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## **Part VII**

# **Actions with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression (Chapter VII of the Charter)**

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## **Introductory note**

Part VII deals with action taken by the Security Council with respect to threats to the peace, breaches of the peace or acts of aggression, within the framework of Chapter VII of the Charter of the United Nations, including Articles 39 through 51. This part is divided into ten sections with each focusing on selected material to highlight the interpretation and application of the provisions of Chapter VII of the Charter by the Council in its deliberations and decisions. Sections I to IV cover material related to Articles 39 to 42, which regulate the Security Council's power to determine threats to international peace and security and to take the appropriate actions in response to those threats, including the imposition of sanctions measures or the authorization for the use of force. Sections V to VI focus on Articles 43 to 47, regarding the command and deployment of military forces. Sections VII and VIII address, respectively, the obligations of Member States under Articles 48 and 49, while sections IX and X address, respectively, the practice of the Council with respect to Articles 50 and 51. Finally, each section contains sub-sections on discussions that took place within the Security Council regarding the proper interpretation and implementation of these articles governing the Security Council's primary responsibility to maintain international peace and security.

During the period under review, the Council maintained the trend of the previous biennium (2012-2013) in terms of the number of resolutions adopted invoking explicitly Chapter VII of the Charter. Of the 63 resolutions adopted by the Council in 2014, 32 were adopted "acting under Chapter VII of the Charter" (approximately 51%), while in 2015, 35 of the 64 resolutions were adopted "acting under Chapter VII of the Charter" (approximately 55%). As in previous periods, most of those resolutions concerned the mandates of United Nations and regional peacekeeping missions or multinational forces, and the imposition, extension, modification or termination of sanctions measures.

In 2014 and 2015, as featured in Section I, the Security Council determined several new and ongoing threats to regional and/or international peace and security. The Council determined the existence of new threats under Article 39 of the Charter in relation to the situations in Yemen and in Libya. Significantly, the Council concluded that the "advance of [the Islamic State in Iraq and the Levant (ISIL)] on Iraq's sovereign territory" was a major threat to Iraq's future and determined that the large scale nature of the offensive by terrorists groups in Iraq, Syria and Lebanon posed a major threat to the region. Furthermore, the Council determined that the Islamic State in Iraq and the Levant (ISIL) constituted a "global

and unprecedented threat” to international peace and security and, in that connection, identified the phenomenon of foreign terrorist fighters as a threat to international peace and security. During the review period, the Council determined in resolution [2177 \(2014\)](#) that the unprecedented extent of the Ebola outbreak in Africa constituted a threat to international peace and security. This was the first time that the outbreak of a disease was deemed by the Council a threat to international peace and security. Ongoing threats to international peace and security included the situations in Afghanistan, the Central African Republic, Côte d’Ivoire, the Democratic Republic of the Congo, Lebanon, Liberia, Mali, Somalia, and the Sudan and South Sudan. The Council further reaffirmed that terrorism “in all forms and manifestations” constituted one of the most serious threats to international peace and security. Specifically, the Council noted with concern the continued threat posed to international peace and security by terrorist groups such as Al-Nusrah Front and Al Qaida, as well as Boko Haram.

As covered in Section III, the Council imposed new measures under Article 41 in connection with Yemen and South Sudan and expanded the sanctions regimes against the Taliban and Al-Qaida and associated individuals and entities as well as in relation to Libya and the Central African Republic. Importantly, the measures against Al-Qaida and associated individuals and entities were extended to apply to ISIL, the Al-Nusra Front, and all other individuals, groups, undertakings and entities associated with Al-Qaida. The Council made no changes to the measures imposed against Iraq, Lebanon, the Democratic People’s Republic of Korea and Guinea-Bissau. On the other hand, the Council terminated some of the measures that it had previously imposed against Liberia and Côte d’Ivoire. On 20 July 2015, by resolution [2231 \(2015\)](#), the Council decided that it would terminate the measures previously imposed against the Islamic Republic of Iran upon receiving a report from the International Atomic Energy Agency (IAEA) confirming that the country had taken a series of nuclear-related actions specified in the Joint Comprehensive Plan of Action (JCPOA). As far as judicial measures were concerned, no action was taken in 2014 and 2015, such as referring a particular situation to a tribunal or to the International Criminal Court.

As described in Section IV, the Council authorized United Nations peacekeeping missions and multinational forces to use force under Chapter VII of the Charter, relating to the maintenance or restoration of international peace and security by several peacekeeping missions and multinational forces in Bosnia and Herzegovina, Central African Republic, Côte

d'Ivoire, the Democratic Republic of the Congo, Libya, Mali, the Sudan (including Darfur and Abyei areas), South Sudan and Somalia. During the review period, the Council established the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) authorising the mission to use "all necessary means" in carrying its mandate. Furthermore, the Council renewed the authorisation of enforcement action with respect to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). The Council also authorised the African Union Mission in Somalia (AMISOM) to engage in enforcement measures. As in the past, the Council again clarified that the scope of the authorization to use force by the African Union and the United Nations Hybrid Operation in Darfur (UNAMID), the United Nations Mission in South Sudan (UNMISS) and the United Nations Interim Security Force for Abyei (UNISFA) included taking "all necessary measures" to protect civilians.

As described in Sections V to VIII, in the context of peacekeeping, the Council called upon Member States to contribute troops and other assets whilst calls by Member States for greater interaction and enhanced consultations with troop and police contributing countries increased during the period under review.

Finally, during the period under review – as covered in Section X – multiple Member States engaged in military operations against the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) in Iraq and the Syrian Arab Republic. In that context, the principle of individual and/or collective self-defence as well as Article 51 of the Charter were referenced in numerous communications received by the President of the Council leading to deliberations on the scope and interpretation of the right to self-defence under a wide range of agenda items.

## **Section I - Determination of a threat to the peace, breach of the peace or act of aggression in accordance with Article 39 of the Charter**

### *Article 39*

*The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.*

### **Note**

This section concerns the practice of the Security Council with regard to the determination of the existence of a threat to the peace, breach of the peace, or act of aggression in accordance with Article 39. It provides information regarding the determination of the existence of a threat by the Council and examines instances in which a threat was debated. The section is divided into two sub-sections. Sub-section A provides an overview of the relevant decisions of the Council in relation to the determination of a “threat to the peace”, be it new or continuing, and sub-section B contains a series of case studies describing some of the arguments advanced during the Council’s deliberations in connection with the determination of a threat in accordance with Article 39 of the Charter and the adoption of some of the resolutions mentioned in sub-section A.

### **A. Decisions of the Security Council relating to Article 39**

During the period under review and consistently with previous periods, the Council did not explicitly invoke Article 39 of the Charter in any of its decisions. In addition, the Council did not determine the existence of any breach to the peace or act of aggression. This notwithstanding, the Council demonstrated a far-reaching focus with regard to the evolving nature of conflicts and situations on its agenda and determined, reaffirmed, recognized, and noted the existence of new and continuing threats.

#### *1. New threats*

During the period under review, a series of situations before the Council's agenda experienced setbacks leading to the emergence of new threats to international peace and security as well as to the stability of certain countries and certain regions. Such was the case of Yemen, Iraq and Libya.

In February 2014, the Council determined that the situation in Yemen constituted a threat to international peace and security in the region. Specifically, the Council made reference to the threat posed by all weapons, including explosive weapons and small arms and light weapons, to the stability and security in Yemen.<sup>1</sup> Moreover, the Council condemned the growing attacks carried out or sponsored by Al-Qaida in the Arabian Peninsula and expressed its determination "to address this threat in accordance with the Charter of the United Nations".<sup>2</sup>

Also in 2014, in connection with the situation in Iraq, the Council concluded that the "advance of ISIL on Iraq's sovereign territory" was a major threat to Iraq's future.<sup>3</sup> Furthermore, the Council also determined that the large scale nature of the offensive by terrorists groups in Iraq, Syria and Lebanon posed a major threat to the region.

Finally, insofar as it concerns country-specific situations, in 2014, the Council expressed concern about the threat posed by "unsecured arms and ammunition in Libya and their proliferation" to the stability of the country and the region, including through the transfer to terrorist and violent extremist groups. Against this background, the Council determined in multiple occasions during the review period that the situation in Libya continued to constitute a threat to international peace and security. The Council also expressed grave concern over the "acute and growing threat" posed by terrorist fighters in Libya and the region.

Of particular significance during the review period was the Council's determination in resolution [2177 \(2014\)](#) that the unprecedented extent of the Ebola outbreak in Africa constituted a threat to international peace and security. The resolution was adopted unanimously and was sponsored by a record number of Member States, a total of 134. This was the first time that the outbreak of a disease was deemed by the Council a threat to international peace and security.

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<sup>1</sup> See resolution [2140 \(2014\)](#), para. 30.

<sup>2</sup> Ibid., para. 29.

<sup>3</sup> See resolution [2169 \(2014\)](#), fifth preambular paragraph.

During the period under review, new threats were also identified in connection with thematic agenda items. For instance, in September 2014, in the context of a high level meeting chaired by President Obama under the agenda item entitled “Threats to international peace and security caused by terrorist acts”, the Council adopted resolution [2178 \(2014\)](#), in which it identified foreign terrorist fighters as a threat to international peace and security. In addition, under the same agenda item, the Council determined that the Islamic State in Iraq and the Levant (ISIL) constituted a “global and unprecedented threat” to international peace and security.

For further details on the above, see the table below containing the relevant provisions of each decision relating to the determination of a threat to the peace by the Council during the period under review. The provisions below are organized in chronological order indicating the agenda item under which those decisions were adopted.

**Table 1  
Determination of new threats to regional or international peace and security in 2014-2015**

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in the Middle East</b>	
Resolution <a href="#">2140 (2014)</a> 26 February 2014	Determining that the situation in Yemen constitutes a threat to international peace and security (twenty-first preambular paragraph)  See also resolution <a href="#">2201 (2015)</a> (fifteenth preambular paragraph), resolution <a href="#">2204 (2015)</a> (eighth preambular paragraph) and resolution <a href="#">2216 (2015)</a> (twentieth preambular paragraph)
<b>The situation in Libya</b>	
Resolution <a href="#">2144 (2014)</a> 14 March 2014	Expressing concern at the threat posed by unsecured arms and ammunition in Libya and their proliferation, which poses a risk to stability in Libya and the region, including through transfer to terrorist and violent extremist groups and underlining the importance of coordinated international support to Libya and the region to address these issues (fifteenth preambular paragraph)
Resolution <a href="#">2146 (2014)</a> 19 March 2014	Determining that the situation in Libya continues to constitute a threat to international peace and security (seventh preambular paragraph)  See also resolution <a href="#">2208 (2015)</a> (seventh preambular paragraph), resolution <a href="#">2213 (2015)</a> (thirteenth preambular paragraph), resolution <a href="#">2238 (2015)</a> (twentieth preambular paragraph) and resolution <a href="#">2259 (2015)</a> (twenty fourth preambular paragraph)
<b>Peace and security in Africa</b>	
Resolution <a href="#">2177 (2014)</a> 18 September 2014	Determining that the unprecedented extent of the Ebola outbreak in Africa constitutes a threat to international peace and security (fifth preambular paragraph)

**The situation concerning Iraq**

[S/PRST/2014/20](#)

19 September 2014

The Security Council strongly condemns attacks by terrorist organizations, including the terrorist organization operating under the name “Islamic State in Iraq and the Levant” (ISIL) and associated armed groups, in Iraq, Syria, and Lebanon and emphasizes that this large-scale offensive poses a major threat to the region. The Security Council expresses again its deep outrage about all Iraqis as well as nationals of other states who have been killed, kidnapped, raped, or tortured by ISIL, as well as its recruitment and use of children. The Security Council stresses the need that those who have committed or are otherwise responsible for violations of international humanitarian law or violations or abuses of human rights in Iraq must be held accountable, noting that some of these acts may constitute war crimes and crimes against humanity. The Security Council stresses the need for those responsible for such violations of international humanitarian law or violations or abuses of human rights to be held to account, and calls upon the Government of Iraq and the international community to work towards ensuring that all perpetrators are brought to justice (fourth paragraph)

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#### **Threats to international peace and security caused by terrorist acts**

Resolution [2178 \(2014\)](#)

24 September 2014

Underscores that countering violent extremism, which can be conducive to terrorism, including preventing radicalization, recruitment, and mobilization of individuals into terrorist groups and becoming foreign terrorist fighters is an essential element of addressing the threat to international peace and security posed by foreign terrorist fighters, and calls upon Member States to enhance efforts to counter this kind of violent extremism (para. 15)

Resolution [2249 \(2015\)](#)

20 November 2015

Determining that, by its violent extremist ideology, its terrorist acts, its continued gross systematic and widespread attacks directed against civilians, abuses of human rights and violations of international humanitarian law, including those driven on religious or ethnic ground, its eradication of cultural heritage and trafficking of cultural property, but also its control over significant parts and natural resources across Iraq and Syria and its recruitment and training of foreign terrorist fighters whose threat affects all regions and Member States, even those far from conflict zones, the Islamic State in Iraq and the Levant (ISIL, also known as Da’esh), constitutes a global and unprecedented threat to international peace and security (fifth preambular paragraph)

See also resolution [2253 \(2015\)](#) (para. 97)

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## **2. Continuing threats**

During the period 2014 and 2015, the Council determined that the situations in Afghanistan, the Central African Republic, Côte d’Ivoire, the Democratic Republic of the Congo, Lebanon, Liberia, Mali, Somalia, and the Sudan and South Sudan continued to constitute threats to international peace and security. As in previous periods, the Council used two different formulations in relation to country or region-specific agenda items, namely threats to international peace and security and threats to peace and security “in the region”.

In addition, in its decisions concerning the African continent, the Council identified specific factors contributing and/or exacerbating threats, such as the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons, the flow of weapons and ammunition supplies (in violation of arms embargoes), transnational organized crime and the action of armed and terrorist groups (including Boko Haram, the Lord’s Resistance Army, the Organization of Al-Qaida in the Islamic Maghreb, Ansar Eddine, and the Mouvement pour l’Unification et le Jihad en Afrique de l’Ouest and Al Mourabitoun) as well as piracy.

In connection with the Central African Republic, the Council expressed its grave concern at the findings of the Panel of Experts that armed groups posed a “permanent threat to the peace, security and stability” of the country.<sup>4</sup> With regard to the Democratic Republic of the Congo, on the other hand, the Council expressed concern regarding the “sustained regional threat” posed by the Forces démocratiques de libération du Rwanda (FDLR), stressing the importance of “permanently addressing this threat”. The Council further determined that the situation in Somalia, in combination with Eritrea’s influence in Somalia, as well as the dispute between Djibouti and Eritrea continued to constitute a threat to international peace and security in the region. Similarly, in relation to Sudan and South Sudan, the Council recognized that the situation in Abyei and along the border between the Sudan and South Sudan continued to pose a threat to international peace and security.

With respect to the Middle East, the Council determined that the “deteriorating humanitarian situation in Syria” continued to constitute a threat to peace and security in the region. In connection with the situation in Afghanistan, the Council continued to recognize the threat posed by the production, trade and trafficking of illicit drugs to international peace and stability. However, the Council recognized that the situation in Afghanistan remained a threat to international peace and security in connection with the agenda item entitled “Threats to international peace and security caused by terrorist acts”. With regard to the situation in Bosnia and Herzegovina, the Council determined during the period under review that the situation “in the region” continued to constitute a threat to international peace and security.

During the period 2014 and 2015, the decisions adopted under thematic agenda items made reference to similar threats to international peace and security as those identified in country-specific and regional situations. The Council reaffirmed that terrorism “in all forms and manifestations” constituted one of the most serious threats to international peace and security. Specifically, the Council noted with concern the continued threat posed to international peace and security by terrorist groups such as Al-Nusrah Front and Al-Qaida, as well as Boko Haram. With regard to non-proliferation, the Council determined also in the period 2014 and 2015 that the proliferation of weapons of mass destruction, as well as their means of delivery, continued to constitute a threat to international peace and security. Significantly, the Council expressed concern that “the illicit transfer, destabilizing

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<sup>4</sup> For further information relating to the Panel of Experts appointed pursuant to resolution [2127 \(2013\)](#), please refer to part IX, section I. B. 1 (n) of this Supplement.

accumulation and misuse of small arms and light weapons” continued to pose a threat to international peace and security.

For further details on the above, see tables 2 and 3 below containing the relevant provisions of decisions, be it country or region-specific or thematic, relating to the determination of continuing threats to the peace by the Council during the period under review. The provisions below are organized alphabetically per continent and per agenda item.

Table 2

**Decisions by country-specific agenda item in which the Council referred to continuing threats to the peace in 2014-2015**

<i>Decision and date</i>	<i>Provision</i>
<b>Africa</b>	
<b>Peace and security in Africa</b>	
<a href="#"><u>S/PRST/2014/17</u></a> 27 August 2014	The Security Council continues to be gravely concerned about the activities in the Sahel region of terrorist organizations, including the Organization of Al-Qaida in the Islamic Maghreb (AQIM), Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad (Boko Haram), Ansar Eddine, the Mouvement pour l'Unification et le Jihad en Afrique de l'Ouest (MUJAO) and Al Mourabitoun and reiterates its strong condemnation of the recent terrorist attacks perpetrated in the region. The Security Council also reiterates its concern over the serious threats to peace and security posed by armed conflict, the proliferation of arms and transnational organized crime and other illicit activities such as drug trafficking in the Sahel region, and the increasing links, in some cases, with terrorism (sixth paragraph)
<a href="#"><u>S/PRST/2015/24</u></a> 8 December 2015	The Security Council urges Member States of the Sahel, West Africa and the Maghreb, to coordinate their efforts to prevent the serious threat posed to international and regional security by terrorist groups crossing borders and seeking safe havens in the Sahel region, to enhance cooperation and coordination in order to develop holistic, inclusive and effective strategies to combat in a comprehensive and integrated manner the activities of terrorist groups, and to prevent the expansion of those groups as well as to limit the proliferation of all arms and transnational organized crime. The Security Council welcomes the efforts of the AU and ECOWAS as well as of Member States of the Sahel to strengthen border security and regional cooperation, including through the G5 Sahel and the Nouakchott process on the enhancement of the security cooperation and the operationalization of the African Peace and Security Architecture (APSA) in the Sahel and Sahara region, the most inclusive security cooperation mechanism in the region. It takes note of the establishment by the G5 Sahel countries of a framework to strengthen regional security cooperation as well as to conduct cross-border joint military operations, including with the support of the French Forces (fourth paragraph)
<b>Central African region</b>	
<a href="#"><u>S/PRST/2014/8</u></a> 7 May 2014	The Security Council underlines the primary responsibility of States in the LRA-affected region to protect civilians. The Council welcomes the efforts undertaken by the Democratic Republic of Congo (DRC), the Republic of South Sudan, Uganda and CAR, in coordination with the African Union, to end the threat posed by the LRA, and urges further efforts from these countries, as well as from other countries in the region (eighth paragraph)
See also <a href="#"><u>S/PRST/2015/12</u></a> (tenth paragraph)	

<i>Decision and date</i>	<i>Provision</i>
<a href="#"><u>S/PRST/2015/12</u></a> 11 June 2015	The Security Council welcomes the recent gains made by States in the region against Boko Haram, and commends the bravery of the troops involved. The Council underlines the continuing threat presented by Boko Haram to peace and stability in the region. It urges States in the region to further enhance regional military cooperation and coordination to more effectively and immediately combat Boko Haram, in accordance with international law. In this regard, it welcomes efforts by the region to set up a multinational joint taskforce, and strongly encourages the ongoing coordination efforts of ECCAS, and ECOWAS to counter Boko Haram. The Council stresses the need to adopt a comprehensive approach in order to successfully tackle the threat presented by Boko Haram to the region. The Security Council encourages partners to increase security assistance to Lake Chad Basin Commission countries and Benin, humanitarian support across the region for those affected by Boko Haram activities. The Council calls on UNOCA to continue its collaboration with the United Nations Office for West Africa (UNOWA), in order to continue to support, as appropriate, the states of the Lake Chad Basin region to address the impact of the threat on peace and security, including the political, socioeconomic and humanitarian situation in the subregion. The Council underlines the need for all actions to counter Boko Haram to be conducted in compliance with international law, including international humanitarian law, human rights law and refugee law, as applicable (fourth paragraph)

#### **The situation in Central African Republic**

Resolution <a href="#"><u>2134 (2014)</u></a> 28 April 2014	Determining that the situation in the CAR constitutes a threat to international peace and security in the region (twenty-fourth preambular paragraph)  See also resolution <a href="#"><u>2149 (2014)</u></a> (thirty-eighth preambular paragraph), resolution <a href="#"><u>2181 (2014)</u></a> (fourth preambular paragraph), resolution <a href="#"><u>2196 (2015)</u></a> (twenty-second preambular paragraph), resolution <a href="#"><u>2212 (2015)</u></a> (third preambular paragraph), and resolution <a href="#"><u>2217 (2015)</u></a> (fourty-fifth preambular paragraph)
Resolution <a href="#"><u>2196 (2015)</u></a> 22 January 2015	Expressing grave concern at the findings of the Panel of Experts' final report of 29 October 2014 ( <a href="#"><u>S/2014/762</u></a> ) that, armed groups continue to destabilize the CAR and to pose a permanent threat to the peace, security and stability of the country, and further expressing concern that illicit trade, exploitation and smuggling of natural resources including gold, diamonds and wildlife poaching and trafficking continues to threaten the peace and stability of CAR (fourteenth preambular paragraph)

#### **The situation in Côte d'Ivoire**

Resolution <a href="#"><u>2153 (2014)</u></a> 29 April 2014	Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region (ninteenth preambular paragraph)  See also resolution <a href="#"><u>2162 (2014)</u></a> (twenty third preambular paragraph), resolution <a href="#"><u>2219 (2015)</u></a> (twenty second preambular paragraph) and resolution <a href="#"><u>2226 (2015)</u></a> (twenty second preambular paragraph)
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#### **The situation concerning the Democratic Republic of the Congo**

Resolution <a href="#"><u>2136 (2014)</u></a> 30 January 2014	Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region (twentieth preambular paragraph)  See also resolution <a href="#"><u>2147 (2014)</u></a> (thirty seventh preambular paragraph), resolution <a href="#"><u>2198 (2015)</u></a> (twenty fourth preambular paragraph), and resolution <a href="#"><u>2211 (2015)</u></a> (twenty ninth preambular paragraph)
Resolution <a href="#"><u>2147 (2014)</u></a> 28 March 2014	Expressing deep concern regarding the sustained regional threat posed by the FDLR, a group under UN sanctions whose leaders and members include perpetrators of the 1994 genocide against the Tutsi in Rwanda, during which Hutu and others who opposed the genocide were also killed, and have continued to promote and commit ethnically-based and other killings in Rwanda and the DRC, and stressing the importance of permanently addressing this threat (twelfth preambular paragraph)  See also resolution <a href="#"><u>2136 (2014)</u></a> (twentieth preambular paragraph)

#### **The situation in Liberia**

Resolution <a href="#"><u>2176 (2014)</u></a> 15 September 2014	Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region (eleventh preambular paragraph)
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<i>Decision and date</i>	<i>Provision</i>
See also resolution <a href="#">2188 (2014)</a> (eleventh preambular paragraph), resolution <a href="#">2190 (2014)</a> (nineteenth preambular paragraph), resolution <a href="#">2215 (2015)</a> (sixth preambular paragraph), resolution <a href="#">2237 (2015)</a> (twelfth preambular paragraph) and resolution <a href="#">2239 (2015)</a> (fifteenth preambular paragraph)	
<b>The situation in Mali</b>	
Resolution <a href="#">2164 (2014)</a> 25 June 2014	Remaining concerned over the fragile security situation in the North of Mali and the continuing activities in the Sahel region of terrorist organizations, including Al-Qaida in the Islamic Maghreb (AQIM), Ansar Eddine, the Movement for Unity and Jihad in West Africa (MUJAO), and Al Mourabitoune, which constitute a threat to peace and security in the region and beyond, and reiterating its strong condemnation of the abuses of human rights and violence against civilians, notably women and children, committed in the North of Mali and in the region by terrorist groups (eleventh preambular paragraph)  See also resolution <a href="#">2227 (2015)</a> (fourteenth preambular paragraph)
	Determining that the situation in Mali constitutes a threat to international peace and security (twenty seventh preambular paragraph)  See also resolution <a href="#">2227 (2015)</a> (twenty-ninth preambular paragraph)
<b>The situation in Somalia</b>	
Resolution <a href="#">2142 (2014)</a> 5 March 2014	Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region (fourteenth preambular paragraph)  See also resolution <a href="#">2232 (2015)</a> (fourteenth preambular paragraph)
Resolution <a href="#">2182 (2014)</a> 24 October 2014	Determining that the situation in Somalia, Eritrea's influence in Somalia, as well as the dispute between Djibouti and Eritrea, continue to constitute a threat to international peace and security in the region (thirty-third preambular paragraph)  See also resolution <a href="#">2244 (2015)</a> (seventeenth preambular paragraph)
Resolution <a href="#">2184 (2014)</a> 12 November 2014	Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia exacerbate the situation in Somalia, which continues to constitute a threat to international peace and security in the region (thirty first preambular paragraph)  See also resolution <a href="#">2246 (2015)</a> (thirty-fourth preambular paragraph)
<b>Reports of the Secretary-General on the Sudan and South Sudan<sup>5</sup></b>	
Resolution <a href="#">2138 (2014)</a> 13 February 2014	Determining that the situation in Sudan continues to constitute a threat to international peace and security in the region (twenty fourth preambular paragraph)  See also resolution <a href="#">2155 (2014)</a> (twenty third preambular paragraph), resolution <a href="#">2173 (2014)</a> (twenty third preambular paragraph), resolution <a href="#">2187 (2014)</a> (twenty-seventh preambular paragraph), <a href="#">2200 (2015)</a> (twenty-second preambular paragraph), <a href="#">2228 (2015)</a> (twenty fifth preambular paragraph)
Resolution <a href="#">2156 (2014)</a> 29 May 2014	Recognizing that the current situation in Abyei and along the border between Sudan and South Sudan constitutes a serious threat to international peace and security (twenty-fifth preambular paragraph)  See also resolution <a href="#">2179 (2014)</a> (twenty-ninth preambular paragraph), resolution <a href="#">2205 (2015)</a> (twenty-fourth preambular paragraph), resolution <a href="#">2230 (2015)</a> (twenty-fourth preambular paragraph) and resolution <a href="#">2251 (2015)</a> (twenty-fifth preambular paragraph)
Resolution <a href="#">2206 (2015)</a> 3 March 2015	Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region (twenty-eighth preambular paragraph)  See also resolution <a href="#">2223 (2015)</a> (thirty third preambular paragraph), <a href="#">2241 (2015)</a> (thirty third preambular paragraph) and <a href="#">2252 (2015)</a> (thirty third preambular paragraph)

<sup>5</sup> See footnote 8.

<i>Decision and date</i>	<i>Provision</i>
<b>Asia</b>	
<b>The situation in Afghanistan</b>	
<a href="#">S/PRST/2014/12</a> 25 June 2014	The Security Council recognizes the threat posed by the production, trade, trafficking of illicit drugs to international peace and stability in different regions of the world and the important role played by the United Nations Office on Drug and Crime (UNODC) in this regard (second paragraph)
<b>Europe</b>	
<b>The situation in Bosnia and Herzegovina</b>	
Resolution <a href="#">2183 (2014)</a> 11 November 2014	Determining that the situation in the region continues to constitute a threat to international peace and security (twenty-seventh preambular paragraph)  See also resolution <a href="#">2247 (2015)</a> (twelfth preambular paragraph)
<b>Middle East</b>	
<b>The situation in the Middle East</b>	
Resolution <a href="#">2139 (2014)</a> 22 February 2014	Strongly condemning the increased terrorist attacks resulting in numerous casualties and destruction carried out by organizations and individuals associated with Al-Qaeda, its affiliates and other terrorist groups, and reiterating its call on all parties to commit to putting an end to terrorist acts perpetrated by such organizations and individuals, while reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed (ninth preambular paragraph)
Resolution <a href="#">2165 (2014)</a> 14 July 2014	Determining that the deteriorating humanitarian situation in Syria constitutes a threat to peace and security in the region (eighteenth preambular paragraph)  See also resolution <a href="#">2191 (2014)</a> (nineteenth preambular paragraph)
Resolution <a href="#">2172 (2014)</a> 26 August 2014	Determining that the situation in Lebanon continues to constitute a threat to international peace and security (seventeenth preambular paragraph)  See also resolution <a href="#">2191 (2014)</a> (nineteenth preambular paragraph), resolution <a href="#">2236 (2015)</a> (twentieth preambular paragraph)

Table 3

**Decisions by thematic agenda item in which the Council referred to continuing threats to the peace in 2014-2015**

<i>Decision and date</i>	<i>Provision</i>
<b>Non-proliferation</b>	
Resolution <a href="#">2159 (2014)</a> 9 June 2014	
	Determining that proliferation of weapons of mass destruction, as well as their means of delivery, continues to constitute a threat to international peace and security (seventh preambular paragraph)  See also resolution <a href="#">2224 (2015)</a> (seventh preambular paragraph)
<b>Non-proliferation/Democratic People's Republic of Korea</b>	

<i>Decision and date</i>	<i>Provision</i>
Resolution <a href="#">2141 (2014)</a> 5 March 2014	Determining that proliferation of nuclear, chemical, and biological weapons, as well as their means of delivery, continues to constitute a threat to international peace and security (seventh preambular paragraph)  See also <a href="#">2207 (2015)</a> (seventh preambular paragraph),
<b>Non-proliferation of weapons of mass destruction</b>	
<a href="#">S/PRST/2014/7</a> 7 May 2014	The Security Council, meeting at the occasion of the tenth anniversary of the adoption of resolution <a href="#">1540 (2004)</a> , reaffirms that proliferation of nuclear, chemical and biological weapons and their means of delivery constitutes a threat to international peace and security (first paragraph)
<b>The promotion and strengthening of the rule of law in the maintenance of international peace and security</b>	
<a href="#">S/PRST/2014/5</a> 21 February 2014	The Security Council notes with concern that transnational organized crime and drug trafficking can pose serious threats to international security in different regions of the world, notes also that these transnational crimes may threaten the security of countries on its agenda, including post-conflict states, encourages the coordination of United Nations actions as well as Member States' actions in fighting these threats through implementation of national and international applicable norms, relevant international long-term capacity building efforts and regional initiatives (tenth paragraph)
<b>Threats to international peace and security</b>	
Resolution <a href="#">2195 (2014)</a> 19 December 2014	Reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed (second preambular paragraph)
<b>Threats to international peace and security caused by terrorist acts</b>	
Resolution <a href="#">2133 (2014)</a> 27 January 2014	Reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed and further reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts (first preambular paragraph)  See also resolution <a href="#">2161 (2014)</a> (second preambular paragraph), resolution <a href="#">2170 (2014)</a> (third preambular paragraph), resolution <a href="#">2178 (2014)</a> (first preambular paragraph), resolution <a href="#">2199 (2015)</a> , (second preambular paragraph), resolution <a href="#">2249 (2015)</a> (fourth preambular paragraph), and <a href="#">2253 (2015)</a> (second preambular paragraph), and Presidential statements <a href="#">S/PRST/2014/23</a> (first paragraph), <a href="#">S/PRST/2015/11</a> (first paragraph) and <a href="#">S/PRST/2015/14</a> (fourth paragraph)
Resolution <a href="#">2160 (2014)</a> 17 June 2014	Recognizing that, notwithstanding the evolution of the situation in Afghanistan and progress in reconciliation, the situation in Afghanistan remains a threat to international peace and security, and reaffirming the need to combat this threat by all means, in accordance with the Charter of the United Nations and international law, including applicable human rights, refugee and humanitarian law, stressing in this regard the important role the United Nations plays in this effort (eighth preambular paragraph)  See also resolution <a href="#">2255 (2015)</a> (tenth preambular paragraph)
Resolution <a href="#">2161 (2014)</a> 17 June 2014	Noting with concern the continued threat posed to international peace and security by Al-Qaida and other individuals, groups, undertakings and entities associated with it, and reaffirming its resolve to address all aspects of that threat (twenty-second preambular paragraph)  See also resolution <a href="#">2170 (2014)</a> (eighteenth preambular paragraph), resolution <a href="#">2199 (2015)</a> (twenty-second preambular paragraph), resolution <a href="#">2249 (2015)</a> (sixth preambular paragraph), resolution <a href="#">2253 (2015)</a> (thirty-second preambular paragraph), resolution <a href="#">2255 (2015)</a> (twenty-fourth preambular paragraph)
<b>Small arms</b>	

Decision and date	Provision
Resolution <a href="#">2220 (2015)</a> 22 May 2015	Gravely concerned that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons in many regions of the world continue to pose threats to international peace and security, cause significant loss of life, contribute to instability and insecurity and continue to undermine the effectiveness of the Security Council in discharging its primary responsibility for the maintenance of international peace and security (fifth preambular paragraph)

## B. Discussion relating to Article 39

During the period under review, several issues regarding the interpretation of Article 39 and the determination of threats to international peace and security arose in the Council's debates. There were two explicit references to Article 39 during deliberations of the Council in relation to the following agenda items: "The maintenance of international peace and security"<sup>6</sup> and "Implementation of the note by the President of the Security Council ([S/2010/507](#))".<sup>7</sup>

The first of the two references took place in the context of a meeting focused on the sub-item "Regional organizations and contemporary challenges to global security". The reference was made by the representative of Haiti who argued that whilst the concept of a threat to peace, as stated in Article 39 of the Charter, was regarded as "ambiguous and elusive from the point of view of international law", a whole range of new threats relating to a variety of policy areas had developed in recent decades. He further argued that the Security Council was often subject to political and strategic constraints which had paralyzed it even in circumstances that warranted urgent intervention. He advocated for closed involvement of regional organizations in the efforts to reduce threats to peace and security.<sup>8</sup>

The second explicit reference to Article 39 of the Charter was made during the annual open debate on working methods held on 20 October 2015, under the agenda item "Implementation of the note by the President of the Security Council ([S/2010/507](#))". In reference to the different competencies of the Security Council, the General Assembly and the Economic and Social Council, the representative of the Bolivarian Republic of Venezuela argued that the Council should deal "strictly with issues relating to threats to international peace and security, in accordance with Article 39" and expressed concern about "the tendency of this organ to address issues outside its jurisdiction". He gave as an example

<sup>6</sup> [S/PV.7505 \(Resumption 1\)](#), p. 26 (Haiti).

<sup>7</sup> [S/PV.7539](#), p. 15 (Venezuela, Bolivarian Republic of).

<sup>8</sup> [S/PV.7505 \(Resumption 1\)](#), p. 26.

resolution [2240 \(2015\)](#), adopted only 11 days before with the abstention of Venezuela, concerning migrant smuggling and human trafficking into, through and from the Libyan territory and off the coast of Libya.<sup>9</sup>

During the period under review, the threat to international peace and security posed by the situation in the Ukraine and specifically the downing of the jet airliner MH-17 of Malaysian Airlines was the subject of deliberations among Council members in relation to the agenda item “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council” (case 1). In addition, the Council discussed the threat posed by the outbreak of the Ebola virus in West Africa and in particular in Liberia and Sierra Leone in connection with the item “Peace and security in Africa” under the first time appearing sub-agenda item “Ebola” (case 2). The threat posed by the emergence of ISIL in Iraq and Syria was discussed as a threat to international peace and security in relation to “The situation concerning Iraq” (case 3). Linked to the emergence of ISIL in Iraq and Syria, the Council addressed the threat posed by foreign terrorist fighters in relation to the item “Threats to international peace and security caused by terrorist acts” (case 4). In addition, under a new agenda item, the human rights situation in the Democratic People’s Republic of Korea was the subject of deliberations in the Council as a threat to international peace and security (case 5). And finally, under the agenda item of “Women and peace and security”, the Council discussed the threat to international peace and security posed by the spread of sexual violence in conflict (case 6).

## Case 1

### **Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)**

On 3 March 2014, the Council held its 7125<sup>th</sup> meeting, the third meeting under the above referenced agenda item.<sup>10</sup> At that meeting, the representative of Nigeria stated that the situation in Ukraine, especially in Crimea, represented “a clear and potent” threat to international peace and security and called for a rapid de-escalation of tension and hostile

<sup>9</sup> [S/PV.7539](#), p. 15. See also in this regard the intervention of the representative of Venezuela featured in case 6 below.

<sup>10</sup> The first meeting under the agenda item “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council ([S/2014/136](#))” took place on 28 February 2014. For further details, see part I, sects. 21 and 22 of this Supplement.

rhetoric.<sup>11</sup> Echoing the same concerns, the representative of Rwanda said that the situation in Ukraine, in particular the Crimea could pose a threat to international peace and security.<sup>12</sup> Calls for de-escalation were reiterated by Council and non-Council members alike in many of the meetings under this agenda item during 2014 and 2015 linked to the fact that the situation in the country was considered an actual or potential threat to international peace and security.<sup>13</sup>

On 29 July 2015, the Council held its 7498<sup>th</sup> meeting in the context of which draft resolution [S/2015/562](#) failed to be adopted due to the negative vote cast by a permanent member of the Council.<sup>14</sup> During that meeting, a discussion was held on whether the downing of the Malaysian Airlines passenger flight MH 17 constituted a threat to international peace and security. Whilst the representatives of Lithuania, Ireland and the United Kingdom affirmed that the downing of the plane constituted a threat to international peace and security, the representatives of the Russian Federation and the Bolivarian Republic of Venezuela denied such conclusion.<sup>15</sup> The representative of the Russian Federation added further that it was difficult to explain that the same event was not considered a threat in the context of the adoption of resolution [2166 \(2014\)](#) and that it “suddenly” became one a year later. He also cited precedents of similar aerial incidents dealt with by the Council in the past, affirming that these were not deemed threats to international peace and security.<sup>16</sup> In contrast, he recalled that the Russian Federation’s initiative to set up a special international tribunal to prosecute pirates in connection with the threat to international peace and security posed by the number of attacks off the coast of Somalia did not get the support of the Council.<sup>17</sup>

## **Case 2** **Peace and security in Africa**

At its 7268<sup>th</sup> meeting, on 18 September 2014, the Council held a meeting under the above referenced agenda item and for the first time under the sub-agenda item “Ebola”. As

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<sup>11</sup> [S/PV.7125](#), p.11.

<sup>12</sup> [S/PV.7125](#), p.8.

<sup>13</sup> See for example, [S/PV.7221](#), [S/PV.7253](#), [S/PV.7331](#), and [S/PV.7287](#).

<sup>14</sup> [S/PV.7498](#), p. 3.

<sup>15</sup> Ibid., p. 5 (Russian Federation); p. 7 (Lithuania); p. 11 (United Kingdom); p. 11 (Venezuela, Bolivarian Republic of); and p. 19 (Ireland).

<sup>16</sup> [S/PV.7498](#), p. 5.

<sup>17</sup> Ibid.

stated by the representative of the United States, this was the first time that the Security Council held an emergency meeting on a health crisis in the history of the United Nations.<sup>18</sup> At that meeting, the Secretary-General mentioned that only twice before had the Council met to discuss the security implications of a public-health issue, both times on the AIDS epidemic.<sup>19</sup> At the meeting, the Council unanimously adopted resolution [2177 \(2014\)](#) which determined that the “unprecedented extent of the Ebola outbreak in Africa” constituted a threat to international peace and security.<sup>20</sup> In the explanation of the vote, some Member States concurred with the determination that the Ebola outbreak constituted a threat to international peace and security.<sup>21</sup> The representative of France recalled that it was the first time in history that the Security Council had defined a health crisis in that manner.<sup>22</sup> However, the representative of Colombia stated that whilst the outbreak had the potential to erode stability and social cohesion in some of the countries concerned, the situation “in general” could not be characterized as a threat to international peace and security.<sup>23</sup> He further argued that the General Assembly should move forward with the study of the issue to the extent that public health issues required the cooperation and the decisive political commitment of the entire international community.<sup>24</sup> Similarly, the representative of Brazil underlined the need to treat the outbreak as a health emergency and a social and development challenge first, rather than a threat to peace and security.<sup>25</sup> In subsequent meetings under the same agenda item over the period 2014 to 2015, the Council continued to discuss the question of the Ebola outbreak as a threat to international peace and security.<sup>26</sup>

### **Case 3 The situation concerning Iraq**

On 19 September 2014, the Council held its 7271<sup>st</sup> meeting under the above agenda item. During his briefing to the Council, the Special Representative of the Secretary-General and Head of the United Nations Assistance Mission for Iraq affirmed that ISIL was a “threat

<sup>18</sup> [S/PV.7268](#), p.

<sup>19</sup> Ibid., p. 2.

<sup>20</sup> Resolution [2177 \(2014\)](#), fifth preambular paragraph.

<sup>21</sup> [S/PV.7268](#), p. 7 (United States), p. 10 (France), p. 16 (Australia), p. 17 (United Kingdom), p. 19 (Chad) and p. 44 (Germany).

<sup>22</sup> Ibid., p. 10.

<sup>23</sup> Ibid., p. 45.

<sup>24</sup> For further discussion on the relations of the Security Council with other UN organs, please refer to part IV of this Supplement.

<sup>25</sup> [S/PV.7268](#), p. 28.

<sup>26</sup> For further details on meetings held under this agenda item, please refer to part I, sect. 13 of this Supplement.

to peace in Iraq and the rest of the region”.<sup>27</sup> Echoing those comments, the representative of the United States affirmed that ISIL posed a threat to the people of Iraq and Syria and the broader Middle East and if left unchecked, it would pose a growing threat beyond the region.<sup>28</sup> Several other speakers stated, on the other hand, that ISIL and its actions were a threat to “the wider world” and to “the fundamental values of the international community”.<sup>29</sup> The representative of Argentina affirmed that there was no doubt that ISIL was a threat to the security of the region and to international security.<sup>30</sup> Other representatives referred to ISIL as a “global” threat to peace and security.<sup>31</sup> In addition, the representative of Poland used the term “direct threat” to international peace and security in reference to ISIL.<sup>32</sup>

#### **Case 4** **Threats to international peace and security caused by terrorist acts**

On 24 September 2014, the Council held its 7272<sup>nd</sup> meeting on the above mentioned agenda item and, for the first time, under the sub-agenda item “Foreign terrorist fighters”.<sup>33</sup> The meeting was held at the level of Head of State or government, a summit. It was the sixth time in the Council’s history that this occurred.<sup>34</sup> At that meeting, the Council unanimously adopted resolution [2178 \(2014\)](#) which, as referenced in table 1 above, determined that the phenomenon of foreign terrorist fighters posed a threat to international peace and security. During the discussion that ensued, several speakers concurred that the phenomenon of foreign terrorist fighters constituted a threat to international peace and security.<sup>35</sup> The representative of India added that this phenomenon was a manifestation of international terrorism’s growing threat to international peace and security.<sup>36</sup> The representative of Estonia expressed concern about the fact that this phenomenon crossed State boundaries and posed a threat to countries far from conflict zones.<sup>37</sup>

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<sup>27</sup> [S/PV.7271](#), p.2.

<sup>28</sup> Ibid, p. 6.

<sup>29</sup> Ibid., p. 9 (Australia); p. 26 (Norway); p. 28 (Netherlands); p. 34 (Belgium); and p. 42 (Albania).

<sup>30</sup> Ibid., p. 15.

<sup>31</sup> Ibid., p.16 (United Kingdom), and p. 38 (Denmark).

<sup>32</sup> Ibid., p. 41.

<sup>33</sup> See [S/PV.7272](#).

<sup>34</sup> See for further details on Security Council summits and generally format of meetings, part II of this and previous Supplements from 2008 to present and chapter I to IV of Supplements from 1946 to 2007.

<sup>35</sup> [S/PV.7272](#), p. 29 (Serbia), p. 32 (Senegal) and p. 36 (Singapore).

<sup>36</sup> Ibid., p. 40.

<sup>37</sup> Ibid., p. 35.

A subsequent meeting was held under the same agenda and sub-agenda items on 29 May 2015,<sup>38</sup> further to the concept note circulated by Lithuania.<sup>39</sup> The goal of this meeting, held in the format of interior ministers, was to assess how far the international community had come since September 2014 in countering the flow of foreign terrorist fighters into conflict zones. During the meeting, the Secretary-General expressed concern that the recent events, particularly in Iraq and Syria, demonstrated that it was an increasing threat to international peace and security which required even more concerted action by the international community.<sup>40</sup> Several speakers at the meeting echoed the Secretary-General's concern and affirmed the need for further coordination.<sup>41</sup> The representative of Angola affirmed that although the phenomenon was not new, the extent of the involvement of foreign terrorist fighters in conflicts and acts of terrorism was unprecedented.<sup>42</sup>

### **Case 5 The situation in the Democratic People's Republic of Korea**

On 23 December 2014, the Council held its 7353<sup>rd</sup> meeting for the first time under the above referenced agenda item further to the request of ten Council members given the scale and gravity of human rights violations detailed in the comprehensive report undertaken by the Human Rights Council commission of inquiry on human rights in the Democratic People's Republic of Korea.<sup>43</sup> The request was made with a view to receiving "further information from the Secretariat on this situation and its implications for international peace and security".<sup>44</sup>

During the meeting, the representative of Australia explained, on behalf of the nine other Council members, that the reason for requesting the establishment of a new agenda item was the gravity and systemic nature of the human rights violations in the Democratic Peoples' Republic of Korea, which posed a threat to the maintenance of international peace and security.<sup>45</sup> In this connection, he added that the situation could not be addressed by the

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<sup>38</sup> [S/PV.7453](#).

<sup>39</sup> [S/2015/324](#).

<sup>40</sup> [S/PV.7453](#), p. 3.

<sup>41</sup> Ibid., p. 3 (New Zealand); p. 20 (Nigeria); p. 21 (China); and pp. 28-29 (France).

<sup>42</sup> Ibid., p. 22.

<sup>43</sup> See letter dated 5 December 2014 from the representatives of Australia, Chile, France, Jordan, Lithuania, Luxembourg, the Republic of Korea, Rwanda, the United Kingdom and the United States to the United Nations addressed to the President of the Security Council ([S/2014/872](#)).

<sup>44</sup> Ibid.

<sup>45</sup> [S/PV.7353](#), p. 2.

Council on an ad hoc and informal basis.<sup>46</sup> The representative of China advocated against the decision to include the agenda item noting that the Council should concentrate on addressing issues that “really concern international peace and security”.<sup>47</sup> The representative of the United States affirmed that the widespread and systematic human rights violations being committed were not only “deplorable in their own right” but also posed a threat to international peace and security;<sup>48</sup> a position that was echoed by the representatives of France and Lithuania.<sup>49</sup> The representative of the Republic of Korea added that the Council had taken necessary measures in other cases in the past in which human rights violations were committed “on a scale large enough to constitute a threat to peace and security”.<sup>50</sup>

On 10 December 2015, the Security Council held its 7575<sup>th</sup> meeting under the same agenda item following the request by nine Council members.<sup>51</sup> Whilst the representatives of China, Angola, Venezuela and the Russian Federation argued that the human rights situation in the Democratic Peoples’ Republic of Korea did not constitute a threat to international peace and security,<sup>52</sup> various speakers, including one of the briefers on that occasion, the United Nations High Commissioner for Human Rights, argued to the contrary that the scale, institutionalisation and severity of the violations of human rights in the country did indeed pose a threat to international peace and security.<sup>53</sup> In this regard, the representative of the Bolivarian Republic of Venezuela affirmed that there was an attempt “de facto to alter the founding principles of the Charter” and to redefine what constituted a threat to international peace and security and the meaning of the principle of sovereignty.<sup>54</sup> The representative of Angola expressed caution and affirmed the urgent need to conduct further investigations in order to unequivocally determine that the alleged violations had been committed.<sup>55</sup> He also demanded that in order to avoid “a double standard” the special interest brought by Council

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<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid., p. 9.

<sup>49</sup> Ibid., p. 12 (France) and p. 18 (Lithuania).

<sup>50</sup> Ibid., p. 20 (Republic of Korea).

<sup>51</sup> See letter dated 3 December 2015 from the representatives of Chile, France, Jordan, Lithuania, Malaysia, New Zealand, Spain, the United Kingdom and the United States to the United Nations addressed to the President of the Security Council ([S/2015/931](#)).

<sup>52</sup> See [S/PV.7575](#), p. 1 (China); p. 8 (Angola); p. 10 (Venezuela, Bolivarian Republic of); and p. 14 (Russian Federation).

<sup>53</sup> Ibid., p. 5 (United Nations High Commissioner for Human Rights); p. 8 (New Zealand); p. 10 (Jordan); p. 12 (France); pp. 12-13 (Lithuania); p. 15 (Spain); p. 17 (United States); and p. 20 (Japan).

<sup>54</sup> Ibid., p. 10.

<sup>55</sup> Ibid., pp. 9-10.

members to the issue of human rights in the Democratic People's Republic of North Korea should be extended to all similar situations elsewhere.<sup>56</sup>

### **Case 6 Women and peace and security**

On 15 April 2015, the Council held its 7428<sup>th</sup> meeting, an open debate, further to the concept note circulated by Jordan,<sup>57</sup> and the report of the Secretary-General on conflict-related sexual violence.<sup>58</sup> As mentioned in the concept note, the Secretary-General reported the use of sexual violence as a tactic of terror.<sup>59</sup> During the meeting, the representative of Spain expressed the need to modify the “conventional conception of what constitutes a threat to peace and security” and, in this connection, noted the failure to pay sufficient attention to sexual violence in conflict.<sup>60</sup> The representative of Mexico affirmed that his delegation believed that this scourge constituted a threat to international peace and security given its impact on the societies in conflict and the fact that it hindered peacemaking, peacekeeping and peacebuilding.<sup>61</sup> The representative of Uruguay stated that this debate reaffirmed the commitment undertaken by the Council to defending the rights of women and children on the basis of the conviction that it posed a threat to the maintenance of international peace and security.<sup>62</sup> The representative of Poland added further that the widespread occurrence of sexual violence in conflict was a threat to peace and security and that it diminished prospects for reconciliation and peacebuilding.<sup>63</sup> The representative of Rwanda characterized it as a serious threat to international peace and security and one of the most urgent challenges for affected governments.<sup>64</sup>

On 13 October 2015, on the 15<sup>th</sup> anniversary of resolution [1325 \(2000\)](#), the Council held its 7533<sup>rd</sup> meeting, a high level open debate,<sup>65</sup> under the same agenda item.<sup>66</sup> The meeting lasted two days and had the largest number of speakers in the history of the

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<sup>56</sup> Ibid.

<sup>57</sup> [S/2015/243](#).

<sup>58</sup> [S/2015/203](#).

<sup>59</sup> Ibid., para. 1.

<sup>60</sup> [S/PV.7428](#), p. 12.

<sup>61</sup> Ibid., p. 39.

<sup>62</sup> Ibid., p. 55.

<sup>63</sup> Ibid., p. 67.

<sup>64</sup> Ibid., p. 76.

<sup>65</sup> See for further details on high level meetings during the review period, part II of this Supplement.

<sup>66</sup> See [S/2015/243](#).

Council.<sup>67</sup> At the meeting, the Council adopted resolution [2242 \(2015\)](#) which reaffirmed that sexual violence “when used or commissioned as a method or tactic of war or as a part of a widespread or systematic attack against civilian populations” could significantly impede the restoration of international peace and security.<sup>68</sup> The resolution also affirmed the Council’s intention to increase attention to women and peace and security in all relevant thematic areas of work including threats to international peace and security caused by terrorist acts.<sup>69</sup>

During the meeting, gender inequality<sup>70</sup> and sexual violence<sup>71</sup> were referred to by speakers as threats to international peace and security.

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<sup>67</sup> See for further details on participation during the review period, part II of this Supplement.

<sup>68</sup> Resolution [2242 \(2015\)](#), tenth preambular paragraph.

<sup>69</sup> Ibid., thirteenth preambular paragraph.

<sup>70</sup> Ibid., p. 12 (Spain)

<sup>71</sup> Ibid., p. 42 (Andorra).

## **Section II - Provisional measures to prevent an aggravation of the situation in accordance with Article 40 of the Charter**

### *Article 40*

*In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.*

### **Note**

This section covers the practice of the Security Council in relation to Article 40 of the Charter, regarding provisional measures that the Council called upon the parties to comply with in order to prevent an aggravation of the situation. Explicit reference to Article 40 was not made in any of the deliberations of the Council during the period under review.

#### **A. Decisions of the Security Council relating to Article 40**

During the period under review, the Council did not adopt any decision explicitly citing Article 40 of the Charter. This notwithstanding, the Council demanded and urged the implementation of a series of measures in relation to the conflicts in the Syrian Arab Republic and Yemen relevant for the interpretation and application of this provision.

Whilst Article 40 suggests that provisional measures to prevent the aggravation of a conflict would be adopted prior to the imposition of measures under Chapter VII (namely, Articles 41 and 42), the practice of the Council reflects a more flexible interpretation of that provision. Indeed, given the prolonged, complex and rapidly-changing nature of conflicts dealt with by the Council, provisional measures have been imposed in parallel to the adoption of measures under Articles 41 and 42 of the Charter.

In the period 2014 to 2015, the Council adopted a series of measures aiming to protect civilians affected by the conflict in the Syrian Arab Republic. Starting with resolution [2139 \(2014\)](#), the Council demanded, *inter alia*, an end to all forms of violence, an immediate ceasing of all attacks against civilians, the lifting of sieges on populated areas, and rapid, safe

and unhindered humanitarian access. Furthermore, the Council expressed its intent to take further steps in the case of non-compliance with the resolution. In subsequent resolutions, in parallel to the reiteration and/or adoption of further measures, the Council determined that the deteriorating humanitarian situation in Syria constituted a threat to peace and security in the region. Further resolutions were adopted reiterating the calls outlined above to protect civilians. However, no measures under Articles 41 or 42 of the Charter were imposed.

With respect to Yemen and recalling – as explained above – its determination that the situation in the country constituted a threat to international peace and security, the Council demanded, among other, the following: (i) that the Houthis take a series of immediate and unconditional measures, including the release of President Hadi and Prime Minister Bahah, and (ii) that all parties cease all armed hostilities against “the people and the legitimate authorities of Yemen” and relinquish the arms seized from Yemen’s military and security institutions. The Council also declared its readiness to take further steps in case of non-implementation by “any Yemeni party”. In presidential statement [S/PRST/2015/8](#) of 22 March 2015, the Council reiterated some of the demands mentioned above. Prior to the demands described above, the Council had imposed measures under Article 41 of the Charter pursuant to resolution [2140 \(2014\)](#), namely an asset freeze and a travel ban against individuals or entities engaged in or providing support for acts threatening the peace, security and stability of Yemen.<sup>72</sup>

In sum, during the period under review, the Council called for compliance with provisional measures relating to, *inter alia*, the following: (i) cessation of violence and hostilities, (ii) lifting of sieges against populated areas, (iii) unhindered humanitarian access, (iv) demilitarization of medical facilities, (v) engagement in good faith negotiations, (vi) respect for government institutions, and (vii) release of government authorities, which were deemed of relevance for the interpretation and application of Article 40 of the Charter. See for more details table 4 below.

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<sup>72</sup> For further details, see sect. II.A.2(o) below.

Table 4

**Measures calling upon the parties to comply with provisional measures and Council action in the event of failure to comply**

Type of measure	Provision
<b>The situation in the Middle East (resolution <a href="#">2139 (2014)</a> of 22 February 2014)</b>	
Cessation of violence	Demands that all parties immediately put an end to all forms of violence, irrespective of where it comes from, cease and desist from all violations of international humanitarian law and violations and abuses of human rights, and reaffirm their obligations under international humanitarian law and international human rights law, and stresses that some of these violations may amount to war crimes and crimes against humanity (para. 2)
Cessation of attacks on civilians	Demands that all parties immediately cease all attacks against civilians, as well as the indiscriminate employment of weapons in populated areas, including shelling and aerial bombardment, such as the use of barrel bombs, and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering, and recalls in this regard the obligation to respect and ensure respect for international humanitarian law in all circumstances, and further recalls, in particular, the obligation to distinguish between civilian populations and combatants, and the prohibition against indiscriminate attacks, and attacks against civilians and civilian objects as such (para. 3)
Lifting of sieges	Calls upon all parties to immediately lift the sieges of populated areas, including in the Old City of Homs (Homs), Nubl and Zahra (Aleppo), Madamiyet Elsham (Rural Damascus), Yarmouk (Damascus), Eastern Ghouta (Rural Damascus), Darayya (Rural Damascus) and other locations, and demands that all parties allow the delivery of humanitarian assistance, including medical assistance, cease depriving civilians of food and medicine indispensable to their survival, and enable the rapid, safe and unhindered evacuation of all civilians who wish to leave, and underscores the need for the parties to agree on humanitarian pauses, days of tranquillity, localized ceasefires and truces to allow humanitarian agencies safe and unhindered access to all affected areas in Syria, recalling that starvation of civilians as a method of combat is prohibited by international humanitarian law (para.5)
Unhindered humanitarian access	Demands that all parties, in particular the Syrian authorities, promptly allow rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies and their implementing partners, including across conflict lines and across borders, in order to ensure that humanitarian assistance reaches people in need through the most direct routes (para. 6)
See also resolution <a href="#">2165 (2014)</a> , paras. 2 and 6	
Demilitarization of medical facilities	Further demands that all parties demilitarize medical facilities, schools and other civilian facilities and avoid establishing military positions in populated areas and desist from attacks directed against civilian objects (para.10)
See also resolution <a href="#">2165 (2014)</a> , eleventh preambular paragraph	
Council action in the event of failure to comply	Requests the Secretary-General to report to the Council on the implementation of this resolution by all parties in Syria, in particular paragraphs 2 through 12, in 30 days of its adoption and every 30 days thereafter, and upon receipt of the Secretary-General's report, expresses its intent to take further steps in the case of non-compliance with this resolution (para. 17)
See also resolutions <a href="#">2165 (2014)</a> , para. 11, <a href="#">2191 (2014)</a> , para. 6 and <a href="#">2258 (2015)</a> , para. 6	
<b>The situation in the Middle East (resolution <a href="#">2201 (2015)</a> of 15 February 2015)</b>	
Demands that the Houthis immediately and unconditionally:	
Engage in good faith negotiations	(a) engage in good faith in the United Nations-brokered negotiations; (b) withdraw their forces from government institutions, including in the capital Sana'a, and normalize the

<i>Type of measure</i>	<i>Provision</i>
Respect for government institutions	security situation in the capital and other provinces, and relinquish government and security institutions; (c) safely release President Hadi, Prime Minister Bahah, members of the Cabinet and all individuals under house arrest or arbitrarily detained;
Release of government authorities	(d) refrain from further unilateral actions that could undermine the political transition and the security of Yemen (para.7)
Cessation of hostilities	Demands that all parties in Yemen cease all armed hostilities against the people and the legitimate authorities of Yemen and relinquish the arms seized from Yemen's military and security institutions, in accordance with the Peace and National Partnership Agreement and its security annex (para. 8)  See also <a href="#"><u>S/PRST/2015/8</u></a> twenty-first paragraph
Council action in the event of failure to comply	Declares its readiness to take further steps in case of non-implementation by any Yemeni party of this resolution, in particular paragraphs 5, 6, 7, and 8 above (para. 14)  See also <a href="#"><u>S/PRST/2015/8</u></a> twenty-sixth paragraph

### **Section III - Measures not involving the use of armed force in accordance with Article 41 of the Charter**

#### *Article 41*

*The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.*

#### **Note**

Section III covers decisions of the Security Council imposing measures not involving the use of force, pursuant to Article 41 of the Charter. During the period under review, the Council imposed new measures under Article 41 in relation to the situations in Yemen and South Sudan. In addition, given the expansion of military operations and presence in Iraq and the Syrian Arab Republic, the measures against Al-Qaida and associated individuals and entities were extended to apply to the Islamic State in Iraq and the Levant (ISIL) and the Al-Nusra Front (ANF) and by resolution [2253 \(2015\)](#) the Council renamed the 1267/1989 Al-Qaida Sanctions Committee as the “1267/1989/2253 ISIL (Da’esh) and Al-Qaida Sanctions Committee”.<sup>73</sup>. Whilst the measures against Somalia, Eritrea, the Democratic Republic of the Congo, Liberia, Côte d’Ivoire, and the Sudan were extended, no changes were made to the measures imposed against Iraq, Lebanon, the Democratic People’s Republic of Korea and Guinea-Bissau.

The Council further terminated some of the measures that it had previously imposed against Liberia and Côte d’Ivoire. On 20 July 2015, the Council decided that it would terminate the measures previously imposed against the Islamic Republic of Iran, and all States would need to comply with a number of specific restrictions, upon receiving a report from the International Atomic Energy Agency (IAEA) confirming that the country had taken a series of nuclear-related actions specified in the Joint Comprehensive Plan of Action (JCPOA).<sup>74</sup>

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<sup>73</sup> Resolution [2253 \(2015\)](#), para. 1.

<sup>74</sup> Resolution [2231 \(2015\)](#), paras. 7(a) and (b).

The Council expressly referred to Article 41 in the preambles of resolutions [2141 \(2014\)](#), [2159 \(2014\)](#), [2206 \(2015\)](#), [2207 \(2015\)](#), and [2224 \(2015\)](#), and in the operative provisions of resolutions [2231 \(2015\)](#) and [2250 \(2015\)](#).

During the period under review, no judicial measures were imposed under Article 41. This notwithstanding, as featured in part IX of this Supplement, the tribunals for the former Yugoslavia and Rwanda continued to function in parallel with the International Residual Mechanism for the Criminal Tribunals.

This section is divided into two sub-sections. Sub-section A outlines the decisions of the Security Council imposing, modifying or terminating measures under Article 41 of the Charter. It is organized under two main headings, dealing with decisions on issues of a thematic and country-specific nature. On the other hand, sub-section B covers the Council's deliberations during the review period and is also organized under two headings, each highlighting the salient issues that were raised in the deliberations of the Council in connection with Article 41 of the Charter, either in connection with thematic items or in the context of country-specific items.

## A. Decisions of the Security Council relating to Article 41

### 1. Decisions of a thematic nature relating to Article 41

The Security Council adopted several decisions on issues of a thematic nature which either explicitly mentioned Article 41 or contained relevant information concerning sanctions measures and their implementation. The aforementioned decisions were taken in relation to the following agenda items: "Children and armed conflict", "Maintenance of international peace and security", "Small arms", "Threats to international peace and security caused by terrorist acts" and "Women and peace and security".

As in previous periods, the Council recognized sanctions as an important tool in the maintenance and restoration of international peace and security (including countering terrorism).<sup>75</sup> It also reiterated its readiness to adopt targeted and graduated sanctions against persistent perpetrators of violations and abuses against children,<sup>76</sup> and against perpetrators of

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<sup>75</sup> Resolution [2253 \(2015\)](#), twelfth preambular paragraph.

<sup>76</sup> Resolution [2143 \(2014\)](#), para. 10.

sexual and gender-based violence in conflict, including members of terrorist groups.<sup>77</sup> The Council further reiterated the need for arms embargoes to have clearly established objectives and provisions for regular review of the measures with a view to lifting them once the objectives have been met<sup>78</sup> and reaffirmed its responsibility to monitor their implementation.<sup>79</sup> Moreover, the Council expressed its readiness to consider the potential impact of measures adopted under Article 41 on the population, including the youth.<sup>80</sup>

## **2. Country-specific decisions relating to Article 41**

As featured below in each of the specific sub-sections, during the period 2014 and 2015, the Council imposed new sanctions measures in relation to the situations in Yemen and South Sudan (see sub-sections (o) and (p)), it expanded the regimes against the Taliban and Al-Qaida (in addition to extending those measures to ISIL and the Al-Nusra Front) (see sub-sections (b) and (c)), and it also expanded the sanctions measures concerning Libya and the Central African Republic (see sub-sections (l) and (n)). Furthermore, the measures against Somalia, Eritrea, the Democratic Republic of the Congo, Liberia, Côte d'Ivoire, and the Sudan were extended and some were modified, whilst no changes were made to the measures imposed against Iraq, Lebanon, the Democratic People's Republic of Korea and Guinea-Bissau (see sub-sections (a), (d) to (k) and (m)). Moreover, in connection with the situation in Mali, the Council expressed its readiness to consider targeted sanctions.<sup>81</sup>

The coverage of developments in each of the sanctions regimes does not include reference to the subsidiary bodies of the Council tasked with their implementation. The decisions of the Council relating to those subsidiary bodies are described in detail in part IX of the present Supplement.

This sub-section uses categories of sanctions measures such as arms embargo, asset freeze or travel ban for clarification purposes only. These categories are not intended to serve as legal definitions of the measures. Furthermore, developments in the sanctions measures imposed by the Council during the period under review are categorised according to the

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<sup>77</sup> Resolution [2242 \(2015\)](#), para. 6.

<sup>78</sup> Resolution [2220 \(2015\)](#) para. 13.

<sup>79</sup> Ibid., para. 9.

<sup>80</sup> Resolution [2250 \(2015\)](#), para. 18.

<sup>81</sup> See [S/PRST/2015/5](#), fourth paragraph and resolution [2227\(2015\)](#), para. 3.

following actions taken by the Council: “establishment”,<sup>82</sup> “modification”,<sup>83</sup> “extension”,<sup>84</sup> “limited extension”<sup>85</sup> or “termination”.<sup>86</sup>

Sub-sections (a) to (p) below consist of a narrative section describing the most significant developments in 2014 and 2015 and a table including all relevant provisions of Council decisions concerning developments in each of the sanctions regimes existing during the period under review according to the categories outlined above (the provisions are indicated by a numerical value corresponding to the relevant operative paragraph of the Council’s resolution). In addition, tables 5 and 6 below provide an overview of all relevant decisions adopted during 2014 and 2015 establishing or modifying sanctions measures imposed by the Council in relation to all existing regimes.

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<sup>82</sup> A sanctions measure is categorised as “established” when it is initially imposed by the Council.

<sup>83</sup> When an additional element to the measure is introduced, it is categorised as a modification. A measure is thus “modified” when (a) elements of the measure are terminated or newly introduced, (b) information on designated individuals or entities is modified, (c) exemptions to the measure are introduced, modified or terminated and (c) elements of the measure are modified.

<sup>84</sup> An action of the Council is categorised as “extended” when the sanctions measure concerned is not modified or terminated and the Council extends or restates the measure without specifying an end date.

<sup>85</sup> An action by the Council is categorised as a “limited extension” when the sanctions measure concerned is extended for a specific period of time, including a date upon which the measure will terminate unless further extended by the Council.

<sup>86</sup> An action by the Council is categorised as “terminated” when the Council ends the specific sanctions measure. However, if only an element of the measure is terminated, but other measures or elements of that measure remain, this action will be categorised as a modification of the measure.

Table 5

**Overview of country-specific decisions imposing measures pursuant to Article 41 that were in place in 2014-2015**

Measures taken in connection with	Sanctions measures														
	Somalia and Eritrea	Taliban and associated individuals and entities	Al-Qaida and associated individuals and entities	Iraq	Liberia	Democratic Republic of the Congo	Côte d'Ivoire	Sudan	Lebanon	Democratic People's Republic of Korea	Islamic Republic of Iran	Libya	Guinea - Bissau	Central African Republic	Yemen <sup>87</sup>
Resolution establishing measures and selected resolutions subsequently modifying the measures	<u>733</u> <u>(1992);</u> <u>1356</u> <u>(2001);</u> <u>1425</u> <u>(2002);</u> <u>1725</u> <u>(2006);</u> <u>1744</u> <u>(2007);</u> <u>1772</u> <u>(2007);</u> <u>1816</u> <u>(2008);</u> <u>1844</u> <u>(2008);</u> <u>1846</u> <u>(2008);</u> <u>1851</u> <u>(2008);</u> <u>1872</u> <u>(2009);</u> <u>1897</u> <u>(2009);</u> <u>1907</u> <u>(2009);</u>	<u>1988 (2011);</u> <u>2082 (2012)</u> <u>1333</u> <u>(2000);</u> <u>1388</u> <u>(2002);</u> <u>1390</u> <u>(2002);</u> <u>1452</u> <u>(2002);</u> <u>1735</u> <u>(2006)</u> <u>1904</u> <u>(2009);</u> <u>1989</u> <u>(2011);</u> <u>2083</u> <u>(2012)</u> <u>1905</u> <u>(2009);</u> <u>1956</u> <u>(2010);</u> <u>1957</u> <u>(2010)</u> <u>1854</u> <u>(2008);</u>	<u>1267</u> <u>(1999);</u> <u>661</u> <u>(1990);</u> <u>687</u> <u>(1991);</u> <u>1483</u> <u>(2003);</u> <u>1546</u> <u>(2004);</u> <u>1596</u> <u>(2005);</u> <u>1521</u> <u>(2003);</u> <u>1532</u> <u>(2004);</u> <u>1579</u> <u>(2004);</u> <u>1607</u> <u>(2005);</u> <u>1616</u> <u>(2005);</u> <u>1649</u> <u>(2005);</u> <u>1671</u> <u>(2006);</u> <u>1676</u> <u>(2006);</u> <u>1683</u> <u>(2006);</u> <u>1688</u> <u>(2006);</u> <u>1689</u> <u>(2008);</u> <u>1753</u> <u>(2007);</u> <u>1792</u> <u>(2007)</u> <u>1792</u> <u>(2007)</u> <u>1854</u> <u>(2008);</u>	<u>788</u> <u>(1992);</u> <u>1493 (2003);</u> <u>1552 (2004);</u> <u>1596 (2005);</u> <u>1616</u> <u>(2003);</u> <u>1727</u> <u>(2005);</u> <u>1782</u> <u>(2007);</u> <u>1799</u> <u>(2008);</u> <u>1807</u> <u>(2008);</u> <u>1857</u> <u>(2008);</u> <u>1896</u> <u>(2009);</u> <u>1952</u> <u>(2010);</u> <u>1975</u> <u>(2011);</u> <u>1980</u> <u>(2006);</u> <u>2101</u> <u>(2013)</u>	<u>1572</u> <u>(2004);</u> <u>1556</u> <u>(2004);</u> <u>1591</u> <u>(2005);</u> <u>1701</u> <u>(2006)</u> <u>1636</u> <u>(2005);</u> <u>1701</u> <u>(2006)</u> <u>1945</u> <u>(2010);</u> <u>1842</u> <u>(2008);</u> <u>1893</u> <u>(2009);</u> <u>1946</u> <u>(2010);</u> <u>1980</u> <u>(2011);</u> <u>2045</u> <u>(2012);</u> <u>2101</u> <u>(2013)</u>	<u>1636</u> <u>(2005);</u> <u>1701</u> <u>(2006)</u> <u>1718 (2006);</u> <u>1874 (2009);</u> <u>2087 (2013);</u> <u>2094 (2013)</u> <u>1737</u> <u>(2006)</u> <u>1747</u> <u>(2007);</u> <u>1803</u> <u>(2008);</u> <u>1929</u> <u>(2010)</u> <u>2048</u> <u>(2011);</u> <u>1973</u> <u>(2011);</u> <u>2009</u> <u>(2011);</u> <u>2016</u> <u>(2011);</u> <u>2095</u> <u>(2013)</u>	<u>1718 (2006);</u> <u>1874 (2009);</u> <u>2087 (2013);</u> <u>2094 (2013)</u> <u>1737</u> <u>(2006)</u> <u>1747</u> <u>(2007);</u> <u>1803</u> <u>(2008);</u> <u>1929</u> <u>(2010)</u> <u>2048</u> <u>(2012)</u> <u>2127</u> <u>(2013)</u> <u>2140</u> <u>(2014)</u> <u>2206</u> <u>(2015)</u>								

<sup>87</sup> Imposition of new measures pursuant to resolution [2140 \(2014\)](#) of 26 February 2014.

<sup>88</sup> Imposition of new measures pursuant to resolution [2206 \(2015\)](#) of 3 March 2015.

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<u>1916</u> <u>(2010);</u>	<u>1903</u> <u>(2009);</u>
1950	<u>1961</u> <u>(2010);</u>
(2010);	
<u>1964</u> <u>(2010);</u>	<u>2025</u> <u>(2011);</u>
<u>1972</u> <u>(2011);</u>	<u>2079</u> <u>(2012);</u>
2002	<u>2128</u> <u>(2013)</u>
(2011);	
<u>2023</u> <u>(2011);</u>	
2036	
<u>(2012);</u>	
<u>2060</u> <u>(2012);</u>	
<u>2093</u> <u>(2013);</u>	
<u>2111</u> <u>(2013);</u>	
<u>2125</u> <u>(2013)</u>	

<i>Resolutions adopted in 2014-2015</i>	<u>2142</u> <u>(2014);</u>	<u>2160</u> <u>(2014);</u>	<u>2161</u> (2014);	No	<u>2188</u> <u>(2014);</u>	<u>2136</u> (2014);	<u>2153</u> <u>(2014);</u>	<u>2138</u> <u>(2014);</u>	No	<u>2141</u> (2014);	<u>2231</u> <u>(2015)</u>	<u>2146</u> <u>(2014);</u>	<u>2157</u> <u>(2014);</u>	<u>2134</u> <u>(2014);</u>	<u>2204</u> <u>(2015);</u>	<u>2241</u> <u>(2015)</u>
	<u>2182</u> <u>(2014);</u>	<u>2255</u> <u>(2015)</u>	<u>2178</u> (2014);	resoluti	<u>2237</u> <u>(2015)</u>	<u>2198</u> (2015);	<u>2162</u> <u>(2014);</u>	<u>2200</u> <u>(2015)</u>	resolutio	<u>2207</u> (2015)	<u>(2015)</u>	<u>2174</u> <u>(2014);</u>	<u>2186</u> <u>(2014);</u>	<u>PRST/20</u>	<u>2216</u> <u>(2015)</u>	<u>2252</u> <u>(2015)</u>
	<u>2184</u> <u>(2014);</u>	<u>2253</u> (2015)	<u>2199</u> (2015);	adopted	<u>(2015)</u>	<u>2211</u> (2015)	<u>(2014);</u>	<u>2219</u> <u>(2015)</u>	adopted			<u>2174</u> <u>(2014);</u>	<u>2186</u> <u>(2014);</u>	<u>14/28;</u>	<u>2216</u> <u>(2015)</u>	<u>2252</u> <u>(2015)</u>
	<u>2244</u> <u>(2015);</u>											<u>2208</u> <u>(2015);</u>	<u>2203</u> <u>(2015)</u>	<u>2196</u> <u>(2015);</u>	<u>2204</u> <u>(2015);</u>	<u>2241</u> <u>(2015)</u>
	<u>2246</u> <u>(2015)</u>											<u>2213</u> <u>(2015);</u>	<u>2217</u> <u>(2015)</u>			

Table 6  
**Overview of measures imposed pursuant to Article 41 or in place in 2014-2015**

Measures taken in connection with	Measures														
	Somalia and Eritrea	Taliban	ISIL (Da'esh) and Al-Qaida	Iraq	Liberia	Democratic Republic of the Congo	Côte d'Ivoire	Sudan	Lebanon	Democratic People's Republic of Korea	Islamic Republic of Iran	Libya	Guinea-Bissau	Central African Republic	Yemen <sup>89</sup>
Arms embargo	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Travel ban or restrictions	X	X	X			X	X	X	X	X	X	X	X	X	X
Asset freeze	X	X	X	X		X	X	X	X	X	X	X	X	X	X
Ban on arms exports by target state										X	X	X			
Business restrictions	X (Eritrea)										X	X			
Financial restrictions	X (Eritrea)	X	X							X	X	X			
Non-proliferation measures										X	X				
Prohibition on bunkering services										X	X	X			
Public financial support for trade restrictions										X	X				

<sup>89</sup> Imposition of new measures pursuant to resolution [2140 \(2014\)](#) of 26 February 2014.

<sup>90</sup> Imposition of new measures pursuant to resolution [2206 \(2015\)](#) of 3 March 2015.

<i>Restrictions on ballistic missiles</i>	X	X
<i>Transport and aviation sanctions</i>		X
<i>Diamond embargo</i>		
<i>Diplomatic/ov erseas representation restrictions</i>		X
<i>Luxury goods embargo</i>		X
<i>Oil/petroleum embargo</i>	X	X
<i>Trade ban on cultural goods</i>	X	
<i>Charcoal ban</i>	X	

Measures taken in connection with	<i>Enforcement measures</i>														
	Somalia and Eritrea	Taliban	ISIL (Da'esh)	Iraq and Al-Qaida	Liberia	Democratic Republic of the Congo	Côte d'Ivoire	Sudan	Lebanon	Democratic People's Republic of Korea	Islamic Republic of Iran	Libya	Guinea - Bissau	Central African Republic	Yemen
<i>Chemical and biological weapons embargo</i>											X				
<i>Embargo on natural resources</i>												X			
<i>Trade embargo</i>					X						X				

(a) Somalia and Eritrea

During the period under review, the Security Council adopted five resolutions related to the sanctions measures imposed by the Council on Somalia and Eritrea. The resolutions either extended or modified several of the sanctions measures, namely the asset freeze, the arms embargo, and the charcoal ban on Somalia. Table 7 provides an overview of the changes to the measures authorised by the Council during 2014 and 2015.

On 5 March 2014, by resolution [2142 \(2014\)](#) the Council renewed its decision not to apply (with certain exceptions) the arms embargo to deliveries of arms or the provision of advice, assistance or training intended solely for the development of the Security Forces of the Federal Government of Somalia;<sup>91</sup> an exemption that was further renewed by resolutions [2182 \(2014\)](#) and [2244 \(2015\)](#) until 15 November 2016.<sup>92</sup> The Council also affirmed that temporary entry into the ports of Somalia by vessels carrying arms would not violate the arms embargo if those items remained aboard the vessels.<sup>93</sup>

By resolutions [2184 \(2014\)](#) and [2246 \(2015\)](#), the Council also decided that the arms embargo would not apply to the supplies of weapons and military equipment or the provision of assistance destined for the sole use of Member States, international, regional and sub-regional organisations in the fight against piracy and armed robbery at sea.<sup>94</sup> The Council also recognized the possibility of applying targeted sanctions against individuals or entities that plan, organize, facilitate or illicitly finance or profit from piracy operations.<sup>95</sup>

By resolution [2182 \(2014\)](#), the Council authorised an exemption to the asset freeze for those funds and economic resources necessary to ensure the timely delivery of humanitarian assistance in Somalia; later renewed until 15 November 2016.<sup>96</sup> By the same resolution, the Council authorised Member States to inspect vessels (and to seize and dispose of any prohibited items)<sup>97</sup> bound to or from Somalia where there were grounds to believe that they were carrying charcoal, weapons or military equipment to Somalia or to individuals or entities designated by the relevant Committee in Somali territorial waters and on the high

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<sup>91</sup> Resolution [2142 \(2014\)](#), para 2.

<sup>92</sup> Resolutions [2182 \(2014\)](#), para 3 and [2244 \(2015\)](#), para 2.

<sup>93</sup> Resolution [2244 \(2015\)](#), para 3.

<sup>94</sup> Resolutions [2148 \(2014\)](#), para 15 and [2246 \(2015\)](#), para 16.

<sup>95</sup> Resolutions [2148 \(2014\)](#), para 10 and [2246 \(2015\)](#), para 11.

<sup>96</sup> Resolutions [2182 \(2014\)](#), para 41 and [2244 \(2015\)](#), para 23.

<sup>97</sup> Resolution [2182 \(2014\)](#), paras 17 and 19.

seas off the coast of Somalia extending to and including the Arabian sea and Persian Gulf.<sup>98</sup>

These inspections were later renewed until 15 November 2016.<sup>99</sup>

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<sup>98</sup> Resolution [2182 \(2014\)](#), para 15.

<sup>99</sup> Resolution [2244 \(2015\)](#), para 20.

Table 7

**Changes to the measures imposed pursuant to Article 41 in connection with Somalia and Eritrea, 2014-2015**

<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period (paragraph)</i>				
	<i>2142 (2014)</i>	<i>2182 (2014)</i>	<i>2184 (2014)</i>	<i>2244 (2015)</i>	<i>2246 (2015)</i>
<b>Provisions related to sanctions measures</b>					
Arms embargo	<a href="#">733 (1992)</a> , para. 5	Extended, 1 and 8  Exemption, 2	Extended, 1, 8 and 17  Limited extension, 3  Modified, 15 and 15(ii)-  (iii)  Exemption, 3 and 10	Exemption, 15	Extended, 1, 5 and 13  Limited extension, 20  Exemption, 2 and 3
Arms embargo	<a href="#">1907 (2009)</a> , para. 5  (Eritrea)				Extended, 13
Asset freeze	<a href="#">1844 (2008)</a> , para. 3		Exemption, 41		Exemption, 23
Charcoal ban	<a href="#">2036 (2012)</a> , para. 22		Extended, 11, 13 and 17  Modified, 15 and 15(i)		Extended, 18, 20
<b>Provisions related to enforcement measures</b>					
Cargo inspections	<a href="#">1907 (2009)</a> , para. 7		15-17 and 19		20
Seizing of arms	<a href="#">1907 (2009)</a> , para. 8		6 and 17		

(b) The Taliban and associated individuals and entities

During the period under review, the Council adopted two resolutions concerning the sanctions measures on the Taliban and other individuals, groups, undertakings and entities associated with the Taliban constituting a threat to peace, stability and security of Afghanistan, as designated by the Committee established by resolution [1988 \(2011\)](#). Table 8 provides an overview of the changes to the measures during the period under review.

On 17 June 2014, by resolution [2160 \(2014\)](#) the Council extended the arms embargo, asset freeze and travel ban on the individuals and entities designated prior to the date of adoption of resolution [1988 \(2011\)](#) as the Taliban, as well as other individuals, groups, undertakings and entities associated with them, as designated by the Committee established in paragraph 35 of that same resolution, also known as “the List”.<sup>100</sup> Similarly, the Council maintained the existing exemptions to the asset freeze and the travel ban.<sup>101</sup>

On 21 December 2015, in resolution [2255 \(2015\)](#), the Council reaffirmed the measures imposed previously on “the List” and refined the eligibility criteria for inclusion of new individuals, groups or entities.<sup>102</sup> By this same resolution, the Council further urged Member States to implement the comprehensive international standards from the Financial Action Task Force’s revised Forty Recommendations on Combating Money Laundering and the Financing of Terrorism and Proliferation, which constituted a newly imposed financial restriction.<sup>103</sup> Furthermore, the Council called upon states to move vigorously and decisively to cut the flows of funds and economic resources to individuals and entities on the List.<sup>104</sup>

As in the past, the Council expressed its intention in both resolutions to review the implementation of the measures in 18 months, and make adjustments as necessary.<sup>105</sup>

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<sup>100</sup> Resolution [2160 \(2014\)](#), para. 1.

<sup>101</sup> Ibid.. paras. 12 and 13.

<sup>102</sup> Resolution [2255 \(2015\)](#), paras. 1, 2 and 3.

<sup>103</sup> Ibid.. para 10.

<sup>104</sup> Ibid., para 11.

<sup>105</sup> Resolutions [2160 \(2014\)](#), para 47 and [2255 \(2015\)](#), para 57.

Table 8

**Changes to the measures imposed pursuant to Article 41 in connection with the Taliban and associated individuals and entities, 2014-2015**

<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period</i>	
	<u>2160 (2014)</u>	<u>2255 (2015)</u>
	<i>(paragraph)</i>	
<b>Provisions related to sanctions measures</b>		
Arms embargo	<u>1333 (2000)</u> , para. 5	Extended, 1(c) Modified, 1
Asset freeze	<u>1267 (1999)</u> , para. 4(b)	Extended, 1(a), 5, 6, 7 and 8 Exemptions, 5 and 12
Travel ban or restrictions	<u>1390 (2002)</u> , para. 2(b)	Extended, 1(b) Modified, 1 Exemptions, 1(b), 13(a) to (c), 14 and 15

(c) ISIL (Da'esh) and Al-Qaida and associated individuals and entities

During the period under review, the Council adopted five resolutions affecting the sanctions measures on Al-Qaida and associates. Table 9 provides an overview of the changes to the measures during the period under review.

On 17 June 2016, by resolution [2161 \(2014\)](#), the Council extended the measures previously imposed by resolutions [1333 \(2000\)](#), [1390 \(2002\)](#) and [1989 \(2011\)](#), which included an asset freeze, a travel ban and an arms embargo,<sup>106</sup> whilst the listing criteria remained unaltered.<sup>107</sup> In this same resolution, the Council confirmed that the asset freeze would also be applied to resources used for the provision of Internet hosting or related services and the payment of ransoms.<sup>108</sup> Member States were urged to promote awareness of the Al-Qaida Sanctions List and encouraged to expeditiously exchange information with other Member States when they detected the travel of individuals on the Al-Qaida Sanctions List.<sup>109</sup>

On 15 August 2014, by resolution [2170 \(2014\)](#), the Council deplored and condemned the terrorist acts of ISIL and observed that it was a splinter group of Al-Qaida and, as such, expressed its readiness to consider listing individuals, groups, undertakings and entities providing support (including recruitment) to it and the Al-Nusra Front (ANF) under the Al-Qaida sanctions regime through information and communications technologies.<sup>110</sup> The Council also condemned any direct and indirect trade involving ISIL, ANF and other Al-Qaida associates which could constitute financial support leading to further listings.<sup>111</sup> The Council reaffirmed its decision to extend the arms embargo and the asset freeze to ISIL, the ANF, and all other individuals, groups, undertakings and entities associated with Al-Qaida and further decided that the individuals listed in the annex, associated with Al-Qaida, ISIL and ANF, would be subject to the arms embargo, asset freeze and travel ban provided for in resolution [2161 \(2014\)](#).<sup>112</sup>

On 24 September 2014, by resolution [2178 \(2014\)](#), the Council stressed the urgent need to implement measures with respect to foreign terrorist fighters.<sup>113</sup> The Council called

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<sup>106</sup> Resolution [2161 \(2014\)](#), para 1.

<sup>107</sup> Ibid., para 2.

<sup>108</sup> Ibid., paras. 5 and 7.

<sup>109</sup> Ibid., paras. 13 and 20.

<sup>110</sup> Resolution [2170 \(2014\)](#), paras. 1, 7 and 18.

<sup>111</sup> Ibid., para 14.

<sup>112</sup> Ibid., paras 10, 12 and 19.

<sup>113</sup> Resolution [2178 \(2014\)](#), para 10.

upon states to propose foreign fighters and those who facilitate and finance their travel and subsequent activities for inclusion on the Al-Qaida Sanctions List.<sup>114</sup> The Council decided that Member States should prevent the entry or transit through their territory if they had credible information that provided reasonable grounds to believe the travel was for the purpose of participating in the financing, planning, preparation or perpetration of terrorist act.<sup>115</sup>

On 12 February 2015, by resolution [2199 \(2015\)](#), the Council extended and modified previous measures and imposed a new measure, namely a trade ban on cultural goods. Indeed, the Council extended the arms embargo<sup>116</sup> and, as in previous resolutions, the Council reaffirmed that the asset freeze applied to the payment of ransoms.<sup>117</sup> With respect to the asset freeze the Council further reaffirmed resolution [2161 \(2014\)](#) and recalled its stated intention to consider additional measures to disrupt oil trade as a source of terrorism funding. In this regard, by resolution [2199 \(2015\)](#) the Council emphasized that States were required to freeze financial assets and economic resources including oil, oil products, modular refineries and related material and other natural resources.<sup>118</sup> Member States were asked to inform the 1267/1989 Committee within 30 days of the interdiction in their territory of any oil, oil products, modular refineries and related material being transferred to or from ISIL or ANF.<sup>119</sup> In addition, the Council condemned the destruction of cultural heritage in Iraq and Syria and decided that Member States should take appropriate steps to prevent trade in Iraqi and Syrian cultural property, including by prohibiting cross-border trade to allow for their eventual safe return.<sup>120</sup>

On 20 November 2015, in response to the terrorist attacks in Sousse, Ankara, over Sinai, Beirut and Paris conducted by ISIL the Council condemned the attacks “in the strongest terms”.<sup>121</sup> The Council also expressed its intention to update the 1267 Committee sanctions list to better reflect the threat of ISIL.<sup>122</sup>

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<sup>114</sup> Ibid., para 20.

<sup>115</sup> Ibid., para 8.

<sup>116</sup> Resolution [2199 \(2015\)](#), paras. 3 and 24.

<sup>117</sup> Ibid., para 19.

<sup>118</sup> Ibid., para 7.

<sup>119</sup> Ibid., para 12.

<sup>120</sup> Ibid., paras. 15 and 17.

<sup>121</sup> Resolution [2249 \(2015\)](#), para. 1.

<sup>122</sup> Ibid., para 7.

On 17 December 2015, by resolution [2253 \(2015\)](#) the Council renamed the 1267/1989 Al-Qaida Sanctions Committee as the “1267/1989/2253 ISIL (Da’esh) and Al-Qaida Sanctions Committee” as well as the Al-Qaida Sanctions List as the “ISIL (Da’esh) and Al-Qaida-Sanctions List”.<sup>123</sup> The Council also decided that the asset freeze, travel ban and arms embargo imposed by previous resolutions would be applied with respect to “ISIL (also known as Da’esh), Al-Qaida, and associated individuals, groups, undertakings and entities”.<sup>124</sup> By this same resolution, the Council decided to expand the listing criteria to include individuals and entities supporting ISIL.<sup>125</sup> It also welcomed the Financial Action Task Force’s reports on Financing of the Terrorist Organization ISIL and urged Member States to implement the comprehensive international standards in the revised Forty Recommendations on Combating Money Laundering and the Financing of Terrorism and Proliferation.<sup>126</sup>

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<sup>123</sup> Resolution [2253 \(2015\)](#), para. 1.

<sup>124</sup> Ibid., para. 2.

<sup>125</sup> Ibid., paras. 3 to 10.

<sup>126</sup> Ibid., paras. 16 and 17.

Table 9

**Changes to the measures imposed pursuant to Article 41 in connection with ISIL (Da'esh) and Al-Qaida and associates in 2014-2015**

Provisions related to sanctions measures	Resolution(s) establishing measures	Resolution(s) adopted during the period <sup>a</sup>										
		<a href="#">2161 (2014)</a>	<a href="#">2170 (2014)</a>	<a href="#">2178 (2014)</a>	<a href="#">2199 (2015)</a>	<a href="#">2253 (2015)</a>						
<i>(paragraph)</i>												
<b>Provisions related to sanctions measures</b>												
Arms embargo	<a href="#">1333 (2000)</a> , para. 5	Extended, 1, 1(c), 10 and 42	Extended, 10 Modified, 19		Extended, 24 and 26	Extended, 2(c) and 55 Modified, 2						
Asset freeze	<a href="#">1267 (1999)</a> , para. 4(b)	Extended, 1, 1(a), 5-8, 10, 11, 42 and 49 Exemptions, 6, 9 and 61	Extended, 12 and 17 Modified, 19		Extended, 3, 4, 19 and 28 Modified, 2, 7, 9, 22 and 23	Extended, 2(a), 6-9, 16, 55 and 62 Modified, 2, 13 and 19 Exemptions, 7, 10, 74, 75, 75(a) and (b)						
Trade ban on cultural goods	<a href="#">2199 (2015)</a> , para. 17				New							
Travel ban or restrictions	<a href="#">1390 (2002)</a> , para. 2(b)	Extended, 1, 1(b), 10 and 42 Exemptions, 1(b), 9 and 61	Modified, 19 Exemption, 8	Modified, 8 Exemption, 8		Extended, 2(b) and 55 Modified, 2 Exemptions, 2(b), 10 and 74						

## (d) Iraq

During the period under review, the Council did not adopt any new resolutions concerning the remaining sanctions measures on Iraq consisting of an arms embargo (with exemptions) and an asset freeze on former Iraqi regime and senior officials, state bodies, corporations and agencies. The relevant Committee continued to oversee the implementation of the asset freeze and maintain the lists of individuals and entities pursuant to resolution [1483 \(2003\)](#).

## (e) Liberia

During the period under review, the Council adopted two resolutions concerning the sanctions measures on Liberia consisting of an arms embargo, a travel ban and an asset freeze. Table 10 provides an overview of the changes to the measures during the period under review.

On 9 December 2014, by resolution [2188 \(2014\)](#), the Council extended the arms embargo and the travel ban for a period of nine months and reaffirmed the asset freeze imposed by resolution [1532 \(2004\)](#) on former President Charles Taylor, his family and associates.<sup>127</sup> The Council also decided to maintain all measures under continuous review with a view to modifying or lifting all or part of the measures of the sanctions regime dependent upon the country's progress towards meeting the conditions set out in resolution [1521 \(2003\)](#) for terminating those measures and in light of the threat to peace and security in Liberia posed by the Ebola virus.<sup>128</sup> On 2 September 2015, by resolution [2237 \(2015\)](#), the Council extended the arms embargo for a period of nine months.<sup>129</sup> The Council further decided to terminate the travel ban and asset freeze established by resolutions [1521 \(2003\)](#) and [1532 \(2004\)](#).<sup>130</sup>

Table 10  
**Changes to the measures imposed pursuant to Article 41 in connection with Liberia, 2014-2015**

<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period</i>	
	<a href="#">2188 (2014)</a>	<a href="#">2237 (2015)</a>
(paragraph)		

<sup>127</sup> Resolution [2188 \(2014\)](#), paras. 2 (a) and 2 (b).

<sup>128</sup> Ibid., para. 3.

<sup>129</sup> Resolution [2237 \(2015\)](#), para 1.

<sup>130</sup> Ibid., para. 2.

**Provisions related to sanctions measures**

Arms embargo	<a href="#">1521 (2003)</a> , para. 2	Limited extension, 2 and 2(b) Exemption, 2 and 2(b)	Limited extension, 1 Exemption, 1
Asset freeze	<a href="#">1532 (2004)</a> , para. 1	Extended, 1 Exemption, 1	Terminated, 2
Travel ban or restrictions	<a href="#">1521 (2003)</a> , para. 4	Limited extension, 2 and 2(a) Exemption, 2 and 2(a)	Terminated, 2

**(f) Democratic Republic of the Congo**

During the period under review, the Council adopted two resolutions affecting the sanctions measures on the Democratic Republic of Congo consisting of an arms embargo, a travel ban, an asset freeze, and an embargo on natural resources. Table 11 provides an overview of the changes to the measures during the period under review.

By resolutions [2136 \(2014\)](#) and [2198 \(2015\)](#), the Council extended the arms embargo, asset freeze and travel ban measures to 1 February 2015 and 1 July 2016, respectively.<sup>131</sup> In addition, by resolution [2136 \(2014\)](#), the Council decided to exempt the African Union-Regional Task Force from the arms embargo measures.<sup>132</sup> By resolution [2198 \(2015\)](#), the Council also exempted the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO) from those measures.<sup>133</sup> With regard to the criteria to identify the individuals and entities affected by the sanctions, resolutions [2136 \(2014\)](#) and [2198 \(2015\)](#) included individuals and entities supporting armed groups through illicit trade of wildlife and wildlife products and those providing financial, material or technological support or goods or services to designated individuals or entities.<sup>134</sup> Further, the Council decided to review the measures no later than 1 July 2016 in light of the security situation in the Democratic Republic of Congo.<sup>135</sup>

Table 11

**Changes to the measures imposed pursuant to Article 41 in connection with the Democratic Republic of Congo, 2014-2015**

<sup>131</sup> Resolutions [2136 \(2014\)](#), paras. 1 and 3, and [2198 \(2015\)](#), paras. 1 and 3.

<sup>132</sup> Resolution [2136 \(2014\)](#), para. 1.

<sup>133</sup> Resolution [2198 \(2015\)](#), para. 1.

<sup>134</sup> Resolutions [2136 \(2014\)](#), paras. 4 (g) and (j), and [2198 \(2015\)](#), paras. 5 (g) and (j).

<sup>135</sup> Resolution [2198 \(2015\)](#), para 34.

	<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period</i>	
		<i>2136 (2014)</i>	<i>2198 (2015)</i>
		<i>(paragraph)</i>	
<b>Provisions related to sanctions measures</b>			
Arms embargo	<a href="#">1493 (2003)</a> , para. 20	Limited extension, 1 Exemption, 1	Limited extension, 1 Exemption, 1
Asset freeze	<a href="#">1596 (2005)</a> , para. 15	Limited extension, 3 Exemption, 3	Limited extension, 3 Exemption, 3
Travel ban	<a href="#">1596 (2005)</a> , para. 13	Limited extension, 3 Exemption, 3 and 13	Limited extension, 3 Exemption, 3, 4
Embargo on natural resources	<a href="#">1649 (2005)</a> , para 16		Extended, 23, 25 and 26

### (g) Côte d'Ivoire

During the period under review, the Security Council adopted three resolutions related to the sanctions measures concerning Côte d'Ivoire. Table 12 provides an overview of the changes to the measures authorised by the Council during 2014 and 2015.

By resolution [2153 \(2014\)](#), the Council extended the financial and travel measures imposed pursuant to paragraphs 9 to 12 of resolution [1572 \(2004\)](#) and paragraph 12 of resolution [1975 \(2011\)](#) until 30 April 2015.<sup>136</sup> By resolution [2162 \(2014\)](#), the Council affirmed its intention to review the list of individuals subject to these measures provided they were engaged in actions that promoted the objective of national reconciliation.<sup>137</sup>

Arms embargo measures were extended by resolution [2153 \(2014\)](#) until 30 April 2015, whilst noting exemptions for the United Nations Operation in Côte d'Ivoire (UNOCI), the French forces supporting it, and the Ivorian security forces.<sup>138</sup> The arms embargo, asset freeze and travel ban were further extended by resolution [2219 \(2015\)](#) until 30 April 2016.<sup>139</sup>

The diamond embargo, which was originally established pursuant to paragraph 6 of resolution [1643 \(2005\)](#), was terminated on 29 April 2014 by resolution [2153 \(2014\)](#), in light of the progress made towards Kimberley Process Certification Scheme implementation and better governance of the diamond sector.<sup>140</sup> The Council also decided to review, with a view to possibly further modifying or lifting all or part of the remaining measures by 30 April 2016 in light of the progress achieved in the stabilization of Côte d'Ivoire, in accordance with

<sup>136</sup> Resolution [2153 \(2014\)](#), para 12.

<sup>137</sup> Resolution [2162 \(2014\)](#), para. 5.

<sup>138</sup> Resolution [2153 \(2014\)](#), paras.. 1, 3 and 4.

<sup>139</sup> Resolution [2219 \(2015\)](#), para. 1 and 12.

<sup>140</sup> Resolution [2153 \(2014\)](#), para. 13.

progress achieved in relation to disarmament and security sector reform, national reconciliation and the fight against impunity.<sup>141</sup>

Table 12

**Changes to the measures imposed pursuant to Article 41 in connection with Côte d'Ivoire, 2014-2015**

	<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period</i>		
		<a href="#"><u>2153 (2014)</u></a>	<a href="#"><u>2162 (2014)</u></a>	<a href="#"><u>2219 (2015)</u></a>
		(paragraph)		
<b>Provisions related to sanctions measures</b>				
Arms embargo	<a href="#"><u>1572 (2004)</u></a> , para. 7	Limited extension, 1  Exemption,  3,4 and 4(a) - (c)		Limited extension, 1  Exemption, 2-4 and  4(a) to (c)
Asset freeze	<a href="#"><u>1572 (2004)</u></a> , para. 11	Limited extension, 12  Exemption, 12		Limited extension, 12  Exemption, 12
Diamond embargo	<a href="#"><u>1643 (2005)</u></a> , para. 6	Terminated, 13		
Travel ban	<a href="#"><u>1572 (2004)</u></a> , para. 9	Limited extension, 12  Exemption, 12		Limited extension, 12  Exemption, 12

## (h) Sudan

During the period under review, the Council adopted two resolutions concerning the sanctions measures on the Sudan. Table 13 provides an overview of the changes to the measures during 2014 and 2015.

In both resolutions, the Council expressed concern that items continued to be converted for military purposes and transferred to Darfur, and urged all States to be mindful of this risk in light of the measures contained in resolution [1591 \(2005\)](#).<sup>142</sup> By resolution [2200 \(2015\)](#), the Council extended the arms embargo and called on the Government of Sudan to ensure the safe and effective management, storage and security of their stockpiles of small arms and light weapons, and the collection and/or destruction of surplus, seized, unmarked, or illicitly held weapons and ammunition.<sup>143</sup> By resolutions [2138 \(2014\)](#) and [2200 \(2015\)](#), the Council also extended the travel ban on all persons designated by the Committee in 2014 and 2015, and called upon the Government of Sudan to enhance cooperation and information

<sup>141</sup> Resolution [2219 \(2015\)](#), para. 11.

<sup>142</sup> Resolutions [2138 \(2014\)](#), para 5 and [2200 \(2015\)](#), para 9.

<sup>143</sup> Resolution [2200 \(2015\)](#), paras. 7 and 8.

sharing with other States towards enforcing this measure.<sup>144</sup> Further, it expressed its intention to impose targeted sanctions against individuals and entities, which continued to commit violence against civilians, impeded the peace process and disregarded the demands of the Council, as stipulated in the listing criteria in paragraph 3 (c) of resolution [1591 \(2005\)](#).<sup>145</sup> By resolution [2200 \(2015\)](#), the Council expressed its intention to impose sanctions on those who planned, sponsored or participated in attacks against UNAMID personnel in Darfur.<sup>146</sup>

Table 13

**Changes to the measures imposed pursuant to Article 41 in connection with Sudan, 2014-2015**

<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period</i>	
	<a href="#">2138 (2014)</a>	<a href="#">2200 (2015)</a> (paragraph)
<b>Provisions related to sanctions measures</b>		
Arms embargo	<a href="#">1556 (2004)</a> , paras. 7, 8	Extended,
Asset freeze	<a href="#">1591 (2005)</a> , para. 3(e)	
Travel ban or restrictions	<a href="#">1591 (2005)</a> , para. 3(d)	Extended, 10
		Extended, 12

(i) Lebanon

During the period under review, the Council did not make any modifications to the sanctions measures concerning Lebanon, and consisting of an arms embargo, an asset freeze and a travel ban.

(j) Democratic People's Republic of Korea

During the period under review, the sanctions regime against the Democratic People's Republic of Korea continued to remain in force, but did not undergo any modifications. By resolutions [2141 \(2014\)](#) and [2207 \(2015\)](#), the Council urged states, relevant United Nations bodies and other interested parties to cooperate fully with the Committee and Panel of Experts, including by supplying information on the implementation of measures imposed by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#) and [2094 \(2013\)](#).<sup>147</sup>

<sup>144</sup> Resolutions [2138 \(2014\)](#), para 10 and [2200 \(2015\)](#), para 12.

<sup>145</sup> Resolutions [2138 \(2014\)](#), para 13 and [2200 \(2015\)](#), para 15.

<sup>146</sup> Resolution [2200 \(2015\)](#), para 19.

<sup>147</sup> Resolutions [2141 \(2014\)](#), para 5 and [2207 \(2015\)](#), para 5.

(k) Islamic Republic of Iran

During the period under review, whilst the Council adopted three resolutions concerning the sanctions regime on the Islamic Republic of Iran, namely resolutions [2159 \(2014\)](#), [2224 \(2015\)](#) and resolution [2231 \(2015\)](#), only the latter affected the sanctions measures. Table 14 below provides an overview of the changes to the measures during the period under review.

On 20 July 2015, the Council adopted resolution [2231 \(2015\)](#) endorsing the Joint Comprehensive Plan of Action (JCPOA) and urging its full implementation on the timetables established in the JCPOA.<sup>148</sup> Acting under Article 41 of the Charter, the Council decided that, upon receiving the report from the International Atomic Energy Agency verifying that Iran had taken the actions specified in paragraphs 15.1-15.11 of Annex V of the JCPOA, the provisions of resolutions [1696 \(2006\)](#), [1737 \(2006\)](#), [1747 \(2007\)](#), [1803 \(2008\)](#), [1835 \(2008\)](#), [1929 \(2010\)](#) and [2224 \(2015\)](#) would be terminated.<sup>149</sup> Resolution [2231 \(2015\)](#) provided, however, that in the event of non-performance of the commitments under the JCPOA, as described in paragraph 11, all relevant provisions of the resolutions mentioned above would apply in the same manner as they did prior to the adoption of the resolution.<sup>150</sup> The Council further allowed exemptions to the restrictions for transfers or activities that were directly related to the implementation of the nuclear-related actions specified in the Annex of the JCPOA, required for preparation for the implementation of the JCPOA or determined by the Committee to be consistent with the objectives of resolution [2231 \(2015\)](#).<sup>151</sup> The Council also decided that the provisions in resolution [2231 \(2015\)](#) would be terminated ten years after the JCPOA Adoption Day, thereby concluding the consideration by the Council of the Iranian nuclear issue.<sup>152</sup> Adoption Day occurred on 18 October 2015 and at that point the JCPOA came into effect.

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<sup>148</sup> Resolution [2231 \(2015\), para 1](#). See for further details case 8 below.

<sup>149</sup> Resolution [2231 \(2015\)](#), para 7(a).

<sup>150</sup> Ibid., para 12.

<sup>151</sup> Ibid., paras. 21 and 23.

<sup>152</sup> Ibid., para. 8.

Table 14

**Changes to the measures imposed pursuant to Article 41 in connection with the Islamic Republic of Iran, 2014-2015**

<i>Resolution(s) establishing measures (paragraph)</i>	<i>Resolution(s) adopted during the period <u>2231 (2015)</u> (paragraph)</i>
<b>Provisions related to sanctions measures</b>	
Arms embargo	<u>1747 (2007)</u> , 6
	Terminated, 7(a) <sup>a</sup>
	Exemptions, 21, 23
Asset freeze	<u>1737 (2006)</u> , 12
	Terminated, 7(a)
	Exemptions, 21, 23 and 28
Ban on arms exports by target state	<u>1747 (2007)</u> , 5
	Terminated, 7(a)
	Exemptions, 21 and 23
Business restrictions	<u>1929 (2010)</u> , 22
	Terminated, 7(a)
	Exemptions, 21 and 23
Financial restrictions	<u>1803 (2008)</u> , 10
	Terminated, 7(a)
	Exemptions, 21 and 23
Non-proliferation measure	<u>1737 (2006)</u> , 2,3,4,6,7
	Terminated, 7(a)
	Exemptions, 21 and 23
Prohibition on bunkering services	<u>1929 (2010)</u> , 18
	Terminated, 7(a)
	Exemptions, 21 and 23
Public financial support for trade restrictions	<u>1747 (2007)</u> , 7
	Terminated, 7(a)
	Exemptions, 21 and 23
Restrictions on ballistic missiles	<u>1929 (2010)</u> , 9
	Terminated, 7(a)
	Exemptions, 21 and 23
Travel ban or restrictions	<u>1737 (2006)</u> , 10
	Terminated, 7(a)
	Exemptions, 21 and 23
<b>Provisions related to restrictions<sup>b</sup></b>	
Arms embargo	<u>2231 (2015)</u> , 7(b), (5 and 6(b) of Annex B)
	New

<sup>a</sup> Pursuant to paragraph 7(a) of resolution 2231 (2015), the Council decided that the sanctions measures, which were previously imposed against the Islamic Republic of Iran, would be terminated upon the receipt by the Council of the report of the IAEA described in paragraph 5 of that resolution. The measures consequently were not terminated on 20 July 2015, the date upon which the resolution was adopted in the Council.

<sup>b</sup> Pursuant to paragraph 7(b) of resolution 2231 (2015), the Council decided that all States shall comply with paragraphs 1, 2, 4, and 5 and the provisions in subparagraphs (a)-(f) of paragraph 6 of Annex B for the duration specified in each paragraph or subparagraph, and were called upon to comply with paragraphs 3 and 7 of Annex B of resolution 2231 (2015). The restrictions did not come into effect on 20 July 2015 - the date upon which the resolution was adopted in the Council - but on 16 January 2016 when the Council received the report of the IAEA described in paragraph 5 of resolution 2231 (2015).

Asset freeze	<a href="#">2231 (2015)</a> , 7(b), (6(c) and (d) of Annex B)	New Exemption, 6(d) of Annex B
Ban on arms exports by target state	<a href="#">2231 (2015)</a> , 7(b), (7 of Annex B)	New
Non-proliferation measures	<a href="#">2231 (2015)</a> , 7(b), (2 of Annex B)	New
Restrictions on ballistic missiles	<a href="#">2231 (2015)</a> , 7(b), (3 and 4 of Annex B)	New
Travel ban	<a href="#">2231 (2015)</a> , 7(b), (6(e) of Annex B)	New Exemption, 6(e) of Annex B

### (I) Libya

During the period under review, the Security Council adopted seven resolutions affecting the sanctions measures concerning Libya. Table 15 provides an overview of the changes to the measures during the period under review.

Expressing concern at the threat posed by unsecured arms and ammunitions in Libya and underlining the importance of a coordinated international support to Libya to address these issues, by resolution [2144 \(2014\)](#), the Council urged the Government of Libya to improve further the monitoring of the arms or related materials that was supplied, sold or transferred to Libya, and urged Member States and regional organizations to provide assistance to strengthen the infrastructure and mechanisms to carry out such task.<sup>153</sup> The Council further stressed that arms supplied, sold or transferred as security or disarmament assistance to the Government should not be resold, transferred to or made available for use by other parties.<sup>154</sup> The Council directed the Security Council Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya to review the remaining asset freeze measures on the Libyan Investment Authority and Libyan African Investment Portfolio and reaffirmed its decision that the Committee, in consultation with the Government, should lift the designation of these entities as soon as practical to ensure the assets are made available to and for the benefit of the people of Libya.<sup>155</sup>

Further, by resolution [2146 \(2014\)](#), the Council imposed new measures to curb the illicit export of crude oil expressing concern at the threat posed to the peace, security and

<sup>153</sup> Resolution [2144 \(2014\)](#), para. 9.

<sup>154</sup> Ibid., para. 8.

<sup>155</sup> Ibid., para. 11.

stability of Libya by the illicit export of oil.<sup>156</sup> In this respect, the Council authorized Member States to inspect, on the high seas, vessels designated by the Committee.<sup>157</sup> The Council further decided that all Member States should take the necessary measures to prohibit the provision of bunkering services to designated vessels, unless provision of such services was necessary for humanitarian purposes.<sup>158</sup> And the Council also decided that all Member States should take the necessary measures to require their nationals and entities and individuals in their territory not to engage in any financial transactions with respect to such crude oil from Libya aboard vessels designated by the Committee.<sup>159</sup>

The authorizations and measures imposed by resolution [2146 \(2014\)](#) were set to terminate on 19 March 2015, one year from the date of its adoption, unless extended by the Council.<sup>160</sup> The Council did in fact extend twice the authorizations provided for and measures imposed by resolution [2146 \(2014\)](#), by resolutions [2208 \(2015\)](#) and [2213 \(2015\)](#) until 31 March 2015, and 31 March 2016, respectively.<sup>161</sup>

By resolutions [2174 \(2014\)](#) and [2213 \(2015\)](#), the Council reaffirmed that the travel ban and asset freeze could also apply to individuals and entities determined by the Committee to be engaging in or providing support for other acts that threatened the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition.<sup>162</sup> The Council further called upon Member States to inspect, in their territory, vessels and aircrafts bound to or from Libya, if they had information that provided reasonable grounds to believe that the cargo contained items prohibited by the arms embargo.<sup>163</sup> Furthermore, the Council authorized, upon discovery of prohibited items, their seizure and disposal.<sup>164</sup> By resolution [2238 \(2015\)](#), the Council recalled the arms embargo, travel ban, asset freeze and measures concerning illicit oil exports imposed by previous resolutions, and called upon Member States to fully and effectively implement those measures.<sup>165</sup>

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<sup>156</sup> Resolution [2146 \(2014\)](#), para. 10. See for further details, case 10 below.

<sup>157</sup> Resolution [2146 \(2014\)](#), paras. 5, 6 and 8.

<sup>158</sup> Ibid., para. 10 (c).

<sup>159</sup> Ibid., para. 10 (d).

<sup>160</sup> Ibid., para 15.

<sup>161</sup> Resolutions [2208 \(2015\)](#), para. 1 and [2213 \(2015\)](#), para. 14.

<sup>162</sup> Resolutions [2174 \(2014\)](#), para. 4 and [2213 \(2015\)](#), para. 11.

<sup>163</sup> Resolutions [2174 \(2014\)](#), para. 9 and [2213 \(2015\)](#), para. 19.

<sup>164</sup> Resolutions [2174 \(2014\)](#), para. 10 and [2213 \(2015\)](#), para. 20.

<sup>165</sup> Resolution [2238 \(2015\)](#), para. 14.

By resolutions [2174 \(2014\)](#), [2213 \(2015\)](#), [2238 \(2015\)](#), and [2259 \(2015\)](#), the Council affirmed its readiness to review the appropriateness of the measures, including their strengthening, modification, suspension or lifting.<sup>166</sup>

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<sup>166</sup> Resolutions [2174 \(2014\)](#), para. 12, [2213 \(2015\)](#), para. 28, [2238 \(2015\)](#), para. 16 and [2259 \(2015\)](#), para. 17.

Table 15

**Changes to the measures imposed pursuant to Article 41 in connection with Libya, 2014-2015**

Resolution(s) establishing measures	Resolution(s) adopted during the period					
	<a href="#">2144 (2014)</a>	<a href="#">2146 (2014)</a>	<a href="#">2174 (2014)</a>	<a href="#">2208 (2015)</a>	<a href="#">2213 (2015)</a>	<a href="#">2238 (2015)</a>
	(paragraph)					
<b>Provisions related to sanctions measures</b>						
Arms embargo	<a href="#">1970 (2011)</a> , para. 9	Exemption, 7 and 8	Exemption, 8	Extended, 20 Modified, 19 Exemption, 16	Extended, 14	Exemption, 14
Asset freeze	<a href="#">1970 (2011)</a> , para. 17		Modified, 4 Exemption, 4	Extended, 11 Exemption, 11	Extended, 14	Exemption, 14 Extended, 10
Ban on arms exports by target state	<a href="#">1970 (2011)</a> , para. 10					Extended, 14
Business restrictions	<a href="#">1973 (2011)</a> , para. 21	Extended, 10				
Financial restrictions	<a href="#">2146 (2014)</a> , para. 10(d)	New	Limited extension, 1	Limited extension, 14	Extended, 14	
Oil/petroleum embargo	<a href="#">2146 (2014)</a> , para. 10(a), (c), (d)	New	Limited extension, 1	Limited extension, 14	Extended, 14	
Prohibition on bunkering services	<a href="#">2146 (2014)</a> , para. 10(c)	New Exemption, 10(c)	Limited extension, 1 Exemption, 1	Limited extension, 14 Exemption, 14	Extended, 14 Exemption, 14	
Transportation and aviation sanctions measures	<a href="#">1973 (2011)</a> , para. 6,17,18					

Travel ban or restrictions <a href="#">1970 (2011)</a> , para. 15	Modified, 4 Exemption, 4	Extended, 11 Exemption, 11	Extended, 14 Exemption, 14	Extended, 10
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(m) Guinea-Bissau

During 2014 and 2015, the sanctions regime for Guinea-Bissau, consisting of a travel ban, continued to remain in force, but did not undergo any modifications. By resolution [2203 \(2015\)](#), the Council decided to review the sanctions measures seven months from the adoption of the resolution in September 2015.<sup>167</sup>

(n) Central African Republic

The Security Council adopted three resolutions and two presidential statements concerning the sanctions measures on the Central African Republic in 2014 and 2015 consisting of an arms embargo, a travel ban and an asset freeze. Table 16 provides an overview of the changes to the measures during the period under review.

By resolution [2134 \(2014\)](#), the Council imposed an asset freeze and travel ban on individuals and entities designated by the Committee as engaging in or providing support for acts that undermine the peace, stability or security of the Central African Republic.<sup>168</sup> The Council exempted from the asset freeze funds, other financial assets or economic resources that had been determined by Members States to be necessary for basic expenses and extraordinary expenses notified to and approved by the Committee as well as those determined to be subject of a judicial, administrative or arbitral lien or judgment.<sup>169</sup> In addition, the Council decided that the asset freeze should not prevent a designated person or entity, subject to a series of circumstances, from making payment due under a contract entered into prior to the listing of such a person or entity.<sup>170</sup> Exemptions to the travel ban included instances where the Committee determined that the travel was justified on the grounds of humanitarian need, necessary to fulfil a judicial process, or necessary to further the objectives of peace and national reconciliation.<sup>171</sup> Pursuant to this same resolution, the arms embargo established by resolution [2127 \(2013\)](#) was extended for a period of one year.<sup>172</sup>

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<sup>167</sup> Resolution [2203 \(2015\)](#), para 19.

<sup>168</sup> Resolution [2134 \(2014\)](#), paras. 30, 32 and 36.

<sup>169</sup> Ibid., paras. 33 (a) to (c).

<sup>170</sup> Ibid., para. 35.

<sup>171</sup> Ibid.. para. 31.

<sup>172</sup> Ibid.. para 40.

By presidential statement of 18 December 2014, the Council recalled the travel ban imposed on individuals designated by the Committee, and expressed its intent to consider designating additional individuals or entities for targeted sanctions.<sup>173</sup>

By resolution [2196 \(2015\)](#), the Council extended the arms embargo, asset freeze and travel ban through to 29 January 2016.<sup>174</sup> The Council further decided that supplies intended solely for the support or use by United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the African Union-Regional Task Force, and the European Union Mission and French Forces deployed in the Central African Republic would be exempted from the arms embargo.<sup>175</sup>

On 20 October 2015, in a presidential statement, the Council reiterated its intention to expand the list of individuals and entities maintained by the Committee by adding those responsible for the outbreak of violence, particularly those who had provided support to, acted for or on behalf of, or at the direction of, an individual or an entity who had already been sanctioned by the Committee.<sup>176</sup>

**Table 16  
Changes to the measures imposed pursuant to Article 41 in connection with Central African Republic, 2014-2015**

<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period</i>			
	<a href="#">2134 (2014)</a>	<a href="#">PRST/2014/28</a>	<a href="#">2196 (2015)</a>	<a href="#">2217 (2015)</a>
	<i>(paragraph)</i>			
<b>Provisions related to sanctions measures</b>				
Arms embargo	<a href="#">2127 (2013)</a> , para. 54	Limited extension, 40	Limited extension, 1	Exemption, 42
Asset freeze	<a href="#">2134 (2014)</a> , paras. 32, 34	New Exemption, 33, 33(a)-(c) and 35	Limited extension, 7 and 9	Exemption, 8, 8(a)-(c) and 10
Travel ban	<a href="#">2134 (2014)</a> , para. 30	New Exemption, 30, 31 and 31(a)-(c)	Extended, 8	Limited extension, 4 and 5
				Exemption, 4, 5 and 5(a)-(c)

<sup>173</sup> [PRST/2014/28](#), seventh and eighth paragraph.

<sup>174</sup> Resolution [2196 \(2015\)](#), paras. 1, 4 and 7.

<sup>175</sup> Ibid.. para 1 (a).

<sup>176</sup> [PRST/2015/17](#), sixth paragraph.

(o) Yemen

During the period under review, the Security Council adopted three resolutions imposing sanctions measures on individuals or entities designated by the Committee established pursuant to resolution [2140 \(2014\)](#). Table 17 provides an overview of the changes to the measures during the period under review.

On 26 February 2014, by resolution [2140 \(2014\)](#), the Council determined that the situation in Yemen constituted a threat to international peace and security and, acting under Chapter VII of the Charter, decided to impose sanctions measures for the first time.<sup>177</sup> Indeed, the Council imposed an asset freeze and a travel ban for an initial period of one year, on individuals and entities designated by the Committee as engaging in or providing support for acts that threatened the peace, security or stability of Yemen, as described in paragraphs 17 and 18 of the same resolution.<sup>178</sup> The Council decided that the asset freeze would not apply to funds, financial assets or economic resources that had been determined by relevant Member States to be necessary for basic expenses and extraordinary expenses notified to and approved by the Committee as well as those determined to be subject of a judicial, administrative or arbitral lien or judgment.<sup>179</sup> Also, the Council decided that the asset freeze imposed should not prevent a designated person or entity, subject to a series of circumstances, from making payment due under a contract entered into prior to the listing of such a person or entity.<sup>180</sup> Concerning the travel ban, the Council decided that it would not apply when the Committee determined that such travel was justified on the grounds of humanitarian need, to fulfil a judicial process, or to further the objectives of peace and national reconciliation in Yemen, or where a state had determined that such entry or transit was required to advance peace and stability in Yemen.<sup>181</sup> By the same resolution, the Council established a Committee to monitor the implementation of the measures and a Panel of Experts to assist the Committee.<sup>182</sup>

On 24 February 2015, by resolution [2204 \(2015\)](#), the Council extended the asset freeze and travel ban until 26 February 2016, and reaffirmed the designation criteria and exemptions to the sanctions measures provided for in paragraphs 12, 13, 14 and 16 of

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<sup>177</sup> Resolution [2140 \(2014\)](#), twenty-first and twenty-second preambular paragraphs.

<sup>178</sup> Ibid., para 11 and 15.

<sup>179</sup> Ibid., paras. 12 (a) to (c).

<sup>180</sup> Ibid.. para 14.

<sup>181</sup> Ibid.. para 16.

<sup>182</sup> Ibid.. paras. 19 and 21. For further details on the Committee and the Panel of Experts, see part IX of this Supplement.

resolution [2140 \(2014\)](#).<sup>183</sup> Furthermore, the Council reaffirmed its intention to keep the situation in Yemen under continuous review and its readiness to review the appropriateness of the measures, including the strengthening, modification, suspension or lifting of the measures in light of developments.<sup>184</sup>

On 14 April 2015, the Council adopted resolution [2216 \(2015\)](#), imposing an arms embargo on the former President of the country Ali Abdullah Saleh, and the two rebel leaders Abdullah Yahya Hakim and Abd Al-Khalil Al-Huthi, as well as the individuals and entities designated by the Committee and those listed in the annex of the resolution.<sup>185</sup> Additionally, the resolution authorised Member States to inspect all cargo to Yemen and seize and dispose of all items prohibited by the arms embargo.<sup>186</sup> The Council underscored that violations of the arms embargo and obstruction of the delivery or distribution of humanitarian assistance could constitute acts that threatened the peace, security, or stability of Yemen amounting to grounds for listing.<sup>187</sup>

Table 17

**Changes to the measures imposed pursuant to Article 41 in connection with Yemen, 2014-2015**

<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period</i>		
	<a href="#">2140 (2014)</a>	<a href="#">2204 (2015)</a>	<a href="#">2216 (2015)</a>
	<i>(paragraph)</i>		
<b>Provisions related to sanctions measures</b>			
Arms embargo	<a href="#">2216 (2015)</a> , paras. 14-16		New
Asset freeze	<a href="#">2140 (2014)</a> , paras. 11, 13	New Exemption, 12 and 12(a)-(c) and 14	Limited extension, 2 Exemption, 2
Travel ban	<a href="#">2140 (2014)</a> , para. 15	New Exemption, 15, 16 and 16 (a)-(d)	Limited extension, 2 Exemption, 2

<sup>183</sup> Resolution [2204 \(2015\)](#), para 2 and 3.

<sup>184</sup> Ibid., para 10.

<sup>185</sup> Resolution [2216 \(2015\)](#), para 14.

<sup>186</sup> Ibid., paras. 15 and 16.

<sup>187</sup> Ibid.. para. 19.

(p) South Sudan

During the period under review, the Security Council adopted three resolutions concerning the sanctions measures on South Sudan. Table 18 provides an overview of the changes to the measures during the period under review.

On 3 March 2015, the Council, acting under Article 41 of the Charter, adopted resolution [2206 \(2015\)](#), imposing sanctions measures, namely a travel ban and an asset freeze, for the first time on individuals and entities designated by the Committee as being responsible for, or complicit in, or having engaged in actions or policies that threatened the peace, security or stability of South Sudan.<sup>188</sup> The Council further established a Committee to monitor the implementation of the sanctions measures, and a Panel of Experts to assist the Committee in carrying out its mandate.<sup>189</sup> The Council expressed its intent to impose any sanctions that might be deemed appropriate to respond to the situation in the country, which may include an arms embargo and the designation of senior individuals responsible for actions or policies that threatened the peace, security or stability of South Sudan.<sup>190</sup>

By resolutions [2241 \(2015\)](#) and [2252 \(2015\)](#), the Council reiterated its endorsement of the Cessation of Hostilities Agreement signed on 23 January 2014, and endorsed the “Agreement on the Resolution of the Conflict in the Republic of South Sudan”, which was designed to end the conflict.<sup>191</sup> It further expressed its intention to consider all appropriate measures against those who took action that would undermine the peace, stability and security of South Sudan, including those who prevented the implementation of those agreements.<sup>192</sup> The Council further underscored that individuals or entities that were responsible or complicit in, or had engaged in attacks against United Nations missions, international security presences or other peacekeeping operations, or humanitarian personnel could meet the designation criteria for the measures established by resolution [2206 \(2015\)](#).<sup>193</sup>

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<sup>188</sup> Resolution [2206 \(2015\)](#), para 6, 9 and 12.

<sup>189</sup> Ibid., paras 18 and 16. For further details on the Committee and the Panel of Experts, see part IX of this Supplement.

<sup>190</sup> Ibid., para. 21.

<sup>191</sup> Resolutions [2241 \(2015\)](#), para. 1 and [2252 \(2015\)](#), para. 1.

<sup>192</sup> Ibid.

<sup>193</sup> Resolution [2241 \(2015\)](#), para. 22 and [2252 \(2015\)](#), para. 20.

Table 18

**Changes to the measures imposed pursuant to Article 41 in connection with the South Sudan, 2014-2015**

<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period</i>		
	<u>2206 (2015)</u>	<u>2241 (2015)</u>	<u>2252 (2015)</u>
	(paragraph)		
<b>Provisions related to sanctions measures</b>			
Asset freeze	<u>2206 (2015)</u> , para. 12, 14	New  Exemption, 13, 13(a)- (c) and 15	
Travel ban	<u>2206 (2015)</u> , para. 9	New  Exemption, 9, 11 and 11(a)-(c)	

**B. Discussion relating to Article 41**

The following sub-section covers the discussions in the Council regarding the use of sanctions and other measures pursuant to Article 41 of the Charter. This sub-section consists of two headings covering thematic as well as country and region-specific issues. Under thematic agenda items the Council discussed the use of sanctions as a means of combating the scourge of sexual violence in conflict (case 7), in reaching a negotiated comprehensive agreement on Iran's nuclear programme (case 8), and more broadly as a policy tool in maintaining international peace and security (case 9). In the context of country-specific discussions, the Council addressed the use of sanctions as a tool in addressing the destabilisation of the situation in Libya (case 10), and considered the role of sanctions measures, in particular the sanctions on Al-Qaida, in the context of the Sahel and the African continent (case 11).

1. *Discussions of a thematic nature***Case 7****Women and peace and security**

At its 7160<sup>th</sup> meeting, on 25 April 2014, under the item "Women and peace and security", the Council held a debate on sexual violence in conflict and discussed the report of the Secretary-

General on conflict-related sexual violence ([S/2014/181](#)). In the discussion, the representative of Chile expressed support for the systematic inclusion of the prevention of conflict-related sexual violence and its follow-up in the relevant country-specific resolutions and in the mandates of special political and peacekeeping missions. He also encouraged its inclusion in the work of the monitoring bodies of the relevant Security Council sanctions.<sup>194</sup> Furthermore, the representative of Australia stressed that targeted sanctions had a clear role to play in the area of conflict-related sexual violence, in particular to expose and circumscribe the perpetrators and create a powerful deterrent to others.<sup>195</sup>

At its 7289<sup>th</sup> meeting on 28 October 2014, the Council discussed the report of the Secretary-General on women and peace and security ([S/2014/693](#)), with a focus on displaced women and girls. The representative of Lithuania indicated that the regular inclusion of violence against displaced women and girls, including sexual violence, as a designating criterion would facilitate tackling impunity for such crimes.<sup>196</sup> On a similar note, the representative of Mexico welcomed the fact that sexual violence was being more broadly considered by the Council as a criterion in determining the application of targeted sanctions in situations of conflict, and expressed the hope that the strategic review on sanctions and peacekeeping operations to be carried out in 2015 would take into account the commitments and priorities of the agenda on women and peace and security.<sup>197</sup> The representative of the European Union joined previous speakers in welcoming the increased use of the criteria related to human rights and sexual violence in the Council's sanctions regimes.<sup>198</sup> On the other hand, the representative of India underlined the fact that the most egregious crimes against women were perpetrated by irregular forces and that such forces obeyed no laws and were much more immune to sanctions than Governments. He concluded that the Council needed to focus its attention on such forces, which were responsible for the bulk of the crimes committed against women.<sup>199</sup>

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<sup>194</sup> [S/PV.7160](#), p. 9.

<sup>195</sup> Ibid., p. 11.

<sup>196</sup> [S/PV.7289](#), p. 20.

<sup>197</sup> Ibid., p. 35.

<sup>198</sup> Ibid., p. 38.

<sup>199</sup> Ibid., p. 66.

At its 7428<sup>th</sup> meeting, on 15 April 2015, the Council discussed the report of the Secretary-General on conflict-related sexual violence ([S/2015/203](#)). The representative of Lithuania stated that ensuring accountability for conflict-related sexual crimes and for sexual and gender-based crimes was key to prevention. Arguing that the Council should be “more vocal and systematic” in its condemnation of conflict-related sexual violence, she said that the Council should use sanctions to this effect, and that the systematic integration of gender-based violence into designation criteria of sanctions regimes was one of the areas in which further advances were needed.<sup>200</sup> Reminding of the need for the Council to be more ambitious, the representative of Ireland encouraged the Council to use all means at its disposal to bring perpetrators into the spotlight, including through referrals to the International Criminal Court and mandating commissions of inquiry, or through targeted sanctions.<sup>201</sup> The representative of Liechtenstein, who affirmed that the international community should attach high priority to fighting sexual violence, also mentioned the use of sexual violence as a designating criterion for targeted sanctions.<sup>202</sup> The representative of Germany noted that sexual violence functioned as an inherent strategic component of extremist groups’ ideology which was used to terrorize local populations into submission, forcibly displace population and recruit new fighters. He supported robust military and police responses and sanctions as part of the solution, in parallel to working at the grass-roots level by strengthening tolerance and the protection of human rights.<sup>203</sup> The representative of the Sudan by contrast complained about the politicization of the fight against sexual violence and the “unilateral sanctions” imposed on some regions, hampering national efforts. He further underlined the importance of verifying the accuracy of information, especially before including it in reports presented to the Council.<sup>204</sup>

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<sup>200</sup> [S/PV.7428](#), p. 16.

<sup>201</sup> Ibid., p. 58.

<sup>202</sup> Ibid., p. 33.

<sup>203</sup> Ibid., p. 35.

<sup>204</sup> Ibid., p. 50.

## Case 8

### Non-proliferation

At its 7211<sup>th</sup> meeting, on 25 June 2014, the Council heard a briefing by the Chairman of the Security Council Committee established pursuant to resolution [1737 \(2006\)](#), regarding non-proliferation and the Islamic Republic of Iran. While noting that negotiations between Iran and the permanent five members of the Council and Germany on a comprehensive agreement concerning Iran's nuclear programme were entering a critical stage, the Chairman emphasized that only the Council could alter the sanctions measures imposed.<sup>205</sup> Speakers reiterated that while negotiations continued, the sanctions measures imposed by the Council on Iran remained in place.<sup>206</sup> Moreover, the representative of the United States indicated that the Security Council Committee established pursuant to resolution [1737 \(2006\)](#) should continue taking steps to improve enforcement of United Nations sanctions and respond effectively to violations.<sup>207</sup>

The representative of the United Kingdom underscored that sanctions should be implemented and enforced "robustly", and added that sanctions supported the "diplomatic efforts".<sup>208</sup> The representative of Chad stated, however, that sanctions needed to evolve to reflect the situation on the ground, and in this sense, suggested an alleviation of sanctions "to bring the Iranians to the negotiating table".<sup>209</sup> The representative of China stated that whilst all parties should implement the resolutions on sanctions against Iran "resolutely, accurately and comprehensively", sanctions were "not an end in themselves".<sup>210</sup>

During the review period, under the same item, the Council held four other meetings at which Council members were briefed on the status of the negotiations and reiterated their respective positions.<sup>211</sup>

At its 7488<sup>th</sup> meeting, on 20 July 2015, the Council unanimously adopted resolution [2231 \(2015\)](#), thereby endorsing the Joint Comprehensive Plan of Action (JCPOA) ([S/2015/544](#)), concluded on 14 July 2015 by China, France, Germany, the Russian Federation, the United

<sup>205</sup> [S/PV.7211](#), p. 2 (Chair of the Security Council Committee established pursuant to resolution 1737 (2006), Australia).

<sup>206</sup> Ibid., p. 3 (United Kingdom); p. 6 (Lithuania); p. 6 (United States); and p. 7 (Republic of Korea).

<sup>207</sup> Ibid. p. 6.

<sup>208</sup> Ibid. p. 3.

<sup>209</sup> Ibid., p. 8.

<sup>210</sup> Ibid., p. 4.

<sup>211</sup> [S/PV.7265](#), [S/PV.7350](#), [S/PV.7412](#), and [S/PV.7469](#).

Kingdom, the United States, the High Representative of the European Union (the E3/EU+3) and the Islamic Republic of Iran. After the vote, several Council members took the floor and welcomed the JCPOA as a comprehensive, long-term and proper solution to the Iranian nuclear issue.<sup>212</sup> The representative of the United States recalled that in 2006, in response to the Islamic Republic of Iran’s efforts to develop a nuclear-weapons programme, the Council had put in place “one of the toughest sanctions regimes in its history”. She underscored that in light of Iran’s non-compliance, the United Nations had subsequently tightened the sanctions in 2007, 2008 and 2010, having played a “critical role” in reaching the JCPOA.<sup>213</sup> Similarly, the representative of Lithuania argued that “sustained pressure” by the international community, including through United Nations sanctions, brought parties to the negotiating table in good faith and in the spirit of compromise.<sup>214</sup>

The representative of France mentioned that the JCPOA included limits on the Islamic Republic of Iran’s nuclear programme and a robust oversight and verification system.<sup>215</sup> The representative of the United States cautioned that all terminated sanctions could be “snapped back into place”,<sup>216</sup> a warning that was echoed by other speakers.<sup>217</sup>

Speaking after Council members, the representative of the Islamic Republic of Iran stressed that resolution [2231 \(2015\)](#) and the JCPOA terminated the unjustifiable sanctions that had been imposed on Iran for its efforts to exercise its rights, and added that the sanctions were grounded on “nothing but baseless and pure speculation and hearsay”. He asserted that no proof was ever presented that Iran’s programme had been “anything but peaceful”, and that the International Atomic Energy Agency had consistently reported that Iran had duly stood by every single one of its commitments.<sup>218</sup>

At its 7583<sup>rd</sup> meeting, on 15 December 2015 after the coming into effect of the JCPOA on 18 October 2015, the Council heard a briefing by the Chairman of the Security Council

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<sup>212</sup> [S/PV.7488](#), p. 5 (France); p. 7 (United Kingdom); p. 7 (Spain); p. 9 (Venezuela, the Bolivarian Republic of); p. 11 (Lithuania); and p. 11 (Chad).

<sup>213</sup> Ibid., pp. 2-3 (United States).

<sup>214</sup> Ibid., p. 11 (Lithuania).

<sup>215</sup> Ibid., p. 5 (France).

<sup>216</sup> Ibid., pp. 3-4 (United States).

<sup>217</sup> Ibid., p. 5 (France), and p. 11 (Lithuania).

<sup>218</sup> Ibid., p. 13 (Iran, Islamic Republic of).

Committee established pursuant to resolution [1737 \(2006\)](#). After the briefing, several speakers welcomed the entry into force of the JCPOA,<sup>219</sup> and the first steps towards its full implementation.<sup>220</sup> The representative of New Zealand stated that Member States had begun the process of revising their domestic settings to reflect the provisions of the agreement, in particular, to allow for the “removal of sanctions” and to provide for “snap-back arrangements”.<sup>221</sup> Several speakers reiterated that while efforts to reach the full implementation of the JCPOA continued all sanctions measures remained in effect and had to be robustly implemented by all Member States.<sup>222</sup> The representative of the United States warned that in spite of the JCPOA implementation, there would still be measures imposed on Iran under Article 41 of Chapter VII of the Charter of the United Nations. She assured that the United States and its partners would continue to bring violations to the Council’s attention and press for appropriate responses.<sup>223</sup>

### **Case 9 General issues relating to sanctions**

At its 7323<sup>rd</sup> meeting, on 25 November 2014, the Council addressed “General issues relating to sanctions”, following a concept note circulated by Australia ([S/2014/793](#)). In his briefing, the Under-Secretary-General for Political Affairs underscored that United Nations sanctions were an “indispensable Charter-based instrument” for the maintenance of international peace and security.<sup>224</sup> He recalled that through the years the Council had established 25 sanctions regimes in total, and that sanctions had been used to support conflict-resolution efforts, to prevent the proliferation of weapons of mass destruction, and to counter terrorism. He also said that United Nations sanctions worked, that they were “fairly economical”, and that the Council had also shown its ability to continuously innovate and adjust its sanctions regimes, in

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<sup>219</sup> [S/PV.7583](#), p. 3 (Angola), p. 3 (China), p. 4 (France), p. 6 (New Zealand), p. 6 (United Kingdom), p. 8 (Nigeria), and p. 9 (Chad).

<sup>220</sup> Ibid., p. 3 (Angola), p. 6 (New Zealand), p. 7 (Chile), and p. 10 (Venezuela, the Bolivarian Republic of).

<sup>221</sup> Ibid., p. 6 (New Zealand).

<sup>222</sup> Ibid., p. 4 (France), p. 6 (New Zealand), p. 7 (United Kingdom), p. 8 (Malaysia), p. 11 (Lithuania), and p. 11 (United States).

<sup>223</sup> Ibid., p. 12 (United States).

<sup>224</sup> [S/PV.7323](#), p. 2.

particular shifting from comprehensive to targeted sanctions.<sup>225</sup> He also stressed the need to make Member States aware that sanctions were “supportive, not punitive”, and to provide assistance on implementation.<sup>226</sup>

Following the briefings, all Council members took the floor and discussed various issues concerning sanctions. The representative of Nigeria stated that sanctions were a “useful conflict-management tool” and played an important role in ensuring compliance with the collective security architecture, as enshrined in the Charter of the United Nations. He recalled that sanctions had become more targeted and added that a “one-size-fits-all approach” would not be effective as sanctions had to be tailored to address specific situations.<sup>227</sup> The representative of the United States emphasized that sanctions had acquired the capacity to target narrower groups than before, and to focus on non-State as well as government actors. At the same time, he noted that while sanctions had become more challenging to implement, the Council relied on them more than ever before in responding to global threats.<sup>228</sup> The representative of the United Kingdom stated that sanctions were a vital “foreign policy tool” that could contribute to achieving United Nations objectives. He mentioned that they were used to prevent conflict, human rights abuses, terrorism and the proliferation of weapons, and that they had made a critical and positive difference in situations from Afghanistan to Yemen.<sup>229</sup> The representative of Argentina asserted that sanctions were “temporary in nature”, since they were designed to be lifted when the objective sought in each case was achieved.<sup>230</sup> The representative of Lithuania pointed out that while the number of existing regimes was the highest in history, sanctions remained a rather exceptional measure under Article 41 of the Charter.<sup>231</sup> The representative of France stated that, increasingly, sanctions were a way of assisting States in restoring stability, as in the Central African Republic. He added that sanctions were “not an end in and of themselves”, but rather a tool to achieve a political objective.<sup>232</sup> Similarly, the representative of the Republic of Korea

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<sup>225</sup> Ibid., p. 2.

<sup>226</sup> Ibid., p. 3.

<sup>227</sup> Ibid., pp. 6-7.

<sup>228</sup> Ibid., p. 20.

<sup>229</sup> Ibid., p. 9.

<sup>230</sup> Ibid., p. 12.

<sup>231</sup> Ibid., 7.

<sup>232</sup> Ibid., p. 11.

mentioned that sanctions were a useful tool to achieve the objectives of the Charter.<sup>233</sup> The representative of Chad added that in spite of the value of maintaining peace and security, due process and human rights guarantees needed to be addressed during the process of listing and delisting.<sup>234</sup>

Whilst acknowledging that sanctions were generally an effective tool for the Council, the representative of China stated that consistent with the Charter, the Council should maintain a “prudent and responsible” attitude on the question of sanctions. In particular, he stated that , the Council should give priority to such tools as mediation, good offices and negotiations, and that the enforcement of sanctions should be predicated on the exhaustion of other non-coercive means. He further highlighted that sanctions should not be a tool for one country to use “in pursuit of power politics”.<sup>235</sup> The representative of the Russian Federation stressed that it was the “exclusive prerogative of the Council” to identify clear and precise objectives of sanctions, as defined by the Charter. He highlighted that sanctions must be proportionate to the threats to international peace and security and that they should be a means of last resort, not a mechanism for collective punishment affecting the well-being of a country’s population.<sup>236</sup>

The representative of Rwanda made reference to the evolution of sanctions into targeted sanctions. He added further that targeted sanctions served better their remedial and preventative purpose, and that the Council could benefit from holding regular meetings or briefings on general issues of sanctions.<sup>237</sup> The representative of Jordan expressed hope for closer cooperation between adversely affected States and the sanctions committees.<sup>238</sup>

Speakers also addressed the issue of implementation. The representative of Lithuania stated that sanctions measures, “whether intended to coerce, constrain or deter”, could serve their underlying purpose only when they were properly targeted and implemented.<sup>239</sup> The representative of Nigeria noted that sanctions were a relatively low-cost option when considered against deploying peacekeeping operations but their effectiveness was compromised by the lack

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<sup>233</sup> Ibid., p. 16.

<sup>234</sup> Ibid., p. 13.

<sup>235</sup> Ibid., p. 14.

<sup>236</sup> Ibid., pp. 18-19.

<sup>237</sup> Ibid., p. 18 (Rwanda).

<sup>238</sup> Ibid., p. 20.

<sup>239</sup> Ibid., 7.

of compliance.<sup>240</sup> Other speakers who emphasized the importance of implementation expressed similar views.<sup>241</sup> The representative of Chile underscored the importance of facilitating the implementation of sanctions. He encouraged field visits by the sanctions committees and their chairs to verify and evaluate implementation and compliance.<sup>242</sup> The representative of the United Kingdom recalled that sanctions regimes established by the Council under Chapter VII of the Charter were binding for all Member States".<sup>243</sup> The representatives of the Republic of Korea and Rwanda acknowledged the growing need for support and capacity building of Member States in order to assist implementation efforts.<sup>244</sup> The representative of Jordan affirmed that developing countries faced the "greatest burden" with respect to enforcing sanctions throughout Africa and the Middle East. In this regard, he favoured the Council laying the foundation for an institutional dialogue among assistance providers, donors and adversely affected States, through which the former would provide sanctions-related assistance.<sup>245</sup>

The representative of the United States noted that implementation gaps undermined the Council's efforts and exacerbated threats. He stated that the Council should continue to encourage all parts of the United Nations system to foster and facilitate full implementation of sanctions, and that the Council should devote more attention to helping States enforce sanctions.<sup>246</sup> The representative of Australia also reaffirmed that the key to the effectiveness of the sanctions system remained the engagement with Member States.<sup>247</sup> On the other hand, the representative of the Russian Federation underscored that if Member States required any kind of assistance in implementing a given sanctions regime, they were fully entitled to directly address the relevant sanctions committee.<sup>248</sup>

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<sup>240</sup> Ibid., p. 7.

<sup>241</sup> Ibid., p. 10 (United Kingdom); p. 11 (France); and p. 17 (Rwanda).

<sup>242</sup> Ibid., p. 9.

<sup>243</sup> Ibid., p. 10 (United Kingdom).

<sup>244</sup> Ibid., p. 17 (Republic of Korea); and p. 17 (Rwanda).

<sup>245</sup> Ibid., p. 20.

<sup>246</sup> Ibid., p. 21.

<sup>247</sup> Ibid., p. 23.

<sup>248</sup> Ibid., p. 19.

2. *Country-specific discussions relating to Article 41*

**Case 10**  
**The situation in Libya**

At its 7142<sup>nd</sup> meeting, on 19 March 2014, the Council unanimously adopted resolution [2146 \(2014\)](#), authorising Member States to inspect high seas maritime vessels identified by the Committee established pursuant to resolution [1970 \(2011\)](#) and imposing measures to prevent illicit oil exports from Libya.<sup>249</sup> Speaking after the vote, the representative of Argentina expressed support for the resolution, which she deemed of an “exceptional nature”.<sup>250</sup> The representative of China emphasized that measures adopted by Member States under the authorization of resolution [2146 \(2014\)](#) would not set a precedent and would not affect the exclusive jurisdiction of a flag State over its vessels on the high seas.<sup>251</sup> Whilst agreeing that the illegal export of Libyan oil threatened to further jeopardize the country’s stability, the representative of the Russian Federation denounced the use of “emergency measures” to deal with problems that had been “created with the connivance and even support of a number of Member States”.<sup>252</sup> At its 7345<sup>th</sup> meeting, on 17 December 2014, following the briefing by the Chair of the Committee established pursuant to resolution [1970 \(2011\)](#), the representative of Libya took the floor to underscore that the sanctions on Libya were not sanctions against the legitimate authorities. He asserted that, in fact, the Libyan legitimate authorities were “partners with the Council” in the efforts to ensure that the existing arms embargo was not violated by non-State parties or terrorist organizations.<sup>253</sup>

At its 7420<sup>th</sup> meeting on 27 March 2015, the Security Council unanimously adopted resolutions [2213 \(2015\)](#) and [2214 \(2015\)](#), which extended the mandate of the United Nations Support Mission in Libya (UNSMIL) and expanded the sanctions measures imposed by resolutions [1970 \(2011\)](#) and [2146 \(2014\)](#).<sup>254</sup> Speaking after the vote, the representative of the

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<sup>249</sup> Resolution [2146 \(2014\)](#), paras. 5 and 10.

<sup>250</sup> [S/PV.7142](#), p. 2.

<sup>251</sup> Ibid., p. 3.

<sup>252</sup> Ibid., p. 2.

<sup>253</sup> [S/PV.7345](#), p. 4.

<sup>254</sup> Resolution [2213 \(2015\)](#), paras. 9, 11, 14, 19 and 20. See for further details section III.A (l) above concerning the sanctions regime on Libya.

United Kingdom welcomed the renewed focus on the Libyan political process and reaffirmed the support for the sanctions imposed.<sup>255</sup> The representative of Jordan cautioned that the situation in Libya and the region would deteriorate unless greater efforts were displayed in support of the legitimate Libyan Government which required that the sanctions Committee concerning Libya accelerated consideration of the requests by the Libyan Government to obtain the equipment and weapons needed.<sup>256</sup> Similarly, the representatives of Libya and Egypt encouraged the implementation of resolution [2214 \(2015\)](#), in particular paragraphs 7 and 10, which urged the Committee to consider expeditiously the requests for exemption from the arms embargo submitted by the Libyan authorities.<sup>257</sup> At its 7598<sup>th</sup> meeting on 23 December 2015, the Security Council unanimously adopted resolution [2259 \(2015\)](#). The resolution welcomed the signing of the Libyan Political Agreement,<sup>258</sup> and recalled the sanctions measures in place, namely arms embargo, travel ban, asset freeze and measures concerning illicit oil exports, In reference to resolution [2259 \(2015\)](#), the representative of Libya affirmed that those who prevented the Government from exercising its authority and role from its headquarters in the capital would be subject to international sanctions.<sup>259</sup>

### **Case 11 Peace and security in Africa**

At its 7203<sup>rd</sup> meeting on 19 June 2014, under the item of “Peace and security in Africa”, the Council heard a briefing by the Special Envoy of the Secretary-General for the Sahel and discussed the latest report of the Secretary-General on the progress towards the United Nations integrated strategy for the Sahel ([S/2014/397](#)). In the discussion, the representative of Australia affirmed that countering violent extremism was more relevant than ever in preventing terrorism and conflict. He thus urged the United Nations to leverage the full range of development and security entities to build community resilience against terrorism, highlighting in this regard the Al-Qaida sanctions regime. He emphasized, however, that the effectiveness of the sanctions

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<sup>255</sup> [S/PV.7420](#), p. 3.

<sup>256</sup> Ibid., p. 3.

<sup>257</sup> Ibid., p. 5 (Libya); and p. 5 (Egypt).

<sup>258</sup> Resolution [2259 \(2015\)](#), fifth preambular paragraph.

<sup>259</sup> [S/PV.7598](#), p. 8.

regime depended upon the ability of affected States to integrate it in their national and regional counter-terrorism strategies.<sup>260</sup> Speaking about the challenges faced by the Sahel, the representative of the United States mentioned the instability in Libya and the deteriorating situation in northern Mali, as well as the threat posed by Boko Haram.<sup>261</sup> He mentioned in particular the ministerial meeting hosted by the Government of the United Kingdom, at which various representatives from Member States and regional organizations had agreed upon a unified response to the crisis in Nigeria, including through the strengthening of the sanctions against Boko Haram's leaders.<sup>262</sup>

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<sup>260</sup> [S/PV.7203](#), p. 10.

<sup>261</sup> Ibid., pp. 15-16.

<sup>262</sup> Ibid., p. 16.

## **Section IV - Measures to maintain or restore international peace and security in accordance with Article 42 of the Charter**

### *Article 42*

*Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.*

### **Note**

This section covers the practice of the Security Council in relation to Article 42 of the Charter, regarding the authorization of the use of force by peacekeeping operations and multinational forces, as well as interventions by regional organizations.<sup>263</sup>

During the period under review, the Council authorized the use of force under Chapter VII of the Charter, relating to the maintenance or restoration of international peace and security by several peacekeeping missions and multinational forces in Bosnia and Herzegovina, Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Libya, Mali, the Sudan (including Darfur and Abyei areas), South Sudan and Somalia.

This section is divided into two sub-sections. Sub-section A outlines decisions of the Council authorizing the use of force under Chapter VII of the Charter. Sub-section B covers discussions of the Council of relevance for Article 42, and contains three case studies in connection with thematic agenda items.

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<sup>263</sup> The Council's authorization of the use of force by regional organizations is covered in part VIII (Regional Arrangements). The authorization of the use of force by peacekeeping operations is also covered in part X in the context of mandates of peacekeeping operations.

## A. Decisions of the Security Council relating to Article 42

During the period 2014 and 2015, the Council made no explicit reference to Article 42 of the Charter in its decisions. This notwithstanding, the Council adopted several resolutions under Chapter VII of the Charter authorizing peacekeeping missions and multinational forces, including those deployed by regional organizations, to use “all necessary measures” or “all necessary means” relating to the maintenance or restoration of international peace and security.<sup>264</sup>

During the period under review, the Council authorized the use of force for the first time in relation to two different situations, namely, the situation in the Central African Republic and in connection with the smuggling of migrants off the coast of Libya. With respect to the former, the Council authorized the use of force first by the European Union operation which was authorised pursuant to resolution [2134 \(2014\)](#) to support the African-led International Support Mission to the Central African Republic (MISCA) further to the letter dated 21 January 2014 of the High Representative of the European Union.<sup>265</sup> Subsequently, by virtue of resolution [2149 \(2014\)](#), the Council established the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA)<sup>266</sup> and requested the Secretary-General to subsume the presence of the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) into MINUSCA.<sup>267</sup> MINUSCA was authorised to use “all necessary means” to carry out its mandate.<sup>268</sup> In addition to the European Union operation, the Council authorised the French forces to use “all necessary means” to provide operational support to elements of MINUSCA.<sup>269</sup>

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<sup>264</sup> Please refer to previous Supplements for further details on the features of the authorization to use force by the Security Council with respect to the mandate of the various missions described below and established prior to the period under review.

<sup>265</sup> See resolution [2134 \(2014\)](#), para. 44. The authorization to use force was later extended until 15 March 2015 by resolution [2181 \(2014\)](#), para. 1. For further details on the situation in the Central African Republic and the various mission successions and integration, please refer to part I, sect. 7 of this Supplement.

<sup>266</sup> The Council further decided to transfer authority from the African-led International Support Mission to the Central African Republic (MISCA) to MINUSCA, which took place on 15 September 2014. For more information on the mandate of MINUSCA, see part X, sect. I with regard to peacekeeping operations.

<sup>267</sup> For more information on the mandate of BINUCA, see part X, sect. II with regard to political and peacebuilding missions.

<sup>268</sup> Resolution [2149 \(2014\)](#), para. 29. See further resolution [2217 \(2015\)](#), para. 31.

<sup>269</sup> See resolutions [2149 \(2014\)](#), para. 47 and [2217 \(2015\)](#), para. 50.

With respect to the smuggling of migrants and human trafficking into, through and from the Libyan territory, the Security Council authorized the use of force by “Member States acting nationally or through regional organisations” pursuant to resolution [2240 \(2015\)](#), which was actually adopted under the agenda item “Maintenance of international peace and security”. By this resolution, the Council authorised the use of “all measures commensurate to the specific circumstances in confronting migrant smugglers or human traffickers”.<sup>270</sup>

Furthermore, during the period under review, the operations of the International Security Assistance Force (ISAF) in Afghanistan came to an end on 31 December 2014.<sup>271</sup>

In the period 2014 to 2015, the Council reiterated its authorization to use force in relation to various situations and disputes in Africa and Europe. In Africa and in connection with the situation in Mali, the Council authorised the use of force by MINUSMA (to carry out its mandate) and the French Forces (in support of elements of the mission “when under imminent and serious threat upon request of the Secretary-General”).<sup>272</sup> With respect to Somalia, the Council reiterated the authorization to use force by AMISOM to carry out its mandate.<sup>273</sup> In that same resolution, the Council welcomed the joint operations with the Somali National Army, which had significant impact in reducing territory held by Al-Shabaab and underlined “the importance of such operations continuing”.<sup>274</sup> Moreover, in resolution [2232 \(2015\)](#), the Council agreed with the Secretary-General’s assessment that the security strategy in Somalia should be guided by the continuation of three objectives, including the continuation of “offensive operations” against Al-Shabaab strongholds.<sup>275</sup> In relation to MONUSCO and the situation concerning the Democratic Republic of the Congo, the Council reiterated its authorization to “take all necessary measures” to perform its mandate,<sup>276</sup> including neutralizing armed groups through the Intervention Brigade.<sup>277</sup> The Council emphasised the manner in which such measures would need to be taken, namely, in strict compliance with international law and in

<sup>270</sup> See resolution [2240 \(2015\)](#), para. 10.

<sup>271</sup> For further information on the situation in Afghanistan, see part I sect. 17 of this Supplement. For further information concerning the authorization of the use of force by ISAF, see part VII, sect. IV. A of the 18<sup>th</sup> Supplement (2012-2013).

<sup>272</sup> See resolution [2164 \(2014\)](#), paras.12 and 26; [S/PRST/2015/5](#), sixth paragraph; and resolution [2227 \(2015\)](#), paras. 13 and 27.

<sup>273</sup> See resolution [2182 \(2014\)](#), para. 23.

<sup>274</sup> Ibid., para. 28.

<sup>275</sup> Resolution [2232 \(2015\)](#), para. 5.

<sup>276</sup> See resolution [2147 \(2014\)](#), para. 9. See for further information in this regard, part X of this Supplement.

<sup>277</sup> For background on the intervention brigade, please refer to part VII of the *Repertoire*, 18th Supplement (2013-13).

accordance with the human rights due diligence policy concerning United Nations-support to non-United Nations forces.<sup>278</sup> In connection with the situation in Côte d'Ivoire, the Council renewed the authorization to use force by the French Forces (in support of UNOCI) for two consecutive periods of one year in 2014 and 2015. The Council authorised further UNOCI to use “all necessary means” to carry out its mandate within its capabilities and its areas of deployment.<sup>279</sup> During the period under review, the Council clarified – as it did in previous years – the scope of the authorization to use force by UNAMID, UNMISS and UNISFA under Chapter VII of the Charter. The Council emphasised in particular that in all three missions, the authorization to use force, included also taking “all necessary measures” to protect civilians.<sup>280</sup>

In Europe, in relation to the situation in Bosnia and Herzegovina, the Council renewed its authorization to Member States, under the multinational stabilization force EUFOR ALTHEA and NATO presence, to take “all necessary measures” to effect the implementation and ensure compliance with their designated functions under the peace agreement.<sup>281</sup>

For further information on the specific mandates of each of the United Nations peacekeeping operations, please refer to part X of this Supplement.

## B. Discussion relating to Article 42

This sub-section highlights the themes discussed in the context of the deliberations of the Council with regard to measures under Article 42 of the Charter and the authorization of the use of force.

During the period under review, the debates at the Council reflected existing tensions among Member States between the adherence to traditional principles of peacekeeping and the consolidation of robust mandates to address increasingly challenging theatres of operations. Moreover, Council deliberations continued to focus on the limits and scope of the authorization of the use of force under mandates to protect civilians. During the period under review, the

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<sup>278</sup> See resolution [2211 \(2015\)](#), para. 9(e).

<sup>279</sup> See resolutions [2162 \(2014\)](#), paras. 20 and 28 and [2226 \(2015\)](#), paras. 20 and 28.

<sup>280</sup> See resolutions [2155 \(2014\)](#), para. 4; [2156 \(2014\)](#), para. 8; [2173 \(2014\)](#), para. 9; [2179 \(2014\)](#), para. 8; [2187 \(2014\)](#), para. 4; [2205 \(2015\)](#), para. 9; [2223 \(2015\)](#), para. 4; [2228 \(2015\)](#), para. 5; [2230 \(2015\)](#), para. 10; [2241 \(2015\)](#), para. 4; [2251 \(2015\)](#), para. 9; and [2252 \(2015\)](#), para. 8.

<sup>281</sup> See resolutions [2183 \(2014\)](#), paras. 14, 15 and 16; and [2247 \(2015\)](#), paras. 5, 6 and 7.

Council discussed the use of force to address humanitarian crises in the context of the migrant crisis in the Mediterranean. The following case studies in relation to United Nations peacekeeping operations (case 12), the protection of civilians in armed conflict (case 13) and maintenance of international peace and security (case 14), focus on the key elements of those debates. In addition, following the terrorist attacks perpetrated by ISIL in 2015 and in particular the attacks in Paris and St. Denis, on 13 November 2015, the Council adopted resolution [2249 \(2015\)](#) under the agenda item of “Threats to international peace and security caused by terrorist acts. Further to the adoption, Council members made reference to the threat posed by ISIL and the need to counter it with the use of “all necessary measures” as featured in case 15 below.

### **Case 12 United Nations peacekeeping operations**

On 11 June 2014, the Council held an open debate under the above agenda item and under the sub-agenda item of “New trends” further to the concept note circulated by the Russian Federation.<sup>282</sup> During the meeting, speakers made reference to “robust peacekeepers” and “robust mandates”. Whilst some speakers viewed such mandates positively (as a reflection of the Council’s determination to meet new challenges in peacekeeping operations),<sup>283</sup> others expressed a variety of concerns. For example, certain speakers argued that further intergovernmental reflection on this type of robust mandates was necessary.<sup>284</sup> Others highlighted the risks associated with the lack of adequate resources and/or political goals.<sup>285</sup> The representative of Rwanda emphasized that while his country supported “well-prepared and well-planned robust peacekeeping”, peacekeepers had no role to play in the context of “asymmetric warfare”.<sup>286</sup> Other speakers argued that robust mandates should be without prejudice to the basic principles of peacekeeping.<sup>287</sup> Moreover, the representative of Uruguay affirmed that peacekeeping operations should restrict their use of force to cases of “legitimate self-defence and

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<sup>282</sup> See [S/2014/384](#).

<sup>283</sup> See [S/PV.7196](#), p. 6 (Chad), p. 15 (Nigeria), p. 21 (Australia) and p. 51 (Senegal).

<sup>284</sup> Ibid., p. 6 (Chile), p. 23 (Argentina) and p. 55 (Indonesia).

<sup>285</sup> Ibid., p. 7 (Chile) and p. 59 (Ireland).

<sup>286</sup> Ibid., p. 4.

<sup>287</sup> Ibid., p. 33 (Pakistan), p. 35 (Guatemala) and p. 58 (Turkey).

defence of the mandate”.<sup>288</sup> Echoing other speakers, the representative of Bangladesh recalled the need to create enabling conditions that protect peacekeepers in order to perform the traditional peacekeeping role arguing that “any attempt to use peacekeepers as combatants will hamper their credibility and universal acceptability”.<sup>289</sup>

In a subsequent meeting of the Council under the item of “United Nations peacekeeping operations”, on 9 October 2014, the Council heard briefings from the Force Commanders of MONUSCO, MINUSMA and UNDOF as well as from the Military Adviser for Peacekeeping Operations. The Military Adviser for Peacekeeping Operations affirmed that the Force Commanders were operating in failing or failed States where there was “hardly any peace to keep”.<sup>290</sup> Further, the Force Commander of MONUSCO in his briefing noted that traditional peacekeeping principles may not always apply against “armed criminal groups” in contemporary missions. He suggested that their application could be reviewed and adjusted to contemporary threats and to the context of violence that innocent civilians and peacekeeping personnel face in conflict areas.<sup>291</sup> He added further that to protect civilians, a military force should be “robust and dynamic”.<sup>292</sup> In illustrating the challenges that military contingents were facing, the Force Commander of MINUSMA denounced in his briefing to the Council that the mission was fighting terrorism without “an anti-terrorist mandate or adequate training, equipment, logistics of intelligence to deal with such a situation”.<sup>293</sup> During the meeting some speakers reiterated their support for “robust mandates”.<sup>294</sup> The representative of the Russian Federation observed that the mandates of the operations were increasingly providing for the use of force and endowed with multiple components. As an example of that trend, he cited MONUSCO and he noted the need to substantively analyse the experience of the use of the Intervention Brigade.<sup>295</sup>

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<sup>288</sup> Ibid., p. 43.

<sup>289</sup> Ibid., p. 61.

<sup>290</sup> See [S/PV.7275](#), p. 2.

<sup>291</sup> Ibid., p. 3.

<sup>292</sup> Ibid.

<sup>293</sup> Ibid., p. 4.

<sup>294</sup> Ibid., p. 8 (Rwanda), pp. 9-10 (Republic of Korea) and p. 25 (Luxembourg).

<sup>295</sup> Ibid., p. 15.

### Case 13 Protection of civilians in armed conflict

Further to the concept note circulated by Chile,<sup>296</sup> the Council held an open debate on 30 January 2015 on the protection of civilians in armed conflict. According to the concept note, the focus of the debate was the protection challenges and needs faced by women and girls in armed conflict and post-conflict settings. During the meeting, speakers dwelled on the question of the use of force for the purposes of protecting civilians.

The representative of Kazakhstan emphasized that the need to uphold the rights of women and girls should be clearly specified in the mandates with the rules and responsibilities explicitly demarcated including in cases requiring the use of force.<sup>297</sup> The representative of the Russian Federation noted that in all armed conflicts the belligerents bear primary responsibility for full compliance with the standards of international law and for taking “all possible measures to ensure protection of civilians”. In this regard, he argued that international institutions and mechanisms are meant to assist all national efforts. He observed that the primary reference points were the Charter of the United Nations and the basic principles of peacekeeping, including the use of force in accordance with the mandate.<sup>298</sup> Similarly, the representative of the Bolivarian Republic of Venezuela clarified that the use of force for the purpose of protecting civilians (different from the use of force in relation to the concept of the responsibility to protect) did not concern a strategic use of force, and was applied in the context of full respect for the Charter of the United Nations and the guiding principles of peacekeeping, including the consent of the host state.<sup>299</sup> The representative of Burundi added further that any use of force to defend civilians should take place with total respect for the Charter of the United Nations and any unilateral action taken in the name of some kind of theory of protection of civilians should be discouraged.<sup>300</sup> Some speakers expressed regret at the fact that in spite of the robust mandates by the Council, there were inconsistent results with regard to the effective protection of

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<sup>296</sup> [S/2015/32](#).

<sup>297</sup> [S/PV.7374](#), p. 39.

<sup>298</sup> Ibid., p. 10.

<sup>299</sup> Ibid., p. 25.

<sup>300</sup> Ibid., p. 49.

civilians.<sup>301</sup> Expressing support for the Council’s authorization for protection mandates, the representative of Thailand noted that “when civilians are at risk, the Security Council must act decisively and in a timely manner” in accordance with the Charter.<sup>302</sup>

### **Case 14** **Maintenance of international peace and security**

On 9 October 2015, the Council held a meeting under the above referenced agenda item. At that meeting, the Council adopted resolution [2240 \(2015\)](#) with 14 votes in favour and one abstention by the Bolivarian Republic of Venezuela. As mentioned above, by this resolution the Council authorised the use of force by “Member States acting nationally or through regional organisations” seeking to address the migration crisis in the Mediterranean. As described by the representative of the United Kingdom, by virtue of that resolution, the Council authorised “the European Union military operation in the southern Central Mediterranean to begin interdictions against migrant smugglers operating on the high seas”.<sup>303</sup>

In the discussion that ensued the adoption of the resolution, the representative of Chad expressed the hope that the reference to Chapter VII of the Charter authorizing the use of force would not give rise to extensive interpretations, as had been the case in the past. He noted further that the use of force against smugglers on the high seas “alone” would not be enough to put an end to the flow of migrants and refugees towards Europe.<sup>304</sup> The representative of the Bolivarian Republic of Venezuela argued that creating the possibility of applying Chapter VII and specifically the use of military force to deal with the humanitarian situation of migrants was “a serious mistake”.<sup>305</sup> By doing so he added that the Council was setting a dangerous precedent and usurping the General Assembly’s authority by addressing issues that fall within its competence.

The representative of Chile clarified that the resolution granted states or regional organizations the right to intercept vessels on the high seas, along the coast of Libya, under

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<sup>301</sup> Ibid., p. 37 (Belgium), p. 41 (Slovakia) and p. 51 (Indonesia).

<sup>302</sup> Ibid., p. 40.

<sup>303</sup> [S/PV.7531](#), p. 2.

<sup>304</sup> Ibid., p. 3.

<sup>305</sup> Ibid., pp. 4-5.

exceptional circumstances and for a limited period of time, “only when there existed reasonable grounds to suspect trafficking in migrants or human trafficking and always within the legal framework of the norms established by the United Nations Convention on the Law of the Sea”.<sup>306</sup> Along similar lines, the representative of Jordan cautioned that the resolution should not be misinterpreted as an authorization to “bypass” the provisions of refugee conventions or override legal principles governing the use of force. In this regard, she noted that the use of force as provided for in paragraph 10 of the resolution should be limited in scope, because “the use of force against non-State players or individual non-State actors in the context of human trafficking in the Mediterranean does not violate the legal norms that allow parties to resort to force”.<sup>307</sup>

The representative of Libya recognized the grave threat to international peace and security posed by the smuggling and trafficking of migrants. Whilst observing that illegal migration cannot be tackled solely with security measures, he noted that no one would stand against an international effort to put an end to the humanitarian tragedy albeit in full respect for the principles of international law, in particular the respect for the sovereignty of states and the non-interference in the internal affairs. He also confirmed that his country did not object to the deployment of a European Maritime Force in the Mediterranean off the Libyan coast aimed at saving illegal migrants or at targeting smugglers and their boats in international waters.<sup>308</sup>

### **Case 15** **Threats to international peace and security caused by terrorist acts**

On 20 November 2015, the Council held its 7565<sup>th</sup> meeting under the above agenda item. At that meeting the Council unanimously adopted resolution [2249 \(2015\)](#). The resolution made no reference to Chapter VII. This notwithstanding, it called upon Member States with a capacity to do so to take “all necessary measures” on the territory under the control of ISIL also known as Da’esh, in Syria and Iraq.<sup>309</sup> During the explanation of the vote, the representative of France

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<sup>306</sup> Ibid., 7.

<sup>307</sup> Ibid.

<sup>308</sup> Ibid., p. 10.

<sup>309</sup> Resolution [2249 \(2015\)](#), para. 5.

clarified that the resolution called on all Member States to take “all necessary measures” to eradicate the “sanctuary” that Da’esh had created in Syria and Iraq and thwart its radical ideology.<sup>310</sup> The representative of the United States welcomed and applauded the resolute call on States to take all necessary measures adding that it was necessary to “choke off funding, arms, recruitment and other kinds of support to ISIL and the Al-Nusra Front”. She noted that Iraq had made clear that it was facing a serious threat of continuing attacks from ISIL, in particular from safe havens in Syria, and that the “Al-Assad regime” in Syria had shown that it could not and would not suppress that threat.<sup>311</sup> Similarly, the representative of the United Kingdom added that the resolution was a powerful international recognition of the threat posed by ISIL and that it called for “all necessary measures” to counter ISIL.<sup>312</sup>

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<sup>310</sup> [S/PV.7565](#), p. 2.

<sup>311</sup> Ibid., p. 4.

<sup>312</sup> Ibid., p. 9.

## Section V - Consideration of Articles 43 to 45 of the Charter

### *Article 43*

1. *All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.*
2. *Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.*
3. *The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.*

### *Article 44*

*When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.*

### *Article 45*

*In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.*

## Note

Article 43 of the Charter provides that all Member States undertake to make available to the Council, for the maintenance of international peace and security, armed forces, assistance and facilities in accordance with special agreements. Such agreements were conceived to be entered into by the Council and Member States to regulate the numbers and types of troops, their readiness and location and the nature of facilities to be provided.

However, agreements under Article 43 were never concluded and in the absence of such agreements, there is therefore no practice in application of Article 43. The United Nations has developed practical arrangements to carry out military operations in the absence of such agreements. In that context, the Council authorises peacekeeping forces (under the command and control of the Secretary-General and assembled pursuant to ad hoc agreements entered into by the United Nations and Member States), and national or regional forces (under national or regional command and control) to conduct military action. Peacekeeping operations, as well as their mandates, are covered in detail in part X of this Supplement.

Articles 44 and 45 of the Charter make explicit reference to Article 43 and are therefore intimately linked. As with Article 43, there is no practice in application of Articles 44 and 45. This notwithstanding, the Council has developed through its decisions practice to (i) call on Member States to contribute armed forces, assistance and facilities, including rights of passage, (ii) consult with Member States contributing troops for United Nations peacekeeping activities and (iii) call on Member States to contribute military air assets in the context of peacekeeping.

During the period under review, there was an increase of attention paid to the challenges faced by peacekeeping operations in delivering their respective mandates. In spite of the increased attention to this question, there was no constitutional discussion about Articles 43 and 45. By contrast, in numerous discussions at the Council there were explicit references to Article 44. Featured below is an overview of the practice of the Security Council during 2014 and 2015 concerning the need for Member States' contribution, support and assistance to peacekeeping operations (sub-section A), consultation with troop and police contributing countries (sub-section B) and the contribution of military air assets to peacekeeping operations (sub-section C).

## A. The need for Member States' contribution, support and assistance to peacekeeping operations

During the period under review, a period marked by various high level reviews in connection with peacekeeping operations, whilst the Council did not explicitly refer to Articles 43 to 45 in any of its decisions, increased attention was paid to the challenges faced by peacekeeping operations in delivering their respective mandates. As in previous periods, in the decisions of the Council, reference to the need for Member States' contribution, support and assistance to peacekeeping operations was constant (featured under Article 48 below).

In this regard, and in so far as it concerns the communications of the Council, the High-Level Independent Panel on Peace Operations included among its recommendations, for the Secretariat to consult with Member States and regional organizations on the options for a regional and global capacity for rapid deployment capabilities, including to serve as bridging forces, and prepare a proposal for Member States.<sup>313</sup> The Panel argued that “in the spirit of Article 43 of the Charter” it was time for Member States to support new arrangements for mobilizing the requisite capabilities and strengthening systems to deliver on the mandates of peace operations in more austere and insecure environments.<sup>314</sup>

## B. Recognition of the need to consult with troop and police contributing countries

During the period under review the Council, in its decisions, affirmed its intention to enhance the effectiveness of peacekeeping operations, including through consultations with troop and police contributing countries.<sup>315</sup> In addition, the Council issued presidential statement [S/PRST/2015/26](#) taking note of the Secretary-General’s report entitled ‘The Future of United Nations Peace Operations: Implementation of the Recommendations of the High-Level Independent Panel on Peace Operations’ ([S/2015/682](#)) and of the recommendations of the report of the High-level Independent Panel on Peace Operations ([S/2015/446](#)), with respect to consultations between the Security Council, troop and police contributing countries and the

<sup>313</sup> See identical letters dated 17 June 2015 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council ([S/2015/446](#)), Annex, p. 66.

<sup>314</sup> Ibid., p. 65.

<sup>315</sup> [S/PRST/2015/22](#), fourth paragraph.

Secretariat.<sup>316</sup> In this presidential statement, the Council noted in particular, the view of the High-Level Independent Panel and the Secretary General, that the lack of effective dialogue through consultations between these three stakeholders had generated frustration on all sides and had undermined mandate implementation. In this regard, the Council acknowledged the importance of effective consultations among the Security Council, troop and police contributing countries and the Secretariat,<sup>317</sup> viewed them as an opportunity to set expectations for the required capabilities, performance standards, and timelines,<sup>318</sup> and welcomed (and encouraged) developments in the informal approach to consultations, as reflected in the Report on the activities of its Working Group on Peacekeeping Operations for the period 1 January to 31 December 2015 ([S/2015/1050](#)).<sup>319</sup> The Council also acknowledged that these consultations must extend beyond the issue of mandates of operations, and to areas such as safety and security of peacekeepers, strategic force generation, gender, conduct and discipline, including allegations of sexual exploitation and abuse, implementation of protection of civilian mandates, capability, performance, equipment and national caveats.<sup>320</sup>

In 2014 and 2015, there were no explicit references to Article 44 in the communications of the Council. However, numerous communications emphasised the need for an effective triangular cooperation between troop contributing countries, the Secretariat and the Security Council.<sup>321</sup> Moreover, the report of the High-Level Independent Panel on Peace Operations<sup>322</sup> and the subsequent report of the Secretary-General<sup>323</sup> underlined the importance of consultations with troop and police- contributing countries.

In addition, during the period under review, Article 44 of the Charter was explicitly referred to in numerous discussions of the Council under a wide range of agenda items.<sup>324</sup> The

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<sup>316</sup> [S/PRST/2015/26](#), second paragraph.

<sup>317</sup> Ibid., fifth paragraph.

<sup>318</sup> Ibid., sixth paragraph.

<sup>319</sup> Ibid., seventh paragraph.

<sup>320</sup> Ibid., fifth paragraph.

<sup>321</sup> See for example, Letter dated 14 November 2014 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council ([S/2014/818](#)).

<sup>322</sup> [S/2015/446](#), Annex, pp. 62-63.

<sup>323</sup> [S/2015/682](#), pp. 13-14.

<sup>324</sup> See [S/PV.7109](#), p. 35 (India); [S/PV.7196](#), pp. 27-28 (India); p. 39 (Spain); and p. 61 (Bangladesh); [S/PV.7228](#), p. 65 (India); [S/PV.7285 \(Resumption 1\)](#), p. 29 (India); [S/PV.7389](#), p. 31 (India); [S/PV.7414](#), p. 32 (India); [S/PV.7464](#), p. 21 (Venezuela, Bolivarian Republic of); [S/PV.7479](#), p. 15 (Venezuela, Bolivarian Republic of); [S/PV.7505](#), p. 24 (India); [S/PV.7533](#), p. 65

enhanced dialogue and consultation with troop and police contributing countries was extensively discussed in Council deliberations under the agenda item entitled “United Nations peacekeeping operations” (case 16) and under “Implementation of the note of the President of the Security Council ([S/2010/507](#))” in connection with the Council’s working methods (case 17).

### **Case 16 United Nations peacekeeping operations**

On 11 June 2014, the Council held its 7196<sup>th</sup> meeting under the above referenced agenda item and the sub-agenda item “New trends”. The concept note for the meeting circulated by the Russian Federation made explicit reference to taking into account the views of troop contributing countries.<sup>325</sup> During the meeting, a majority of speakers supported enhanced participation, collaboration and exchanges with troop and police contributing states (also referred to as triangular cooperation) with a view to achieving a variety of objectives, namely, to strengthen the link between policy formulation and its implementation in the field as well as the increased effectiveness of peacekeeping operations. In this regard, during the meeting the representative of India called on the Council to reconsider the use of intervention mandates for United Nations peacekeeping operations until all Member States that are contributing troops were given an opportunity “under Article 44 of the Charter” to participate in the Council’s decisions on such operations in the Chamber. He also expressed “a glimmer of hope for the eventual implementation of Article 44 of the Charter”.<sup>326</sup> The representative of Spain advocated for improving the channels of communication between troop contributing countries and the Security Council and for better links between those countries and the work of the Council “in keeping with Articles 43 and 44 of the Charter”.<sup>327</sup> The representative of Bangladesh urged the Council to allow the troop and police contributing countries to join in dialogue and discussion “under

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(India); [S/PV.7539](#), p. 15 (Venezuela, Bolivarian Republic of); and p. 25 (India); and [S/PV.7558](#), p. 19 (Venezuela, Bolivarian Republic of).

<sup>325</sup> See [S/2014/384](#), p. 5.

<sup>326</sup> [S/PV.7196](#), pp. 27-28.

<sup>327</sup> Ibid., p. 39.

Article 44 of the Charter” prior to making decisions on mandates for United Nations peacekeeping operations.<sup>328</sup>

Subsequent meetings under the same agenda item were held. In those meetings, the question of consultation and dialogue between the Secretariat, the Security Council and troop contributing countries was also addressed.<sup>329</sup>

### Case 17

#### **Implementation of the note by the President of the Security Council (S/2010/507)**

On 23 October 2014, the Council held its 7285<sup>th</sup> meeting, its annual open debate on Security Council working methods under the above agenda item. During the meeting, the representative of India denounced the complete disregard in the working methods of the Council for “the clear provisions and obligations set out in Article 44” of the Charter.<sup>330</sup> By contrast, other speakers acknowledged the progress achieved in connection with the dialogue between the Council and troop and police contributing countries and pointed out that further improvement was possible.<sup>331</sup> The representative of Brazil urged the Council to consider new ways to improve participation of other actors (including troop contributing countries) in the decision-making process.<sup>332</sup> The representative of Peru affirmed that it was essential to consolidate the practice of the Council’s consultations with troop contributing countries involved in peacekeeping operations.<sup>333</sup>

The following year, in the context of the open debate on working methods held on 20 October 2015, the question of consultations with troop contributing countries as an expression of Article 44 again arose. During the meeting, the representative of India stated that “Article 44 of the Charter” required that consultations be held with troop and police contributing countries before the mandates of peacekeeping operations were finalized. He affirmed that regrettably this

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<sup>328</sup> Ibid., p. 61.

<sup>329</sup> See in particular, [S/PV.7228](#), [S/PV.7317](#) and [S/PV.7464](#).

<sup>330</sup> [S/PV.7285 \(Resumption 1\)](#), p. 29.

<sup>331</sup> [S/PV.7285](#), p. 14 (Rwanda); p. 17 (Lithuania); and [S/PV.7285 \(Resumption 1\)](#), p. 19 (Indonesia).

<sup>332</sup> [S/PV.7285 \(Resumption 1\)](#), pp. 5-6.

<sup>333</sup> Ibid., p. 24.

never happened and looked towards the members of the Council to make “a new beginning.”<sup>334</sup> The representative of the Bolivarian Republic of Venezuela argued further that “in accordance with Article 44” troop contributing countries should participate in the decisions of the Council on the employment of their contingents in peacekeeping operations and called for “a genuine implementation of the provisions of Article 44”.<sup>335</sup> Many speakers supported enhanced and regular consultations with troop contributing countries.<sup>336</sup>

### C. The question of contributing military air assets

During the period under review, the Council adopted a number of decisions calling on Member States to contribute personnel, equipment and other resources to United Nations as well as Member State-led enforcement operations and peacekeeping missions,<sup>337</sup> including military air assets.<sup>338</sup> It called on Member States to contribute air assets in the context of military action carried out pursuant to Chapter VII in the Central African Republic,<sup>339</sup> and Somalia.<sup>340</sup>

During the period under review, the question of air assets at the disposal of peacekeeping missions was extensively mentioned in many deliberations of the Council. On 15 December 2015, the Council held its 7581<sup>st</sup> meeting in connection with the item “Reports of the Secretary-General on the Sudan and South Sudan”. At the meeting, resolution [2252 \(2015\)](#) was adopted with the abstention of the Russian Federation and the Bolivarian Republic of Venezuela. The resolution requested the Secretary-General to prioritize the complete deployment of UNMISS personnel to the authorized military and police strength, including tactical military helicopters and unmanned aerial systems.<sup>341</sup> In the explanation of the vote that ensued, the representatives of the Russian Federation and the Bolivarian Republic of Venezuela voiced the concerns of

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<sup>334</sup> [S/PV.7539](#), p.25.

<sup>335</sup> Ibid., p. 15.

<sup>336</sup> Ibid., p. 8 (Angola); and p. 22 (Sweden); and [S/PV.7539 \(Resumption 1\)](#), p. 6 (Indonesia); p. 11 (Uruguay); pp. 14-15 (Brazil); p. 20 (Peru); p. 20 (Pakistan); p. 22 (Ukraine); and p. 27 (Rwanda).

<sup>337</sup> See, for example, resolutions [2148 \(2014\)](#), para. 9; [2149 \(2014\)](#), paras. 16, 17 and 20; [2164 \(2014\)](#), para. 21; [2182 \(2014\)](#); para. 37, [2217 \(2015\)](#), para. 23; [2227 \(2015\)](#), para. 17; [2228 \(2015\)](#), para. 13; [2232 \(2015\)](#), para. 16; [2245 \(2015\)](#), para. 11; [S/PRST/2014/28](#), fifteenth paragraph and [S/PRST/2015/17](#), sixteenth paragraph.

<sup>338</sup> See, for example, resolutions [2147 \(2014\)](#), para. 36; [2149 \(2014\)](#), para. 20 and [2182 \(2014\)](#), para. 30; and [S/PRST/2014/28](#), seventeenth paragraph.

<sup>339</sup> Resolution [2147 \(2014\)](#), para. 36; and [S/PRST/2014/28](#), seventeenth paragraph.

<sup>340</sup> See resolutions [2182 \(2014\)](#), para. 30 and [2232 \(2015\)](#), para. 12.

<sup>341</sup> Resolution [2252 \(2015\)](#), para. 13.

Member States, including the host country in this case, with regard to the use of unmanned aerial vehicles (UAV) owing to the implications for the sovereignty of the country concerned and the lack of added value.<sup>342</sup> The representative of the United States, on the other hand, argued that there had been an extensive briefing from the Secretariat on the important role that unarmed and unmanned aerial systems and helicopters could play in helping missions. She further argued that this was the result of listening to troop contributors, adding that “[w]e owe it to the troops and police on the ground to provide them with those lifesaving tools”.<sup>343</sup>

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<sup>342</sup> [S/PV.7581](#), p. 2 (Russian Federation) and p. 3 (Venezuela, Bolivarian Republic of).

<sup>343</sup> Ibid., p. 4.

## **Section VI - Assistance by the Military Staff Committee and composition of the Military Staff Committee in accordance with Articles 46 and 47 of the Charter**

### *Article 46*

*Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.*

### *Article 47*

*1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.*

*2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.*

*3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.*

*4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.*

### **Note**

This section covers the practice of the Security Council in relation to Articles 46 and 47 of the Charter regarding the Military Staff Committee, including instances where the Council considered the role of the Military Staff Committee in planning the application of armed force, and advising and assisting the Council on the military requirements for the maintenance of international peace and security.

During the period under review, the Military Staff Committee received little attention from the Council in its decisions and deliberations. During the period under review, the Council did not explicitly refer to either Article 46 or 47 in any of its decisions or its discussions. However, the Military Staff Committee was mentioned in two decisions, as described in sub-section A below. In addition, the Military Staff Committee was referenced once in one of the meetings of the Council, as covered in sub-section B below.

As it is customary, the Annual Reports of the Security Council made reference to the Military Staff Committee as well as to its activities.<sup>344</sup> Moreover, according to the report of the eleventh annual workshop for the newly elected members of the Security Council, mention was made by one of the participants to the “productive discussion” with the Military Staff Committee on the security situation in Mali.<sup>345</sup>

#### **A. Decisions relating to Articles 46 and 47**

During the period under review, there were no explicit references to Articles 46 and 47 in any of the decisions of the Council. However, the Military Staff Committee was referenced in resolution [2242 \(2015\)](#). The resolution was adopted unanimously during a meeting on 13 October 2015 under the agenda item “Women and peace and security” marking the 15<sup>th</sup> anniversary of resolution [1325 \(2000\)](#). Indeed, by resolution [2242 \(2015\)](#) the Council requested the Military Staff Committee to discuss issues of sexual exploitation and abuse as part of its regular programme.<sup>346</sup>

In addition, the Council issued a presidential statement recognizing that sustained consultations with the Secretariat and troop and police contributing countries were essential for the understanding of appropriate responses and their implications for the mandate and conduct of an operation.<sup>347</sup> In this regard the Council recalled the “many mechanisms that exist to facilitate

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<sup>344</sup> See [A/69/2](#), p. 219 and [A/70/2](#), p. 191.

<sup>345</sup> [S/2014/213](#).

<sup>346</sup> See resolution [2242 \(2015\)](#), para. 9.

<sup>347</sup> [S/PRST/2015/26](#).

consultations” and mentioned, in this connection, the General Assembly’s Special Committee on Peacekeeping Operations and the Military Staff Committee.<sup>348</sup>

## **B. Discussion relating to Articles 46 and 47**

During the period under review, there were no explicit references to Articles 46 and 47 in any of the meetings of the Council. However, the Military Staff Committee was mentioned once in one meeting of the Council.

On 30 September 2015, during the 7527<sup>th</sup> meeting of the Council under the item “Maintenance of international peace and security”, the representative of the Russian Federation mentioned that the Military Staff Committee could be used in planning joint action in the fight against ISIL.<sup>349</sup>

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<sup>348</sup> Ibid., fourth paragraph.

<sup>349</sup> See [S/PV.7527](#), p. 4.

## Section VII – Action required from Member States under Article 48 of the Charter

### *Article 48*

- 1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.*
- 2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.*

### **Note**

This section covers the practice of the Council in relation to Article 48 of the Charter, regarding the obligation of all or some Member States to carry out the decisions of the Council for the maintenance of international peace and security. Under Article 48(2), Member States shall carry out the decisions directly, or through international organizations of which they are members. Therefore, the present section focuses on the types of obligations imposed on Member States in accordance with Article 48, and on the range of addressees designated by the Council to implement, or comply with, decisions adopted.

Whilst Article 48 relates to requests to Member States to carry out action of the Council, during the 2014 and 2015 period, as in previous periods, the Council addressed some of its pleas to “all parties”<sup>350</sup> “militias”<sup>351</sup> and “non-state” actors<sup>352</sup> emphasizing the intra-state nature of many of the conflicts on its agenda.

In 2014 and 2015, the Council did not explicitly invoke Article 48 in its decisions. The Council, however, adopted resolutions and issued presidential statements which underlined the obligation of Member States to comply with the measures imposed under Chapter VII of the Charter of relevance to Article 48.

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<sup>350</sup> See for example, resolutions [2147 \(2014\)](#), para. 34; [2149 \(2014\)](#), para. 43; [2155 \(2014\)](#), para. 16; [2162 \(2014\)](#), para. 29; [2164 \(2014\)](#), para. 22; [2183 \(2014\)](#), para. 17; [2223 \(2015\)](#), para. 15; [2227 \(2015\)](#), para. 6; [2211 \(2015\)](#), para. 37; [2217 \(2015\)](#), para. 47; [2226 \(2015\)](#), para. 29; and [S/PRST/2015/7](#), fourth paragraph.

<sup>351</sup> See for example, resolution [2217 \(2015\)](#), para. 5; and [S/PSRT/2015/17](#), eleventh paragraph.

<sup>352</sup> See for example, [S/PRST/2015/8](#), tenth paragraph.

This section is divided into two sub-sections. Sub-section A covers decisions of the Council requiring Member States to carry out action in relation to measures under Article 41. Sub-section B, on the other hand, covers decisions of the Council requiring Member States to carry out action in relation to measures under Article 42. During the biennium under review, no references to Article 48 were found in communications to the Council nor were there any discussions held in relation to the interpretation or application of this article.

#### **A. Decisions requiring Member States to carry out action in relation to measures under Article 41 of the Charter**

During the period under review and in relation to decisions adopted pursuant to Article 41 concerning sanctions, the Council called on Member States: (i) to comply with their obligation to implement sanctions measures by, inter alia, taking “all necessary measures”;<sup>353</sup> (ii) to report to the relevant sanctions committees or to the Council;<sup>354</sup> (iii) to ensure cooperation with the relevant committee, panel of experts or monitoring group;<sup>355</sup> and (iv) to provide unhindered access and safety to panels of experts and monitoring groups assisting sanctions committees for these to execute their respective mandates.<sup>356</sup> In this regard, the Council also addressed those requests to all Member States, all States concerned as well as States in the region or the subregion.<sup>357</sup>

During the period under review, with respect to sanctions measures imposed under Article 41, the Council recalled the requirement that Member States take “all possible measures” to notify or inform in a timely manner the listed individual or entity of the listing and to include

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<sup>353</sup> See for example, resolutions [2138 \(2014\)](#), para. 10, [2161 \(2014\)](#), para. 40, and [2182 \(2014\)](#), paras. 16 (commensurate with the circumstances) and 19.

<sup>354</sup> See for example, resolutions [2138 \(2014\)](#), para. 17; [2160 \(2014\)](#), paras. 15 and 30; [2196 \(2015\)](#), para. 24; [2199 \(2015\)](#), para. 29; [2204 \(2015\)](#), para. 9; [2216 \(2015\)](#), para. 17; and [2253 \(2015\)](#), paras. 15 and 36.

<sup>355</sup> See for example, resolutions [2138 \(2014\)](#), para. 18; [2140 \(2014\)](#), para. 23; [2141 \(2014\)](#), para. 5; [2153 \(2014\)](#), paras. 23 and 34; [2159 \(2014\)](#), para. 5; [2188 \(2014\)](#), para. 7; [2196 \(2015\)](#), para. 21; [2200 \(2015\)](#), para. 22; [2206 \(2015\)](#), para. 19; [2207 \(2015\)](#), para. 5; [2216 \(2015\)](#), para. 11; [2219 \(2015\)](#), para. 24; [2223 \(2015\)](#), para. 15; [2224 \(2015\)](#), para. 5; [2237 \(2015\)](#), para. 5; [2241 \(2015\)](#), para. 20; [2244 \(2015\)](#), para. 26; and [2252 \(2015\)](#), para. 18.

<sup>356</sup> See for example, resolutions [2138 \(2014\)](#), para. 16; [2153 \(2014\)](#), para. 22; [2196 \(2015\)](#), para. 22; [2213 \(2015\)](#), para. 26; [2219 \(2015\)](#), paras. 10 and 37; and [2223 \(2015\)](#), para. 15.

<sup>357</sup> See for relevant examples footnote 357 above as well as resolutions [2138 \(2014\)](#), para 11; and [2219 \(2015\)](#), para. 24.

with this notification the narrative summary of reasons for listing.<sup>358</sup> Similarly, the Council strongly urged Member States to provide reasons for submitting delisting requests.<sup>359</sup>

Regarding decisions adopted in accordance with Article 41 in relation to judicial measures, the Council called on Member States to cooperate with tribunals.<sup>360</sup> During the period under review, as in previous periods, the Council called for cooperation with the International Criminal Court for the former Yugoslavia (ICTY), the International Tribunal for Rwanda (ICTR), the United Nations Mechanism for International Criminal Tribunals (MICT) as well as the International Criminal Court (ICC). In this context, it requested Member States, States where fugitives were suspected to be at large,<sup>361</sup> as well as States individually concerned,<sup>362</sup> to take measures with a view to cooperating with those tribunals.

## **B. Decisions requiring Member States to carry out action in relation to measures under Article 42 of the Charter**

During the period under review, the Council urged, called upon, encouraged, requested, and authorized action by a particular Member State, a designated group of Member States and/or all Member States in relation to measures adopted under Article 42 of the Charter. For example, the Council continued to authorize “the Member States acting through or in cooperation with the EU” to establish for a further period of twelve months a multinational stabilization force (EUFOR ALTHEA), legal successor of the NATO-led Stabilization Force (SFOR), in Bosnia and Herzegovina.<sup>363</sup> In relation to the situation in Somalia, the Council renewed the authorization to “Member States of the African Union” to maintain the deployment of AMISOM to take all necessary measures to carry out its mandate.<sup>364</sup> In addition, during the period under review, the Council called upon “Member States” to inspect unflagged vessels that they had

<sup>358</sup> See for example, resolutions [2160 \(2014\)](#), para. 24; [2161 \(2014\)](#), para. 40; [2253 \(2015\)](#), para 53; and [2255 \(2015\)](#), para. 30.

<sup>359</sup> See, for example, resolution [2161 \(2014\)](#), para. 54.

<sup>360</sup> See for example, resolutions [2164 \(2014\)](#), para. 8 ; [2193 \(2014\)](#), para. 2 ; [2194 \(2014\)](#), paras. 2 and 3 ; [2227 \(2015\)](#), para. 5 ; and [2256 \(2015\)](#), para. 4.

<sup>361</sup> See for example, resolutions [2194 \(2014\)](#), para. 4; and [2256 \(2015\)](#), para. 4.

<sup>362</sup> See for example, resolution [2214 \(2015\)](#), para. 3 calling on the Libyan government to continue to cooperate fully and provide the necessary assistance to the ICC and the Prosecutor as required by resolution [1970 \(2011\)](#) (see also resolution [2213 \(2015\)](#), para. 7) and resolution [2256 \(2015\)](#), para. 14, urging the Democratic Republic of the Congo to transfer Ladislas Ntaganzwa for trial without delay or conditions.

<sup>363</sup> Resolutions [2183 \(2014\)](#), para. 10; and [2247 \(2015\)](#), para. 3.

<sup>364</sup> Resolutions [2182 \(2014\)](#), para. 23.

reasonable grounds to believe had been, were being, or imminently would be used for migrant smuggling or human trafficking from Libya.<sup>365</sup>

In this connection, the Council requested Member States or coalitions of Member States to report to the Council on the implementation of mandates, as was the case in relation to the situation in Bosnia and Herzegovina,<sup>366</sup> the Central African Republic,<sup>367</sup> Libya,<sup>368</sup> Mali,<sup>369</sup> and Somalia.<sup>370</sup>

As in previous periods, the Council called upon “all Member States” and in particular Sudan and South Sudan to ensure the free, unhindered and expeditious movement to and from Abyei of all personnel and equipment for the exclusive use of UNISFA.<sup>371</sup> The Council also demanded “all relevant parties”, in addition to the Government of the Republic of South Sudan, to cooperate fully in the deployment, operations, monitoring, verification, and reporting functions of UNMISS, in particular by guaranteeing the safety, security, and unrestricted freedom of movement of UN and associated personnel.<sup>372</sup> In the context of Lebanon, the Council urged “all parties” to ensure that the freedom of movement of UNIFIL is fully respected and unimpeded.<sup>373</sup> Similarly, the Council urged “all parties” to cooperate with the operations of UNOCI and the French Forces by ensuring their safety, security and freedom of movement with unhindered and immediate access throughout the territory of Côte d’Ivoire to enable them to fully carry out their mandates.<sup>374</sup>

Finally, in some instances, the Council requested action from Member States acting “through” other international entities, echoing Article 48(2) of the Charter.<sup>375</sup>

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<sup>365</sup> Resolution [2240 \(2015\)](#), para. 5.

<sup>366</sup> Resolutions [2183 \(2014\)](#), para. 18.

<sup>367</sup> Resolutions [2149 \(2014\)](#), para. 47 and [2217 \(2015\)](#), para. 50.

<sup>368</sup> Resolution [2240 \(2015\)](#), para. 17.

<sup>369</sup> Resolutions [2164 \(2014\)](#), para. 26 and [2227 \(2015\)](#), para. 27.

<sup>370</sup> Resolutions [2184 \(2014\)](#), para. 30, [2244 \(2015\)](#), para. 7 and [2246 \(2015\)](#), para. 32.

<sup>371</sup> Resolutions [2156 \(2014\)](#), para. 16, [2179 \(2014\)](#), para. 16, and [2251 \(2015\)](#), para. 19.

<sup>372</sup> Resolution [2155 \(2014\)](#), para. 16.

<sup>373</sup> [S/PRST/2015/7](#), fourth paragraph.

<sup>374</sup> Resolutions [2162 \(2014\)](#), para. 29 and [2226 \(2015\)](#), para. 29.

<sup>375</sup> For example, the Council requested “all States contributing through CGPCS” to report on their efforts to establish jurisdiction and cooperation on the investigation and prosecution of piracy, resolutions [2184 \(2014\)](#), para. 30 and [2246 \(2015\)](#), para. 32. Similarly, resolution [2240 \(2015\)](#), para. 5, called on Member States “acting nationally or through regional organizations that are engaged in the fight against migrant smuggling and human trafficking” to inspect unflagged vessels used by organised criminal enterprises for migrant smuggling or human trafficking from Libya (see also paras. 9 and 10 of the same resolution).

## **Section VIII – Mutual assistance by Member States pursuant to Article 49 of the Charter**

### *Article 49*

*The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.*

#### **Note**

This section covers the practice of the Security Council in relation to Article 49 of the Charter concerning mutual assistance among Member States in carrying out the measures decided upon by the Council. The section consists of one sub-section covering decisions of the Council relating to mutual assistance in the implementation of measures adopted by the Council under Chapter VII of the Charter.

During the period under review, the Council did not explicitly invoke Article 49 in any of its decisions. However, the Council did request Member States to join in providing mutual assistance among, and to, Member States carrying out measures under Chapter VII. In the period 2014 to 2015, as in previous periods, there was no constitutional discussion in the Council relating to the interpretation or application of Article 49 of the Charter. In addition, no reference to Article 49 was found in the communications received by the Council.

#### **A. Decisions of the Council relating to mutual assistance in the implementation of measures under Chapter VII of the Charter**

During the period under review, the Council called upon Member States to enhance their cooperation, within and without peacekeeping missions to carry out measures decided upon by the Council. The Council's addressees of its calls for mutual assistance ranged from individual Member States, neighbouring or particularly concerned States, to "all Member States". The types of assistance requested from Member States varied greatly, from military assets and other resources to less tangible contributions such as assistance or efforts in the consolidation of State authority and the promotion of peace and security in the region.

For example, in connection with the situation in Bosnia and Herzegovina, the Council invited “all States” and in particular those in the region to continue to provide appropriate support and facilities, including transit facilities, to the Member States acting under the relevant authorization of the Council as peace stabilization force, the multinational stabilization force (EUFOR ALTHEA).<sup>376</sup>

Concerning the Central African Republic, the Council urged Member States to provide “the necessary support” to enable troop and police contributing countries to MINUSCA to reach United Nations standards without any further delay.<sup>377</sup> Similarly, it called on partners to pledge or confirm pledges for the lacking capabilities in MINUSCA.<sup>378</sup>

Furthermore, in relation to the situation in Côte d’Ivoire, the Council reiterated its call on the Governments of Côte d’Ivoire and Liberia to continue reinforcing their cooperation “particularly with respect to the border area” in developing and implementing a shared border strategy to support the disarmament and repatriation of foreign armed elements on both sides of the border.<sup>379</sup> Also in connection with the situation in Côte d’Ivoire, the Council encouraged “authorities from neighbouring countries” to address the instability in the western part of the country through coordinated action, again “particularly with respect to the border area”.<sup>380</sup> In addition, the Council reiterated the necessity for the Ivorian authorities to provide unhindered access to the French forces supporting UNOCI in the country.<sup>381</sup>

During the period under review, the outbreak of the Ebola virus in West Africa put on hold the joint activities described above between the Governments of Côte d’Ivoire and Liberia. This notwithstanding in the context of the agenda item “The situation in Liberia”, the Council called on these governments to reinforce their cooperation.<sup>382</sup> Furthermore, at the end of 2015 and in light of the progress achieved, the Council affirmed the expectation that the Government of Liberia would assume complete security responsibilities from UNMIL by 30 June 2016 and in

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<sup>376</sup> Resolution [2183 \(2014\)](#), para. 19.

<sup>377</sup> [S/PRST/2015/17](#), sixteenth paragraph.

<sup>378</sup> [S/PRST/2014/28](#), seventeenth paragraph.

<sup>379</sup> Resolutions [2162 \(2014\)](#), para. 30; and [2226 \(2015\)](#), para 30.

<sup>380</sup> Resolutions [2153 \(2014\)](#), para. 18; and [2219 \(2015\)](#), para. 19.

<sup>381</sup> Resolution [2219 \(2015\)](#), para. 23.

<sup>382</sup> Resolutions [2190 \(2014\)](#), para. 18; and [2239 \(2015\)](#), para. 19.

that context encouraged Member States and multilateral organizations to provide “financial, technical and other assistance”.<sup>383</sup>

Concerning Libya, the Council reiterated its encouragement to Libya and “neighbouring States” to continue efforts to promote regional cooperation aimed at stabilization of the situation in Libya and to prevent former regime elements and violent extremist groups from using their territories to carry out illicit acts to destabilize the country and the region.<sup>384</sup> With respect to the sanctions regime (in particular the arms embargo), the Council urged Member States and regional organizations to provide assistance to the Libyan government to strengthen the infrastructure and mechanisms in place to monitor the arms or related material supplied, sold or transferred to Libya.<sup>385</sup>

In Somalia and in connection with the arms embargo imposed under Article 41, the Council encouraged Member States supplying weapons and military equipment to assist the Federal Government of Somalia in improving the notifications to the relevant sanctions Committee.<sup>386</sup> The Council further encouraged Member States from East Africa to appoint focal points for the purpose of coordinating and exchanging information with the Monitoring Group (assisting the sanctions Committee) on regional investigations into Al-Shabaab.<sup>387</sup> In addition, the Council called upon Member States to assist Somalia to strengthen maritime capacity in the country with a view to bringing to justice those using Somali territory in connection with acts of piracy and armed robbery at sea.<sup>388</sup> It also called upon States “able to do so” to take part in the fight against piracy by *inter alia*, deploying naval vessels, arms and military aircraft.<sup>389</sup> Finally, the Council reiterated its call for new donors to support AMISOM through the provision of additional funding.<sup>390</sup>

In 2014 and 2015, in relation to the situation in Mali, the Council expanded its call to West African States in addition to Sahel and Maghreb States to enhance coordination in order to

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<sup>383</sup> Resolution [2239 \(2015\)](#), para. 5.

<sup>384</sup> Resolution [2144 \(2014\)](#), para. 6.

<sup>385</sup> Ibid., para. 9. See for further details concerning the sanctions regime, section III.A.2(l) above.

<sup>386</sup> Resolution [2182 \(2014\)](#), para. 2. See for further details concerning the sanctions regime, section III.A.2(a) above and sect.I.B.1(a) of part X of this Supplement for information on the mandate of the Committee.

<sup>387</sup> Resolution [2182 \(2014\)](#), para. 50.

<sup>388</sup> Resolutions [2184 \(2014\)](#), para. 7; and [2246 \(2015\)](#), para. 7.

<sup>389</sup> Resolutions [2184 \(2014\)](#), para. 11.

<sup>390</sup> Resolution [2232 \(2015\)](#), para. 16.

develop inclusive and effective strategies to combat in a comprehensive and integrated manner the activities of terrorist groups crossing borders and seeking safe havens in the Sahel region.<sup>391</sup>

During the period under review, in relation to agenda item “Threats to international peace and security caused by terrorist acts”, the Council called upon States to help build the capacity of States,<sup>392</sup> in particular the States neighbouring zones of armed conflict, to address the threat posed by foreign terrorist fighters, and to cooperate and consistently support each other’s efforts to counter violent extremism.<sup>393</sup> In the same vein, resolution [2253 \(2015\)](#) of the Council made various references urging, encouraging and calling upon Member States to act cooperatively and exchange information in connection with the fight against terrorism.<sup>394</sup>

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<sup>391</sup> Resolution [2227 \(2015\)](#), para. 29.

<sup>392</sup> [S/PRST/2014/23](#), tenth paragraph.

<sup>393</sup> Resolution [2178 \(2014\)](#), paras. 14 and 18 and [S/PRST/2015/11](#). twenty-fifth paragraph.

<sup>394</sup> Resolution [2253 \(2015\)](#), paras. 22, 32 and 47.

## Section IX – Special economic problems of the nature described in Article 50 of the Charter

### *Article 50*

*If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.*

#### **Note**

This section covers the practice of the Security Council in relation to Article 50 of the Charter, regarding the right of States to consult the Council with a view to resolving economic problems arising from the implementation of preventive or enforcement measures, such as sanctions, imposed by the Council.

During the period under review, the Security Council continued its practice of imposing targeted instead of comprehensive economic sanctions, thereby minimizing the unintended adverse impact on third States.<sup>395</sup> Diverging from past trends where none of the Security Council-mandated sanctions committee received formal requests for assistance under Article 50 of the Charter, one committee in 2015 received a formal request for assistance from a third State experiencing special economic problems arising from United Nations sanctions imposed on another State. On 31 March 2015, the Security Council Committee established pursuant to resolution [1718 \(2006\)](#) concerning the Democratic People's Republic of Korea received a letter from a Member State regarding a request for assistance in relation to the “Mu Du Bong” incident. On 21 July 2015, the Member State in question provided additional information to the Committee concerning a request for assistance under Article 50 of the Charter.<sup>396</sup>

The Council did not explicitly invoke Article 50 of the Charter in any of its decisions. However, the Council adopted decisions that may be deemed of relevance to the interpretation and application of Article 50 by the Council. For example, on 12 November 2014 in its

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<sup>395</sup> For more information related to sanctions measures, see section III above.

<sup>396</sup> See [S/2015/987](#), para. 15.

resolution [2184 \(2014\)](#) concerning the situation in Somalia, the Council requested cooperating States to take appropriate steps to ensure that the authorised activities to combat piracy and armed robbery at sea off the coast of Somalia, did not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State.<sup>397</sup> The Council reiterated the aforementioned request in its resolution [2246 \(2015\)](#) of 10 November 2015.<sup>398</sup>

While Article 50 of the Charter was not explicitly mentioned in any meeting of the Council, some Council members made reference to the impact of sanctions during meetings of the Council of relevance for the interpretation and application of Article 50. On 25 November 2014, under the item “General issues relating to sanctions”, the representative of China said that efforts should be made to minimize the negative impact of sanctions on the general population and third-party States.<sup>399</sup> Whilst stressing that sanctions were an important instrument for conflict resolution, the representative of the Russian Federation cautioned that sanctions should not become a mechanism for collective punishment affecting the well-being of the population of the affected country and undermining the legitimate interests of third States.<sup>400</sup> The representative of Jordan called for the Council to develop a structured approach, as envisaged in the Charter, for close co-operation between the adversely affected States — both targeted and neighbouring States — and the sanctions committees. He argued for a systematic dialogue, following the imposition of sanctions measures, to identify the views, burdens and needs of the concerned States, which were often “fragile or failed States”.<sup>401</sup>

Of all the subsidiary organs, only the Committee established pursuant to resolution [1718 \(2006\)](#) explicitly referred to Article 50 in its annual report to the Council.<sup>402</sup> Moreover, the report ([S/2015/987](#)) was the only instance of a communication to the Council in the period 2014 to 2015 in which Article 50 of the Charter was explicitly invoked.

Although not explicitly mentioning Article 50, a report entitled “Compendium of the High-level Review of United Nations Sanctions”, which was transmitted in a letter dated 12 June

<sup>397</sup> Resolution [2184 \(2014\)](#), para. 16.

<sup>398</sup> Resolution [2246 \(2015\)](#), para. 17.

<sup>399</sup> [S/PV.7323](#), p. 14.

<sup>400</sup> Ibid, p. 18.

<sup>401</sup> Ibid, p. 20.

<sup>402</sup> [S/2015/987](#), para. 15.

2015 from the Permanent Representatives of Australia, Finland, Germany, Greece and Sweden addressed to the Secretary-General, made several references to the unintended negative economic consequences of sanctions on third States.<sup>403</sup> It reported that several of the High-level Review working groups had found that private sector actors were confused by differing unilateral, regional and United Nations sanctions. As a result, they were applying policies that had resulted in over-compliance, including foregoing legitimate business with entities not subject to UN sanctions, or even all business with a particular country. The report further highlighted that humanitarian actors had noted that sanctions had played a role in dissuading donors from providing aid to certain regions, regardless of who was targeted or whether or not exemptions were available.<sup>404</sup>

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<sup>403</sup> [A/69/941-S/2015/432](http://www.un.org/ga/search/view_doc.asp?symbol=A/69/941-S/2015/432).

<sup>404</sup> Ibid, p. 56.

## **Section X – The right of individual or collective self-defence in accordance with Article 51 of the Charter**

### *Article 51*

*Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.*

### **Note**

This section deals with the practice of the Security Council in relation to Article 51 of the Charter, regarding the “inherent right of individual or collective self-defence” in the event of an armed attack against a Member State. The section is divided into three sub-sections. Sub-section A covers decisions adopted by the Council relating to Article 51, sub-section B covers the discussions of the Council of relevance to the interpretation and application of Article 51 and sub-section C covers references to Article 51 and the right to self-defence in communications addressed to the Security Council.

#### **A. Decisions of the Security Council relating to Article 51**

During the period under review, the Council made reference to Article 51 of the Charter in one decision. In resolution [2220 \(2015\)](#) on small arms, the Council emphasized that “the right of individual and collective self-defence recognised in Article 51 of the Charter of the United Nations and the legitimate security demands of all countries should be fully taken into account”.<sup>405</sup>

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<sup>405</sup> Resolution [2220 \(2015\)](#), third preambular paragraph.

## B. Discussion relating to Article 51

During the period 2014 to 2015, explicit references to Article 51 were made at numerous meetings of the Council in relation to a broad range of agenda items some of which gave rise to relevant discussions for purposes of the interpretation and application of this article, as described in cases 18 to 23 below.<sup>406</sup> The right to self-defence was also referenced by Member States in numerous meetings of the Council.<sup>407</sup>

As further described below, the Security Council considered the tensions in Ukraine under two agenda items.<sup>408</sup> Article 51 was explicitly referenced in several deliberations under both of these items, as featured in cases 18 and 19 below. Indeed, by a letter dated 28 February 2014 addressed to the President of the Security Council, the representative of Ukraine requested an urgent meeting of the Council, in accordance with Articles 34 and 35 of the Charter.<sup>409</sup> Subsequently, as events on the ground unfolded, by a letter dated 13 April 2014 addressed to the President of the Security Council, the representative of the Russian Federation requested an emergency meeting to consider the development of the situation in Ukraine.<sup>410</sup> In addition, during the period under review multiple Member States engaged in military operations against the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) in Iraq and Syria. As covered in sub-section C below, the principle of individual and/or collective self-defence as well as Article 51 of the Charter were referenced in many communications received by the President of the Council. As featured below in cases 20 to 23, Council members discussed the scope and

<sup>406</sup> Other explicit references to Article 51 were made in the following meetings: [S/PV.7247](#), p. 41 (Azerbaijan) (Maintenance of international peace and security); [S/PV.7389](#), p. 56 (Iran, Islamic Republic of) and p. 57 (Zimbabwe) (Maintenance of international peace and security); [S/PV.7426](#), p. 9 (Yemen) (The situation in the Middle East); [S/PV.7430](#), p. 11 (Jordan) (The situation in the Middle East, including the Palestinian question); and [S/PV.7442](#), p. 32 (Brazil) (Small arms).

<sup>407</sup> See [S/PV.7105](#), p.71 (the Democratic Republic of the Congo); and p.79 (China); [S/PV.7169](#), p. 42 (Democratic People's Republic of Korea); [S/PV.7208](#), p. 30 (Pakistan); [S/PV.7214](#), pp. 3-6 (State of Palestine); and pp. 6-8 (Israel); [S/PV.7220](#), pp. 4-7 (State of Palestine); pp. 7 – 9 (Israel); pp. 10 – 11 (United States); p. 15 (United Kingdom); and p. 20 (Rwanda); [S/PV.7222](#), pp. 10-11 (Jordan); pp. 23-25 (Australia); pp. 26-27 (Chad); pp. 28-29 (Rwanda); pp. 29-30 (Lebanon); pp. 32-34 (Saudi Arabia on behalf of the Organisation of Islamic States); pp. 35-37 (Malaysia); p. 37 (European Union); pp. 47 (the Plurinational State of Bolivia); p. 50 (Indonesia); p. 51 (Norway); p. 59 (El Salvador); p. 60 (Canada); p. 61 (Bangladesh); and p. 68 (Jamaica); [S/PV.7281](#), p. 32 (Egypt); p. 40 (Malaysia); p. 50 (Belize); p.52 (Zimbabwe on behalf of the Southern Africa Development Community, SADC);and pp. 64-65 (Peru); [S/PV.7316](#), p. 59 (Kenya); [S/PV.7360](#), p. 11 (Israel); and p. 61 (Peru); [S/PV.7361](#), p. 80 (Armenia); [S/PV.7389](#), p. 52 (South Africa); p. 82 (Democratic People's Republic of Korea); and [S/PV.7430](#), p. 63 (Zimbabwe on behalf of SADC).

<sup>408</sup> See for further details, part I, sections 21 and 22 of this Supplement.

<sup>409</sup> [S/2014/136](#).

<sup>410</sup> [S/2014/264](#).

interpretation of the right to self-defence in the context of these military operations under both thematic and country-specific agenda items.

### Case 18

#### **Letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/2014/264)**

On 13 April 2014, under the second of the two agenda items, namely “Letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council ([S/2014/264](#))”, the Council was briefed on the situation regarding Ukraine.<sup>411</sup> Following the briefing, the representative of Luxembourg stated that, by virtue of Article 51 of the Charter, Ukraine had the right to defend itself against threats to its territorial integrity.<sup>412</sup> While not explicitly referring to Article 51 of the Charter, the representative of Rwanda concurred that Ukraine had a right to self-defence.<sup>413</sup> Similarly, on 2 May 2014, under the above item, the representative of the United States supported the right of Ukraine to self-defence, while criticising the Russian Federation for invoking Article 51 of the Charter in the context of its “takeover of parts” of Georgia and in the eastern Ukraine.<sup>414</sup>

### Case 19

#### **Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)**

On 29 April 2014, under the item “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council ([S/2014/136](#))”, the representative of the United Kingdom opposed the assertion that the Russian Federation had a legal basis to intervene in Ukraine in accordance with the right to self-defence under Article 51 of the Charter.<sup>415</sup> He further stated that the Russian nationals were not under threat in Ukraine and the Russian Federation had no justification for invoking Article

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<sup>411</sup> [S/PV.7154](#).

<sup>412</sup> Ibid, pp. 10-11.

<sup>413</sup> Ibid, p. 7.

<sup>414</sup> [S/PV.7167](#), p. 18.

<sup>415</sup> [S/PV.7165](#), p. 3.

51.<sup>416</sup> Similarly, the representative of Ukraine questioned the Russian Federation’s invocation of the right to self-defence under Article 51 of the Charter in the territory of another country.<sup>417</sup> Further, on 28 August 2014, under the same item, the representative of Lithuania recognised the right of Ukraine to defend itself in accordance with Article 51 of the Charter. She further called on the Russian Federation to withdraw from the sovereign territory of Ukraine and comply with international law and respect the Charter.<sup>418</sup> The representative of Ukraine said that, in view of the “open Russian military aggression”, Ukraine had reserved the right to act in accordance with Article 51 of the Charter. He called on the international community to provide assistance to Ukraine in order to resist the Russian aggression.<sup>419</sup> Similarly, on 21 January 2015, in a subsequent meeting of the Council, the representative of Ukraine stated that, in accordance with the principle of collective self-defence, Ukraine had called on many States and organizations for assistance.<sup>420</sup> Finally, on 5 June 2015, under the same item, the representative of Ukraine reiterated the right of Ukraine to defend its territorial integrity and sovereignty against Russian aggression. He also stated that Ukraine, under Article 51, had the right to invite other countries to assist it in defending itself.<sup>421</sup>

### **Case 20 Maintenance of international peace and security**

On 23 February 2015, under the item “Maintenance of international peace and security,” the representative of Iran, on behalf of the Non-Aligned Movement, said that Article 51 of the Charter was “restrictive” and should not be rewritten or reinterpreted.<sup>422</sup> Stressing the importance of resolving conflicts by peaceful means, the representative of Zimbabwe, on behalf of the Southern African Development Community, stressed that the use of force had to be guided by

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<sup>416</sup> Ibid, p. 3.

<sup>417</sup> Ibid, p. 18.

<sup>418</sup> [S/PV.7253](#), p. 4.

<sup>419</sup> Ibid, p. 15.

<sup>420</sup> [S/PV.7365](#), p. 21.

<sup>421</sup> [S/PV.7457](#), p. 19.

<sup>422</sup> [S/PV.7389](#), p. 56.

the provisions of Article 51 of the Charter, which authorized “force only in cases of legitimate self-defence”.<sup>423</sup>

On 30 September 2015, under the above agenda item and the sub-agenda item entitled “Settlement of conflicts in the Middle East and North Africa and countering terrorist threat in the region”, the Council held its 7527<sup>th</sup> meeting to address the concept note circulated by the Russian Federation which aimed at engaging in a comprehensive consideration of the situation in the Middle East and North Africa. At that meeting, the Secretary of State of the United States in reference to the military actions undertaken in the region stated that coalition air operations against ISIL targets in Syria were conducted in accordance with international law and based on the requests of neighbouring countries for collective self-defence under Article 51 of the Charter.<sup>424</sup> Similarly, the Secretary for Foreign Affairs and Trade of Australia stated that air operations by Australia targeting Da’esh in Syria were consistent with Article 51 of the Charter.<sup>425</sup> He further stated that the Government of the Syrian Arab Republic had failed to constrain Da’esh’s continued attacks in Iraq from safe havens in Syria. Thence, Australia, in conjunction with coalition partners, was acting in response to the request for assistance by Iraq, and military operations against the ISIL in Syria were undertaken in the collective self-defence of Iraq.<sup>426</sup>

### Case 21

#### **Implementation of the note by the President of the Security Council (S/2010/507)**

On 20 October 2015, under the item “Implementation of the note by the President of the Security Council ([S/2010/507](#))” the Council held its 7539<sup>th</sup> meeting on working methods of the Council. At that meeting, the representative of Guatemala expressed concern with the increase in the number of letters transmitted to the President of Council to justify military action taken in accordance with Article 51 of the Charter.<sup>427</sup> She questioned whether communications, which were transmitted ex post facto to justify actions that had already been taken, complied with the

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<sup>423</sup> Ibid, p. 57.

<sup>424</sup> [S/PV.7527](#), p. 22.

<sup>425</sup> Ibid., p. 69.

<sup>426</sup> Ibid.

<sup>427</sup> [S/PV.7539](#), p. 29.

reporting obligations of States provided for in the Charter. Arguing that those communications did not exempt the Council from its responsibility to maintain international peace and security, she questioned whether their transmission presented sufficient grounds to justify “any future military action” flowing from it.<sup>428</sup>

### **Case 22** **Threats to international peace and security caused by terrorist acts**

On 20 November 2015, under the item “Threats to international peace and security caused by terrorist acts,” following the adoption of resolution [2249 \(2015\)](#), the representative of France said that Da’esh had committed an “act of war” against France when it launched attacks in Paris and Saint-Denis on 13 November 2015.<sup>429</sup> He stated that earlier French military action against Da’esh targets in Syria had been undertaken on the grounds of legitimate collective self-defence. However, following the November attacks, French military action could also be characterised as “individual self-defence, in accordance with Article 51 of the Charter”.<sup>430</sup> The representative of the United States noted that Iraq had made clear that it was facing a serious threat of continuing attacks from ISIL, in particular from safe havens in Syria and that the “Al-Assad regime” in Syria had shown that it could not and would not suppress that threat. She therefore added that the United States was taking necessary and proportionate military action to deny ISIL safe haven “[i]n accordance with the Charter of the United Nations and its recognition of the inherent right to individual and collective self-defence”.<sup>431</sup> Further the representative of the United Kingdom affirmed that the resolution was a powerful recognition of the threat posed by ISIL and that, like others, his country had already taken action against ISIL on the basis of “individual and collective self-defence”.<sup>432</sup>

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<sup>428</sup> Ibid.

<sup>429</sup> [S/PV.7565](#), p. 2.

<sup>430</sup> Ibid.

<sup>431</sup> Ibid., p. 4.

<sup>432</sup> Ibid., p. 9.

### Case 23 The situation concerning Iraq

On 18 December 2015, under the item “The situation concerning Iraq”, the Council discussed the military operations of Turkey in Iraq in December 2015.<sup>433</sup> The Minister for Foreign Affairs of Iraq said that the Iraqi federal authorities had not granted permission to Turkish forces to enter the country and that the actions constituted a violation of Iraqi sovereignty and were in breach of the provisions of the Charter and norms of international law.<sup>434</sup> While noting that Iraq had entrusted its security, unity and territorial integrity to the Council, he recalled that several Council resolutions had stressed the inherent right of Member States to individual or collective self-defence, in accordance with Article 51, should they be subject to armed attack. He further stated that Iraq would take all necessary measures to end such hostile acts.<sup>435</sup> The representative of Turkey said that Turkey had no interest in violating Iraqi sovereignty or any ambitions for its territory. However, he stressed that Turkey had the right to exercise self-defence against Da’esh and the Kurdish Workers Party in Iraq, which posed significant threats to the safety and security of Turkey from areas “beyond the reach of the Iraqi Government”.<sup>436</sup>

#### C. References to Article 51 and the right of self-defence in communications addressed to the Security Council

During the period under review, Article 51 and the principle of self-defence were referenced in multiple communications addressed to the President of the Council. In these communications, Member States informed the Council of actions carried out in individual or collective self-defence, or declared an intention to consider possible future action invoking their individual right to self-defence.

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<sup>433</sup> [S/PV.7589](#).

<sup>434</sup> Ibid, pp. 3-4.

<sup>435</sup> Ibid.

<sup>436</sup> Ibid, pp. 4-6.

The Council received such communications in connection with multiple conflicts and situations concerning Ukraine,<sup>437</sup> the Golan Heights,<sup>438</sup> Libya,<sup>439</sup> Palestine,<sup>440</sup> Israel and Lebanon,<sup>441</sup> the line of control in Jammu and Kashmir,<sup>442</sup> Georgia,<sup>443</sup> and the Sudan and South Sudan.<sup>444</sup> In connection with the issue of nuclear deterrence for self-defence, the Council also received communications concerning the Democratic People's Republic of Korea.<sup>445</sup>

Of particular significance during the period under review and given the number of communications received, were the references to the principle of self-defence in the context of the fight against the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) in Iraq and Syria submitted by Australia,<sup>446</sup> Canada,<sup>447</sup> France,<sup>448</sup> Germany,<sup>449</sup> the Russian Federation,<sup>450</sup> the Syrian Arab Republic,<sup>451</sup> Turkey,<sup>452</sup> the United Kingdom,<sup>453</sup> and the United

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<sup>437</sup> Letter dated 13 March 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council ([S/2014/186](#)).

<sup>438</sup> Identical letters dated 17 June 2014 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2014/415](#)). Identical letters dated 15 July 2014 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2014/495](#)).

<sup>439</sup> Letter dated 17 June 2014 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council ([S/2014/417](#)).

<sup>440</sup> Identical letters dated 30 July 2014 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council ([S/2014/551](#)).

<sup>441</sup> Identical letters dated 26 August 2014 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2014/630](#)).

<sup>442</sup> Letter dated 11 October 2014 from the Secretary-General addressed to the President of the Security Council ([S/2014/730](#)).

<sup>443</sup> Identical letters dated 23 December 2014 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2014/941](#)).

<sup>444</sup> Letter dated 1 August 2015 from the Chargé d'affaires a.i. of the Permanent Mission of the Sudan to the United Nations addressed to the President of the Security Council ([S/2015/594](#)).

<sup>445</sup> Letter dated 26 January 2014 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council ([S/2014/53](#)). Letter dated 15 March 2014 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council ([S/2014/194](#)). Letter dated 21 July 2014 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council ([S/2014/512](#)). Letter dated 20 December 2014 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council ([S/2014/930](#)).

<sup>446</sup> Letter dated 9 September 2015 from the Permanent Representative of Australia to the United Nations addressed to the President of the Security Council ([S/2015/693](#)).

<sup>447</sup> Letter dated 31 March 2015 from the Chargé d'affaires a.i. of the Permanent Mission of Canada to the United Nations addressed to the President of the Security Council ([S/2015/221](#)).

<sup>448</sup> Identical letters dated 8 September 2015 from the Permanent Representative of France to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2015/745](#)).

<sup>449</sup> Letter dated 10 December 2015 from the Chargé d'affaires a.i. of the Permanent Mission of Germany to the United Nations addressed to the President of the Security Council ([S/2015/946](#)).

<sup>450</sup> Letter dated 15 October 2015 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council ([S/2015/792](#)).

<sup>451</sup> Identical letters dated 29 July 2015 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2015/574](#)). Identical letters dated 17 September 2015 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary General

States.<sup>454</sup> The communications revealed contrasting views about the scope, application and interpretation of the principle of self-defence. Also of significance in the period under review were the communications concerning the situation in Yemen referencing Article 51 of the Charter in support of military operations by the States members of the Gulf Cooperation Council and a number of other Arab States.<sup>455</sup>

Article 51 was also explicitly mentioned in the Final Document of the Seventeenth Ministerial Conference of the Non-Aligned Movement (NAM), in which the Ministers reaffirmed the principled positions of the NAM concerning the peaceful settlement of disputes, and the prohibition of the threat or use of force. As in the past, the Final Document noted that, consistent with the practice of the United Nations and international law, as pronounced by the International Court of Justice, Article 51 of the Charter was “restrictive and should not be rewritten or reinterpreted”.<sup>456</sup> Finally, the right to self-defence was explicitly referenced in two reports of the Secretary-General on the implementation of Security Council resolution [1701 \(2006\)](#) concerning the hostilities in Lebanon and Israel.<sup>457</sup>

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and the President of the Security Council ([S/2015/719](#)). Identical letters dated 21 September 2015 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary General and the President of the Security Council ([S/2015/727](#)). Identical letters dated 14 October 2015 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2015/789](#)). Identical letters dated 29 December 2015 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary General and the President of the Security Council ([S/2015/1048](#)).

<sup>452</sup> Identical letters dated 22 February 2015 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2015/127](#)). Letter dated 24 July 2015 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the President of the Security Council ([S/2015/563](#)).

<sup>453</sup> Identical letters dated 25 November 2014 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2014/851](#)). Letter dated 7 September 2015 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council ([S/2015/688](#)). Letter dated 3 December 2015 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council ([S/2015/928](#)).

<sup>454</sup> Letter dated 23 September 2014 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General ([S/2014/695](#)).

<sup>455</sup> Identical letters dated 26 March 2015 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2015/217](#)). Note verbale dated 2 April 2015 from the Permanent Observer of the League of Arab States to the United Nations addressed to the President of the Security Council ([S/2015/232](#)).

<sup>456</sup> Letter dated 1 August 2014 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General ([S/2014/573](#)).

<sup>457</sup> [S/2014/130](#), par. 67; [S/2014/438](#), par. 18