
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 described in further detail in part II of the present Supplement, during 2020, the work of the Council was significantly affected by the coronavirus disease (COVID-19) pandemic. Faced with the absence of meetings in the Security Council Chamber, Council members initiated the practice of holding videoconferences and, starting from 14 July, the Council developed a hybrid model, which involved alternating in-person meetings with videoconferences. Part VI of the present Supplement therefore features discussions of constitutional relevance to Chapter VI of the Charter held in the context of both in-person meetings and videoconferences.

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.

As described in section I, during 2020, Member States brought various matters to the attention of the Council, including matters of which the Council had not been seized. This notwithstanding, the Council did not convene any meetings under a new item on its agenda. Furthermore, although the Council did not convene any formal meetings in response to a communication from a Member State, Council members held two open videoconferences pursuant to such letters, in connection with the items entitled “The situation in the Bolivarian Republic of Venezuela” and “Peace and security in Africa”. Council members also discussed the situations in the Syrian Arab Republic and the Bolivarian Republic of Venezuela in informal consultations of the whole and in closed videoconferences. The Secretary-General continued to draw the attention of the Council to situations already on its agenda that were deteriorating, including the Palestinian question and the conflicts in the Syrian Arab Republic and Yemen. The Secretary-General also drew the attention of the Council to the impact of the COVID-19 pandemic on international peace and security.

As described in section II, owing to the health and safety and travel restrictions in place during the COVID-19 pandemic, the Council did not dispatch any missions in 2020. The Council acknowledged and deliberated on the investigative functions of the Secretary-General and the work of the Office of the United Nations High Commissioner for Human Rights, the Human Rights Council and the Organisation for the Prohibition of Chemical Weapons in connection with the situations in the Central African Republic, the Democratic Republic of the Congo, Iraq, Libya, Mali, South Sudan and the Syrian Arab Republic.

As described in section III, the Council highlighted the importance of the inclusion of women and youth in the peaceful settlement of disputes and sustaining peace and consideration, in that regard, of the interests of children. The Council called upon parties to conflicts to cease hostilities and establish permanent ceasefires, to fully implement peace agreements, to ensure peaceful and inclusive political dialogue and transitions and to engage in dialogue for the resolution of outstanding disputes. The Council recognized the good offices work of the Secretary-General, as well as that of his special representatives and envoys, in support of efforts to end violence in conflict, implement peace agreements, conduct political transitions and resolve outstanding disputes.

As described in section IV, during 2020, discussions in the Council were focused on the importance of and the need for greater use of peaceful means in the settlement of disputes, with an emphasis on the importance of upholding the Charter and the application of Chapter VI thereof and the tools provided to the Council thereunder, the meaningful participation of young people and women and the inclusion of the interests of children in peace processes and in the peaceful resolution of disputes. In their discussions, Council members also addressed the need for cooperation between the Council and the International Court of Justice in the maintenance of international peace and security and the role of the Secretary-General and his special envoys and representatives, through their good offices, in the peaceful settlement of disputes.

I. Referral of disputes or situations to the Security Council

Article 11

...

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

Article 35

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

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

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

Article 99

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

Note

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

The practice of the Council in this regard is described below in three subsections. Subsection A provides an overview of the referrals of disputes or situations by States to the Council pursuant to Article 35. 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 2020, the Council did not convene any meetings under a new item on its agenda. Furthermore, although the Council did not convene any formal meetings in response to a communication from a Member State,¹ Council members held two open videoconferences pursuant to letters submitted to the Council by Member States in connection with existing items, namely, “The situation in the Bolivarian Republic of Venezuela” and “Peace and security in Africa”. In addition, Council members held informal consultations of the whole and one closed videoconference on the situations in the Syrian Arab Republic and the Bolivarian Republic of Venezuela, respectively, pursuant to communications from Member States.

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

A. Referrals by States

During the period under review, certain situations were referred to the Council pursuant to Article 35 (1) of the Charter by individual Member States and groups of affected or concerned Member States. Most of those situations were referred to the Council by Member States without including an explicit reference to Article 35. However, Article 35 was explicitly mentioned in three communications from Member States: one from Egypt² and one from Ethiopia,³ both regarding the Grand Ethiopian Renaissance Dam, and one from Namibia,⁴ in connection with the situation concerning Western Sahara.

In a letter dated 19 June 2020 addressed to the President of the Council,⁵ the Minister for Foreign Affairs of Egypt drew the attention of the Council to the situation regarding the Grand Ethiopian Renaissance Dam, which he indicated was a matter of the greatest consequence for Egypt, and which he stated continued to gain urgency as Ethiopia remained insistent on unilaterally commencing the filling of the Dam in contravention of its legal obligations. Recalling the provisions of Article 35 of the Charter, the Minister

¹ For information on the procedures and working methods of the Council developed during the COVID-19 pandemic, see part II.

² S/2020/566.

³ S/2020/567.

⁴ S/2020/633.

⁵ S/2020/566.

stated that, given the gravity of the situation, he was requesting the Council to address this matter urgently. In a letter dated 22 June 2020 addressed to the President of the Council,⁶ the Minister for Foreign Affairs of Ethiopia stressed that the Dam did not cause significant harm to Egypt and the Sudan, that it was a national project designed to help to extricate his country's people from abject poverty and that it was by no means a threat to peace and security justifying the invocation of the mandate of the Council under Article 35.

In a letter dated 1 July 2020 addressed to the President of the Security Council,⁷ the representative of Namibia referenced a letter dated 29 June 2020 from the representative of Morocco to the President of the Council⁸ and categorically rejected any attempt to hamper or obstruct the full exercise by Namibia of its sovereign rights in accordance with Article 35 of the Charter and rule 6 of the provisional rules of procedure of the Council.

In 2020, the Council did not convene any meetings under a new item further to communications from Member States. As set out in part II of the present Supplement, the functioning of the Council was profoundly affected by the COVID-19 pandemic. Faced with the impossibility of holding in-person meetings in the Security Council Chamber, Council members developed the practice of holding

videoconferences. As shown in table 1, Council members convened two open videoconferences under two items of which the Council was already seized, pursuant to communications from Member States.

Specifically, on 20 May, Council members held an open videoconference in connection with the item entitled "The situation in the Bolivarian Republic of Venezuela" pursuant to a letter dated 13 May 2020 from the representative of the Bolivarian Republic of Venezuela to the Secretary-General and the President of the Security Council,⁹ regarding what he described as the illegal entry into his country on 3 and 4 May of "armed groups of mercenaries and terrorists, organized, trained, financed and protected by the Governments of the Republic of Colombia and the United States of America". The open videoconference followed a closed videoconference held on 22 April, on the same item, pursuant to a letter dated 3 April 2020 from the same representative addressed to the Secretary-General and the President of the Security Council,¹⁰ regarding the announcement by the United States, made on 1 April, of the deployment of warships to the waters of the western Caribbean, near the Venezuelan coast.

On 29 June, pursuant to the letter dated 19 June 2020 from the Minister for Foreign Affairs of Egypt to the President of the Council¹¹ regarding the Grand Ethiopian Renaissance Dam, Council members held an open videoconference in connection with the item entitled "Peace and security in Africa".

⁶ S/2020/567.

⁷ S/2020/633.

⁸ S/2020/621. In his letter, the representative of Morocco objected to the circulation to the Council, by the representative of Namibia, of a letter from the Secretary-General of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro concerning the situation in Western Sahara (S/2020/611, annex).

⁹ S/2020/399.

¹⁰ S/2020/277.

¹¹ S/2020/566.

Table 1

Communications bringing disputes or situations to the attention of the Security Council that resulted in a Council meeting, a videoconference or informal consultations of the whole, 2020

<i>Communication</i>	<i>Action requested of the Security Council</i>	<i>Meeting record and date</i>
The situation in the Bolivarian Republic of Venezuela		
Identical letters dated 13 May 2020 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General and the President of the Security Council (S/2020/399)	For the Council to urgently hold the necessary discussions in order to: (a) recognize that the aggression perpetrated by the Governments of Colombia and the United States against the Bolivarian Republic of Venezuela on 3 and 4 May 2020 was an armed attack that threatened the peace and security of his nation and the region; and (b) issue a clear statement condemning and prohibiting the use or threat of use of force in all its forms and manifestations against the Bolivarian Republic of Venezuela, in accordance with the powers conferred upon the Council under Article 39 of the Charter of the United Nations	S/2020/435 20 May 2020 ^a

Communication	Action requested of the Security Council	Meeting record and date
Peace and security in Africa		
Letter dated 19 June 2020 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council (S/2020/566)	For the Council to urgently consider the situation regarding the Grand Ethiopian Renaissance Dam at the earliest possible opportunity, under the item titled “Peace and security in Africa”	S/2020/636 29 June 2020

^a See also the letter dated 3 April 2020 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Council ([S/2020/277](#)), pursuant to which Council members held a closed videoconference on 22 April 2020 (see [S/2020/558](#)).

Other communications from Member States

Member States also brought other matters to the attention of the Council. In some cases, the communications concerned matters of which the Council was not seized; in most cases, those communications did not result in a meeting of the Council. For example, in a letter dated 14 August 2020 addressed to the President of the Security Council,¹² the representative of the Russian Federation transmitted a statement by the President of his country, in which the latter noted that debates around the “Iranian issue” within the Council were becoming increasingly strained and that tensions were running high. The President of the Russian Federation stated that his Government maintained its unwavering commitment to the Joint Comprehensive Plan of Action of 2015, which he described as a landmark political and diplomatic achievement that helped to fend off the threat of an armed conflict and reinforced nuclear non-proliferation. The President of the Russian Federation proposed convening an online meeting of the Heads of State of the permanent members of the Council, with the participation of the Heads of State of Germany and the Islamic Republic of Iran, as soon as possible, in order to outline steps that could prevent confrontation or a spike in tensions within the Council.

In a letter dated 11 August 2020 addressed to the Secretary-General,¹³ the representative of Greece drew the attention of the Council to a “significant escalation” of tensions in the Eastern Mediterranean following the dispatching by Turkey of the *Oruç Reis*, a research and survey vessel, for seismic activities to an area falling, as alleged in the letter, within the Greek continental shelf. The representative described the dispatching of the vessel as a violation of the law of the sea that seriously endangered peace and security in the region and violated the sovereign rights of Greece. In a letter dated 21 August 2020 addressed to

the Secretary-General,¹⁴ the representative of Turkey maintained that the area in question lay entirely within the Turkish continental shelf and that the Turkish naval presence was in no way aimed at an escalation. The representative reiterated his country’s readiness to support any initiative that could safeguard a just, peaceful and equitable solution to the existing issues in the Eastern Mediterranean in accordance with international law. In a subsequent letter dated 4 September 2020 addressed to the President of the Security Council,¹⁵ the Prime Minister of Greece stressed that his country remained committed to the principles of the peaceful settlement of disputes as set out in the Charter and that it was ready to resume its dialogue with Turkey.

The representatives of Armenia and Azerbaijan brought the situation on the border of their two countries to the attention of the Council in letters dated 16 and 22 July 2020, respectively, addressed to the President of the Council.¹⁶ Subsequently, letters dated 27 and 28 September 2020 from the representatives of Azerbaijan and Armenia, respectively, were addressed to the President of the Council,¹⁷ also in reference to the recrudescence of the situation at the border. In a statement annexed to the first letter, the Ministry of Foreign Affairs of Azerbaijan referred to the launching of “another aggression” by the armed forces of Armenia against Azerbaijan, “blatantly violating the ceasefire regime”,¹⁸ while, in the second letter, the representative of Armenia made reference to a “pre-planned large-scale military offensive” by Azerbaijan along the entire line of contact between that country and Artsakh (Nagorno-Karabakh), accompanied by deliberate targeting of the civilian population and infrastructure.¹⁹ On 29 September 2020,

¹⁴ [S/2020/826](#).

¹⁵ [S/2020/888](#), annex.

¹⁶ [S/2020/719](#) and [S/2020/732](#).

¹⁷ [S/2020/948](#) and [S/2020/955](#).

¹⁸ See [S/2020/948](#), annex.

¹⁹ See [S/2020/955](#).

¹² [S/2020/804](#).

¹³ [S/2020/795](#).

Council members met in informal consultations of the whole, under “Other matters”, to discuss the situation arising from the outbreak of heavy fighting between Armenia and Azerbaijan in Nagorno-Karabakh.²⁰

B. Referrals by the Secretary-General

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

In 2020, the Secretary-General continued to draw the attention of the Council to situations on its agenda that were deteriorating or to instances with respect to which he had requested the Council to take urgent action.

In his letters transmitting the monthly reports of the Director General of the Organisation for the Prohibition of Chemical Weapons (OPCW), submitted pursuant to paragraph 12 of resolution 2118 (2013), on the elimination of the chemical weapons programme of the Syrian Arab Republic,²¹ the Secretary-General reiterated that the use of chemical weapons was intolerable and that impunity in that regard was equally unacceptable. He also emphasized that it was imperative to identify and hold accountable all those who had used chemical weapons and that unity in the Council was essential to achieving that urgent obligation. Furthermore, by his letter dated 15 April 2020 addressed to the President of the Council,²² the Secretary-General transmitted to the Council the first report by the OPCW Investigation and Identification Team on the alleged use of chemical weapons in Lataminah, Syrian Arab Republic, on 24, 25 and 30 March 2017. Noting that any use of chemical weapons posed a serious threat to international peace and security, he stated in his letter that it was appropriate that the report be shared with Council members.

During meetings and videoconferences, Council members also heard briefings by the Secretary-General and other senior Secretariat officials on evolving situations relating to, among other issues, the conflicts in the Syrian Arab Republic and Yemen, the Palestinian question and the impact of the COVID-19 pandemic on international peace and security. In that regard, at the 8707th meeting of the Council, held on 29 January under the item entitled “The situation in the Middle East”, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator expressed alarm about the dire and deteriorating humanitarian situation affecting women and children, in particular in the north-west of the Syrian Arab Republic, owing to intense bombing, shelling and other fighting in the Idlib area. He stated that, in order to avoid an even greater humanitarian catastrophe, the parties to the conflict and those with influence must stop the fighting; he expressed the hope that the Council would take every step to avert that.²³

In connection with the same item, during an open videoconference held on 15 July, Council members heard briefings by the Executive Director of the United Nations Environment Programme and the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator on the developments regarding the FSO *Safer* oil tanker, located off the coast of Yemen.²⁴ The Executive Director cautioned that the Red Sea environment and its people were seriously exposed to the risk of a massive oil leakage from the vessel. Should the situation get out of control, it would directly affect millions of people in a country that was already enduring the world’s largest humanitarian emergency and would destroy entire ecosystems for decades and extend beyond borders. The Under-Secretary-General emphasized that the risk from the FSO *Safer* was by no means strictly environmental and would have a direct and severe threat to the well-being, and potentially the survival, of millions of Yemenis. He expressed the hope that the official request to the Houthi (also known as Ansar Allah) authorities for the deployment of a United Nations assessment mission would be quickly approved and emphasized that those authorities had an important opportunity to take steps that would spare millions of their fellow citizens from yet another tragedy.

Subsequent to that videoconference, in a letter dated 18 August 2020 addressed to the President of the Council,²⁵ the Secretary-General updated the Council

²⁰ See [S/2020/1333](#).

²¹ [S/2020/82](#), [S/2020/164](#), [S/2020/262](#), [S/2020/348](#), [S/2020/456](#), [S/2020/620](#), [S/2020/769](#), [S/2020/871](#), [S/2020/961](#), [S/2020/1056](#), [S/2020/1152](#) and [S/2020/1300](#).

²² [S/2020/310](#).

²³ See [S/PV.8707](#).

²⁴ See [S/2020/721](#).

²⁵ [S/2020/808](#).

on the status of efforts being undertaken by the United Nations to assist with the increasing environmental and humanitarian risks posed by the FSO *Safer* oil tanker. Noting that the United Nations mission remained ready to deploy pending authorization by the Houthis, the Secretary-General stated that averting the calamity posed by the oil tanker should not be politicized and that it was a solvable problem that did not need to be added to the many other burdens of the Yemeni people.

On 24 June, at an open videoconference held in connection with the item entitled “The situation in the Middle East, including the Palestinian question”,²⁶ the Council heard briefings by the Secretary-General and the Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General regarding the announcement by Israel of its intention to annex parts of the occupied West Bank. The Secretary-General expressed a deep sense of concern over the evolving situation in Israel and the State of Palestine. He stated that, if implemented, annexation would constitute a most serious violation of international law, grievously harm the prospect of a two-State solution and undercut the possibilities of a renewal of negotiations. He added that any unilateral steps hampered efforts to advance regional peace and to maintain international peace and security. He called on the Government of Israel to abandon its annexation plans and urged Israeli and Palestinian leaders to commit themselves to meaningful dialogue, with the support of the international community.

The Secretary-General also gave briefings to Council members on the impact of the COVID-19 pandemic on international peace and security at open videoconferences held on 2 July and 24 September. In his remarks at the open videoconference held on 2 July in connection with the item entitled “Maintenance of international peace and security” and focused on the implications of COVID-19,²⁷ the Secretary-General stated that the COVID-19 pandemic continued to profoundly affect peace and security across the globe, but that the impacts were especially apparent in

countries already experiencing conflict or emerging from it and that they could soon engulf others. The Secretary-General stated that the Council had an important role to play in bringing its voice and influence to bear on those situations, and he welcomed its support, as expressed in Council resolution [2532 \(2020\)](#) of 1 July.²⁸ At the open videoconference held on 24 September in connection with the same item and with a focus on global governance after COVID-19,²⁹ the Secretary-General stated that the COVID-19 pandemic was the number one threat in the world and that it was unfolding against a backdrop of high geopolitical tensions and other global threats in unpredictable and dangerous ways.

In 2020, Council members and other delegations made reference to horizon-scanning briefings during several videoconferences of Council members in connection with the items entitled “Maintenance of international peace and security”, “Implementation of the note by the President of the Security Council of 30 August 2017 ([S/2017/507](#))” and “Peacebuilding and sustaining peace”.³⁰

C. Referrals by the General Assembly

Under Article 11 (3) of the Charter, the General Assembly may call the attention of the Council to situations that are likely to endanger international peace and security. During the period under review, the Assembly did not refer any such situations to the Council under that Article.³¹

²⁸ Resolution [2532 \(2020\)](#), para. 1.

²⁹ See [S/2020/953](#).

³⁰ See [S/2020/340](#) (United Kingdom); [S/2020/418](#) (United Kingdom and Australia); [S/2020/751](#) (Deputy Prime Minister and Minister of Finance and Development Cooperation of Belgium); [S/2020/897](#) (United Kingdom); and [S/2020/1090](#) (Minister of Development Cooperation and Urban Policy of Belgium, European Union and United Arab Emirates). For more information on horizon-scanning briefings, see *Repertoire, Supplement 2010–2011 to 2019*.

³¹ For more information regarding the relations between the Council and the General Assembly, see part IV, sect. I.

²⁶ See [S/2020/596](#).

²⁷ See [S/2020/663](#).

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.

In a letter dated 20 February 2020 addressed to the President of the Security Council,³² the representative of the Bolivarian Republic of Venezuela referred to Article 34 of the Charter and requested the Council to investigate the empirical grounds for the threat of the use of force and the misleading use of the principle of self-defence provided for in Article 51 by the Governments of both the United States and Colombia to justify the use of armed force against his country. In a subsequent letter dated 3 April 2020 addressed to the President of the Council,³³ the same representative alerted the Council to the “dangerous actions” being taken by the Government of the United States, namely, the announced deployment of United States warships to the waters of the western Caribbean, near the Venezuelan coast, which threatened “the peace and security of Venezuela and the entire region”. The

representative noted that his Government had, in prior communications and under less pressing circumstances, asked the Council to use its powers under Article 34 to open an investigation into the situation, which it considered was “likely to endanger the maintenance of international peace and security”. The representative expressed regret that there had been no effective response from the Council.³⁴

In 2020, owing to health and safety concerns and travel restrictions during the COVID-19 pandemic, the Council did not dispatch any missions to the field. In its decisions, the Council acknowledged the investigative functions of the Secretary-General and findings of investigations related to serious violations and abuses of international human rights and violations of international humanitarian law in the Central African Republic; violations of international human rights and international humanitarian law by the Malian Defence and Security Forces in the conduct of counter-terrorism operations; and conflict-related sexual violence in Northern Unity, South Sudan. The Council also took note of the finalization of the work of the International Commission of Inquiry on Mali and called for a follow-up on its recommendations. The Council renewed the mandate of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD), established pursuant to resolution 2379 (2017). The Council also recognized the investigative work of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Human Rights Council in connection with the situations in the Central African Republic, the Democratic Republic of the Congo, Mali and South Sudan. In addition, Council members deliberated on the investigative functions of the Secretary-General, the Human Rights Council and the Organisation for the Prohibition of Chemical Weapons (OPCW) in relation to the situations in Iraq, Libya and the Syrian Arab Republic.

A. Security Council missions

In 2020, owing to health and safety concerns and travel restrictions during the COVID-19 pandemic, the Council did not dispatch any missions to the field. Council missions were, however, referenced in communications submitted to the Council by Member

³² See [S/2020/130](#).

³³ See [S/2020/277](#).

³⁴ For more information concerning actions undertaken by the Council in response to these and other communications, see sect. I above.

States and discussed in Council meetings and videoconferences during the period under review.

In a letter dated 11 February 2020 addressed to the President of the Council,³⁵ the representative of Finland transmitted the report of the seventeenth annual workshop for the newly elected members of the Council, which had been held on 7 and 8 November 2019. According to the report, one view expressed was that the Council's visiting missions had proven to be very useful in bringing Council members closer to the people affected by conflicts and to the actors involved and that they were especially productive when properly targeted and prepared. In a separate comment, it was underscored that penholders should make more use of the insights and information gained through visits. It was also pointed out that it was no longer regular practice to prepare a written report following visiting missions.

Similarly, in a letter dated 3 March 2020 addressed to the President of the Council,³⁶ the representatives of Kuwait and Saint Vincent and the Grenadines, as the outgoing and incoming Chairs of the Informal Working Group on Documentation and Other Procedural Questions, respectively, transmitted a report on the informal retreat held on 17 to 19 January on the working methods of the Council. As indicated in the report, Council members discussed the effectiveness of visiting missions, as they were understood to allow for a better assessment of certain situations. Council members noted the value of such visits and called for careful consideration of their number and impact. Council members highlighted the importance of follow-up action after visits and suggested involving political coordinators in the missions, either separately or in addition to permanent representatives, deputy permanent representatives and sanctions experts.

Council members also discussed the value of and ways to enhance Council missions during an open videoconference held on 15 May in connection with the item entitled "Implementation of the note by the President of 30 August 2017 (S/2017/507)" (see case 1).

Case 1

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

On 15 May, at the initiative of Estonia, which held the presidency of the Council for the month, jointly with the Permanent Representative of Saint Vincent and the Grenadines, as Chair of the Informal

Working Group on Documentation and Other Procedural Questions,³⁷ Council members held an open videoconference on the working methods of the Council in connection with the item entitled "Implementation of the note by the President of the Security Council (S/2017/507)".³⁸ In her briefing to the Council, the Executive Director of Security Council Report, an independent think tank, noted that the Council had actively sought to strengthen its interaction with the field, including through the visiting missions that had become an effective Council tool in the early 1990s. Although five such missions a year were typical, the COVID-19 pandemic had halted them. She recalled the call made by former Council members for the Council to ensure that its members were not just speaking about the countries concerned but were also speaking to them and observed that technology made that more possible. She added that there was potential for a more dynamic engagement with the field and noted that virtual meetings with Heads of Government, parliamentarians, government ministers and a range of civil society representatives, virtual meetings with the United Nations agencies, funds and programmes on the ground and virtual visits to hard-to-reach field locations were all potentially available, freed from the severe constraints of time, security and logistics that were part and parcel of most Council field visits. Virtual discussions with actors in the field and with troop- and police-contributing countries could be held at various points of the mandate cycle in order to actively mitigate against the risks of "adopt and forget", a phenomenon she said had been described in 2019 by the then Permanent Representative of France to explain the relatively fleeting attention the Council was able to devote to the mandating of peace operations.

On behalf of the Accountability, Coherence and Transparency Group, the representative of Switzerland stated that the Council could explore conducting virtual visits to the field as a complementary instrument to existing and established physical visits.³⁹ The representative of El Salvador stated that field visits were valuable, as they gave Council members a broader view of the local situation, enabling them to make sound decisions and to discharge their mandate more effectively. She underscored the importance of considering the participation of other relevant parties in the proceedings, including Member States that contributed military, police and civilian contingents to peace operations. With a view to coordinating efforts

³⁵ See S/2020/116.

³⁶ See S/2020/172.

³⁷ The Council had before it a concept note annexed to a letter dated 7 May 2020 (S/2020/374).

³⁸ See S/2020/418.

³⁹ See S/2020/418.

and strengthening the dynamics of the United Nations, missions could also be carried out among the various subsidiary bodies of the Council, including the Peacebuilding Commission, and by the Economic and Social Council, which would enhance greater strategic effectiveness while reducing overall costs. The delegation of Canada suggested that the Council also consider inviting the Chair of the Peacebuilding Commission or those of its country-specific configurations to join missions to countries where both bodies were engaged, as a means of further institutionalizing the linkages between the Commission and the Council. The delegation of Egypt called for the briefings to the wider membership on the monthly programme of work to provide an overview of the most important meetings, activities and visits carried out by the Council.

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

Decisions of the Council

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

In connection with the situation in the Central African Republic, the Council called on the authorities to follow up on the recommendations set out in the report of the mapping project conducted pursuant to resolution 2301 (2016) by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, in which serious violations and abuses of international human rights and violations of international humanitarian law were documented within the territory of the Central African Republic between January 2003 and December 2015.⁴⁰

With regard to the investigations into the killing, in March 2017, of two members of the Group of Experts on the Democratic Republic of the Congo and the four Congolese nationals accompanying them, the Council welcomed the work of the United Nations team deployed to assist the Congolese authorities in their investigations and the commitment of the Secretary-General that the United Nations would do everything possible to ensure that the perpetrators were

brought to justice.⁴¹ The Council also welcomed in that regard the continued cooperation of the Government of the Democratic Republic of the Congo with the United Nations team and called on them to ensure that all perpetrators were brought to justice and held accountable.⁴²

In relation to the situation concerning Iraq, the Council mandated the Special Representative of the Secretary-General for Iraq and the United Nations Assistance Mission for Iraq (UNAMI) to promote accountability and the protection of human rights and judicial and legal reform and to support the work of UNITAD.⁴³ In connection with the item entitled “Threats to international peace and security”, the Council reaffirmed its resolution 2379 (2017), by which UNITAD had been established, and extended its mandate until 18 September 2021.⁴⁴

Regarding the situation in Mali, the Council took note of the finalization of the work of the International Commission of Inquiry on Mali, established by the Secretary-General in accordance with the Agreement on Peace and Reconciliation in Mali of 2015 and as requested by the Council in its resolution 2364 (2017), and called upon the Malian parties to follow up on its recommendations once they were conveyed.⁴⁵ The Council requested the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to support the follow-up on those recommendations.⁴⁶ Expressing serious concern about repeated allegations of violations of international human rights law and international humanitarian law by the Malian Defence and Security Forces in the conduct of counter-terrorism operations, the Council urged the Government of Mali to effectively implement the measures announced in response to those allegations, especially in relation to the allegations documented by the Human Rights Division of MINUSMA.⁴⁷

In connection with South Sudan, the Council expressed grave concern at the ongoing reports of sexual

⁴¹ Resolution 2528 (2020), fifth preambular paragraph. For more information on the matter, see S/2017/917 and *Repertoire, Supplement 2016–2017*, part VI, sect. II.B.

⁴² Resolution 2556 (2020), para. 7.

⁴³ Resolution 2522 (2020), para. 2 (d). For more information on the mandate of UNAMI, see part X, sect. II.

⁴⁴ Resolution 2544 (2020), paras. 1 and 2. For more information on the mandate of UNITAD, see part IX, sect. III.

⁴⁵ Resolution 2531 (2020), sixteenth preambular paragraph and para. 11.

⁴⁶ *Ibid.*, para. 28 (a) (iv). For more information on the mandate of MINUSMA, see part X, sect. I.

⁴⁷ Resolution 2531 (2020), para. 34.

⁴⁰ Resolution 2552 (2020), para. 22.

and gender-based violence, including the findings set out in the report of the Secretary-General to the Council on sexual violence in conflict (S/2019/280) with regard to the use of sexual violence by parties to the conflict as a tactic against the civilian population. The Council also referred to the report of the United Nations Mission in South Sudan (UNMISS) and OHCHR, issued in February 2019, on conflict-related sexual violence in northern Unity in the period between September and December 2018, in which the normalization and continuation of violence against women and girls was documented, despite the suspension of most military offensives.⁴⁸ The Council also expressed grave concern

regarding the reports on the human rights situation in South Sudan issued by UNMISS and the Secretary-General, emphasized its hope that those and other credible reports would be duly considered by any transitional justice mechanisms for South Sudan, stressed the importance of the collection and preservation of evidence for eventual use by the Hybrid Court for South Sudan and other accountability mechanisms, and encouraged efforts in that regard.⁴⁹ In addition, the Council took note of the joint report of UNMISS and OHCHR on freedom of expression in South Sudan.⁵⁰

⁴⁸ Resolution 2514 (2020), twentieth preambular paragraph. For more information on the mandate of UNMISS, see part X, sect. I.

⁴⁹ Resolution 2514 (2020), twenty-third preambular paragraph.

⁵⁰ Ibid., twenty-fifth preambular paragraph.

Table 2

Decisions relating to investigative and/or fact-finding activities by the Secretary-General, 2020

<i>Decision and date</i>	<i>Provision</i>
The situation in the Central African Republic	
Resolution 2552 (2020) 12 November 2020	Calls on the Central African Republic authorities to follow up on the recommendations of the report of the Mapping Project describing serious violations and abuses of international human rights and violations of international humanitarian law committed within the territory of the Central African Republic between January 2003 and December 2015 (para. 22)
The situation concerning the Democratic Republic of the Congo	
Resolution 2528 (2020) 25 June 2020	Reiterating the need for the Government of the Democratic Republic of the Congo to swiftly and fully investigate the killing of the two members of the Group of Experts and the four Congolese nationals accompanying them and bring those responsible to justice, welcoming the Secretary General's commitment that the United Nations will do everything possible to ensure that the perpetrators are brought to justice, further welcoming the work of the United Nations team deployed to assist the Congolese authorities in their investigations, in agreement with the Congolese authorities, and welcoming their continued cooperation (fifth preambular paragraph)
Resolution 2556 (2020) 18 December 2020	Welcomes the cooperation of the Government of the Democratic Republic of the Congo with the team of international experts on the situation in the Kasai regions mandated by the Human Rights Council in its resolution 45/34, recognizes the improvements in cooperation since President Tshisekedi's election, requests the Government of the Democratic Republic of the Congo to implement all the recommendations made by the team of international experts in its report, and to cooperate with the team of two international human rights experts charged with monitoring, evaluating, providing support and reporting on the implementation by the Democratic Republic of the Congo of those recommendations, further welcomes the continued cooperation of the Government of the Democratic Republic of the Congo with the United Nations team deployed, as agreed, to assist the Congolese authorities' investigations into the deaths of the two United Nations experts in March 2017, and calls on them to ensure all perpetrators are brought to justice and held accountable (para. 7)

The situation concerning Iraq

Resolution [2522 \(2020\)](#)
29 May 2020

Decides further that the Special Representative of the Secretary-General for Iraq and the United Nations Assistance Mission for Iraq (UNAMI), at the request of the Government of Iraq, and taking into account the letter from the Acting Minister for Foreign Affairs of Iraq to the Secretary-General ([S/2020/448](#), annex), shall:

...

(d) promote accountability and the protection of human rights, and judicial and legal reform, with full respect for the sovereignty of Iraq, in order to strengthen the rule of law and improve governance in Iraq, in addition to supporting the work of the United Nations Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD) in Iraq and the Levant established in resolution [2379 \(2017\)](#) (para. 2 (d))

The situation in Mali

Resolution [2531 \(2020\)](#)
29 June 2020

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

Calls upon the Malian parties to follow up on the recommendations of the International Commission of Inquiry on Mali once they are conveyed (para. 11)

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

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

....

(iv) To support the implementation of the reconciliation and justice measures of the Agreement, especially in its part V, including to support the operations of the Truth, Justice and Reconciliation Commission and the follow-up of the recommendations of the International Commission of Inquiry (para. 28 (a) (iv))

Expresses serious concerns about repeated allegations of violations of international human rights law and international humanitarian law by the Malian Defence and Security Forces in the conduct of counter-terrorism operations, takes positive note of the measures announced by the Government of Mali in response to these allegations, and urges the Government of Mali to effectively implement these measures, notably by carrying out transparent, credible and timely investigations and holding accountable those responsible, especially as it relates to the allegations documented by the MINUSMA Human Rights Division (para. 34)

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

Resolution [2514 \(2020\)](#)
12 March 2020

Expressing grave concern at ongoing reports of sexual and gender-based violence, including the findings in the report of the Secretary-General on sexual violence in conflict to the Security Council ([S/2019/280](#)) of the use of sexual violence as a tactic by parties to the conflict against the civilian population in South Sudan, including the use of rape and gang rape of women and girls, and abduction, forced marriage and sexual slavery, and where persistent levels of conflict-related sexual violence and other forms of violence against women and girls have become normalized and continued after the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan and despite the suspension of most military offensives, as documented in the February 2019 report of the United Nations Mission in South

Sudan (UNMISS) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) on conflict-related sexual violence in northern Unity between September and December 2018, underlining the urgency and importance of timely investigations and the provision of assistance and protection to victims of sexual and gender-based violence (twentieth preambular paragraph)

Expressing grave concern regarding the reports on the human rights situation in South Sudan issued by UNMISS and the Secretary-General, further expressing grave concern that, according to the report of the African Union Commission of Inquiry on South Sudan, released on 27 October 2015, and the reports of the Commission on Human Rights in South Sudan, released on 23 February 2018, 20 February 2019 and 20 February 2020, war crimes and crimes against humanity may have been committed, emphasizing its hope that these and other credible reports will be duly considered by any transitional justice mechanisms for South Sudan, including those established pursuant to the Revitalized Agreement, stressing the importance of the 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 (twenty-third preambular paragraph)

Taking note of the joint UNMISS and OHCHR report on the freedom of opinion and expression in South Sudan since the July 2016 crisis issued in February 2018, expressing ongoing concern at the severe restriction of freedoms of opinion, expression and association, condemning the use of media to broadcast hate speech and transmit messages instigating violence against a particular ethnic group, a practice that has the potential to lead to widespread violence and exacerbate armed conflict, and calling on the Government of South Sudan to immediately condemn and counter increasing hate speech and ethnic violence and to promote reconciliation among its people (twenty-fifth preambular paragraph)

Threats to international peace and security

Resolution [2544 \(2020\)](#)
18 September 2020

Reaffirms its resolution [2379 \(2017\)](#), by which UNITAD, headed by a Special Adviser, was established, and recalls the terms of reference approved by the Council (see [S/2018/119](#)) (para. 1)

Takes note of the request from the Government of Iraq contained in its letter dated 16 September 2020 ([S/2020/909](#), annex) and decides to extend until 18 September 2021 the mandate of the Special Adviser and UNITAD, with any further extension to be decided at the request of the Government of Iraq, or any other government that has requested the Team to collect evidence of acts that may amount to war crimes, crimes against humanity, or genocide, committed by Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) in its territory, in accordance with its resolution [2379 \(2017\)](#) (para. 2)

Requests the Special Adviser to continue to submit and present reports to the Council on the Team's activities every 180 days (para. 4)

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 a letter dated 6 April 2020 addressed to the President of the Council,⁵¹ the Secretary-General, in his capacity as Chief Administrative Officer of the United Nations, transmitted a summary of the report of the United Nations Headquarters Board of Inquiry established in 2019 to investigate a number of incidents that were reported to have occurred in the north-west of the

Syrian Arab Republic since the signing of the Memorandum on the Stabilization of the Situation in the Idlib De-escalation Area by the Russian Federation and Turkey on 17 September 2018. The investigation encompassed incidents in which facilities that were on the United Nations deconfliction list, or that were receiving support from the Organization, were reported to have been hit or to have otherwise sustained damage in the course of military operations. In his letter, the Secretary-General stated that his aim in establishing the Board of Inquiry was to develop a clear record of the facts of the incidents, their causes and the persons or entities to which they could be attributable,

⁵¹ [S/2020/278](#).

emphasizing in that regard that the Board was not mandated to make legal findings or consider questions of legal liability or legal responsibility. The Secretary-General added that such a record would make it possible for him, *inter alia*, to identify any gaps or shortcomings in the Organization's procedures and to take any measures and put in place any arrangements that might be needed to prevent the recurrence of such incidents in the future or at least minimize their number and mitigate their effects. Lastly, the Secretary-General stated that he would appoint a senior independent adviser in order to help to determine how best to address the recommendations of the Board.

In a letter dated 30 June 2020 addressed to the President of the Council,⁵² the representative of the Russian Federation transmitted the findings of the Ministry of Defence of his country with respect to the summary of the report of the United Nations Headquarters Board of Inquiry. In his letter, the representative underscored that the Russian Federation considered the establishment of the Board to be illegitimate, noting that it had gone beyond its announced goal of finding whether reports of United Nations-supported facilities in the Syrian Arab Republic being damaged were true and had, in fact, made assertions in the form of "highly probable" with regard to which parties those incidents might be attributable. He added that the investigation experts of his country's Ministry of Defence had failed to find traces of either aerial bombing or artillery shelling on the objects in question and presented their specific conclusions in that regard.

In a letter dated 29 July 2020 addressed to the President of the Council,⁵³ the representative of the Russian Federation expressed serious concern about references made to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction at the open videoconference held on 2 July in connection with the item entitled "Maintenance of international peace and security" and focused on the implications of COVID-19.⁵⁴ In his letter, the representative pointed to the need for institutional and operational strengthening of the Convention and called on the Secretariat to take necessary practical measures to facilitate the strengthening of the regime, including its investigation capacities in accordance with article VI of the Convention.⁵⁵ The representative expressed his

delegation's conviction that any investigative efforts in the field of the alleged use of biological weapons should be based primarily on the procedures and instruments envisaged under the Convention and that the principles and procedures of the Secretary-General's Mechanism for Investigation of the Alleged Use of Chemical and Biological Weapons, established in 1988, should be updated.

By a letter dated 17 December 2020 addressed to the President of the Council,⁵⁶ the Secretary-General transmitted the report of the International Commission of Inquiry on Mali, established by the Secretary-General in 2018. As noted in the report, the Commission was mandated to investigate allegations of abuses and serious violations of international human rights law and international humanitarian law, including allegations of conflict-related sexual violence, committed throughout the territory of Mali between 1 January 2012 and the date of the establishment of the Commission; to establish the facts and circumstances concerning the commission of such abuses and violations, including those that could constitute international crimes; and to identify those allegedly responsible for such abuses and violations. After completing its investigations, the Commission was able to conclude that abuses and serious violations of international human rights law and international humanitarian law, some of which constituted war crimes and crimes against humanity, were committed by the main parties to the conflict that began in 2012. In accordance with its mandate, the Council presented recommendations on the fight against impunity in the light of the abuses, violations and crimes identified.

In accordance with existing practice, by his letters dated 11 May and 11 November 2020 addressed to the President of the Council,⁵⁷ the Special Adviser of the Secretary-General and Head of UNITAD transmitted the fourth and fifth reports, respectively, on the activities of the Investigative Team.

Meetings of the Council

In meetings of the Council, Council members and other speakers referred to the investigative authority of the Council and the role of the Secretary-General. For example, at the 8699th meeting of the Council, held on 9 January under the item entitled "Maintenance of international peace and security",⁵⁸ the Secretary-General recalled that many tools available to the Council for the pacific settlement of disputes were outlined in Chapter VI. In that regard, he called on the

⁵² S/2020/629.

⁵³ S/2020/756.

⁵⁴ See S/2020/663.

⁵⁵ See S/2020/756.

⁵⁶ S/2020/1332.

⁵⁷ S/2020/386 and S/2020/1107.

⁵⁸ See S/PV.8699.

Council to further utilize the powers granted to it under the Charter, including the investigation of disputes in accordance with Chapter VI.

Council members also discussed the investigations of the Council and the Secretary-General in connection with the findings of the United Nations Headquarters Board of Inquiry into certain incidents in the north-west of the Syrian Arab Republic, in the context of the situation in the Middle East (see case 2). They also discussed the mandate and work of UNITAD in connection with threats to international peace and security (see case 3).

Case 2

The situation in the Middle East

At an open videoconference held on 29 April in connection with the item entitled “The situation in the Middle East”,⁵⁹ Council members discussed the findings of the United Nations Headquarters Board of Inquiry into certain incidents in the north-west of the Syrian Arab Republic since 17 September 2018 involving facilities on the United Nations deconfliction list and United Nations-supported facilities.⁶⁰ While welcoming the report of the Board of Inquiry, the representative of Germany underscored that there had to be follow-up to its findings and that impunity for those responsible for serious violations of international law was not an option.⁶¹ The representative of the United Kingdom stated that, even though the Russian Federation was not explicitly identified in the report as the “regime’s ally” responsible for some of the attacks on civilian infrastructure, it was clear which country was meant when there was only one that was flying military aircraft over Idlib alongside the “regime”. That conclusion, he added, was supported by the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic, which had been established by the Human Rights Council. Noting that the Council had to hold those who threatened the peace and stability of the Syrian Arab Republic accountable, the representative of the United States stressed the need for the Board’s evidence to be shared with the Commission of Inquiry and with the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, which had been established by the General Assembly. The representatives of South Africa and the United States

welcomed the intention of the Secretary-General to appoint a senior independent adviser to address the Board’s recommendations.

The representative of the Russian Federation recalled that his delegation did not recognize the Board of Inquiry, which the Secretary-General had established “in excess of his authority”. Nevertheless, the representative pointed out that the Board could not establish a single civilian death caused by alleged shelling by the Syrian air force or its allies. He further stated that the Board had uncovered victims of shelling by terrorists and noted that, according to the report, not a single medical facility had been destroyed, with only minor damage reported.

Case 3

Threats to international peace and security

On 10 December, at an open videoconference held in connection with the item entitled “Threats to international peace and security”,⁶² the Special Adviser of the Secretary-General and Head of UNITAD presented his fifth report on the activities of the Investigative Team.⁶³ The Special Adviser confirmed that progress continued to be made in the Team’s key lines of investigation and reported that that continued momentum allowed the Team to envisage the finalization, in the first half of 2021, of the first thematic case briefs on crimes committed against the Yazidi community in Sinjar, Iraq, and the massacre of unarmed air cadets and other personnel in Tikrit.⁶⁴ At the same time, UNITAD had continued to expand its lines of investigations, with rapid progress made on investigations in relation to crimes committed against the Christian, Kaka’i, Shabak, Sunni and Turkmen Shia communities. The Special Adviser underscored that, faced with the unprecedented challenges posed by the COVID-19 pandemic, UNITAD had further strengthened its cooperation with Iraqi authorities and those of the Kurdistan region. He was encouraged by the efforts made by the Council of Representatives of Iraq to take forward legislation that would allow for the prosecution of crimes committed by Islamic State in Iraq and the Levant (ISIL, also known as Da’esh) under domestic law as war crimes, crimes against humanity and genocide. The Special Adviser confirmed his continued engagement with the Government of Iraq, with a view to establishing modalities for the sharing of evidence with competent Iraqi authorities in accordance with the Team’s terms of reference. UNITAD had also reinforced its engagement with

⁵⁹ See [S/2020/353](#).

⁶⁰ [S/2020/278](#), annex.

⁶¹ See [S/2020/353](#).

⁶² See [S/2020/1193](#).

⁶³ [S/2020/1107](#), annex.

⁶⁴ See [S/2020/1193](#).

national authorities in other jurisdictions through the provision of support for ongoing proceedings, in line with its mandate. The Special Adviser noted the engagement of UNITAD with all parts of the Iraqi society, including civil society and the religious leadership. He concluded by noting that the unique partnership underpinning the Team's mandate – between independent investigations based on close collaboration with national authorities and international standards adapted to domestic context – was working and served as an innovative model of criminal accountability that had been developed by the Council.

In the discussion that followed, the representative of Belgium commended UNITAD for the considerable progress made in the implementation of its mandate, including through exchanges with all segments of Iraqi society and the entering of a significant number of its investigative priorities into the phase of evidentiary consolidation and legal analysis. The representative of Indonesia affirmed that all elements of Iraqi society had to be engaged and empowered and involved in the Investigative Team's activities. The representative of South Africa stated that the Team's engagement with Iraqi religious leaders and civil society could only bolster important gains it had made in establishing credibility in the fractured country. Several delegations stressed the importance of protection measures and psychosocial support for both witnesses and victims,⁶⁵ as well as of the investigation of sexual and gender-based crimes and crimes against children.⁶⁶

Most Council members welcomed the progress made through cooperation between UNITAD and the Government of Iraq, with some also reiterating the importance of national ownership and respect for the country's sovereignty.⁶⁷ The representative of South Africa expressed his country's belief that the cooperation between UNITAD and the Government of Iraq could serve as a model of best practice from which important lessons could be drawn in similar situations. The representative of the United Kingdom urged the Investigative Team, the Government of Iraq and the Kurdistan Regional Government to collaborate closely on securing an evidence-sharing mechanism that provided assurances on the use of the death penalty. The representative of France recalled the position of the United Nations regarding the non-transmission of

evidence in judicial proceedings that could result in the death penalty. The representative of Germany stated that it was very important to engage in training the Iraqi judiciary so that the necessary legislation would be adopted with the objective of achieving fair and independent criminal proceedings, consistent with international law. The representative of the United States said that for Iraq to hold evidence-based trials would not only serve to establish the clear culpability of ISIL (Da'esh) and its members, but would also help to showcase the country's justice system and its commitment to the rule of law. The representative of France underscored the importance of cooperation between UNITAD and the UNAMI and the representative of South Africa emphasized their complementary and reinforcing roles.

The representative of China stated that, given that pursuant to resolution 2379 (2017) Iraq was the main recipient of the evidence collected, UNITAD should hand over that evidence in a timely and comprehensive manner. He added that the prior consent of Iraq should be obtained before information was shared with other Member States and that the principles of transparency and non-discrimination should be followed. Noting that UNITAD had refrained from handing over to Iraqi authorities the evidence required to launch legal proceedings against terrorists until the Iraqi parliament approved a special law on international crimes, the representative of the Russian Federation underscored that that holding pattern should not negatively affect the implementation of the main part of the Investigative Team's mandate. He further stressed that, under resolution 2379 (2017), Iraq was not obliged to criminalize any particular form of act but that the Iraqi authorities were clearly defined as the main recipients of evidence collected by the Team. The representative also recalled the importance for UNITAD to receive information first-hand and that excessive dependence on information sourced from non-governmental organizations could result in a distorted image of the crimes committed and steer the activity of the Team.

The representative of the United States underscored that Iraq should not have to continue to shoulder responsibility for foreign terrorist fighters and associated family members alone, and noted the valuable support that UNITAD could provide to other Member States in conducting such investigations and prosecutions. The representative of Belgium stressed that support for the national authorities of third States in response to their requests for assistance was essential, given that many procedures were under way in those countries, in particular in Europe, and that the resulting cooperation between the Iraqi judicial

⁶⁵ Belgium, Estonia, Indonesia, Saint Vincent and the Grenadines, United Kingdom, United States and Viet Nam.

⁶⁶ Dominican Republic, Estonia, Saint Vincent and the Grenadines and United Kingdom.

⁶⁷ China, Russian Federation, Saint Vincent and the Grenadines, Tunisia and Viet Nam.

authorities and those of third countries would most certainly contribute, in the longer term, to the opening of specific cases in Iraq.

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

In decisions of the Council

During the period under review, the Council also recognized the investigative functions of other bodies

of the United Nations, notably OHCHR and the Human Rights Council, in relation to the situations in the Central African Republic, the Democratic Republic of the Congo, Mali and South Sudan.⁶⁸ Table 3 contains the provisions of Council decisions referring to such functions.

⁶⁸ For further information on relations with other United Nations organs, see part IV.

Table 3

Decisions relating to investigation and inquiry by United Nations bodies and related organizations, 2020

<i>Decision and date</i>	<i>Provision</i>
The situation in the Central African Republic	
Resolution 2552 (2020) 12 November 2020	Calls on the Central African Republic authorities to follow up on the recommendations of the report of the Mapping Project describing serious violations and abuses of international human rights and violations of international humanitarian law committed within the territory of the Central African Republic between January 2003 and December 2015 (para. 22)
The situation concerning the Democratic Republic of the Congo	
Resolution 2556 (2020) 18 December 2020	Welcomes the cooperation of the Government of the Democratic Republic of the Congo with the team of international experts on the situation in the Kasai regions mandated by the Human Rights Council in its resolution 45/34 , recognizes the improvements in cooperation since President Tshisekedi's election, requests the Government of the Democratic Republic of the Congo to implement all the recommendations made by the team of international experts in its report, and to cooperate with the team of two international human rights experts charged with monitoring, evaluating, providing support and reporting on the implementation by the Democratic Republic of the Congo of those recommendations, further welcomes the continued cooperation of the Government of the Democratic Republic of the Congo with the United Nations team deployed, as agreed, to assist the Congolese authorities' investigations into the deaths of the two United Nations experts in March 2017, and calls on them to ensure all perpetrators are brought to justice and held accountable (para. 7)
The situation in Mali	
Resolution 2531 (2020) 29 June 2020	Expresses serious concerns about repeated allegations of violations of international human rights law and international humanitarian law by the Malian Defence and Security Forces in the conduct of counter-terrorism operations, takes positive note of the measures announced by the Government of Mali in response to these allegations, and urges the Government of Mali to effectively implement these measures, notably by carrying out transparent, credible and timely investigations and holding accountable those responsible, especially as it relates to the allegations documented by the United Nations Multidimensional Integrated Stabilization Mission in Mali Human Rights Division (para. 34)

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

Resolution [2514 \(2020\)](#)
12 March 2020

Expressing grave concern at ongoing reports of sexual and gender-based violence, including the findings in the report of the Secretary-General on sexual violence in conflict to the Security Council ([S/2019/280](#)) of the use of sexual violence as a tactic by parties to the conflict against the civilian population in South Sudan, including the use of rape and gang rape of women and girls, and abduction, forced marriage and sexual slavery, and where persistent levels of conflict-related sexual violence and other forms of violence against women and girls have become normalized and continued after the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan and despite the suspension of most military offensives, as documented in the February 2019 report of the United Nations Mission in South Sudan (UNMISS) and Office of the United Nations High Commissioner for Human Rights (OHCHR) report on conflict-related sexual violence in northern Unity between September and December 2018, underlining the urgency and importance of timely investigations and the provision of assistance and protection to victims of sexual and gender-based violence (twentieth preambular paragraph)

Expressing grave concern regarding the reports on the human rights situation in South Sudan issued by UNMISS and the Secretary-General, further expressing grave concern that according to the report of the African Union Commission of Inquiry on South Sudan, released on 27 October 2015, and the reports of the Commission on Human Rights in South Sudan, released on 23 February 2018, 20 February 2019 and 20 February 2020, war crimes and crimes against humanity may have been committed, emphasizing its hope that these and other credible reports will be duly considered by any transitional justice mechanisms for South Sudan, including those established pursuant to the Revitalised Agreement, stressing the importance of the 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 (twenty-third preambular paragraph)

Taking note of the joint UNMISS and OHCHR report on the freedom of opinion and expression in South Sudan since the July 2016 crisis issued in February 2018, expressing ongoing concern at the severe restriction of freedoms of opinion, expression and association, condemning the use of media to broadcast hate speech and transmit messages instigating violence against a particular ethnic group, a practice that has the potential to lead to widespread violence and exacerbate armed conflict, and calling on the Government of South Sudan to immediately condemn and counter increasing hate speech and ethnic violence and to promote reconciliation among its people (twenty-fifth preambular paragraph)

In 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 by the Russian Federation. In a letter dated 4 February 2020 addressed to the Secretary-General and the President of the Council,⁶⁹ the representative of the Russian Federation transmitted a moderator's summary of the Arria-formula meeting held on 20 January to discuss the report of the OPCW fact-finding mission on the alleged use of chemical weapons in Duma, Syrian Arab Republic, on 7 April 2018. Furthermore, in letters dated 15 April and

19 June 2020 addressed to the Secretary-General and the President of the Council,⁷⁰ the representative of the Russian Federation transmitted two aides-memoires concerning the investigations of the OPCW Investigation and Identification Team on the alleged use of chemical weapons in Lataminah, Syrian Arab Republic, on 24, 25 and 30 March 2017. In the aides-memoires, the Russian Federation questioned the basis for the establishment of the Team and its methodology, impartiality and findings, opining that the body was encroaching on the exclusive powers of the Council.

In a letter dated 12 May 2020 addressed to the Secretary-General and the President of the Security Council,⁷¹ the representative of the Russian Federation expressed regret that, despite his delegation's genuine

⁶⁹ [S/2020/96](#). See also [S/2019/208](#), annex. For more information on the OPCW fact-finding mission in the Syrian Arab Republic, see *Repertoire, Supplement 2018*, part VI, sect. II.B.

⁷⁰ [S/2020/311](#) and [S/2020/565](#). See also [S/2020/310](#), annex.

⁷¹ [S/2020/390](#).

attempts to hold a frank and candid discussion on 12 May with the Director General of OPCW in the format of an open videoconference of the Council, some Council members had insisted on conducting the interaction behind closed doors as an “informal informal” discussion. In his letter, the representative recalled what he described as the “illicit and illegitimate nature” of the Investigation and Identification Team, which had been established in violation of article XV of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and undermined the goals and principles of that Convention.

In meetings of the Council

During 2020, the Council discussed the investigations of other bodies of the United Nations and related organizations, namely, the Independent Fact-Finding Mission on Libya established by the Human Rights Council to investigate human rights violations throughout Libya since the beginning of 2016, the Investigation and Identification Team established by OPCW to look into the alleged use of chemical weapons in Lataminah, Syrian Arab Republic, on 24, 25 and 30 March 2017 and the OPCW fact-finding mission in the Syrian Arab Republic. Those investigations were discussed in the context of videoconferences held in connection with the items entitled “The situation in Libya” (see case 4) and “The situation in the Middle East” (see case 5).

Case 4

The situation in Libya

On 8 July, Council members held a high-level open videoconference in connection with the item entitled “The situation in Libya”.⁷² In his statement, the Secretary-General noted that, after the Government of National Accord had retaken control of Tarhunah from the Libyan National Army in June, numerous mass graves had been discovered. He therefore welcomed the decision by the Human Rights Council to establish an international fact-finding mission to Libya to look into human rights violations since the beginning of 2016 and to promote accountability. He also noted that the International Criminal Court had announced that it would not hesitate to investigate possible war crimes and crimes against humanity. The Secretary-General further informed the Council that, on 19 June, the United Nations had responded to a written request from the Prime Minister of Libya, Faiez Mustafa Serraj, to support the investigation into the

mass graves and noted that the Organization stood ready to advise on the conduct of investigations, the securing of the mass graves and the establishment of national mechanisms to assist the victims.

Council members and non-Council members alike⁷³ expressed support for the establishment of the Independent Fact-Finding Mission on Libya by the Human Rights Council to investigate violations and abuses of international human rights law and international humanitarian law in Libya. The representative of Belgium noted in his statement that the fact-finding mission was also mandated to preserve evidence, with a view to ensuring that perpetrators were held accountable. Maintaining that the persistent climate of impunity in Libya needed to be addressed, the Minister of State for the Middle East and North Africa of the United Kingdom called on all parties to allow the Fact-Finding Mission access to the entire country. Also emphasizing the need for access, the representative of the United States added that such access needed to include the ability to speak freely with witnesses.

Case 5

The situation in the Middle East

On 10 September, Council members held an open videoconference in connection with the item entitled “The situation in the Middle East”, regarding the implementation of resolution 2118 (2013) on the elimination of chemical weapons in the Syrian Arab Republic.⁷⁴ In her briefing, the High Representative for Disarmament Affairs noted that the OPCW fact-finding mission in the Syrian Arab Republic continued to study all available information related to allegations of the use of chemical weapons in the country and continued its engagement with the Government of the Syrian Arab Republic and other States parties to the Chemical Weapons Convention with regard to a variety of incidents. She added that further deployments of the mission would be subject to the evolution of the COVID-19 pandemic and its impact on OPCW activities. The High Representative stated that, following its first report, dated 8 April 2020,⁷⁵ the OPCW Investigation and Identification Team was continuing its investigations into incidents in which the Team had determined that chemical weapons had been or had likely been used and that it would issue further

⁷² See [S/2020/686](#).

⁷³ South Africa, United Kingdom, Belgium, Dominican Republic, Saint Vincent and the Grenadines, United States, Turkey, Netherlands and Switzerland.

⁷⁴ See [S/2020/902](#).

⁷⁵ See [S/2020/310](#), annex.

reports in due course.⁷⁶ She added that the Technical Secretariat of OPCW had yet to receive a response from the Syrian Arab Republic to a letter dated 20 July 2020 from the Director General of OPCW addressed to its Deputy Minister for Foreign Affairs and Expatriates, in which the Director General outlined the obligations of the Syrian Arab Republic under OPCW Executive Council decision EC-94/DEC.2, entitled “Addressing the Possession and Use of Chemical Weapons by the Syrian Arab Republic” of 9 July 2020,⁷⁷ which were to be completed within 90 days of the adoption of the decision. The High Representative stated that ensuring accountability for the use of chemical weapons was a collective responsibility and expressed her sincere hope that Council members would unite on the issue.⁷⁸

Council members⁷⁹ condemned the use of chemical weapons, noting that their use constituted a violation of international law and a threat to international peace and security, with several speakers⁸⁰ stressing the need for accountability in this regard. The representative of France expressed her delegation’s full confidence in the unassailable professionalism, integrity and impartiality of the OPCW investigation teams. The representative of the United Kingdom welcomed the robust, proportionate and reasonable action taken by the OPCW Executive Council in its decision of 9 July 2020, in which it accepted the findings set out by the Investigation and Identification Team in its report, provided a deadline by which the Syrian Arab Republic was to comply with its obligations and recommended that the Conference of the States Parties to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction take action, should it fail to comply. The representative of the Dominican Republic called on the Syrian Arab Republic to fulfil its obligations emanating from the Executive Council’s decision.

With regard to the decision to establish the Investigation and Identification Team, the representative of China emphasized that OPCW should comply strictly with the provisions of the Chemical Weapons Convention in the conduct of its work. The representative of the Russian Federation criticized the

methodology and findings of prior investigations by the OPCW fact-finding mission and the former OPCW-United Nations Joint Investigative Mechanism and of the more recent Investigation and Identification Team. Specifically, he maintained that the investigations of the fact-finding mission and the Joint Investigative Mechanism had been focused on a number of doubtful, handpicked incidents, with total disregard for evidence of fact manipulation and of the staging of those incidents. Moreover, by disregarding the so-called chain of custody, under which evidence was required to be collected on site and exclusively by OPCW specialists, the investigative mechanisms had conducted their investigations in clear violation of the Convention. The representative added that the Team’s gaps, inconsistencies, discrepancies and inherent bias logically followed on from the illegitimacy of the Team itself, coupled with the managerial, infrastructural and policy flaws of the OPCW Technical Secretariat.

At an open videoconference held on 11 December in connection with the same item,⁸¹ the High Representative for Disarmament Affairs reiterated her full support for the integrity, professionalism, impartiality, objectivity and independence of the work of OPCW. In his remarks, the Director General of OPCW recalled that, in its report of 8 April 2020, the Investigation and Identification Team had concluded that there were reasonable grounds to believe that individuals belonging to the Syrian Arab Air Force had used chemical weapons in Lataminah on three occasions in March 2017. On 14 October 2020, he had reported to the Executive Council of OPCW that the Syrian Arab Republic had not completed any of the requirements set out in the Executive Council’s decision of 9 July. He recalled that, while the Technical Secretariat had had the authority to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic since June 2018, it was the States parties to the Convention who had the tools to proceed further on the basis of the information received, as did the Security Council and, more broadly, the United Nations. Lastly, the Director General informed the Council that the Technical Secretariat had also released the reports of the OPCW fact-finding mission regarding the alleged use of chemical weapons in Saraqib in August 2016 and in Aleppo in November 2018;⁸² in which the mission outlined its conclusions that it was not possible to establish whether chemicals had been, or had likely been, used as a weapon in either incident.

⁷⁶ See [S/2020/902](#).

⁷⁷ See [S/2020/724](#), annex.

⁷⁸ See [S/2020/902](#).

⁷⁹ Dominican Republic, Estonia, France, Indonesia, Niger, Saint Vincent and the Grenadines, United Kingdom and United States.

⁸⁰ Dominican Republic, Estonia, France, Niger, Saint Vincent and the Grenadines, South Africa, United States and Turkey.

⁸¹ See [S/2020/1202](#).

⁸² See [S/2020/1082](#), annex.

Several delegations⁸³ expressed their full support and confidence regarding the work and impartiality of the investigations conducted by OPCW, including its Investigation and Identification Team.⁸⁴ The representative of Belgium urged the Syrian Arab Republic to guarantee the Team access to its territory. The representative of Estonia stated that, given that OPCW and the Council shared the same objectives of upholding the prohibition on the use of chemical weapons and supporting chemical disarmament, it was important to ensure close collaboration between them in order to move things forward on the file. Some speakers⁸⁵ stressed the need for the work of OPCW to be free from politicization. The representative of Indonesia further underscored that OPCW investigations had to function in a balanced, impartial and transparent manner. The representative of Viet Nam similarly emphasized that investigations must be carried out in a comprehensive, conclusive, objective, and impartial manner. The representative of Saint Vincent and the Grenadines said that it was fundamentally important for the work of OPCW and its various facets and subsidiary bodies to be impartial and independent, recalling also the need for constructive communication to resolve any gaps or inconsistencies. The representative of the Niger added that the investigation teams had to be inclusive and participatory.

The representative of China noted that many independent experts had raised doubts about recent OPCW reports on the use of chemical weapons in the

Syrian Arab Republic from a technical standpoint and highlighted contradictions in those reports, to which OPCW should provide professional, science-based and convincing responses. He described the working methods of the Investigation and Identification Team as opaque and added that its reports did not reflect the integrity of the chain of custody, which meant that they were highly controversial. The representative of the Russian Federation outlined a number of concerns regarding the working methods, including evidentiary practices, and the findings of the Investigation and Identification Team and fact-finding mission, as well as regarding the readiness of the Technical Secretariat to engage with the Syrian Arab Republic in that regard.

Several delegations⁸⁶ underscored the responsibility of the Council to take measures to hold the Syrian Arab Republic accountable for the use of chemical weapons in response to the investigations of OPCW. The representative of Estonia expressed hope that the Council would not stand by in the face of clear evidence that chemical weapons had been used by the Syrian Arab Republic and that it would take action to uphold its resolutions and the Charter of the United Nations. The representative of Belgium stated that it was not in the Council's interest to "espouse conspiracy theories", which served only to weaken its role in the maintenance of international peace and security, and emphasized the need to preserve the Council's mandate as envisioned in the Charter. Several delegations⁸⁷ also stressed the importance of unity in the Council in the collective endeavour to prevent the recurrence and address the issue of the use of chemical weapons in the Syrian Arab Republic.

⁸³ Belgium, Dominican Republic, Estonia, France, Germany, Niger, Saint Vincent and the Grenadines, South Africa, Tunisia, United Kingdom, United States, Viet Nam and Turkey.

⁸⁴ See [S/2020/1202](#).

⁸⁵ Indonesia, Saint Vincent and the Grenadines and Viet Nam.

⁸⁶ Belgium, United Kingdom, United States and Turkey.

⁸⁷ Dominican Republic, Indonesia, Tunisia, Turkey and Viet Nam.

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

Article 33

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

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

Article 36

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

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

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

Article 37

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

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

Article 38

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

Note

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

In Section III, the decisions of the Council in 2020 are examined in connection with the peaceful settlement of disputes within the framework of Chapter VI of the Charter. Decisions explicitly adopted under Chapter VII have not been considered for the

purposes of the present section. Subsections A to C feature decisions of the Council in which the pacific settlement of disputes was addressed in the context of, respectively: thematic issues; country-specific and regional situations; and the settlement of disputes involving the Secretary-General. In subsection D, reference is made to decisions of the Council in support of the pacific settlement of disputes by regional organizations, arrangements and agencies, 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. During the period under review, the decisions of the Council served to highlight the importance of the peaceful settlement of disputes and sustaining peace, including the role of the International Court of Justice, and the importance of the inclusion of women, youth and the interests of children in security sector reform. A more detailed description of the decisions of the Council relating to these subjects is set out below.

Peaceful settlement of disputes and sustaining peace

In 2020, on the occasion of the seventy-fifth anniversary of the United Nations, the Council recalled its commitment to bring about, by peaceful means, and in conformity with the principles of justice and international law, the adjustment or settlement of international disputes that might lead to a breach of the peace.⁸⁸ The Council stressed the importance of all the provisions of the Charter of the United Nations regarding the peaceful settlement of disputes and the International Court of Justice, including those pertaining to the interaction between the two organs.⁸⁹ While recognizing the positive contribution of the Court to the rule of law at the international level and its key role in adjudicating disputes among States, the Council also recognized the need to enhance efforts aimed at capacity-building and at assisting Member States, upon their request, in the implementation of their respective obligations under the Charter,

⁸⁸ S/PRST/2020/13, fourth paragraph, in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”. For more information on the item, see part I, sect. 31.

⁸⁹ S/PRST/2020/13, third paragraph.

including the obligation to settle disputes by peaceful means.⁹⁰

The Council reaffirmed that sustaining peace should be broadly understood as a goal and a process to build a common vision of a society, ensuring that the needs of all segments of the population were taken into account, which encompassed activities aimed at preventing the outbreak, escalation, continuation and recurrence of conflict, addressing root causes, assisting parties to conflict to end hostilities, ensuring national reconciliation and moving towards recovery, reconstruction and development.⁹¹ The Council also reaffirmed the primary responsibility of national Governments and authorities in identifying, driving and directing priorities, strategies and activities for peacebuilding and sustaining peace and, in that regard, emphasized that inclusivity was key to advancing those processes and objectives.⁹² The Council reiterated its commitment to working with the Secretary-General to pursue all possible avenues 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.⁹³

The Council reaffirmed the importance of security sector reform in peacebuilding and sustaining peace, including conflict prevention, and in the stabilization and reconstruction of States in the aftermath of conflict.⁹⁴ The Council encouraged the special representatives of the Secretary-General in United Nations peacekeeping operations and special political missions to fully integrate security sector governance and reform, where and as mandated, into their good offices and to consider the role of such reform in mission efforts to advance peace processes, extend State authority and strengthen a proactive environment for civilians.⁹⁵

Inclusion of women, youth and the interests of children in the pacific settlement of disputes

In 2020, the Council reaffirmed the important role of women and youth in the prevention and resolution of conflicts and in peacebuilding, as well as in post-conflict situations.⁹⁶ The Council recognized the significance of the twentieth anniversary of resolution 1325 (2000) and the twenty-fifth anniversary of the Beijing Declaration and Platform for Action as momentum for Member States to commit themselves to implementing the women and peace and security agenda and its priorities, by ensuring and promoting the full, equal and meaningful participation of women in peace processes, and to remain committed to increasing the number of civilian and uniformed women in peacekeeping at all levels and in all positions, including senior leadership positions.⁹⁷

The Council called upon all relevant actors to consider ways to increase the inclusive representation of youth for the prevention and resolution of conflict, as well as in peacebuilding, including when negotiating and implementing peace agreements, and to ensure the full, effective and meaningful participation of youth, recognizing that their marginalization was detrimental to building sustainable peace.⁹⁸ The Council encouraged the Peacebuilding Commission to continue to support the important peacebuilding role that young people played, and the participation and views of youth-led organizations, in planning and stabilization efforts in peacebuilding and sustaining peace, and to continue to bring its observations and advice to the attention of the Council.⁹⁹ In that regard, the Council recognized the role of the Envoy of the Secretary-General on Youth and her Office and the work of relevant entities of the United Nations, rapporteurs, special envoys, special representatives of the Secretary-General and resident coordinators in the implementation of the youth and peace and security agenda, as outlined in resolution 2250 (2020), including by ensuring that the essential role of young people in advancing peace and security was fully

⁹⁰ Ibid., sixth and eighth paragraphs.

⁹¹ Resolution 2558 (2020), fourth preambular paragraph, in connection with the item entitled, "Peacebuilding and sustaining peace". For more information on the item, see part I, sect. 33.

⁹² Resolution 2558 (2020), fifth preambular paragraph.

⁹³ S/PRST/2020/6, twelfth paragraph, in connection with the item entitled "Protection of civilians in armed conflict". For more information on the item, see part I, sect. 26.

⁹⁴ Resolution 2553 (2020), para. 1, in connection with the item entitled "Maintenance of international peace and security". For more information on the item, see part I, sect. 35.

⁹⁵ Resolution 2553 (2020), para. 20 (d).

⁹⁶ S/PRST/2020/11, sixteenth paragraph, in connection with the item entitled, "Cooperation between the United Nations and regional and subregional organizations". For more information on the item, see part I, sect. 36.

⁹⁷ Resolution 2538 (2020), fifth preambular paragraph, in connection with the item entitled "United Nations peacekeeping operations". For more information on the item, see part I, sect. 23.

⁹⁸ Resolution 2535 (2020), para. 1, in connection with the item entitled "Maintenance of international peace and security".

⁹⁹ Ibid., para. 15.

recognized and supported.¹⁰⁰ Moreover, the Council requested the Secretary-General and his special envoys to include the views of youth in relevant discussions pertinent to the maintenance of peace and security, peacebuilding and sustaining peace and to facilitate the full, effective and meaningful participation of youth at all decision-making levels, paying particular attention to the inclusion of young women and without distinction or discrimination of any kind.¹⁰¹

The Council renewed its call to Member States, United Nations entities, the Peacebuilding Commission and other parties concerned to integrate child protection provisions, from the early stages of all peace processes, taking into account children's views, where possible, in those processes, and ensuring that the specific needs of girls and boys, as well as children with disabilities, were addressed.¹⁰² Commending the development of the practical guidance on the integration of child protection issues in peace processes, entitled *Practical Guidance for Mediators to Better Protect Children in Situations of Armed Conflict*, the Council encouraged mediators, facilitators and other negotiators, including Member States, regional and subregional organizations and all other relevant actors involved in peace and mediation processes, to use that guidance as a tool, as much as possible, in peace and mediation processes.¹⁰³ In that regard, the Council also acknowledged the importance of education in preventing violent conflict and sustaining peace.¹⁰⁴

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 2020, 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 that were primarily intra-State in nature. As described in the overview below, the Council called for the cessation of hostilities and engagement on establishing permanent 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 2020, in the light of the COVID-19 pandemic and recognizing the Secretary-General's appeal for a global ceasefire, the Council demanded a general cessation of hostilities and humanitarian pause with respect to all situations on its agenda. The Council welcomed the opening of negotiations towards permanent ceasefires in Afghanistan and Libya and called on the parties to undertake confidence-building measures in support of those processes. The Council reiterated its call for an end to the fighting in the Syrian Arab Republic and its support for achieving a political solution to the conflict. The Council also reiterated its call on Israel and the Syrian Arab Republic to prevent any further breaches of the ceasefire in the Golan Heights, and on Israel and Lebanon specifically to respect the cessation of

¹⁰⁰ Ibid., para. 19.

¹⁰¹ Ibid., para. 20.

¹⁰² S/PRST/2020/3, seventh paragraph, in connection with the item entitled "Children and armed conflict". For more information on the item, see part I, sect. 25.

¹⁰³ S/PRST/2020/3, ninth and thirteenth paragraphs.

¹⁰⁴ S/PRST/2020/8, twenty-fifth paragraph, in connection with the item entitled "Children and armed conflict".

hostilities, support a permanent ceasefire and find a long-term solution to their dispute.

In connection with the maintenance of international peace and security, a thematic item, the Council demanded a general and immediate cessation of hostilities in all situations on its agenda. The Council further called upon all parties to armed conflict to engage immediately in a durable humanitarian pause for least 90 consecutive days, in order to enable the safe, unhindered and sustained delivery of humanitarian assistance.¹⁰⁵

Regarding the situation in Afghanistan, the Council welcomed the significant steps taken towards ending the war and opening the door to intra-Afghan negotiations enabled by the Joint Declaration between the Islamic Republic of Afghanistan and the United States of America for Bringing Peace to Afghanistan, signed on 29 February 2020.¹⁰⁶ Following the launch of the intra-Afghan negotiations in Doha on 12 September 2020, the Council strongly encouraged the Government of Afghanistan and the Taliban to continue to pursue confidence-building measures, including additional reductions in violence, and to engage in good faith, with the aim of achieving a permanent and comprehensive ceasefire and an inclusive political settlement to end the conflict.¹⁰⁷ The Council further emphasized the importance of the effective and meaningful participation of women, youth and minorities.¹⁰⁸

With respect to the situation in the Golan Heights, the Council stressed the obligation of both Israel and the Syrian Arab Republic to scrupulously and fully respect the terms of the Agreement on Disengagement between Israeli and Syrian Forces of 1974.¹⁰⁹ The parties were called upon to exercise maximum restraint and prevent any breaches of the ceasefire and the area of separation and encouraged to take full advantage of the liaison function of the United Nations Disengagement Observer Force (UNDOF) to

address issues of mutual concern and to prevent any escalation of the situation across the ceasefire line.¹¹⁰

In relation to the situation in Lebanon, the Council reiterated its call for Israel and Lebanon to support a permanent ceasefire and a long-term solution based on the principles and elements set out in paragraph 8 of resolution 1701 (2006).¹¹¹ The Council condemned all violations of the Blue Line, both by air and ground, and strongly called upon all parties to respect the cessation of hostilities, to prevent any violations of the Blue Line and respect it in its entirety, and to cooperate fully with the United Nations and the United Nations Interim Force in Lebanon (UNIFIL).¹¹²

In connection with the situation in Libya, the Council welcomed the Berlin Conference convened on 19 January 2020, emphasized the vital importance of making progress towards achieving a political solution to end the conflict and endorsed the Conference conclusions, noting that they represented an important element of a comprehensive solution to the situation in the country.¹¹³ The Council also welcomed the nomination of representatives to the 5+5 Joint Military Commission and called for the continuation of its meetings with full participation and without delay in order to agree to a permanent ceasefire, the separation of forces, confidence-building measures and the establishment of associated working groups supported by the United Nations.¹¹⁴

With respect to the situation in the Syrian Arab Republic, the Council recalled its demand for the full and immediate implementation of resolution 2254 (2015) to facilitate a Syrian-led and Syrian-owned political transition, in accordance with the Action Group for Syria Final Communiqué as set forth in the statements of the International Syria Support Group, in order to end the conflict.¹¹⁵

In relation to the situation in Yemen, the Council reaffirmed its endorsement of the Agreement on the City of Hudaydah and the Ports of Hudaydah, Salif, and Ra's Isa of 2018 and reiterated its call on the

¹⁰⁵ Resolution 2532 (2020), paras. 1 and 2, in connection with the item entitled "Maintenance of international peace and security".

¹⁰⁶ Resolution 2513 (2020), para. 1, in connection with the item entitled "The situation in Afghanistan". See also S/2020/185, annex. For more information on the item, see part I, sect. 16.

¹⁰⁷ Resolution 2543 (2020), para. 4, in connection with the item entitled "The situation in Afghanistan".

¹⁰⁸ Resolution 2513 (2020), para. 3.

¹⁰⁹ Resolutions 2530 (2020) and 2555 (2020), para. 2, in connection with the item entitled "The situation in the Middle East". For more information on the item, see part I, sect. 20.

¹¹⁰ Resolutions 2530 (2020) and 2555 (2020), para. 2. For more information on the mandate of UNDOF, see part X, sect. I.

¹¹¹ Resolution 2539 (2020), para. 4, in connection with the item entitled, "The situation in the Middle East".

¹¹² Ibid., para. 11. For more information on the mandate of UNIFIL, see part X, sect. I.

¹¹³ Resolution 2510 (2020), paras. 1 and 2, in connection with the item entitled, "The situation in Libya". See also S/2020/63, annex. For more information on the item, see part I, sect. 11.

¹¹⁴ Resolution 2510 (2020), para. 4.

¹¹⁵ Resolution 2504 (2020), para. 5, in connection with the item entitled "The situation in the Middle East".

Government of Yemen and the Houthis to implement it.¹¹⁶

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

In 2020, the Council emphasized the importance of peaceful, inclusive, civilian-led political transitions in Mali and the Sudan, leading to elections, and, in the case of Mali, a return to constitutional order. The Council also called for the full and immediate implementation of the peace agreements addressing the conflicts in the two countries, as well as further sustained progress on the implementation of the peace agreement in Colombia. Furthermore, the Council underscored the importance of peaceful and inclusive political dialogue and reconciliation, the consolidation of peace through governance reform and peaceful elections and the resolution of post-electoral disputes in Burundi, Guinea, Guinea-Bissau and Somalia and in West Africa and the Sahel.

Regarding the situation in Burundi, the Council took note of the improved security situation following the broadly peaceful elections, which marked a new phase for the country.¹¹⁷ The Council stressed that there was important work ahead to advance national reconciliation, the promotion of the rule of law and of an independent and effective judiciary, the preservation of democratic space, respect for fundamental freedoms, peacebuilding, social cohesion and development. The Council called on the Government of Burundi to cooperate with the United Nations in addressing those challenges.¹¹⁸

Welcoming the progress made towards peace across Colombia since the adoption of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, the Council urged the parties to work together to sustain progress and address challenges, in particular the continued violence in conflict-affected areas, through the comprehensive implementation of the peace agreement.¹¹⁹

Addressing the situation in Guinea, the Council called on all political stakeholders, regardless of their political affiliation, to resume dialogue without delay, with the view to ensuring that both electoral processes and political reforms were conducted with broad consensus.¹²⁰

Regarding Guinea-Bissau, the Council welcomed the generally peaceful conduct of the presidential election in 2019 and urged all national stakeholders to ensure the peaceful implementation of the results.¹²¹ The Council called on all political stakeholders to refrain from actions and statements that could disrupt the political process, escalate tensions or incite discrimination, hatred or violence and urged them to call upon their constituencies to do likewise.¹²² The Council further called upon the Government, the organizing commission of the national conference and relevant political stakeholders and civil society organizations to organize an inclusive national conference for peace, stability and reconciliation.¹²³ In addition, the Council called on the Government to implement urgent reforms in accordance with the Conakry Agreement on the Implementation of the Economic Community of West African States (ECOWAS) Road Map for the Resolution of the Political Crisis in Guinea-Bissau and the six-point road map itself.¹²⁴

Regarding the situation in Mali, the Council expressed its deep concern regarding political tensions in Mali and urged the Malian stakeholders to prioritize the use of dialogue to resolve them, without delay, to take into account the recommendations made by ECOWAS on 19 July, to refrain from any action likely to fuel further tensions and to work inclusively and constructively to preserve the rule of law.¹²⁵ Following the establishment of a transitional body in the country, the Council welcomed the appointment of a transitional president, vice-president, prime minister and Government, the issuance of a transition charter and the release of all the officials detained.¹²⁶ The Council underlined that the transition be conducted in accordance with the Transition Charter, leading to constitutional order and elections, within 18 months.

¹¹⁶ Resolutions 2505 (2020) and 2534 (2020), fourth preambular paragraph, in connection with the item entitled “The situation in the Middle East”.

¹¹⁷ S/PRST/2020/12, first paragraph, in connection with the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”.

¹¹⁸ Ibid., second paragraph.

¹¹⁹ Resolution 2545 (2020), 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. 14.

¹²⁰ S/PRST/2020/2 and S/PRST/2020/7, fifteenth paragraph, in connection with the item entitled “Peace consolidation in West Africa”. For more information on the item, see part I, sect. 9.

¹²¹ S/PRST/2020/2, sixteenth paragraph, in connection with the item entitled “The situation in Guinea-Bissau”. For more information on the item, see part I, sect. 6.

¹²² Resolution 2512 (2020), para. 9.

¹²³ Ibid., para. 12.

¹²⁴ Ibid., para. 10.

¹²⁵ S/PRST/2020/7, thirteenth paragraph.

¹²⁶ S/PRST/2020/10, first paragraph, in connection with the item entitled “The situation in Mali”. For more information on the item, see part I, sect. 12.

It called on all Malian stakeholders to prioritize building trust, engaging in dialogue and being willing to compromise, in order to conduct a civilian-led, consensual and inclusive transition. The Council further reiterated the importance of ensuring the full, equal and meaningful participation of women in the political processes in Mali.¹²⁷ Beyond the political transition, the Council called for the implementation of the Agreement on Peace and Reconciliation in Mali of 2015 to resume without delay and called on the transitional authorities to take ownership of the agreement and on the signatory armed groups to fulfil their commitments to its implementation.¹²⁸

Noting the responsibilities of all parties to improve cooperation and engage in discussions led by the Federal Government of Somalia in Dhuusamarreeb, the Council called upon the Federal Government and the federal member states to enhance, as a matter of urgency, broad-based consultations and consensus-building on key national priorities, including the implementation of the national security architecture, the delivery of the Somali-led Transition Plan, further economic reform, the review of the Constitution and timely elections.¹²⁹

Regarding the situation in the Sudan, the Council welcomed the signing of the Constitutional Document on 17 August 2019 on the establishment of a new civilian-led transitional Government and transitional institutions and called upon all stakeholders to remain committed to the transition in order for the aspirations of the Sudanese people for a peaceful, stable, democratic and prosperous future to be realized.¹³⁰ With the signing of the Juba Agreement for Peace in the Sudan on 3 October 2020, the Council encouraged the Government of the Sudan, the Sudanese Revolutionary Front and the Sudan Liberation Movement-Minni Minawi to begin the process of implementation swiftly, in particular key provisions pertaining to security arrangements and addressing the root causes of the conflict in Darfur and the Two Areas, and to ensure the full, effective and meaningful participation of women.¹³¹ The Council further urged

those who had yet to join the peace process with the Government of the Sudan to do so immediately, constructively and without preconditions.¹³²

In relation to West Africa and the Sahel, the Council emphasized the need for national stakeholders in Burkina Faso, Côte d'Ivoire, Ghana, Guinea, the Niger, Mali and Togo to work together to facilitate the timely preparation for, and the holding of, genuinely free and fair, credible, timely and peaceful elections, and to take all appropriate steps to prevent violence.¹³³ The Council also urged national stakeholders to ensure a level playing field for all candidates and to work towards the full, effective and meaningful participation of women.¹³⁴

Peaceful resolution of outstanding disputes through dialogue

The Council called for the peaceful resolution of outstanding disputes related to the situations in Cyprus, in the Abyei Area and along the border between South Sudan and the Sudan and in Western Sahara, through dialogue and with a view to achieving a lasting political solution.

In that regard, the Council urged the Greek Cypriot and Turkish Cypriot sides and all involved participants to renew their political will and commitment to a settlement under United Nations auspices, including by engaging actively and with a sense of urgency with the Secretary-General and the senior United Nations official.¹³⁵ The Council also called for a reduction of tensions in the Eastern Mediterranean over hydrocarbon exploration and called upon the leaders of the two Cypriot communities and all involved parties to refrain from any actions and rhetoric that may damage the chances of success for a settlement of the dispute.¹³⁶ In connection with the situation in Varosha, the Council expressed its deep concern regarding the announcement by Turkey on 6 October 2020 on the opening of the coastline and called for the reversal of that course of action and for the avoidance of any unilateral actions that could raise the tensions on the island.¹³⁷ The Council reaffirmed its

¹²⁷ S/PRST/2020/10, third paragraph.

¹²⁸ Ibid., fourth paragraph.

¹²⁹ Resolution 2540 (2020), tenth preambular paragraph and para. 6, in connection with the item entitled "The situation in Somalia". For more information on the item, see part I, sect. 2.

¹³⁰ Resolution 2524 (2020), third 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. 8.

¹³¹ Resolution 2559 (2020), eighth and ninth preambular paragraphs, in connection with the item entitled "Reports of the Secretary-General on the Sudan and South Sudan".

¹³² Ibid., tenth preambular paragraph.

¹³³ S/PRST/2020/2 and S/PRST/2020/7, fourteenth paragraph.

¹³⁴ Ibid.

¹³⁵ Resolutions 2506 (2020) and 2537 (2020), para. 2, in connection with the item entitled, "The situation in Cyprus". For more information on the item, see part I, sect. 17.

¹³⁶ Resolutions 2506 (2020) and 2537 (2020), para. 3; see also fourth preambular paragraph.

¹³⁷ S/PRST/2020/9, second paragraph, in connection with the item entitled "The situation in Cyprus".

commitment to an enduring, comprehensive and just settlement and called on the Cypriot sides and the guarantor Powers to engage in dialogue constructively and with a sense of urgency following the electoral process in the Turkish Cypriot community.¹³⁸

With respect to the Abyei Area, the Council reiterated that any territorial disputes between States must be settled exclusively by peaceful means and underscored that the future status of Abyei would be resolved by negotiations between South Sudan and the Sudan in a manner consistent with the Comprehensive Peace Agreement between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army.¹³⁹ The Council urged continued progress towards the establishment of temporary administrative and security arrangements and the implementation and facilitation of confidence-building measures among the respective communities in the Area.¹⁴⁰ The Council expressed concern that women remained absent from the leadership of local peace committees and called upon all parties to promote the full, equal and meaningful participation of women, including at all levels of intercommunity dialogue, to ensure a credible and legitimate process.¹⁴¹ The Council further determined that South Sudan and the Sudan should continue to demonstrate measurable progress on border demarcation.¹⁴²

With regard to the situation concerning Western Sahara, the Council emphasized the need to achieve a realistic, practicable and enduring political solution based on compromise.¹⁴³ The Council called upon Morocco, the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro, Algeria and Mauritania to resume negotiations under the auspices of the Secretary-General without preconditions and in good faith with a view to achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations.¹⁴⁴ Emphasizing the importance of a renewed commitment by the parties to

advancing the political process in preparation for further negotiations, the Council also encouraged the neighbouring countries to make important and active contributions to that process.¹⁴⁵

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 and political transitions and of the resolution of outstanding disputes.

Good offices to end violence

The Council expressed support for the call of the Secretary-General for an immediate global ceasefire following the outbreak of the COVID-19 pandemic. With respect to specific country situations, the Council highlighted the role of the Secretary-General, as well as his special envoys and representatives, in efforts to ensure respect for the ceasefire in the Golan Heights and to achieve a permanent ceasefire in Lebanon and Libya.

The Council recognized the efforts and measures proposed by the Secretary-General concerning the response to the potential impact of the COVID-19 pandemic to conflict-affected countries, in particular his appeal for a global ceasefire.¹⁴⁶ The Council also expressed support for the efforts undertaken by the Secretary-General and his special representatives and special envoys in ensuring a general and immediate cessation of hostilities in all situations on the Council's agenda.¹⁴⁷

¹³⁸ Ibid., fourth paragraph.

¹³⁹ Resolution 2550 (2020), third preambular paragraph, in connection with the item entitled "Reports of the Secretary-General on the Sudan and South Sudan".

¹⁴⁰ Ibid., paras. 9 and 17.

¹⁴¹ Ibid., para. 18.

¹⁴² Ibid., para. 3.

¹⁴³ Resolution 2548 (2020), para. 2, in connection with the item entitled, "The situation concerning Western Sahara". For more information on the item, see part I, sect. 1.

¹⁴⁴ Resolution 2548 (2020), para. 4.

¹⁴⁵ Ibid., para. 8.

¹⁴⁶ Resolution 2532 (2020), eighth preambular paragraph.

¹⁴⁷ Ibid., para. 1.

In connection with the situation in Lebanon, the Council expressed its strong support for the continued efforts of UNIFIL to engage with Israel and Lebanon to facilitate liaison, coordination and practical arrangements on the ground.¹⁴⁸ It also urged all parties to cooperate fully with the Council and the Secretary-General to make tangible progress towards a permanent ceasefire and a long-term solution as envisioned in resolution [1701 \(2006\)](#).¹⁴⁹ Regarding the Golan Heights, the Council encouraged both Israel and the Syrian Arab Republic to take full advance of the liaison function of UNDOF to regularly to address issues of mutual concern and to prevent any escalation across the ceasefire line.¹⁵⁰

With respect to the situation in Libya, the Council expressed its strong support for the ongoing efforts of the United Nations Support Mission in Libya (UNSMIL) and underscored the importance of the central role of the United Nations in facilitating a Libyan-led and Libyan-owned inclusive political process and in achieving a lasting ceasefire.¹⁵¹

Good offices in support of peace agreements and political transitions

The Council highlighted the good offices role of the Secretary-General in support of the implementation of peace agreements and political transitions, including conflict prevention, political dialogue, governance reform, peaceful and credible elections and peacebuilding in Guinea, Iraq, Somalia and the Sudan and in West Africa and the Sahel.

With regard to Guinea, while calling on all political stakeholders to resume dialogue without delay, with the view to ensuring that both electoral processes and political reforms were conducted with broad consensus, the Council encouraged the Special Representative of the Secretary-General for West Africa and the Sahel to continue carrying out good offices in the country.¹⁵² Concerning the situation in West Africa and the Sahel more generally, the Council recognized that responsible and credible mediation by the United Nations Office for West Africa and the Sahel (UNOWAS) required, inter alia, national ownership, the consent of the parties to a particular dispute or conflict and respect for national sovereignty,

as set out in General Assembly resolution [70/304](#) of 9 September 2016.¹⁵³

On the situation concerning Iraq, the Council commended the efforts of the Government of Iraq to plan and execute genuinely free and fair Iraqi-led and Iraqi-owned elections and welcomed its request for further United Nations advice, support and technical assistance in that regard, including through the good offices of the Special Representative of the Secretary-General for Iraq and Head of the United Nations Assistance Mission for Iraq (UNAMI).¹⁵⁴

Regarding the situation in Somalia, the Council expressed its deep appreciation for the support provided by the United Nations Assistance Mission in Somalia (UNSOM) to the Federal Government of Somalia, in particular with regard to the development of an inclusive political settlement and preparation for the elections in 2021, the constitutional review process, mediation, the prevention and resolution of conflicts, the development of a federal police and justice system, the strengthening of the rule of law and security sector reform and the coordination of capacity-building support on anti-corruption issues.¹⁵⁵

Regarding the political transition in the Sudan, the Council requested the Secretary-General to appoint expeditiously a Special Representative of the Secretary-General for the Sudan and Head of the United Nations Integrated Transition Assistance Mission in Sudan (UNITAMS), who would, inter alia, perform a good offices, advisory and advocacy role at the political level and coordinate efforts of the international community in support of the strategic objectives of the UNITAMS mandate.¹⁵⁶ The Council requested the Secretary-General, in partnership with all relevant actors, including international financial institutions, to support the Government of the Sudan in conducting a comprehensive assessment to define the country's longer-term conflict prevention, recovery and

¹⁴⁸ Resolution [2539 \(2020\)](#), para. 12.

¹⁴⁹ Resolution [2539 \(2020\)](#), para. 17.

¹⁵⁰ Resolutions [2530 \(2020\)](#) and [2555 \(2020\)](#), para. 2.

¹⁵¹ Resolutions [2510 \(2020\)](#), third preambular paragraph, and [2542 \(2020\)](#), fourth and fifth preambular paragraphs. For more information on the mandate of UNSMIL, see part X, sect. II.

¹⁵² [S/PRST/2020/2](#) and [S/PRST/2020/7](#), fifteenth paragraph.

¹⁵³ [S/PRST/2020/2](#), seventh paragraph, and [S/PRST/2020/7](#), sixth paragraph. See also General Assembly resolution [70/304](#), para. 4. For more information on the mandate of UNOWAS, see part X, sect. II.

¹⁵⁴ Resolution [2522 \(2020\)](#), fifth preambular paragraph, in connection with the item entitled "The situation concerning Iraq". For more information on the item, see part I, sect. 22. For more information on the mandate of UNAMI, see part X, sect. II.

¹⁵⁵ Resolution [2540 \(2020\)](#), para. 4. For more information on the mandate of UNSOM, see part X, sect. II.

¹⁵⁶ Resolution [2524 \(2020\)](#), para. 3. For more information on the mandate of UNITAMS, see part X, sect. II.

peacebuilding needs and in developing relevant strategies to address those needs.¹⁵⁷

Good offices in support of the resolution of outstanding disputes

The Council expressed support for the efforts of the Secretary-General to address longer-term disputes with regard to Cyprus, to the Abyei Area and the border between the Sudan and South Sudan and to Western Sahara.

Regarding Cyprus, the Council welcomed the agreement of the Secretary-General to extend his efforts to achieve terms of reference to serve as a consensus starting point for phased, meaningful and results-oriented negotiations at the earliest feasible opportunity.¹⁵⁸ The Council further called for the establishment of an effective mechanism for direct military contact between the sides and the relevant involved parties and encouraged full engagement with the proposal on the establishment of such a mechanism presented by the United Nations Peacekeeping Force in Cyprus (UNFICYP) and for its timely implementation.¹⁵⁹ The Council called upon the leaders of the Greek Cypriot and Turkish Cypriot communities to consider the advice of the good offices mission of the Secretary-General regarding further ways to empower the technical committees and improve their performance.¹⁶⁰ The Council reiterated its support for the Secretary-General and his intention to convene a meeting as had been agreed between the Turkish Cypriot and Greek Cypriot sides in their meeting with the Secretary-General in November 2019.¹⁶¹

With respect to the situation in the Abyei Area and relations between the Sudan and South Sudan, the Council encouraged the African Union, its High-level Implementation Panel and the Special Envoy of the Secretary-General for the Horn of Africa to continue coordinating efforts to establish temporary administrative and security arrangements for Abyei and to achieve a political solution on its status.¹⁶² The

Council encouraged the United Nations Interim Security Force for Abyei (UNISFA) to coordinate with the African Union, the Implementation Panel and the Special Envoy on reconciliation, community sensitization and political peace processes and reiterated its requests for the Secretary-General to consult with relevant parties on enhancing the role played by the Special Envoy to support the above-mentioned efforts.¹⁶³ The Council further welcomed the initiatives by UNISFA to support community dialogue and efforts by the Misseriya, Ngok Dinka and all other communities to strengthen intercommunal relationships and facilitate stability and reconciliation in the Abyei Area.¹⁶⁴

The Council expressed its full support for the ongoing efforts of the Secretary-General and his incoming Personal Envoy for Western Sahara to sustain the renewed negotiations process in order to achieve a solution to the question of Western Sahara.¹⁶⁵ The Council called upon the parties to resume negotiations under the auspices of the Secretary-General, to implement their commitments to the Personal Envoy and to refrain from any actions that could undermine the United Nations-facilitated negotiations or further destabilize the situation in Western Sahara.¹⁶⁶

D. Decisions involving regional arrangements or agencies

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

¹⁵⁷ Resolution 2524 (2020), para. 6.

¹⁵⁸ Resolutions 2506 (2020) and 2537 (2020), para. 2.

¹⁵⁹ Resolution 2537 (2020), para. 6. For more information on the mandate of UNFICYP, see part X, sect. I.

¹⁶⁰ Resolutions 2506 (2020) and 2537 (2020), para. 5 (b).

¹⁶¹ S/PRST/2020/9, fifth paragraph.

¹⁶² Resolution 2550 (2020), para. 10.

¹⁶³ Ibid. For more information on the mandate of UNISFA, see part X, sect. I.

¹⁶⁴ Resolution 2550 (2020), para. 16.

¹⁶⁵ Resolution 2548 (2020), para. 3.

¹⁶⁶ Ibid., paras. 4 and 6.

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

Note

Section IV features the main discussions in the Security Council in 2020 with regard to the interpretation of specific provisions of Chapter VI of the Charter of the United Nations concerning the role of the Council and the Secretary-General in the peaceful settlement of disputes. It excludes those that concern regional organizations, which are covered in part VIII.

During the period under review, explicit references were made to Article 33,¹⁶⁷ Article 36,¹⁶⁸ Article 38,¹⁶⁹ Article 99¹⁷⁰ and Chapter VI¹⁷¹ of the

Charter during the Council's deliberations, although not all cases resulted in a constitutional discussion. No explicit references were made to Article 37.

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 in connection with the following items: (a) "Maintenance of international peace and security" (see cases 6 and 8); (b) "Children and armed conflict" (see case 7); and (c) "Women and peace and security" (see case 9).

Senegal); in connection with the reports of the Secretary-General on the Sudan and South Sudan, see [S/2020/336](#) (Russian Federation, South Africa (also on behalf of the Niger and Tunisia) and Sudan); in connection with the implementation of the note by the President of the Security Council ([S/2017/507](#)), see [S/2020/418](#) (Bahrain); in connection with cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security, see [S/PV.8711](#) (Tunisia (also on behalf of the Niger and South Africa)); in connection with peacebuilding and sustaining peace, see [S/PV.8723 \(Resumption 1\)](#) (Slovenia); and, in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, see [S/2020/1286](#) (Saint Vincent and the Grenadines, South Africa, Brazil and Peru).

¹⁶⁷ In connection with the maintenance of international peace and security, see [S/PV.8699](#) (South Africa and Brazil) and [S/PV.8699 \(Resumption 2\)](#) (Djibouti); in connection with peacebuilding and sustaining peace, see [S/PV.8723](#) (Germany); in connection with the letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council ([S/2014/264](#)), see [S/PV.8726](#) (Indonesia and Tunisia); and, in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, see [S/2020/1286](#) (Russian Federation, United States and Denmark).

¹⁶⁸ In connection with the maintenance of international peace and security, see [S/PV.8699](#) (Egypt) and [S/PV.8699 \(Resumption 2\)](#) (Djibouti and Austria); and, in connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, see [S/2020/1286](#) (President of the International Court of Justice, Estonia, Niger, Tunisia, Austria (on behalf of the Group of Friends of the Rule of Law, as well as Cyprus), Bangladesh, Japan, Liechtenstein, Peru and Portugal).

¹⁶⁹ In connection with the promotion and strengthening of the rule of law in the maintenance of international peace and security, see [S/2020/1286](#) (President of the International Court of Justice).

¹⁷⁰ In connection with the maintenance of international peace and security, see [S/PV.8699](#) (United Kingdom, Italy, and Singapore), [S/PV.8699 \(Resumption 1\)](#) (Slovenia, Canada and United Arab Emirates) and [S/2020/663](#) (Mexico); and, in connection with peacebuilding and sustaining peace, see [S/2020/1090](#) (Minister of Development Cooperation and Urban Policy of Belgium).

¹⁷¹ In connection with the maintenance of international peace and security, see [S/PV.8699](#) (Secretary-General, Chair of The Elders, Republic of Korea, Brazil, Egypt, Guatemala, Philippines (on behalf of the Association of Southeast Asian Nations) and Romania), [S/PV.8699 \(Resumption 1\)](#) (Slovenia, Kuwait, Peru, Oman and Greece) and [S/PV.8699 \(Resumption 2\)](#) (Angola and

Case 6

Maintenance of international peace and security

On 9, 10 and 13 January, at its 8699th meeting, convened at the initiative of Viet Nam, which held the presidency of the Council for the month,¹⁷² Council members held a high-level open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Upholding the United Nations Charter”.¹⁷³ At the outset of the meeting, the Council adopted a presidential statement to mark the seventy-fifth anniversary of the United Nations, in which it reaffirmed its commitment to the Charter of the United Nations, including the purposes and principles of the Charter.¹⁷⁴

In his briefing, the Secretary-General stated that there was ample evidence to suggest that the tools available under Chapter VI of the Charter, including negotiation, enquiry, mediation, conciliation, arbitration and judicial settlement, could be effective when applied with purpose and unity.¹⁷⁵ The Secretary-General called on the Council to further utilize the investigation of disputes in accordance with Chapter VI and the referral of legal questions to the International Court of Justice for advisory opinions in accordance with Article 96 of the Charter. The Chair of the Elders recalled in her briefing that, under Chapter VI, parties to any dispute that threatened international peace and security were required to hold negotiations or use other peaceful means to resolve their conflict.

During the discussion, speakers underscored their strong support for multilateralism and a rules-based international order, as enshrined in the Charter, as the framework for addressing evolving challenges and threats to international peace and security, including the principle of the peaceful resolution of disputes and the duty of States with regard thereto. The representative of South Africa stated that, while the Charter reinforced respect for the sovereignty of nations, its Article 33 also contained a call upon all nations to collectively pursue a non-antagonistic and mutually beneficial approach to international relations. Similarly, the representative of Brazil stated that the duty of parties to seek peaceful solutions to their disputes under Article 33 went hand-in-hand with the prohibition of the use of force. The representative of Indonesia underscored the need to stop unilateral

actions and promote dialogue and the peaceful settlement of disputes. Also noting the duty of States to resolve disputes through peaceful means, the representatives of Greece and Myanmar stressed that it should be done in accordance with international law.¹⁷⁶ The representative of the Plurinational State of Bolivia stated that all countries should exhaust all peaceful means of resolving disputes before employing the use of force as a last resort.¹⁷⁷

The representative of Egypt called on States to cooperate in accordance with the principles of good neighbourliness, the peaceful settlement of disputes, mediation with sincere intentions and mediation by the international community in various disputes.¹⁷⁸ The representative of Argentina argued that any method of peaceful settlement was equally valid for resolving conflicts and achieving fair solutions, with negotiations serving as the primary and fundamental means of doing so. Moreover, parties to a dispute had the obligation to behave in such a way that the negotiations had meaning and to refrain from behaviour that could frustrate the process, while States outside the dispute must refrain from acting in any way that could thwart those efforts. The representative of the Plurinational State of Bolivia stressed that dialogue required a dynamic, inclusive and participatory process that promoted mutual understanding and cooperation.¹⁷⁹ The representative of Romania called for the increased use of conflict prevention and the political settlement of disputes through early warning, mediation, coordination and strategic communication.¹⁸⁰

Speakers widely underscored the need for the Council to utilize all the tools at its disposal under the Charter, including those provided for the peaceful settlement of disputes and conflict prevention as provided under its Article 33 of Chapter VI. The representative of Kenya recalled that the Charter had provided a tool to facilitate the prevention of war in its recommendations that solutions to any dispute be found, first and foremost, through negotiation, enquiry, mediation, conciliation, arbitration and judicial settlement, among other means, which the representative of Djibouti described as some of the most effective for resolving disputes.¹⁸¹ The representative of the Republic of Korea stated that the Council must do more to overcome divisions, embrace prevention and make greater use of mediation and

¹⁷² The Council had before it a concept note annexed to a letter dated 31 December 2019 (S/2020/1).

¹⁷³ See S/PV.8699, S/PV.8699 (Resumption 1) and S/PV.8699 (Resumption 2).

¹⁷⁴ S/PRST/2020/1, first paragraph.

¹⁷⁵ See S/PV.8699.

¹⁷⁶ See S/PV.8699 (Resumption 1).

¹⁷⁷ See S/PV.8699 (Resumption 2).

¹⁷⁸ See S/PV.8699.

¹⁷⁹ See S/PV.8699 (Resumption 2).

¹⁸⁰ See S/PV.8699.

¹⁸¹ See S/PV.8699 (Kenya); and S/PV.8699 (Resumption 2) (Djibouti).

other tools set out in Chapter VI.¹⁸² The representative of Slovenia encouraged the Council to use Chapter VI more often and to explore ways of analysing crises and risks as early as possible in order to address them head-on and, if necessary, take collective action.¹⁸³

The representative of France stated that, when circumstances so required, the Council had to make use of the full range of tools at its disposal, in particular peacekeeping operations and sanctions.¹⁸⁴ The representative of Kenya highlighted the challenge of finding an efficient workable balance between the pacific settlement of disputes and provisions relating to actions in support of the peace, breaches of the peace and acts of aggression, and the involvement of regional arrangements and agencies. That balance would ensure that peacekeeping mandates also involved, and provided for, a transition to peacebuilding, including efforts to ensure the sustainability of peace and development. The representative of Egypt expressed the view that the Council rushed to use Chapter VII of the Charter instead of Chapter VI, which contained a call for taking pre-emptive and preventive diplomatic steps and activating the role of the International Court of Justice in accordance with Articles 36 and 96. The representative of Eritrea stressed the need for transparent rules and procedures for invoking Chapters VI and VII.¹⁸⁵ The representative of Senegal stated that the success of the United Nations depended more on its ability to apply Chapter VI rather than the more difficult and challenging Chapter VII.

The representative of the Russian Federation expressed his delegation's opposition to the use of unilateral coercive measures in the absence of Council resolutions or in addition to measures taken by the Council.¹⁸⁶ Doing so undermined the role of the Council in the maintenance of international peace and security and was incompatible with the Charter and the universally recognized principles of international law, including the peaceful settlement of international disputes. Similarly, the Minister for Foreign Affairs of Nicaragua stated that exceptionalist policies involving the use or threat of the use of force in international relations, in violation of international law, did not help to resolve conflicts peacefully, but aggravated and subjected the international situation to further stress.

Speakers also addressed the need to focus on preventive action by focusing on both the root causes of conflict and on engagement with civil society, in

particular women and youth. The representative of Albania stressed the need for collective mobilization to prevent the deterioration of situations by addressing the root causes of conflict long before they escalated into violence. The representatives of both Albania and the Netherlands highlighted the importance of the participation of women in decision-making, which resulted in stronger peace agreements and more resilient societies.¹⁸⁷ Echoing that view, the representative of Italy also pointed to the need to give young people a voice and space in which to participate.¹⁸⁸ Concurring with respect to the need to address the root causes of conflict, the representative of Slovenia stated that gross human rights violations were an alarming indicator that a larger conflict might be under way.¹⁸⁹ The representative of Costa Rica stated that, when Governments failed to comply with their responsibility to protect their citizens, the international community, in particular the Council, must use means such as preventive diplomacy, good offices and mediation. The representative of Angola opined that the 2030 Agenda for Sustainable Development was a direct and commendable product of the conflict-prevention tools provided under the Charter to address the economic and social drivers of conflict.¹⁹⁰

Case 7 Children and armed conflict

On 12 February, at its 8721st meeting, convened at the initiative of Belgium, which held the presidency of the Council for the month,¹⁹¹ Council members held a high-level meeting under the item entitled "Children and armed conflict" and the sub-item entitled "Integrating child protection into peace processes".¹⁹² At the outset of the meeting, the Council adopted a presidential statement in which it renewed its call to Member States, United Nations entities, the Peacebuilding Commission and other parties concerned to integrate child protection provisions from the early stages of all peace processes.¹⁹³ Commending the development of a United Nations practical guidance on the integration of child protection into peace processes, the Council encouraged the Secretary-General to

¹⁸⁷ See [S/PV.8699](#) (Albania); and [S/PV.8699 \(Resumption 1\)](#) (Netherlands).

¹⁸⁸ See [S/PV.8699](#).

¹⁸⁹ See [S/PV.8699 \(Resumption 1\)](#).

¹⁹⁰ See [S/PV.8699 \(Resumption 2\)](#).

¹⁹¹ The Council had before it a concept note annexed to a letter dated 5 February 2020 ([S/2020/97](#)).

¹⁹² See [S/PV.8721](#).

¹⁹³ [S/PRST/2020/3](#), seventh paragraph.

¹⁸² See [S/PV.8699](#).

¹⁸³ See [S/PV.8699 \(Resumption 1\)](#).

¹⁸⁴ See [S/PV.8699](#).

¹⁸⁵ See [S/PV.8699 \(Resumption 2\)](#).

¹⁸⁶ See [S/PV.8699](#).

ensure its broad dissemination.¹⁹⁴ The Council also encouraged mediators, facilitators and other negotiators to use the guidance as a tool in peace and mediation processes.¹⁹⁵

In his remarks, the Secretary-General stated that children under the age of 18 made up more than half of the population in countries affected by war and were among the most vulnerable.¹⁹⁶ According to the Secretary-General, the practical guidance for mediators being launched by the Secretariat was the next step in the overall strategy to put children at the heart of protection, peacebuilding and prevention efforts. In the guidance, it was recognized that children's needs and rights must be considered in all phases of conflict, from prevention to mediation and recovery, through sustainable inclusive development. The guidance provided the means for mediators and negotiators to conduct a children's rights-based analysis of conflict, including through the welcome involvement and participation of children with the appropriate support. The Secretary-General added that, as important as the guidance was, it was not enough and urged all Member States to take concrete action to prioritize the protection of children at the national, regional and global levels.

The Commissioner for Peace and Security of the African Union stated that it was integral to sustainable peace that violations of children's rights be not only prevented but also addressed before, during and after conflicts. It was therefore critical that all actors engaged in mediation and peace processes incorporate child protection language and provisions in peace agreements. Over the years, the African Union and the regional economic communities and mechanisms had invested time and resources in ensuring that peace processes and peace agreements systematically addressed and prevented violations of children's rights and provided for the meaningful participation of children in peacemaking and peacebuilding efforts. He described the practical guidance as an invaluable tool for African Union mediators, special envoys and member States engaged in peace processes.

In her statement, the Chair of the Advisory Board of Watchlist on Children and Armed Conflict, a global network of human rights and humanitarian organizations, observed that peace agreements that addressed child protection remained the exception, not the norm. She explained that her network had prepared a checklist of provisions related to children and armed conflict for ceasefire and peace agreements, which had

inspired the guidance being launched by the United Nations and its Member States. Some of the key components identified included prioritizing child protection on the agendas of peace talks from the very beginning; ensuring that all parties explicitly agreed to end the six grave violations against children; including provisions in peace agreements that cover disarmament, demobilization and reintegration for children associated with armed forces, education, post-conflict programming, transitional justice, accountability and reparations; and ensuring the monitoring of child protection provisions. The Chair urged the Council to take a series of steps, including to ensure that the impact of armed conflict on children was dealt with at the beginning of any peace effort; to ensure that country-specific resolutions on peace processes emphasized the need for explicit and comprehensive provisions for child protection; and to urge mediators, the United Nations, parties to conflict and other stakeholders to ensure the meaningful participation of affected children.

Council members welcomed the launching of the practical guidance for mediators, which they described as a useful tool for promoting child protection in peace processes. They agreed that the inclusion of child protection considerations in peace processes increased the chances of achieving sustainable peace. Council members also called for the broad dissemination of the guidance and encouraged its use by mediators, negotiators and other relevant actors in peace processes. The representative of South Africa, also on behalf of the Niger and Tunisia, stated that the protection of children should be addressed at all levels, including in preventive diplomacy, in the mediation of peace processes and in peacekeeping, and stressed that it was imperative for all concerned parties to ensure that the protection, rights and well-being of children were integrated into peace processes, peace agreements and post-conflict recovery and reconstruction phases. The representative of the United Kingdom opined that the integration of child protection into mediation and peace processes was essential in order to ensure that negotiating parties committed themselves to upholding their international, regional and national child protection obligations, to guarantee that the special needs of children and young people were taken into consideration and embedded in efforts to build and sustain peace and to improve the sustainability and success of peace efforts. The representative of China stated that the fundamental approach to protecting children was to stop and resolve armed conflicts. He stressed that disputes should be resolved through dialogue and negotiation on an equal footing and that the use or threat of the use of force must be avoided.

¹⁹⁴ Ibid., ninth and tenth paragraphs.

¹⁹⁵ Ibid., thirteenth paragraph.

¹⁹⁶ See [S/PV.8721](#).

The Minister for Foreign Affairs of Indonesia stated that all actors involved in peace processes, including parties to conflict, mediators, negotiators, child advisers and humanitarian actors, should develop capacities, sensitivity and awareness with regard to the needs of children. The representative of the Dominican Republic said that it was paramount for mediators to have an expert on the issue of child protection on their team. The representative of Germany stressed the importance of child protection advisers in United Nations peace operations. The Deputy Minister for Foreign Affairs of Estonia stated that the integration of child protection into peace processes needed to be gender-sensitive and take into account the needs of girls and boys. The representative of the Russian Federation expressed hope that, with the new guidance, there would be more examples of the successful reintegration of child combatants.

The King of the Belgians observed that, at times, parties to conflict could agree more easily on measures to assist children than on other issues, a focus that could build trust and serve as a springboard and catalyst for broader agreements. The representative of South Africa, also on behalf of the Niger and Tunisia, added that the realization on the part of warring parties and mediators of the importance of integrating child protection into peace processes and agreements could be instrumental in fostering dialogue, building confidence and assisting in bringing immediate and long-term benefits for children. The representative of France stated that the guidance served to illustrate what successful mediation should look like, namely, combining short-term diplomacy to pacify tense situations with long-term stabilization, which was essential for sustainable peace.

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

On 27 April, at the initiative of the Dominican Republic, which held the presidency of the Council for the month,¹⁹⁷ Council members held an open videoconference in connection with the item entitled “Maintenance of international peace and security” and focused on the implementation of the youth and peace and security agenda.¹⁹⁸ In his remarks, the Secretary-General welcomed the opportunity to present his first report on youth and peace and security.¹⁹⁹ He stated that, just five years after the adoption of Council

resolution [2250 \(2015\)](#) on the youth and peace and security agenda, and despite challenges, encouraging steps were being taken to enable young people to play their essential role in building peace and just societies.²⁰⁰ From prevention to mediation and from humanitarian assistance to post-conflict healing and reconciliation, young people were stepping up through formal and informal mechanisms, using both traditional platforms and new technologies. Notwithstanding that progress, youth participation still faced formidable challenges, with opportunities remaining inadequate, especially for young women. The Secretary-General expressed his sense of encouragement in seeing the global networks that had emerged to support young peacebuilders and noted that the United Nations, for its part, was striving to integrate the youth and peace and security agenda across the Organization, guided by the United Nations Youth Strategy. Across its work, the efforts of the international community needed to reflect the fundamental understanding that young people were not subjects to be protected, but should be seen as citizens with equal rights, as full members of societies and as powerful agents for change.

The Special Envoy of the Secretary-General for Youth stressed the need for the meaningful participation of young people in building sustainable peace, which would include a wide range of actions, from formal participation in political, electoral or peace processes, to informal participation at the community level and in digital spaces. Although inclusion had been shown to have a positive impact on the sustainability of peace agreements, young people continued to be excluded from decisions that directly affected their present and prospects for peace. She urged the Council to put young people at the heart of its efforts to bring about global peace and security.

Council members and other delegations acknowledged the important role of young people in conflict prevention, peace processes, peacekeeping, peacebuilding and sustaining peace. The representative of the Dominican Republic stated that the meaningful participation of youth in peacebuilding and sustaining peace and security was not only essential to achieving just, inclusive and peaceful societies, but was also their right. The representative of China stated that young people should be enabled to participate in conflict prevention and resolution, contribute to social stability and development and take an active part in post-conflict reconstruction. The representative of Indonesia stated that the participation of young people could increase the legitimacy and sustainability of peace

¹⁹⁷ The Council had before it a concept note annexed to a letter dated 13 April 2020 ([S/2020/302](#)).

¹⁹⁸ See [S/2020/346](#).

¹⁹⁹ [S/2020/167](#).

²⁰⁰ See [S/2020/346](#).

efforts and that leaving them out of the equation led to an imbalanced approach to peace and could create a perception of injustice and deepen existing challenges. Several participants²⁰¹ noted the important role of youth and the need to engage them in the prevention of violent extremism.

Council members and other delegations noted, however, that the meaningful participation of youth in matters of peace and security remained a challenge owing to a number of factors, such as marginalization, gender discrimination, a lack of security and human rights violations and abuses, including sexual and gender-based violence, restrictions on the freedom of expression, a lack of access to education, socioeconomic circumstances and inadequate resources for local initiatives. The delegation of Liechtenstein observed that, even in situations where a ceasefire was possible and efforts towards broader agreements could begin, young people were often left on the sidelines of negotiations, even though they made up the majority of the population in most of the places with situations on the Council's agenda.

The representative of China stated that it was important to fully take into consideration youth-related factors in the political settlement of hotspot issues, ensure the constructive participation of young people in the peace processes of their home countries, draw on their strengths and listen to their views. The representative of Armenia expressed the view that young people could play a key role at all stages of conflict resolution, in particular in promoting dialogue and confidence-building across the dividing lines. The delegation of Liechtenstein stated that efforts to integrate young people into peace negotiations should harness their long-term perspective on peace, as they would be responsible for the long-term implementation of peace agreements. The representative of the Russian Federation stated that the involvement of young people in any political activity should be meaningful and based on their professional knowledge and skills and that young people should not be drawn into such activities until they reached the legal age to do so. The delegation of Slovenia suggested that mediation techniques should be part of a comprehensive education for young people, to empower them in helping to make mediation processes inclusive, effective and efficient. Underscoring the crucial importance of education and a culture of peace, the representative of Viet Nam stated that all initiatives on conflict prevention and resolution and national

reconciliation came primarily from the understanding of the values of peace, tolerance and moderation.

The representative of the Niger expressed regret that only 20 per cent of peace agreements signed between 1990 and 2018 contained special provisions for women. A gender-based approach to conflict prevention would enlarge and consolidate the civic space for the participation of young women. The representative of Germany stated that conflict prevention and peacebuilding had to include diverse perspectives and involve young people from all backgrounds, including young women, lesbian, gay, bisexual, transgender and intersex persons and young persons with disabilities.

Regarding the role of the United Nations in promoting the participation of youth, the representative of Hungary emphasized that the Council, through its resolutions, should mandate their meaningful participation and inclusion in mediation, peace processes and wider decision-making structures and in the implementation of ceasefires and peace agreements. The delegation of Ireland, the delegation of Norway (on behalf of the Nordic countries) and the representative of Tunisia suggested adding specific language to mission mandates to encourage or require the meaningful participation of youth in peace and security efforts, including mediation and peace negotiations, the monitoring and implementation of ceasefires and the negotiation and implementation of peace agreements, and to integrate a gender- and youth-sensitive peace and security analysis in their reporting. To promote youth participation, the representatives of the Dominican Republic and Tunisia and the delegations of Fiji, Switzerland and the United Arab Emirates proposed increasing the participation of young briefers in the Council. The representative of the Niger expressed support for the designation of a youth focal point in each peacekeeping mission to ensure the participation of young people in peace processes. The representative of the Dominican Republic stated that the creation of a regional young mediators network and a focal point network within the United Nations system, including in peacekeeping and political missions, was essential. The delegation of Canada encouraged the Council to include youth and peace and security as a standing agenda item and to consult young people and take into account their perspectives and advice in Council decisions.

²⁰¹ Indonesia, United States, Viet Nam, Bangladesh, Djibouti, Japan, Kazakhstan, Malta and Morocco.

Case 9

Women and peace and security

On 29 October, at the initiative of the Russian Federation, which held the presidency of the Council for the month,²⁰² Council members held a high-level open videoconference in connection with the item entitled “Women and peace and security” and focused on the twentieth anniversary of Security Council resolution 1325 (2000) and its better implementation.²⁰³

In his remarks, the Secretary-General stated that, 20 years after the adoption of resolution 1325 (2000), despite some progress having been made, power structures remained dominated by men, with women leading only 7 per cent of countries and men making up three quarters of the members of COVID-19 pandemic task forces and still overwhelmingly making decisions about international peace and security. He noted that the disproportionate negative impact of the pandemic on women and girls would contribute to their continued marginalization from political decision-making and peace processes. Furthermore, even as the representation of women in United Nations mediation teams was improving, women remained largely excluded from delegations to peace talks and negotiations. The Secretary-General maintained that the meaningful and effective participation of women in mediation broadened the prospects for peace, stability, social cohesion and economic advancement. He added that ensuring the full participation of women in peace processes also required stronger partnerships among the United Nations, regional organizations, Member States and civil society and that the United Nations and Member States consider how to create conditions for the equal representation and participation of women in peace talks. Lastly, the Secretary-General reported that, at the beginning of 2020, the United Nations leadership had achieved gender parity, including resident coordinators in countries affected by conflict, and reaffirmed his determination to push for parity at all levels, including field missions and special political missions.

Council members and other delegations largely concurred that insufficient progress had been made in the implementation of resolution 1325 (2000) and the women and peace and security agenda over the past 20 years and noted that women remained excluded from peace processes and political decision-making. They outlined several obstacles to such progress, including insecurity, human rights abuses and violations, sexual

and gender-based violence, insufficient access to education and health care, discrimination and other forms of marginalization, the impact of the COVID-19 pandemic and insufficient funding for civil society organizations.

Several Council members and other delegations²⁰⁴ emphasized that the participation of women was key to ensuring the sustainability of peace processes. The representatives of Belgium and Viet Nam called for the full involvement of women as equal partners from the earliest stages of every political and peace process. The delegation of the Netherlands expressed the view that gender inequality was in itself a driver of instability and conflict and should therefore be addressed as a root cause of conflict. A number of delegations²⁰⁵ called for the greater involvement of women as mediators and negotiators. The delegation of Poland stressed that the meaningful participation of women was not just about the number of women “at the table”, but also about their leadership. The delegations of Jordan and Morocco recognized the contribution of women to early warning mechanisms. The delegation of Liechtenstein opined that achieving peaceful, just and inclusive societies required increased access for women to justice, the development of gender-responsive legal and judicial systems and the promotion of greater participation by women in the justice sector, including transitional justice mechanisms and reparations processes.

Delegations also referred to the means of implementing the women and peace and security agenda at the local level, emphasizing the importance of national ownership and regional cooperation. The representative of Japan underscored the principle of national ownership of the women and peace and security agenda. On behalf of the Group of Friends of the African Women Leaders Network, the representative of Ghana recognized the urgent need to support a bottom-up approach at the local and national levels in order to ensure long-term gains for peace and security. She stressed the need to ensure that women’s rights, needs and experiences were heard and reflected in peace outcome documents and reconstruction

²⁰⁴ Dominican Republic, Estonia, Indonesia, Albania, Argentina, Canada (on behalf of the Group of Friends on Women and Peace and Security), Denmark (on behalf of the Nordic countries), Egypt, Ethiopia, Guatemala, Hungary, Ireland, Israel, Jordan, Lebanon, Malta, Mexico, Montenegro, Peru, Poland, Romania, Slovenia, Spain, United Arab Emirates and Uruguay.

²⁰⁵ France, Indonesia, South Africa, Albania, Brazil, Czechia, Poland, Qatar and Spain.

²⁰² The Council had before it a concept note annexed to a letter dated 14 October 2020 (S/2020/1014).

²⁰³ See S/2020/1084.

processes. A number of delegations²⁰⁶ called for the protection of women civil society representatives and human rights defenders. The representative of Kenya highlighted regional frameworks and mechanisms as being vital in reinforcing national peacebuilding policies and projects.

Regarding the role of the United Nations, the delegation of Canada, on behalf of the Group of Friends of Women, Peace and Security, and the representative of Denmark, on behalf of the Nordic countries, called on the Organization to aim to make the full, equal and meaningful participation of women a requirement in all mediation teams and political transitions the United Nations would lead or co-lead. Several delegations expressed support for the Secretary-General's system-wide strategy on gender parity²⁰⁷ and the uniformed gender parity strategy 2018–2028 of the Department of Peace Operations,²⁰⁸ while many called for the greater and more effective participation of women in peacekeeping.²⁰⁹ The representative of Bangladesh, the delegation of Switzerland and the observer for the League of Arab States called for greater representation by women in senior leadership positions in the United Nations system.

A number of Council members and other delegations²¹⁰ mentioned the need for the Council to ensure that issues related to the women and peace and security agenda were considered across all of its deliberations and outcomes and to increase its engagement with women representatives of civil society. On behalf of the Group of Friends on Women and Peace and Security, the delegation of Canada underscored that the recommendations of civil society activists to the Council must be translated into informed decisions for action. The representative of the United States called for more language promoting the meaningful participation of women in peace negotiations in Council decisions on mandates of peacekeeping operations and special political missions.

²⁰⁶ Dominican Republic, South Africa, Austria, Bulgaria, Canada (on behalf of the Group of Friends on Women and Peace and Security), Denmark (on behalf of the Nordic countries), European Union (also on behalf of Albania, Bosnia and Herzegovina, Georgia, Montenegro, Republic of Moldova, Republic of North Macedonia, Serbia, Ukraine and Turkey) and Uruguay.

²⁰⁷ South Africa, Bangladesh, Ecuador, Egypt, Qatar and Senegal.

²⁰⁸ South Africa, Bangladesh, Brazil and Ecuador.

²⁰⁹ Dominican Republic, Indonesia, Niger, United States, Bangladesh, India, Lebanon, Mexico, Poland, Romania, Senegal, Switzerland and Uruguay.

²¹⁰ Estonia, Niger, Saint Vincent and the Grenadines, Albania, Denmark, Ireland, Mexico and Switzerland.

In addition to mainstreaming the agenda into peace operations mandates, the representative of El Salvador suggested increasing the number of Arria-formula meetings on women and peace and security. The delegation of Ireland stated that Council field visits, be they virtual or in-person, must be used as an opportunity to engage with women affected by conflict and with those who were working to build peace, including at the grass-roots level. The delegation added that the important work of the Informal Expert Group on Women and Peace and Security and the Peacebuilding Commission should inform Council discussions and outcomes. In that regard, the delegation of Mexico suggested inviting the Co-Chairs of the Informal Expert Group to review specific situations and the Council's thematic agenda.

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 the maintenance of international peace and security" (see case 10).

Case 10

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

On 18 December, at the initiative of South Africa, which held the presidency of the Council for the month,²¹¹ Council members held an open videoconference in connection with the item entitled "The promotion and strengthening of the rule of law in the maintenance of international peace and security" and focused on strengthening cooperation between the Security Council and the International Court of Justice.²¹²

In his briefing, the President of the International Court of Justice stated that the partnership between the Council and the Court was strong, but that it could be

²¹¹ The Council had before it a concept note annexed to a letter dated 11 December 2020 (S/2020/1194).

²¹² See S/2020/1286.

further strengthened. He recalled that the Council had only once exercised its powers under Article 36 (3) of the Charter to recommend that disputing parties settle their dispute through the Court,²¹³ namely, in the *Corfu Channel case (United Kingdom of Great Britain and Northern Ireland v. Albania)*. The Council had also only once requested an advisory opinion from the Court under Article 96,²¹⁴ namely, in the case of *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*.

In terms of suggestions on how to further reinforce cooperation between the two organs, the President of the International Court of Justice highlighted a distinction between the two possibilities available to the Council under the Charter.²¹⁵ He acknowledged the reluctance of the Council to recommend the referral of a dispute by the parties concerned to the Court unless it was clear that both parties were ready for it, in particular given the reference in Article 36 (3) of the Charter to “recommendations” by the Council, which would be legally non-binding. The Council could not, therefore, establish the jurisdiction of the Court over a dispute without the consent of the parties. However, the request for an advisory opinion from the Court would be a different matter, as it would not be binding and would not be addressed directly to States, but rather rendered for the benefit of the Council to clarify a specific legal issue. Citing the Declaration on the Prevention and Removal of Disputes and Situations Which May Threaten International Peace and Security and the Role of the United Nations in this Field, set out in the annex to General Assembly resolution 43/51 of 5 December 1988, the President of the Court recalled the Assembly’s view that a request for an advisory opinion from the Court could play an important role in the Council’s work on preventing situations or disputes from becoming a threat to international peace and security. In addition, noting that only 74 Member States had done already so, the President suggested that the Council periodically issue presidential statements in which it called upon States that had not yet done so to consider accepting the jurisdiction of the Court. Without a court of law to which disputes could be referred for peaceful resolution, the existence of the international rule of law could be called into question.

In their statements, Council members and other delegations acknowledged the shared role of the

Council and the International Court of Justice in the maintenance of international peace and security and the peaceful settlement of disputes. In that regard, some delegations²¹⁶ stressed the important connection between the rule of law and justice, conflict prevention and sustainable peace. The representative of South Africa stated that, although the Council played a significant role in ensuring international peace and security, the role of the Court in settling disputes before they escalated into threats to international peace and security remained one of the most important cornerstones of the international system. Several delegations²¹⁷ also expressed the view that the increasing number of cases before the Court reflected the trust and recognition placed by Member States in the Court as a means for the peaceful settlement of disputes.

Most delegations called for greater cooperation between the Council and the International Court of Justice in the areas of conflict prevention and the peaceful resolution of disputes, including through more frequent referrals to the Court by the Council under Article 36 of the Charter²¹⁸ and the use of the Court’s advisory functions under Article 96.²¹⁹ The delegation of Brazil noted that promoting the peaceful settlement of a dispute through institutionalized and reliable means was at the core of prevention and should therefore be considered more often. Similarly, the delegation of Peru stated that recourse to the peaceful settlement of disputes under Chapter VI of the Charter was an underutilized tool with a real capacity to offer positive alternatives for action before, during and after conflicts. Among those tools, the submission of legal disputes to the Court on the recommendation of the Council, as a visible element of the rules based international system, was certainly worth emphasizing. The representative of Estonia called on the Council to consider a stricter application of Article 36 (3), so that legal disputes would, as a general rule, be referred to the Court. Several delegations²²⁰ also called on

²¹⁶ South Africa, Austria (on behalf of the Group of Friends of the Rule of Law, as well as Cyprus), Denmark (on behalf of the Nordic countries) and Morocco.

²¹⁷ Belgium, China, United Kingdom, United States, Austria (on behalf of the Group of Friends of the Rule of Law, as well as Cyprus), Bangladesh and Denmark (on behalf of the Nordic countries).

²¹⁸ Estonia, Germany, Indonesia, Niger, South Africa, Tunisia, Austria, Bangladesh, Peru and Portugal.

²¹⁹ Germany, Tunisia, Bangladesh, Denmark (on behalf of the Nordic countries), Mexico, Peru and Portugal.

²²⁰ Estonia, Germany, United Kingdom, Austria (on behalf of the Group of Friends of the Rule of Law, as well as Cyprus), Denmark (on behalf of the Nordic countries), Japan, Liechtenstein and Mexico.

²¹³ See resolution 22 (1947).

²¹⁴ See resolution 284 (1970).

²¹⁵ See S/2020/1286.

Member States that had not yet done so to accept the compulsory jurisdiction of the Court.

The representative of the Russian Federation stated that a key element of the principle of commitment to the peaceful settlement of disputes, as enshrined in Article 33 of the Charter, was the freedom of each State to choose its own peaceful means of settlement, including those set out in the Charter. The representative of the United States underscored that, as situations developed into matters requiring the Council's attention, Council members must remain mindful of where the International Court of Justice could play a role, while preserving the fundamental principle of State consent to the judicial settlement of disputes enshrined in the Statute of the Court. He added that many disputes were successfully resolved through other peaceful means, thereby never reaching the Council or the Court. The representative of Saint Vincent and the Grenadines called on parties to disputes to pursue dialogue and mediation, including through suitable regional mechanisms and without prejudice to their rights to seek a judicial settlement. The representative of France said that the Court's decisions contributed most to the pacification of relations between States when other means of peaceful settlement of disputes had failed. As a first step, the delegation of Portugal encouraged the Council to draft a road map on specific ways to implement the tools that were available to the Council under the Charter.

Addressing the limited number of instances when States in dispute resorted to the Council to address non-compliance with the decisions of the International Court of Justice in accordance with Article 94 of the Charter, the delegation of Brazil encouraged reflection on whether issues of non-compliance would fall under Chapter VI of the Charter, thus requiring a party to a dispute to abstain from voting on the matter. Similarly, the representative of Estonia encouraged parties to a dispute to recuse themselves from voting in the Council, in accordance with the Charter, and echoed the plea for Council members not to use the votes of other members to block any recommendations regarding the judicial settlement of disputes by the Council.

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

Article 99 of the Charter stipulates that the Secretary-General may bring to the attention of the Council any matter which, in his opinion, may threaten the maintenance of international peace and security.

The multiple tools available to the Secretary-General under Article 99 were discussed in connection with the item entitled "Maintenance of international peace and security" (see case 11).

Case 11 Maintenance of international peace and security

On 9, 10 and 13 January, at its 8699th meeting, convened at the initiative of Viet Nam, which held the presidency of the Council for the month,²²¹ Council members held a high-level open debate under the item entitled "Maintenance of international peace and security" and the sub-item entitled "Upholding the United Nations Charter".²²² As part of the discussion, several speakers addressed the good offices role of the Secretary-General in conflict prevention and the peaceful settlement of disputes.

Several speakers²²³ recognized the importance of the good offices role conferred upon the Secretary-General under Article 99 of the Charter. The representatives of Canada and Slovenia encouraged the Secretary-General to make use of the article more frequently.²²⁴ The representative of Belgium further recognized that the Secretary-General, through his good offices, facilitated the peaceful settlement of conflicts.²²⁵ The representative of Lithuania expressed the view that the Secretary-General's efforts and contribution to conflict resolution, preventive diplomacy, peacebuilding and sustaining peace were of the utmost importance in enabling the international community and the United Nations to develop the capacity for a swift and effective response to conflict. She added that preventive diplomacy, early action and mediation were vital measures in preventing conflicts and mass atrocities and that a decisive element of conflict-prevention involved putting an end to impunity and ensuring justice for all. The representative of Singapore stated that, while preventive diplomacy might be time-consuming, it was an effective way to enhance prospects for peace and reconciliation; his delegation applauded the Secretary-General's pledge to make prevention a "priority of the priorities". The representative of France welcomed the establishment by the Secretary-General of the High-

²²¹ The Council had before it a concept note annexed to a letter dated 31 December 2019 (S/2020/1).

²²² See S/PV.8699, S/PV.8699 (Resumption 1) and S/PV.8699 (Resumption 2).

²²³ See S/PV.8699 (United Kingdom, Italy and Singapore); and S/PV.8699 (Resumption 1) (Slovenia, Canada and United Arab Emirates).

²²⁴ See S/PV.8699 (Resumption 1).

²²⁵ See S/PV.8699.

Level Advisory Board on Mediation. The representative of Norway, on behalf of the Nordic countries, echoed by the representative of Yemen, stated that special political missions and special envoys of the Secretary-General played a crucial role in reducing tensions, in many instances through creative

and persistent diplomacy, while peacekeeping operations proved critical in halting violence and creating an enabling environment for peace.²²⁶

²²⁶ See [S/PV.8699](#) (Norway); and [S/PV.8699 \(Resumption 1\)](#) (Yemen).