

**Repertory of Practice of United Nations Organs**  
**Supplements Nos. 7-9 (1985-1999)<sup>1</sup>**

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of the *Repertory of Practice of United Nations Organs*)

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, none of the decisions adopted by the Council contained explicit references to Article 34. However, through several of its decisions the Council underscored the importance of fact-finding to its work and performed or initiated a number of investigative and fact-finding activities that may be deemed to fall within the scope of Article 34 or be related to its provisions.<sup>2</sup>

2. The importance of fact-finding for the prevention of conflicts was highlighted by the Security Council in a statement by its President dated 30 November 1992, in connection with the item entitled “An agenda for peace: preventive diplomacy, peacemaking and peace-keeping”.<sup>3</sup> By that statement, the Security Council took note of the Declaration on

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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.

<sup>2</sup> See paragraphs 5-7 of this study.

<sup>3</sup> S/24872.

fact-finding adopted by the General Assembly<sup>4</sup> and welcomed the proposals on fact-finding in the Secretary-General's report entitled "An Agenda for Peace".<sup>5</sup> In the same statement, the Council members stated that they would facilitate and encourage every appropriate use of fact-finding missions on a case-by-case basis, endorsed the Secretary-General's view "that in some cases a fact-finding mission [could] help defuse a dispute or situation" and noted with satisfaction "the recent greater use of fact-finding missions".<sup>6</sup>

3. During the period under review, the Security Council dispatched missions consisting of Council members to conflict areas, including, Burundi, East Timor, Indonesia, Mozambique and Rwanda. 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>7</sup>

4. While Article 34 provides that the Security Council may investigate any dispute or any situation, it does not exclude 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 through a fact-finding mission.

5. During the period under consideration, the Security Council adopted several decisions containing a request to the Secretary-General to initiate or perform fact-finding or investigative functions or to establish a body to be entrusted with such functions.<sup>8</sup> In other instances, the Security Council, through letters, resolutions and statements by its President, welcomed, supported, encouraged or noted with satisfaction the dispatch by the Secretary-General of fact-finding missions to areas in conflict.<sup>9</sup>

6. On a number of occasions, the Secretary-General dispatched inspection teams to investigate allegations by one or more parties regarding military attacks on prisoners of

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<sup>4</sup> Ibid., see also G A resolution 46/59, annex.

<sup>5</sup> A/47/277, S/24111.

<sup>6</sup> S/24872, p. 2.

<sup>7</sup> For instance, see the report of the Security Council's mission to Jakarta and Dili from 8 to 12 September 1999 (S/1999/976).

<sup>8</sup> See, for instance, S/RES/1193 (1998) concerning the situation in Afghanistan.

<sup>9</sup> See, for instance, in connection with the agenda item entitled "Communications concerning relations between the Republic of Cameroon and the Federal Republic of Nigeria", letter dated 29 February 1996 (S/1996/150).

war. All investigation missions were followed by reports of the Secretary-General<sup>10</sup> transmitted to the Council and, in some cases, the President, on behalf of the members of the Security Council, issued statements urging both parties to exercise restraint and continue to honor their commitments.<sup>11</sup>

7. During the period under review, on several occasions, Member States requested the Security Council to carry out an investigation or a fact-finding mission. Those requests for investigations, however, did not always result in the establishment of an investigative body or dispatch of a fact-finding mission, nor any other decision of the Security Council referring to the matter.<sup>12</sup>

8. 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 - 7 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);

[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>10</sup> See, for instance, the report of a mission dispatched by the Secretary-General in connection with the situation between Iran and Iraq (S/16962).

<sup>11</sup> See, for instance, S/RES/1226 (1999).

<sup>12</sup> See, for instance, letter from the Sudan dated 21 August 1998 requesting a technical mission of inquiry (S/1998/786).