
Part VI

Consideration of the provisions of Chapter VI of the Charter

Contents

	<i>Page</i>
Introductory note	444
I. Referral of disputes or situations to the Security Council	446
Note	446
A. Referrals by States	446
B. Referrals by the Secretary-General	450
C. Referrals by the General Assembly	451
II. Investigation of disputes and fact-finding	451
Note	451
A. Security Council missions	452
B. Investigative and fact-finding functions of the Secretary-General	454
C. Other instances of investigative functions acknowledged by the Security Council	461
III. Decisions of the Security Council concerning the pacific settlement of disputes	466
Note	466
A. Decisions of the Security Council concerning thematic issues	467
B. Recommendations of the Security Council concerning country-specific and regional situations	468
C. Decisions involving the Secretary-General in the Council's efforts at the pacific settlement of disputes	472
D. Decisions involving regional arrangements or agencies	474
IV. Discussions on the interpretation or application of the provisions of Chapter VI of the Charter	474
Note	474
A. Reference to peaceful means of settlement in the light of Article 33 of the Charter	474
B. Referral of legal disputes to the International Court of Justice in the light of Article 36 (3) of the Charter	481
C. Utilization of Article 99 of the Charter by the Secretary-General for the pacific settlement of disputes	482

Introductory note

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

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

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

In 2022, as described in section I, Member States brought various matters to the attention of the Council, including matters of which the Council had not been seized. In response to a communication from a Member State, the Council convened a public meeting under a new item entitled “Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/2022/688)”. In addition, the Council convened eight meetings under existing items further to communications submitted by Member States, notably with regard to developments concerning the Democratic People’s Republic of Korea, Iraq and Ukraine. The Secretary-General and the Secretariat continued to draw the attention of the Council to situations that were deteriorating, including with respect to Ukraine, and the risk of famine in Ethiopia, north-east Nigeria, Somalia, South Sudan and Yemen.

As featured in section II, the Council did not dispatch any missions in 2022. The Council acknowledged and deliberated on the investigative functions of the Secretary-General and the work of the United Nations High Commissioner for Human Rights, the Human Rights Council, the Organisation for the Prohibition of Chemical Weapons in connection with the situations concerning the Central African Republic, the Democratic Republic of the Congo, Iraq, Libya, Mali, South Sudan, the Sudan, the Syrian Arab Republic and Ukraine, as well as the investigation of the International Civil Aviation Organization into the landing of a civilian aircraft in Belarus.

As described in section III, the Council reiterated its demand for a general and immediate cessation of hostilities in all conflict situations before the Council and encouraged multilateral dialogue, the advancement of the political settlement of disputes and a comprehensive approach to sustaining peace. The Council stressed the need for the inclusion of women and youth in the prevention and resolution of conflicts, peacebuilding and sustaining peace. The Council called on parties to conflicts to cease hostilities and establish permanent ceasefires, fully implement peace agreements, ensure peaceful and inclusive political dialogue and transitions and engage in dialogue for the resolution of outstanding disputes. The Council recognized the good offices work of the Secretary-General, as well as that of his special representatives and envoys, in support of the implementation of peace agreements, political dialogue, transitions, the resolution of outstanding disputes and efforts to end violence in conflict.

As outlined in section IV, during 2022, the discussions in the Council were focused on the obligation of parties vis-à-vis the peaceful settlement of disputes, as provided for in Chapter VI of the Charter, and the role of the Council in that regard, including specifically in relation to the conflicts in Ukraine and between Armenia and Azerbaijan. Council members also discussed how to ensure the safe and meaningful participation of women in political processes and the respective roles and cooperation with the Council of the International Court of Justice and the Secretary-General in the peaceful settlement of disputes.

I. Referral of disputes or situations to the Security Council

Article 11

...

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

Article 35

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

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

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

Article 99

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

Note

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

The practice of the Council in this regard is described below in three subsections. Subsection A provides an overview of the referrals of disputes or situations by States to the Council pursuant to Article 35 of the Charter. 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 2022, pursuant to a communication from a Member State, the Council convened a meeting under a new item on its agenda entitled “Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council ([S/2022/688](#))”. The Council convened another seven meetings further to communications submitted by Member States under existing items, five of which were in connection with the Democratic People’s Republic of Korea and one each in connection with Iraq and Ukraine. Council members also held informal consultations of the whole pursuant to a letter from a member of the Council in connection with the Houthi attacks on civilian infrastructure in the United Arab Emirates.

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

A. Referrals by States

During the period under review, certain situations were referred to the Council pursuant to Article 35 (1) of the Charter by affected or concerned Member States. Most of those situations were referred to the Council by Member States without an explicit reference to Article 35. This notwithstanding, in 2022, Article 35 was explicitly mentioned in four communications from Member States, namely from

Albania¹ and the United States² concerning the convening of a meeting by the President of the Security Council further to rule 3 of the provisional rules of procedure and Article 35, from Egypt³ concerning the filling of the Grand Ethiopian Renaissance Dam and from Armenia⁴ concerning the situation on the border between Armenia and Azerbaijan.

Specifically, in a letter dated 18 July addressed to the President of the Council,⁵ the representative of Albania responded to a letter dated 29 June from the representative of the Russian Federation,⁶ questioning the decision of the President of the Security Council to call an emergency meeting of the Council on 28 June under the item entitled “Maintenance of peace and security of Ukraine” following a request from Ukraine. The representative of Albania pointed out that rule 3 of the provisional rules of procedure, if read in full, mandated the President to call a meeting of the Council if a dispute or a situation was brought to the attention of the Council under Article 35 of the Charter.⁷ Similarly, and in connection with the same matter, the representative of the United States, by letter dated 19 July,⁸ stated that the provision of rule 3 was mandatory and that, as provided in Article 35, the Council was there for all Members of the United Nations to bring their disputes and situations to the Council.

In a letter dated 29 July addressed to the President of the Security Council,⁹ the representative of Egypt conveyed a letter from the Minister for Foreign Affairs of Egypt stating that Ethiopia had informed his country that it had resumed, for the third consecutive year, the unilateral filling of the Grand Ethiopian Renaissance Dam, a process that was being undertaken in the absence of an agreement with Egypt and the Sudan to ensure that riparian States and communities were protected against potential adverse effects. The Minister also stated that, accordingly, Egypt had elected to inform the Council, pursuant to Article 35 of the Charter, that the question of the dam and the persistent Ethiopian policy of unilateralism in that regard constituted a situation that, as stipulated in Article 34, was causing international friction, the continuance of which could endanger international peace and security. He added that it was incumbent upon the Council to discharge its obligations under Article 24 by taking appropriate measures to ensure that the question was settled amicably. In a letter dated 2 August,¹⁰ the representative of Ethiopia conveyed a letter from the Deputy Prime Minister and Minister for Foreign Affairs of Ethiopia in which he stated that, as provided under Article 33, Ethiopia, Egypt and the Sudan were pursuing a negotiated peaceful resolution regarding the dam and that, consistent with Article 52, the negotiations were being held under the auspices of the African Union. He therefore argued that there was no justification for bringing the matter to the attention of the Council.

With regard to Armenia and Azerbaijan, by letter dated 13 September addressed to the President of the Security Council,¹¹ the representative of Armenia transmitted a letter from the Minister for Foreign Affairs of Armenia, bringing to the attention of the Council the situation on the border between Armenia and Azerbaijan, which posed an imminent threat to international peace and security. Describing the situation in the lead-up to and surrounding the launching by Azerbaijan of “open large-scale aggression” against Armenia, the Minister stated that the actions of Azerbaijan were in violation of Articles 2 and 33 of the Charter, which provided that all Members should refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, and that the parties to any dispute should seek solutions exclusively by peaceful means. Noting that the unilateral actions of Azerbaijan constituted a real threat to international peace and security, the Minister requested an emergency meeting of the Council, on the basis of Article 35.

¹ See [S/2022/565](#).

² See [S/2022/567](#).

³ See [S/2022/587](#).

⁴ See [S/2022/688](#).

⁵ See [S/2022/565](#).

⁶ See [S/2022/528](#).

⁷ For more information on the application of rule 3 of the provisional rules of procedure, see part II.

⁸ See [S/2022/567](#).

⁹ See [S/2022/587](#).

¹⁰ See [S/2022/598](#).

¹¹ See [S/2022/688](#).

In 2022, the Council convened eight meetings pursuant to communications from Member States, seven of which were held under existing items and one under a new item on its agenda.¹² With regard to existing items, five meetings were held in connection with the Democratic People's Republic of Korea and one each concerning Iraq and Ukraine. Moreover, further to the letter from the representative of Armenia described above,¹³ the Council convened a meeting under a new item entitled "Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/2022/688)".

In addition to the five formal meetings, Council members also held informal consultations on 21 January further to a letter dated 18 January¹⁴ from the representative of the United Arab Emirates addressed to the President of the Security Council to discuss the Houthi attacks on civilian infrastructure in the United Arab Emirates. More information is provided in table 1.

Table 1
Communications bringing disputes or situations to the attention of the Security Council that resulted in a Council meeting and/or informal consultations of the whole, 2022

<i>Communication</i>	<i>Action requested of the Security Council</i>	<i>Meeting record and date</i>
Threats to international peace and security		
Letter dated 18 January 2022 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council (S/2022/35)	To hold a meeting on the Houthi attacks on civilian infrastructure in the United Arab Emirates	Informal consultations of the whole 21 January ^a
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)		
Letter dated 19 February 2022 from the Permanent Representative of Ukraine to the United Nations addressed to the Secretary-General (S/2022/133)	To hold an urgent meeting on the escalation of the conflict on the State border of Ukraine	S/PV.8970 21 February
Non-proliferation/Democratic People's Republic of Korea		
Letter dated 24 March 2022 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/2022/261)	To convene an urgent meeting to consider the ballistic missile launch by the Democratic People's Republic of Korea	S/PV.9004 25 March
Letter dated 9 May 2022 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/2022/379)	To convene an urgent meeting to consider the ballistic missile launch by the Democratic People's Republic of Korea	S/PV.9030 11 May
Letter dated 4 October 2022 from the Chargé d'affaires a.i. of the Permanent Mission of Japan to the United Nations addressed to the President of the Security Council (S/2022/742)	To convene an urgent meeting to consider the ballistic missile launch by the Democratic People's Republic of Korea	S/PV.9146 5 October

¹² For more information on the applicable provisional rules of procedure concerning the convening of Council meetings, see part II, sect. II.

¹³ See S/2022/688. See also S/2022/729.

¹⁴ See 2022/35.

<i>Communication</i>	<i>Action requested of the Security Council</i>	<i>Meeting record and date</i>
Letter dated 3 November 2022 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/2022/829)	To convene an urgent meeting to consider the ballistic missile launches by the Democratic People's Republic of Korea	S/PV.9183 4 November
Letter dated 18 November 2022 from the Permanent Representative of Japan to the United Nations addressed to the President of the Security Council (S/2022/870)	To convene an urgent meeting to consider the ballistic missile launch by the Democratic People's Republic of Korea	S/PV.9197 21 November
Letter dated 18 November 2022 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council (S/2022/871)	To promptly hold a meeting to consult on and respond to the intercontinental ballistic missile launch by the Democratic People's Republic of Korea	S/PV.9197 21 November
The situation concerning Iraq		
Letter dated 22 July 2022 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council (S/2022/574)	To hold an emergency meeting to discuss the artillery bombardment by Türkiye in Dahuk Governorate in the Kurdistan Region of Iraq	S/PV.9100 26 July
Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/2022/688)		
Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/2022/688)	To convene an emergency meeting in relation to the large-scale aggression of Azerbaijan against Armenia	S/PV.9132 15 September

^a See [A/77/2](#), chap. 29.

Other communications from Member States

Member States also brought other matters to the attention of the Council that did not result in a meeting. For example, in a letter dated 5 August addressed to the President of the Council,¹⁵ the representative of Pakistan transmitted a letter from the Minister for Foreign Affairs of Pakistan concerning what he described as the continuing worsening situation in Jammu and Kashmir. The Minister noted that 5 August 2022 marked the completion of three years of Indian “unilateral and illegal actions aimed at consolidating its occupation of Jammu and Kashmir”, which he described as violations of international law. He concluded by underlining the strong desire of Pakistan to have the Council and the Secretary-General make concerted efforts to promote a peaceful settlement of the Jammu and Kashmir dispute in accordance with the relevant Council resolutions and the wishes of the Kashmiri people, by fully utilizing the modalities provided for in Chapter VI of the Charter, including Articles 33 and 34, as well as Article 99.

In a letter dated 10 August addressed to the President of the Security Council,¹⁶ the representative of the Democratic Republic of the Congo transmitted a note from the Deputy Prime Minister and Minister for Foreign Affairs of the Democratic Republic of the Congo, noting that his Government had been informed on the basis of media sources that the Group of Experts on the Democratic Republic of the

¹⁵ See [S/2022/600](#).

¹⁶ See [S/2022/610](#).

Congo had stated in a report that it had “solid evidence” that Rwandan troops had carried out military operations in the eastern part of the country by participating directly in attacks against Congolese military personnel and by equipping and providing reinforcements to the “terrorist group” Mouvement du 23 mars (“M23”). In that regard, the Government of the Democratic Republic of the Congo requested the Council, among other things, to urgently convene an open meeting to consider the report.¹⁷

By letter dated 15 August,¹⁸ the representative of Mali transmitted a letter from the Minister for Foreign Affairs and International Cooperation of Mali concerning violations of the country’s airspace by the Barkhane force of France. The Minister invited the Council, as the guarantor of international peace and security, to take action to ensure that France immediately cease its acts of aggression against Mali, and requested the Council to hold an emergency meeting on the matter.

In a letter dated 9 December addressed to the Secretary-General and the President of the Security Council,¹⁹ the representatives of Libya and Türkiye noted their rejection of the arguments and allegations contained in the letter dated 17 November from the representative of Greece²⁰ with respect to the signing of a memorandum of understanding between the Government of National Unity of Libya and the Government of Türkiye on 3 October on cooperation in the field of hydrocarbons. Among other points, the representatives of Libya and Türkiye underscored that they did not accept the objection of Greece to the memorandum on the ground that it violated Greek sovereign rights, and stated that Greece was not entitled to such rights in the maritime areas delimited between Libya and Türkiye. Moreover, the representatives asserted that their Governments, guided by the principles of the Charter, reiterated that conflicts in the Eastern Mediterranean and the Aegean were best resolved through the peaceful means as stipulated in Article 33 of the Charter, on the basis of the mutual consent of the parties.

B. Referrals by the Secretary-General

Article 99 of the Charter provides that the Secretary-General may bring to the attention of the Council any matter which in his or her opinion may threaten the maintenance of international peace and security. Like Article 35, Article 99 does not specify the means by which the Secretary-General may bring such a matter to the attention of the Council. During the period under review, the Secretary-General did not invoke Article 99, either directly or by implication. That notwithstanding, the Secretary-General continued to draw the attention of the Council to situations on its agenda that were deteriorating or with respect to which he requested the Council to take urgent action.

In his letters transmitting the monthly reports of the Director General of the Organisation for the Prohibition of Chemical Weapons submitted pursuant to paragraph 12 of resolution 2118 (2013) on the elimination of the chemical weapons programme of the Syrian Arab Republic,²¹ the Secretary-General continued to note that the use of chemical weapons was intolerable and impunity for their use equally unacceptable. He pointed to unity in the Council as being essential to fulfilling the urgent obligation of accountability.

During meetings, the Secretary-General and other senior Secretariat officials also drew the attention of the Council to the deterioration of situations on the Council’s agenda that threatened international peace and security.

In connection with Ukraine, the Secretary-General, the Under-Secretary-General for Political and Peacebuilding Affairs and other senior Secretariat officials gave briefings to the Council on events in the lead-up to and following the escalation of the conflict.²² For example, at a meeting held on 31 January

¹⁷ For more information about the sanctions measures concerning the Democratic Republic of the Congo, see part VII, sect. III. For more information about the work of the Committee established pursuant to resolution 1533 (2004) concerning the Democratic People’s Republic of Korea, see part IX, sect. I.

¹⁸ See [S/2022/622](#).

¹⁹ See [S/2022/936](#).

²⁰ See [A/77/604](#).

²¹ See [S/2022/76](#), [S/2022/181](#), [S/2022/281](#), [S/2022/365](#), [S/2022/441](#), [S/2022/530](#), [S/2022/585](#), [S/2022/658](#), [S/2022/727](#), [S/2022/828](#), [S/2022/897](#) and [S/2022/1016](#).

²² For more information on items relating to Ukraine, see part I, sects. 19 and 34.

under the item entitled “Threats to international peace and security”,²³ the Under-Secretary-General noted reports that more than 100,000 troops and heavy weaponry from the Russian Federation were positioned along the border with Ukraine and that unspecified numbers were also reportedly being deployed to Belarus ahead of large-scale joint military exercises in February on the borders with Ukraine, Poland and the Baltic States. She added that any escalation or new conflict would deal another serious blow to the architecture so painstakingly built up over the past 75 years to maintain international peace and security. At a meeting held on 21 February under the item entitled “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)”,²⁴ the Under-Secretary-General expressed concern about the escalating shelling across the contact line in Ukraine, reportedly leading to a number of casualties. Noting that the risk of major conflict was real and needed to be prevented at all costs, she assured the Council of the full commitment of the Secretary-General to working towards a diplomatic resolution of the crisis.

At a meeting held on 15 September under the item entitled “Protection of civilians in armed conflict”,²⁵ the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, recalling the request of the Council to be swiftly informed when the risk of conflict-induced famine and widespread food insecurity occurred, noted the white note of the Secretariat shared with Council members highlighting four contexts in which that risk was clear, namely Ethiopia, north-east Nigeria, South Sudan and Yemen. He stated that more than 200,000 people were already at risk of famine. In that regard, he called on Member States to pursue peaceful and negotiated resolutions to conflicts and other situations of violence, remind and encourage States and armed groups to abide by their obligations under international humanitarian law and international human rights law, support an integrated response to address the underlying drivers of acute food insecurity and sustain humanitarian financing for those crises. He also highlighted the impact of climate change on famine in Somalia and pointed to the need for the attention of the climate community and the money pledged by Member States.

C. Referrals by the General Assembly

Under Article 11 (3) of the Charter, the General Assembly may call the attention of the Council to situations that are likely to endanger international peace and security. During the period under review, the Assembly did not refer any such situations to the Council pursuant to that Article.²⁶

II. Investigation of disputes and fact-finding

Article 34

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

Note

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

²³ See [S/PV.8960](#).

²⁴ See [S/PV.8970](#).

²⁵ See [S/PV.9133](#).

²⁶ For more information regarding the relations between the Council and the General Assembly, see part IV, sect. I.

Section II provides an overview of the practice of the Council relating to fact-finding and investigation in accordance with Article 34 of the Charter, in three subsections. Subsection A relates to Council missions; subsection B to investigative and fact-finding functions of the Secretary-General; and subsection C to other instances of investigative functions acknowledged by the Council.

During the reporting period, the Council did not make any explicit reference to Article 34 of the Charter in its decisions, nor did any speaker explicitly invoke that Charter provision during Council meetings. However, Article 34 was explicitly referred to in two communications addressed to the Council concerning the operation of the Grand Ethiopian Renaissance Dam²⁷ and the situation in Jammu and Kashmir.²⁸

During the year under review, the Council did not dispatch any mission to the field. In its decisions, the Council acknowledged the investigative functions of the Secretary-General in connection with the situations in the Central African Republic, the Democratic Republic of the Congo, Iraq, Mali and South Sudan. Consistent with recent practice, the Council renewed the mandate of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant, established pursuant to resolution [2379 \(2017\)](#). The Council also recognized the investigative work of the International Civil Aviation Organization in connection with the landing of a civilian aircraft in Belarus and the Office of the United Nations High Commissioner for Human Rights on the situations in the Central African Republic, the Democratic Republic of the Congo, Mali and South Sudan. In addition, Council members deliberated on the investigative functions of the Secretary-General, the Human Rights Council and the Organisation for the Prohibition of Chemical Weapons (OPCW) concerning Libya, the Syrian Arab Republic, Ukraine and the implementation of resolution [2231 \(2015\)](#) concerning the Islamic Republic of Iran.

A. Security Council missions

In 2022, the Council did not dispatch any missions to the field. Council missions were, however, referenced in a communication submitted to the Council by Member States and discussed in Council meetings during the period under review.

In a letter dated 16 February addressed to the President of the Security Council,²⁹ the representative of Finland transmitted the report of the nineteenth annual workshop for the newly elected members of the Council, held in New York on 18 and 19 November 2021. According to the report, several outgoing members of the Council emphasized the importance of visiting missions to the work of the Council, with one member expressing regret that there had been only one visiting mission during that member's term because of the coronavirus disease (COVID-19) pandemic, and others imploring the incoming members to visit the field as often as they could. It was also indicated in the report that several speakers had noted that diplomats gained a better understanding of situations addressed by the Council when witnessing them first-hand.

The role of Council missions was also raised in several Council meetings. For example, in an open debate held on 3 November under the item entitled "Peacebuilding and sustaining peace",³⁰ the Executive Director of Security Council Report stated that, to signal the Council's strong interest in sustained peace, and in tandem with the work of the Peacebuilding Commission, Council members could check back in with the country concerned from time to time. In that regard, she suggested that the Council could conduct visiting missions to Sierra Leone, Côte d'Ivoire and Liberia, countries whose United Nations peace operations had closed in 2014, 2017 and 2018, respectively. Furthermore, in an open debate held on 14 December under the item entitled "Maintenance of international peace and security",³¹ the representative of Norway stated that the Council had to be more in touch with the direct impact of its decisions on the lives of people on the ground. In that regard, she noted that the Council would benefit from more informal situational-awareness briefings from the Secretariat and more visiting missions by the Council and that

²⁷ See [S/2022/587](#).

²⁸ See [S/2022/600](#).

²⁹ See [S/2022/128](#).

³⁰ See [S/PV.9181](#).

³¹ See [S/PV.9220](#).

there was great potential for impact through joint visiting missions, including with the Peace and Security Council of the African Union.

The Council also discussed the value of Council missions during the annual open debate on the working methods of the Council held under the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)” (case 1).

Case 1

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

On 28 June, at the initiative of Albania, which held the presidency of the Council for the month and whose representative held the Chair of the Informal Working Group on Documentation and Other Procedural Questions,³² the Council held the annual open debate on its working methods under the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)”.³³ The Council heard briefings by the Director of Security Council Procedure and co-author of the fourth edition of *The Procedure of the UN Security Council* and the Executive Director of Security Council Report.³⁴

In her statement, the Executive Director of Security Council Report noted that Council visiting missions offered a chance for members to engage with one another less formally, as well as to be exposed, together, to facts on the ground. Recalling the impact of visiting missions, she cited the examples of missions to the Lake Chad basin in March 2017, which led to the adoption of resolution 2349 (2017) addressing the negative security, humanitarian and environmental dimensions of the Boko Haram crisis in the region, as well as the missions to Colombia in May 2017 and July 2019, which signalled the Council’s political support for the implementation of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace of 2016. The Executive Director expressed the view that the Council might also prioritize visits with regional and subregional organizations to engage with them on conflict prevention and step-up engagement with the field through virtual reality headsets and mini-missions. Suggesting a more systematic way of deciding on visiting missions, she noted that one possibility would be to have the Informal Working Group on Documentation and Other Procedural Questions, at the start of the year, consult and select three possible situations that could benefit from a Council visit, which could then be supplemented by other trips.

In the subsequent discussion, the representative of Switzerland, speaking on behalf of the members of the Accountability, Coherence and Transparency Group, said that visiting missions by the Council were an important means to gather the views of a broad range of stakeholders and gain first-hand understanding of dynamics on the ground. She encouraged the Council to continue that practice and to provide a debriefing to the wider membership upon its return. The representative of Luxembourg also encouraged the Council to resume its practice of field visits, which allowed for discussions with a broad range of actors and allowed the Council to get a direct understanding of dynamics on the ground and provide a debriefing to all Member States upon its return. The representative of Egypt also noted that Member States should be informed about the Council’s visits.³⁵

The representative of Portugal recommended the inclusion of the Chair of the Peacebuilding Commission – and the Chairs of the country-specific configurations, where applicable – in the Council’s field visits.³⁶ In the view of Portugal, that would allow for a more holistic approach to the whole of the peace continuum and could be useful even if the country or countries visited had not yet engaged with the Commission.

The representative of Cyprus expressed the view that technology could not substitute for the knowledge of local circumstances that the Council needed to have to deal with a situation effectively, adding that such knowledge was best gained through visits on the ground.³⁷

³² A concept note was circulated by letter dated 21 June 2022 (S/2022/499).

³³ See S/PV.9079 and S/PV.9079 (Resumption 1). An analytical summary of the debate was circulated after the meeting in a letter dated 10 November 2022 (S/2022/842).

³⁴ See S/PV.9079.

³⁵ See S/PV.9079 (Resumption 1).

³⁶ See S/PV.9079.

³⁷ See S/PV.9079 (Resumption 1).

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

In 2022, the investigative and fact-finding functions of the Secretary-General were acknowledged and referred to in decisions of the Council, as well as during its deliberations and in communications addressed to it, as detailed below.

Decisions of the Council

In its decisions adopted in 2022, the Council acknowledged the investigative and fact-finding functions of the Secretary-General in connection with the situations in the Central African Republic, the Democratic Republic of the Congo, Iraq, Mali and South Sudan, and with the thematic item entitled “Threats to international peace and security”. The relevant provisions of those decisions are set out in table 2 below.

Table 2

Decisions relating to investigative and/or fact-finding activities by the Secretary-General, 2022

<i>Decision and date</i>	<i>Provision</i>
The situation in the Central African Republic	
Resolution 2659 (2022) 14 November	Calls upon the Central African Republic authorities to follow up on the recommendations of the report of the mapping project describing serious violations and abuses of international human rights and violations of international humanitarian law committed within the territory of the Central African Republic between January 2003 and December 2015 (para. 24)
The situation concerning the Democratic Republic of the Congo	
Resolution 2641 (2022) 30 June	<p>Taking note of the verdict rendered on 29 January 2022 by the Military Court of Ex-Kasai Occidental and of efforts towards ensuring accountability, reiterating the need for the Government of the Democratic Republic of the Congo to fully investigate the killing of the two members of the Group of Experts and the four Congolese nationals accompanying them and bring those responsible to justice, welcoming the work of the United Nations team, known as the Follow-On Mechanism, deployed to assist the Congolese authorities in their investigations, in agreement with the Congolese authorities, and further welcoming their continued cooperation (fifth preambular paragraph)</p> <p>Recalls the Secretary General’s commitment that the United Nations will do everything possible to ensure that the perpetrators of the killing of the two members of the Group of Experts and the four Congolese nationals accompanying them are brought to justice and stresses the importance of a continued deployment by the Secretary-General of the Follow-on Mechanism, currently comprising a senior United Nations official, four technical experts and support staff, to the Democratic Republic of the Congo to assist with the national investigation, within existing resources (para. 12)</p>
The situation concerning Iraq	
Resolution 2631 (2022) 26 May	<p>Requests that the Special Representative of the Secretary-General and the United Nations Assistance Mission for Iraq, at the request of the Government of Iraq, shall:</p> <p>...</p> <p>(d) promote accountability and the protection of human rights, and judicial and legal reform, with full respect for the sovereignty of Iraq, in order to strengthen the rule of law and improve governance in Iraq, in addition to supporting the work of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/Islamic State in Iraq and the Levant established in resolution 2379 (2017) (para. 2 (d))</p>

Decision and date Provision

The situation in Mali

Resolution
2640 (2022)
29 June

Reiterating, in this regard, the importance of holding accountable all those responsible for such acts and that some of such acts referred to in the paragraph above may amount to crimes under the Rome Statute, taking note that, acting upon the referral of the transitional authorities of Mali dated 13 July 2012, the Prosecutor of the International Criminal Court opened on 16 January 2013 an investigation into alleged crimes committed on the territory of Mali since January 2012, and further taking note of the finalization of the work of the International Commission of Inquiry established in accordance with the Agreement and as requested by resolution 2364 (2017) (fifteenth preambular paragraph)

Calls upon the Malian parties to agree on and set up a national mechanism to follow up on the recommendations of the International Commission of Inquiry (para. 10)

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

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

....

(iv) To support the implementation of the reconciliation and justice measures of the Agreement, especially in its part V, including to support the operations of the Truth, Justice and Reconciliation Commission and the follow-up of the recommendations of the International Commission of Inquiry, and to help ensuring the effectiveness of justice and corrections officials as well as Malian judicial institutions, particularly regarding the detention, investigation and prosecution of individuals suspected of, and sentencing of those found responsible for terrorism-related crimes, mass atrocities and transnational organized crime activities (including trafficking in persons, arms, drugs and natural resources, and the smuggling of migrants) (para. 26 (a) (iv))

Reports of the Secretary-General on Sudan and South Sudan

Resolution
2625 (2022)
15 March

Expressing grave concern at ongoing reports of sexual and gender-based violence, including the findings of the report of the Secretary-General on conflict-related sexual violence to the Security Council (S/2021/312) 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 sexual slavery for the purpose of intimidation and punishment, based on perceived political affiliation, and employed as part of a strategy targeting members of ethnic groups, and where conflict-related sexual violence and other forms of violence against women and girls has persisted after the signing of the Revitalized Agreement, as documented in the February 2021 report published by the Office of the United Nations High Commissioner for Human Rights on “Access to Health for Survivors of Conflict-Related Sexual Violence in South Sudan”, noting that some progress was observed by South Sudanese parties through implementation of action plans to address sexual violence in conflict, and underlining the urgency and importance of timely investigations to support accountability and the provision of assistance and protection to survivors and victims of sexual and gender-based violence (eleventh preambular paragraph)

Expressing grave concern regarding the reports on the human rights situation in South Sudan issued by the United Nations Mission in South Sudan and the Secretary-General, including deeply disturbing reports of cases of extra-judicial executions reported in Warrap and Lakes States, further expressing grave concern that according to the African Union Commission of Inquiry report on South Sudan, released on 27 October 2015, and the reports of the Commission on Human Rights in South Sudan, released on 23 February 2018, 20 February 2019, 20 February 2020, and 19 February 2021 that war crimes and crimes against humanity may have been committed, emphasizing its expectation that these and other credible reports will be duly considered by any transitional justice mechanisms for South Sudan including those established pursuant to the Revitalized Agreement, stressing the importance of collection and preservation of evidence for eventual use by the Hybrid Court for South Sudan and other accountability mechanisms, and encouraging efforts in this regard (sixteenth preambular paragraph)

Decision and date	Provision
Threats to international peace and security	
Resolution 2651 (2022) 15 September	<p>Underscoring the importance of sharing evidence collected by the Investigative Team established by resolution 2379 (2017) with the relevant Iraqi authorities, in a timely manner, for eventual use in fair and independent criminal proceedings, consistent with applicable international law and the Investigative Team's terms of reference (seventh preambular paragraph)</p> <p>Reaffirms its resolution 2379 (2017), by which the Investigative Team, headed by a Special Adviser, was established; and recalls the terms of reference approved by the Council (S/2018/119) (para. 1)</p> <p>Takes note of the request from the Government of Iraq contained in its letter dated 12 September 2022 (S/2022/687) and decides to extend until 17 September 2023 the mandate of the Special Adviser and the Team, with any further extension to be decided at the request of the Government of Iraq, or any other government that has requested the Team to collect evidence of acts that may amount to war crimes, crimes against humanity, or genocide, committed by Islamic State in Iraq and the Levant (ISIL/Da'esh) in its territory, in accordance with its resolution 2379 (2017) (para. 2)</p> <p>Requests the Special Adviser to continue to submit and present reports to the Council on the Team's activities every 180 days (para. 3)</p>

Meetings of the Council

In 2022, speakers referred to the investigative authority of the Council and the role of the Secretary-General in several meetings of the Council. For example, during the meetings held under items relating to Ukraine, participants referred to the fact-finding mission launched by the Secretary-General concerning the incident at a detention facility in Olenivka on 29 July.³⁸ Similarly, consistent with prior practice, the Council held two meetings in 2022 to discuss the work of UNITAD.³⁹

The most in-depth discussions concerning the investigative functions of the Council and the Secretary-General took place during meetings held under the items entitled "Maintenance of peace and security of Ukraine" (case 2), "Maintenance of international peace and security" (case 3) and "Threats to international peace and security" (case 4).

Case 2

Maintenance of peace and security of Ukraine

At a meeting held on 24 August under the item entitled "Maintenance of peace and security of Ukraine",⁴⁰ the Council heard a briefing by the Secretary-General on his trip to Ukraine and by the Under-Secretary-General for Political Affairs and Peacebuilding on the impact of the armed conflict over the previous six months. During the meeting, several speakers discussed the fact-finding mission established by the Secretary-General to investigate an incident involving the death of prisoners at the Olenivka detention facility on 29 July, as requested by the Russian Federation and Ukraine.

The Secretary-General stated that he was deeply disturbed by the allegations of violations of international humanitarian law and violations and abuses of human rights related to the armed conflict. He reported that work was ongoing to deploy the fact-finding mission, which he maintained had to be able to freely conduct its work, gather and analyse necessary information and find the facts. He added that it was imperative that the mission had safe, secure and unfettered access to all relevant places, people and evidence without any limitation, impediment or interference.

³⁸ See [S/PV.9115](#) (European Union); [S/PV.9126](#) (Norway and Latvia); [S/PV.9135](#) (Czechia); and [S/PV.9167](#) (United States).

³⁹ See [S/PV.9059](#) and [S/PV.9206](#).

⁴⁰ See [S/PV.9115](#).

Addressing the Council via videoconference, the President of Ukraine said that the deliberate killing of Ukrainian prisoners of war in Olenivka had become one of the most terrible pages in the history of Europe and noted the need for a United Nations fact-finding mission, with a mandate covering all Ukrainian prisoners of war held by the forces of the Russian Federation. The representative of France stated that the reports about extrajudicial killings and acts of torture against Ukrainian prisoners, in particular in the village of Olenivka, were shocking, and added that the Russian Federation had to comply with international humanitarian law and international human rights law, which applied in all international armed conflicts. The representative of Mexico expressed support for the establishment of a fact-finding mission on the alleged war crimes committed in Olenivka. He noted that accountability was a fundamental pillar of the multilateral system and that those responsible for the crimes that had been and were being committed in Ukraine – or would be committed in future – had to be brought to justice. Welcoming the active involvement of the Secretary-General, the representative of the European Union also welcomed the establishment of a fact-finding mission to investigate the incident at Olenivka.

Case 3

Maintenance of international peace and security

At a meeting held on 26 October under the item entitled “Maintenance of international peace and security”,⁴¹ the Council heard a briefing by the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel in connection with the nature of the work performed by the Secretary-General and the Secretariat with respect to resolution 2231 (2015). The meeting took place against the backdrop of the letters submitted by the representatives of, France, Germany and the United Kingdom⁴² and the United States⁴³ concerning their requests for a technical and impartial investigation concerning the transfer of unmanned aerial vehicles from the Islamic Republic of Iran to the Russian Federation by the Secretariat team responsible for monitoring the implementation of resolution 2231 (2015).

Opening the meeting, the Under-Secretary-General recalled that the note by the President of the Security Council dated 16 January 2016 (S/2016/44), in which were set forth practical arrangements and procedures for the Council for carrying out tasks related to the implementation of resolution 2231 (2015), in particular with respect to the provisions specified in paragraphs 2 to 7 of annex B to that resolution, and required the Secretariat to report to the Council every six months on the implementation of the resolution.⁴⁴ Furthermore, he pointed out that in paragraph 7 of the note it was anticipated that the report would include findings and recommendations and that, consistent with that, the Secretariat reported on the implementation of the restrictive measures in annex B that were in force during the reporting period. The Under-Secretary-General concluded by noting that the Secretary-General had not received any request that supplemented or modified the nature and scope of the work done in preparation for his report to the Council and that, absent further guidance by the Council, he would continue to prepare the reports in the manner in which they had been prepared to date.

Following the briefing, Council members deliberated on the investigative functions of the Secretary-General. Specifically, citing the note by the President of the Security Council of 16 January 2016 (S/2016/44), the representative of the Russian Federation expressed the view that the Council had not given the Secretariat any mandate to conduct an investigation. He asserted that the demand by Western delegations for the Secretariat to investigate the drone issue set an extremely dangerous precedent for the work of the United Nations and that, from the legal perspective, they were seeking to expand the powers of the Secretariat and give it inappropriate functions by infringing on the prerogatives of the Council. The representative of the Russian Federation stressed that the fact that Secretary-General had been tasked with preparing reports on the implementation of resolution 2231 (2015) did not mean that the Secretariat had been, by default, authorized to collect data and respond to reports from Member States about possible violations of the resolution. Moreover, according to the representative, the only thing that the Secretariat could do after receiving the letters from France, Germany, the United Kingdom and the United States, was to transmit them to the Facilitator for the implementation of resolution 2231 (2015) for circulation

⁴¹ See S/PV.9167.

⁴² See S/2022/781.

⁴³ See S/2022/782.

⁴⁴ See S/PV.9167.

among Council members and the report of the Secretary-General could only reflect the fact that those letters had been received. Expressing a similar view, the representative of the Islamic Republic of Iran stated that resolution 2231 (2015) provided no legal basis for such an investigation and that any misuse of the functions described in the note by the President of the Security Council of 16 January 2016 (S/2016/44) would be illegal and in clear violation of the Secretariat's mandate.

In contrast, the representative of the United States stated that the request of his delegation and those of other Council members had not been instructions, but rather requests to take appropriate action. He added that many Member States, including the Russian Federation, had made such requests to the Secretary-General, such as in August 2022 when the Russian Federation had requested that an investigation into killings at a prison in eastern Ukraine and, in response to which, the Secretary-General had decided to conduct a fact-finding mission. According to the representative of the United States, far from constituting instructions to the Secretary-General, such requests for investigations were common and appropriate. He held the view that it was well within the authority of the Secretary-General to investigate violations of resolution 2231 (2015) by the Russian Federation and the Islamic Republic of Iran, referring in that regard to the 13 reports of the Secretary-General summarizing the investigations of the Secretariat and its findings on non-compliance over the past seven years. Similarly, the representative of Norway noted that many of the findings of the 13 reports of the Secretary-General had been based on first-hand assessments of evidence collected on the ground and that many of the assessments had been initiated on the basis of letters from Member States with information concerning potential violations and actions inconsistent with the provisions of annex B to resolution 2231 (2015). The representative of the United Arab Emirates recalled that her country had welcomed the Secretariat's team on resolution 2231 (2015) to the United Arab Emirates to inspect the weapons of the Houthis and their debris or remnants, and added that, on all occasions, the Secretariat had conducted independent and impartial inspections that the United Arab Emirates believed were important to the findings and recommendations that it then submitted to the Council.

The representative of France stated that his delegation would like the Secretariat to investigate the issue of the provision of drones by the Islamic Republic of Iran to the Russian Federation and inform the members of the Council so that the Secretary-General could report accurately on the implementation of resolution 2231 (2015). Similarly, the representative of the United Kingdom recalled that his delegation expressed support for an impartial expert investigation to be conducted by the Secretariat, which he viewed entirely in line with precedent and normal practice. The representative of Ireland welcomed the invitation of Ukraine to the Secretariat to visit the country to inspect recovered unmanned aerial vehicles with regard to the implementation of resolution 2231 (2015) by the parties, and expressed the expectation that the Secretariat would keep the Council informed as appropriate on the matter. She held the view that the necessary technical investigations that the Secretariat conducted were an integral part of preparing the findings of the Secretary-General and that no further decision by the Council was necessary in that regard.

The representative of Mexico noted that, since there had been a request to the Secretariat to investigate the origin of the drones used in attacks on the civilian population in Ukraine and since their possible Iranian manufacture had been highlighted, his delegation considered the request to be in accord with the provisions of resolution 2231 (2015). He further stated that the Secretary-General also had the authority under the Charter to undertake investigations resulting from the requests made by Member States through the competent organs, as a result of established practice, based on Article 99 of the Charter, which defined the role of the Secretary-General in matters of prevention in relation to situations with the potential to endanger international peace and security.

The representative of Kenya proposed several ways to renew the utilization of and to strengthen the Secretary-General's good offices for the prevention and resolution of conflicts. Specifically, she stressed the need to redefine the impartiality and protect the independence of the Secretariat and stated that the Secretary-General must be fully partial to the Charter and should fully exercise Article 99 without regard for the approval or disapproval of any State. Furthermore, she recalled that in its resolution 46/59 the General Assembly had recognized the need for the Council to have knowledge of all relevant facts in performing the functions relevant to its mandate and for the fact-finding capabilities of the Secretary-General, as well as the requirement for him to monitor the state of international peace and security in order to provide early warning and to share relevant information with the Council, while making use of his information-gathering capabilities. The representative of Kenya underscored that, in the situation in Ukraine, rather than argue about the facts on the ground, where most members of the Council had no

independent means to ascertain their veracity, Council members should challenge the parties to agree to United Nations fact-finding and verification, which was key to preventing and minimizing actions that were contrary to the Charter and international law.

The representative of Ukraine condemned the unacceptable pressure and threats to reconsider cooperation with the United Nations if the Secretariat used its authority to investigate the implementation of resolution 2231 (2015). She recalled that Ukraine had officially addressed the Council to request that the relevant independent investigation into the matter be started,⁴⁵ and expressed the belief that the findings of the Secretariat's investigations would significantly contribute to assessing the implementation of resolution 2231 (2015).

Case 4

Threats to international peace and security

At a meeting held on 2 November under the item entitled "Threats to international peace and security",⁴⁶ the Council had before it a draft resolution submitted by the Russian Federation,⁴⁷ in which it was proposed that the Council set up a commission consisting of all members of the Council to investigate the claims against the United States and Ukraine contained in the complaint of the Russian Federation regarding the compliance with obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, in the context of the activities of biological laboratories in the territory of Ukraine. The draft resolution was not adopted, having failed to obtain the required number of votes.⁴⁸

Following the vote, Council members exchanged views on the proposed investigative commission. The representative of the Russian Federation recalled that, according to section 2 of article VI of the Convention, each State party undertook to cooperate in carrying out any investigation which the Council might initiate, in accordance with the provisions of the Charter, on the basis of the complaint received by the Council.⁴⁹ He added that, regardless of the outcome of the vote, the Russian Federation retained its questions for the United States and Ukraine to answer and would continue to act within the framework of the Convention and make efforts to establish all the facts having to do with the violations by the United States and Ukraine of their obligations under the Convention. Also expressing regret that the series of questions raised by the Russian Federation had not been fully answered, the representative of China held the view that a fair and transparent investigation by the Council could effectively address compliance concerns and help to uphold the authority and effectiveness of the Convention.

The representative of Mexico noted that his delegation was not opposed to the Council being seized of a situation covered by article VI of the Convention and that the absence of a precedent in the Council's practice was not a reason to dismiss a priori the request contained in the draft resolution. However, according to the representative, the condition set forth in article VI of the Convention, namely, that the party alleging violations of the Convention must provide credible evidence to trigger an investigation at a later stage, had not been met. He held the view that it was unrealistic to think that a commission such as the one proposed could have been set up, granted a mandate to carry out an investigation and submit a report with recommendations to the Council within 28 days. He also stated that no State could be "judge and jury" of any commission that claimed to be independent and objective and that the Russian Federation should be excluded, as it was one of the parties involved in the armed conflict in Ukraine. Lastly, the representative of Mexico cited the establishment of the United Nations Monitoring, Verification and Inspection Commission in Iraq pursuant to resolution 1284 (1999) as a good example of the Council's experience in investigating alleged programmes of weapons of mass destruction.⁵⁰

⁴⁵ See [S/2022/771](#).

⁴⁶ See [S/PV.9180](#).

⁴⁷ See [S/2022/821](#).

⁴⁸ The draft resolution received 2 votes in favour (China, Russian Federation), 3 against (France, United Kingdom, United States) and 10 abstentions (Albania, Brazil, Gabon, Ghana, India, Ireland, Kenya, Mexico, Norway, United Arab Emirates).

⁴⁹ See [S/PV.9180](#).

⁵⁰ For more information on the establishment of the United Nations Monitoring, Verification and Inspection Commission, see *Repertoire, Supplement 1996–1999*, chap. V.

Several other Council members that had abstained in the vote expressed similar views to those of the representative of Mexico. Specifically, the representative of Ireland stated that her country did not see the proposed investigation by the Council as either justifiable or useful.⁵¹ The representative of Albania said that the Russian Federation had yet to provide credible evidence to justify its requests for an investigation under article VI of the Convention. The representative of Norway concluded that the Russian Federation had failed to demonstrate probable cause for further investigative steps and that its allegations did not justify a request for consideration by the Council under article VI.

The representative of Kenya held the view that any credible allegations of the use of any weapon of mass destruction should be treated with the seriousness that they deserved and be duly, transparently and impartially investigated. Such an investigation would require that all parties concerned had confidence and faith in the Secretariat to conduct it in an independent, transparent and professional manner. The representative of Brazil noted that his delegation believed that, at the moment, the necessary conditions for the initiation of investigations under article VI of the Convention had not been met. The representative of Ghana held the view that a necessary condition for the invocation of article VI for a formal investigation into a complaint should be a compelling *prima facie* case.

Communications submitted to the Council

In 2022, the Secretary-General undertook one new investigative action by establishing the fact-finding mission to look into the incident at the Olenivka detention facility in Ukraine on 29 July.⁵² In that connection, by a letter dated 29 July addressed to the Secretary-General,⁵³ the representative of Ukraine transmitted a statement by the Ministry of Foreign Affairs of Ukraine, which contained a reference to the “shelling of a correctional facility in the occupied Olenivka, where Ukrainian prisoners of war [were] believed to be held”. Furthermore, by letter dated 24 August addressed to the President of the Security Council,⁵⁴ the representative of Estonia transmitted a joint statement by the Baltic States (Estonia, Latvia and Lithuania) in connection with the Council meeting held on 24 August under the item entitled “Maintenance of peace and security of Ukraine”,⁵⁵ in which they underlined the importance of continued United Nations monitoring, documenting and reporting on violations against civilians through its established mechanisms. In that regard, Estonia, Latvia and Lithuania indicated that they supported and welcomed the decision of the Secretary-General to establish a fact-finding mission with regard to the attack against the Olenivka detention facility on 29 July.

With respect to ongoing investigations, in accordance with the existing practice, by his letters dated 26 May and 7 November addressed to the President of the Security Council,⁵⁶ the Special Adviser of the Secretary-General and Head of UNITAD transmitted to the Council the eighth and ninth reports on the activities of the Investigative Team.

With respect to the International Commission of Inquiry for Mali, established by the Secretary-General in 2018 and mandated to investigate allegations of abuses and serious violations of international human rights law and international humanitarian law, including allegations of conflict-related sexual violence, committed throughout the territory of Mali between 2012 and 2018, in his report on the situation in Mali of 2 June 2022, the Secretary-General noted that there had been no tangible progress by the authorities to implement the recommendations put forward by the Commission.⁵⁷

Concerning the investigative activities relating to the implementation of resolution 2231 (2015), Member States addressed several communications to the Council in which they expressed their positions on the matter, including, in some instances, on the investigatory actions taken by the Secretariat.⁵⁸

⁵¹ See [S/PV.9180](#).

⁵² See [S/PV.9115](#).

⁵³ See [S/2022/590](#).

⁵⁴ See [S/2022/640](#).

⁵⁵ See [S/PV.9115](#).

⁵⁶ See [S/2022/434](#) and [S/2022/836](#). For more information, see also part I, sect. 34 on “Threats to international peace and security”.

⁵⁷ See [S/2022/446](#).

⁵⁸ See [S/2022/3](#), [S/2022/15](#), [S/2022/34](#), [S/2022/415](#), [S/2022/464](#), [S/2022/514](#), [S/2022/544](#), [S/2022/771](#), [S/2022/776](#), [S/2022/781](#), [S/2022/782](#), [S/2022/783](#), [S/2022/796](#), [S/2022/878](#), [S/2022/882](#), [S/2022/889](#), [S/2022/908](#), [S/2022/911](#), [S/2022/914](#), [S/2022/915](#), [S/2022/922](#), [S/2022/923](#), [S/2022/962](#). See also case 3 above.

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

During the year under review, the investigative functions of other bodies of the United Nations were also recognized and acknowledged in decisions, deliberations and communications of the Council, as detailed below.

Decisions of the Council

In 2022, the Council recognized the investigative functions of OHCHR and the Human Rights Council, in relation to the situations in the Central African Republic, Mali and South Sudan.⁵⁹ Table 3 contains the provisions of Council decisions referring to such functions.

Table 3

Decisions relating to investigation and inquiry by United Nations bodies and related organizations, 2022

Decision and date	Provision
The situation in the Central African Republic	
Resolution 2659 (2022) 14 November	Taking note of the joint United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic-Office of the United Nations High Commissioner for Human Rights annual report to the Security Council on violations and abuses of human rights and violations of international humanitarian law committed in the Central African Republic, and noting with concern that violations and abuses were committed by all parties to the conflict, including armed groups, welcoming the response submitted by the Central African Republic authorities to address the report's findings, and expressing support for the implementation of the preventive and corrective measures proposed by the government (ninth preambular paragraph) Calls on the Central African Republic authorities to follow up on the recommendations of the report of the mapping project describing serious violations and abuses of international human rights and violations of international humanitarian law committed within the territory of the Central African Republic between January 2003 and December 2015 (para. 24)
The situation in Mali	
Resolution 2640 (2022) 29 June	Expresses serious concerns about repeated and increased allegations of violations and abuses of international human rights law and violations of international humanitarian law by the Malian Defence and Security Forces in the conduct of counterterrorism operations, as documented by the United Nations Multidimensional Integrated Stabilization Mission in Mali, including in the quarterly note published on 30 May 2022, takes note of the measures announced in response to these allegations, and urges the Transition Government of Mali to continue implementing such measures, notably by carrying out transparent, credible and timely investigations and holding accountable those responsible, and further urges the Transition Government to take measures to prevent further violations and abuses (para. 31)
Reports of the Secretary-General on Sudan and South Sudan	
Resolution 2625 (2022) 15 March	Expressing grave concern at ongoing reports of sexual and gender-based violence, including the findings of the report of the Secretary-General on Conflict Related Sexual Violence to the Security Council (S/2021/312) 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 sexual slavery for the purpose of intimidation and punishment, based on perceived political affiliation, and employed as part of a strategy targeting members of ethnic groups, and where conflict-related sexual violence and other forms of violence against women and girls has persisted after the signing of the Revitalized Agreement, as documented in the February 2021 report published by the Office

⁵⁹ For further information on relations with other United Nations organs, see part IV.

of the United Nations High Commissioner for Human Rights on “Access to Health for Survivors of Conflict-Related Sexual Violence in South Sudan”, noting that some progress was observed by South Sudanese parties through implementation of action plans to address sexual violence in conflict, and underlining the urgency and importance of timely investigations to support accountability and the provision of assistance and protection to survivors and victims of sexual and gender-based violence (eleventh preambular paragraph)

Expressing grave concern regarding the reports on the human rights situation in South Sudan issued by the United Nations Mission in South Sudan and the Secretary-General, including deeply disturbing reports of cases of extra-judicial executions reported in Warrap and Lakes States, further expressing grave concern that according to the African Union Commission of Inquiry report on South Sudan, released on 27 October 2015, and the reports of the Commission on Human Rights in South Sudan, released on 23 February 2018, 20 February 2019, 20 February 2020, and 19 February 2021 that war crimes and crimes against humanity may have been committed, emphasizing its expectation that these and other credible reports will be duly considered by any transitional justice mechanisms for South Sudan including those established pursuant to the Revitalized Agreement, stressing the importance of collection and preservation of evidence for eventual use by the Hybrid Court for South Sudan and other accountability mechanisms, and encouraging efforts in this regard (sixteenth preambular paragraph)

Meetings of the Council

In 2022, the Council discussed the investigations of other bodies of the United Nations and related organizations such as the work of the OPCW Investigation and Identification Team and fact-finding mission in the Syrian Arab Republic,⁶⁰ as well as the Independent Fact-Finding Mission on Libya established by the Human Rights Council.⁶¹ The most in-depth discussions were held in connection with the Independent International Commission of Inquiry on Ukraine established by the Human Rights Council to investigate violations of human rights and international humanitarian law since the outbreak of the war on 24 February 2022 and the Fact-Finding Investigation Team instituted by the International Civil Aviation Organization to investigate the forced landing of Ryanair flight FR-4978 in Minsk on 23 May 2021. The discussions were held, respectively, under the items entitled “Maintenance of peace and security of Ukraine” (case 5) and “Threats to international peace and security” (case 6).

Case 5

Maintenance of peace and security of Ukraine

On 21 October, at a meeting held under the item entitled “Maintenance of peace and security of Ukraine”,⁶² as part of their discussions, Council members and other speakers referred to the work of the Independent International Commission of Inquiry on Ukraine, established by the Human Rights Council on 4 March,⁶³ to investigate violations of human rights and international humanitarian law since the outbreak of the war on 24 February.

In her briefing to the Council, the Under-Secretary-General for Political and Peacebuilding Affairs noted that the Independent International Commission of Inquiry on Ukraine had submitted its report to the General Assembly,⁶⁴ in which the Commission had stated that there were grounds to conclude that war crimes and violations of human rights and international humanitarian law had been committed in Ukraine since 24 February. She said that the Commission had also indicated in its report that troops of the Russian Federation had been responsible for the vast majority of the violations identified, while Ukrainian armed forces had also committed international humanitarian law violations in some cases, including two incidents that qualified as war crimes.⁶⁵ According to the Commission, the relentless use of explosive weapons with wide-area effects in populated areas had killed and injured scores of civilians

⁶⁰ See [S/PV.9097](#), [S/PV.9141](#), [S/PV.9164](#), [S/PV.9184](#) and [S/PV.9207](#).

⁶¹ See [S/PV.9098](#) and [S/PV.9187](#).

⁶² See [S/PV.9161](#).

⁶³ See Human Rights Council resolution [49/1](#).

⁶⁴ See [A/77/533](#).

⁶⁵ See [S/PV.9161](#).

and devastated entire neighbourhoods. In addition, the Commission had documented patterns of summary executions, unlawful confinement, torture, ill-treatment, rape and other sexual violence committed in areas occupied by forces of the Russian Federation. The Under-Secretary-General noted that the Commission had called for a sound coordination of the multiple national and international accountability initiatives in Ukraine. She concluded by underlining that accountability remained crucial as new allegations of atrocities had emerged in areas that had recently returned to control by the Government of Ukraine.

During the discussion, the representative of Norway recalled that the Commission had concluded that violations of human rights and international humanitarian law amounting to war crimes had been committed by armed forces of the Russian Federation, which included the killing of civilians, the discovery of mass graves, incidents of rape and other forms of sexual violence, forced disappearance and torture, along with reports of deportations to the Russian Federation and adjustments to procedures to allow Russians to adopt Ukrainian children without the consent of their parents, among other things. She stressed that the victims deserved justice, survivors had to be cared for and those responsible had to be held accountable. The representative of Albania pointed out that the Commission had reported that family members, including children, had sometimes been forced to witness those crimes.

The representative of Ukraine asserted that the attempts by the Russian Federation to avoid responsibility for the Bucha massacre had failed almost immediately owing to numerous eyewitness accounts, findings and investigations. He added that the most recent contribution to revealing the truth about Russian war crimes and crimes against humanity had been made by the Commission. The representative of the European Union noted the decision of the Commission, based on the evidence gathered in the regions of Kyiv, Chernihiv, Kharkiv and Sumy, that atrocities to be classified as war crimes had been committed in Ukraine.

Case 6

Threats to international peace and security

At a meeting held on 31 October under the item entitled “Threats to international peace and security”,⁶⁶ the Council heard a briefing by the President of the ICAO Council on the forced landing of Ryanair flight FR-4978 in Belarus on 23 May 2021. In his briefing, he noted the decision of the ICAO Council of 27 May 2021 to undertake a fact-finding investigation of the event, in which it had requested that the ICAO secretariat prepare a report that would present the available facts and relevant legal instruments and identify any gaps in order to safeguard international civil aviation and had called upon States to collaborate with the investigation. He added that pursuant to that decision, the Secretary-General of ICAO had instituted a Fact-Finding Investigation Team, which had concluded that Belarus senior officials had orchestrated the deliberate diversion of the flight under the false pretext of a bomb threat. In the light of that report, the ICAO Assembly, at its forty-first session, from 27 September to 7 October, had adopted a resolution condemning the actions of the Government of Belarus in committing an act of unlawful interference that had deliberately endangered the safety and security of Ryanair flight FR-4978 and the lives of those on board.

During the discussion, Council members and other Member States reflected on the work of the Fact-Finding Investigation Team and the findings in its report. Multiple speakers⁶⁷ expressed concern regarding the findings in the report or expressly condemned what the report described as violations of the Convention on International Civil Aviation, also known as the Chicago Convention, by the Belarusian authorities. The representative of the United Kingdom stated that the use of a spurious terrorist threat to divert an airliner also had served to undermine measures put in place by the international community to counter real aviation threats, including those addressed by the Council in resolution 2309 (2016). The representative of Ireland called on Belarus to take all appropriate action, as requested by the ICAO Assembly, and added that the facts were clear and based on a detailed and thorough fact-finding investigation that had gathered incontrovertible evidence of State-led breaches of international aviation law. The representative of Norway said that, while Belarus had pointed to missing information in the investigation, the conclusions of ICAO made it clear that it was in large part due to a lack of full

⁶⁶ See S/PV.9175.

⁶⁷ Albania, United Kingdom, United States, France, Ireland, Norway, Brazil, Kenya, Mexico, Ghana, Lithuania, Poland, Latvia (also on behalf of Czechia and Estonia), Greece and Germany.

cooperation in good faith on the part of the Belarusian authorities themselves. The representative of the United States stated that the Council had to send a clear message that such actions were unacceptable and that there had to be consequences for those responsible. The representative of Lithuania called on the Council to recognize the responsibility of Belarus for the breaches of international law and for it to be held accountable for them. He also called on the Council to demand from the authorities of Belarus that they provide all critical information that had been requested but not made available to the investigators and to remain seized of the issue. The representative of Latvia, speaking also on behalf of Czechia and Estonia, stated that the investigation by ICAO had established the facts and provided trustworthy and reliable information, which constituted a good basis for further actions of the Council and the United Nations, and called on the Council to maintain close attention to the safety of international aviation and full accountability for those responsible. The representative of Ghana reminded all States parties of their commitments not to use international civil aviation for purposes that were inconsistent with the aims of the Convention, and stressed the urgent need for enhanced cooperation among them and ICAO to secure the aviation environment from all forms of threats. In view of the seriousness of the facts reported, the representative of Gabon called on all States concerned to participate constructively in the investigations by providing all the information required to establish the facts.

The representative of India said that his delegation had always maintained that such incidents should be subject to independent investigations conducted by ICAO and, in that regard, took note of the conclusions of the investigation related to Ryanair flight FR-4978. He added that the conclusions of any such investigation should be established on the basis of facts and free of any political considerations. Furthermore, noting that actions that led to isolation or exclusion would not only impinge on cooperation in the civilian aviation sector but would also cause delays in determining circumstances that put the safety and security of the passengers in jeopardy, he stressed the need to encourage concerned Member States to extend their cooperation to those investigations. Viewing the issue as one related to human rights and the safety of international civil aviation, the representative of Brazil questioned whether the Council was the most appropriate forum for discussing the matter and expressed support for the submission of the report to the Office of the United Nations High Commissioner for Human Rights. Similarly, the representative of Mexico stated that the incident should be addressed within the framework of the competent civil aviation and human rights forums. The representative of the United Arab Emirates opined that, when there was an incident affecting the safe functioning of civil aviation, it was important to establish the facts professionally and impartially, and that the fact-finding investigation of the ICAO Council had therefore served a valuable purpose. At the same time, while expressing appreciation for the consideration given to the issue by both the Council and Assembly of ICAO, the United Arab Emirates expressed the view that international civil aviation rules and standards should continue to be dealt with as a technical matter.

The representative of the Russian Federation stated that his delegation had reason to believe that the so-called “fact-finding process” was nothing more than the settling of scores by Western countries with countries that they disliked. He questioned why the investigation was continued after the ICAO Council had, on 31 January, discussed what was said to have been the final report on the incident, in which the Fact-Finding Investigation Team had concluded that the decision to land in Minsk had been made independently by the crew, and the alleged guilt of the Belarusian side had not been established. He asserted that Western countries had taken advantage of their majority in the ICAO Council to force the Team to continue the investigation and, after considering the revised report, to reach a completely different decision. Stating that the revised report carried little credibility in terms of its objectiveness, the representative of the Russian Federation expressed serious doubts about the impartiality of ICAO and noted that the inability to properly respond to civil aviation issues led to those topics being addressed in a non-specialized forum – the Security Council – to whose mandate such topics bore no relation. The representative of Belarus stated that the report, which had been written hastily and under pressure brought to bear by certain Western countries, was not a consensus report, was biased and lacked objectivity. He added that Belarus would never accept the conclusions of the report, which was based on incomplete information and lacked the necessary international cooperation. While acknowledging the role of ICAO in handling the matter of the forced landing of the Ryanair flight, in accordance with the division of labour and its responsibility, the representative of China stated that different parties had different views on the report and concerns about the source and authenticity of some key information. He added that ICAO should eliminate interference from political factors, fully listen to the views of relevant parties,

seek to fully grasp the situation, treat the concerns of all parties equally, conduct independent, professional and serious analysis and draw conclusions that could stand the test of time.

Communications of the Council

The investigative functions of other bodies of the United Nations and related organizations were also raised in several communications submitted to the Council in 2022, primarily in relation to the Independent International Commission of Inquiry on Ukraine.

By letter dated 11 April addressed to the President of the Security Council,⁶⁸ the representative of Latvia transmitted a statement on behalf of Latvia, Estonia and Lithuania in relation to the Council meeting held the same day under the item entitled “Maintenance of peace and security of Ukraine”,⁶⁹ in which the representatives of the three Baltic States noted that the gender and intersectional dimensions of war crimes, crimes against humanity and other violations of international humanitarian law and international criminal law perpetrated by the Russian military needed to guide the work of the Independent International Commission of Inquiry on Ukraine.

By a letter dated 26 April addressed to the President of the Security Council,⁷⁰ the representative of Albania transmitted a concept note for an Arria-formula meeting on the theme “Ensuring accountability for atrocities committed in Ukraine”, held on 27 April, in which it was noted that the Human Rights Council had established the Independent International Commission of Inquiry on Ukraine with a mandate to investigate violations of human rights and of international humanitarian law. It was also stated in the concept note that one of the objectives of the Arria-formula meeting was to mobilize and welcome all efforts, including those of the Commission. Subsequently, by a letter dated 6 May addressed to the President,⁷¹ the representative of Albania circulated the statements delivered during the above-mentioned Arria-formula meeting, many of which referred to the work of the Commission, including the statement by the Chair of that body.

By a letter dated 27 September addressed to the President of the Security Council,⁷² the representative of Estonia transmitted a joint statement by Estonia, Latvia and Lithuania in connection with the Council briefing held on 27 September under the item entitled “Maintenance of peace and security in Ukraine”,⁷³ in which the representative of Estonia, on behalf of the Baltic States, noted that on 23 September, the Independent International Commission of Inquiry on Ukraine had concluded that Russian Federation forces had committed war crimes in Ukraine, including torture, executions and sexual violence committed against civilians. In addition, by note verbale dated 21 October addressed to the President,⁷⁴ the representative of Romania transmitted the statement made by Romania in connection with a meeting held on 21 October under the same item,⁷⁵ in which he expressed appalment with the disturbing conclusion of the report of the Commission regarding the wide range of war crimes and violations of human rights and international humanitarian law committed in Ukraine since 24 February.

The Secretary-General continued to transmit the monthly reports of the Director General of OPCW, submitted pursuant to paragraph 12 of resolution 2118 (2013), on the elimination of the chemical weapons programme of the Syrian Arab Republic.⁷⁶ In addition, by letter dated 1 February addressed to the President of the Security Council,⁷⁷ the Secretary-General transmitted to the Council the report of the OPCW Fact-Finding Mission regarding the incidents of the alleged use of chemicals as a weapon in Marea on 1 and 3 September 2015. In addition, by letter dated 14 February addressed to the President,⁷⁸

⁶⁸ See [S/2022/305](#).

⁶⁹ See [S/PV.9013](#).

⁷⁰ See [S/2022/352](#).

⁷¹ See [S/2022/375](#).

⁷² See [S/2022/717](#).

⁷³ See [S/PV.9138](#).

⁷⁴ See [S/2022/792](#).

⁷⁵ See [S/PV.9161](#).

⁷⁶ See [S/2022/76](#), [S/2022/181](#), [S/2022/281](#), [S/2022/365](#), [S/2022/441](#), [S/2022/530](#), [S/2022/585](#), [S/2022/658](#), [S/2022/727](#), [S/2022/828](#), [S/2022/897](#) and [S/2022/1016](#).

⁷⁷ See [S/2022/85](#).

⁷⁸ See [S/2022/116](#).

he transmitted to the Council the report of the OPCW Fact-Finding Mission regarding the incident of the alleged use of chemicals as a weapon in Kafr Zeita on 1 October 2016.

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

Article 33

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

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

Article 36

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

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

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

Article 37

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

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

Article 38

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

Note

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

In section III, the decisions of the Council in 2022 are examined in connection with the peaceful settlement of disputes within the framework of Chapter VI of the Charter. Decisions explicitly adopted under Chapter VII have not been considered for the purposes of the present section. Subsections A to C feature decisions of the Council in which the pacific settlement of disputes was addressed in the context of, respectively: thematic issues; country-specific and regional situations; and the settlement of disputes involving the Secretary-General. In subsection D, reference is made to decisions of the Council in support of the pacific settlement of disputes by regional and subregional organizations which are covered in detail in part VIII.

A. Decisions of the Security Council concerning thematic issues

The present subsection provides an overview of the decisions adopted by the Council on thematic issues that relate to the pacific settlement of disputes. In 2022, in a presidential statement adopted on 23 March on the cooperation between the United Nations and the League of Arab States in the maintenance of international peace and security in the Arab region,⁷⁹ while recognizing the efforts undertaken by both organizations in response to the impact of the coronavirus disease (COVID-19) pandemic, especially in conflict-affected contexts, the Council reiterated its demand, in line with resolutions [2532 \(2020\)](#) and [2565 \(2021\)](#), for a general and immediate cessation of hostilities and a humanitarian pause in all conflict situations before the Council, including in the Arab region. The Council also stressed the urgent need for the intensification and acceleration of international and regional efforts to prevent the escalation of tensions, encourage multilateral dialogue, advance the political settlement of disputes, foster collective security and promote just and lasting peace in all conflict situations in the Arab region.⁸⁰ Moreover, the Council reaffirmed the important and positive contribution of youth to the efforts for the maintenance and promotion of peace and security and the role that young people played in the prevention and resolution of conflicts in the Arab region and stressed the importance of creating policies for youth that would positively contribute to peacebuilding efforts.⁸¹ The Council also reaffirmed the important role of women's full, equal and meaningful participation in the prevention and resolution of conflicts and in peacebuilding, as recognized in resolution [1325 \(2000\)](#) and other relevant Council resolutions, highlighting the importance of women's participation, empowerment, leadership and inclusion for peacebuilding and sustaining peace, and encouraged enhanced efforts to promote women's economic empowerment and the elimination of poverty in the Arab region.⁸²

In a presidential statement adopted on 12 July in connection with the role of strategic communications in United Nations peacekeeping operations,⁸³ the Council reaffirmed that lasting peace was neither achieved nor sustained by military and technical engagements alone, but through political solutions and a comprehensive approach to sustaining peace. In that regard, the Council stressed that the pursuit of sustainable political solutions should guide the design and deployment of peacekeeping operations.⁸⁴ The Council also reaffirmed the importance of the full, equal and meaningful participation of women in all stages of peace and political processes and in United Nations peacekeeping operations.⁸⁵

⁷⁹ [S/PRST/2022/1](#), eleventh paragraph, in connection with the item entitled "Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security". For more information on the item, see part I, sect. 36.

⁸⁰ [S/PRST/2022/1](#), twelfth paragraph.

⁸¹ *Ibid.*, sixth paragraph.

⁸² *Ibid.*, fifteenth paragraph.

⁸³ [S/PRST/2022/5](#), third paragraph, in connection with the item entitled "United Nations peacekeeping operations". For more information on the item, see part I, sect. 24.

⁸⁴ [S/PRST/2022/5](#), third paragraph.

⁸⁵ *Ibid.*, eighth paragraph.

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

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

The present subsection provides an overview of the practice of the Council relating to the pacific settlement of disputes in situations specific to a country or region. In dealing with complex situations in which the Council determined the existence of a threat to international peace and security, the Council utilized the tools available under Chapter VII of the Charter in parallel with those available under Chapter VI, with a view to restoring peace and to recommending procedures or methods for the pacific settlement of disputes. The decisions featured in the present overview do not include those adopted expressly under Chapter VII, which are covered in parts VII and X. The section also does not include the wide variety of good offices, mediation and political support tasks of peacekeeping operations and special political missions specifically mandated by the Council in 2022, which are covered in part X.

During the period under review, the Council made a wide range of recommendations with regard to the peaceful settlement of conflicts and disputes that were both inter- and intra-State in nature. As described in the overview below, the Council called for the cessation of hostilities and engagement on the establishment of durable ceasefires; the full implementation of peace agreements, peaceful and inclusive political dialogue, transitions and elections; and dialogue for the resolution of longer-term outstanding disputes.

Cessation of hostilities and permanent ceasefire

In 2022, the Council called for the cessation of violence by armed groups in the eastern part of the Democratic Republic of the Congo. In addition, while expressing deep concern regarding the maintenance of peace and security of Ukraine, the Council recalled the obligation of all Member States to settle their international disputes by peaceful means. The Council also called for the full implementation of the Libyan ceasefire agreement and the withdrawal of all foreign fighters from the country and for a strengthened truce in Yemen to be translated into a durable ceasefire and political settlement. Furthermore, the Council reiterated its call upon Israel and the Syrian Arab Republic to prevent any further breaches of the ceasefire in the Golan Heights and on Israel and Lebanon to respect the cessation of hostilities, support a permanent ceasefire and find a long-term solution to their dispute.

More specifically, the Council welcomed the recent positive political developments in the Democratic Republic of the Congo and the region and the convening of the second regional Heads of State conclave in Nairobi on 21 April and their commitment to implement a two track approach aimed at finding lasting peace in the country.⁸⁶ The Council expressed concern over the increase of armed group activity in the eastern provinces of the country and called on all armed groups operating in the area to participate unconditionally in the inter-Democratic Republic of the Congo dialogue initiated by the President of the Democratic Republic of the Congo and the President of Kenya.⁸⁷ The Council also urged all domestic armed groups to immediately cease all forms of violence, permanently disband and lay down their arms and participate in the demobilization, disarmament, community recovery and stabilization programme.⁸⁸ Furthermore, while recognizing the progress made in the implementation of national and regional commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the

⁸⁶ S/PRST/2022/4, first paragraph, in connection with the item entitled “The situation concerning the Democratic Republic of the Congo”. For more information on the item, see part I, sect. 4.

⁸⁷ S/PRST/2022/4, second and third paragraphs.

⁸⁸ Ibid., third paragraph.

Congo and the Region, the Council encouraged regional countries to seize the momentum to make further progress in overcoming challenges to peace and sustainable development and to de-escalate tensions.⁸⁹

With respect to the situation in the Golan Heights, the Council stressed the obligation of both Israel and the Syrian Arab Republic to scrupulously and fully respect the terms of the Agreement on Disengagement between Israeli and Syrian Forces of 1974.⁹⁰ The parties were called upon to exercise maximum restraint and prevent any breaches of the ceasefire and the area of separation and to take full advantage of the liaison function of the United Nations Disengagement Observer Force (UNDOF) to address issues of mutual concern and to prevent any escalation of the situation across the ceasefire line.⁹¹ Furthermore, with respect to the situation in the Syrian Arab Republic, the Council called upon all parties to the domestic conflict in that country to cease military actions throughout the country, including in the UNDOF area of operations.⁹²

In relation to the situation in Lebanon, the Council reiterated its call upon Israel and Lebanon to support a permanent ceasefire and a long-term solution based on the principles and elements set out in paragraph 8 of resolution 1701 (2006).⁹³ The Council condemned all violations of the Blue Line, both by air and ground, and strongly called upon all parties to respect the cessation of hostilities, to prevent any violation of the Blue Line and to respect it in its entirety and to cooperate fully with the United Nations and the United Nations Interim Force in Lebanon (UNIFIL).⁹⁴

In connection with the situation in Libya, the Council called on all parties to implement the ceasefire agreement of 23 October 2020 in full, including the action plan agreed by the 5+5 Joint Military Commission, and urged Member States to respect and support its full implementation, including through the withdrawal of all foreign forces, fighters and mercenaries from the country without further delay.⁹⁵ The Council also emphasized that there could be no military solution in Libya and called on all parties to refrain from violence or any other actions that could escalate tensions, exacerbate conflicts and undermine the political process or the ceasefire.⁹⁶

In relation to the situation in Yemen, the Council welcomed the announcement on 1 April 2022 of a two-month truce and its extension on 2 June 2022.⁹⁷ The Council called for a strengthened truce to be translated into a durable ceasefire and an inclusive, comprehensive political settlement under the auspices of the United Nations.⁹⁸ The Council also reaffirmed its endorsement of the Agreement on the City of Hudaydah and the Ports of Hudaydah, Salif and Ra's Isa of 2018 and reiterated its call on the Government of Yemen and the Houthis to work cooperatively to implement all its provisions.⁹⁹

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

During the period under review, the Council called for an end to the violence in Haiti and Myanmar and the engagement of relevant stakeholders in political dialogue and reconciliation. The Council urged political stakeholders in Libya to engage in dialogue to create an environment and pathway for the conduct of elections. Following the conclusion of the elections in Somalia, the Council called on the Federal Government and the federal member states to focus on the implementation of the national priorities, including with respect to the reform of the Somali security sector. In addition, the Council

⁸⁹ Ibid., seventh paragraph.

⁹⁰ Resolutions 2639 (2022) and 2671 (2022), para. 2, in connection with the item entitled "The situation in the Middle East". For more information on the item, see part I, sect. 20.

⁹¹ Resolutions 2639 (2022) and 2671 (2022), para. 2.

⁹² Ibid., ninth preambular paragraph.

⁹³ Resolution 2650 (2022), para. 4, in connection with the item entitled "The situation in the Middle East".

⁹⁴ Ibid., para. 12.

⁹⁵ Resolution 2656 (2022), para. 10, in connection with the item entitled "The situation in Libya". For more information on the item, see part I, sect. 10.

⁹⁶ Resolution 2656 (2022), para. 7.

⁹⁷ Resolution 2643 (2022), third preambular paragraph, in connection with the item entitled "The situation in the Middle East".

⁹⁸ Resolution 2643 (2022), third preambular paragraph.

⁹⁹ Ibid., sixth preambular paragraph.

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

Welcoming the progress made towards peace across Colombia since the adoption of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, the Council urged the parties to work together to build upon the progress and address challenges, in particular the continued violence in conflict-affected areas, through comprehensive implementation of the peace agreement.¹⁰⁰

In connection with the question concerning Haiti, the Council noted with deep concern the protracted and deteriorating political, economic, security, human rights, humanitarian and food security crises in the country and demanded an immediate cessation of gang violence and criminal activities.¹⁰¹ The Council reiterated the need for all Haitian stakeholders, including with the support of the United Nations Integrated Office in Haiti (BINUH), to reach an urgent agreement on a sustainable, time-bound and commonly accepted framework for a political process led by Haitians to permit the organization of inclusive, peaceful, free, fair and transparent legislative and presidential elections, through an inclusive inter-Haitian national dialogue.¹⁰²

Addressing the political transition in Libya, the Council recalled the Libyan Political Dialogue Forum road map, regretted that a number of its deliverables had yet to be achieved, rejected actions that could lead to violence or greater divisions and urged the political institutions and key stakeholders to agree a pathway to deliver elections as soon as possible across the country through dialogue, compromise and constructive engagement, in a transparent and inclusive manner.¹⁰³ The Council called upon relevant Libyan institutions and authorities to implement confidence-building measures to create an environment conducive for successful national presidential and parliamentary elections.¹⁰⁴

Expressing its deep concern at the ongoing state of emergency imposed by the military in Myanmar on 1 February 2021 and its impact on the people of Myanmar, the Council demanded an immediate end to all forms of violence throughout the country and urged restraint and a de-escalation of tensions.¹⁰⁵ The Council urged the Myanmar military to immediately release all arbitrarily detained prisoners, including the President, Win Myint, and the State Counsellor, Aung San Suu Kyi, and reiterated its call to uphold democratic institutions and processes and to pursue dialogue and reconciliation.¹⁰⁶ The Council called for concrete and immediate actions, noting the military commitment to leaders of the Association of Southeast Asian Nations (ASEAN) to effectively and fully implement the five-point consensus agreed on 24 April 2021 by all members of ASEAN.¹⁰⁷

Addressing the situation in Somalia, the Council welcomed the conclusion of the electoral process, which allowed for the peaceful transition of power, and underscored that the swift formation of an inclusive federal government, with the full, equal and meaningful participation of women, would help critical national priorities, promote national reconciliation, security and support transition from international security support in line with the Somalia Transition Plan and national security architecture.¹⁰⁸ Following the formation of the Government, the Council encouraged Somalia to seize the opportunity it had to make renewed progress in implementing its national priorities.¹⁰⁹ In that regard, the Council emphasized the importance of the Federal Government and the federal member states working

¹⁰⁰ Resolution 2655 (2022), third 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)”. For more information on the item, see part I, sect. 13.

¹⁰¹ Resolution 2645 (2022), seventh preambular paragraph and para. 5, in connection with the item entitled “The question concerning Haiti”. For more information on the item, see part I, sect. 12.

¹⁰² Resolution 2645 (2022), para. 3.

¹⁰³ Resolution 2647 (2022), para. 3, in connection with the item entitled “The situation in Libya”.

¹⁰⁴ Resolution 2647 (2022), para. 4.

¹⁰⁵ Resolution 2669 (2022), first preambular paragraph and para. 1, in connection with the item entitled “The situation in Myanmar”. For more information on the item, see part I, sect. 15.

¹⁰⁶ Resolution 2669 (2022), paras. 2 and 3.

¹⁰⁷ *Ibid.*, para. 6.

¹⁰⁸ Resolution 2632 (2022), third preambular paragraph, in connection with the item entitled “The situation in Somalia”. For more information on the item, see part I, sect. 2.

¹⁰⁹ Resolution 2657 (2022), third preambular paragraph, in connection with the item entitled “The situation in Somalia”.

together to achieve that and reiterated the importance of inclusive dialogue and local reconciliation processes for stability.¹¹⁰ The Council also encouraged the resumption of dialogue between the Federal Government and “Somaliland” to build confidence and strengthen political coordination.¹¹¹

Peaceful settlement of disputes

In 2022, the Council reiterated its call for the peaceful resolution of disputes related to the situations in Cyprus, relations between South Sudan and the Sudan, Ukraine and Western Sahara.

Regarding Cyprus, the Council reiterated the importance of the Greek Cypriot and Turkish Cypriot sides and all involved participants approaching the engagement by the Secretary-General in the spirit of openness, flexibility and compromise and to show the necessary political will and commitment to freely negotiate a mutually acceptable settlement under the auspices of the United Nations.¹¹² The Council urged the sides to engage actively and with an increased sense of urgency with the Secretary-General and his team to that end, including by reaching an agreement regarding the proposal of the Secretary-General to appoint a United Nations envoy.¹¹³ In connection with the situation in Varosha, the Council recalled its presidential statement of 23 July 2021,¹¹⁴ in which it condemned the announcement by Turkish and Turkish Cypriot leaders on 20 July 2021 on the further reopening of a part of the fenced-off area of Varosha, and continued to stress the need to avoid any unilateral actions that could raise tensions on the island and undermine the prospects for a peaceful settlement.¹¹⁵ The Council expressed concern at the continuing tensions in the Eastern Mediterranean and underlined that disputes should be resolved peacefully in accordance with applicable international law.¹¹⁶ The Council also called upon the leaders of the two communities and all involved parties to refrain from any actions and rhetoric that might damage the settlement process and that could raise tensions on the island.¹¹⁷

With respect to relations between South Sudan and the Sudan, the Council noted the efforts of both Governments to support each other’s peace processes, encouraged meetings of the Joint Political and Security Mechanism and those of other joint mechanisms to take place on a consistent basis and urged the parties to make progress in establishing temporary administrative and security arrangements for Abyei.¹¹⁸ The Council reiterated that any territorial disputes between States had to be settled exclusively by peaceful means and underscored that the final status of Abyei should be resolved by negotiations between the two countries in a manner consistent with the Comprehensive Peace Agreement of 2005.¹¹⁹

The Council expressed deep concern regarding the maintenance of peace and security of Ukraine and recalled that all Member States had undertaken, under the Charter, the obligation to settle their international disputes by peaceful means.¹²⁰

With regard to the situation concerning Western Sahara, the Council emphasized the need to achieve a realistic, practicable, enduring and mutually acceptable political solution based on compromise.¹²¹ The Council called upon the parties to resume negotiations under the auspices of the Secretary-General without preconditions and in good faith with a view to achieving a just, lasting and mutually acceptable political solution 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 Charter.¹²² The Council also

¹¹⁰ Resolution 2657 (2022), third preambular paragraph.

¹¹¹ Ibid., fourth preambular paragraph.

¹¹² Resolutions 2618 (2022) and 2646 (2022), para. 2, in connection with the item entitled, “The situation in Cyprus”.

For more information on the item, see part I, sect. 17.

¹¹³ Resolutions 2618 (2022) and 2646 (2022), para. 2.

¹¹⁴ See S/PRST/2021/13, in connection with the item entitled, “The situation in Cyprus”.

¹¹⁵ Resolutions 2618 (2022) and 2646 (2022), para. 3.

¹¹⁶ Ibid., para. 4.

¹¹⁷ Ibid.

¹¹⁸ Resolution 2630 (2022), fourth preambular paragraph, in connection with the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”. For more information on the item, see part I, sect. 7.

¹¹⁹ Resolution 2630 (2022), third preambular paragraph.

¹²⁰ S/PRST/2022/3, first and second paragraphs, in connection with the item entitled “Maintenance of peace and security of Ukraine”. For more information on the item, see part I, sect. 19.

¹²¹ Resolution 2654 (2022), para. 2, in connection with the item entitled, “The situation concerning Western Sahara”.

For more information on the item, see part I, sect. 1.

¹²² Resolution 2654 (2022), para. 4.

called on the parties to comply fully with the military agreements reached with the United Nations Mission for the Referendum in Western Sahara with regard to the ceasefire, implement their commitments to the former Personal Envoy of the Secretary-General for Western Sahara and refrain from any actions that could undermine United Nations-facilitated negotiations or further destabilize the situation in Western Sahara.¹²³

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

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

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

Good offices to end violence

In connection with the violence in the eastern Democratic Republic of the Congo, the Council welcomed the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the Office of the Special Envoy of the Secretary-General for the Great Lakes Region to the two-track approach adopted at the second regional Heads of State conclave on 21 April.¹²⁴

Regarding Haiti, the Council emphasized the importance of empowering BINUH to carry out its good offices role, to engage all sectors of Haitian society, in particular political actors, civil society, women and religious leaders, including communities living in areas controlled by gangs, in support of political consensus, as well as in the necessary reforms to scale up advisory police support to the Haitian National Police and reopen police commissariats in response to armed gang violence.¹²⁵

In connection with the situation in Lebanon, the Council expressed its strong support for the continued efforts of UNIFIL to engage with Israel and Lebanon to facilitate liaison, coordination and practical arrangements on the ground.¹²⁶ The Council urged the parties to make systematic, constructive and expanded use of the tripartite mechanism and to accelerate efforts to delineate and visibly mark the Blue Line in its entirety.¹²⁷ The Council also urged all parties to cooperate fully with the Council and the Secretary-General to make tangible progress towards a permanent ceasefire and a long-term solution as envisioned in resolution 1701 (2006).¹²⁸

Regarding the Golan Heights, the Council encouraged Israel and the Syrian Arab Republic to take full advantage of the UNDOF liaison function regularly to address issues of mutual concern and to prevent any escalation across the ceasefire line.¹²⁹

Regarding the conflict in Ukraine, the Council expressed strong support of the efforts of the Secretary-General in the search of a peaceful solution.¹³⁰

¹²³ Ibid., para. 6.

¹²⁴ S/PRST/2022/4, first paragraph. For more information on the mandate of MONUSCO, see part X, sect. I.

¹²⁵ Resolution 2645 (2022), sixth preambular paragraph. For more information on the mandate on BINUH, see part X, sect. II.

¹²⁶ Resolution 2650 (2022), para. 13. For more information on the mandate of UNIFIL, see part X, sect. I.

¹²⁷ Resolution 2650 (2022), para. 13.

¹²⁸ Ibid., para. 19.

¹²⁹ Resolutions 2639 (2022) and 2671 (2022), para. 2. For more information on the mandate of UNDOF, see part X, sect. I.

¹³⁰ S/PRST/2022/3, third paragraph.

Good offices in support of peace agreements, political dialogue and transitions

Addressing the situation in Libya, the Council welcomed the appointment of Abdoulaye Bathily as Special Representative of the Secretary-General for Libya and Head of the United Nations Support Mission in Libya (UNSMIL) and urged all Libyan parties and key stakeholders to engage constructively and fully with him in the fulfilment of his mandate.¹³¹ The Council expressed support for the efforts of UNSMIL to facilitate wider engagement and participation of women from across the spectrum of Libyan society in the political process and public institutions and recognized that the process should be inclusive of all Libyans, including youth and civil society.¹³²

With regard to the situation in Myanmar, the Council encouraged close coordination between the ASEAN Special Envoy for Myanmar and the Special Envoy of the Secretary-General on Myanmar in pursuit of promoting fully inclusive and representative dialogue, to achieve an end to the violence and to support the path to democracy.¹³³ The Council also urged all parties to work constructively with the ASEAN Special Envoy and the Special Envoy of the Secretary-General to commence dialogue to seek a peaceful solution in the interests of the people of Myanmar.¹³⁴

Regarding the situation in Somalia, the Council emphasized the essential role of the United Nations Assistance Mission in Somalia in supporting the Federal Government and the federal member states and other relevant actors through the provision of strategic advice and good offices, capacity-building and the coordination of international partners' support, including with respect to elections support.¹³⁵

Good offices in support of the resolution of outstanding disputes

Regarding Cyprus, the Council expressed full support for the ongoing engagement of the Secretary-General with the Greek Cypriot and Turkish Cypriot sides and encouraged further rounds of informal talks.¹³⁶ The Council urged the sides to engage actively and with an increased sense of urgency with the Secretary-General and his team, including by reaching an agreement regarding the proposal of the Secretary-General to appoint a United Nations envoy.¹³⁷ The Council expressed deep regret for the lack of progress on an effective mechanism for direct military contacts between the sides and the relevant involved parties and urged their flexibility and engagement, facilitated by the United Nations Peacekeeping Force in Cyprus (UNFICYP), to develop a suitably acceptable proposal on the establishment of such a mechanism and its timely implementation.¹³⁸ The Council called upon the two leaders urgently to consider the advice of the good offices mission of the Secretary-General regarding further ways to empower the technical committees and improve their performance.¹³⁹

With respect to relations between South Sudan and the Sudan, the Council encouraged the African Union, the African Union High-level Implementation Panel and the Special Envoy of the Secretary-General for the Horn of Africa to intensify mediation roles with the Governments of South Sudan and the Sudan to strongly encourage them to establish temporary administrative and security arrangements for Abyei and achieve a political solution for its final status.¹⁴⁰ The Council also stressed the importance of the United Nations Interim Security Force for Abyei (UNISFA) initiatives to support community dialogue to strengthen intercommunal relationships and facilitate stability and reconciliation in the Abyei Area.¹⁴¹

The Council expressed its full support for the Secretary-General and his Personal Envoy for Western Sahara to facilitate the negotiations process to achieve a solution to the Western Sahara question.¹⁴²

¹³¹ Resolution 2656 (2022), para. 2. For more information on the mandate of UNSMIL, see part X, sect. I.

¹³² Resolution 2656 (2022), eighth preambular paragraph.

¹³³ Resolution 2669 (2022), para. 7.

¹³⁴ Ibid., para. 8.

¹³⁵ Resolution 2632 (2022), fourth preambular paragraph, in connection with the item entitled "The situation in Somalia".

¹³⁶ Resolutions 2618 (2022) and 2646 (2022), para. 2, in connection with the item entitled "The situation in Cyprus".

¹³⁷ Resolutions 2618 (2022) and 2646 (2022), para. 2.

¹³⁸ Ibid., para. 7. For more information on the mandate of UNFICYP, see part X, sect. I.

¹³⁹ Resolutions 2618 (2022) and 2646 (2022), para. 5 (a).

¹⁴⁰ Resolution 2630 (2022), fifth preambular paragraph.

¹⁴¹ Ibid., sixth preambular paragraph. For more information on the mandate of UNISFA, see part X, sect. I.

¹⁴² Resolution 2654 (2022), para. 3.

The Council called upon the parties to resume negotiations under the auspices of the Secretary-General without preconditions and in good faith, and to refrain from any actions that could undermine United Nations-facilitated negotiations or further destabilize the situation in Western Sahara.¹⁴³

D. Decisions involving regional arrangements or agencies

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

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

Note

Section IV features the main discussions in the Council in 2022 with regard to the interpretation of specific provisions of Chapter VI of the Charter of the United Nations concerning the role of the Council and the Secretary-General in the peaceful settlement of disputes. It excludes those that concern regional organizations, which are covered in part VIII.

During the period under review, explicit references were made to Article 33,¹⁴⁴ Article 37,¹⁴⁵ Article 99¹⁴⁶ and Chapter VI¹⁴⁷ of the Charter during the Council's deliberations, although not all cases resulted in a constitutional discussion. No explicit references were made to Articles 36 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. Referral of legal disputes to the International Court of Justice in the light of Article 36 (3); and C. Utilization of Article 99 by the Secretary-General for the pacific settlement of disputes. The section features cases in which there were relevant constitutional discussions during the period under review.

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

Article 33 of the Charter stipulates that any dispute that is likely to endanger the maintenance of international peace and security should first be addressed through negotiation, mediation or other peaceful means and that the Council can call upon the parties to settle their disputes by such means.

¹⁴³ Ibid., paras. 4 and 6.

¹⁴⁴ In connection with the maintenance of international peace and security, see [S/PV.9167](#) (Kenya); and, in connection with threats to international peace and security, see [S/PV.9216](#) (Brazil).

¹⁴⁵ In connection with the implementation of the note by the President of the Security Council ([S/2017/507](#)), see [S/PV.9079](#) (Peru).

¹⁴⁶ In connection with the implementation of the note by the President of the Security Council ([S/2017/507](#)), see [S/PV.9079](#) (Austria); in connection with the maintenance of international peace and security, see [S/PV.9167](#) (Kenya and Mexico), [S/PV.9220](#) (Kenya and Pakistan) and [S/PV.9220 \(Resumption 1\)](#) (Singapore).

¹⁴⁷ In connection with threats to international peace and security, see [S/PV.8960](#) (Gabon and Ukraine) and [S/PV.9206](#) (Brazil); in connection with general issues relating to sanctions, see [S/PV.8962](#) (Ghana); in connection with the situation concerning Iraq, see [S/PV.8975](#) (Iraq) and [S/PV.9145](#) (Brazil); 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.8986](#) (Brazil); in connection with the maintenance of international peace and security, see [S/PV.9052 \(Resumption 1\)](#) (Italy), [S/PV.9112](#) (Secretary-General and Brazil); and, in connection with the reports of the Secretary-General on the Sudan and South Sudan, see [S/PV.9054](#) (China).

During the period under review, discussions with respect to Article 33 were held under the items entitled “Women and peace and security” (case 7), “Threats to international peace and security” (case 8), “Maintenance of international peace and security” (case 9) and “Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/2022/688)” (case 10).

Case 7
Women and peace and security

On 18 January, at the initiative of Norway, which held the presidency for the month,¹⁴⁸ the Council held a high-level open debate under the item entitled “Women and peace and security” and the sub-item entitled “Protecting participation: addressing violence targeting women in peace and security processes”, during which it heard briefings by the United Nations High Commissioner for Human Rights, the Executive Director of the Women and Children Legal Research Foundation and the Executive Director of the NGO Working Group on Women, Peace and Security.¹⁴⁹

In her briefing, the United Nations High Commissioner for Human Rights stated that the Council had played a vital role in the drive to ensure that peace was built by and for women, but noted that between 1992 and 2019, only 13 per cent of negotiators, 6 per cent of mediators and 6 per cent of signatories in major peace processes worldwide had been women.¹⁵⁰ She noted that human rights violations against women significantly undermined global efforts to prevent conflict and sustain peace because they deterred women from participation and leadership. She expressed the view that it would be valuable for the Council to consider harmonizing approaches to ensure the safe involvement of women in peace processes, as well as their participation in the Council’s work, and added that decisions on peace that did not reflect women’s voices, realities and rights were not sustainable.

During the subsequent discussion, Council members and other speakers exchanged views on the importance of, and how to ensure the meaningful and safe inclusion of, women in political processes and the peaceful settlement of disputes. In their remarks, many speakers recalled that resolution 1325 (2000) and overall practice demonstrated the importance of inclusivity, including that of women, for conflict prevention and sustaining peace. Several speakers echoed that view by noting the role of women and the unique perspective that women brought to peace processes, including an understanding of local communities and dynamics.¹⁵¹ For example, the Minister for Foreign Affairs and Regional Integration of Ghana noted that women’s voices brought real gender perspectives to peace discourses, which led to better policies and more equitable, gender-sensitive and sustainable peace deals.¹⁵² The representative of the Russian Federation stated that the engagement of women was of vital importance as it helped, among other things, to build trust and trust-based relations with local populations. The Minister for Foreign Affairs of Norway opined that women’s participation was the long-term game-changer in that women could directly influence decisions about peace and security and thereby shape protection measures that worked for them and their families and communities. While noting that resolution 1325 (2000) placed women’s issues at the centre of global conflict prevention, the representative of Rwanda emphasized that the full, equal and meaningful participation of women in peace and security processes helped to minimize the chances of conflict and community confrontation and provided a larger sense of security to local populations, including women and children.

Despite its clear significance, both members and non-members of the Council recognized that the effective participation of women in conflict prevention and resolution remained hindered by a lack of protection. In that regard, many speakers referred to the responsibility of States for fostering and developing the necessary mechanisms and institutions to promote accountability for threats and violence

¹⁴⁸ A concept note was circulated by a letter dated 10 January (S/2022/22).

¹⁴⁹ See S/PV.8949 and S/PV.8949 (Resumption 1). For more information on the briefings, see part I, sect. 29.

¹⁵⁰ See S/PV.8949.

¹⁵¹ Ibid. (Ghana, United Arab Emirates, United States, Russian Federation, Norway and Rwanda); and S/PV.8949 (Resumption 1) (Jordan).

¹⁵² See S/PV.8949.

against women and to protect their participation.¹⁵³ The representative of Belgium, speaking also on behalf of the Netherlands and Luxembourg, stated that it was necessary to apply a gender perspective in peace and security processes, consider the specific risks faced by different groups of women human rights defenders and integrate appropriate risk mitigation where possible.¹⁵⁴ The representative of Argentina stated that normalizing the participation of women in peace processes and shining a light on the important role that they played, together with increasing the cost of attacks on them through accountability measures, were vital to broadening the space for their participation.

Taking a broader view, the representative of China stated that nothing could provide more basic protection for women than a holistic approach to conflict prevention and resolution that addressed both the symptoms and root causes of violence and conflict.¹⁵⁵ The representative of the Russian Federation called for greater focus on the specific development issues faced by women, including poverty eradication and access for women to education in conflict-affected countries. The representative of India called on Member States to create a conducive political environment for the meaningful participation of women based on the principles of democracy, pluralism and the rule of law and to equally focus in a holistic manner on their socioeconomic empowerment. The representative of Rwanda stated that the protection of women should be part of the inclusive process of developing a policy framework seeking to provide equal rights and opportunities.

The representative of the Russian Federation expressed the view that creating preferential processes for the protection of certain categories of participants in conflict resolution was not only counterproductive but also dangerous, as it could foment additional social tensions, set off new waves of conflict and exacerbate existing conflicts. He added that it was evident that creating safe conditions for women's participation required that the safety and security of all participants was established and that that was the only way to ensure meaningful, robust and sustained peace. The representative of China stressed the need to strengthen the protection of women in conflict areas without exception and that all women were entitled to protection, regardless of whether or not they were part of the peace process. The representative of the United Arab Emirates highlighted that Member States had to take serious steps to tackle structural gender inequality as a main root cause of violence against women.

Speakers also recognized the need for measures for the protection of women's political participation to be taken across the United Nations system. For example, speaking on behalf of the Human Rights and Conflict Prevention Caucus, the representative of Switzerland stated that the wider United Nations system had a duty to prevent and respond to alleged cases of intimidation and reprisals against those who provided information or sought to engage with it and to ensure accountability when such acts occurred. The representative of Malta stressed that the participation and protection pillars of the women and peace and security agenda were closely related and that there could not be participation without protection. The representative of Ireland stated that her delegation would continue to insist on the safe participation of women in peace processes led by the United Nations. The Minister for Foreign Affairs and Regional Integration of Ghana stated that the Council should urge the Secretary-General to ensure the allocation of targeted, practical and rapid resources to facilitate responses to threat against women peacebuilders and to use his good offices to build the capacity of United Nations staff in conflict zones, with the objective of increasing their understanding of the work of women in peace processes. She also suggested that United Nations sanctions committees should be utilized to bring to justice those guilty of intimidation, threats and reprisals against women in peacebuilding and encouraged the active participation of women on panels of experts.

Some speakers specifically addressed strengthening the work of United Nations peace operations in this domain through the inclusion of the protection of women's political participation in their mandates

¹⁵³ Ibid. (Ghana, United States, India, France, Kenya, Mexico, Japan, Malta, Canada (on behalf of the Group of Friends of Women, Peace and Security), New Zealand, Estonia and Rwanda); and [S/PV.8949 \(Resumption 1\)](#) (Portugal, Slovakia, Argentina, Lithuania, Indonesia, Malaysia and Denmark (on behalf of the Nordic countries)).

¹⁵⁴ See [S/PV.8949 \(Resumption 1\)](#).

¹⁵⁵ See [S/PV.8949](#).

and the deployment of more women peacekeepers and women's protection advisers.¹⁵⁶ The representative of Japan suggested that United Nations agencies, such as the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), and local non-governmental agencies could play a key role in supporting and protecting women in engaging in peace and security processes, adding that the full, equal and meaningful participation of women human rights defenders and peacebuilders required long-term collective efforts.¹⁵⁷ The Minister for Europe and Foreign Affairs of Albania, as subsequently echoed by other delegations, underscored the need to support and resource relevant United Nations entities to enable them to provide protection and described the launch of the funding window for women human rights defenders as a positive development. Similarly, speaking on behalf of the Group of Friends of Women, Peace and Security, the representative of Canada encouraged the United Nations, its Member States, international financial institutions and other relevant stakeholders to provide rapid, flexible and real funding for the protection of women peacebuilders, human rights defenders and gender equality advocates.

Multiple speakers highlighted the responsibility and role of the Council in the protection of women's political participation, including with respect to women civil society briefers at its meetings.¹⁵⁸ In that regard, the representative of Brazil stated that the Council must work not only to bring women to peace negotiation tables but also to find ways to protect those invited from direct violence and intimidation.¹⁵⁹ He added that normalizing the participation of women in peace processes and upgrading their role, including as briefers to the Council, was a very concrete way to implement the women and peace and security agenda. Several speakers expressed support for the work of the Office of the United Nations High Commissioner for Human Rights on addressing and mitigating the risk of reprisals against women engaged with the Council and the United Nations.¹⁶⁰ The representative of the United Kingdom opined that the Council could operate effectively only when it received honest briefings about situations on the ground, in particular from women human rights defenders and peacebuilders.¹⁶¹ Underlining the crucial nature of the engagement of women human rights defenders with the Council, the representative of Belgium pointed to a collective responsibility to protect people with the courage to come to the Council Chamber, including by taking precautions to mitigate risks and, in cases of reprisals, to ensure accountability and protection.¹⁶² Multiple delegations agreed that the Council had to clearly condemn threats or the use of violence against women peacebuilders, in particular against women peacebuilders who engaged with it.¹⁶³

Case 8

Threats to international peace and security

At a meeting held on 31 January under the item entitled "Threats to international peace and security",¹⁶⁴ the Under-Secretary-General for Political and Peacebuilding Affairs gave a briefing to the Council on reports regarding the deployment of troops and heavy weaponry by the Russian Federation and mounting tensions along the border with Ukraine. During the subsequent discussion, several speakers

¹⁵⁶ Ibid. (United Arab Emirates, United States, India, Brazil, Mexico, Canada (on behalf of the Group of Friends of Women, Peace and Security) and Poland); and [S/PV.8949 \(Resumption 1\)](#) (Portugal, Ecuador, Argentina, Indonesia), Fiji, Malaysia and Denmark (on behalf of the Nordic countries)).

¹⁵⁷ See [S/PV.8949](#).

¹⁵⁸ Ibid. (Albania, United Arab Emirates, Ireland, Brazil, Mexico, Norway, Slovenia, Canada (on behalf of the Group of Friends of Women, Peace and Security), New Zealand, European Union, Estonia and Switzerland (on behalf of the Human Rights and Conflict Prevention Caucus)); and [S/PV.8949 \(Resumption 1\)](#) (Portugal, Belgium, Ecuador, Denmark (on behalf of the Nordic countries)).

¹⁵⁹ See [S/PV.8949](#).

¹⁶⁰ Ibid. (United Kingdom, France, Mexico, European Union, Italy and Switzerland (on behalf of the Human Rights and Conflict Prevention Caucus)); and [S/PV.8949 \(Resumption 1\)](#) (Portugal, Belgium and Slovakia).

¹⁶¹ See [S/PV.8949](#).

¹⁶² See [S/PV.8949 \(Resumption 1\)](#).

¹⁶³ See [S/PV.8949](#) (Ghana, France, Mexico, Malta, Slovenia, Canada, New Zealand, Estonia and Switzerland (on behalf of the Human Rights and Conflict Prevention Caucus)); and [S/PV.8949 \(Resumption 1\)](#) (Portugal, Belgium (on behalf of the Benelux countries), Ecuador, Liechtenstein, Australia, Latvia and Denmark (on behalf of the Nordic countries)).

¹⁶⁴ See [S/PV.8960](#).

referred to the obligation of the parties to peacefully settle their dispute in accordance with Chapter VI of the Charter.

For example, while calling on all stakeholders to show restraint and turn to dialogue and negotiations in order to preserve stability and peace in the region, the representative of Gabon underscored that this was the moment for the international community and its members to activate the channels of preventive diplomacy, in accordance with Chapter VI of the Charter. The representative of Mexico recalled that States had the duty to resolve their disputes by peaceful means, as established by international law, and underlined the responsibility of the Council to carry out its preventive work and measure up to dealing with what the circumstances demanded. He added that his country had defended and would continue to defend the use of diplomacy over force and that diplomatic channels with regard to the issue facing the Council remained open and had not been exhausted. The representative of Kenya stated that where there were disputes regarding territorial jurisdiction or security interests, his country strongly supported patient diplomacy as the “first, second and third options”. The representative of Ghana stated that differences between Member States should be resolved only through peaceful means, in conformity with the Charter. The representative of Brazil called for consistency in the application of the principles enshrined in the Charter in a non-selective manner and recalled that the prohibition on the use of force, the peaceful resolution of disputes and the principles of sovereignty, territorial integrity and the protection of human rights were pillars of the collective security system. He further highlighted the need for good faith to address the legitimate security concerns of all parties, including the Russian Federation and Ukraine, and encouraged the parties to pursue genuine talks on the implementation of the Minsk agreements.

In his statement, the representative of Ukraine noted that the members of the Council had received very important information at the meeting which they needed to take into account so as to make an informed decision, when appropriate, on acting swiftly and decisively in employing preventive diplomacy under Chapter VI of the Charter, which, as he pointed out, enshrined the Council’s responsibility to investigate any dispute that might lead to international friction or give rise to a dispute.

Case 9

Maintenance of international peace and security

On 22 August, at the initiative of China, which held the presidency for the month,¹⁶⁵ the Council held a meeting under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Promote common security through dialogue and cooperation”, during which it heard briefings by the Secretary-General and the President of the tenth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.¹⁶⁶

In his briefing, the Secretary-General stated that the collective security system was being tested like never before and that the world was riven by geopolitical divides, conflicts and instability, from military coups to inter-State conflicts, invasions and wars, adding that lingering differences between the great powers, including in the Council, continued to limit the ability of the international community to respond collectively.¹⁶⁷ He stressed that the tools that had kept the world from a catastrophic world war were more important than ever, but that they had to be fit for today’s rapidly deteriorating international peace and security environment, and that there was a need to reforge a global consensus around the cooperation required to ensure collective security, including the work of the United Nations. The Secretary-General noted that, through his proposal for a New Agenda for Peace, as contained in the report entitled “Our Common Agenda”,¹⁶⁸ the diplomatic toolbox of the Charter to end conflicts was being explored, especially the provisions of Chapter VI on negotiation, enquiry, mediation, conciliation, arbitration and judicial settlement. Focus was also being placed on prevention and peacebuilding, which included strengthening the foresight of future threats, anticipating flashpoints and long-standing conditions that could explode into violence and exploring new and expanded roles for regional actors and groups, in

¹⁶⁵ A concept note was circulated by a letter dated 12 August (see [S/2022/617](#)).

¹⁶⁶ See [S/PV.9112](#). For more information on the briefings, see part I, sect. 35.

¹⁶⁷ See [S/PV.9112](#).

¹⁶⁸ See [A/75/982](#).

particular as cross-border threats to peace and security emerged.¹⁶⁹ It also included putting human rights first in political and financial investments that could address the root causes of conflict, from social protection and education to programming to end violence and discrimination and to increase women's participation across civic and political life.

Noting that not all members of the Council were parties to the Non-Proliferation Treaty, the President of its tenth Review Conference expressed the hope that Council members could appreciate the important role played by the Treaty as a contribution to the betterment of the international security environment, adding that there were few issues more vital to common security than preventing the use of nuclear weapons.

On the state of the multilateral system and nuclear non-proliferation, Council members discussed ways to strengthen the implementation of Chapter VI of the Charter on the pacific settlement of disputes. In his statement, the representative of Brazil expressed the view that the international community should make more frequent use of preventive diplomacy and mediation and focus more on Chapter VI rather than Chapter VII. Noting that the law of action and reaction was especially applicable to the use of force, he underscored that insisting on the peaceful settlement of disputes was the only way to get out of that vicious circle. The representative of Gabon stated that international cooperation implied acting together, consulting with one another regularly, in times of peace as in times of war, and easing the differences. According to the representative, that also meant considering or taking into account each other's expectations and easing tensions with a view to seeking a peaceful settlement of disputes. The representative of the United Kingdom asserted that dialogue and cooperation were essential components in settling disputes and building peace and security. The representative of Ghana expressed the view that, in the present circumstances, it might be necessary to initiate a consensual process for Member States to formally recommit to the purposes and principles of the Charter, especially its key purpose to ensure international peace and security based on the pacific settlement of disputes, the non-use of force in international relations, except under very limited and defined conditions, the development of friendly relations and the pursuit of international cooperation in resolving international problems. The representative of Mexico noted that his country had always promoted dialogue and the peaceful settlement of disputes in order to address conflicts early and prevent their escalation. He added that preventive diplomacy and recourse to means for the peaceful settlement of disputes were key to maintaining peace and that, in order to conduct genuine and effective diplomacy, the United Nations had to strengthen coordination between its main organs. The representative of China stated that the only way to achieve common security was to find the highest common denominator through dialogue and cooperation and settling disputes by peaceful means. He added that Council members should make greater efforts to promote the political settlement of disputes and create synergies with the mediation efforts of the Secretary-General to better meet the current challenges and safeguard the common security.

The representative of Brazil stated that durable peace required comprehensive approaches, which could benefit significantly from the support of the Peacebuilding Commission as a platform to promote greater coordination among relevant partners of a particular country at risk of lapsing or relapsing into conflict. The representative of Ireland called for moving away from a default position of responding after a crisis had happened and being more proactive with regard to prevention. Ireland joined the call of the Secretary-General, as outlined in the report entitled "Our Common Agenda", for enhancing support for the Commission and ensuring that peacebuilding was adequately and sustainably financed. She also noted that the Commission continued to advance its civil society engagement, increase its advice to the Council and, as part of the wider United Nations peacebuilding architecture, had contributed to discussions on peacebuilding financing. Expressing support for the New Agenda for Peace, with its heightened focus on reinforcing human rights and freedoms and international law through a comprehensive and integrated approach to peace and security, the representative of Albania noted that it would be possible to do better and achieve more by investing in prevention rather than always addressing symptoms, and that dialogue and cooperation were crucial to that.

The representative of Norway expressed the view that it was necessary to improve the Council's situational awareness. In that regard, she added, there was a key role for the Secretariat and United Nations

¹⁶⁹ See [S/PV.9112](#).

briefers to play in using their interactions with the Council to bring emerging issues to its attention and sound the alarm. To achieve sustainable peace, Norway strongly believed that it was necessary to talk to all actors involved in any conflict, and the full and meaningful inclusion of women was crucial in that regard. The representative of Ireland stressed the need to ensure that the approach to peace and security took a human rights-based approach that was inclusive, in particular of the most vulnerable. Moreover, she stated that it was vital to pay heed to women, young people, human rights defenders and civil society representatives in the Council Chamber and essential that they could speak freely about the stark realities of conflict without fear of reprisals or intimidation. She added that support for local peacebuilders, in particular women and youth, was key to finding local sustainable solutions to conflict.

Case 10

Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/2022/688)

At a meeting held on 15 September under the item entitled “Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/2022/688)”,¹⁷⁰ the Council heard a briefing by the Assistant Secretary-General for Europe, Central Asia and the Americas, in the Department of Political and Peacebuilding Affairs and the Department of Peace Operations, regarding the situation on the border between Armenia and Azerbaijan.

During the meeting, several speakers underscored the importance of settling the dispute between the two countries peacefully, called for the cessation of hostilities and noted that the use of violence or force was not acceptable. The representative of Gabon condemned the use of armed force to settle disputes between States and reiterated that there could be no viable military solution to the conflict. The representative of India said that disputes such as the one between Armenia and Azerbaijan should be settled through diplomacy and dialogue and underscored that there could be no military or violent solution to any conflict. She encouraged both sides to pursue diplomatic pathways to arrive at a lasting and peaceful solution. Noting that the use of military force to settle disputes was unacceptable, the representative of Norway stated that her delegation was encouraged by the news about an agreement on a cessation of hostilities, welcomed that initiative and called on both sides to take immediate steps to de-escalate tensions and to exercise maximum restraint. She added that any outstanding issues had to be resolved peacefully through dialogue and within existing formats. The representative of Ghana welcomed the meeting as an opportunity for the Council to focus its attention on how the conflict could be peacefully resolved on the basis of established international principles that were mutually acceptable to the parties and expressed the view that the use of violence could not be the final arbiter for the settlement of the dispute. He also urged Armenia and Azerbaijan to sustain the truce and renewed his country’s call for the complete cessation of hostilities and the de-escalation of tensions. The representative of Brazil called on the parties to respect international law and the Charter and to resolve their disputes through dialogue and diplomacy. He also urged both sides to avoid actions that could escalate tensions and threaten the security of the civilian population. The representative of France noted that everyone was bound by the Charter to settle their disputes peacefully and that the parties had to resume dialogue to resolve all outstanding issues through negotiations.

Furthermore, at a meeting held on 20 December under the same item,¹⁷¹ the Council heard another briefing by the Assistant Secretary-General for Europe, Central Asia and the Americas, in which he commended various ongoing engagements and mediation efforts and encouraged their close coordination to ensure maximum effectiveness. He also recalled that the Secretary-General had urged progress towards a peaceful settlement during his bilateral meetings with the Prime Minister of Armenia and the Minister for Foreign Affairs of Azerbaijan.

During the discussion, Council members called for the de-escalation of tensions and settling of outstanding issues through dialogue and negotiations. The representative of the United Arab Emirates urged the parties to resolve their differences through peaceful and diplomatic means, in line with international law and the Charter, and encouraged them to engage constructively and in good faith with

¹⁷⁰ See S/PV.9132.

¹⁷¹ See S/PV.9228.

mediation efforts. The representative of Albania stated that there was no alternative to a peaceful negotiated solution through the path of diplomacy. The representative of China expressed the view that the disputes surrounding the Lachin corridor should be resolved through dialogue and consultations and encouraged Armenia and Azerbaijan, on the basis of the trilateral statements that they had issued with the Russian Federation and with the good offices of the Russian Federation and other parties concerned, to meet each other half way and properly resolve disputes on the basis of universally recognized international law and norms governing international relations. The representative of the United States said that outstanding grievances between the two countries had to be solved through peaceful negotiations, adding that the international community had to do its part and remain engaged in efforts to diplomatically broker a lasting peace. Calling upon Azerbaijan and Armenia to exercise restraint and to refrain from the kinds of steps that could increase tensions, the representative of the Russian Federation held the view that all disputes between the two countries should be resolved exclusively through political and diplomatic means. According to the representative of Kenya, the deployment of tools available in the Charter for the pacific settlement of disputes, including consultations and negotiations, offered the best chances for a sustainable outcome. The representative of Mexico called on international actors with the capacity to engage in dialogue with the parties to urge them to resolve their differences through diplomatic channels. The representative of Ghana noted, *inter alia*, that it was important for the process of delineation and delimitation of borders to be undertaken on the basis of international law and the Charter, with particular regard to the principles such as the pacific settlement of disputes. The representative of India reaffirmed his country's support for the ongoing mediation efforts in the region and pointed to the consistent position of India that such disputes should be settled through diplomacy and dialogue.

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

Article 36 (3) of the Charter provides that, in making recommendations under Article 36, the Council should also take into consideration that legal disputes should, as a general rule, be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court. During the period under review, a discussion with respect to Article 36 (3) was held in connection with the item entitled "Maintenance of international peace and security" (case 11).

Case 11

Maintenance of international peace and security

On 2 June, at the initiative of Albania, which held the presidency for the month,¹⁷² the Council held a high-level open debate under the item entitled "Maintenance of international peace and security" and the sub-item entitled "Strengthening accountability and justice for serious violations of international law".¹⁷³ During the meeting, the Council heard briefings by the President of the International Court of Justice, the United Nations High Commissioner for Human Rights and Professor Dapo Akande of the University of Oxford.¹⁷⁴

In her briefing, the President of the International Court of Justice highlighted the contributions of the Court to the maintenance of international peace and security, in particular within the legal framework of accountability. She noted that accountability for atrocities was enhanced when the governing law was clear and agreed among States and where a mechanism was in place to ensure that inter-State disputes could be adjudicated. Those had been among the concerns that had motivated the elaboration by the International Law Commission of draft articles on the prevention and punishment of crimes against humanity, which were under consideration by the General Assembly. The President of the Court also noted that the draft articles provided a basis for inter-State disputes to be adjudicated by the Court or in arbitration, thereby promoting the goal of State accountability in relation to crimes against humanity. The adoption of a

¹⁷² A concept note was circulated by a letter dated 24 May (S/2022/418/Rev.1).

¹⁷³ See S/PV.9052 and S/PV.9052 (Resumption 1).

¹⁷⁴ See S/PV.9052. For more information on the briefings, see part I, sect. 35.

convention on crimes against humanity would be one way to promote accountability for violations of some of the most fundamental obligations found in international law. She concluded that the Court stood ready to decide any disputes over which it would have jurisdiction on the basis of such a convention.

In their statements, Council members and other speakers recognized the role played by the International Court of Justice in the pacific settlement of disputes. The representative of India said that, as the principal judicial organ of the United Nations, the Court had the role of settling, in accordance with international law, legal disputes submitted to it by States and issuing advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies. The representative of Ireland shared the view of the President of the Court that the Court was central to the maintenance and strengthening of an international order based on the rule of law, noting that the Constitution of Ireland affirmed the country's adherence to the principle of the pacific settlement of international disputes by international arbitration or judicial determination. He also expressed a firm belief in the value of the Court's role in helping to prevent conflict between States, urged all Member States, and especially Council members, to accept its compulsory jurisdiction and called on the Council to strengthen its cooperation with the Court. The representative of Brazil noted that the Court played a vital role in preventing conflicts by providing Member States with legal and preventive means to resolve their differences.

The representative of Mexico held the view that the International Court of Justice had to be strengthened, as it was the main judicial organ of the Organization and a guarantor of accountability in cases of international responsibility of States. That could be achieved by submitting to the Court those disputes that fell within its jurisdiction. However, it was imperative that more Member States accepted the compulsory jurisdiction of the Court, without conditions. The representative of Mexico also stated that the Secretary-General had to remain a key actor in the search for dialogue and the mediation of situations of tension, and noted that it would be useful, as an additional tool, for the General Assembly to grant the Secretary-General permanent authorization to request advisory opinions from the Court, a suggestion that had already been made by the former Secretary-General, Boutros Boutros-Ghali. The representative of Norway underlined the important role of the Court in the peaceful resolution of disputes. She held the view that Council members had a special responsibility to do what they could to ensure that parties faithfully abided by binding decisions rendered by the Court.

In the context of the responsibility of States for their internationally wrongful acts, the representative of Slovakia expressed appreciation for the work of the Court and its vital role in the peaceful settlement of disputes.¹⁷⁵ He reiterated his country's call on all States to accept the jurisdiction of the Court and respect its legally binding decisions and called on the Council to pay closer attention to instances of non-compliance. Noting that Member States could consider making greater use of the fact-finding capacity of the Council, the representative of the Philippines stated that the Council might also request advisory opinions of the Court on legal questions arising within the scope of its activities, including on the issue of institutionalizing international legal principles of accountability and the related accountability mechanisms in order to have an impact in practice.

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

Article 99 of the Charter stipulates that the Secretary-General may bring to the attention of the Council any matter which, in his opinion, may threaten the maintenance of international peace and security. The multiple tools available to the Secretary-General under Article 99 were discussed in connection with the item entitled "Maintenance of international peace and security" (case 12).

¹⁷⁵ See [S/PV.9052 \(Resumption 1\)](#).

Case 12

Maintenance of international peace and security

On 14 December, at the initiative of India, which held the presidency for the month,¹⁷⁶ the Council held a high-level open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “New orientation for reformed multilateralism”.¹⁷⁷ At the meeting, the Council heard briefings by the Secretary-General and the President of the General Assembly.¹⁷⁸ During the debate, speakers referred to Article 99 of the Charter and the role of the good offices of the Secretary-General in the pacific settlement of disputes.¹⁷⁹

In his briefing, the Secretary-General announced that the New Agenda for Peace, which he said he hoped to submit to Member States in 2023, would, *inter alia*, address the full range of new and old security challenges and examine ways to update existing tools for mediation, peacekeeping, peacebuilding and counter-terrorism, while also looking at new and emerging threats in less traditional domains, including cyberspace and outer space.¹⁸⁰

Calling for adherence to Article 100 of the Charter, which protected the Secretary-General and United Nations staff from external influence and instruction, the representative of Kenya noted that the Secretary-General had to be fully on the side of the Charter and should fully observe Article 99 without regard for the approval or disapproval of any State or party. The representative of Mexico expressed the view that the success of the Council in discharging its responsibilities in accordance with its mandate depended also on the success of the General Assembly, the Economic and Social Council and the International Court of Justice in fulfilling their own mandates, in conjunction with the work of the Secretary-General. The representative of Norway stated that the Council should be more vocal in its support for the good offices of the Secretary-General.

The representative of Pakistan held the view that the Secretary-General should be more insistent in exercising his authority under Article 99 of the Charter to draw the Council’s attention to impending threats to peace and security, and that no party to a conflict or dispute should be able to refuse the Secretary-General’s good offices when they were offered or reject recourse to the modalities for the pacific settlement of disputes prescribed under Article 38. Noting that any United Nations reform exercise should leverage and empower the good offices of the Secretary-General, the representative of Singapore explicitly referred to Article 99 and expressed support for a greater role for the Secretary-General in mediation and conflict prevention.¹⁸¹ In that connection, he cited the Black Sea Grain Initiative, to enable the international export of grain from Ukraine, which had helped to ensure food supplies and stabilize food prices globally, as a recent concrete example of the Secretary-General using his good offices. The representative of Ecuador held the view that the Council should support the efforts of the Secretary-General to promote a preventive approach that addressed the root causes of conflict and prioritized peacebuilding, accelerating disarmament and strengthening non-proliferation, as well as countering corrosive anti-institutional narratives that contributed to violent extremism.

¹⁷⁶ A concept note was circulated by a letter dated 25 November (S/2022/880).

¹⁷⁷ See S/PV.9220 and S/PV.9220 (Resumption 1).

¹⁷⁸ See S/PV.9220. For more information on the briefings, see part I, sect. 35.

¹⁷⁹ See S/PV.9220 and S/PV.9220 (Resumption 1).

¹⁸⁰ See S/PV.9220.

¹⁸¹ See S/PV.9220 (Resumption 1).