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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 of the present Supplement 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 to 51. This part is divided into 10 sections, 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 action in response to those threats, including the imposition of sanctions measures or the authorization of the use of force. Sections V and 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. The sections contain sub-sections on discussions held within the Security Council regarding the proper interpretation and implementation of the Articles governing the Security Council's primary responsibility to maintain international peace and security.

During the period under review, as in previous periods, the Council adopted 50 per cent of its resolutions (27 out of 54 resolutions) explicitly under Chapter VII of the Charter. 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.

As discussed in section I, the Council affirmed in 2018 that the situations in the Central African Republic, the Democratic Republic of the Congo, Lebanon, Libya, Mali, Somalia, the Sudan and South Sudan, Yemen, as well as the severity of the humanitarian situation in the Syrian Arab Republic, continued to constitute threats to regional and/or international peace and security. In connection with the situation in Bosnia and Herzegovina, the Council maintained its determination that the situation in the region continued to constitute a threat to international peace and security.

With respect to specific countries, the Council recalled past determinations of threats to international peace and security of significance in those situations. For example, in connection with the Democratic Republic of the Congo, the Council recalled its determination that the unprecedented extent of the Ebola outbreak in Africa constituted a threat to international peace and security. Regarding Afghanistan, the Council referred to the threat posed by the production, trafficking and consumption of illicit drugs originating in Afghanistan. In relation to Libya, the Council reaffirmed its determination that terrorism, in all forms and manifestations, constituted one of the most serious threats to peace and security. Similarly, on Mali, the Council condemned the activities of terrorist organizations and referred to them as a threat to international peace and security in the region.

Concerning Somalia, the Council determined that the incidents of piracy and armed robbery at sea off the coast of Somalia continued to constitute a threat to international peace and security in the region, as well as the flow of weapons and ammunition supplies to and through Somalia in violation of the arms embargo. Likewise, with respect to the situation in the Central African region, the Council recalled that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons and their ammunition continued to pose threats to international peace and security.

As in past practice, the Council continued to reaffirm that terrorism and the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constituted threats to international peace and security. Moreover, in 2018, some of the discussions in the Council focused on the existential nature of some of the identified threats to international peace and security and the planet, and the need for greater multilateral cooperation.

As set out in section II, in 2018, the Council adopted measures to prevent the aggravation of the situations in South Sudan and Yemen, which were of relevance for the interpretation and application of Article 40 of the Charter.

As covered in section III, in the period under review, the Council imposed new measures under Article 41 in connection with the situation in South Sudan and terminated the sanctions measures on Eritrea. The Council renewed the existing measures concerning Somalia, the Democratic Republic of the Congo, Libya, the Central African Republic, Yemen, South Sudan and

Mali. The Council also made modifications to the sanctions regimes concerning Somalia, Libya and South Sudan. No changes were made to the measures concerning the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) and Al-Qaida and associates, the Taliban and associated individuals and entities, Iraq, the Sudan, Lebanon, the Democratic People's Republic of Korea, and Guinea-Bissau. As far as judicial measures were concerned, no action was taken in 2018.

Procedurally, the Council agreed that issues pertaining to the International Residual Mechanism for Criminal Tribunals would be considered under the item entitled "International Residual Mechanism for Criminal Tribunals".

As described in section IV, the Council reiterated authorizations granted prior to 2018 to United Nations peacekeeping missions and multinational forces to use force under Chapter VII of the Charter, with regard to the maintenance or restoration of international peace and security in Bosnia and Herzegovina, the Central African Republic, the Democratic Republic of the Congo, Haiti, Lebanon, Libya, Mali, Somalia, the Sudan (including Darfur and Abyei) and South Sudan. In that regard, the Council renewed the authorization to use force to discharge the protection-of-civilians mandate of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the United Nations Organization Mission in the Democratic Republic of the Congo, the United Nations Stabilization Mission in Haiti, the United Nations Interim Force in Lebanon, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the African Union Mission in Somalia, the African Union-United Nations Hybrid Operation in Darfur, the United Nations Interim Security Force for Abyei and the United Nations Mission in South Sudan. Moreover, the Council reiterated the authorization granted to the French forces in the Central African Republic and Mali to take "all necessary measures" to support MINUSCA and MINUSMA, respectively, in fulfilling the mandated tasks. With respect to the situation in Somalia, the Council also extended the authorization to States and regional organizations cooperating with Somali authorities to repress acts of piracy and armed robbery at sea off the coast of Somalia. In relation to the situation in Libya, the Council reiterated its authorization to Member States to take "all necessary measures" when confronting migrant smugglers as well as in carrying out the inspection of vessels in the implementation of the arms embargo. With regard to the situation in Bosnia and Herzegovina, the Council renewed its authorization to Member States,

under the European Union Force-Althea (EUFOR Althea) and the North Atlantic Treaty Organization (NATO) presence, to take “all necessary measures” to effect the implementation of and to ensure compliance with the General Framework Agreement for Peace in Bosnia and Herzegovina, the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic and, at the request of either EUFOR Althea or NATO, to take “all necessary measures” in their defense.

As described in sections V to VIII, in the context of peacekeeping, the Council called upon Member States to contribute troops and other assets, including aerial force enablers, while Member States continued to call for greater interaction and enhanced consultations with troop- and police-contributing countries during the period under review. In addition, the Council frequently requested compliance with its decisions adopted under Chapter VII by States and non-State actors alike. As covered in section X, Article 51 as well as the principle of individual and/or collective self-defence were cited abundantly in communications addressed to the Council and in its discussions. This led to substantive deliberations during the period under review on the scope and interpretation of the right to self-defence under a wide range of agenda items.

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

Section I 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 of the Charter. 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 subsections. Subsection A provides an overview of the decisions of the Council relating to the determination of a “threat to the peace”, and subsection 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 subsection 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 of the peace, act of aggression or new threat to international peace and security. This notwithstanding, the Council continued to monitor the evolution of existing and emerging conflicts and situations so as to determine, reaffirm and recognize the existence of continuing threats.

Throughout 2018, the Council determined that the situations in the Central African Republic, the Democratic Republic of the Congo, Lebanon, Libya, Mali, Somalia, the Sudan and South Sudan, and Yemen, as well as the devastating humanitarian situation in the Syrian Arab Republic, continued to pose threats to international peace and security and/or threats to international peace and security in the respective regions.¹

In Africa, with respect to the situation in the Central African Region, the Council recalled that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons and their ammunition continued to pose threats to international peace and security.² The Council also made a determination of the existence of such threat in connection with the item entitled “Peace consolidation in West Africa”.³ With regard to the situation concerning the Democratic Republic of the Congo, the Council recognized the recurring threat of the Ebola virus, recalling its resolution [2177 \(2014\)](#) by which it determined that the unprecedented extent of the Ebola outbreak in Africa constituted a threat to international peace and security.⁴ In addition, recalling that the situation in the Democratic Republic of the Congo continued to constitute a threat to international peace and security in the region, the Council expressed concern that this security situation would negatively impact the ability to respond to and contain the outbreak of the Ebola virus.⁵

¹ See, in relation to the situation in the Central African Republic, resolutions [2399 \(2018\)](#), twenty-ninth preambular paragraph; [2446 \(2018\)](#), third preambular paragraph; and [2448 \(2018\)](#), thirty-fifth preambular paragraph; in relation to the situation concerning the Democratic Republic of the Congo, resolutions [2409 \(2018\)](#), thirty-sixth preambular paragraph; and [2424 \(2018\)](#), fifth preambular paragraph; in relation to the situation in Libya, [2420 \(2018\)](#), thirty-first preambular paragraph; [2434 \(2018\)](#), thirty-first preambular paragraph; and [2441 \(2018\)](#), fifteenth preambular paragraph; in relation to the situation in Mali, resolutions [2423 \(2018\)](#), thirty-eight preambular paragraph; and [2432 \(2018\)](#), ninth preambular paragraph; in relation to the situation in the Middle East, resolutions [2433 \(2018\)](#), twenty-sixth preambular paragraph (Lebanon); [2401 \(2018\)](#), twelfth preambular paragraph; and [2449 \(2018\)](#), twenty-eight preambular paragraph (Syria); and [2402 \(2018\)](#), thirteenth preambular paragraph; and [2451 \(2018\)](#), fifth preambular paragraph (Yemen); in relation to the situation in Somalia, resolutions [2415 \(2018\)](#), third preambular paragraph; [2431 \(2018\)](#), twenty-third preambular paragraph; and [2444 \(2018\)](#), twenty-fourth preambular paragraph; and in relation to the situation in the Sudan and South Sudan, resolutions [2400 \(2018\)](#), second preambular paragraph; [2425 \(2018\)](#), fourth preambular paragraph; [2439 \(2018\)](#), thirty-seventh preambular paragraph; and [2429 \(2018\)](#), thirty-fifth preambular paragraph (the Sudan); [2406 \(2018\)](#), thirty-second preambular paragraph; and [2418 \(2018\)](#), third preambular paragraph (South Sudan).

² [S/PRST/2018/17](#), seventeenth paragraph.

³ [S/PRST/2018/3](#), twenty-second paragraph; and [S/PRST/2018/16](#), sixteenth paragraph.

⁴ Resolution [2439 \(2018\)](#), second preambular paragraph.

⁵ *Ibid.*, third preambular paragraph.

With respect to the situation in Libya, the Council also reaffirmed its determination that terrorism, in all forms and manifestations, constituted one of the most serious threats to peace and security.⁶ In connection with the situation in Mali, the Council condemned the activities of terrorist organizations operating in the country, including the Movement of Oneness and Jihad in West Africa, Al-Qaida in the Islamic Maghreb, Al Mourabitoune, Ansar Eddine, and associated individuals and groups such as Jama'at Nusrat al-Islam wal-Muslimin (Group for the Support of Islam and Muslims) and the Islamic State in Greater Sahara and Ansar-al Islam, stating that they constituted a threat to peace and security in the region and beyond.⁷

With reference to the situation in Somalia, the Council determined that piracy and armed robbery at sea off the Somali coast, as well as the activity of pirate groups in Somalia, constituted important factors exacerbating the situation in Somalia which continued to pose a threat to international peace and security in the region.⁸ Moreover, the Council expressed concern over the continued threat to the peace and stability of the country and the region posed by Al-Shabaab.⁹ The Council also determined that the flows of weapons and ammunition supplies to and through Somalia in violation of the arms embargo, including when they resulted in supplies to Al-Shabaab and affiliates linked to the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) constituted a serious threat to peace and stability in the region. In that regard, the Council expressed further concern at reports of increased illegal flows of weapons and ammunition supplied from Yemen to Somalia.¹⁰ In relation to the situation in the Sudan and South Sudan, the Council reaffirmed that the current situation in Abyei and along the border between the Sudan and South Sudan continued to constitute a serious threat to international peace and security.¹¹

In Asia, in connection with the situation in Afghanistan, the Council continued to recognize the “threat to the international community” posed by the production, trafficking and consumption of

⁶ Resolution [2420 \(2018\)](#), fourth preambular paragraph.

⁷ Resolution [2423 \(2018\)](#), sixteenth preambular paragraph.

⁸ Resolution [2442 \(2018\)](#), thirty-sixth preambular paragraph.

⁹ Resolution [2444 \(2018\)](#), fourth preambular paragraph.

¹⁰ Ibid., seventh preambular paragraph.

¹¹ Resolutions [2411 \(2018\)](#), second preambular paragraph; [2412 \(2018\)](#), sixth preambular paragraph; [2416 \(2018\)](#), fourteenth preambular paragraph; [2438 \(2018\)](#), sixth preambular paragraph; and [2445 \(2018\)](#), sixteenth preambular paragraph.

illicit drugs originating in Afghanistan.¹² The Council made a similar determination under the item entitled “Maintenance of international peace and security”, and further took note of the significant increase in the cultivation, production, trade and trafficking of illicit drugs in Afghanistan, which continued to pose a threat to peace and stability in the region and beyond.¹³

In Europe, in connection with the situation in Bosnia and Herzegovina, the Council determined that the situation in the region continued to constitute a threat to international peace and security.¹⁴

During 2018, several decisions adopted in connection with thematic items also made reference to threats to international peace and security. In that regard, under the item entitled “Non-proliferation/the Democratic People’s Republic of Korea”, the Council reaffirmed that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constituted a threat to international peace and security.¹⁵ Under the item “Threats to international peace and security”, the Council reaffirmed that terrorism posed a threat to international peace and security and that countering this threat required collective efforts on national, regional and international levels.¹⁶

The relevant provisions of the decisions, concerning country- or region-specific or thematic, in which the Council referred to continuing threats to peace and security during the period under review are set out in tables 1 and 2, respectively.

Table 1
Decisions in which the Council referred to continuing threats to the peace, by region and country, 2018

<i>Decision and date</i>	<i>Provision</i>
Africa	
Central African Region	

¹² Resolution [2405 \(2018\)](#), para. 34.

¹³ [S/PRST/2018/2](#), fourteenth and fifteenth preambular paragraph.

¹⁴ Resolution [2443 \(2018\)](#), twenty-second preambular paragraph.

¹⁵ Resolution [2407 \(2018\)](#), seventh preambular paragraph.

¹⁶ [S/PRST/2018/9](#), fifth paragraph.

<i>Decision and date</i>	<i>Provision</i>
S/PRST/2018/17 10 August 2018	The Security Council recalls that the illicit transfer, destabilising accumulation and misuse of small arms and light weapons and their ammunition continue to pose threats to international peace and security, cause significant loss of life and contribute to instability and security in Central Africa, and, in this regard, encourages UNOCA to continue to contribute, in its capacity as the Secretariat for the United Nations Standing Advisory Committee on Security Questions in Central Africa, to countering this threat and calls for sustainable assistance by international and bilateral donors. The Security Council commends UNOCA's support for regional anti-piracy efforts, in cooperation with UNOWAS, the member States of ECCAS, ECOWAS and the Gulf of Guinea Commission, to address maritime insecurity in the Gulf of Guinea. The Council encourages UNOCA to continue to work with UNOWAS, ECCAS and the Gulf of Guinea Commission to support the full operationalisation of the Yaoundé process architecture for safety and security in the Gulf of Guinea, particularly the Interregional Coordination Centre (seventeenth paragraph)

The situation in the Central African Republic

Resolution 2399 (2018) 30 January 2018	Determining that the situation in the Central African Republic continues to constitute a threat to international peace and security (twenty-ninth preambular paragraph) See also resolution 2446 (2018) (third preambular paragraph) and resolution 2448 (2018) (thirty-fifth preambular paragraph)
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The situation concerning the Democratic Republic of the Congo

Resolution 2409 (2018) 27 March 2018	Determining that the situation in the DRC continues to constitute a threat to international peace and security in the region (thirty-sixth preambular paragraph) See also resolution 2424 (2018) (fifth preambular paragraph)
Resolution 2439 (2018) 30 October 2018	Recognizing the recurring threat of the Ebola virus in the region since it was first discovered in 1976 and recalling its Resolution 2177 (2014) concerning the 2014 Ebola virus outbreak in West Africa (second preambular paragraph)

The situation in Libya

Resolution 2420 (2018) 15 March 2018	Reaffirming its determination that terrorism, in all forms and manifestations, constitutes one of the most serious threats to peace and security (fourth preambular paragraph) Recalling its determination in resolution 2213 (2015) that the situation in Libya continues to constitute a threat to international peace and security (thirty-first preambular paragraph) See also resolution 2434 (2018) (thirty-first preambular paragraph)
Resolution 2441 (2018) 5 November 2018	Determining that the situation in Libya continues to constitute a threat to international peace and security (fifteenth preambular paragraph)

The situation in Mali

<i>Decision and date</i>	<i>Provision</i>
Resolution 2423 (2018) 28 June 2018	<p>Strongly condemning the activities in Mali and in the Sahel region of terrorist organizations, including MUJAO, Al-Qaida in the Islamic Maghreb (AQIM), Al Mourabitoune, Ansar Eddine, and associated individuals and groups such as Jama'at Nusrat al-Islam wal-Muslimin (Group for the Support of Islam and Muslims) and Islamic State in Greater Sahara and Ansaroul Islam, which continue to operate in Mali and constitute a threat to peace and security in the region and beyond, human rights abuses and violations, and violence against civilians, notably women and children, committed in Mali and in the region by terrorist groups (sixteenth preambular paragraph)</p> <p>Determining that the situation in Mali continues to constitute a threat to international peace and security (thirty-eight preambular paragraph)</p> <p>See also resolution 2432 (2018) (ninth preambular paragraph)</p>

The situation in Somalia

Resolution 2415 (2018) 15 May 2018	<p>Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region (third preambular paragraph)</p> <p>See also resolution 2431 (2018) (twenty-third preambular paragraph) and resolution 2444 (2018) (twenty-fourth preambular paragraph)</p>
Resolution 2442 (2018) 6 November 2018	<p>Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia, as well as the activity of pirate groups in Somalia, are an important factor exacerbating the situation in Somalia, which continues to constitute a threat to international peace and security in the region (thirty-sixth preambular paragraph)</p>
Resolution 2444 (2018) 14 November 2018	<p>Condemning Al-Shabaab attacks in Somalia and beyond, expressing concern that Al-Shabaab continues to pose a serious threat to the peace and stability of Somalia and the region, and further expressing concern at the presence of affiliates linked to Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) and the security implications of the situation in Yemen for Somalia (fourth preambular paragraph)</p> <p>Condemning any flows of weapons and ammunition supplies to and through Somalia in violation of the arms embargo on Somalia, including when they result in supplies to Al-Shabaab and affiliates linked to ISIL (also known as Da'esh) and when they undermine the sovereignty and territorial integrity of Somalia, as a serious threat to peace and stability in the region, and expressing concern at reports of increased illegal flows of weapons and ammunition supplies from Yemen to Somalia (seventh preambular paragraph)</p>

Reports of the Secretary-General on the Sudan and South Sudan

Resolution 2400 (2018) 8 February 2018	<p>Determining that the situation in Sudan continues to constitute a threat to international peace and security in the region (second preambular paragraph)</p> <p>See also resolution 2425 (2018) (fourth preambular paragraph) and resolution 2439 (2018) (thirty-seventh preambular paragraph)</p>
Resolution 2429 (2018) 13 July 2018	<p>Determining that the situation in Sudan constitutes a threat to international peace and security (thirty-fifth preambular paragraph)</p>
Resolution 2406 (2018) 15 March 2018	<p>Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region (thirty-second preambular paragraph)</p> <p>See also resolution 2418 (2018) (third preambular paragraph)</p>
Resolution 2411 (2018) 13 April 2018	<p>Recognizing that the current situation in Abyei and along the border between the Sudan and South Sudan continues to constitute a serious threat to international peace and security (second preambular paragraph)</p>

<i>Decision and date</i>	<i>Provision</i>
	paragraph)
	See also resolution 2412 (2018) (sixth preambular paragraph), resolution 2416 (2018) (fourteenth preambular paragraph), resolution 2438 (2018) (sixth preambular paragraph) and resolution 2445 (2018) (sixteenth preambular paragraph)
Peace consolidation in West Africa	
S/PRST/2018/3 30 January 2018	The Security Council recalls that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons continue to pose threats to international peace and security, cause significant loss of lives and contribute to instability and security in many regions, including in West Africa and the Sahel, and, in this regard, encourages UNOWAS to consider work that could contribute to countering this threat and calls for sustainable assistance by international and bilateral donors (twenty-second paragraph)
S/PRST/2018/16 10 August 2018	The Security Council recalls that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons continue to pose threats to international peace and security, cause significant loss of lives, and contribute to instability and security in many regions, including in West Africa and the Sahel (sixteenth paragraph)
Asia	
The situation in Afghanistan	
Resolution 2405 (2018) 8 March 2018	Calls upon States to strengthen their efforts as well as international and regional cooperation to counter the threat to the international community posed by the production, trafficking, and consumption of illicit drugs originating in Afghanistan which significantly contribute to the financial resources of the Taliban and its associates and could also benefit Al-Qaida, ISIL (Da'esh) affiliates and other terrorist groups, and to act in accordance with the principle of common and shared responsibility in addressing the drug problem of Afghanistan, including through cooperation against the trafficking in illicit drugs and precursor chemicals, also underlining the importance of border management cooperation, emphasizes the need for enhanced regional and international support of Afghanistan's National Drug Action Plan (NDAP), and welcomes the continued efforts of the UNODC in empowering the Afghan Ministry of Counter Narcotics in its implementation, and appreciates the work of the Paris Pact initiative, its "Paris-Moscow" process and its partners, including the EU, NATO, the Organization for Security and Cooperation in Europe (OSCE), the Collective Security Treaty Organization (CSTO) and the Shanghai Cooperation Organization (SCO), as well as the work of the Central Asian Regional Information and Coordination Centre for combating the illicit trafficking of narcotic drugs, psychotropic substances and their precursors (CARICC), and encourages the Committee established pursuant to resolution 1988 (2011) and the Committee established pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) to continue to pay attention to the linkages between the proceeds of organized crime, inter alia, the illicit production and trafficking of drugs and their chemical precursors and the financing, respectively, of the Taliban, including the Haqqani Network, and of ISIL (also known as Da'esh), Al-Qaida, and associated individuals, groups, undertakings and entities; (para. 34)
Europe	
The situation in Bosnia and Herzegovina	
Resolution 2443 (2018) 6 November 2018	Determining that the situation in the region continues to constitute a threat to international peace and security (twenty-second preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
Middle East	
The situation in the Middle East	
Resolution 2401 (2018) 24 February 2018	Determining that the devastating humanitarian situation in Syria continues to constitute a threat to peace and security in the region (twelfth preambular paragraph) See also resolution 2449 (2018) (twenty-eight preambular paragraph)
Resolution 2402 (2018) 26 February 2018	Determining that the situation in Yemen continues to constitute a threat to international peace and security (thirteenth preambular paragraph) See also resolution 2451 (2018) (fifth preambular paragraph)
Resolution 2433 (2018) 30 August 2018	Determining that the situation in Lebanon continues to constitute a threat to international peace and security (twenty-sixth preambular paragraph)

Table 2

Decisions in which the Council referred to continuing threats to the peace, by thematic issue, in 2018

<i>Decision and date</i>	<i>Provision</i>
Maintenance of international peace and security	
S/PRST/2018/2 19 January 2018	The Security Council underscores the importance of close coordination between Afghanistan and the Central Asian States in combating the significant increase in the cultivation, production, trade and trafficking of illicit drugs in Afghanistan, as reflected in the Afghanistan Opium Survey published by the UN Office on Drugs and Crime (UNODC) on 15 November 2017, which continue to pose a threat to peace and stability in the region and beyond, and emphasizes the need for enhanced regional and international support of Afghanistan's National Drug Action Plan (NDAP) (fourteenth paragraph) The Security Council in this regard appreciates the work of UNODC, calls upon States to strengthen international and regional cooperation to counter the threat to the international community posed by the cultivation, production, trafficking, and consumption of illicit drugs originating in Afghanistan which significantly contribute to the financial resources of the Taliban and its associates, and to act in accordance with the principle of common and shared responsibility in addressing the drug problem of Afghanistan, including through cooperation against the trafficking in illicit drugs and precursor chemicals, and welcomes cooperation between Afghanistan and Central Asian states and relevant regional and international organizations and initiatives (fifteenth paragraph)
Non-proliferation/Democratic People's Republic of Korea	
Resolution 2407 (2018) 21 March 2018	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)
Threats to international peace and security	

<i>Decision and date</i>	<i>Provision</i>
S/PRST/2018/9 8 May 2018	The Security Council reaffirms that terrorism poses a threat to international peace and security and that countering this threat requires collective efforts on national, regional and international levels on the basis of respect for international law and the Charter of the United Nations, and further reaffirms its commitment to sovereignty, territorial integrity and political independence of all States in accordance with the Charter of the United Nations, and stresses that Member States have the primary responsibility in countering terrorist acts and violent extremism conducive to terrorism (fifth 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 during the Council's deliberations. An explicit reference to Article 39 was made at the 8395th meeting on 9 November 2018 by the representative of Liechtenstein, who asserted that the role of the Council was a "crucial aspect" in the discussion on the conditions for the exercise of the International Criminal Court's jurisdiction over the crime of aggression owing to the Council's competence under Article 39 of the Charter of the United Nations to make a determination that an act of aggression had been committed.¹⁷

During 2018, the Council engaged in a discussion on the threat that the persistent violation and lack of respect of international law posed to international peace and security, under the item entitled "Maintenance of international peace and security" (see case 1). Under the same item, the Council also addressed in two separate discussions the evolving nature of the contemporary threats to international peace and security, including those of an existential nature such as the threat posed by climate change (see cases 2 and 3).

On 5 January 2018 the Council met under the item entitled "The situation in the Middle East" to discuss the threat posed by the alleged human rights violations during the anti-Government protests in the Islamic Republic of Iran of late December 2017 and early January 2018 (see case 4).

Further to the alleged chemical weapons attack in Douma of 7 April 2018, the Council discussed on three occasions during the same month the threat to international peace and security

¹⁷ [S/PV.8395](#), p. 31. For more information on the meeting, see case 1 below.

posed by the situation in the Syrian Arab Republic under the item entitled “Threats to international peace and security” and the sub-item entitled “The situation in the Middle East” (see case 5).

On 23 May and 15 November 2018, the Council held two meetings under the item entitled “Peace and security in Africa”, and deliberated on whether the situation in the Sahel constituted a threat to international peace and security and on the potential imposition of Chapter VII mandate for the Group of Five for the Sahel Joint Force.¹⁸

On 5 September 2018, the Council considered the situation in Nicaragua under the item “Cooperation between the United Nations and regional and subregional organizations”.¹⁹ During the meeting, a former member of the Government of Nicaragua and civil society leader invited under rule 39 of the provisional rules of procedure emphasized the urgency of the situation, which in his view threatened the peace and security “of an entire region”,²⁰ whereas several Council members and the representatives of Nicaragua and the Bolivarian Republic of Venezuela disagreed and determined the situation did not pose such threat.²¹

During the period under review, the Council also continued to discuss a wide array of other threats to international peace and security considered by the Council in the past, such as the proliferation of weapons of mass destruction,²² terrorism, particularly the threats posed by terrorist organizations including ISIL (Da’esh), Al-Nusra Front and Al-Qaida and by foreign terrorist fighters,²³ and the potential of regional conflicts and tensions to threaten regional and international peace and security, particularly in the Middle East and North Africa.²⁴

¹⁸ [S/PV.8266](#); and [S/PV.8402](#). For more information on the peacekeeping operations led by regional arrangements, including the Joint Force, see part VIII, sect. III.

¹⁹ [S/PV.8340](#); For more information, see part II, sect. II.C, case 3 and part VIII, sect. I.B, case 1, for discussions on the meeting in the context of the Council’s agenda and the role of regional organizations in addressing the issue, respectively.

²⁰ *Ibid.*, p. 4.

²¹ *Ibid.*, p. 14 (Kazakhstan); p. 15 (Ethiopia); p. 16 (Plurinational State of Bolivia); p. 18 (China); pp. 19-20 (Nicaragua); and p. 22 (Bolivarian Republic of Venezuela).

²² See, for example, under the item entitled “Maintenance of international peace and security”, [S/PV.8362](#); “The situation in the Middle East”, [S/PV.8344](#); and “Non-proliferation of weapons of mass destruction”, [S/PV.8160](#) and [S/PV.8230](#).

²³ See, for example, under the item entitled “Briefings by Chairs of subsidiary bodies of the Security Council”, [S/PV.8364](#); “Maintenance of international peace and security”, [S/PV.8293](#) and [S/PV.8362](#), and “Threats to international peace and security caused by terrorist acts”, [S/PV.8178](#) and [S/PV.8330](#).

²⁴ See, for example, under the item entitled “Maintenance of international peace and security”, [S/PV.8293](#); and “The situation in the Middle East, including the Palestinian question”, [S/PV.8167](#) and [S/PV.8244](#).

In addition, although less frequently than in previous years, the Council considered the threat to international peace and security posed by the nuclear activities of the Democratic People's Republic of Korea.²⁵ Further to the letter dated 13 March 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom to the President of the Security Council ([S/2018/218](#)) following the alleged nerve agent attack in the United Kingdom of 4 March 2018, the Council discussed the threat to international peace and security emanating from the use of chemical weapons.²⁶

Case 1

Maintenance of international peace and security

On 17 May 2018, at its 8262nd meeting held under the above-referenced item, the Council, at the initiative of the Presidency of Poland,²⁷ considered the sub-item entitled "Upholding international law within the context of the maintenance of international peace and security". During the debate, numerous speakers underscored the importance of respect for international law in combatting threats to international peace and security. Other speakers dwelled on the threat to international peace and security posed by violations of international law. Among them, the representatives of the Plurinational State of Bolivia and Cuba expressed the view that that violations of international law in and of themselves posed a threat to international peace and security, and the representative of the Permanent Observer of the State of Palestine maintained that impunity and double standards in international law, as such, threatened international peace and security.²⁸ The representative of Kenya, noting that a politically skewed application of international law would erode the foundation of a rules-based international system and bring into question the credibility of

²⁵ See under the item entitled "Non-proliferation/Democratic People's Republic of Korea", [S/PV.8363](#). For more information on the discussion by the Council of the threat to international peace and security posed by the nuclear activities of the Democratic People's Republic of Korea throughout 2016 and 2017, see 20th Supplement, part VII, sect. I.B, case 3.

²⁶ See under the item entitled "Letter dated 13 March 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council ([S/2018/218](#))", [S/PV.8203](#), [S/PV.8224](#), [S/PV.8237](#) and [S/PV.8343](#).

²⁷ Letter dated 3 May 2018 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General ([S/2018/417/Rev.1](#)).

²⁸ [S/PV.8262](#), p. 23 (Plurinational State of Bolivia); p. 77 (Cuba); and p. 96 (Permanent Observer of the State of Palestine).

the Council, warned that the alternative to the application of international human rights law and humanitarian law had proven to be an even greater threat to international peace and security as compared to the traditional drivers of conflict.²⁹ The representative of Lithuania, referring to several examples of non-compliance with international law and violations of sovereignty in Europe, underscored that blatant breaches of the Charter of the United Nations constituted a threat to international peace, security and stability.³⁰ Also in relation to regional conflicts, the representative of Sweden claimed that Russia's continuous aggression and annexation of Crimea was an ongoing breach of international law and that the redrawing of borders backed by military power represented a threat beyond Ukraine and a challenge to the international legal order and the Charter as such, and thus a threat to all States.³¹ The representative of Ukraine also emphasized that the violation of fundamental principles of international law by a permanent member of the Security Council was one of the most serious current threats to international peace and security.³²

Several speakers identified and discussed other contemporary threats to international peace and security. The representative of Estonia pointed out that modern conflicts threatening international peace and security were characterized by an ever-broader use of new technologies, and that international law was applicable when cyber means were used to threaten international peace and security.³³ The representative of Portugal stated that it may be necessary to further develop the existing legal framework to respond effectively to new and interlinked global threats such as climate change, new typologies of conflicts, transnational organized crime or terrorism.³⁴ The representative of Kazakhstan said that there was no greater threat to international peace and security than the continued existence of nuclear weapons.³⁵ The representative of Lebanon determined that the "disputed maritime border and the exclusive economic zone between Lebanon and Israel" remained a source of conflict that could threaten the peace and security of the region.³⁶ While the representative of the United States maintained that "the Iranian, Syrian, Venezuelan and North

²⁹ Ibid., p. 69.

³⁰ Ibid., p. 33.

³¹ Ibid., p. 22.

³² Ibid., pp. 60-61.

³³ Ibid., p. 34.

³⁴ Ibid., p. 85.

³⁵ Ibid., p. 16.

³⁶ Ibid., p. 76.

Korean regimes” posed a threat to peace and security internationally, the representative of the Bolivarian Republic of Venezuela said that it was the “United States regime” that represented a real threat to peace and regional and international stability.³⁷ The representative of Jamaica said that new and emerging threats to international peace and security were being fuelled by a myriad social, economic and political factors that provide a breeding ground for discontent, conflict and strife.³⁸

Case 2

Maintenance of international peace and security

At its 8395th meeting held on 9 November 2018, under the above item, at the initiative of China,³⁹ the Council considered the sub-item entitled “Strengthening multilateralism and the role of the United Nations”. In the context of this topic, speakers noted the complex and, in some cases, existential nature of contemporary threats to international peace and security. In this regard, several speakers underlined the significance of international cooperation and collective action in addressing them.⁴⁰

The representative of Argentina expressed concern that the maintenance of international peace and security was increasingly threatened by serious new challenges such as organized crime, cybercrime and terrorism, which required effective and efficient responses based on dialogue, consensus, cooperation and multilateralism, which no individual State in the international community was able to provide on its own.⁴¹

The representative of Norway noted that terrorism was a “truly global threat” and the representative of the Philippines stated that it was the most pressing threat to peace and security in the world.⁴² The representative of Norway stressed the need for a global response and the representative of the Philippines affirmed that the fight against terrorism demanded total and sincere

³⁷ Ibid., p. 17 (United States); and p. 83 (Bolivarian Republic of Venezuela).

³⁸ Ibid., p. 64.

³⁹ See Letter dated 1 November 2018 from the Permanent Representative of China to the United Nations addressed to the Secretary-General ([S/2018/982](#)).

⁴⁰ [S/PV.8395](#), p. 10 (Sweden); p. 27 (Peru); and p. 58 (Cuba).

⁴¹ Ibid., p. 50.

⁴² Ibid., p. 70 (Norway) and p. 81 (Philippines).

cooperation.⁴³ The representative of Poland, referring to significant new threats to international peace and security, stressed that terrorism, foreign fighters, violent extremism, cyberattacks, refugees' flow, uncontrolled migration, information warfare and transnational organized crime all undermined global stability.⁴⁴ The representative of Estonia noted the threat to international peace and security posed by cyber means, adding that new technologies were increasingly used in modern conflicts threatening international peace and security.⁴⁵ The representative of Kuwait also stated that as a result of advances in modern technology, the threats facing the world were transnational and more complicated and interlinked than ever before, and further underlined the need for collective action in confronting such challenges.⁴⁶ The representative of Slovenia, maintained that the new threats were more complex, multidimensional and quickly multiplying, and that due to this interdependence, only through international cooperation could solutions be found and progress achieved.⁴⁷ The representative of the Republic of Ireland emphasized that there were new and very different threats to international peace and security to the very survival of the planet and to the stable development of societies.⁴⁸ The representative of Malaysia also warned that the evolving nature of the traditional threats and non-traditional security challenges could undermine many of the already achieved gains.⁴⁹

The representative of the Russian Federation stated that the dragging of some countries into military alliances such as the North Atlantic Treaty Organization, shameless interference in internal affairs of States, and the bloc mindset only produced additional threats to international security and was ruinous to multilateralism.⁵⁰ The representative of Poland said that there were significant new threats and challenges to international peace and security, including foreign fighters, violent extremism, cyberattacks, refugees flows, uncontrolled migration and information warfare that she believed undermined global stability, stressing there was no way to tackle those issues in an

⁴³ Ibid.

⁴⁴ Ibid., p. 19.

⁴⁵ Ibid., p. 49 (Estonia).

⁴⁶ Ibid., p. 16.

⁴⁷ Ibid., p. 36.

⁴⁸ Ibid., p. 67.

⁴⁹ Ibid., p. 82.

⁵⁰ Ibid., p. 14.

effective way unilaterally and achieve a sustainable outcome.⁵¹ The representative of the Plurinational State of Bolivia further categorically rejected the imposition of unilateral measures which he deemed was a flagrant violation of multilateralism and a serious threat to the international order.⁵² On the other hand, the representative of the United Kingdom emphasized that effective collective action required to resolve threats that challenged collective security on the world stage, including migration, cybercrime, modern-day slavery, terrorist threats, disease or climate change, and action to uphold international law could not only mean action by consensus since threats to international peace and security often involved a challenge to international law and norms.⁵³

The representative of Peru expressed concern over the proliferation of conflicts and emergence of new threats to international peace and security as well as their root causes, including growing inequality and the effects of climate change, armament and transnational organized crime.⁵⁴ In a similar vein, the representatives of Sweden and Germany noted the importance of preventing threats to international peace and security.⁵⁵ The representative of Sweden added that for the Council to be able to fulfil its task, it had to act on a full range of threats to international peace and security, be better at identifying risks and root causes of conflicts and ensure that its response was comprehensive.⁵⁶ The representative of Germany further asserted that as an incoming member of the Council in 2019, his delegation would focus on the catalysts and drivers of conflict, human rights, climate change and sexual violence against women.⁵⁷ Also commenting on the mandate of the Council, the representative of Spain said that flagrant and mass violations of human rights and international humanitarian law were threats to international peace and security which should be taken into consideration by the organs to which the Charter attributes that responsibility, in particular the Security Council.⁵⁸

⁵¹ Ibid., p. 19.

⁵² Ibid., p. 25.

⁵³ Ibid., pp. 28-29.

⁵⁴ Ibid., p. 27.

⁵⁵ Ibid., p. 10 (Sweden); and p. 56 (Germany).

⁵⁶ Ibid., p. 10.

⁵⁷ Ibid., p. 56.

⁵⁸ Ibid., p. 43.

Case 3

Maintenance of international peace and security

At its 8307th meeting on 11 July 2018, the Council held a high-level debate under the sub-item entitled “Understanding and addressing climate-related security risks”. During the meeting, a discussion on climate change as a threat to international peace and security arose. The Minister for Foreign Affairs of Sweden said that the threat that a changing climate posed to societies and to international peace and security could not be underestimated.⁵⁹ The representative of France added that the threat of climate change to international peace and security was an objective fact that could not be denied.⁶⁰ The Prime Minister of Curaçao, Netherlands, underscored that the Council had a responsibility to act in situations where climate change threatened international stability and security, and the representatives of the Maldives emphasized the importance of full understanding of how climate change threatened international peace and security within the United Nations system.⁶¹ The representative of Trinidad and Tobago, acknowledging that the threat to the peace and security of all human kind by climate change was real, emphasized that it was even greater for small island developing states.⁶²

Other speakers discussed the linkages between climate change and threats to international peace and security, including the ways in which the former could aggravate the latter. The Deputy-Secretary-General, who briefed the Council at the outset of the meeting on climate-related risks, highlighted the “complex relationship between climate change and conflict”. She further emphasized the need to understand climate change within a web of factors that could lead to and exacerbate conflict, adding that climate change acted as a threat multiplier applying additional stress on prevailing political, social and economic pressure points.⁶³ The Minister for Water Resources of Iraq stated that the rising temperature of Earth’s surface, if not a concrete threat on its own, which he deemed it was, undoubtedly magnified the threats posed by other risks increased their complexity and intensity in many regions of the world. In regard to the situation in the Middle East,

⁵⁹ [S/PV.8307](#), p. 8.

⁶⁰ *Ibid.*, p. 14.

⁶¹ *Ibid.*, p. 8.

⁶² *Ibid.*, p. 27.

⁶³ *Ibid.*, p. 3.

he added that the inequity of access to water represented a real threat to peace and stability in the region.⁶⁴ The representative of Kazakhstan said that climate change was a threat multiplier as it could result in poverty, food insecurity, illegal migration, internal displacement, social instability, and bitter conflicts because high-risk areas were essentially agricultural, and recalled that the fight over scarce natural resources, such as land and water, have also resulted in long and brutal hostilities.⁶⁵ Similarly, the representative of Poland stressed that the negative impacts of climate change on global peace and security could not be neglected since they were threat multipliers that could aggravate poverty, environmental degradation, and social tensions, and lead to escalations of local and regional conflicts.⁶⁶ The President of Nauru noted that since acknowledging the adverse effects that climate change may have in aggravating existing threats to international peace and security, the Security Council had begun to consider the issue according to specific geopolitical contexts.⁶⁷ The representative of the Sudan similarly underlined that climate change and environmental degradation exacerbated such threats.⁶⁸

The representative of Peru stressed that it was necessary to understand that the socioeconomic and environmental impacts of climate change led to humanitarian crises and conflicts, which in turn could pose a threat to international peace and security due to their scope.⁶⁹ The representative of Ethiopia recalled a presidential statement of 20 July 2011, in which the Council expressed concern that “possible adverse effects of climate change may, in the long run, aggravate certain existing threats to international peace and security”.⁷⁰ He added that when the impacts of climate change became threats to the maintenance of international peace and security, the Council had a role in analysing the conflict and the security implications and finding a path to peace and security.⁷¹

⁶⁴ Ibid., pp. 4-5.

⁶⁵ Ibid., p. 10.

⁶⁶ Ibid., p. 23.

⁶⁷ Ibid., p. 25.

⁶⁸ Ibid., p. 28.

⁶⁹ Ibid., p. 12.

⁷⁰ [S/PRST/2011/15](https://www.un.org/securitycouncil/content/repertoire/structure), sixth paragraph.

⁷¹ Ibid., p. 19.

The representative of the Russian Federation nonetheless expressed his disappointment about the meeting and categorized its holding as “yet another attempt to link the issue of preserving the environment to threats to international peace and security.” He further claimed that those who promulgated the idea that climate change was a threat to security did not bring scientifically sound, specific details to bear or clear explanations of the notions of security, conflict, threats or stability as they relate to the climate issue.⁷² In contrast, the representative of the United States asserted that while the Council most often focused on armed conflict as the most conventional threat to international peace and security, it was right to also consider natural phenomena and disasters as they had taken lives, destroyed homes, impacted resources, and caused widespread displacement both within and beyond national borders.⁷³ The representative of France, recalling that the impacts of climate change were multiplying the risks to international stability, concluded that both the Council and the General Assembly should speak out on this threat.⁷⁴

Case 4 **The situation in the Middle East**

On 5 January 2018, the Council held its 8152nd meeting to discuss the alleged human rights violations occurred during the anti-Government protests in the Islamic Republic of Iran in late December 2017 and early January 2018. During the meeting, the representative of France stated that, however worrying, the events did not constitute per se a threat to international peace and security, and the representative of Equatorial Guinea said the human rights situation in Iran did not in principle constitute such a threat.⁷⁵ The representative of China similarly stressed that the “Iranian situation” did not pose any threat to international peace and security, and the representative of Kazakhstan stated that the developments in Iran were a domestic issue outside the Council’s mandate since they did not represent a threat to international peace and security.⁷⁶ The representative of the Plurinational State of Bolivia expressed his delegation’s categorical rejection

⁷² Ibid., p. 15.

⁷³ Ibid., p. 13.

⁷⁴ Ibid., p. 14.

⁷⁵ [S/PV.8152](#), p. 5 (France); and p. 11 (Equatorial Guinea).

⁷⁶ Ibid., p. 12 (China); and p. 14 (Kazakhstan).

of other delegations' attempts to push for meetings on issues that did not pose a threat to international peace and security, which, in his view, posed the risk of the Council becoming "instrumentalized for political ends" and therefore, clarified that the situation in the Islamic Republic of Iran was not an issue that belonged on the agenda of the Security Council.⁷⁷ The representative of the Russian Federation expressed regret at the "misuse of the forum of the Security Council". He cautioned about declaring a threat to international peace and security and establishing the grounds "for the necessity of outside interferences in Iran's internal affairs", drawing "parallels" with the events in Syria in 2011.⁷⁸

The representative of Kuwait, expressing hope that the situation in Iran would not evolve into further violence, underscored the importance of preventive diplomacy and the role of the Council in addressing situations when there are signs of future threats to regional and international peace and security at an early stage.⁷⁹ The representative of the United Kingdom asserted that regional activities such as those in question risked increasing international conflict and threatened international peace and security.⁸⁰

Case 5

Threats to international peace and security

During the period under review, the Council held three meetings within the space of six days to discuss the threat posed by the situation in Syria further to the alleged chemical weapons attack in Douma on 7 April 2018. On 9 April 2018, the Council held an emergency meeting under the item entitled "Threats to international peace and security" and for the first time under the sub-item entitled "The situation in the Middle East".⁸¹ During the meeting, several speakers determined that

⁷⁷ Ibid., p. 5.

⁷⁸ Ibid., pp. 12-13.

⁷⁹ Ibid., p. 6.

⁸⁰ Ibid., p. 7 (United Kingdom).

⁸¹ [S/PV.8225](https://www.un.org/securitycouncil/content/repertoire/structure). For further details, see part I, sect. 23 and part IX, sect. VIII on the proposals to establish a new mechanism to investigate the alleged use of chemical weapons in the Syrian Arab Republic. For more information on emergency meetings held and new sub-items introduced in 2018, see part II, sect. I.A and II.A, respectively.

the use of chemical weapons constituted a threat to international peace and security.⁸² The representative of Côte d'Ivoire specifically said that the use of chemical weapons violated the most fundamental norms of international law and posed threats to collective security.⁸³ The representative of Ethiopia remarked that threats to international peace and security were becoming increasingly complex by the day. He noted that the proliferation of nuclear weapons was posing a real danger and the international norms on the use of chemical weapons were being undermined. He further acknowledged the primary responsibility of the Council for the promotion and maintenance of international peace and security and regretted that the Council had not been able to address the new and emerging threats and challenges to international peace and security.⁸⁴ The representative of Kazakhstan similarly underscored that the Council was the main and sole body authorized to counter threats to international peace and security, adding that unfortunately, the situation within the Council was becoming increasingly strained.⁸⁵

The representatives of the Russian Federation, Equatorial Guinea and the Syrian Arab Republic expressed support for the holding of the meeting under the item entitled "Threats to international peace and security".⁸⁶ The representative of Equatorial Guinea explained that it was an appropriate topic, as in his view the recent events in the Middle East represented a genuine threat to international peace and security, not only in that region but also at the international level.⁸⁷

On 13 April 2018, the Council convened another meeting under the same item to discuss the situation in the Middle East.⁸⁸ In his briefing to the Council, the Secretary-General focused on the state of affairs across the entire region and held that the situation in the Middle East was in chaos to such an extent that it had become a threat to international peace and security and that the situation in Syria in particular represented the most serious threat to international peace and security.⁸⁹ Expressing similar views, the representative of France claimed that for seven years the situation in

⁸² [S/PV.8225](#), p. 15 (Sweden); p. 21 (Plurinational State of Bolivia); and p. 22 (Peru).

⁸³ *Ibid.*, p. 17.

⁸⁴ *Ibid.*, p. 17.

⁸⁵ *Ibid.*, p. 19.

⁸⁶ *Ibid.*, p. 5 (Russian Federation); p. 18 (Equatorial Guinea); and p. 35 (Syrian Arab Republic).

⁸⁷ *Ibid.*, p. 18.

⁸⁸ [S/PV.8231](#).

⁸⁹ *Ibid.*, pp. 2-3.

Syria had constituted without a doubt a grave threat to international peace and security, as defined by the Charter of the United Nations. He emphasized that the Syrian crisis represented a threat to international peace and security which was related to the “repeated, organized and systematic use of chemical weapons by the Bashar Al-Assad regime”. He added that the Council was justified in taking measures under Chapter VII of the Charter, but that its action had been paralyzed by the use of the veto for several years.⁹⁰ The representative of Peru noted the atrocity crimes committed with impunity and stated that the conflict had deteriorated into a serious threat to regional and global stability.⁹¹ The representative of Sweden asserted that the use of chemical weapons constituted a grave threat to international peace and security, and the representative of Kuwait stated that he shared the Secretary-General’s concern that the Middle East was experiencing crises and challenges that unquestionably represented threats to international peace and security.⁹² In his statement at the end of the meeting, the representative of the Syrian Arab Republic thanked the Secretary-General for his comprehensive and accurate briefing. He added that the Secretary-General spoke in a manner commensurate with the threats to international peace and security posed by the allegations and accusations against Syria and its allies.⁹³

On 14 April 2018, following the air strikes carried out against Syria by the United States, the United Kingdom and France, the Council held another emergency meeting under the same item.⁹⁴ During the meeting, the Council voted on a draft resolution submitted by the Russian Federation, which failed to be adopted due to an insufficient number of votes in favour.⁹⁵ During the discussion that ensued, the Secretary-General reiterated that Syria represented the most serious threat to international peace and security in the world.⁹⁶ The representative of Sweden recalled the Council’s primary responsibility to act in response to threats to international peace and security and reiterated

⁹⁰ Ibid., p. 7.

⁹¹ Ibid., p. 20

⁹² Ibid., pp. 11-12 (Sweden); and p. 14 (Kuwait).

⁹³ Ibid., p. 20.

⁹⁴ [S/PV.8233](#).

⁹⁵ [S/2018/355](#). *In favour*: Bolivia (Plurinational State of), China, Russian Federation; *Against*: Côte d’Ivoire, France, Kuwait, Netherlands, Poland, Sweden, United Kingdom, United States; *Abstaining*: Equatorial Guinea, Ethiopia, Kazakhstan, Peru. For further details, see part I. sect. 23.

⁹⁶ [S/PV.8233](#), p. 2.

that the use of chemical weapons constituted a threat to international peace and security.⁹⁷ The representative of Peru emphasized the need to prevent the situation in Syria from spiralling out of control and causing a greater threat to stability in the region and to international peace and security.⁹⁸

The representative of the Russian Federation read out a statement by the President of his country, in which the latter had characterized the strike by the United States and its allies as an “act of aggression against a sovereign State”.⁹⁹ The representative of the Syrian Arab Republic called on the Council to firmly condemn this aggression which in his view would exacerbate the tensions in the region and was a threat to international peace and security throughout the world.¹⁰⁰

⁹⁷ Ibid., p. 12.

⁹⁸ Ibid., p. 18.

⁹⁹ Ibid., p. 3. For a comprehensive coverage of the Council’s discussion during this meeting in the context of the prohibition of the threat or use of force under Article 2 (4) of the Charter, see part III, sect. II.B, case 5.

¹⁰⁰ Ibid., p. 22.

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

Section II covers the practice of the Security Council in relation to Article 40 of the Charter, regarding provisional measures to prevent an aggravation of the situation. During the period under review, no explicit reference to Article 40 of the Charter was made during the deliberations of the Council, nor was there any discussion of constitutional significance on its interpretation. Similarly, there was no explicit reference to Article 40 in any of the communications of the Council. The decisions of the Council of relevance for the interpretation and application of Article 40 of the Charter are discussed below.

A. Decisions of the Security Council relating to Article 40

During the period under review, the Council did not explicitly cite Article 40 of the Charter in any decisions it adopted. This notwithstanding, certain decisions in which the Council demanded and urged the implementation of measures in relation to the situations in South Sudan and the Middle East (Yemen) were of relevance 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 (Articles 41 and 42), the practice of the Council reflects a more flexible interpretation of that provision. 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 2018, in connection with the situation in the Middle East (Yemen), the Council called on the parties to implement the Stockholm Agreement and respect fully the ceasefire agreed for Hodeidah governorate of 18 December 2018.¹⁰¹ The Council also called for the mutual redeployment of forces to be carried out from the city of Hodeidah and the ports of Hodeidah, Salif and Ras Issa to agreed locations within 21 days of the ceasefire coming into force.¹⁰² The Council expressed its intention to consider further measures to support the implementation of the resolution and all other relevant resolutions and to alleviate the humanitarian situation in the country.¹⁰³

In relation to the situation in South Sudan, the Council demanded that all parties immediately end the fighting throughout the country, and South Sudan's leaders implement the permanent ceasefire declared in the Agreement on the Resolution of the Conflict in the Republic of South Sudan and ceasefires for which they respectively called on 11 July 2016 and 22 May 2017, as well as the Agreement on Cessation of Hostilities, Protection of Civilians, and Humanitarian Access (ACOH) signed on 21 December 2017.¹⁰⁴ The Council also demanded that the Transitional Government of National Unity comply with the obligations set out in the Status of Forces Agreement between the Government and the United Nations, and immediately cease obstructing the United Nations Mission in South Sudan in the performance of its mandate and international and national humanitarian actors in assisting civilians.¹⁰⁵ The Council expressed its intention to consider all appropriate measures, as demonstrated by adoption of resolutions [2206 \(2015\)](#), [2290 \(2016\)](#), and [2353 \(2017\)](#) against those who take actions that undermine the peace, stability, and security of South Sudan.¹⁰⁶ The Council later demanded that South Sudan's leaders fully and immediately adhere to the Agreement on the Resolution of the Conflict in the Republic of South Sudan, ACOH, and 27 June 2018 Khartoum Declaration and allow full, safe and unhindered humanitarian access to

¹⁰¹ Resolution [2451 \(2018\)](#), para. 3.

¹⁰² Ibid.

¹⁰³ Ibid., para. 7.

¹⁰⁴ Resolution [2406 \(2018\)](#), para. 1.

¹⁰⁵ Ibid., para. 2.

¹⁰⁶ Ibid., para. 3.

all those in need,¹⁰⁷ and affirmed that it shall be prepared to adjust the measures contained in this resolution, including by strengthening through additional measures, in light of the implementation of the parties' commitments, including the ceasefire, and compliance with this and other applicable resolutions.¹⁰⁸

Table 3

Decisions calling for compliance with provisional measures and providing for Council action in the event of non-compliance

<i>Type of measure</i>	<i>Provision</i>
The situation in the Middle East (resolution 2451 (2018) of 21 December 2018)	
Cessation of hostilities	Calls on the parties to implement the Stockholm Agreement according to the timelines determined in it, insists on the full respect by all parties of the ceasefire agreed for Hodeidah governorate, which came into force on 18 December 2018, and the mutual redeployment of forces to be carried out from the city of Hodeidah and the ports of Hodeidah, Salif and Ras Issa to agreed locations outside the city and the ports within 21 days of the ceasefire coming into force; a commitment not to bring any military reinforcements to the city, the ports of Hodeidah, Salif and Ras Issa, and the governorate; and a commitment to remove any military manifestations from the city, all of which is central to the successful implementation of the Stockholm Agreement, and further calls on the parties to continue to engage constructively, in good faith and without preconditions with the Special Envoy, including on continued work towards stabilising the Yemeni economy and on Sana'a airport, and participating in a next round of talks in January 2019 (para. 3)
Council action in the event of failure to comply	Requests the Secretary-General to report on progress regarding implementation of this resolution, including any breaches of commitments by the parties, on a weekly basis, as called for by the parties, until further notice, and expresses its intention to consider further measures, as necessary, to support implementation of this resolution and all other relevant Security Council resolutions and to alleviate the humanitarian situation and support a political solution to end the conflict (para. 7)
Reports of the Secretary-General on the Sudan and South Sudan (resolution 2406 (2018) of 15 Mar 2018)	
Cessation of hostilities	Demands that all parties immediately end the fighting throughout South Sudan, and further demands that South Sudan's leaders implement the permanent ceasefire declared in the Agreement and ceasefires for which they respectively called on 11 July 2016 and 22 May 2017, as well as the ACOH signed on 21 December 2017, and ensure that subsequent decrees and orders directing their commanders control their forces and protect civilians and their property are fully implemented (para. 1)
Freedom of movement and non-interference with the work of UN and humanitarian	Demands that the TGNU of South Sudan comply with the obligations set out in the SOFA between the Government of South Sudan and the United Nations, and immediately cease obstructing UNMISS in the performance of its mandate, and further demands the TGNU immediately cease obstructing international and national humanitarian actors from assisting civilians, and facilitate freedom of movement for the CTSAMM and calls on the TGNU to

¹⁰⁷ Resolution [2428 \(2018\)](#), para. 2.

¹⁰⁸ Ibid., paras. 25 and 26.

<i>Type of measure</i>	<i>Provision</i>
personnel	take action, to deter, and to hold those responsible to account for any hostile or other actions that impede UNMISS or international and national humanitarian actors (para. 2)
Council action in the event of failure to comply	Expresses its intention to consider all appropriate measures, as demonstrated by adoption of resolutions 2206 (2015) , 2290 (2016) , and 2353 (2017) against those who take actions that undermine the peace, stability, and security of South Sudan, stresses the sanctity of United Nations protection sites, specifically underscores that individuals or entities that are responsible or complicit in, or have engaged in, directly or indirectly, attacks against UNMISS personnel and premises and any humanitarian personnel, may meet the designation criteria, and in this regard takes note of the 20 February 2018 Special Report of the Secretary-General on the renewal of the mandate of the United Nations Mission in South Sudan (S/2018/143) that the steady re-supply of weapons and ammunition to South Sudan has directly affected the safety of UN personnel and UNMISS's ability to carry out its mandate, takes note of the AUPSC's 8 February 2018 communique which states that signatories to the ACOH should be deprived of the means to continue fighting, and further expresses its intention to consider all measures, including an arms embargo, as appropriate, to deprive the parties of the means to continue fighting and to prevent violations of the ACOH (para. 3)
Reports of the Secretary-General on the Sudan and South Sudan (resolution 2428 (2018) of 13 July 2018)	
Unhindered humanitarian access	Demands that South Sudan's leaders fully and immediately adhere to the ARCSS, ACOH, and 27 June 2018 Khartoum Declaration and allow, in accordance with relevant provisions of international law and the UN guiding principles of humanitarian assistance, full, safe and unhindered humanitarian access to help ensure timely delivery of humanitarian assistance to all those in need (para. 2)
Council action in the event of failure to comply	Expresses its intent to monitor and review the situation at 90-day intervals from the adoption of this resolution or more frequently, as needed, and invites the Joint Monitoring and Evaluation Commission (JMEC) to share relevant information with the Council, as appropriate, on its assessment of the parties' implementation of the Agreement, adherence to the ARCSS, ACOH and 27 June 2018 Khartoum Declaration, and the facilitation of unhindered and secure humanitarian access, also expresses its intent to continue to impose any sanctions that may be appropriate to respond to the situation, which may include the designation of senior individuals responsible for actions or policies that threaten the peace, security or stability of South Sudan (para. 25) Affirms also that it shall be prepared to adjust the measures contained in this resolution, including by strengthening through additional measures, as well as modification, suspension or lifting of the measures, as may be needed at any time in light of the progress achieved in the peace, accountability, and reconciliation process, and in light of the implementation of the parties' commitments, including the ceasefire, and compliance with this and other applicable resolutions (para. 26)

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. In 2018, the Council, under Chapter VII, lifted the sanctions on Eritrea and imposed an arms embargo on South Sudan.

During the review period, the Council explicitly referred to Article 41 in the preambles of resolution [2407 \(2018\)](#) in connection with the Democratic People's Republic of Korea and of resolution [2418 \(2018\)](#) in connection with the extension of sanctions measures on South Sudan .

No judicial measures were imposed under Article 41 of the Charter. This notwithstanding, as discussed in part IX, the Council agreed that issues pertaining to the International Residual Mechanism for Criminal Tribunals would be considered under the item entitled “International Residual Mechanism for Criminal Tribunals”.¹⁰⁹

The present section is divided into two subsections. Subsection A outlines the decisions of the 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. Subsection 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, with respect to thematic items or country-specific items.

¹⁰⁹ See [S/2018/90](#).

A. Decisions of the Security Council relating to Article 41

Decisions on thematic issues relating to Article 41

The Security Council adopted a number of decisions on issues of a thematic nature concerning sanctions measures and their implementation.

In resolution [2427 \(2018\)](#), adopted under the item entitled “Children in armed conflict”, the Council recalled the obligations of all parties to armed conflict under international humanitarian law and human rights law for the protection of children in armed conflict.¹¹⁰ It reiterated the Council’s readiness to adopt targeted and graduated measures against persistent perpetrators of violations and abuses committed against children and to consider including provisions pertaining to parties to armed conflict that engage in such violations, when establishing, modifying or renewing the mandate of relevant sanctions regimes.¹¹¹

In resolution [2417 \(2018\)](#), adopted under the item entitled “Protection of civilians in armed conflict”, the Council noted the devastating impact on civilians of ongoing armed conflict and related violence and emphasised with deep concern that ongoing armed conflicts and violence have devastating humanitarian consequences. It expressed concern over the growing number of armed conflicts all over the globe and reaffirmed the need for all parties to armed conflict to respect the humanitarian principles of humanity, neutrality, impartiality and independence in the provision of humanitarian assistance, including medical assistance.¹¹² In that context, the Council recalled that it had adopted and could consider adopting sanctions measures, where appropriate and in line with existing practice, that could be applied to individuals or entities obstructing the delivery of humanitarian assistance, or access to, or distribution of, humanitarian assistance.¹¹³

Under the same item in a presidential statement issued on 21 September 2018, the Council reaffirmed its commitment to protection of civilians in armed conflict as one of its core issues and to the continuing and full implementation of all relevant decisions of the Council that address the protection of civilians, women peace and security, children and armed conflict, and peacekeeping. It

¹¹⁰ [S/RES/2427 \(2018\)](#), sixth and thirteenth preambular paragraphs.

¹¹¹ *Ibid.*, para. 32.

¹¹² [S/RES/2417 \(2018\)](#), third, fourth and eighteenth preambular paragraphs.

¹¹³ *Ibid.*, para. 9.

also expressed its intent to continue to address protection of civilians in the context of both country-specific and thematic items on its agenda.¹¹⁴ In this connection, the Council updated the “Aide Memoire for the consideration of issues pertaining to the protection of civilians in armed conflict”, originally adopted in 2002.¹¹⁵ As explained in the introduction to the Aide Memoire, it was intended to facilitate the Council’s consideration of issues relevant to the protection of civilians in armed conflict, and to serve as a reference tool on the Council’s practice in this area thereby listing the main themes and specific issues for consideration emerging from the practice; and providing, in an addendum, verbatim examples of Security Council agreed language on themes and issues.

Under the item entitled “Threats to international peace and security caused by terrorist acts”, the Council issued a presidential statement on 21 December 2018 affirming that, following the review of implementation of the measures as described in resolution [2368 \(2017\)](#), no further adjustments to the measures with respect to all individuals, groups, undertakings, and entities included on the Islamic State in Iraq and the Levant (ISIL, also known as Da’esh) and Al-Qaida Sanctions list were necessary. The presidential statement further provided that the Council would continue to evaluate the implementation of such measures and make adjustments, as necessary.¹¹⁶

Decisions on country-specific issues relating to Article 41

During the period under review, as set out below, the Council established an arms embargo on South Sudan (see case 8), decided to reflect sexual and gender-based violence as explicit designation criterion in the sanctions regimes on Libya (see case 9), Somalia (see case 11) and South Sudan (see case 8), and terminated the sanctions measures against Eritrea (see case 11) .

The Council renewed the existing measures concerning the Central African Republic, the Democratic Republic of the Congo, Libya, Mali, Somalia, South Sudan and Yemen. The Council also made modifications to the sanctions regime concerning South Sudan. No changes were made to the measures concerning ISIL (Da’esh) and Al-Qaida and associates, the Taliban and associated

¹¹⁴ [S/PRST/2018/18](#), first and sixth paragraphs.

¹¹⁵ Ibid., seventh paragraph.

¹¹⁶ [S/PRST/2018/21](#), first paragraph.

individuals and entities, Iraq, the Democratic People's Republic of Korea, Guinea-Bissau, Lebanon, and the Sudan.

The present subsection concerning the developments in each of the sanctions regimes does not include reference to the subsidiary bodies of the Council responsible for their implementation. The decisions of the Council relating to the subsidiary bodies are described in detail in part IX, section I.B.

The categories of sanctions measures used in the present subsection, such as arms embargo, asset freeze or travel ban, are for clarification purposes only, and are not intended to serve as legal definitions of the measures. In addition, developments in the sanctions measures imposed by the Council during the period under review are categorized according to the following main actions taken by the Council: “establishment”,¹¹⁷ “modification”,¹¹⁸ “extension”,¹¹⁹ “limited extension”,¹²⁰ or “termination”.¹²¹

The sanctions regimes are discussed below in the order of their establishment. Each of the following subsections consists of a narrative section describing the most significant developments in 2018 and a table including all relevant provisions of Council decisions concerning changes to a sanctions regime, according to the categories outlined above (a number indicates the corresponding paragraph of the Council resolution). Tables 4 and 5 provide an overview of relevant decisions adopted in 2018 by which the Council established or modified sanctions measures it had previously imposed.

¹¹⁷An action by the Council is categorized as an “establishment” when a sanctions measure is initially imposed by the Council.

¹¹⁸ When a change is introduced to the measure, it is categorized as a “modification”. A measure is 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 (d) elements of the measure are otherwise modified.

¹¹⁹An action of the Council is categorized as an “extension” when the sanctions measure concerned is not modified or terminated and the Council extends or restates the measure without specifying an end date.

¹²⁰An action by the Council is categorized 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.

¹²¹An action by the Council is categorized as a “termination” 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, the action will be categorized as a modification of the measure.

Table 4

Overview of country-specific decisions on measures pursuant to Article 41, in place or imposed, 2018

<i>Sanctions regime</i>	<i>Resolutions by which measures were established or subsequently modified</i>		<i>Resolutions adopted in 2018</i>
<i>Somalia and Eritrea</i>	733 (1992)	2002 (2011)	
	1356 (2001)	2023 (2011)	
	1425 (2002)	2036 (2012)	
	1725 (2006)	2060 (2012)	
	1744 (2007)	2093 (2013)	
	1772 (2007)	2111 (2013)	
	1816 (2008)	2125 (2013)	
	1844 (2008)	2142 (2014)	
	1846 (2008)	2182 (2014)	2444 (2018)
	1851 (2008)	2184 (2014)	
	1872 (2009)	2244 (2015)	
	1897 (2009)	2246 (2015)	
	1907 (2009)	2316 (2016)	
	1916 (2010)	2317 (2016)	
	1950 (2010)	2383 (2017)	
	1964 (2010)	2385 (2017)	
	1972 (2011)		
<i>ISIL (Da'esh) & Al-Qaida and associated individuals and entities</i>	1267 (1999)	2161 (2014)	
	1333 (2000)	2170 (2014)	
	1388 (2002)	2178 (2014)	
	1390 (2002)	2199 (2015)	
	1452 (2002)	2253 (2015)	None
	1735 (2006)	2347 (2017)	
	1904 (2009)	2349 (2017)	
	1989 (2011)	2368 (2017)	
	2083 (2012)		
<i>Taliban and associated individuals and entities</i>	1988 (2011)	2160 (2014)	
	2082 (2012)	2255 (2015)	None
<i>Iraq</i>	661 (1990)	1723 (2006)	
	687 (1991)	1790 (2007)	
	707 (1991)	1859 (2008)	
	1483 (2003)	1905 (2009)	None
	1546 (2004)	1956 (2010)	
	1637 (2005)	1957 (2010)	
<i>Democratic Republic of the Congo</i>	1493 (2003)	1807 (2008)	
	1552 (2004)	1857 (2008)	
	1596 (2005)	1896 (2009)	
	1616 (2005)	1952 (2010)	
	1649 (2005)	2136 (2014)	
	1671 (2006)	2147 (2014)	2424 (2018)
	1698 (2006)	2198 (2015)	
	1768 (2007)	2211 (2015)	
	1771 (2007)	2293 (2016)	
	1799 (2008)	2360 (2017)	

<i>Sanctions regime</i>	<i>Resolutions by which measures were established or subsequently modified</i>		<i>Resolutions adopted in 2018</i>
<i>Sudan</i>	1556 (2004) 1591 (2005) 1672 (2006) 1945 (2010) 2035 (2012)	2138 (2014) 2200 (2015) 2265 (2016) 2340 (2017)	2400 (2018)
<i>Lebanon</i>	1636 (2005)		None
<i>Democratic People's Republic of Korea</i>	1718 (2006) 1874 (2009) 2087 (2013) 2094 (2013) 2141 (2014) 2207 (2015)	2270 (2016) 2321 (2016) 2356 (2017) 2371 (2017) 2375 (2017) 2397 (2017)	None
<i>Libya</i>	1970 (2011) 1973 (2011) 2009 (2011) 2016 (2011) 2095 (2013) 2146 (2014) 2174 (2014) 2208 (2015)	2213 (2015) 2238 (2015) 2259 (2015) 2278 (2016) 2292 (2016) 2357 (2017) 2362 (2017)	2420 (2018) 2441 (2018)
<i>Guinea-Bissau</i>	2048 (2012) 2157 (2014)	2186 (2014) 2203 (2015)	None
<i>Central African Republic</i>	2127 (2013) 2134 (2014) 2196 (2015)	2217 (2015) 2262 (2016) 2339 (2017)	2399 (2018)
<i>Yemen</i>	2140 (2014) 2204 (2015) 2216 (2015)	2266 (2016) 2342 (2017)	2402 (2018)
<i>South Sudan</i>	2206 (2015) 2241 (2015) 2252 (2015) 2271 (2016)	2280 (2016) 2290 (2016) 2353 (2017)	2418 (2018) 2428 (2018)
<i>Mali</i>	2374 (2017)		2432 (2018)

Table 5
Overview of measures pursuant to Article 41, in place or imposed, 2018

Sanctions Regime	Type of Measure																			
	Arms Embargo	Asset freeze	Travel ban or restrictions	Ban on arms exports by target State	Ban/restriction on workers abroad	Business restrictions	Charcoal ban	Diplomatic/overseas representation restrictions	Embargo on natural resources	Financial restrictions	Luxury goods embargo	Natural gas embargo/restriction	Non-proliferation measures	Oil/petroleum and petroleum products embargo/restriction	Prohibition on bunkering services/port entry	Public financial support for trade restrictions	Restrictions on ballistic missiles	Sectoral ban	Specialized teaching and technical cooperation restrictions	Transport and aviation sanctions
Somalia and Eritrea ^a	X	X	X			Eritrea	X			Eritrea										
Somalia ^b	X	X	X				X													
Taliban	X	X	X																	
ISIL (Da'esh) and Al-Qaida	X	X	X																	X
Iraq	X	X																		
Democratic Republic of the Congo	X	X	X																	X
Sudan	X	X	X																	
Lebanon ^c		X	X																	
Democratic People's Republic of Korea	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X
Libya	X	X	X	X		X				X				X	X					
Guinea-Bissau			X																	
Central African Republic	X	X	X																	
Yemen	X	X	X																	
South Sudan	X	X	X																	
Mali		X	X																	

^a Sanctions measures on Eritrea were lifted on 14 November 2018, pursuant to resolution [2444 \(2018\)](#).

^b Sanctions measures in effect from 14 November 2018, pursuant to resolution [2444 \(2018\)](#).

^c Pursuant to paragraph 15 of resolution [1701 \(2006\)](#) the Council decided, inter alia, that States should take the necessary measures to prevent, by their nationals or from their territories or using their flag vessels or aircraft, the sale or supply of arms and related materiel to any entity or individual in Lebanon other than those authorized by the Government of Lebanon or by the United Nations Interim Force in Lebanon (UNIFIL). In 2018, by resolution [2433 \(2018\)](#) the Council recalled paragraph 15 of resolution

[1701 \(2006\)](#), and requested the Secretary-General to continue to report to the Council on the implementation of resolution [1701 \(2006\)](#), including an annex on the implementation of the arms embargo.

Somalia and Eritrea

In 2018, the Security Council adopted resolutions [2442 \(2018\)](#) and [2444 \(2018\)](#) related to the sanctions measures imposed by the Council concerning Somalia and Eritrea extending, modifying or terminating the existing targeted measures. On 14 November 2018, by resolution [2444 \(2018\)](#), the Council lifted the arms embargo, travel ban, asset freeze and targeted sanctions on Eritrea while keeping in place the measures concerning Somalia.¹²² Table 6 provides an overview of the changes to the measures authorized by the Council in 2018.

On 6 November 2018, the Council adopted resolution [2442 \(2018\)](#), deciding that the arms embargo did not apply to supplies of weapons and military equipment or the provision of assistance destined for the sole use of Member States and international, regional and subregional organizations authorized to fight against piracy and armed robbery at sea off the coast of Somalia.¹²³ The Council also kept under review the possibility of applying targeted sanctions against individuals or entities that planned, organized, facilitated, or illicitly financed or profited from piracy operations in the event that they met the listing criteria set out in paragraph 43 of resolution [2093 \(2013\)](#). The Council also called upon all States to cooperate fully with the Monitoring Group including on information-sharing regarding possible violations of the arms embargo or charcoal ban.¹²⁴

Shortly thereafter, on 14 November 2018, by resolution [2444 \(2018\)](#), the Council decided from the date of its adoption to lift the arms embargo, travel ban, asset freeze and targeted sanctions imposed on Eritrea in its resolutions [1907 \(2009\)](#), [2023 \(2011\)](#), [2060 \(2012\)](#) and [2111 \(2013\)](#).¹²⁵ In this resolution, the Council also recognised that, during the course of its current and four previous mandates, the Monitoring Group on Somalia and Eritrea had not found conclusive evidence that Eritrea supported Al-Shabaab and underlined the importance of continuing efforts towards the normalisation of relations between Eritrea and Djibouti for

¹²² Resolution [2444 \(2018\)](#), paras. 4, 13 to 16 and 41 to 45.

¹²³ Resolution [2442 \(2018\)](#), paras. 14 and 16.

¹²⁴ Ibid., para. 11.

¹²⁵ Ibid., para. 4

regional peace, stability and reconciliation.¹²⁶ In addition, expressing satisfaction that funds derived from the mining sector of Eritrea were not contributing to violations of resolutions [1844 \(2008\)](#), [1862 \(2009\)](#), [1907 \(2009\)](#) or [2023 \(2011\)](#), the Council decided that States were no longer required to undertake the measures set out in paragraph 13 of resolution [2023 \(2011\)](#) designed to prevent funds derived from the mining sector of Eritrea to contribute to violations of the aforesaid resolutions.¹²⁷

Concerning Somalia, the Council reaffirmed the arms embargo and related exemptions imposed by previous resolutions on Somalia. It reiterated that the delivery of weapons, ammunition or military equipment or the provision of advice, assistance or training, intended solely for the development of the Somali National Security Forces, to provide security for the Somali people, and the entry into Somali ports for temporary visits of vessels carrying arms and related materiel for defensive purposes did not amount to a violation of the arms embargo.¹²⁸ It also welcomed the improvements made by the Federal Government of Somalia in weapon registration, recording and marking procedures and reiterated that the Security Council was committed to monitoring and assessing improvements in order to review the arms embargo when all conditions set out in Security Council resolutions were met.¹²⁹ In this connection, the Council requested the Secretary-General to conduct a technical assessment regarding the arms embargo, with options and recommendations for improving implementation, by 15 May 2019.¹³⁰

The Council also reaffirmed the ban on the import and export of Somali charcoal as set out in paragraph 22 of resolution [2036 \(2012\)](#) and reiterated that individuals and entities engaged in acts which violate the charcoal ban may be listed for targeted measures. The Council further reiterated paragraphs 11 to 21 of resolution [2182 \(2014\)](#), and decided to renew until 15 November 2019 the authorization for Member States to inspect vessels and to seize and dispose

¹²⁶ In the resolution, the Council welcomed the meetings between the President of Djibouti and the President of Eritrea and between the representative of the Government of Eritrea and the Chair of the Committee pursuant to resolutions [751 \(1992\)](#) and [1907 \(2009\)](#) concerning Somalia and Eritrea, as well as the Coordinator of the Monitoring Group. Resolution [2444 \(2018\)](#), paras. 1, 2 and 3. For information on the Committee and the Monitoring Group, see part IX, sect. I.B.

¹²⁷ Resolution [2444 \(2018\)](#), para. 5.

¹²⁸ Ibid., paras. 13, 14, and 15.

¹²⁹ Ibid., para 17.

¹³⁰ Ibid., para. 32.

of any prohibited items bound to or from Somalia, where there were grounds to believe that the vessels were in violation of the charcoal ban and arms embargo as set out in paragraph 15 of resolution [2182 \(2014\)](#).¹³¹ In addition, the Council decided that the asset freeze should not be applied to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of humanitarian assistance.¹³²

Furthermore, the Council decided that acts that threaten the peace, security or stability of Somalia may also include but were not limited to planning, directing or committing acts involving sexual and gender-based violence and, on the basis of such criteria, reiterated its willingness to adopt targeted measures against concerned individuals and entities.¹³³

Table 6
Changes to the measures imposed pursuant to Article 41 concerning Somalia and Eritrea, 2018

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i>	
		2442 (2018)	2444 (2018)
Arms embargo (Somalia)	733 (1992) , para. 5	Exemption (16)	Extension (13) Exemption (14, 15)
Arms embargo (Eritrea)	1907 (2009) , paras. 5 and 6		Termination (4)
Asset freeze (Somalia)	1844 (2008) , para. 3		Extension (50) Exemption (48)
Asset freeze (Eritrea)	1907 (2009) , para. 13		Termination (4)
Business restrictions (Eritrea)	2203 (2011) , para. 13		Termination (5)
Charcoal ban (Somalia)	2036 (2012) , para. 22		Extension (41) Limited extension (44)
Travel ban (Somalia)	1844 (2008) , para. 1		Extension (50)
Travel ban (Eritrea)	1907 (2009) , para. 10		Termination (4)

¹³¹ Ibid., paras. 41 and 44.

¹³² Ibid., para. 48.

¹³³ Ibid., paras. 50 and 51.

Taliban and associated individuals and entities

During the period under review, the Council did not adopt any new resolutions concerning the sanctions measures on the Taliban and other individuals, groups, undertakings and entities associated with the Taliban constituting a threat to the peace, stability and security of Afghanistan, as designated by the Committee. The relevant Committee continued to oversee the implementation of the asset freeze, arms embargo and travel ban or restrictions as previously imposed by resolutions [1267 \(1999\)](#), [1333 \(2000\)](#) and [1390 \(2002\)](#).¹³⁴

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

During the period under review, the Council did not adopt any new resolutions concerning the sanctions measures on ISIL (Da'esh) and Al-Qaida and associates. By a presidential statement, dated 21 December 2018, the Council stated that it had reviewed the implementation of the measures described in paragraph 1 of resolution [2368 \(2017\)](#) and that no further adjustments to the measures were necessary during the period under review. The Council further stated that it would continue to evaluate the implementation of such measures and make adjustments, as necessary, to support their full implementation with respect to all individuals, groups, undertakings, and entities included on the ISIL (Da'esh) and Al-Qaida Sanctions List.¹³⁵

Iraq

During 2018, 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 senior officials, State bodies, corporations and agencies of the former Iraqi regime. Pursuant to resolution [1483 \(2003\)](#), the relevant Committee continued to oversee the implementation of the asset freeze and maintain the lists of individuals and entities.¹³⁶

¹³⁴ For information on the Committee and the Monitoring Team, see part IX, sect. I.B.

¹³⁵ [S/PRST/2018/21](#). For information on the Committee and the Monitoring Team, see part IX, sect. I.B.

¹³⁶ For information on the Committee, see part IX, sect. I.B.

Democratic Republic of the Congo

During the period under review, by resolution [2424 \(2018\)](#), the Council renewed the sanctions measures on the Democratic Republic of the Congo, comprising an arms embargo, a travel ban, an asset freeze and restrictions on transportation and aviation, until 1 July 2019. It also renewed the exemptions to the arms embargo, asset freeze and travel ban.¹³⁷ Table 7 provides an overview of the changes to the measures during the period under review.

In resolution [2424 \(2018\)](#), the Council further reaffirmed that the asset freeze and travel ban measures contained in previous resolutions would apply to individuals and entities as designated by the Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo for engaging in or providing support for acts that undermined the peace, stability or security of the Democratic Republic of the Congo, as set forth in paragraph 7 of resolution [2293 \(2016\)](#) and paragraph 3 of resolution [2360 \(2017\)](#).¹³⁸

Table 7
Changes to the measures imposed pursuant to Article 41 concerning the Democratic Republic of the Congo, 2018

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i> <i>2424 (2018)</i>
Arms embargo	1493 (2003) , para. 20	Limited extension (1) Exemption (1)
Asset freeze	1596 (2005) , para. 15	Limited extension (1) Exemption (1)
Travel ban or restrictions	1596 (2005) , para. 13	Limited extension (1) Exemption (1)
Transportation and aviation sanctions measures	1807 (2008) , para. 6 and 8	Limited extension (1)

Sudan

During the period under review, the Council did not adopt any new resolution modifying sanctions measures on the Sudan. However, in resolution [2400 \(2018\)](#), extending the mandate of

¹³⁷ Resolution [2424 \(2018\)](#), para. 1.

¹³⁸ Ibid., para. 2. For information on the Committee and the Group of Experts, see part IX, sect. I.B.

the Panel of Experts on the Sudan, the Council recalled the sanctions measures and designation criteria established by previous resolutions and reaffirmed the related exemptions.¹³⁹ The Council expressed its intent to regularly review the measures on Darfur, in light of the evolving situation on the ground and the reports submitted by the Panel of Experts.¹⁴⁰ In addition, in resolution [2429 \(2018\)](#), in the context of the renewal of the mandate of the African Union-United Nations Hybrid Operation in Darfur, the Council expressed its intent to consider imposing additional measures against any party that would impede the peace process in Darfur,¹⁴¹ which was reiterated in a presidential statement on 11 December 2018.¹⁴²

Lebanon

During the period under review, the Council did not make any modifications to the sanctions measures established pursuant to resolution [1636 \(2005\)](#), consisting of an asset freeze and a travel ban. These measures were to be imposed on individuals designated by the International Independent Investigation Commission or the Government of Lebanon, as suspected of involvement in the 14 February 2005 terrorist bombing in Beirut, Lebanon that killed former Lebanese Prime Minister Rafiq Hariri and 22 others.¹⁴³

Democratic People's Republic of Korea

During the period under review, the Council did not make any modifications to the sanctions measures concerning the Democratic People's Republic of Korea. The relevant Committee continued to oversee the implementation of the asset freeze, arms embargo, travel ban, and other restrictions previously imposed by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#), and

¹³⁹ Resolution [2400 \(2018\)](#), para. 1.

¹⁴⁰ Ibid., para. 3. For information on the Committee and the Panel of Experts, see part IX, sect. I.B.

¹⁴¹ Resolution [2429 \(2018\)](#), para. 31.

¹⁴² [S/PRST/2018/19](#), fifth paragraph.

¹⁴³ Resolution [1636 \(2005\)](#), fourth preambular paragraph and para. 3. For information on the Committee, see part IX, sect. I.B.

[2397 \(2017\)](#).¹⁴⁴ By resolution [2407 \(2018\)](#), the mandate of the Panel of Experts supporting the Committee was extended until 24 April 2019.¹⁴⁵

Libya

During the period under review, the Council adopted two resolutions relating to the sanctions measures concerning Libya, one of which modified the measures in place.¹⁴⁶ Table 8 provides an overview of the changes to the measures in 2018.¹⁴⁷

By resolution [2420 \(2018\)](#), adopted on 11 June 2018, the Council extended the authorizations concerning the strict implementation of the arms embargo on the high seas off the coast of Libya for a further period of 12 months.¹⁴⁸ These authorizations were originally set forth in resolution [2292 \(2016\)](#), and were previously extended by resolution [2357 \(2017\)](#).¹⁴⁹ The Council further requested the Secretary-General to report within 11 months on its implementation.¹⁵⁰

On 5 November 2018, by resolution [2441 \(2018\)](#), the Council decided to extend until 15 February 2020 the authorizations provided by and the measures imposed by resolution [2146 \(2014\)](#) to prevent the illicit export of petroleum, including crude oil and refined petroleum products, from Libya. The Council further decided that the authorizations provided by and the measures imposed by resolution [2146 \(2014\)](#) would apply with respect to vessels loading, transporting, or discharging petroleum, including crude oil and refined petroleum products, illicitly exported or attempted to be exported from Libya.¹⁵¹ In this connection, the Council requested the Government of Libya, among others, to inform the Committee of vessels

¹⁴⁴ For information on the Committee and the Panel of Experts, see part IX, sect. I.B.

¹⁴⁵ Resolution [2407 \(2018\)](#), para. 1.

¹⁴⁶ Resolutions [2420 \(2018\)](#); and [2441 \(2018\)](#). For information on the Committee and the Panel of Experts, see part IX, sect. I.B.

¹⁴⁷ Resolution [2420 \(2018\)](#) is not included in the table as it does not extend or modify the sanctions measures concerning Libya.

¹⁴⁸ Resolution [2420 \(2018\)](#), para. 1.

¹⁴⁹ Resolution [2292 \(2016\)](#), paras. 3, 4 and 5; and resolution [2357 \(2017\)](#), para. 1.

¹⁵⁰ Resolution [2420 \(2018\)](#), para. 2.

¹⁵¹ Resolution [2441 \(2018\)](#), para. 2.

transporting petroleum, including crude oil and refined petroleum products, illicitly exported from Libya.¹⁵²

In the same resolution, the Council reaffirmed that the travel ban and asset freeze measures applied to individuals and entities determined by the Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya to be engaging in, or providing support for, acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition. The Council also reaffirmed that such acts may include, but were not limited to, planning, directing, sponsoring or participating in attacks against United Nations personnel, including members of the Panel of Experts and decided that such acts may also include but are not limited to planning, directing or committing acts involving sexual and gender-based violence.¹⁵³

In addition, by resolution [2441 \(2018\)](#), the Council called on Member States to report to the Committee, established pursuant to resolution [1970 \(2011\)](#) concerning Libya, on the actions they have taken to implement effectively the travel ban and asset freeze measures in relation to all individuals on the sanctions list, including those designated by the Committee on 7 June 2018 and 11 September 2018.¹⁵⁴

The Council expressed its readiness to consider reviewing the arms embargo and, at the request of the Government of National Accord, to consider changes to the asset freeze, when appropriate.¹⁵⁵

¹⁵² Ibid., para. 3.

¹⁵³ Ibid., para. 11.

¹⁵⁴ Ibid., para. 12. See [S/2018/1176](#), para. 24 for designations made by the Committee in 2018.

¹⁵⁵ Ibid., paras. 7 and 13.

Table 8

Changes to the measures imposed pursuant to Article 41 concerning Libya, 2018

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolution adopted during the period (paragraph)</i> 2441 (2018)
Arms embargo	1970 (2011) , para. 9	Exemption (7)
Asset freeze	1970 (2011) , para. 17	Exemption (11)
Ban on arms exports by target State	1970 (2011) , para. 10	
Business restrictions	1973 (2011) , para. 21	
Financial restrictions	2146 (2014) , para. 10 (d)	Limited extension (2)
Oil/petroleum embargo/restriction	2146 (2014) , para. 10 (a), (c), (d)	Limited extension (2) Modification (2)
Prohibition on bunkering services/port entry	2146 (2014) , para. 10 (c)	Limited extension (2)
Travel ban or restrictions	1970 (2011) , para. 15	Exemption (11)

Guinea-Bissau

During 2018, the sanctions regime for Guinea-Bissau, consisting of a travel ban, continued to remain in force, but did not undergo any modifications.¹⁵⁶ In resolution [2404 \(2018\)](#), the Council decided to review the sanctions measures within seven months from the date of adoption of the resolution, expressed its readiness to take additional measures to respond to further worsening of the situation in Guinea Bissau, and requested the Secretary-General to submit a report and recommendations on, inter alia, the continuation of the sanctions regime imposed by the Council further to resolution [2048 \(2012\)](#).¹⁵⁷ The Secretary-General's report was submitted to the Council on 28 August 2018.¹⁵⁸

¹⁵⁶ For more information on the Committee, see part IX, sect. I.B.

¹⁵⁷ Resolution [2404 \(2018\)](#), paras. 26, 27 and 28.

¹⁵⁸ [S/2018/791](#).

Central African Republic

During the period under review, the Council adopted two resolutions related to the sanctions measures concerning the Central African Republic.¹⁵⁹ Table 9 provides an overview of the changes to the measures during the period.¹⁶⁰

On 30 January 2018, by resolution [2399 \(2018\)](#), the Council extended until 31 January 2019 all three sanctions measures concerning the Central African Republic, namely an arms embargo, a travel ban and an asset freeze, as well as the related exemptions.¹⁶¹ In connection with the arms embargo, the Council authorized Member States to seize, register and dispose of prohibited arms and related materiel upon discovery.¹⁶²

By resolution [2399 \(2018\)](#), the Council indicated that the arms embargo would not apply to supplies intended solely for the support of or use by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and the European Union training missions deployed in the country, French forces and other Member States forces providing training and assistance to the *Forces armées centrafricaines*, including State civilian law enforcement institutions, intended solely for support of or use in the Central African Republic process of Security Sector Reform, in coordination with MINUSCA.¹⁶³

By this resolution, the Council also decided that individuals and entities who committed acts of incitement to violence, in particular on an ethnic or religious basis that undermined the peace, stability or security of the Central African Republic and then engaged in or provided support for acts that undermined the peace, stability or security of the country could meet the criteria for designation by the Committee established pursuant to resolution [2127 \(2013\)](#) concerning Central African Republic.¹⁶⁴

¹⁵⁹ Resolutions [2399 \(2018\)](#); and [2448 \(2018\)](#). For information on Committee and the Panel of Experts, see part IX, sect. I.B.

¹⁶⁰ Resolution [2448 \(2018\)](#) is not included in the table since it does not contain provisions extending or modifying the sanctions measures.

¹⁶¹ Resolution [2399 \(2018\)](#), paras. 1, 9, 14, 16, 17, 18, and 19.

¹⁶² Ibid., para. 2.

¹⁶³ Ibid., paras. 1 (a) and (b). Other exemptions to the arms embargo, asset freeze and travel ban were set forth in paras. 1 (c) to 1 (h) (arms embargo), para. 14 (travel ban), paras. 17, 18 ad 19 (asset freeze).

¹⁶⁴ Ibid., para. 22.

Further to the request of the Council in paragraph 43 of resolution [2399 \(2018\)](#), the Secretary-General, in a letter to the President of the Security Council dated 1 August 2018, proposed benchmarks to assess the arms embargo measures in the Central African Republic.¹⁶⁵

On 13 December 2018, the Council adopted resolution [2448 \(2018\)](#), acknowledging the important contribution of the Council-mandated sanctions regime to the peace, stability and security of the Central African Republic. The Council recalled that individuals or entities that undermine peace and stability in the country could be listed for targeted measures.¹⁶⁶

Table 9
Changes to the measures imposed pursuant to Article 41 concerning the Central African Republic, 2018

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i> 2399 (2018)
Arms embargo	2127 (2013) , para. 54	Limited extension (1) Exemption (1, 1(a)-(h))
Asset freeze	2134 (2014) , paras. 32, 34	Limited extension (16) Exemption (17, 17 (a)-(c), 18, 19)
Travel ban or restrictions	2134 (2014) , para. 30	Limited extension (9) Exemption (14, 14 (a)-(c))

Yemen

In 2018, the Council adopted resolution [2402 \(2018\)](#), extending the asset freeze and travel ban, as well as the relevant exemptions to those measures, until 26 February 2019.¹⁶⁷

Table 10 provides an overview of the changes to the measures during the period under review.

By resolution [2402 \(2018\)](#), the Council reaffirmed the designation criteria of prior resolutions and its intention to keep the situation in Yemen under continuous review, as well as its readiness to review the appropriateness of the measures contained in the resolution in the light

¹⁶⁵ See [S/2018/752](#).

¹⁶⁶ Resolution [2448 \(2018\)](#), eighteenth preambular paragraph and para. 9. For information on the Committee and the Panel of Experts, see part IX, sect. I.B.

¹⁶⁷ Resolution [2402 \(2018\)](#), para. 2.

of developments in the country.¹⁶⁸ The Council also called upon Member States to report to the Committee established pursuant to resolution [2140 \(2014\)](#) on the steps taken to implement the sanctions measures and reminded that Member States undertaking cargo inspections pursuant to paragraph 15 of resolution [2216 \(2015\)](#) were required to submit written reports to the Committee.¹⁶⁹

Table 10
Changes to the measures imposed pursuant to Article 41 concerning Yemen, 2018

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)
		2402 (2018)
Arms embargo	2216 (2015) , paras. 14-16	Extension (2)
Asset freeze	2140 (2014) , paras. 11, 13	Limited extension (2) Exemption (2)
Travel ban or restrictions	2140 (2014) , para. 15	Limited extension (2) Exemption (2)

South Sudan

During the period under review, the Council adopted three resolutions concerning the sanctions measures on South Sudan. In addition to extending the asset freeze and travel ban, as well as the relevant exemptions to those measures, resolution [2428 \(2018\)](#) imposed an arms embargo on the country affecting arms and related materiel of all types and technical assistance, training, financial or other assistance.¹⁷⁰ Table 11 provides an overview of the changes to the measures during the period under review.¹⁷¹

On 15 March 2018, in the context of the renewal of the mandate of the United Nations Mission in South Sudan (UNMISS), the Council expressed in resolution [2406 \(2018\)](#), its intention to consider all appropriate measures against those who took actions that undermined

¹⁶⁸ Ibid., paras. 3, 4 and 12.

¹⁶⁹ Ibid., para. 10.

¹⁷⁰ Resolutions [2406 \(2018\)](#); [2418 \(2018\)](#); and [2428 \(2018\)](#). For more information on the Committee and the Panel of Experts, see part IX, sect. I.B.

¹⁷¹ Resolution [2406 \(2018\)](#) is not included in the table since it does not contain provisions extending or modifying the sanctions measures.

the peace, stability, and security of South Sudan. The Council also took note of the communique of the African Union Peace and Security Council of 8 February 2018 and expressed further its intention to consider all measures, including an arms embargo, as appropriate, to deprive the parties of the means to continue fighting and to prevent violations of the Agreement.¹⁷²

On 31 May 2018, by resolution [2418 \(2018\)](#), the Council renewed the asset freeze and travel ban, as well as the relevant exemptions, until 15 July 2018.¹⁷³ In the resolution, the Council also requested the Secretary-General to report by 30 June 2018 whether any fighting had taken place among the parties to the cessation of hostilities agreement in South Sudan and whether the parties had reached a viable political agreement, since the adoption of the resolution. The Council also decided that if the Secretary-General reported “such fighting or lack of a viable political agreement”, it would consider applying sanctions measures to the individuals listed in Annex 1 to the resolution and/or an arms embargo.¹⁷⁴

On 13 July 2018, by resolution [2428 \(2018\)](#), the Council decided to impose an arms embargo until 31 May 2019 by which all Member States would immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to the territory of South Sudan of arms and related materiel of all types and technical assistance, training, financial or other assistance. The Council also decided a series of exemptions concerning, inter alia, arms and related materiel for the support or use of United Nations personnel, including UNMISS and the United Nations Interim Security Force for Abyei, non-lethal military equipment for humanitarian or protective use as well as arms and related materiel.¹⁷⁵ In addition, by resolution [2428 \(2018\)](#), the Council renewed the asset freeze and travel ban and all related exemptions until 31 May 2019.¹⁷⁶ The Council also reaffirmed that those measures would apply to individuals and entities responsible for, complicit in, or having engaged in, directly or indirectly, actions or policies that threatened the peace, security or stability of South Sudan and decided that they would apply to

¹⁷² Resolution [2406 \(2018\)](#), para. 3.

¹⁷³ Resolution [2418 \(2018\)](#), para. 1.

¹⁷⁴ Ibid., para. 3.

¹⁷⁵ Resolution [2428 \(2018\)](#), paras. 4 and 5.

¹⁷⁶ Ibid., paras. 12 and 17.

individuals identified in Annex 1.¹⁷⁷ The Council further underscored that actions or policies that threatened the peace, security or stability of South Sudan could include, inter alia, the planning, directing, or committing acts involving sexual and gender-based violence in South Sudan, as well as the engagement by armed groups or criminal networks in activities that destabilize South Sudan through the illicit exploitation or trade of natural resources.¹⁷⁸ Furthermore, the Council expressed concerns at reports of misappropriation and diversion of public resources which posed a risk to the peace, security, and stability of South Sudan and serious concern at the reports of financial impropriety involving the Transitional Government posing and risk to the peace, security, and stability of South Sudan. In this context, the Council underscored that individuals engaged in actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan could be listed for travel and financial measures.¹⁷⁹

Table 11
Changes to the measures imposed pursuant to Article 41 concerning South Sudan, 2018

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i>	
		<i>2418 (2018)</i>	<i>2428 (2018)</i>
Asset freeze	2206 (2015), paras. 12, 14	Limited extension (1) Exemption (1)	Limited extension (12) Modification (16) Exemption (12)
Travel ban or restrictions	2206 (2015), para. 9	Limited extension (1) Exemption (1)	Limited extension (12) Modification (16) Exemption (12)
Arms embargo	2428 (2018), para. 4		Establishment (4) Exemption (5 (a)-(g))

¹⁷⁷ Ibid., paras. 13 and 17.

¹⁷⁸ Ibid., paras. 14 (e) and 14 (j).

¹⁷⁹ Ibid., para. 15.

Mali

In 2018, the Council adopted two resolutions related to the sanctions measures concerning in Mali.¹⁸⁰ Table 12 provides an overview of the changes to the measures during the period under review.¹⁸¹

In resolution [2423 \(2018\)](#), the Council expressed its intention to follow closely the timely implementation of the Roadmap adopted on 22 March 2018 and to respond with measures pursuant to resolution [2374 \(2017\)](#) should the parties not implement the agreed-upon commitments within the announced time frame.¹⁸²

By resolution [2432 \(2018\)](#), the Council extended the asset freeze and travel ban, as well as the relevant exemptions to those measures, until 31 August 2019.¹⁸³ The Council reaffirmed the designation criteria established in resolution [2374 \(2017\)](#) and its intention to keep the situation in Mali under continuous review, as well as its readiness to review the appropriateness of the sanctions measures in the light of developments in the country.¹⁸⁴

Table 12
Changes to the measures imposed pursuant to Article 41 concerning Mali, 2018

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolution adopted during the period (paragraph)</i>
		2432 (2018)
Asset freeze	2374 (2017) , para. 4	Limited extension (1) Exemption (1)
Travel ban or restrictions	2374 (2017) , para. 1	Limited extension (1) Exemption (1)

¹⁸⁰ Resolutions [2423 \(2018\)](#); and [2432 \(2018\)](#). For information on the Committee and Panel of Experts, see part IX, sect. I.B.

¹⁸¹ Resolution [2423 \(2018\)](#) is not included in the table since it does not contain provisions extending or modifying the sanctions measures.

¹⁸² Resolution [2423 \(2018\)](#), sixth preambular paragraph and para. 3.

¹⁸³ Resolution [2432 \(2018\)](#), para. 1.

¹⁸⁴ Ibid., paras. 2 and 5.

B. Discussion relating to Article 41

The present subsection covers the discussions in the Council regarding the use of sanctions and other measures pursuant to Article 41 of the Charter, organized under two main headings: thematic issues, and country- and region-specific issues.

During the period under review, Article 41 was explicitly referred to on two occasions at Council meetings. On 25 June 2018, at the 8293rd meeting held under the item entitled “Maintenance of international peace and security”, the representative of the United Kingdom stated that sanctions were a vital part of the Council’s arsenal, and as made clear by Article 41, sanctions gave very real effect to the Council’s decisions and turned words in the Chamber into tangible consequences for those who threatened international peace and security.¹⁸⁵ On 29 August 2018, at the 8334th meeting held also under the item entitled “Maintenance of international peace and security”, the representative of Cuba regretted that the Council was too quick to seek recourse in the provisions of Articles 41 and 42 of the Charter without having fully exhausted all other options, including those provided for in Chapter VI, and without considering their consequences, including the short- and long-term effects of imposing sanctions, particularly for political processes aimed at achieving the peaceful settlement of conflicts.¹⁸⁶

The use of sanctions was widely discussed by Council and non-Council members in deliberations in relation to both thematic and country- or region-specific items during 2018. Under the thematic item entitled “Maintenance of international peace and security”, the Council considered how sanctions regimes could assist in preventing and resolving conflicts related to natural resources (see case 6). The Council also discussed the question of including sexual and gender-based violence as an explicit designation criterion across different sanctions regimes under the thematic item entitled “Women and peace and security” (see case 7). The Council held similar discussions in the context of the sanctions measures concerning Libya (see case 9) and Somalia (see case 11).

¹⁸⁵ See [S/PV.8293](#), p. 14.

¹⁸⁶ See [S/PV.8334](#), p. 53.

The importance of sanctions as a tool of the Council was further raised during discussions on the imposition of an arms embargo on South Sudan (see case 8), combatting migrant smuggling and human trafficking in Libya (see case 10), and the termination of sanctions on Eritrea coupled with the renewal of sanctions measures on Somalia (see case 11).

Discussion on thematic issues relating to Article 41

Case 6

Maintenance of international peace and security

On 16 October 2018, at the initiative of Plurinational State of Bolivia, which held the Presidency for the month,¹⁸⁷ the Council convened its 8372nd meeting under the above-referenced item and under the sub-item entitled “Root causes of conflict — the role of natural resources”. At that meeting, the Council heard a briefing from the Secretary-General who addressed links between internal armed conflicts and natural resources, emphasizing the work of the UN in addressing the growing threat of climate-related security risks. He maintained that the unfair distribution of natural resources, corruption and mismanagement could and did lead to conflict, and that these pressures could exacerbate existing ethnic or religious divides within societies and across borders.¹⁸⁸

Council members all agreed that conflict was too frequently fuelled by competition over natural resources. Speaking ahead of all Council members, the representative of the Plurinational State of Bolivia maintained that multinational corporations and foreign interests were often behind the exploitation of natural resources in conflict situations. He stressed that sanctions regimes should be “more dynamic and effective” and called for sanctions to be applied to the networks that made the entire chain of those involved in conflict as well as to the “commercial enablers” and “financial facilitators”, to prevent multinational corporations from profiting from

¹⁸⁷ A concept note was circulated by a letter dated 9 October 2018 addressed to the Secretary-General ([S/2018/901](#)).

¹⁸⁸ [S/PV.8372](#), p. 2.

illegally obtained natural resources on the global market.¹⁸⁹ The representative of Peru underscored the links established between illegal extractors of natural resources and criminal organizations, calling on the sanctions committees of the Council to pay special attention to illicit trafficking networks dealing in natural resources emanating from countries affected by conflict and the corresponding illegal flows, in line with the presidential statement of 25 June 2007.¹⁹⁰ The representative of Poland stressed the need for a “comprehensive and innovative” approach as the issue of natural resources and conflict concerned the actions of private companies and armed groups as well as governments. In this regard, recalling also the presidential statement of 25 June 2007,¹⁹¹ she stated that expert groups and sanctions regimes offered a variety of mechanisms and could play a role in helping the governments concerned to prevent the illegal exploitation of resources from further fueling the conflict.¹⁹²

The representative of Côte d’Ivoire urged the Council to refer to previous successful uses of sanctions on natural resources and take stock of the lessons learned from the implementation of these measures in order to strengthen the Council’s role in the prevention and resolution of conflicts linked to natural resources.¹⁹³ The representative of the Netherlands underscored that the illegal trade in natural resources should be grounds for sanctions, as revenues from illegal exploitation and trade were used to destabilize countries.¹⁹⁴

The representative of Kuwait called for sanctions regimes adopted by the Council to include explicit mandates with specific terms of reference so as to prevent the trafficking and illegal exploitation of natural resources. He noted, however, that preventive diplomacy based on dialogue and mediation remained the best means to prevent conflicts, including those linked to claims pertaining to natural resources.¹⁹⁵

The representative of Sweden advocated for the Council to assess and address the issue of natural resources in a more structured and proactive way by including more integrated analysis

¹⁸⁹ Ibid., pp. 3-4.

¹⁹⁰ Ibid., p. 7. See also [S/PRST/2007/22](#).

¹⁹¹ [S/PRST/2007/22](#), seventh paragraph.

¹⁹² [S/PV.8372](#), p. 16.

¹⁹³ Ibid., pp. 6-7.

¹⁹⁴ Ibid., p. 9.

¹⁹⁵ Ibid., p. 10.

such as gender analysis, given that women were important actors in addressing the drivers and root causes of conflict. He noted though that the Council needed also to follow up such information with action, through peacekeeping missions' mandates in collaboration with United Nations country teams as well as through targeted measures on individuals and entities involved in fuelling conflict through illicit trade.¹⁹⁶ The representative of France further emphasized the need to address women's inequitable access to resources when establishing designation criteria linked to the exploitation of natural resources.¹⁹⁷

The representative of China stated that sanctions imposed by the Council were not an end in themselves and should be carefully targeted for a precise impact on organizations engaged in illicit extraction, while minimizing the effects on the normal exploitation conducted by the countries concerned.¹⁹⁸ The representative of the United States said that sanctions regimes remained a critical tool for addressing the destabilizing impact of the trade in illicit resources and that States needed to do more to strengthen implementation of United Nations sanctions regimes seeking to eliminate trade in natural resources that contribute to conflict.¹⁹⁹ The representative of the United Kingdom stressed that while sanctions regimes can provide a useful tool for tackling the role of natural resources in perpetuating conflict, their success relied on the implementation by not only all Council members but also all of the other States Members of the United Nations.²⁰⁰

Case 7

Women and peace and security

On 16 April 2018, at the initiative of the Peru, which held the Presidency for the month,²⁰¹ the Council convened its 8234th meeting under the above-referenced item and under

¹⁹⁶ Ibid., p. 12.

¹⁹⁷ Ibid., p. 17.

¹⁹⁸ Ibid., p. 15.

¹⁹⁹ Ibid., p. 8.

²⁰⁰ Ibid., p. 18.

²⁰¹ A concept note was circulated by a letter dated 2 April 2018 to the Secretary-General ([S/2018/311](#)).

the sub-item entitled “Preventing sexual violence in conflict through empowerment, gender equality and access to justice”.²⁰²

During the meeting, the Council considered the latest report of the Secretary-General on conflict-related sexual violence.²⁰³ During the discussion, several speakers expressed support for the inclusion of sexual violence as a separate designation criterion in sanctions regimes.²⁰⁴ The representatives of the Plurinational State of Bolivia, Kazakhstan and Lithuania explicitly concurred with the recommendation of the report, calling on the Council sanctions committees to include sexual violence as designation criteria.²⁰⁵ The representative of the Netherlands called on the Council to systematically and explicitly incorporate and apply sexual violence as a designation criterion in sanctions regimes, particularly those regimes targeting the actors listed in the report.²⁰⁶ She stressed that sanctions could not be an alternative to prosecution for crimes that were punishable under international law. For conflict-affected areas where United Nations sanctions regimes did not exist, she further urged the Council to consider the adoption of targeted sanctions regimes that would allow for the inclusion of specific designation criteria on sexual violence.²⁰⁷ In a similar vein, the representative of Germany said that, in addition to making sexual violence more regularly a designation criterion in sanctions regimes, the Council should also refer cases of sexual violence to the International Criminal Court.²⁰⁸

Concerning sanctions regimes already in place, but without separate designation criteria on sexual violence, the representative of Sweden encouraged the panels of experts to report such crimes under international humanitarian law and/or human rights criteria.²⁰⁹ Noting the Security Council’s first-ever separate designation criterion on conflict-related sexual violence in the sanctions regime for the Central African Republic in 2017, she added that having such criteria was not enough and that sanctions committees needed gender expertise. In her words, the

²⁰² [S/PV.8234](#).

²⁰³ [S/2018/250](#).

²⁰⁴ [S/PV.8234](#), p. 12 (France); p. 27 (Canada); p. 34 (Spain); p. 54 (Germany); p. 72 (Costa Rica); and p. 74 (Montenegro).

²⁰⁵ *Ibid.*, p. 14 (Plurinational State of Bolivia); p. 20 (Kazakhstan); and pp. 47-48 (Lithuania).

²⁰⁶ *Ibid.*, p. 23.

²⁰⁷ *Ibid.*

²⁰⁸ *Ibid.*, p. 54.

²⁰⁹ *Ibid.*, p. 9.

Council had responded to this need by adding the new language when renewing the regime in 2018.²¹⁰ Similarly, the representative of Canada called on the Council to explicitly include sexual violence as a designation criterion within United Nations sanctions regimes where such crimes were persistently perpetrated and that sanctions committees should be supported by dedicated gender and sexual violence expertise and draw on information from the Special Representative of the Secretary-General on Sexual Violence in Conflict.²¹¹

The representative of Argentina stressed that crimes involving sexual violence constituted the most serious international crimes that had to be prevented and punished through the use of available tools, including the sanctions regimes.²¹² The representative of Mexico underscored that the international community needed to acknowledge that sanctions were one of the most effective ways of punishing perpetrators of sexual violence. He noted, however, that sanctions would continue to have “limited impact” in combatting sexual violence in conflict if they were not accompanied by cooperation within and outside of the UN system on investigating and documenting these types of war crimes in an impartial and effective manner.²¹³ The representative of Ireland urged the Council to be consistent and timely in its use of sanctions against perpetrators of conflict-related sexual violence.²¹⁴ The representative of Italy, while noting the ability of the Council to deter sexual and gender-based violence with targeted sanctions, stressed the necessity to ensure that sanctions were effectively implemented in order to increase the cost of allowing or using sexual violence in conflict.²¹⁵

While the representative of Croatia welcomed the emphasis on the urgency of ensuring that sexual violence considerations were explicitly and consistently reflected in prevention efforts, peace processes and sanctions regimes, the representative of the United States regretted that, despite the Council having sanctions tools at its disposal to punish the perpetrators of sexual violence, they remained “terribly underutilized”.²¹⁶

²¹⁰ Ibid., pp. 8-9. For reference, see resolution [2339 \(2017\)](#), para. 17 (c) and resolution [2399 \(2018\)](#), para. 35.

²¹¹ Ibid., p. 27.

²¹² Ibid., p. 79.

²¹³ Ibid., p. 39.

²¹⁴ Ibid., p. 66.

²¹⁵ Ibid., p. 42.

²¹⁶ Ibid., p. 10 (United States); and p. 71 (Croatia).

The representative of the Russian Federation expressed concern at the attempts to broaden the interpretation of the scope of the Council's mandate on combating sexual violence in conflict by using a different term – “conflict-related sexual violence” and noted that what appeared to be technical differences in the terminology ran the risk of going beyond the Council's remit and infringing on the mandates of other United Nations bodies.²¹⁷

Discussions on country-specific issues relating to Article 41

Case 8

Reports of the Secretary-General on the Sudan and South Sudan

At its 8273rd meeting, on 31 May 2018, the Council adopted resolution [2418 \(2018\)](#) albeit non-unanimously.²¹⁸ The representative of the United States noted that the Council had not imposed an arms embargo even though the need was obvious and that the Council had not sanctioned a single individual since 2015. She noted that the parties had violated the agreement on the cessation of hostilities in South Sudan and neither the Intergovernmental Authority on Development (IGAD) nor the African Union had applied consequences for the violators.²¹⁹ The representatives of the United Kingdom, Sweden and France were of the view that resolution [2418 \(2018\)](#) was important in increasing the international pressure on the parties to compromise in the interest of peace, which could help put an end to the violence in South Sudan and to advance the political process.²²⁰

Those who abstained expressed concern that the threat of additional sanctions measures and designations could negatively affect the peace process and stressed the need to coordinate the efforts of regional organizations and the United Nations. Speaking before the vote, the

²¹⁷ Ibid., p. 17.

²¹⁸ *In favour*: Côte d'Ivoire, France, Kuwait, Netherlands, Peru, Poland, Sweden, United Kingdom, United States; *against*: none; *Abstained*: Bolivia (Plurinational State of), China, Equatorial Guinea, Ethiopia, Kazakhstan, Russian Federation. See [S/PV.8273](#), p. 4.

²¹⁹ Ibid., p. 2.

²²⁰ Ibid., p. 4 (United Kingdom), p.5 (Sweden), and p. 7 (France).

representative of Ethiopia explained that IGAD was at the critical moment of concluding the High-Level Revitalization Forum and presenting its bridging proposal and that the adoption of the draft resolution would be detrimental to the process. He said that by taking action without synchronizing or calibrating its position regarding the African Union, the Security Council would be seriously undermining the peace process. He further noted that IGAD had reaffirmed its commitment to targeted measures on spoilers, also reinforced by the African Union. In this regard, the representative of Ethiopia said that his country would be abstaining because the text was manifestly harmful to the peace process, undermining the efforts of the region, the subregion, IGAD and the African Union.²²¹ The representative of Equatorial Guinea, also speaking before the vote, said that the inclusion of a list of individuals on whom sanctions would be imposed would hinder the negotiations taking place on the ground.²²²

After the vote, the representative of the Russian Federation said that it was wrong to introduce sanctions against high-ranking individuals who were involved in the peace negotiation process sponsored by IGAD. He expressed doubt that the introduction of sanctions against members of the Government of South Sudan and an arms embargo could play a positive role in reaching a political settlement. He indicated that during the course of work on a new draft resolution in July 2018, the Russian Federation would also proceed from the position that it was unacceptable to have any preordained stance on broadening sanctions. He also rejected the penholders' damaging and disrespectful position of imposing a too-strict time frame on the Council, which he deemed simply unacceptable when taking far-reaching decisions on sanctions under Chapter VII.²²³

The representative of China stated that the threat of an arms embargo and possible designations were not conducive to furthering the political peace process. He noted that China had maintained a consistent position on the issue of sanctions based on the belief that sanctions were a means to an end, not an end in and of themselves. He added that the Council should

²²¹ Ibid., pp. 3 and 4.

²²² Ibid., p. 4.

²²³ Ibid., p. 6.

exercise great caution in implementing sanctions, and its action ought to help advance the political settlement process in South Sudan.²²⁴ The representative of the Plurinational State of Bolivia said that decisions to impose sanctions measures against those who violate cessation of hostilities agreements and obstruct peace processes must be agreed in principle in conjunction with the relevant regional and subregional organizations.²²⁵ The representative of Kazakhstan, deeply concerned at the reports of continuing military actions and flagrant violations of international humanitarian law and human rights law, expressed readiness to discuss appropriate additional measures by the Council against those who violated the agreement. Nevertheless, Kazakhstan abstained from voting on resolution [2418 \(2018\)](#) because it did not adequately reflect the concerns of regional states regarding the timing of such actions.²²⁶

On 13 July 2018, Security Council adopted resolution [2428 \(2018\)](#) with six abstentions.²²⁷ Speaking before the vote, the representative of the United States said that the goal of the draft resolution ([S/2018/691](#)) was to help the people of South Sudan by stopping the flow of weapons that armed groups were using to fight each other and terrorize the people. Reaffirming that the United States supported the peace process in South Sudan, the representative stated that the arms embargo was a measure to protect civilians, help stop the violence and end the “cycle of broken promises to stick to the ceasefire” for negotiations to work.²²⁸

The representative of Ethiopia said that resorting to immediate sanctions would amount to not taking into account the progress that had been made in the peace process so far and that adoption of the draft resolution would end up confusing the parties who would find it difficult to reconcile the action of the Council with the reality of the peace process.²²⁹ The representative of Equatorial Guinea stated that the Council’s imposition of sanctions would involve not just a

²²⁴ Ibid., p. 6.

²²⁵ Ibid., p. 7.

²²⁶ Ibid., p. 7.

²²⁷ *In favour*: Côte d’Ivoire, France, Kuwait, Netherlands, Peru, Poland, Sweden, United Kingdom, United States; *against*: none; *abstaining*: Bolivia (Plurinational State of), China, Equatorial Guinea, Ethiopia, Kazakhstan, Russian Federation. See [S/PV.8310](#), p. 5.

²²⁸ Ibid., p. 2.

²²⁹ See [S/PV.8310](#), pp. 3-4.

counterproductive interference in the undeniable positive progress that had been made on the ground, but also reflected a clear lack of consideration for the States and regional organizations involved.²³⁰

Speaking after the vote, the representative of France explained that the resolution was not intended to undermine negotiations conducted by IGAD but to protect civilian population and that the arms embargo was one of the most important measures that the Council could adopt to protect South Sudanese civilians. He added that by adopting individual sanctions against two important military leaders from both sides, the Council was sending the clear message that impunity for acts of violence against civilians and violations of the most basic human rights and international humanitarian law could no longer be tolerated.²³¹ The representative of the Netherlands especially welcomed the sanctions imposed against the two individuals whose responsibility for gross human rights violations had been well documented. He also said that the imposition of an arms embargo underscored the fact that there was no military solution to the conflict in South Sudan. He furthermore welcomed the “insertion of specific designation criteria for sexual violence” in resolution [2428 \(2018\)](#).²³²

The representative of China noted that the Africa Union and IGAD had indicated on several recent occasions that it was neither advisable nor helpful to impose additional sanctions on South Sudan, and said that the Council must listen to the legitimate aspirations of regional organizations and countries in Africa and take a cautious stance when it came to imposing sanctions.²³³ The representative of the Russian Federation noted that the declaration by members of IGAD indicated that expanding the sanctions pressure on South Sudan was highly inopportune. In this regard, he expressed his firm belief that imposing sanctions on active participants in the political process or members of the Government was counterproductive and that an arms embargo would not have a positive effect on the political settlement process.²³⁴

²³⁰ Ibid., p. 4.

²³¹ Ibid., p. 5.

²³² Ibid., p. 6.

²³³ Ibid., p. 6.

²³⁴ Ibid., pp. 7-8.

In response to the statements by other Council members, the representative of the United Kingdom said that that resolution [2428 \(2018\)](#) was designed to protect the people of South Sudan by its imposition of a long-needed arms embargo and of targeted sanctions on two individuals whose acts had expanded and extended the conflict.²³⁵ At the end of the meeting, the representative of South Sudan thanked the Council members that abstained in the voting. Referring to the statements by Ethiopia and Equatorial Guinea, he explained that rather than the resolution itself, the adoption of the resolution undermined peace at a time when the peace process was making positive advances because it would tilt the balance for the parties that were negotiating.²³⁶

Case 9

The situation in Libya

At its 8389th meeting, on 5 November 2018, the Council adopted resolution [2441 \(2018\)](#), with two abstentions.²³⁷ By resolution [2441 \(2018\)](#), the Council renewed the sanctions measures and exemptions related to oil and petroleum concerning Libya and reaffirmed other existing measures, including that the travel ban and asset freeze measures would apply to individuals and entities determined by the Committee to be engaging in or providing support for other acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of its political transition. By this resolution, the Council decided that such acts may also include planning, directing or committing acts involving sexual and gender-based violence as designation criteria for sanctions.²³⁸

Following the vote, the representative of Sweden said that his country was particularly pleased to have introduced the act of planning, directing or committing sexual and gender-based violence as a separate and distinct criterion for listing under the sanctions. He expressed hope

²³⁵ Ibid., p. 9.

²³⁶ Ibid., p. 10.

²³⁷ *In favour*: Bolivia (Plurinational State of), Côte d'Ivoire, Equatorial Guinea, Ethiopia, France, Kazakhstan, Kuwait, Netherlands, Peru, Poland, Sweden, United Kingdom, United States; *against*: none; *abstaining*: China, Russian Federation. See [S/PV.8389](#), p. 2.

²³⁸ Resolution [2441 \(2018\)](#), para. 11.

that the highlighting of the problem of sexual violence would make a decisive change, compel compliance and trigger accountability on the ground in Libya and that the Council would continue to expand its listing criteria in other sanctions regimes.²³⁹

The representatives of the Netherlands and France also welcomed the introduction of sexual and gender-based violence as a designation criterion for sanctions.²⁴⁰ The representative of the United Kingdom similarly stated that the Council had taken an important step by expanding the designation criteria to include gender-based violence, which sent a powerful signal that such crimes would not be tolerated by the international community.²⁴¹

The representative of the Russian Federation, abstaining from the vote on resolution [2441 \(2018\)](#), stated that the actions incorporated in the new provision specifying sexual and gender-based violence as a separate criterion were already fully covered in the existing listing criteria, and that the existence of precedents in other sanctions regimes, namely the regimes concerning the Central African Republic and South Sudan, did not mean that the practice should automatically apply to all country situations. He further stated that any “unjustified appearance of gender component in the work of the Panel of Experts of the committee” would distract them from their main tasks and that it had occurred to no one to consider whether Security Council sanctions on specific individuals for sexual violence in Libya would actually help prevent such crimes. He added that resolution [2441 \(2018\)](#) was adopted under Chapter VII of the Charter of the United Nations, based on which the Council identified the presence of threats to international peace and security and adopted decisions on measures to be taken. He further recalled that the issue of sexual and gender-based violence was considered by specialized bodies, such as the Human Rights Council and the Commission on the Status of Women.²⁴²

Case 10

The situation in Libya

²³⁹ [S/PV.8389](#), p. 2.

²⁴⁰ *Ibid.*, p. 4.

²⁴¹ *Ibid.*, p. 2.

²⁴² *Ibid.*, p. 3.

At the 8263rd meeting of the Council, on 21 May 2018, following a briefing by the Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, the representative of the United Kingdom expressed great concern over reports of what appeared to be slave auctions run by migrant traffickers. He expressed support in that regard for the Council to take action through sanctions regimes to signal that traffickers could not act with impunity.²⁴³ The representative of the United States underscored that the Council was considering sanctions against six individuals involved in migrant smuggling and human trafficking in Libya. Highlighting that those designations would be an important step towards holding the perpetrators of abuses accountable, she stated that there was strong regional support for the designations and further expressed regret that the Council had not yet reached consensus on such designations.²⁴⁴

The representative of France highlighted the country's work with its European and American partners, with the support of the Libyan Government, on the adoption by the Security Council of sanctions targeting migrant smugglers and expressed hope that there would soon be a list in that respect adopted by the relevant sanctions committee. He reiterated the position of France that those responsible for trafficking in human beings and the smuggling of migrants must be subject to sanctions within the existing United Nations sanctions regime. He further expressed hope that consensus on this matter would be reached soon and that a list would be adopted by the Committee.²⁴⁵ The representative of Peru also expressed support for imposing sanctions on trafficking networks.²⁴⁶

The representative of Sweden stressed that serious efforts were needed to safeguard against human rights abuses and violations, create accountability and promote changes in behaviour in order to end impunity and that the Council needed to come together and send a strong signal in that regard. He called for the Council to impose sanctions to target those responsible for smuggling and trafficking in persons.²⁴⁷ The representatives of Côte d'Ivoire and

²⁴³ [S/PV.8263](#), p. 6.

²⁴⁴ *Ibid.*, p. 7.

²⁴⁵ *Ibid.*, p. 9.

²⁴⁶ *Ibid.*, p. 11.

²⁴⁷ *Ibid.*, p. 12.

the Netherlands expressed support for the inclusion of persons or entities engaged in the trafficking or smuggling of migrants on the list of sanctions of the Security Council Committee established pursuant to resolution [1970 \(2011\)](#), concerning Libya.²⁴⁸

At the 8341st meeting of the Council held under the same item on 5 September 2018, the representative of France stressed their concern for the humanitarian situation in Libya, particularly the plight of migrants and refugees, who were victims of human rights violations. He emphasized that those who threatened Libya's peace, security and stability would be subject to international sanctions, in line with the resolutions of the Council.²⁴⁹ The representative of Côte d'Ivoire noted with deep concern the persistence of the smuggling of migrants, welcoming the Council's imposition of sanctions on six individuals involved in human trafficking in Libya.²⁵⁰ The representative of the United States echoed this statement, reiterating support for the Council's use of sanctions to respond to migrant trafficking.²⁵¹ In this context, the representative of the Netherlands stressed that implementing the sanctions measures diligently should remain the Council's priority.²⁵²

The representative of the Russian Federation expressed concern over the situation of migrants and refugees in Libya and the abuses of their rights but added that a long-term solution to that problem was certainly not to be found through sanctions. He said that attention should be given to criminality in the countries of destination and the root causes of mass migrations such as socio-economic situations and conflicts should be addressed.²⁵³

The representative of Libya called for the Council to take decisive action and impose severe sanctions on the perpetrators of human rights violations.²⁵⁴ The representative of Equatorial Guinea highlighted the lucrative source of income that human-trafficking was for such networks. He urged the Council to take appropriate steps, stating that Equatorial Guinea

²⁴⁸ Ibid., p. 13 (Côte d'Ivoire); and p. 18 (Netherlands).

²⁴⁹ [S/PV. 8341](#), p. 6.

²⁵⁰ Ibid., pp. 13-14.

²⁵¹ Ibid., p. 19.

²⁵² Ibid., p. 16.

²⁵³ Ibid., p. 11.

²⁵⁴ Ibid., p. 21.

would support all well-founded, impartial and suitable proposals that can help to end all acts that constitute violations of human rights and international humanitarian law.²⁵⁵

Case 11

The situation in Somalia

At its 8398th meeting, on 14 November 2018, the Council adopted resolution [2444 \(2018\)](#) by which it decided, inter alia, to lift the arms embargo, travel ban, asset freeze and targeted sanctions imposed on Eritrea by the Security Council in its resolutions [1907 \(2009\)](#), [2023 \(2011\)](#), [2060 \(2012\)](#) and [2111 \(2013\)](#), and to renew the partial lifting of the arms embargo and exemption measures concerning Somalia.²⁵⁶

All the Council members, as well as the representatives of Djibouti, Eritrea and Somalia invited under rule 37 of the provisional rules of procedure, welcomed the termination of the sanctions on Eritrea. In addition, Council members noted that the easing of tensions in the Horn of Africa, particularly the rapprochement between Eritrea and Ethiopia, and the positive dynamic between Eritrea and Djibouti was a key factor in their decision to lift the sanctions.²⁵⁷ The current lack of evidence that connected Eritrea to Al-Shabaab, which the Council recognised in paragraph 1 of resolution [2444 \(2018\)](#), was also cited by the representative of the United States as a basis for its affirmative vote.²⁵⁸ The representative of the Russian Federation said that throughout the years no convincing evidence had been produced for Asmara's support to destructive forces in the region. He also added that in the wake of the changes that had occurred in the Horn of Africa, the classification of the dispute between Djibouti and Eritrea as a threat to international peace and security was also outdated.²⁵⁹

²⁵⁵ Ibid., p. 8.

²⁵⁶ Resolution [2444 \(2018\)](#), paras. 4, 13, 14, 41, 44 and 48.

²⁵⁷ [S/PV.8398](#), pp. 2-3 (United Kingdom); p.3 (Ethiopia); p. 4 (Sweden); pp. 4-5 (Kazakhstan); p. 5 (Russian Federation); p. 6 (United States); pp. 5-6 (France); p. 7 (Poland); p. 7 (Netherlands); pp. 7- 8 (Equatorial Guinea); p. 8 (Plurinational State of Bolivia); pp. 8-9 (Peru); p. 9 (Kuwait); pp. 9-10 (China); pp. 10-11 (Somalia); pp. 11-12 (Djibouti); and p. 13 (Eritrea).

²⁵⁸ Ibid., p. 6.

²⁵⁹ Ibid., p. 5 (Russian Federation); p. 6 (United States).

The representative of the Plurinational State of Bolivia noted that sanctions should be assessed in light of the evolving situation and context on the ground and that the lifting of sanctions on Eritrea was imperative.²⁶⁰ Similarly, the representative of Kuwait said that the lifting of sanctions was a message to the international community that the Council responded to positive developments and lifted sanctions when the reasons for which they were imposed no longer existed.²⁶¹

The representative of Ethiopia noted that lifting the sanctions on Eritrea did not mean that the region was free of challenges. The help of the Horn of Africa and serious support of the international community were still needed as the region continued to move forward towards greater peace, stability and economic integration.²⁶² The representative of Djibouti welcomed the lifting of sanctions on Eritrea and noted that the unanimous support of Council members for the adoption of resolution [2444 \(2018\)](#) underlined the importance of the settlement of disputes in a peaceful manner, consistent with international law.²⁶³ The representative of Eritrea thanked Ethiopia and Somalia for having called for the immediate lifting of the sanctions, and expressed appreciation for the constructive engagement among his delegation, the United Kingdom as penholder, and Kazakhstan as Chair of the Committee pursuant to resolutions [751 \(1992\)](#) and [1907 \(2009\)](#) concerning Somalia and Eritrea.²⁶⁴

Concerning the situation in Somalia, the representative of the United Kingdom expressed appreciation for Somalia's progress on security reform and said she looked forward to further cooperation between Somali authorities and the Panel of Experts on the implementation of the arms embargo.²⁶⁵ The representatives of Sweden, France and Poland expressed similar views concerning the critical role of the sanctions regime in the international effort to defeat Al-Shabaab, particularly in curtailing its sources of funding by combating illicit trafficking in arms and Somali charcoal.²⁶⁶ The representative of Sweden noted that the sanctions regime allowed

²⁶⁰ Ibid., p. 8

²⁶¹ Ibid., p. 9

²⁶² Ibid., p. 3.

²⁶³ Ibid., pp. 12-13.

²⁶⁴ Ibid., p. 13.

²⁶⁵ Ibid., p. 2.

²⁶⁶ Ibid., p. 4 (Sweden); pp. 6-7 (France); and p. 7 (Poland).

the important build-up of the Somalia national force while the representative of France said that the exemptions from the arms embargo that the sanctions regime enabled Somalia to acquire the equipment they need to combat terrorist groups, with the support of their international partners.²⁶⁷ The representative of the United States, while acknowledging Somalia's significant progress over the past decade, noted that Somali capacity, including regarding the implementation of the remaining arms restrictions and the ban on the trade of Somali charcoal, remained limited owing to the country's security conditions, corruption and uneven progress in governance.²⁶⁸

The representative of the Netherlands welcomed the "addition of stand-alone sanctions criteria for sexual and gender-based violence" in resolution [2444 \(2018\)](#). He stated that those who committed such heinous acts should know that today the Council showed its commitment to responding to such practices.²⁶⁹ The representative of the Russian Federation expressed regret that the authors of the resolution included provisions affirming sexual and gender-based violence as a separate criterion for the imposition of sanctions, despite the fact that such behaviour was covered under the existing listing criteria. He reminded the Council that issues pertaining to sanctions were clearly regulated under Chapter VII of the Charter of the United Nations, which was about the presence of threats to international peace and security. He stated that any broader interpretation of that position ran the risk of losing the effectiveness and relevance of sanctions instruments. He emphasized that the issue of sexual and gender-based violence was "not part of our direct remit" and that if Member States of the Council wanted to discuss such issues, they should raise them in the Human Rights Council and the Commission on the Status of Women.²⁷⁰

In his intervention, the representative of Somalia raised several points in relation to the sanctions imposed on Somalia. First, he noted that the outdated sanctions against Somalia constituted one of the longest-standing United Nations sanctions regimes ever imposed and one with the broadest mandate as well. He stressed the importance of having clearly defined benchmarks to monitor the complete lifting of sanctions on Somalia, contending that if no

²⁶⁷ Ibid., p. 4 (Sweden); pp. 6-7 (France).

²⁶⁸ Ibid., p. 6.

²⁶⁹ Ibid., p. 7.

²⁷⁰ Ibid., p. 5.

specific, clear and verifiable steps were set forth, the incentives to comply with Council's demands would be undercut and the effectiveness of the ending of the sanctions regime would drastically diminish. Second, he stated that Security Council sanctions should target terrorist groups like Al-Shabaab and the Islamic State in Iraq and the Levant, which remained serious threats to Somalia's peace and stability. He claimed that the flow of illegal weapons and resources into Somalia could only be curbed by targeting and destroying the existing trade networks used by such terrorist groups. He also asked for help to improve Somalia's capacity to monitor and safeguard its land borders and other sea and air access points. Third, citing the recent reports of the Monitoring Group on Somalia and Eritrea,²⁷¹ he asserted that the construction by the United Arab Emirates of the military base in Berbera clearly defied Security Council resolutions, and served to undermine Somalia's unity, sovereignty and territorial integrity. Finally, he expressed the view that the quality of the reports of the Monitoring Group had been mixed owing to minimal time spent on the ground in Somalia and the Group's level of expertise. He recommended that the Panel of Experts on Somalia established by resolution [2444 \(2018\)](#) be relocated to better perform its mandated tasks and draw its experts from a pool of individuals with a higher level of technical and regional expertise.²⁷²

²⁷¹ [S/2017/924](#) and [S/2018/1002](#).

²⁷² [S/PV.8398](#), p. 10-11.

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

Section IV 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.²⁷³

During the period under review, the Council authorized the use of force under Chapter VII of the Charter, with respect to the maintenance or restoration of international peace and security by several peacekeeping missions and multinational forces in Bosnia and Herzegovina, the Central African Republic, the Democratic Republic of the Congo, Haiti, Lebanon, Libya, Mali, Somalia, the Sudan (including Darfur and Abyei) and South Sudan.²⁷⁴

This section is divided into two subsections. Subsection A outlines decisions of the Council authorizing the use of force under Chapter VII of the Charter and subsection B covers discussions of the Council of relevance for Article 42.

²⁷³ The Council's authorization of the use of force by regional organizations is covered in part VIII. The authorization of the use of force by peacekeeping operations is covered in part X in the context of mandates of peacekeeping operations.

²⁷⁴ For more information on the mandates of peacekeeping operations, see part X, sect. I.

A. Decisions of the Security Council relating to Article 42

During the review period, 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 by which it authorized peacekeeping missions and multinational forces, including those deployed by regional organizations, to use “all necessary measures”, “all necessary means” or “all the means” for the maintenance or restoration of international peace and security.

For information on the authorization of the use of force of missions in the past, including some of the missions covered below, see previous Supplements of the *Repertoire*. For further information on the specific mandates of each of the United Nations peacekeeping operations, see part X of this Supplement.

In 2018, the Council reiterated its authorization to use force in relation to various situations and disputes. In Africa and in relation to the situation in the Central African Republic, the Council renewed the authorization to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to take “all necessary means” to carry out its mandate,²⁷⁵ and to the French forces to use “all the means” to provide operational support to the mission when under serious threat.²⁷⁶

Regarding the situation in the Democratic Republic of the Congo, the Council reiterated its authorization to the United Nations Stabilization Mission in the Democratic Republic of the Congo to take “all necessary measures” to carry out its mandate.²⁷⁷

With respect to the flows of arms and related materiel transferred to or from Libya in violation of the arms embargo, the Council extended the authorizations first granted by paragraphs 4 and 8 of resolution [2292 \(2016\)](#) to Member States, acting nationally or through regional organizations, to use “all measures commensurate to the specific circumstances” when

²⁷⁵ Resolution [2448 \(2018\)](#), para. 38.

²⁷⁶ *Ibid.*, para. 69.

²⁷⁷ Resolution [2409 \(2018\)](#), para. 35.

conducting inspections of vessels and seizing of items in the course of such inspections, emphasizing that the inspections should be carried out in compliance with international humanitarian law and international human rights law and “without causing undue delay to or undue interference with the exercise of freedom of navigation”.²⁷⁸ Furthermore, in connection with migrant smuggling into, through and from the Libyan territory, the Council renewed the authorizations granted in paragraphs 7, 8, 9 and 10 of resolution [2240 \(2015\)](#) to Member States, acting nationally or through regional organizations, engaged in the fight against migrant smuggling and human trafficking, to use “all measures commensurate to the specific circumstances” in confronting migrant smugglers or human traffickers when carrying out inspections of vessels on the high seas off the coast of Libya that they had reasonable grounds to suspect were being used for migrant smuggling or human trafficking and to seize such vessels that were confirmed to be used for such activities.²⁷⁹ The Council also reaffirmed paragraph 11 of resolution [2240 \(2015\)](#), which clarified that the authorization to use force applied only when confronting migrant smugglers and human traffickers on the high seas off the Libyan coast and shall not affect the rights and obligations of Member States under international law.²⁸⁰

Regarding the situation in Mali, the Council reiterated the authorization for the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to take “all necessary means” to carry out its mandate,²⁸¹ and the French forces also to use “all necessary means until the end of MINUSMA’s mandate” to intervene in support of the mission when under imminent and serious threat and upon request of the Secretary-General,²⁸² within their respective capacities and areas of deployment. Moreover, the Council authorized MINUSMA to use “all necessary means” to carry out its mandate and requested MINUSMA to carry out its mandate with a “proactive and robust posture”.²⁸³

²⁷⁸ Resolution [2420 \(2018\)](#), para. 1.

²⁷⁹ Resolution [2437 \(2018\)](#), para. 2.

²⁸⁰ Ibid.

²⁸¹ Resolution [2423 \(2018\)](#), para. 32.

²⁸² Ibid., para. 53.

²⁸³ Ibid., para. 33.

In connection with the situation in Somalia, the Council reiterated the authorization for the African Union Mission to take “all necessary measures”, in full compliance with participating states’ obligations under international humanitarian and human rights law and respect for Somalia’s sovereignty, territorial integrity, political independence and unity, to carry out its mandate as set out in paragraphs 7 and 8 of resolution [2372 \(2017\)](#).²⁸⁴ In addition, the Council renewed, for a period of 13 months, the authorizations granted by paragraph 10 of resolution [1846 \(2008\)](#) and paragraph 6 of resolution [1851 \(2008\)](#) to States and regional organizations cooperating with Somali authorities to repress acts of piracy and armed robbery at sea off the coast of Somalia.²⁸⁵

With regard to the situation in Darfur in the Sudan, the Council extended the authorization for African Union-United Nations Hybrid Operation in Darfur to take the necessary action, as set out in paragraph 15 of resolution [1769 \(2007\)](#) and also urged the mission to take “all necessary measures” within its rules of engagement to protect United Nations personnel and equipment.²⁸⁶

In connection with the situation in Abyei, the Council recalled that the mandate of the United Nations Interim Security Force for Abyei as set out in paragraph 3 of resolution [1990 \(2011\)](#) included taking the “necessary actions” to protect civilians under imminent threat of physical violence, irrespective of its source, and in that regard underlined that peacekeepers were authorized to use “all necessary means”, including force when required, in order to protect civilians under threat of physical violence.²⁸⁷

With regard to the situation in South Sudan, the Council extended the authorizations to the United Nations Mission in the Republic of South Sudan to use “all necessary means” to carry out its mandated tasks, as well as to its Regional Protection Force to use “all necessary means, including undertaking robust action where necessary and actively patrolling”, to accomplish its

²⁸⁴ Resolutions [2415 \(2018\)](#), para. 1; and [2431 \(2018\)](#), para. 6.

²⁸⁵ Resolution [2442 \(2018\)](#), para. 14.

²⁸⁶ Resolution [2429 \(2018\)](#), paras. 15 and 48.

²⁸⁷ Resolution [2445 \(2018\)](#), para. 11.

mandate.²⁸⁸ The Council further underscored that this mandate included authority to use “all necessary means” to protect United Nations personnel, installations and equipment, to protect civilians from threats, irrespective of their source, to create conditions conducive to delivery of humanitarian assistance, and to support the implementation of the Agreement and peace process.²⁸⁹

In the Americas, concerning the situation in Haiti, the Council extended the authorization to the United Nations Stabilization Mission in Haiti to use “all necessary means” to carry out its mandate to support and develop the Haitian National Police.²⁹⁰

In Europe, in relation to the situation in Bosnia and Herzegovina, the Council renewed its authorization to Member States, under the European Union Force-Althea (EUFOR Althea) and the North Atlantic Treaty Organization (NATO) presence, to take “all necessary measures” to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement;²⁹¹ and, at the request of either EUFOR Althea or NATO, to take “all necessary measures” in the defense on their presence.²⁹²

In the Middle East, in connection with the situation in Lebanon, the Council renewed its authorization to the United Nations Interim Force in Lebanon to take “all necessary action” in areas of deployment of its forces, to ensure that its area of operations was not utilized for hostile activities, to resist attempts by forceful means to prevent it from discharging its mandate, to protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers and, to protect civilians under imminent threat of physical violence.²⁹³

²⁸⁸ Resolution [2406 \(2018\)](#), paras. 7 and 9.

²⁸⁹ *Ibid.*, para. 12.

²⁹⁰ Resolution [2410 \(2018\)](#), para. 14.

²⁹¹ Resolution [2443 \(2018\)](#), para. 5.

²⁹² *Ibid.*, para. 6.

²⁹³ Resolution [2433 \(2018\)](#), para. 19.

B. Discussion relating to Article 42

During the period under review, two explicit references to Article 42 of the Charter were made in the context of the Council's deliberations. The first one was made at the 8262nd meeting of the Council held under the item entitled "Maintenance of international peace and security" by the representative of Brazil. He underscored that States that engaged in military operations under Article 42 should have to report to the Council periodically to ensure multilateral monitoring of the adherence to their mandates.²⁹⁴ The second explicit reference to Article 42 was made at the 8334th meeting held under the same item by the representative of Cuba, who, noting with concern the increasing tendency of the Council to invoke Chapter VII of the Charter "excessively and hastily", regretted that the Council was too quick to seek recourse in the provisions of Articles 41 and 42 without having fully exhausted other options, including measures available in Chapter VI, and without considering the consequences.²⁹⁵

During the period under review, the Council deliberated upon the effectiveness of the use of force by peacekeeping operations in carrying out protection-of-civilians mandates under the items entitled "Maintenance of international peace and security (case 12)", "United Nations peacekeeping operations" (case 13) and "Protection of civilians in armed conflict" (case 14).

Case 12

Maintenance of international peace and security

On 21 February 2018, at the initiative of Kuwait which held the Presidency for the month,²⁹⁶ the Council convened its 8185th meeting under the above-cited item and under the sub-item "Purposes and principles of the Charter of the United Nations in the maintenance of international peace and security". During the meeting, the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait underscored that in certain circumstances where peaceful methods would not lead to resolving crises, Chapter VII allowed for the use of force so as to maintain or

²⁹⁴ [S/PV.8262](#), p. 45.

²⁹⁵ [S/PV.8334](#), p. 53.

²⁹⁶ A concept note was circulated by a letter dated 1 February 2018 addressed to the Secretary-General ([S/2018/85](#)).

restore international peace and security. He affirmed that the liberation of Kuwait demonstrated the effectiveness and legitimacy of Chapter VII through a legitimate military response to a despicable military invasion.²⁹⁷ The representative of France echoed this statement, recalling that Kuwait's liberation showed that the use of force in accordance with the Charter was sometimes necessary to uphold international law.²⁹⁸

The representatives of Côte d'Ivoire stated that the use of force must be authorized exclusively by the Security Council in order to give it the legal authority necessary to prevent any type of excess and abuse.²⁹⁹ In a similar vein, the representative of the Plurinational State of Bolivia held that the use of force must be considered as a last resort when all other methods had been exhausted, in accordance with Chapter VII and in strict compliance with the system of multilateralism.³⁰⁰

On 17 May 2018, at the initiative of Poland which held the Presidency for the month,³⁰¹ the Council convened its 8262nd meeting under the same item and this time focused on the sub-item "Upholding international law within the context of the maintenance of international peace and security".

The representative of Peru affirmed that one of the cornerstones of the international order was the prohibition of the use of force in any way that is incompatible with the Charter of the United Nations. He further expressed his concern about some countries testing arguments and interpretations that were ultimately alien to international law undermining the system of collective security.³⁰² The representative of Brazil asserted that the prohibition of the use of force was a peremptory norm; the rule. Self-defence and authorization under Chapter VII were the exceptions to it. He added that the use of armed force in any manner inconsistent with the Charter of the United Nations constituted aggression, as defined in General Assembly resolution [3314 \(XXIX\)](#). While acknowledging that the use of force might be envisaged in exceptional

²⁹⁷ [S/PV.8185](#), p. 8.

²⁹⁸ *Ibid.*, p. 26.

²⁹⁹ *Ibid.*, p. 11.

³⁰⁰ *Ibid.*, p. 28.

³⁰¹ A concept note was circulated by a letter dated 3 May 2018 addressed to the Secretary-General ([S/2018/417/Rev.1](#)).

³⁰² [S/PV.8262](#), pp. 19-20.

circumstances, he warned that decisions that were informed by subjective unilateral criteria on the use of force would make peace a “far-distant objective”. He urged not to open the door for unilateralism, thereby jeopardizing the collective security system. He followed by saying that Security Council resolutions were adopted on behalf of the international community and that those authorized to take action on behalf of others were accountable to those that authorized them. States that engaged in military operations to implement measures envisaged in Article 42 should have to report periodically to the Council, so that their adherence to the mandate could be multilaterally monitored. He further pointed out that those troops might not be wearing blue helmets, but they were acting on the authority and legitimacy of a blue text.³⁰³

The representative of Mexico also expressed particular concern about the authorization of the use of force against non-State actors due to a lack of legal clarity in that regard.³⁰⁴

The representative of the United States emphasized that Governments could not use sovereignty as a shield to commit mass atrocities, spread weapons of mass destruction or engage in terrorism, and that the Council should be prepared to act in such instances, with a wide-ranging authority to impose sanctions, establish tribunals, and authorize the use of force, as well as to resort to its “broader authority under Chapter VII.”³⁰⁵ The representative of France stated that Council’s decisions containing measures under Chapter VII, including the authorization to use force, helped enforce international law and ensure that its violations did not go unpunished.³⁰⁶

Case 13

United Nations peacekeeping operations

On 28 March 2018 at the initiative of the Netherlands which held the Presidency for the month,³⁰⁷ the Council convened its 8218th meeting under the item entitled “United Nations peacekeeping operations” and the sub-item entitled “Collective action to improve United Nations

³⁰³ Ibid., p. 44-45.

³⁰⁴ Ibid., p. 47.

³⁰⁵ Ibid., p. 17.

³⁰⁶ Ibid., pp. 28-29.

³⁰⁷ A concept note was circulated by a letter dated 2 March 2018 addressed to the Secretary-General ([S/2018/184](#)).

peacekeeping operations”. During the meeting, the representative of the European Union underscored that peacekeepers must protect civilians and be able to use force when civilians are threatened with physical violence and operations must be equipped with the necessary tools in that regard.³⁰⁸ The representative of South Africa said that the protection of civilians must be at the heart of peacekeeping and signaled that in some cases it might require the use of force in accordance with the mission mandate and in compliance with the applicable legal framework.³⁰⁹

Several speakers emphasized the importance of the principles of peacekeeping, including the non-use of force except in self-defence or defence of the mandate.³¹⁰ The representative of Kuwait further highlighted the need to adapt the principles of peacekeeping, such as the use of force in self-defence and defence of the mandate, to the increase in threats that did not respect the United Nations flag and the protection it provided.³¹¹

The representative of Argentina emphasized that the incorporation of mandates on the protection of civilians into peacekeeping operations had been one of the most important developments regarding peacekeeping missions in the century. In this regard, he reiterated that the issue should not be considered from a strictly military perspective, but rather as part of a broader political and humanitarian approach, centred on building a safe, protected environment. He added that it was crucial that all Member States continued moving towards a clear and common understanding of the modalities and implications of such activities, particularly in cases where it was necessary to use force to provide security to civilians threatened by physical violence.³¹²

The representative of the Russian Federation stated that it was crucial to respect the Charter of the United Nations and the core principles of peacekeeping — the consent of the parties, impartiality and the non-use of force, except in self-defence and to protect the mandate. He opined that the increasingly frequent proposals lately made to interpret them flexibly or revise them were pernicious, in particular with regard to so-called proactive and robust

³⁰⁸ [S/PV.8218](#), p. 50.

³⁰⁹ *Ibid.*, p. 73.

³¹⁰ *Ibid.*, p. 22 (Kuwait); p. 23 (Russian Federation); p. 34 (Bolivarian Republic of Venezuela); p. 74 (Cuba); and p. 80 (Viet Nam).

³¹¹ *Ibid.*, p. 23.

³¹² *Ibid.*, p. 43.

peacekeeping and giving peacekeepers the right to the “first use of force”. In his view, if the blue helmets’ neutral authority was undermined, it could turn them into active participants in conflicts.³¹³ The representative of Guatemala reaffirmed that the use of force must always be the last resort, especially when acting on behalf of the United Nations and noted that while the reasons for developing mandates calling for more robust operations could be understandable, such action should be carefully considered by the Special Committee on Peacekeeping Operations.³¹⁴ Echoing a similar view, the representative of Cuba said that his delegation was not convinced that the Security Council’s approval of operations involving the use of force beyond the basic principles could contribute to improving the effectiveness of peacekeeping operations and the security of their military, police or civilian personnel.³¹⁵

Referring to the report of former United Nations Force Commander on improving the security of United Nations peacekeepers, the representatives of Georgia and Latvia both highlighted the need for changes in the peacekeeping arena concerning, inter alia, operational behavior and the use of force.³¹⁶

Case 14

Protection of civilians in armed conflict

On 22 May 2018, at the initiative of Poland which held the Presidency for the month,³¹⁷ the Council convened its 8264th meeting under the above-referenced item. The representative of the United States stated that the Kigali Principles called upon the troop-contributing countries to empower military commanders of peacekeeping contingents to use force to protect civilians, adding that if commanders had to wait too long for such guidance, it may be too late to prevent an approaching attack. She emphasized that if properly implemented, the Kigali Principles would

³¹³ Ibid., pp. 23-24.

³¹⁴ Ibid., p. 43. For more information on the relationship between the Security Council and the Special Committee on Peacekeeping Operations, see part IV, sect. I.G.

³¹⁵ [S/PV.8218](#), p. 75.

³¹⁶ Ibid., p. 70 (Georgia); and pp. 80-81 (Latvia).

³¹⁷ A concept note was circulated by a letter dated 9 May 2018 addressed to the Secretary-General ([S/2018/444](#)).

make peacekeeping missions more effective, improve civilian security and save lives.³¹⁸ The representative of Rwanda similarly noted that the Kigali Principles did not exclude the use of force and, citing paragraph 3 of the Principles, agreed “to be prepared to use force to protect civilians, as necessary and consistent with the mandate”.³¹⁹

The representative of the Russian Federation reaffirmed the position that using any means of response to protect civilians, particularly those involving the use of force, was only possible when mandated by the Council and in strict accordance with the provisions of the Charter.³²⁰ The representative of Brazil stressed that, when permitted in exceptional circumstances in which resolutions authorized it, the use of force should be limited to the mandate as the notion that civilians were more effectively protected by military action was not supported by any real evidence. He also stated that it was crucial to develop an understanding of what force could and could not accomplish. He further called on the Council to demand enhanced reporting and monitor the implementation of such resolutions.³²¹

The representative of Germany said that the protection-of-civilians mandates that the Council assigned to missions need to be more robust.³²² By contrast, the representative of India affirmed that the Council’s membership needed to frame mandates with clarity and specificity. The growing number of instances of serious attacks on peacekeepers and the high level of casualties pointed to the difficulties of being able to implement so-called robust mandates in situations involving rival warring groups mixed with civilian population, putting at risk the credibility and the image of the neutral presence of the United Nations in situations of armed conflict.³²³ The representative of Argentina underlined that the authorization of robust mandates by the Council, as well as their implementation by peacekeeping operations, must not compromise the fulfilment of their core mandate to protect civilians, or distract them from their mission based on the fundamental principles governing peacekeeping operations.³²⁴

³¹⁸ [S/PV.8264](#), p. 14.

³¹⁹ *Ibid.*, p. 56.

³²⁰ *Ibid.*, p. 26.

³²¹ *Ibid.*, p. 34.

³²² *Ibid.*, p. 38.

³²³ *Ibid.*, p. 32.

³²⁴ *Ibid.*, p. 29.

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

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

No agreements under Article 43 were ever concluded, however, 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 the present 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 by which to (a) call on Member States to contribute armed forces, assistance and facilities, including rights of passage, (b) consult with Member States contributing troops for United Nations peacekeeping activities and (c) call on Member States to contribute military air assets in the context of peacekeeping. Some of these decisions of the Council are also featured in section VII below in relation to Article 48 to the extent that they concern action required to carry out decisions of the Council for the maintenance of international peace and security.

During the period under review, the Council continued to pay close attention to the challenges faced by peacekeeping operations in fulfilling their respective mandates. In that regard, the Council adopted several decisions urging Member States to deliver military assistance to the operations. The Council did not, however, engage in any constitutional

discussion concerning Articles 43 and 45 during the reporting period. Throughout 2018, the Council also adopted decisions in which it emphasized, and held meetings deliberating upon, the importance of consulting troop- and police-contributing countries on issues pertaining to the mandates of peacekeeping operations. Set out below is an overview of the practice of the Security Council during 2018 concerning the need for Member States' contribution, support and assistance to peacekeeping operations, including contributing military air assets (subsection A), and the need for consultation with troop and police contributing countries (subsection B).

A. Need for Member States to contribute, support and provide assistance, including military air assets, to peacekeeping operations

In 2018, the Council did not explicitly refer to Article 43 or Article 45 in any of its decisions or discussions. Nevertheless, the Council adopted several resolutions calling upon Member States to provide military support in terms of both personnel and equipment, including military air assets, to existing peacekeeping operations in the Central African Republic, the Democratic Republic of the Congo, Mali and Somalia. In addition, in resolution [2436 \(2018\)](#), the Council urged all troop- and police-contributing countries to meet United Nations performance standards for personnel, training, and equipping.³²⁵

With respect to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the Council, in resolution [2448 \(2018\)](#), reiterated its serious concern at the continuing lack of key capabilities for MINUSCA, stressed the need to fill the gaps in particular in the field of military helicopters, and emphasized the utmost importance of improving logistics support to ensure the security and safety of the mission's personnel.³²⁶ The Council also reiterated the importance of current and future troop- and police-contributing countries providing troops and police with adequate capabilities, equipment and predeployment training in order to enhance the mission's capacity.³²⁷ While noting the progress of troop- and police-contributing countries to meet the United Nations standards, the Council also called upon

³²⁵ Resolution [2436 \(2018\)](#), para. 3.

³²⁶ Resolution [2448 \(2018\)](#), thirty-second preambular paragraph.

³²⁷ Ibid., para. 44.

them to immediately finalize the procurement and deployment of all required contingent-owned equipment.³²⁸

In relation to the United Nations Organization Stabilization Mission in the Democratic People's Republic of the Congo (MONUSCO), in resolution [2409 \(2018\)](#), the Council requested MONUSCO to continue to maximize Force interoperability, flexibility, mobility and effectiveness in the implementation of the mission's mandate, including by deploying rapidly deployable units, specialized capabilities, including enhanced information-gathering assets and analysis, specialized infantry, key enablers such as medical evacuation and air assets.³²⁹ The Council also highlighted that inadequate equipment, among other factors, could adversely affect effective mandate implementation.³³⁰

Concerning the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), by resolution [2423 \(2018\)](#), the Council reiterated its serious concern at the continuing lack of key capabilities for MINUSMA and stressed the need to fill the gaps, particularly in the field of military helicopters and mine-protected vehicles and enable MINUSMA to implement its mandate in a complex security environment including asymmetric threats.³³¹ The Council welcomed the significant progress made in the deployment of a combat convoy battalion and a quick reaction force, as well as the recent pledges announced to fill in troops and capacity gaps, and in that regard urged Member States who expressed pledges to fully deploy those units within the announced timeframes.³³² The Council further urged MINUSMA's troop – and police-contributing countries to expedite the procurement and deployment of all necessary contingent-owned equipment, and Member States to provide troops and police with adequate capabilities, predeployment and, where appropriate, in situ training and equipment, including enablers specific to the operating environment, in order for MINUSMA to fulfil its mandate.³³³

³²⁸ Ibid., para. 47.

³²⁹ Resolution [2409 \(2018\)](#), para. 50.

³³⁰ Ibid., para. 51.

³³¹ Resolution [2423 \(2018\)](#), thirtieth preambular paragraph.

³³² Ibid., fourteenth preambular paragraph.

³³³ Ibid., para. 56.

With regard to the African Union Mission to Somalia (AMISOM), in resolution [2431 \(2018\)](#), the Council, recalling its request on the African Union to generate specialised units specified in the annex of resolution [2297 \(2016\)](#), reiterated the importance for all force enablers and multipliers to operate under the command of the Force Commander.³³⁴ The Council welcomed efforts to identify specific requirements in that regard, requested their generation without delay, and requested the African Union to provide regular updates on force generation in its reports through the Secretary-General.³³⁵ The Council further stressed the critical need to source fully functioning and mission appropriate contingent-owned equipment including force enablers and multipliers, as provided for in paragraph 6 of resolution [2036 \(2012\)](#), either from existing AMISOM troop-contributing countries or other Member States, and urged the African Union to generate the remainder of the force enablers within the existing troop ceiling.³³⁶ The Council also reiterated its call on new and existing donors to support AMISOM through the provision of additional funding for troop stipends and equipment, technical assistance and contributions to the United Nations Trust Funds for AMISOM and underlined the call for African Union's Member States to provide financial support to AMISOM.³³⁷

During the period under review, several discussions of the Council touched upon the importance of providing peacekeeping operations with adequate troops and equipment, including military air assets. For example, at the 8218th meeting on 28 March 2019 under the item entitled “United Nations peacekeeping operations”, the Prime Minister of the Netherlands stated, in reference to MINUSMA, that rotation schemes of vital but scarce capabilities such as helicopters and medical facilities lowered the threshold for participation in missions, increased their sustainability, and improved their quality.³³⁸ At the same meeting, the representative of the United Kingdom emphasized the need for a better match between the capacity of troops and the tasks they were mandated to perform, which in turn required Member States to deliver the

³³⁴ Resolution [2431 \(2018\)](#), para. 13. See also resolution [2297 \(2016\)](#), para. 10.

³³⁵ Resolution [2431 \(2018\)](#), para. 13.

³³⁶ *Ibid.*, para. 14.

³³⁷ *Ibid.*, para. 31.

³³⁸ [S/PV.8218](#), p. 9.

capacities they had committed.³³⁹ Similarly, the representative of Estonia recalled the responsibility of Member States to provide adequate troops and capabilities to United Nations peacekeeping operations, noting with concern that in crisis areas with more than one mission, United Nations missions were less equipped and not as well trained as operations led by other actors.³⁴⁰ The representative of Slovakia stressed it was a priority to continue to address the difficulties in getting enough troops and equipment.³⁴¹ The representatives of Kazakhstan and Fiji underlined the need to provide peacekeeping forces with adequate resources, with the latter adding that proper equipment was vital to support United Nations peacekeepers.³⁴² The representatives of Djibouti and Ukraine also underscored the importance of provision of adequate resources, including helicopters.³⁴³

The Council also considered the problem of capability gaps, including the aforementioned assets, in MINUSMA at meetings held under the item entitled “The situation in Mali” on 23 January and 11 April 2018 further to the reports of the Secretary-General on the situation in Mali.³⁴⁴ The reports focused on the persisting capability gaps, including for crucial assets, such as helicopters putting at stake the effort to project the robust posture mandated by the Security Council. During the 8163rd meeting on 23 January, the representative of France said that lasting solutions must be found quickly to adequately equip contingents with armored vehicles, medium-term aerial capacities and armored convoys.³⁴⁵ Similarly, the representative of the United States stressed the need to find an enduring solution for the most critical capability gaps of the mission such as those related to combat convoy battalions, helicopters and armoured personnel carriers.³⁴⁶ The representative of Côte d'Ivoire called for the operationalization of the mission's rapid reaction force as soon as possible and for the fulfillment of the Mission's need for helicopters.³⁴⁷ The representative of the Netherlands stressed that the fact that MINUSMA

³³⁹ Ibid., p. 19.

³⁴⁰ Ibid., p. 31.

³⁴¹ Ibid., p. 54.

³⁴² Ibid., p. 15 (Kazakhstan); and p. 84 (Fiji).

³⁴³ Ibid., p. 59 (Djibouti); and p. 66 (Ukraine).

³⁴⁴ [S/2017/1105](#) and [S/2018/273](#).

³⁴⁵ [S/PV.8163](#), pp. 5-6.

³⁴⁶ Ibid., p. 17.

³⁴⁷ Ibid., p. 7

was a peacekeeping mission with the highest number of victims among blue helmets served to underscore the crucial importance of high-quality equipment and well-trained troops, and called upon Member States to provide capacity to the mission.³⁴⁸ At the 8229th meeting on 11 April, the representative of the United Kingdom called on all Member States to ensure that the continued shortfall of troop numbers and equipment, including the need for further air cover, reconnaissance capability, and armoured personnel carriers, was generously met.³⁴⁹ The representative of the Netherlands reiterated that the attacks on MINUSMA personnel served as a reminder for Member States of their responsibility to provide MINUSMA with the appropriate equipment in terms of both troops and capacities.³⁵⁰

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

During the period under review, the Council continued to adopt decisions reaffirming or recognizing the importance of triangular cooperation and consultations between the Council, Member States and the Secretariat in connection with peacekeeping operations, as well as with other stakeholders such as donors, host countries and regional and sub-regional organizations.³⁵¹

Concerning the United Nations Disengagement Observer Force (UNDOF), the Council reaffirmed in two of its decisions that troop- and police-contributing countries should have access to reports and information related to UNDOF's current temporary configuration and reinforced that such information assisted the Council with evaluating, mandating and reviewing UNDOF and with effective consultation with troop- and police-contributing countries.³⁵²

During 2018, no explicit references to Article 44 were made during discussions of the Council. This notwithstanding, the importance of consulting with troop- and police-contributing countries on issues relating to the mandate of peacekeeping operations was addressed at varying degrees of depth and scope in meetings under the items entitled "Implementation of the note by

³⁴⁸ Ibid., p. 16.

³⁴⁹ [S/PV.8229](#), p. 12.

³⁵⁰ Ibid., p. 20.

³⁵¹ [S/PRST/2018/10](#), twenty-seventh paragraph; and resolution [2436 \(2018\)](#), twelfth preambular paragraph and para. 10.

³⁵² Resolutions [2426 \(2018\)](#), thirteenth preambular paragraph; and [2450 \(2018\)](#), thirteenth preambular paragraph.

the President of the Security Council ([S/2017/507](#))” in connection with the working methods of the Council (see case 15), “United Nations peacekeeping operations” specifically focusing on collective action to improve United Nations peacekeeping operations (see case 16), and “Protection of civilians in armed conflict” in considering the report of the Secretary-General on the protection of civilians in armed conflict³⁵³ and the input from troop- and police-contributing countries in the formulation of mandates.³⁵⁴

Case 15

Implementation of the note by the President of the Security Council ([S/2017/507](#))

On 6 February 2018, at the initiative of Kuwait which held the Presidency for the month, the Council held its 8175th meeting under the above-referenced item concerning its working methods.³⁵⁵ During the meeting, various speakers addressed the importance of consultations with troop- and police-contributing countries in the context of peacekeeping operations. The representative of the United Kingdom stressed that the Council should work closely with countries contributing troops and police when considering peacekeeping deployments and mandates.³⁵⁶ The representative of Egypt considered developing close coordination between the Council and troop-contributing countries in the context of peacekeeping operations very important to ensure understanding between the two stakeholders in reviewing the mandates that the troops had to implement on the ground and the means of overcoming the complex challenges they faced.³⁵⁷ The representative of China proposed for the Council to weigh the views and concerns of the troop-contributors during mission deployment and mandate adjustments, engage troop-contributing countries more actively and enhance the information-sharing mechanisms such as the Working Group on Peacekeeping Operations and meetings with troop-contributing

³⁵³ [S/2018/462](#).

³⁵⁴ [S/PV.8264](#).

³⁵⁵ A concept note was circulated by letter dated 24 January 2018 addressed to the Secretary-General ([S/2018/66](#)).

³⁵⁶ [S/PV.8175](#), p. 15.

³⁵⁷ *Ibid.*, p. 64.

countries.³⁵⁸ The representative of Côte d'Ivoire also stated that consultations among the Council, the Secretariat and troop- and police-contributing countries enabled the views of the contributors to be taken into account and made it possible to better prepare peacekeeping operations.³⁵⁹ Several speakers emphasized the need for meaningful participation by troop- and police-contributing countries to genuinely contribute to the review of the mandate.³⁶⁰ The representative of Italy determined that giving due consideration to the views of troop- and police-contributing countries in renewing mandates was key to nurturing trust between those countries and Council members.³⁶¹

The representative of Kuwait asserted that the Council needed to deepen its coordination with troop- and police-contributing states.³⁶² The representative of France underscored the need for the Council to continue to improve the transparency of its work with regard to troop-contributing countries in the framework of discussions relating to peacekeeping.³⁶³ The representative of Guatemala, emphasizing the importance of consultations between the Council, the Secretariat and the contributors, stated that the practice constituted a considerable contribution to increasing the Council's ability to take appropriate, effective and timely decision in fulfilling its responsibilities.³⁶⁴ The representative of Slovakia asserted that the substantive engagement between the Council and troop-contributing countries should be improved to strengthen the basis for decision-making in the Council as well as the incentive for the general membership to support peacekeeping operations.³⁶⁵

The representative of Japan stated that troop-contributing countries could be able to contribute on mandate renewals and that, while co-penholding could be explored further in that regard, the way in which the negotiations were conducted was of higher significance. He claimed that penholders had the responsibility to explore the best possible outcome through an inclusive

³⁵⁸ Ibid., p. 23.

³⁵⁹ Ibid., p. 16.

³⁶⁰ Ibid., p. 25 (Brazil), pp. 47-48 (Indonesia); and p. 35 (Pakistan).

³⁶¹ Ibid., p. 43.

³⁶² Ibid., p. 40.

³⁶³ Ibid., p. 9.

³⁶⁴ Ibid., p. 50.

³⁶⁵ Ibid., p. 58.

process including by reaching out to troop-contributing countries.³⁶⁶ In addition, many participants offered specific proposals on the format of consultations between the Council and troop-contributing countries and the application of the note by the President of the Security Council of 31 August 2017, also known as note 507.³⁶⁷

Case 16

United Nations peacekeeping operations

On 28 March 2018 at the initiative of the Netherlands, which held the Presidency for the month, the Council held its 8218th meeting under the above item and the sub-item entitled “Collective action to improve United Nations peacekeeping operations”.³⁶⁸ The Secretary-General briefed the Council on the challenges facing peacekeeping operations and actions implemented on the peacekeeping front and submitted six specific requests for Member States, adding that triangular partnerships among the Council, troop- and police-contributing countries and the Secretariat were also a vital part of reinforcing the support for peacekeeping.³⁶⁹

During the discussion that ensued, the representative of China stated that troop-contributing countries should be given more opportunities to participate in discussions concerning development and adjustments of mandates, which would also help improve them.³⁷⁰ The representative of Norway suggested that consultations about when and how to deploy an operation should involve all stakeholders, including troop- and police-contributing countries.³⁷¹ The representative of Argentina asserted that missions should be planned sufficiently in advance and be based on priorities established from the beginning in consultation with troop- and police-

³⁶⁶ Ibid., p. 24.

³⁶⁷ [S/2017/507](#), [S/PV.8175](#), p. 3-4 (Executive Director of the Security Council Report); p. 14 (Ethiopia); and p. 45 (New Zealand); p. 20 (Netherlands); p. 26 (Hungary); p. 29 (Germany); p. 32 (South Africa); p. 35 (Pakistan); p. 47 (Belgium); pp. 59-60 (Uruguay); pp. 34-35 (Turkey); p. 52 (Saudi Arabia); and p. 61 (Costa Rica). For further information on the format of meetings, see part II, sect. I.A.

³⁶⁸ A concept note was circulated by a letter dated 2 March 2018 addressed to the Secretary-General ([S/2018/184](#)).

³⁶⁹ [S/PV.8218](#), pp. 3-4.

³⁷⁰ Ibid., p. 25.

³⁷¹ Ibid., p. 39.

contributing countries.³⁷² Several speakers similarly emphasized the need to take into account the perspectives of troop- and police-contributing countries regarding design, review and/or renewal of mandates.³⁷³ The representative of Nepal stated further that it should be compulsory for penholders to consult with prospective contributors on mandates before they were finalized to ensure that peacekeeping operations were designed and deployed solely to support an inclusive domestic process.³⁷⁴ The representative of Tanzania suggested that troop- and police-contributing countries should be consulted to ensure that the mandates were configured and realigned to clearly address the actual situation on the ground with adequate force levels and capabilities commensurate with the proxy force.³⁷⁵

The representative of France asserted that the development of evaluation, analysis and action tools and strategic reviews conducted by the Secretariat should include the participation of troop- and police-contributing countries and added that his country systematically consulted the contributors ahead of the renewal of mandates for which it was responsible and expressed its commitment to doing so even more regularly throughout the year.³⁷⁶

The representative of Thailand also underscored the importance of close consultations and communication among the Council, host countries, police- and troop-contributors in order to ensure that the mandate's objectives were met and delivered effectively.³⁷⁷

Some speakers underlined more broadly the importance of triangular consultations and partnerships among the Council, the Secretariat and troop- and police-contributing countries.³⁷⁸

³⁷² Ibid., p. 44.

³⁷³ Ibid., p. 29 (Indonesia); p. 48 (Italy); and p. 57 (El Salvador).

³⁷⁴ Ibid., p. 45.

³⁷⁵ Ibid., p. 70.

³⁷⁶ Ibid., p. 17.

³⁷⁷ Ibid., p. 37.

³⁷⁸ Ibid., p. 57 (El Salvador); p. 60 (Jordan); p. 68 (Morocco); p. 75 (Cuba); and p. 80 (Viet Nam).

VI. Role 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

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

During the period under review, the Council did not explicitly refer to either Article 46 or Article 47 in any of its decisions.

While Article 46 was not referred to in any of the Council's discussions, at its 8362nd meeting held on 26 September 2018 under the item entitled "Maintenance of international peace and security", the President of Equatorial Guinea recalled that disarmament, being one of the longest-standing objectives of the United Nations, was the subject of resolution [1 \(1946\)](#), the first Security Council resolution adopted under Article 47 of the Charter.³⁷⁹ In addition, while the Military Staff Committee was not mentioned in any of the decisions of the Council, several speakers referred to it at the 8175th meeting of the Council held on 6 February under the item entitled "Implementation of the note by the President of the Security Council ([S/2017/507](#))".³⁸⁰ At that meeting, the representative of Sweden recalled the initiative of the elected Council members requesting their representatives to be invited to participate in the missions of the Military Staff Committee.³⁸¹ The representative of Poland similarly mentioned the initiative of the elected members as a way of enhancing the inclusiveness and effectiveness of the Military Staff Committee.³⁸² The representative of the Netherlands stated that the role of the Military Staff Committee should be strengthened, especially when it came to the performance of missions in relation to the mandates.³⁸³

As customary, the annual report of the Council to the General Assembly issued during the reporting period referred to the activities of the Military Staff Committee.³⁸⁴

³⁷⁹ [S/PV.8362](#), pp. 6-7.

³⁸⁰ [S/PV.8175](#).

³⁸¹ *Ibid.*, p. 20.

³⁸² *Ibid.*, p. 12.

³⁸³ *Ibid.*, p. 20.

³⁸⁴ See [A/72/2](#), part IV.

VII. Action required of 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

Section VII 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. The section focuses on the types of obligations imposed on Member States pursuant to Article 48, and on the range of addressees designated by the Council to implement, or comply with, decisions adopted.

While Article 48 relates to requests to Member States to carry out action decided upon by the Council, during 2018, as in previous periods, the Council addressed some of its pleas to “actors” or “parties”, reflecting the intra-State and increasingly complex nature of many contemporary conflicts dealt with by the Council. In its requests to carry out actions, the Council also addressed “regional and subregional organizations”, signalling the importance of such entities in tackling disputes and situations before the Council. Additional information on the engagement of regional arrangements in the maintenance of international peace and security is provided in part VIII.

During the period under review, the Council did not explicitly invoke Article 48 in any of its decisions. The Council, however, adopted resolutions and issued presidential statements in

which it underlined the obligation of Member States and other entities concerned to comply with the measures imposed under Chapter VII of the Charter pursuant to Article 48. The section is divided into two subsections. Subsection A covers decisions of the Council requiring Member States to carry out action in relation to measures under Article 41. Subsection B covers decisions of the Council requiring Member States to carry out action in relation to measures under Article 42. During 2018, no references to Article 48 were found in communications to the Council nor was there any discussion held in relation to the interpretation or application of that Article.

A. Decisions of the Security Council 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 frequently requested, or stressed the importance for, “all Member States or “all States” to implement specific measures, including by taking “all necessary measures”.³⁸⁵ The Council also requested Member States to assist or cooperate with the relevant sanctions committees, panels of experts and/or monitoring groups, including by providing the bodies with relevant information, reporting to them on actions taken to implement the sanctions measures, ensuring the safety of their members and providing them with unhindered access to persons, documents and sites.³⁸⁶ In addition, in support of sanctions measures in connection with the situations in the Central African Republic and South Sudan, the Council authorized “all Member States” to seize, register and dispose of prohibited items.³⁸⁷

³⁸⁵ Under the item entitled “The situation in the Central African Republic”, see resolution [2399 \(2018\)](#), twenty-third preambular paragraph and paras. 1, 9, 16 and 40; under the item entitled “The situation in the Middle East”, see resolution [2433 \(2018\)](#), para. 18 (concerning Lebanon); and [S/PRST/2018/5](#), tenth paragraph (concerning Yemen); under the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, see resolution [2428 \(2018\)](#), paras. 4 and 7 (South Sudan); and under the item entitled “The situation in Somalia”, see resolution [2444 \(2018\)](#), para. 41.

³⁸⁶ Under the item entitled “The situation in the Central African Republic”, see resolution [2399 \(2018\)](#), paras. 15, 37, 38 and 40; under the item entitled “Non-proliferation/Democratic Peoples’ Republic of Korea”, see resolution [2407 \(2018\)](#), para. 5; under the item entitled “The situation in Libya”, see resolution [2441 \(2018\)](#), paras. 12, 16 and 17; under the item entitled “The situation in the Middle East”, see resolution [2402 \(2018\)](#), paras. 8 and 10 (Yemen); under the item entitled “Reports of the Secretary-General on the Sudan and South Sudan” see resolution [2406 \(2018\)](#), para. 19; [2428 \(2018\)](#), para. 19 (South Sudan); under the item entitled “The situation in Somalia”, see resolution [2444 \(2018\)](#), paras. 29, 45 and 53.

³⁸⁷ Resolutions [2399 \(2018\)](#), para. 2; and [2428 \(2018\)](#), para. 9.

During the reporting period, the Council continued to address Governments of individual States when making requests to comply with measures adopted in relation to Article 41. In that regard, with respect to the situation in Libya, the Council called upon the Government of National Accord to improve the implementation of the arms embargo;³⁸⁸ to improve further the monitoring and control of arms or related materiel supplied, sold or transferred to Libya;³⁸⁹ and to support the investigatory work of the Panel of Experts inside Libya, including by sharing information.³⁹⁰ The Council also called upon all States, including Libya and countries in the region to provide unhindered and immediate access, in particular to persons, documents and sites.³⁹¹

Concerning the situation in Somalia, the Council requested the Federal Government of Somalia to facilitate access for the Panel of Experts upon request by the Panel of Experts submitted at least ten days in advance, and to allow photographs of weapons and ammunition in the custody of the Federal Government and access to all logbooks of the Federal Government and distribution records;³⁹² to cooperate with the Panel of Experts to facilitate interviews of suspected members of Al-Shabaab and the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) held in the custody of the Federal Government in order to assist the Panel with its investigations;³⁹³ as well as to share information with the Panel regarding Al-Shabaab activities.³⁹⁴ The Council also called upon the Federal Government of Somalia, in addition to “Member States”, to cooperate with the Panel of Experts in its investigations related to the export to Somalia of chemicals that may be used in the manufacture of explosive devices.³⁹⁵ The Council also stressed the primary responsibility of the Federal Government to notify the Committee of any deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training to its Security Forces, pursuant to paragraphs 3 to 8 of resolution

³⁸⁸ Resolution [2441 \(2018\)](#), para. 10.

³⁸⁹ Ibid., para. 9.

³⁹⁰ Ibid., para. 16.

³⁹¹ Ibid., para. 17.

³⁹² Resolution [2444 \(2018\)](#), para. 18.

³⁹³ Ibid., para. 34.

³⁹⁴ Ibid., para. 53.

³⁹⁵ Ibid., para. 29.

[2142 \(2014\)](#). The Council further reiterated that the Federal Government and the Federal Member States of Somalia would take the necessary measures to prevent the export of charcoal from Somalia.³⁹⁶

With respect to the situation in South Sudan, the Council called upon “all Member States, in particular States neighbouring South Sudan”, to inspect all cargo to South Sudan in their territory if the State concerned had reasonable grounds to believe the cargo contained items the supply, sale, or transfer of which were prohibited.³⁹⁷ The Council further “required any Member State”, in undertaking the aforementioned inspections, to submit an initial written report to the Committee containing, inter alia, grounds for and the results of the inspections and, if any prohibited items were found, further required such Member States to submit to the Committee a subsequent written report containing relevant details.³⁹⁸ The Council also called upon “all Member States, especially those neighbouring South Sudan” to ensure cooperation with the Panel of Experts, including by providing any information on illicit transfers of wealth from South Sudan into financial, property and business networks.³⁹⁹

As it did in previous years, the Council addressed requests to actors other than States to cooperate with the relevant committees and panels of experts on the implementation of specific measures adopted in relation to Article 41. In doing so, the Council used various formulas. For example, the Council addressed “all actors” with respect to the situation in Mali;⁴⁰⁰ “all parties” with regard to the situations in the Central African Republic,⁴⁰¹ Libya,⁴⁰² and South Sudan;⁴⁰³ and “other interested parties” with respect to the situation in the Democratic People’s Republic of Korea⁴⁰⁴ and Libya.⁴⁰⁵ In addition, the Council also requested the cooperation of international,

³⁹⁶ Ibid., para. 41

³⁹⁷ Resolution [2428 \(2018\)](#), para. 8.

³⁹⁸ Ibid., para. 10.

³⁹⁹ Resolution [2428 \(2018\)](#), para. 21.

⁴⁰⁰ Resolution [2423 \(2018\)](#), twelfth preambular paragraph.

⁴⁰¹ Resolution [2399 \(2018\)](#), para. 15.

⁴⁰² Resolution [2441 \(2018\)](#), para. 17.

⁴⁰³ Resolution [2428 \(2018\)](#), para. 21.

⁴⁰⁴ Resolution [2407 \(2018\)](#), para. 5.

⁴⁰⁵ Resolution [2441 \(2018\)](#), para. 16.

regional and subregional organizations, in accordance with Article 48 (2), with the respective Panels of Experts in relation to the Central African Republic,⁴⁰⁶ South Sudan⁴⁰⁷ and Yemen.⁴⁰⁸

Regarding decisions adopted in accordance with Article 41 in connection with judicial measures, the Council called upon “all States” to cooperate with and render all necessary assistance to the International Residual Mechanism for Criminal Tribunals towards the relocation of acquitted and convicted persons who had completed serving their sentences,⁴⁰⁹ and to intensify cooperation with and render all necessary assistance to the Mechanism, in particular in arresting and surrendering all remaining fugitives indicted by the International Criminal Tribunal for Rwanda.⁴¹⁰ The Council called upon the authorities in Bosnia and Herzegovina to fully cooperate with the Mechanism.⁴¹¹

With respect to the situation in the Democratic Republic of the Congo, the Council stressed the importance of the Government’s ongoing cooperation with the International Criminal Court (ICC), as well as the African Court of Human and People’s Rights, in holding accountable the perpetrators of genocide, war crimes and crimes against humanity, including those committed in the context of the electoral process.⁴¹²

Similarly, in connection with the situation in Mali, the Council urged the Malian authorities to continue to cooperate with the ICC.⁴¹³ The Council also recalled the importance of assistance and cooperation “by all parties concerned” with the ICC in matters within its jurisdiction.⁴¹⁴

⁴⁰⁶ Resolution [2399 \(2018\)](#), para. 37.

⁴⁰⁷ Resolutions [2406 \(2018\)](#), para. 19; and [2428 \(2018\)](#), para. 21.

⁴⁰⁸ Resolution [2402 \(2018\)](#), para. 8.

⁴⁰⁹ Resolution [2422 \(2018\)](#), para. 3.

⁴¹⁰ *Ibid.*, para. 4.

⁴¹¹ Resolution [2443 \(2018\)](#) para. 1.

⁴¹² Resolution [2409 \(2018\)](#), seventeenth preambular paragraph and para. 11.

⁴¹³ Resolution [2423 \(2018\)](#), para. 61.

⁴¹⁴ *Ibid.*, twenty-second preambular paragraph.

B. Decisions of the Security Council 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 and requested 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, with respect to the situation in Mali, the Council urged Member States who expressed pledges to fill in troops and capacity gaps of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to fully deploy those units within the announced time frame.⁴¹⁵ In regard to the situation in Somalia, the Council stressed the critical need to source the African Union Mission to Somalia (AMISOM) with fully functioning and mission appropriate contingent-owned equipment including force enablers and multipliers;⁴¹⁶ and reiterated its call on new and existing donors to support AMISOM through, inter alia, the provision of additional funding for troop stipends and equipment.⁴¹⁷

In 2018, the Council continued to call upon States and non-State actors to cooperate with peacekeeping operations to ensure the fulfilment of their respective Chapter VII mandates. In that regard, in relation to the situations in the Central African Republic⁴¹⁸ and Mali,⁴¹⁹ the Council urged “all parties” in the respective countries to cooperate fully with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and MINUSMA and ensure their safety, security and freedom of movement; and called upon “Member States, especially those in the region”, to ensure freedom of movement of personnel and equipment of MINUSCA⁴²⁰ and MINUSMA.⁴²¹

⁴¹⁵ Resolution [2423 \(2018\)](#), thirty-first preambular paragraph.

⁴¹⁶ Resolution [2431 \(2018\)](#), para. 14.

⁴¹⁷ Ibid., para. 31.

⁴¹⁸ Resolution [2448 \(2018\)](#), para. 64.

⁴¹⁹ Resolution [2423 \(2018\)](#), para. 9.

⁴²⁰ Resolution [2448 \(2018\)](#), para. 65.

⁴²¹ Resolution [2423 \(2018\)](#), para. 60.

⁴²²With respect to the area of operations of the United Nations Interim Force in Lebanon (UNIFIL), the Council urged “all parties” to ensure the freedom of movement of UNIFIL and its access to the Blue Line was fully respected and unimpeded.⁴²³

Regarding the situation in the Abyei, the Council called upon “both parties”, namely the Sudan and South Sudan, to maintain standing clearance for all air and ground patrols of the United Nations Interim Security Force for Abyei (UNISFA), and to facilitate full freedom of movement for UNISFA and the Joint Border Verification and Monitoring Mechanism.⁴²⁴ The Council also called upon “all Member States, in particular Sudan and South Sudan”, to ensure the free, unhindered and expeditious movement of all personnel and equipment of UNISFA.⁴²⁵ In relation to the situation in Darfur, the Council called upon “all parties in Darfur” to remove all obstacles to full and proper discharge of the United Nations–African Union Hybrid Mission in Darfur (UNAMID) including by ensuring its security and freedom of movement.⁴²⁶ Concerning the situation in South Sudan, the Council demanded that the Transitional Government of National Unity of South Sudan comply with the obligations of the Status of Forces Agreement and immediately cease obstructing the United Nations Mission in South Sudan (UNMISS) in the performance of its mandate.⁴²⁷

⁴²² Resolutions [2426 \(2018\)](#), para. 5; and [2450 \(2018\)](#), para. 5.

⁴²³ Resolution [2433 \(2018\)](#), para. 14.

⁴²⁴ Resolution [2412 \(2018\)](#), para. 3 (1).

⁴²⁵ Resolutions [2416 \(2018\)](#), para. 20; and [2445 \(2018\)](#), para. 21.

⁴²⁶ Resolution [2429 \(2018\)](#), para. 50.

⁴²⁷ Resolution [2406 \(2018\)](#), para. 2.

VIII. Mutual assistance 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

Section VIII 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.

During the period under review, the Council did not explicitly invoke Article 49 in any of its decisions. However, in its decisions in 2018, the Council called upon Member States to cooperate with each other or assist specific States in the implementation of measures imposed under Chapter VII of the Charter. This section is divided into two subsections. Subsection A covers decisions of the Council urging cooperation among Member States with respect to measures under Article 41. Subsection B covers decisions of the Council requesting mutual assistance in relation to measures under Article 42.

In 2018, as in previous periods, there was no constitutional discussion in the Council relating to the interpretation or application of Article 49 of the Charter. No reference to Article 49 was found in the communications received by the Council.

A. Decisions of the Security Council requesting mutual assistance in the implementation of measures under Article 41 of the Charter

During the period under review, the Council called upon Member States to enhance their cooperation in implementing specific sanctions measures. The addressees of the Council's calls for mutual assistance ranged from individual Member States, particularly concerned States, to

“all Member States”, as well as regional and subregional organizations. The types of assistance requested of Member States varied greatly and included requests to share information, requests for the provision of technical assistance, and requests for cooperation in carrying out inspections.

For example, in connection with the situation in the Central African Republic, the Council urged the Government to enhance cooperation and information sharing with other States in taking “the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee”.⁴²⁸

Concerning the situation in Libya, the Council similarly called upon all Member States to cooperate in efforts aimed at the implementation of the arms embargo,⁴²⁹ and urged Member States and regional organizations to provide assistance to the Government of National Accord, upon its request, in strengthening the infrastructure and mechanisms in place to secure arms and related materiel.⁴³⁰

With respect to the situation in Somalia, the Council urged Member States to support improved weapons and ammunition management to improve the capacity of the Federal Government of Somalia to manage weapons and ammunition.⁴³¹

Concerning the situation in South Sudan, the Council decided that all Member States should cooperate in efforts to, seize and dispose of items the supply, sale or transfer of which was prohibited.⁴³²

B. Decisions of the Security Council requesting mutual assistance in the implementation of measures under Article 42 of the Charter

During the period under review, the Council also adopted several resolutions in which it requested cooperation among Member States in carrying out measures under Article 42 of the Charter authorizing the use of force. The types of assistance requested included sharing

⁴²⁸ Resolution [2399 \(2018\)](#), para. 9.

⁴²⁹ Resolution [2441 \(2018\)](#), para. 10.

⁴³⁰ *Ibid.*, para. 9.

⁴³¹ Resolution [2444 \(2018\)](#), para. 20.

⁴³² Resolution [2428 \(2018\)](#), para. 9.

information and capacity-building to deter various criminal acts and coordination among Member States to deter such acts.

For example, concerning the situation in Lebanon, the Council continued to call upon Member States to assist the Lebanese Armed Forces as needed to enable them to perform their duties in line with resolution [1701 \(2006\)](#).⁴³³

With respect to the situation in Libya and the question of migration, the Council reiterated its calls in previous resolutions upon “all flag States involved” to cooperate in efforts aimed at inspecting vessels suspected of being used for migrant smuggling or human trafficking from Libya.⁴³⁴ The Council also reiterated previous resolutions which called upon Member States acting nationally or through regional organizations, including the European Union to cooperate with the Government of National Accord and with each other, including by sharing information to assist Libya, upon request, in building capacity secure its borders and to prevent, investigate and prosecute acts of smuggling of migrants and human trafficking through its territory and in its territorial sea.⁴³⁵

⁴³³ Resolution [2433 \(2018\)](#), twenty-fifth preambular paragraph.

⁴³⁴ Resolution [2437 \(2018\)](#), para. 2. See also resolution [2240 \(2015\)](#), para. 9.

⁴³⁵ Ibid. See also resolutions [2240 \(2015\)](#), paras. 1 and 2; [2312 \(2016\)](#), paras. 2 and 3; and [2380 \(2017\)](#), paras. 2 and 3.

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

Section IX 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 Council continued its practice of imposing targeted instead of comprehensive economic sanctions, thereby minimizing the unintended adverse impact on third States.⁴³⁶ None of the Security Council-mandated sanctions committees received formal requests for assistance under Article 50 of the Charter.

The Council did not explicitly invoke Article 50 of the Charter in any of its decisions during the reporting period. However, consistent with prior practice in connection with the situation in Somalia, on 6 November 2018, the Council requested that cooperating States take appropriate steps to ensure that the authorized activities they undertook in the fight against 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.⁴³⁷

⁴³⁶ For more information on sanctions measures, see sect. III above.

⁴³⁷ Resolution [2442 \(2018\)](#), para. 17.

While Article 50 of the Charter was not explicitly mentioned at any meeting of the Council, some references made by Council members to the consequences of sanctions during meetings were of relevance for the interpretation and application of Article 50.

For example, at the 8175th meeting of the Council under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))” on 6 February 2018, the representative of the Plurinational State of Bolivia underscored the need to conduct periodic reviews to determine whether sanctions were effective and if they hurt local populations.⁴³⁸ The representative of Thailand stressed that sanctions should continue to be targeted to minimize their unintended economic and social consequences, and the representative of Egypt commended the Council on the progress made towards more intelligent and effective sanctions reducing negative and unintended impact on civilians and countries not parties to the conflict.⁴³⁹

At the 8185th meeting on 21 February 2018 under the item entitled “Maintenance of international peace and security”, the Secretary-General emphasized the need to avoid unintended consequences of sanctions, including humanitarian ones.⁴⁴⁰ The representative of the Plurinational State of Bolivia further reiterated the need to seek the least possible humanitarian impact of sanctions on civilian populations, while the representative of France noted the remarkable progress of the Council with respect to the increasingly targeted nature of sanctions, reducing their impact on civilians.⁴⁴¹

Finally, at its 8363rd meeting on 27 September 2018 under the item entitled “Non-proliferation/Democratic People’s Republic of Korea”, the representative of the Netherlands highlighted the key role that a well-functioning Committee established pursuant to resolution [1718 \(2006\)](#) could play in taking action against sanctions violations and in minimizing their humanitarian impact.⁴⁴² At the same meeting, the representative of Equatorial Guinea expressed support for improving the mechanism of the Committee established pursuant to resolution [1718](#)

⁴³⁸ [S/PV.8175](#), p. 21.

⁴³⁹ Ibid., p. 54 (Thailand); and p. 64 (Egypt).

⁴⁴⁰ [S/PV.8185](#), p. 4.

⁴⁴¹ Ibid., p. 28 (Plurinational State of Bolivia); and p. 26 (France).

⁴⁴² [S/PV.8363](#), p. 7.

(2006) through, inter alia, seeking the possibility of sanctions that cause fewer humanitarian crises and have a lesser impact on third countries.⁴⁴³ The representative of Sweden, while acknowledging that the responsibility for the dire humanitarian situation in the Democratic People's Republic of Korea fundamentally rested with the Government, he pointed out that there were concerns about indirect negative impact of sanctions and enhanced efforts were needed to ensure the humanitarian exemptions were safeguarded.⁴⁴⁴

⁴⁴³ Ibid., p. 15.

⁴⁴⁴ Ibid., p. 17.

X. 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

Section X 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 two subsections. Subsection A covers the discussions of the Council of relevance to the interpretation and application of Article 51 and subsection B covers references to Article 51 and the right to self-defence in communications addressed to the Security Council. The Council did not refer to Article 51 of the Charter or the right of self-defence in its decisions during the reporting period.

A. Discussion relating to Article 51

In 2018, Article 51 of the Charter was explicitly invoked 25 times during Council’s deliberations. Moreover, the right of self-defence was discussed at numerous meetings of the Council in relation to a broad range of thematic and country- and region-specific items of its agenda.

Discussion on thematic items

On 6 February 2018, during a meeting held under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”, five explicit invocations of Article 51 were made by the representatives of Brazil and Mexico. The representative of Brazil noted the increasing volume of communications from Member States invoking Article 51 to justify the use of military action for counter-terrorism purposes and stated that there was ample room for improvement regarding the content, timing and circulation of such letters. He added that a proper follow-up to such communications was needed to ensure the obligations under the Charter were met and suggested dedicating a special section listing all communications received under Article 51 on the Council’s website.⁴⁴⁵ The representative of Mexico also noted, and expressed concern in relation to, the continuous references to Article 51 of the Charter of the United Nations by some States to address threats to international peace and security with military action, especially against non-State actors. He said he was troubled by such practice, coupled with the ambiguous language of recent Council resolutions, which he thought ran the risk of a de facto broadening of exceptions to the general prohibition on the use of force as set out in Article 2, paragraph 4, of the Charter. He called for the Council to review and modify its working methods in order to lend transparency to the way in which it responded to the letters addressed to it that invoked the right of self-defence under Article 51.⁴⁴⁶

Under the item entitled “Threats to international peace and security”, three meetings were held in 2018 during which either Article 51 was invoked explicitly, or the right of self-defence was addressed. Explicit references to Article 51 of the Charter were made at two of the three meetings, all in relation to the situation in the Syrian Arab Republic. First, during a meeting held on 13 April 2018 focused on the situation in the Middle East, the representative of the Plurinational State of Bolivia emphasized that the use of force was legal only in the exercise of the right to self-defence, in line with Article 51 of the Charter, or when approved by the Security Council.⁴⁴⁷ The representative of the Syrian Arab Republic stated that his country would have no other choice but to apply Article 51 of the Charter if attacked, which gave the country the

⁴⁴⁵ [S/PV.8175](#), pp. 24-25.

⁴⁴⁶ *Ibid.*, p. 58.

⁴⁴⁷ [S/PV.8231](#), p. 14.

legitimate right to defend itself.⁴⁴⁸ Secondly, the following day, on 14 April 2018, in an emergency meeting held in the wake of military strikes carried out in Syria by the United States, United Kingdom and France, the representative of the Syrian Arab Republic claimed that “in response to this terrible aggression”, his country had exercised its legitimate right in line with Article 51 of the Charter to defend itself.⁴⁴⁹ In addition, on 30 May 2018, during a meeting held under the same item concerning the deteriorating situation in Gaza,⁴⁵⁰ the representative from the United States called on the Council members to exercise at least as much scrutiny on the actions of the Hamas terrorist group as it did on Israel’s “legitimate right of self-defence”.⁴⁵¹ The representative of the United Kingdom expressed full support for Israel’s right to self-defence, and the “right to defend its citizens from such acts of terror”.⁴⁵² The representative of Ethiopia said it was impossible to deny Israel the right to self-defence which he noted was a right that included a responsibility to ensure proportionality under the circumstances of escalating violence.⁴⁵³ The representative of Peru condemned any attack against civilians while also recognizing Israel’s right to guarantee its own security and to deploy legitimate defence measures, in line with the principles of proportionality, precaution and legality.⁴⁵⁴ The representative of Equatorial Guinea similarly called upon the Israeli authorities to use proportionate force in their “legitimate self-defence”.⁴⁵⁵

Under the item entitled “Maintenance of international peace and security”, two meetings were held during which either Article 51 was invoked explicitly, or the right of self-defence was addressed. On 17 May 2018, during a high-level meeting of the Council, many speakers engaged in extensive discussions on the right of self-defence and its limits in the context of upholding international law. In this connection, Article 51 was explicitly invoked 10 times during the course of the meeting (see case 17).

⁴⁴⁸ Ibid., p. 22.

⁴⁴⁹ [S/PV.8233](#), p. 21.

⁴⁵⁰ See for further details, part I, sect. 24 on “The situation in the Middle East, including the Palestinian question”.

⁴⁵¹ [S/PV.8272](#), p. 5.

⁴⁵² Ibid.

⁴⁵³ Ibid., p. 10.

⁴⁵⁴ Ibid., p. 11.

⁴⁵⁵ Ibid., p. 15.

In addition, on 9 November 2018, in a meeting held under the same item and under the sub-item entitled “Strengthening multilateralism and the role of the United Nations”, three speakers explicitly referred to Article 51. The representative of the Plurinational State of Bolivia stressed that the use of force was lawful only when in exercise of self-defence in accordance with Article 51 of the Charter or when approved by the Council.⁴⁵⁶ The representative of Liechtenstein similarly noted that the Charter had made the use of force illegal with only two exceptions: self-defence in accordance with Article 51 and the authorization of the use of force by the Council, and lamented the recent “widening interpretation” of the notion of self-defence, without much discussion or consequence.⁴⁵⁷ On a similar note, the representative of Brazil emphasized the need not to lose sight of the fundamental notion that the prohibition of the use of force was the rule, thereby making self-defence and Chapter VII authorizations the exception. He voiced disagreement with interpretations that sought to expand the scope of the right to self-defence, in particular with regard to non-State actors and further called on the Council to follow up on notifications received under Article 51 to ensure that the obligations laid out in the Charter were being fulfilled.⁴⁵⁸ The representative of the Russian Federation also recalled the basic principles and norms of international relations, including the ban on the use of force in international relations without the permission of the Council or beyond the limits of self-defence.⁴⁵⁹

Discussion on country- and region-specific items

During the period under review, several explicit references to Article 51, as well as references to the right of self-defence, were made with respect to the Israeli-Palestinian conflict and the situations in Syria and Ukraine.

Under the item entitled “The situation in the Middle East, including the Palestinian question”, the Council engaged in two extensive discussions on the question of the right of Israel

⁴⁵⁶ [S/PV.8395](#), p. 25.

⁴⁵⁷ *Ibid.*, pp. 30-31.

⁴⁵⁸ *Ibid.*, p. 62.

⁴⁵⁹ *Ibid.*, p. 14.

to self-defence under Article 51 of the Charter (see case 18). In addition, during a meeting under the item entitled “The situation in the Middle East, including the Palestinian question” on 25 January 2018, the representative of Turkey made an explicit reference to Article 51 in connection with the conflict in the Syrian Arab Republic. He affirmed that Operation Olive Branch was being conducted in line with Article 51 and with full respect for Syria’s territorial integrity.⁴⁶⁰

On 24 February 2018, under the item entitled “The situation in the Middle East”, the representative of the Syrian Arab Republic stated that according to Article 51 of the Charter, his country had the right to defend itself with all of the legal tools available. He criticized the military presence of the United States in Syrian territories and reiterated that according to Article 51 of the Charter, his country had the right to defend itself.⁴⁶¹

On 26 November 2018, under the item entitled “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 Ukraine affirmed that his country was ready to use all available means in exercising the right to self-defence, as provided for in Article 51 of the Charter of the United Nations.⁴⁶²

Finally, on 19 December 2018 in a meeting under the item entitled “The situation in the Middle East”, several speakers addressed the question of the right of Israel to self-defence in connection with alleged violations of the Blue Line in the form of illegal tunnels from Lebanon into Israel (see case 19).⁴⁶³

Case 17

Maintenance of international peace and security

⁴⁶⁰ [S/PV.8167](#), p. 54.

⁴⁶¹ [S/PV.8188](#), p. 13.

⁴⁶² [S/PV.8410](#), p. 12.

⁴⁶³ [S/PV.8432](#).

On 17 May 2018, at the initiative of Poland which held the Presidency for the month,⁴⁶⁴ the Council held its 8262nd meeting under the above-referenced item. The sub-item for the meeting was “Upholding international law within the context of the maintenance of international peace and security”. During the debate, the representative of Turkey emphasized that in the context of maintaining international peace and security, the Charter of the United Nations underlined, *inter alia*, the prohibition of the use of force and the legitimate right to self-defence enshrined in Article 51.⁴⁶⁵ The representative of China, underscoring the importance of respect for the principles contained in the Charter, including sovereignty and territorial integrity of all countries, stressed that unilateral operations not authorized by the Council or not carried out in the exercise of self-defence ran counter to the purposes and principles of the Charter.⁴⁶⁶

Several speakers deliberated on the scope and limits of the right to self-defence under Article 51. The representative of the Russian Federation recalled that Articles 51 and 2 (4) clearly stated that military force against a State was permitted only when sanctioned by the Security Council or for self-defence.⁴⁶⁷ He also criticized the military presence of the United States and the coalition it led in Syria, which justified themselves by “awkward references to self-defence against terrorism” and “so-called geopolitical stabilization” by coming up with a legal formula of “illegal but legitimate”. He noted that “this international legal nihilism culminated in the aggression against Syria on 14 April”.⁴⁶⁸ The representative of Brazil pointed out that Article 51 was an exception to Article 2 (4), and since the latter mentioned States, the former must be interpreted in that light, meaning self-defence must be a response to an armed attack undertaken by or attributable to a State. He referred to the Advisory Opinion of the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, which held that Article 51 of the Charter recognized the existence of an inherent right of self-defence in the case of an armed attack by one State against another. He also made reference to the *travaux préparatoires* of the Charter of the United

⁴⁶⁴ A concept note was circulated by letter dated 3 May 2018 addressed to the Secretary-General ([S/2018/417/Rev.1](#)).

⁴⁶⁵ [S/PV.8262](#), p. 81.

⁴⁶⁶ *Ibid.*, p. 20.

⁴⁶⁷ *Ibid.*, pp. 26-27.

⁴⁶⁸ *Ibid.*, p. 27.

Nations, stressing it was implausible to impute to the drafters the intention to make self-defence applicable outside inter-State conflicts. Finally, he reaffirmed that Article 51 of the Charter of the United Nations was restrictive and should not be rewritten or reinterpreted and that conditions for its interpretations were strict and could not be changed by the practice of a few States.⁴⁶⁹

The representative of Mexico said that the justification presented by some States for using force in legitimate self-defence showed the need to consider the limits imposed by Article 51 and the inherent right of self-defence and added that a lack of vigour in the interpretations of the Article could result in abuse, putting international peace and security at risk. He said that of particular concern was the authorization of the use of force against non-State actors, due to a lack of legal clarity in that regard.⁴⁷⁰ The representative of Cyprus expressed similar concerns about recent attempts to “open the door” of Article 51 of the Charter to the threat of terrorism in response to armed attacks perpetrated by non-State actors, cautioning that this carried potential for escalating violence and abusive invocations of self-defence.⁴⁷¹

The representative Argentina expressed concern about the issue of notifications under Article 51 of the Charter and called for the Council to have greater transparency on its follow-up to such communications.⁴⁷²

Case 18

The situation in the Middle East, including the Palestinian question

On 1 June 2018, the Council held its 8274th meeting under the above-referenced item. At the meeting, the Council voted on two draft resolutions submitted by Kuwait ([S/2018/516](#)) and by the United States ([S/2018/520](#)), respectively.⁴⁷³ The representative of the United States said that Council members had a choice to condemn the terrorists responsible for inciting violence in

⁴⁶⁹ Ibid., p. 44.

⁴⁷⁰ Ibid., p. 47.

⁴⁷¹ Ibid., p. 80.

⁴⁷² Ibid., p. 66.

⁴⁷³ For further information on the vote, see part I, sect. 24 on “The situation in the Middle East, including the Palestinian question”.

Gaza and against condemning a country for acting in self-defence.⁴⁷⁴ The representative of Kuwait expressed the view that Israel was an “occupying power” and stated that “the right to self-defence should not apply to the aggressor and occupier”.⁴⁷⁵

The representative of Peru reaffirmed Israel’s right to guarantee its security and legitimate defence.⁴⁷⁶ The representative of Poland, while recognizing Israel’s right to protect its border and defend its civilian population, called on Israel to respect the rights of Palestinian civilians to peaceful protests and to adhere to the principle of proportionality in the use of force when defending its legitimate security interests.⁴⁷⁷ The representative of Ethiopia stated that Israel’s right to self-defence carried with it the responsibility to ensure proportionality.⁴⁷⁸

During a subsequent meeting held on 24 July 2018 under the same item, the representative of the United States stated that while very careful attention was paid to every step Israel took in self-defence, it was important not to lose sight of the very real damage that was being done to Israel by terrorist attacks coming from Gaza.⁴⁷⁹

The representative of Peru, while strongly condemning the firing of rockets and incendiary devices that endangered the lives of civilians and caused material damage, emphasized that the legitimacy of Israel’s self-defence depended on its adherence to the principles of proportionality and precaution.⁴⁸⁰ The representative of Equatorial Guinea, while recognizing the right of Israel to protect its borders and defend its legitimate security interests, urged Israel to ensure the proportional use of force and to respect the right to peaceful protests.⁴⁸¹ The representative of Argentina similarly urged Israel to take into account its obligations under international humanitarian law and international human rights law when exercising “its inalienable right to legitimate defence”.⁴⁸²

⁴⁷⁴ [S/PV.8274](#), p. 3.

⁴⁷⁵ *Ibid.*, p. 9.

⁴⁷⁶ *Ibid.*, p. 9.

⁴⁷⁷ *Ibid.*, p. 7.

⁴⁷⁸ *Ibid.*, p. 11.

⁴⁷⁹ [S/PV.8316](#), p. 10.

⁴⁸⁰ *Ibid.*, p. 18.

⁴⁸¹ *Ibid.*, p. 21.

⁴⁸² *Ibid.*, p. 29.

Case 19

The situation in the Middle East

On 19 December 2018, the Council held its 8432nd meeting under the above-cited item during which the Council discussed alleged violations of the Blue Line in the form of illegal tunnels from Lebanon into Israel. At the meeting, the representative of the United States expressed strong support for Israel's efforts to defend its sovereignty and unconditionally affirmed the country's right to self-defence.⁴⁸³ The representatives of the United Kingdom, the Netherlands, Peru, and Equatorial Guinea also recognized the right of Israel to defend itself.⁴⁸⁴ The representative of the Russian Federation while acknowledging Israel's right to defend its national security, including by preventing any illegal penetration of its territory by anyone, expressed hope that any action taken in that regard would not run counter to the provisions of resolution [1701 \(2006\)](#) defining the rules of conduct of the parties in the area of the Blue Line, which he deemed was not an internationally recognized boundary.⁴⁸⁵

The representative of Lebanon expressed concern over the words of the Israeli Prime Minister claiming Israel's right to "pre-emptive self-defence" and added that what was seen by the Israeli Prime Minister as self-defence by Israel was in fact a "threat in Beirut". He said that the so-called Israeli right to "pre-emptive self-defence" had no international legal basis but instead was used to justify illegal aggressive acts and invasions.⁴⁸⁶ The representative of Israel reiterated that Israel had the full right, like any other nation in the world, to defend itself, the sovereignty and people of the country and noted that it would continue Operation Northern Shield to protect itself and ensure the safety of its people.⁴⁸⁷

⁴⁸³ [S/PV.8432](#), p. 3.

⁴⁸⁴ *Ibid.*, p. 6 (United Kingdom); p. 8 (Netherlands); p. 10 (Peru); and p. 12 (Equatorial Guinea).

⁴⁸⁵ *Ibid.*, p. 11.

⁴⁸⁶ *Ibid.*, p. 15.

⁴⁸⁷ *Ibid.*, pp. 17-18.

B. References to Article 51 and the right of self-defence in communications addressed to the Security Council

In 2018, Article 51 was explicitly invoked in 10 communications from Member States addressed to the President of the Council or circulated as a document of the Security Council. These communications concerned a variety of disputes and situations. The complete list of letters from Member States containing explicit references to Article 51 is featured in Table 13 below.

In addition, references to the principle of self-defence were found in other communications from several Member States, including the Syrian Arab Republic declaring it had exercised its legitimate right of self-defence in response to the military strikes carried out by the United States, United Kingdom and France on 14 April in Syria;⁴⁸⁸ the Islamic Republic of Iran, claiming the country's right to self-defence in relation to "pre-emptive military attacks" purportedly carried out by Israel;⁴⁸⁹ the Islamic Republic of Iran invoking the right to self-defence of the Syrian Arab Republic concerning the alleged "aggression by launching rocket attacks and air strikes" by Israel;⁴⁹⁰ the Islamic Republic of Iran indicating that the Iranian missile programme was an effective means for exercising "the right to self-defence in the event of any armed attack;⁴⁹¹ Lebanon underscoring that Israel must "be stopped from using the pretext of 'self-defence' to launch devastating wars";⁴⁹² and Armenia in relation to the Nagorno-Karabakh dispute claiming the Artsakh population had "no other choice but to resort to self-defense".⁴⁹³

Article 51 of the Charter was also explicitly referenced in the sixth report of the Secretary General on the implementation of resolution [2231 \(2015\)](#) and in the letter from the Security

⁴⁸⁸ See Identical letters dated 14 April 2018 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/2018/352](#)).

⁴⁸⁹ Letter dated 9 May 2018 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2018/445](#)).

⁴⁹⁰ Letter dated 14 May 2018 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2018/459](#)).

⁴⁹¹ Letter dated 28 November 2018 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/2018/1061](#)).

⁴⁹² Identical letters dated 12 November 2018 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2018/1018](#)).

⁴⁹³ Letter dated 20 February 2018 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General ([S/2018/150](#)).

Council Facilitator for the implementation of the resolution,⁴⁹⁴ both recalling the letters received by the Council from the Islamic Republic of Iran invoking its legitimate right to self-defence under Article 51.⁴⁹⁵ The remaining explicit references to Article 51 can be found in the letter from the permanent representative of Kuwait transmitting a summary of the views and proposals put forward by participants in the open debate held on 6 February 2018 concerning the working methods of the Council.⁴⁹⁶

Table 13
Communications from Member States containing explicit references to Article 51 of the Charter, 2018

<i>Document symbol</i>	<i>Document title</i>
S/2018/53	Identical letters dated 20 January 2018 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2018/82	Identical letters dated 1 February 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2018/141	Identical letters dated 20 February 2018 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/2018/423	Letter dated 3 May 2018 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the President of the Security Council
S/2018/433	Letter dated 3 May 2018 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General
S/2018/607	Letter dated 13 June 2018 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council

⁴⁹⁴ See the sixth report of the Secretary-General on the implementation of Security Council resolution [2231 \(2015\)](#) ([S/2018/1089](#)); and letter dated 11 December 2018 from the Security Council Facilitator for the implementation of resolution [2231 \(2015\)](#) addressed to the President of the Security Council ([S/2018/1106](#)).

⁴⁹⁵ See [S/2018/697](#) and [S/2018/891](#), respectively, both included in table 13 below.

⁴⁹⁶ Identical letters dated 5 April 2018 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2018/399](#)). See also [S/PV.8175](#).

<i>Document symbol</i>	<i>Document title</i>
S/2018/830	Letter dated 11 September 2018 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council
S/2018/891	Letter dated 3 October 2018 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2018/967	Letter dated 29 October 2018 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2018/1022	Letter dated 13 November 2018 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council