was biased and one-sided and that it had been prepared mainly on the basis of interviews and information gathered from non-governmental organizations and human rights organizations.

The representative of Bangladesh expressed the view that the national investigation processes of Myanmar had repeatedly failed and that, as a result, the existing United Nations mechanisms needed to be operationalized in order to address the issue of accountability. He called on the Council to negotiate a draft resolution in which it would establish a regular reporting cycle as an oversight mechanism for progress in investigations of human rights violations.

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

#### *Article 33*

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

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

#### *Article 36*

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

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

3. *In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International*

*Court of Justice in accordance with the provisions of the Statute of the Court.*

*Article 37*

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

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

*Article 38*

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

**Note**

Article 33 (1) of the Charter of the United Nations expressly provides the framework for parties to settle their disputes by peaceful means. According to Article 33 (2), the Council shall call upon the parties to settle their disputes by such peaceful means as provided for in Article 33 (1). The Council may recommend appropriate procedures or methods of adjustment for the settlement of disputes under Article 36 (1). According to Article 36 (2) and (3), the Council should take into consideration procedures for the settlement of the dispute already adopted by the parties and that legal disputes should as a general rule be referred by the parties to the International Court of Justice. Article 37 (2) envisages that, following a referral, the Council shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate. Article 38 provides that the Council may make recommendations to the parties with a view to a pacific settlement of the dispute.

In Section III, the decisions of the Council in 2019 are examined in connection with the peaceful settlement of disputes within the framework of Chapter VI of the Charter. Decisions explicitly adopted under Chapter VII have not been considered for the purposes of the present section. In subsections A to C, ways in which the Council addressed the pacific settlement of disputes are illustrated in the context of, respectively: thematic

issues; country-specific and regional situations; and the settlement of disputes involving the Secretary-General. In subsection D, regional arrangements and agencies are addressed; 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 adopted by the Council on thematic issues that relate to the pacific settlement of disputes. During the period under review, the decisions of the Council highlighted the importance of the peaceful settlement of disputes and addressing the root causes of conflict, of including affected groups and their interests in peace processes and of ensuring justice and accountability, including for missing persons. A more detailed description of the decisions of the Council relating to these subjects is set out below.

**Peaceful settlement of disputes and addressing the root causes of conflict**

In 2019, the Council reaffirmed the importance of achieving sustainable peace and security by dialogue, mediation, consultations and political negotiations to bridge differences and to end conflict.<sup>56</sup> On the occasion of the seventieth anniversary of the signing of the Geneva Conventions of 12 August 1949, the Council reaffirmed their fundamental importance for the protection of those affected by armed conflict. In that context, the Council recalled its primary responsibility for the maintenance of international peace and security and the need to address underlying root causes of armed conflict through dialogue, mediation, consultations and political negotiations.<sup>57</sup>

**Inclusion of youth, child protection, persons with disabilities and women in the pacific settlement of disputes**

The Council reaffirmed the role of young people in the prevention and resolution of conflict and as a key aspect of the sustainability, inclusiveness and

<sup>56</sup> Resolution 2493 (2019), third preambular paragraph, in connection with the item entitled “Women and peace and security”.

<sup>57</sup> S/PRST/2019/8, first paragraph, in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”.

success of peacekeeping and peacebuilding efforts.<sup>58</sup> It emphasized the importance of giving due consideration to child protection issues from the early stages of all peace processes, in particular the integration of child protection provisions, and of peace agreements that put strong emphasis on the best interest of the child.<sup>59</sup> The Council urged Member States to enable the meaningful participation and representation of persons with disabilities, including their representative organizations, in humanitarian action, conflict prevention, resolution, reconciliation, reconstruction and peacebuilding, and to consult with those with expertise working on disability mainstreaming.<sup>60</sup>

The Council reaffirmed the important role of women in the prevention and resolution of conflicts and in peacebuilding, as recognized in resolutions 1325 (2000) and 2242 (2015).<sup>61</sup> The Council urged Member States to ensure and promote the full, equal and meaningful participation of women in all stages of peace processes, including through mainstreaming a gender perspective.<sup>62</sup> Member States were urged to facilitate such participation from the outset, both in negotiating parties' delegations and in the mechanisms set up to implement and monitor agreements.<sup>63</sup> Lastly, the Council requested that all heads of United Nations entities lend all support to the Secretary-General in the implementation of the women and peace and security agenda, including to develop context-specific approaches for the participation of women in all United Nations-supported peace talks.<sup>64</sup>

### Ensuring accountability

The Council recognized the importance of truth, justice and accountability in efforts towards reconciliation and the peaceful settlement of conflicts, and the end of impunity.<sup>65</sup> Specifically, the Council noted that accountability for missing persons as a result of conflict could be among the components of

the design and implementation of peace negotiations and agreements and peacebuilding processes, including with reference to justice and rule of law mechanisms.<sup>66</sup> The Council therefore called on all parties to armed conflict, when negotiating and implementing peace agreements, to include provisions to facilitate the search for missing persons and to take all necessary steps to protect victims and witnesses testifying about those reported missing in order to end impunity.<sup>67</sup>

## 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. The decisions featured in this overview do not include those adopted expressly under Chapter VII, which are covered in parts VII and X. The section also does not include the wide variety of good offices, mediation and political support tasks of peacekeeping operations and special political missions specifically mandated by the Council in 2019, which are covered in part X.

In 2019, the Council made a wide range of recommendations with regard to the peaceful settlement of disputes, most of which were primarily

<sup>58</sup> Resolution 2457 (2019), para. 16, in connection with the item entitled "Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security".

<sup>59</sup> *Ibid.*, para. 17.

<sup>60</sup> Resolution 2475 (2019), para. 6, in connection with the item entitled "Protection of civilians in armed conflict".

<sup>61</sup> Resolution 2457 (2019), para. 15.

<sup>62</sup> Resolution 2493 (2019), para. 2. See also resolution 2467 (2019), paras. 20 and 30, also in connection with the item entitled "Women and peace and security".

<sup>63</sup> Resolution 2493 (2019), para. 3.

<sup>64</sup> *Ibid.*, para. 9 (a).

<sup>65</sup> Resolution 2474 (2019), penultimate preambular paragraph, in connection with the item entitled "Protection of civilians in armed conflict".

<sup>66</sup> *Ibid.*, para. 14.

<sup>67</sup> *Ibid.*, para. 15.

intra-State conflicts. As described in the overview below, the Council called on the parties to: (a) cease hostilities and respect ceasefires; (b) ensure the full and accelerated implementation of peace agreements; (c) engage in peaceful and inclusive political dialogue, reconciliation and elections; and (d) use dialogue to resolve longer-term outstanding disputes.

#### Cessation of hostilities and ceasefire

With the continued fighting in the Syrian Arab Republic and the escalation of conflict in and around Tripoli in Libya and in southern Yemen, the Council urged the parties to cease hostilities and engage in dialogue to find a political solution. The Council also called on Israel and the Syrian Arab Republic to prevent any further breaches of the ceasefire in the Golan Heights and on Israel and Lebanon to support a permanent ceasefire and find a long-term solution to their dispute.

Regarding the situation in the Golan Heights, the Council stressed the obligation of Israel and the Syrian Arab Republic to scrupulously and fully respect the terms of the Agreement on Disengagement between Israeli and Syrian Forces of 1974. The parties were called upon to exercise maximum restraint and prevent any breaches of the ceasefire and the area of separation and encouraged to take full advantage of the liaison function of the United Nations Disengagement Observer Force (UNDOF) to address issues of mutual concern.<sup>68</sup> Regarding the situation in Lebanon, the Council reiterated its call for Israel and Lebanon to support a permanent ceasefire and a long-term solution based on the principles and elements set out in paragraph 8 of resolution 1701 (2006).<sup>69</sup>

In connection with the situation in Libya, the Council called on all parties to work together in the spirit of compromise, to refrain from any actions that could undermine the political process, to exercise restraint, to protect civilians and to engage seriously in national reconciliation. It also reiterated calls on the parties to commit to a lasting ceasefire and political dialogue under the leadership of the Special Representative of the Secretary-General for Libya and

Head of the United Nations Support Mission in Libya (UNSMIL).<sup>70</sup>

With respect to the situation in the Syrian Arab Republic, the Council reaffirmed that there could be no military solution to the conflict and that it could only be resolved through the full implementation of resolution 2254 (2015),<sup>71</sup> in which it had called for a Syrian-led and Syrian-owned political transition. The Council expressed particular concern regarding the recent violent attempt to take over State institutions in the southern part of Yemen and called on all parties to engage constructively in dialogue under the auspices of Saudi Arabia.<sup>72</sup> The Council reiterated its call on the Government of Yemen and the Houthis to fully implement the 2018 Agreement on the City of Hudaydah and the Ports of Hudaydah, Salif, and Ra's Isa.<sup>73</sup> The Council also called on the parties to increase the participation of women in their delegations to 30 per cent.<sup>74</sup>

#### Full and accelerated implementation of peace agreements

The Council welcomed the new peace agreement signed in the Central African Republic and called for its full implementation. Noting the considerable progress made in the implementation of the Colombian peace agreement, the Council encouraged the parties to sustain their efforts in that regard. With respect to Mali and South Sudan, the Council urged the parties to accelerate the implementation of key provisions of peace agreements and to resolve outstanding issues preventing further progress in that regard.

The Council welcomed the signing of the Political Agreement for Peace and Reconciliation in the Central African Republic by the authorities and 14 armed groups in Bangui on 6 February 2019. It urged national stakeholders to implement the Peace Agreement in good faith and without delay in order to meet the aspirations expressed by the people of the

<sup>68</sup> Resolutions 2477 (2019), para. 2, and 2503 (2019), para. 2, in connection with the item entitled "The situation in the Middle East". For more information on the item, see part I, sect. 22. For more information on the mandate of UNDOF, see part X, sect. I.

<sup>69</sup> Resolution 2485 (2019), para. 4, in connection with the item entitled "The situation in the Middle East".

<sup>70</sup> Resolution 2486 (2019), fifth preambular paragraph, in connection with the item entitled, "The situation in Libya". For more information on the item, see part I, sect. 12. For more information on the mandate of the UNSMIL, see part X, sect. II.

<sup>71</sup> S/PRST/2019/12, fourth paragraph, in connection with the item entitled "The situation in the Middle East".

<sup>72</sup> S/PRST/2019/9, third paragraph, in connection with the item entitled, "The situation in the Middle East".

<sup>73</sup> Resolutions 2452 (2019), fourth preambular paragraph, and 2481 (2019), fourth preambular paragraph, in connection with the item entitled "The situation in the Middle East".

<sup>74</sup> S/PRST/2019/9, penultimate paragraph.

Central African Republic for peace, security, justice, reconciliation, inclusivity and development.<sup>75</sup>

Welcoming the progress made towards peace across Colombia since the adoption of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, the Council urged the parties, with the support of relevant State institutions and security forces, as well as civil society, to work together to sustain progress and address challenges through the comprehensive implementation of the Final Agreement.<sup>176</sup>

Regarding the situation in Mali, the Council urged the Government of Mali, the Plateforme coalition of armed groups and the Coordination des mouvements de l'Azawad coalition of armed groups to continue to accelerate the implementation of the Agreement on Peace and Reconciliation in Mali, signed in 2015, through significant, meaningful and irreversible measures to be taken on an urgent basis. The Council also encouraged the swift completion of constitutional reform following an inclusive and collaborative process, with the full engagement and consensus of the Government, signatory armed groups, the political opposition and civil society.<sup>77</sup>

In connection with the situation in South Sudan, the Council called for the senior leadership of the parties to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, signed in 2018, to continue to hold regular face-to-face meetings to resolve outstanding issues to allow for the peaceful formation of a revitalized transitional Government of national unity.<sup>78</sup> The Council also called on the parties to expedite the process of implementing transitional security arrangements and to continue consultation on the issue of the number and boundaries of states, with a view to finding a common solution.<sup>79</sup>

<sup>75</sup> S/PRST/2019/3, third paragraph, in connection with the item entitled "The situation in the Central African Republic". For more information on the item, see part I, sect. 6.

<sup>76</sup> Resolution 2487 (2019), fourth preambular paragraph, in connection with the item entitled "Identical letters dated 19 January 2016 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General and the President of the Security Council (S/2016/53)".

<sup>77</sup> S/PRST/2019/2, seventh paragraph, in connection with the item entitled "The situation in Mali". For more information on the item, see part I, sect. 13.

<sup>78</sup> S/PRST/2019/11, second paragraph, in connection with the item entitled "Reports of the Secretary-General on the Sudan and South Sudan". For more information on the item, see part I, sect. 9.

<sup>79</sup> Ibid., fourth paragraph.

### **Peaceful and inclusive political dialogue, reconciliation and elections**

The Council underscored the importance of inclusive political dialogue and reconciliation, the consolidation of peace through governance reform and peaceful and credible elections in Guinea-Bissau, in Somalia and in the West African region. The Council also highlighted the importance of the meaningful participation of women and young people in peace and decision-making processes.

In connection with peace and security in Africa, the Council encouraged Member States to facilitate the full and meaningful participation of youth in peace processes and at all decision-making levels and to include young women in those processes. It also encouraged States to integrate youth and youth-led civil society in efforts to promote a culture of peace, tolerance, intercultural and interreligious dialogue, as well as to take steps to encourage the meaningful participation of youth in the reconstruction of areas devastated by conflict, to bring help to refugees, internally displaced persons and war victims and promote peace, reconciliation and rehabilitation.<sup>80</sup>

The Council urged national stakeholders in Guinea-Bissau to strictly respect and comply with the Conakry Agreement on the Implementation of the Economic Community of West African States (ECOWAS) Road Map for the Resolution of the Political Crisis in Guinea-Bissau and the ECOWAS road map itself in addressing their differences and the challenges facing their country.<sup>281</sup> The Council called upon them to engage in inclusive and genuine dialogue and work together to consolidate the progress made so far, and to address the root causes of instability.<sup>82</sup> While expressing deep concern over the social and political situation in the country, the Council called upon the President of Guinea-Bissau, José Mário Vaz, and the Government, led by the Prime Minister, Aristides Gomes, in charge of conducting the electoral process, to resolve their differences in the spirit of respect and cooperation.<sup>83</sup>

With respect to the situation in Somalia, the Council urged the Federal Government of Somalia and the federal member states to accelerate the

<sup>80</sup> S/PRST/2019/15, seventh paragraph, in connection with the item entitled "Peace and security in Africa". For more information on the item, see part I, sect. 11.

<sup>81</sup> Resolution 2458 (2019), para. 8, in connection with the item entitled "The situation in Guinea-Bissau". For more information on the item, see part I, sect. 7.

<sup>82</sup> Resolution 2458 (2019), para. 14.

<sup>83</sup> S/PRST/2019/13, second paragraph, in connection with the item entitled "The situation in Guinea-Bissau".



Government-led inclusive political settlement through regular high-level dialogue, through the National Security Council mechanism, with Parliament and through inclusive dialogue.<sup>84</sup> The Council emphasized the need for reconciliation, including inter- and intra-clan reconciliation, across the country as the basis of a long-term approach to stability. It also urged the Federal Government and the federal member states to pursue reconciliation talks at the local, regional and national level.<sup>85</sup>

In connection with the situation in West Africa, the Council urged the national authorities in the Gambia and its people to continue in their efforts towards consolidating peace, through political reform, security sector reform and transitional justice processes, as well as through the review of the Constitution.<sup>86</sup> The Council encouraged the consolidation of ongoing political reforms in the region to prevent violence and instability, as well as progress in the area of national reconciliation in Sierra Leone and Liberia.<sup>87</sup> The Council also emphasized the need for national stakeholders in Côte d'Ivoire, Guinea, Guinea-Bissau and Togo to work together to facilitate the timely preparation for, and holding of, genuinely free and fair, credible, timely and peaceful elections, to take all appropriate steps to prevent violence, to ensure a level playing field for all candidates and to work towards the full, equal, and meaningful participation of women.<sup>88</sup>

### **Resolution of outstanding disputes through dialogue**

In connection with Cyprus, Western Sahara and relations between South Sudan and the Sudan, including with regard to the dispute over the Abyei Area, the Council called on parties to resolve outstanding disputes through dialogue, with a view to achieving a lasting political solution.

In that regard, the Council called upon the Greek Cypriot and the Turkish Cypriot sides, specifically the leaders of the two communities and all involved parties, to actively and meaningfully engage with openness and creativity, fully commit to a settlement process under United Nations auspices, use the United Nations consultations to restart negotiations and avoid

any actions that could damage the chances of success.<sup>89</sup> The Council urged the sides to renew their efforts to achieve an enduring, comprehensive and just settlement based on a bicomunal and bizonal federation with political equality, as set out in relevant Council resolutions, including paragraph 4 of its resolution 716 (1991).<sup>90</sup>

With respect to the Abyei Area, the Council reiterated that any territorial disputes between States must be settled exclusively by peaceful means and underscored that the future status of Abyei would be resolved by negotiations between South Sudan and the Sudan in a manner consistent with the Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army of 9 January 2005.<sup>91</sup> The Council urged continued progress towards the establishment of the Abyei Area institutions and the implementation of confidence-building measures among the respective communities, ensuring that women were involved in all stages.<sup>92</sup> The Council also determined that both parties should demonstrate measurable progress on border demarcation.<sup>93</sup>

With regard to the situation concerning Western Sahara, the Council emphasized the need to achieve a realistic, practicable and enduring political solution based on compromise.<sup>94</sup> The Council called upon Morocco, the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro, Algeria and Mauritania to resume negotiations under the auspices of the Secretary-General, without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the

<sup>84</sup> Resolution 2461 (2019), para. 5, in connection with the item entitled "The situation in Somalia". For more information on the item, see part I, sect. 2.

<sup>85</sup> *Ibid.*, para. 6.

<sup>86</sup> S/PRST/2019/7, twelfth paragraph, in connection with the item entitled "Peace consolidation in West Africa". For more information on the item, see part I, sect. 10.

<sup>87</sup> *Ibid.*, fourteenth paragraph.

<sup>88</sup> *Ibid.*, fifteenth paragraph.

<sup>89</sup> Resolutions 2453 (2019), para. 2, and 2483 (2019), paras. 1–2, in connection with the item entitled "The situation in Cyprus". For more information on the item, see part I, sect. 19.

<sup>90</sup> Resolution 2483 (2019), fourth preambular paragraph.

<sup>91</sup> Resolutions 2469 (2019), third preambular paragraph, and 2497 (2019), third preambular paragraph, in connection with the item entitled "Reports of the Secretary-General on the Sudan and South Sudan".

<sup>92</sup> Resolutions 2469 (2019), paras. 9 and 18, and 2497 (2019), paras. 10 and 18.

<sup>93</sup> Resolutions 2465 (2019), para. 3, in connection with the item entitled "Reports of the Secretary-General on the Sudan and South Sudan", and 2497 (2019), para. 3.

<sup>94</sup> Resolutions 2468 (2019), para. 2, and 2494 (2019), para. 2, in connection with the item entitled "The situation concerning Western Sahara". For more information on the item, see part I, sect. 1.

Charter.<sup>495</sup> Emphasizing the importance of a renewed commitment by the parties to advancing the political process in preparation for further negotiations, the Council encouraged the neighbouring countries to make important and active contributions to that process.<sup>596</sup>

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

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

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

#### **Good offices to end violence**

The Council highlighted the role of the Secretary-General and his special envoys and representatives in efforts to end the fighting and resume political dialogue in Libya, the Syrian Arab Republic and Yemen and to achieve a permanent ceasefire in Lebanon. In connection with the situation in Lebanon specifically, the Council expressed strong support for the continued efforts of the United Nations Interim Force in Lebanon (UNIFIL) to engage Israel and Lebanon in discussing a wider range of issues. It also urged the parties to cooperate with the Council and the Secretary-General to make tangible progress towards a permanent ceasefire and a long-term solution envisaged in resolution 1701 (2006).<sup>97</sup>

<sup>95</sup> Resolutions 2468 (2019), para. 4, and 2494 (2019), para. 4.

<sup>96</sup> Resolutions 2468 (2019), para. 8, and 2494 (2019), para. 8.

<sup>97</sup> Resolution 2485 (2019), paras. 12 and 16. For more information on the mandate of UNIFIL, see part X, sect. I.

With respect to the situation in Libya, the Council expressed its strong support for the ongoing efforts of UNSMIL and the Special Representative of the Secretary-General for Libya and underscored the importance of the United Nations central role in facilitating a Libyan-led and Libyan-owned political process.<sup>698</sup> The Council also reiterated its request that all Member States fully support the efforts of the Special Representative and that they use their influence with the parties to bring about a ceasefire and an inclusive political process.<sup>99</sup>

In connection with the conflict in the Syrian Arab Republic, the Council welcomed the announcement of 23 September 2019 by the Secretary-General regarding the agreement of the Government of the Syrian Arab Republic and the Syrian Negotiation Commission for a credible, balanced and inclusive Constitutional Committee facilitated by the United Nations in Geneva.<sup>100</sup> It expressed its appreciation for the diplomatic engagement of the Special Envoy of the Secretary-General for Syria to finalize that process.<sup>101</sup>

In connection with the situation in Yemen, the Council underlined its full support for the Special Envoy of the Secretary-General for Yemen and called on the Government of Yemen and the Houthis to engage constructively and continuously with him.<sup>102</sup> The Council also expressed support for the efforts of the Special Envoy to work with the parties to pave the way for the resumption of comprehensive negotiations, without delay, on the security and political arrangements necessary to end the conflict and resume a peaceful transition.<sup>103</sup>

#### **Good offices in support of peace and reconciliation processes**

The Council highlighted the role of the Secretary-General in support of inclusive political dialogue and national reconciliation in consolidating peace and resolving political tensions in Somalia, in the Central African region and in West Africa and the Sahel.

Regarding the situation in Somalia, the Council expressed its deep appreciation for the support provided by the United Nations Assistance Mission in Somalia (UNSOM) to the Federal Government of Somalia, in particular with regard to the development of an inclusive political settlement and preparations for

<sup>98</sup> Resolution 2486 (2019), fourth preambular paragraph.

<sup>99</sup> *Ibid.*, nineteenth preambular paragraph.

<sup>100</sup> S/PRST/2019/12, first paragraph.

<sup>101</sup> *Ibid.*, third paragraph.

<sup>102</sup> S/PRST/2019/9, first paragraph.

<sup>103</sup> *Ibid.*, fourth paragraph.

the inclusive one-person-one-vote elections in 2020 and 2021, state-level elections, the constitutional review process and the mediation, prevention and resolution of conflicts.<sup>7104</sup>

In connection with the situation in the Central African region, the Council welcomed the role of the United Nations Office for Central Africa (UNOCA) in promoting inclusive political dialogue in non-mission settings such as Cameroon, Chad, the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe, in encouraging stability in the region and in assisting the countries of the subregion in consolidating peace, resolving tensions and preventing or mitigating political crises.<sup>105</sup>

Concerning West Africa and the Sahel, the Council called upon the United Nations Office for West Africa and the Sahel (UNOWAS) to encourage all political stakeholders to use dialogue to resolve their differences with respect to constitutional review processes.<sup>106</sup> The Council underlined the need for the United Nations to sustain support for political reforms in the region and national reconciliation in Liberia and Sierra Leone.<sup>107</sup>

#### **Good offices in support of the resolution of outstanding disputes**

The Council expressed support for the Secretary-General in efforts to address longer-term disputes regarding Cyprus, the Abyei Area and Western Sahara. The Council also addressed the role of the United Nations in supporting the resolution of outstanding issues related to missing persons and the return of property between Iraq and Kuwait.

Regarding the situation in Cyprus, the Council welcomed the willingness of the Secretary-General for his good offices to remain available to assist the Greek Cypriot and Turkish Cypriot sides, and expressed its full support therefor, should they jointly decide to re-engage in negotiations with the necessary political will. The Council requested the Secretary-General to maintain transition planning in relation to a settlement, guided by progress in negotiations, and encouraged the

sides to engage with each other, as well as with the United Nations Peacekeeping Force in Cyprus (UNFICYP) and the United Nations good offices mission in that regard.<sup>108</sup> The Council called upon the relevant parties involved to explore ways to establish mechanisms and enhance existing initiatives, with UNFICYP as facilitator through its liaison role, for effectively alleviating tensions and to help to address island-wide matters that affected all Cypriots.<sup>109</sup>

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 Horn of Africa to continue coordinating efforts to facilitate the full implementation of the 2011 agreements between South Sudan and the Sudan. The Council encouraged the United Nations Interim Security Force for Abyei (UNISFA) to coordinate with the Panel and the Special Envoy on reconciliation, community sensitization and political peace processes.<sup>110</sup> The Council requested that the Secretary-General consult with the parties and the African Union in relation to, *inter alia*, enhancing the role played by the Special Envoy in supporting the African Union and helping the parties to establish temporary administrative and security arrangements for Abyei and to achieve a political solution with regard to its status.<sup>111</sup>

The Council expressed its full support for the ongoing efforts of the Secretary-General and his Personal Envoy for Western Sahara to sustain the renewed negotiations process in order to achieve a solution with regard to the situation concerning Western Sahara.<sup>112</sup> The Council called on the parties to resume negotiations under the auspices of the Secretary-General, to implement their commitments to the Personal Envoy and to refrain from any actions that could undermine the United Nations-facilitated negotiations or further destabilize the situation in the Western Sahara.<sup>113</sup>

With regard to relations between Iraq and Kuwait, the Council expressed its full support for the Special Representative of the Secretary-General for Iraq and Head of the United Nations Assistance

<sup>104</sup> Resolution 2461 (2019), para. 4. For more information on the mandate of the UNSOM, see part X, sect. II.

<sup>105</sup> S/PRST/2019/10, second paragraph, in connection with the item entitled "Central African region". For more information on the item, see part I, sect. 8. For more information on the mandate of UNOCA, see part X, sect. II.

<sup>106</sup> S/PRST/2019/7, thirteenth paragraph. For more information on the mandate of UNOWAS, see part X, sect. II.

<sup>107</sup> *Ibid.*, fourteenth paragraph.

<sup>108</sup> Resolution 2453 (2019), para. 7.

<sup>109</sup> *Ibid.*, para. 6.

<sup>110</sup> Resolutions 2469 (2019), para. 10, and 2497 (2019), para. 11. For more information on the mandate of UNISFA, see part X, sect. I.

<sup>111</sup> Resolution 2497 (2019), para. 9.

<sup>112</sup> Resolutions 2468 (2019), para. 3, and 2494 (2019), para. 3.

<sup>113</sup> Resolutions 2468 (2019), paras. 4 and 6, and 2494 (2019), paras. 4 and 6.

Mission in Iraq (UNAMI) and the Deputy Special Representative of the Secretary-General for Political Affairs for UNAMI in their efforts to resolve outstanding issues related to missing Kuwaiti and third-country nationals and the return of Kuwaiti property.<sup>8114</sup>

<sup>114</sup> [S/PRST/2019/1](#), second paragraph, in connection with the item entitled “The situation between Iraq and Kuwait”. For more information on the mandate of UNAMI, see part X, sect. II.

## 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 2019 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 year under review, explicit references were made to Article 33,<sup>115</sup> Article 99<sup>116</sup> and Chapter VI<sup>117</sup>

<sup>115</sup> In connection with the letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council ([S/2014/264](#)), see [S/PV.8461](#) (Kuwait) and [S/PV.8575](#) (Kuwait); 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.8516](#) (Kuwait); in connection with the maintenance of international peace and security, see [S/PV.8546](#) (South Africa); in connection with peace and security in Africa, see [S/PV.8633](#) (Programme Manager of the Zanele Mbeki Development Trust and Kuwait); and in connection with peacebuilding and sustaining peace, see [S/PV.8668 \(Resumption 1\)](#) (Bahrain).

<sup>116</sup> In connection with the maintenance of international peace and security, see [S/PV.8546](#) (Kuwait).

<sup>117</sup> In connection with the situation in the Bolivarian Republic of Venezuela, see [S/PV.8452](#) (Mexico); [S/PV.8472](#) (South Africa and Indonesia); [S/PV.8476](#) (South Africa); and [S/PV.8506](#) (Indonesia); in connection with the situation concerning Haiti, see [S/PV.8502](#) (Belgium, Haiti and Argentina); in connection with women and peace and security, see [S/PV.8514](#) (South Africa); in connection with implementation of the note by the President of the

### 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.

during deliberations, but, in most cases, this did not result in a constitutional discussion. No explicit references were made to Articles 36, 37 or 38.

The section is divided into three 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 with the provisions of Chapter VII; and C. Utilization of Article 99 of the Charter by the Secretary-General for the pacific settlement of disputes. The section features cases in which there were relevant constitutional discussions during the period under review.

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

Article 33 of the Charter stipulates that any dispute that is likely to endanger the maintenance of

Security Council ([S/2017/507](#)), see [S/PV.8539](#) (Ukraine and Bahrain); in connection with maintenance of international peace and security, see [S/PV.8546](#) (Secretary-General, Kuwait, South Africa, Peru, Equatorial Guinea, Poland and Côte d’Ivoire); in connection with cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security, see [S/PV.8548](#) (Kuwait); in connection with threats to international peace and security, see [S/PV.8569](#) (Peru); in connection with peace and security in Africa, see [S/PV.8633](#) (Programme Manager of the Zanele Mbeki Development Trust, Kuwait, China and South Africa); and in connection with peacebuilding and sustaining peace, see [S/PV.8668](#) (China and Guatemala); and [S/PV.8668 \(Resumption 1\)](#) (Lebanon).

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 8); (b) “Peacebuilding and sustaining peace” (case 6); and (c) “Women and peace and security” (case 7).

### Case 5

#### Maintenance of international peace and security

On 12 June 2019, at its 8546th meeting, convened at the initiative of Kuwait, which held the presidency for the month,<sup>118</sup> the Council held an open debate under the sub-item entitled “Conflict prevention and mediation”.<sup>119</sup> In his briefing, the Secretary-General stated that conflict prevention and mediation were two of the most important tools available to reduce human suffering. He recalled that in Chapter VI of the Charter a broad range of tools were set out for parties to use for the prevention and resolution of conflict, including negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means chosen by the parties. He urged Governments to make full use of those tools and the Council to use its own authority to call upon the parties to pursue them. Noting that prevention and mediation would not work without broader political efforts, the Secretary-General urged Council members and all Member States to strive for greater unity to ensure that those efforts were as effective as possible.

In her remarks, the Chair of The Elders focused on three specific areas in which The Elders believed that the Council could play a proactive and positive role on conflict, namely, prevention, climate change and the impact of technology. With regard to prevention, she stated that it was by far the most effective way to deal with conflicts and should not be viewed narrowly in terms of immediate security and stability. She added that the Council should redouble its collective efforts to ensure that the perspectives and experiences of women were reflected in the mainstream of peacekeeping and prevention policy. She encouraged the Council to adopt a more holistic approach to conflict prevention, including climate change, as that would both make it more effective and would support the mandate of other parts of the United Nations system. She expressed

support for the creation of an institutional focal point, in the form of a special representative of the Secretary-General, to pull together expertise on climate change from across and beyond the United Nations, to help the Council to assess the diverse, complex and shifting impacts of climate change on conflicts. With regard to technology, she reflected on its impact on youth, highlighting social media as being a powerful tool for connecting people around the world, as well as a tool for enabling violent extremism and spreading misinformation. She also raised the need to develop global norms and rules around cyberconflict prevention. The Deputy Chair of The Elders and former Secretary-General of the United Nations, Ban Ki-moon, expressed the view that the working methods of the Council could be improved to encourage Council members to agree on a joint common position to address conflicts in their early stages. He called on Council members to do more to support the Secretary-General in using his good offices to help to prevent and reduce the threat of conflict and emphasized the role of regional organizations in preventing and resolving conflict and the need for greater coordination between the Council and regional organizations in that regard.

During the discussion, the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait recalled that the Charter provided the Council with many tools that encouraged conflict resolution by peaceful means, especially Chapter VI, in which stress was placed on the preventive role of the Council. He added that the Council had the right to call on parties to conflicts to resolve their disputes by the means outlined in Chapter VI and to investigate any dispute or situation that might lead to international friction or give rise to a dispute, in order to determine whether its continuation was likely to endanger the maintenance of international peace and security. The representative of Peru stated that recourse to the means of peaceful settlement of disputes provided for in Chapter VI was an underutilized tool with a genuine capacity to offer positive alternatives for action before, during and after conflicts. Noting that under Article 33 of the Charter, parties to a dispute should first seek a solution through political means, the representative of South Africa stated that, before considering the use of force under Chapter VII, the Council must consider a peaceful political solution to the conflict. The representative of Côte d’Ivoire recalled that conflict prevention through mediation was a primary duty of States, which were responsible for taking every possible measure to create the sociopolitical conditions essential to maintaining peace.

Council members widely referred to the importance of mediation and conflict prevention for the

<sup>118</sup> The Council had before it a concept note annexed to letter dated 31 May 2019 (S/2019/456).

<sup>119</sup> See S/PV.8546.

acific settlement of disputes, including for the work of the Council. The representative of the United States stated that the Council rarely explored mediation as a tool in resolving conflicts and that better prevention and mediation would help to prevent costly peacekeeping missions and provide an exit strategy for existing missions. The representative of the United Kingdom stressed that if the Council did not find ways for effective conflict prevention in countries not yet on its agenda where concerns existed, then it was more likely that they would actually come onto the agenda. The representative of Germany stated that the Council should move more often from early warning to early action.

The Deputy Prime Minister and Minister for Foreign Affairs of Kuwait stated that mediation efforts must be comprehensive and deal with the root causes of conflicts. The representative of China added that conflicts had a variety of deep-seated causes, such as extreme poverty, imbalanced development, lack of resources and ethnic and tribal tensions. Several representatives highlighted the need for inclusivity and greater and more meaningful participation of women and young people in mediation and prevention. Others also expressed support for greater coordination with regional mediation efforts.

The representative of China stated that conflict prevention must adhere to the purposes and principles of the Charter, such as respect for sovereignty and territorial integrity, non-interference in internal affairs, non-aggression and the peaceful settlement of disputes. The representative of the Russian Federation added that international assistance in a mediation context should be provided only with the consent of the parties to the dispute and must be impartial and free of preconditions. He added that prevention should not be seen as a panacea for all ills and that it could not become a pretext for interfering in the internal affairs of sovereign States.

With respect to obstacles precluding preventive action by the Council, the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait stated that the Council's success in using preventive tools depended on the unity and consensus of its members. Similarly, the representative of Indonesia stated that Council unity was as essential as the need for a sincere, well-owned and resolute effort by the parties to a conflict to resolve their disputes peacefully. The representative of the Russian Federation expressed the view that if all Council members genuinely made the interests of States in question their top priority, rather than inflicting coercive unilateral economic measures on them, the potential of the Organization with regard to issues of

conflict prevention and mediation would increase significantly.

Several speakers shared recommendations on how to strengthen the preventive and mediation role of the Council. The Deputy Prime Minister and Minister for Foreign Affairs of Kuwait specifically referred to sending small delegations of Council members to undertake mediation efforts and holding meetings in various formats to discuss matters that could threaten international peace and security. He added that traditional tools of peacekeeping operations and sanctions could be used more efficiently to achieve the purposes of preventive diplomacy. Stating that the Council very often focused on the use of the military in peacekeeping operations, the representative of Germany called for greater use of police to achieve prevention. The representative of Peru recalled that the elected members of the Council had been promoting the idea of holding of periodic informal meetings with the Secretariat in order to learn, from a regional perspective and on a rotational basis, about potential threats to peace and security. He added that it would be beneficial for the Council to make use of the various meeting formats available in a preventive context, such as Arria-formula meetings and informal interactive dialogues. Council members also discussed how to enhance the good offices and mediation work of the Secretary-General (see case 10).

#### **Case 6 Peacebuilding and sustaining peace**

On 11 and 19 November 2019, at its 8668th meeting, convened at the initiative of the United Kingdom, which held the presidency for the month,<sup>120</sup> the Council held an open debate under the sub-item entitled "The role of reconciliation in maintaining international peace and security".<sup>121</sup> In his remarks, the Secretary-General stated that successful reconciliation contributed to preventing a recurrence of conflict and to building more peaceful, resilient and prosperous societies, in particular in the aftermath of large-scale violence and human rights violations. Notwithstanding its vital importance, he added that the concept of reconciliation must evolve to keep up with the changing nature of conflict. In that regard, the Secretary-General noted that reconciliation must come from within communities, with the participation of all, including women, civil society groups, religious leaders, young people and members of marginalized groups. Successful reconciliation processes, according to the Secretary-

<sup>120</sup> The Council had before it a concept note annexed to a letter dated 11 November 2019 (S/2019/871).

<sup>121</sup> See S/PV.8668 and S/PV.8668 (Resumption 1).

General, must also address the pain and suffering of victims, understand the motivation of offenders, render justice, provide remedy and ensure truth.

The Dean of the School for Conflict Analysis and Resolution at George Mason University stressed that reconciliation should be viewed as a transformational process and rely on local approaches. He added that reconciliation should occur not only after violent conflict, but also as the first option for achieving peace. The Director of Programs and Development of the Elman Peace and Human Rights Centre, a non-governmental organization in Somalia, highlighted that country's experience with reconciliation and emphasized that successful reconciliation processes should include as many sectors of the population as possible and seek to build consensus. She urged the Council to utilize resolution [1325 \(2000\)](#) to advance and mandate the inclusion of women in reconciliation strategies.

In the subsequent discussion, the representative of Côte d'Ivoire said that reconciliation should play a role throughout the entire peace continuum, from prevention, through management, to the consolidation of post-crisis stability. Beyond the national arena, he added that reconciliation was also needed in cases of conflicts between States. The representative of China underscored that dialogue and consultations were the only ways to achieve reconciliation and that his delegation supported such peaceful means to resolve international disputes and hotspot issues.

Several speakers emphasized the need to tailor reconciliation processes to local circumstances and the importance of national ownership. The representative of Kuwait stated that there was no one reconciliation model and that every situation had its own characteristics, depending on the nature of the conflict and the historical, cultural, social and economic dimensions related to its outbreak. Referring to transitional justice as one of the methods of reconciliation, the representative of South Africa stated that such processes must respond to the specific context of the country in transition. The representative of China stated that the support of the international community in that context must be based on respect for national sovereignty and ownership, as well as independence, unity and territorial integrity. The representative of the Russian Federation added that such assistance should not become a way to impose ready-made solutions from the outside. The representative of Namibia cautioned that the vested interests of external parties could jeopardize reconciliation processes. The representative of India said that artificially imposed standards or timelines were unlikely to result in successful

reconciliation. The representative of Germany noted that national sovereignty should be respected, but within the limits of the Charter and of the Universal Declaration of Human Rights.

A number of speakers stressed the need for reconciliation processes to be inclusive. The representative of Indonesia noted that lasting reconciliation required all segments of society to be on board. The Minister of State (for the Commonwealth, the United Nations and South Asia) of the United Kingdom emphasized the key role that faith leaders could play in encouraging dialogue and mediating between different groups. The representative of Armenia noted that the participation of women affected by conflict in peace processes had proved to increase the chances of durable and lasting settlements and reconciliation. The representative of the Dominican Republic stated that youth, including young women, must be involved as stakeholders in the design, implementation and monitoring of transitional justice processes, including truth-seeking, reparation and reconciliation programmes. The representative of Belgium stressed the need for a victim-centred approach and the need to take into account the experiences of children, refugees, internally displaced persons, minorities and members of other vulnerable groups.

In connection with the role of the United Nations in reconciliation, the representative of China stated that Chapter VI of the Charter should be fully leveraged with regard to the good offices and mediation roles of the Organization. The Minister of State of the United Kingdom maintained that the Council had a pivotal and key role to play, by working with the Secretary-General and his offices for mediation and support, special political missions, the Peacebuilding Commission and others. He added that Council members had a particular responsibility to ensure that their efforts succeeded through, inter alia, monitoring reconciliation processes, women mediators, deciding when to deploy missions and ensuring that women had a place at the very heart of the table at every stage of recovery and reconciliation. The representative of Germany stated that reconciliation and mediation capacities should be included more often in mission mandates. The representative of Ireland underscored that transitions from United Nations peacekeeping operations were an important moment to ensure continued reconciliation, namely through the strengthening of United Nations country teams, engagement with the Peacebuilding Commission and support for the Peacebuilding Fund.

## Case 7

### Women and peace and security

On 29 October and 4 November 2019, at its 8649th meeting, convened at the initiative of South Africa, which held the presidency for the month,<sup>122</sup> the Council held a high-level open debate under the sub-item entitled “Towards the successful implementation of the women, peace and security agenda: moving from commitments to accomplishments in preparation for the commemoration of the twentieth anniversary of Security Council resolution 1325 (2000)”.<sup>123</sup>

At the outset of the meeting on 29 October, the Council unanimously adopted resolution 2493 (2019), in which Member States were urged to commit to implementing the women and peace and security agenda and its priorities by ensuring the full, equal and meaningful participation of women in all stages of peace processes.<sup>124</sup> In the resolution, the Council also urged Member States supporting peace processes to facilitate the full, equal and meaningful inclusion and participation of women in peace talks from the outset, both in negotiating parties’ delegations and in the mechanisms set up to implement and monitor agreements.<sup>125</sup>

In his briefing, the Secretary-General stated that, nearly two decades after the adoption of resolution 1325 (2000), women still faced exclusion from many peace and political processes.<sup>126</sup> He observed that peace agreements were being adopted without provisions that considered the needs and priorities of women and girls. The Secretary-General highlighted the efforts of the United Nations to implement a new and stronger policy on women and peace and security, including reporting by the special political missions and his special envoys on their efforts to promote the direct participation of women throughout all stages of peace processes.

In her remarks, the Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women underscored the need for Member States to demand the direct and meaningful participation of women in all phases of peace talks. She noted that, in all ongoing peace processes, fewer than 8 per cent of agreements reached contained gender-

related provisions and that, even where agreements included specific gender provisions, ensuring their implementation remained a challenge. The representative of the Network of African Women in Conflict Prevention and Mediation (FemWise-Africa) and the African Women Leaders Network noted the importance of developing a strategy that would allow for women’s leadership to play a substantial role in calming tensions, promoting a cessation of hostilities and initiating dialogue among the parties to the conflict. The representative of the non-governmental organization Working Group on Women, Peace and Security urged the international community to support the call for at least 50 per cent representation of Sudanese women across all peace processes, including in ongoing negotiations, and at all levels of Government.

In the subsequent discussion,<sup>127</sup> many speakers noted the connection between the participation of women and the sustainability of peace processes and agreements. The Minister for International Relations and Cooperation of South Africa stated that the women and peace and security agenda was an essential tool for ending the use of force as a means of settling disputes. The representative of Poland noted that security efforts were more successful and sustainable when women contributed to prevention and early warning, as well as to peacemaking, peacekeeping and post-conflict resolution and peacebuilding. She added that women had a unique vantage point from which they were able to recognize signs of impending conflict and were often viewed by negotiating parties as honest brokers in peace processes, increasing the likelihood of an agreement being reached.

In discussing the gap in the implementation of the women and peace and security agenda, the representative of Poland stated that, between 1992 and 2018, women constituted 13 per cent of negotiators, 3 per cent of mediators and only 4 per cent of signatories in major peace processes tracked. The representative of the United Arab Emirates maintained that women should be an integral part of both formal and informal negotiations from start to finish. The representative of Kazakhstan stated that efforts should be redoubled to support women in grass roots organizations working for a culture of peace, community-based reconciliation and an end to all forms of impunity. The representative of China stated that Member States shoulder the primary responsibility for the promotion of the effective participation of women in peace processes, emphasizing the need to fully respect national sovereignty.

<sup>122</sup> The Council had before it a concept note annexed to a letter dated 8 October 2019 (S/2019/801).

<sup>123</sup> See S/PV.8649, S/PV.8649 (Resumption 1) and S/PV.8649 (Resumption 2).

<sup>124</sup> Resolution 2493 (2019), para. 2.

<sup>125</sup> *Ibid.*, para. 3. For more information on women and peace and security, see part I, sect. 30.

<sup>126</sup> See S/PV.8649.

<sup>127</sup> See S/PV.8649 and S/PV.8649 (Resumption 1).



The representative of Kazakhstan stated that the lack of participation of women in peace processes stemmed from the fact that violent conflicts were growing more complex and fractured with the proliferation of non-State actors. The representative of Australia said that the exclusion of women from conflict resolution and peacebuilding put peace and stability at risk and compounded negative outcomes for women and girls. He added that, in order to deliver on the women and peace and security agenda, the international community must address the root causes of gender inequality and protect women's rights. Ensuring greater participation by women, according to the representative of Côte d'Ivoire, first required adequate education, health and empowerment opportunities for women and girls. Similarly, the Minister of State at the Federal Foreign Office of Germany called for capacity-building to enhance the qualitative participation of women in peace, security and peacebuilding processes.

The representative of Switzerland stated that the Council must ensure that its resolutions, including mission mandates, contained provisions requiring the meaningful participation of women in peace and security. The representative of Brazil noted that women peacekeepers were often the only ones able to make contact with the local female population, enabling missions to better protect civilians and fulfil their mandates as a whole. The representative of Peru called on the Council to redouble its efforts to integrate gender specialists into political and peacekeeping missions. The representative of the United Kingdom stated that United Nations special envoys should be held to account on their commitments to implement resolution 1325 (2000). She added that United Nations-led peace processes must be closely supported by gender experts, something that needed to be integrated throughout missions.

### **Case 8** **Maintenance of international peace and security**

On 17 July 2019, the Council held its 8577th meeting, convened at the initiative of Peru, which held the presidency for the month,<sup>128</sup> under the sub-item entitled "Implementation of the youth, peace and security agenda".<sup>129</sup> In her briefing, the Envoy of the Secretary-General on Youth stated that negative stereotypes contributed to the marginalization and stigmatization of youth. She emphasized the need to address the challenges facing young people, such as unemployment,

child marriage and mental health, as well as the importance of embracing young people as equal partners in efforts to prevent conflict and build peace. The Envoy made reference to the recognition and institutionalization of the youth and peace and security agenda within the United Nations through the launch of the United Nations Youth Strategy and the work of peacekeeping operations and special political missions on engaging young people in conflict prevention and resolution. She concluded by noting that efforts to build and sustain peace needed to be democratized to include the communities most affected.

The Programme Coordinator for HAKI Africa, a national human rights organization based in Kenya, stressed the need to create an enabling environment for peacebuilding by further implementing resolutions 2250 (2015) and 2419 (2018) on youth and peace and security. She called for enhancing the participation of young people in peace processes. The Executive Director of Afghans for Progressive Thinking, a national non-governmental organization, discussed the role of young people in the Afghan peace process and called on the United Nations to develop policies that would make young people an integral part of the decision-making process.

During the discussion, Council members exchanged views on the contributions of young people to conflict prevention and the peaceful resolution of disputes. The representative of the United Kingdom highlighted the importance of an inclusive political process when it came to conflict prevention and resolution, because when peace processes were inclusive, they were one third more likely to be sustainable. The representative of Indonesia referred to the calls of the Secretary-General for the inclusion of youth in all stages of the peace continuum, from conflict prevention, to conflict resolution, peacekeeping and peacebuilding. The representative of the Dominican Republic stated that young people, with their immeasurable transformative and innovative potential, played a vital role in deterring conflict, acting as peacemakers in their communities and transforming societies by making them more just, inclusive and peaceful. The representative of Belgium added that the participation of young people in formal and informal peace and mediation processes could enhance the legitimacy and sustainability of those processes. The representative of the United States remarked that young people had played a critical role in countering terrorist narratives through the use of innovative tools and approaches. The representative of Peru highlighted the importance of the inclusion of young women in decision-making. The representative

<sup>128</sup> The Council had before it a concept note annexed to a letter dated 27 June 2019 (S/2019/539).

<sup>129</sup> See S/PV.8577.

of the Russian Federation cautioned that attention should be paid to the phenomenon of using radicalized young people to achieve domestic political goals, in particular externally orchestrated processes aimed at overthrowing legitimate authorities under the guise of democracy and human rights.

Underscoring the need for the Council to work to prevent and resolve conflicts through political means, the representative of China stated that the United Nations must engage in close exchanges on the needs of young people in armed conflict and in post-conflict situations. He also noted the need to fully consider youth-related factors in the political settlement of hotspot issues and ensure the constructive participation of young people in peace processes. The representative of the Dominican Republic called for the creation of networks of young mediators at the regional level and to ensure that young people briefed the Council on the maintenance of international peace and security in open debates and briefings. The representative of Kuwait noted that many initiatives had been undertaken to implement the youth and peace and security agenda, ranging from peace missions that involved young people in building social cohesion and stability in many-conflict affected regions worldwide, to high-level political initiatives.

Speaking on behalf of the three African members of the Council, the representative of Equatorial Guinea emphasized the urgent need to empower young people, not only in Africa, but around the world, so that they could be more influential and productive actors in their societies. The representative of Kuwait noted that the proliferation of conflicts, in particular in the Arab world, as well as unemployment, poverty, terrorism and radicalization, impeded the implementation of the youth and peace and security agenda. The representative of Belgium stated that the viewpoints and needs of young people should be central to processes of security sector reform and disarmament, demobilization and reintegration, as well as to community violence-reduction programmes and actions to prevent violent extremism.

## **B. Relevance of the provisions of Chapter VI of the Charter in comparison with 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. At the 8546th meeting, held under the item entitled “Maintenance of

international peace and security” (see case 5),<sup>130</sup> the representative of South Africa stated that, before considering the use of force under Chapter VII, the Council must consider a peaceful political solution to conflict, as envisaged in Chapter VI. He added that Article 33 specifically provided that parties to a dispute should “first of all” seek a solution through political means, including negotiation and mediation. At the 8633rd meeting of the Council, held under the item entitled “Peace and security in Africa” (see case 11),<sup>131</sup> the representative of China underscored the need to make good use of Chapter VI, as well as the good offices and mediation capacity of the United Nations, while avoiding taking action by invoking Chapter VII at every turn. The issue was also addressed in Council meetings on the question concerning Haiti (case 9).

### **Case 9 The question concerning Haiti**

On 3 April 2019, at its 8502nd meeting, held under the item entitled, “The question concerning Haiti”,<sup>132</sup> the Council discussed the renewal of the mandate of the United Nations Mission for Justice Support in Haiti (MINUJUSTH) and the establishment of a future United Nations presence in the country. Expressing support for the recommendations of the Secretary-General with regard to the choice of a special political mission to succeed MINUJUSTH,<sup>133</sup> the representative of Belgium stated that a mandate under Chapter VI of the Charter was appropriate and noted that such an option was favoured by the Haitian authorities.<sup>134</sup> The representative of Argentina emphasized that a mission deployed under Chapter VI should support Haitian actions related to socioeconomic development during the transition period, in coordination with the United Nations country team, the Peacebuilding Commission and the Economic and Social Council. The representative of the Russian Federation recalled that his delegation had long said that the situation in Haiti was not a threat to international peace and security and that there was no need to continue to act under Chapter VII in that country.

At its 8510th meeting, on 12 April 2019,<sup>135</sup> acting under Chapter VII of the Charter, the Council adopted resolution 2466 (2019), with 13 votes in favour and

<sup>130</sup> See [S/PV.8546](#).

<sup>131</sup> See [S/PV.8633](#).

<sup>132</sup> See [S/PV.8502](#).

<sup>133</sup> See [S/2019/198](#). For more information on the question concerning Haiti, see part I, sect. 14. For more information on the mandate of MINUJUSTH, see part X, sect. I.

<sup>134</sup> See [S/PV.8502](#).

<sup>135</sup> See [S/PV.8510](#).

2 abstentions. By the resolution, the Council extended the mandate of MINUJUSTH for a final period of six months until 15 October 2019.<sup>136</sup> Explaining his delegation's decision to abstain in the vote on the draft resolution, the representative of the Russian Federation criticized the adoption of the text under Chapter VII.<sup>137</sup> He added that his delegation failed to understand how the human rights situation in a country where an armed conflict had long been over presented a threat to international peace and security. In contrast, the representative of France stated that the resolution, which included a mention of Chapter VII, provided MINUJUSTH with the necessary means to conclude the tasks that were entrusted to it and expedite the transition to a special political mission. Elaborating on the relationship between Chapter VII and human rights monitoring, the representative of Germany expressed the view that respect for human rights was a question of security and, therefore, rightfully within the Mission's mandate.

At the 8559th meeting, on 25 June 2019,<sup>138</sup> pursuant to the recommendation of the Secretary-General to establish a special political mission to succeed MINUJUSTH, the Council adopted resolution 2476 (2019), in which it requested the Secretary-General to establish the United Nations Integrated Office in Haiti (BINUH) beginning on 16 October 2019 and for an initial period of 12 months. BINUH was mandated to, *inter alia*, advise and assist the Government in promoting and strengthening political stability and good governance, including the rule of law, planning elections and addressing human rights abuses and violations.<sup>139</sup>

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

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

following items: (a) "Maintenance of international peace and security" (case 10); and (b) "Peace and security in Africa" (case 11).

#### Case 10 Maintenance of international peace and security

On 12 June 2019, at the 8546th meeting of the Council, held under the sub-item entitled "Conflict prevention and mediation",<sup>140</sup> the Secretary-General stated that his good offices and those of his envoys were aimed at helping parties to peacefully resolve differences. He updated the Council on the work of his representatives and envoys in support of the political processes in the Central African Republic, Libya, the Syrian Arab Republic and Yemen, as well as on the work of the United Nations Regional Centre for Preventive Diplomacy for Central Asia on transboundary issues and the implementation of the United Nations Global Counter-Terrorism Strategy. The Secretary-General added that peacekeeping operations and special political missions were undertaking vital conflict prevention and resolution efforts and emphasized the importance of mainstreaming women's rights and gender equality across the prevention and mediation work of the United Nations.

The Deputy Chair of The Elders welcomed the emphasis of the Secretary-General on prevention and noted that Member States must ensure that the work of the United Nations for prevention and peacebuilding was properly supported and funded. He called on Council members to do more to support the Secretary-General in the use of his good offices to help to prevent and reduce the threat of conflict. He added that they should also recognize that the work of the Council on peace and security was undermined when its members subverted the Organization's own peace envoys and peace processes.

During the subsequent discussion, Council members expressed support for the good offices, conflict prevention and mediation efforts of the Secretary-General. The Deputy Prime Minister and Minister for Foreign Affairs of Kuwait highlighted the inherent right and responsibility conferred upon the Secretary-General under Article 99 to play a role in preventing conflicts through his good offices or those of his special envoys and representatives in any conflict zone. The representative of France commended the Secretary-General for giving top priority to conflict prevention and welcomed his reforms, which he said should enable the entire United Nations system to be more effective in preventing crises. In particular, he referred to the strengthening of United Nations

<sup>136</sup> Resolution 2466 (2019), para. 1.

<sup>137</sup> See S/PV.8510.

<sup>138</sup> See S/PV.8559.

<sup>139</sup> Resolution 2476 (2019), para. 1. For more information on the mandate of BINUH, see part X, sect. II.

<sup>140</sup> See S/PV.8546.

mediation capacities through the creation of the High-level Advisory Board on Mediation and noted that the Standby Team of Senior Mediation Advisors of the Department of Political and Peacebuilding Affairs was being deployed increasingly on the ground, sometimes at very short notice. The representative of China expressed support for the rapid-response system of the same Department. Similarly, referring to the critical need for the United Nations to retain an agile mediation capacity, the representative of the United Kingdom described the Standby Team as an important part of that prevention toolkit, with a wide range of preventive diplomacy capacities and expertise, including on the design and management of dialogue processes, constitution-making, gender and inclusion issues, natural resources, power-sharing and security arrangements. The representative of Poland expressed gratitude to the Secretary-General for his tireless efforts to promote mediation as the most cost-effective and underrated method of conflict resolution.

Highlighting the role played by and the enormous potential of the United Nations regional political offices as sources of early warning in territories that were often not included on the Council's agenda, the representative of Peru expressed regret that the valuable information they produced was received only once every six months. He noted that the actions of the political offices should be strengthened with greater capacities for analysis and evaluation of the situation on the ground. Similarly, the representative of Belgium stated that more dynamic, and probably more frequent, informational meetings with the heads of United Nations regional offices would be more valuable and that those offices constituted an ideal vehicle for supporting or collaborating with regional and subregional organizations.

The representative of Equatorial Guinea emphasized the need to increase the participation of women in conflict prevention and mediation missions, as that would help the Council to better understand both the causes of conflicts and alternative solutions to them. The representative of the Russian Federation stressed the importance of ensuring that United Nations mediators were chosen on the basis of objective criteria and with respect for regional balance.

### **Case 11 Peace and security in Africa**

On 7 October 2019, at its 8633rd meeting, convened at the initiative of South Africa, which held the presidency for the month,<sup>141</sup> the Council held an

open debate under the sub-item entitled, "The centrality of preventive diplomacy, conflict prevention and resolution".<sup>142</sup> In his statement to the Council, the Secretary-General informed the Council that the United Nations, together with partners such as the African Union and subregional organizations, was making progress on conflict prevention in many parts of Africa. In that regard, he made particular reference to the work of the United Nations and the special representatives of the Secretary-General and special political missions to prevent the spiralling of a political crisis in the Gambia; facilitate peaceful presidential elections in Madagascar; address political tensions in Guinea-Bissau and the root causes of conflict in Cameroon; support elections in Nigeria, Senegal and Sierra Leone; and prevent a further escalation of violence and facilitate a return to the political process in Libya.

In her remarks, a visiting scholar and the Associate Director of the Institute for African Studies at the Elliot School of International Affairs at George Washington University expressed regret that the use of the Secretary-General's good offices in deploying special envoys and representatives in conflict areas was aimed more at attempting to prevent conflicts from escalating than at preventing them from occurring altogether. While noting the reports of successful cases of interventions in Burkina Faso, Colombia, Mali and elsewhere, she said that it was usually a case of too little, too late. She commended the fact that the Women's Platform for the Peace, Security and Cooperation Framework for the Democratic Republic of Congo and the Region, initiated and launched by a former Special Envoy of the Secretary-General for the Great Lakes Region, had been made a flagship program for preventive diplomacy and peacebuilding in the region, with tremendous success. She added that the African Women Leaders Network and the FemWise-Africa network were at the disposal of the Secretary-General to assist him in his good offices and diplomatic efforts.

The Programme Manager of the Zanele Mbeki Development Trust described the role of the African Women in Dialogue platform, which had been launched in 2018, in facilitating for women, and in particular marginalized women, the promotion of healing and peaceful coexistence on the African continent. Moreover, noting that preventative diplomacy was used in the United Nations system at large, and in the office of the Secretary-General in particular, she expressed the hope that prevention would also become a central pillar of the Council's work, through the African Women in Dialogue platform.

<sup>141</sup> The Council had before it a concept note annexed to a letter dated 2 October 2019 (S/2019/786).

<sup>142</sup> See S/PV.8633.

During the discussion, a number of speakers highlighted the role of the Secretary-General, through his good offices, in conflict prevention. The representative of Kuwait noted the fundamental role played by the Secretary-General, having been granted the right and responsibility for preventing conflicts through his good offices or through his envoys and special representatives in conflict zones. The representative of Indonesia encouraged the Secretary-General to utilize every instrument in his preventive toolbox to avoid the recurrence of conflict. The representative of Ethiopia stated that the use of preventive diplomacy by the United Nations system and particularly the Secretary-General's good offices remained indispensable but underutilized in avoiding and containing crisis situations. The Permanent Observer of the African Union to the United Nations stressed the need to utilize all preventive diplomacy tools, including good offices, special representatives, special envoys and emissaries, in order to foster a collective approach to the goal of providing coherent, effective and timely responses to conflict and crisis situations in Africa.

The representative of France commended the Secretary-General for his initiative in stepping up peace diplomacy and the reforms undertaken to strengthen mediation capacities and the early warning role of United Nations country teams. The representative of the Russian Federation said that the United Nations had every tool at its disposal as a basis for its work in preventive diplomacy, namely Chapters I and VI of the Charter, as well as a number of resolutions, including resolution [2171 \(2014\)](#), in

which the fundamental principles of international assistance in that area were enshrined. He added that the establishment in 2017 of the High-level Advisory Board on Mediation, composed of authoritative politicians and diplomats, was an important element of those efforts.

In terms of further improvements, the representative of Belgium stressed that rapid diplomatic response mechanisms could also be advanced through the good offices of the Secretary-General and his special envoys, as well as those of resident coordinators. While noting that conflict prevention was of course preferable to conflict resolution, the representative of the United Kingdom underscored that it required effective horizon-scanning capacities and commended the Secretariat and the African Union Commission for their work on strengthening their ability to conduct joint analysis and reporting. He also commended the Department of Political and Peacebuilding Affairs for the horizon-scanning discussion held on Latin America as an example wherein Council members had been provided with an informal opportunity to understand the situation in a range of countries not on the Council's agenda. The representative of South Africa urged the Secretary-General to deploy more women mediators, peace envoys and special representatives to assist in conflict resolution and mediation across Africa. The representative of France recommended that a report of the Secretary-General be prepared with a view to providing a regular assessment of the risks posed by climate change on international security, along with concrete recommendations.