

**Repertory of Practice of United Nations Organs**

**Supplements Nos. 7-9 (1985-1999)<sup>1</sup>**

(Advance version, to be issued in volume III of *Supplement Nos. 7-9* (forthcoming) of the  
*Repertory of Practice of United Nations Organs*)

**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) will be 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, none of the decisions adopted by the Council contained explicit references to Article 33, but a number of them contained provisions calling upon the parties to settle their differences through a process of peaceful negotiation and in a spirit of national

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<sup>1</sup> At the bilateral meeting between the Codification Division of the Office of Legal Affairs and the Security Council Affairs Division of the Department of Political Affairs, on 11 March 2011, it was agreed that in order to expedite the elimination of the backlog in volume III, studies on *Supplements 7, 8 and 9* of the volume would be merged.

reconciliation.<sup>2</sup> Moreover, there were an increased number of formal discussions in the Security Council regarding the interpretation of Article 33.<sup>3</sup>

3. As part of its efforts aimed at the peaceful settlement of conflicts within the framework of Chapter VI of the Charter, the Council frequently endorsed or supported peace agreements concluded by the parties to a conflict, or recommended various methods or procedures of settlement, such as bilateral or multilateral negotiations, mediation or conciliation efforts to be undertaken by the Secretary-General, or by Governments of neighbouring countries, regional leaders, and regional arrangements, by expressing its support and calling upon the parties to a conflict to cooperate with such efforts.<sup>4</sup>

4. During the period under review, the Council dealt with a growing number of intra-State conflicts characterized by inter-ethnic and/or inter-religious violence, collapse of central State authority, humanitarian crisis and regional implications threatening the stability of the whole sub-region.<sup>5</sup> This was the case, for instance, in the internal conflicts in Cambodia, Cyprus, El Salvador, Lebanon, Liberia, Somalia, Tajikistan and the former Yugoslavia, in which the Council either specifically called on the relevant factions or communities involved in the conflict or, in a more general fashion, called on State and non-State parties to the conflict.<sup>6</sup>

5. The present study should be read in conjunction with the studies on Articles 36, 37, and 38 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

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<sup>2</sup> See, for instance, eleventh supplement to the *Repertoire of the Practice of the Security Council* (1989-1992), chapter X, part III under heading “Decisions involving the Secretary-General in the Council’s efforts at the peaceful settlement of disputes”; pp. 861-864.

<sup>3</sup> See, for instance, eleventh supplement to the *Repertoire of the Practice of the Security Council* (1989-1992), chapter X, part IV under heading “Relevance of procedures for the settlement of disputes adopted by the parties, in the light of Article 33 (2) of the Charter”; pp. 871-874.

<sup>4</sup> Ibid., pp. 857-871 and see also, for instance, eleventh supplement to the *Repertoire of the Practice of the Security Council* (1989-1992), chapter X, part IV under heading “Relevance of procedures for the settlement of disputes adopted by the parties, in the light of Article 33 (2) of the Charter”; pp. 871-874.

<sup>5</sup> See, for instance, thirteenth supplement to the *Repertoire of the Practice of the Security Council* (1996-1999), chapter X, part III “Decisions of the Security Council concerning the pacific settlement of disputes”; pp. 1086-1088.

<sup>6</sup> See, for instance, thirteenth supplement to the *Repertoire of the Practice of the Security Council* (1989-1992), chapter X, part III “Decisions of the Security Council concerning the pacific settlement of disputes”; pp. 858.

the immediate restoration of conditions that would make further efforts aimed at peaceful settlement possible.<sup>7</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 Repertoire of the Practice of the Security Council:

[http://www.un.org/en/sc/repertoire/85-88/85-88\\_10.pdf#page=3](http://www.un.org/en/sc/repertoire/85-88/85-88_10.pdf#page=3) (during 1985-1988);

[http://www.un.org/en/sc/repertoire/89-92/89-92\\_10.pdf#page=4](http://www.un.org/en/sc/repertoire/89-92/89-92_10.pdf#page=4) (during 1989-1992);

[http://www.un.org/en/sc/repertoire/93-95/93-95\\_10.pdf#page=4](http://www.un.org/en/sc/repertoire/93-95/93-95_10.pdf#page=4) (during 1993-1995); and

[http://www.un.org/en/sc/repertoire/96-99/96-99\\_10.pdf#page=4](http://www.un.org/en/sc/repertoire/96-99/96-99_10.pdf#page=4) (during 1996-1999).

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<sup>7</sup> See, for instance, thirteenth supplement to the *Repertoire of the Practice of the Security Council* (1996-1999), chapter X, part III "Decisions of the Security Council concerning the pacific settlement of disputes"; pp. 1086-1101.