

## **Part VII**

### **Actions with respect to threats to the peace, breaches of the peace, and acts of aggression (Chapter VII of the Charter)**



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## Introductory note

Part VII deals with action taken by the Security Council with respect to threats to the peace, breaches of the peace or acts of aggression, within the framework of Chapter VII of the Charter (Articles 39 to 51).

The period under review was marked by a considerably expanded scope of Council action in response to threats or breaches of the peace, and Chapter VII of the Charter was invoked in a large number of decisions of the Council. Of the 53 resolutions adopted by the Council in 2010, 32 were adopted “acting under Chapter VII of the Charter” (60.3 per cent), while in 2011, 43 of the 66 resolutions were adopted “acting under Chapter VII” (65.2 per cent). Most of the resolutions concerned the mandates of United Nations and regional peacekeeping missions or multinational forces, and the imposition, extension, modification or termination of sanctions measures.

During the period under review, the Council determined several new and ongoing threats to regional and/or international peace and security. Determinations of new threats under Article 39 of the Charter included the sinking of the Republic of Korea naval ship the *Cheonan*;<sup>1</sup> events following the newly established independence of South Sudan;<sup>2</sup> actions involving Eritrea with respect to the situation in Somalia;<sup>3</sup> and events concerning the situation in Libya.<sup>4</sup> Ongoing threats to international peace and security included the situations in Afghanistan, Bosnia and Herzegovina, Chad, the Central African Republic, Côte d’Ivoire, the Democratic Republic of the Congo, Haiti, Lebanon, Liberia, Libya, Somalia and the Sudan. With respect to the situation in Afghanistan, the Council also recognized the threat posed by illicit drug production, trade and trafficking to international peace and stability. Previously, such a determination had been made only in the context of Africa. In its consideration of thematic issues, the Council reaffirmed that the non-proliferation of nuclear, chemical and biological weapons (including in the context of the Democratic People’s Republic of Korea) and terrorism in all its forms continued to constitute threats to international peace and security.

The Council imposed new sanctions measures, of the type provided for under Article 41, against Libya, while the remaining measures imposed against Sierra Leone were terminated. The Council also took unprecedented action in amending the sanctions regime in relation to the Taliban and Al-Qaida, by separating the regime into two: one to target individuals associated with the Taliban who threatened peace and stability in Afghanistan, and another to focus exclusively on Al-Qaida and its associates. Although the scope and effect of the sanctions measures

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<sup>1</sup> See [S/PRST/2010/13](#).

<sup>2</sup> South Sudan gained its independence on 9 July 2011 and was formally admitted as a member of the United Nations on 14 July 2011. In its decisions adopted under the item “Reports of the Secretary-General on the Sudan”, the Council determined that “the situation faced by South Sudan”, “the current situation in Abyei”, “the current situation in Abyei and along the border between the Sudan and South Sudan” and “the situation along the border between the Sudan and South Sudan” all constituted threats to international peace and security.

<sup>3</sup> Resolutions [2002 \(2011\)](#) and [2023 \(2011\)](#).

<sup>4</sup> The official name of the country in the United Nations was changed from “Libyan Arab Jamahiriya” to “Libya” from 16 September 2011 at the request of the National Transitional Council of Libya.

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did not change, the Council continued to improve its due process procedures with the establishment of the Office of the Ombudsperson. Sanctions measures were also extended or modified in connection with Côte d'Ivoire, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Iran (Islamic Republic of), Liberia, Somalia and Eritrea, and the Sudan. In addition, the Council imposed new judicial measures in connection with the situation in Libya by referring it to the International Criminal Court, while the tribunals for Lebanon, Rwanda and the former Yugoslavia continued to function.

The Council adopted several resolutions by which it authorized United Nations peacekeeping missions and multinational forces, including those deployed by regional organizations to carry out enforcement actions under Article 42. Regarding the situation in Libya, the Council authorized Member States, acting nationally or through regional organizations or arrangements, to take all necessary measures to protect civilians and civilian-populated areas under threat of attack in the country. The Council also authorized Member States to take all measures necessary to enforce compliance with the no-fly zone and to carry out strict implementation of the arms embargo to inspect in their territory vessels and aircraft bound to or from Libya.

During the period under review, the Council also adopted several resolutions by which it authorized United Nations peacekeeping missions, as well as multinational forces, to undertake enforcement actions. With respect to United Nations peacekeeping missions, the Council authorized enforcement action for the newly established missions in Abyei and in South Sudan (the United Nations Interim Security Force for Abyei (UNISFA) and the United Nations Mission in South Sudan (UNMISS), respectively). Furthermore, the Council reauthorized enforcement action for the United Nations Operation in Côte d'Ivoire (UNOCI), the African Union-United Nations Hybrid Operation in Darfur (UNAMID), the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), the United Nations Interim Force in Lebanon (UNIFIL) and the United Nations Mission in the Sudan (UNMIS). The United Nations Mission in the Central African Republic and Chad (MINURCAT) completed its mandate in December 2010.

Regarding multinational forces, the Council authorized the use of "all necessary measures" within the framework of Chapter VII of the Charter for operations undertaken by: the Member States participating in the International Security Assistance Force (ISAF), deployed in Afghanistan; the European Union military mission (EUFOR) and the North Atlantic Treaty Organization (NATO) presence in Bosnia and Herzegovina; and the African Union in Somalia. The Council also extended the authorization of French forces to use all means necessary to support UNOCI.

The present part is divided into 10 sections, each of which focuses 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 Council's power to determine threats to international peace and security and to take the appropriate actions in response to those threats, including the imposition of sanctions measures or the authorization of the use of force. Sections V and VI focus on Articles 43 to 47, regarding the provision of armed forces. Sections VII and VIII

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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. Each section contains subsections on discussions held within the Council regarding the proper interpretation and implementation of the articles governing the Council's primary responsibility to maintain international peace and security.

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## 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. It provides information as to when the Council determined the existence of a threat and examines instances in which the existence of a threat was debated. The section is divided into two subsections: subsection A gives an overview of the relevant decisions of the Council, while subsection B presents case studies reflecting the arguments advanced during the Council's deliberations in connection with the adoption of some of the resolutions reflected in subsection A.

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

During the period under review, the Council did not explicitly invoke Article 39 of the Charter in any of its decisions or determine the existence of any breach of the peace or act of aggression. However, the Council adopted numerous resolutions in which it determined, or expressed concern at, the existence of threats to the peace.

#### **New threats**

During the period under review, the Council adopted six resolutions in which it determined the existence of new threats to "regional" and/or "international peace and security".

Following the newly established independence of South Sudan and the ensuing developments in the region, the Council determined for the first time that "the situation faced by South Sudan", "the current situation in Abyei", "the current situation in Abyei and along the border between the Sudan and South Sudan" and "the situation along the border between the Sudan and South Sudan" all constituted threats to international peace and security. "The situation faced by South Sudan" was determined to be a threat to international peace and security in the same resolution in which the Council welcomed the new State's independence. That was the first time that it had been mentioned, even though the Council stated that the situation continued to constitute a threat.

Regarding Eritrea, the Council, under its consideration of peace and security in Africa, determined that the failure of Eritrea to fully comply with resolutions [1844 \(2008\)](#), [1862 \(2009\)](#) and [1907 \(2009\)](#), in addition to its actions undermining peace and reconciliation in Somalia and the Horn of Arica region, as well as the dispute between Djibouti and Eritrea, constituted a "threat to international peace and security".

Regarding Libya, the Council, by its resolution [1970 \(2011\)](#), authorized measures under Article 41, including referral of the situation to the International Criminal Court and various sanctions measures, without making an explicit determination of a new threat to international or regional peace and security under Article 39. The Council expressed grave concern at the situation in Libya, condemned the violence and use of force against civilians and deplored the "gross and systematic violation of human rights". Consequently, "mindful of its primary responsibility for the maintenance of international peace and security" and "acting under Chapter VII of the Charter", the Council authorized the measures. Subsequently, in resolution [1973 \(2011\)](#), the Council determined that the situation in Libya "continued to constitute a threat to international peace and security", authorizing States, in accordance with Article 42, to establish a no-fly zone and to take "all necessary measures" to protect civilians in Libya (see table 1).

Table 1

**Determination of new threats to regional or international peace and security in 2010-2011**

<i>Decision and date</i>	<i>Provision</i>
<b>Peace and security in Africa</b>	
Resolution 2023 (2011) 5 December 2011	Determining that the failure of Eritrea to fully comply with resolutions 1844 (2008), 1862 (2009) and 1907 (2009) and its actions undermining peace and reconciliation in Somalia and the Horn of Africa region as well as the dispute between Djibouti and Eritrea constitute a threat to international peace and security (thirteenth preambular paragraph)
<b>The situation in Libya</b>	
Resolution 1973 (2011) 17 March 2011	Determining that the situation in the Libyan Arab Jamahiriya continues to constitute a threat to international peace and security (twenty-first preambular paragraph)
<b>Reports of the Secretary-General on the Sudan</b>	
Resolution 1990 (2011) 27 June 2011	Recognizing that the current situation in Abyei demands an urgent response and constitutes a threat to international peace and security (final preambular paragraph)
Resolution 1996 (2011) 8 July 2011	Determining that the situation faced by South Sudan continues to constitute a threat to international peace and security in the region (eighteenth preambular paragraph)
Resolution 2024 (2011) 14 December 2011	Recognizing the urgent need for the Sudan and South Sudan to commence the process of border normalization, and recognizing further that the situation along the border between the Sudan and South Sudan constitutes a threat to international peace and security (final preambular paragraph)
Resolution 2032 (2011) 22 December 2011	Recognizing that the current situation in Abyei and along the border between the Sudan and South Sudan constitutes a threat to international peace and security (final preambular paragraph)

**Continuing threats**

During the period under review, the Council determined that the situations in Afghanistan and Lebanon continued to constitute threats to “international peace and security”. It also determined that the situations in Côte d’Ivoire, the Democratic Republic of the Congo, Haiti and Liberia all continued to pose a threat to “international peace and security in the region”. With regard to Bosnia and Herzegovina, the Council determined that the situation “in the region” continued to constitute a threat to international peace and security. Regarding the developments in the Sudan, the Council determined that “the situation in the Sudan” and “the situation in the region” continued to constitute threats to “international peace and security” and “international peace and security in the region”.

In a number of resolutions regarding the Central African Republic and Chad, the Council expressed its serious concern about the security situation in the Central African Republic and determined that the situation “in the region on the border” between the Central African Republic, Chad and the Sudan continued to constitute a threat to “international peace and security in the region”.

In several resolutions adopted during the period, a number of elements of the situation in Somalia and Eritrea were deemed as continuing threats to the peace by the Council. In its resolutions 1910 (2010) and 1972 (2011), the Council determined that the situation in Somalia continued to constitute a threat to “international peace and security in the region”, while in resolution 1916 (2010), the Council condemned the flow of weapons and ammunition supplies to and

through Somalia and Eritrea in violation of the Somalia arms embargo and the Eritrea arms embargo as a “serious threat to peace and stability in the region”. In the same resolution and, later, in resolution [2002 \(2011\)](#), the Council determined that the situation in Somalia, as well as the actions of Eritrea undermining peace and reconciliation in Somalia and the dispute between Djibouti and Eritrea, continued to constitute a threat to “international peace and security in the region”. In its resolution [1950 \(2010\)](#), the Council determined that incidents of piracy and armed robbery at sea off the coast of Somalia exacerbated the situation in the country and continued to constitute a threat to international peace and security “in the region”.

In all of the above-mentioned instances, following the determination of the existence of a threat to the peace, the Council, in the same resolutions, took measures in accordance with Articles 40, 41 or 42 of the Charter in order to maintain or restore international peace and security, such as imposing provisional measures on parties to a conflict in order to prevent an aggravation of the situation, imposing and/or extending sanctions measures, or authorizing United Nations,

regional or multinational peacekeeping operations under Chapter VII of the Charter, which sometimes included the use of force.<sup>5</sup>

In a number of decisions adopted under thematic items, the Council reaffirmed that the proliferation of nuclear, chemical and biological weapons and their means of delivery continued to pose a threat to “international peace and security”, including in the context of the Democratic People’s Republic of Korea and Iran (Islamic Republic of). The Council, in its resolution [1977 \(2011\)](#), also reaffirmed its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, “in conformity with its primary responsibilities, as provided for in the Charter of the United Nations”.

In 2010 and 2011, the Council reaffirmed, as it did during the previous period under review, that terrorism in all its forms and manifestations constituted “one of the most serious threats to international peace and security” (see tables 2 and 3).

<sup>5</sup> For more information, see sects. II-IV of the present part.

Table 2

**Decisions adopted under country-specific items in which the Council referred to continuing threats to the peace in 2010-2011**

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in the Middle East</b>	
Resolution <a href="#">1937 (2010)</a> 30 August 2010	Determining that the situation in Lebanon continues to constitute a threat to international peace and security (final preambular paragraph)  <i>Same provision in resolution <a href="#">2004 (2011)</a>, final preambular paragraph</i>
<b>The situation in Afghanistan</b>	
Resolution <a href="#">1943 (2010)</a> 13 October 2010	Determining that the situation in Afghanistan still constitutes a threat to international peace and security (twenty-ninth preambular paragraph)  <i>Same provision in resolution <a href="#">2011 (2011)</a>, thirty-ninth preambular paragraph</i>
<b>The situation in Bosnia and Herzegovina</b>	
Resolution <a href="#">1948 (2010)</a> 18 November 2010	Determining that the situation in the region continues to constitute a threat to international peace and security (twenty-fifth preambular paragraph)  <i>Same provision in resolution <a href="#">2019 (2011)</a>, twenty-fifth preambular paragraph</i>

Decision and date

Provision

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### **The situation in Chad, the Central African Republic and the subregion**

Resolution 1913 (2010) 12 March 2010 Determining that the situation in the region continues to constitute a threat to international peace and security (final preambular paragraph)

*Same provision in resolution 1922 (2010), final preambular paragraph*

Resolution 1923 (2010) 25 May 2010 Determining that the situation in the region of the border between the Sudan, Chad and the Central African Republic constitutes a threat to international peace and security (final preambular paragraph)

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

Resolution 1911 (2010) 28 January 2010 Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region (eleventh preambular paragraph)

*Same provision in resolutions 1924 (2010), third preambular paragraph; 1933 (2010), tenth preambular paragraph; 1946 (2010), seventh preambular paragraph; 1951 (2010), fifth preambular paragraph; 1962 (2010), nineteenth preambular paragraph; 1980 (2011), tenth preambular paragraph; and 2000 (2011), twentieth preambular paragraph*

Resolution 1975 (2011) 30 March 2011 Determining that the situation in Côte d'Ivoire continues to constitute a threat to international peace and security (fourteenth preambular paragraph)

### **The situation concerning the Democratic Republic of the Congo**

Resolution 1925 (2010) 28 May 2010 Aware of the persistent challenges to the stability of the Democratic Republic of the Congo, and determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region (eighteenth preambular paragraph)

Resolution 1952 (2010) 29 November 2010 Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region (thirteenth preambular paragraph)

*Same provision in resolution 2021 (2011), twelfth preambular paragraph*

Resolution 1991 (2011) 28 June 2011 Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region (seventeenth preambular paragraph)

### **The question concerning Haiti**

Resolution 1944 (2010) 14 October 2010 Determining that the situation in Haiti continues to constitute a threat to international peace and security in the region, despite the progress achieved thus far (twenty-second preambular paragraph)

*Same provision in resolution 2012 (2011), twenty-eighth preambular paragraph*

### **The situation in Liberia**

Resolution 1938 (2010) 15 September 2010 Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region (nineteenth preambular paragraph)

*Same provision in resolution 2008 (2011), eighteenth preambular paragraph*

<i>Decision and date</i>	<i>Provision</i>
Resolution 1961 (2010) 17 December 2010	Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region (tenth preambular paragraph)
Resolution 2025 (2011) 14 December 2011	Determining that, despite significant progress, the situation in Liberia continues to constitute a threat to international peace and security in the region (thirteenth preambular paragraph)

### **The situation in Somalia**

Resolution 1910 (2010) 28 January 2010	Determining that the situation in Somalia constitutes a threat to international peace and security in the region (nineteenth preambular paragraph)  <i>Same provision in resolution 1964 (2010), twenty-first preambular paragraph</i>
Resolution 1916 (2010) 19 March 2010	Determining that the situation in Somalia, Eritrea's actions undermining peace and reconciliation in Somalia, as well as the dispute between Djibouti and Eritrea continue to constitute a threat to international peace and security in the region (eleventh preambular paragraph)  <i>Same provision in resolution 2002 (2011), fifteenth preambular paragraph</i>
Resolution 1950 (2010) 23 November 2010	Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia exacerbate the situation in Somalia, which continues to constitute a threat to international peace and security in the region (twentieth preambular paragraph)  <i>Same provision in resolutions 1976 (2011), eighteenth preambular paragraph, 2015 (2011), seventeenth preambular paragraph, and 2020 (2011), twenty-seventh preambular paragraph</i>
Resolution 1972 (2011) 17 March 2011	Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region (eighth preambular paragraph)  <i>Same provision in resolution 2010 (2011), twenty-fourth preambular paragraph</i>

### **Reports of the Secretary-General on the Sudan**

Resolution 1919 (2010) 29 April 2010	Determining that the situation in the Sudan continues to constitute a threat to international peace and security (sixteenth preambular paragraph)  <i>Similar provision in resolutions 1945 (2010), fifteenth preambular paragraph, and 1982 (2011), third preambular paragraph</i>
Resolution 1935 (2010) 30 July 2010	Determining that the situation in the Sudan constitutes a threat to international peace and security (fourteenth preambular paragraph)  <i>Same provision in resolution 2003 (2011), eighteenth preambular paragraph</i>
Resolution 1978 (2011) 27 April 2011	Determining that the situation in the region continues to constitute a threat to international peace and security (final preambular paragraph)

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Table 3

**Decisions adopted under thematic items in which the Council referred to continuing threats to the peace in 2010-2011**

<i>Decision and date</i>	<i>Provision</i>
<b>Non-proliferation</b>	
Resolution 1984 (2011) 9 June 2011	Determining that the proliferation of weapons of mass destruction, as well as their means of delivery, continues to constitute a threat to international peace and security (sixth preambular paragraph)
<b>Non-proliferation/Democratic People's Republic of Korea</b>	
Resolution 1928 (2010) 7 June 2010	Determining that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, continues to constitute a threat to international peace and security (third preambular paragraph)
	<i>Same provision in resolution 1985 (2011), sixth preambular paragraph</i>
<b>Non-proliferation of weapons of mass destruction</b>	
Resolution 1977 (2011) 20 April 2011	Reaffirming also that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security (second preambular paragraph)
<b>Threats to international peace and security caused by terrorist acts</b>	
Resolution 1963 (2010) 20 December 2010	Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed, and remaining determined to contribute further to enhancing the effectiveness of the overall effort to fight this scourge on a global level (first preambular paragraph)
Resolution 1988 (2011) 17 June 2011	Reaffirming that the situation in Afghanistan still constitutes a threat to international peace and security, and expressing its strong concern about the security situation in Afghanistan, in particular the ongoing violent and terrorist activities by the Taliban, Al-Qaida, illegal armed groups, criminals and those involved in the narcotics trade, and the strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, national security forces and international military and civilian personnel (third preambular paragraph)
	Recognizing also that, notwithstanding the evolution of the situation in Afghanistan and progress in reconciliation, the situation in Afghanistan remains a threat to international peace and security, and reaffirming the need to combat this threat by all means, in accordance with the Charter of the United Nations and international law, including applicable human rights, refugee and humanitarian law, stressing in this regard the important role that the United Nations plays in this effort (eighth preambular paragraph)

Resolution <a href="#">1989 (2011)</a> 17 June 2011	<p>Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed, and reiterating its unequivocal condemnation of Al-Qaida and other individuals, groups, undertakings and entities associated with it, for ongoing and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims and the destruction of property and greatly undermining stability (second preambular paragraph)</p> <p>Noting with concern the continued threat to international peace and security posed by Al-Qaida and other individuals, groups, undertakings and entities associated with it, reaffirming its resolve to address all aspects of that threat, and considering the deliberations of the Committee on the recommendation of its Analytical Support and Sanctions Monitoring Team, in its eleventh report to the Committee (see <a href="#">S/2011/245</a>), that Member States treat listed Taliban and listed individuals and entities of Al-Qaida and its affiliates differently (eighteenth preambular paragraph)</p>
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## B. Discussion relating to Article 39

During the period under review, several issues regarding the interpretation of Article 39 and the determination of threats to international peace and security arose in the Council's debates.

In two separate open debates, the Council discussed the impact of HIV/AIDS and of climate change on international peace and security (cases 1 and 2, respectively). In connection with its discussion on threats to international peace and security, the Council heard a briefing by the Executive Director of the United Nations Office on Drugs and Crime and deliberated on the threat to the international community posed by the production, trafficking and consumption of illicit drugs (case 3). In response to an incident involving an Israeli attack on a Turkish-operated flotilla bound for Gaza, the Council met to discuss its potential destabilizing effect on the situation in the Middle East, with some States arguing that the incident could be classified as an "act of aggression" (case 4). In its consideration of peace and security in Africa, the Council deliberated on the impact of piracy off the Gulf of Guinea on international navigation, security and the economic development of States in the region (case 5). Under the item "Women and peace and security", the Council members discussed sexual violence as a threat to international peace and security and considered whether it was appropriate to discuss situations that were not on its agenda in that context (case 6). Under the item "The promotion and strengthening of the rule of law in the maintenance of

international peace and security", the Council discussed the International Criminal Court's definition of "acts of aggression" (case 7).

### Case 1 Maintenance of international peace and security

#### *Impact of HIV/AIDS epidemic on international peace and security*

At its 6547th meeting, on 7 June 2011, following the issuance of a concept paper,<sup>6</sup> the Council held a high-level debate on the impact of HIV/AIDS on international peace and security and the need for peacekeeping and peacebuilding operations and efforts to better take into account the challenges of HIV/AIDS during post-conflict and reconstruction phases. In its resolution [1983 \(2011\)](#), unanimously adopted at the same meeting, the Council recognized that HIV posed one of the most formidable challenges to the development, progress and stability of societies and required an exceptional and comprehensive global response. The representative of Gabon said that the debate offered the Council an opportunity to consider progress made since the adoption of resolution [1308 \(2000\)](#) and to take stock of future challenges as the HIV/AIDS pandemic remained a threat to collective security.<sup>7</sup> The representative of Nigeria pointed out that the debate was a demonstration of the Council's

<sup>6</sup> [S/2011/340](#).

<sup>7</sup> [S/PV.6547](#), pp. 2-3.

commitment to an issue that was pivotal to the development and security of Africa in particular and of the world more generally.<sup>8</sup> The representative of Brazil viewed the debate as an opportunity for the Council to underline its readiness to address HIV/AIDS in the context of international peace and security, by focusing on the impact of HIV/AIDS on aspects related to its agenda, including conflict and post-conflict situations, peacekeeping operations, and sexual violence in situations of conflict.<sup>9</sup>

The representative of France stated that the terrible consequences of AIDS were not only social and human, but also economic, and referred to the obstacles that it posed to countries attempting to recover from conflict.<sup>10</sup> The representative of Germany said that HIV/AIDS affected whole societies, and sometimes even regional and international security, and that threats to international peace and security were multifaceted and thus required comprehensive responses.<sup>11</sup> The representative of the United States of America said that, in the twenty-first century, threats to peace and security stemmed not only from traditional armed conflicts but also from more diffuse dangers, including the spread of lethal diseases.<sup>12</sup> The representative of the United Kingdom of Great Britain and Northern Ireland was of the view that the adoption of resolution 1983 (2011) sent a strong message that the epidemic still had a serious impact on international peace and security and believed that the Council had an obligation to vulnerable communities to consider whether it could make a contribution to efforts to combat the spread of the disease.<sup>13</sup>

The representative of India described HIV/AIDS as a global challenge with widespread implications for societies on economic, social, legal and moral fronts,<sup>14</sup> while the representative of China described it as posing a serious threat to human life.<sup>15</sup> The representative of South Africa described the impact of HIV/AIDS on the maintenance of international peace and security as an issue of “critical global concern”,<sup>16</sup> to which the

representative of Bosnia and Herzegovina added that world peace depended not only on securing borders but also on securing people against threats and risks to their security. In his view, resolution 1983 (2011) was a clear expression of the Council’s collective will to enhance its responsibility to maintain international peace and security.<sup>17</sup>

## **Case 2 Maintenance of international peace and security**

### *Impact of climate change*

At its 6587th meeting, on 20 July 2011, following the issuance of a concept paper,<sup>18</sup> the Council considered the impact of climate change on international peace and security. During the debate, it was generally acknowledged that climate change presented a serious global challenge, with most speakers calling for international cooperation to tackle the problem in a holistic and preventive manner. Several speakers affirmed that the Council had the responsibility to discuss the issue, as climate change presented a potential threat to international peace and security.<sup>19</sup> The representative of the United States noted the negative impact of climate change on peace and security as it amplified pressure on scarce resources and on vulnerable communities, citing, for example, the impact of drought and desertification on the conflict and humanitarian situation in Darfur. In that regard, she urged the Council to be prepared to respond to a full range of crises exacerbated by the effects of climate change.<sup>20</sup> The representative of France underlined the “immense destabilizing potential” of climate change, which could multiply the threats to peace and security in the most fragile regions and States.<sup>21</sup> The representative of the United Kingdom stressed that, while it was important to respect the different roles, functions and mandates of the various United Nations bodies dealing with climate change, the

<sup>8</sup> Ibid., p. 6.

<sup>9</sup> Ibid., p. 16.

<sup>10</sup> Ibid., p. 8.

<sup>11</sup> Ibid., pp. 19-20.

<sup>12</sup> Ibid., p. 9.

<sup>13</sup> Ibid., pp. 12-13.

<sup>14</sup> Ibid., p. 15.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid., p. 7.

<sup>17</sup> Ibid., p. 18.

<sup>18</sup> S/2011/408.

<sup>19</sup> S/PV.6587, p. 7 (United States); pp. 9-10 (Bosnia and Herzegovina); p. 14 (Colombia); p. 15 (France); p. 23 (Nauru); p. 25 (Australia); S/PV.6587 (Resumption 1), pp. 3-4 (Luxembourg); p. 6 (New Zealand); p. 8 (Chile); p. 17 (Canada); pp. 18-19 (Papua New Guinea); p. 22 (Belgium); pp. 26-27 (Palau); pp. 32-33 (Kenya); p. 36 (Fiji); and p. 40 (Spain).

<sup>20</sup> S/PV.6587, pp. 6-7.

<sup>21</sup> Ibid., p. 15.

Council should consider emerging threats in the maintenance of international peace and security to better fulfil its responsibility to prevent future conflict.<sup>22</sup> Speaking on behalf of the Pacific small island developing States, the representative of Nauru compared the “dangerous and potentially catastrophic” impacts of climate change to the threat posed by nuclear proliferation or terrorism as it threatened to destabilize the societies and political institutions therein.<sup>23</sup>

Some speakers contended that climate change, while in itself not presenting a threat to international peace and security, had an exacerbating impact on other situations that did pose threats to international peace and security.<sup>24</sup> The representative of Brazil, for example, while acknowledging the links between climate change and development and between security and development, was of the view that the possible security implications of climate change were far less obvious. In her view, environmental impacts did not threaten international peace and security on their own, but the adverse effects of climate change could, in certain circumstances, contribute to aggravating existing threats to international peace and security.<sup>25</sup> The representative of the United Kingdom said that the effects of climate change would be felt most keenly in areas of the world already experiencing stress from shortages of food, water and energy and that, in that context, climate change must be seen as a threat multiplier, exacerbating existing tensions and increasing the likelihood of conflict,<sup>26</sup> a view that the representative of the European Union echoed.<sup>27</sup>

Some speakers offered more measured support for the Council’s consideration of the impact of climate change, agreeing that it was linked to issues of peace and security, while also signalling the need for a clear distinction between the debate in the Council and the

international climate negotiations.<sup>28</sup> The representative of Portugal did not see the Council as the appropriate forum for climate change negotiations or for discussions on mitigating measures for environmental vulnerabilities but acknowledged the Council’s role to recognize and deal with new challenges in the context of their impact on international stability, peace and security.<sup>29</sup> The representative of Mexico was of the view that climate change was “far from being a threat to international peace and security in the traditional sense” but that the debate would lead to greater efforts in the framework of the international climate negotiations.<sup>30</sup>

A number of speakers held the view that climate change had to be addressed in other bodies of the United Nations and questioned whether the Council was the appropriate forum in which to discuss the implications of climate change. They contended that there was no direct link between climate change and security, stressing that the issue of climate change was essentially a development issue.<sup>31</sup> For instance, the representative of China, while acknowledging that climate change might affect security, emphasized that it was fundamentally a sustainable development issue.<sup>32</sup> The representative of the Russian Federation expressed his scepticism about the “repeated attempts” to place the issue of the threat posed by climate change to international peace and security on the Council’s agenda, which would not bring any added value and would merely politicize the issue and increase disagreement among countries.<sup>33</sup> The representative of India stated that the existential threat to island States or the emergence of food insecurity as a result of climate change could not be resolved or remedied by the

<sup>22</sup> Ibid., p. 12.

<sup>23</sup> Ibid., pp. 22-23.

<sup>24</sup> Ibid., p. 7 (United States); p. 8 (Brazil); pp. 11-12 (United Kingdom); p. 14 (Colombia); p. 16 (Lebanon); p. 18 (Gabon); pp. 24-25 (Australia); and p. 29 (El Salvador and European Union); [S/PV.6587 \(Resumption 1\)](#), p. 4 (Luxembourg); p. 13 (Ireland); p. 21 (Kazakhstan); pp. 22-23 (Belgium); and p. 28 (Barbados, speaking on behalf of the Caribbean Community).

<sup>25</sup> [S/PV.6587](#), p. 8.

<sup>26</sup> Ibid., p. 11.

<sup>27</sup> Ibid., p. 29.

<sup>28</sup> Ibid., p. 20 (Portugal); [S/PV.6587 \(Resumption 1\)](#); pp. 9-10 (Mexico); and p. 17 (Iceland).

<sup>29</sup> [S/PV.6587](#), p. 20.

<sup>30</sup> [S/PV.6587 \(Resumption 1\)](#), pp. 9-10.

<sup>31</sup> [S/PV.6587](#), p. 9 (China); p. 13 (Russian Federation); p. 16 (Lebanon); p. 17 (South Africa); pp. 19-20 (India); p. 26 (Egypt, on behalf of the Non-Aligned Movement); and p. 27 (Argentina, on behalf of the Group of 77 and China); [S/PV.6587 \(Resumption 1\)](#), pp. 4-5 (Costa Rica); pp. 10-11 (Ecuador); p. 11 (Cuba); p. 16 (Singapore); p. 19 (Islamic Republic of Iran); p. 20 (Kuwait, on behalf of the Group of Arab States); p. 23 (Peru); p. 24 (Bangladesh); pp. 25-26 (Plurinational State of Bolivia); p. 28 (Barbados, on behalf of the Caribbean Community); p. 31 (Philippines); and p. 35 (Bolivarian Republic of Venezuela).

<sup>32</sup> [S/PV.6587](#), p. 9.

<sup>33</sup> Ibid., p. 13.

Council under Article 39 of the Charter and therefore required a broader approach anchored in development, adaptive capacity, risk assessment and institutional build-up.<sup>34</sup> The representatives of Egypt (on behalf of the Non-Aligned Movement) and Argentina (on behalf of the Group of 77) both cited the need for the Council to respect the delineation of responsibilities of the principle organs of the United Nations as provided for in the Charter of the United Nations and to avoid any encroachment on the spheres of competence of those organs and agencies.<sup>35</sup>

During the debate, the Council adopted a presidential statement,<sup>36</sup> in which the Council expressed its concern that possible adverse effects of climate change might, in the long run, aggravate certain existing threats to international peace and security. The Council also expressed its concern that possible security implications of loss of territory of some States caused by sea level rise might arise, in particular in small low-lying island States.

In the same statement, the Council reaffirmed its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security but also recognized the responsibility for sustainable development issues, including climate change, conferred upon the General Assembly and the Economic and Social Council.

### **Case 3** **Threats to international peace and security**

#### *Briefing by the Executive Director of the United Nations Office on Drugs and Crime*

At its 6277th meeting, on 24 February 2010, following the issuance of a concept paper,<sup>37</sup> the Council heard briefings by the Secretary-General and the Executive Director of the United Nations Office on Drugs and Crime and deliberated on transnational threats to international peace and security posed by drug trafficking, organized crime and terrorism. In his briefing, the Secretary-General stated that transnational issues, including drug trafficking and organized crime, were increasingly present on the Council's agenda,

clearly reflecting the gravity of the threats, and called upon the Council to address other emerging threats, such as cybercrime, money-laundering, environmental crime and the dumping of hazardous waste. He also called for early and common action, in order to prevent drug trafficking and organized crime from threatening international peace and security.<sup>38</sup>

During the discussion, the representative of Lebanon stated that transnational organized crime and drug trafficking had long-term negative impacts on peace, security and economic development and should be tackled in a synchronized manner on multiple fronts.<sup>39</sup> The representative of Turkey said that international organized criminal networks posed considerable risks and threats to the entire international community, which undermined State authority, fuelled corruption, hampered economic development and weakened the rule of law, creating tension and conflict among countries. He saw the Council's role and responsibility in monitoring the impact of those threats on international peace and security, particularly in areas and issues of which the Council was seized.<sup>40</sup> The representative of China stated that the Council should focus on issues that threatened peace and security brought about by armed conflict and should hence focus on drug trafficking and related organized crime faced by countries in conflict or post-conflict situations, so as to help to address the problem of armed conflict.<sup>41</sup> The representative of the Russian Federation directed the Council's attention to the drug threat from Afghanistan, which he stated was "global in nature and as acute as ever", and added that the situation in Afghanistan posed a threat to international peace and security that required action by the Council.<sup>42</sup>

The representative of Nigeria pointed to the West African subregion, which she noted was fast emerging as a "major warehouse and transit point" for illicit drugs, and where activities of the drug cartels constituted a major threat not only to the subregion's fledgling democratic structures but also to good governance and the rule of law, constituting serious impediments to subregional efforts to promote human prosperity, development and peacebuilding.<sup>43</sup> The

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<sup>34</sup> Ibid., p. 19.

<sup>35</sup> Ibid., p. 26 (Egypt, on behalf of the Non-Aligned Movement); and p. 27 (Argentina, on behalf of the Group of 77 and China).

<sup>36</sup> [S/PRST/2011/15](#).

<sup>37</sup> [S/2010/94](#).

<sup>38</sup> [S/PV.6277](#), pp. 2-3.

<sup>39</sup> Ibid., p. 11.

<sup>40</sup> Ibid., p. 6.

<sup>41</sup> Ibid., p. 10.

<sup>42</sup> Ibid., p. 12.

<sup>43</sup> Ibid., p. 14.

representative of the United States said that, in the recent past, the topic of the meeting might not have been included in the agenda of the Council. However, organized crime and drug trafficking and the consequences that followed in the wake of such large-scale crime and corruption were “precisely the type of threat to global security and stability” that the Council was required to confront in the interconnected modern world. Comparing drug trafficking to global terrorism, pandemic disease and climate change, she added that the issue was a transnational security threat that, by definition, could not be tackled by any one country alone.<sup>44</sup> A number of countries called for greater political commitment and international cooperation to address the threat posed by transnational crime, including by encouraging universal adherence to and accurate implementation of the relevant United Nations conventions, in particular the Convention against Transnational Organized Crime and its Protocols.<sup>45</sup>

Following the debate, the Council adopted a presidential statement,<sup>46</sup> in which it noted with concern the serious threats posed in some cases by drug trafficking and transnational organized crime to international security in different regions of the world. The Council noted that transnational crimes may threaten the security of countries on its agenda and expressed its intention to consider such threats, as appropriate.

**Case 4**  
**The situation in the Middle East, including the Palestinian question**

*Letter dated 31 May 2010 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council (S/2010/266)*

*Letter dated 31 May 2010 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/2010/267)*

On 31 May 2010, following requests from the representatives of Lebanon and Turkey, the Council convened an emergency meeting to discuss an incident

<sup>44</sup> Ibid., p. 16.

<sup>45</sup> Ibid., p. 6 (Turkey); p. 8 (Mexico); p. 9 (Uganda); pp. 15-16 (Japan); p. 17 (United States); pp. 19-20 (Austria); and p. 21 (France).

<sup>46</sup> S/PRST/2010/4.

that had occurred earlier that day, involving the Israeli interception of a multinational convoy of ships that had resulted in a number of fatalities. The Minister for Foreign Affairs of Turkey stated that the actions by Israel constituted a grave breach of international law tantamount to “banditry and piracy”, further characterizing that country’s actions as an “act of aggression” that could not be deemed legitimate or legal, calling upon the Council to react strongly and adopt a presidential statement strongly condemning the actions.<sup>47</sup> The representative of Nigeria added that the Council should be united in the message that it sent out whenever there was a clear threat to peace and security.<sup>48</sup> The representative of Lebanon stated that the “aggression” perpetrated against unarmed innocents should be firmly condemned and that an investigation should immediately take place to identify the perpetrators.<sup>49</sup> A number of representatives condemned the actions as violations of international law, the law of the sea and/or international humanitarian law, including the Geneva Conventions, thereby constituting international crimes.<sup>50</sup> The representative of Palestine strongly condemned the “flagrant aggression” by Israel as a direct consequence of the international community’s silence and inability to put an end to its previous violations of international law, international humanitarian law and human rights law.<sup>51</sup>

In response, the representative of Israel stated that the flotilla was in fact acting under the guise of humanitarian aid to send “a message of hate and to implement violence” and defended the Israeli soldiers’ actions as “self-defence”. He justified the legitimacy of the Israeli maritime blockade as a recognized measure under international law.<sup>52</sup>

On 1 June 2010, the Council adopted a presidential statement<sup>53</sup> in which it condemned the act, without explicitly determining whether the situation constituted either an act of aggression or a threat to international or regional peace.

<sup>47</sup> S/PV.6325, pp. 4-5.

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

<sup>49</sup> Ibid., p. 12.

<sup>50</sup> Ibid., p. 11 (Gabon and Bosnia and Herzegovina); and p. 12 (Lebanon).

<sup>51</sup> Ibid., p. 13.

<sup>52</sup> Ibid., p. 14.

<sup>53</sup> S/PRST/2010/9.

**Case 5**  
**Peace and security in Africa**

*Piracy in the Gulf of Guinea*

At its 6633rd meeting, on 19 October 2011, the Council convened an open debate, following the issuance of a concept paper,<sup>54</sup> to discuss the impact of piracy in the Gulf of Guinea on peace and security in Africa. In his briefing, the Secretary-General informed Council members that the threat of piracy in the Gulf of Guinea had continued to grow, with new cases of piracy and armed robbery aboard vessels along the West African coast, posing significant potential consequences for economic development and security and having a negative impact on West Africa's trade with the rest of the world. He explained his decision to deploy an assessment mission to the region to examine the scope of the threat.<sup>55</sup> The representative of the Economic Community of West African States echoed the Secretary-General's comments, informing members that piracy and other criminal acts had become prevalent, threatening local and international movements of ships and their cargo transiting Benin, Ghana, Guinea, Nigeria and Togo.<sup>56</sup>

All speakers agreed that the issue had become a significant cause for concern for countries in the region and that a comprehensive response was required in order to strengthen the region's defence capabilities and prevent the situation from becoming even more dangerous.<sup>57</sup> The representative of the Russian Federation said that, although there had been isolated attacks on vessels in the Gulf of Guinea in the past, the attacks of the past year off the coasts of Benin, Ghana, Nigeria and Togo had shown all the hallmarks of a well-functioning criminal enterprise that threatened the security of maritime shipping and the economic well-being of coastal States.<sup>58</sup> The representative of Portugal noted that the effects of piracy were felt far beyond the mere realm of security, disrupting trade and economic activity vital to coastal States. Most importantly, in his view, piracy affected countries with very different levels of institutional capacity to address

the problem and could not be solved by isolated measures on the part of individual States.<sup>59</sup>

Urging the United Nations to pay particular attention to the issue, the representative of China noted that, in recent years, there had been an increase in both the number of piracy attacks and the level of violence involved, which threatened the economic activity in the region and the shipping security and therefore posed a threat to peace and security in the region.<sup>60</sup> The representative of the United States expressed the view that piracy attacks, whether within territorial waters or on the high seas, threatened regional and maritime security and the safety of seafarers and impeded economic growth across West and Central Africa.<sup>61</sup>

Many speakers also considered the links between piracy and other branches of organized crime, including drug trafficking and the trade in illicit arms in West Africa. The representative of France noted that the transnational threat of piracy had been compounded by the rise in trafficking activity along the West African coast, for example in drugs, migrant smuggling and illegal fishing. An ever-growing number of hostage-taking incidents and the rising costs of maritime trade and extraction activities threatened the growth, development and, in turn, stability of States in the Gulf of Guinea.<sup>62</sup> The representative of the United States recognized that illicit maritime trafficking in goods, drugs and persons undermined governance and unravelled the fabric of fragile societies.<sup>63</sup> The representative of Benin opined that threats coming from scourges such as maritime piracy and the growth in unlawful activities that threatened the security of States constituted a genuine threat to international peace and security. He stated that, if left unaddressed, the situation in the Gulf of Guinea could seriously jeopardize the tremendous investments made by the international community in both establishing durable peace and fostering economic development in the subregion. In his view, the situation in the "zone of lawlessness" off the coast of West and Central Africa could seriously affect the ability of States to meet their primary responsibility to protect people and goods in their territory and to secure safe traffic in their

<sup>54</sup> S/2011/644.

<sup>55</sup> S/PV.6633, pp. 2-3.

<sup>56</sup> *Ibid.*, p. 3.

<sup>57</sup> *Ibid.*, p. 9 (Brazil); p. 13 (India); p. 15 (South Africa); p. 16 (Bosnia and Herzegovina); p. 19 (Gabon); p. 20 (Nigeria); and p. 21 (Benin).

<sup>58</sup> *Ibid.*, p. 9.

<sup>59</sup> *Ibid.*, p. 10.

<sup>60</sup> *Ibid.*, p. 12.

<sup>61</sup> *Ibid.*, p. 17.

<sup>62</sup> *Ibid.*, pp. 7-8.

<sup>63</sup> *Ibid.*, p. 17.

territorial waters and thereby constituted a serious threat to peace and security in the region.<sup>64</sup>

Some speakers compared the threat posed by piracy in the Gulf of Guinea to that posed by piracy off the coast of Somalia.<sup>65</sup> The representative of India pointed out that, although the two situations were different in proportion at the present stage, it was quite possible that the failure of the international community to act decisively against piracy off the coast of Somalia could have spawned a new surge in piracy in the Gulf of Guinea.<sup>66</sup>

At its 6645th meeting, on 31 October 2011, the Council adopted resolution 2018 (2011), in which it expressed its deep concern about the threat that piracy and armed robbery at sea in the Gulf of Guinea posed to international navigation, security and the economic development of States in the region. The Council also expressed its concern about the threat that piracy and armed robbery at sea posed to the safety of seafarers and other persons, including through their being taken as hostages.

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

At its 6453rd meeting, on 16 December 2010, the Council engaged in an open debate to consider the item “Women and peace and security”. The Council unanimously adopted resolution 1960 (2010), in which it reaffirmed that sexual violence, when used or commissioned as a tactic of war or as a part of a widespread or systematic attack against civilian populations, could significantly exacerbate and prolong situations of armed conflict and might impede the restoration of international peace and security. Following the adoption of the resolution, a number of speakers classified sexual violence as a tactic of warfare and a threat to peace and security.<sup>67</sup> The representative of Finland, speaking on behalf of Denmark, Finland, Iceland, Norway and Sweden,

stated that sexual violence not only posed a threat to the health and lives of the victims and their communities but was also “a serious impediment to peace, security and development”.<sup>68</sup> The representative of Austria was of the view that the extremely negative effect of sexual violence on peace processes, reconciliation and post-conflict reconstruction clearly made the crime a “security threat”.<sup>69</sup> The representative of China said that the Council needed to pay close attention to situations that posed threats to international peace and security and to make full use of existing mechanisms, such as the Special Representative of the Secretary-General on Sexual Violence in Conflict and the United Nations Entity for Gender Equality and the Empowerment of Women, to create synergy.<sup>70</sup> The representative of Italy considered conflict-related sexual violence a threat to security and an impediment to peacebuilding in many parts of the world and not only in the crisis areas of the Council’s agenda.<sup>71</sup> Conversely, the representative of the Russian Federation said that, from the standpoint of the Council’s purposes under the Charter, its attention must be focused only on those conflicts that were a threat to peace and security. Consequently, in his opinion, the instruments adopted by the Council in resolution 1960 (2010) must also be used in that context.<sup>72</sup>

At the 6642nd meeting, on 28 October 2011, following the issuance of the report of the Secretary-General<sup>73</sup> and a concept paper by the Nigerian presidency,<sup>74</sup> the Council continued its consideration of the item, with a focus on the implementation of resolution 1325 (2000). The representative of Lebanon stated that, since the adoption of that resolution, awareness of the threat that sexual violence constituted to peace and security had increased but that the benefits of resolution 1325 (2000) had yet to reach most women in conflict and fragile settings.<sup>75</sup> The representative of China said that the Council should, in accordance with its Charter mandate, focus its attention on situations that threatened international peace and security and called upon relevant United Nations

<sup>64</sup> Ibid., pp. 21-22.

<sup>65</sup> Ibid., p. 13 (India); p. 14 (United Kingdom); p. 15 (South Africa); p. 16 (Bosnia and Herzegovina and Germany); p. 17 (United States); and p. 18 (Lebanon).

<sup>66</sup> Ibid., p. 13.

<sup>67</sup> S/PV.6453, p. 11 (United Kingdom); p. 20 (Gabon); p. 23 (Austria); p. 29 (Italy); and p. 34 (Finland, on behalf of Denmark, Finland, Iceland, Norway and Sweden); S/PV.6453 (Resumption 1), p. 3 (Portugal); and p. 12 (Chile).

<sup>68</sup> S/PV.6453, p. 34.

<sup>69</sup> Ibid., p. 23.

<sup>70</sup> Ibid., p. 18.

<sup>71</sup> Ibid., p. 29.

<sup>72</sup> Ibid., p. 21.

<sup>73</sup> S/2011/598.

<sup>74</sup> S/2011/654.

<sup>75</sup> S/PV.6642, p. 19.

organs to collaborate while working in their respective spheres of competence.<sup>76</sup> The representative of the Russian Federation remarked that attention should be given only to those situations that represented a threat to international peace and security. Issues of violence, he posited, should be considered in the Council only as they related to themes of maintaining peace and security and in strict relation to those situations that were on the Council’s agenda. In his view, “artificially linking” gender issues exclusively to the Council contradicted its mandate and led to imbalances in system-wide coordination.<sup>77</sup>

#### Case 7

#### The promotion and strengthening of the rule of law in the maintenance of international peace and security

At the 6347th meeting, on 29 June 2010, following the issuance of a concept paper,<sup>78</sup> the Council met to consider the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”, including a discussion on the role of the International Criminal Court in that regard. Stressing the link between justice and international peace and security, several speakers welcomed the decision by the States parties to the Court to include a definition of the crime of aggression in the Rome Statute, as well as the

conditions under which the Court could exercise jurisdiction over that crime.<sup>79</sup> In annex I to resolution RC/Res.6 of the Court, adopted in Kampala on 11 June 2010, “act of aggression” was defined as “the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations”. The representative of Liechtenstein welcomed the development, noting that, once formally activated, it would give the Council a new policy option to address the most serious forms of the illegal use of force in contravention of the Charter.<sup>80</sup> The representative of South Africa stated that the main issue under consideration in Kampala was the role of the Council regarding the determination of a crime of aggression, with a number of representatives expressing concern about leaving such a determination exclusively in the hands of the Council. While some had advanced legal arguments to support such a view, he noted that there was also an underlying perception that the Council could not faithfully fulfil that mandate and would, for political reasons unrelated to the maintenance of international peace and security, prevent the Court from exercising jurisdiction over that crime.<sup>81</sup>

<sup>76</sup> Ibid., p. 22.

<sup>77</sup> Ibid.

<sup>78</sup> S/2010/322.

<sup>79</sup> S/PV.6347, p. 8 (Mexico); p. 11 (Uganda); p. 16 (Brazil); p. 17 (Austria); and p. 24 (Japan); S/PV.6347 (Resumption 1), p. 2 (Denmark); p. 3 (Switzerland); p. 7 (Liechtenstein); p. 9 (Republic of Korea); p. 11 (Argentina); p. 15 (Peru); and p. 17 (South Africa).

<sup>80</sup> S/PV.6347 (Resumption 1), p. 7.

<sup>81</sup> Ibid., p. 17.

## II. Provisional measures to prevent the aggravation of a 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 with which the Council called upon the parties to comply in order to prevent an aggravation of the situation.

Article 40 was explicitly referred to in one meeting of the Council: at the 6528th meeting, on 4 May 2011, under the item entitled “The situation in Libya”, the representative of Colombia said that the work being carried out by the International Criminal

Court with regard to the situation in Libya was of the utmost importance for ensuring the full and effective implementation of resolution 1970 (2011) and thus deserved full support. He reminded Council members that they were there owing to a decision adopted by the Council under Article 40 of the Charter, which, he stated, was clearly binding in nature vis-à-vis all States Members of the Organization.<sup>82</sup>

### Decisions of the Security Council relating to Article 40

During the period under review, the Council did not adopt any decision explicitly citing Article 40 of the Charter. However, in a number of instances, having determined the existence of a threat to the peace, the Council adopted decisions under Chapter VII of the Charter without expressly referring to Article 40, which may be of relevance to the interpretation and application of Article 40 by the Council (see table 4).

It should be noted that the present section generally does not include demands and calls made by the Council in situations where it had already adopted measures under Article 41 or Article 42 of the Charter. However, it includes cases in which provisional measures were adopted simultaneously with measures under Article 41 or Article 42. For example, on 26 February 2011, the Council, expressing grave concern at the situation in Libya and condemning the

violence and use of force against Libyan civilians, and acting under Chapter VII, adopted resolution 1970 (2011), in which it, inter alia, demanded an immediate end to the violence, urged the Libyan authorities to act with the utmost restraint, respect human rights and international humanitarian law, ensure the safe passage of humanitarian and medical supplies and humanitarian agencies and workers into the country, and immediately lift restrictions on all forms of media.<sup>83</sup> In the same resolution, the Council imposed measures under Article 41 of the Charter, by referring the situation in Libya to the International Criminal Court and imposing an arms embargo against the country and a travel ban and asset freeze against certain individuals, as designated by the Committee established by the Council in the same resolution.<sup>84</sup>

During the period under review, the Council adopted a number of decisions in which it called upon the parties to comply with measures to prevent an aggravation of the situation, including: (a) fulfilment of commitments under a peace agreement; (b) cessation of violence and human rights abuses; (c) prevention of recruitment and use of child soldiers; (d) compliance with obligations under international human rights and humanitarian law; (e) facilitation of evacuations; (f) creation of conditions necessary for the unimpeded delivery of humanitarian assistance; and (g) lifting of restrictions on the media (see table 4).

<sup>83</sup> Resolution 1970 (2011), paras. 1-2.

<sup>84</sup> Ibid., paras. 4, 9, 15, 17 and 24.

<sup>82</sup> S/PV.6528, p. 9.

Table 4

#### Calls upon parties to comply with a measure to prevent an aggravation of the situation

<i>Type of measure</i>	<i>Decision and date</i>	<i>Provision</i>
<b>The situation in Libya</b>		
Cessation of violence and human rights abuses	Resolution 1970 (2011) 26 February 2011	Demands an immediate end to the violence, and calls for steps to fulfil the legitimate demands of the population (para. 1)
Compliance with obligations under international humanitarian law; facilitation of evacuations; creation of conditions necessary for		Urges the Libyan authorities: <ul style="list-style-type: none"> <li>(a) To act with the utmost restraint, respect human rights and international humanitarian law, and allow immediate access for international human rights monitors;</li> <li>(b) To ensure the safety of all foreign nationals and their assets and facilitate the departure of those wishing to leave the country;</li> </ul>

<i>Type of measure</i>	<i>Decision and date</i>	<i>Provision</i>
the unimpeded delivery of humanitarian assistance; lifting of restrictions on the media		(c) To ensure the safe passage of humanitarian and medical supplies, and humanitarian agencies and workers, into the country; and  (d) To immediately lift restrictions on all forms of media (para. 2)
<b>Reports of the Secretary-General on the Sudan</b>		
Fulfilment of commitments under peace agreement	Resolution <a href="#">1990 (2011)</a> 27 June 2011	Calls upon the Government of the Sudan and the Government of Southern Sudan or its successor urgently to fulfil their commitment under the Comprehensive Peace Agreement <sup>a</sup> to resolve peacefully the final status of Abyei, and calls upon them to consider in good faith proposals that the African Union High-level Implementation Panel on the Sudan shall make to resolve this matter (para. 9)
Creation of conditions necessary for the unimpeded delivery of humanitarian assistance	Resolution <a href="#">1996 (2011)</a> 8 July 2011	Calls upon all parties to allow, in accordance with relevant provisions of international law, the full, safe and unhindered access of relief personnel to all those in need and the delivery of humanitarian assistance, in particular to internally displaced persons and refugees (para. 8)
Cessation of violence and human rights abuses		Demands that all parties, in particular rebel militias and the Lord's Resistance Army, immediately cease all forms of violence and human rights abuses against the civilian population in South Sudan, in particular gender-based violence, including rape and other forms of sexual abuse, as well as all violations and abuses against children in violation of applicable international law, such as their recruitment and use, killing and maiming and abduction, with a view to specific and time-bound commitments to combat sexual violence in accordance with resolution <a href="#">1960 (2010)</a> and violence and abuses against children (para. 9)
Prevention of recruitment and use of child soldiers		Calls upon the Government of the Republic of South Sudan and the Sudan People's Liberation Army to renew the action plan (signed by the United Nations and the Sudan People's Liberation Army on 20 November 2009) to end the recruitment and use of child soldiers that expired in November 2010, and requests the Mission to advise and assist the Government in this regard; and further requests the Secretary-General to strengthen child protection in United Nations system activities in the Republic of South Sudan and ensure continued monitoring and reporting of the situation of children (para. 10)
Compliance with obligations under international human rights and humanitarian law		Calls upon the authorities of the Republic of South Sudan to combat impunity and to hold accountable all perpetrators of human rights and international humanitarian law violations, including those committed by illegal armed groups or elements of the Republic of South Sudan Security Forces (para. 13)

Type of measure	Decision and date	Provision
		Calls upon the Government of the Republic of South Sudan to end prolonged, arbitrary detention and to establish a safe, secure and humane prison system through the provision of advice and technical assistance, in cooperation with international partners, and requests the Mission to advise and assist the Government in this regard (para. 14)

<sup>a</sup> S/2005/78, annex.

### 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 not involving the use of force, in accordance with Article 41 of the Charter. During the period under review, the Council imposed new measures under Chapter VII, of the type provided for in Article 41, against Libya and expanded the measures against Eritrea and Iran (Islamic Republic of), while modifying the measures against Côte d’Ivoire, the Democratic People’s Republic of Korea, the Democratic Republic of the Congo, Iraq, Liberia and the Sudan. The Council also decided to separate the measures imposed against Al-Qaida and associated individuals and entities from those against the Taliban and associated individuals and entities, thereby dividing one sanctions regime into two separate ones. The Council terminated the remaining measures imposed under Article 41 against Sierra Leone. During the two-year period, the Council imposed judicial measures under Article 41 of the Charter by referring the situation in Libya to the International Criminal Court, and the tribunals for

Rwanda, the former Yugoslavia and Lebanon continued to function.

The section is divided into two subsections: subsection A outlines the decisions of the Security Council imposing, modifying or terminating measures under Article 41 of the Charter. It is organized under two main headings, dealing with decisions on thematic issues and country-specific decisions, respectively. Subsection B is also organized under two headings, highlighting the salient issues that were raised in the Council’s deliberations in connection with Article 41 of the Charter, either in connection with thematic items or in the context of country-specific items.

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

##### Decisions on thematic issues relating to Article 41

During the period under review, the Council adopted several decisions on thematic issues that contained provisions concerning sanctions measures and their implementation (see table 5). Such decisions were taken in relation to the items “Children and armed conflict”, “Protection of civilians in armed conflict”, “The promotion and strengthening of the rule of law” and “Women and peace and security”. In those decisions, the Council, respectively, expressed its readiness to adopt targeted and graduated sanctions measures against persistent perpetrators of violations and abuses against children; reiterated its willingness to respond to situations where civilians, particularly women and children, were being targeted, through consideration of appropriate measures; reiterated the

need for targeted sanctions in support of clear objectives so as to minimize possible adverse consequences; and affirmed its intention, when establishing or renewing sanctions regimes, to consider

targeted measures against parties that committed rape and other forms of sexual violence against women and girls in situations of armed conflict.

Table 5  
Decisions on thematic issues relating to Article 41

<i>Decision</i>	<i>Provision</i>
<b>Children and armed conflict</b>	
<a href="#">S/PRST/2010/10</a> 16 June 2010	<p>The Council expresses deep concern that certain parties persist in committing violations and abuses against children, and expresses its readiness to adopt targeted and graduated measures against persistent perpetrators, taking into account the relevant provisions of its resolutions <a href="#">1539 (2004)</a>, <a href="#">1612 (2005)</a> and <a href="#">1882 (2009)</a>. To this end, the Council invites:</p> <p>(a) Its Working Group on Children and Armed Conflict to exchange pertinent information with relevant sanctions committees, in particular through communication of the relevant recommendations of the Working Group;</p> <p>(b) Its relevant sanctions committees to consider inviting more regularly the Special Representative of the Secretary-General for Children and Armed Conflict to brief them on specific information contained in the reports of the Secretary-General;</p> <p>(c) The Special Representative to share specific information contained in the reports of the Secretary-General with relevant sanctions committee expert groups (tenth paragraph)</p>
Resolution <a href="#">1998 (2011)</a> 12 July 2011	<p>Expresses deep concern that certain parties persist in committing violations and abuses against children, and expresses its readiness to adopt targeted and graduated measures against persistent perpetrators, taking into account the relevant provisions of resolutions <a href="#">1539 (2004)</a>, <a href="#">1612 (2005)</a> and <a href="#">1882 (2009)</a> (para. 9 (b))</p> <p>Expresses its intention, when establishing, modifying or renewing the mandate of relevant sanctions regimes, to consider including provisions pertaining to parties to armed conflict that engage in activities in violation of applicable international law relating to the rights and protection of children in armed conflict (para. 9 (e))</p> <p><i>Similar provision in presidential statement <a href="#">S/PRST/2010/10</a>, eleventh paragraph</i></p>
<b>Protection of civilians in armed conflict</b>	
<a href="#">S/PRST/2010/25</a> 22 November 2010	<p>The Council remains committed to addressing the impact of armed conflict on civilians, in particular women and children. The Council expresses its deep regret that civilians continue to account for the vast majority of casualties in situations of armed conflict, including as a result of deliberate targeting, indiscriminate or disproportionate attacks and sexual and gender-based violence, as well as other acts that violate applicable international law. The Council demands that all relevant parties immediately put an end to such practices and reaffirms its readiness to adopt appropriate measures (seventh paragraph)</p>

### The promotion and strengthening of the rule of law

[S/PRST/2010/11](#)  
29 June 2010

The Council considers sanctions an important tool in the maintenance and restoration of international peace and security. The Council reiterates the need to ensure that sanctions are carefully targeted in support of clear objectives and designed carefully so as to minimize possible adverse consequences and are implemented by Member States. The Council remains committed to ensuring that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions. In this context, the Council recalls the adoption of resolutions [1822 \(2008\)](#) and [1904 \(2009\)](#), including the appointment of an Ombudsperson and other procedural improvements in the Al-Qaida and Taliban sanctions regime (tenth paragraph)

### Women and peace and security

Resolution [1960 \(2010\)](#)  
16 December 2010

Encourages the Secretary-General to include in his annual reports submitted pursuant to resolutions [1820 \(2008\)](#) and [1888 \(2009\)](#) detailed information on parties to armed conflict that are credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence, and to list in an annex to these annual reports the parties that are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Council agenda; and expresses its intention to use this list as a basis for more focused United Nations engagement with those parties, including, as appropriate, measures in accordance with the procedures of the relevant sanctions committees (para. 3)

Reiterates its intention, when adopting or renewing targeted sanctions in situations of armed conflict, to consider including, where appropriate, designation criteria pertaining to acts of rape and other forms of sexual violence; and calls upon all peacekeeping and other relevant United Nations missions and United Nations entities, in particular the Security Council Working Group on Children and Armed Conflict, the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative of the Secretary-General on Sexual Violence in Conflict, to share with relevant Security Council sanctions committees, including through relevant sanctions committee monitoring groups and groups of experts, all pertinent information about sexual violence (para. 7)

Requests the Secretary-General to establish monitoring, analysis and reporting arrangements on conflict-related sexual violence, including rape in situations of armed conflict and in post-conflict and other situations relevant to the implementation of resolution [1888 \(2009\)](#), as appropriate, and taking into account the specificity of each country, that ensure a coherent and coordinated approach at the field level, and encourages the Secretary-General to engage with United Nations actors, national institutions, civil society organizations, health-care service providers and women's groups to enhance data collection and analysis of incidents, trends, and patterns of rape and other forms of sexual violence to assist the consideration by the Council of appropriate actions, including targeted and graduated measures, while respecting fully the integrity and specificity of the monitoring and reporting mechanism implemented under Council resolutions [1612 \(2005\)](#) and [1882 \(2009\)](#) on children and armed conflict (para. 8)

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### Country-specific decisions relating to Article 41

The present subsection covers decisions adopted during the period under review by which the Council imposed, modified, strengthened or terminated sanction regimes in connection with country-specific items. It also touches upon the establishment of any subsidiary bodies of the Council tasked to oversee the implementation of the relevant sanctions measures, namely sanctions committees, monitoring groups and groups or panels of experts.

During 2010 and 2011, the Council authorized sanctions measures in connection with 10 existing country-specific situations<sup>85</sup> and 1 new country-specific situation.<sup>86</sup> Measures previously authorized in

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<sup>85</sup> Somalia and Eritrea, Sierra Leone, Iraq, Liberia, Democratic Republic of the Congo, Côte d'Ivoire, Sudan, Lebanon, Democratic People's Republic of Korea and Islamic Republic of Iran.

<sup>86</sup> Libya.

connection with the situation in Sierra Leone were terminated, while measures authorized in connection with the Taliban and associated individuals and entities were separated from those imposed on Al-Qaida and associated individuals and entities. An overview of all sanctions measures imposed during 2010 and 2011, as well as original mandating resolutions and selected resolutions adopted prior to that period, is provided in table 6.<sup>87</sup>

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<sup>87</sup> To assist the reader in understanding the scope of the mandatory measures contained in the decisions, short descriptions of the measures, such as "arms embargo" or "travel ban or restrictions", have been provided. Such descriptions are provided only as a convenience to readers and do not represent an interpretation of the decisions or serve as legal definitions of measures. The decisions of the Council adopted in connection with sanctions committees or other subsidiary bodies of the Council are described in further detail in part IX of the present Supplement.

Table 6  
**Overview of sanctions measures, 2010-2011**

	<i>Somalia and Eritrea</i>	<i>Sierra Leone<sup>a</sup></i>	<i>Al-Qaida and associated individuals and entities</i>	<i>Iraq</i>	<i>Liberia</i>	<i>Democratic Republic of the Congo</i>	<i>Côte d'Ivoire</i>	<i>Sudan</i>	<i>Lebanon</i>	<i>Democratic People's Republic of Korea</i>	<i>Islamic Republic of Iran</i>	<i>Taliban and associated individuals and entities<sup>b</sup></i>	<i>Libya<sup>c</sup></i>
Original resolutions establishing measures, and selected resolutions containing changes to measures and adopted prior to 2010-2011	733 (1992); 751 (1992); 1844 (2008); 1907 (2009)	1132 (1997); 1171 (1998); 1306 (2000)	1267 (1999); 1333 (2000); 1390 (2002); 1904 (2009)	661 (1990); 687 (1991); 707 (1991); 1483 (2003); 1546 (2004)	788 (1992); 1521 (2003); 1532 (2004)	1493 (2003); 1596 (2005); 1856 (2008)	1572 (2004); 1643 (2005); 1893 (2009)	1556 (2004); 1591 (2005)	1636 (2005); 1701 (2006)	1718 (2006); 1874 (2009)	1737 (2006); 1747 (2007); 1803 (2008)	1988 (2011)	1970 (2011); 1973 (2011)
Resolutions adopted in 2010-2011	1916 (2010); 1972 (2011); 2002 (2011); 2023 (2011)	1940 (2010)	1989 (2011)	1956 (2010); 1957 (2010)	1961 (2010); 2025 (2011)	1925 (2010); 1952 (2010); 2021 (2011)	1946 (2010); 1975 (2011);1980 (2011)	1945 (2010)	–	–	1929 (2010)	1988 (2011); 1989 (2011)	1970 (2011); 1973 (2011)
<b>Sanctions measures</b>													
Arms embargo	X		X		X	X	X	X	X	X	X	X	X
Asset freeze	X		X		X	X	X	X	X	X	X	X	X
Border/customs controls						X							
Cargo inspections	X (Eritrea)									X	X		X
Diamond embargo							X						
Diaspora tax ban	X (Eritrea)												
Financial services restrictions										X	X		
Luxury goods embargo										X			
Measures on transport and aviation						X							X
Non-proliferation measures				X						X	X		
Mining sector restrictions	X (Eritrea)												
Petroleum embargo				X									
Prohibition of bunkering services										X	X		
Restrictions on ballistic missiles				X									
Seizure of arms	X					X	X			X			X
Travel ban or restrictions	X				X	X	X	X	X	X	X	X	X

<sup>a</sup> The sanctions measures were terminated pursuant to resolution 1940 (2010) of 29 September 2010.

<sup>b</sup> New measures were imposed pursuant to resolution 1989 (2011) of 17 June 2011.

<sup>c</sup> New measures were imposed pursuant to resolution 1970 (2011) of 26 February 2011.

## Measures imposed against Somalia and Eritrea

### *Background*

In 1992, the Security Council imposed an arms embargo on Somalia and established a committee to oversee the implementation of the embargo. In 2008, by resolution 1844 (2008), the Council expanded the scope of the arms embargo to prohibit the direct or indirect supply to Somalia of technical advice, financial and other assistance and training related to military activities and imposed additional targeted sanctions, including a travel ban and an asset freeze on certain individuals that, inter alia, threatened the peace, security or stability of Somalia, violated the arms embargo or obstructed the delivery of humanitarian assistance to Somalia, as designated by the Committee. Exemptions to the embargo were also granted, including for supplies and technical assistance provided by States for the sole purpose of helping to develop security sector institutions, as well as with respect to efforts to combat piracy off the coast of Somalia.

In its resolution 1907 (2009), the Council expressed its grave concern at the findings that Eritrea had provided political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability. By that resolution, the Council decided to impose a ban on the sale or supply to and from Eritrea of arms and related materiel, technical assistance and training, as well as a targeted asset freeze, travel ban and arms embargo on individuals and entities that, inter alia, violated the arms embargo and/or provided support from Eritrea to armed opposition groups aimed at destabilizing the region, as designated by the Committee.

### *Developments during 2010 and 2011*

During the period under review, the Council made a number of modifications, exemptions and clarifications to the sanctions regime concerning Somalia and Eritrea. By resolutions 1916 (2010) and 1972 (2011), the Council authorized exemptions to the asset freeze imposed by resolution 1844 (2008) for financial resources necessary to ensure the timely delivery of humanitarian assistance to Somalia. While granting the temporary humanitarian exemption, the Council, in its resolution 1916 (2010) and, subsequently,

resolution 1972 (2011), requested the United Nations Resident and Humanitarian Coordinator to submit a periodic report on the implementation of the exemption and on any impediments to the delivery of humanitarian assistance in Somalia. The Council decided to review the effects of the humanitarian exemption to the asset freeze every 120 days based on all available information, including the report. By resolution 2002 (2011), the Council expanded the criteria for designation to include political or military leaders recruiting or using children in armed conflict; and individuals responsible for targeting civilians, including children and women, in situations of armed conflict. The Council also expanded the listing criteria to include those engaging in the misappropriation of financial resources, which undermined the ability of local authorities to deliver services in Somalia, and those individuals and entities engaged in all non-local commerce via Al-Shabaab-controlled ports.

By resolution 2033 (2011), the Council determined that the failure of Eritrea to fully comply with prior resolutions and its actions undermining peace and reconciliation in Somalia and the Horn of Africa region as well as the dispute between Djibouti and Eritrea constituted a threat to international peace and security. The Council expanded the measures against Eritrea to include the Eritrean mining sector and financial services, while also imposing a ban on a “diaspora tax”, prohibiting the use of extortion and other illicit means to collect taxes outside of Eritrea from its nationals or other individuals of Eritrean descent, and modified the cargo restrictions to apply only to cargo bound to or from Eritrea, with no mention of cargo bound to or from Somalia.

During the period under review, the Committee pursuant to resolutions 751 (1992) and 1907 (2009) continued to monitor the measures imposed.<sup>88</sup>

An overview of changes to the measures taken in connection with Somalia and Eritrea during the period under review is provided in table 7, while tables 8 and 9 provide further details on all provisions relating to those measures.

<sup>88</sup> For more information on the Committee, see part IX, sect. I.B, with regard to Security Council committees overseeing specific sanctions measures.

Table 7  
Changes to the measures taken in connection with Somalia and Eritrea, 2010-2011

	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period</i>			
		<i>1916 (2010)</i>	<i>1972 (2011)</i>	<i>2002 (2011)</i>	<i>2023 (2011)</i>
<b>Provisions relating to sanctions measures</b>					
Arms embargo	733 (1992)	Exemption		Modified	Extended
Assets freeze	1844 (2008)	Modified	Modified	Modified	
Travel ban or restrictions	1844 (2008)			Modified	
<b>Provisions relating to enforcement measures</b>					
Ban on diaspora tax	2023 (2011)				New
Cargo inspections	1907 (2009)				Modified
Mining sector restrictions	2023 (2011)				New
Seizure of arms	1907 (2009)				Modified

Table 8  
Provisions relating to sanctions and enforcement measures

<i>Decision</i>	<i>Provision</i>
<b>I. Provisions relating to sanctions measures</b>	
<b>Arms embargo</b>	
Resolution 1916 (2010) 19 March 2010	<b>Exemption</b> Decides that paragraphs 11 (b) and 12 of resolution 1772 (2007) also apply to supplies and technical assistance by international, regional and subregional organizations (para. 3)
Resolution 2002 (2011) 29 July 2011	Decides that the measures in paragraphs 1, 3 and 7 of resolution 1844 (2008) shall apply to individuals, and that the provisions of paragraphs 3 and 7 of that resolution shall apply to entities, designated by the Committee ... (para. 1)
Resolution 2023 (2011) 5 December 2011	Strongly condemning any acts by Eritrea that undermine peace, security and stability in the region, and calling upon all Member States to comply fully with the terms of the arms embargo imposed by paragraph 5 of resolution 733 (1992) of 23 January 1992, as elaborated on and amended by subsequent resolutions (twelfth preambular paragraph)

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*Decision*

*Provision*

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### **Asset freeze**

Resolution [1916 \(2010\)](#)  
19 March 2010

#### **Exemption**

Decides that, for a period of 12 months from the date of the resolution, and without prejudice to humanitarian assistance programmes conducted elsewhere, the obligations imposed on Member States in paragraph 3 of resolution [1844 \(2008\)](#) shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia, by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the General Assembly that provide humanitarian assistance, or their implementing partners, and decides to review the effects of the present paragraph every 120 days based on all available information, including the report of the United Nations Resident and Humanitarian Coordinator for Somalia submitted under paragraph 11 [of the resolution] (para. 5)

Resolution [1972 \(2011\)](#)  
17 March 2011

#### **Exemption**

Decides that, for a period of 16 months from the date of the resolution, and without prejudice to humanitarian assistance programmes conducted elsewhere, the obligations imposed on Member States in paragraph 3 of resolution [1844 \(2008\)](#) shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status in the General Assembly that provide humanitarian assistance, or their implementing partners (para. 4)

Resolution [2002 \(2011\)](#)  
29 July 2011

See para. 1 of the resolution, under “Arms embargo” above

#### **Exemption**

Decides that, for a period of 12 months from the date of the resolution, and without prejudice to humanitarian assistance programmes conducted elsewhere, the obligations placed on Member States in paragraph 3 of resolution [1844 \(2008\)](#) shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status in the General Assembly that provide humanitarian assistance, and their implementing partners, including bilaterally or multilaterally funded non-governmental organizations participating in the United Nations Consolidated Appeal for Somalia (para. 9)

### **Travel ban**

Resolution [2002 \(2011\)](#)  
29 July 2011

See para. 1 of the resolution, under “Arms embargo” above

## II. Provisions relating to enforcement measures

### Ban on diaspora tax

Resolution [2023 \(2011\)](#)  
5 December 2011

Condemns the use of the “diaspora tax” on the Eritrean diaspora by the Government of Eritrea to destabilize the Horn of Africa region or violate relevant resolutions, including resolutions [1844 \(2008\)](#), [1862 \(2009\)](#) and [1907 \(2009\)](#), including for purposes such as procuring arms and related materiel for transfer to armed opposition groups or providing any services or financial transfers provided directly or indirectly to such groups, as outlined in the findings of the Monitoring Group on Somalia and Eritrea in its report of 18 July 2011 ([S/2011/433](#)), and decides that Eritrea shall cease these practices (para. 10)

Decides that Eritrea shall cease using extortion, threats of violence, fraud and other illicit means to collect taxes outside of Eritrea from its nationals or other individuals of Eritrean descent, decides further that States shall take appropriate measures to hold accountable, consistent with international law, those individuals on their territory who are acting, officially or unofficially, on behalf of the Government of Eritrea or the People’s Front for Democracy and Justice contrary to the prohibitions imposed in the present paragraph and the laws of the States concerned, and calls upon States to take such action as may be appropriate consistent with their domestic law and relevant international instruments, including the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963, to prevent such individuals from facilitating further violations (para. 11)

### Cargo inspections

Resolution [2023 \(2011\)](#)  
5 December 2011

Calls upon all States, in particular States of the region, in order to ensure strict implementation of the arms embargo established by paragraphs 5 and 6 of resolution [1907 \(2009\)](#), to inspect in their territory, including seaports and airports, in accordance with national authorities and legislation and consistent with international law, all cargo bound to or from Eritrea, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items, the supply, sale, transfer or export of which is prohibited by paragraphs 5 or 6 of resolution [1907 \(2009\)](#), and recalls the obligations contained in paragraphs 8 and 9 of resolution [1907 \(2009\)](#) with respect to the discovery of items prohibited by paragraphs 5 or 6 of resolution [1907 \(2009\)](#) and paragraph 5 of resolution [733 \(1992\)](#) as elaborated on and amended by subsequent resolutions (para. 8)

### Mining sector restrictions

Resolution [2023 \(2011\)](#)  
5 December 2011

Decides that States, in order to prevent funds derived from the mining sector of Eritrea contributing to violations of resolutions [1844 \(2008\)](#), [1862 \(2009\)](#), [1907 \(2009\)](#) or [2023 \(2011\)](#), shall take appropriate measures to promote the exercise of vigilance by their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction that are doing business in this sector in Eritrea, including through the issuance of due diligence guidelines, and requests in this regard the Committee, with the assistance of the Monitoring Group, to draft guidelines for the optional use of Member States (para. 13)

*Decision*

*Provision*

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Urges all States to introduce due diligence guidelines to prevent the provision of financial services, including insurance or reinsurance, or the transfer to, through or from their territory, or to or by their nationals or entities organized under their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources if such services, assets or resources, including new investment in the extractives sector, would contribute to violation by Eritrea of relevant resolutions, including resolutions [1844 \(2008\)](#), [1862 \(2009\)](#), [1907 \(2009\)](#) and [2023 \(2011\)](#) (para. 14)

### Reporting on enforcement

Resolution [1916 \(2010\)](#)  
19 March 2010

Requests the United Nations Resident and Humanitarian Coordinator for Somalia to report to the Council every 120 days on the implementation of paragraphs 4 and 5 [of the resolution] and on any impediments to the delivery of humanitarian assistance in Somalia, and requests relevant United Nations agencies and humanitarian organizations having observer status in the General Assembly that provide humanitarian assistance to assist the Coordinator in the preparation of such report by providing information relevant to paragraphs 4 and 5 [of the resolution] (para. 11)

Resolution [1972 \(2011\)](#)  
17 March 2011

Requests the Emergency Relief Coordinator to report to the Security Council by 15 November 2011 and again by 15 July 2012 on the implementation of paragraphs 3 and 4 [of the resolution] and on any impediments to the delivery of humanitarian assistance in Somalia, and requests relevant United Nations agencies and humanitarian organizations having observer status in the General Assembly that provide humanitarian assistance to assist the United Nations Resident and Humanitarian Coordinator for Somalia in the preparation of such report by providing information relevant to paragraphs 3 and 4 [of the resolution] (para. 5)

Resolution [2023 \(2011\)](#)  
5 December 2011

Expresses concern at the potential use of the Eritrean mining sector as a financial source to destabilize the Horn of Africa region, as outlined in the final report of the Monitoring Group ([S/2011/433](#)), and calls upon Eritrea to show transparency in its public finances, including through cooperation with the Monitoring Group, in order to demonstrate that the proceeds of these mining activities are not being used to violate relevant resolutions, including resolutions [1844 \(2008\)](#), [1862 \(2009\)](#), [1907 \(2009\)](#) and [2023 \(2011\)](#) (para. 12)

Calls upon all States to report to the Council within 120 days on steps taken to implement the provisions of the present resolution (para. 15)

Urges all States, relevant United Nations bodies and other interested parties to cooperate fully with the Committee and the Monitoring Group, including by supplying any information at their disposal on the implementation of the measures decided in resolutions [1844 \(2008\)](#), [1907 \(2009\)](#) and [2023 \(2011\)](#), in particular incidents of non-compliance (para. 17)

### Seizure of arms

Resolution [2023 \(2011\)](#)  
5 December 2011

See para. 8 of the resolution, under “Cargo inspections” above

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Table 9  
Other provisions relating to measures under Article 41

<i>Decision</i>	<i>Provision</i>
<b>Criteria for listing</b>	
<p><a href="#">S/PRST/2011/13</a> 24 June 2011</p>	<p>The Council reiterates the primary responsibility of Somalis to achieve peace, security and reconciliation in Somalia. It recalls that targeted measures can be imposed on those that engage in or provide support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement or the political process or threaten the transitional federal institutions or the African Union Mission in Somalia by force, violate the arms embargo or obstruct the delivery of or access to humanitarian assistance in Somalia (fifth paragraph)</p>
<p>Resolution <a href="#">2002 (2011)</a> 29 July 2011</p>	<p>Decides that the measures in paragraphs 1, 3 and 7 of resolution <a href="#">1844 (2008)</a> shall apply to individuals, and that the provisions of paragraphs 3 and 7 of that resolution shall apply to entities, designated by the Committee:</p> <ul style="list-style-type: none"> <li>(a) As engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 19 August 2008 or the political process, or threaten the transitional federal institutions or the African Union Mission in Somalia by force;</li> <li>(b) As having acted in violation of the general and complete arms embargo reaffirmed in paragraph 6 of resolution <a href="#">1844 (2008)</a>;</li> <li>(c) As obstructing the delivery of humanitarian assistance to Somalia, or access to or distribution of humanitarian assistance in Somalia;</li> <li>(d) As being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law;</li> <li>(e) As being responsible for violations of applicable international law in Somalia involving the targeting of civilians, including children and women, in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement (para. 1)</li> </ul> <p>Considers that acts under paragraph 1 (a) above may include, but are not limited to, the misappropriation of financial resources, which undermines the ability of the transitional federal institutions to fulfil their obligations in delivering services within the framework of the Djibouti Agreement (para. 2)</p> <p>Considers also that all non-local commerce via Al-Shabaab-controlled ports, that constitutes financial support for a designated entity, poses a threat to the peace, stability and security of Somalia, and thereby individuals and entities engaged in such commerce may be designated by the Committee and made subject to the targeted measures established by resolution <a href="#">1844 (2008)</a> (para. 3)</p>

*Decision*

*Provision*

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**Intention to consider imposing measures under Article 41**

Resolution [1976 \(2011\)](#)  
11 April 2011

Underlines the need to investigate and prosecute those who illicitly finance, plan, organize or unlawfully profit from pirate attacks off the coast of Somalia, recognizing that individuals and entities who incite or intentionally facilitate an act of piracy are themselves engaging in piracy as defined under international law, and expresses its intention to keep under review the possibility of applying targeted sanctions against such individuals and entities if they meet the listing criteria set out in paragraph 8 of resolution [1844 \(2008\)](#) of 20 November 2008 (para. 15)

Resolution [2023 \(2011\)](#)  
5 December 2011

Taking note of the decision of the Assembly of Heads of State and Government of the African Union, held in January 2010, and the communiqué of the meeting of the African Union Peace and Security Council held on 8 January 2010 welcoming the adoption by the United Nations Security Council on 23 December 2009 of resolution [1907 \(2009\)](#), which imposes sanctions on Eritrea for, among other things, providing political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability; stressing the need to pursue vigorously the effective implementation of resolution [1907 \(2009\)](#), and expressing its intention to apply targeted sanctions against individuals and entities if they meet the listing criteria set out in paragraph 15 of resolution [1907 \(2009\)](#) and paragraph 8 of resolution [1844 \(2008\)](#) (ninth preambular paragraph)

Expresses its intention to apply targeted sanctions against individuals and entities if they meet the listing criteria set out in paragraph 15 of resolution [1907 \(2009\)](#) and paragraph 1 of resolution [2002 \(2011\)](#), and requests the Security Council Committee pursuant to resolutions [751 \(1992\)](#) and [1907 \(2009\)](#) to review, as a matter of urgency, listing proposals from Member States (para. 9)

**Intention to review sanctions**

Resolution [1916 \(2010\)](#)  
19 March 2010

Reiterates its intention to consider specific action to improve implementation of and compliance with measures imposed by resolutions [733 \(1992\)](#), [1844 \(2008\)](#) and [1907 \(2009\)](#) (para. 2)

Resolution [2023 \(2011\)](#)  
5 December 2011

Affirms that it shall keep the actions of Eritrea under continuous review and that it shall be prepared to adjust the measures, including through their strengthening, modification or lifting, in the light of compliance by Eritrea with the provisions of resolutions [1844 \(2008\)](#), [1862 \(2009\)](#), [1907 \(2009\)](#) and [2023 \(2011\)](#) (para. 18)

**Intention to strengthen sanctions**

Resolution [2002 \(2011\)](#)  
29 July 2011

Reiterating its condemnation in the strongest terms of all acts of violence, abuses and violations, including sexual and gender-based violence, committed against civilians, including children, in violation of applicable international law, stressing that the perpetrators must be brought to justice, recalling all its relevant resolutions on women and peace and security, on children and armed conflict and on the protection of civilians in armed conflict, and considering, therefore, that the existing designation criteria for targeted measures under resolution [1844 \(2008\)](#) need to be reaffirmed and further strengthened (twelfth preambular paragraph)

<i>Decision</i>	<i>Provision</i>
Resolution <a href="#">2023 (2011)</a> 5 December 2011	Demands that all parties ensure full, safe and unhindered access for the timely delivery of humanitarian aid to persons in need of assistance across Somalia, underlines its grave concern at the worsening humanitarian situation in Somalia, urges all parties and armed groups to take appropriate steps to ensure the safety and security of humanitarian personnel and supplies, and expresses its readiness to apply targeted sanctions against such individuals and entities if they meet the listing criteria set out in paragraph 1 (c) [of the resolution] (para. 5)
	Notes the withdrawal by Eritrea of its forces following the stationing of Qatari observers in the disputed areas along the border with Djibouti, calls upon Eritrea to engage constructively with Djibouti to resolve the border dispute, and reaffirms its intention to take further targeted measures against those who obstruct the implementation of resolution <a href="#">1862 (2009)</a> (para. 5)

### Measures imposed against Sierra Leone

#### *Background*

The Security Council, by its resolution [1132 \(1997\)](#), imposed sanctions measures on Sierra Leone in 1997, authorizing an arms embargo and a petroleum embargo, as well as a travel ban against members of the military junta. In 1998, by resolution [1171 \(1998\)](#), the earlier measures were terminated and a targeted arms embargo and a travel ban were imposed on non-governmental forces in Sierra Leone and leading members of the former military junta and of the Revolutionary United Front. By resolution [1306 \(2000\)](#), the Council prohibited the direct or indirect import of rough diamonds from Sierra Leone. By resolution [1793](#)

[\(2007\)](#), the Council authorized exemption to the travel ban for any witnesses whose presence was required at trials before the Special Court for Sierra Leone.

#### *Developments during 2010 and 2011*

By resolution [1940 \(2010\)](#) of 29 September 2010, the Council decided to terminate the measures imposed in paragraphs 2, 4 and 5 of resolution [1171 \(1998\)](#) and to dissolve the Committee established pursuant to resolution [1132 \(1997\)](#) concerning Sierra Leone.

An overview of changes to the measures taken in connection with Sierra Leone during the period under review is provided in table 10.

Table 10

#### Provisions relating to sanctions measures

<i>Decision</i>	<i>Provision</i>
<b>Arms embargo</b>	
Resolution <a href="#">1940 (2010)</a> 29 September 2010	Decides to terminate, with immediate effect, the measures set forth in paragraphs 2, 4 and 5 of resolution <a href="#">1171 (1998)</a> (para. 1)
<b>Travel ban or restrictions</b>	
Resolution <a href="#">1940 (2010)</a> 29 September 2010	See para. 1 of the resolution, under “Arms embargo” above

**Measures imposed against Al-Qaida and associated individuals and entities**

*Background*

In 1999, the Security Council adopted resolution 1267 (1999), in which it imposed an asset freeze and other targeted measures on designated individuals, entities and aircraft that were owned, controlled, leased or operated by the Taliban. The measures were modified by a number of subsequent resolutions, most notably resolutions 1333 (2000) and 1390 (2002), to include an arms embargo (including technical advice and training), an asset freeze and a travel ban on designated individuals and entities associated with Osama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them, wherever they were located. By resolution 1617 (2005), the Council provided criteria to define the acts or activities indicating that an individual, group, undertaking, or entity was “associated with” Al-Qaida, Osama bin Laden or the Taliban. In 2009, the Council made a number of changes to the procedures of the Committee established pursuant to resolution 1267 (1999), designed to enhance due process and encourage greater transparency in the listing of individuals and entities. In that regard, the Council, by resolution 1904 (2009), established an Office of the Ombudsperson to assist with delisting requests.

*Developments during 2010 and 2011*

By resolution 1989 (2011), the Council decided to separate the Al-Qaida and Taliban sanctions regime,

focusing exclusively on Al-Qaida and associated individuals and entities.<sup>89</sup> The Council also decided to extend for a duration of 18 months the asset freeze, the travel ban and the arms embargo against those individuals and entities associated with Al-Qaida, wherever located, as designated by the Committee. The Council reaffirmed the acts and activities indicating that an individual, group, undertaking or entity was “associated with” Al-Qaida. On 3 June 2010, the Secretary-General appointed the Ombudsperson pursuant to resolution 1904 (2009) (see S/2010/282).

During the period under review, the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) continued to oversee implementation of the measures imposed, while the newly appointed Ombudsperson began to present delisting requests to the Committee.<sup>90</sup>

An overview of changes to the measures taken in connection with Al-Qaida and associated individuals and entities during the period is provided in table 11, while tables 12 and 13 provide further details on all provisions relating to those measures.

<sup>89</sup> A separate Committee was established pursuant to resolution 1988 (2011) to maintain a list of individuals, groups, undertakings and entities associated with the Taliban. For more information, see the section with regard to the measures imposed against the Taliban and associated individuals and entities below.

<sup>90</sup> For more information on the Committee and the Ombudsperson, see part IX.

Table 11

**Changes to the measures taken in connection with Al-Qaida and associated individuals and entities, 2010-2011**

	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period</i>
		<i>1989 (2011)</i>
<b>Provisions relating to sanctions measures</b>		
Arms embargo	1333 (2000)	Modified
Asset freeze	1333 (2000)	Modified
Travel ban or restrictions	1333 (2000)	Modified

Table 12  
Provisions relating to sanctions and enforcement measures

<i>Decision</i>	<i>Provision</i>
<b>I. Provisions relating to sanctions measures</b>	
<b>Arms embargo</b>	
Resolution 1989 (2011) 17 June 2011	Decides that all States shall take the following measures ... with respect to Al-Qaida and other individuals, groups, undertakings and entities associated with it ...:  ...  (c) Prevent the direct or indirect supply, sale or transfer to those individuals, groups, undertakings and entities, from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance or training related to military activities (para. 1)
<b>Asset freeze</b>	
Resolution 1989 (2011) 17 June 2011	Decides that all States shall take the following measures ... with respect to Al-Qaida and other individuals, groups, undertakings and entities associated with it ...:  (a) Freeze without delay the funds and other financial assets or economic resources of those individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for the benefit of such persons, by their nationals or by persons within their territories (para. 1)  Confirms that the requirements in paragraph 1 (a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of Al-Qaida and other individuals, groups, undertakings or entities associated with it (para. 6)  Notes that such means of financing or support include but are not limited to the use of proceeds derived from crime, including the illicit cultivation and production of and trafficking in narcotic drugs and their precursors (para. 7)  Confirms that the requirements in paragraph 1 (a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the Al-Qaida Sanctions List (para. 8)

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Decision

Provision

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**Exemption**

Decides that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 [of the resolution] of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 [of the resolution] and are frozen (para. 9)

**Exemption**

Encourages Member States to make use of the provisions regarding available exemptions to the measures in paragraph 1 (a) above, set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006), and directs the Committee to review the procedures for exemptions as set out in the Committee guidelines to facilitate their use by Member States and to continue to ensure that exemptions are granted expeditiously and transparently (para. 10)

**Travel ban or restrictions**

Resolution 1989 (2011)  
17 June 2011

Decides that all States shall take the following measures ... with respect to Al-Qaida and other individuals, groups, undertakings and entities associated with it ...:

(b) Prevent the entry into or transit through their territories of those individuals ... (para. 1)

**Exemption**

Decides that all States shall take the following measures ... with respect to Al-Qaida and other individuals, groups, undertakings and entities associated with it ...:

(b) Prevent the entry into or transit through their territories of those individuals, provided that nothing in the present paragraph shall oblige any State to deny entry into or require the departure from its territories of its own nationals and that the present paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified (para. 1)

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Table 13

**Other provisions relating to measures under Article 41**

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Decision

Provision

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**Criteria for listing**

Resolution 1989 (2011)  
17 June 2011

Reaffirms that acts or activities indicating that an individual, group, undertaking or entity is associated with Al-Qaida include:

(a) Participating in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;

(b) Supplying, selling or transferring arms and related materiel to;

*Decision*

*Provision*

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(c) Recruiting for; or otherwise supporting acts or activities of Al-Qaida or any cell, affiliate, splinter group or derivative thereof (para. 4)

Also reaffirms that any undertaking or entity owned or controlled, directly or indirectly, by, or otherwise supporting, such an individual, group, undertaking or entity associated with Al-Qaida shall be eligible for designation (para. 5)

### **Intention to review sanctions**

Resolution [1989 \(2011\)](#)  
17 June 2011

Decides to review the measures described in paragraph 1 [of the resolution] with a view to their possible further strengthening in 18 months, or sooner if necessary (para. 59)

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### **Measures imposed against Iraq**

#### *Background*

By resolution [660 \(1990\)](#), the Security Council condemned the Iraqi invasion of Kuwait and determined that such action constituted a breach of international peace and security and, consequently, in resolutions [661 \(1990\)](#), [687 \(1991\)](#) and [707 \(1991\)](#), imposed comprehensive arms, trade and financial embargoes against Iraq. Those measures were modified and expanded in resolutions [1483 \(2003\)](#) and [1546 \(2004\)](#) to include a targeted arms embargo; an asset freeze on designated individuals, as well as an asset transfer to the Development Fund for Iraq, applying to senior officials of the former Iraqi regime; an embargo on chemical and biological weapons; non-proliferation measures requiring that Iraq halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes; a petroleum embargo requiring that the proceeds of all sales of petroleum be put into the Development Fund for Iraq with 5 per cent going to the Compensation Fund for Kuwait; and restrictions on certain ballistic missiles. By resolution [1518 \(2003\)](#), the Council established a Committee to continue to identify pursuant to resolution [1483 \(2003\)](#) individuals and entities whose funds, other financial assets and economic resources

should be frozen and transferred to the Development Fund for Iraq.<sup>91</sup>

#### *Developments during 2010 and 2011*

During 2010 and 2011, the Council made a number of significant changes to the sanctions regime imposed against Iraq. By resolution [1956 \(2010\)](#), the Council terminated the Development Fund for Iraq and all arrangements for depositing into the Fund proceeds from export sales of petroleum, petroleum products and natural gas. In its resolution [1957 \(2010\)](#), the Council welcomed the progress that Iraq had made in supporting the international non-proliferation regime and in complying with disarmament treaties and other relevant international instruments and decided to terminate the weapons of mass destruction, missile and civil nuclear-related measures imposed by resolutions [687 \(1991\)](#) and [707 \(1991\)](#).

During the period under review, the Committee established pursuant to resolution [1518 \(2003\)](#) continued to oversee the measures imposed.

An overview of changes to the measures taken in connection with Iraq during the period is provided in table 14, while table 15 provides further details on all provisions relating to those measures.

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<sup>91</sup> For more information on the Committee, see part IX. Until 2003, the sanctions measures were overseen by the Committee established pursuant to resolution [661 \(1990\)](#).

Table 14  
Changes to the measures taken in connection with Iraq, 2010-2011

	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period</i>	
		<i>1956 (2010)</i>	<i>1957 (2010)</i>
<b>Provisions relating to sanctions measures</b>			
Non-proliferation measures	687 (1991)		
	707 (1991)		Terminated
Petroleum embargo	1483 (2003)	Terminated	
Restrictions on ballistic missiles	687 (1991)		Terminated

Table 15  
Provisions relating to sanctions and enforcement measures

<i>Decision</i>	<i>Provision</i>
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**I. Provisions relating to sanctions measures**

**Non-proliferation measures**

Resolution 1957 (2010)  
15 December 2010

Decides to terminate the weapons of mass destruction, missile and civil nuclear-related measures imposed by paragraphs 8, 9, 10, 12 and 13 of resolution 687 (1991) of 3 April 1991 and paragraph 3 (f) of resolution 707 (1991) of 15 August 1991 and as reaffirmed in subsequent relevant resolutions (para. 1)

**Petroleum embargo**

Resolution 1956 (2010)  
15 December 2010

Decides to terminate, on 30 June 2011, the arrangements established in paragraph 20 of resolution 1483 (2003) for depositing into the Development Fund for Iraq proceeds from export sales of petroleum, petroleum products and natural gas and the arrangements referred to in paragraph 12 of resolution 1483 (2003) and paragraph 24 of resolution 1546 (2004) of 8 June 2004 for the monitoring of the Development Fund by the International Advisory and Monitoring Board, and further decides that, subject to the exception provided for in paragraph 27 of resolution 1546 (2004), the provisions of paragraph 22 of resolution 1483 (2003) shall continue to apply until that date, including with respect to funds and financial assets and economic resources described in paragraph 23 of that resolution (para. 1)

Decides that, after 30 June 2011, the requirement established in paragraph 20 of resolution 1483 (2003) that all proceeds from export sales of petroleum, petroleum products and natural gas from Iraq be deposited into the Development Fund for Iraq shall no longer apply, affirms that the requirement established in paragraph 21 of resolution 1483 (2003) that 5 per cent of the proceeds from all export sales of petroleum, petroleum products and natural gas shall be deposited into the United Nations Compensation Fund, established in accordance with resolution 687 (1991) of 3 April 1991 and subsequent resolutions shall continue to apply, and further decides that 5 per cent of the value of any non-monetary payments of petroleum, petroleum products and natural gas made to service providers shall be deposited into the Compensation Fund and that, unless the

<i>Decision</i>	<i>Provision</i>
	Government of Iraq and the Governing Council of the United Nations Compensation Commission, in the exercise of its authority over methods of ensuring that payments are made into the Compensation Fund, decide otherwise, the above requirements shall be binding on the Government of Iraq (para. 3)

**Restrictions on ballistic missiles**

Resolution 1957 (2010) 15 December 2010	See para. 1 of the resolution, under “Non-proliferation measures” above
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**Measures imposed against Liberia**

*Background*

Previous sanctions measures against Liberia were imposed by the Security Council in resolutions 788 (1992) and 1343 (2001). In 2003, in response to the changed circumstances in Liberia, the Council decided, by resolution 1521 (2003), to establish a new Committee to oversee the measures as modified and re-imposed by the same resolution. Those measures included an arms embargo, a travel ban and an embargo on the import of rough diamonds and round logs and timber products originating from Liberia. By resolution 1532 (2004), the Council decided to impose an asset freeze on former President of Liberia Charles Taylor, his wife and son and other individuals designated by the Committee. No expiration date for those particular measures was provided in that resolution or any subsequent resolutions. By resolutions 1689 (2006) and 1753 (2007), the Council terminated the measures prohibiting the import of round logs and timber products from Liberia and the measures on diamonds, respectively. The arms embargo, asset freeze and travel ban were subsequently renewed by a number of resolutions. By resolution

1903 (2009), the Council decided that the arms embargo would no longer apply to the Government of Liberia but would continue to apply to all non-governmental entities and individuals operating in the territory of Liberia.

*Developments during 2010 and 2011*

During the period under review, the Council, by resolutions 1961 (2010) and 2025 (2011), extended the arms embargo and travel ban for a period of 12 months and recalled that the asset freeze, which had been established for an open-ended period, remained in force.

During the period, the Committee established pursuant to resolution 1521 (2003) and a Panel of Experts continued to monitor the measures imposed.<sup>92</sup>

An overview of changes to the measures taken in connection with Liberia during the period is provided in table 16, while tables 17 and 18 provide further details on all provisions relating to those measures.

<sup>92</sup> For more information on these bodies, see part IX, sect. I.B, with regard to Security Council committees overseeing specific sanctions measures.

Table 16

**Changes to the measures taken in connection with Liberia, 2010-2011**

	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period</i>	
		<i>1961 (2010)</i>	<i>2025 (2011)</i>
<b>Provisions relating to sanctions measures</b>			
Arms embargo	788 (1992)	Extended	Extended
Asset freeze	1532 (2004)	Extended	Extended
Travel ban	1521 (2003)	Extended	Extended

Table 17  
Provisions relating to sanctions measures

<i>Decision</i>	<i>Provision</i>
<b>Arms embargo</b>	
Resolution 1961 (2010) 17 December 2010	Decides to renew for a period of 12 months from the date of adoption of the resolution the measures on arms, previously imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) of 13 June 2006, by paragraph 1 (b) of resolution 1731 (2006) of 20 December 2006 and by paragraphs 3 to 6 of resolution 1903 (2009) (para. 3)
Resolution 2025 (2011) 14 December 2011	Decides, for a period of 12 months from the date of adoption of the resolution: ... (b) To renew the measures on arms, previously imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) of 13 June 2006, by paragraph 1 (b) of resolution 1731 (2006) of 20 December 2006, by paragraphs 3 to 6 of resolution 1903 (2009) of 17 December 2009 and by paragraph 3 of resolution 1961 (2010) of 17 December 2010 (para. 2)
<b>Asset freeze</b>	
Resolution 1961 (2010) 17 December 2010	Recalls that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force, notes with serious concern the lack of progress with regard to the implementation of the financial measures imposed by paragraph 1 of resolution 1532 (2004), and demands that the Government of Liberia make all necessary efforts to fulfil its obligations (para. 2) <i>Similar provision in resolution 2025 (2011), para. 1</i>
<b>Travel ban or restrictions</b>	
Resolution 1961 (2010) 17 December 2010	Decides to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a period of 12 months from the date of adoption of the resolution (para. 1) <i>Same provision in resolution 2025 (2011), para. 2 (a)</i>

Table 18  
Other provisions relating to measures under Article 41

<i>Decision</i>	<i>Provision</i>
<b>Intention to review sanctions</b>	
Resolution 1961 (2010) 17 December 2010	Reconfirms its intention to review the measures imposed by paragraph 1 of resolution 1532 (2004) at least once a year, and directs the Security Council Committee established pursuant to resolution 1521 (2003), in coordination with the Government of Liberia and relevant designating States and with the assistance of the Panel of Experts on Liberia, to update, as necessary, the publicly available reasons for listing for entries on the travel ban and assets freeze lists as well as the Committee's guidelines (para. 4)  Decides to review any of the above measures at the request of the Government of Liberia, once the Government reports to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met and provides the Council with information to justify its assessment (para. 5)  <i>Same provision in resolution 2025 (2011), para. 3</i>
Resolution 2025 (2011) 14 December 2011	Decides, for a period of 12 months from the date of adoption of the resolution:  (c) To review the measures in the present paragraph and in paragraph 1 above in the light of the progress achieved in the stabilization throughout the country and the holding of presidential and parliamentary elections, with a view to possibly modifying or lifting all or part of the measures of the sanctions regime, and decides that such a review shall be carried out at the end of the above-mentioned 12-month period, with a midterm review no later than 30 April 2012 (para. 2)

**Measures imposed against the Democratic Republic of the Congo**

*Background*

By resolution 1493 (2003), the Security Council first imposed sanctions measures against the Democratic Republic of the Congo, namely an arms embargo on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri. The measures imposed against the Democratic Republic of the Congo were renewed and their scope expanded by a number of subsequent resolutions. By resolution 1533 (2004), the Council established a Committee to oversee the measures imposed and authorized the United Nations Organization Mission in the Democratic Republic of the Congo to carry out cargo inspections and to seize or collect the arms and any related materiel whose presence in the country violated the arms embargo and to dispose of them as appropriate. By resolution 1596

(2005), the Council, inter alia, imposed a travel ban and an asset freeze on individuals and entities designated by the Committee, as well as measures on transport and aviation and border/customs controls. By resolution 1698 (2006), the Council extended the scope of the travel ban and asset freeze to include political and military leaders recruiting or using children in armed conflict in violation of applicable international law and individuals committing serious violations of international law involving the targeting of children in situations of armed conflict.

By resolution 1807 (2008), the Council decided that the arms embargo would no longer apply to the Government of the Democratic Republic of the Congo but would continue to apply to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo. By the same resolution, the Council made a number of adjustments to the listing criteria of the asset freeze and travel ban to include, inter alia, individuals operating in the

Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict and political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups. The Council also decided to renew the transport and aviation measures and customs controls on the borders with neighbouring states. By resolution 1857 (2008), the Council decided to expand the listing criteria for the asset freeze and travel ban to also apply to individuals obstructing access to or the distribution of humanitarian assistance and to individuals or entities supporting the illegal armed groups in the eastern part of the country through illicit trade in natural resources.

*Developments during 2010 and 2011*

During the period under review, by resolutions 1952 (2010) and 2021 (2011), the Council extended the arms embargo, asset freeze, travel ban and measures on

transport and aviation and expanded the corresponding listing criteria as set out in resolution 1857 (2008). By resolution 1925 (2010), the Council also authorized the newly named United Nations Organization Stabilization Mission in the Democratic Republic of the Congo to seize or collect any arms or related materiel whose presence in the country violated the terms of the arms embargo and to dispose of them as appropriate. During the period, the Committee established pursuant to resolution 1533 (2004) and a Group of Experts continued to monitor the measures imposed.<sup>93</sup>

An overview of changes to the measures taken in connection with the Democratic Republic of the Congo during the period is provided in table 19, while tables 20 and 21 provide further details on all provisions relating to those measures.

<sup>93</sup> For more information, see part IX, sect. I.B, with regard to Security Council committees overseeing specific sanctions measures.

Table 19

**Changes to the measures taken in connection with the Democratic Republic of the Congo, 2010-2011**

	Resolutions establishing measures	Resolutions adopted during the period		
		1925 (2010)	1952 (2010)	2021 (2011)
<b>Provisions relating to sanctions measures</b>				
Arms embargo	1493 (2003)		Extended	Extended
Asset freeze	1596 (2005)		Extended	Extended
Border/customs controls	1596 (2005)		Extended	Extended
Measures on transport and aviation	1596 (2005)		Extended	Extended
Travel ban	1596 (2005)		Extended	Extended
<b>Provisions relating to enforcement measures</b>				
Seizure of arms	1533 (2004)	Extended		

Table 20

**Provisions relating to sanctions and enforcement measures**

<i>Decision</i>	<i>Provision</i>
<b>I. Provisions relating to sanctions measures</b>	
<b>Arms embargo</b>	
Resolution <a href="#">1952 (2010)</a> 29 November 2010	Decides to renew until 30 November 2011 the measures on arms imposed by paragraph 1 of resolution <a href="#">1807 (2008)</a> , and reaffirms the provisions of paragraphs 2, 3 and 5 of that resolution (para. 1)  <i>Same provision in resolution <a href="#">2021 (2011)</a>, para. 1</i>
<b>Asset freeze</b>	
Resolution <a href="#">1952 (2010)</a> 29 November 2010	Decides further to renew, for the period specified in paragraph 1 above, the financial and travel measures imposed by paragraphs 9 and 11 of resolution <a href="#">1807 (2008)</a> , and reaffirms the provisions of paragraphs 10 and 12 of that resolution regarding the individuals and entities referred to in paragraph 4 of resolution <a href="#">1857 (2008)</a> (para. 3)  <i>Same provision in resolution <a href="#">2021 (2011)</a>, para. 3</i>
<b>Border/customs controls</b>	
Resolution <a href="#">1952 (2010)</a> 29 November 2010	Decides also to renew, for the period specified in paragraph 1 above, the measures on transport imposed by paragraphs 6 and 8 of resolution <a href="#">1807 (2008)</a> , and reaffirms the provisions of paragraph 7 of that resolution (para. 2)  <i>Same provision in resolution <a href="#">2021 (2011)</a>, para. 2</i>
<b>Measures on transport and aviation</b>	
Resolution <a href="#">1952 (2010)</a> 29 November 2010	See para. 2 of the resolution, under “Border/customs controls” above
<b>Travel ban or restrictions</b>	
Resolution <a href="#">1952 (2010)</a> 29 November 2010	See para. 3 of the resolution, under “Asset freeze” above
<b>II. Provisions relating to enforcement measures</b>	
<b>Seizure of arms</b>	
Resolution <a href="#">1925 (2010)</a> 28 May 2010	Decides that the Mission shall have the following mandate in this order of priority:  ...  (t) To monitor the implementation of the measures imposed by paragraph 1 of resolution <a href="#">1896 (2009)</a> , in cooperation, as appropriate, with the Governments concerned and with the Group of Experts on the Democratic Republic of the Congo established pursuant to resolution <a href="#">1533 (2004)</a> of 12 March 2004, seize or collect any arms or related materiel whose presence in the Democratic Republic of the Congo violates the measures imposed by paragraph 1 of resolution <a href="#">1896 (2009)</a> and dispose of them as appropriate, and provide assistance to the competent customs authorities of the Democratic Republic of the Congo in implementing the provisions of paragraph 9 of resolution <a href="#">1896 (2009)</a> (para. 12)

Table 21  
Other provisions relating to measures under Article 41

<i>Decision</i>	<i>Provision</i>
<b>Criteria for listing</b>	
Resolution <a href="#">2021 (2011)</a> 29 November 2011	Encourages all States to submit to the Committee for inclusion on its list of designees, individuals or entities that meet the criteria set out in paragraph 4 of resolution <a href="#">1857 (2008)</a> , as well as any entities owned or controlled, directly or indirectly, by the submitted individuals or entities or individuals or entities acting on behalf of or at the direction of the submitted entities (para. 20)
<b>Intention to review sanctions</b>	
Resolution <a href="#">1952 (2010)</a> 29 November 2010	Decides that, when appropriate and no later than 30 November 2011, it shall review the measures set forth in the resolution, with a view to adjusting them, as appropriate, in the light of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform, including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups (para. 22)  <i>Same provision in resolution <a href="#">2021 (2011)</a>, para. 21</i>

### Measures imposed against Côte d'Ivoire

### *Developments during 2010 and 2011*

#### *Background*

By resolution [1572 \(2004\)](#) of 15 November 2004, the Security Council imposed an arms embargo, as well as an asset freeze and travel ban on certain individuals who, inter alia, threatened the national reconciliation process in Côte d'Ivoire. The Council established a Committee to oversee the measures imposed. By resolution [1739 \(2007\)](#), the Council mandated that the United Nations Operation in Côte d'Ivoire (UNOCI) monitor the arms embargo and collect and dispose of any arms imported in violation of the embargo.

By resolution [1643 \(2005\)](#), the Council imposed an embargo on all rough diamonds originating from Côte d'Ivoire. It decided that any obstacle to the freedom of movement of UNOCI, the French forces and the High Representative for the elections or the International Working Group constituted a threat to the national reconciliation process for the purposes of the asset freeze and travel ban. By resolution [1842 \(2008\)](#), the Council decided that any threat to the electoral process in Côte d'Ivoire constituted a threat to the national reconciliation process for the purposes of the asset freeze and travel ban.

During the period under review, the Council, by resolutions [1946 \(2010\)](#) and [1980 \(2011\)](#), extended the arms embargo, asset freeze, travel ban and diamond embargo until 30 April 2011 and 31 April 2012, respectively. By resolution [1946 \(2010\)](#), the Council provided an exemption to the arms embargo for supplies of non-lethal equipment intended solely to enable the Ivorian security forces to maintain public order. By resolution [1980 \(2011\)](#), the Council decided that the supply of vehicles to the Ivorian security forces would be subject to the arms embargo and further detailed exemption provisions. In resolution [1975 \(2011\)](#), the Council decided that certain individuals listed in the annex to the resolution would be subject to the asset freeze and travel ban and reaffirmed its intention to consider further measures, including targeted sanctions, against media actors who met the relevant sanctions criteria, including by publicly inciting hatred and violence.

During the period, the Committee established pursuant to resolution [1572 \(2004\)](#) and a Group of Experts continued to monitor the measures imposed.<sup>94</sup>

<sup>94</sup> For more information, see part IX, sect. I.B, with regard to Security Council committees overseeing specific sanctions measures.

An overview of changes to the measures taken in connection with Côte d'Ivoire during the period is provided in table 22, while tables 23 and 24 provide further details on all provisions relating to those measures.

Table 22  
Changes to the measures taken in connection with Côte d'Ivoire, 2010-2011

	Resolutions establishing measures	Resolutions adopted during the period		
		1946 (2010)	1975 (2011)	1980 (2011)
<b>Provisions relating to sanctions measures</b>				
Arms embargo	1572 (2004)	Extended		Extended
Asset freeze	1572 (2004)	Extended	Modified	Extended
Diamond embargo	1643 (2005)	Extended		Extended
Travel ban	1572 (2004)	Extended	Modified	Extended
<b>Provisions relating to enforcement measures</b>				
Seizure of arms	1739 (2007)			Extended

Table 23  
Provisions relating to sanctions and enforcement measures

<i>Decision</i>	<i>Provision</i>
<b>I. Provisions relating to sanctions measures</b>	
<b>Arms embargo</b>	
Resolution 1946 (2010) 15 October 2010	Decides to renew until 30 April 2011 the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of resolution 1572 (2004) and the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005) (para. 1)
Resolution 1946 (2010) 15 October 2010	<b>Exemption</b> Decides, in line with paragraph 27 of resolution 1933 (2010) and in addition to the provisions of paragraph 8 of resolution 1572 (2004), that the arms embargo shall not apply to the supplies of non-lethal equipment intended solely to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order, as approved in advance by the Security Council Committee established pursuant to resolution 1572 (2004) (para. 5)
Resolution 1980 (2011) 28 April 2011	Decides to renew until 30 April 2012 the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of resolution 1572 (2004), paragraph 5 of resolution 1946 (2010) and paragraph 12 of resolution 1975 (2011), and further decides to renew until 30 April 2012 the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005) (para. 1)

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*Decision*

*Provision*

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Decides that the supply of vehicles to the Ivorian security forces shall be subject to the measures imposed by paragraph 7 of resolution [1572 \(2004\)](#) (para. 8)

Decides also that the exemption procedure set out in paragraph 8 (e) of resolution [1572 \(2004\)](#) shall apply only to arms and related materiel, vehicles and the provision of technical training and assistance in support of the Ivorian process of security sector reform, pursuant to a formal request by the Government of Côte d'Ivoire and approved in advance by the Security Council Committee established pursuant to resolution [1572 \(2004\)](#) (para. 9)

**Asset freeze**

Resolution [1946 \(2010\)](#)  
15 October 2010

See para. 1 of the resolution, under "Arms embargo" above

Resolution [1975 \(2011\)](#)  
30 March 2011

Decides to adopt targeted sanctions against those individuals who meet the criteria set out in resolution [1572 \(2004\)](#) and subsequent resolutions, including those individuals who obstruct peace and reconciliation in Côte d'Ivoire, obstruct the work of the United Nations Operation in Côte d'Ivoire (UNOCI) and other international actors in Côte d'Ivoire and commit serious violations of human rights and international humanitarian law, and decides, therefore, that the individuals listed in the annex to the resolution shall be subject to the financial and travel measures imposed by paragraphs 9 and 11 of resolution [1572 \(2004\)](#), and reaffirms its intention to consider further measures, as appropriate, including targeted sanctions against media actors who meet the relevant sanctions criteria, including by publicly inciting hatred and violence (para. 12)

Resolution [1980 \(2011\)](#)  
28 April 2011

See para. 1 of the resolution, under "Arms embargo" above

**Diamond embargo**

Resolution [1946 \(2010\)](#)  
15 October 2010

See para. 1 of the resolution, under "Arms embargo" above

**Exemption**

Requests the Kimberley Process to communicate, as appropriate, to the Council, through the Committee, information which, where possible, has been reviewed by the Group of Experts, concerning the production and illicit export of diamonds from Côte d'Ivoire, and further decides to renew the exemptions set out in paragraphs 16 and 17 of resolution [1893 \(2009\)](#) with regard to the securing of samples of rough diamonds for scientific research purposes coordinated by the Kimberley Process (para. 14)

*Same provision in resolution [1980 \(2011\)](#), para. 18*

Resolution [1980 \(2011\)](#)  
28 April 2011

See para. 1 of the resolution, under "Arms embargo" above

*Decision*

*Provision*

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### **Travel ban or restrictions**

- Resolution [1946 \(2010\)](#)  
15 October 2010      See para. 1 of the resolution, under “Arms embargo” above
- Resolution [1975 \(2011\)](#)  
30 March 2011      See para. 12 of the resolution, under “Asset freeze” above
- Resolution [1980 \(2011\)](#)  
28 April 2011      See para. 1 of the resolution, under “Arms embargo” above

## **II. Provisions relating to enforcement measures**

### **Reporting on enforcement**

- Resolution [1946 \(2010\)](#)  
15 October 2010      Requests the Government of France to communicate, as appropriate, to the Council, through the Committee, information gathered by the French forces and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d’Ivoire (para. 13)
- Same provision in resolution [1980 \(2011\)](#), para. 17*
- Urges all States, relevant United Nations bodies and other organizations and interested parties to cooperate fully with the Committee, the Group of Experts, UNOCI and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 of resolution [1572 \(2004\)](#) and paragraph 6 of resolution [1643 \(2005\)](#) and reiterated in paragraph 1 [of the resolution]; and further requests the Group of Experts to coordinate its activities, as appropriate, with all actors involved to promote the political process in Côte d’Ivoire (para. 15)
- Similar provision in resolution [1980 \(2011\)](#), para. 21*

### **Seizure of arms**

- Resolution [1980 \(2011\)](#)  
28 April 2011      Recalls that UNOCI is mandated, within the monitoring of the arms embargo, to collect, as appropriate, arms and any related materiel brought into Côte d’Ivoire in violation of the measures imposed by paragraph 7 of resolution [1572 \(2004\)](#), and to dispose of such arms and related materiel as appropriate (para. 5)
- Resolution [2000 \(2011\)](#)  
27 July 2011      Decides that UNOCI shall have the following mandate:
- (c) Monitoring of the arms embargo
    - To monitor the implementation of the measures imposed by paragraph 7 of resolution [1572 \(2004\)](#) of 15 November 2004, in cooperation with the Group of Experts on Côte d’Ivoire established pursuant to resolution [1584 \(2005\)](#) of 1 February 2005, including by inspecting, as they deem it necessary and when appropriate without notice, all weapons, ammunition and related materiel regardless of location, consistent with resolution [1980 \(2011\)](#);
    - To collect, as appropriate, arms and any related materiel brought into Côte d’Ivoire in violation of the measures imposed by paragraph 7 of resolution [1572 \(2004\)](#), and to dispose of such arms and related materiel as appropriate (para. 7)
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Table 24  
Other provisions relating to measures under Article 41

<i>Decision</i>	<i>Provision</i>
<b>Conditions for termination or review</b>	
Resolution <a href="#">1946 (2010)</a> 15 October 2010	Decides also to review the measures renewed in paragraph 1 [of the resolution] in the light of the progress achieved in the electoral process and in the implementation of the key steps of the peace process, as referred to in resolution <a href="#">1933 (2010)</a> , by the end of the period mentioned in paragraph 1 [of the resolution], and decides further to carry out during the period mentioned in paragraph 1 [of the resolution] a review of the measures renewed in paragraph 1 [of the resolution] no later than three months after the holding of open, free, fair and transparent presidential elections in accordance with international standards, with a view to possibly modifying, lifting or maintaining the sanctions regime, in accordance with progress in the peace process (para. 2)
Resolution <a href="#">1980 (2011)</a> 28 April 2011	Decides also to review the measures renewed in paragraph 1 [of the resolution] in the light of the progress achieved in the stabilization throughout the country, the holding of the parliamentary elections and the implementation of the key steps of the peace process, as referred to in resolution <a href="#">1933 (2010)</a> , by the end of the period mentioned in paragraph 1 [of the resolution], and decides further to carry out a midterm review of the measures renewed in paragraph 1 [of the resolution] no later than 31 October 2011, with a view to possibly modifying, lifting or maintaining, ahead of 30 April 2012, all or part of the measures of the sanctions regime, in accordance with progress in the peace process, the developments related to human rights violations and the developments related to the parliamentary elections (para. 2)
<b>Criteria for listing</b>	
Resolution <a href="#">1946 (2010)</a> 15 October 2010	Underlines that it is fully prepared to impose targeted measures against persons to be designated by the Committee in accordance with paragraphs 9, 11 and 14 of resolution <a href="#">1572 (2004)</a> who are determined to be, among other things: <ul style="list-style-type: none"> <li>(a) A threat to the peace and national reconciliation process in Côte d'Ivoire, in particular by blocking the implementation of the peace process, as referred to in the Ouagadougou Political Agreement;</li> <li>(b) Attacking or obstructing the action of UNOCI, the French forces supporting it, the Special Representative of the Secretary-General for Côte d'Ivoire, the Facilitator, or his Special Representative in Côte d'Ivoire;</li> <li>(c) Responsible for obstacles to the freedom of movement of UNOCI and the French forces supporting it;</li> <li>(d) Responsible for serious violations of human rights and international humanitarian law committed in Côte d'Ivoire;</li> <li>(e) Publicly inciting hatred and violence;</li> <li>(f) Acting in violation of the measures imposed by paragraph 7 of resolution <a href="#">1572 (2004)</a> (para. 6)</li> </ul> <p><i>Similar provision in resolution <a href="#">1980 (2011)</a>, para. 10</i></p>

<i>Decision</i>	<i>Provision</i>
<p>Resolution <a href="#">1975 (2011)</a> 30 March 2011</p>	<p>Decides to adopt targeted sanctions against those individuals who meet the criteria set out in resolution <a href="#">1572 (2004)</a> and subsequent resolutions, including those individuals who obstruct peace and reconciliation in Côte d'Ivoire, obstruct the work of UNOCI and other international actors in Côte d'Ivoire and commit serious violations of human rights and international humanitarian law, and decides, therefore, that the individuals listed in the annex to the resolution shall be subject to the financial and travel measures imposed by paragraphs 9 and 11 of resolution <a href="#">1572 (2004)</a>, and reaffirms its intention to consider further measures, as appropriate, including targeted sanctions against media actors who meet the relevant sanctions criteria, including by publicly inciting hatred and violence (para. 12)</p>
<p><b>Intention to consider imposing measures under Article 41</b></p>	
<p>Resolution <a href="#">1911 (2010)</a> 28 January 2010</p>	<p>Recalls that it is fully prepared to impose targeted measures pursuant to paragraph 20 of resolution <a href="#">1893 (2009)</a>, including against persons who are determined to be a threat to the peace and national reconciliation process in Côte d'Ivoire, and recalls further that, pursuant to paragraph 6 of the above-mentioned resolution, any threat to the electoral process in Côte d'Ivoire, in particular any attack on or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the actions of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement (<a href="#">S/2007/144</a>, annex) shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution <a href="#">1572 (2004)</a> of 15 November 2004 (para. 11)</p>
<p>Resolution <a href="#">1933 (2010)</a> 30 June 2010</p>	<p>Urges every Ivorian to refrain from any call for hatred, intolerance and violence, notes with interest that in his report of 20 May 2010 the Secretary-General encouraged the Security Council to impose targeted sanctions against media actors who fan political tension and incite violence, and reiterates that it is fully prepared to impose targeted measures pursuant to paragraphs 6 and 20 of resolution <a href="#">1893 (2009)</a>, including against persons who are determined to be a threat to the peace and national reconciliation process in Côte d'Ivoire or to be publicly inciting hatred and violence (para. 10)</p>
<p>Resolution <a href="#">1946 (2010)</a> 15 October 2010</p>	<p>See para. 6 of the resolution, under "Criteria for listing" above</p> <p>Notes with concern the media monitoring reports of UNOCI and the media outlets referenced therein for inciting violence and a resumption of internal conflict, and stresses that it remains ready to impose sanctions against those who obstruct the electoral process, specifically the action of the Independent Electoral Commission and all other operators involved, and the proclamation and certification of the results of the presidential and parliamentary elections (para. 7)</p>
<p>Resolution <a href="#">1962 (2010)</a> 20 December 2010</p>	<p>Reaffirms its readiness to impose measures, including targeted sanctions, against persons who, among other things, threaten the peace process and national reconciliation, including by seeking to undermine the outcome of the electoral process, obstruct the work of UNOCI and other international actors and commit serious violations of human rights and international humanitarian law, as set out in resolution <a href="#">1946 (2010)</a> (para. 16)</p>

<i>Decision</i>	<i>Provision</i>
Resolution <a href="#">1967 (2011)</a> 19 January 2011	Reiterates its readiness to impose measures, including targeted sanctions against those who obstruct the work of UNOCI, as underlined in resolution <a href="#">1946 (2010)</a> and <a href="#">1962 (2010)</a> (para. 11)
Resolution <a href="#">1975 (2011)</a> 30 March 2011	See para. 12 of the resolution, under “Criteria for listing” above
Resolution <a href="#">1980 (2011)</a> 28 April 2011	Reiterates its readiness to impose sanctions against those who obstruct the electoral process, specifically the action of the Independent Electoral Commission and all other operators involved, and the proclamation and certification of the results of the parliamentary elections (para. 11)
<b>Intention to review sanctions</b>	
Resolution <a href="#">1946 (2010)</a> 15 October 2010	See para. 2 of the resolution, under “Conditions for termination or review” above
Resolution <a href="#">1980 (2011)</a> 28 April 2011	See para. 2 of the resolution, under “Conditions for termination or review” above

### **Measures imposed against the Sudan**

#### *Background*

In 2004, in the light of developments in the region of Darfur, Sudan, the Council, by resolution [1556 \(2004\)](#), imposed an arms embargo on all non-governmental entities and individuals operating in Darfur, including the Janjaweed. Those measures were modified and strengthened in resolution [1591 \(2005\)](#), by which the Council expanded the arms embargo to all the parties to the N’djamena Ceasefire Agreement and all other belligerents in the region. By the same resolution, the Council imposed an asset freeze and a travel ban on individuals who were identified as impeding the peace process, constituting a threat to stability in Darfur and the region, committing violations of international humanitarian or human rights law or other atrocities, violating the arms embargo, or responsible for offensive military overflights. Also by that resolution, the Council established a Committee to monitor the implementation of the measures imposed.

#### *Developments during 2010 and 2011*

By resolution [1945 \(2010\)](#), the Council strengthened the enforcement of the arms embargo by requiring all States to ensure that any sale or supply of arms and related materiel to the Sudan not prohibited under the embargo were made conditional upon the necessary end user documentation. The resolution also restricted and clarified the exceptions to the arms embargo for assistance and supplies provided in support of implementation of the Comprehensive Peace Agreement and for movements of military equipment and supplies into the Darfur region.

During the period, the Committee established pursuant to resolution [1591 \(2005\)](#) and a Panel of Experts continued to monitor the measures imposed.<sup>95</sup>

An overview of changes to the measures taken in connection with the Sudan during the period is provided in table 25, while tables 26 and 27 provide further details on all provisions relating to those measures.

<sup>95</sup> For more information, see part IX, sect. I.B, with regard to Security Council committees overseeing specific sanctions measures.

Table 25  
Changes to the measures taken in connection with the Sudan, 2010-2011

	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period</i>
		<i>1945 (2010)</i>
<b>Provisions relating to sanctions measures</b>		
Arms embargo	1556 (2004)	Modified
Asset freeze	1591 (2005)	Extended
Travel ban or restrictions	1591 (2005)	Extended
<b>Provisions relating to enforcement measures</b>		
Reporting on enforcement	1945 (2010)	New

Table 26  
Provisions relating to sanctions and enforcement measures

<i>Decision</i>	<i>Provision</i>
<b>I. Provisions relating to sanctions measures</b>	
<b>Arms embargo</b>	
Resolution 1945 (2010) 14 October 2010	Reminds all States, particularly States in the region, of the obligations contained in resolutions 1556 (2004) and 1591 (2005), in particular those obligations relating to arms and related materiel (para. 7)
	<b>Exemption</b>
	Reiterates paragraph 7 of resolution 1591 (2005), which provides for exceptions to the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004) for:
	(a) Supplies and related technical assistance listed in paragraph 9 of resolution 1556 (2004);
	(b) Assistance and supplies provided in support of implementation of the Comprehensive Peace Agreement (S/2005/78, annex); or
	(c) Movements of military equipment and supplies into the Darfur region that are approved in advance by the Committee upon a request by the Government of the Sudan (para. 8)
	Decides that all States, including the Sudan, when relying on the exception contained in paragraph 7 of resolution 1591 (2005), shall notify the Committee in advance of providing assistance and supplies into the Darfur region in support of the implementation of the Comprehensive Peace Agreement in the states of Northern Darfur, Southern Darfur and Western Darfur (para. 9)

<i>Decision</i>	<i>Provision</i>
	Decides also that all States shall ensure that any sale or supply of arms and related materiel to the Sudan not prohibited by resolutions <a href="#">1556 (2004)</a> and <a href="#">1591 (2005)</a> are made conditional upon the necessary end-user documentation so that States may ascertain that any such sale or supply is conducted consistent with the measures imposed by those resolutions (para. 10)

#### Asset freeze

Resolution <a href="#">1945 (2010)</a> 14 October 2010	See para. 7 of the resolution, under “Arms embargo” above
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#### Travel ban or restrictions

Resolution <a href="#">1945 (2010)</a> 14 October 2010	See para. 7 of the resolution, under “Arms embargo” above
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### II. Provisions relating to enforcement measures

#### Reporting on enforcement

Resolution <a href="#">1945 (2010)</a> 14 October 2010	Urges all States, in particular those in the region, to report to the Committee on the actions they have taken to implement the measures imposed by resolutions <a href="#">1556 (2004)</a> and <a href="#">1591 (2005)</a> , including the imposition of targeted measures (para. 6)
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Table 27

#### Other provisions relating to measures under Article 41

<i>Decision</i>	<i>Provision</i>
<b>Intention to review sanctions</b>	
Resolution <a href="#">1945 (2010)</a> 14 October 2010	Expresses its intention, following the midterm report, to review the state of implementation, including obstacles to full and effective implementation of the measures imposed in resolution <a href="#">1591 (2005)</a> , with a view to ensuring full compliance (para. 11)

#### Measures imposed against Lebanon

##### *Background*

By resolution [1636 \(2005\)](#) of 31 October 2005, the Council imposed targeted sanctions, namely an asset freeze and travel restrictions, against individuals designated by the International Independent Investigation Commission or the Government of Lebanon as suspected of involvement in the terrorist bombing in Beirut on 14 February 2005 that killed the former Prime Minister of Lebanon, Rafiq Hariri, and 22 others. A Committee established pursuant to resolution [1636 \(2005\)](#) was tasked with registering individuals and supporting the implementation of the

sanctions measures.<sup>96</sup> By the same resolution, the Council decided that the Committee and any measures still in force would terminate when the Committee reported to the Security Council that all investigative and judicial proceedings relating to the terrorist attack of 14 February 2005 had been completed, unless otherwise decided by the Council.

In the context of the hostilities in Lebanon and Israel, by resolution [1701 \(2006\)](#) of 11 August 2006, the Council imposed an arms embargo, including a ban

<sup>96</sup> For more information, see part IX, sect. I.B, with regard to Security Council committees overseeing specific sanctions measures.

on training, on individuals or entities in Lebanon, unless authorized by the Government or the United Nations Interim Force in Lebanon.

*Developments during 2010 and 2011*

The Council made no modifications to the regime during the period. As at the end of 2011, no individuals had been designated and registered by the Committee.

**Measures imposed against the Democratic People's Republic of Korea**

*Background*

By resolution [1718 \(2006\)](#), the Security Council, condemning the nuclear test proclaimed by the Democratic People's Republic of Korea on 9 October 2006 and deciding that the Democratic People's Republic of Korea should abandon all nuclear weapons and existing nuclear programmes, decided to impose targeted sanctions relating to the country. The measures included an embargo on battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems, an embargo on the sale, transfer and supply of luxury goods and an embargo on material and equipment related to nuclear programmes. The Council also imposed travel restrictions and an asset freeze on individuals associated with the country's nuclear and missile programmes and called upon Member States to cooperate in allowing inspection of cargo to and from the country. By the same resolution, the Council established a Committee to oversee the implementation of the measures imposed.

By resolution [1718 \(2006\)](#), the Security Council condemned the nuclear test conducted by the Democratic People's Republic of Korea on 25 May 2009 in violation of resolutions [1695 \(2006\)](#) and [1718 \(2006\)](#). The Council decided to impose additional measures, including an expansion of the arms embargo and financial measures related thereto, as well as a ban on the provision of financial services, the transfer of financial assets or resources or public financial support for trade with the Democratic People's Republic of Korea that could contribute to that country's nuclear and missile programmes. The Council also called for the inspection of cargo to and from the Democratic Republic of Korea and authorized, under specific circumstances, the seizure and disposal of prohibited items. It imposed a ban on the provision of bunkering

services and other servicing of vessels of the Democratic People's Republic of Korea.

By the same resolution, the Council requested the Secretary-General to create a Panel of Experts.

*Developments during 2010 and 2011*

During 2010 and 2011, the sanctions regime against the Democratic People's Republic of Korea continued to remain in force but did not undergo any modifications. The Committee established pursuant to resolution [1718 \(2006\)](#) and the Panel of Experts established pursuant to resolution [1874 \(2009\)](#) continued to monitor the measures imposed.<sup>97</sup>

**Measures imposed against the Islamic Republic of Iran**

*Background*

On 29 March 2006, the Security Council noted with serious concern the decision by the Islamic Republic of Iran to resume enrichment-related activities and called upon the country to take the steps which were essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions.<sup>98</sup> After the Islamic Republic of Iran failed to heed the Council's call, the Council, by resolutions [1737 \(2006\)](#) and [1747 \(2007\)](#), imposed non-proliferation measures, including an embargo on materials, equipment, goods and technology which could contribute to enrichment-related, reprocessing or heavy water-related activities or to the development of nuclear weapon delivery systems, with exemptions, an export ban on all arms and related materiel from the Islamic Republic of Iran, and an assets freeze and a travel notification requirement on designated individuals. By resolution [1737 \(2006\)](#), the Council established a Committee to oversee the implementation of the measures imposed and to designate individuals subject to the targeted measures.<sup>99</sup> In resolution [1747 \(2007\)](#), the Council called upon all States to exercise vigilance and restraint in the supply, sale or transfer of the seven

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<sup>97</sup> For more information, see part IX, sect. I.B, with regard to Security Council committees overseeing specific sanctions measures.

<sup>98</sup> [S/PRST/2006/15](#).

<sup>99</sup> For more information, see part IX, sect. I.B, with regard to Security Council committees overseeing specific sanctions measures.

categories of heavy weapons as defined for the purpose of the United Nations Register on Conventional Arms to the Islamic Republic of Iran.

By resolution [1803 \(2008\)](#), the Council broadened the scope of the non-proliferation measures to include dual-use items, with exceptions, introduced a travel ban on designated individuals and expanded the lists of persons and entities subject to the asset freeze and travel notification requirements. The Council called upon all States to inspect the cargoes to and from the Islamic Republic of Iran of aircraft and vessels owned or operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line, provided that there were reasonable grounds to believe that they were transporting prohibited items. The Council also called upon all States to exercise vigilance in granting export credits for the purpose of trade with the Islamic Republic of Iran and over the activities of financial institutions with all banks domiciled in that country.

*Developments during 2010 and 2011*

By resolution [1929 \(2010\)](#), the Council sought to strengthen and build upon the measures contained in resolutions [1737 \(2006\)](#), [1747 \(2007\)](#) and [1803 \(2008\)](#), with a view to persuading the Islamic Republic of Iran to comply with its Security Council obligations. It authorized a further expansion of the non-proliferation measures and decided for the first time to impose an embargo not only on the export of arms from the Islamic Republic of Iran but also on the supply to the country of the seven categories of conventional weapons as defined for the purposes of the United Nations Register of Conventional Arms and related services. The Council called upon States to inspect all cargo to and from the Islamic Republic of Iran, if there

were reasonable grounds to believe that it contained prohibited items, and further authorized the seizure and disposal of prohibited items identified during such inspection. The Council further expanded restrictions on financial and shipping enterprises concerning proliferation-sensitive nuclear activities, calling upon States to exercise vigilance when conducting business with Iranian entities. Under specified circumstances, the Council introduced a ban on the provision of bunkering services and other servicing of Iranian vessels. The Council affirmed that it would suspend implementation of the measures if and for so long as the Islamic Republic of Iran suspended all enrichment-related and reprocessing activities. In the event that the report of the International Atomic Energy Agency showed that the Islamic Republic of Iran had not complied with the resolutions, the Council affirmed that it would adopt further appropriate measures under Article 41 of the Charter to persuade the Islamic Republic of Iran to comply.

During the period, the Committee established pursuant to resolution [1737 \(2006\)](#) continued to oversee the implementation of the measures imposed. By resolution [1929 \(2010\)](#), the Council requested the Secretary-General to create a Panel of Experts to assist the Committee in carrying out its mandate.<sup>100</sup>

An overview of changes to the measures taken in connection with the Islamic Republic of Iran during the period is provided in table 28, while tables 29 and 30 provide further details on all provisions relating to those measures.

<sup>100</sup> For more information, see part IX, sect. I.B, with regard to Security Council committees overseeing specific sanctions measures.

Table 28

**Changes to the measures taken in connection with the Islamic Republic of Iran, 2010-2011**

	Resolutions establishing measures	Resolutions adopted during the period
		<a href="#">1929 (2010)</a>
<b>Provisions relating to sanctions measures</b>		
Arms embargo	<a href="#">1747 (2007)</a>	Modified
Asset freeze	<a href="#">1737 (2006)</a>	Modified
Cargo inspections	<a href="#">1803 (2008)</a>	Modified

	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period</i>
		<i>1929 (2010)</i>
Financial services restrictions	1737 (2006)	Modified
Non-proliferation measures	1737 (2006)	Modified
Prohibition of bunkering services	1929 (2010)	New
Travel ban or restrictions	1737 (2006)	Extended
<b>Provisions relating to enforcement measures</b>		
Reporting on enforcement	1737 (2006)	Modified

Table 29

**Provisions relating to sanctions and enforcement measures**

<i>Decision</i>	<i>Provision</i>
<b>I. Provisions relating to sanctions measures</b>	
<b>Arms embargo</b>	
Resolution <a href="#">1929 (2010)</a> 9 June 2010	<p>Decides also that all States shall prevent the direct or indirect supply, sale or transfer to the Islamic Republic of Iran, from or through their territories or by their nationals or individuals subject to their jurisdiction, or using their flag vessels or aircraft, and whether or not originating in their territories, of any battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register of Conventional Arms (see General Assembly resolution <a href="#">46/36 L</a>), or related materiel, including spare parts, or items as determined by the Security Council or the Security Council Committee established pursuant to resolution <a href="#">1737 (2006)</a> (“the Committee”), decides further that all States shall prevent the provision to the Islamic Republic of Iran by their nationals or from or through their territories of technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, provision, manufacture, maintenance or use of such arms and related materiel, and in this context calls upon all States to exercise vigilance and restraint over the supply, sale, transfer, provision, manufacture and use of all other arms and related materiel (para. 8)</p> <p>Decides to authorize all States to, and that all States shall, seize and dispose of (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items, the supply, sale, transfer or export of which is prohibited by paragraphs 3, 4 or 7 of resolution <a href="#">1737 (2006)</a>, paragraph 5 of resolution <a href="#">1747 (2007)</a>, paragraph 8 of resolution <a href="#">1803 (2008)</a> or paragraph 8 or 9 of resolution <a href="#">1929 (2010)</a>, in a manner that is not inconsistent with their obligations under applicable Council resolutions, including resolution <a href="#">1540 (2004)</a>, as well as any obligations of parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and decides further that all States shall cooperate in such efforts (para. 16)</p>

*Decision*

*Provision*

### Asset freeze

Resolution 1929 (2010)  
9 June 2010

Decides also that the measures specified in paragraphs 12 to 15 of resolution 1737 (2006) shall apply also to the individuals and entities listed in annex I to resolution 1929 (2010) and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and to any individuals and entities determined by the Council or the Committee to have assisted designated individuals or entities in evading sanctions of, or in violating the provisions of, resolutions 1737 (2006), 1747 (2007), 1803 (2008) or 1929 (2010) (para. 11)

Decides further that the measures specified in paragraphs 12 to 15 of resolution 1737 (2006) shall apply also to the Islamic Revolutionary Guard Corps (also known as “Army of the Guardians of the Islamic Revolution”) individuals and entities specified in annex II to the resolution 1929 (2010), and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and calls upon all States to exercise vigilance over those transactions involving the Islamic Revolutionary Guard Corps that could contribute to the Islamic Republic of Iran’s proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems (para. 12)

Decides also that the measures specified in paragraphs 12 to 15 of resolution 1737 (2006) shall also apply to the entities of the Islamic Republic of Iran Shipping Lines as specified in annex III to the resolution 1929 (2010) and to any person or entity acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, or determined by the Council or the Committee to have assisted them in evading the sanctions of, or in violating the provisions of, resolution 1737 (2006), 1747 (2007), 1803 (2008) or 1929 (2010) (para. 19)

Calls upon all States, in addition to implementing their obligations pursuant to resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010), to prevent the provision of financial services, including insurance or reinsurance, or the transfer to, through or from their territory, or to or by their nationals or entities organized under their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources if they have information that provides reasonable grounds to believe that such services, assets or resources could contribute to the Islamic Republic of Iran’s proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems, including by freezing any financial or other assets or resources on their territories or that hereafter come within their territories, or that are subject to their jurisdiction or that hereafter become subject to their jurisdiction, that are related to such programmes or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation (para. 21)

### Financial services restrictions

Resolution [1929 \(2010\)](#)  
9 June 2010

See para. 21 of the resolution, under “Asset freeze” above

Decides that all States shall require their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction to exercise vigilance when doing business with entities incorporated in the Islamic Republic of Iran or subject to the Islamic Republic of Iran’s jurisdiction, including those of the Islamic Revolutionary Guard Corps and the Islamic Republic of Iran Shipping Lines, and any individuals or entities acting on their behalf or at their direction, and entities owned or controlled by them, including through illicit means, if they have information that provides reasonable grounds to believe that such business could contribute to the Islamic Republic of Iran’s proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems or to violations of resolutions [1737 \(2006\)](#), [1747 \(2007\)](#), [1803 \(2008\)](#) or [1929 \(2010\)](#) (para. 22)

Calls upon States to take appropriate measures that prohibit in their territories the opening of new branches, subsidiaries or representative offices of Iranian banks, and also that prohibit Iranian banks from establishing new joint ventures, taking an ownership interest in or establishing or maintaining correspondent relationships with banks in their jurisdiction to prevent the provision of financial services if they have information that provides reasonable grounds to believe that these activities could contribute to the Islamic Republic of Iran’s proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems (para. 23)

Also calls upon States to take appropriate measures that prohibit financial institutions within their territories or under their jurisdiction from opening representative offices or subsidiaries or banking accounts in the Islamic Republic of Iran if they have information that provides reasonable grounds to believe that such financial services could contribute to the Islamic Republic of Iran’s proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems (para. 24)

### Non-proliferation measures

Resolution [1929 \(2010\)](#)  
9 June 2010

Decides that the Islamic Republic of Iran shall not acquire an interest in any commercial activity in another State involving uranium mining, production or use of nuclear materials and technology as listed in INFCIRC/254/Rev.9/Part 1, in particular uranium-enrichment and reprocessing activities, all heavy-water activities or technology related to ballistic missiles capable of delivering nuclear weapons, and further decides that all States shall prohibit such investment in territories under their jurisdiction by the Islamic Republic of Iran, its nationals and entities incorporated in the Islamic Republic of Iran or subject to its jurisdiction, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them (para. 7)

Decides further that the Islamic Republic of Iran shall not undertake any activity related to ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology, and that States shall take all measures necessary to prevent the transfer of technology or technical assistance to the Islamic Republic of Iran related to such activities (para. 9)

Decision

Provision

Decides that, for the purposes of the measures specified in paragraphs 3 to 7 of resolution 1737 (2006), the list of items in document S/2006/814 shall be superseded by the list of items in INFCIRC/254/Rev.9/Part 1 and INFCIRC/254/Rev.7/Part 2, and any further items if the State determines that they could contribute to enrichment-related, reprocessing or heavy water-related activities or to the development of nuclear weapon delivery systems, and further decides that, for the purposes of the measures specified in paragraphs 3 to 7 of resolution 1737 (2006), the list of items contained in document S/2006/815 shall be superseded by the list of items contained in document S/2010/263 (para. 13)

See para. 16 of the resolution, under “Arms embargo” above

See para. 22 of the resolution, under “Financial services restrictions” above

### Prohibition of bunkering services

Resolution 1929 (2010)  
9 June 2010

Decides that all States shall prohibit the provision by their nationals or from their territory of bunkering services, such as the provision of fuel or supplies, or other servicing of vessels, to Iranian-owned or Iranian-contracted vessels, including chartered vessels, if they have information that provides reasonable grounds to believe that they are carrying items, the supply, sale, transfer or export of which is prohibited by paragraphs 3, 4 or 7 of resolution 1737 (2006), paragraph 5 of resolution 1747 (2007), paragraph 8 of resolution 1803 (2008) or paragraph 8 or 9 of resolution 1929 (2010), unless the provision of such services is necessary for humanitarian purposes or until such time as the cargo has been inspected, and seized and disposed of if necessary, and underlines that the present paragraph is not intended to affect legal economic activities (para. 18)

### Travel ban or restrictions

Resolution 1929 (2010)  
9 June 2010

Decides that all States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated in the annex to resolution 1737 (2006), annex I to resolution 1747 (2007), annex I to resolution 1803 (2008) and annex I to resolution 1929 (2010), or by the Council or the Committee pursuant to paragraph 10 of resolution 1737 (2006), except where such entry or transit is for activities directly related to the provision to the Islamic Republic of Iran of items listed in paragraphs 3 (b) (i) and (ii) of resolution 1737 (2006) in accordance with paragraph 3 of resolution 1737 (2006), underlines that nothing in the present paragraph shall oblige a State to refuse its own nationals entry into its territory, and decides that the measures imposed in the present paragraph shall not apply when the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of the resolution, including where article XV of the statute of the International Atomic Energy Agency is engaged (para. 10)

## II. Provisions relating to enforcement measures

### Cargo inspections

Resolution [1929 \(2010\)](#)  
9 June 2010

Calls upon all States to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from the Islamic Republic of Iran, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items, the supply, sale, transfer or export of which is prohibited by paragraphs 3, 4 or 7 of resolution [1737 \(2006\)](#), paragraph 5 of resolution [1747 \(2007\)](#), paragraph 8 of resolution [1803 \(2008\)](#) or paragraph 8 or 9 of resolution [1929 \(2010\)](#), for the purpose of ensuring strict implementation of those provisions (para. 14)

Notes that States, consistent with international law, in particular the law of the sea, may request inspections of vessels on the high seas with the consent of the flag State, and calls upon all States to cooperate in such inspections if there is information that provides reasonable grounds to believe that the vessel is carrying items, the supply, sale, transfer or export of which is prohibited by paragraphs 3, 4 or 7 of resolution [1737 \(2006\)](#), paragraph 5 of resolution [1747 \(2007\)](#), paragraph 8 of resolution [1803 \(2008\)](#) or paragraph 8 or 9 of resolution [1929 \(2010\)](#), for the purpose of ensuring strict implementation of those provisions (para. 15)

See para. 16 of the resolution, under “Arms embargo” above

Requires any State, when it undertakes an inspection pursuant to paragraph 14 or 15 of the resolution, to submit to the Committee within five working days an initial written report containing, in particular, an explanation of the grounds for the inspection, the results of such inspection and whether or not cooperation was provided, and, if items prohibited for transfer are found, further requires such States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if that information is not in the initial report (para. 17)

### Reporting on enforcement

Resolution [1929 \(2010\)](#)  
9 June 2010

Requests the Director General of the International Atomic Energy Agency to communicate to the Security Council all his reports on the application of safeguards in the Islamic Republic of Iran (para. 4)

See para. 17 of the resolution, under “Cargo inspections” above

Requests all Member States to communicate to the Committee any information available on transfers to other companies or activity by Iran Air’s cargo division or vessels owned or operated by the Islamic Republic of Iran Shipping Lines that may have been undertaken in order to evade the sanctions of, or in violation of the provisions of, resolutions [1737 \(2006\)](#), [1747 \(2007\)](#), [1803 \(2008\)](#) or [1929 \(2010\)](#), including renaming or re-registering of aircraft, vessels or ships, and requests the Committee to make that information widely available (para. 20)

<i>Decision</i>	<i>Provision</i>
	<p>Urges all States, relevant United Nations bodies and other interested parties to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures decided in resolutions <a href="#">1737 (2006)</a>, <a href="#">1747 (2007)</a>, <a href="#">1803 (2008)</a> and <a href="#">1929 (2010)</a>, in particular incidents of non-compliance (para. 30)</p> <p>Calls upon all States to report to the Committee within 60 days of the adoption of the resolution on the steps they have taken with a view to implementing effectively paragraphs 7 to 19 and 21 to 24 of the resolution (para. 31)</p>

Table 30  
**Other provisions relating to measures under Article 41**

<i>Decision</i>	<i>Provision</i>
<b>Criteria for listing</b>	
<p>Resolution <a href="#">1929 (2010)</a>            9 June 2010</p>	<p>Decides also that the measures specified in paragraphs 12 to 15 of resolution <a href="#">1737 (2006)</a> shall apply also to the individuals and entities listed in annex I to resolution <a href="#">1929 (2010)</a> and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and to any individuals and entities determined by the Council or the Committee to have assisted designated individuals or entities in evading sanctions of, or in violating the provisions of, resolution <a href="#">1737 (2006)</a>, <a href="#">1747 (2007)</a>, <a href="#">1803 (2008)</a> or <a href="#">1929 (2010)</a> (para. 11)</p> <p>Decides further that the measures specified in paragraphs 12 to 15 of resolution <a href="#">1737 (2006)</a> shall apply also to the Islamic Revolutionary Guard Corps (also known as “Army of the Guardians of the Islamic Revolution”) individuals and entities specified in annex II to resolution <a href="#">1929 (2010)</a>, and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and calls upon all States to exercise vigilance over those transactions involving the Islamic Revolutionary Guard Corps that could contribute to the Islamic Republic of Iran’s proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems (para. 12)</p> <p>Decides that, for the purposes of the measures specified in paragraphs 3 to 7 of resolution <a href="#">1737 (2006)</a>, the list of items in document <a href="#">S/2006/814</a> shall be superseded by the list of items in INFCIRC/254/Rev.9/Part 1 and INFCIRC/254/Rev.7/Part 2, and any further items if the State determines that they could contribute to enrichment-related, reprocessing or heavy water-related activities or to the development of nuclear weapon delivery systems, and further decides that, for the purposes of the measures specified in paragraphs 3 to 7 of resolution <a href="#">1737 (2006)</a>, the list of items contained in document <a href="#">S/2006/815</a> shall be superseded by the list of items contained in document <a href="#">S/2010/263</a> (para. 13)</p>

Decides also that the measures specified in paragraphs 12 to 15 of resolution 1737 (2006) shall also apply to the entities of the Islamic Republic of Iran Shipping Lines as specified in annex III to resolution 1929 (2010) and to any person or entity acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, or determined by the Council or the Committee to have assisted them in evading the sanctions of, or in violating the provisions of, resolution 1737 (2006), 1747 (2007), 1803 (2008) or 1929 (2010) (para. 19)

**Conditions for termination or review**

Resolution 1929 (2010)  
9 June 2010

Affirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 36 [of the resolution], to be submitted within 90 days, and (a) that it shall suspend the implementation of measures if and for so long as the Islamic Republic of Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by the Agency, to allow for negotiations in good faith in order to reach an early and mutually acceptable outcome; (b) that it shall terminate the measures specified in paragraphs 3 to 7 and 12 of resolution 1737 (2006), as well as in paragraphs 2 and 4 to 7 of resolution 1747 (2007), paragraphs 3, 5 and 7 to 11 of resolution 1803 (2008), and in paragraphs 7 to 19 and 21 to 24 of resolution 1929 (2010), as soon as it determines, following receipt of the report referred to in paragraph 36, that the Islamic Republic of Iran has fully complied with its obligations under the relevant resolutions of the Council and met the requirements of the Board of Governors of the Agency, as confirmed by the Board of Governors; (c) that it shall, in the event that the report shows that the Islamic Republic of Iran has not complied with resolutions 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010), adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade the Islamic Republic of Iran to comply with these resolutions and the requirements of the Agency, and underlines that further decisions will be required should such additional measures be necessary (para. 37)

**Measures imposed against the Taliban and associated individuals and entities**

By resolution 1988 (2011), the Council decided to separate the Al-Qaida and the Taliban sanctions regime: those previously designated as the Taliban, and other individuals, groups, undertakings and entities associated with them, whose names were inscribed in section A (“Individuals associated with the Taliban”) and section B (“Entities and other groups and undertakings associated with the Taliban”) of the Consolidated List maintained by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities on 17 June 2011 would no longer be a part of the Consolidated List but would henceforth be on the List referred to in resolution 1988 (2011), to be maintained by the Committee established pursuant to that resolution. By the same resolution, the Council extended the

imposition of the targeted measures from the previous sanctions regime to the new one. The measures consisted of an assets freeze, travel ban and arms embargo against individuals and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee. The Council also reaffirmed the acts and activities regarding eligibility for designation and provided for the submission of delisting requests by listed parties through the Focal Point mechanism.

During the period, an Analytical Support and Sanctions Monitoring Team provided support to the implementation of the measures imposed.<sup>101</sup>

Details on all provisions relating to sanctions and enforcement measures are provided in tables 31 and 32.

<sup>101</sup> For more information, see part IX, sect. I.B, with regard to Security Council committees overseeing specific sanctions measures.

Table 31  
Provisions relating to sanctions measures

<i>Decision</i>	<i>Provision</i>
<b>Arms embargo</b>	
Resolution 1988 (2011) 17 June 2011	<p>Decides that all States shall take the following measures with respect to individuals and entities designated prior to this date as the Taliban, and other individuals, groups, undertakings and entities associated with them, as specified in section A (“Individuals associated with the Taliban”) and section B (“Entities and other groups and undertakings associated with the Taliban”) of the Consolidated List of the Committee, established pursuant to resolutions 1267 (1999) and 1333 (2000) as of the date of adoption of the resolution, as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee established pursuant to paragraph 30 [of the resolution] (hereinafter known as “the List”):</p> <p>...</p> <p>(c) Prevent the direct or indirect supply, sale or transfer to those individuals, groups, undertakings and entities, from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance or training related to military activities (para. 1)</p> <p>... Decides further that all States shall take the measures set forth in paragraph 1 [of the resolution] against those listed individuals, groups, undertakings and entities (para. 2)</p>
<b>Asset freeze</b>	
Resolution 1988 (2011) 17 June 2011	<p>Decides that all States shall take the following measures with respect to individuals and entities designated prior to this date as the Taliban, and other individuals, groups, undertakings and entities associated with them ...:</p> <p>(a) Freeze without delay the funds and other financial assets or economic resources of those individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for the benefit of such persons by their nationals or by persons within their territories (para. 1)</p> <p>See para. 2 of the resolution, under “Arms embargo” above</p> <p>Confirms that the requirements in paragraph 1 (a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of the Taliban on the List, and other individuals, groups, undertakings and entities associated with them, as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan and other individuals, groups, undertakings or entities associated with them (para. 6)</p>

*Decision*

*Provision*

Confirms also that the requirements in paragraph 1 (a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the List (para. 7)

**Exemption**

Decides that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen (para. 8)

**Exemption**

Decides also that all Member States may make use of the provisions set out in paragraphs 1 and 2 of resolution [1452 \(2002\)](#), as amended by resolution [1735 \(2006\)](#), regarding available exemptions with regard to the measures in paragraph 1 (a) above, and encourages their use by Member States (para. 9)

**Travel ban or restrictions**

Resolution [1988 \(2011\)](#)  
17 June 2011

Decides that all States shall take the following measures with respect to individuals and entities designated prior to this date as the Taliban, and other individuals, groups, undertakings and entities associated with them ... :

(b) Prevent the entry into or transit through their territories of those individuals, provided that nothing in the present paragraph shall oblige any State to deny entry into or require the departure from its territories of its own nationals and that the present paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process, or the Committee determines on a case-by-case basis only that entry or transit is justified, including where this directly relates to supporting efforts by the Government of Afghanistan to promote reconciliation (para. 1)

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Table 32

**Other provisions relating to measures under Article 41**

*Decision*

*Provision*

**Criteria for listing**

Resolution [1988 \(2011\)](#)  
17 June 2011

Decides that all States shall take the following measures with respect to individuals and entities designated prior to this date as the Taliban, and other individuals, groups, undertakings and entities associated with them, as specified in section A (“Individuals associated with the Taliban”) and section B (“Entities and other groups and undertakings associated with the Taliban”) of the Consolidated List of the Committee, established pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#) as of the date of adoption of the resolution, as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee established pursuant to paragraph 30 [of the resolution] (hereinafter known as “the List”) (para. 1)

Decision

Provision

Decides also that those previously designated as the Taliban, and other individuals, groups, undertakings and entities associated with them, whose names were inscribed in section A (“Individuals associated with the Taliban”) and section B (“Entities and other groups and undertakings associated with the Taliban”) of the Consolidated List maintained by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities on the date of adoption of the resolution shall no longer be a part of the Consolidated List, but shall henceforth be on the List described in paragraph 1 above, and decides further that all States shall take the measures set forth in paragraph 1 above against those listed individuals, groups, undertakings and entities (para. 2)

Decides further that the acts or activities indicating that an individual, group, undertaking or entity is eligible for designation under paragraph 1 above include:

- (a) Participating in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;
- (b) Supplying, selling or transferring arms and related materiel to;
- (c) Recruiting for; or
- (d) Otherwise supporting acts or activities of those designated and other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan (para. 3)

Affirms that any undertaking or entity owned or controlled, directly or indirectly by, or otherwise supporting, such an individual, group, undertaking or entity on the List shall be eligible for designation (para. 4)

Notes that such means of financing or support include but are not limited to the use of proceeds derived from illicit cultivation and production of and trafficking in narcotic drugs and their precursors originating in and transiting through Afghanistan (para. 5)

#### Intention to review sanctions

Resolution 1988 (2011) 17 June 2011 Decides to review the implementation of the measures outlined in the resolution in 18 months and make adjustments, as necessary, to support peace and stability in Afghanistan (para. 34)

#### Measures imposed against Libya

By resolution 1970 (2011) of 26 February 2011, the Security Council expressed grave concern at the situation in Libya, including the violence and use of force against civilians and the gross and systematic violation of human rights. Within this context, the Council decided to impose specific measures in relation to Libya, consisting of an arms embargo covering arms and related materiel to and from Libya, as well as the provision of armed mercenary personnel;

provisions relating to the inspection of cargo in the context of the enforcement of the arms embargo; and a travel ban and asset freeze on designated individuals and entities. Exemptions to these measures were provided. The Council also decided to refer the situation to the International Criminal Court and to establish a Committee to oversee the implementation of the measures imposed by the resolution.

By resolution 1973 (2011) of 17 March 2011, the Council expanded the measures imposed, including

strengthening the enforcement of the arms embargo by authorizing the use of all measures commensurate to the specific circumstances to carry out cargo inspections. The scope of the asset freeze was also expanded to include the exercise of vigilance when doing business with Libyan entities, if States had information that provided reasonable grounds to believe that such business could contribute to violence against civilians. By resolution 2009 (2011) of 16 September 2011, the Council authorized further exemptions to the arms embargo for, inter alia, supplies to Libya of arms and related material of all types intended for security or disarmament assistance to the Libyan authorities.

During the period, the Committee established pursuant to resolution 1970 (2011) oversaw the implementation of the measures and was assisted by a Panel of Experts, created pursuant to resolution 1973 (2011).<sup>102</sup>

Details on all provisions relating to sanctions and enforcement measures are provided in tables 33 and 34.

<sup>102</sup> For more information, see part IX, sect. I.B, with regard to Security Council committees overseeing specific sanctions measures.

Table 33

**Provisions relating to sanctions and enforcement measures**

<i>Decision</i>	<i>Provision</i>
<b>I. Provisions relating to sanctions measures</b>	
<b>Arms embargo</b>	
Resolution 1970 (2011) 26 February 2011	Decides that all Member States shall immediately take the measures necessary to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, and financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel, whether or not originating in their territories, and decides further that this measure shall not apply to: <ul style="list-style-type: none"> <li>(a) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Security Council Committee established pursuant to paragraph 24 [of the resolution];</li> <li>(b) Protective clothing, including flak jackets and military helmets, temporarily exported to the Libyan Arab Jamahiriya by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only; or</li> <li>(c) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee (para. 9)</li> </ul> Decides also that the Libyan Arab Jamahiriya shall cease the export of all arms and related materiel and that all Member States shall prohibit the procurement of such items from the Libyan Arab Jamahiriya by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the Libyan Arab Jamahiriya (para. 10)

<i>Decision</i>	<i>Provision</i>
Resolution <a href="#">1973 (2011)</a> 17 March 2011	<p>Requests Member States which are taking action under paragraph 13 [of the resolution] on the high seas to coordinate closely with each other and with the Secretary-General, and further requests the States concerned to inform the Secretary-General and the Security Council Committee established pursuant to paragraph 24 of resolution <a href="#">1970 (2011)</a> (“the Committee”) immediately of measures taken in exercise of the authority conferred by paragraph 13 [of the resolution] (para. 14)</p> <p>Requires any Member State, whether acting nationally or through regional organizations or arrangements, when it undertakes an inspection pursuant to paragraph 13 [of the resolution], to submit promptly an initial written report to the Committee containing, in particular, an explanation of the grounds for the inspection, the results of such inspection, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure and disposal, and relevant details of the transfer, including a description of the items, their origin and their intended destination, if this information is not in the initial report (para. 15)</p> <p>Deplores the continuing flows of mercenaries into the Libyan Arab Jamahiriya, and calls upon all Member States to comply strictly with their obligations under paragraph 9 of resolution <a href="#">1970 (2011)</a> to prevent the provision of armed mercenary personnel to the Libyan Arab Jamahiriya (para. 16)</p>
Resolution <a href="#">2009 (2011)</a> 16 September 2011	<p><b>Exemption</b></p> <p>Decides that the measure imposed by paragraph 9 of resolution <a href="#">1970 (2011)</a> shall also not apply to the supply, sale or transfer to Libya of:</p> <p>(a) Arms and related materiel of all types, including technical assistance, training and financial and other assistance, intended solely for security or disarmament assistance to the Libyan authorities and notified to the Security Council Committee established pursuant to resolution <a href="#">1970 (2011)</a> in advance and in the absence of a negative decision by the Committee within five working days of such a notification;</p> <p>(b) Small arms, light weapons and related materiel, temporarily exported to Libya for the sole use of United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, notified to the Committee in advance and in the absence of a negative decision by the Committee within five working days of such a notification (para. 13)</p>
<b>Asset freeze</b>	
Resolution <a href="#">1970 (2011)</a> 26 February 2011	<p>Decides further that all Member States shall freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities listed in annex II to the resolution or designated by the Committee established pursuant to paragraph 24 [of the resolution], or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decides further that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities listed in annex II to the resolution or individuals designated by the Committee (para. 17)</p>

Expresses its intention to ensure that assets frozen pursuant to paragraph 17 above shall at a later stage be made available to and for the benefit of the people of the Libyan Arab Jamahiriya (para. 18)

**Exemption**

Decides that the measures imposed by paragraph 17 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

- (a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services in accordance with national laws, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;
- (b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or
- (c) To be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered into prior to the date of the resolution, is not for the benefit of a person or entity designated pursuant to paragraph 17 above, and has been notified by the relevant State or Member States to the Committee (para. 19)

**Exemption**

Decides also that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 17 above of interest or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of the resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen (para. 20)

**Exemption**

Decides further that the measures in paragraph 17 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that the payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 17 above, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization (para. 21)

*Decision*

*Provision*

Resolution 1973 (2011)  
17 March 2011

Decides further that the asset freeze imposed by paragraphs 17, 19, 20 and 21 of resolution 1970 (2011) shall apply to all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the Libyan authorities, as designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and decides further that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories to or for the benefit of the Libyan authorities, as designated by the Committee, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, as designated by the Committee, and directs the Committee to designate such Libyan authorities, individuals or entities within 30 days of the date of the adoption of the resolution and as appropriate thereafter (para. 19)

Affirms its determination to ensure that assets frozen pursuant to paragraph 17 of resolution 1970 (2011) shall, at a later stage, as soon as possible be made available to and for the benefit of the people of the Libyan Arab Jamahiriya (para. 20)

Decides also that the individuals listed in annex I shall be subject to the travel restrictions imposed in paragraphs 15 and 16 of resolution 1970 (2011), and decides further that the individuals and entities listed in annex II shall be subject to the asset freeze imposed in paragraphs 17, 19, 20 and 21 of resolution 1970 (2011) (para. 22)

Resolution 2009 (2011)  
16 September 2011

**Exemption**

Decides that the Libyan National Oil Corporation and Zueitina Oil Company shall no longer be subject to the asset freeze and other measures imposed in paragraphs 17, 19, 20 and 21 of resolution 1970 (2011) and paragraph 19 of resolution 1973 (2011) (para. 14)

Decides also to modify the measures imposed in paragraphs 17, 19, 20 and 21 of resolution 1970 (2011) and paragraph 19 of resolution 1973 (2011) with respect to the Central Bank of Libya, the Libyan Arab Foreign Bank, the Libyan Investment Authority and the Libyan Africa Investment Portfolio as follows:

(a) Funds, other financial assets and economic resources outside of Libya of the entities mentioned above in the present paragraph that are frozen as of the date of the resolution pursuant to measures imposed in paragraph 17 of resolution 1970 (2011) or paragraph 19 of resolution 1973 (2011) shall remain frozen by States unless subject to an exemption as set out in paragraphs 19, 20 or 21 of that resolution or paragraph 16 below;

(b) Except as provided in (a), the Central Bank of Libya, the Libyan Arab Foreign Bank, the Libyan Investment Authority and the Libyan Africa Investment Portfolio shall otherwise no longer be subject to the measures imposed in paragraphs 17 of resolution 1970 (2011), including that States are no longer required to ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of these entities (para. 15)

**Exemption**

Decides further that, in addition to the provisions of paragraph 19 of resolution 1970 (2011), the measures imposed by paragraph 17 of that resolution, as modified by paragraph 15 above and paragraph 19 of resolution 1973 (2011), do not apply to funds, other financial assets or economic resources of the Central Bank of Libya, the Libyan Arab Foreign Bank, the Libyan Investment Authority and the Libyan Africa Investment Portfolio, provided that:

- (a) A Member State has provided notice to the Committee of its intent to authorize access to funds, other financial assets, or economic resources, for one or more of the following purposes and in the absence of a negative decision by the Committee within five working days of such a notification:
  - (i) Humanitarian needs;
  - (ii) Fuel, electricity and water for strictly civilian uses;
  - (iii) Resuming Libyan production and sale of hydrocarbons;
  - (iv) Establishing, operating or strengthening institutions of civilian government and civilian public infrastructure; or
  - (v) Facilitating the resumption of banking sector operations, including to support or facilitate international trade with Libya;
- (b) A Member State has notified the Committee that those funds, other financial assets or economic resources shall not be made available to or for the benefit of the individuals subject to the measures imposed in paragraph 17 of resolution 1970 (2011) or paragraph 19 of resolution 1973 (2011);
- (c) The Member State has consulted in advance with the Libyan authorities about the use of such funds, other financial assets or economic resources; and
- (d) The Member State has shared with the Libyan authorities the notification submitted pursuant to the present paragraph and the Libyan authorities have not objected within five working days to the release of such funds, other financial assets or economic resources (para. 16)

**Measures on transport and aviation**

Resolution 1973 (2011) 17 March 2011 Decides to establish a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help to protect civilians (para. 6)

**Exemption**

Decides also that the ban imposed by paragraph 6 above shall not apply to flights whose sole purpose is humanitarian, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance, or evacuating foreign nationals from the Libyan Arab Jamahiriya, nor shall it apply to flights authorized by paragraphs 4 or 8, nor to other flights which are deemed necessary by States acting under the authorization conferred in paragraph 8 [of the resolution] to be for the benefit of the Libyan people, and that these flights shall be coordinated with any mechanism established under paragraph 8 (para. 7)

*Decision*

*Provision*

Decides that all States shall deny permission to any aircraft registered in the Libyan Arab Jamahiriya or owned or operated by Libyan nationals or companies to take off from, land in or overfly their territory unless the particular flight has been approved in advance by the Committee, or in the case of an emergency landing (para. 17)

Decides also that all States shall deny permission to any aircraft to take off from, land in or overfly their territory, if they have information that provides reasonable grounds to believe that the aircraft contains items, the supply, sale, transfer or export of which is prohibited by paragraphs 9 and 10 of resolution 1970 (2011) as modified by the resolution, including the provision of armed mercenary personnel, except in the case of an emergency landing (para. 18)

Resolution 2009 (2011)  
16 September 2011

Decides that the measures in paragraph 17 of resolution 1973 (2011) shall cease to have effect from the date of the resolution (para. 21)

#### **Travel ban or restrictions**

Resolution 1970 (2011)  
26 February 2011

Decides that all Member States shall take the measures necessary to prevent the entry into or transit through their territories of individuals listed in annex I to the resolution or designated by the Committee established pursuant to paragraph 24 [of the resolution], provided that nothing in the present paragraph shall oblige a State to refuse its own nationals entry into its territory (para. 15)

#### **Exemption**

Decides also that the measures imposed by paragraph 15 above shall not apply:

- (a) Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;
- (b) Where entry or transit is necessary for the fulfilment of a judicial process;
- (c) Where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and national reconciliation in the Libyan Arab Jamahiriya and stability in the region; or
- (d) Where a State determines on a case-by-case basis that such entry or transit is required to advance peace and stability in the Libyan Arab Jamahiriya and the State subsequently notifies the Committee within 48 hours of making such a determination (para. 16)

Resolution 1973 (2011)  
17 March 2011

See para. 22 of the resolution, under “Asset freeze” above

## II. Provisions relating to enforcement measures

### Cargo inspections

Resolution [1970 \(2011\)](#) 26 February 2011  
Calls upon all States, in particular States neighbouring the Libyan Arab Jamahiriya, to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from the Libyan Arab Jamahiriya, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items, the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of the resolution for the purpose of ensuring strict implementation of those provisions (para. 11)

Requires any Member State, when it undertakes an inspection pursuant to paragraph 11 above, to submit promptly an initial written report to the Committee containing, in particular, an explanation of the grounds for the inspections, the results of such inspections, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report (para. 13)

Resolution [1973 \(2011\)](#) 17 March 2011  
Decides that paragraph 11 of resolution [1970 \(2011\)](#) shall be replaced by the following paragraph: “Calls upon all Member States, in particular States of the region, acting nationally or through regional organizations or arrangements, in order to ensure strict implementation of the arms embargo established by paragraphs 9 and 10 of resolution [1970 \(2011\)](#), to inspect in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from the Libyan Arab Jamahiriya, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items, the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of resolution [1970 \(2011\)](#) as modified by the resolution, including the provision of armed mercenary personnel, calls upon all flag States of such vessels and aircraft to cooperate with such inspections, and authorizes Member States to use all measures commensurate to the specific circumstances to carry out such inspections” (para. 13)

Requests Member States which are taking action under paragraph 13 above on the high seas to coordinate closely with each other and with the Secretary-General, and further requests the States concerned to inform the Secretary-General and the Security Council Committee established pursuant to paragraph 24 of resolution [1970 \(2011\)](#) (“the Committee”) immediately of measures taken in exercise of the authority conferred by paragraph 13 above (para. 14)

Requires any Member State, whether acting nationally or through regional organizations or arrangements, when it undertakes an inspection pursuant to paragraph 13 above, to submit promptly an initial written report to the Committee containing, in particular, an explanation of the grounds for the inspection, the results of such inspection, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure and disposal, and relevant details of the transfer, including a description of the items, their origin and their intended destination, if this information is not in the initial report (para. 15)

<i>Decision</i>	<i>Provision</i>
<b>Seizure of arms</b>	
Resolution <a href="#">1970 (2011)</a> 26 February 2011	Decides to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraphs 9 or 10 of the resolution, seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items, the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of the resolution, and decides further that all Member States shall cooperate in such efforts (para. 12)  See para. 13 of the resolution, under “Cargo inspections” above
Resolution <a href="#">1973 (2011)</a> 17 March 2011	See para. 15 of the resolution, under “Arms embargo” above
<b>Reporting on enforcement</b>	
Resolution <a href="#">1970 (2011)</a> 26 February 2011	See para. 13 of the resolution, under “Cargo inspections” above
Resolution <a href="#">1973 (2011)</a> 17 March 2011	See para. 15 of the resolution, under “Arms embargo” above

Table 34

**Other provisions relating to measures under Article 41**

<i>Decision</i>	<i>Provision</i>
<b>Criteria for listing</b>	
Resolution <a href="#">1970 (2011)</a> 26 February 2011	Decides that the measures contained in paragraphs 15 and 17 [of the resolution] shall apply to the individuals and entities designated by the Committee, pursuant to paragraphs 24 (b) and (c) [of the resolution] respectively:  (a) Involved in or complicit in ordering, controlling or otherwise directing, the commission of serious human rights abuses against persons in the Libyan Arab Jamahiriya, including by being involved in or complicit in planning, commanding, ordering or conducting attacks, in violation of international law, including aerial bombardments, on civilian populations and facilities; or  (b) Acting for or on behalf of or at the direction of individuals or entities identified in subparagraph (a) (para. 22)
Resolution <a href="#">1973 (2011)</a> 17 March 2011	Decides also that the individuals listed in annex I shall be subject to the travel restrictions imposed in paragraphs 15 and 16 of resolution <a href="#">1970 (2011)</a> , and decides further that the individuals and entities listed in annex II shall be subject to the asset freeze imposed in paragraphs 17, 19, 20 and 21 of resolution <a href="#">1970 (2011)</a> (para. 22)  Decides further that the measures specified in paragraphs 15, 16, 17, 19, 20 and 21 of resolution <a href="#">1970 (2011)</a> shall apply also to individuals and entities determined by the Council or the Committee to have violated the provisions of resolution <a href="#">1970 (2011)</a> , particularly paragraphs 9 and 10 thereof, or to have assisted others in doing so (para. 23)

**Intention to review sanctions**

<p>Resolution <a href="#">1970 (2011)</a> 26 February 2011</p>	<p>Affirms that it shall keep the actions of the Libyan authorities under continuous review and that it shall be prepared to review the appropriateness of the measures contained in the resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at any time in the light of the Libyan authorities' compliance with relevant provisions of the resolution (para. 27)</p>
<p>Resolution <a href="#">1973 (2011)</a> 17 March 2011</p>	<p>Reaffirms its intention to keep the actions of the Libyan authorities under continuous review, and underlines its readiness to review at any time the measures imposed by the resolution and resolution <a href="#">1970 (2011)</a>, including by strengthening, suspending or lifting those measures, as appropriate, based on compliance by the Libyan authorities with the resolution and resolution <a href="#">1970 (2011)</a> (para. 28)</p>
<p>Resolution <a href="#">2009 (2011)</a> 16 September 2011</p>	<p>Takes note of the improved situation in Libya, emphasises its intention to keep the measures imposed by paragraphs 6 to 12 of resolution <a href="#">1973 (2011)</a> under continuous review and underlines its readiness, as appropriate and when circumstances permit, to lift those measures and to terminate authorization given to Member States in paragraph 4 of resolution <a href="#">1973 (2011)</a> in consultation with the Libyan authorities (para. 20)</p>

**B. Discussion relating to Article 41**

The present subsection covers discussions in the Council regarding the appropriate role and use of sanctions and other measures under Article 41. The subsection is divided into two headings: the first deals with discussions on thematic issues, while the second deals with country-specific discussions. In its thematic discussions the Council also touched upon the relevance of using targeted measures to help to enforce its decisions on children and armed conflict (case 8) and women and peace and security (case 9). There was also a thematic debate on the efficiency and legitimacy of sanctions regimes in the maintenance of international peace and security (case 10). Regarding country-specific discussions, the Council discussed non-proliferation and the imposition of sanctions measures in the context of the Islamic Republic of Iran (case 11), considered options for an appropriate response to the crisis in the Syrian Arab Republic (case 12) and discussed the application of measures under Article 41 against individuals and entities in Libya (case 13).<sup>103</sup>

<sup>103</sup> For the broader context in which these discussions were held, see the relevant sections in part I.

**Discussion of a thematic nature relating to Article 41**

**Case 8  
Children and armed conflict**

At its 6341st meeting, on 16 June 2010, following the issuance of a concept paper,<sup>104</sup> the Council held an open debate to discuss the report of the Secretary-General on children and armed conflict<sup>105</sup> to highlight the progress made and ways of addressing the remaining challenges in the children and armed conflict agenda. In her briefing before the Council, the Special Representative of the Secretary-General for Children and Armed Conflict referred to the report, which highlighted the most persistent violators that had been identified in the annexes to the reports of the Secretary-General for a minimum of five years. She reflected that, as the Secretary-General's independent voice for children affected by armed conflict, she had the duty to persuade the Council to "move forward on taking action against these violators". In that regard, she mentioned the Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo, which had acted to include crimes against children as grounds for listing, and

<sup>104</sup> [S/2010/314](#).

<sup>105</sup> [S/2010/181](#).

suggested that other sanctions committees consider doing the same. She also suggested that the Council devise appropriate mechanisms to deal with the large number of persistent violators listed in the annexes to the reports of the Secretary-General that were not covered by sanctions committees, lest the perpetrators sense reluctance on the part of the Council to hold them fully accountable.<sup>106</sup>

Regarding the need to hold persistent perpetrators accountable, a number of speakers expressed their support for the possibility of imposing strong and targeted measures against those groups.<sup>107</sup> The representative of France stressed that, if parties to a conflict refused to engage in dialogue or implement action plans in spite of the repeated appeals of the Council to do so, the Council should not hesitate to consider imposing targeted and strong sanctions against them.<sup>108</sup> The representative of the United States supported the Secretary-General's recommendation to include the unlawful recruitment of children as a listing criterion in appropriate sanctions regimes and encouraged closer cooperation and coordination among the Working Group on Children and Armed Conflict and sanctions committees and their expert groups.<sup>109</sup> The representative of Croatia considered it unacceptable that, for almost a decade, the same names continued to appear on the lists annexed to the reports of the Secretary-General and called upon the Council to act more systematically and more urgently.<sup>110</sup> The representative of the Netherlands agreed, opining that in most cases the Council had not done enough to address accountability or end impunity.<sup>111</sup> Conversely, the representative of China, said that his country was not in favour of the frequent use or threat of use of sanctions by the Council, stressing that it was

necessary to exercise caution when regarding the issue of children and armed conflict.<sup>112</sup>

Some speakers called for more transparency in the listing of persistent violators in the annual reports of the Secretary-General. Noting the five-year timeline suggested by the Secretary-General, the representative of Uganda encouraged a broader set of conditions that would necessitate action by the Council against persistent perpetrators.<sup>113</sup> The representative of the Russian Federation suggested that an exchange of views as to what qualified parties to conflicts as "persistent violators" would be helpful. In his view, a brief mention in the annexes to a report of the Secretary-General was "insufficient" in this context.<sup>114</sup> The representative of Sri Lanka suggested that the criteria for delisting be clarified so that groups that had already complied with the resolutions or ceased recruitment could be delisted quickly.<sup>115</sup>

Following the debate the Council adopted a presidential statement,<sup>116</sup> by which it expressed its readiness to adopt targeted and graduated measures against persistent perpetrators.

#### **Case 9 The promotion and strengthening of the rule of law in the maintenance of international peace and security**

At its 6347th meeting, on 29 June 2010, following the issuance of a concept paper,<sup>117</sup> the Council met to consider the item entitled "The promotion and strengthening of the rule of law in the maintenance of international peace and security". In her briefing before the Council, the Under-Secretary-General for Legal Affairs and Legal Counsel of the United Nations stated that any discussion on the rule of law at the international level should address the ongoing issue of Security Council sanctions regimes, which performed a necessary role in the maintenance of international peace and security. She emphasized that it was critical that sanctions be adopted in accordance with international law and consistent with the objectives enshrined in the Charter and noted that, over the past years, the Council had emphasized setting

<sup>106</sup> S/PV.6341, p. 4.

<sup>107</sup> Ibid., p. 13 (Mexico); pp. 13-14 (France); p. 15 (United States); p. 17 (Austria); p. 24 (Bosnia and Herzegovina); p. 28 (Japan); and p. 29 (Canada, on behalf of the Group of Friends of Children and Armed Conflict); S/PV.6341 (Resumption 1), p. 6 (New Zealand); p. 8 (Germany); p. 9 (Liechtenstein); p. 15 (Italy); p. 18 (Croatia); p. 22 (Republic of Korea); p. 28 (Finland, on behalf of the five Nordic countries: Denmark, Finland, Iceland, Norway and Sweden); p. 31 (Chile); p. 33 (Belgium); p. 36 (Sri Lanka and Slovenia); p. 40 (Australia); and p. 42 (Netherlands).

<sup>108</sup> S/PV.6341, pp. 13-14.

<sup>109</sup> Ibid., p. 15.

<sup>110</sup> S/PV.6341 (Resumption 1), p. 19.

<sup>111</sup> Ibid., p. 42.

<sup>112</sup> S/PV.6341, p. 27.

<sup>113</sup> Ibid., p. 18.

<sup>114</sup> Ibid., p. 22.

<sup>115</sup> S/PV.6341 (Resumption 1), p. 36.

<sup>116</sup> S/PRST/2010/10; see also sect. III.A.

<sup>117</sup> S/2010/322.

out and strengthening the international legal framework and norms for addressing these issues. She cited the recent adoption of resolution 1904 (2009) as a reflection of the effort to address the rights of due process and the establishment of an Office of the Ombudsperson as an important step by the Council towards ensuring fair and clear procedures for individuals and entities listed by the Committee.<sup>118</sup>

Many speakers welcomed the decisions taken by the Council to strengthen the legal framework for the sanctions regimes by enhancing the transparency and fairness of listing and delisting procedures, particularly through the establishment of the Ombudsperson for the Al-Qaida and Taliban sanctions regime.<sup>119</sup> The representative of the United Kingdom welcomed the reforms and achievements of recent years, which he viewed as evidence that the Council had listened to, and acted upon, the concerns of the wider international community. By doing so, it had ensured that sanctions continued to be a vital tool in the fight against terrorists, such as Al-Qaida and the Taliban.<sup>120</sup> The representative of the Russian Federation agreed with the Legal Counsel that, with their skilful use and targeted application and the careful analysis of their negative side effects, sanctions could serve as an effective instrument to strengthen international peace and security and restore respect for the law, so long as they were imposed in strict compliance with the Charter and with a clear understanding of the conditions for lifting or easing them.<sup>121</sup>

Some States offered more measured support for the use of sanctions as a tool in the maintenance of international peace and security. The representative of Brazil emphasized that they should be used “sparingly and wisely and never to the detriment of negotiated solutions to differences”. In her view, the purpose of sanctions should be to modify the behaviour of the targeted State, party, individual or entity threatening international peace and security and should never be an “indirect or undeclared means to cause regime change”

<sup>118</sup> S/PV.6347, p. 6.

<sup>119</sup> Ibid., p. 8 (Mexico); pp. 10-11 (Bosnia and Herzegovina); p. 13 (Nigeria); p. 15 (France); p. 18 (Austria); p. 20 (Lebanon); p. 23 (Japan); p. 27 (Turkey); and p. 28 (Gabon); S/PV.6347 (Resumption 1), p. 2 (Denmark); pp. 3-4 (Switzerland); p. 5 (Finland); pp. 6-7 (Liechtenstein); p. 8 (Australia); p. 11 (Argentina); p. 15 (Peru); p. 16 (South Africa); and p. 19 (Germany).

<sup>120</sup> S/PV.6347, p. 19.

<sup>121</sup> Ibid., p. 23.

or to punish or exact retribution.<sup>122</sup> The representative of Lebanon stated that he did not support double standards in the imposition of sanctions, questioning their enforcement against some but not all States that had not complied with international resolutions.<sup>123</sup> The representative of China said that his country took a cautious approach to the use of sanctions and advocated for strict criteria and appropriate time frames. In that regard, he stressed that, in strengthening United Nations sanctions, the Council undertake broad consultations, emphasize facts and evidence, avoid double standards and fully take into account the practical situation of the countries concerned.<sup>124</sup> The representative of the Solomon Islands remarked that sanctions against countries “burn[ed] bridges” and were “more harmful than constructive”, advocating instead a culture of dialogue over confrontation. However, where sanctions were applied, he stressed that they must be regularly monitored, reviewed and reported on to ensure that they remained a tool that served the purpose of multilateralism.<sup>125</sup>

Following the debate, the Council issued a presidential statement,<sup>126</sup> by which it reiterated the need to ensure that sanctions were carefully targeted in support of clear objectives and designed carefully so as to minimize possible adverse consequences.

#### **Case 10 Women and peace and security**

At its 6453rd meeting, on 16 December 2010, under the item entitled “Women and peace and security”, the Council held an open debate to discuss sexual violence in conflict and to consider the report of the Secretary-General on the implementation of resolutions 1820 (2008) and 1888 (2009).<sup>127</sup> During the meeting, the Council unanimously adopted resolution 1960 (2010), by which it, inter alia, requested the Secretary-General to establish monitoring, analysis and reporting arrangements on conflict-related sexual violence in situations on the Council’s agenda to assist its consideration of appropriate actions, including targeted and graduated measures. The Council also

<sup>122</sup> Ibid., p. 16.

<sup>123</sup> Ibid., p. 20.

<sup>124</sup> Ibid., pp. 21-22.

<sup>125</sup> S/PV.6347 (Resumption 1), p. 20.

<sup>126</sup> S/PRST/2010/11; see also sect. III.A.

<sup>127</sup> S/2010/604.

encouraged the Secretary-General to list in an annex to his annual reports on conflict-related sexual violence the parties credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Council's agenda, applying the listing and delisting criteria for those parties consistent with those for his reports on children and armed conflict. Such a list would be used as a basis for more focused United Nations engagement with those parties, including, as appropriate, measures in accordance with the procedures of the relevant sanctions committees.

In her briefing to the Council, the Special Representative of the Secretary-General on Sexual Violence in Conflict opined that rape and sexual violence continued to persist in contexts of conflict and unrest across the globe because, without the credible threat of consequences, there was no deterrent. The impact on the ground in other areas of Council practice, such as the protection of children in armed conflict and the work of the sanctions committees, was "real and proven", and the measure of success must be the implementation of an accountability system through which timely and reliable information on sexual violence flowed from the country to the global level and which provided a basis for accountability and action.<sup>128</sup>

After the vote, speakers welcomed the strengthened mechanisms for the collection and analysis of information and the listing of perpetrators in the annex to the report of the Secretary-General as a way to tackle impunity for crimes of sexual violence in conflict. Many speakers, in particular, expressed their support for the possibility of imposing targeted measures against perpetrators of sexual violence<sup>129</sup> and for including sexual violence as a criterion for sanctions during the establishment or review of the mandates of sanctions committees.<sup>130</sup> The

representative of Turkey was of the view that the most significant added value of resolution 1960 (2010) derived from its "action-oriented nature", not only condemning those who perpetrated acts of violence against women but also calling for action against them.<sup>131</sup> The representative of the United States called for the mechanism to be used to inform targeted actions by the Council and by Member States, pointing out that with improved information the United Nations would be able to assist States in responding more robustly to crimes of sexual violence.<sup>132</sup> The representative of Finland stressed that it was crucial for information gathered to reach the Council and its sanctions committees in a timely manner, welcoming the intention of the Council to ensure the flow of information from the field to the Council and to take action based on that information.<sup>133</sup> The representative of Liechtenstein, a sponsor of resolution 1960 (2010), welcomed the inclusion in future reports of the Secretary-General of information on parties credibly suspected of being responsible for acts of sexual violence. However, he considered the resolution to be a "missed opportunity", as the Council failed to include in the operative part a statement on its commitment to end impunity, let alone on any concrete measures to that end.<sup>134</sup>

A number of speakers expressed their support for the work of the International Criminal Court in cases where sexual violence constituted a war crime, crime against humanity or crime of genocide, and called upon the Council to strengthen the Court in order to prosecute perpetrators of sexual violence in the context of armed conflict.<sup>135</sup> The representative of Liechtenstein, in particular, noted that resolution 1960 (2010) was silent on the importance of the work carried out by the ad hoc tribunals established by the Council and by the Court, particularly at a time when much of the current work undertaken by the Court had been

<sup>128</sup> S/PV.6453, p. 4.

<sup>129</sup> Ibid., p. 16 (Turkey); p. 18 (Uganda); p. 20 (Gabon); and p. 25 (United States).

<sup>130</sup> Ibid, p. 13 (France); p. 15 (Bosnia and Herzegovina); p. 19 (Brazil); p. 22 (Japan); p. 23 (Austria); p. 26 (Germany); p. 27 (Liechtenstein); p. 29 (Italy); p. 31 (Republic of Korea); p. 32 (Canada); p. 33 (Luxembourg); and p. 34 (Finland, on behalf of the Nordic countries); S/PV.6453 (Resumption 1), p. 4 (Portugal); p. 5 (Switzerland); p. 9 (Costa Rica, on behalf of the Human Security Network); p. 11 (Argentina); and p. 12 (Chile).

<sup>131</sup> S/PV.6453, p. 16.

<sup>132</sup> Ibid., p. 25.

<sup>133</sup> Ibid., p. 34.

<sup>134</sup> Ibid., p. 27.

<sup>135</sup> Ibid., p. 11 (Mexico); p. 23 (Austria); p. 26 (Germany); pp. 27-28 (Liechtenstein); p. 29 (Italy); and p. 34 (Finland, on behalf of the Nordic countries); S/PV.6453 (Resumption 1), p. 5 (Switzerland); p. 6 (Slovenia); p. 9 (Costa Rica, on behalf of the Human Security Network); and p. 13 (Spain).

dedicated to incidents of mass rapes in the Democratic Republic of the Congo.<sup>136</sup>

The representative of China emphasized that the Council should pay close attention to situations that posed “threats to international peace and security” and make full use of existing mechanisms, such as the Special Representative of the Secretary-General and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), in order to create synergy.<sup>137</sup> The representative of the Russian Federation agreed, noting that, from the standpoint of the Council’s purposes under the Charter, the Council’s attention must be focused only on those conflicts which threatened peace and security; consequently, the instruments adopted in resolution 1960 (2010), such as the practice of making lists of violators and agreements on monitoring, analysis and accountability, should also be used in that context.<sup>138</sup> The representative of Luxembourg would have preferred it if the Council had invited the Secretary-General to provide information on perpetrators of sexual violence not only in situations of armed conflict on the agenda of the Council but also in other conflicts and situations, which “should not escape the attention of the international community”.<sup>139</sup>

### Country-specific discussion relating to Article 41

#### Case 11 Non-proliferation

At its 6280th meeting, on 4 March 2010, the Council heard a briefing by the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) regarding non-proliferation and the Islamic Republic of Iran. Following the Chairman’s briefing, a number of speakers expressed their concern at the continued failure of the Islamic Republic of Iran to comply with both its International Atomic Energy Agency (IAEA) and Security Council obligations, calling upon the Council to consider imposing stronger measures against the country, in order to encourage greater compliance, and to hold the Government of the Islamic Republic of Iran accountable.<sup>140</sup> The

representative of the United Kingdom opined that, while existing measures had had some effect, they had not yet led the Islamic Republic of Iran to change course on its nuclear activities, and that imposing further measures could persuade it to comply with IAEA requirements by making the cost of the Iranian nuclear programme too great to bear.<sup>141</sup> The representative of France added that, since the Islamic Republic of Iran had flouted five consecutive Council resolutions, Council members had “no other choice” but to seek the adoption of new measures, in line with the dual-track approach that had been consistently promoted by the permanent members of the Council and Germany.<sup>142</sup>

The representatives of the Russian Federation and China were of the view that, although the situation concerning the nuclear programme of the Islamic Republic of Iran continued to be complex, there was still room for negotiations and diplomatic interaction with the country’s Government.<sup>143</sup>

At its 6335th meeting, on 9 June 2010, the Council adopted resolution 1929 (2010), by which it imposed under Article 41 of the Charter an expanded sanctions regime against the country, as detailed in table 29. In the resolution, it noted with serious concern that, as confirmed by reports of the Director General of IAEA,<sup>144</sup> the Islamic Republic of Iran had not established full and sustained suspension of all enrichment-related and reprocessing activities and heavy water-related projects as set out in resolutions 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008) nor resumed cooperation with IAEA under the Additional Protocol, nor cooperated with IAEA in connection with the possibility of military dimensions of the nuclear programme, nor taken the other steps

<sup>141</sup> Ibid., pp. 4-5.

<sup>142</sup> Ibid., p. 7.

<sup>143</sup> Ibid., p. 7 (Russian Federation); and p. 8 (China).

<sup>144</sup> Reports of 27 February (GOV/2006/15), 8 June (GOV/2006/38), 31 August (GOV/2006/53) and 14 November 2006 (GOV/2006/64), 22 February (GOV/2007/8), 23 May (GOV/2007/22), 30 August (GOV/2007/48 and Corr.1) and 15 November 2007 (GOV/2007/58), 22 February (GOV/2008/4), 26 May (GOV/2008/15), 15 September (GOV/2008/38) and 19 November 2008 (GOV/2008/59), 19 February (GOV/2009/8), 5 June (GOV/2009/35), 28 August (GOV/2009/55) and 16 November 2009 (GOV/2009/74) and 18 February (GOV/2010/10) and 31 May 2010 (GOV/2010/28).

<sup>136</sup> S/PV.6453, pp. 27-28.

<sup>137</sup> Ibid., p. 18.

<sup>138</sup> Ibid., p. 21.

<sup>139</sup> Ibid., p. 33.

<sup>140</sup> S/PV.6280, p. 4 (United States); p. 5 (United Kingdom); and p. 7 (France).

required by the IAEA Board of Governors, nor complied with the provisions of the aforementioned resolutions, which were essential to build confidence.

Before the vote, the representatives of Brazil and Turkey expressed their intention to vote against the draft resolution, explaining that the adoption of sanctions at such a juncture ran counter to the successful efforts of their delegations to engage the Islamic Republic of Iran in a negotiated solution with regard to its nuclear programme.<sup>145</sup> The representative of Brazil stressed that the Tehran Declaration, adopted on 17 May 2010 under the initiative of the two countries, had promoted a solution that ensured the full exercise of the right of the Islamic Republic of Iran to the peaceful use of nuclear energy while providing verifiable assurance that its nuclear programme was exclusively for peaceful purposes. She expressed regret, therefore, that the Declaration had neither received the political recognition that it deserved nor been given adequate time to bear fruit, considering it unnatural to rush to sanctions in such circumstances.<sup>146</sup> The representative of Turkey agreed, expressing deep concern that the adoption of sanctions would negatively affect the momentum created by the Declaration and the overall diplomatic process.<sup>147</sup>

After the vote, a number of speakers welcomed the Council's adoption of the resolution as a decisive response to the failure of the Islamic Republic of Iran to comply with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, as well as previous Security Council resolutions and IAEA requirements.<sup>148</sup> The representative of the United States stressed that the sanctions adopted, which were "tough", as well as "smart and precise", were not directed at the Iranian people, nor did they seek to stop the Islamic Republic of Iran from legitimately exercising its rights under the Treaty. Rather, they were aimed squarely at the nuclear ambitions of a Government that had "chosen a path that [would] lead to increased isolation".<sup>149</sup> The representative of the United Kingdom was of the view that the adoption of the resolution sent a strong message of international

resolve to the Government of the Islamic Republic of Iran that its continued failure to comply with the Council and IAEA Board requirements could no longer be tolerated.<sup>150</sup> The representative of France believed that the sanctions resolution adopted was "robust, yet specific and targeted", and that it was the Council's duty to prevent a regional arms race, which could be provoked by mere doubt concerning the aims of the Iranian programme.<sup>151</sup> The representative of the Russian Federation, acknowledging that it had become "inevitable" that additional restrictive measures be adopted, nonetheless stressed that the measures be used in a balanced and proportional way and contain no provisions that would harm the well-being of the Iranian people.<sup>152</sup> The representative of China said that sanctions could never fundamentally resolve the Iranian nuclear issue and stressed that any action taken by the Council be "appropriate, incremental, clearly targeted and commensurate with the actual practices" of the Islamic Republic of Iran in the nuclear field.<sup>153</sup> The representative of Lebanon stated that the most effective response to any concerns about the Iranian nuclear issue should come through dialogue, not sanctions. On that basis, he viewed the new sanctions regime as a "sad setback for diplomatic efforts".<sup>154</sup>

While reaffirming the right of the Islamic Republic of Iran to the peaceful use of nuclear technology, the representatives of Nigeria and Bosnia and Herzegovina supported the Council in imposing measures under Article 41.<sup>155</sup> The representative of Mexico opined that diplomatic dialogue was not incompatible with the adoption of sanctions.<sup>156</sup>

In response, the representative of the Islamic Republic of Iran emphasized that the Leader of the Islamic Republic of Iran had, on several occasions, rejected and opposed nuclear weapons and their use on religious grounds. Furthermore, he stated that his country had cooperated with IAEA and displayed goodwill and seriousness by agreeing to the initiative proposed by Brazil and Turkey, which had opened a new window of opportunity for cooperation, but that,

<sup>145</sup> S/PV.6335, pp. 2-3 (Brazil); and pp. 3-4 (Turkey).

<sup>146</sup> Ibid., pp. 2-3.

<sup>147</sup> Ibid., p. 3.

<sup>148</sup> Ibid., pp. 4-5 (United States); pp. 5-6 (United Kingdom); p. 7 (France); p. 8 (Uganda and Russian Federation); and p. 9 (Japan).

<sup>149</sup> Ibid., p. 4.

<sup>150</sup> Ibid., p. 6.

<sup>151</sup> Ibid., pp. 7-8.

<sup>152</sup> Ibid., pp. 8-9.

<sup>153</sup> Ibid., p. 11.

<sup>154</sup> Ibid., p. 12.

<sup>155</sup> Ibid., pp. 12-13 (Nigeria); and p. 13 (Bosnia and Herzegovina).

<sup>156</sup> Ibid., p. 14.

instead of welcoming the Tehran Declaration, certain Council members had introduced a “politically motivated” resolution. He indicated that no amount of pressure would affect his nation’s determination to pursue and defend its legal and inalienable right to nuclear technology for peaceful purposes and to build on its own scientific advances in developing various peaceful aspects of the technology.<sup>157</sup>

## Case 12 The situation in Libya

At its 6491st meeting, on 26 February 2011, the Council, expressing grave concern at the situation in Libya and condemning the violence and use of force against civilians, unanimously adopted resolution 1970 (2011) under Article 41 of the Charter, by which it imposed a range of measures including a referral of the situation to the International Criminal Court, an arms embargo and targeted measures, such as a travel ban and asset freeze against 16 individuals. By the same resolution, the Council indicated that it would keep the Libyan authorities’ actions under continuous review and would be prepared to review the appropriateness of the measures, including the strengthening, modification, suspension or lifting thereof, in the light of the Libyan authorities’ compliance with the relevant provisions.

After the vote, many speakers expressed their support for the resolution as sending a clear message that the international community would not tolerate gross and systematic violations of human rights by the Libyan regime and as constituting a swift response to the calls from the League of Arab States, the African Union and the Libyan delegation for Council action.<sup>158</sup> The representative of India stated that, although his country was not a signatory to the Rome Statute, he noted that several members of the Council had expressed that the referral to the International Criminal Court would have the effect of an immediate cessation of violence and the restoration of calm and stability, and that on that basis he had voted in favour of the resolution.<sup>159</sup> The representative of Nigeria was of the

view that the sanctions would have the effect of deterring individuals from supporting or otherwise assisting the regime and would isolate those planning, coordinating or directing the atrocities. She stated that Nigeria supported the sanctions to the extent that their impact was targeted and did not exacerbate the burden already placed on Libyan citizens.<sup>160</sup> The representative of the United States commended the Council for coming together and speaking with one voice to condemn the violence, pursue accountability and adopt sanctions targeting the country’s “unrepentant leadership”.<sup>161</sup> The representative of the Russian Federation stated that the Council, by resolution 1970 (2011), had imposed “targeted, clearly expressed, restrictive measures” with regard to those guilty of violence against civilians. He clarified, however, that the resolution did not enjoin sanctions, even indirect, for forceful interference in the country’s affairs.<sup>162</sup>

At its 6498th meeting, on 17 March 2011, the Council, deploring the failure of the Libyan authorities to comply with resolution 1970 (2011), adopted resolution 1973 (2011), by which it strengthened the measures under Article 41 that had previously been adopted in resolution 1970 (2011). In the resolution, the Council called upon Member States to ensure strict implementation of the arms embargo, imposed a ban on all international flights by Libyan-owned or operated aircraft, authorized the freezing of assets of seven more individuals and five entities and empowered the newly established sanctions committee to designate additional individuals and entities to be subject to an asset freeze and travel ban. In addition to the measures imposed under Article 41, the Council also authorized a range of measures under Article 42, including establishing a no-fly zone and authorizing Member States to take all necessary measures to protect civilians and civilian-populated areas under threat of attack.<sup>163</sup>

Before the vote, the representative of France stated that the measures that had been imposed under resolution 1970 (2011) had not been sufficient and that the situation in Libya had grown more alarming, urging Council members to adopt the draft resolution.<sup>164</sup>

<sup>157</sup> *Ibid.*, pp. 15-17.

<sup>158</sup> S/PV.6491, p. 2 (United Kingdom); p. 3 (South Africa, Nigeria and United States); p. 4 (Lebanon, Russian Federation and China); p. 5 (Colombia, Portugal and France); p. 6 (Germany, Bosnia and Herzegovina and Gabon); and pp. 6-7 (Brazil).

<sup>159</sup> *Ibid.*, p. 2.

<sup>160</sup> *Ibid.*, p. 3.

<sup>161</sup> *Ibid.*

<sup>162</sup> *Ibid.*, p. 4.

<sup>163</sup> See sect. IV.

<sup>164</sup> S/PV.6498, pp. 2-3.

After the vote, a number of speakers stated that the Council's decision to adopt further measures under resolution 1973 (2011) was made in response to the failure of the Libyan authorities to comply with the demands made under resolution 1970 (2011), as well as to appeals from other regional organizations, most notably the League of Arab States, for further Council action.<sup>165</sup> The representative of the United Kingdom commended the Council for acting swiftly and comprehensively in response to the situation in Libya and to the appeal of the League of Arab States.<sup>166</sup> The representative of South Africa remarked that, by adopting resolution 1973 (2011), the Council had responded appropriately to the call of the countries of the region to strengthen the implementation of resolution 1970 (2011) and that it had acted responsibly to protect and save the lives of defenceless civilians.<sup>167</sup> The representative of Colombia expressed his support for resolution 1973 (2011) as the continuation of a process involving gradual measures that was in keeping with the Charter and had begun with the adoption of resolution 1970 (2011). He reminded Council members that, in adopting resolution 1970 (2011), the Council had decided that it would keep the matter under review and indicated that it was willing to consider the strengthening of sanctions should there be persistent non-compliance by the Libyan authorities.<sup>168</sup>

In abstaining from voting on the draft resolution, the representative of India said that the resolution needed to include more clarity as to the spillover effects of the proposed financial measures, which he cautioned could adversely affect the economic interests of the Libyan people and others dependent on those trade and economic ties.<sup>169</sup> The representative of Germany stated that his country did not support the military option foreseen in the resolution but rather was of the view that stronger sanctions backed by the entire international community would be an effective way to end the rule of the "Al-Qadhafi regime" and initiate the necessary political transition.<sup>170</sup>

<sup>165</sup> Ibid., p. 3 (Lebanon); p. 4 (United Kingdom); p. 5 (United States); pp. 7-8 (Colombia); pp. 8-9 (Portugal); p. 9 (Nigeria); and p. 10 (South Africa).

<sup>166</sup> Ibid., p. 4.

<sup>167</sup> Ibid., p. 10.

<sup>168</sup> Ibid., p. 7.

<sup>169</sup> Ibid., p. 6.

<sup>170</sup> Ibid., p. 5.

### Case 13

#### The situation in the Middle East

At its 6627th meeting, on 4 October 2011, under the item entitled "The situation in the Middle East", the Security Council considered the situation in the Syrian Arab Republic but failed to adopt a draft resolution on the issue,<sup>171</sup> owing to the negative votes cast by two permanent members.<sup>172</sup> In the draft resolution, the Council would have expressed its concern at the continuing deterioration of the situation in the Syrian Arab Republic and the potential for further escalation of the violence, strongly condemned the grave and systematic human rights violations taking place and demanded that the Syrian authorities immediately end all violence. In the same draft resolution, the Council would have requested the Secretary-General to report on the implementation of the resolution within 30 days, upon which the Council would consider its options, including the possibility of imposing measures under Article 41 of the Charter.

After the vote, those who had voted in favour of its adoption expressed their disappointment at the Council's failure to send a collective message of condemnation to the Syrian authorities.<sup>173</sup> The representative of France said that, since the Syrian authorities had not responded to diplomatic efforts, and confronted by the risk of regional instability, a "united response" from the international community was necessary. He noted that, in preparing the draft resolution, every effort had been made by the sponsors to understand the concerns of some Council members that opposed the imposition of sanctions and to prepare a unanimous response, in particular by agreeing to withdraw the proposed sanctions.<sup>174</sup> The representative of the United Kingdom agreed and said that, the reference to Article 41 of the Charter, the draft resolution had made it clear that any further steps would be non-military in nature and expressed deep disappointment that, despite the efforts to reach compromise, the wording of the resolution was still unacceptable to some. In his view, the deterioration of the situation, the disproportionate use of force against

<sup>171</sup> S/2011/612.

<sup>172</sup> China and Russian Federation. For more information with regard to the situation in the Middle East, see part I.

<sup>173</sup> S/PV.6627, pp. 2-3 (France); p. 5 (Portugal); p. 7 (United Kingdom); p. 8 (Colombia); pp. 8-9 (United States); and p. 10 (Germany).

<sup>174</sup> Ibid., pp. 2-3.

civilians and the lack of any sign of reform meant that the time for “strong Security Council action” was long overdue.<sup>175</sup> The representative of the United States said that the Council had failed to address “an urgent moral challenge and a growing threat to international peace and security” and expressed disappointment that two members had vetoed a draft resolution that made no mention of sanctions. She said that it was time for the Council to assume its responsibilities and to impose “tough, targeted sanctions and an arms embargo”, urging those Governments that had failed to support Council action to change course and to heed the voices of the Syrian people.<sup>176</sup> The representative of Germany stated that, in failing to adopt the draft resolution, the Council had “failed to live up to its responsibilities under the Charter” and that, in addition to political dialogue, his delegation would support the imposition of sanctions.<sup>177</sup>

A number of countries abstained from voting on the draft resolution, expressing discomfort with the threat of sanctions and respect for sovereignty as reasons for their abstention.<sup>178</sup> The representative of India, while expressing concern at the events unfolding in the Syrian Arab Republic, believed that engaging the country in a “collaborative and constructive dialogue” was the only pragmatic and productive way forward.<sup>179</sup>

<sup>175</sup> Ibid., p. 7.

<sup>176</sup> Ibid., pp. 8-9.

<sup>177</sup> Ibid., p. 10.

<sup>178</sup> Ibid., pp. 6-7 (India); p. 9 (Lebanon); p. 11 (South Africa); and pp. 11-12 (Brazil).

<sup>179</sup> Ibid., pp. 6-7.

The representative of South Africa expressed concern at the sponsors’ intention to impose punitive measures that would have “prejudged” the resolution’s implementation, arguing that the provisions were designed as a “prelude to further actions”.<sup>180</sup> Having voted against the draft resolution, the representative of the Russian Federation deemed unacceptable the “threat of an ultimatum and sanctions” against the Syrian authorities as a contravention of the principle of a peaceful settlement of the crisis on the basis of a full Syrian national dialogue.<sup>181</sup> The representative of China, in explaining his reasons for voting against the adoption of the resolution, argued that sanctions, or the threat thereof, would not help to resolve the crisis in the Syrian Arab Republic and could instead further complicate the situation. He expressed his regret and disappointment that this “major and legitimate concern” had not received due attention from the sponsors of the draft, which he viewed as exerting undue pressure on the country. He expressed his country’s preference for supporting the mediation efforts of the relevant countries and organizations in the region.<sup>182</sup> The representative of the Syrian Arab Republic rejected the discourse of the sponsors of the draft resolutions, remarking that certain parties opposed his country on the basis of unfounded pretexts, including the pretext of maintaining international peace and security.<sup>183</sup>

<sup>180</sup> Ibid., p. 11.

<sup>181</sup> Ibid., pp. 3-4.

<sup>182</sup> Ibid., p. 5.

<sup>183</sup> Ibid., pp. 12-14.

## 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.<sup>184</sup>

<sup>184</sup> The Council’s authorization of the use of force by regional organizations is covered in part VIII (Regional arrangements). The authorization of the use of force by peacekeeping operations is also covered in part X in the context of mandates of peacekeeping operations.

During the period under review, the Council authorized the use of force under Chapter VII of the Charter, relating to the maintenance or restoration of international peace and security, by several peacekeeping missions and multinational forces in Afghanistan, Bosnia and Herzegovina, Chad, the Central African Republic and the subregion, Côte d'Ivoire, the Democratic Republic of the Congo, the Middle East, the Sudan (including Darfur and Abyei), South Sudan and Somalia. The Council authorized enforcement action for the two newly-established peacekeeping operations, the United Nations Interim Security Force for Abyei (UNISFA) and the United Nations Mission in South Sudan (UNMISS).

The section is divided into two subsections. Subsection A outlines decisions of the Council authorizing enforcement action under Chapter VII of the Charter. Subsection B covers discussions of the Council that can be considered relevant to Article 42, and contains three case studies, one concerning the situation in Libya (case 14) and two on thematic issues, namely the protection of civilians in armed conflict (case 15) and the maintenance of international peace and security (case 16).

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

During the period under review, there were no instances in which Article 42 was explicitly mentioned in the decisions of the Council. The Council did however adopt 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 necessary action” relating to the maintenance or restoration of international peace and security. Specifically, enforcement actions that could be considered to be under Article 42 were authorized by the Council in connection with a broad range of mandated tasks, including the protection of civilians and civilian populated areas under threat of attack; enforcing compliance with a ban on flights; monitoring and ensuring implementation of an arms embargo imposed by the Council; protection of United Nations personnel and facilities as well as humanitarian personnel; protection for transitional and interim Governments to maintain and/or create a secure

environment; supporting the implementation of peace agreements; and allowing missions to defend themselves from attacks or the threat of attacks.<sup>185</sup>

In connection with the situation in Libya, the Council authorized Member States, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take “all necessary measures” to protect civilians and civilian populated areas under threat of attack in the country.<sup>186</sup> The Council also authorized Member States to take “all measures necessary” to enforce compliance with the ban on flights, in order to help better protect civilians.<sup>187</sup> Previously, by resolution 1970 (2011), the Council had authorized a range of measures under Article 41, including calling upon States to inspect all cargo to and from Libya in their territory.<sup>188</sup> By resolution 1973 (2011), the Council replaced the relevant paragraph of resolution 1970 (2011) and authorized States to “use all measures” commensurate to the specific circumstances to carry out such inspections.<sup>189</sup>

During the period, several decisions relevant to Article 42 were adopted in connection with the mandates of United Nations peacekeeping missions. The Council authorized UNISFA to take the “actions necessary” to, inter alia, ensure security in the Abyei Area and protect civilians under imminent threat of physical violence.<sup>190</sup> The Council authorized UNMISS to use “all necessary means” to carry out its protection mandate as set out in resolution 1996 (2011).<sup>191</sup> The Council re-authorized enforcement action for the United Nations Operation in Côte d'Ivoire (UNOCI),<sup>192</sup> the African Union-United Nations Hybrid Operation in Darfur (UNAMID),<sup>193</sup> the United Nations Organization Stabilization Mission in the Democratic

<sup>185</sup> For detailed mandates of individual peacekeeping operations, see part X.

<sup>186</sup> Resolution 1973 (2011), para. 4.

<sup>187</sup> *Ibid.*, para. 8.

<sup>188</sup> Resolution 1970 (2011), para. 11.

<sup>189</sup> Resolution 1973 (2011), para. 13.

<sup>190</sup> Resolution 1990 (2011), para. 3.

<sup>191</sup> Resolution 1996 (2011), paras. 3 and 4.

<sup>192</sup> Resolutions 1911 (2010), 1924 (2010), 1933 (2010), 1962 (2010), 1967 (2011), 1975 (2011), 1981 (2011) and 2000 (2011).

<sup>193</sup> Resolutions 1935 (2010) and 2003 (2011).

Republic of the Congo<sup>194</sup> and the United Nations Mission in the Sudan (UNMIS).<sup>195</sup>

Although no decisions adopted during the period under review contained specific provisions authorizing the use of force in connection with UNMIS, UNOCI and UNAMID, the Council renewed the mandates of each mission, including authorization of the use of force, which had previously been mandated by resolutions [1706 \(2006\)](#), [1739 \(2007\)](#) and [1769 \(2007\)](#), respectively.

While not explicitly invoking Chapter VII, the Council determined that the situation in Lebanon constituted “a threat to international peace and security”, and reaffirmed the authority of the United Nations Interim Force in Lebanon to take “all necessary action” to ensure that its area of operations was not utilized for hostile activities of any kind.<sup>196</sup>

The Council twice extended its prior authorization to the United Nations Mission in the Central African Republic and Chad to use “all necessary means” and to contribute to protecting civilians in danger, as set out in resolution [1861 \(2009\)](#).<sup>197</sup> By resolution [1923 \(2010\)](#) of 25 May 2010, taking note of the commitment of Chad to assume full responsibility for the security and protection of the civilian population, as recalled in a letter from the representative of Chad to the President of the Council,<sup>198</sup> the Council reduced the military component of the Mission and set out a timeline for the final withdrawal of all personnel. The Council also removed measures that could be considered as being under Article 42 from the mandate of the Mission.

Several decisions that could be considered as being under Article 42 were adopted in connection with the mandate of multinational forces. In connection

with Afghanistan, the Council continued to authorize the Member States participating in the International Security Assistance Force already deployed in the country to take “all necessary measures” to fulfil its mandate.<sup>199</sup> In connection with Bosnia and Herzegovina, the Council also continued to authorize the Member States, at the request of either the European Union military operation or the North Atlantic Treaty Organization (NATO) to take “all necessary measures” to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement.<sup>200</sup> In connection with Somalia, the Council also continued its authorization to the African Union Mission in Somalia to take all “measures necessary” to carry out its mandate.<sup>201</sup> In connection with Côte d’Ivoire, the Council also extended, on several occasions, the authorization to the French forces to use “all necessary means” in order to support the mission deployed in Côte d’Ivoire.<sup>202</sup>

The Council also authorized Member States cooperating with the Transitional Federal Government of Somalia to continue using “all necessary means” to repress acts of piracy and armed robbery at sea, as set out in paragraph 10 of resolution [1846 \(2008\)](#) and paragraph 6 of resolution [1851 \(2008\)](#).<sup>203</sup>

This section covers only the decisions of the Council related to the authorization of the use of force. Decisions concerning the implementation of those enforcement measures are discussed in section V, which deals with the provision of armed forces in accordance with Articles 43 to 45.

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<sup>194</sup> Resolutions [1925 \(2010\)](#) and [1991 \(2011\)](#).

<sup>195</sup> Resolutions [1919 \(2010\)](#) and [1978 \(2011\)](#).

<sup>196</sup> Resolutions [1937 \(2010\)](#), tenth preambular paragraph, and [2004 \(2011\)](#), thirteenth preambular paragraph.

<sup>197</sup> Resolutions [1913 \(2010\)](#), para. 1, and [1922 \(2010\)](#), para. 1.

<sup>198</sup> [S/2010/250](#).

<sup>199</sup> Resolutions [1943 \(2010\)](#), para. 2, and [2011 \(2011\)](#), para. 2.

<sup>200</sup> Resolutions [1948 \(2010\)](#), para. 14, and [2019 \(2011\)](#), para. 14.

<sup>201</sup> Resolutions [1910 \(2010\)](#), para. 1, [1964 \(2010\)](#), para. 1 and [2010 \(2011\)](#), para. 1.

<sup>202</sup> Resolutions [1911 \(2010\)](#), para. 20, [1924 \(2010\)](#), para. 2, [1933 \(2010\)](#), para. 24, [1962 \(2010\)](#), para. 17 and [2000 \(2011\)](#), para. 17.

<sup>203</sup> Resolutions [1950 \(2010\)](#), para. 7, and [2010 \(2011\)](#), para. 1.

Table 35

**Decisions authorizing the use of force by United Nations peacekeeping missions and multinational forces, including those deployed by regional organizations**

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in Afghanistan</b>	
Resolution <a href="#">1943 (2010)</a> 13 October 2010	Authorizes the Member States participating in the International Security Assistance Force (ISAF) to take all measures necessary to fulfil its mandate (para. 2)
Resolution <a href="#">2011 (2011)</a> 12 October 2011	Authorizes the Member States participating in ISAF to take all necessary measures to fulfil its mandate (para. 2)
<b>The situation in Bosnia and Herzegovina</b>	
Resolution <a href="#">1948 (2010)</a> 18 November 2010	<p>Authorizes the Member States acting under paragraphs 10 and 11 [of the resolution] to take all necessary measures to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement, and stresses that the parties shall continue to be held equally responsible for the compliance with those annexes and shall be equally subject to such enforcement action by the European Union Force and the North Atlantic Treaty Organization (NATO) presence as may be necessary to ensure the implementation of those annexes and the protection of the European Union Force and the NATO presence (para. 14)</p> <p>Authorizes Member States to take all necessary measures, at the request of either the European Union Force or the NATO Headquarters, in defence of the European Union Force or the NATO presence respectively, and to assist both organizations in carrying out their missions, and recognizes the right of both the European Union Force and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack (para. 15)</p> <p>Authorizes the Member States acting under paragraphs 10 and 11 [of the resolution], in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic (para. 16)</p>
Resolution <a href="#">2019 (2011)</a> 16 November 2011	<p>Authorizes the Member States acting under paragraphs 10 and 11 [of the resolution] to take all measures necessary to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement, and stresses that the parties shall continue to be held equally responsible for the compliance with those annexes and shall be equally subject to such enforcement action by the European Union Force-Althea and the NATO presence as may be necessary to ensure the implementation of those annexes and the protection of the European Union Force-Althea and the NATO presence (para. 14)</p> <p>Authorizes Member States to take all necessary measures, at the request of either the European Union Force-Althea or the NATO Headquarters, in defence of the European Union Force-Althea or the NATO presence respectively, and to assist both organizations in carrying out their missions, and recognizes the right of both the European Union Force-Althea and the NATO presence to take all measures necessary to defend themselves from attack or threat of attack (para. 15)</p>

Authorizes the Member States acting under paragraphs 10 and 11 [of the resolution], in accordance with annex 1-A of the Peace Agreement, to take all measures necessary to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic (para. 16)

### **The situation in Chad, the Central African Republic and the subregion**

Resolution [1913 \(2010\)](#)  
12 March 2010  
Decides to extend until 15 May 2010 the mandate of the United Nations Mission in the Central African Republic and Chad (MINURCAT) as set out in resolution [1861 \(2009\)](#) (para. 1)

Resolution [1922 \(2010\)](#)  
12 May 2010  
Decides to extend until 26 May 2010 the mandate of MINURCAT as set out in resolution [1861 \(2009\)](#) and extended by resolution [1913 \(2010\)](#) (para. 1)

### **The situation concerning the Democratic Republic of the Congo**

Resolution [1925 \(2010\)](#)  
28 May 2010  
Emphasizes that the protection of civilians must be given priority in decisions about the use of available capacity and resources, and authorizes the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out its protection mandate as set out in paragraphs 12 (a) to (k) and (t) [of the resolution] (para. 11)

Resolution [1991 \(2011\)](#)  
28 June 2011  
Decides to extend until 30 June 2012 the mandate of MONUSCO as set out in paragraphs 2, 11 and 12 (a) to (p) and (r) to (t) of resolution [1925 \(2010\)](#), reaffirms that the protection of civilians must be given priority in decisions about the use of available capacity and resources, and encourages further the use of innovative measures implemented by the Mission in the protection of civilians (para. 1)

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

Resolution [1911 \(2010\)](#)  
28 January 2010  
Decides to renew the mandate of the United Nations Operation in Côte d'Ivoire (UNOCI), as determined in resolution [1739 \(2007\)](#), until 31 May 2010, in particular to support the organization in Côte d'Ivoire of open, free, fair and transparent elections (para. 14)

Decides to extend until 31 May 2010 the authorization that it provided to the French forces in order to support UNOCI, within the limits of their deployment and their capabilities (para. 20)

Resolution [1924 \(2010\)](#)  
27 May 2010  
Decides to extend until 30 June 2010 the mandate of UNOCI as determined in resolution [1739 \(2007\)](#) (para. 1)

Decides also to extend until 30 June 2010 the authorization that the Security Council provided to the French forces in order to support UNOCI, within the limits of their deployment and their capabilities (para. 2)

Resolution [1933 \(2010\)](#)  
30 June 2010  
Authorizes UNOCI to use all necessary means to carry out its mandate, within its capabilities and its areas of deployment (para. 17)

Decides to extend until 31 December 2010 the authorization that the Council provided to the French forces in order to support UNOCI, within the limits of their deployment and their capabilities (para. 24)

<i>Decision and date</i>	<i>Provision</i>
Resolution 1962 (2010) 20 December 2010	Recalls its authorization given to UNOCI to use all necessary means to carry out its mandate, within its capabilities and its areas of deployment (para. 14)  Decides to extend until 30 June 2011 the authorization that the Security Council provided to the French forces in order to support UNOCI, within the limits of their deployment and their capabilities (para. 17)
Resolution 1967 (2011) 19 January 2011	Reiterates its authorization and its full support given to the Special Representative of the Secretary-General for Côte d'Ivoire to use all means necessary to carry out the mandate of UNOCI, including protection of civilians, and to ensure its freedom of movement, within its capabilities and its areas of deployment (para. 8)
Resolution 1975 (2011) 30 March 2011	Recalls its authorization and stresses its full support given to UNOCI while impartially implementing its mandate, to use all means necessary to carry out its mandate to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment, including to prevent the use of heavy weapons against the civilian population, and requests the Secretary-General to keep it urgently informed of measures taken and efforts made in this regard (para. 6)
Resolution 1981 (2011) 13 May 2011	Decides to extend until 31 July 2011 the mandate of UNOCI as set out in resolutions 1933 (2010), 1962 (2010) and 1975 (2011) (para. 1)
Resolution 2000 (2011) 27 July 2011	Decides to continue its authorization given to UNOCI to use all means necessary to carry out its mandate, within its capabilities and its areas of deployment, pursuant to resolutions 1933 (2010) and 1962 (2010) (para. 8)  Decided to extend until 31 July 2012 the authorization that the Council provided to the French forces in order to support UNOCI, within the limits of their deployment and their capabilities (para. 17)

### **The situation in Libya**

Resolution 1973 (2011) 17 March 2011	Authorizes Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory, and requests the Member States concerned to inform the Secretary-General immediately of the measures they take pursuant to the authorization conferred by the present paragraph, which shall be immediately reported to the Security Council (para. 4)  Authorizes Member States that have notified the Secretary-General of the United Nations and the Secretary General of the League of Arab States, acting nationally or through regional organizations or arrangements, to take all measures necessary to enforce compliance with the ban on flights imposed by paragraph 6 [of the resolution], as necessary, and requests the States concerned, in cooperation with the League of Arab States, to coordinate closely with the Secretary-General of the United Nations on the measures they are taking to implement this ban, including by establishing an appropriate mechanism for implementing the provisions of paragraphs 6 and 7 [of the resolution] (para. 8)
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Decides that paragraph 11 of resolution [1970 \(2011\)](#) shall be replaced by the following paragraph: “Calls upon all Member States, in particular States of the region, acting nationally or through regional organizations or arrangements, in order to ensure strict implementation of the arms embargo established by paragraphs 9 and 10 of resolution [1970 \(2011\)](#), to inspect in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from the Libyan Arab Jamahiriya, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items, the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of resolution [1970 \(2011\)](#) as modified by the present resolution, including the provision of armed mercenary personnel, calls upon all flag States of such vessels and aircraft to cooperate with such inspections, and authorizes Member States to use all measures commensurate to the specific circumstances to carry out such inspections” (para. 13)

### **The situation in Somalia**

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|---|---|
| <p>Resolution <a href="#">1910 (2010)</a><br/>28 January 2010</p>   | <p>Decides to authorize the States members of the African Union to maintain until 31 January 2011 the African Union Mission in Somalia (AMISOM), which shall be authorized to take all measures necessary to carry out its existing mandate, as set out in paragraph 9 of resolution <a href="#">1772 (2007)</a> (para. 1)</p>  |
| <p>Resolution <a href="#">1950 (2010)</a><br/>23 November 2010</p>  | <p>Encourages Member States to continue to cooperate with the Transitional Federal Government in the fight against piracy and armed robbery at sea, notes the primary role of the Transitional Federal Government in the fight against piracy and armed robbery at sea, and decides to renew, for a further period of 12 months from the date of the present resolution, the authorizations as set out in paragraph 10 of resolution <a href="#">1846 (2008)</a> and paragraph 6 of resolution <a href="#">1851 (2008)</a>, as renewed by resolution <a href="#">1897 (2009)</a>, granted to States and regional organizations cooperating with the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the Transitional Federal Government to the Secretary-General (para. 7)</p> |
| <p>Resolution <a href="#">1964 (2010)</a><br/>22 December 2010</p>  | <p>Decides to authorize the States members of the African Union to maintain the deployment until 30 September 2011 of AMISOM, which shall be authorized to take all measures necessary to carry out its existing mandate, as set out in paragraph 9 of resolution <a href="#">1772 (2007)</a> (para. 1)</p>   |
| <p>Resolution <a href="#">2010 (2011)</a><br/>30 September 2011</p> | <p>Decides to authorize the States members of the African Union to maintain the deployment until 31 October 2012 of AMISOM, which shall be authorized to take all measures necessary to carry out its existing mandate, as set out in paragraph 9 of resolution <a href="#">1772 (2007)</a>, and requests the African Union to urgently increase its force strength to its mandated level of 12,000 uniformed personnel, thereby enhancing its ability to carry out its mandate (para. 1)</p>   |

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<i>Decision and date</i>	<i>Provision</i>
Resolution <a href="#">2020 (2011)</a> 22 November 2011	Encourages Member States to continue to cooperate with the Transitional Federal Government in the fight against piracy and armed robbery at sea, notes the primary role of the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia, and decides to renew for a further period of 12 months from the date of the present resolution, the authorizations as set out in paragraph 10 of resolution <a href="#">1846 (2008)</a> and paragraph 6 of resolution <a href="#">1851 (2008)</a> , as renewed by paragraph 7 of resolution <a href="#">1897 (2009)</a> and paragraph 7 of resolution <a href="#">1950 (2010)</a> , granted to States and regional organizations cooperating with the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the Transitional Federal Government to the Secretary-General (para. 9)

### **Reports of the Secretary-General on the Sudan**

#### *United Nations Mission in the Sudan*

Resolution <a href="#">1919 (2010)</a> 29 April 2010	Decides to extend the mandate of the United Nations Mission in the Sudan (UNMIS) until 30 April 2011, with the intention to renew it for further periods as may be required (para. 1)
Resolution <a href="#">1978 (2011)</a> 27 April 2011	Decides to extend until 9 July 2011 the mandate of UNMIS as set out in resolution <a href="#">1590 (2005)</a> (para. 1)

#### *African Union-United Nations Hybrid Operation in Darfur*

Resolution <a href="#">1935 (2010)</a> 30 July 2010	Decides to extend the mandate of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) as set out in resolution <a href="#">1769 (2007)</a> for a further 12 months, until 31 July 2011 (para. 1)
Resolution <a href="#">2003 (2011)</a> 29 July 2011	Decides to extend the mandate of UNAMID as set out in resolution <a href="#">1769 (2007)</a> for a further 12 months, until 31 July 2012 (para. 1)

#### *United Nations Interim Security Force for Abyei*

Resolution <a href="#">1990 (2011)</a> 27 June 2011	<p>Acting under Chapter VII of the Charter of the United Nations, authorizes the Force, within its capabilities and its area of deployment, to take the actions necessary:</p> <ul style="list-style-type: none"><li>(a) To protect Force personnel, facilities, installations and equipment;</li><li>(b) To protect United Nations personnel, facilities, installations and equipment;</li><li>(c) To ensure the security and freedom of movement of United Nations personnel, humanitarian personnel and members of the Joint Military Observation Committee and Joint Military Observer Teams;</li><li>(d) Without prejudice to the responsibilities of the relevant authorities, to protect civilians in the Abyei Area under imminent threat of physical violence;</li><li>(e) To protect the Abyei Area from incursions by unauthorized elements, as defined in the Agreement; and</li><li>(f) To ensure security in the Abyei Area (para. 3)</li></ul>
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*United Nations Mission in South Sudan*

Resolution 1996 (2011) 8 July 2011 Authorizes the Mission to use all means necessary, within the limits of its capacity and in the areas where its units are deployed, to carry out its protection mandate as set out in paragraphs 3 (b) (iv) to (vi) (para. 4)

**The situation in the Middle East**

Resolution 1937 (2010) 30 August 2010 Decides to extend the present mandate of the United Nations Interim Force in Lebanon until 31 August 2011 (para. 1)

Resolution 2004 (2011) 30 August 2011 Decides to extend the present mandate of the United Nations Interim Force in Lebanon until 31 August 2012 (para. 1)

**B. Discussion relating to Article 42**

This subsection highlights issues considered relevant to Article 42 and the authorization of the use of force that were raised in the discussions of the Council. There were discussions relevant to Article 42 in connection with the situation in Libya (see case 14), and on two thematic items, namely the protection of civilians in armed conflict (see case 15) and the maintenance of international peace and security (see case 16).

The present section covers only debates and discussions of the Council relating to the authorization of the use of force. Debates and discussions on the implementation of those enforcement measures are dealt with in section V, on the provision of armed forces in accordance with Articles 43 to 45.

**Case 14**

**The situation in Libya**

At its 6498th meeting, on 17 March 2011, under the item entitled “The situation in Libya”, the Council adopted resolution 1973 (2011), by which it authorized Member States to take all necessary measures to protect civilians and civilian populated areas under threat of attack in Libya, while excluding a foreign occupation force of any form on any part of Libyan territory. The Council also authorized Member States that had notified the Secretary-General of the United Nations and the Secretary General of the League of Arab States, acting nationally or through regional organizations or arrangements, to take all measures necessary to enforce compliance with the ban on flights. The Council also authorized Member States, in

order to ensure strict implementation of the arms embargo, to use all measures commensurate to the specific circumstances to carry out inspections in their territory of vessels and aircraft bound to or from Libya.

Speaking before the vote, the representative of France called on the members of the Council to vote in favour of the draft resolution, stating that it provided the means to protect the civilian population by establishing a no-fly zone and by authorizing Member States to take the measures necessary to implement its provisions.<sup>204</sup> Following the adoption of the resolution, several speakers expressed their support for the text.<sup>205</sup> Many speakers noted the request of the League of Arab States<sup>206</sup> for the Council to establish a no-fly zone and to implement necessary measures to ensure the protection of the Libyan people. The representative of the United States said that resolution 1973 (2011) was a powerful response to the call of the League of Arab States for the Council to authorize the measures necessary to protect civilians and to the urgent needs on the ground.<sup>207</sup> The representative of Colombia pointed out that the Council had effectively responded to an express request made by a regional organization. Furthermore he commended the League of Arab States, which instead of acting on its own had called for the Council to exercise the functions assigned to it by the Charter.<sup>208</sup> Similarly, the representative of the United Kingdom welcomed the fact that the Council had acted

<sup>204</sup> S/PV.6498, p. 3.

<sup>205</sup> Ibid., p. 7 (Colombia); p. 8 (Portugal); p. 9 (Nigeria); and p. 10 (South Africa).

<sup>206</sup> S/2011/137.

<sup>207</sup> S/PV.6498, p. 5.

<sup>208</sup> Ibid., pp. 7-8.

comprehensively in response to the situation in Libya.<sup>209</sup> The representative of Portugal believed that the resolution would fulfil the essential objectives of establishing an immediate ceasefire and protecting civilians while guaranteeing the country's sovereignty, territorial integrity and national unity.<sup>210</sup>

Five Council members abstained from voting on resolution 1973 (2011).<sup>211</sup> In explaining his decision not to vote for the draft resolution, the representative of Germany said that his country had carefully considered the implications as well as the limitations of using military force, and emphasized that the likelihood of large-scale loss of life should not be underestimated.<sup>212</sup> The representative of India said that by adopting resolution 1973 (2011), the Council had authorized far-reaching measures under Chapter VII, with relatively little credible information on the situation on the ground in Libya. He also said that the Council did not have clarity about details of enforcement measures, including who would participate and with what assets and how the measures would be carried out.<sup>213</sup> The representative of Brazil stated that she was not convinced that the use of force as provided for in paragraph 4 of the resolution would lead to the immediate end to violence and the protection of civilians. She expressed concern that such measures might have the unintended effect of exacerbating tensions on the ground and causing more harm than good to the civilian population.<sup>214</sup> The representatives of the Russian Federation and China expressed regret that questions concerning the use of force had not been answered.<sup>215</sup> The representative of the Russian Federation said that the questions he had raised were concrete and legitimate and touched on how the no-fly zone would be enforced, the rules of engagement and the limits on the use of force. While expressing regret that the "passion" of some Council members for methods involving force had prevailed, he said that the Russian Federation had not prevented the adoption of the resolution despite being convinced that the quickest way to ensure security for the civilian population and the stabilization of the situation in

Libya was an immediate ceasefire.<sup>216</sup> The representative of China reiterated that, although his country was against the use of force in international relations, he attached importance to the position of the League of Arab States on the establishment of a no-fly zone, and the position of the African Union, and therefore had abstained from voting on resolution 1973 (2011).<sup>217</sup>

At the 6528th meeting, on 4 May 2011, the representative of the Russian Federation expressed alarm at the growing number of civilian casualties, some of which were a result of the actions of NATO-led coalition forces, and emphasized that any use of force by the coalition in Libya should be carried out in strict compliance with resolution 1973 (2011).<sup>218</sup>

### Case 15 Protection of civilians in armed conflict

At its 6531st meeting, on 10 May 2011, the Council held an open debate on the item entitled "Protection of civilians in armed conflict". The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator noted that the adoption of resolution 1973 (2011) and the authorization and subsequent use of force to protect civilians in Libya had prevented civilian deaths and injuries, but it had also raised concerns in terms of the potential undermining of the protection of civilians agenda, and its important role in providing a framework for action in future crises. She said that the implementation of the decisions of the Council must be exclusively limited to promoting and ensuring the protection of civilians.<sup>219</sup>

During the discussion, speakers raised the question of the conditions and legitimacy of Council-mandated actions intended to protect civilians, including the NATO-led intervention in Libya. Some speakers questioned whether the operation had gone beyond the mandate authorized by the Council and said that it was aimed at changing the regime, rather than protecting civilians.<sup>220</sup> The representative of Cuba said that nothing in resolution 1973 (2011) authorized, under the pretext of humanitarian action or protecting

<sup>209</sup> Ibid., p. 4.

<sup>210</sup> Ibid., p. 9.

<sup>211</sup> Brazil, China, Germany, India and the Russian Federation.

<sup>212</sup> S/PV.6498, p. 5.

<sup>213</sup> Ibid., p. 6.

<sup>214</sup> Ibid.

<sup>215</sup> Ibid., p. 8 (Russian Federation); and p. 10 (China).

<sup>216</sup> Ibid., p. 8.

<sup>217</sup> Ibid., p. 10.

<sup>218</sup> S/PV.6528, p. 9.

<sup>219</sup> S/PV.6531, p. 4.

<sup>220</sup> Ibid., p. 18 (South Africa); and p. 34 (Nicaragua); S/PV.6531 (Resumption 1), p. 19 (Bolivarian Republic of Venezuela).

civilians, the bombing of cities or populated areas resulting in the death of more innocent civilians, the destruction of schools, homes and hospitals and further suffering of the civilian population.<sup>221</sup> Many speakers said that actions to protect civilians must respect the purposes and principles of the Charter, including the sovereignty, independence and territorial integrity of Member States. Some speakers said that any decision for military intervention must not be associated with political motives<sup>222</sup> or double standards.<sup>223</sup> The representative of Brazil urged Member States to avoid excessively broad interpretations of the protection of civilians, which could lead to the exacerbation of conflict, compromise the impartiality of the United Nations, or create the perception that it was being used as a pretext for military intervention or regime change.<sup>224</sup>

Conversely, several speakers voiced their support for the United Nations intervention in Libya as a prompt response to serious violations of international law and the disproportionate use of force against civilians.<sup>225</sup> The representatives of the United Kingdom and the United States said that actions undertaken by the NATO-led coalition forces were within the bounds of their mandate to enforce the arms embargo and the no-fly zone, and that they had made every effort to avoid civilian casualties.<sup>226</sup> The representative of France stressed that the Council had a responsibility to intervene when grave violations of international humanitarian law and human rights law, war crimes and crimes against humanity were committed, and that it had done so by authorizing the forces of the coalition to protect civilians under bombardment ordered by their leaders.<sup>227</sup>

Concerning the situation in Côte d'Ivoire, the representative of the United States said that the Council had consistently responded to escalating violence in that country by urging UNOCI to fully

implement its mandate to protect civilians under threat of attack, most recently in resolution 1975 (2011). She said that the actions of UNOCI to neutralize the threat of heavy weapons had saved many lives, based on the substantial weapons caches discovered in and around Abidjan.<sup>228</sup> Several speakers restated their support of the implementation of resolution 1975 (2011) by UNOCI,<sup>229</sup> and the representative of Gabon expressed his opinion that it had helped to avoid civil war.<sup>230</sup>

While acknowledging that his country had originally supported the resolutions authorizing the use of force in Libya and Côte d'Ivoire, the representative of South Africa expressed concern that the implementation of those resolutions had gone "beyond their letter and spirit", and stressed the importance of ensuring that international actors complied with the Charter and fully respected the will, sovereignty and territorial integrity of the country concerned.<sup>231</sup>

At the 6650th meeting, on 9 November 2011, the representative of the European Union said that in Côte d'Ivoire and Libya the Council had saved lives by mandating the protection of civilians, and urged the Council to take "robust" action in situations of human rights violations.<sup>232</sup>

Some speakers said that the protection of civilians was a central part of the work of the Council, noting that when civilians were targeted and national authorities failed to protect them it was the duty of the Council to intervene.<sup>233</sup> The representative of the United Kingdom said that the concept of protecting civilians was central to most United Nations peacekeeping and military operations authorized by the Council. However, to ensure its practical implementation the principle needed to be underpinned by enforcement mechanisms at the domestic and international levels.<sup>234</sup>

Several speakers, however, called for respect for the relevant provisions of the Charter and underlined that the protection of civilians with the use of force

<sup>221</sup> S/PV.6531, p. 28.

<sup>222</sup> Ibid., p. 10, (India); and p. 18 (South Africa); S/PV.6531 (Resumption 1), p. 28 (Syrian Arab Republic).

<sup>223</sup> S/PV.6531, p. 27 (Cuba); and p. 34 (Nicaragua).

<sup>224</sup> Ibid., p. 11.

<sup>225</sup> Ibid., p. 26 (Italy); p. 28 (Switzerland, on behalf of the Human Security Network); p. 32 (Japan); and p. 33 (Liechtenstein); S/PV.6531 (Resumption 1), p. 2 (Australia); p. 15 (Croatia); and p. 17 (Austria).

<sup>226</sup> S/PV.6531, p. 8 (United Kingdom); and p. 15 (United States).

<sup>227</sup> Ibid., p. 23.

<sup>228</sup> Ibid., p. 15.

<sup>229</sup> Ibid., p. 8 (United Kingdom); p. 28 (Switzerland); and p. 32 (Japan); S/PV.6531 (Resumption 1), p. 17 (Austria).

<sup>230</sup> S/PV.6531, p. 21.

<sup>231</sup> Ibid., p. 18.

<sup>232</sup> S/PV.6650 (Resumption 1), p. 8.

<sup>233</sup> S/PV.6650, p. 3 (Portugal); and p. 19 (France).

<sup>234</sup> Ibid., p. 11.

should be a last resort.<sup>235</sup> The representative of Brazil said that because the United Nations could authorize the use of force, it was under the obligation to fully develop an awareness of the dangers involved in such use, and to set up mechanisms that could provide an objective and detailed assessment of such dangers, as well as ways and means of preventing harm to civilians.<sup>236</sup> The representative of South Africa said that the harming of civilians could not be justified in the name of protecting civilians, and that the Council's authorization to use force to protect civilians in Libya had been abused. He also condemned the actions of NATO in that country, adding that they had gone far beyond the letter and spirit of resolution 1973 (2011).<sup>237</sup>

#### **Case 16 Maintenance of international peace and security**

At its 6621st meeting, on 22 September 2011, the Council held an open debate on the item entitled "Maintenance of international peace and security", with a focus on preventive diplomacy. The representative of Colombia said that, when the Council acted under Chapter VII, the dispute had already acquired such proportions that it was more complex and more difficult to solve, so much so that the

Council was empowered to impose sanctions and even to authorize the use of force. He further said that it would be ideal not to have to resort to Chapter VII, and therefore every effort must be made to strengthen preventive diplomacy and make it more efficient and more agile.<sup>238</sup> The representative of India, noting that low-intensity conflict, non-State actors and the terrorist-criminal-drug-trafficking nexus threatened international stability and progress, stated that recent developments seemed to indicate an alarming trend towards increased reliance on the use of force as a mechanism for resolving some of the conflicts. He said that the use of force led to collateral damage and, in many places, had in fact prolonged conflicts, leading to situations in which the cure turned out to be worse than the disease itself. He emphasized that India had always opposed and would continue to oppose the use of force as a primary reaction to conflict, and that coercive measures should be avoided and used as a measure of last resort, implemented with extreme care and caution.<sup>239</sup> The representative of the United Kingdom noted that the Council had a responsibility to use all means available to prevent conflict and to ensure that it did not escalate. He also said that military action may be necessary, as had proved the case in Libya, but it was a last resort, appropriate only in certain circumstances.<sup>240</sup>

<sup>235</sup> Ibid., p. 13 (Bosnia and Herzegovina); and p. 18 (India); S/PV.6650 (Resumption 1), p. 6 (Bangladesh).

<sup>236</sup> S/PV.6650, p. 16.

<sup>237</sup> Ibid., p. 22.

<sup>238</sup> S/PV.6621, p. 5.

<sup>239</sup> Ibid., p. 18.

<sup>240</sup> Ibid., p. 12.

## **V. Provision of armed forces in accordance with 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**

Section V covers the practice of the Security Council in relation to Articles 43 to 45 of the Charter, regarding arrangements intended to govern the relationship between the Security Council and the Member States contributing troops and air-force contingents for the purpose of the maintenance of international peace and security. Article 43 obligates Member States, at the request of the Council, to make available to it armed forces and other assistance for the purpose of maintaining international peace and security, while Article 44 provides for the involvement of troop-contributing countries in relevant Council discussions. Article 45 of the Charter specifies the need for Member States to make available national air-force contingents for combined international enforcement actions, at the request of the Council.

The section is divided into six subsections: subsections A, C and E cover the decisions of the Council relevant to Articles 43, 44 and 45, respectively. Subsections B, D and F present the discussions of a constitutional nature that can be considered relevant to those Articles.

During the period under review, the Council did not explicitly refer to Article 43 in any of its decisions. The Council did, however, adopt a number of decisions

by which it called upon States to provide armed forces and assistance related to enforcement actions by United Nations peacekeeping operations, and which are therefore of relevance to the interpretation of Article 43.

Similarly, the Council did not explicitly refer to Article 44 in any of its decisions. However, two statements by the President contained what can be considered to be references to Article 44, under the items entitled “Maintenance of international peace and security”<sup>241</sup> and “United Nations peacekeeping operations”,<sup>242</sup> respectively.

During the period under review, the Council held a number of meetings that can be considered as relating to Article 45.

There were no communications to the Council which contained an explicit reference to Articles 43 to 45 or provisions contained therein.

**A. Decisions of the Security Council relating to Article 43**

During the period under review, the Council adopted a number of decisions that implicitly referred to Article 43 of the Charter. In connection with the establishment of the United Nations Interim Security Force for Abyei, the Council called upon Member States to ensure the unhindered movement to and from Abyei of all personnel, equipment and supplies which were for the official use of the mission.<sup>243</sup> The Council also called on Member States to support the redeployment of forces from the United Nations Mission in Liberia to the United Nations Operation in Côte d’Ivoire.<sup>244</sup> By a statement by the President adopted on 23 September 2010, in connection with the consideration of the role of the Council in maintaining international peace and security, the Council, inter alia, encouraged Member States with the necessary capabilities to contribute more police, military and civilian personnel, including female personnel, to United Nations peacekeeping and political missions.<sup>245</sup> For more details, see table 36.

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<sup>241</sup> S/PRST/2010/18.

<sup>242</sup> S/PRST/2011/17.

<sup>243</sup> Resolution 1990 (2011), para. 5.

<sup>244</sup> Resolution 1938 (2010), para. 6.

<sup>245</sup> S/PRST/2010/18, twelfth paragraph.

Table 36

**Calls by the Security Council to provide assistance related to enforcement action**

<i>Decision and date</i>	<i>Provision</i>
<b>Maintenance of international peace and security: ensuring the Security Council's effective role in maintaining international peace and security</b>	
<a href="#">S/PRST/2010/18</a> 23 September 2010	The Council pays tribute to the invaluable role played by the troop- and police-contributing countries in keeping and building a sustainable peace in many volatile parts of the world and reiterates its commitment to strengthen consultations with them, while encouraging Member States with the necessary capabilities to contribute more police, military and civilian personnel, including female personnel, to United Nations peacekeeping and political missions (twelfth paragraph)
<b>The situation in Côte d'Ivoire</b>	
Resolution <a href="#">1962 (2010)</a> 20 December 2010	Affirms its intention to consider authorizing the Secretary-General to redeploy further troops, as may be needed, between the United Nations Mission in Liberia (UNMIL) and the United Nations Operation in Côte d'Ivoire (UNOCI) on a temporary basis, in accordance with the provisions of its resolution <a href="#">1609 (2005)</a> , and calls upon troop-contributing countries to support the efforts of the Secretary-General in this regard (para. 7)
Resolution <a href="#">1967 (2011)</a> 19 January 2011	Decides to authorize the immediate deployment of the additional capacities as set out in paragraphs 1, 4 and 5 [of the resolution], and requests the support of troop- and police-contributing countries in that regard (para. 7)
Resolution <a href="#">1968 (2011)</a> 16 February 2011	Requests the support of troop- and police-contributing countries [with regard to the temporary redeployment of troops and resources from UNMIL to UNOCI. 1] (para. 2)
<b>The situation in Liberia</b>	
Resolution <a href="#">1938 (2010)</a> 15 September 2010	Reaffirms its intention to authorize the Secretary-General to redeploy troops, as may be needed, between UNMIL and UNOCI on a temporary basis, in accordance with the provisions of resolution <a href="#">1609 (2005)</a> , and calls upon troop-contributing countries to support the efforts of the Secretary-General in this regard (para. 6)
<b>Reports of the Secretary-General on the Sudan</b>	
Resolution <a href="#">1990 (2011)</a> 27 June 2011	Calls upon all Member States to ensure the free, unhindered and expeditious movement to and from Abyei of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles and spare parts, which are for the exclusive and official use of the United Nations Interim Force for Abyei (para. 5)

## B. Discussion relating to Article 43

During the period under review, the Council on one occasion discussed the need for Member States to adequately support and equip United Nations peacekeeping missions, to ensure that they were able to fulfil the mandates and objectives required of them (see case 17). At the 6270th meeting, on 12 February 2010, in connection with transition and exit strategies in United Nations peacekeeping operations, there was one explicit reference to Article 43, which did not give rise to any discussion that could be considered constitutional in nature. The representative of Bangladesh, citing Article 43, declared that his country was always ready to respond to the call of the Security Council with whatever means and capacity it had.<sup>246</sup>

### Case 17

#### United Nations peacekeeping operations

At its 6603rd meeting, on 26 August 2011, under the item entitled “United Nations peacekeeping operations”, the Council held an open debate to take stock of recent progress in peacekeeping operations, and to review the challenges to further success. Some speakers noted that meeting the demands of modern peacekeeping had stretched the capacity of the United Nations peacekeeping operations, and that a lack of resources made it difficult for those peacekeeping missions to adequately fulfil their mandates.<sup>247</sup> The representative of the Russian Federation, for example, said that the increased number of complex peacekeeping operations in the past few years had placed ever-growing demands on the resources of the United Nations, which was encountering an unprecedented number of challenges.<sup>248</sup> The representative of Gabon pointed out that missions such as the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the African Union-United Nations Hybrid Operation in Darfur (UNAMID) were lacking in logistical and human resources, whether it be aerial,

financial or material resources.<sup>249</sup> The representative of Portugal said that peacekeeping operations must be provided with the means required to achieve the objectives defined by the Council.<sup>250</sup> The representative of India agreed, adding that a lack of resources affected the operational effectiveness of peacekeeping and cast a shadow on the credibility of the Council’s mandates.<sup>251</sup> The representative of China expressed hope that those countries able to do so would increase their input and provide the necessary resources and technical guarantees for peacekeeping operations.<sup>252</sup> The representative of the Philippines said that his country, as an active troop- and police-contributing country, had noted that the surge in and increased demand for peacekeepers were often not matched by the capabilities and resources necessary to meet their peacekeeping commitments, and called on the Council to ensure that peacekeepers were adequately armed and equipped to enhance their capacity to protect themselves in high-risk areas.<sup>253</sup> The representative of South Africa said that burden-sharing was the key in dealing with the complex challenges of peacekeeping, and in that regard encouraged Member States to generously contribute to all peacekeeping operations, in both personnel and equipment.<sup>254</sup> The representative of Bosnia and Herzegovina said that Member States should continue to improve their efforts in responding to requests for the provision of personnel to United Nations peacekeeping operations.<sup>255</sup>

## C. Decisions of the Security Council relating to Article 44

During the period under review, the Council adopted two statements by the President which could be considered of relevance to Article 44. At its 6389th meeting, on 23 September 2010, in connection with the item entitled “Maintenance of international peace and security”, the Council adopted a statement by which it paid tribute to the invaluable role played by troop- and police-contributing countries in keeping and building a sustainable peace in many volatile parts of the world,

<sup>246</sup> S/PV.6270 (Resumption 1), p. 5.

<sup>247</sup> S/PV.6603, p. 9 (Gabon); p. 11 (Russian Federation); pp. 16-17 (United States); p. 21 (India); and p. 26 (Republic of Korea); S/PV.6603 (Resumption 1), p. 2 (Australia); pp. 3-4 (Pakistan); p. 6 (Senegal); p. 9 (Uruguay); p. 13 (Malaysia); p. 16 (Philippines); p. 17 (Canada); p. 21 (European Union); p. 27 (Hungary); p. 33 (Ukraine); p. 35 (Tunisia); and p. 37 (Azerbaijan).

<sup>248</sup> S/PV.6603, p. 11.

<sup>249</sup> Ibid., p. 9.

<sup>250</sup> Ibid., p. 6.

<sup>251</sup> Ibid., p. 21.

<sup>252</sup> Ibid., p. 5.

<sup>253</sup> S/PV.6603 (Resumption 1), p. 16.

<sup>254</sup> S/PV.6603, p. 20.

<sup>255</sup> Ibid., p. 18.

and reiterated its commitment to strengthening consultations with them.<sup>256</sup> At its 6603rd meeting, on 26 August 2011, in connection with the item entitled “United Nations peacekeeping operations”, the Council adopted a statement in which it stressed the need to improve the communication between the Council, troop- and police-contributing countries and the Secretariat, and other stakeholders, in accordance with resolution 1353 (2001), to foster a spirit of partnership, cooperation, confidence and mutual trust, and to ensure that the Council had the benefit of the views of those serving in the field when making decisions about peacekeeping mandates.<sup>257</sup>

#### D. Discussion relating to Article 44

During the period under review, the Council twice discussed its engagement with troop- and police-contributing countries. In an open debate dedicated to the working methods of the Council, several speakers encouraged a closer working relationship between the Council and troop-contributing countries, especially with respect to the missions in which they participated (see case 18). In its debate on United Nations peacekeeping operations, the Council also discussed the role of troop- and police-contributing countries (see case 19).

##### Case 18 Implementation of the note by the President of the Security Council (S/2006/507)

At its 6300th meeting, on 22 April 2010, the Council held an open debate to discuss the working methods of the Council and the implementation of the note by the President of the Security Council (S/2006/507). During the debate, many speakers recognized that greater interaction between troop- and police-contributing countries and the Council had been achieved in recent years,<sup>258</sup> including through informal interactive dialogues and the establishment of the New Horizon initiative, a consultation process by which the Council could engage troop-contributing countries at

least a week in advance of informal consultations of the Council in connection with mission mandates and their renewals.<sup>259</sup> The representative of France said that interest had been shown in organizing working meetings with troop- and police-contributing countries prior to consultations of the Council, which allowed for the effective participation of military advisers and specialists in police-related and political issues from the States providing contingents, and improved background discussions.<sup>260</sup> The representative of Kenya said that, as a troop-contributing country, Kenya appreciated the recent efforts that the Council had undertaken to improve interaction with troop-contributing countries. Strengthening cooperation between the Council and troop-contributing countries, he said, enhanced the possibility for success in peacekeeping operations.<sup>261</sup>

Other speakers, while recognizing the positive increase in the participation of troop-contributing countries in Council deliberations, felt there was still room for that interaction to be strengthened through more frequent engagement in the Council’s open meetings and informal consultations, in order to better hear and consider the views of those countries.<sup>262</sup> The representative of Brazil said that consultations between the Council and troop-contributing countries should be held as early as possible in the negotiation of mandate renewals for peacekeeping missions, so that the views of troop-contributing countries could be considered by the Council fully and in a timely manner.<sup>263</sup> The representative of Canada said that in the past year there had been a noticeable improvement in the quality of the consultations with troop-contributing countries, in particular in the scheduling of consultations so that they occurred before the decision of the Council on a mission’s mandate had already been taken. He said that this allowed the Council to benefit from the significant experience of the troop-contributing countries and also ensured that there was broad support for Council

<sup>256</sup> S/PRST/2010/18, twelfth paragraph.

<sup>257</sup> S/PRST/2011/17, sixth paragraph.

<sup>258</sup> S/PV.6300, p. 5 (Mexico); p. 8 (United Kingdom); p. 13 (France); p. 14 (Bosnia and Herzegovina); p. 17 (Gabon, Uganda); and p. 18 (Japan); S/PV.6300 (Resumption 1), p. 3 (Canada); p. 4 (New Zealand); p. 7 (Costa Rica); p. 11 (Uruguay); and p. 15 (Singapore).

<sup>259</sup> S/PV.6300, p. 7 (Austria); p. 10 (Lebanon); p. 12 (United States); p. 13 (France); p. 14 (Bosnia and Herzegovina); and p. 25 (Finland).

<sup>260</sup> S/PV.6300, p. 13.

<sup>261</sup> S/PV.6300 (Resumption 1), p. 19.

<sup>262</sup> S/PV.6300, p. 3 (Turkey); p. 15 (Brazil); p. 30 (Italy); p. 34 (South Africa); and p. 35 (Slovenia); S/PV.6300 (Resumption 1), p. 4 (New Zealand); p. 10 (India); p. 16 (Ukraine); p. 20 (Namibia); p. 21 (Czech Republic); and p. 27 (Pakistan).

<sup>263</sup> S/PV.6300, p. 15.

decisions.<sup>264</sup> The representative of New Zealand said that recent discussions in connection with Chad demonstrated that key troop contributors were sometimes unable to participate meaningfully in timely and sustained high-level consultations with Council members, and in that regard advocated the creative use of Council meeting formats such as informal interactive dialogues.<sup>265</sup> The representative of Jordan called for the full and effective implementation of resolution 1353 (2001) and the statement by the President of 5 August 2009, which provided a framework for cooperation between the Council, troop- and police-contributing countries and the Secretariat. He said that the consultation mechanism and the detailed procedures laid out in those reference documents should be optimally utilized so as to forge a stronger relationship between the Council and troop- and police-contributing countries.<sup>266</sup>

#### Case 19 United Nations peacekeeping operations

At its 6603rd meeting, on 26 August 2011, in connection with United Nations peacekeeping operations, the Council convened an open debate on the theme “Peacekeeping: taking stock and preparing for the future”. Several speakers suggested the need for greater cooperation and communication among the Security Council and troop- and police-contributing countries. For example, the representatives of Colombia and France offered support for Council initiatives that sought to improve and enhance the communication and cooperation between the Council — the organ which plans and adopts mandates for peacekeeping operations — and those that must implement them,<sup>267</sup> while the representatives of Nigeria and Germany said that the Council should benefit from the experiences of troop- and police-contributing countries in the deliberations on and design of peacekeeping missions, and find a better system for pooling information from those countries.<sup>268</sup> The representatives of Lebanon, Brazil, Bosnia and Herzegovina and South Africa all pointed to the triangular partnership between the Security Council, the Secretariat and troop- and police-

contributing countries, the cooperation of which was a key factor in the success of United Nations peacekeeping.<sup>269</sup> The representative of Gabon said that regular exchanges with troop-contributing countries allowed the Council to better understand the situation on the ground and to make better decisions, and in that regard welcomed the participation of Force Commanders at a previous meeting of the Council.<sup>270</sup> The representative of the United States said that he was pleased that the draft statement by the President called for concrete measures to enhance the consultations of the Council with troop- and police-contributing countries, and sought more regular input from force commanders, police commissioners and other uniformed personnel who could provide the Council with a critical understanding of the challenges and realities they faced on the ground.<sup>271</sup> The representative of the United Kingdom said that the draft statement would add important new ways to strengthen the relationship between troop- and police-contributing countries, the Secretariat and the Council in its consideration of peacekeeping mandates.<sup>272</sup> The representative of the Russian Federation said that there was a need for ongoing dialogue between the Council and troop-contributing countries on all aspects of the work of peacekeeping operations, including at the planning and mandate-development stages; interaction with troop-contributing countries would allow the Council to develop clearer and more realistic peacekeeping goals, with strict monitoring of their implementation, and to curb attempts to broaden their interpretation.<sup>273</sup>

### E. Decisions of the Security Council relating to Article 45

During the period under review, in two decisions concerning the Democratic Republic of the Congo, the Council requested MONUSCO<sup>274</sup> to keep a reserve

<sup>264</sup> S/PV.6300 (Resumption 1), p. 3.

<sup>265</sup> Ibid., p. 4.

<sup>266</sup> S/PV.6300, p. 31.

<sup>267</sup> S/PV.6603, p. 8 (Colombia); and p. 12 (France).

<sup>268</sup> Ibid., p. 4 (Nigeria); and p. 18 (Germany).

<sup>269</sup> Ibid., p. 13 (Lebanon); p. 15 (Brazil); pp. 17-18 (Bosnia and Herzegovina); and p. 20 (South Africa).

<sup>270</sup> Ibid., p. 9.

<sup>271</sup> Ibid., p. 16.

<sup>272</sup> Ibid., p. 10.

<sup>273</sup> Ibid., p. 12.

<sup>274</sup> By resolution 1925 (2010) of 28 May 2010, the Council changed the name of the United Nations Organization Mission in the Democratic Republic of the Congo to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo. For more information, see part X.

force capable of redeploying rapidly in the country within its mandated strength, and in that regard called upon Member States to pledge and provide the remaining force enablers required for the Mission to fulfil its mandate.<sup>275</sup> With regard to Darfur, the Council called on Member States to contribute force enablers

<sup>275</sup> Resolutions 1925 (2010), para. 19, and 1991 (2011), paras. 10 and 22.

including military utility helicopters to assist UNAMID.<sup>276</sup>

Table 37 lists the decisions adopted during the period in which the Council called upon Member States to contribute various types of air-force contingents required by peacekeeping operations.

<sup>276</sup> Resolution 1935 (2010), para. 5.

Table 37  
Calls for the provision of air-force contingents by Member States

*Decision and date*

*Provision*

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### The situation concerning the Democratic Republic of the Congo

Resolution 1925 (2010)  
28 May 2010

Commends the contribution of troop- and police-contributing countries and donors to the United Nations Organization Mission in the Democratic Republic of the Congo, and calls upon Member States to pledge and provide the remaining force enablers required for the mission (para. 19)

*Same provision in resolution 1991 (2011), para. 22*

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### Reports of the Secretary-General on the Sudan

Resolution 1935 (2010)  
30 July 2010

Commends the contribution of troop- and police-contributing countries and donors to the African Union-United Nations Hybrid Operation in Darfur, notes that the Operation is nearing full deployment, underlines the need for capable units able to carry out the Operation's mandated tasks, in this regard requests the continuing assistance of donors to troop- and police-contributing countries in ensuring that units are suitably trained and equipped to conduct and sustain themselves on operations, and calls upon Member States to pledge and contribute the remaining military utility helicopters, aerial reconnaissance and other force enablers required (para. 5)

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## F. Discussion relating to Article 45

In the period under review, the question of the provision of air-force contingents was discussed by the Council on several occasions, two of which are considered here.<sup>277</sup> In connection with the situation in the Democratic Republic of the Congo, the Council discussed the lack of air-force contingents facing MONUSCO, which was hampering the Mission's ability to adequately reach all parts of the country and protect civilians (see case 20). In a thematic debate in connection with United Nations peacekeeping

<sup>277</sup> The question of air contingents was raised also in connection with the situation in Somalia (see [S/PV.6532](#)).

operations, the Council discussed the difficulty of ensuring and deploying necessary air-force contingents (see case 21).

### Case 20 The situation concerning the Democratic Republic of the Congo

At the 6539th meeting, on 18 May 2011, under the item entitled "The situation concerning the Democratic Republic of the Congo", the representative of Lebanon said that the international community should continue to support the authorities of the Democratic Republic of the Congo in all the efforts being made to ensure conditions for stability and prosperity in the country, and that MONUSCO should

have all the necessary means to carry out its tasks, including helicopters and other aircraft.<sup>278</sup> The representative of India, recalling the long-standing association of his country with the Democratic Republic of the Congo as one of the major troop-contributing countries over the past five decades, said that India had extended the service of six utility helicopters until April 2011 and would continue to extend the services of four combat helicopters beyond the commitment period.<sup>279</sup>

At the 6551st meeting, on 9 June 2011, the Special Representative of the Secretary-General and Head of MONUSCO said that the military operations of the Mission were being negatively affected by a shortage of military helicopters. With the scheduled departure of the remaining combat helicopters early in July, the problem would become worse absent new contributions. Despite a recent commitment from South Africa to provide an additional military utility helicopter, filling gaps in the helicopter capabilities of the Mission would be critical to maintaining its efforts in the protection of civilians and other core mandated tasks.<sup>280</sup>

In his briefing to the Council at the 6649th meeting, on 8 November 2011, the Special Representative of the Secretary-General said that, unfortunately, the Armed Forces of the Democratic Republic of the Congo and MONUSCO had lost momentum in dealing with armed groups in the east of the country, owing in large part to the reorganization of the national armed forces, which had left significant gaps that had been exploited by various groups. The problem had been exacerbated by the continuing shortage of MONUSCO military helicopters, which had imposed severe limits on the nature and level of the military operations of the Mission.<sup>281</sup>

### **Case 21 United Nations peacekeeping operations**

At the 6592nd meeting, on 27 July 2011, under the item entitled “United Nations peacekeeping operations”, several Force Commanders were invited to brief the Council on their respective missions. In his briefing, the Force Commander of MONUSCO said

that the non-availability of aviation assets — both utility and attack helicopters — was of great concern for the Mission. Noting that in recent years the focus of the conflict had shifted westward, away from the east of the country and into jungle areas that were accessible only by helicopter, he said that one third of the 93 MONUSCO bases could logistically be supplied only by air assets. Furthermore, he said that the lack of attack helicopters had greatly reduced the Mission’s deterrence capability against the Forces démocratiques de libération du Rwanda in the Kivu provinces, and with the elections approaching, the future requirements for air assets were going to be much higher.<sup>282</sup> Similarly, the Force Commander for UNAMID said that one of the major logistical challenges facing the UNAMID forces in Darfur was aviation capacity, in particular with regard to utility helicopters. He appealed to Member States with the means to support the mission to make some of those capacities available, since they would go a long way towards enhancing the capabilities of the mission.<sup>283</sup> The representative of South Africa said that his country was encouraged by ongoing efforts to address the shortage of military assets such as helicopters; troops deployed on missions could not be expected to be everywhere at once without the necessary resources.<sup>284</sup>

At the 6603rd meeting, on 26 August 2011, a number of speakers highlighted a gap between the growing demand for United Nations peacekeeping operations and the resources needed to carry out those missions, including military helicopters.<sup>285</sup> For example, the representative of the United States said that he shared the concern of the Secretariat and troop-contributing countries that the chronic lack of helicopters hampered the ability of United Nations peacekeeping operations to implement their mandates, and that addressing that strategic gap should remain a high priority for Member States and the Secretariat alike.<sup>286</sup> Similarly, the representative of the European Union acknowledged the pressing need for military helicopters and said that the urgency of the matter called for pragmatic and swift solutions.<sup>287</sup>

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<sup>278</sup> S/PV.6539, pp. 15-16.

<sup>279</sup> Ibid., p. 21.

<sup>280</sup> S/PV.6551, p. 3.

<sup>281</sup> S/PV.6649, p. 4.

<sup>282</sup> S/PV.6592, pp. 18-19.

<sup>283</sup> Ibid., p. 20.

<sup>284</sup> Ibid., p. 22.

<sup>285</sup> S/PV.6603, p. 6 (Portugal); p. 16 (United States); and p. 26 (Republic of Korea); S/PV.6603 (Resumption 1), p. 2 (Australia); and p. 33 (Ukraine).

<sup>286</sup> S/PV.6603, p. 16.

<sup>287</sup> S/PV.6603 (Resumption 1), p. 21.

Some speakers highlighted the need for increased inter-mission cooperation to offset the lack of air assets in missions. For example, the representative of Portugal noted that, unless peacekeeping operations were provided with the means required to achieve the objectives defined by the Council, the credibility of the United Nations would be undermined. He called on those members that possessed more resources to contribute accordingly, “be it in terms of force generation or equipment, such as helicopters”.<sup>288</sup>

<sup>288</sup> S/PV.6603, p. 6.

Highlighting the benefits of inter-mission cooperation, such as that achieved between the United Nations Mission in Liberia and the United Nations Operation in Côte d’Ivoire, the representative of France noted that helicopter reinforcements had allowed heavy weaponry to be neutralized and allowed traffic and the movement of mercenaries at the Liberian border to be monitored.<sup>289</sup>

<sup>289</sup> Ibid., p. 13.

## 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 in relation to Articles 46 and 47 of the Charter regarding the Military Staff Committee, including instances in which the Council, either in its decisions or in its discussions, considered the role of the Military Staff Committee in planning the application of armed force and advising and assisting the Council on the military requirements for the maintenance of international peace and security.

The section is divided into two subsections: subsection A covers the decisions adopted by the Council of relevance to Articles 46 and 47; subsection B covers the discussions of the Council of relevance to Articles 46 and 47.

### A. Decisions of the Security Council relating to Articles 46 and 47

During the period under review, the Council did not explicitly refer to either Article 46 or Article 47 in any of its decisions. However, on two occasions, the Council adopted statements by the President which included references to the Military Staff Committee that can be considered relevant to the interpretation of Articles 46 and 47. At its 6389th meeting, on 23 September 2010, under the item entitled “Maintenance of international peace and security”, the Council adopted a statement by which it, inter alia, recognized that peacekeeping operations had become an increasing complex undertaking, acknowledged the

need for improved military expertise and in that context expressed its intention to continue to look into the role of the Military Staff Committee.<sup>290</sup> At its 6603rd meeting, on 26 August 2011, under the item entitled “United Nations peacekeeping operations”, the Council adopted a statement by which it, *inter alia*, recognized the need to improve its access to military advice, including from troop-contributing countries, and indicated that it would continue to review the role of the Military Staff Committee.<sup>291</sup>

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

During the period under review, there was one occasion on which Article 47 was explicitly referred to at a meeting of the Council. At the 6389th meeting, on 23 September 2010, under the item entitled “Maintenance of international peace and security”, the representative of the Russian Federation said that his delegation’s proposal to intensify the activities of the Military Staff Committee remained relevant; it provided for the development of practical cooperation between the Committee and the Council, the Secretariat and all interested Member States, in full compliance with the Charter and Article 47. The proposal would ensure a systemic and professional military expert assessment of peacekeeping activities.<sup>292</sup>

There were no explicit references to Article 46 at meetings of the Council during the period.

The Council did consider the question of the revitalization of the Military Staff Committee, in particular regarding its role in providing advice and support to the Council on peacekeeping operations (see case 22) and in connection with the implementation of the note by the President of the Security Council (S/2006/507) (see case 23).

### **Case 22 United Nations peacekeeping operations**

At the 6270th meeting, on 12 February 2010, under the item entitled “United Nations peacekeeping operations”, the representative of the Russian Federation said that the problem of ensuring the required level of military expertise in the peacekeeping

decisions of the Council deserved particular attention. The Russian proposal on reinvigorating the work of the Military Staff Committee, with a full complement of all Council members and the flexible involvement of leading troop-contributing countries, remained relevant. He said that the assessments of the Committee with regard to the situation in countries where peacekeeping operations existed, its recommendations on operational aspects of peacekeeping, and its participation in and cooperation with the Secretariat in missions and in defining the preparedness of contingents and the infrastructure of peacekeeping operations would provide the Council with reliable and timely information, and build up the military expertise of United Nations peacekeeping.<sup>293</sup>

At the 6370th meeting, on 6 August 2010, the representative of the United Kingdom recalled the statement by the President of 5 August 2009, by which the Council had acknowledged the need to improve access to military advice. He said that some progress had been made since, but that more could be done to improve the understanding of the Council of the operational demands placed on troops and police by the peacekeeping resolutions drafted by the Council. He said that his delegation supported changes to improve consultation and interaction with troop and police contributors, and was willing to explore ways of making the Military Staff Committee more inclusive and relevant, in order to help the Council make decisions that enabled peacekeepers to implement their mandates fully.<sup>294</sup> The representative of the Russian Federation said that his delegation’s proposal to further revitalize the activities of the Military Staff Committee was still on the table, and noted that the Committee was drafting recommendations on the operational aspects of peacekeeping activities. The participation of the Committee in measures to determine the readiness of contingents and infrastructure for peace operations would allow it to supply the Council with reliable, timely information, and enhance the quality of military expertise available to United Nations peacekeeping as a whole.<sup>295</sup>

At the 6592nd meeting, on 27 July 2011, the representative of the Russian Federation again recalled the proposal by his delegation to revitalize the

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<sup>290</sup> S/PRST/2010/18, eleventh paragraph.

<sup>291</sup> S/PRST/2011/17, ninth paragraph.

<sup>292</sup> S/PV.6389, p. 15.

<sup>293</sup> S/PV.6270, p. 22.

<sup>294</sup> S/PV.6370, p. 24.

<sup>295</sup> *Ibid.*, p. 28.

activities of the Military Staff Committee, which would elaborate recommendations on the operational aspects of peacekeeping, and take part in missions to assess the preparedness of contingents and the infrastructure for peacekeeping operations.<sup>296</sup>

At the 6603rd meeting, on 26 August 2011, the representative of the United Kingdom said that the Military Staff Committee had demonstrated, through its discussion of the draft concept of operations of the African Union Mission in Somalia, that it had an important role to play. He said that all Council members could contribute military advice to the Military Staff Committee without recourse to redrafting of the Charter, making the most of the informal mechanism.<sup>297</sup> The representative of the Russian Federation said that the problem of ensuring the required level of military expertise had not been resolved in the measures taken within United Nations peacekeeping operations, and he once again reiterated the proposal of his delegation to step up the work of the Military Staff Committee.<sup>298</sup> The representative of Germany said that designing mandates and missions should build on an inclusive planning process involving, at an early stage, a broad range of experts and potential capability providers, notably including troop- and police-contributing countries, as well as the main financial contributors. To that end, the role of the Military Staff Committee should be revitalized and strengthened.<sup>299</sup>

### **Case 23 Implementation of the note by the President of the Security Council (S/2006/507)**

At its 6300th meeting, on 22 April 2010, the Council considered the working methods of the Council and the implementation of the note by the President of the Security Council (S/2010/507). In the concept paper issued in advance of the debate the representative of Portugal, in his capacity as the

President of the Security Council, invited the Council members to engage in a constructive debate on the recent practice of the Council, including on any progress made in the Council's implementation of the note, and to make suggestions regarding measures to enhance transparency, efficiency and interaction with United Nations Members at large, including enhancing the role of the Military Staff Committee.<sup>300</sup>

During the debate, the representative of Namibia said that the annual report of the Security Council to the General Assembly was the most visible source of information about the work of the Council. It was therefore important for the report to be more analytical, providing not only an account of the matters considered by the Council, but also an assessment of the Council's ability to deal with the problems at hand and signalling possible improvements. In addition, he emphasized that the report should continue to include an account of the work of the Military Staff Committee.<sup>301</sup>

At the 6672nd meeting, on 30 November 2011, the representative of Germany spoke in favour of enhancing the role of the Military Staff Committee, welcoming the practice of regular informal meetings of the Committee with all members of the Council, and encouraging the continuation of the practice.<sup>302</sup> The representative of the United Kingdom encouraged the Council to create more opportunities to hear expert and specialized advice, for instance from the Peacebuilding Commission and the Military Staff Committee.<sup>303</sup> While supporting the view of other delegations that the Council should establish closer interactions with other bodies, such as the Peacebuilding Commission, the representative of Portugal emphasized the need for further consideration of the work of the Military Staff Committee.<sup>304</sup>

<sup>296</sup> S/PV.6592, p. 26.

<sup>297</sup> S/PV.6603, p. 11.

<sup>298</sup> Ibid.

<sup>299</sup> Ibid., p. 18.

<sup>300</sup> S/2011/726.

<sup>301</sup> S/PV.6300 (Resumption 1), pp. 20-21.

<sup>302</sup> S/PV.6672, p. 10.

<sup>303</sup> Ibid., p. 14.

<sup>304</sup> S/PV.6672 (Resumption 1), p. 20.

## VII. Obligations 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 its decisions adopted in accordance with the provisions of Articles 40, 41 and 42. Under Article 48 (2), Member States shall carry out the decisions directly, or through international organizations of which they are members. The present section focuses on the types of obligations imposed on Member States under Article 48, and on the various addressees called upon by the Council to implement, or comply with, decisions adopted under Articles 40, 41 and 42. Details of the measures themselves are provided in the sections covering the aforementioned Articles.

During the period under review, the Council did not explicitly invoke Article 48 in its decisions, but it adopted several resolutions which underlined the obligation of Member States to comply with the measures imposed under Chapter VII of the Charter.

This section is divided into two subsections: subsection A covers decisions in which the Council called upon States to implement or comply with measures adopted under Article 41; subsection B covers decisions of the Council adopted under Article 42. There were no references to Article 48 in decisions adopted under Article 40. Additional provisions concerning the obligations of Member States with regard to the effective implementation of measures adopted under Article 42 are covered in sections V and VIII of this part, and therefore are not covered in the present section.

### A. Obligations of Member States under Article 48 relating to decisions adopted in accordance with Article 41

During the period under review, in its decisions adopted in accordance with Article 41, including sanctions and judicial measures, the Council called upon Member States to (a) comply with their obligation to implement the measures imposed; (b) report to the relevant sanctions committee or to the Council directly; (c) ensure full cooperation with the relevant committee or monitoring mechanism; and (d) cooperate with the International Criminal Court and the ad hoc tribunals.

Regarding the obligations of Member States to implement the measures imposed, decisions of the Council were addressed, respectively, to “Member States”, “all States” or “all States, particularly States in the region”. In one resolution adopted in connection with the situation in Côte d’Ivoire, the Council specifically called on “the Government of Côte d’Ivoire and all international partners, including private companies, involved in assisting the Government in the reform of the security sector” to comply with the provisions of its previous resolution.<sup>305</sup>

In Council decisions imposing sanctions measures, Member States were often requested to fully cooperate with Security Council Committees established to oversee the implementation of the sanctions,<sup>306</sup> as well as related panels and groups.<sup>307</sup> The Council also called upon Member States to submit reports on the implementation of measures overseen by the Committees.<sup>308</sup> While the Council often addressed such calls to “all States” or “all States, particularly in the region”, in some instances reference was made to certain States. For example, in considering the situation concerning the Democratic Republic of the Congo, the Council called upon “all States, particularly those in the region and those in which individuals and entities [subjected to targeted measures] are based” to regularly report to the Committee on the actions they

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<sup>305</sup> Resolution 2000 (2011), para. 16.

<sup>306</sup> See for example resolution 1952 (2010), para. 4.

<sup>307</sup> See for example resolution 1916 (2010), para. 10.

<sup>308</sup> See for example resolution 1929 (2010), para. 31.

had taken to implement the measures.<sup>309</sup> In connection with the situation in Somalia, the Council specifically requested that “all States, including Eritrea, other States in the region and the Transitional Federal Government” ensure cooperation with the Monitoring Group by individuals and entities within their jurisdiction or under their control. It also urged “all parties and all States, particularly those in the region, as well as international, regional and subregional organizations” to cooperate fully with the work of the Monitoring Group.<sup>310</sup>

Regarding judicial measures adopted in accordance with Article 41, in connection with the International Tribunals for Rwanda and the Former Yugoslavia, the Council, *inter alia*, recalled the obligation of States to cooperate with the Tribunals, and in particular to comply without undue delay with requests for assistance in the location, arrest, detention, surrender and transfer of accused persons.<sup>311</sup> The Council also decided that all States should cooperate fully with the International Residual Mechanism for Criminal Tribunals, including complying with requests for assistance or orders issued by the Mechanism

pursuant to its statute.<sup>312</sup> In the context of the referral of the situation in Libya to the International Criminal Court, the Council, while recognizing that “States not party to the Rome Statute have no obligation under the Statute”, urged “all States and concerned regional and other international organizations” to cooperate fully with the Court and its Prosecutor.<sup>313</sup> In its consideration of the situation in Sierra Leone, the Council urged “all States to cooperate with and render assistance to the Special Court for Sierra Leone”, or any institution to which the Court had transferred the case of Johnny Paul Koroma.<sup>314</sup>

During the period covered, there were no modifications to the mandate of the Special Tribunal for Lebanon established by resolution 1757 (2007) of 30 May 2007 and in operation since 1 March 2009 following the conclusion of the work of the International Independent Investigation Commission.

Table 38 provides a list of all decisions of the Council referring to obligations of Member States to carry out its decisions adopted in accordance with Article 41.

<sup>309</sup> Resolution 1952 (2010), para. 20.

<sup>310</sup> Resolution 1916 (2010), paras. 10 and 12.

<sup>311</sup> Resolution 1966 (2010), para. 8.

<sup>312</sup> *Ibid.*, para. 9.

<sup>313</sup> Resolution 1970 (2011), para. 5.

<sup>314</sup> Resolution 1940 (2010), eighth preambular paragraph.

Table 38

**Decisions adopted in accordance with Article 41 referring to obligations of Member States under Article 48**

<i>Decision and date</i>	<i>Provision</i>
	<b>International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991</b>
	<b>International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994</b>
Resolution 1966 (2010) 22 December 2010	Recalls the obligation of States to cooperate with the Tribunals and, in particular, to comply without undue delay with requests for assistance in the location, arrest, detention, surrender and transfer of accused persons (para. 8)
	Decides that all States shall cooperate fully with the International Residual Mechanism for International Tribunals in accordance with the present resolution and the statute of the Mechanism and that, consequently, all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the statute of the Mechanism, including the obligation of States to comply with requests for assistance or orders issued by the Mechanism pursuant to its statute (para. 9)

Urges all States, especially States where fugitives are suspected to be at large, to further intensify cooperation with and render all necessary assistance to the Tribunals and the Mechanism, as appropriate, in particular to achieve the arrest and surrender of all remaining fugitives as soon as possible (para. 10)

Calls upon all States to cooperate to the maximum extent possible in order to receive referred cases from the Tribunals and the Mechanism (para. 12)

### **Non-proliferation**

Resolution [1928 \(2010\)](#)  
7 June 2010

Urges all States, relevant United Nations bodies and other interested parties to cooperate fully with the Security Council Committee established pursuant to resolution [1718 \(2006\)](#) and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures imposed by resolutions [1718 \(2006\)](#) and [1874 \(2009\)](#) (para. 3)

*Same provision in resolution [1985 \(2011\)](#), para. 4*

Resolution [1929 \(2010\)](#)  
9 June 2010

Urges all States, relevant United Nations bodies and other interested parties to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures decided in resolutions [1737 \(2006\)](#), [1747 \(2007\)](#), [1803 \(2008\)](#) and the present resolution, in particular incidents of non-compliance (para. 30)

Calls upon all States to report to the Committee within 60 days of the adoption of the present resolution on the steps they have taken with a view to implementing effectively paragraphs 7 to 19 and 21 to 24 of the present resolution (para. 31)

Resolution [1984 \(2011\)](#)  
9 June 2011

Urges all States, relevant United Nations bodies and other interested parties to cooperate fully with the Committee and with the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures imposed by resolutions [1737 \(2006\)](#), [1747 \(2007\)](#), [1803 \(2008\)](#) and [1929 \(2010\)](#) (para. 4)

### **Non-proliferation of weapons of mass destruction**

Resolution [1977 \(2011\)](#)  
20 April 2011

Reaffirming further the need for all Member States to comply fully with their obligations and fulfil their commitments in relation to arms control, disarmament and the non-proliferation in all its aspects of all weapons of mass destruction and their means of delivery (third preambular paragraph)

Reiterates its decisions taken in, and the requirements of, resolution [1540 \(2004\)](#), and re-emphasizes the importance for all States to implement fully that resolution (para. 1)

Again calls upon all States that have not yet submitted a first report on steps they have taken or intend to take to implement resolution [1540 \(2004\)](#) to submit such a report to the 1540 Committee without delay (para. 6)

Decision and date

Provision

### Central African region: impact of illicit arms trafficking on peace and security

[S/PRST/2010/6](#)  
19 March 2010

The Council reiterates that Member States should comply with existing arms embargoes and export bans and take the steps necessary to effectively implement these measures imposed by the Council in its relevant resolutions (fourth paragraph)

### Peace and security in Africa (Eritrea)

Resolution [2023 \(2011\)](#)  
5 December 2011

Reiterates that all Member States, including Eritrea, shall comply fully with the terms of the arms embargo imposed by paragraph 5 of resolution [733 \(1992\)](#), as elaborated on and amended by subsequent resolutions (para. 3)

Reiterates also that Eritrea shall fully comply with resolution [1907 \(2009\)](#) without any further delay, and stresses the obligation of all States to comply with the measures imposed by resolution [1907 \(2009\)](#) (para. 4)

Calls upon all States to report to the Council within 120 days on steps taken to implement the provisions of the present resolution (para. 15)

Urges all States, relevant United Nations bodies and other interested parties to cooperate fully with the Committee and the Monitoring Group, including by supplying any information at their disposal on the implementation of the measures decided in resolutions [1844 \(2008\)](#), [1907 \(2009\)](#) and the present resolution, in particular incidents of non-compliance (para. 17)

### The situation in Côte d'Ivoire

Resolution [1946 \(2010\)](#)  
15 October 2010

Calls upon the Ivorian parties to the Ouagadougou Political Agreement and all States, in particular those in the subregion, to fully implement the measures renewed in paragraph 1 [of the resolution], including, as appropriate, by making the necessary rules and regulations, calls upon the United Nations Operation in Côte d'Ivoire (UNOCI) to bring its full support within its capacities and its mandate, and calls upon the French forces to support UNOCI in this regard, within the limits of their deployment and their capabilities (para. 3)

Requests all States concerned, in particular those in the subregion, to cooperate fully with the Committee ... (para. 8)

Urges all States, relevant United Nations bodies and other organizations and interested parties, to cooperate fully with the Committee, the Group of Experts, UNOCI and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 of resolution [1572 \(2004\)](#) and paragraph 6 of resolution [1643 \(2005\)](#) and reiterated in paragraph 1 ... (para. 15)

Urges, in this context, that all Ivorian parties and all States, particularly those in the region, ensure:

- The safety of the members of the Group of Experts;

- Unhindered access by the Group of Experts, in particular to persons, documents and sites, in order for the Group of Experts to execute its mandate (para. 16)

*Same provision in resolution 1980 (2011), para. 23*

Resolution 1980 (2011)  
28 April 2011

Calls upon all Member States, in particular those in the subregion, to fully implement the measures renewed in paragraph 1 [of the resolution], including as appropriate by enforcing the necessary rules and regulations, and calls upon UNOCI to lend its full support within its capacities and its mandate, and calls upon the French forces to support UNOCI in this regard, within the limits of their deployment and their capabilities (para. 3)

Requests all States concerned, in particular those in the subregion, to cooperate fully with the Committee ... (para. 12)

Urges all States, relevant United Nations bodies and other organizations and interested parties, to cooperate fully with the Committee, the Group of Experts, UNOCI and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004), paragraph 6 of resolution 1643 (2005) and paragraph 12 of resolution 1975 (2011) as reiterated in paragraph 1 ... (para. 21)

Resolution 2000 (2011)  
27 July 2011

Calls upon the Government of Côte d'Ivoire and all international partners, including private companies, involved in assisting the Government in the reform of the security sector, to comply with the provisions of resolution 1980 (2011) and to coordinate their efforts with a view to promoting transparency and a clear division of labour among all international partners (para. 16)

### **The situation concerning the Democratic Republic of the Congo**

Resolution 1925 (2010)  
28 May 2010

Emphasizing that the linkage between the illicit exploitation of and trade in natural resources and the proliferation of and trafficking in arms is among the major factors fuelling and exacerbating conflicts in the Great Lakes region, urging all States, particularly those in the region, to implement fully the measures set out in its resolution 1896 (2009), reiterating its determination to continue to closely monitor the implementation of and compliance with the measures set out in resolution 1896 (2009), and urging all States to take legal action, where appropriate, in accordance with those measures, against the leaders of the Forces démocratiques de libération du Rwanda residing in their countries (ninth preambular paragraph)

Resolution 1952 (2010)  
29 November 2010

... stressing the obligation of all States to abide by the notification requirements set out in paragraph 5 of resolution 1807 (2008) (seventh preambular paragraph)

Calls upon all States to implement fully the measures specified in the present resolution and to cooperate fully with the Security Council Committee established pursuant to resolution 1533 (2004) in carrying out its mandate (para. 4)

Decision and date

Provision

Reiterates its demand, expressed in paragraph 21 of resolution 1807 (2008) and reaffirmed in paragraph 14 of resolution 1857 (2008) and paragraph 13 of resolution 1896 (2009), that all parties and all States, particularly those in the region, cooperate fully with the work of the Group of Experts and that they ensure the safety of its members and unhindered and immediate access, in particular to persons, documents and sites that the Group of Experts deems relevant to the execution of its mandate (para. 18)

Calls upon all States, particularly those in the region and those in which individuals and entities designated pursuant to paragraph 3 of the present resolution are based, to regularly report to the Committee on the actions they have taken to implement the measures imposed by paragraphs 1, 2 and 3 and recommended in paragraph 8 [of the resolution] (para. 20)

### **The situation in Liberia**

Resolution 1961 (2010)  
17 December 2010

Calls upon all States and the Government of Liberia to cooperate fully with the Panel of Experts in all the aspects of its mandate (para. 8)

*Same provision in resolution 2025 (2011), para. 7*

### **The situation in Libya**

Resolution 1970 (2011)  
26 February 2011

Decides also that the Libyan authorities shall cooperate fully with and provide any necessary assistance to the International Criminal Court and the Prosecutor pursuant to the present resolution and, while recognizing that States not party to the Rome Statute of the Court have no obligation under the Rome Statute, urges all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor (para. 5)

Calls upon all Member States to report to the Committee within 120 days of the adoption of the present resolution on the steps they have taken with a view to implementing effectively paragraphs 9, 10, 15 and 17 (para. 25)

Resolution 1973 (2011)  
17 March 2011

Deplores the continuing flows of mercenaries into the Libyan Arab Jamahiriya, and calls upon all Member States to comply strictly with their obligations under paragraph 9 of resolution 1970 (2011) to prevent the provision of armed mercenary personnel to the Libyan Arab Jamahiriya (para. 16)

Urges all States, relevant United Nations bodies and other interested parties to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures decided in resolution 1970 (2011) and the present resolution, in particular incidents of non-compliance (para. 25)

### **The situation in Sierra Leone**

Resolution 1940 (2010)  
29 September 2010

Urging all States to cooperate with and render assistance to the Special Court for Sierra Leone, or any institution to which the Court has transferred his case, to bring Mr. Johnny Paul Koroma to justice if he is found to be alive, and calling upon him to surrender (eighth preambular paragraph)

### **The situation in Somalia**

Resolution [1916 \(2010\)](#)  
19 March 2010

Calling upon all Member States, in particular those in the region, to refrain from any action in contravention of the Somalia and Eritrea arms embargoes and to take all necessary steps to hold violators accountable (ninth preambular paragraph)

Stresses the obligation of all States to comply fully with the measures imposed by resolution [733 \(1992\)](#), as elaborated upon and amended in subsequent relevant resolutions, as well as resolutions [1844 \(2008\)](#) and [1907 \(2009\)](#) (para. 1)

Requests that all States, including Eritrea, other States in the region and the Transitional Federal Government ensure cooperation with the Monitoring Group by individuals and entities within their jurisdiction or under their control (para. 10)

Urges that all parties and all States, particularly those in the region, including international, regional and subregional organizations, cooperate fully with the work of the Monitoring Group and ensure the safety of its members, and unhindered access, in particular to persons, documents and sites that the Monitoring Group deems relevant to the execution of its mandate (para. 12)

Resolution [1950 \(2010\)](#)  
23 November 2010

... calls upon all States to fully cooperate with the Monitoring Group on Somalia and Eritrea, including on information-sharing regarding possible arms embargo violations (para. 3)

Resolution [1972 \(2011\)](#)  
17 March 2011

Reiterating its insistence that all States, in particular those in the region, should refrain from any action in contravention of the Somalia arms embargo and take all necessary steps to hold violators accountable (fourth preambular paragraph)

Calling upon all States to effectively implement the targeted measures imposed in resolution [1844 \(2008\)](#) (fifth preambular paragraph)

Stresses the obligation of all States to comply fully with the measures imposed by resolution [733 \(1992\)](#) as elaborated upon and amended by subsequent relevant resolutions, and the measures imposed by resolution [1844 \(2008\)](#) (para. 1)

Resolution [2002 \(2011\)](#)  
29 July 2011

Urges all parties and all States, including Eritrea, other States in the region, and the Transitional Federal Government, as well as international, regional and subregional organizations, to ensure cooperation with the Monitoring Group, and ensure the safety of the members of the Monitoring Group and unhindered access, in particular to persons, documents and sites that the Monitoring Group deems relevant to the execution of its mandate (para. 10)

### **Reports of the Secretary-General on the Sudan**

Resolution [1945 \(2010\)](#)  
14 October 2010

Urges all States, relevant United Nations bodies, the African Union and other interested parties to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on implementation of the measures imposed by resolutions [1556 \(2004\)](#) and [1591 \(2005\)](#) (para. 5)

Decision and date

Provision

Urges all States, in particular those in the region, to report to the Committee on the actions they have taken to implement the measures imposed by resolutions 1556 (2004) and 1591 (2005), including the imposition of targeted measures (para. 6)

Reminds all States, particularly States in the region, of the obligations contained in resolutions 1556 (2004) and 1591 (2005), in particular those obligations relating to arms and related materiel (para. 7)

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

Resolution 1988 (2011)  
17 June 2011

Requests all Member States, but particularly the Government of Afghanistan, to inform the Committee if they become aware of any information indicating that an individual, group, undertaking or entity that has been delisted should be considered for designation under paragraph 1 of the present resolution, and further requests that the Government provide to the Committee an annual report on the status of reportedly reconciled individuals who have been delisted by the Committee in the previous year (para. 22)

## B. Obligations of Member States under Article 48 relating to decisions adopted in accordance with Article 42

During the period under review, the Council called upon Member States, acting in their national capacity or through relevant regional organizations of which they were members, to implement or support the implementation of measures adopted under Article 42. In connection with the situation in Libya, the Council, *inter alia*, authorized Member States that had “notified the Secretary-General, acting nationally or through regional organizations or arrangements” to take “all necessary measures” to protect civilians and civilian populated areas under threat of attack in the country, as well as to enforce compliance with the flight ban imposed by the Council.<sup>315</sup>

Also during the period, coalitions of States authorized to use force were requested to inform the Council of actions taken to implement their mandate. For example, in authorizing the establishment of the European Union multinational stabilization force in Bosnia and Herzegovina, the Council requested “the Member States acting through or in cooperation with

the European Union and the Member States acting through or in cooperation with the North Atlantic Treaty Organization” to report to the Council at regular intervals.<sup>316</sup> Similarly, the Council requested “the leadership” of the International Security Assistance Force in Afghanistan to keep it regularly informed, through the Secretary-General, on the implementation of its mandate.<sup>317</sup>

Also in relation to Article 42, in one instance, the Council requested certain States to cooperate with each other in the deployment of a peacekeeping mission. In connection with reports of the Secretary-General on the Sudan, the Council called upon the Government of the Sudan and the Government of Southern Sudan, or its successor, to fully cooperate with each other and provide full support to the United Nations Interim Security Force for Abyei, enabling the mission to fully implement its mandate.<sup>318</sup>

Table 39 provides a list of all decisions of the Council referring to obligations of Member States to carry out its decisions adopted in accordance with Article 42.

<sup>315</sup> Resolution 1973 (2011), paras. 4 and 8.

<sup>316</sup> Resolution 1948 (2010), para. 18.

<sup>317</sup> Resolution 1943 (2010), para. 6.

<sup>318</sup> Resolution 1990 (2011), para. 7.

Table 39

**Decisions adopted in accordance with Article 42 referring to obligations of Member States under Article 48**

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in Afghanistan</b>	
Resolution <a href="#">1943 (2010)</a> 13 October 2010	<p>Authorizes the Member States participating in the International Security Assistance Force (ISAF) to take all measures necessary to fulfil its mandate (para. 2)</p> <p><i>Same provision in resolution <a href="#">2011 (2011)</a>, para. 2</i></p> <p>Requests the leadership of ISAF to keep the Security Council regularly informed, through the Secretary-General, on the implementation of its mandate, including through the timely provision of quarterly reports (para. 6)</p> <p><i>Same provision in resolution <a href="#">2011 (2011)</a>, para. 7</i></p>
<b>The situation in Bosnia and Herzegovina</b>	
Resolution <a href="#">1948 (2010)</a> 18 November 2010	<p>Authorizes the Member States acting through or in cooperation with the European Union to establish for a further period of 12 months, starting from the date of the adoption of the present resolution, a multinational stabilization force (the European Union Force) as a legal successor to the Stabilization Force under unified command and control ... (para. 10)</p> <p>Requests the Member States acting through or in cooperation with the European Union and the Member States acting through or in cooperation with the North Atlantic Treaty Organization (NATO) to report to the Security Council on the activity of the European Union Force and the NATO Headquarters presence respectively, through the appropriate channels and at least at three-monthly intervals (para. 18)</p>
Resolution <a href="#">2019 (2011)</a> 16 November 2011	<p>Requests the Member States acting through or in cooperation with the European Union and the Member States acting through or in cooperation with NATO to report to the Security Council on the activity of the European Union Force-Althea and the NATO Headquarters presence respectively, through the appropriate channels and at least at three-monthly intervals (para. 18)</p>
<b>The situation in Libya</b>	
Resolution <a href="#">1973 (2011)</a> 17 March 2011	<p>Authorizes Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution <a href="#">1970 (2011)</a>, to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory, and requests the Member States concerned to inform the Secretary-General immediately of the measures they take pursuant to the authorization conferred by the present paragraph, which shall be immediately reported to the Security Council (para. 4)</p>

Decision and date

Provision

Authorizes Member States that have notified the Secretary-General of the United Nations and the Secretary General of the League of Arab States, acting nationally or through regional organizations or arrangements, to take all measures necessary to enforce compliance with the ban on flights imposed by paragraph 6 [of the resolution], as necessary, and requests the States concerned, in cooperation with the League of Arab States, to coordinate closely with the Secretary-General of the United Nations on the measures they are taking to implement this ban, including by establishing an appropriate mechanism for implementing the provisions of paragraphs 6 and 7 [of the resolution] (para. 8)

Decides that the Member States concerned shall inform the Secretary-General of the United Nations and the Secretary General of the League of Arab States immediately of measures taken in exercise of the authority conferred by paragraph 8 above, including to supply a concept of operations (para. 11)

Decides that paragraph 11 of resolution [1970 \(2011\)](#) shall be replaced by the following paragraph: “Calls upon all Member States, in particular States of the region, acting nationally or through regional organizations or arrangements, in order to ensure strict implementation of the arms embargo established by paragraphs 9 and 10 of resolution [1970 \(2011\)](#), to inspect in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from the Libyan Arab Jamahiriya, ... and authorizes Member States to use all measures commensurate to the specific circumstances to carry out such inspections” (para. 13)

### The situation in Somalia

Resolution [1910 \(2010\)](#)  
28 January 2010

Decides to authorize the States members of the African Union to maintain until 31 January 2011 the African Union Mission in Somalia (AMISOM), which shall be authorized to take all measures necessary to carry out its existing mandate, as set out in paragraph 9 of resolution [1772 \(2007\)](#) (para. 1)

Resolution [1950 \(2010\)](#)  
23 November 2010

Renews its call upon States and regional organizations that have the capacity to do so to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with the present resolution and international law, by deploying naval vessels, arms and military aircraft and through seizures and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use (para. 4)

... decides to renew, for a further period of 12 months from the date of the present resolution, the authorizations as set out in paragraph 10 of resolution [1846 \(2008\)](#) and paragraph 6 of resolution [1851 \(2008\)](#), as renewed by resolution [1897 \(2009\)](#), granted to States and regional organizations cooperating with the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia ... (para. 7)

<p>Resolution <a href="#">1964 (2010)</a> 22 December 2010</p>	<p>Requests States and regional organizations cooperating with the Transitional Federal Government to inform the Security Council and the Secretary-General in nine months of the progress of actions undertaken in the exercise of the authorizations provided in paragraph 7 above, and further requests all States contributing through the Contact Group on Piracy off the Coast of Somalia to the fight against piracy off the coast of Somalia, including Somalia and other States in the region, to report by the same deadline on their efforts to establish jurisdiction and cooperation in the investigation and prosecution of piracy (para. 21)</p>
<p>Resolution <a href="#">2010 (2011)</a> 30 September 2011</p>	<p>Decides to authorize the States members of the African Union to maintain the deployment until 30 September 2011 of AMISOM, which shall be authorized to take all measures necessary to carry out its existing mandate, as set out in paragraph 9 of resolution <a href="#">1772 (2007)</a> (para. 1)</p>
<p>Resolution <a href="#">2010 (2011)</a> 30 September 2011</p>	<p>Decides to authorize the States members of the African Union to maintain the deployment until 31 October 2012 of AMISOM, which shall be authorized to take all measures necessary to carry out its existing mandate as set out in paragraph 9 of resolution <a href="#">1772 (2007)</a>, and requests the African Union to urgently increase its force strength to its mandated level of 12,000 uniformed personnel, thereby enhancing its ability to carry out its mandate (para. 1)</p>

#### Reports of the Secretary-General on the Sudan

<p>Resolution <a href="#">1990 (2011)</a> 27 June 2011</p>	<p>Urges the Government of the Sudan and the Government of Southern Sudan or its successor to fully cooperate with each other and provide full support to the Force, enabling it to fully implement the mandate (para. 7)</p>
<p>Resolution <a href="#">1996 (2011)</a> 8 July 2011</p>	<p>Demands that the Government of the Republic of South Sudan and all relevant parties cooperate fully in the deployment, operations and monitoring, verification and reporting functions of the Mission, in particular by guaranteeing the safety, security and unrestricted freedom of movement of United Nations personnel, as well as of associated personnel throughout the territory of the Republic of South Sudan (para. 6)</p>

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### VIII. Obligations of Member States under 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, regarding mutual assistance among Member States when carrying out the decisions of the Council relating

to the maintenance of international peace and security. The section is divided into three subsections: subsection A covers decisions of the Council referring to mutual assistance in the implementation of measures adopted in accordance with Article 40; subsection B covers decisions referring to mutual assistance in the implementation of measures adopted in accordance with Article 41; and subsection C covers decisions referring to mutual assistance in the implementation of measures adopted in accordance with Article 42.

During the period under review, the Council did not explicitly invoke Article 49 in any of its decisions.

However, the Council did request Member States to join in providing mutual assistance in implementing measures under Article 41 and Article 42. To a lesser extent, the Council called on Member States to provide mutual assistance in implementing measures in accordance with Article 40. The interpretation and application of Article 49 did not give rise to any significant constitutional discussion in the deliberations of the Council, and no reference to Article 49 was found in the communications received by the Council.

### A. Calls for mutual assistance in the implementation of decisions adopted in accordance with Article 40

During the period under review, there was one instance in which the Council called on Member States

to assist in the implementation of decisions adopted under Article 40, concerning provisional measures to prevent an aggravation of the situation. In connection with the situation in Libya, the Council, *inter alia*, requested all Member States, to the extent possible, to cooperate in the evacuation of those foreign nationals wishing to leave the country.<sup>319</sup> The Council also called on Member States to cooperate in facilitating and supporting the return of humanitarian assistance in Libya.<sup>320</sup>

Table 40 covers provisions referring to mutual assistance in the implementation of decisions adopted in accordance with Article 40.

<sup>319</sup> Resolution 1970 (2011), para. 3.

<sup>320</sup> *Ibid.*, para. 26.

Table 40

#### References to mutual assistance in the implementation of decisions adopted in accordance with Article 40

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in Libya</b>	
Resolution 1970 (2011) 26 February 2011	Requests all Member States, to the extent possible, to cooperate in the evacuation of those foreign nationals wishing to leave the country (para. 3)  Also calls upon all Member States, working together and acting in cooperation with the Secretary-General, to facilitate and support the return of humanitarian agencies and make available humanitarian and related assistance in the Libyan Arab Jamahiriya ... (para. 26)

### B. Calls for mutual assistance in the implementation of decisions adopted in accordance with Article 41

During the period under review, the Council adopted several decisions in which it called upon Member States to cooperate with each other regarding the implementation of measures adopted in accordance with Article 41. For example, in connection with the non-proliferation of weapons of mass destruction, the Council, *inter alia*, stressed the need for enhanced assistance and collaboration among States in implementing resolution 1540 (2004), and also called on States to inform the Security Council Committee established pursuant to resolution 1540 (2004) of areas

in which they were able to provide assistance.<sup>321</sup> In connection with the sanctions regimes established for the Islamic Republic of Iran and Libya, the Council requested that all States cooperate in their efforts to seize and dispose of items prohibited under such regimes and, with regard to the situation in Libya, called upon flag States to cooperate with inspections performed on their vessels or aircraft.<sup>322</sup>

Table 41 covers provisions referring to mutual assistance in the implementation of decisions adopted in accordance with Article 41.

<sup>321</sup> Resolution 1977 (2011), nineteenth preambular paragraph and para. 14.

<sup>322</sup> Resolution 1929 (2010), para. 16; and resolutions 1970 (2011), para. 12, and 1973 (2011), para. 13.

Table 41

**References to mutual assistance in the implementation of decisions adopted in accordance with Article 41**

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*Decision and date*

*Provision*

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**Non-proliferation**

Resolution [1929 \(2010\)](#)  
9 June 2010

Decides to authorize all States to, and that all States shall, seize and dispose of (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination State for disposal) items, the supply, sale, transfer or export of which is prohibited by paragraphs 3, 4 or 7 of resolution [1737 \(2006\)](#), ... and decides further that all States shall cooperate in such efforts (para. 16)

**Non-proliferation of weapons of mass destruction**

Resolution [1977 \(2011\)](#)  
20 April 2011

Noting that international cooperation between States, in accordance with international law, is required to counter the illicit trafficking by non-State actors in nuclear, chemical and biological weapons, their means of delivery and related materials (eighth preambular paragraph)

Recognizing the need to enhance the coordination of efforts at the national, subregional, regional and international levels, as appropriate, in order to strengthen a global response to the serious challenge and threat to international peace and security posed by the proliferation of weapons of mass destruction and their means of delivery (ninth preambular paragraph)

Stressing, in that regard, the need for enhanced assistance and collaboration among States, between the 1540 Committee and States, and between the Committee and relevant international, regional and subregional organizations in assisting States to implement resolution [1540 \(2004\)](#) (nineteenth preambular paragraph)

Urges States and relevant international, regional and subregional organizations to inform the 1540 Committee, as appropriate, of areas in which they are able to provide assistance; and calls upon States and such organizations, if they have not done so previously, to provide the Committee with a point of contact for assistance by 31 August 2011 (para. 14)

**The situation in Libya**

Resolution [1970 \(2011\)](#)  
26 February 2011

Decides to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraphs 9 or 10 of the present resolution, seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items, the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of the present resolution, and decides further that all Member States shall cooperate in such efforts (para. 12)

Resolution [1973 \(2011\)](#)  
17 March 2011

... "Calls upon all Member States ... to inspect in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from the Libyan Arab Jamahiriya ... calls upon all flag States of such vessels and aircraft to cooperate with such inspections ..." (para. 13)

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### C. Calls for mutual assistance in the implementation of decisions adopted under Article 42

During the period under review, the Council requested Member States to provide appropriate support, assistance and increased cooperation for the purpose of implementing measures adopted under Article 42 involving the use of armed force. In particular, in several instances, the Council called upon Member States to contribute the necessary personnel and equipment to multinational forces established and authorized to use force under Chapter VII of the Charter. For example, in connection with the situation in Somalia, the Council called upon States members of the African Union to consider contributing troops to the African Union Mission in Somalia (AMISOM).<sup>323</sup> Furthermore, the Council strongly urged Member

States as well as regional and international organizations to contribute to the United Nations trust fund for AMISOM.<sup>324</sup> In connection with the situation in Libya, the Council called upon all Member States, acting nationally or through regional organizations or arrangements, to provide assistance in order to implement measures under Article 42, in particular the protection of civilians and the enforcement of a no-fly zone over the country.<sup>325</sup> The Council also requested States members of the League of Arab States to cooperate with other Member States in the implementation of measures under Article 42.<sup>326</sup>

Table 42 covers provisions referring to mutual assistance in the implementation of decisions adopted in accordance with Article 42.

<sup>324</sup> Ibid., para. 14.

<sup>325</sup> Resolution 1973 (2011), paras. 5 and 9.

<sup>326</sup> Resolution 1973 (2011), para. 5.

<sup>323</sup> Resolution 2010 (2011), sixteenth preambular paragraph.

Table 42

#### References to mutual assistance in the implementation of decisions adopted in accordance with Article 42

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in Afghanistan</b>	
Resolution 1943 (2010) 13 October 2010	Recognizes the need to further strengthen the International Security Assistance Force (ISAF) to meet all its operational requirements, and in this regard calls upon Member States to contribute personnel, equipment and other resources to the Force (para. 3)
Resolution 2011 (2011) 12 October 2011	Recognizes the need for ISAF to meet all its operational requirements, welcomes the agreement between the Government of Afghanistan and countries contributing to the Force to gradually transfer lead security responsibility in Afghanistan to the Government countrywide by the end of 2014 and the start of the transition process in July 2011, and calls upon Member States to contribute personnel, equipment and other resources to the Force and to continue to pursue their efforts to support security and stability in Afghanistan (para. 3)
<b>The situation in Bosnia and Herzegovina</b>	
Resolution 1948 (2010) 18 November 2010	Invites all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraphs 10 and 11 [of the resolution] (para. 19)
	<i>Same provision in resolution 2019 (2011), para. 19</i>

**The situation in Libya**

Resolution [1973 \(2011\)](#)  
17 March 2011

... welcoming the response of neighbouring States, in particular Tunisia and Egypt, to address the needs of those refugees and foreign workers, and calling upon the international community to support those efforts (fifteenth preambular paragraph)

Recognizes the important role of the League of Arab States in matters relating to the maintenance of international peace and security in the region, and, bearing in mind Chapter VIII of the Charter of the United Nations, requests the States members of the League of Arab States to cooperate with other Member States in the implementation of paragraph 4 [of the resolution] (para. 5)

Calls upon all Member States, acting nationally or through regional organizations or arrangements, to provide assistance, including any necessary overflight approvals, for the purposes of implementing paragraphs 4, 6, 7 and 8 [of the resolution] (para. 9)

Requests the Member States concerned to coordinate closely with each other and with the Secretary-General of the United Nations on the measures they are taking to implement paragraphs 4, 6, 7 and 8 [of the resolution], including practical measures for the monitoring and approval of authorized humanitarian or evacuation flights (para. 10)

**The situation in Somalia**

Resolution [1910 \(2010\)](#)  
28 January 2010

Strongly encouraging the prompt disbursement of funds pledged in support of the Somali security institutions and the African Union Mission in Somalia (AMISOM) at the international conference on Somalia, held in Brussels on 23 April 2009, and recognizing the importance of timely and predictable funding for the Transitional Federal Government and the Mission (tenth preambular paragraph)

Encourages Member States to support the Mission and the Somali security sector institutions through the provision of appropriate and necessary equipment (para. 5)

Urges Member States and regional and international organizations to contribute generously and promptly to the United Nations trust fund for the Mission, or to make direct bilateral donations in support of the Mission, and encourages donors to work closely with the United Nations and the African Union in order to ensure that the appropriate funds and equipment are promptly provided, particularly in relation to the salaries of Mission soldiers and the costs of contingent-owned equipment (para. 8)

Resolution [1950 \(2010\)](#)  
23 November 2010

Renews its call upon States and regional organizations that have the capacity to do so to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with the present resolution and international law, by deploying naval vessels, arms and military aircraft and through seizures and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use (para. 4)

*Decision and date*

*Provision*

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	<p>... calls upon States and interested organizations, including the International Maritime Organization, to provide technical assistance to Somalia, including regional authorities, and nearby coastal States upon their request, to enhance their capacity to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines, and stresses the importance of coordination in this regard through the Contact Group on Piracy off the Coast of Somalia (para. 6)</p> <p>Commends the establishment of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia and the International Maritime Organization Djibouti Code Trust Fund (a multi-donor trust fund initiated by Japan), and urges both State and non-State actors affected by piracy, most notably the international shipping community, to contribute to them (para. 18)</p>
<p>Resolution <a href="#">1964 (2010)</a> 22 December 2010</p>	<p>Encourages Member States to support the Mission and the Somali security sector institutions through the provision of appropriate and necessary equipment and technical assistance (para. 8)</p> <p>Reiterates its call to Member States and regional and international organizations to contribute generously and promptly to the United Nations trust fund for the Mission without caveats, or to make direct bilateral donations in support of the Mission, and encourages donors to work closely with the United Nations and the African Union in order to ensure that the appropriate funds and equipment are promptly provided, particularly in relation to the salaries of Mission soldiers, self-sustainment and the costs of contingent-owned equipment, in particular lethal equipment (para. 9)</p>
<p>Resolution <a href="#">2010 (2011)</a> 30 September 2011</p>	<p>Commending the contribution of AMISOM to lasting peace and stability in Somalia, recognizing the significant sacrifices made by these forces, expressing its appreciation for the continued commitment of troops and equipment to the Mission by the Governments of Uganda and Burundi, and calling upon other States members of the African Union to consider contributing troops to the Mission (sixteenth preambular paragraph)</p> <p>Reiterates its call to Member States and regional and international organizations to support the Mission through the provision of equipment, technical assistance and funding without caveats to the United Nations trust fund for AMISOM, or to make direct bilateral donations in support of the Mission, including for the urgent need for the reimbursement of contingent-owned equipment, and for the provision of compassionate flights for Mission troops, and encourages donors to work closely with the United Nations and the African Union in order to ensure that the appropriate funds and equipment are promptly provided (para. 14)</p>

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## 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 Member States to consult the Council with a view to resolving special 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 applying targeted sanctions, such as travel bans, arms embargoes and asset freezes on designated States, entities or individuals.<sup>327</sup> There were no instances in which Security Council committees mandated to oversee the implementation of sanctions measures were approached by Member States, or other States, regarding special economic problems arising from the implementation of sanctions measures.<sup>328</sup> The Council did not explicitly invoke Article 50 in any of its decisions, and the subsidiary bodies of the Council did not include any explicit references to Article 50 in their annual reports to the Council. However, in a number of instances, the Council adopted decisions which, without explicitly referring to Article 50, may be of relevance to the interpretation and application of Article 50 by the Council. For instance, in connection with the situation in Somalia, the Council, *inter alia*, requested cooperating States to take appropriate steps to ensure

that the authorized activities did not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State.<sup>329</sup> In connection with the item entitled “Peace and security in Africa”, the Council, *inter alia*, expressed its deep concern about the threat of piracy and armed robbery at sea in the Gulf of Guinea, and requested the States concerned to take appropriate steps to ensure that the activities they undertook pursuant to the resolution did not have the practical effect of denying or impairing freedom of navigation on the high seas or the right of innocent passage in the territorial sea to vessels of third States.<sup>330</sup>

Also during the period, the question of protection against the negative effects of measures imposed by the Council on Member States was discussed on one occasion. At the 6347th meeting, on 29 June 2010, under the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”, the representative of Brazil said that sanctions should be implemented in ways that balanced effectiveness to achieve the desired results against possible adverse socioeconomic and humanitarian consequences. She further said that in devising and implementing sanctions regimes the Council should avoid adverse effects for individuals and entities not targeted, or for third States.<sup>331</sup> Similarly, the representative of Turkey said that sanctions should be carefully targeted in order to minimize adverse consequences on populations and third-party States.<sup>332</sup>

There were no explicit references to Article 50 in communications received by the Council. However, in a report transmitted on 12 May 2010, the Panel of Experts established pursuant to resolution 1874 (2009) highlighted the economic implications associated with the implementation of sanctions measures imposed on the Democratic People’s Republic of Korea. The Panel reported that several Governments had requested guidelines or information on the disposal of proscribed items after seizure. Government officials of Member

<sup>327</sup> For more information on sanctions measures, see sect. III above.

<sup>328</sup> See also the annual reports of the Secretary-General to the General Assembly (A/65/217 and A/66/213) on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions.

<sup>329</sup> Resolutions 1950 (2010), para. 10; and 2020 (2011), para. 12.

<sup>330</sup> Resolution 2018 (2011), para. 3.

<sup>331</sup> S/PV.6347, p. 16.

<sup>332</sup> *Ibid.*, p. 27.

States with whom the Panel had consultations had frequently mentioned that disposal of seized items could entail great financial and other burdens for the Member State seizing items, and that appropriate

remedies should be developed to lessen such burdens.<sup>333</sup>

<sup>333</sup> S/2010/571, para. 92.

## X. Right of 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 covers 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 case of an armed attack against a Member State. The section is divided into three sub-sections: subsection A covers decisions adopted by the Council relating to Article 51; subsection B covers the discussions of the Council of relevance to the interpretation and application of Article 51; and subsection C covers references to Article 51 and the principle of self-defence in other instances, in particular communications received by the Council.

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

During the period under review, the Council did not explicitly refer to Article 51 in any of its decisions. However, a reference was made to the right of self-defence of States in a statement by the President adopted on 19 March 2010, in connection with the item entitled “Central African region: impact of illicit arms trafficking on peace and security”. In the statement, the

Council, inter alia, while acknowledging the right of all States to manufacture, import, export, transfer and retain conventional arms for self-defence and security needs, consistent with international law and the Charter of the United Nations, underlined the vital importance of effective regulations and controls of the transparent trade in small arms and light weapons in order to prevent their illegal diversion and re-export.<sup>334</sup>

### B. Discussion relating to Article 51

During the period, explicit references to Article 51 were made at several meetings of the Council,<sup>335</sup> but there were no discussions that could be considered to be of a constitutional nature. The question of the application and interpretation of Article 51 was also implicitly referred to in connection with the Central African region and Palestine, as detailed below.

#### Central African region

At its 6288th meeting, on 19 March 2010, the Council considered the impact of illicit arms trafficking on peace and security in the Central African region. The representative of Lebanon said that a binding international instrument to regulate the illegal trade of weapons did not infringe the inherent right of States to individual or collective self-defence in the event of aggression against a Member of the United Nations, as stipulated in Article 51 of the Charter.<sup>336</sup> The representative of the United Kingdom said that, with regard to the arms trade, his country acknowledged the right of States to legally trade in conventional arms for self-defence and to that end had played a leading role in developing a legally binding arms trade treaty that would set standards for the arms

<sup>334</sup> S/PRST/2010/6, third paragraph.

<sup>335</sup> See S/PV.6288, p. 15 (Lebanon); S/PV.6347 (Resumption 1), p. 22 (Azerbaijan); and S/PV.6362, p. 4 (Eritrea).

<sup>336</sup> S/PV.6288, p. 15.

trade, ensuring respect for human rights and international humanitarian law while respecting a State's inherent right to self-defence.<sup>337</sup>

*The situation in the Middle East, including the Palestinian question*

On 31 May 2010, the Council convened an emergency meeting at the request of Turkey and Lebanon,<sup>338</sup> following the military interception by Israel of a flotilla attempting to deliver humanitarian aid to Gaza and to break the naval blockade off the coast of Gaza, which resulted in civilian and military casualties. The representative of Turkey, noting that international law dictated that, even in wartime, civilians were not to be attacked or harmed, said that the use of force had been disproportionate. He added that the doctrine of self-defence did not in any way justify the actions taken by the Israeli forces. He urged the Council to adopt a presidential statement that would condemn the Israeli "act of aggression".<sup>339</sup> The representative of Israel said that, once it became clear that the flotilla intended to violate the naval blockade despite repeated warnings, Israeli naval personnel boarded the ships. They were then attacked violently with life-threatening means, and therefore had acted in self-defence.<sup>340</sup>

At several subsequent meetings held in connection with the same item, speakers raised the question of the right of Israel to invoke self-defence as a legitimate ground for its action during the flotilla incident.<sup>341</sup>

**C. References to Article 51 and the principle of self-defence in other instances**

During the period under review, references to Article 51 and the principle of self-defence were found in several communications addressed to the President of the Council whereby Member States informed the Council of actions carried out in self-defence or declared an intention to consider possible future action

invoking their individual right to self-defence. The Council received such communications concerning Cambodia and Thailand,<sup>342</sup> Eritrea and Ethiopia,<sup>343</sup> Nagorny Karabakh<sup>344</sup> and Palestine.<sup>345</sup> In connection with the issue of non-proliferation, the Council also received communications concerning the Islamic Republic of Iran<sup>346</sup> and the Democratic People's Republic of Korea.<sup>347</sup>

Article 51 was explicitly mentioned in several other instances. In a letter dated 4 April 2011, the representative of Sao Tome and Principe transmitted to the Secretary-General the Sao Tome Declaration on a Central African Common Position on the Arms Trade Treaty, in which the signatories confirmed their commitment to the inherent right of all States to

<sup>342</sup> Letter dated 5 February 2011 from the representative of Thailand to the President of the Security Council (S/2011/57). For implicit references, see identical letters dated 8 August 2010 from the representative of Cambodia to the President of the General Assembly and the President of the Security Council (S/2010/426); letter dated 7 February 2011 from the representative of Thailand to the President of the Security Council (S/2011/59); letter dated 22 April 2011 from the representative of Cambodia to the President of the Security Council (S/2011/264); and letter dated 22 April 2011 from the representative of Thailand to the President of the Security Council (S/2011/265).

<sup>343</sup> Letter dated 3 May 2010 from the representative of Mexico to the President of the Security Council (S/2010/225); and letters dated 3 November 2011 and 20 December 2011 from the representative of Eritrea to the President of the Security Council (S/2011/681 and S/2011/792).

<sup>344</sup> Letter dated 13 October 2010 from the representative of Azerbaijan to the Secretary-General (S/2010/531).

<sup>345</sup> Identical letters dated 12 January 2010 from the representative of Israel to the Secretary-General and the President of the Security Council (S/2010/21). For implicit references, see identical letters dated 1 September 2010, 14 September 2010 and 16 September 2010 from the representative of Israel to the Secretary-General and the President of the Security Council (S/2010/459, S/2010/477 and S/2010/483).

<sup>346</sup> Identical letters dated 4 August 2010 from the representative of the Islamic Republic of Iran to the Secretary-General, the President of the General Assembly and the President of the Security Council (S/2010/431); and letter dated 11 November 2011 from the representative of the Islamic Republic of Iran to the President of the Security Council (S/2011/710).

<sup>347</sup> Letter dated 19 December 2010 from the representative of the United States of America to the Secretary-General (S/2010/648).

<sup>337</sup> *Ibid.*, p. 23.

<sup>338</sup> S/2010/266 and S/2010/267, respectively.

<sup>339</sup> S/PV.6325, pp. 4-5.

<sup>340</sup> *Ibid.*, p. 14.

<sup>341</sup> See S/PV.6363, pp. 12-13 (Lebanon); and S/PV.6404 (Resumption 1), p. 21 (Nicaragua).

individual and collective self-defence, in accordance with Article 51 of the Charter. They further confirmed the right of all States to manufacture, import, export, transfer and possess conventional arms for their legitimate self-defence and security needs, for the maintenance of order and in order to participate in peace support operations.<sup>348</sup>

The Non-Aligned Movement, in the outcome document of its sixteenth ministerial conference, reaffirmed its principled positions concerning the peaceful settlement of disputes, and the non-use or threat of use of force and, in that connection, stated that, consistent with the practice of the United Nations and international law, Article 51 of the Charter was restrictive and should not be rewritten or reinterpreted.<sup>349</sup>

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<sup>348</sup> [S/2011/225](#), p. 30.

<sup>349</sup> Letter dated 29 June 2011 from the representative of Egypt to the Secretary-General ([S/2011/407](#), p. 26).

In a letter to the Council dated 4 November 2011,<sup>350</sup> the representative of Turkey referred to the conclusions of the Human Rights Council on the situation in Gaza, including its resolution 14/1 of 2 June 2010, and the report of the international fact-finding mission,<sup>351</sup> which found that Israel's interception of the *Mavi Marmara* on the high seas was unlawful and could not be justified under Article 51 of the Charter.

Finally, in his report on Somalia the Secretary-General cited the joint communiqué of the Transitional Federal Government of Somalia and Kenya issued on 31 October 2011, which clarified that the Kenyan security operation inside Somalia was aimed at eliminating the threat posed by Al-Shabaab to the national security and economic well-being of Kenya, and was based on the legitimate right to self-defence under Article 51 of the Charter.<sup>352</sup>

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<sup>350</sup> [S/2011/690](#)

<sup>351</sup> [A/HRC/15/21](#).

<sup>352</sup> [S/2011/759](#), para. 5.

