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Part VI

Consideration of the provisions of Chapter VI of the Charter

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Introductory note

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

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

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 2023, 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. While the Council did not convene any meetings under a new agenda item, it did convene nine meetings under existing items further to communications submitted by States, notably with regard to developments concerning non-proliferation and the Democratic People's Republic of Korea, Armenia and Azerbaijan, and the Palestinian question. In 2023, the Secretary-General decided to invoke Article 99 of the Charter and to bring the humanitarian situation in Gaza to the attention

of the Council.

As featured in section II, the Council dispatched two missions to the field, namely, to the Democratic Republic of the Congo and to Ethiopia, the latter for the purpose of holding the eighth informal joint seminar and the seventeenth annual joint consultative meeting between members of the Security Council and the African Union Peace and Security Council. The Council acknowledged and deliberated on the investigative functions of the Secretary-General, as well as other United Nations and associated entities such as the Human Rights Council, the Office of the High Commissioner for Human Rights and the Organization for the Prohibition of Chemical Weapons in connection with the situations concerning the Central African Republic, the Democratic Republic of the Congo, the Democratic People's Republic of Korea, Iraq, South Sudan, the Syrian Arab Republic, Ukraine, as well as non-proliferation and the implementation of resolution [2231 \(2015\)](#) concerning the Iranian nuclear programme. Furthermore, the Council also extended the mandate of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD) for a final period.

As described in section III, the Council referred to conflict prevention, sustaining peace and the peaceful settlement of disputes in the context of decisions addressing hate speech and racial discrimination and the prevention of conflict-induced food insecurity. With regard to country and region-specific situations, 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 further recognized the good offices work of the Secretary-General and his special representatives and envoys in support of efforts to end conflicts, support the implementation of peace agreements and political transitions and the resolution of outstanding disputes.

As outlined in section IV, during 2023, the discussions in the Council were focused on the obligation of parties to settle disputes peacefully, as provided in Article 33 of the Charter, and the role of the Council in that regard, including in the context of thematic open debates on effective multilateralism through the defence of the principles of the Charter and peace through dialogue and the contribution of regional arrangements to the prevention and peaceful resolution of disputes. The Council also discussed women's participation in international peace and

security, the role of the International Cour of Justice in the resolution of legal disputes in light of Articles 36, and the tools available to the Secretary-General under Article 99, particularly in the context of his decision to invoke that provision in relation to the humanitarian situation in Gaza.

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 2023, the Council convened nine meetings further to communications submitted by Member States under existing items on its agenda. Six of the meetings were held in connection with the Democratic People's Republic of Korea, two in connection with 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" and one in connection with the Palestinian question. Council members also held informal consultations of the whole pursuant to letters from Member States concerning the Democratic People's Republic of Korea and the situation between Guyana and the Bolivarian Republic of Venezuela regarding the Essequibo Region.

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. The General Assembly did not explicitly refer to the Council any matters likely to endanger international peace and security. In a letter addressed to the President of the Council, the Secretary-General invoked Article 99 of the Charter and brought the situation in Gaza to the attention of the Council.¹

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 without an explicit reference to Article 35. This notwithstanding, in 2023, Article 35 was explicitly mentioned in five communications from Member States, namely from Armenia² concerning the situation between Armenia and Azerbaijan, from Egypt³ and Ethiopia⁴ concerning the filling of the Grand Ethiopian Renaissance Dam, and from Guyana⁵

¹ [S/2023/962](#).

² [S/2023/594](#) and [S/2023/687](#).

³ [S/2023/664](#).

⁴ [S/2023/684](#).

⁵ [S/2023/961](#).

concerning the situation between Guyana and the Bolivarian Republic of Venezuela regarding the Essequibo region.

In a letter dated 11 August addressed to the President of the Council,⁶ the representative of Armenia conveyed a letter from the Minister of Foreign Affairs of Armenia, bringing the attention of the Council to the humanitarian situation on the border between Armenia and Azerbaijan. Describing the situation as a total blockade inflicted upon the civilian population near the border, which could bring a full-fledged humanitarian catastrophe, the representative of Armenia requested that an emergency meeting of the Council be convened based on Article 35 (1) of the Charter. Furthermore, by a letter dated 19 September addressed to the President of the Council,⁷ 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 the two countries, which the Minister stated posed an imminent threat to international peace and security. Furthermore, stating that the Council needed to undertake urgent and effective measures in response to the act of aggression by Azerbaijan, the Minister requested an emergency meeting of the Council on the basis of Article 35 (1). In a letter dated 20 September,⁸ the representative of Azerbaijan transmitted a letter in which the Minister of Foreign Affairs of Azerbaijan described Armenia's appeal to the Council as being in violation of the key demands of the Charter on respect for the sovereignty and territorial integrity of States and non-interference with their internal affairs.

In a letter dated 12 September addressed to the President of the Council,⁹ the representative of Egypt conveyed a letter from the Minister for Foreign Affairs of Egypt stating that Ethiopia had announced the completion of the fourth stage of the first filling of the Grand Ethiopian Renaissance Dam reservoir. He added that the unilateral resumption of filling, along with Ethiopia's decision to unilaterally commence the dam's operation in February 2022, amounted to a breach of the 2015 Agreement on Declaration of Principles, which obliged Ethiopia to reach a legally binding agreement on the rules that governed the filling and operation of the dam before commencing such filling and operation. Moreover, reiterating that Ethiopia's continued unilateral practices could pose an existential threat to Egypt and its stability, thereby

⁶ [S/2023/594](#).

⁷ [S/2023/687](#).

⁸ [S/2023/689](#).

⁹ [S/2023/664](#).

endangering regional and international peace and security, the Minister said that, in accordance with Article 35 of the Charter, Egypt had elected to bring the issue of the dam to the attention of the Council. The Minister called upon the Council to discharge its responsibilities under Article 24 of the Charter and to remain seized of the matter to ensure that a peaceful resolution was reached. In a letter dated 18 September,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 Article 35 was not applicable to this matter and that there was no dispute or situation that would lead to international friction or give rise to a dispute. Recalling that the negotiation amongst the Egypt, Ethiopia and the Sudan were being held under the auspices of the African Union, the Minister underlined the need for Egypt to demonstrate readiness for negotiations and compromise instead of mischaracterizing a subject of ongoing negotiations that on no occasion had been considered a security issue by the Council.

In a letter dated 6 December addressed to the President of the Council,¹¹ the representative of Guyana transmitted a letter from the Minister of Foreign Affairs and International Cooperation of Guyana, bringing to the attention of the Council the decision by the Bolivarian Republic of Venezuela to formally annex the Essequibo region on 5 December. The Minister described the matter as a threat to international peace and security, including especially the peace and security of the Latin American and Caribbean region. The Minister further stated that, for the reasons outlined in the letter, pursuant to Article 35 of the Charter, Guyana requested that the President of the Council, in accordance with rule 3 of the Provisional Rules of Procedure, call urgently for a meeting of the Council to determine whether the situation was likely to endanger the maintenance of international peace and security.

In 2023, the Council convened nine meetings pursuant to communications from Member States under existing items on its agenda. Six meetings were held in connection with non-proliferation and the Democratic People's Republic of Korea, two meetings concerning the situation between Armenia and Azerbaijan and one meeting concerning the situation in the Middle East, including the Palestinian question. In addition to the nine formal meetings, Council members also held informal consultations to discuss the situation between Guyana and the

¹⁰ [S/2023/684](#).

¹¹ [S/2023/961](#).

Bolivarian Republic of Venezuela. More information is provided in table 1.

Table 1

Communications bringing disputes or situations to the attention of the Security Council which resulted in a meeting of the Council and/or informal consultations of the whole, 2023

<i>Communication</i>	<i>Action requested of the Security Council</i>	<i>Meeting record and date</i>
The situation in the Middle East, including the Palestinian questions		
Identical letters dated 3 January 2023 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council (S/2023/12)	To convene an emergency Council meeting for immediate action on recent developments in the occupied East Jerusalem	S/PV.9236 5 January 2023
Non-proliferation/Democratic People's Republic of Korea		
Letter dated 18 February 2023 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council (S/2023/122)	To promptly hold a meeting to discuss and respond to the serious violation of Council resolutions following the long-range ballistic missile launch by the Democratic People's Republic of Korea on 18 February 2023	S/PV.9264 20 February 2023
Letter dated 17 March 2023 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council (S/2023/205)	To promptly hold a meeting to discuss and respond to serious violations of Council resolutions following the long-range ballistic missile launch by the Democratic People's Republic of Korea on 16 March 2023	S/PV.9287 20 March 2023
Letter dated 13 April 2023 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council (S/2023/271)	To promptly hold a meeting to consult on and respond to serious violations of Council resolutions following the intercontinental ballistic missile launch by the Democratic People's Republic of Korea on 13 April 2023	S/PV.9305 Informal consultations of the whole ^a 17 April 2023
Letter dated 12 July 2023 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council (S/2023/521)	To promptly hold a meeting to consult on and respond to the serious violations of Council resolutions following long-range ballistic missile launch by the Democratic People's Republic of Korea on 12 July 2023	S/PV.9376 13 July 2023
Letter dated 21 November 2023 from the Permanent Representative of the Republic of Korea to the United Nations addressed to the President of the Security Council (S/2023/908)	To promptly hold an open meeting to consult on and respond to the serious violations of Council resolutions following the long-range missile launch by the Democratic People's Republic of Korea on 21 November 2023	S/PV.9485 27 November 2023
Letter dated 18 December 2023 from the Permanent Representative of the Republic of Korea to the United Nations addressed	To promptly hold an open meeting to consult on and respond to the serious violations of Council resolutions following the long-range ballistic missile launch by the Democratic People's Republic of Korea on 18 December 2023	S/PV.9514 19 December 2023

to the President of the Security Council
([S/2023/996](#))

Identical letters dated 6 December 2023 from the Permanent Representative of Guyana to the Secretary-General and the President of the Security Council ([S/2023/961](#))

Identical letters dated 6 December 2023 from the Permanent Representative of Guyana to the Secretary-General and the President of the Security Council (S/2023/961)	To urgently hold a meeting to determine whether the situation between Guyana and the Bolivarian Republic of Venezuela regarding the Essequibo Region was likely to endanger the maintenance of international peace and security	Informal consultations of the whole 8 December 2023 ^b
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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 11 August 2023 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/2023/594)	To convene an emergency meeting in accordance with Article 35 (1) of the Charter in relation to the deterioration of the humanitarian situation as a result of the blockade inflicted upon the civilian population of Nagorno-Karabakh	S/PV.9397 16 August 2023
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Letter dated 19 September 2023 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council (S/2023/687)	To convene an emergency meeting in accordance with Article 35 (1) of the Charter in relation to the large-scale military aggression of Azerbaijan against the population of Nagorno-Karabakh	S/PV.9422 21 September 2023
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^a See [A/78/2](#), part II, chap. 33.

^b See [S/2024/337](#).

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,¹² 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 stated that 5 August marked the completion of four years of India's "illegal and unilateral actions" in Jammu and Kashmir, which he described as a breach of the Charter, the Security Council resolution and international law. He concluded by urging the Council to exercise its responsibilities for the maintenance of international peace and security and call on India to desist from the use of threat or use of force and expressed his country's expectation that the Secretary-General would exercise his authority and good offices to promote a solution to the Jammu and Kashmir dispute.

Several Member States brought the attention of the Council to the Palestinian question.¹³

¹² [S/2023/582](#).

¹³ See, for example, [S/2023/12](#), [S/2023/742](#), [S/2023/764](#) and [S/2023/1059](#).

In an identical letter dated 7 October addressed to the Secretary-General and the President of the Council,¹⁴ the representative of Israel reported on the attack by Hamas against Israel on the same day and noted that Israel would act in any way necessary to protect its citizens and sovereignty. Finally, in a letter dated 28 December addressed to the President of the Council,¹⁵ the representative of Israel drew the attention of the Council to the “highly disturbing continuation of the dangerous attacks” initiated by Hezbollah and other Palestinian terror organizations, which he described as a violation of Israel’s sovereignty and Council resolutions, in particular resolution [1701 \(2006\)](#). In that regard, the representative reiterated the country’s demand that the Council take a rigorous and effective approach to the implementation of resolution [1701 \(2006\)](#) and expressed Israel’s expectation that UNIFIL discharge its mandate, which was to prevent the recurrence of such violations.¹⁶

In a letter dated 6 November to the Secretary-General and the President of the Security Council,¹⁷ the representative of Djibouti requested the Council continue to remain seized of the developments between Eritrea and Djibouti pursuant to resolution [2662 \(2022\)](#), through which the Council reaffirmed that it would support the two countries in the resolution of disputes in good faith. The representative of Djibouti also reiterated its commitment to the peaceful settlement of these matters in accordance with Article 33 of the Charter including its willingness to submit to binding international arbitration or adjudication by the International Court of Justice.¹⁸

B. Referrals by the Secretary-General

Article 99 of the Charter 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 explicitly referred to Article 99, while bringing to the

¹⁴ [S/2023/742](#).

¹⁵ [S/2023/1059](#).

¹⁶ For more information on the mandate of UNIFIL, see part X, sect I.

¹⁷ [S/2023/839](#).

¹⁸ For more information on the Council’s deliberations on the role of the International Court of Justice in peaceful settlement of disputes, see Part VI, sect. IV, case 10.

attention of the Council the situation in Gaza.

In a letter dated 6 December addressed to the President of the Security Council,¹⁹ citing Article 99 of the Charter, the Secretary-General brought to the attention of the Council a matter which, in his opinion, might aggravate existing threats to the maintenance of international peace and security. Specifically, he noted that, more than eight weeks of hostilities in Gaza and Israel, had created appalling human suffering, physical destruction and collective trauma across Israel and the Occupied Palestinian Territory. The Secretary-General noted that civilians throughout Gaza faced grave danger and that, since the start of Israel's military operation, more than 15,000 people had reportedly been killed, over 40 per cent of whom were children, more than half of all homes had been destroyed, and 80 per cent of the population had been forcibly displaced. He stressed that there was a severe risk of a collapse of the humanitarian system and that the situation was fast deteriorating into a catastrophe with potentially irreversible implications for Palestinians as a whole and for and security in the region. The Secretary-General urged the members of the Council to press to avert a humanitarian catastrophe and reiterated his appeal for a humanitarian ceasefire to be declared so that humanitarian assistance could be delivered in a safe and timely manner across the Gaza Strip. On 8 December, the Council convened to discuss the situation further to the letter of the Secretary-General at a meeting held under the item entitled "The situation in the Middle East, including the Palestinian question" (see case 11).²⁰

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 meetings and other proceedings of the Council. For example, in his introductory remarks at a meeting held on 25 April under the item entitled "Reports of the Secretary-General on the Sudan and South Sudan", the Secretary-General stated that, since 15 April, the Sudan had been ravaged by a deadly conflict that was having an impact across the country and a potential impact on the region and beyond.²¹ He called on fighting to stop immediately and on the Sudanese Armed Forces and the Rapid Support Forces to silence the guns. He also urged all Council members, other Member States and regional organizations with influence to press the parties to de-escalate tensions and return to negotiation.

¹⁹ [S/2023/962](#).

²⁰ See [S/PV.9498](#).

²¹ See [S/PV.9310](#).

On 28 July, Council members held an informal interactive dialogue²² to discuss a white note submitted by the Office for the Coordination of Humanitarian Affairs (OCHA) pursuant to paragraph 12 of resolution [2417 \(2018\)](#), by which the Council requested the Secretary-General to report swiftly when the risk of conflict-induced famine was widespread and food insecurity in armed conflict contexts occurred. Council members were briefed by the Assistant Secretary-General of the Office for the Coordination of Humanitarian Affairs, the Director of Office of Emergencies and Resilience of the Food and Agricultural Organization and the Deputy Executive Director of the World Food Programme.

C. Referrals by the General Assembly

Under Article 11 (3) of the Charter, the General Assembly may call the attention of the Council to situations which are likely to endanger international peace and security. During the period under review, the General Assembly did not refer any situations to the Council pursuant to that Article.²³

²² See [A/78/2](#), Introduction, p. 19.

²³ For more information regarding the relations between the Council and the General Assembly, see part IV, sect. I.

II. Investigation of disputes and fact-finding

Article 34

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

Note

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

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

During the reporting period, the Council did not make any explicit reference to Article 34 of the Charter in its decisions, nor did any communication addressed to the Council explicitly invoke this Charter provision. Article 34 was, however, explicitly referred to on two occasions in Council meetings held under the items entitled "Maintenance of peace and security of Ukraine"²⁴ and "Threats to international peace and security".²⁵

During the year under review, the Council dispatched two missions to the field, namely, to the Democratic Republic of the Congo and Ethiopia. The objectives of the missions were to take stock of the situation on the ground, assess the implementation of relevant mandates in the region, advocate for a political solution to the crises and discuss ways to enhance cooperation between the Council and the African Union. The Council acknowledged the investigative

²⁴ See [S/PV.9431](#).

²⁵ See [S/PV.9436](#).

functions of the Secretary-General by its decisions in connection with the situations in Iraq, through which it expressed support for the work of the Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) in supporting domestic efforts to hold members of Islamic State in Iraq and the Levant (ISIL/Da'esh) accountable for acts that might amount to war crimes, crimes against humanity and genocide. The Council also recognized the work of the Office of the High Commissioner for Human Rights (OHCHR), the Human Rights Council and the Organization for the Prohibition of Chemical Weapons (OPCW) in connection with the situations in the Democratic People's Republic of Korea, the Syrian Arab Republic, the Sudan, South Sudan, Ukraine and Western Sahara.

A. Security Council missions

In 2023, the Council dispatched two missions, consisting of all 15 Council members, to the Democratic Republic of the Congo and Ethiopia. Neither mission was explicitly charged with investigative tasks. The objectives of the Council's mission to the Democratic Republic of the Congo were, among other things: (a) to assess the security situation in the Democratic Republic of the Congo and the efforts of the United Nations Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to implement its mandate; (b) to assess responses to persistent violence in some parts of the Democratic Republic of the Congo, as well as regarding the humanitarian situation in the country; (c) to demand that all armed groups cease immediately all forms of violence; and (d) to support regional efforts to promote peace and stability, including the East African Community-led Nairobi process and the African Union-mandated mediation under the aegis of Angola.²⁶ The objective of the Council's mission to Ethiopia was to participate in the eighth informal joint seminar and the seventeenth annual joint consultative meeting between the members of the Security Council and the African Union Peace and Security Council.²⁷

Table 2 provides more information on the mission dispatched in 2023, including their terms of reference and reports to the Council.

²⁶ See [S/2023/186](#).

²⁷ See [S/2023/749](#) and [A/78/2](#). For more information on the practice of the Council concerning the informal joint meetings with the Peace and Security Council of the African Union, see Repertoire, *Supplements 2008-2009* to 2023, part II, sect. I. C.

Table 2
Security Council missions, 2023

<i>Duration</i>	<i>Destination</i>	<i>Composition</i>	<i>Terms of reference</i>	<i>Report</i>	<i>Meeting record and date</i>	<i>Item</i>
9-12 March	Democratic Republic of the Congo	All Council members (co-leaders: France, Gabon)	S/2023/186 7 March 2023	S/2023/430 27 June 2023	S/PV.9297 29 March 2023	Security Council mission
5-6 October	Ethiopia	All Council members (co-leaders: Brazil, Mozambique)	S/2023/710 26 September 2023	No report available	No meeting held	

In addition, Council missions were referenced in a communication submitted to the Council during the period under review. In a letter dated 17 March addressed to the President of the Council,²⁸ the representative of Finland transmitted the report of the twentieth annual workshop for the newly elected members of the Council, held on 17 and 18 November 2022 in New York. According to the report, during the workshop, some members lamented the lack of Council visiting missions in 2022.

The role of Council missions was also raised in several Council meetings. For example, at a meeting held on 7 March under the item entitled “Women and peace and security”, the Minister for Foreign Affairs and Cooperation of Mozambique noted that the United Nations had to ensure that Council missions took into account gender mainstreaming and women’s rights, including in consultation with local and international women’s groups.²⁹ Furthermore, at a meeting held on 21 August under the item entitled “The situation in the Middle East, including the Palestinian question”, the representative of the Russian Federation recalled that for many years his delegation had supported all relevant initiatives, including the idea of organizing a Council mission to the Palestinian territories and Israel.³⁰

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).

²⁸ See [S/2023/206](#).

²⁹ See [S/PV.9276](#).

³⁰ See [S/PV.9400](#).

Case 1

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

On 5 September, 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,³¹ 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](#))”.³²

In the discussion, the representative of Ecuador, speaking on behalf of the elected members of the Council, stated that Council missions to the field had proven to be a valuable tool for the Council to understand, assess and prevent the escalation of specific conflicts or situations. The representative of Slovakia held the view that the Council’s visiting missions could bring the benefit of a first-hand view of fragile settings on the ground and the possibility of delivering messages directly to key stakeholders. Furthermore, reminding that travel restrictions due to the COVID-19 pandemic were largely lifted, and considering that there was not a single mission visit in 2022, he urged the Council to revisit the practice. Similarly, the representative of Slovenia expressed support for a return to the practice of Council missions to the field, adding that while new technologies could facilitate and expedite flows of information and should be used regularly, visiting the field and gathering first-hand impressions and experience could never truly be substituted.

The representative of Norway, speaking on behalf of the members of the Accountability, Coherence and Transparency group, said that the group echoed recommendations made by the Secretary-General on elevating the work of the Peacebuilding Commission, not only integrating the Commission more in the work of the Council, including in missions to the field, but for the Council to ask for and use its advice better.³³ Expressing a similar view, the representative of Portugal noted that, to further strengthen its coherence, the Council would also benefit from cooperating more closely with the Peacebuilding Commission, for instance, through joint visits

³¹ A concept note was circulated by a letter dated 28 August 2023 ([S/2023/630](#)). See also the analytical summary of the open debate annexed to a letter dated 28 November 2023 ([S/2023/921](#)).

³² See [S/PV.9410](#) and [S/PV.9410 \(Resumption 1\)](#).

³³ See [S/PV.9410](#).

to United Nations missions in the field. She added that such missions should take place more frequently.

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

In 2023, 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 the Council, as detailed below.

Decisions of the Council

In its decisions adopted in 2023, the Council acknowledged the investigative and fact-finding functions of the Secretary-General in connection with the situations concerning the Central African Republic, the Democratic Republic of the Congo, Iraq and South Sudan. The relevant provisions of those decisions are set out in table 3 below.

Table 3

Decisions relating to investigative and/or fact-finding activities by the Secretary-General, 2023

<i>Decision and date</i>	<i>Provision</i>
The situation in the Central African Republic	
Resolution 2709 (2023) 15 November	Taking note of the 2022 United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) 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 (ninth preambular paragraph)
The situation concerning the Democratic Republic of the Congo	
Resolution 2688 (2023) 27 June	Welcoming efforts by the Government of the Democratic Republic of the Congo 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)
	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. 9)

The situation concerning Iraq

<p>Resolution 2682 (2023) 30 May</p>	<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 UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/ISIL (UNITAD) established in resolution 2379 (2017) (para. 2 (d))</p>
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Reports of the Secretary-General on Sudan and South Sudan

<p>Resolution 2677 (2023) 15 March</p>	<p>Expressing grave concern at ongoing reports of sexual and gender-based violence, including the findings of the report of the Secretary-General on Children and armed conflict in South Sudan (S/2023/99) and on Conflict Related Sexual Violence to the Security Council (S/2022/272) of the use of sexual and gender-based 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 sexual and gender-based violence against women and girls has persisted after the signing of the Revitalised Agreement, as documented in the March 2022 report published by UN Commission on Human Rights in South Sudan (CHRSS) on “Conflict-Related Sexual Violence against women and girls 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, including conflict-related sexual violence (twelfth preambular paragraph)</p>
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Threats to international peace and security

<p>Resolution 2697 (2023) 15 September</p>	<p>Expressing its appreciation for the valuable contribution of the Investigative Team established by resolution 2379 (2017) to support domestic efforts to hold members of ISIL/Da'esh accountable by collecting, preserving, and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity and genocide committed by the terrorist group ISIL/Da'esh in Iraq (seventh preambular paragraph)</p> <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 the applicable international law and the Investigative Team's Terms of Reference (eighth 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>
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Takes note of the request from the Government of Iraq for a non-extendable one year extension of the mandate of the Special Adviser and the Team contained in its letter dated 5 September 2023 ([S/2023/654](#)); and decides accordingly to extend the mandate of the Special Adviser and the Team until 17 September 2024 only (para. 2)

Further takes note of the request from the Government of Iraq for the Investigative Team to promote national accountability in Iraq for members of ISIL/Da'esh and those who provided assistance and financing to this terrorist organisation by providing the evidence it has to the Government of Iraq within the next year (para. 3)

Requests the Investigative Team, with the approval of the Government of Iraq, determine the modalities for evidence sharing with third states, further requests that the Investigative Team communicate to the Government of Iraq on what previous evidence has been shared with third states, and recalls the importance of promoting throughout the world, accountability for acts that may amount to war crimes, crimes against humanity or genocide committed by ISIL/Da'esh (para. 5)

Requests the Special Adviser to continue to submit and present reports to the Council on the Team's activities every 180 days and to develop, by 15 March 2024, in consultation with the Government of Iraq, a roadmap for the completion of the Team's mandate, including with respect to Iraq's request set out in paragraph 3 and the necessary steps for the Team's closure (para.6)

Meetings of the Council

In 2023, speakers referred to the investigative authority of the Council and the role of the Secretary-General in several meetings of the Council. 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 “Non-proliferation” (case 2) and “Threats to international peace and security (case 3)”.

Case 2

Non-proliferation

At a meeting held on 6 July under the item entitled “Non-proliferation”, the Council heard a briefing by the Under-Secretary-General for Political and Peacebuilding Affairs further to the report of the Secretary-General on the implementation of implementation of resolution [2231 \(2015\)](#).³⁴ In her statement, the Under-Secretary-General noted that France, Germany, Ukraine, the United Kingdom and the United States had reiterated their request for the

³⁴ See [S/PV.9367](#). See also [S/2023/473](#).

Secretariat to examine the debris of unmanned aerial vehicles in Ukraine, which they alleged were transferred to the Russian Federation by the Islamic Republic of Iran in a manner inconsistent with resolution [2231 \(2015\)](#). She further noted that the Secretariat would continue to examine the available information and that it was still analysing the available information concerning the debris of a cruise missile used in an attack by the Houthis on the Al-Dabba oil terminal in November 2022.

During the subsequent discussion, several representatives reiterated the call for the Secretariat to investigate potential violations of resolution [2231 \(2015\)](#) in connection with the war in Ukraine.³⁵ Specifically, the representative of the United States called on the Secretariat to, without any further delay, send a team of investigators to Kyiv to examine the debris from the weapons used by the Russian Federation against Ukraine, as well as a team of investigators to review materiel recovered by the United Kingdom.³⁶ He added that the mandate of the Secretariat under resolution [2231 \(2015\)](#) was clear and required no less. The representative of Switzerland encouraged the Secretariat to make full use of its flexibility to independently review the information provided and to respond to invitations for an on-site review. The representative of Albania noted that his delegation awaited the full and timely assessment of the Secretariat on the debris of the ballistic missiles used by the Houthis in their attacks on Saudi Arabia and the United Arab Emirates, and reiterated the call to the Secretariat to provide full clarity on the issue of the use of unmanned aerial vehicles in Ukraine.

The representative of the Russian Federation stressed that the resolution [2231 \(2015\)](#) cell in the Secretariat lacked the authority to take investigative actions and that the functions of the Secretariat related to the resolution were of a purely administrative and technical nature. He therefore urged the representatives of the Secretariat to strictly comply with their obligations and refrain from the practice of non-consensual visits and unauthorized investigations, in violation of Article 100 of the Charter. The representative of the Islamic Republic of Iran reiterated his delegation's position that the repeated request to the Secretariat to conduct the so-called "investigations" lacked a legal basis and that any finding or conclusion by the Secretariat based on such illegal activities was null and void.

³⁵ See [S/PV.9367](#), United States, Switzerland, Japan, Albania and France.

³⁶ See [S/PV.9367](#).

Subsequently, at a meeting held under the same item on 18 December, the Under-Secretary-General for Political and Peacebuilding Affairs reported on the alleged transfers of uncrewed aerial vehicles (UAVs) from the Islamic Republic of Iran to the Russian Federation and the debris of those UAVs reportedly recovered from Russian attacks against Ukraine in the fall of 2022.³⁷ She noted that the Secretariat had attended a briefing organized by the United Kingdom and the United States, which displayed various weapon systems, including debris from UAVs reportedly recovered from Ukraine after the Russian attacks, along with similar UAV debris allegedly retrieved from attacks in Iraq, for which the Islamic Republic of Iran claimed responsibility. She also stated that the Secretariat examined the debris from a cruise missile used in an attack by the Houthis on the Al-Dhaba oil terminal in Yemen and subsequently assessed that the cruise missile used in the November 2022 attack was of Iranian origin and might have been transferred in a manner inconsistent with resolution [2231 \(2015\)](#).

During the discussion, the representative of the United States expressed his delegation's appreciation to the United Nations for its investigation into the cruise missile of Iranian origin used against the Al-Dhaba oil terminal and the ballistic missile components seized by the United Kingdom from a vessel in the Gulf of Oman. Regarding the alleged transfers of Iranian drones to his country for use in Ukraine, the representative of the Russian Federation opined that urging the Secretariat to investigate such a claim was in violation of Article 100 of the Charter. He stated that the team for the implementation of resolution [2231 \(2015\)](#) had neither a mandate nor the expertise to carry out verification, inspection or attribution activities and that by choosing to attend the event organized by the United States and the United Kingdom, the implementation team clearly overstepped their official duties as set out in the note by the President of 16 January 2016 ([S/2016/44](#)). Similarly, the representative of the Islamic Republic of Iran opined that the activities carried out by the Secretariat were unauthorized and unlawful, representing a clear violation of its designated mandate as outlined in the presidential note and Article 100 of the Charter.

Case 3

Threats to international peace and security

³⁷ See [S/PV.9511](#).

At a meeting held on 4 December under the item entitled “Threats to international peace and security”, the Council was briefed by the Special Adviser and Head of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da’esh/Islamic State in Iraq and the Levant (UNITAD) on the eleventh report on the activities of UNITAD.³⁸ In his remarks, the Special Adviser noted that UNITAD remained committed to delivering on its core mandated tasks as stipulated in resolution [2379 \(2017\)](#), while also focusing on implementing resolution [2697 \(2023\)](#), which extended the Investigative Team’s mandate only until 17 September 2024 and requested it to fulfil additional tasks towards the implementation of both resolutions. With a view to ensuring that its investigations concluded in a deliberate and orderly manner, UNITAD finalized and shared with the Iraqi judiciary a comprehensive case assessment report on the development and use of chemical weapons by the Islamic State in Iraq and the Levant (ISIL/Da’esh) and published a report detailing crimes of sexual violence perpetrated by the group. The Special Adviser noted that, despite a shift in resources to expedite less advanced investigations, UNITAD would not be able to deliver final outputs on all initiated lines of inquiry by September 2024 and would be deprioritizing investigations that could not be completed within one year. The Special Adviser stressed the importance of not only establishing a record of international crimes committed by ISIL/Da’esh but also holding the members of the group who committed crimes to account through evidence-based trials and before competent courts in Iraq and third States. As an example, the Special Adviser noted that UNITAD and the Iraqi judiciary had developed the first joint case file which was shared with a third State concerned and led to an arrest of the suspect. UNITAD also remained committed to supporting Iraq domestically in establishing a legal basis for investigating and prosecuting international crimes, which would pave the way for trials of ISIL/Da’esh perpetrators with the participation of Iraqi victims and witnesses. Moreover, while recalling that UNITAD’s holdings contained 39 terabytes of information collected over the past five years from diverse sources, the Special Adviser stated that the Investigative Team looked forward to further guidance on how that evidence could be shared with Iraq in the forthcoming report of the Secretary-General in January 2024. The Special Adviser warned against a premature end to the mandate of UNITAD and urged the Government of Iraq and the Council to give due consideration to the end state of the mandate rather than the end date. Finally, he also noted the shared view between UNITAD and Iraq that capacity-

³⁸ See [S/PV.9493](#).

building had to continue and intensify, in order to ensure that national capacities remained sustainable and operational in the long term.

During the subsequent discussion, Council members and the representative of Iraq acknowledged the progress made by UNITAD in its investigations and exchanged views on the priorities and modalities of its work in light of the anticipated completion of its mandate in September 2024. Speakers welcomed the strengthening of cooperation between UNITAD and Iraq on defining the modalities for the transfer of evidence to the Iraqi judiciary³⁹ and noted the upcoming report of the Secretary-General which would provide more details in that regard.⁴⁰ The representative of Malta stated that any evidence transfers had to be consistent with international human rights law and the Investigative Team's term of reference, including United Nations best practices and that the key to overcoming existing challenges was the adoption of a domestic legal framework enabling the prosecution of international crimes, namely, genocide, war crimes and crimes against humanity. Several representatives recalled the policy of the United Nations on not sharing of evidence for legal proceedings involving the possible use of the death penalty. The representative of Switzerland expressed opposition to the death penalty in all circumstances, as it was incompatible with respect for human rights and human dignity.⁴¹ The representative of Malta stated that domestic legislation must progress as a matter of priority and preclude the application of the death penalty in line with United Nations best practices.⁴² Similarly, the representative of France recalled the position of the United Nations with regard to the non-transmission of evidence for legal proceedings involving the possibility of a death sentence.⁴³ The representative of Mozambique stressed the importance for Iraq to establish a sufficient domestic legal framework, so as to effectively utilize evidence gathered by UNITAD. The representatives of France, Switzerland and the United Kingdom also underscored the need to maintain a victim-centered approach in the investigation of sexual and gender-based violence.

The representative of the Russian Federation reminded Council members that the main task of UNITAD was the provision of assistance specifically to Iraq in prosecuting members of ISIL/Da'esh and demanded that any and all materials collected by the Investigative Team be

³⁹ United Kingdom, Ghana, Russian Federation, Brazil, France, Gabon, Switzerland, United States, United Arab Emirates, Japan, China, Malta and Ecuador.

⁴⁰ United Kingdom, Russian Federation, France, United States, Japan, Malta and Ecuador.

⁴¹ Switzerland.

⁴² Malta.

⁴³ France.

handed over to the Iraqi authorities without delay or preconditions, as stipulated in [2379 \(2017\)](#). He further drew attention to the fact that statements on the shortcomings of national legislations could not be used as a pretext to prevent the implementation of the Council's instructions. The representative of China emphasized that UNITAD should work to ensure a timely and systematic handover of all evidence to the Iraqi Government, adding that UNITAD was a temporary and transitional arrangement made by the Council in support of Iraq's accountability efforts. The representative of the United Arab Emirates also recalled that resolution [2379 \(2017\)](#) designated the Iraqi Government as the primary recipient of that evidence and stressed that the upcoming proposals of the Secretary-General in that regard had to be both practical and applicable, with full respect for Iraq's sovereignty.

Several Council members also welcomed the conclusion of an agreement between UNITAD and the Government of Iraq on the modalities for sharing information with third States and encouraged continued dialogue in that regard to ensure its implementation.⁴⁴ The representative of the United Kingdom strongly encouraged UNITAD and the Government of Iraq to find a way forward for third party evidence-sharing, which was critical to ensuring that members of ISIL/Da'esh could not escape impunity by fleeing abroad. Recognizing the importance of evidence-sharing between UNITAD and other countries, including his own, the representative of the United States cautioned about the implications of a premature closure of the Investigative Team and emphasized that it needed to be ready to continue its work in Iraq beyond the upcoming year, should the demand remain. The representative of the Russian Federation expressed hope that the step would enable ensuring compliance with the conditions necessary to secure Iraq's authorization for such transfers in the future. The representative of Brazil stressed that the sharing of evidence with third parties should be done in a manner that respected Iraq's sovereignty and jurisdiction over crimes committed on its territory and against its citizens. A number of delegations specifically addressed the issue of the closure of UNITAD in September 2024. While acknowledging that its work would not be completed in a meaningful way by September 2024, the representative of Ghana stated that it was important to ensure that the expectations of the host Government for the Investigative Team's future were fully met. The representative of Switzerland expressed concern about the risk that certain essential investigations would not be finalized on time and that requests for mutual assistance from the

⁴⁴ Ghana, Russian Federation, Gabon, Japan, United Arab Emirates, China, Malta and Ecuador.

national authorities of third States would go unanswered. The representative of Malta stated that the drawdown of UNITAD's functions should be gradual and orderly, recognizing the need to appropriately deal with confidential and sensitive evidence.

In his remarks, the representative of Iraq reiterated his Government's position that the extension of the UNITAD mandate until 17 September 2024 was the final one and that the Investigative Team had to present and hand over all evidence to the Government for use before Iraqi national courts. While noting that the creation of the Investigative Team had been a new and unique experiment in cooperation among States and international organizations in achieving criminal accountability, the representative added that the delivery of the evidence to the Government of Iraq would prove whether the experience had succeeded or not. With regard to the sharing of evidence with third States, the representative of Iraq underscored that it had to be done with the support and coordination with the Government of Iraq.

Communications submitted to the Council

The Secretary-General did not undertake any new investigative action during the reporting period. With respect to ongoing investigations, in his report dated 16 January on the internal review of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), the Secretary-General noted that the Mission would follow up on the recommendations of the International Commission of Inquiry for Mali, which was 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 committed throughout the territory of Mali between 2012 and 2018.⁴⁵ Furthermore, in accordance with the existing practice, by his letters dated 22 May and 16 November addressed to the President of the Council,⁴⁶ the Special Adviser of the Secretary-General and Head of UNITAD transmitted to the Council the tenth and eleventh reports on the activities of the Investigative Team.

Beyond ongoing investigations, the investigative authority of the Council and the role of the Secretary-General were discussed in several communications submitted to the Council. In a letter dated 23 January addressed to the Secretary-General and circulated as a document of the

⁴⁵ See [S/2023/36](#).

⁴⁶ See [S/2023/367](#) and [S/2023/882](#).

Council,⁴⁷ the representative of Armenia transmitted a letter from the President of the “Republic of Artsakh (Nagorno-Karabakh Republic),” drawing attention of the Secretary-General and the Council to the recent developments in relation to the blockade of the Lachin corridor since 12 December 2022. He asked for the Special Adviser of the Secretary-General on the Prevention of Genocide to become fully engaged in addressing the alarming situation in Artsakh and to collect relevant information so as to prepare a report for the Secretary-General. He also recommended that the Secretary-General dispatch a fact-finding mission to the region to monitor the situation on the ground. Furthermore, in a letter dated 6 March,⁴⁸ the representative of Armenia transmitted a statement of the Ministry of Foreign Affairs of Armenia regarding an incident involving the Azerbaijani armed forces in the Nagorno-Karabakh region, which stated that, under the circumstances as described in the letter, sending an international fact-finding mission to the Lachin corridor and Nagorno-Karabakh had become a vital necessity.

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 above matter, including, in some instances, on the investigatory actions taken by the Secretariat.⁴⁹ For example, in a letter dated 18 May addressed to the President of the Security Council,⁵⁰ the representative of the United Kingdom noted that, on 23 February in the Gulf of Oman, HMS Lancaster seized components for medium-range ballistic missiles that the United Kingdom assessed were being smuggled from the Islamic Republic of Iran to the Houthis. The United Kingdom stated that the transfer of such missiles to the Houthis violated the arms embargo set out in resolution [2216 \(2015\)](#) and the prohibition of the transfer of such items set out in resolution [2231 \(2015\)](#), and stated that it looked forward to welcoming the Secretariat team to the United Kingdom to consider all evidence of violations. In a letter dated 22 May,⁵¹ the representatives of France, Germany and the United Kingdom expressed their continuing concern about the transfer of unmanned aerial vehicles from the Islamic Republic of

⁴⁷ See [S/2023/55](#).

⁴⁸ See [S/2023/174](#).

⁴⁹ See [S/2023/368](#), [S/2023/373](#), [S/2023/418](#), [S/2023/440](#), [S/2023/496](#), [S/2023/581](#), [S/2023/610](#), [S/2023/628](#), [S/2023/661](#) and [S/2023/683](#). See also the fifteenth ([S/2023/473](#)) and sixteenth reports ([S/2023/975](#)) of the Secretary-General on the implementation of resolution [2231 \(2015\)](#) and the letters dated 30 June ([S/2023/488](#)) and 14 December 2023 ([S/2023/989](#)) from the Security Council Facilitator for the implementation of resolution [2231 \(2015\)](#) addressed to the President of the Security Council.

⁵⁰ See [S/2023/362](#).

⁵¹ [S/2023/368](#).

Iran to the Russian Federation in violation of resolution [2231 \(2015\)](#) and restated their desire for an investigation by the Secretariat team. In a letter dated 23 May,⁵² the representative of the Russian Federation, while rejecting the allegations made by France, Germany and the United Kingdom regarding the violation of resolution [2231 \(2015\)](#), described the requests for an investigation by the Secretariat as attempts to give instructions in violation of Article 100 (2) of the Charter and in contradiction of the note by the President dated 16 January 2016 ([S/2016/44](#)), outlining the tasks of the Secretariat in relation to the resolution. Moreover, the representative urged the Secretariat to strictly abide by its mandate and stated that the Russian Federation would regard any non-mandated activity by the Secretariat, including its inspections on the ground, as undermining the implementation of resolution [2231 \(2015\)](#) and the process of restoration of the Joint Comprehensive Plan of Action.⁵³

In a letter dated 5 September addressed to the President of the Council,⁵⁴ the Chargé d'affaires a.i. of the Permanent Mission of Iraq transmitted a letter from the Deputy Prime Minister and Minister for Foreign Affairs of Iraq regarding the wish of the Government of Iraq to extend the mandate of UNITAD for one year only and without the possibility of extension, until 12 September 2024. The Deputy Prime Minister emphasized that, during that period, UNITAD had to turn over all evidence that it had obtained from Iraq since 2017 and provide information related to the use of artificial intelligence for enhancing detection of evidence, as well as any other evidence that was important to promoting accountability in Iraq for members of Da'esh/ISIL and those who provided assistance and financing to the terrorist organization. The Government further requested UNITAD not to share evidence with third countries during the period and to disclose to the Government the nature of the evidence that the Investigative Team had shared with third countries, as well to submit a final report containing a review of the implementation of the letter.⁵⁵

⁵² See [S/2023/373](#).

⁵³ For more information, see also case 2.

⁵⁴ See [S/2023/654](#).

⁵⁵ For further information, see case 3.

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 2023, the Council recognized the investigative functions of the Office of the High Commissioner for Human Rights and the Human Rights Council, in relation to the situation in South Sudan, as set out in table 4.⁵⁶

Table 4

Decision relating to investigation and inquiry by United Nations bodies and related organizations, 2023

<i>Decision and date</i>	<i>Provision</i>
Reports of the Secretary-General on the Sudan and South Sudan	
Resolution 2677 (2023) 15 March	<p>Expressing grave concern at ongoing reports of sexual and gender-based violence, including the findings of the report of the Secretary-General on Children and armed conflict in South Sudan (S/2023/99) and on Conflict Related Sexual Violence to the Security Council (S/2022/272) of the use of sexual and gender-based 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 sexual and gender-based violence against women and girls has persisted after the signing of the Revitalised Agreement, as documented in the March 2022 report published by the United Nations Commission on Human Rights in South Sudan on “Conflict-Related Sexual Violence against women and girls 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, including conflict-related sexual violence (twelfth preambular paragraph)</p> <p>Stressing the importance of transitional justice measures included in Chapter V of the Revitalised Agreement, to end impunity and promote accountability, facilitate national reconciliation and healing, and ensure a sustainable peace, particularly those efforts undertaken by the United Nations-mandated Commission on Human Rights in South Sudan, and in this regard, recognizing the operationalization of a Gender-Based Violence and Juvenile Court by the Judiciary of South Sudan, and the establishment of mobile courts to combat impunity including for intercommunal violence and human</p>

⁵⁶ For further information on relations with other United Nations organs, see part IV.

rights abuses and violations involving killings and rape, acknowledging the approval by the Government of South Sudan to establish transitional justice mechanisms, including the Hybrid Court for South Sudan, and further recognizing that the Government of South Sudan conducted nationwide consultations on the Commission for Truth, Reconciliation, and Healing, encouraging it to continue to hold meaningful consultations with all stakeholders, including full, equal, and meaningful participation of women, and inclusion of youth, victims, persons with disabilities, and internally displaced persons, and South Sudanese refugees, emphasizing its expectation that all credible reports of human rights violations and abuses will be duly considered by any transitional justice mechanisms for South Sudan including those established pursuant to the Revitalised Agreement, stressing the importance of ensuring accountability for IHL violations and expressing grave concern that according to credible reports, war crimes and crimes against humanity may have been committed, underlining 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 2023, the Council discussed the investigations of other bodies of the United Nations and related organizations such as the work of the Organization for the Prohibition of Chemical Weapons (OPCW) Investigation and Identification Team and Fact-Finding Mission in the Syrian Arab Republic,⁵⁷ as well as the Independent Fact-Finding Mission on Libya established by the Human Rights Council.⁵⁸ The most in-depth discussions were held in connection with the Independent International Commission of Inquiry on Ukraine (case 4) and the commission of inquiry on human rights in the Democratic People's Republic of Korea (case 5), both established by the Human Rights Council, and the OPCW Investigation and Identification Team and Fact-Finding Mission in the Syrian Arab Republic (case 6).

Case 4

Maintenance of peace and security of Ukraine

On 15 May, at a meeting held under the item entitled “Maintenance of peace and security of Ukraine”, Council members and other Member States referred to the work of the Independent International Commission of Inquiry on Ukraine, established by the Human Rights Council on 4 March 2022, to investigate violations of human rights and international humanitarian law since the outbreak of the war on 24 February 2022.⁵⁹

⁵⁷ See [S/PV.9255](#), [S/PV.9372](#), [S/PV.9393](#), [S/PV.9411](#), [S/PV.9519](#), [S/PV.9275](#), [S/PV.9255](#) and [S/PV.9235](#).

⁵⁸ See [S/PV.9320](#), [S/PV.9306](#) and [S/PV.9469](#).

⁵⁹ See [S/PV.9321](#). See also [A/HRC/RES/49/1](#).

In his remarks, the representative of Albania stated that the findings of the Independent Commission of Inquiry on Ukraine and of the Organization for Security and Cooperation in Europe (OSCE)'s Moscow Mechanism pointed clearly to the commission of war crimes and crimes against humanity in various regions of Ukraine and that evidence would one day be presented to a court of law for accountability. The representative of Malta recalled that, according to the report by the Commission of Inquiry, the forced transfer and deportation of Ukrainian children to the Russia Federation or regions under Russian control were violations of international humanitarian law and amounted to war crimes. In that regard, she called for a prompt return of those children to Ukraine using technical assistance from international organizations.

Also recalling the conclusions of the Commission of Inquiry, the representative of Switzerland stated that perpetrators had to be held accountable and expressed support for the recommendation of the Commission of Inquiry that complementary instruments, such as victims' registry and psychosocial services, be put in place. The representative of Romania reminded that the March report of the Commission recommended that the Russian Federation limit the use of private military and security companies as they were generally less accountable than regular forces. The representative of Lithuania stated that the OSCE Moscow Mechanism mission of experts on the situation of Ukrainian children and the Human Rights Council's Independent International Commission of Inquiry on Ukraine were all concrete steps towards accountability and safeguarding international humanitarian law.

Case 5

The situation in the Democratic People's Republic of Korea

At a meeting held on 17 August under the item entitled "The situation in the Democratic People's Republic of Korea", Council members discussed the work of the commission of inquiry on human rights in the Democratic People's Republic of Korea.⁶⁰ Prior to the discussion, the Council heard briefings by the United Nations High Commissioner for Human Rights and the Special Rapporteur on the situation of human rights in the Democratic People's Republic of

⁶⁰ See [S/PV.9398](#).

Korea. In his briefing, the High Commissioner noted that the people of the Democratic People's Republic of Korea were suffering both severe economic difficulty and repression of their rights, a situation that followed decades of chronic human rights violations. He noted that those violations had been catalogued in detail by the commission of inquiry on human rights in the Democratic People's Republic of Korea in its groundbreaking report of 7 February 2014,⁶¹ which contributed to the creation of the agenda item, and that recent reports of the Secretary-General to the General Assembly, reports of his Office to the Human Rights Council and the work of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea had all echoed that litany of suffering.

During the discussion, several speakers discussed the lack of improvement in the human rights situation in the Democratic People's Republic of Korea since the commission of inquiry issued its report almost a decade ago. The representative of the United States stated that it was the reason why the human rights situation in the Democratic People's Republic of Korea demanded the Council's attention.⁶² Recalling that the last Council meeting on the issue was held six years ago, the representative of Albania stated that the same troubling patterns persisted since the commission of inquiry identified systemic and gross violations of human rights in the Democratic People's Republic of Korea over a decade ago.⁶³ Similarly, the representative of Malta noted that human rights violations continued since the commission's report exposed gross violations amounting to crimes against humanity and that those were intrinsically linked to the threats posed by the Democratic People's Republic of Korea to international peace and security.⁶⁴ The representative of the United Kingdom stated that the Democratic People's Republic of Korea failed to acknowledge the report of the commission of inquiry of 2014 and urged it to engage in a genuine and positive spirit with the United Nations Special Rapporteur to bring about permanent change and improvements for the people of the country.

Case 6

The situation in the Middle East

⁶¹ See [A/HRC/25/63](#).

⁶² See [S/PV.9398](#).

⁶³ See also [S/PV.8130](#).

⁶⁴ See [S/PV.9398](#).

On 7 February, at a meeting held under the item entitled “The situation in the Middle East”, Council members and other speakers discussed the work of the OPCW Investigation and Identification Team and Fact-Finding Mission in the Syrian Arab Republic.⁶⁵ Council members were briefed by the High Representative for Disarmament Affairs, the Director-General of the OPCW and the Coordinator of the OPCW Investigation and Identification Team.

At the outset of the meeting, the representative of the Russian Federation raised a point of order about the participation in the meeting of the Coordinator of the OPCW Investigation and Identification Team, stating that there were no grounds for the Coordinator’s presence, given that the legitimacy of the team was not recognized by a number of members of the Council. Noting that the team had drawn up a report following a two-year investigation of the chemical weapons attack in Douma in 2018,⁶⁶ the representative of France responded that there was a clear interest in the Council in hearing the Coordinator and giving him an opportunity to respond to questions from Council members.

In her statement, the High Representative for Disarmament Affairs noted that the OPCW Fact-Finding Mission was still in the process of studying all the available information related to allegations of the use of chemical weapons in the Syrian Arab Republic. She also noted that it was deployed to the country from 6 to 12 November 2022 and was currently preparing for future deployments.⁶⁷

The Director-General of OPCW briefed the Council on the third report of the Investigation and the Identification Team, concerning the chemical weapons attack that took place in Douma, Syrian Arab Republic, on 7 April 2018.⁶⁸ He noted that the report elaborated on the findings from the Fact-Finding Mission, which had determined that highly concentrated chlorine gas had been used in the Douma incident. According to the Director-General, the investigation of the Investigation and the Identification Team concluded that there were reasonable grounds to believe that at least one helicopter of the Syrian Arab Air Force dropped two yellow cylinders that hit two residential buildings, resulting in the deaths of 43 individuals. He stressed the importance of accountability, citing calls from the Council and other international bodies for those responsible for chemical weapon attacks to be held accountable.

⁶⁵ See [S/PV.9255](#).

⁶⁶ See [S/2023/81](#).

⁶⁷ See [S/PV.9255](#).

⁶⁸ See [S/2023/81](#).

He further highlighted that every report produced by the Technical Secretariat of the OPCW, including those of the Investigation and the Identification Team, followed the highest standards and best practices used by international investigative bodies for reaching solid conclusions and that its report was prepared with strict respect for the independence of the investigation. He further emphasized that, through its work, the OPCW provided the international community with materials and evidence that would assist accountability mechanisms in their tasks and that it was up to the State parties to the OPCW and Member States of the United Nations to decide on the next steps.

In his remarks, the Coordinator of the OPCW Investigation and Identification Team reiterated the findings of its third report on the attack in Douma and set out the methodology used in detail. He noted that the conclusions reached were based on the degree of certainty of reasonable grounds to believe, which was the standard of proof consistently adopted by international fact-finding bodies and commissions of inquiry. In particular, the Investigation and Identification Team analyzed information received from the Fact-Finding Mission, State parties, including the Syrian Arab Republic, witnesses, persons of interests, videos, documents and other materials from various sources. He stated that the team had once again to conclude that the use of chemical weapons in the Syrian Arab Republic were the responsibility solely of the armed forces of the Syrian Arab Republic.

During the subsequent discussion, Council members generally welcomed or took note of the publication of the OPCW Investigation and Identification Team's third report on the use of chemical weapons in Douma in 2018.⁶⁹ Several Council members described the work of the team independent, impartial and professional.⁷⁰ The representative of Malta stated that this latest report was clear on its methodology and findings, adhering to best practices of international fact-finding bodies and commissions of investigation and to applicable OPCW procedures, including on chain of custody. The representative of the United Arab Emirates stressed the technical nature of the OPCW's mandate and the importance of it remaining an independent organization, separate from various political developments, in order to achieve the objectives and purposes of the Chemical Weapons Convention. Similarly, the representative of Brazil stated that the events

⁶⁹ United States, France, United Kingdom, Japan, Ecuador, Switzerland, Ghana (also on behalf of Gabon and Mozambique), Brazil, Albania and Malta.

⁷⁰ France, United Kingdom, Japan, Ecuador, Switzerland, Albania.

described in the report had to be addressed with transparency and subject to thorough and impartial analysis in accordance with the Convention and underscored the need for close cooperation between the OPCW and the United Nations, especially the Security Council, recalling that the ultimate responsibility for attribution rested with the Council, according to the Charter.

The representative of the United States emphasized that there must also be no impunity for the use of chemical weapons, and the United States remained determined in its efforts to seek accountability for the individuals responsible for chemical attacks in the Syrian Arab Republic. The representative of Switzerland welcomed the formal cooperation between the OPCW and the International, Impartial and Independent Mechanism to Assist in the Investigations and Prosecutions of Those Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. Many Council members called for accountability to be ensured based on the findings of the Investigation and Identification Team.⁷¹ The representative of the United Kingdom also stressed the obligation of the Council to support the OPCW to uphold compliance with the Chemical Weapons Convention and comply with the Council's own resolutions on the matter.

The representative of the Russian Federation recalled that his delegation did not recognize the existence of the Investigation and Identification Team because its establishment was pushed through the Executive Council of the OPCW in violation of the principle of consensus and Article XV of the Chemical Weapons Convention. He added that, by definition, the Investigation and Identification Team could not produce anything worthwhile unless the “original sin” in the methodology of the OPCW Technical Secretariat, including the OPCW Fact-Finding Mission, was corrected. The representative of the Russian Federation further outlined what he described as the inconsistencies in the report of Fact-Finding Mission which had been directly incorporated into the new Investigation and Identification Team report. The representative of China expressed the view that the initial establishment of the Investigation and Identification Team went beyond the remit of the Chemical Weapons Convention and that its working methods and procedures did not meet the requirements of the Convention and its Verification Annex. The representative of the Syrian Arab Republic recalled what he described as the incorrect and unprofessional approach to the Douma incident by the Fact-Finding Mission

⁷¹ United States, France, United Kingdom, Japan, Switzerland, Brazil, Albania and Malta.

which naturally led to erroneous conclusions and reiterated his country's position that it did not recognize the Investigation and Identification Team or its reports.

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 2023.

In a letter dated 1 February addressed to the President of the Council,⁷² the Secretary-General transmitted the third report by the OPCW Investigation and Identification Team regarding the use of chemical weapons in Douma, Syrian Arab Republic, on 7 April 2018. In a letter dated 6 July addressed to the President of the Council,⁷³ the Secretary-General transmitted to the Council the report of the OPCW Fact-Finding Mission regarding the incident of the alleged use of toxic chemicals as a weapon in Kharbit Massasneh, Syrian Arab Republic, on 7 July and 4 August 2017. The Secretary-General also 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.⁷⁴

In a letter dated 7 April addressed to the Secretary-General and circulated as a document of the Council,⁷⁵ the representative of Azerbaijan transmitted a copy of a letter from the representatives of the Western Azerbaijan Community addressed to the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO). In the letter, the representatives of the Western Azerbaijan Community expressed deep concern with the destruction of Azerbaijani cultural heritage in Armenia and requested the Director-General of UNESCO to send a fact-finding mission to Armenia to monitor the state of Azerbaijani cultural heritage in the region.

In his report dated 9 May on the Joint Force of the Group of Five for the Sahel,⁷⁶ the Secretary-General informed that, from 20 to 27 January, the Office of the High Commissioner for Human Rights (OHCHR) conducted a mission in Burkina Faso to investigate allegations of serious human rights violations, including reported extrajudicial killings and enforced

⁷² See [S/2023/81](#).

⁷³ See [S/2023/508](#).

⁷⁴ See [S/2023/69](#), [S/2023/158](#), [S/2023/231](#), [S/2023/297](#), [S/2023/385](#), [S/2023/484](#), [S/2023/558](#), [S/2023/637](#), [S/2023/707](#), [S/2023/920](#), [S/2023/926](#) and [S/2023/1045](#).

⁷⁵ See [S/2023/256](#).

⁷⁶ See [S/2023/328](#).

disappearances in the communes of Sitenga, Dori and Gorom-Gorom. He reported that the Office had also conducted interviews with victims, witnesses and civil society sources, adding that no incidents involving members of the Joint Force were reported.

In a letter dated 15 May addressed to the President of the Council,⁷⁷ the representative of Mali transmitted a communiqué from the Government of Mali concerning the report of the OHCHR on the events in Moura from 27 to 31 March 2022. In the communiqué, the Government of Mali denounced the report as biased and outlined the steps taken by the Malian judiciary to investigate the events in Moura. The Government also informed that, upon reviewing the methodology that guided the drafting of the OHCHR report, it was astonished to learn that the fact-finding mission used satellites over Moura to obtain images, an action conducted without the authorization and without the knowledge of the Malian authorities. As a result, the transitional Government had decided to open a judicial investigation immediately against the fact-finding mission.

In his report dated 1 June on the situation in Mali,⁷⁸ the Secretary-General recalled that on 12 May, OHCHR published a fact-finding report that concluded that there were strong indications that troops of the Malian Armed Forces and foreign security personnel had killed over 500 people during a five-day military operation in the village of Moura in March 2022. He also noted with deep concern the conclusions of the investigation led by OHCHR on the Moura incident, calling the Malian authorities to swiftly follow up on the recommendations of the report.

In his report dated 13 November on the situation in the Sudan and the activities of the United Nations Integrated Transition Assistance Mission in the Sudan (UNITAMS),⁷⁹ the Secretary-General informed that, on 11 October, the Human Rights Council adopted resolution [54/2](#), establishing a fact-finding mission on the Sudan to collect evidence of crimes under international law for future criminal proceedings before the International Criminal Court and national courts. He added that, on 12 October, the Ministry of Foreign Affairs of the Sudan issued a statement rejecting the establishment of the mission and stating that steps taken by the

⁷⁷ See [S/2023/353](#).

⁷⁸ See [S/2023/402](#).

⁷⁹ See [S/2023/861](#).

Sudanese authorities to address impunity and accountability through a national investigation mechanism had not been taken into account.

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 shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate. Article 38 provides that the Council may make recommendations to the parties with a view to a pacific settlement of the dispute.

In Section III, the decisions of the Council in 2023 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 purpose 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 2023, the Council referred to conflict prevention, sustaining peace and the peaceful settlement of disputes in the context of decisions addressing hate speech and racial discrimination and the prevention of conflict-induced food insecurity.

In resolution [2686 \(2023\)](#) of 14 June, the Council recognized that hate speech, racism, racial discrimination, xenophobia, related forms of intolerance, gender discrimination, and acts

of extremism could contribute to driving the outbreak, escalation and recurrence of conflict, and undermine initiatives to address root causes of conflict and prevent and resolve conflict, as well as reconciliation, reconstruction and peacebuilding efforts.⁸⁰ The Council urged States to publicly condemn violence, hate speech and extremism and encouraged all relevant stakeholders, including religious and community leaders, media entities and social media platforms, as well as persons who might have credibility and influence within communities to speak out against hate speech and to develop and share good practices to promote tolerance and peaceful coexistence.⁸¹ The Council further recognized the importance of interreligious and intercultural dialogue and its valuable contribution to promoting social cohesion, peace and development, and called upon Member States to have regard to, as appropriate and where applicable, interreligious and intercultural dialogue as an important tool in efforts aimed at achieving peace and social stability.⁸² The Council urged States to promote women's full, equal, meaningful and safe participation and leadership at all levels of decision-making and encouraged States to engage relevant civil society, local communities, the private sector and other non-governmental actors in developing strategies to address intolerance and extremism that infringed upon human rights and harmed social cohesion, by empowering women, youth, families and religious, cultural and education leaders, as well as community leaders.⁸³ The Council encouraged all Special Representatives and Special Envoys of the Secretary-General to use their good offices to support local peace initiatives and to involve local communities, women, youth, civil society and religious leaders in the mediation of peace agreements and implementation mechanisms.⁸⁴ Finally, the Council encouraged the Secretary-General to carry out and to include in relevant reporting lessons learned and best practices on the participation of religious groups, institutions, leaders, including women and local communities in the mediation and implementation of peace agreements, in initiatives directed to conflict prevention, resolution, reconciliation, reconstruction, peacebuilding and in addressing the root causes of conflict.⁸⁵ The Council further requested the Secretary-General to swiftly inform the Council about threats to

⁸⁰ Resolution [2686 \(2023\)](#), para. 1, in connection with the item entitled "Maintenance of international peace and security". For more information on the item, see part I, sect. 37.

⁸¹ Resolution [2686 \(2023\)](#), paras. 2 and 3.

⁸² *Ibid.*, para. 4.

⁸³ *Ibid.*, paras. 5 and 7.

⁸⁴ *Ibid.*, para. 12.

⁸⁵ *Ibid.*, para 15.

international peace and security in that regard, and expressed its intention to give its full attention to such information provided by the Secretary-General when those situations were brought to its attention.⁸⁶

In a presidential statement adopted on 3 August, the Council reiterated its commitment to work with the Secretary-General to pursue all possible avenues to prevent conflict-induced food insecurity, acute malnutrition and threat of famine and to prevent and end armed conflicts, including through addressing their underlying root causes in an inclusive, integrated and sustainable manner by promoting dialogue, mediation, consultations, political negotiations and other peaceful means while enhancing humanitarian, development and peacebuilding efforts.⁸⁷ The Council underlined the urgent need for redoubled efforts for their prevention and resolution, addressing where pertinent the regional dimensions of armed conflicts with specific emphasis on regional diplomacy and arrangements. The Council invited States and the Secretary-General to bring to its attention information regarding the unlawful denial of access to humanitarian assistance in violation of international law, where such denial may constitute a threat to international peace and security and, in this regard, expressed its willingness to consider such information and, when necessary, to adopt appropriate steps.⁸⁸ Moreover, the Council recognized the value of receiving timely information and commended the efforts of the Secretary-General to report swiftly to the Council when the risk of conflict-induced famine and widespread food insecurity in armed conflict contexts occurred, and reiterated its strong intention to give its full attention to such information provided by the Secretary-General when those situations were brought to its attention.⁸⁹ The Council reaffirmed the important role of women in the prevention and resolution of conflicts and in peacebuilding, and reiterated its call to increase the full, equal, and meaningful participation of women in those efforts and all related decision-making processes concerning conflict prevention, resolution, and peacebuilding in line with resolution [1325 \(2000\)](#) and related resolutions.⁹⁰

⁸⁶ Ibid., para. 8.

⁸⁷ [S/PRST/2023/4](#), twenty-seventh paragraph, in connection with the item entitled “Maintenance of international peace and security”. For more information, see part I, sect. 37.

⁸⁸ See [S/PRST/2023/4](#), twenty-seven paragraph.

⁸⁹ Ibid.

⁹⁰ Ibid., twelfth 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 2023, 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 2023, the Council called for an end to the escalating violence in the Democratic Republic of the Congo, Gaza and the Sudan and for the provision of humanitarian access. The Council called on all Libyan parties to implement the ceasefire agreement and for the withdrawal

of all foreign forces from the country, and on the parties in Yemen to implement Hudaydah agreement. Furthermore, the Council reiterated its call upon Israel and the Syrian Arab Republic to prevent any 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.

With regard to the situation concerning the Democratic Republic of the Congo, in a presidential statement adopted on 29 March, the Council strongly condemned the increase in attacks by the 23 March Movement (M23) in North Kivu and demanded the immediate and full implementation of commitments on the cessation of hostilities, the end of any further advances by the M23 and its withdrawal from all occupied areas as agreed through the African Union-endorsed Luanda Process.⁹¹ The Council further demanded that all external parties immediately cease their support to the Council-sanctioned M23 and withdraw from the Democratic Republic of the Congo.⁹² Furthermore, while expressing concern over tensions between the Democratic Republic of the Congo and Rwanda, the Council called for calm and increased dialogue between the two countries and encouraged them to prioritize peaceful means of addressing the challenges between them.⁹³ Subsequently, in a presidential statement adopted on 16 October, the Council demanded the end of any further advances by the Council-sanctioned M23 and the immediate and full implementation of commitments made on the withdrawal from all occupied areas and its cantonment as agreed through the Luanda Process.⁹⁴ The Council also condemned support by any external party to M23, demanded the cessation of such support and the immediate withdrawal of any such party from the Democratic Republic of the Congo, and the cessation of support to certain armed groups such as the Council-sanctioned Forces démocratiques de libération du Rwanda.⁹⁵

With respect to the situation in the Golan Heights, by resolutions [2689 \(2023\)](#) of 29 June and [2718 \(2023\)](#) of 21 December, the Council stressed the obligation of both Israel and the Syrian Arab Republic to scrupulously and fully respect the terms of the Agreement on

⁹¹ [S/PRST/2023/3](#), third 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.

⁹² [S/PRST/2023/3](#), third paragraph.

⁹³ *Ibid.*, fourth paragraph.

⁹⁴ [S/PRST/2023/5](#), eleventh paragraph, in connection with the item entitled “The situation concerning the Democratic Republic of the Congo”.

⁹⁵ [S/PRST/2023/5](#), twelfth and thirteenth paragraphs.

Disengagement signed between Israeli and Syrian Forces in 1974.⁹⁶ 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.⁹⁷ Furthermore, with respect to the situation in the Syrian Arab Republic, the Council called upon all parties to the domestic conflict to cease military actions throughout the country, including in the UNDOF area of operations, and to respect international humanitarian law.⁹⁸

In relation to the situation in Lebanon, by resolution [2695 \(2023\)](#) of 31 August, Council reiterated its call for Israel and Lebanon to support a permanent ceasefire and a long-term solution based on the principles and elements set out in paragraph 8 of resolution [1701 \(2006\)](#).⁹⁹ The Council condemned all violations of the Blue Line, both by air and ground, and strongly called upon all parties to respect their obligations under international law and the cessation of hostilities, prevent any violations of the Blue Line, and fully cooperate with the United Nations and United Nations Interim Force in Lebanon (UNIFIL).¹⁰⁰ The Council also urged all parties to ensure that the cessation of hostilities was sustained, exercise maximum calm and restraint, and refrain from any rhetoric that could jeopardize the cessation of hostilities or destabilize the region.¹⁰¹

Regarding the situation in Libya, in resolution [2702 \(2023\)](#) of 30 October, the Council welcomed the commitments of the 5+5 Joint Military Commission and the creation of joint military units to secure Libya's borders and uphold the ceasefire agreement of 23 October 2020, and encouraged further efforts in that regard.¹⁰² The Council expressed concern about reported violations and abuses against children in Libya despite the ceasefire agreement of 23 October 2020 and called on all parties to refrain from violence or actions that could escalate tensions or undermine the political process or ceasefire.¹⁰³ The Council also called on all parties to

⁹⁶ Resolutions [2689 \(2023\)](#) and [2718 \(2023\)](#), para. 2, in connection with the item entitled "The situation in the Middle East". For more information on the item, see part I, section 21.

⁹⁷ Resolutions [2689 \(2023\)](#) and [2718 \(2023\)](#), para. 2.

⁹⁸ *Ibid.*, ninth preambular paragraph.

⁹⁹ Resolution [2695 \(2023\)](#), para. 4, in connection with the item entitled "The situation in the Middle East".

¹⁰⁰ See Resolution [2695 \(2023\)](#), para. 11.

¹⁰¹ *Ibid.*, fifteenth preambular paragraph.

¹⁰² Resolution [2702 \(2023\)](#), eleventh preambular paragraph, in connection with the item entitled "The situation in Libya". For more information on the item, see part I, sect. 10.

¹⁰³ Resolution [2702 \(2023\)](#), nineteenth preambular paragraph and para 9.

implement the ceasefire agreement of 23 October 2020 in full and urged Member States to respect and support its full implementation, including through the withdrawal of all foreign forces, foreign fighters and mercenaries from Libya without further delay.¹⁰⁴

With respect to the Palestinian question, in a presidential statement adopted on 20 February, the Council strongly underscored the need for all parties to meet their international obligations and commitments; strongly opposed all unilateral measures that impeded peace, including, inter alia, Israeli construction and expansion of settlements, confiscation of the land of Palestinians, and the “legalization” of settlement outposts, demolition of homes of Palestinians and displacement of Palestinian civilians.¹⁰⁵ The Council called on all parties to observe calm and restraint, and to refrain from provocative actions, incitement and inflammatory rhetoric, with the aim, inter alia, of de-escalating the situation of the ground, rebuilding trust and confidence, demonstrating through policies and actions a genuine commitment to the two-State solution, and creating the conditions necessary for promoting peace.¹⁰⁶ Following the outbreak of conflict in Gaza, by resolution [2712 \(2023\)](#) of 15 November, the Council called for urgent and extended humanitarian pauses and corridors throughout the Gaza Strip for a sufficient number of days to enable, consistent with international humanitarian law, the full, rapid, safe and unhindered humanitarian access.¹⁰⁷ In resolution [2720 \(2023\)](#) of 22 December, the Council called for urgent steps to immediately allow safe, unhindered and expanded humanitarian access and to create the conditions for a sustainable cessation of hostilities.¹⁰⁸

On the situation in Yemen, in resolution [2691 \(2023\)](#) of 10 July, the Council reaffirmed its endorsement of the agreement reached in Sweden by the Government of Yemen and the Houthis concerning the City of Hodeidah and the Ports of Hodeidah, Salif, and Ras Issa (the Hodeidah Agreement), and reiterated its call on the parties to work cooperatively to implement all provisions of the agreement.¹⁰⁹

¹⁰⁴ Ibid., para. 12.

¹⁰⁵ [S/PRST/2023/1](#), fifth paragraph, in connection with the item entitled “The situation in the Middle East, including the Palestinian questions”. For more information on the item, see part I, sect. 22.

¹⁰⁶ [S/PRST/2023/1](#), seventh paragraph.

¹⁰⁷ Resolution [2712 \(2023\)](#), para. 2, in connection with the item entitled “The situation in the Middle East, including the Palestinian question”.

¹⁰⁸ Resolution [2720 \(2023\)](#), para 2, in connection with the item entitled “The situation in the Middle East, including the Palestinian question”.

¹⁰⁹ Resolution [2691 \(2023\)](#), third preambular paragraph, in connection with the item entitled “The situation in the Middle East”.

Finally, with respect to the situation in the Sudan, in resolution [2715 \(2023\)](#) of 1 December, the Council expressed alarm at the continued violence and humanitarian situation and called upon all parties to the conflict to immediately cease hostilities, facilitate humanitarian access and seek a negotiated solution to the conflict.¹¹⁰ It also reaffirmed that the Juba Peace Agreement signed on 3 October 2020 remained binding for all its signatories, in particular its provisions on a permanent ceasefire in Darfur.¹¹¹

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

During the period under review, the Council welcomed the progress made towards peace in Colombia and called for the comprehensive implementation of the peace agreement. The Council also emphasized the importance of political dialogue to create conditions for a permanent end to hostilities and eventual elections in Haiti and Libya, as well the necessary preparations to ensure free, fair and inclusive elections in the Democratic Republic of the Congo and Somalia.

In resolution [2704 \(2023\)](#) of 30 October, the Council welcomed 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 and urged the parties to work together to continue building upon this progress and address ongoing challenges through comprehensive implementation of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, including rural reform and inclusive political participation.¹¹²

Regarding the situation concerning the Democratic Republic of the Congo, in the presidential statement adopted on 29 March, the Council encouraged the Congolese authorities to continue to work, with the support of United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), toward peaceful, transparent, inclusive and credible processes for the presidential and legislative elections scheduled in 2023.¹¹³ The Council also encouraged the authorities to facilitate free and fair elections, to ensure the full,

¹¹⁰ Resolution [2715 \(2023\)](#), 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.

¹¹¹ Resolution [2715 \(2023\)](#), seventh preambular paragraph.

¹¹² Resolution [2704 \(2023\)](#), 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.

¹¹³ [S/PRST/2023/3](#), twelfth paragraph.

equal, effective and meaningful participation of women at all stages, as both candidates and voters, and reaffirmed the important role of youth in electoral processes. In the presidential statement adopted on 16 October, the Council also encouraged the Congolese authorities to ensure free civic space and called on all parties to seek dialogue and consensus.¹¹⁴

In connection with the question concerning Haiti, by resolution [2692 \(2023\)](#) of 14 July, the Council condemned in the strongest terms the increasing violence, criminal activities and human rights abuses and violations which undermined the peace, stability and security of the country and the region and stressed the primary responsibility of the Government of Haiti to address root causes of instability and inequality.¹¹⁵ The Council reiterated the need for all Haitian stakeholders, with the support of the United Nations Integrated Office in Haiti (BINUH), to continue to facilitate a Haitian-led, Haitian-owned political process towards a free, fair and credible legislative and presidential elections through an inclusive inter-Haitian dialogue.¹¹⁶ The Council further requested all Haitian stakeholders to urgently reach an agreement on a sustainable, time-bound and commonly accepted roadmap for elections.

In a presidential statement adopted on 16 March, the Council reaffirmed its strong commitment to an inclusive, Libyan-led and Libyan-owned political process, facilitated by the United Nations and support by the international community, as well as its strong support for the people of Libya to determine who governs them through elections and to ensure the legitimate demand was heard through the political process.¹¹⁷ In resolution [2702 \(2023\)](#) of 30 October, the Council recalled the Libyan Political Dialogue Forum Roadmap, expressed regret that a number of its deliverables and timelines had yet to be achieved, and urged the Libyan political institutions and key stakeholders to resolve outstanding politically contentious issues pertaining to elections as soon as possible.¹¹⁸ The Council called upon the relevant Libyan institutions and authorities to implement confidence-building measures to create an environment conducive for successful national presidential and parliamentary elections, including by ensuring the full, equal, effective meaningful and safe participation of women and inclusion of youth and civil

¹¹⁴ [S/PRST/2023/5](#), fifteenth paragraph.

¹¹⁵ Resolution [2692 \(2023\)](#), fifth and sixth preambular paragraphs, in connection with the item entitled “The question concerning Haiti”. For more information on the item, see part I, sect. 12.

¹¹⁶ Resolution [2692 \(2023\)](#), para 4, in connection with the item entitled “The question concerning Haiti”. For more information on the item, see part I, sect. 12.

¹¹⁷ [S/PRST/2023/2](#), first paragraph.

¹¹⁸ Resolution [2702 \(2023\)](#), paras. 4 and 5.

society representatives, in all activities and decision-making relating to democratic transition and reconciliation efforts.¹¹⁹

Addressing the situation in Somalia, in resolution [2705 \(2023\)](#) of 31 October, the Council reiterated the importance of inclusive dialogue and local reconciliation process for stability in Somalia and underscored the full, equal and meaningful participation of women would help to progress national priorities and support reconciliation, security and transition from international security support in line with the Somalia Transition Plan and National Security Architecture.¹²⁰ The Council further encouraged the Federal Government and the federal member states to deepen cooperation at all levels to prepare for national and local elections, advance political, national and local reconciliation, create a conducive political and security environment for more inclusive democratic processes and to advance women's political, social and economic empowerment.¹²¹ The Council also encouraged resumption of dialogue between the Federal Government and "Somaliland" to build confidence, strengthen political coordination and advance the state-building agenda.¹²²

Peaceful settlement of disputes

In 2023, the Council reiterated its call for the peaceful resolution of disputes related to the situations in Cyprus and Western Sahara. Specifically, in resolution [2674 \(2023\)](#) of 30 January, the Council reiterated the importance of the two Cypriot communities 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.¹²³ The Council further urged the sides to engage actively with the Secretary-General and his team to this end, and to reach an agreement regarding the proposal of the Secretary-General to appoint a United Nations envoy.¹²⁴ In connection with the status of Varosha, the Council recalled

¹¹⁹ Ibid., para. 7.

¹²⁰ Resolution [2705 \(2023\)](#), seventh preambular paragraph, in connection with the item entitled "The situation in Somalia". For more information on the item, see part I, sect. 2.

¹²¹ Resolution [2705 \(2023\)](#), paras. 6 (b), (d), (e) and (i).

¹²² Ibid., eighth preambular paragraph.

¹²³ Resolution [2674 \(2023\)](#), para. 2, in connection with the item entitled, "The situation in Cyprus". For more information on the item, see Part I, sect 18.

¹²⁴ Resolution [2674 \(2023\)](#), para. 2.

resolution [550 \(1984\)](#) and [789 \(1992\)](#), as well as its presidential statement of 23 July 2021,¹²⁵ which 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.¹²⁶ 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.¹²⁷ The Council further called upon the leaders of the two Cypriot 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.

With regard to the situation concerning Western Sahara, by resolution [2703 \(2023\)](#) of 30 October, the Council emphasized the need to achieve a realistic, practicable, enduring and mutually acceptable political solution based on compromise.¹²⁸ 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, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations.¹²⁹ The Council also called on the parties to comply fully with the military agreements reached with the United Nations Mission for the Referendum in Western Sahara (MINURSO) 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 the Western Sahara.¹³⁰

¹²⁵ See [S/PRST/2021/13](#).

¹²⁶ Resolution [2674 \(2023\)](#), para. 3.

¹²⁷ *Ibid.*, para. 4.

¹²⁸ Resolution [2703 \(2023\)](#), para. 2, in connection with the item entitled, “The situation concerning Western Sahara”. For more information on the item, see part I, sect. 1.

¹²⁹ Resolution [2703 \(2023\)](#), para. 4..

¹³⁰ *Ibid.*, para. 6.

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 the presidential statement adopted on 16 October regarding the situation concerning the Democratic Republic of the Congo, while underlining the importance of a political solution to the crisis, the Council underscored the importance of coordination and complementarity between political and military initiatives in the country, including with support from the Secretary-General, the Special Representative of the Secretary-General for the Democratic Republic of the Congo and the Special Envoy of the Secretary-General for the Great Lakes Region.¹³¹

Regarding the Golan Heights, by resolutions [2689 \(2023\)](#) and [2718 \(2023\)](#), the Council encouraged Israel and the Syrian Arab Republic to take full advantage of the liaison function of UNDOF regularly to address issues of mutual concern and to prevent any escalation across the ceasefire line.¹³² The Council further expressed its appreciation for the liaison efforts of UNDOF to prevent any escalation of the situation across the ceasefire line.¹³³

Regarding Haiti, in resolution [2692 \(2023\)](#), the Council emphasized the importance of empowering BINUH to carry out its good offices role for a Haitian-led, Haitian-owned solution,

¹³¹ [S/PRST/2023/5](#), eighth and ninth paragraphs.

¹³² Resolutions [2689 \(2023\)](#) and [2718 \(2023\)](#), para. 2. For more information on the mandate of UNDOF, see part X, sect. I.

¹³³ Resolutions [2689 \(2023\)](#) and [2718 \(2023\)](#), fifth preambular paragraph.

and to engage all sectors of Haitian society, in particular political actors, civil society, 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.¹³⁴

In connection with the situation in Lebanon, in resolution [2695 \(2023\)](#), 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.¹³⁵ The Council urged the parties to make a systematic, constructive and expanded use of the Tripartite Mechanism and to accelerate efforts to delineate and visibly mark the Blue Line in its entirety.¹³⁶ The Council also urged all parties to cooperate fully with the Council and the Secretary-General to make tangible progress towards permanent ceasefire and a long-term solution as envisioned in resolution [1701 \(2006\)](#).¹³⁷

With regard to the conflict in the Sudan, in resolution [2715 \(2023\)](#), the Council welcomed the appointment of the Personal Envoy of the Secretary-General to use his good offices with the parties and neighboring States, complementing regional peace efforts, including those of the African Union and IGAD, and called on all parties to extend their cooperation in furtherance of his tasks.¹³⁸

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

Regarding Libya, in the presidential statement adopted on 16 March, the Council reiterated its strong support for the Special Representative of the Secretary-General for Libya and Head of UNSMIL, particularly in his mediation and good offices role to further an inclusive political process in line with relevant Council resolutions.¹³⁹ The Council commended the extensive consultations of the Special Representative with Libyan and regional stakeholders, and the international community, to identify a consensus-based pathways towards national presidential and parliamentary elections in 2023 and expressed encouragement by his initiative to

¹³⁴ Resolution [2692 \(2023\)](#), tenth preambular paragraph. For more information on the mandate on BINUH, see part X, sect II.

¹³⁵ Resolution [2695 \(2023\)](#), para. 12. For more information on the mandate of UNIFIL, see part X, sect. I.

¹³⁶ Resolution [2695 \(2023\)](#), para. 12.

¹³⁷ Ibid., para. 18.

¹³⁸ Resolution [2715 \(2023\)](#), para.6.

¹³⁹ [S/PRST/2023/2](#), third paragraph.

launch a United Nations-facilitated, Libyan High-Level Panel for Elections, in particular, that was intended to complement progress made by other processes and bring together stakeholders.¹⁴⁰ The Council urged all stakeholders to engage fully, constructively, transparently, and in a spirit of compromise with the Special Representative and in good faith with the Special Representative in a Libyan-led and Libyan-owned facilitated negotiation in order to deliver free, fair, transparent and inclusive national presidential and parliamentary elections as soon as possible across the country.¹⁴¹ In resolution [2702 \(2023\)](#), the Council requested UNSMIL, in line with its existing mandate and resources, to facilitate confidence building measures, dialogue and reconciliation between armed actors to prevent violence and conflict escalation through the Mission's mediation and good offices.¹⁴²

Regarding the situation in Somalia, in resolution [2705 \(2023\)](#), the Council emphasized the importance of effective and integrated support from the United Nations system and the international community for long-term peace, including through strengthening the capacity building of the Federal Government.¹⁴³ Noting the importance of effective, strategic communication to the implementation of the mandate of the United Nations Assistance Mission in Somalia (UNSOM), the Council emphasized the need to continue to enhance UNSOM's capability, particularly concerning peace-building, state-building, reconciliation, conflict prevention, countering violent extremism conducive to terrorism, civic education, women's inclusion in political processes, human rights protection, and the youth, peace and security agenda.¹⁴⁴

Good offices in support of the resolution of outstanding disputes

Regarding Cyprus, in resolution [2674 \(2023\)](#), the Council expressed full support for the ongoing engagement of the Secretary-General with the two sides and encouraged further rounds of informal talks.¹⁴⁵ The Council reiterated the importance of the sides and all involved participants approaching the process with openness, flexibility and compromise to freely

¹⁴⁰ Ibid., third and fourth paragraphs.

¹⁴¹ Ibid., fourth paragraph.

¹⁴² Resolution [2702 \(2023\)](#), para. 9. For more information on the mandate of UNSMIL, see part X, sect. II.

¹⁴³ Resolution [2705 \(2023\)](#), sixth preambular paragraph. For more information on the mandate of UNSOM, see part X, sect. II.

¹⁴⁴ Resolution [2705 \(2023\)](#), nineteenth preambular paragraph.

¹⁴⁵ Resolution [2674 \(2023\)](#), para. 2.

negotiate a mutually acceptable settlement under United Nations auspices and continued to urge the sides to engage actively and without further delay with the Secretary-General and his team to that end. The Council also urged the sides to reach an agreement on the proposal by the Secretary-General to appoint a United Nations envoy, who could provide critical support in the search for common ground with the goal of returning to formal negotiations for a lasting settlement in Cyprus. The Council expressed deep regret on 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.¹⁴⁶ The Council also urged the two leaders to consider the advice of the Good Offices Mission of the Secretary-General regarding further ways to empower the technical committees, improve their performance and insulate them from broader political discussions.¹⁴⁷

In resolution [2703 \(2023\)](#), 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.¹⁴⁸ 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 the Western Sahara.¹⁴⁹

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 sub-regional 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

¹⁴⁶ Ibid., para. 7. For more information on the mandate of UNFICYP, see part X, sect. I.

¹⁴⁷ Resolution [2674 \(2023\)](#), para. 5. (a).

¹⁴⁸ Resolution [2703 \(2023\)](#), para. 3.

¹⁴⁹ Ibid., paras. 4 and 6.

regional organizations, arrangements or agencies in the pacific settlement of disputes during the period under review are covered in part VIII.

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

Note

Section IV features the main discussions in the Council in 2023 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 33¹⁵⁰, Article 36¹⁵¹, Article 99¹⁵² and Chapter VI¹⁵³ of the Charter during the Council's deliberations, although

¹⁵⁰ In connection with the maintenance of international peace and security, see [S/PV.9308](#) (Malta), [S/PV.9421](#) (Brazil) and [S/PV.9421 \(Resumption 2\)](#) (South Africa), [S/PV.9448](#) (Brazil, United States, Mozambique and Ecuador) and [S/PV.9448 \(Resumption 1\)](#) (Peru); in connection with the maintenance of peace and security of Ukraine, see [S/PV.9380](#) (Brazil), [S/PV.9404](#) (Brazil), [S/PV.9414](#) (Brazil), [S/PV.9464](#) (Brazil), [S/PV.9494](#) (Brazil), [S/PV.9523](#) (Brazil); in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, see [S/PV.9241 \(Resumption 1\)](#) (Singapore and Italy); in connection with threats to international peace and security, see [S/PV.9245](#) (Brazil), [S/PV.9260](#) (Jordan), [S/PV.9364](#) (Brazil), [S/PV.9385](#) (Brazil), [S/PV.9399](#) (Brazil), [S/PV.9415](#) (Brazil), [S/PV.9457](#) (Brazil), [S/PV.9470](#) (Brazil), [S/PV.9481](#) (Brazil), [S/PV.9501](#) (Brazil), [S/PV.9524](#) (Brazil and Ghana); in connection with peacebuilding and sustaining peace, see [S/PV.9250 \(Resumption 1\)](#) (Djibouti and Kuwait); in connection with the situation in the Middle East, including the Palestinian question, see [S/PV.9522](#) (Special Advisor and Senior Humanitarian Law and Policy Consultant at the Norwegian Refugee Council).

¹⁵¹ In connection with the maintenance of international peace and security, see [S/PV.9421](#) (Russian Federation) and [S/PV.9448](#) (Brazil and United States); and in connection with threats to international peace and security, see [S/PV.9260](#) (Jordan).

¹⁵² In connection with the maintenance of peace and security, see [S/PV.9448](#) (Croatia); in connection with the promotion and strengthening of the rule of law, see [S/PV.9241 \(Resumption 1\)](#) (Singapore and Pakistan); and in connection with the situation in the Middle East, including the Palestinian question, see [S/PV.9498](#) (Secretary-General, Israel, United Arab Emirates, Russian Federation, China, Malta, Switzerland, Mozambique, United Kingdom, Gabon, Japan, Ghana, Brazil, Ecuador and Qatar), [S/PV.9499](#) (Malta, Japan, Gabon and Mozambique), [S/PV.9513](#) (Russian Federation) and [S/PV.9520](#) (Egypt).

¹⁵³ In connection with the maintenance of peace and security, see [S/PV.9308](#) (Ghana), [S/PV.9308 \(Resumption 1\)](#) (Kuwait), [S/PV.9448](#) (Assistant Secretary-General for Middle East, Asia and the Pacific, Former President of Chile, Former President of South Africa, Brazil, Cuba, Denmark, Ghana, Ecuador, Japan, Mozambique, Russian Federation, Republic of Korea, South Africa, United Kingdom, United States) and [S/PV.9448 \(Resumption 1\)](#) (Australia, Bangladesh, Germany, Iran (Islamic Republic of), Liechtenstein, Malaysia, Morocco, Namibia, Sierra Leone, Panama, Peru and Qatar); in connection with the promotion and strengthening of the rule of law in the

not all cases resulted in a constitutional discussion. No explicit references were made to Articles 37 and 38 of the Charter.

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) of the Charter; and C. Utilization of Article 99 of the Charter by the Secretary-General for the pacific settlement of disputes. The section features cases in which there were relevant constitutional discussions during the period under review.

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

Article 33 of the Charter stipulates that any dispute that is likely to endanger the maintenance of 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. During the period under review, discussions with respect to Article 33 were held under the items entitled “Maintenance of international peace and security” (case 7 and 8) and “Women and peace and security” (case 9).

Case 7

Maintenance of international peace and security

maintenance of international peace and security, see [S/PV.9241](#) (Secretary-General) and [S/PV.9241 \(Resumption 1\)](#) (Pakistan and Nepal); in connection with peacebuilding and sustaining peace, see [S/PV.9250 \(Resumption 1\)](#) (Djibouti, Kuwait and Italy); in connection with the situation concerning Iraq, see [S/PV.9253](#) (Brazil); in connection with threats to international peace and security, see [S/PV.9256](#) (Gabon), [S/PV.9260](#) (Jordan) and [S/PV.9260 \(Resumption 1\)](#) (Guatemala), [S/PV.9262](#) (Gabon), [S/PV.9457](#) (Gabon), [S/PV.9501](#) (Ghana); in connection with non-proliferation/Democratic People’s Republic of Korea, see [S/PV.9287](#) (Brazil), [S/PV.9305](#) (Brazil), [S/PV.9376](#) (Brazil) and [S/PV.9485](#) (Brazil); in connection with peacebuilding and sustaining peace, see [S/PV.9315 \(Resumption 1\)](#) (Morocco and Kuwait); in connection with reports of the Secretary-General on the Sudan and South Sudan, see [S/PV.9326](#) (Sudan), [S/PV.9417](#) (Russian Federation), [S/PV.9480](#) (Ghana), [S/PV.9492](#) (Ghana); in connection with the United Nations peacekeeping operations, see [S/PV.9389](#) (Head of Mission and Force Commander of the United Nations Interim Force in Lebanon); in connection with the situation in the Middle East, see [S/PV.9409](#) (Lebanon); in connection with the implementation of the note by the President of the Security Council ([S/2017/507](#)), see [S/PV.9410](#) (Liechtenstein); and in connection with the situation concerning Iraq, see [S/PV.9432](#) (Brazil).

On 24 April, at the initiative of the Russian Federation, which held the presidency for the month,¹⁵⁴ the Council held a high-level open debate under the item entitled “Maintenance of international peace and security” and sub-item entitled “Effective multilateralism through the defence of the principles of the Charter of the United Nations”, during which it heard a briefing by the Secretary-General.¹⁵⁵

The Secretary-General stated that multilateral cooperation was the beating heart of the United Nations, its *raison d’être* and guiding vision.¹⁵⁶ He noted that the tools and mechanisms established by the Charter, including peacemaking, preventive diplomacy and peacekeeping, had played their part in averting a third world war. Nonetheless, the Secretary-General expressed the view that the international community faced unprecedented and interlocking crises, and that the multilateral system was under greater strain than at any time since the creation of the United Nations, with tensions between major powers at a historic high. He pointed to conflicts across the globe, including in Ukraine, Myanmar, the Sahel and Yemen, as well as global challenges, such as the climate crisis, terrorism and pushback against human rights, and stressed that those challenges could be solved only through respect for international law, adherence to global commitments and the adoption of appropriate frameworks of multilateral governance. In that regard, he underlined that the principles enshrined in the Charter and reinforced in the Declaration on Friendly Relations and Cooperation among States, including the peaceful settlement of disputes, were the bulwarks against uncertainty and fragmentation and the foundation of all international cooperation to end conflicts. The Secretary-General urged Member States to use the full range of diplomatic tools that the Charter provided for the peaceful resolution of conflicts, including his good offices to help resolve disputes and secure peace, recommit to their obligations under the Charter and prioritize the prevention of conflict and crises. Finally, the Secretary-General emphasized that the multilateral system, founded on the Charter and international law, was the most effective means to manage disputes peacefully when competition between States escalated into confrontation.

During the subsequent discussion, Council members and other speakers emphasized the importance of multilateral cooperation and called for the promotion of peaceful settlement of

¹⁵⁴ A concept note was circulated by a letter dated 3 April 2023 (See [S/2023/244](#)).

¹⁵⁵ See [S/PV.9308](#) and [S/PV.9308 \(Resumption I\)](#).

¹⁵⁶ See [S/PV.9308](#).

disputes, as guided under the principles and Chapter VI of the Charter. The representative of Malta expressed firm belief in making use in good faith of the toolbox for the peaceful settlement of disputes as outlined in Article 33 of the Charter and that the Council could strengthen its cooperation with the International Court of Justice and the International Criminal Court in that context. Similarly, the Deputy Minister for Foreign and Regional Integration of Ghana called for strategic harnessing and effective deployment of the tools available in the Charter, including Charter VI to address the existing and emerging challenges. The representative of Pakistan stated that international peace and security was confronted by multiple threats arising from violations of the principles of the Charter and that the Council, the General Assembly and the Secretary-General could do much more to promote the peaceful settlement of disputes through the multiple modalities available under Chapters VI, VII and VIII of the Charter. The representative of Kuwait recalled that Chapter VI set out very important instruments for conflict settlement that ought to be used more often by the Council, namely peaceful means, negotiations, mediation and arbitration. In that regard, he underscored the importance of prioritizing preventive measures by the Council to prevent conflicts from breaking out and to address crises at their incipient stages.¹⁵⁷ The representative of Ecuador recalled the centrality of the obligation and principle of the peaceful settlement of disputes.¹⁵⁸

While noting that strong partnership between the United Nations and regional organizations would further strengthen multilateralism, the representative of Indonesia stressed that the principle of “neighbors-know-best” brought regional perspectives and best practices to the peaceful settlement of disputes.¹⁵⁹ The representative of Thailand called for strengthening the instruments that advanced peaceful means in the United Nations system, explaining that effective multilateralism was principally about effective diplomacy, creative facilitation, impartial mediation and rules-based arbitration. Mindful that the United Nations was the universal platform with the greatest legitimacy and normative capacity to respond to challenges and threats on the basis of dialogue, mutual respect, solidarity and consensus, the representative of the Bolivarian Republic of Venezuela believed that the Organization played a key role in combating efforts to undermine multilateralism. Similarly, the representative of South Africa stated that

¹⁵⁷ See [S/PV.9308 \(Resumption 1\)](#).

¹⁵⁸ See [S/PV.9308](#).

¹⁵⁹ See [S/PV.9308 \(Resumption 1\)](#).

conflict prevention, dialogue and mediation had to be at the center of the endeavors of the United Nations in pursuit of global peace and security. Emphasizing that collaboration, rather than confrontation, should be the cornerstone of multilateralism, the representative of the Islamic Republic of Iran stated that diplomacy, dialogue and negotiation should be preferred means for resolving disputes among Member States.¹⁶⁰

The representative of the Philippines pointed out that resorting to the peaceful settlement of international disputes through arbitration and credible and competent international tribunals played a key role in the interpretation of international norms and should not be seen as an unfriendly act among civilized nations. Similarly, the representative of Azerbaijan, who spoke on behalf of the States of the Movement of Non-Aligned Countries put emphasis on resorting to the peaceful settlement of international disputes through the International Court of Justice.¹⁶¹ The representative of Viet Nam held the view that multilateralism was effective only if it was based on respect for the Charter and international law. In that regard, he stressed that all disputes should be resolved by peaceful means with full respect for legal and diplomatic processes and all avenues and means should be exhausted to prevent conflict and attain solutions. Expressing the country's commitment to supporting effective multilateralism with the United Nations at its center, the representative of Sierra Leone added that preserving and strengthening the values of the peaceful settlement of disputes, the dignity of humankind and meaningful, sustainable economic development, through international cooperation and multilateral efforts, were all essential for promoting and supporting the three pillars of the Organization, namely, peace and security, development and human rights.

Case 8

Maintenance of international peace and security

On 20 October, at the initiative of Brazil, which held the presidency for the month,¹⁶² the Council held a high-level open debate under the item entitled "Maintenance of international peace and security" and the sub-item entitled "Peace through dialogue: the contribution of

¹⁶⁰ See [S/PV.9308](#).

¹⁶¹ See [S/PV.9308 \(Resumption 1\)](#).

¹⁶² A concept note was circulated by a letter dated 3 October 2023 ([S/2023/732](#)).

regional, subregional and bilateral arrangements to the prevention and peaceful resolution of disputes”, during which it heard briefings by the Assistant Secretary-General for the Middle East, Asia and the Pacific in the Departments of Political and Peacebuilding Affairs and Peace Operations, the former President of Chile, the former President of South Africa, and the Director of the Peace Accords Matrix.¹⁶³

In his remarks, the Assistant Secretary-General stated that the driving force for a more effective collective security system had to be diplomacy, which demanded, above all else, a commitment to the pacific settlement of disputes.¹⁶⁴ He noted that Chapter VI of the Charter prescribed that all States should rely on peaceful means as their first option to resolve disputes, and it offered a range of options to address their differences within the framework of the Council, within their respective regions or bilaterally. The former President of Chile similarly recalled that Chapter VI described the tools available to parties to conflict for the purpose of prevention, including negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement and other peaceful measures and means. She highlighted that preventing crises was primarily the responsibility of Member States, and noted that for dialogue, mediation and other tools to be effective, they needed to be planned and implemented at early stages. She further added that women’s participation in mediation was essential for achieving lasting, positive peace and could help ensure that a greater diversity of members of the community became engaged in peacemaking.

During the subsequent discussion, Council members and other delegations discussed ways to promote and strengthen the available measures and tools under Chapter VI of the Charter. The representative of Brazil stated that to improve its effectiveness, the Council should look inwards, revisiting its original mandate and rediscovering some of its own tools for fulfilling the mandate, as well as look outwards, referring to initiatives that had been successful in other mechanisms at other levels of governance. Furthermore, he recalled that Chapter VI had given the Council wide latitude to be creative in its use of peaceful means, and beyond the list of tools described in Article 33, Article 36 empowered the Council to recommend appropriate procedures or methods of adjustment without limitations. Nevertheless, he regretted that creativity in providing political solutions had waned in the past several years, as the Council had

¹⁶³ For more information on the discussion in connection with Chapter VIII of the Charter, see part VIII, sect. I.

¹⁶⁴ [S/PV.9448](#).

focused increasingly on coercive measures under Chapter VII, leading to negative effects. The representative of Brazil concluded by noting that the establishment of special political missions was an example of action under Chapter VI that could be further explored and improved, but that such missions required appropriate funding and realistic mandates. Similarly, stating that the Council had a broad mandate with respect to the peaceful settlement of disputes as outlined in Articles 33 and 36 of the Charter, the representative of the United States pointed out that the Summit of the Future process, including the New Agenda for Peace, offered an important opportunity to take stock of United Nations tools in the maintenance of international peace and security, along with those outlined in Chapter VI.

The representative of Ecuador recalled that the peaceful settlement of disputes, as enshrined in Article 2 of the Charter, was one of the essential principles of international law. He also recalled that Article 33 established the means that States could use to achieve pacific settlement of disputes and expressed regret that, as pointed out in the New Agenda for Peace of the Secretary-General, the underutilization of those means was one of the greatest shortcomings of the international community. Similarly, the representative of Ghana opined that the pacific tools were not often resorted to as the first option by Member States, despite them having many benefits in preventing and resolving conflicts at the national, regional and international levels. In that regard, he encouraged all Member States, in particular Council members, to deepen their utilization of the provisions of Chapter VI of the Charter and expressed support for the Secretary-General's good offices and the work of the United Nations mediation, including the High-Level Advisory Board on Mediation and the Standby Team of Senior Mediation Advisors.

The representative of the United Kingdom stated that, where national and regional efforts failed, it was the duty of the Council to take action to safeguard international peace and security, and that such an action was a last resort that the Council could better avoid by marshalling all the tools at its disposal for effective prevention, mediation and peacebuilding to avoid escalation. The representative of Malta stated that the fact that conflicts were more likely to spill over to the region and beyond added to the gravity and urgency of the situation and noted that the United Nations, specifically the Council, had to use all means provided in the Charter to prioritize the peaceful settlement of disputes and advance conflict prevention and resolution efforts. She further highlighted the salience of the United Nations-led mediation, the good offices of the

Secretary-General, and arbitration and judicial settlement system, including the International Court of Justice.

The representative of Gabon underscored that dialogue was a privileged means for the prevention and peaceful settlement of conflicts, while the mistrust and distrust created due to violations of international law, international humanitarian law and human rights, combined with expansionist logic, had clearly contributed both to the atrophying of States' commitment to cooperating in favour of peaceful solutions to international crises and to reducing the potential of multilateral solutions. The representative of Mozambique said that peace through dialogue was as important as peace through law. Amidst the heightened geopolitical tensions, he underlined that resorting to Article 33 of the Charter at the regional and subregional levels, together with bilateral arrangements, was of paramount importance. The Minister of State at the Ministry for Foreign Affairs of the United Arab Emirates noted that the benefit of a multilevel and multipronged approach was the reinforcement of efforts towards conflict prevention and mediation. However, she warned that the multiplicity of mediators-to-be could give rise to mixed messages and risked undermining progress, and in that regard, underlined the importance of coordination among stakeholders to help avoid forum shopping and confusion.

Other speakers also expressed the need to strengthen conflict prevention and the peaceful settlement of disputes through the tools provided under Chapter VI of the Charter and also highlighted the good offices role of the Secretary-General.¹⁶⁵ For example, the representative of Peru noted that in the New Agenda for Peace of the Secretary-General had diagnosed that one of the greatest collective shortcomings was the underutilization of the tools for peaceful dispute settlement, which was referred to in Chapter VI of the Charter, and specifically in Article 33.¹⁶⁶ The representative of Germany stated that the comprehensive toolbox was already in place, but it had to be more systematically and frequently reflected in Council mandates. Speaking on behalf of the Nordic countries, the representative of Denmark suggested leveraging the potential of the Peacebuilding Commission to facilitate inclusive conflict prevention and resolution.¹⁶⁷ The representative of Liechtenstein noted the reinforcing nature of Chapter VI and VIII and that

¹⁶⁵ [S/PV.9448](#), Cuba, Austria, South Africa, Croatia and Denmark; and [S/PV.9448 \(Resumption 1\)](#), Italy, Iran (Islamic Republic of), Portugal, Germany, Morocco, Türkiye, Panama, Slovenia, Australia, Malaysia, Namibia, Bangladesh, Mexico and Algeria.

¹⁶⁶ See [S/PV.9448 \(Resumption 1\)](#).

¹⁶⁷ See [S/PV.9448](#).

Article 52 (3) requested the Council to encourage the development of the pacific settlement of local disputes through regional arrangements.¹⁶⁸ Moreover, he added that the Council should clarify when it acted under Chapter VI, as opposed to under Chapter VII, and that its practice under Chapter VI and VIII should faithfully reflect Article 27 (3) which states that, in decisions under Chapter VI and under Article 52 (3), a party to a dispute should abstain from voting.

Case 9

Women and peace and security

On 25 October, at the initiative of Brazil, which held the presidency for the month,¹⁶⁹ the Council held a high-level open debate under the item entitled “Women and peace and security” and the sub-item entitled “Women’s participation in international peace and security: from theory to practice”, during which it heard briefings by the Secretary-General, the Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the President of the International Committee of the Red Cross, the Director General of Rio Branco Institute and representative of Brazil as Guarantor of the Peace Dialogue Table between the Government of the Republic of Colombia and the National Liberation Army, and the Regional Director of the Strategic Initiative for Women in the Horn of Africa.¹⁷⁰

In his statement, the Secretary-General emphasized that peace processes involving women led to more enduring peace.¹⁷¹ In that regard, he encouraged governments supporting conflict mediation to set ambitious targets for women on negotiating teams. The President of the International Committee of the Red Cross noted that the full participation of women, including local women’s organizations that knew their communities, was a critical pathway to peace. She further argued that without direct input from women, without recognition of the gender-specific impact of armed conflict on women and without an acknowledgment of women’s roles in all aspects of their societies, peace responses would fall short and lack prospects for true stability

¹⁶⁸ See [S/PV.9448 \(Resumption 1\)](#).

¹⁶⁹ A concept note was circulated by a letter dated 3 October 2023 ([S/2023/733](#)).

¹⁷⁰ See [S/PV.9452](#), [S/PV.9452 \(Resumption 1\)](#) and [S/PV.9452 \(Resumption 2\)](#). For more information on the briefings, see part I, sect. 29.

¹⁷¹ See [S/PV.9452](#).

and security. The Director General of Rio Branco Institute noted the persistent gap between theory and practice in recognizing women's roles in peace and security, in particular their clearly insufficient levels of participation in decision-making processes. Nonetheless, she shared her experience at the peace talks between the Government of Colombia and the Ejército de Liberación Nacional (ELN), as an optimistic example of the differentiated and prominent presence of women in the peace process. Finally, the Regional Director of the Strategic Initiative for Women in the Horn of Africa demanded the United Nations take a principled stand by ensuring that women's rights and women's full, equal and meaningful participation were always a fundamental part of any peace process it supported.

Further to the briefings, Council members agreed on the need to implement concrete measures to ensure full, equal and meaningful participation of women in all stages of conflict resolution, peacekeeping, peacebuilding, mediation and post-conflict recovery efforts. The Minister for Foreign Affairs of Brazil pointed out that the absence of women in decision-making spaces where wars and armed conflicts were discussed was incompatible with the need to promote a culture of peace. He further stated that women brought a wealth of innovative solutions and approaches, serving as catalysts for durable, inclusive and just peace agreements and conflict resolution strategies. Similarly, the Minister for Foreign Affairs of Gabon affirmed that promoting gender equality and the genuine participation of women meant choosing the prevention of armed conflict. The representative of Mozambique referred to the growing body of evidence showing that women's meaningful participation made peace agreements more likely to succeed and to hold.

The Minister of State of the United Arab Emirates emphasized that, for peace efforts to be sustainable and fully representative of the interests of the community, it was critical to involve women and local community members. Similarly, the representative of the United Kingdom held the view that women's participation significantly boosted the chances of long-lasting peace and noted that women's rights organizations were vital to sustain conflict prevention and resolution efforts. The representative of Albania agreed that wherever women took part in a peace process, peace lasted longer and stressed the need to give civil society a voice that was heard in the Council by working more on bringing the work of women at the grass-roots level to the women and peace and security agenda. The representatives of Ecuador and Malta expressed concern about the decline in the number of women who had participated as negotiators or delegates in

active peace processes co-led by the United Nations, in comparison to previous years. Moreover, the representative of Ecuador recalled that it was essential to mainstream a gender perspective into Council mandates and United Nations instruments. The Minister of Foreign Affairs of Gabon stated that women bore the heaviest brunt of the effects of climate change, and paradoxically, it was women who were the key players in adapting to, and mitigating the effects of, climate change.

The representative of the Russian Federation stated that the conditions for women's participation in every aspect and at every stage of peacebuilding and political processes should be tailored to take into consideration the particularities of each specific situation. She further noted that women's professional qualifications and their personal interests should also be a priority. In that regard, she added that it was also essential to ensure that States worked to defend the family, motherhood and traditional family values as moral underpinnings of all societies and a guarantor of the successful development of society. She finally noted that the creation of a safe environment for women's participation in peace processes was possible only when general security was achieved for all participants in the process.

Non-members of the Council also noted a gap between the theory and practice regarding the meaningful participation of women in peace processes and decision-making, and emphasized the need to make further efforts to fully implement resolution [1325 \(2000\)](#).¹⁷² Several speakers specifically expressed concern about women's participation in United Nations-led peace and security processes remaining low.¹⁷³ Furthermore, some speakers expressed regret with the significant gap in funding for women's political participation at both the international and local levels.¹⁷⁴ The representative of Denmark, speaking on behalf of the Nordic countries, claimed that despite the robust and extensive framework of the women and peace and security agenda, progress on its implementation was unacceptably slow.¹⁷⁵ In light of the issue, she addressed three lines of effort towards inclusive peace process: (i) ensuring local women-led groups to meaningfully participate in all political process; (ii) ensuring greater diversity and representation

¹⁷² See [S/PV.9452](#), South Africa, and Luxembourg; [S/PV.9452 \(Resumption 1\)](#), Georgia, Mexico, Republic of Korea, Liechtenstein, Kazakhstan, Egypt, Slovakia, Argentina, Czechia, Panama, Bangladesh and Morocco; [S/PV.9452 \(Resumption 2\)](#), Belgium, Chile, Lithuania and Guyana.

¹⁷³ See [S/PV.9452](#), South Africa; [S/PV.9452 \(Resumption 1\)](#), Saint Vincent and the Grenadines, Portugal and Bolivia (Plurinational State of); [S/PV.9452 \(Resumption 2\)](#), India.

¹⁷⁴ See [S/PV.9452 \(Resumption 1\)](#), Costa Rica, and Argentina, El Salvador; [S/PV.9452 \(Resumption 2\)](#), Belgium.

¹⁷⁵ See [S/PV.9452 \(Resumption 1\)](#).

of women, including young women, in mediation teams; and (iii) addressing all cases of violence or threats against women peacebuilders and human rights defenders. The State Secretary for Political and Multilateral Affairs and Development Cooperation of Slovenia underscored that inclusive processes required strong political support and partnership with all relevant stakeholders, including regional organizations, civil society organizations and peacebuilders. Emphasizing the importance of women's leadership and full, equal and meaningful participation at all levels of decision-making, the European Union Ambassador for Gender and Diversity stated that women and girls had continued to play a critical role in resolving and mediating conflicts, promoting reconciliation and fostering stability in their communities and nations. The representative of Viet Nam, speaking on behalf of the Association of Southeast Asian Nations (ASEAN), stated that women were not mere statistics in conflict data, but effective peacemakers, agents of change and architects of reconciliation. Finally, the Deputy Permanent Observer of the League of Arab States argued that there was still a lot of work to be done within the framework of the Council, especially considering the retreat they had seen from some hard-won gains in both legislative and executive bodies and institutions.

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 “The promotion and strengthening of the rule of law in maintenance of international peace and security” (case 10).

Case 10

The promotion and strengthening of the rule of law in the maintenance of international peace and security

On 12 January, at the initiative of Japan, which held the presidency for the month,¹⁷⁶ the Council held a high-level open debate under the item entitled “The promotion and strengthening of the rule of law in maintenance of international peace and security” and the sub-item entitled “The rule of law among nations”.¹⁷⁷ During the meeting, the Council heard briefings by the Secretary-General, the President of the International Court of Justice and a professor of Public International Law at the University of Oxford.

In his briefing, the Secretary-General emphasized that the rule of law was foundational to the United Nations and to its mission of peace and that the Council had a vital role in upholding it.¹⁷⁸ He stated that the rule of law was foundational to efforts by the United Nations to find peaceful solutions to conflicts, disasters and crises and more, and to support the most vulnerable people and communities around the world. He noted the unique mandate of the International Court of Justice and the importance of accepting its compulsory jurisdiction and called on all Member States to do so without reservations. The Secretary-General also urged Member States to make full use of the rule of law as a preventive tool, recalling that the Charter devoted an entire chapter to the pacific settlement of disputes, including through negotiation, enquiry, mediation, conciliation, arbitration and judicial settlement. He recalled that his report entitled *Our Common Agenda* proposed a new vision of the rule of law, which provided an opportunity to reaffirm and strengthen its centrality to the work of everyone, setting out the links between the rule of law, human rights and development, and advocating a people-centred approach that ensured that laws and justice were acceptable to all.

The President of the International Court of Justice highlighted the critical role of the peaceful settlement of disputes in advancing the rule of law among nations. She emphasized the longstanding commitment of Member States to the principles of the Charter, referencing the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States adopted in 1970, which required that States settle their international disputes by peaceful means. She further noted that the relationship between the obligation to settle disputes peacefully and the prohibition on the threat or use of force was further addressed in the Manila Declaration on the Peaceful Settlement of International Disputes in 1982, which stated that

¹⁷⁶ A concept note was circulated by a letter dated 3 January 2023 ([S/2023/1](#)).

¹⁷⁷ See [S/PV.9241](#) and [S/PV.9241 \(Resumption I\)](#).

¹⁷⁸ See [S/PV.9241](#).

neither the existence of a dispute nor the failure of a procedure of peaceful settlement of disputes shall permit the use of force or threat of force by any of the States parties to the dispute. While the rule of law among nations demanded that States incorporated systemic community priorities within their conceptions of self-interest, there was often a tension between States' short-term objectives and broader priorities. The President underscored the importance of engaging with international dispute resolution mechanisms, noting that States that were truly committed to the rule of law had to entrust international courts and tribunals with the judicial settlement of legal disputes. She emphasized that the rule of law obligated States to adhere to the decisions of international courts and tribunals, even when they disagreed with those rulings. She also welcomed the fact that the vast majority of cases decided by the International Court of Justice have been complied with. The President concluded by affirming the shared responsibility of both States and international courts to uphold the rule of law, emphasizing that the judges of the Court must do their part by deciding disputes submitted to them in a conscientious and impartial manner, in accordance with international law.

The professor of Public International Law at the University of Oxford emphasized the essential nature of the rule of law in international relations, explaining that the rule of law mandated that those who exercise public power had to act in accordance with the law. He underscored the commitment of the international community to the rule of law, citing the Charter's preamble, which sought to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law could be maintained. He expressed concern over the continued unlawful use of force by States and emphasized that States had to fulfill their obligations in good faith and settle disputes peacefully in accordance with international law. Highlighting the role of the International Court of Justice, he stated that a willingness to submit disputes to judicial bodies was crucial for upholding the rule of law. However, he noted a declining tendency for States to provide consent to the jurisdiction of the Court, with only 73 States recognizing its compulsory jurisdiction, which he viewed as a retreat from the principle that disputes involving legal rights should be settled on the basis of law. He explained that this retreat was also reflected in the trend of not including clauses in multilateral and bilateral treaties permitting each party to refer a dispute under the treaty to the International Court of Justice, a practice that used to be routine but had become relatively rare in recent treaties. He called for the Council to ensure compliance with international law in its activities

and to apply the law equally to maintain its legitimacy. The professor stressed that all States had an obligation to cooperate in the maintenance of peace and to bring an end to serious violations of international law, underlining that the promotion of the rule of law required collective responsibility among Member States.

In their statements, Council members and other speakers widely recognized and elaborated upon the role played by the International Court of Justice in the peaceful settlement of disputes. For example, the Minister of State of the United Arab Emirates held the view that the commitment to the peaceful resolution of disputes was one of the elements that could strengthen the rule of law.¹⁷⁹ He recalled that there was a range of international dispute resolution mechanisms, of which the International Court of Justice was a key example. The representative of China emphasized that the International Court of Justice, as the principal judicial organ of the United Nations, should play an active role in the peaceful settlement of international disputes, as mandated.

Some speakers discussed different aspects of the advisory and adjudicative role of the International Court of Justice vis-à-vis the peaceful settlement of disputes. Stating that the Council should fully utilize several instruments for the peaceful settlement of disputes that were available under the Charter, the representative of Pakistan held the view that the remit of judicial mechanisms, especially the International Court of Justice, should be fully utilized, for example, by making the Court's jurisdiction mandatory on issues that were on the agenda of the Council.¹⁸⁰ The representative of the European Union said that through its judgements, advisory opinion and orders, the Court contributed significantly to a rules-based international order and to the maintenance of international peace. The representative of Mexico emphasized that the Court's work was crucial in resolving disputes and preventing the escalation of conflict through its judicial and advisory functions.

Some speakers emphasized the role of the International Court of Justice in preserving and ensuring the rule of law. For example, the representative of Greece noted that the judicial settlement of all disputes through the International Court of Justice supported the cardinal importance of the rule of law regarding the resolution of disputes and the maintenance of international peace and security. Underlining that disputes should be resolved peacefully as set

¹⁷⁹ See [S/PV.9241](#).

¹⁸⁰ See [S/PV.9241 \(Resumption 1\)](#).

forth in Chapter VI of the Charter, the representative of Nepal affirmed the country's acknowledgement of the significance of multilateral judicial mechanisms, such as the International Court of Justice and the International Criminal Court, in promoting the rule of law among nations.

Delegations also urged the Council to enhance its engagement with the International Court of Justice.¹⁸¹ The representative of Austria held the view that the Council should continue to draw upon the expertise of international courts and tribunals, including the International Court of Justice.¹⁸² He added that, when considering situations constituting a threat to international peace and security, the Council should consider whether the Court and other institutions could be seized of the matter to enable the peaceful settlement of a dispute. Explaining that international and hybrid courts and tribunals played a vital role in strengthening the rule of law, the representative of Portugal appealed to the Council to make better use of the Court and to take a proactive role in ensuring compliance with the Court's judgments.

Lastly, several speakers discussed the accountability efforts of the International Court of Justice in connection with conflict in Ukraine.¹⁸³ In that regard, while recalling the Court's role in settling disputes by peaceful means and promoting rule of law, the representatives of Australia, Luxembourg, Latvia, Lithuania and Georgia called on the Russian Federation to comply with the Court's order on provisional measures, which they recalled was legally binding.¹⁸⁴ The representative of Guatemala stated that the very existence of the International Court of Justice denoted the principle that disputes between States should be settled on the basis on international law and diplomacy, not by resorting to armed force. She added that this principle was an inalienable element of the rule of law and was of particular importance given the illegal aggression by the Russian Federation against Ukraine, which was contrary to the purposes for which the United Nations was established.

¹⁸¹ [S/PV.9241](#), Switzerland, Malta; [S/PV.9241 \(Resumption 1\)](#), Italy, Indonesia, Austria, Lebanon, and Portugal.

¹⁸² See [S/PV.9241 \(Resumption 1\)](#).

¹⁸³ [S/PV.9241](#), Japan; and [S/PV.9241 \(Resumption 1\)](#), Denmark, European Union, Australia, Luxembourg, Latvia, Lithuania, Georgia, Guatemala.

¹⁸⁴ [S/PV.9241 \(Resumption 1\)](#), Australia, Luxembourg, Latvia, Lithuania, Georgia.

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 tools available to the Secretary-General under Article 99 were discussed under the item entitled “The situation in the Middle East, including the Palestinian question” (case 11).

Case 11

The situation in the Middle East, including the Palestinian question

At a meeting held on 8 December under the item entitled “The situation in the Middle East, including the Palestinian question”, the Council heard a briefing from the Secretary-General further to his letter dated 6 December in which he brought the situation in Gaza to the attention of the Council under Article 99 of the Charter.¹⁸⁵ In his statement, the Secretary-General recalled that he had invoked Article 99 because there was a high risk of the total collapse of the humanitarian support system in Gaza, the consequences of which could be devastating for the security of the entire region. While recalling that in resolution [2712 \(2023\)](#) the Council called for a scaling up of the provision of humanitarian supplies,¹⁸⁶ the Secretary-General informed the Council that the fulfilment of that mandate under the current conditions had become impossible. He noted that, in his view, there was a serious risk of aggravating existing threats to the maintenance of international peace and security. The Secretary-General underscored that the unprecedented situation had led to his unprecedented decision to invoke Article 99, urging Council members to press to avert a humanitarian catastrophe and appealing for a humanitarian ceasefire to be declared.

During the discussion, several speakers referred to the decision of the Secretary-General to bring the situation in Gaza to the attention of the Council under Article 99 of the Charter. For example, the representative of the United Arab Emirates said that by taking the rare step to invoke Article 99, the Secretary-General was compelling the Council to confront the enormity of

¹⁸⁵ See [S/PV.9498](#). See also [S/2023/962](#).

¹⁸⁶ Resolution [2712 \(2023\)](#), para. 4.

the catastrophe unfolding in Gaza.¹⁸⁷ He added that the invocation of Article 99 had to be a tipping point, a solemn reflection of the desperate plight in Gaza and the imperative need for the Council to act. The representative of Switzerland stated that the fact that the provision had been invoked for the first time during the mandate of the current Secretary-General was a testament to the tragic situation in the Middle East. Welcoming the decision of the Secretary-General to invoke Article 99, the representative of Ghana observed that the provision had been invoked only four times in the history of the United Nations, the last time being in 1989. Similarly, noting that Article 99 was being invoked for the first time in more than 30 years, the representative of Ecuador stated that the Secretary-General did so because the situation was rapidly deteriorating and in order to prevent a total collapse and a catastrophe with potentially irreversible consequences for peace and security in the region. The representative of Gabon stated that the Council had to respond to the unprecedented appeal of the Secretary-General without further delay, in view of the scope of the intolerable humanitarian catastrophe unfolding in the siege on Gaza.

The representative of Israel questioned why, what he described as the defensive war of Israel against Hamas, was the catalyst for activating Article 99 of the Charter and why the provision was not invoked in relation to the conflicts in Ukraine, Yemen and the Syrian Arab Republic, despite their immense global impact and being far more pressing threats to international peace and security. He added that the irony was that regional stability and the security of both Israelis and Gazans could only be achieved once Hamas was eliminated.

At a meeting held on the same day and under the same item,¹⁸⁸ the Council voted on and failed to adopt a draft resolution proposed by the United Arab Emirates concerning the humanitarian situation in Gaza, which was co-sponsored by 91 other Member States, owing to a negative vote by the United States.¹⁸⁹

¹⁸⁷ See [S/PV.9498](#).

¹⁸⁸ See [S/PV.9499](#).

¹⁸⁹ See [S/2023/970](#). *For*: Albania, Brazil, China, Ecuador, Gabon, Ghana, Japan, Malta, Mozambique, Russian Federation, Switzerland and United Arab Emirates; *against*: United States; *abstaining*: United Kingdom.