

**Repertory of Practice of United Nations Organs**

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VOLUME III

**ARTICLE 33 (2)**

**TEXT OF ARTICLE 33**

1. ...
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

**NOTE**

1. This note reflects the practice of the Security Council only. The practice of other organs of the United Nations on Article 33 (1) is the subject of a separate study.

2. According to Article 33 (2) of the Charter, the Council may call on the parties to settle their disputes by such peaceful means as provided for in Article 33 (1). During the review period, in one instance, regarding the border dispute between Djibouti and Eritrea, the Council made explicit reference to Article 33 in its decisions.<sup>1</sup> On a number of occasions, the Council implicitly included the provisions of Article 33 in its decisions by calling on parties to a dispute to engage in dialogue and negotiation in order to reach a peaceful settlement,<sup>2</sup> including frequently welcoming or supporting peace agreements concluded by the parties to a

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<sup>1</sup> See S/RES/1862 (2009), para. 5 (iii). Subsequently the Council reiterated this provision in S/RES/1907 (2009), para. 3 (iii) under the same agenda item.

<sup>2</sup> For instance, see S/RES/1320 (2000), para. 14; S/PRST/2006/5, fifth paragraph; S/PRST/2006/19, fourth paragraph; and S/PRST/2008/4, second paragraph.

conflict.<sup>3</sup> In one instance, an explicit reference to Article 33 of the Charter was made by the representative of Pakistan in a letter dated 22 May 2002 addressed to the President of the Security Council, in connection with the deteriorating situation in South Asia.<sup>4</sup> In addition, during the reporting period, the Council held several discussions in its meetings regarding the interpretation of Article 33 of the Charter.<sup>5</sup>

3. The Council, while acting within the framework of Chapter VI of the Charter during the period 2000 to 2009, continued its efforts aimed at the peaceful settlement of conflicts by recommending various methods or procedures of settlement such as bilateral or multilateral negotiations, political settlement aimed at achieving national reconciliation, good offices, mediation or conciliation efforts to be undertaken by the Secretary-General, or governments of neighbouring countries or regional leaders, by expressing its support and calling upon the parties to a conflict to cooperate with such efforts.<sup>6</sup>

4. During the period under review, the Council increasingly looked to elections to promote national dialogue, reconciliation and the reinforcement of the democratic processes in a number of countries.<sup>7</sup> The Council also continued to deal with a growing number of intra-State conflicts characterized by inter-ethnic and/or inter-religious violence, collapse of central State authority, humanitarian crises and implications threatening the stability of

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<sup>3</sup> See, for instance, S/PRST/2003/19, second and eleventh paragraph; and S/PRST/2007/30, eighth paragraph.

<sup>4</sup> See, S/2002/571.

<sup>5</sup> See, for instance, fifteenth supplement to the *Repertoire of the Practice of the Security Council (2004-2007)*, chapter X, part IV under heading “Reference to peaceful means of settlement of disputes in light of Article 33 (1) and (2)”, and sixteenth supplement to the *Repertoire of the Practice of the Security Council (2008-2009)*, part VI, section IV under heading “Obligation of Member States to settle their disputes by peaceful means in light of Article 33 (1) and recommendations for the settlement of disputes by the Security Council in light of Article 33 (2)”.

<sup>6</sup> See, for instance, fourteenth supplement to the *Repertoire of the Practice of the Security Council (2000-2003)*, chapter X, part III, “Decisions of the Security Council concerning the pacific settlement of disputes”; and sixteenth supplement to the *Repertoire of the Practice of the Security Council (2008-2009)*, part VI, section III “Decisions of the Security Council concerning the pacific settlement of disputes”.

<sup>7</sup> See, for instance, in connection with the situation in Tajikistan and along the Tajik-Afghan border, S/PRST/2000/9, third paragraph; in connection with the situation in the Democratic Republic of the Congo, S/PRST/2006/36, first and sixth paragraphs; and in connection with the situation concerning Chad, the Central African Republic and the sub-region, S/RES/1861 (2009), para. 21.

neighbouring countries, for example, in the internal conflicts in Angola, the Democratic Republic of the Congo, Western Sahara and Somalia.<sup>8</sup>

5. The present study should be read in conjunction with the studies on Articles 36, 37 and 38 of the Charter since during the period under review the Security Council adopted decisions which either recommended procedures previously agreed upon by the parties concerned or were aimed at the immediate restoration of conditions that would make further efforts aimed at peaceful settlement possible.<sup>9</sup>

6. For detailed information regarding the Council's practice on the pacific settlement of disputes, referred to in paragraphs 1-5 above, see chapter X of the fourteenth and fifteenth supplements, and part VI of the sixteenth supplement to the *Repertoire of the Practice of the Security Council*:

[http://www.un.org/en/sc/repertoire/2000-2003/00-03\\_10.pdf](http://www.un.org/en/sc/repertoire/2000-2003/00-03_10.pdf) (during 2000-2003);

[http://www.un.org/en/sc/repertoire/2004-2007/04-07\\_10.pdf](http://www.un.org/en/sc/repertoire/2004-2007/04-07_10.pdf) (during 2004-2007);

[http://www.un.org/en/sc/repertoire/2008-2009/Part%20VI/08-09\\_PartVI.pdf](http://www.un.org/en/sc/repertoire/2008-2009/Part%20VI/08-09_PartVI.pdf) (during 2008-2009).

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<sup>8</sup> See, for instance, fourteenth supplement to the *Repertoire of the Practice of the Security Council* (2000-2003), chapter X, part III "Decisions of the Security Council concerning the pacific settlement of disputes"; and fifteenth supplement to the *Repertoire of the Practice of the Security Council* (2004-2007), chapter X, part III "Decisions of the Security Council concerning the pacific settlement of disputes".

<sup>9</sup> See, for instance, sixteenth supplement to the *Repertoire of the Practice of the Security Council* (2008-2009), part VI, section III "Decisions of the Security Council concerning the pacific settlement of disputes".