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VOLUME III

**ARTICLE 34**

**TEXT OF 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**

1. During the review period, the Council did not explicitly invoke Article 34 in its decisions. However, the Council performed or initiated a number of investigative and fact-finding activities that may be deemed to fall within the scope of Article 34 or related to its provisions, in order to determine whether any dispute or situation might lead to international friction or give rise to a dispute.<sup>1</sup> For instance, in connection with the situation in the Middle East, the Council decided to establish an international independent investigation commission based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of the assassination of the former Prime Minister Rafiq Hariri.<sup>2</sup>

2. The Security Council's practice in connection with Article 34 of the Charter, during 2000 to 2009, included decisions containing a request to the Secretary-General to initiate

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<sup>1</sup> See, for instance fifteenth supplement to the *Repertoire of the Practice of the Security Council* (2004-2007), chapter X, part II under heading "Investigation of disputes and fact-finding"; and sixteenth supplement to the *Repertoire of the Practice of the Security Council* (2008-2009), part VI, section II under heading "Investigation of disputes and fact-finding".

<sup>2</sup> See S/RES/1595 (2005), paras. 1, 2 and 3.

or perform fact-finding or investigative functions. For example, in connection with the situation in Côte d'Ivoire, by a statement of the President dated 25 May 2004, the Council requested the Secretary-General to establish an international commission of inquiry, as recommended by the commission of inquiry of the Office of the United Nations High Commissioner for Human Rights.<sup>3</sup> In another instance, in connection with the reports of the Secretary-General on the Sudan, the Council requested the Secretary-General to rapidly establish an international commission of inquiry in order to immediately investigate reports of violations of international humanitarian law and human rights law in Darfur by all parties.<sup>4</sup>

3. In dealing with both country-specific and thematic issues, the Council in several instances welcomed or supported the Secretary-General's initiative to establish bodies entrusted with fact-finding and investigative functions. For example, in connection with the situation between Iraq and Kuwait, the Council welcomed the Secretary-General's decision to create an independent high-level inquiry to investigate the administration and management of the oil-for-food programme.<sup>5</sup> Similarly, the Council welcomed the intention of the Secretary-General to send fact-finding missions to areas of tension more frequently.<sup>6</sup>

4. On a separate occasion, following the conflict in the Gaza Strip and southern Israel during which United Nations personnel, premises and operations were affected, by a letter dated 4 May 2009 addressed to the President of the Security Council, the Secretary-General informed that, in his capacity as the Chief Administrative Officer of the

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<sup>3</sup> See, S/PRST/2004/17, sixth paragraph.

<sup>4</sup> See, S/RES/1564 (2004), para. 12; see also, in connection with the situation in the Middle East, S/RES/1595 (2005), paras. 4 and 5; and in connection with the situation in Somalia, S/RES/1744 (2007), para. 9.

<sup>5</sup> See, S/RES/1538 (2004), fifth preambular paragraph and para. 1; see also, in connection with the situation in Timor-Leste, S/RES/1690 (2006), para. 6.

<sup>6</sup> See, S/RES/1327 (2000), annex V, in connection with ensuring an effective role of the Security Council in the maintenance of international peace and security; and in connection with the role of the Security Council in the prevention of armed conflict, S/RES/1366 (2001), para. 18.

Organization, he had decided to establish a United Nations Headquarters Board of Inquiry to review and investigate nine of those incidents.<sup>7</sup>

5. Underscoring its continued willingness to consider the use of Council missions, consisting of members of the Council, with the consent of host countries, in order to determine whether any dispute or situation which might lead to international tension or give rise to a dispute, was likely to endanger the maintenance of international peace and security,<sup>8</sup> the Council noted with satisfaction the increased recourse to Council missions to areas of conflict or potential conflict during the period under review.<sup>9</sup> In that connection, the Council dispatched missions to conflict areas, including Afghanistan, Belgrade, Burundi, Central Africa, Chad, the Democratic Republic of the Congo, East Timor, Eritrea, Ethiopia, the Great Lakes Region, Haiti, Indonesia, Sierra Leone, Sudan, West Africa and Federal Republic of Yugoslavia. Although those missions were not always charged expressly with concrete investigative tasks, they did allow the Council to form an impression of the respective situations.<sup>10</sup>

6. For detailed information regarding the Council's practice on the pacific settlement of disputes, including in connection with fact-finding and investigations (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#page=14.pdf](http://www.un.org/en/sc/repertoire/2000-2003/00-03_10#page=14.pdf) (during 2000-2003);

[http://www.un.org/en/sc/repertoire/2004-2007/04-07\\_10.pdf#page=19](http://www.un.org/en/sc/repertoire/2004-2007/04-07_10.pdf#page=19) (during 2004-2007);

[http://www.un.org/en/sc/repertoire/2008-2009/Part%20VI/08-09\\_PartVI.pdf#page=18](http://www.un.org/en/sc/repertoire/2008-2009/Part%20VI/08-09_PartVI.pdf#page=18) (during 2008-2009);

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<sup>7</sup> See letter dated 4 May 2009 from the Secretary-General addressed to the President of the Security Council (S/2009/250).

<sup>8</sup> See for instance, S/RES/1327 (2000), annex V.

<sup>9</sup> See for instance, S/RES/1366 (2001), ninth preambular paragraph.

<sup>10</sup> See, for instance, fourteenth supplement to the *Repertoire of the Practice of the Security Council* (2000-2003), chapter X, part II, under heading "Investigation of disputes and fact-finding"; and sixteenth supplement to the *Repertoire of the Practice of the Security Council* (2008-2009), part VI, section II under heading "Investigation of disputes and fact-finding".