

# Repertoire of the Practice of the Security Council

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Department of Political and Peacebuilding Affairs - Security Council Affairs Division  
Security Council Practices and Charter Research Branch

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## Part VI

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



## 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 illustrat

The Secretary-General and the Secretariat continued to draw the attention of the Council to situations that were deteriorating, including with respect to Ukraine, and the risk of famine in Ethiopia, northeast Nigeria, South Sudan, Yemen and Somalia

I. Referral of disputes or situations to 23.9(o)6 (e.g. /TT0 1 TFID 0 >>BDC 0w

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 2022, pursuant to a communication from a Member State, the Council convened a meeting under a new item on its agenda entitled “Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council [S/2022/688](#)”. The Council convened another seven meetings further to communications submitted by Member States under existing items, five of which were in connection with the Democratic People’s Republic of Korea and one each in connection with Iraq and Ukraine. Council members also held formal consultations of the whole pursuant to a letter from a member of the Council in connection with the Houthis attacks on civilian infrastructure in the United Arab Emirates.

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

#### A. Referrals by States

During the period under review, certain situations were referred to the Council pursuant to Article 35 (1) of the Charter by affected or concerned Member States. Most of the situations

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

held under the auspices of the African Union. He therefore argued that there was justification for bringing this matter to the attention of the Council.

Concerning Armenia and Azerbaijan, by a letter dated 13 September addressed to the President of the Council,<sup>11</sup> the representative of Armenia transmitted a letter from the Minister for Foreign Affairs of Armenia, bringing to the attention of the Council on the border between







Rwandan troops had carried out military operations in the eastern part of the Democratic Republic of the Congo by participating directly in attacks against Congolese military personnel and by equipping and providing reinforcements to the “terrorist group” Mouvement du 23 mars (“M23”). In that regard, the Government of the Democratic Republic of the Congo requested the Council, among other things, to urgently convene an open meeting to consider the<sup>16</sup> report.

By another letter dated 15 August<sup>17</sup>, the representative of Mali transmitted a letter from the

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. This notwithstanding, the Secretary-General continued to draw the attention of the Council to



## 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

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 International Civil Aviation Organization in connection with the landing of a civilian aircraft in Belarus and the Office of the United Nations High Commissioner for Human Rights in the situations in the Central African Republic, the Democratic Republic of the Congo, Mali and Somalia (S/2014/638).

## Repertoire of the Practice of the Security Council



cited the examples of missions to the Lake Chad basin in March 2017, which produced resolution [2349 \(2017\)](#), addressing the negative security, humanitarian and environmental dimensions of the Boko Haram crisis in the region as well as the missions to Colombia in May 2017 and July 2019, which signaled the Council's political support for the implementation of the 2016 Final Peace Agreement. The Executive Director held the view that the Council should prioritize visits with regional and subregional organizations to engage with them on conflict prevention and step-up engagement with the field via virtual reality headsets and through mini-missions. Suggesting a more systematic way of deciding on visiting missions, she noted that one possibility would be to have the Informal Working Group on Documentation and Other Procedural Questions at the start of the year, consult and select three possible situations that could benefit from a Council visit, which could then be supplemented by other trips.

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

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

The representative of Cyprus held the view that technology could not substitute for the

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<sup>35</sup> See [S/PV.9079 \(Resumption.1\)](#)

<sup>36</sup> See [S/PV.9079](#)

knowledge of local circumstances that the Council needed to have to deal with a situation effectively, adding that such knowledge was best gained through visits on the ground.<sup>37</sup>

#### B. Investigative and factfinding functions of the Secretary-General

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

##### Decisions of the Council

In its decisions adopted in 2022, the Council acknowledged the investigative and fact-



Resolution [2625 \(2022\)](#) Expressing grave concern at ongoing reports of sexual and gender violence, including the findings of the report of the Secretary-General on Conflict Related Sexual Violence to the Security Council (

















Norway concluded that the Russian Federation had failed to demonstrate probable cause for further investigative steps and that its allegations did not justify a request for consideration of the Council under Article VI.

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

#### Communications submitted to the Council

In 2022, the Secretary-General undertook one new investigative action by establishing the Fact-Finding Mission to look into the 29 July 2022 incident at the Olenivka detention facility in Ukraine.<sup>52</sup> In that connection, by a letter dated 29 July addressed to the Secretary-General,<sup>53</sup> the representative of Ukraine transmitted a statement by the Ministry of Foreign Affairs of Ukraine which referred to the “shelling of a correctional facility in the occupied Olenivka, where Ukrainian prisoners of war [were] believed to have been killed.”

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

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

Concerning the investigative activities relating to the implementation of resolution [2131 \(2015\)](#), Member States addressed several communications to the Council in which they expressed their positions on the above matter, including, in some instances, on the investigatory actions taken by the Secretary-General.<sup>58</sup>

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

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

#### Decisions of the Council

In 2022, the Council recognized the investigative functions of the Office of the High Commissioner for Human Rights and the Human Rights Council, in relation to the situations in

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<sup>56</sup> See [S/2022/434](#) and [S/2022/836](#)

the Central African Republic, Mali and South Sudan.<sup>59</sup> Table 4 contains the provisions of Council decisions referring to such functions.

Table 4  
Decisions relating to investigation and inquiry by United Nations bodies and related organizations, 2022

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| <i>Decision and date</i>                      | <i>Provision</i> |
|---|------------------|
| <hr/>   |                  |
| The situation in the Central African Republic |                  |
| Resolution                                    |                  |

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

Expressing grave concern regarding the reports on the human rights situation in S









State parties of their commitments not to use international civil aviation for purposes that were inconsistent with the aims of the Convention and stressed the urgent need for enhanced cooperation among them and for ICAO to secure the aviation environment from all forms of threats. In view of the seriousness of the facts reported, the representative of Gabon called on all States concerned to participate constructively in the investigations by providing all the information required to establish the facts.

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



Ukraine”,<sup>69</sup> in which the representatives of the three Baltic States noted that the gender and intersectional dimensions of war crimes, crimes against humanity and other violations of international humanitarian law and international criminal law perpetrated by the Russian military, needed to guide the work of the Independent International Commission of Inquiry on Ukraine.

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

By a letter dated 27 September addressed to the President of the Council,<sup>72</sup> representative of Estonia transmitted a joint statement by Estonia, Latvia and Lithuania in connection with the Council briefing held under the item entitled “Maintenance of peace and security in Ukraine,” held on 27 September >>BDC 0 Tc 0 Tw 12 0 0 12 467.52 398. c6ce4pu49w -10











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

Article 33 (2) of the Charter provides that the Council shall call upon the parties to settle disputes by the means established in Article 33 (1), when deemed necessary. In addition, Article 36 (1) provides that the Council may recommend appropriate procedures or methods of adjustment. 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 recommend procedures or methods for the pacific settlement of disputes. The decisions featured in this overview do not include those adopted expressly under Chapter VII, which are covered in parts VII and X. The section also does not include the wide array of good offices, mediation and political support tasks of peacekeeping operations and special political missions specifically mandated by the Council in 2022, which are covered in part X.

During the period under review, the Council made a wide range of recommendations with regard to the peaceful settlement of conflicts and disputes that were both intra-State in

maintenance of peace and security. In Ukraine, the Council recalled that the obligation of all Member States to settle their international disputes by peaceful means. The Council also called for the full implementation of the Libyan ceasefire agreement and the withdrawal of all foreign fighters from the country and for a strengthened truce in Yemen to be translated into a durable ceasefire and political settlement. In addition, the Council also reiterated its call upon Israel and the Syrian Arab Republic to prevent any further breaches of the ceasefire in the Golan Heights and on Israel and Lebanon to respect the cessation of hostilities, sti<(en)6 (t01 Tc -0.001 Tw -3 a)-11 (

called upon to exercise maximum restraint and prevent any breach of the ceasefire and the area of separation and to take full advantage of the liaison function of the United Nations Disengagement Observer Force (UNDOF) to address issues of mutual concern and to prevent any escalation of the situation across the ceasefire line.<sup>91</sup> Furthermore, with respect to the situation in the Syrian Arab Republic, the Council called upon all parties to the domestic conflict in that country to cease military actions throughout the country, including in the UNDOF area of operations.<sup>92</sup>

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

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

In relation to the situation in Yemen, the Council welcomed the announcement on 1 April 2022 of a two-month truce and its extension on 2 June 2022.<sup>97</sup> The Council further called for a strengthened truce to be translated into a durable ceasefire and an inclusive, comprehensive political settlement under the auspices of the United Nations.<sup>98</sup> The Council also reaffirmed its

<sup>91</sup> Resolutions [2639 \(2022\)](#) and [2671 \(2022\)](#) para. 2.

<sup>92</sup> *Ibid.*, 92210.02 02671.05278.74875(8228)-6 (TID0543D.BU3) para. 003/DOID.252-95D-6R.9002.01s -0.006 Tw 10.02 0 0 50.0





Government, the Council encouraged Somalia to seize the opportunity it had to make renewed progress in implementing its national priorities.<sup>109</sup> In that regard, the Council emphasized the importance of the Federal Government and the federal member states to work together to achieve that and reiterated the importance of inclusive dialogue and local reconciliation processes for stability.<sup>110</sup> The Council also encouraged the resumption of dialogue between the Federal Government and “Somaliland” to build confidence and strengthen political coordination.<sup>111</sup>

#### Peaceful settlement of disputes

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

Regarding Cyprus, t

international law.<sup>116</sup> The Council further called upon the leaders of the two communities and all involved parties to refrain from any actions and rhetoric that might damage the settlement process and that could raise tensions on the island.<sup>117</sup>

With respect to relations between South Sudan and the Sudan, the Council noted the efforts of both Governments to support each other's peace processes, encouraged the Joint Political and Security Mechanism and those of other joint mechanisms to take place on a consistent basis and u



refrain from any actions that could undermine United Nations facilitated negotiations or further destabilize the situation in the Western Sahara.<sup>123</sup>

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

While Article 99 of the Charter provides that the Secretary-General shall act as an impartial mediator between States in dispute, Article 99 does not require the Secretary-General to act as a mediator in all cases. The Secretary-General's role is primarily to facilitate negotiations and to provide a neutral platform for dialogue. The Secretary-General's role is to act as a mediator between States in dispute, and to provide a neutral platform for dialogue. The Secretary-General's role is to act as a mediator between States in dispute, and to provide a neutral platform for dialogue.

armed gang violence.<sup>125</sup>

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.<sup>126</sup> The Council further urged the parties to make a systematic, constructive and expanded use of the Tripartite Mechanism to accelerate efforts to delineate and visibly mark the Blue Line in its entirety.<sup>127</sup> The Council also urged all parties to cooperate fully with the Council and the Secretary-General to make tangible progress towards a permanent ceasefire and a long-term resolution as envisioned in resolution [1701 \(2006\)](#).<sup>128</sup>

Regarding the Golan Heights, the Council encouraged Israel and the Syrian Arab Republic to take full advantage of the liaison function of UNDOF regularly to address issues of

With regards to the situation in Myanmar, the Council encouraged close coordination of the ASEAN Special Envoy for Myanmar with the Special Envoy of the Secretary-General on Myanmar in pursuit of promoting fully inclusive and representative dialogue, to achieve an end to the violence and to support the path to democracy.<sup>133</sup> The Council also urged all(s)-3Ind to s sor M725



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

### Note

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

During the period under review, explicit references were made to Article 36,<sup>144</sup> Article 37,<sup>145</sup> Article 99,<sup>146</sup> and Chapter VI<sup>147</sup> of the Charter during the Council's deliberations, although not all cases resulted in a constitutional discussion. No explicit references were made to Articles 36 and 38 of the Charter.

Article 29 of the Charter

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

Article 33 of the Charter stipulates that any dispute that is likely to endanger the maintenance of international peace and security should first be addressed through negotiation, mediation or other peaceful means and that the Council can call upon the parties to settle their disputes by such means. During the period under review, discussions with respect to Article 33 were held under the items entitled “Women and peace and security” (case 7), “Threats to international peace and security” (case 8), “Maintenance of international peace and security” (case 9) and “Letter dated 13 September 2022 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council S/2022/688” (case 10).







Speakers also recognized the need for measures for the protection of women's political participation to be taken across the Unit0.5 (t-1 (p)-5a9.1 (h) (c)0 (i)5)5 4 (t.6 (o)-5.1 t(z)-1 (5-2.1 (m1-5

behalf of the Group of Friends of Women, Peace and Security, the representative of Canada encouraged the United Nations, its Member States, international financial institutions and other relevant stakeholders to provide rapid, flexible and real funding for the protection of women peacebuilders, human rights defenders and gender-equality advocates.

Multiple speakers highlighted the responsibility and role of the Council in the protection of women's political participation, including with respect to women civil society briefers at its meetings.<sup>158</sup> In that regard, the representative of Brazil stated that the Council must work not only to bring women to peace negotiation tables but also to find ways to protect those invited from direct violence and intimidation.<sup>159</sup> He added that normalizing the participation of women in peace processes and upgrading their role, including as briefers to the Council, was a very concrete way to implement the women and peace and security agenda. ~~Several~~ Speakers expressed support for the work of the Office of the United Nations High Commissioner for Human Rights on addressing and mitigating the risk of reprisals ~~against~~ ~~women~~ engaged with the Council and the United Nations.<sup>160</sup> The representative of the United Kingdom opined that the Council could operate effectively only when it received honest briefings about situations on the

## Case 8

### Threats to international peace and security

At a meeting held on 31 January under the item entitled “Threats to international peace and security”, the Under-Secretary-General for Political and Peacebuilding Affairs briefed the Council on reports regarding the deployment of troops and heavy weaponry by the Russian Federation and mounting tensions along the border with Ukraine.<sup>164</sup> During the subsequent discussion, several speakers referred to the obligation of the parties to peacefully settle their dispute in accordance with Chapter VI of the Charter.

For example, while calling on all stakeholders to show restraint and turn to dialogue and negotiations in order to preserve stability and peace in the region, the representative of Gabon underscored that this was the moment for the international community and its members to activate the channels of preventive diplomacy, in accordance with Chapter VI of the Charter. tTh-1

In his statement<sup>165</sup> the representative of Ukraine noted that the members of the Council had received very important information at the meeting which they needed to take into account so as to make an informed decision, when appropriate, on acting swiftly and decisively in employing preventive diplomacy under Chapter VI which, as he pointed out, enshrined the Council's responsibility to investigate any dispute that might lead to international friction or give rise to a dispute.

### Case 9

#### Maintenance of international peace and security

On 22 August<sup>165</sup> at the initiative of China, which held the presidency for the month, the Council held a meeting under the item entitled "Maintenance of international peace and security" and sub-item entitled "Promote common security through dialogue and cooperation", during which it heard briefings by the Secretary-General and the President of the tenth Review

judicial settlement. Focus was also being placed on prevention and peacebuilding, which included strengthening the foresight of future threats and anticipating flashpoints and long-standing conditions that could explode into violence and exploring new and expanded roles for regional actors and groups, particularly as cross-border threats to peace and security emerge. It also included putting human rights first in political and financial investments to address





peacefully through dialogue and within existing formats. The representative of Ghana welcomed the meeting as an opportunity for the Council to focus its attention on how the conflict could be peacefully resolved on the basis of established international principles that were acceptable to the parties and expressed the view that the use of force could not be the final arbiter for the settlement of the dispute. He also urged Armenia and Azerbaijan to sustain the truce and renewed the call for the complete cessation of hostilities and the escalation of tensions. The representative of Brazil called on the parties to respect international law and the Charter and to resolve their disputes through dialogue and diplomacy. He also urged both sides to avoid actions that could escalate tensions and threaten the security of the civilian population. The representative of France noted that everyone was bound by the Charter to settle disputes peacefully and that the parties had to resume dialogue to resolve all outstanding issues through negotiations.

Furthermore, at a meeting held on 20 December under the same item, the Council heard another briefing by the Assistant Secretary-General for Europe, Central Asia and the Americas in which he commended various ongoing engagements and mediation efforts and encouraged their close coordination to ensure maximum effectiveness.







the role of the Court in helping to prevent conflict between States, and Member States, and especially Council members, to accept compulsory jurisdiction, and called on the Council to strengthen its cooperation with the Court. The representative of Brazil that the Court played a vital role in preventing conflicts by providing Member States with legal and preventive means to resolve their differences.

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

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

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



