

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).

During the period under review the Council reduced the number of resolutions adopted invoking explicitly Chapter VII of the Charter. Of the 53 resolutions adopted by the Council in 2012, 32 were adopted “acting under Chapter VII of the Charter” (60.3 per cent), while in 2013 only 24 of the 47 resolutions were adopted “acting under Chapter VII” (51 per cent). Most of those resolutions concerned the mandates of United Nations and regional peacekeeping missions or multinational forces, and the imposition, extension, modification or termination of sanctions measures.

In 2012 and 2013, the Council determined that there were several new and ongoing threats to regional and/or international peace and security. The Council determined the existence of new threats under Article 39 of the Charter in relation to the situation in Mali¹ and in relation to the use of chemical weapons in the Syrian Arab Republic.² The recurrence of cross-border violence between the Sudan and South Sudan³ and the situation in the Central African Republic⁴ merited renewed expressions of concern with regard to the threat posed to the peace.

There were ongoing threats to international peace and security relating to the situations in Afghanistan, the Democratic Republic of the Congo, Lebanon, Liberia, Mali, Somalia, West Africa and the Sahel. With respect to the situation in Afghanistan, the Council also recognized the threat posed to international peace and stability by illicit drug production, trade and trafficking. Terrorism was again referred to as the most serious threat to international peace and security, and the Council reaffirmed that the proliferation of nuclear, chemical and biological weapons continued to pose a threat to international peace and security in connection with the Democratic People’s Republic of Korea and the Islamic Republic of Iran. The Council expressed its concern during this period about the destabilizing effect of the accumulation and misuse of small arms and light weapons in many regions of the world, which it deemed a continuing threat to international peace and security.

The Council imposed new sanctions measures, of the type provided for under Article 41, against Guinea-Bissau and the Central African Republic. The Council modified or expanded the measures relating to Somalia and Eritrea, Al-Qaida and associated individuals and entities, Liberia, the Democratic Republic of the Congo, Côte d’Ivoire, the Sudan, the Democratic People’s Republic of Korea, the Taliban and associated individuals and entities and Libya. No changes were made to the measures imposed on Iraq, Lebanon and the Islamic Republic of Iran. No action was taken in 2012 and 2013 relating to judicial measures, such as referring a particular situation to a tribunal or to the International Criminal Court.

¹ See resolution [2056 \(2012\)](#), sixteenth preambular paragraph.

² See resolution [2118 \(2013\)](#), thirteenth preambular paragraph and para. 1.

³ See [S/PRST/2012/5](#), first paragraph.

⁴ See resolution [2127 \(2013\)](#), third preambular paragraph.

In relation to the maintenance or restoration of international peace and security, the Council authorized the use of force under Chapter VII of the Charter by United Nations peacekeeping missions and multinational forces in Afghanistan, Bosnia and Herzegovina, the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, the Middle East, Somalia, South Sudan and the Sudan (including Darfur and Abyei).

During the two years under review, the Council authorized a new generation of so-called robust peacekeeping mandates. As part of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the Council created the Intervention Brigade, which was authorized to take enforcement action and was the most robust mandate approved until then by the Council. The Council also authorized enforcement action by the African Union in the newly-established African-led International Support Mission in Mali and the African-led International Support Mission in the Central African Republic. Subsequent United Nations missions in Mali and the Central African Republic relied on robust mandates supported by French forces also authorized to use force (Operations Serval and Sangaris, respectively).

The Council further clarified the authorization of the use of force with respect to the African Union-United Nations Hybrid Operation in Darfur, the United Nations Interim Security Force for Abyei and the United Nations Mission in the Sudan.

In this period, the Council also reaffirmed, renewed or extended the authorization of the use of force by the Member States participating in the International Security Assistance Force deployed in Afghanistan, the African Union Mission in Somalia, the United Nations Operation in Côte d'Ivoire and the French forces supporting it, the European Union Force-Althea and the North Atlantic Treaty Organization presence in Bosnia and Herzegovina, and the United Nations Interim Force in Lebanon.

This part is divided into 10 sections, each focusing on selected material to highlight the interpretation and application of the provisions of Chapter VII of the Charter by the Council in its deliberations and decisions. Sections I to IV cover material related to Articles 39 to 42, which regulate the 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 command and deployment of military forces. Sections VII and VIII address, respectively, the obligations of Member States under Articles 48 and 49, while sections IX and X address, respectively, the practice of the Council with respect to Articles 50 and 51. Each section covers discussions held within the Council regarding the proper interpretation and implementation of these Articles, governing the Council's primary responsibility to maintain international peace and security.

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, nor did it determine the existence of any breach of the peace or act of aggression. The Council did however adopt numerous decisions in which it determined, emphasized, affirmed or expressed concern at the existence of a multiplicity of threats to the peace.

New threats

During the period under review, in four decisions, the Council determined the existence of new threats to international peace and security.

Given the rapidly deteriorating situation in the north of Mali, stemming from the actions carried out at the

beginning of 2012 by an armed group affiliated to the Mouvement national de libération de l'Azawad (MNLA), the Council determined in resolution [2056 \(2012\)](#), adopted under the item "Peace and security in Africa",⁵ that the situation in Mali constituted a threat to international peace and security. MNLA had sought the independence of the north and had caused the movement of 15,000 displaced persons and refugees.

After the attainment of independence by South Sudan and repeated incidents of cross-border violence at the border with the Sudan, including troop movements, support to proxy forces and aerial bombardments, the Council viewed the situation as a serious threat to international peace and security.⁶ While the Council had in previous years already declared the situation between the Sudan and South Sudan to be a threat to international peace and security, the aggravation of the situation led to a renewed emphasis on the threat posed to the peace by these events.

The deterioration of the situation in the Central African Republic at the end of 2013, similarly, added a new dimension to the conflict in that region and resulted in the determination by the Council of the situation in that country as a threat to international peace and security in resolution [2127 \(2013\)](#).

The use of chemical weapons in the context of the civil war unfolding in the Syrian Arab Republic led the Council to determine, in resolution [2118 \(2013\)](#), that the use of chemical weapons both in that country and elsewhere constituted a threat to international peace and security.

The relevant provisions of each decision relating to the determination of a threat to the peace adopted by the Council during the period under review are set out in table 1.

⁵ Pursuant to the note by the President of the Security Council dated 20 December 2012 ([S/2012/961](#)), issues pertaining to Mali were, from that date, considered under the item entitled "The situation in Mali", under which was subsumed the earlier consideration by the Council of those issues under the item entitled "Peace and security in Africa".

⁶ See [S/PRST/2012/5](#).

Table 1
Determination of new threats to regional or international peace and security, 2012-2013

<i>Decision and date</i>	<i>Provision</i>
Peace and security in Africa ^a	
Resolution 2056 (2012) 5 July 2012	Determining that the situation in Mali constitutes a threat to international peace and security in the region (penultimate preambular paragraph)
The situation in the Central African Republic	
Resolution 2127 (2013) 5 December 2013	Determining that the situation in the Central African Republic constitutes a threat to international peace and security (penultimate preambular paragraph)
Reports of the Secretary-General on the Sudan and South Sudan	
S/PRST/2012/5 6 March 2012	The Security Council expresses grave concern about reports of repeated incidents of cross-border violence between the Sudan and South Sudan, including troop movements, support to proxy forces and aerial bombardments, and views the situation as a serious threat to international peace and security. The Council urges the two countries to implement and respect the letter and spirit of their Memorandum of Understanding on Non-aggression and Cooperation of 10 February 2012, which was agreed under the auspices of the African Union High-level Implementation Panel (first paragraph)
The situation in the Middle East	
Resolution 2118 (2013) 27 September 2013	Determining that the use of chemical weapons in the Syrian Arab Republic constitutes a threat to international peace and security (penultimate preambular paragraph)
	Determines that the use of chemical weapons anywhere constitutes a threat to international peace and security (para. 1)

^a Pursuant to the note by the President of the Security Council dated 20 December 2012 ([S/2012/961](#)), issues pertaining to Mali were, from that date, considered under the item entitled “The situation in Mali”, under which was subsumed the earlier consideration by the Council of those issues under the item entitled “Peace and security in Africa”.

^b Pursuant to the note by the President of the Security Council dated 11 November 2013 ([S/2013/657](#)), as from that date the wording of the item “Reports of the Secretary-General on the Sudan” was revised to read “Reports of the Secretary-General on the Sudan and South Sudan”.

Continuing threats

During the years 2012 and 2013, the Council determined that the situations in Afghanistan, the Democratic Republic of the Congo, Lebanon, Liberia, Mali, Somalia, West Africa and the Sahel continued to constitute threats to “international peace and security”. It also determined that the presence and attacks of the Lord’s Resistance Army in parts of Central Africa continued to pose a threat to regional security and that the situation in Côte d’Ivoire posed a threat to international peace and security in the region. With regard to the Sudan and South Sudan, the Council determined that the situation in the two countries constituted a threat to international peace and security in the region, while the situation in Abyei as well as along the border between the

Sudan and South Sudan continued to constitute a threat to international peace and security.

With regard to Afghanistan, during the period under review, the Council emphasized the threat posed by illicit drug trafficking. In connection with Bosnia and Herzegovina, the Council determined that the situation in the region continued to constitute a threat to international peace and security. With regard to Liberia, the north of Mali, West Africa and the Sahel region, the Council found a common threat posed by transnational organized crime, including illicit weapons and drug trafficking, piracy and armed robbery at sea, as well as terrorism and its increasing links, in some cases, to transnational organized crime and drug trafficking. Terrorism was also deemed a threat in the context of the situation in the Middle East.

Concerning Somalia, the Council also considered that the cumulative effect of the situation in the country, Eritrea's influence in Somalia, and the dispute between Djibouti and Eritrea continued to constitute a threat to international peace and security in the region.

During the period 2012-2013, the decisions adopted under thematic items made reference to the same threats to international peace and security as those identified in country-specific and regional situations, such as terrorism, piracy and armed robbery at sea and the linkages with transnational organized crime and other illicit activities. As in previous periods, the Council deemed terrorism one of the most serious threats to international peace and security. In the area of non-proliferation, the Council considered that the

proliferation of weapons of mass destruction as well as nuclear, chemical and biological weapons and their means of delivery continued to pose a threat to international peace and security in connection with the Democratic People's Republic of Korea and the Islamic Republic of Iran. The Council also expressed its concern about the destabilizing effect of the accumulation and misuse of small arms and light weapons in many regions of the world, which it deemed to continue to pose threats to international peace and security.

The relevant provisions of all decisions adopted by the Council during the period under review, whether on country- or region-specific or thematic issues, relating to the determination of continuing threats to the peace, are set out in tables 2 and 3.

Table 2

Decisions in which the Council referred to continuing threats to the peace, by region or country, 2012-2013

<i>Decision and date</i>	<i>Provision</i>
Africa	
Peace and security in Africa	
S/PRST/2012/2 21 February 2012	The Council expresses concern about the serious threats to international peace and stability in different regions of the world, in particular in West Africa and the Sahel region, posed by transnational organized crime, including illicit weapons and drug trafficking, piracy and armed robbery at sea, as well as terrorism and its increasing links, in some cases, with transnational organized crime and drug trafficking. The Council stresses that these growing international threats, particularly in West Africa and the Sahel region, contribute to undermining governance, social and economic development and stability and creating difficulties for the delivery of humanitarian assistance, while threatening to reverse peacebuilding advances in the region (second paragraph)
Resolution 2056 (2012) 5 July 2012	Expressing deep concern at the increased terrorist threat in the north of Mali and the region due to the presence of members of Al-Qaida in the Islamic Maghreb, and 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 (eleventh preambular paragraph)
Resolution 2071 (2012) 12 October 2012	Determining that the situation in Mali constitutes a threat to international peace and security (penultimate preambular paragraph)
S/PRST/2013/5 13 May 2013	The Council notes with deep concern that terrorism continues to pose a serious threat to international peace and security, the enjoyment of human rights and the social and economic development of States, and undermines global stability and prosperity in Africa and, in particular, that this threat has become more diffuse, with an increase, in various regions of the world, of terrorist acts including those motivated by intolerance and extremism (second paragraph)

Decision and date	Provision
	<p>The Council notes the changing nature and character of terrorism in Africa, expresses its concern regarding the connection, in many cases, between terrorism and transnational organized crime and illicit activities such as drug, arms and human trafficking and emphasizes the need to enhance coordination of efforts at the national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international peace and security (tenth paragraph)</p>
<p>S/PRST/2013/10 16 July 2013</p>	<p>The Council continues to be gravely concerned about the activities in the Sahel region of terrorist organizations, including Al-Qaida in the Islamic Maghreb and the Mouvement pour l'unicité et le jihad en Afrique de l'Ouest, and reiterates its strong condemnation of the recent terrorist attacks perpetrated in the region. The Council considers sanctions an important tool in countering terrorism, and underlines the importance of prompt and effective implementation of its relevant resolutions, in particular resolutions 1267 (1999) and 1989 (2011), as key instruments in the fight against terrorism. The Council also expresses its continued concern over the serious threats to peace and security posed by armed conflict, proliferation of arms and transnational organized crime, including illicit activities such as drug trafficking, in the Sahel region and its increasing links, in some cases, with terrorism. In this regard, the Council reiterates its call for a full implementation of its resolution 2017 (2011) (third paragraph)</p> <p><i>See also S/PRST/2013/22 (second paragraph)</i></p>
<p>Central African region</p>	
<p>S/PRST/2012/18 29 June 2012</p>	<p>The Security Council strongly condemns the ongoing attacks carried out by the Lord's Resistance Army (LRA) in parts of Central Africa, which pose a continuing threat to regional security. The Council reiterates its grave concern at the atrocities committed by LRA, which have serious humanitarian and human rights consequences, including the displacement of over 445,000 people across the region (first paragraph)</p>
<p>The situation in Côte d'Ivoire</p>	
<p>Resolution 2045 (2012) 26 April 2012</p>	<p>Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region (penultimate preambular paragraph)</p> <p><i>See also resolutions 2062 (2012) (penultimate preambular paragraph), 2101 (2013) (penultimate preambular paragraph) and 2112 (2013) (penultimate preambular paragraph)</i></p>
<p>The situation concerning the Democratic Republic of the Congo</p>	
<p>Resolution 2053 (2012) 27 June 2012</p>	<p>Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region (penultimate preambular paragraph)</p> <p><i>See also resolutions 2076 (2012) (penultimate preambular paragraph), 2078 (2012) (penultimate preambular paragraph) and 2098 (2013) (penultimate preambular paragraph)</i></p>
<p>The situation in Liberia</p>	
<p>Resolution 2066 (2012) 17 September 2012</p>	<p>Noting with concern the cross-border threats to subregional stability, including to Liberia, in particular threats posed by transnational organized crime, including illicit activities such as drug and arms trafficking (sixteenth preambular paragraph)</p>

Repertoire of the Practice of the Security Council, 2012-2013

<i>Decision and date</i>	<i>Provision</i>
	Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph) <i>See also resolutions 2079 (2012) (penultimate preambular paragraph), 2116 (2013) (penultimate preambular paragraph) and 2128 (2013) (penultimate preambular paragraph)</i>
The situation in Mali ^a	
Resolution 2085 (2012) 20 December 2012	Emphasizing that the situation and the entrenchment of terrorist groups and criminal networks in the north of Mali continue to pose a serious and urgent threat to the population throughout Mali, and to the stability of the Sahel region, the wider African region and the international community as a whole (third preambular paragraph) Determining that the situation in Mali constitutes a threat to international peace and security (penultimate preambular paragraph) <i>See also resolution 2100 (2013) (penultimate preambular paragraph)</i>
The situation in Somalia	
Resolution 2036 (2012) 22 February 2012	Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph) <i>See also resolutions 2072 (2012) (fourth preambular paragraph), 2073 (2012) (fourth preambular paragraph) and 2093 (2013) (penultimate preambular paragraph)</i>
Resolution 2060 (2012) 25 July 2012	Determining that the situation in Somalia, Eritrea's influence in Somalia, as well as the dispute between Djibouti and Eritrea, continue to constitute a threat to international peace and security in the region (tenth preambular paragraph) <i>See also resolution 2111 (2013) (penultimate preambular paragraph)</i>
Resolution 2077 (2012) 21 November 2012	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 (penultimate preambular paragraph) <i>See also resolution 2125 (2013) (penultimate preambular paragraph)</i>
Reports of the Secretary-General on the Sudan and South Sudan ^b	
Resolution 2035 (2012) 17 February 2012	Determining that the situation in the Sudan continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph) <i>See also resolutions 2063 (2012) (ultimate preambular paragraph), 2091 (2013) (penultimate preambular paragraph) and 2113 (2013) (ultimate preambular paragraph)</i>
S/PRST/2012/12 12 April 2012	The Council views the current situation as a serious threat to international peace and security. It will continue to follow the situation closely, and will take further steps as necessary. The Council looks forward to receiving a briefing from the African Union High-level Implementation Panel and the Special Envoy of the Secretary-General for the Sudan and South Sudan, Mr. Haile Menkerios, in the coming days (seventh paragraph)
Resolution 2046 (2012) 2 May 2012	Determining that the prevailing situation along the border between the Sudan and South Sudan constitutes a serious threat to international peace and security (penultimate preambular paragraph)

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

<i>Decision and date</i>	<i>Provision</i>
Resolution 2047 (2012) 17 May 2012	Recognizing that the current situation in Abyei and along the border between the Sudan and South Sudan constitutes a serious threat to international peace and security (ultimate preambular paragraph) <i>See also resolutions 2075 (2012) (penultimate preambular paragraph), 2104 (2013) (penultimate preambular paragraph) and 2126 (2013) (penultimate preambular paragraph)</i>
Resolution 2057 (2012) 5 July 2012	Determining that the situation faced by South Sudan continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph) <i>See also resolutions 2109 (2013) (penultimate preambular paragraph) and 2132 (2013) (penultimate preambular paragraph)</i>
Peace consolidation in West Africa	
Resolution 2039 (2012) 29 February 2012	Expressing its concern about the serious threats to international peace and stability in different regions of the world, in particular in West Africa and the Sahel region, posed by transnational organized crime, including illicit weapons and drug trafficking, piracy and armed robbery at sea (penultimate preambular paragraph)
Asia	
The situation in Afghanistan	
Resolution 2041 (2012) 22 March 2012	Encouraging the international community and regional partners to further effectively support Afghan-led sustained efforts to address drug production and trafficking, notably through the working group on counter-narcotics of the Joint Coordination and Monitoring Board, as well as regional initiatives, recognizing the threat posed by illicit drug production, trade and trafficking to international peace and stability in different regions of the world, and the important role played by the United Nations Office on Drugs and Crime in this regard, and stressing the important role of the United Nations in continuing to monitor the drug situation in Afghanistan (thirty-fourth preambular paragraph) <i>See also resolutions 2069 (2012) (eighteenth preambular paragraph), 2096 (2013) (thirty-second preambular paragraph) and 2120 (2013) (eighteenth preambular paragraph)</i>
Resolution 2069 (2012) 9 October 2012	Determining that the situation in Afghanistan still constitutes a threat to international peace and security (antepenultimate preambular paragraph) <i>See also resolution 2120 (2013) (antepenultimate preambular paragraph)</i>
Europe	
The situation in Bosnia and Herzegovina	
Resolution 2074 (2012) 14 November 2012	Determining that the situation in the region continues to constitute a threat to international peace and security (penultimate preambular paragraph) <i>See also resolution 2123 (2013) (penultimate preambular paragraph)</i>
Middle East	
The situation in the Middle East	
Resolution 2051 (2012) 12 June 2012	Expressing grave concern at the security situation and continuing terrorist attacks, in particular by Al-Qaida in the Arabian Peninsula, within Yemen, and 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 (sixth preambular paragraph)

Repertoire of the Practice of the Security Council, 2012-2013

<i>Decision and date</i>	<i>Provision</i>
Resolution 2064 (2012) 30 August 2012	Determining that the situation in Lebanon continues to constitute a threat to international peace and security (ultimate preambular paragraph) <i>See also resolution 2115 (2013) (ultimate preambular paragraph)</i>
S/PRST/2013/15 2 October 2013	The Council moreover condemns increased terrorist attacks resulting in numerous casualties and destruction carried out by organizations and individuals associated with Al-Qaida, and calls upon all parties to commit to putting an end to terrorist acts perpetrated by such organizations and individuals. The Council reaffirms in this regard that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed (eighth paragraph)

^a Pursuant to the note by the President of the Security Council dated 20 December 2012 (S/2012/961), issues pertaining to Mali were, from that date, considered under the item entitled “The situation in Mali”, under which was subsumed the earlier consideration by the Council of those issues under the item entitled “Peace and security in Africa”.

^b Pursuant to the note by the President of the Security Council dated 11 November 2013 (S/2013/657), as from that date the wording of the item “Reports of the Secretary-General on the Sudan” was revised to read “Reports of the Secretary-General on the Sudan and South Sudan”.

Table 3

Decisions in which the Council referred to continuing threats to the peace, by thematic issue, 2012-2013

<i>Decision and date</i>	<i>Provision</i>
Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security	
S/PRST/2013/12 6 August 2013	The Council recognizes the need to enhance coordination of efforts at the national, subregional, regional and international levels, as appropriate, in order to strengthen the 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 (twenty-third paragraph) The Council welcomes the efforts undertaken by its subsidiary bodies with responsibilities in counter-terrorism to foster cooperation with regional and subregional organizations, and notes with appreciation the efforts made by an increasing number of regional and subregional organizations in countering terrorism. The Council urges all relevant regional and subregional organizations to enhance the effectiveness of their counter-terrorism efforts within their respective mandates and in accordance with international law, including with a view to developing their capacity to help Member States in their efforts to tackle the threats to international peace and security posed by acts of terrorism (twenty-fifth paragraph)
Maintenance of international peace and security	
S/PRST/2012/14 19 April 2012	The Security Council reaffirms that the proliferation of weapons of mass destruction, and their means of delivery, constitutes a threat to international peace and security (first paragraph)

<i>Decision and date</i>	<i>Provision</i>
S/PRST/2012/24 19 November 2012	The Council continues to be gravely concerned by the threat that piracy and armed robbery at sea pose to international navigation, the safety of commercial maritime routes, and the security and economic development of States in the regions concerned, as well as to the safety and welfare of seafarers and other persons, including through their being taken as hostages, and the increasing violence employed by pirates and persons involved in piracy and armed robbery at sea. The Council condemns in the strongest terms hostage taking and the use of violence against hostages, and calls upon States to also cooperate, as appropriate, to secure the early release of hostages, including through sharing of information and intelligence (second paragraph)
Non-proliferation	
Resolution 2049 (2012) 7 June 2012	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 (penultimate preambular paragraph) <i>See also resolution 2105 (2013) (penultimate preambular paragraph)</i>
Non-proliferation/Democratic People's Republic of Korea	
Resolution 2050 (2012) 12 June 2012	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 (penultimate preambular paragraph) <i>See also resolution 2094 (2013) (second preambular paragraph)</i>
Resolution 2094 (2013) 7 March 2013	Expressing its gravest concern that the Democratic People's Republic of Korea's ongoing nuclear and ballistic missile-related activities have further generated increased tension in the region and beyond, and determining that there continues to exist a clear threat to international peace and security (penultimate preambular paragraph)
The promotion and strengthening of the rule of law in the maintenance of international peace and security	
S/PRST/2012/1 19 January 2012	The Council notes with concern that transnational organized crime and drug trafficking can pose serious threats to international security in different regions of the world, notes also that these transnational crimes may threaten the security of countries on its agenda, including post-conflict States, encourages the coordination of United Nations actions as well as actions by Member States in fighting these threats through the implementation of national and international applicable norms, relevant international long-term capacity-building efforts and regional initiatives (tenth paragraph)
Threats to international peace and security caused by terrorist acts	
S/PRST/2012/17 4 May 2012	The Council notes with concern that terrorism continues to pose a serious threat to international peace and security, the enjoyment of human rights and the social and economic development of States, and undermines global stability and prosperity, and that this threat has become more diffuse, with an increase, in various regions of the world, of terrorist acts, including those motivated by intolerance and extremism, and reaffirms its determination to combat by all means, in accordance with the Charter and international law, including applicable international human rights, refugee and humanitarian law, threats to international peace and security caused by terrorist acts (third paragraph) <i>See also S/PRST/2013/1 (second paragraph) and resolution 2129 (2013) (second preambular paragraph)</i>

Decision and date

Provision

Resolution 2082 (2012)
17 December 2012

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 2083 (2012)
17 December 2012

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)

See also resolution 2129 (2013) (first preambular paragraph)

Small arms

Resolution 2117 (2013)
26 September 2013

Gravely concerned that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons in many regions of the world continue to pose threats to international peace and security, cause significant loss of life, contribute to instability and insecurity and continue to undermine the effectiveness of the Council in discharging its primary responsibility for the maintenance of international peace and security (fourth preambular paragraph)

B. Discussion relating to Article 39

During the period under review, several issues regarding the interpretation of Article 39 and the determination of a threat to international peace and security arose in the Council's debates. There were two explicit references to Article 39 during deliberations of the Council in relation to the items entitled "The promotion and strengthening of the rule of law in the maintenance of international peace and security" (case 1) and "Maintenance of international peace and security" (case 4).

During the period under review the threat posed by transnational and organized crime, including illicit cross-border activities, was discussed by the Council in connection with items such as "The promotion and strengthening of the rule of law in the maintenance of international peace and security" (case 1) and "Threats to international peace and security" (case 2). The Council also discussed the potential threat to international peace and security posed by grave crimes and crimes against humanity (case 3).

Terrorism and its growing linkages with transnational organized crime were also deemed a threat

that was discussed in connection with the item "Peace and security in Africa" under different sub-items (cases 5 and 6). Piracy, closely related to terrorism and transnational organized crime, and affecting regions as diverse as Somalia, the Gulf of Guinea and the South China Sea, was also considered by the Council, (case 4) as was the illicit extraction of and trade in natural resources, under the item "Maintenance of international peace and security" (case 7). In the context of the conflict in the Syrian Arab Republic, under the item "The situation in the Middle East", the Council discussed the threat posed to the peace by the use of chemical weapons (case 8).

Case 1 The promotion and strengthening of the rule of law in the maintenance of international peace and security

On 19 January 2012, at its 6705th meeting, the Council considered the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies dated 12 October 2011.⁷ Several speakers referred to transnational crime as a new and real

⁷ See [S/2011/634](#).

threat to international peace and security.⁸ The representative of Pakistan recalled that resort to Article 39 of the Charter must be made “in accordance with the principles and purposes of the Charter”.⁹ He also emphasized that, if the decisions of the Council were informed by the norms that it sought to promote, this would result in greater effectiveness of the Council. The representative of Costa Rica noted on his part that in seeking to address “new security threats”, the Council must be particularly cautious in ensuring that its actions remained governed by the specific situation and were time-bound and restricted by the provisions of Chapter VII of the Charter.¹⁰ At that meeting, the Council issued a presidential statement in which it noted with concern that transnational organized crime and drug trafficking could pose serious threats to international peace and security in different regions of the world.¹¹

Case 2

Threats to international peace and security: securing borders against illicit cross-border trafficking and movement

At its 6760th meeting, on 25 April 2012, the Council had before it a concept paper prepared by the United States on securing borders against illicit flows of materials and goods.¹² In his address to the Council, the Secretary-General recalled that insufficiently protected borders across the globe enabled the traffic of drugs, weapons, contraband, terrorist funding, materials related to weapons of mass destruction, conflict minerals, wildlife and people and that such illicit flows threatened peace and security.¹³ He further noted that such threats were rightly the focus of the Council’s close attention. The representative of Colombia affirmed that illicit trafficking in nuclear, chemical or biological weapons and their delivery systems, as well as the movement of terrorists and their funds across borders, were recognized as “threats to international peace”.¹⁴ The representative of Guatemala noted by contrast that not all illicit cross-border activities posed an actual threat to international peace and security, although some actually had that potential.¹⁵ The representative of France emphasized that

illicit cross-border trafficking and flows encompassed various phenomena, some of which directly threatened international peace and security, such as the trafficking of weapons of mass destruction-related goods and technologies.¹⁶ Several speakers defended the Council’s role in curbing illicit flows,¹⁷ which, as noted by the representative of Germany, it had already addressed in relation to drug trafficking, organized crime and human trafficking. The representative of India cautioned, however, that the Council should step in only when there was a threat to international peace and security and in the context of specific situations, such as conflict and post-conflict situations and under specific sanctions regimes established pursuant to Chapter VII of the Charter.¹⁸ The representative of Brazil also indicated that not every incidence of illicit cross-border trafficking posed a threat to international peace and security and that therefore the Council would have a role to play only in some cases.¹⁹ The representative of Pakistan said that border security should become a concern of the Council only in those specific situations posing a threat to international peace and security.²⁰ The United States affirmed that illicit transfers undermined the sovereignty and internal stability not only of fragile or particularly vulnerable States and that the Council could respond and prevent such threats.²¹ The representative of the United Kingdom held that the benefits of an interconnected world and the developments in technology were many but that such benefits were also available to those seeking to cause harm. For that reason, he asserted that the international community needed to work collectively to identify and tackle those threats.²² At the meeting, the Council issued a presidential statement in which it acknowledged the evolving challenges and threats to international peace and security, and noted that threats posed by illicit cross-border trafficking had increased as the world had become more interconnected.²³

⁸ S/PV.6705, p. 7 (Portugal); and p. 13 (Morocco).

⁹ Ibid., p. 17.

¹⁰ Ibid., p. 29.

¹¹ S/PRST/2012/1, tenth paragraph.

¹² See S/2012/195.

¹³ S/PV.6760, p. 2.

¹⁴ Ibid., p. 4.

¹⁵ Ibid., p. 7.

¹⁶ Ibid., p. 14.

¹⁷ Ibid., p. 9 (Russian Federation); p. 11 (China); and p. 11 (Germany).

¹⁸ Ibid., p. 8.

¹⁹ Ibid., p. 22.

²⁰ Ibid., p. 17.

²¹ Ibid., p. 18.

²² Ibid., p. 16.

²³ S/PRST/2012/16, second and fourth paragraphs.

Case 3

The promotion and strengthening of the rule of law in the maintenance of international peace and security: peace and justice with a special focus on the International Criminal Court

On 17 October 2012, at its 6849th meeting, the Council held an open debate on peace and justice with a special focus on the role of the International Criminal Court, having before it a concept note prepared by Guatemala.²⁴ There was overall consensus about the fact that grave crimes and crimes against humanity could threaten international peace and security. Differences of opinion related mainly to the circumstances triggering a referral to the International Criminal Court. The representative of the Russian Federation argued that a referral to the Court required a Council decision under Chapter VII of the Charter, and that the Council may exercise its powers under Chapter VII only if there is a threat to the peace, breach of the peace or act of aggression.²⁵ The representative of Sri Lanka emphasized the principle of sovereign equality and non-intervention in the internal affairs of Member States in situations where there was no threat to international peace and security.²⁶ The representatives of Togo and Tunisia warned against double standards, depending on where situations arose, in referring situations to the Court.²⁷ Several speakers affirmed that the Security Council and the Court were complementary²⁸ and that the work of the Court prevented those crimes, thereby contributing to the maintenance of international peace and security.²⁹

Case 4

Maintenance of international peace and security: piracy

On 19 November 2012, having before it a concept note prepared by India,³⁰ the Council held an open debate on the issue of piracy. Speakers affirmed that piracy continued to threaten international peace and security³¹

and that therefore the Council had a role to play, while some noted that the Council could act in relation to piracy only to the extent that the specific situation threatened international peace and security.³² As affirmed by the representative of Argentina, unless a situation qualified as a threat to international peace and security under Article 39 of the Charter and the Council decided to take action under Chapter VII, a situation of piracy was not a matter that would fall within the primary competence of the Council.³³ The representative of Japan stated that it had become a major threat along with other outstanding threats such as transnational crime and terrorism.³⁴ Speakers made explicit reference to Somalia, the Gulf of Guinea and the South China Sea as areas particularly affected by piracy.³⁵ At the meeting, the Council issued a presidential statement in which it expressed its grave concern about the threat that piracy and armed robbery at sea posed to international navigation, the safety of commercial maritime routes, and the security and economic development of States in the regions concerned.³⁶

Case 5

Peace and security in Africa: the Sahel: towards a more comprehensive and coordinated approach

On 10 December 2012, the Council held a meeting concerning the Sahel, having before it a concept note prepared by Morocco,³⁷ at which it was briefed by the Secretary-General, the Special Envoy of the Secretary-General for the Sahel and the United Nations High Commissioner for Refugees. At that meeting, the Council adopted a presidential statement in which it expressed concern over the insecurity in the Sahel region, further complicated by the continued proliferation of weapons that threatened peace, security and stability of States in the region.³⁸ The Secretary-General affirmed that in addition to arms smuggling, political turmoil, terrorist activity and drug trafficking were spilling over borders

²⁴ S/2012/731, annex.

²⁵ S/PV.6849, p. 20.

²⁶ S/PV.6849 (Resumption 1), p. 26.

²⁷ S/PV.6849, p. 22 (Togo); and S/PV.6849 (Resumption 1), p. 22 (Tunisia).

²⁸ S/PV.6849, p. 25 (Luxembourg); and S/PV.6849 (Resumption 1), p. 28 (Austria).

²⁹ S/PV.6849, p. 26 (Luxembourg); and S/PV.6849 (Resumption 1), p. 20 (Belgium).

³⁰ S/2012/814, annex.

³¹ S/PV.6865 (Resumption 1), p. 10 (Luxembourg); p. 18 (Malaysia); p. 26 (New Zealand); p. 27 (Bangladesh); and p. 30 (Nigeria).

³² S/PV.6865, p. 12 (South Africa).

³³ S/PV.6865 (Resumption 1), p. 6.

³⁴ *Ibid.*, p. 13.

³⁵ S/PV.6865, p. 12 (South Africa); p. 18 (Morocco); S/PV.6865 (Resumption 1), p. 5 (Denmark, Argentina); p. 6 (Saudi Arabia); p. 8 (Egypt); p. 10 (Luxembourg); p. 18 (Malaysia); p. 22 (Viet Nam); p. 27 (Bangladesh); and p. 30 (Nigeria).

³⁶ S/PRST/2012/24, second paragraph.

³⁷ S/2012/906, annex.

³⁸ S/PRST/2012/26, fourth paragraph.

and threatening peace and security.³⁹ The representative of Côte d'Ivoire highlighted the terrorist activity which, he said, threatened West Africa and the Sahel, as well as the Maghreb and beyond.⁴⁰ Similarly, the representative of the United Kingdom affirmed that the instability in the Sahel threatened not only the security and the livelihoods of the people in the region but also those of the neighbours and beyond.⁴¹ The representative of Morocco added that separatists and criminals had committed acts of violence on over two thirds of the national territory of Mali, constituting a threat to the security and stability not only of Mali but throughout the region.⁴² On the Sahel, he emphasized that the region had become a safe haven for terrorist groups, ideologically and methodologically affiliated with Al-Qaida, as well as for separatist groups and traffickers in drugs and human beings that were a threat to international peace and regional security.⁴³ The representatives of the United States and Portugal stated that the international community and the people of the Sahel faced a complex and multifaceted set of interrelated challenges threatening the security of the region and beyond.⁴⁴ Several speakers called for a coordinated and comprehensive action, including cooperation with regional organizations, in responding to the challenges and threats facing the Sahel region.⁴⁵

Case 6
Peace and security in Africa: the challenges of the fight against terrorism in Africa in the context of maintaining international peace and security

On 13 May 2013, the Council held a public debate on the fight against terrorism in Africa in the context of the maintenance of international peace and security, having before it a concept note prepared by Togo.⁴⁶ The Council was briefed by the Secretary-General and the Director General of the Intergovernmental Action Group

against Money Laundering in West Africa. Both speakers agreed that terrorism was a threat to peace and security. While the Secretary-General stated that it was a threat to peace, security and development in Africa,⁴⁷ the Director General of the Intergovernmental Action Group said that the challenges of fighting terrorism in Africa constituted the major threat to international peace and security.⁴⁸ Many speakers were of the view that terrorism was a threat to international peace and security and particularly serious in Africa, given the challenges in combating it. Several speakers confirmed that Africa was the new frontier for international terrorism.⁴⁹ Some speakers alluded to the fact that terrorism in Africa not only threatened international peace and security but also, as stated by the Secretary-General, the socioeconomic development of the continent.⁵⁰ At that meeting, the Council issued a presidential statement, in which it noted that terrorism continued to pose a serious threat to international peace and security and undermined global prosperity and stability in Africa.⁵¹

Case 7
Maintenance of international peace and security: conflict prevention and natural resource

On 19 June 2013, the Council held an open debate on the question of conflict prevention and natural resources, having before it a concept note prepared by the United Kingdom.⁵² The Council was briefed by four speakers, including the Under-Secretary-General and Associate Administrator of the United Nations Development Programme,⁵³ who cautioned that, in the light of population growth, climate change and scarce natural resources, conflict related to natural resources could become a definite threat to global peace and security in the present century.⁵⁴ The representative of the United States called on the members of the Council to act in those cases where the illicit extraction of, and trade in, natural resources threatened international peace and

³⁹ S/PV.6882, p. 4.

⁴⁰ Ibid., p. 10.

⁴¹ Ibid., p. 16.

⁴² Ibid., p. 10. During the discussion several other speakers referred to the situation in Mali as a specific threat within the broader context of the crisis affecting the Sahel; see S/PV.6882, p. 20 (Russian Federation); p. 21 (Portugal); p. 23 (Pakistan); p. 25 (Guatemala); p. 27 (Germany); and p. 30 (European Union).

⁴³ S/PV.6882, p. 10.

⁴⁴ Ibid., p. 14 (United States); and p. 21 (Portugal).

⁴⁵ Ibid., p. 15 (United States); p. 20 (China); and p. 23 (Pakistan).

⁴⁶ S/2013/264, annex.

⁴⁷ S/PV.6965, p. 2.

⁴⁸ Ibid., p. 4.

⁴⁹ Ibid., pp. 18-19 (Russian Federation); p. 22 (Pakistan); and p. 26 (Australia).

⁵⁰ Ibid., p. 16 (Argentina); p. 20 (Azerbaijan); and p. 38 (United Republic of Tanzania).

⁵¹ S/PRST/2013/5, second paragraph.

⁵² S/2013/334, annex.

⁵³ The Council was briefed also by the Deputy Secretary-General, the Chair of the Africa Progress Panel and the Managing Director of the World Bank.

⁵⁴ S/PV.6982, p. 9.

security.⁵⁵ The representative of Guatemala distinguished between situations where the control of natural resources – as in Africa – could lead to conflict and constitute a threat to international peace and security and those in which the struggle over natural resources could create tensions not rising to the level of threatening international peace and security. He said in most cases that there was no relationship between natural resources and conflict and that, therefore, the jurisdiction of the Council in this area was very limited.⁵⁶ The representatives of Argentina and Qatar said that Council intervention should occur only in conflict or post-conflict situations that represented a threat to international peace and security.⁵⁷

Case 8 The situation in the Middle East

On 27 September 2013, the Council held a meeting on the situation in the Middle East at which it adopted resolution 2118 (2013), concerning the use of chemical weapons in the Syrian Arab Republic. In that resolution,

⁵⁵ Ibid., p. 10.

⁵⁶ Ibid., p. 19.

⁵⁷ Ibid., p. 20 (Argentina); and S/PV.6982 (Resumption 1), p. 10 (Qatar).

the Council determined that “the use of chemical weapons anywhere” constituted a threat to international peace and security.⁵⁸ In the discussion that followed the adoption of the resolution, most speakers affirmed that the use of chemical weapons was a threat to international peace and security.⁵⁹ Some speakers stated that this authorized the Council to be immediately seized of the issue in the future, as a guarantor of chemical disarmament;⁶⁰ it was also noted that the resolution would make it easier for the Council to deal with such weapons in future.⁶¹ The representative of Australia affirmed that the statement in the resolution to the effect that the use of chemical weapons anywhere constituted a threat to international peace and security would act as a strong deterrent to anyone contemplating the use of chemical weapons in future.⁶²

⁵⁸ See resolution 2118 (2013), para. 1.

⁵⁹ Some speakers emphasized that the use of chemical weapons per se was a threat to international peace and security regardless of the circumstances; see S/PV.7038, p. 4 (United States); p. 6 (Luxembourg); p. 9 (Republic of Korea); and p. 15 (Australia).

⁶⁰ S/PV.7038, p. 6 (Luxembourg); and p. 7 (France).

⁶¹ Ibid., p. 12 (Morocco).

⁶² Ibid., p. 15.

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 that the Council called upon the parties to comply with in order to prevent an aggravation of the situation. No explicit reference to Article 40 was

made in any of the deliberations of the Council during the period under review.

Decisions of the Security Council relating to Article 40

During the period under review, Article 40 of the Charter was not explicitly cited in any decision adopted by the Council. Having determined the existence of a threat to the peace, the Council did adopt three decisions, acting under Chapter VII of the Charter, which, while not explicitly citing Article 40, can be considered of relevance for the interpretation and application of this provision. The relevant provisions of the three decisions are set out in table 4.

The prolonged and complex nature of the conflicts dealt with by the Council and the rapidly evolving conditions of most of those conflicts have led the Council to impose provisional measures in conjunction with the

adoption of measures under Articles 41 and 42 of the Charter. In other words, while Article 40 suggests that provisional measures to prevent the aggravation of a conflict would be adopted prior to the imposition of the range of measures available under Chapter VII (Articles 41 and 42), the practice of the Council reflects a more flexible interpretation of that provision.

As in the past, during the period under review provisional measures were adopted simultaneously with the adoption of measures under Chapter VII. For example, while commending the efforts of the United Nations Interim Security Force for Abyei in carrying out its mandate under Chapter VII,⁶³ the Council adopted a series of measures with a view to de-escalating the tensions between the Sudan and South Sudan,⁶⁴ subject to a series of timelines and with a clear threat to adopt measures under Article 41 in the event of non-compliance.⁶⁵ In relation to the situation in Mali, the Council expanded the measures applicable in the framework of resolution 1989 (2011) against Al-Qaida to include individuals, groups, undertakings and entities associated with Al-Qaida in the Sahel region and notably

in the north of Mali.⁶⁶ It adopted a series of measures with a view to ensuring the cessation of hostilities, restoring the constitutional order and the safe return of the interim President, reserving its right to adopt further action in case of non-compliance.⁶⁷ With respect to the situation in the Central African Republic, the Council authorized the deployment of and the use of force by the African-led International Support Mission in the Central African Republic,⁶⁸ in parallel with the adoption of a series of measures to ensure the respect of the transitional arrangements for the restoration of the constitutional order and the holding of elections in the country, and decided that any delay, impediment or violation of the transitional arrangements could lead to the imposition of additional sanctions measures.⁶⁹

In sum, during the period under review, the Council called for compliance with provisional measures relating to, *inter alia*, (a) cessation of hostilities, (b) withdrawal of armed forces, (c) activation of border security mechanisms, (d) implementation of transitional arrangements, (e) respect for the constitutional order, and (f) resumption of negotiations, which were deemed of relevance for the interpretation and application of Article 40 of the Charter (see table 4).

⁶³ See resolution 2046 (2012), para. 8; and resolution 1990 (2011), para. 3, in which the Council authorized the use of force by the United Nations Interim Security Force for Abyei.

⁶⁴ See resolution 2046 (2012), paras. 1 and 2.

⁶⁵ See resolution 2046 (2012), paras. 3, 5 and 6.

⁶⁶ See resolution 2056 (2012), para. 24.

⁶⁷ See resolution 2056 (2012), paras. 4, 6, 7 and 9.

⁶⁸ See resolution 2127 (2013), para. 28.

⁶⁹ See resolution 2127 (2013), paras. 1, 5, 10 and 56.

Table 4

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

<i>Type of measure</i>	<i>Provision</i>
The situation in the Central African Republic (resolution 2127 (2013) of 5 December 2013)	
Implementation of transitional arrangements	Demands the swift implementation of transitional arrangements referred to in paragraph 1, which shall lead to the holding of free, fair and transparent presidential and legislative elections 18 months after the beginning of the transition period as defined in article 102 of the Transitional Charter, which took effect on 18 August 2013, and called for in the N'Djamena Declaration (para. 5)
Council action in the event of failure to comply	Decides that any attempt to delay, impede or violate the transitional arrangements referred to in paragraph 1 shall be considered as an impediment to the peace process and could lead to the imposition of appropriate measures defined in paragraph 56 (para. 10)
The situation in Mali^a (resolution 2056 (2012) of 5 July 2012)	
Respect for the constitutional order	Calls upon all national stakeholders in Mali to create the conditions necessary for enabling the transitional authorities to fully exercise their primary responsibilities and to ensure the full restoration and preservation of constitutional order (para. 2)

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<i>Type of measure</i>	<i>Provision</i>
Cessation of hostilities	Demands the full, immediate and unconditional cessation of hostilities by rebel groups in the north of Mali (para. 9)
Council action in the event of failure to comply	Takes note of the decisions of the Economic Community of West African States and the African Union to adopt targeted sanctions in Mali, and reserves the right to consider appropriate measures as necessary (para. 6)

Reports of the Secretary-General on the Sudan and South Sudan^b (resolution [2046 \(2012\)](#) of 2 May 2012)

Cessation of hostilities	Decides that the Sudan and South Sudan shall take the following actions with immediate effect unless otherwise specified below: Immediately cease all hostilities, including aerial bombardments, with the parties formally conveying their commitment in this respect to the Chairperson of the African Union Commission and the President of the Security Council no later than 48 hours from the adoption of the present resolution (para. 1(i))
Withdrawal of armed forces	Unconditionally withdraw all of their armed forces to their side of the border, in accordance with previously adopted agreements, including the Agreement on the Border Monitoring Support Mission of 30 July 2011 (para. 1 (ii))
Activation of border security mechanisms	Activate, within no more than a week of the adoption of the present resolution, the necessary border security mechanisms, namely the Joint Border Verification and Monitoring Mechanism and the Safe Demilitarized Border Zone, in accordance with the administrative and security map presented to the parties by the African Union High-level Implementation Panel in November 2011, it being understood that this map in no way prejudices ongoing negotiations on the disputed areas and demarcation of the border (para. 1 (iii))
Cessation of harbouring of armed elements	Cease the harbouring of or support to rebel groups against the other State (para. 1 (iv))
Cessation of hostile propaganda	Immediately cease hostile propaganda and inflammatory statements in the media, as well as any attacks against the property and religious and cultural symbols belonging to the nationals of the other State, with the two Governments assuming full responsibility for the protection of each other's nationals in line with international principles, consistent with the Framework Agreement on the Status of Nationals of the Other State and Related Matters initialled in March 2012 (para. 1 (vi))
Implementation of transitional arrangements	Implement pending aspects of the Agreement on Temporary Arrangements for the Administration and Security of the Abyei Area of 20 June 2011, in particular the redeployment, within no more than two weeks of the adoption of the present resolution, of all Sudanese and South Sudanese forces out of the Abyei Area (para. 1 (vii))
Resumption of negotiations	Decides also that the Sudan and South Sudan shall unconditionally resume negotiations, under the auspices of the African Union High-level Implementation Panel and with the support of the Chairperson of the Intergovernmental Authority on Development, at a time to be set by the Panel in consultation with relevant international partners, but within no more than two weeks from the time of adoption of the present resolution (para. 2)

Type of measure	Provision
Council action in the event of failure to comply	Requests the Secretary-General to consult with the African Union on the implementation of the present resolution and the decisions of the Peace and Security Council of the African Union, to work closely with the African Union High-level Implementation Panel in support of its facilitation efforts, and to inform the Security Council within 15 days and at two-week intervals thereafter on the status of compliance by the Sudan, South Sudan and the Sudan People's Liberation Movement-North with the decisions set forth in the present resolution, and expresses its intention, in the event that any or all of the parties have not complied with the decisions set forth in the present resolution, to take appropriate additional measures under Article 41 of the Charter, as necessary (para. 6)

^a Pursuant to the note by the President of the Security Council dated 20 December 2012 (S/2012/961), issues pertaining to Mali were, from that date, considered under the item entitled "The situation in Mali", under which was subsumed the earlier consideration by the Council of those issues under the item entitled "Peace and security in Africa".

^b Pursuant to the note by the President of the Security Council dated 11 November 2013 (S/2013/657), as from that date the wording of the item "Reports of the Secretary-General on the Sudan" was revised to read "Reports of the Secretary-General on the Sudan and South Sudan".

III. Measures not involving the use of armed force in accordance with Article 41 of the Charter

Article 41

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

Note

Section III covers decisions of the Security Council imposing measures not involving the use of armed force, pursuant to Article 41 of the Charter. During the period under review, the Council imposed sanctions measures under Chapter VII, Article 41, on Guinea-Bissau and the Central African Republic, modified the measures concerning Somalia and Eritrea, Al-Qaida and associated individuals and entities, the Taliban and associated individuals and entities, Liberia, the Democratic Republic of the Congo, Côte d'Ivoire, the Sudan, the Democratic People's Republic of Korea and Libya, and expanded the measures against Somalia and the Democratic People's Republic of Korea. No changes were made to the measures imposed under Article 41 on Iraq, Lebanon and the Islamic Republic of Iran.

No judicial measures were imposed under Article 41 during the period under review. The Tribunals for the former Yugoslavia and Rwanda continued to function in parallel with the International Residual Mechanism for Criminal Tribunals, established in 2010 with a view to bringing those Tribunals to a close.⁷⁰

The Council expressly referred to Article 41 in the preambles to five resolutions⁷¹ and in the operative provisions of two resolutions.⁷² The Council also expressly referred to Article 41 in presidential statements on the Sudan and Yemen, expressing its intention in each instance to consider further or appropriate measures under Article 41, if necessary.⁷³

This section is divided into two subsections. Subsection A outlines decisions by which the Council imposed, modified or terminated measures under Article 41, in connection with items of a thematic nature as well as country-specific questions. Subsection B examines salient issues raised in the deliberations of the Council relating to Article 41, in connection with both thematic and country-specific items.

⁷⁰ See part IX, sect. IV, "Tribunals".

⁷¹ Resolutions 2048 (2012), 2049 (2012), 2050 (2012), 2094 (2013) and 2105 (2013).

⁷² Resolutions 2046 (2012), para. 6; and 2051 (2012), para. 6.

⁷³ S/PRST/2012/19, fourteenth paragraph (Sudan); and S/PRST/2013/3, fourth paragraph (Yemen).

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 of a thematic nature containing provisions relating to Article 41, in connection with the items “Children and armed conflict”, “Protection of civilians in armed conflict”, “Small arms and light weapons”, “The promotion and strengthening of the rule of law in the maintenance of international peace and security” and “Women and peace and security”.

The Council, through those decisions, expressed its readiness to adopt “targeted and graduated” sanctions measures against persistent perpetrators of violations and abuses against children and civilians in armed conflict,⁷⁴ and against perpetrators of sexual violence in conflict.⁷⁵ The Council also reaffirmed its responsibility to monitor arms embargoes and take appropriate measures to strengthen such embargoes.⁷⁶ Moreover, the Council recognized sanctions as an important tool in the

maintenance and restoration of international peace and security, and expressed its commitment to ensuring fair procedures for placing individuals and entities on sanctions lists and for granting humanitarian exemptions.⁷⁷

Decisions on country-specific questions relating to Article 41

During 2012 and 2013, the Council imposed new sanctions measures in connection with two country-specific situations,⁷⁸ while measures previously adopted under Article 41 in connection with 12 country-specific situations⁷⁹ remained in place, or were extended, modified, strengthened or terminated. The decisions of the Council relating to changes, if any, to country-specific sanctions regimes during the period under review, in chronological order from the earliest regime established (Somalia and Eritrea) to the most recent (Central African Republic), are described below. An overview of the sanctions measures in place during 2012-2013 is provided in table 5 (resolutions) and table 6 (measures).

⁷⁴ Resolution 2068 (2012), para. 3 (b), and S/PRST/2013/8, thirteenth paragraph.

⁷⁵ S/PRST/2012/3, fourth paragraph, and resolution 2106 (2013), para. 13.

⁷⁶ Resolution 2117 (2013), para. 6.

⁷⁷ S/PRST/2012/1, fifteenth paragraph.

⁷⁸ Guinea-Bissau and Central African Republic.

⁷⁹ Somalia and Eritrea, Taliban, Al-Qaida, Iraq, Liberia, Democratic Republic of the Congo, Côte d’Ivoire, Sudan, Lebanon, Democratic People’s Republic of Korea, Iran (Islamic Republic of) and Libya.

Table 5
Overview of decisions on measures pursuant to Article 41, in place or imposed, 2012-2013*

<i>Somalia and Eritrea</i>	<i>Taliban and associated individuals and entities</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>Libya</i>	<i>Guinea-Bissau</i>	<i>Central African Republic</i>
Resolutions by which measures were established or subsequently modified													
733 (1992)	1267 (1999)	1267 (1999)	1483 (2003)	1521 (2003)	1493 (2003)	1572 (2004)	1556 (2004)	1636 (2005)	1695 (2006)	1737 (2006)	1970 (2011)	2048 (2012)	2127 (2013)
1356 (2001)	1333 (2000)	1333 (2000)	1546 (2004)	1532 (2004)	1533 (2004)	1584 (2005)	1591 (2005)	1701 (2006)	1718 (2006)	1747 (2007)	1973 (2011)		
1425 (2002)	1388 (2002)	1388 (2002)	1956 (2010)	1683 (2006)	1596 (2005)	1643 (2005)	1672 (2006)		1874 (2009)	1803 (2008)	2009 (2011)		
1725 (2006)	1390 (2002)	1390 (2002)	1957 (2010)	1688 (2006)	1649 (2005)	1893 (2009)	1706 (2006)			1929 (2010)	2016 (2011)		
1744 (2007)	1452 (2002)	1452 (2002)		1689 (2006)	1671 (2006)	1946 (2010)	1945 (2010)						
1816 (2008)	1699 (2006)	1699 (2006)		1731 (2006)	1698 (2006)	1975 (2011)							
1844 (2008)	1735 (2006)	1735 (2006)		1753 (2007)	1756 (2007)	1980 (2011)							
1851 (2008)	1822 (2008)	1822 (2008)		1792 (2007)	1807 (2008)								
1872 (2009)	1904 (2009)	1904 (2009)		1903 (2009)	1856 (2008)								
1907 (2009)	1988 (2011)	1989 (2011)			1857 (2008)								
1910 (2010)					1925 (2010)								
1916 (2010)					1952 (2010)								
2002 (2011)					2021 (2011)								
2023 (2011)													
Resolutions adopted in 2012-2013													
2036 (2012)	2082 (2012)	2083 (2012)	No resolutions adopted	2079 (2012)	2076 (2012)	2045 (2012)	2035 (2012)	No resolutions adopted	2050 (2012)	2049 (2012)	2040 (2012)	2048 (2012)	2127 (2013)
2060 (2012)				2128 (2013)	2078 (2012)	2062 (2012)	2091 (2013)		2087 (2013)	2105 (2013)	2095 (2013)	2092 (2013)	
2077 (2012)					2098 (2013)	2101 (2013)	2113 (2013)		2094 (2013)				
2093 (2013)						2112 (2013)							
2111 (2013)													
2124 (2013)													
2125 (2013)													

* Included in this table are resolutions by which new sanctions measures were established and resolutions by which existing measures (including those relating to exemptions) were modified and terminated. Resolutions in which sanctions measures were simply extended or reiterated are not included.

Table 6
Overview of measures pursuant to Article 41 in place or imposed, 2012-2013

<i>Type of measure</i>	<i>Somalia and Eritrea</i>	<i>Taliban and associated individuals and entities</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>Libya</i>	<i>Guinea-Bissau</i>	<i>Central African Republic</i>
Sanctions measures														
Arms embargo	X	X	X	X	X	X	X	X	X	X	X	X		X
Travel ban or restrictions	X	X	X		X	X	X	X	X	X	X	X	X	
Asset freeze	X	X	X	X	X	X	X	X	X	X	X	X		
Ban on arms exports by target State										X	X			
Business restrictions	X (Eritrea)											X		
Financial restrictions	X (Eritrea)									X	X			
Non-proliferation measures										X	X			
Prohibition on bunkering services										X	X			
Public financial support for trade restrictions										X	X			
Restrictions on ballistic missiles										X	X			
Transport and aviation sanctions								X				X		
Diamond embargo							X							
Diplomatic/overseas representation restrictions										X				
Luxury goods embargo										X				
Enforcement measures														
Seizing of arms	X				X	X	X			X	X	X		X
Cargo inspections	X (Eritrea)					X	X			X	X			
Transport and aviation control						X						X		
Border/customs controls						X								

Somalia and Eritrea

During the biennium under review, the Council adopted seven resolutions concerning the sanctions measures against Somalia and Eritrea, more than for any other sanctions regime during this period. As further described below, the Council made a number of modifications to the sanctions measures concerning Somalia and Eritrea, including establishing new exemptions to the respective arms embargoes on Somalia and Eritrea, extending certain exemptions to the asset freeze, and modifying the reporting obligations applicable to Somalia as well as to all Member States. The Council also imposed a new sanctions measure in the form of a ban on the export of charcoal from Somalia. An overview of changes to the sanctions measures concerning Somalia and Eritrea is provided in table 7.

On 25 July 2012, the Council, by resolution 2060 (2012), created an exemption to the arms embargo on Somalia for supplies of weapons and military equipment, or the provision of assistance, solely for the support of or use by the United Nations Political Office for Somalia (UNPOS). By resolution 2093 (2013) of 6 March 2013, the Council extended the exemption to the arms embargo to United Nations personnel, including UNPOS and its successor mission, and, under certain conditions, the strategic partners of the African Union Mission in Somalia.

Also by resolution 2093 (2013), the Council partially lifted the arms embargo for deliveries of weapons or military equipment or the provision of advice, assistance or training intended solely for the development of the Security Forces of the Federal Government of Somalia, and to provide security for the Somali people. By resolution 2111 (2013) of 24 July 2013 the Council extended this partial lifting of the arms embargo until 6 March 2014, except in relation to items listed in the annex to that resolution, which included surface-to-air missiles, anti-tank guided weapons, and weapon sights with a night vision capability, which could be supplied to the Federal Government of Somalia only upon approval in advance, on a case-by-case basis, by the Committee pursuant to resolutions 751 (1992) and 1907 (2009).

The Council created exemptions to the arms embargo that had been imposed on Eritrea by resolution 1907 (2009) in response to the support Eritrea had been providing to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability. In resolution 2060 (2012), the Council decided that the arms embargo would not apply to protective clothing including flak jackets and military helmets, temporarily exported to Eritrea by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only, or to supplies of

non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee.

By resolution 2111 (2013), the Council consolidated the exemptions to the arms embargo against Somalia and Eritrea in one single resolution.

With regard to the asset freeze, established in resolution 1844 (2008) on individuals and entities designated by the Committee pursuant to criteria for listing provided in that resolution, the Council extended until 25 October 2014 earlier exemptions to the asset freeze for payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia.

Adopting a new sanctions measure, the Council, by resolution 2036 (2012) of 22 February 2012, imposed a ban on the export and direct or indirect import of charcoal from Somalia, whether or not such charcoal originated in Somalia. Further, the Council, considering that the commerce of charcoal might pose a threat to the peace, security, or stability of Somalia, decided that the Committee could designate individuals and entities engaged in such commerce as subject to the targeted measures established by resolution 1844 (2008).⁸⁰

During the period under review, the Council also modified reporting obligations concerning Somalia and all Member States. First, the Council demanded that all Member States report to the Committee within 120 days on the steps they had taken towards effective implementation of the charcoal ban. Secondly, the Federal Government of Somalia was requested to report to the Council within one month, and every six months thereafter, on the structure of the Security Forces of the Federal Government of Somalia; the infrastructure in place to ensure the safe storage, registration, maintenance and distribution of military equipment by the Security Forces; and the procedures and codes of conduct in place for the registration, distribution, use and storage of weapons by the Security Forces, and training needs in that regard.⁸¹

The Council expressed its readiness to apply targeted sanctions against individuals and entities that met the listing criteria provided in resolutions 1844 (2008) and 2002 (2011),⁸² and decided to review within 12 months the effects of the modifications to the sanctions regime introduced in 2013.⁸³

⁸⁰ Resolution 2036 (2012), para. 23.

⁸¹ Resolutions 2036 (2012), para. 22; and 2093 (2013), para. 39.

⁸² Resolution 2060 (2012), paras. 1-3.

⁸³ Resolution 2093 (2013), para. 42.

Table 7

Changes to the measures imposed pursuant to Article 41 concerning Somalia and Eritrea, 2012-2013

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period</i>					
		2036 (2012)	2060 (2012)	2077 (2012)	2093 (2013)	2111 (2013)	2124 (2013) 2125 (2013)
Arms embargo	733 (1992), para. 5		Exemption, para. 10	Exemption, para. 14	Exemptions, paras. 33, 36-38 Modified, para. 34	Exemptions, paras. 6, 10, 13-15 Modified, paras. 6-8	Exemption, para. 14
Arms embargo (Eritrea)	1907 (2009), para. 5		Exemptions, paras. 11-12			Exemptions, paras. 12-13	
Asset freeze	1844 (2008), para. 3		Exemption, para. 7			Exemption, para. 22	
Charcoal ban	2036 (2012), para. 22	New					

The Taliban and associated individuals and entities

On 17 December 2012, the Council, by resolution [2082 \(2012\)](#), extended the application of the sanctions measures, namely the asset freeze, travel restrictions and arms embargo, on the Taliban and 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 resolution [1988 \(2011\)](#). An overview of the changes to the sanctions measures during the period under review is provided in table 8.

By resolution [2082 \(2012\)](#), the Council recalled that exemptions to the asset freeze created by resolutions [1452 \(2002\)](#) and [1735 \(2006\)](#) continued to be available to Member States. Further, recognizing the importance of a comprehensive political process in Afghanistan to support

peace and reconciliation among all Afghans, the Council decided that the travel ban did not apply to individuals whose travel was necessary to participate in meetings in support of peace and reconciliation, as confirmed to the Committee by the Government of Afghanistan. That exemption to the travel ban, to be granted only for the requested period of time and for travel limited to a specified location or locations, was conditional on the determination by the Committee, on a case-by-case basis, that the concerned individual's entry or transit was justified. The listed individuals would remain subject to the other sanctions measures in the resolution. Finally, the Council expressed its intention to review the implementation of the measures in 18 months, and make adjustments as necessary.⁸⁴

⁸⁴ Resolution [2082 \(2012\)](#), para. 39.

Table 8

Changes to the measures imposed pursuant to Article 41 concerning the Taliban and associated individuals and entities, 2012-2013

	Resolutions establishing measures	Resolutions adopted during the period
		2082 (2012)
Arms embargo	1333 (2000) , para. 5	Reaffirmed, para. 1 (c)
Asset freeze	1267 (1999) , para. 4 (b)	Reaffirmed, para. 1 (a)
		Exemption, para. 8
Travel ban or restrictions	1390 (2002) , para. 2 (b)	Reaffirmed, para. 1 (b)
		Exemptions, paras. 1 (b), 9, 10 and 11

Al-Qaida and associated individuals and entities

On 17 December 2012, the Council, by resolution [2083 \(2012\)](#), extended the sanctions measures, namely the asset freeze, travel ban and arms embargo, against Al-Qaida and associated individuals, groups, undertakings and entities, with modifications to the asset freeze and the travel ban. An overview of the changes to the sanctions measures during the period under review is provided in table 9.

The asset freeze on designated individuals and entities associated with Osama bin Laden and Al-Qaida, including proceeds derived from crime and narcotic drugs and payment of ransom to individuals and entities on the sanctions list, was modified with regard to assets that had been frozen as a result of the listing of Osama bin Laden,

who was killed in May 2011. The Council required Member States to submit a request to unfreeze such assets to the Committee established pursuant to resolution [1267 \(1999\)](#), with assurances that the assets would not be transferred, directly or indirectly, to a listed individual, group, undertaking or entity, or otherwise used for terrorist purposes in line with Council resolution [1373 \(2001\)](#). The assets could be unfrozen only in the absence of an objection by a Committee member. The Council stressed “the exceptional nature” of the provision, emphasizing that it was not to be considered as establishing a precedent.⁸⁵ The Council also encouraged

⁸⁵ Resolution [2083 \(2012\)](#), para. 32.

Member States to make use of available exemptions to the asset freeze provided for in earlier resolutions.⁸⁶

By the same resolution, the Council authorized the Ombudsperson,⁸⁷ in instances in which the Ombudsperson was unable to interview a petitioner in his or her State of residence, to request the Committee to

⁸⁶ Ibid., para. 8.

⁸⁷ The Office of the Ombudsperson was created by resolution 1904 (2009), para. 20, to assist the Committee with delisting requests.

consider granting an exemption to the travel ban for the sole purpose of allowing the petitioner to travel to another State to be interviewed by the Ombudsperson for a period no longer than necessary.

The Council decided to review the sanctions measures, with a view to possibly further strengthening them in 18 months or sooner if necessary.⁸⁸

⁸⁸ Resolution 2083 (2012), para. 63.

Table 9
Changes to the measures imposed pursuant to Article 41 concerning Al-Qaida and associated individuals and entities, 2012-2013

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period
		2083 (2012)
Arms embargo	1333 (2000), para. 5	Reaffirmed, para. 1 (c)
Asset freeze	1267 (1999), para. 4 (b)	Reaffirmed, para. 1 (a) Modified, paras. 5, 6 and 32
Travel ban or restrictions	1390 (2002), para. 2 (b)	Reaffirmed, para. 1 (b) Exemption, para. 36

Iraq

The Council adopted no resolutions concerning the remaining sanctions measures against Iraq, which, during the period under review, consisted of an arms embargo, with exemptions,⁸⁹ and a freeze on financial assets of the former Iraqi regime and its senior officials, State bodies, corporations and agencies. The Committee established pursuant to resolution 1518 (2003) continued to oversee the implementation of the asset freeze and maintain the list of individuals and entities to whom the asset freeze applied.

Liberia

The Council adopted two resolutions concerning the sanctions measures against Liberia in 2012-2013, which, during this period, consisted of an arms embargo, a travel ban and an asset freeze. An overview of the changes to the measures during the period under review is provided in table 10.

⁸⁹ Resolution 1546 (2004), para. 21.

On 12 December 2012, the Council, by resolution 2079 (2012), extended the arms embargo and the travel ban for a period of 12 months, reaffirmed that the asset freeze established by resolution 1532 (2004) on the former President of Liberia, Charles Taylor, his immediate family members, senior officials of the former regime, and other associates and allies, remained in force, and demanded that the Government of Liberia make all necessary efforts to fulfil its obligations. The Council, recognizing the progress achieved in the stabilization of Liberia, expressed its intention to review and possibly modify or lift all or part of the sanctions measures at the end of the 12-month period.⁹⁰

By resolution 2128 (2013) of 10 December 2013, the Council welcomed the “sustained progress” made by the Government of Liberia in rebuilding the country, but determined that the situation in Liberia remained fragile and continued to constitute a threat to international peace and security in the region.⁹¹ Consequently, the Council

⁹⁰ Resolution 2079 (2012), para. 2 (c).

⁹¹ Resolution 2128 (2013), second and fifteenth preambular paragraphs.

renewed the arms embargo and travel ban for a period of another 12 months, and reaffirmed that the asset freeze remained in force. The Council did, however, modify the notification requirements associated with the arms embargo, by providing that notification for non-lethal materials and associated training was no longer required, that the Liberian authorities now had the primary responsibility of notifying the Committee established pursuant to resolution 1521 (2003) of the shipment of any supplies of lethal arms and related material or military assistance, advice or training for the Government of Liberia, and that Member States could, in the alternative, make such notifications in consultation with the

Government of Liberia.⁹² The Council decided to review the sanctions measures six months from the adoption of the resolution, with a view to modifying or lifting all or part of the measures, dependent upon Liberia’s progress towards meeting the conditions set out in resolution 1521 (2003) for terminating those measures.⁹³

⁹² Resolution 2128 (2013), para. 2 (b). The Council had, by resolution 1903 (2009), para. 6, placed a requirement on States to notify the Committee established by resolution 1521 (2003) in advance of shipments of arms and military assistance or training they provided to the Government of Liberia.

⁹³ Resolution 2128 (2013), para. 4.

Table 10

Changes to the measures imposed pursuant to Article 41 concerning Liberia, 2012-2013

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period	
		2079 (2012)	2128 (2013)
Arms embargo	1521 (2003), para. 2	Extended, para. 2 (b)	Extended, para. 2 (b) Modified, para. 2 (b) (i)-(iv)
Asset freeze	1532 (2004), para. 1	Reaffirmed, para. 1	Reaffirmed, para. 1
Travel ban or restrictions	1521 (2003), para. 4	Extended, para. 2 (a)	Extended, para. 2 (a)

Democratic Republic of the Congo

In October 2012, responding to the emergence in the eastern Democratic Republic of the Congo of the rebel military group known as the 23 March Movement (M23), the Council issued a presidential statement condemning the group’s attacks on civilians, peacekeepers and humanitarian workers, its human rights abuses, including summary executions, sexual violence and recruitment of child soldiers, as well as its attempts to establish a parallel administration in the region. The Council expressed its intention to apply targeted sanctions against the leadership of M23 and those acting in violation of the sanctions regime.⁹⁴ By resolution 2076 (2012) of 20 November 2012, the Council reiterated its condemnation of M23, called on the Committee established pursuant to resolution 1533 (2004) to review, “as a matter of urgency”, the activities of named M23 commanders and others who met the criteria for designation, and expressed its intention to consider additional targeted sanctions against the leadership of

M23 and those acting in violation of the sanctions regime.⁹⁵

On 28 November 2012 the Council adopted resolution 2078 (2012), by which it extended the sanctions measures concerning the Democratic Republic of the Congo, including the arms embargo, the asset freeze and travel restrictions, and the border and transport and aviation controls. The Council renewed the exemptions to the travel ban, but modified them to include, inter alia, cases in which the entry or transit of a listed individual was necessary for the fulfilment of judicial process. An overview of the changes to the sanctions measures during the period under review is provided in table 11.

By resolution 2078 (2012), the Council expanded the criteria for listing individuals and entities subject to the asset freeze and travel ban to include individuals or entities “acting on behalf of or at the direction of a designated individual or entity owned or controlled by a designated individual”, and those who planned, sponsored

⁹⁴ S/PRST/2012/22.

⁹⁵ Resolution 2076 (2012), paras. 1-3, 7 and 8.

or participated in attacks against peacekeepers in the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).⁹⁶ The Council further expressed its intention to consider additional targeted sanctions against the leadership of M23 and those who provided external support to M23, and to review the sanctions measures, with a view to adjusting them, if appropriate, no later than 1 February 2014.⁹⁷

In resolution 2098 (2013) of 28 March 2013, the Council welcomed the signing by the Democratic Republic of the Congo and its neighbouring countries of

the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region in February 2013, and reiterated its condemnation of M23 and other armed groups operating in the Democratic Republic of the Congo.⁹⁸ The Council extended the mandate of MONUSCO, including the authorization for the Mission to monitor the implementation of the arms embargo, with the authority to seize, collect and dispose of arms and related material whose presence in the Democratic Republic of the Congo violated the terms of the embargo.⁹⁹

⁹⁶ Resolution 2078 (2012), para. 4 (h) and (i).

⁹⁷ Ibid., paras. 9 and 23.

⁹⁸ Resolution 2098 (2013), paras. 1 and 8.

⁹⁹ Ibid., paras. 9 and 12 (c).

Table 11

Changes to the measures imposed pursuant to Article 41 concerning the Democratic Republic of the Congo, 2012-2013

<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period</i>		
	<i>2076 (2012)</i>	<i>2078 (2012)</i>	<i>2098 (2013)</i>
Provisions relating to sanctions measures			
Arms embargo	1493 (2003), para. 20	Extended, para. 1	
Asset freeze	1596 (2005), para. 15	Extended, para. 3	
Border / customs controls	1596 (2005), para. 10	Extended, para. 2	
Measures on transport and aviation	1596 (2005), paras. 6-8, 10, 12	Extended, para. 2	
Travel ban	1596 (2005), para. 13	Extended, para. 10 Modified, para. 10 (a)-(d)	
Provisions relating to enforcement measures			
Seizing of arms	1533 (2004), para. 4		Extended, para. 12 (c)

Côte d'Ivoire

During the two years under review, the Council adopted four resolutions by which it extended the sanctions measures and related enforcement measures concerning Côte d'Ivoire. An overview of the changes to the sanctions measures pursuant to those resolutions is provided in table 12.

By resolution 2045 (2012) of 26 April 2012, the Council decided to replace the arms embargo provisions in resolution 1572 (2004) with new provisions

re-imposing the embargo. However, the Council created several exemptions to the embargo, for the provision of training and expertise related to security and military activities; supplies of civilian vehicles to the Ivorian security forces; supplies intended solely for the support of or use by the United Nations Operation in Côte d'Ivoire (UNOCI); supplies of non-lethal military equipment intended solely for humanitarian or protective use; supplies of protective clothing for the personal use of United Nations personnel, representatives of the media and humanitarian workers; supplies temporarily exported

to the forces of a State evacuating its nationals from Côte d'Ivoire; supplies of non-lethal law enforcement equipment intended to enable the Ivorian security forces to maintain public order; and supplies of arms and other related lethal equipment to the Ivorian security forces, intended solely for security sector reform. A number of those exemptions were to be approved in advance by the Committee established pursuant to resolution 1572 (2004) to assist with the implementation of the sanctions measures.

The Council extended the remaining sanctions measures, namely the asset freeze, travel ban and diamond embargo, by resolutions 2045 (2012) and 2101

(2013). In connection with the arms embargo, the Council extended the authorization for UNOCI to conduct cargo inspections and to seize and destroy arms, by resolutions 2062 (2012) and 2112 (2013).

The Council expressed its intention to review the sanctions measures, as appropriate, in accordance with the progress achieved in Côte d'Ivoire in relation to, inter alia, disarmament, security sector reform and national reconciliation.¹⁰⁰

¹⁰⁰ Resolutions 2045 (2012), paras. 7 and 21; and 2101 (2013), paras. 6, 7 and 24.

Table 12

Changes to the measures imposed pursuant to Article 41 concerning Côte d'Ivoire, 2012-2013

	Resolutions establishing measures	Resolutions adopted during the period			
		2045 (2012)	2062 (2012)	2101 (2013)	2112 (2013)
Provisions relating to sanctions measures					
Arms embargo	1572 (2004), para. 7	Modified, para. 1, 2 Exemptions, paras. 1, 3		Extended, para. 1	
Asset freeze	1572 (2004), para. 11	Extended, para. 6		Extended, para. 6	
Diamond embargo	1643 (2005), para. 6	Extended, para. 6		Extended, para. 6	
Travel ban	1572 (2004), para. 9	Extended, para. 6		Extended, para. 6	
Provisions relating to enforcement measures					
Cargo inspections	1584 (2005), para. 2 (a)		Extended, para. 1		Extended, paras. 1, 6 (e)
Seizing of arms	1584 (2005), para. 2 (b)		Extended, para. 1		Extended, paras. 1, 6 (e)

Sudan

The Council adopted three resolutions concerning the sanctions measures against the Sudan during the period under review. By resolution 2035 (2012), the Council ended the exemptions to the arms embargo that had been established in resolution 1591 (2005) with respect to assistance and supplies provided in support of the implementation of the Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Army, signed in 2005. This was the only change to the sanctions measures

concerning the Sudan during the period, as shown in table 13.

The Council also clarified that, in the light of the creation of two new states in the Darfur region, previous references to states of Darfur would apply to all the territory of Darfur including the new ones.¹⁰¹

In two resolutions the Council urged all States to report to the Committee established pursuant to resolution 1591 (2005) on the actions they had taken to implement

¹⁰¹ Resolution 2035 (2012), para. 2.

the sanctions measures, and to be mindful of the risk that certain items continued to be converted to military purposes and transferred to Darfur.¹⁰² The Council also expressed its concern that technical assistance and support to the Sudan could be used by the Government of the Sudan to support military aircraft being used in violation of the sanctions measures.¹⁰³ Condemning

attacks on the African Union-United Nations Hybrid Operation in Darfur (UNAMID), the Council noted that individuals who planned, sponsored or participated in such attacks constituted a threat to stability in Darfur and might therefore meet the criteria for designation on the Sanctions List.¹⁰⁴

¹⁰² Resolutions [2035 \(2012\)](#), paras. 11-13; and [2091 \(2013\)](#), paras. 9, 12 and 13.

¹⁰³ Resolution [2091 \(2013\)](#), para. 2.

¹⁰⁴ Resolution [2113 \(2013\)](#), para. 11.

Table 13

Changes to the measures imposed pursuant to Article 41 concerning the Sudan, 2012-2013

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period		
		2035 (2012)	2091 (2013)	2113 (2013)
Arms embargo	1556 (2004) , paras. 7 and 8	Modified, para. 4		

Lebanon

During the period under review, the Council did not make any modifications to the sanctions measures concerning Lebanon, consisting of an asset freeze and travel restrictions on individuals designated as suspected of involvement in the terrorist bombing in Beirut on 14 February 2005, in which the former Prime Minister of Lebanon, Rafiq Hariri, and 22 others were killed,¹⁰⁵ unless travel was authorized by the Government of Lebanon or by the United Nations Interim Force in Lebanon, and an arms embargo on any entity or individual in Lebanon.¹⁰⁶

Democratic People's Republic of Korea

The Council adopted three resolutions relating to the sanctions regime concerning the Democratic People's Republic of Korea in 2012 and 2013.¹⁰⁷ An overview of the changes to the sanctions measures pursuant to those resolutions is provided in table 14.

By resolution [2087 \(2013\)](#) of 22 January 2013, the Council condemned the launch of a rocket by the Democratic People's Republic of Korea on 12 December 2012, and strengthened the extensive sanctions measures against that country, underlining that the measures were not intended to have adverse humanitarian consequences for the civilian population.¹⁰⁸ The Council extended the application of the arms embargo, the ban on arms exports by the Democratic People's Republic of Korea, and the non-proliferation measures to items listed in two information circulars issued by the International Atomic Energy Agency concerning nuclear material, equipment and technology,¹⁰⁹ as well as to items in the Council document related to ballistic missile programmes.¹¹⁰ The Council extended the remaining sanctions measures and expanded the asset freeze and travel ban to individuals and entities listed in annexes I and II to the resolution. The Council also called on Member States "to exercise enhanced vigilance" with regard to the financial restrictions established in resolution [1874 \(2009\)](#), including monitoring the activities of their nationals, persons in their territories, financial institutions and other entities with or on behalf of financial institutions in the Democratic People's Republic of Korea.¹¹¹

¹⁰⁵ Resolution [1636 \(2005\)](#), para. 3 (a). As at the end of 2013, no individuals had been designated and registered by the Committee established pursuant to resolution [1636 \(2005\)](#) for this purpose.

¹⁰⁶ Resolution [1701 \(2006\)](#), para. 15.

¹⁰⁷ One resolution (resolution [2050 \(2012\)](#) of 12 June 2012) concerned only the Panel of Experts created in 2009 to assist the Committee established pursuant to resolution [1718 \(2006\)](#) in carrying out its mandate. For more information see part IX, sect. I.

¹⁰⁸ Resolution [2087 \(2013\)](#), para. 18.

¹⁰⁹ International Atomic Energy Agency information circulars INFCIRC/254/Rev.11/Part 1 and INFCIRC/254/Rev.8/Part 2. ¹¹⁰ [S/2012/947](#).

¹¹¹ Resolution [2087 \(2013\)](#), para. 6.

By resolution [2094 \(2013\)](#) of 7 March 2013, the Council made several modifications to the sanctions measures. The arms embargo and non-proliferation measures were expanded to include nuclear, missile and chemical weapons-related items listed in annex III to that resolution. The Council also added a requirement on Member States to prevent, by their nationals or from their territories, the provision of “brokering or other intermediary services” in relation to the prohibited items. The asset freeze was expanded to encompass individuals and entities listed in annexes I and II to the resolution, including an organization involved in research and development of advanced weapons systems. Expressing its concern that transfers of bulk cash to the Democratic People’s Republic of Korea might be used to evade the sanctions measures, the Council clarified that the financial restrictions on the country included restrictions on the transfers of bulk cash that could contribute to its nuclear or ballistic missile programmes.

Also by resolution [2094 \(2013\)](#), the Council reaffirmed the luxury goods embargo, clarifying that “luxury goods” included items specified in annex IV to the resolution, including precious and semi-precious stones, yachts, and automobiles and motor vehicles to transport people (other than public transport). Further, the Council extended the travel ban to three individuals listed

in annex I to the resolution, including two representatives of a corporation classified as the primary arms dealer of the Democratic People’s Republic of Korea, and to individuals acting on their behalf. The travel ban was also extended to any individuals that a State determined was working on behalf of or at the direction of a designated individual or entity or individuals assisting the evasion of sanctions or their violation. The Council made it a requirement for States to repatriate from their territories such individuals who were nationals of the Democratic People’s Republic of Korea, with exceptions in the case of, inter alia, medical, safety or other humanitarian purposes.

Finally, the Council adopted a new provision, a call upon States to exercise enhanced vigilance over diplomatic personnel of the Democratic People’s Republic of Korea, in order to prevent such individuals from contributing to that country’s nuclear or ballistic missile programme or other activities prohibited by the sanctions regime. The Council called upon all States to report to the Council within 90 days on “concrete measures” they had taken to implement the provisions of the resolution.¹¹²

¹¹² Resolution [2094 \(2013\)](#), para. 25.

Table 14
Changes to the measures imposed pursuant to Article 41 concerning the Democratic People's Republic of Korea, 2012-2013

	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period</i>		
		2050 (2012)	2087 (2013)	2094 (2013)
Provisions relating to sanctions measures				
Arms embargo	1718 (2006), para. 8 (a) (i), (c)		Reaffirmed, para. 4 Modified, para. 5 (b)	Reaffirmed, para. 7 Modified, paras. 7, 20, 22
Asset freeze	1556 (2004), para. 8 (d)		Reaffirmed, para. 4 Modified, para. 5 (a)	Modified, para. 8
Chemical and biological weapons embargo	1718 (2006), para. 6, 8 (a) (ii),(f)			Modified, para. 20
Diplomatic or overseas representation restrictions	2094 (2013), para. 24			New
Financial restrictions	1874 (2009), para. 18, 19		Reaffirmed, para. 4 Modified, para. 6	Modified, paras. 11, 14
Luxury goods embargo	1718 (2006), para. 8 (a) (iii)		Reaffirmed, para. 4 Modified, para. 5 (b)	Reaffirmed, para. 23
Non-proliferation measures	1718 (2006), para.2, 7, 8 (a) (ii), (c), (f)		Reaffirmed, para. 4 Modified, para. 5 (b)	Reaffirmed, paras. 6, 7 Modified, paras. 7, 20, 22
Prohibition of bunkering services	1874 (2009), para. 17		Reaffirmed, para. 4	
Public financial support for trade restrictions	1874 (2009), para. 20		Reaffirmed, para. 4	Modified, para. 15
Restrictions on ballistic missiles	1718 (2006), para. 2, 5, 7, 8 (a) (ii)		Reaffirmed, para. 4	Reaffirmed, para. 6
Travel ban or restrictions	1718 (2006), para. 8 (e)		Reaffirmed, para. 4 Modified, para. 5 (a)	Modified, paras. 9, 10
Provisions relating to enforcement measures				
Cargo inspections	1718 (2006), para. 8 (f)			Modified, paras. 16, 17

Islamic Republic of Iran

During the period under review, no changes were made to the sanctions measures concerning the Islamic Republic of Iran, which included an arms embargo, a ban on arms exports by the country, an asset freeze and travel ban on designated individuals and entities, non-proliferation measures, restrictions on ballistic missiles, financial restrictions on Iranian banks, and a prohibition on providing bunkering services to vessels owned or contracted by the Islamic Republic of Iran.¹¹³

Libya

During the period under review, the Council adopted two resolutions concerning the sanctions measures against Libya, by which it modified enforcement aspects of the arms embargo. The existing sanctions measures, including an asset freeze and travel ban on listed individuals or entities, remained in place. An overview of changes to the measures taken in connection with Libya during the period under review is provided in table 15.

¹¹³ The Council did adopt resolutions 2049 (2012) and 2105 (2013) during the period under review, by both of which it extended the mandate of the Panel of Experts established by resolution 1929 (2010) to assist the Committee established pursuant to resolution 1737 (2006). For more information, see part IX, sect I.

By resolution 2040 (2012) the Council, while underscoring the importance of the full implementation of the arms embargo on Libya, terminated the authorization in resolution 1973 (2011) for Member States to carry out cargo inspections and related obligations in connection with enforcement of the embargo. The Council urged all States, relevant United Nations bodies, including the United Nations Support Mission in Libya, and other interested parties, to cooperate fully with the Committee established pursuant to resolution 1970 (2011) and with the Panel of Experts established by resolution 1973 (2011), in particular by supplying any information regarding the implementation of the sanctions regime and incidents of non-compliance.¹¹⁴

By resolution 2095 (2013), adopted on 14 March 2013, the Council decided that approval by the Committee for supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training was no longer necessary. The Council also decided that supplies of non-lethal military equipment, and the provision of any technical assistance, training or financial assistance, when intended solely for security or disarmament assistance to the Libyan Government, would no longer require notification to, or the absence of a negative decision by, the Committee.

¹¹⁴ Resolution 2040 (2012), para. 11. The Council reiterated this the following year in resolution 2095 (2013), para. 15.

Table 15

Changes to the measures imposed pursuant to Article 41 concerning Libya, 2012-2013

Resolutions establishing measures	Resolutions adopted during the period	
	2040 (2012)	2095 (2013)
Provisions relating to sanctions measures		
Arms embargo	1970 (2011), para. 9	Modified, para. 9, 10
Provisions relating to enforcement measures		
Cargo inspections	1973 (2011), para. 13	Terminated, para. 8

Guinea-Bissau

During the period under review, the Council established sanctions measures in relation to Guinea-Bissau for the first time, in response to a military coup in that country. An overview of the sanctions measures is provided in table 16.

On 18 May 2012, condemning the military coup of 12 April in Guinea-Bissau, and demanding that the new “Military Command” take immediate steps to restore constitutional order and a democratic electoral process, the Council by resolution 2048 (2012) imposed a travel ban on the chief of staff and deputy chief of staff of the armed forces and other members of the “Military Command” listed in the annex to the resolution, as well as on other individuals as designated by the Committee

established for this purpose by the same resolution.¹¹⁵ The Council provided for exemptions to the travel ban in cases where the travel was justified on grounds of humanitarian need, including religious obligation, where the entry or transit was necessary for the fulfilment of a judicial process, or where an exemption would further the objectives of peace and national reconciliation in Guinea-Bissau, as determined by the Committee on a case-by-case basis.¹¹⁶ The Council also provided criteria for the Committee to designate individuals subject to the sanctions measures, namely, individuals who were seeking to prevent the restoration of constitutional order or taking action that undermined stability in Guinea-Bissau, in particular those who played a leading role in the coup d'état of 12 April 2012, and those acting for or on behalf of or at the direction of or otherwise supporting or financing such individuals, including support or financing by means of proceeds of organized crime and

¹¹⁵ Resolution 2048 (2012), paras. 4, 5 and 9 (b).

¹¹⁶ Ibid., para. 5.

the illicit cultivation, production and trafficking of narcotic drugs and their precursors.¹¹⁷ The Council also called upon Member States to report to the Committee on the steps they had taken to implement the travel ban.¹¹⁸ The Council indicated that it would keep the situation in Guinea-Bissau under continuous review, and would be prepared to review the appropriateness of the sanctions measures, including strengthening them through additional measures such as an arms embargo or financial restrictions, and modifying, suspending or lifting the measures, as may be needed, in the light of the progress achieved in Guinea-Bissau.¹¹⁹

In a second resolution, the Council expressed its willingness to consider further action against those involved in drug trafficking and organized crime in Guinea-Bissau, in line with resolution 2048 (2012).¹²⁰

¹¹⁷ Ibid., paras. 6 and 7.

¹¹⁸ Ibid., para. 10.

¹¹⁹ Ibid., para. 12.

¹²⁰ Resolution 2092 (2013), para. 7.

Table 16

Measures imposed pursuant to Article 41 concerning Guinea-Bissau, 2012-2013

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period</i>	
		2048 (2012)	2092 (2013)
Travel ban	2048 (2012), para. 4	New	

Central African Republic

Starting late in 2012, the Central African Republic saw an increasingly deteriorating security and human rights situation in the context of a civil war between mainly Muslim and mainly Christian armed groups. Following on its earlier resolutions and statements on the situation in the Central African Republic, the Council on 5 December 2013 condemned the continued violations of international humanitarian law and widespread human rights abuses perpetrated by armed groups, as well as the illegal exploitation of natural resources in the country that contributed to the perpetuation of the conflict.¹²¹ The Council imposed an arms embargo on the Central African Republic, applicable to weapons and ammunition, military vehicles and equipment, paramilitary equipment, and financial and technical assistance and training related to military activities, with exemptions for, inter alia, non-lethal military equipment intended solely for

¹²¹ Resolution 2127 (2013), paras. 16 and 17.

humanitarian or protective use, and supplies of arms to the Central African Republic security forces intended solely for security sector reform. The Council also authorized Member States to seize, register and dispose of all prohibited items that were discovered. An overview of the new sanctions regime concerning the Central African Republic is provided in table 17.

By resolution 2127 (2013), the Council established a Committee to monitor the implementation of the measures, and a Panel of Experts to assist the Committee in carrying out its mandate. The Council called on Member States to report to the Committee on the steps they had taken to implement the sanctions measures. The Council expressed its intention to swiftly consider imposing targeted measures, including travel bans and asset freezes, against individuals who acted to undermine the peace, stability and security in the Central African Republic.¹²²

¹²² Ibid., paras. 56-59.

Table 17

Measures imposed pursuant to Article 41 concerning the Central African Republic, 2012-2013

	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period</i>
Provisions relating to sanctions measures		
Arms embargo	2127 (2013), para. 54	New
Provisions relating to enforcement measures		
Seizing of arms	2127 (2013), para. 55	New

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. Discussions on thematic issues and discussions on country-specific issues are dealt with under separate headings.

In its thematic discussions the Council dealt with the question of imposing and/or expanding targeted measures to help to enforce its decisions on children and armed conflict (case 9) and women and peace and security (case 10). In country-specific discussions, the Council considered the role of sanctions in relation to the Sudan and South Sudan (case 11), debated options for an appropriate response to the coup in Guinea-Bissau (case 12), and considered the use of Article 41 measures in the context of the Syrian crisis (case 13).

Discussion of a thematic nature

Case 9

Children and armed conflict

At its 6838th meeting, on 19 September 2012, the Council held an open debate on children and armed conflict, having before it the annual report of the Secretary-General.¹²³ At the beginning of the meeting, it adopted resolution 2068 (2012), in which it reiterated its readiness to adopt targeted and graduated sanctions measures against persistent perpetrators.¹²⁴

In her briefing following the vote, the Special Representative of the Secretary-General for Children and Armed Conflict proposed targeted measures against

persistent perpetrators listed in the report, starting with those individuals in situations for which a sanctions committee was already in place.¹²⁵ Several participants highlighted the inclusion of grave violations against children as a listing criteria by the sanctions committees concerning Côte d'Ivoire, the Democratic Republic of the Congo, Somalia and the Sudan.¹²⁶ Some speakers proposed that child protection criteria should be included also in the mandates of the other sanctions committees that were being renewed or established.¹²⁷ The representative of Guatemala specifically expressed the hope that other sanctions regimes such as those against Al-Qaida and the Taliban would include criteria defining serious violations against children.¹²⁸

As a further measure, the representative of New Zealand called for greater use of child protection experts in groups of experts supporting or assisting the work of the sanctions committees.¹²⁹ Other speakers advocated for a strong relationship between the Working Group on Children and Armed Conflict, the Special Representative of the Secretary-General and the country-specific sanctions committees through, inter alia, briefings by the Special Representatives of the Secretary-General to the sanctions committees.¹³⁰

The representatives of China and Portugal advocated for caution in adopting sanctions measures.

¹²³ S/2012/261.

¹²⁴ For more information, see part I, sect. 28, "Children and armed conflict".

¹²⁵ S/PV.6838, p. 5.

¹²⁶ *Ibid.*, p. 13 (United States); p. 20 (South Africa); p. 27 (Guatemala); S/PV.6838 (Resumption 1), p. 4 (Canada); p. 10 (Finland); and p. 28 (New Zealand).

¹²⁷ S/PV.6838, p. 18 (Portugal); and p. 32 (European Union).

¹²⁸ *Ibid.*, p. 27.

¹²⁹ S/PV.6838 (Resumption 1), p. 28.

¹³⁰ S/PV.6838, p. 20 (South Africa); p. 32 (European Union); S/PV.6838 (Resumption 1), p. 10 (Finland); p. 18 (Bosnia and Herzegovina); and p. 19 (Slovenia)

They argued that strengthening national capacities should be given priority and that sanctions should remain the last resort available to the Council.¹³¹ Similarly, the representative of Brazil recalled that sanctions alone were insufficient and reminded the Council not to lose sight of the importance of cooperating with Governments and parties to conflict to find sustainable solutions for the protection of children.¹³²

As a possible means of addressing the problem of perpetrators in situations where no sanctions committee existed, the representatives of Portugal and Japan suggested the establishment of a thematic sanctions committee.¹³³ Similarly, the representatives of France and Liechtenstein supported the possible use of the Working Group as a sanctions committee.¹³⁴ The representative of Argentina called for a discussion on how to sanction perpetrators in situations where no sanctions committee existed,¹³⁵ and the representative of New Zealand said that those situations required a degree of innovation in the Council's working methods.¹³⁶ Conversely, the representative of the United States expressed his view that a free-standing sanctions regime on children in armed conflict would not seem to address the need for better tools to deal with persistent perpetrators.¹³⁷

Some participants expressed concern about the prospect of sanctions in situations not on the agenda of the Council. On the one hand, the representative of Colombia said that there were other bodies and other ways of dealing with the protection of children in situations that could not be defined as armed conflict. He reminded the Council, as did also the representative of Brazil, that targeted sanctions mechanisms were applicable only in situations on the Council's agenda that constituted a threat to international peace and security pursuant to Article 39 of the Charter of the United Nations.¹³⁸

¹³¹ [S/PV.6838](#), p. 12 (China); and p. 18 (Portugal).

¹³² *Ibid.*, p. 31.

¹³³ [S/PV.6838](#), p. 18 (Portugal); and p. 29 (Japan).

¹³⁴ *Ibid.*, p. 17 (France); and [S/PV.6838 \(Resumption 1\)](#), p. 16 (Liechtenstein).

¹³⁵ [S/PV.6838 \(Resumption 1\)](#), p. 5.

¹³⁶ *Ibid.*, p. 28.

¹³⁷ [S/PV.6838](#), p. 13.

¹³⁸ *Ibid.*, p. 14 (Colombia); and p. 30 (Brazil).

Case 10

Women and peace and security

At its 6722nd meeting, on 23 February 2012, the Council considered the Secretary-General's annual report on conflict-related sexual violence,¹³⁹ which contained information on parties to armed conflict around the world credibly suspected of sexual violence. The annex to the report contained a list of parties suspected of sexual violence in situations of armed conflict on the Council agenda. In the debate, many speakers welcomed the instrument for listing perpetrators of sexual violence in conflict by the relevant sanctions committees.¹⁴⁰

At its 6948th meeting, on 17 April 2013, the Council considered the Secretary-General's annual report on sexual violence in conflict, in which the Secretary-General called for the adoption of targeted measures by relevant sanctions committees, and for the Council to consider means by which such measures could also be taken in relevant contexts where no sanctions committees were in place.¹⁴¹ Several participants in the debate echoed the Secretary-General's call and welcomed the expansion of designation criteria in sanctions regimes to explicitly address sexual and gender-based violence.¹⁴² Some speakers also called for enhanced collaboration and exchange between the Special Representative of the Secretary-General on Sexual Violence in Conflict and relevant sanctions committees.¹⁴³

¹³⁹ [S/2012/33](#).

¹⁴⁰ [S/PV.6722](#), p. 4 (Special Representative of the Secretary-General on Sexual Violence in Conflict); p. 20 (Portugal); p. 21 (France); p. 29 (Belgium); [S/PV.6722 \(Resumption 1\)](#), p. 3 (Australia); p. 6 (European Union); pp. 8-9 (Switzerland); p. 9 (Liechtenstein); p. 10 (Israel); p. 12 (Italy); p. 16 (Japan); p. 17 (Estonia); p. 18 (Canada); p. 20 (Luxembourg); p. 23 (Ireland); p. 28 (Mexico); and p. 29 (Sweden).

¹⁴¹ [S/2013/149](#), para. 128.

¹⁴² [S/PV.6948](#), p. 9 (Republic of Korea); pp. 16-17 (Pakistan); p. 23 (Luxembourg); p. 24 (Australia); p. 29 (Rwanda); p. 30 (Norway); p. 33 (European Union); p. 38 (Canada); p. 39 (Botswana); p. 42 (Kazakhstan); p. 53 (Estonia); p. 57 (Italy); p. 59 (Lithuania); p. 66 (Germany); p. 68 (New Zealand); and p. 70 (Belgium).

* Pursuant to the note by the President of the Security Council dated 11 November 2013 ([S/2013/657](#)), as from that date the wording of the item "Reports of the Secretary-General on the Sudan" was revised to read "Reports of the Secretary-General on the Sudan and South Sudan".

¹⁴³ *Ibid.*, p. 34 (Slovenia, on behalf of the Human Security Network); p. 42 (Kazakhstan); and p. 59 (Lithuania).

The representative of Ireland said that she strongly endorsed the recommendation by the Secretary-General that the Council expand its institutional capacity to develop ways to apply sanctions where no committees were in place.¹⁴⁴ Conversely, the representative of Brazil called for more discussion on that point, as he thought that such an expansion could amount to applying restrictive measures in situations that the Council had not determined to constitute threats to international peace and security.¹⁴⁵

At its 6984th meeting, on 24 June 2013, the Council adopted resolution 2106 (2013), in which it urged existing sanctions committees to apply targeted sanctions against those who perpetrate and direct sexual violence in conflict; and reiterated its intention, when adopting or renewing targeted sanctions in situations of armed conflict, to consider including designation criteria pertaining to sexual violence. At the same meeting, the representative of Ireland expressed his disappointment to see little evidence of progress on the part of the Council in identifying ways to target suspected perpetrators with sanctions and other measures in countries where no sanctions regime applied.¹⁴⁶

Country-specific discussion relating to Article 41

Case 11

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

At its 6764th meeting, on 2 May 2012, the Council adopted resolution 2046 (2012), in which it condemned repeated incidents of cross-border violence between the Sudan and South Sudan and determined that the situation along the border between the Sudan and South Sudan constituted a serious threat to international peace and security. The Council decided that the Sudan and South Sudan should immediately cease all hostilities and resume negotiations under the auspices of the African Union High-level Implementation Panel, and expressed its intention to take measures under Article 41 of the Charter in the event of non-compliance.¹⁴⁷

Speaking after the vote, several speakers welcomed the fact that the resolution had been adopted under Chapter VII of the Charter and that its obligations were

therefore binding.¹⁴⁸ The representative of the United States expressed support for the efforts of the African Union High-level Implementation Panel, but at the same time underlined that the Council was determined to hold both sides accountable, and that it stood ready to impose Chapter VII sanctions on either party or both.¹⁴⁹

Several other speakers expressed caution with regard to sanctions, however.¹⁵⁰ The representative of the Russian Federation considered sanctions to be an extreme step for influencing both parties. He believed that the African Union High-level Implementation Panel should continue its active efforts to mediate and remain the chief mechanism for normalizing relations between the two countries.¹⁵¹ The representative of Morocco said that his country believed in sanctions only when they were absolutely necessary. He cited the call of the League of Arab States on the two parties to settle the problems between them through negotiation.¹⁵²

Reiterating the need to keep the process of conflict settlement within the African continent, the representative of the Sudan stated that the resolution included under Chapter VII the issue of the two States of Southern Kordofan and Blue Nile, despite the fact that the Peace and Security Council of the African Union had not requested that they be included under that Chapter. He said, further, that the resolution contained a threat of resort to measures under Article 41 of the Charter, but the African Union had not requested that either.¹⁵³

Case 12

The situation in Guinea-Bissau

Following a military coup d'état in Guinea-Bissau, the Council, at its 6754th meeting, on 19 April 2012, heard a briefing by the Special Representative of the Secretary-General and Head of the United Nations Integrated Peacebuilding Office in Guinea-Bissau. He said that the Community of Portuguese-speaking Countries and the African Union had suggested that targeted individual sanctions be applied to the military and political leaders associated with the coup.¹⁵⁴ The

¹⁴⁴ Ibid., p. 63.

¹⁴⁵ Ibid., p. 44.

¹⁴⁶ S/PV.6984, p. 59.

¹⁴⁷ For more information, see part I, sect. 12, "Reports of the Secretary-General on the Sudan and South Sudan".

¹⁴⁸ S/PV.6764, p. 4 (South Africa); pp. 4-5 (Germany); p. 6 (France); and p. 8 (United Kingdom).

¹⁴⁹ Ibid., p. 3.

¹⁵⁰ Ibid., p. 3 (China); p. 5 (Russian Federation); p. 7 (Morocco); and p. 8 (Pakistan).

¹⁵¹ Ibid., p. 5.

¹⁵² Ibid., p. 7.

¹⁵³ Ibid., pp. 11-12.

¹⁵⁴ S/PV.6754, p. 3.

representative of Portugal said that the European Union would be ready to move forward with sanctions on individuals who continued to obstruct peace, security and the normal functioning of constitutional institutions, and called on the Council to consider similar targeted measures.¹⁵⁵ Two days later, the Council issued a presidential statement,¹⁵⁶ in which it expressed its readiness to consider targeted sanctions against the perpetrators and supporters of the military coup d'état.

At the 6766th meeting, on 7 May 2012, the Minister for Foreign Affairs and International Cooperation of Guinea-Bissau called for the imposition of sanctions on the coup leaders and their associates.¹⁵⁷ The Minister for External Relations of Angola, speaking on behalf of the Community of Portuguese-speaking Countries, appealed to the Council to impose targeted sanctions on the military personnel and civilians involved in the coup d'état.¹⁵⁸ Finally, the representative of the Economic Community of West African States (ECOWAS) informed the Council of a series of targeted sanctions on the military command and its associates, along with diplomatic, economic and financial sanctions on the country, that were imposed after the failure of consultations between ECOWAS and the military junta.¹⁵⁹

Eleven days later, by resolution [2048 \(2012\)](#), adopted unanimously, the Council imposed a travel ban on the military junta. It also affirmed that it would continuously review the situation and be prepared to impose additional measures, or to modify, suspend or lift the measures already imposed. Speaking after the vote, the representatives of Portugal and Morocco welcomed the adoption of the resolution as a strong message calling for the restoration of the constitutional order.¹⁶⁰

At the 6963rd meeting, on 5 June 2013, the representative of Côte d'Ivoire spoke on behalf of ECOWAS. He described transitional political arrangements and progress made towards the holding of elections.¹⁶¹ Against this background, he called for a lifting of the sanctions, arguing that they inflicted the greatest suffering on those who were poor and without a voice.¹⁶² At the same meeting, the representative of

Mozambique, speaking on behalf of the Community of Portuguese-speaking Countries, proposed the establishment of a panel of experts to fight drug trafficking networks. He argued that facilitating the adoption of sanctions against traffickers would constitute a concrete contribution to overcoming the problem of drug trafficking in Guinea-Bissau, and thus contribute to the promotion of stability in the country.¹⁶³

At the 7070th meeting, on 26 November 2013, the Minister for Foreign Affairs of Guinea-Bissau called on Guinea-Bissau's partner organizations to lift the sanctions currently imposed. He said that the effects of the sanctions went beyond political considerations and should rather be looked at from a humanitarian perspective.¹⁶⁴

At its 7074th meeting, on 9 December 2013, the Council issued a presidential statement, in which it recalled its resolution [2048 \(2012\)](#) and reiterated its readiness to consider further measures, including targeted sanctions against individuals who undermined efforts to restore the constitutional order.¹⁶⁵

Case 13 **The situation in the Middle East**

At its 6710th meeting, on 31 January 2012, the Council heard a briefing by the Prime Minister and Minister for Foreign Affairs of Qatar. Speaking in his capacity as Chairman of the Ministerial Committee of the League of Arab States on the Syrian Arab Republic, he informed the Council about a package of sanctions agreed at the Ministerial Council of the League. He emphasized that the sanctions envisaged would not directly affect the Syrian people.¹⁶⁶ The representative of France said that the European Union had considerably expanded its sanctions on the regime and its leaders since the beginning of the crisis. He added that the actions of the European Union or the League of Arab States could not replace action by the Council.¹⁶⁷

Speaking against the backdrop of the possible imposition of sanctions, the representative of the Russian Federation said that the role of the international community should not be to exacerbate conflict or meddle in internal affairs by using economic sanctions. He also criticized the sanctions measures of the League of Arab States as counterproductive.¹⁶⁸ In the same vein, the

¹⁵⁵ *Ibid.*, p. 13.

¹⁵⁶ [S/PRST/2012/15](#).

¹⁵⁷ [S/PV.6766](#), p. 7.

¹⁵⁸ *Ibid.*, pp. 7-8.

¹⁵⁹ *Ibid.*, p. 10.

¹⁶⁰ [S/PV.6774](#), p. 2 (Portugal); and p. 3 (Morocco).

¹⁶¹ For more information, see part I, sect. 9, "The situation in Guinea-Bissau".

¹⁶² [S/PV.6963](#), pp. 7-8.

¹⁶³ *Ibid.*, p. 10.

¹⁶⁴ [S/PV.7070](#), p. 6.

¹⁶⁵ [S/PRST/2013/19](#).

¹⁶⁶ [S/PV.6710](#), p. 3.

¹⁶⁷ *Ibid.*, p. 15.

¹⁶⁸ *Ibid.*, p. 24.

representative of China recalled his country's cautious approach to sanctions, expressing his belief that, rather than assisting in resolving an issue, sanctions often led to the further complication of the situation.¹⁶⁹

Four days later, the Council failed to adopt a draft resolution concerning the Syrian Arab Republic,¹⁷⁰ owing to the negative vote of two permanent members of the Council. Speaking after the vote, several speakers expressed their disappointment and highlighted the fact that the text put to a vote did not mention sanctions.¹⁷¹ The representative of France announced that his country would continue to increase the pressure on the Syrian Arab Republic by imposing further sanctions of the European Union.¹⁷²

At its 6756th meeting, on 21 April 2012, the Council adopted resolution 2043 (2012), by which it established the United Nations Supervision Mission in the Syrian Arab Republic. Speaking after the adoption of the resolution, the representative of France said that if the observer mission should find that the Syrian Arab Republic had not met its obligations, the Council would have to consider other options, including possible sanctions.¹⁷³ The representative of the United Kingdom added that any attempt to hinder the work of the mission would have to be met with robust sanctions.¹⁷⁴

At its 6810th meeting, on 19 July 2012, the Council failed to adopt a draft resolution¹⁷⁵ when two permanent members cast a negative vote. By the draft resolution the Council would have decided that the Syrian authorities should implement their commitments relating to a withdrawal of troops and heavy weapons from population centres to facilitate a sustained cessation of violence. The resolution would have been adopted under Chapter VII and would have imposed sanctions measures under Article 41 of the Charter in the event of non-compliance.

Speaking after the vote, the representatives of the United Kingdom and Portugal said that the imposition of sanctions would not have been automatic in case of non-compliance, but would have required further steps by the Council, namely another resolution defining the sanctions that would apply.¹⁷⁶ The representative of the United States added that the resolution would not have authorized or even "paved the way" for foreign military intervention.¹⁷⁷ The representative of the Russian Federation argued, by contrast, that his country could not accept a decision under Chapter VII of the Charter that would open the way to sanctions and external military involvement in Syrian domestic affairs. He criticized the fact that the threat of sanctions was levelled exclusively against the Government of the Syrian Arab Republic.¹⁷⁸ The representative of South Africa echoed this point, saying that the text threatened sanctions only against the Government of the Syrian Arab Republic without realistically allowing any action to be taken against the opposition.¹⁷⁹ The representative of the United States made clear that the threat of sanctions was directed against the only party to the conflict using heavy weaponry against its own cities and citizens.¹⁸⁰

The representative of the Syrian Arab Republic affirmed that imposing sanctions was illegitimate and harmed the Syrian people, negatively affecting their daily lives.¹⁸¹ The question of the humanitarian effects of sanctions was taken up on 30 August 2012 at the 6826th meeting of the Council by the representative of the Russian Federation, who said that the unilateral economic sanctions denied the Syrian citizens the opportunity to meet their basic needs and fully enjoy basic human rights. He called upon the States that had imposed sanctions against the Syrian Arab Republic to lift them immediately.¹⁸²

¹⁶⁹ *Ibid.*, p. 25.

¹⁷⁰ [S/2012/77](#).

¹⁷¹ [S/PV.6711](#), p. 5 (Germany, United States); p. 6 (Portugal); and p. 7 (United Kingdom).

¹⁷² *Ibid.*, p. 4.

¹⁷³ [S/PV.6756](#), p. 3.

¹⁷⁴ *Ibid.*, p. 6.

¹⁷⁵ [S/2012/538](#).

¹⁷⁶ [S/PV.6810](#), p. 3 (United Kingdom); and p. 8 (Portugal).

¹⁷⁷ *Ibid.*, p. 10.

¹⁷⁸ *Ibid.*, pp. 8-9.

¹⁷⁹ *Ibid.*, p. 12.

¹⁸⁰ *Ibid.*, p. 10.

¹⁸¹ *Ibid.*, p. 16.

¹⁸² [S/PV.6826](#), p. 25.

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.¹⁸³

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, the Central African Republic, 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 African-led International Support Mission in Mali (AFISMA), the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the African-led International Support Mission in the Central African Republic (MISCA).

The section is divided into two subsections. Subsection A outlines decisions of the Council authorizing the use of force under Chapter VII of the Charter. Subsection B covers discussions of the Council of relevance for Article 42, and contains five case studies relating to thematic and country-specific items.

¹⁸³ 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 the mandates of peacekeeping operations.

A. Decisions of the Security Council relating to Article 42

During the period 2012 - 2013, the Council made no explicit reference to Article 42 of the Charter in its decisions. The Council nevertheless adopted several resolutions under Chapter VII authorizing peacekeeping missions and multinational forces, including those deployed by regional organizations, to use "all necessary measures" or "all necessary means" relating to the maintenance or restoration of international peace and security.

During the period under review, the Council authorized, for the first time in relation to the situation in Mali, the use of force by AFISMA, MINUSMA and the French forces supporting those missions,¹⁸⁴ and in relation to the situation in the Central African Republic by MISCA and the French forces supporting it.¹⁸⁵

In relation to Mali, the authorization to use force by the different entities mentioned above was made in connection with mandates involving, in the first instance, support to the Malian authorities in, inter alia, recovering territory under the control of terrorist and armed groups, protecting the civilian population, and creating a secure environment for the civilian-led delivery of humanitarian assistance;¹⁸⁶ and, in the second instance, the extension and re-establishment of State administration throughout the country, the protection of civilians and United Nations personnel, installations and equipment, support for humanitarian assistance, support for the efforts of the transitional authorities to bring to justice perpetrators of war crimes and crimes against humanity, and assistance to protecting from attack cultural and historical sites.¹⁸⁷ Most significantly, the Council also provided MINUSMA with a robust mandate with a view to stabilizing key population centres and deterring threats.¹⁸⁸

In the case of the Central African Republic, the authorization to use force related to the mandate to contribute, inter alia, to the protection of civilians,

¹⁸⁴ See resolutions [2085 \(2012\)](#), para. 9; and [2100 \(2013\)](#), paras. 17 and 18.

¹⁸⁵ See resolution [2127 \(2013\)](#), paras. 28 and 50.

¹⁸⁶ See resolution [2085 \(2012\)](#), para. 9.

¹⁸⁷ See resolution [2100 \(2013\)](#), para. 16.

¹⁸⁸ See resolution [2100 \(2013\)](#), para. 16 (a) (i).

stabilization of the country, restoration of State authority, creation of conditions conducive to the provision of humanitarian assistance, and the disarmament, demobilization and reintegration process led by the transitional authorities.¹⁸⁹

The Council also expanded the area of operations of the African Union Mission in Somalia (AMISOM) with a view to reducing the threat posed by Al-Shabaab and other armed opposition groups.¹⁹⁰ The Council reinforced the measures relating to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), enabling the Mission to undertake offensive operations, and added specific resources to the existing military component of MONUSCO by creating an Intervention Brigade.¹⁹¹ The Council clarified the scope of the authorization to use force by the United Nations Interim Security Force for Abyei and the United Nations Mission in South Sudan (UNMISS), underscoring that the mandate set out in previous resolutions (resolutions 1990 (2011) and 1996 (2011), respectively) included “taking the actions necessary to protect civilians under imminent threat of physical violence”.¹⁹² The Council urged the African Union-United Nations Hybrid Operation in Darfur (UNAMID) to take all necessary measures within its rules of engagement to protect United Nations personnel and equipment, thereby clarifying the mandate provided for in paragraph 15 of resolution 1769 (2007).

During the period under review, the Council also reaffirmed, renewed or extended the authorization of the use of force by the International Security Assistance Force and its participating Member States in connection with the situation in Afghanistan;¹⁹³ UNMISS in the context of the situation in South Sudan;¹⁹⁴ AMISOM and relevant Member States cooperating with the Transitional Federal Government in the fight against piracy and armed robbery at sea in the context of the situation in Somalia;¹⁹⁵ the United Nations Operation in Côte

d’Ivoire and the French forces supporting it in relation to the situation in Côte d’Ivoire;¹⁹⁶ the European Union Force-Althea in connection with the situation in Bosnia and Herzegovina;¹⁹⁷ and the United Nations Interim Force in Lebanon in relation to Lebanon.¹⁹⁸ With regard to the deteriorating situation in the Golan Heights as a result of the civil war unfolding in the Syrian Arab Republic, which had resulted in the detention of peacekeepers of the United Nations Disengagement Observer Force (UNDOF) and observers of the United Nations Truce Supervision Organization by armed elements of the Syrian opposition, the Council underscored the need for UNDOF to have the means, required capacity and resources to carry out and fulfil its mandate.¹⁹⁹ For more information on the specific mandates of each of the United Nations peacekeeping operations, see part X.

B. Discussion relating to Article 42

This subsection highlights the themes that arose in the deliberations of the Council with regard to measures under Article 42 of the Charter and the authorization of the use of force.

During the period under review, the debates in the Council focused on the changing nature of peacekeeping in increasingly challenging environments as exemplified by the situations in Mali, the Central African Republic and the Democratic Republic of the Congo. Council members dwelled on the scope of the authorization of the use of force under mandates to protect civilians and on the appropriateness and impact of increasingly robust mandates of peacekeeping missions. The case studies that follow, relating to the protection of civilians in armed conflict (case 14), the situation concerning the Democratic Republic of the Congo (case 15), the situation in Mali (case 16), the situation in the Central African Republic (case 17) and United Nations peacekeeping operations (case 18), focus on the key elements of those debates.

¹⁸⁹ See resolution 2127 (2013), para. 28.

¹⁹⁰ See resolution 2036 (2012), para. 1.

¹⁹¹ See resolution 2098 (2013), paras. 9 and 12 (b). For more information, see part X, sect. I, “Peacekeeping operations”.

¹⁹² See resolutions 2104 (2013), para. 4; and 2109 (2013), para. 4.

¹⁹³ See resolutions 2069 (2012), paras. 1 and 2; and 2120 (2013), paras. 1 and 2.

¹⁹⁴ See resolutions 2057 (2012), para. 5; and 2109 (2013), para. 8.

¹⁹⁵ See resolutions 2036 (2012), para. 18; 2072 (2012), para. 1; 2073 (2012), para. 1; 2077 (2012), para. 12; 2093 (2013), para. 1; 2124 (2013), para. 1; and 2125 (2013), para. 12.

¹⁹⁶ See resolutions 2062 (2012), paras. 5 and 14; and 2112 (2013), paras 7 and 21.

¹⁹⁷ See resolution 2123 (2013), paras. 14 and 15.

¹⁹⁸ See resolutions 2064 (2012), para. 1; and 2115 (2013), paras. 1 and 13.

¹⁹⁹ See resolutions 2108 (2013), tenth preambular paragraph and para. 7; and 2131 (2013), ninth preambular paragraph and para. 6.

Case 14
Protection of civilians in armed conflict

Having before it the latest report of the Secretary-General, the Council held an open debate on 25 June 2012 on the protection of civilians in armed conflict. Against the backdrop of the implementation of resolution 1973 (2011), concerning the situation in Libya, the representative of the Russian Federation noted that “any reactive measure to protect civilians” required Council authorization and regretted the unsatisfactory implementation of Council resolutions relating to the protection of civilians.²⁰⁰ The representative of the United States stated that resolution 1973 (2011) had been adopted without opposition to authorize the use of force to prevent brutal actions by the Gaddafi regime against the Libyan people and contained a strong civilian-protection mandate.²⁰¹ Some speakers referred to the use of force as a measure of last resort.²⁰² The representative of China argued that the authorization of the use of force in the protection of civilians had to be approached with extreme caution.²⁰³ The representative of Chile stressed the need to establish common criteria for the implementation of the authorization of the use of force by the Council. He suggested criteria such as the principle of the protection of civilians or the principle of the responsibility to protect.²⁰⁴ The representative of Pakistan warned against misplaced expectations for peacekeeping missions exemplified by the mandate to peacekeepers to pre-empt threats to the civilian population. He added that the use of force in peacekeeping “under the garb of civilian protection” was not helpful and that it was necessary to carefully evaluate all legal aspects of civilian protection in peacekeeping operations.²⁰⁵

On 13 February 2013, the Council held a second open debate on the protection of civilians in armed conflict. The circumstances of the civilian deaths in Libya as a result of NATO airstrikes continued to be part of the background of the discussion. The representative of the Russian Federation reiterated that the international community should take proactive steps to protect civilians, if that involved the use of force, only if

endorsed by the Security Council and in full compliance with the Charter.²⁰⁶ The representative of Brazil noted that the use of force in the protection of civilians stood out as an issue that divided opinion and compromised efforts towards the peaceful settlement of disputes. He made reference to a concept paper on “responsibility while protecting” prepared by Brazil in 2011²⁰⁷ and said that resort to military action should always be an exceptional measure, after all peaceful means had been exhausted and only upon the authorization of the Council. He indicated that if force was authorized it had to be judicious, proportionate and limited to the objectives established by the Council.²⁰⁸ Portugal also recalled Brazil’s paper of 2011 as a means of improving implementation when the use of force is authorized by the Council.²⁰⁹ As in the previous debate, some speakers noted that the use of force should be a measure of last resort.²¹⁰

On 19 August 2013, the Council held an open debate on the protection of civilians in armed conflict, having before it a concept note circulated by Argentina.²¹¹ The representative of the Russian Federation deemed unacceptable the attempts to manipulate mandates and clarified that the use of force to protect civilians was only possible with the approval of the Council and “unwavering compliance” with the Charter.²¹² The representative of Brazil recalled the meaning of protection, criticizing the attitude of some with regard to what she described as “an almost automatic link between the protection of civilians and the use of force”, and added that the use of force should be a measure of last resort.²¹³ By contrast, the representative of France lauded the action of the Council in providing robust mandates to peacekeeping missions in order to “put an end to situations where civilians are threatened”.²¹⁴

²⁰⁰ S/PV.6790, p. 22.

²⁰¹ Ibid., p. 26.

²⁰² See S/PV.6790 (Resumption 1), p. 5 (Argentina); and p. 24 (Bangladesh).

²⁰³ S/PV.6790, p. 28.

²⁰⁴ S/PV.6790 (Resumption 1), p. 26.

²⁰⁵ S/PV.6790, p. 17.

²⁰⁶ S/PV.6917, p. 26.

²⁰⁷ S/2011/701.

²⁰⁸ S/PV.6917, pp. 28-29.

²⁰⁹ S/PV.6917 (Resumption 1), p. 14.

²¹⁰ Ibid., p. 24 (Bosnia and Herzegovina); p. 39 (Bangladesh); and p. 45 (Bolivarian Republic of Venezuela).

²¹¹ S/2013/447, annex.

²¹² S/PV.7019, p. 10.

²¹³ Ibid., p. 30.

²¹⁴ Ibid., p. 23.

Case 15
The situation concerning the Democratic Republic of the Congo

On 28 March 2013, the Council adopted resolution 2098 (2013), by which it decided that MONUSCO would include, “on an exceptional basis and without creating a precedent or any prejudice to the agreed principles of peacekeeping”, an Intervention Brigade under the direct command of the MONUSCO Force Commander, with the responsibility of neutralizing armed groups and the objective of contributing to reducing the threat posed by armed groups to State authority and civilian security in the eastern Democratic Republic of the Congo, and to make space for stabilization activities. In the debate that ensued, Council members overwhelmingly welcomed the creation of the Intervention Brigade. Many speakers however dwelled on the risks that the peace-enforcement mandate of the newly created Intervention Brigade would entail for the neutrality and impartiality of the United Nations activities in the country.²¹⁵ The representative of Guatemala explicitly noted that his country would have preferred the Brigade to be defined as a self-contained unit with specific responsibilities, “clearly distinguishable from the mandates of the other MONUSCO brigades”. He added that many conceptual, operational and legal considerations had not been adequately explored in the course of negotiating the text of the resolution.²¹⁶ The representative of Argentina stressed that the resolution separated the tasks of the military and the civilian components of the mission, while admitting that Argentina also harboured “some concerns and well-founded doubts as to the establishment of the Intervention Brigade”.²¹⁷ Expressing concerns about the safety and security of peacekeepers, the representative of Pakistan highlighted that the resolution clearly defined the goals and tasks of the Intervention Brigade.²¹⁸ Several speakers emphasized that the deployment of the Intervention Brigade did not constitute any precedent nor did it affect adherence to the principles of peacekeeping.²¹⁹

²¹⁵ See S/PV.6943, p. 3 (Rwanda); p. 4 (Guatemala); p. 6 (Argentina); and p. 7 (Pakistan).

²¹⁶ Ibid., p. 4.

²¹⁷ Ibid., p. 5.

²¹⁸ Ibid., p. 7.

²¹⁹ Ibid., p. 5 (United Kingdom); p. 7 (Pakistan); and p. 8 (China).

Case 16
The situation in Mali

On 20 December 2012, by resolution 2085 (2012), the Council authorized the deployment of AFISMA to support the Malian authorities in recovering the areas in the north of its territory under the control of terrorist, extremist and armed groups and in reducing the threat posed by terrorist organizations. During the discussion that ensued, the representative of Côte d’Ivoire affirmed that the resolution provided the “necessary international legitimacy” to carry out the actions required to restore the sovereignty and territorial integrity of Mali with the objective of retaking the territory under the control of terrorist and extremist groups.²²⁰

Less than six months later, on 25 April 2013, faced with the aggravation of the security situation in the north of Mali, the Council adopted resolution 2100 (2013), by which it established MINUSMA and providing it with a robust mandate (including the use of all necessary means) to, inter alia, stabilize key population centres and to extend and re-establish State administration in support of the transitional authorities of Mali, as well as bringing to justice those responsible for war crimes and crimes against humanity in Mali.²²¹ In the discussion that ensued, the representative of the Russian Federation cautioned against operations by peacekeepers to arrest those accused by the International Criminal Court, which in his view should be conducted by specially trained troops.²²²

Case 17
The situation in the Central African Republic

On 25 November 2013, against the background of the unfolding crisis in the Central African Republic, the Deputy Secretary-General reported on the technical assistance mission dispatched to the country and called for prompt and decisive action in the form of a “robust international action”.²²³ The Secretary-General of the Economic Community of Central African States (ECCAS) reiterated the request of the Heads of State and Government of ECCAS “for a robust mandate under Chapter VII of the Charter”.²²⁴

²²⁰ S/PV.6898, p. 3.

²²¹ See resolution 2100 (2013), para. 16 (a) (i) and (ii).

²²² S/PV.6952, p. 2.

²²³ S/PV.7069, p. 2.

²²⁴ Ibid., p. 6.

Ten days later, on 5 December 2013, the Council unanimously adopted resolution 2127 (2013), by which it authorized the deployment of MISCA with the mandate to, inter alia, contribute to protecting civilians, restoring security and public order, stabilizing the country and restoring State authority.²²⁵ During the discussion that followed the adoption of the resolution, the representatives of France and Togo welcomed the resolution.²²⁶ While the representative of France underlined the robust mandate of MISCA under Chapter VII of the Charter,²²⁷ the representative of Togo highlighted the authorization to the French forces to take “every measure necessary” to support MISCA in carrying out its mandate.²²⁸

Case 18 United Nations peacekeeping operations

On 21 January 2013, by resolution 2086 (2013), the Council reaffirmed that respect for the basic principles of peacekeeping, including the consent of the parties,

impartiality and non-use of force except in self-defence and defence of the mandate, is essential to the success of peacekeeping operations. During the discussions before and after the adoption of the resolution, under the item entitled “United Nations peacekeeping: a multidimensional approach”, speakers reflected on the changing and challenging circumstances of peacekeeping. Some of them stated that sometimes the Council needed to formulate more robust mandates to be effective;²²⁹ and in some cases, as argued by the representative of Côte d’Ivoire, for the “imposition of peace”.²³⁰ At a meeting of the Council on 26 June 2013 under the item “United Nations peacekeeping operations”, speakers again dwelled on the changing landscape of peacekeeping and in particular on the MONUSCO Intervention Brigade,²³¹ the use of unmanned aerial vehicles,²³² and the increasingly robust mandates of certain peacekeeping operations.²³³

²²⁵ See resolution 2127 (2013), para. 28.

²²⁶ S/PV.7072, p. 2 (Togo); and p. 4 (France).

²²⁷ Ibid., p. 4.

²²⁸ Ibid., pp. 2-3.

²²⁹ S/PV.6903, p. 38 (United Republic of Tanzania); p. 53 (Uganda); and p. 64 (South Sudan).

²³⁰ Ibid., p. 51.

²³¹ S/PV.6987, p. 12 (Argentina).

²³² Ibid., p. 7 (Pakistan); and p. 9 (Russian Federation).

²³³ Ibid., p. 18 (Republic of Korea).

V. Consideration of Articles 43 to 45 of the Charter

Article 43

1. *All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.*

2. *Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.*

3. *The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.*

Article 44

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

Article 45

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

Note

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

No agreements under Article 43 were ever concluded, however, and in the absence of such agreements there is therefore no practice in application of Article 43. The United Nations has developed practical arrangements to carry out military operations in the absence of such agreements. The Council authorizes peacekeeping forces (under the command and control of the Secretary-General and assembled pursuant to ad hoc agreements entered into by the United Nations and Member States), and national or regional forces (under national or regional command and control) to conduct military action. Peacekeeping operations, as well as their mandates, are covered in detail in part X.

Articles 44 and 45 of the Charter make explicit reference to Article 43 and are therefore intimately linked. As with Article 43, there is no practice in application of Articles 44 and 45. The Council has however developed practice to, on the one hand, consult with Member States contributing troops for United Nations peacekeeping activities and, on the other, call upon Member States to contribute military air assets in the context of peacekeeping. During the period under review, the Council did not explicitly refer to Articles 43 to 45 in any of its decisions nor was there any constitutional discussion about these Articles. Below is an overview of the practice of the Council during 2012 and 2013 concerning consultation with troop- and police-contributing countries (subsection A) and the contribution of military air assets (subsection B) to peacekeeping operations.

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

During the period under review the Council recognized in a number of its decisions the need for and

importance of further cooperation and consultation with troop- and police-contributing countries.²³⁴

At Council meetings, members dwelled upon the importance of cooperation and regular consultations with troop- and police-contributing countries. In connection with the item “Implementation of the note by the President of the Security Council (S/2010/507)”, on 26 November 2012, speakers mentioned the need to strengthen the interaction with troop- and police-contributing countries.²³⁵ At the 6870th meeting, some speakers advocated for more regular participation of troop- and police-contributing countries as a means of improving the definition of the mandates and the decision-making concerning peacekeeping operations.²³⁶ At the 6903rd meeting, under the item “United Nations peacekeeping operations”, several speakers emphasized the importance of the “triangular cooperation” between the Council, the Secretariat and the troop-contributing countries in the decision-making process.²³⁷ The representative of Pakistan highlighted the need for sound planning and coordination in mandating and deploying peacekeeping missions through consultations with all stakeholders, especially troop-contributing countries.²³⁸ Several speakers favoured and demanded strengthened cooperation and regular consultations with troop- and police-contributing countries.²³⁹ The representative of India recalled the presidential statement of 2011 (S/PRST/2011/17) calling for meaningful engagement by the Council with troop-contributing countries.²⁴⁰ The representative of Nepal argued that a framework for consultation with troop-contributing and police-contributing countries should be “substantive, institutionalized and structured”.²⁴¹

²³⁴ See S/PRST/2012/22, twelfth paragraph; and resolutions 2053 (2012), para. 27; 2086 (2013), para. 17; 2098 (2013), para. 31; and 2113 (2013), para. 11.

²³⁵ S/PV.6870, p. 3 (Portugal); p. 5 (Colombia); p. 6 (Russian Federation); p. 11 (Pakistan); p. 13 (Togo); p. 14 (Morocco); p. 16 (South Africa); S/PV.6870 (Resumption 1), p. 7 (Sweden); and p. 12 (Indonesia).

²³⁶ S/PV.6870, p. 20 (India); and p. 33 (Ireland).

²³⁷ S/PV.6903, p. 11 (Guatemala); p. 20 (Morocco); p. 36 (Chile); and p. 39 (Uruguay).

²³⁸ *Ibid.*, p. 4.

²³⁹ *Ibid.*, p. 21 (Azerbaijan); p. 41 (Cuba); p. 45 (Thailand); and p. 46 (Ukraine).

²⁴⁰ *Ibid.*, p. 31.

²⁴¹ *Ibid.*, pp. 42-43.

B. Question of contributing military air assets

During 2012 and 2013, the Council adopted a number of decisions calling upon Member States to contribute personnel, equipment and other resources to United Nations as well as Member State-led enforcement operations and peacekeeping missions,²⁴² including military air assets.²⁴³ It called on Member States to contribute air assets in the context of military action carried out pursuant to Chapter VII of the Charter in the Democratic Republic of the Congo,²⁴⁴ Somalia²⁴⁵ and the Sudan and South Sudan.²⁴⁶

On 21 January 2013, in connection with the item “United Nations peacekeeping operations”, speakers

²⁴² See, for example, resolutions 2069 (2012), para. 3; 2085 (2012), para. 15; 2086 (2013), para. 11; 2120 (2013), para. 3; 2122 (2013), para. 9; and 2124 (2013), para. 6.

²⁴³ See, for example, resolutions 2053 (2012), para. 27; 2057 (2012), para. 24; 2098 (2013), para. 31; 2109 (2013), para. 33; and 2113 (2013), para. 11.

²⁴⁴ See resolutions 2053 (2012), para. 27; and 2098 (2013), para. 31.

²⁴⁵ See resolution 2124 (2013), para. 6.

²⁴⁶ See resolutions 2057 (2012), para. 24; 2109 (2013), para. 33; and 2113 (2013), para. 11.

mentioned the need for Member States to adequately support and equip United Nations peacekeeping missions. At the 6903rd meeting, the Secretary-General called on Member States to provide key military assets and enabling capabilities to operate in ever more challenging environments. He also emphasized that when Member States “show the will to make the right contributions at the right time”, the United Nations can deploy more quickly and operate more effectively.²⁴⁷ The representatives of India and Rwanda made reference to the importance of resources,²⁴⁸ and the representative of Rwanda recalled his country’s deployment of military utility helicopters to the United Nations Mission in South Sudan in response to the Secretary-General’s requests.²⁴⁹

²⁴⁷ S/PV.6903, p. 3.

²⁴⁸ Ibid., p. 19 (Rwanda); and p. 31 (India).

²⁴⁹ Ibid., p. 19. At the 6993rd meeting of the Council, on 8 July 2013, the Special Representative of the Secretary-General and Head of the United Nations Mission in South Sudan (UNMISS), in her briefing, highlighted that UNMISS was facing a mobility crisis which was having an especially detrimental effect on the Mission’s ability to protect civilians, mainly due to aviation safety procedures and to a lack of aviation capabilities, particularly helicopters. She urged the Council to take urgent action to support the Mission in filling those gaps (S/PV.6993, p. 4).

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 considered the role of the Military Staff Committee in planning the application of armed force and in advising and assisting the Council on the military requirements for the maintenance of international peace and security.

During the period under review and by contrast with previous periods, the Military Staff Committee received little attention from the Council in its decisions and deliberations. This notwithstanding, interest remained in the enhancement of its role as attested by the fact that that question remained before the Council in discussions under the item entitled “Implementation of the note by the President of the Security Council (S/2010/507)”.

During the period under review, the Council did not explicitly refer to either Article 46 or 47 in any of its decisions, nor did it make reference to the Military Staff Committee in any decision. As is customary, the activities of the Military Staff Committee were covered in the annual reports of the Council to the General Assembly.²⁵⁰ The discussions of the Council of relevance to Articles 46 and 47 are described below.

Discussion relating to Articles 46 and 47

During the period under review, no explicit references to Articles 46 and 47 were made at any of the

²⁵⁰ See [A/67/2](#), part IV, [A/68/2](#), part IV, and [A/69/2](#), part IV.

meetings of the Council. The Military Staff Committee was however mentioned at two meetings of the Council. On 20 June 2012, at the 6789th meeting, under the item “United Nations peacekeeping operations”, the representative of the Russian Federation said that the Military Staff Committee needed to step up its activities in order to fulfil the Charter purpose of providing the necessary level of military expertise for measures taken in the framework of peacekeeping.²⁵¹ On 26 November 2012, at the 6870th meeting, under the item “Implementation of the note by the President of the Security Council (S/2010/507)”, the representative of the Netherlands said it would be interesting to explore whether the Military Staff Committee could provide military advice when the Council considered the mandate of a military operation.²⁵² This comment was made in reference to the concept note on Council working methods prepared by India and Portugal, in which enhancing the role of the Military Staff Committee was listed as a possible topic for discussion.²⁵³

²⁵¹ [S/PV.6789](#), p. 16.

²⁵² [S/PV.6870 \(Resumption 1\)](#), p. 6.

²⁵³ [S/2012/853](#), annex. The same topic was listed for possible discussion in the concept note of Azerbaijan ([S/2013/613](#), annex), but no reference was made to the Military Staff Committee at the Council meeting at which that note was considered.

VII. Action required of Member States under Article 48 of the Charter

Article 48

1. *The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.*

2. *Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.*

Note

Section VII covers the practice of the Council in relation to Article 48 of the Charter, regarding the obligation of all or some Member States to carry out the

decisions of the Council for the maintenance of international peace and security. Under Article 48 (2), Member States shall carry out the decisions directly, or through international organizations of which they are members. The present section focuses on the types of obligations imposed on Member States in accordance with Article 48, and on the range of addressees designated by the Council to implement, or comply with, decisions adopted. While Article 48 relates to requests to Member States to carry out action decided upon by the Council, during the period 2012 - 2013 the Council addressed some of its pleas to various “parties”²⁵⁴ and “non-State

²⁵⁴ See resolutions [2035 \(2012\)](#), para. 12; [2040 \(2012\)](#), para. 11; [2045 \(2012\)](#), paras. 23 and 26; [2049 \(2012\)](#), para. 5; [2050 \(2012\)](#), para. 5; [2060 \(2012\)](#), para. 16; [2091 \(2013\)](#), para. 12; [2095 \(2013\)](#), para. 15; [2098 \(2013\)](#), para. 32; [2101 \(2013\)](#), para. 28; [2105 \(2013\)](#), para. 5; [2111 \(2013\)](#), para. 32; and [2127 \(2013\)](#), para. 60.

actors”²⁵⁵ in decisions dealing with the ever-increasing number of items on its agenda involving intra-State conflict.

During the period under review, the Council did not explicitly invoke Article 48 in its decisions. However, in several instances, the Council adopted resolutions which underlined the obligation of Member States to comply with the measures imposed under Chapter VII of the Charter of relevance to Article 48.

This section is divided into two subsections. Subsection A covers decisions of the Council requiring Member States to carry out action in relation to measures under Article 41; subsection B covers decisions of the Council requiring Member States to carry out action in relation to measures under Article 42. During the two years under review, only one explicit reference was found to Article 48 in the communications to the Council²⁵⁶ and no constitutional discussions were held in relation to the interpretation or application of this Article.

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

During the period under review and in relation to decisions adopted pursuant to Article 41 concerning sanctions, the Council called on Member States (a) to comply with their obligation to implement sanctions measures by, *inter alia*, taking “all necessary measures”;²⁵⁷ (b) to report to the relevant sanctions committees or to the Council directly;²⁵⁸ (c) to ensure full cooperation with the relevant committee, panel of experts

or monitoring group;²⁵⁹ and (d) to provide unhindered access to and ensure the safety of panels of experts and monitoring groups assisting sanctions committees.²⁶⁰ The Council addressed those requests to all Member States, all States concerned and States in the subregion,²⁶¹ as well as to Member States individually or within the framework of international organizations, reflecting Article 48 (2) of the Charter.²⁶²

During the period under review, the Council urged Member States to assist the committees and panels of experts also in providing publicly available reasons for listing individuals and entities affected by the sanctions measures imposed pursuant to Article 41.²⁶³

Regarding decisions adopted in accordance with Article 41 relating to judicial measures, the Council called on Member States to cooperate with tribunals.²⁶⁴ During the period under review, the Council called for cooperation with the International Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the International Residual Mechanism for Criminal Tribunals and the International Criminal Court. It requested all Member States, all States “in a position to do so”,²⁶⁵ States where fugitives were suspected to be at

²⁵⁵ See resolution 2077 (2012), para. 26.

²⁵⁶ Letter dated 31 December 2012 from the Chair of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council (S/2012/968).

²⁵⁷ See, for example, resolutions 2036 (2012), para. 22; 2045 (2012), para. 8; 2048 (2012), para. 4; 2056 (2012), para. 23; 2062 (2012), para. 9; 2082 (2012), para. 1; 2083 (2012), paras. 1 and 20; 2094 (2013), paras. 13, 22 and 30; 2101 (2013), para. 1; 2111 (2013), para. 18; and 2127 (2013), paras. 54 and 55.

²⁵⁸ See, for example, resolutions 2035 (2012), para. 13; 2078 (2012), para. 22; 2094 (2013), para. 25; and 2127 (2013), para. 58.

²⁵⁹ See, for example, resolutions 2035 (2012), para. 12; 2040 (2012), para. 11; 2045 (2012), paras. 14 and 23; 2049 (2012), para. 5; 2050 (2012), para. 5; 2056 (2012), para. 24; 2060 (2012), para. 16; 2077 (2012), para. 8; 2078 (2012), para. 9; 2079 (2012), para. 7; 2091 (2013), para. 12; 2095 (2013), para. 15; 2101 (2013), paras. 17 and 21; 2105 (2013), para. 5; 2111 (2013), para. 32; 2127 (2013), para. 60; and 2128 (2013), para. 7.

²⁶⁰ See, for example, resolutions 2045 (2012), paras. 12 and 26; and 2101 (2013), paras. 15 and 30.

²⁶¹ See, for example, resolutions 2045 (2012), paras. 8 and 14, concerning sanctions measures against Côte d’Ivoire, and 2060 (2012), para. 16, concerning the sanctions measures in place against Somalia and Eritrea.

²⁶² See, for example, resolution 2077 (2012), para. 28, concerning the sanctions measures in place against Somalia and Eritrea.

²⁶³ See, for example, resolution 2079 (2012), para. 4, concerning the sanctions regime in Liberia. See also resolution 2083 (2012), paras. 14 and 38, which was adopted under the item entitled “Threats to international peace and security caused by terrorist acts”.

²⁶⁴ See, for example, resolutions 2054 (2012), paras. 5 and 6; 2074 (2012), para. 3; 2080 (2012), paras. 3 and 4; 2081 (2012), para. 4; 2095 (2013), para. 11; 2123 (2013), para. 3; and 2130 (2013), para. 3.

²⁶⁵ See, for example, resolutions 2054 (2012), para. 6; and 2080 (2012), para. 4.

large,²⁶⁶ and States individually concerned²⁶⁷ to take measures with a view to cooperating with those tribunals.

With regard to Article 48 (2), the Analytical Support and Sanctions Monitoring Team stated in its thirteenth report that Article 48 of the Charter required Member States to observe mandatory decisions of the Council “not only directly but also through their action in appropriate international agencies of which they are members”.²⁶⁸

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

During the period under review, the Council urged, called upon, encouraged, requested and authorized action by a particular Member State, a designated group of Member States and/or all Member States in relation to measures adopted under Article 42 of the Charter. In connection with the situation in Afghanistan, the Council continued to authorize Member States “participating in the International Security Assistance Force” to take all necessary measures to fulfil the mandate of that mission.²⁶⁹ Similarly, the Council continued to authorize “the Member States acting through or in cooperation with the European Union” to establish for a further period of 12 months a multinational stabilization force (European Union Force-Althea), legal successor of the NATO-led Stabilization Force, in Bosnia and Herzegovina.²⁷⁰ In connection with the situation in Somalia, the Council renewed its call upon States “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;²⁷¹ and renewed the authorization to “States members of the African Union” to maintain the deployment of the African Union Mission in Somalia, which was authorized to take all necessary measures to carry out its mandate.²⁷² During the period under review, the Council authorized the “French forces in the Central African Republic” to take all necessary measures to support the African-led International Support Mission in the Central African Republic.²⁷³ The Council also called upon “neighbouring countries of the Central African Republic” to take appropriate measures to support the action of the French forces.²⁷⁴

The Council would frequently in these cases request Member States or coalitions of Member States to report to it on the implementation of mandates, as was the case in connection with the situations in Afghanistan,²⁷⁵ Bosnia and Herzegovina,²⁷⁶ the Central African Republic,²⁷⁷ Mali²⁷⁸ and Somalia.²⁷⁹

The Council called upon “Member States, especially those in the region” to ensure the free, unhindered and expeditious movement to and from Mali of all personnel, as well as equipment, provisions, supplies and other goods which were for the exclusive use of the United Nations Multidimensional Integrated Stabilization Mission in Mali.²⁸⁰ In connection with the Sudan and South Sudan, the Council called upon both States to ensure the free, unhindered and expeditious

²⁶⁶ See, for example, resolutions [2054 \(2012\)](#), para. 5; and [2080 \(2012\)](#), para. 3.

²⁶⁷ See, for example, resolution [2095 \(2013\)](#), para. 4, concerning the Council’s call on the Government of Libya to continue to cooperate fully with the International Criminal Court and the Prosecutor pursuant to resolution [1970 \(2011\)](#).

²⁶⁸ See the annex to the letter dated 31 December 2012 from the Chair of the Security Council Committee pursuant to resolutions [1267 \(1999\)](#) and [1989 \(2011\)](#) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council ([S/2012/968](#)).

²⁶⁹ Resolutions [2069 \(2012\)](#), para. 2; and [2120 \(2013\)](#), para. 2.

²⁷⁰ Resolutions [2074 \(2012\)](#), para. 10; and [2123 \(2013\)](#), para. 10.

²⁷¹ Resolutions [2077 \(2012\)](#), para. 10; and [2125 \(2013\)](#), para. 10. In paragraphs 11 to 30 of resolution [2077 \(2012\)](#), the Council specified a number of actions to be taken by Member States, including to continue to support the efforts of the Contact Group on Piracy off the Coast of Somalia, cooperate with the Somali authorities and in the prosecution of perpetrators, and criminalize piracy under their domestic law.

²⁷² Resolutions [2093 \(2013\)](#), para. 1; and [2124 \(2013\)](#), para. 1.

²⁷³ Resolution [2127 \(2013\)](#), para. 50.

²⁷⁴ *Ibid.*

²⁷⁵ Resolutions [2069 \(2012\)](#), para. 8; and [2120 \(2013\)](#), para. 8.

²⁷⁶ Resolutions [2074 \(2012\)](#), para. 18; and [2123 \(2013\)](#), para. 18.

²⁷⁷ Resolution [2127 \(2013\)](#), para. 50.

²⁷⁸ Resolution [2085\(2012\)](#), para. 10.

²⁷⁹ Resolutions [2077 \(2012\)](#), para. 33; and [2125 \(2013\)](#), para. 29.

²⁸⁰ Resolution [2100 \(2013\)](#), para. 20.

movement to and from Abyei of personnel and equipment for the exclusive use of the United Nations Interim Security Force for Abyei.²⁸¹ The Council also called upon “all Member States” to ensure the free, unhindered and expeditious movement to and from South Sudan of personnel and equipment for the exclusive use of the United Nations Mission in South Sudan.²⁸²

²⁸¹ Resolution 2104 (2013), para. 13.

²⁸² Resolution 2109 (2013), para. 12.

In some instances, the Council requested action of Member States acting “through” other international entities, pursuant to Article 48 (2) of the Charter.²⁸³

²⁸³ For example, the Council requested “all States contributing through the Contact Group on Piracy off the Coast of Somalia” to report on their efforts to establish jurisdiction and cooperation on the investigation and prosecution of piracy (resolution 2077 (2012), para. 33).

VIII. Mutual assistance pursuant to Article 49 of the Charter

Article 49

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

Note

Section VIII covers the practice of the Security Council in relation to Article 49 of the Charter. The section covers decisions of the Council relating to mutual assistance among Member States in the implementation of measures adopted by the Council under Chapter VII of the Charter.

During the period 2012-2013, the Council did not explicitly invoke Article 49 in any of its decisions. The Council did however request Member States to join in providing mutual assistance among, and to, Member States carrying out measures under Chapter VII. During the period, there was no constitutional discussion in the Council relating to the interpretation or application of Article 49 of the Charter. There was no reference to Article 49 in the communications received by the Council.

Decisions of the Security Council relating to mutual assistance in the implementation of measures under Chapter VII of the Charter

During the period under review, the Council called upon Member States to enhance their cooperation, within and outside peacekeeping missions, to carry out measures decided upon by the Council. The Council addressed its calls for mutual assistance to individual Member States,

to neighbouring or particularly concerned States, and to “all Member States”. The types of assistance requested of Member States varied greatly, from military assets and other resources to less tangible contributions such as assistance or efforts in the consolidation of State authority and the promotion of peace and security in the region concerned.

In connection with the situation in Afghanistan, the Council called upon “Member States” to contribute personnel, equipment and other resources to the International Security Assistance Force and to pursue efforts to support security, stability and transition in Afghanistan.²⁸⁴

In connection with Côte d’Ivoire, the Council called on the Governments of Côte d’Ivoire and Liberia to continue to enhance their cooperation “particularly with respect to the border area” in developing and implementing a shared border strategy to support the disarmament and repatriation of foreign armed elements on both sides of the border.²⁸⁵ The Council also urged “all States” to cooperate with the sanctions committee and its group of experts as well as with the French forces in delivering their respective mandates, in particular by supplying information at their disposal on possible violations of the relevant resolutions.²⁸⁶

With regard to the situation in Liberia, the Council encouraged the Governments of Liberia, Sierra Leone, Côte d’Ivoire and Guinea to intensify coordination and exchange of information with regard to cross-border threats to peace and security, as well as to illicit arms

²⁸⁴ Resolutions 2069 (2012), para. 3; and 2120 (2013), para. 3.

²⁸⁵ Resolution 2112 (2013), para. 25. Resolution 2066 (2012), para. 12, relating to the situation in Liberia, contains identical language.

²⁸⁶ Resolution 2101 (2013), para. 28.

trafficking, and encouraged “the international community” to support Liberia’s reform efforts aimed at ensuring that natural resources contributed to peace, security and development.²⁸⁷

In connection with the Central African Republic, the Council called upon Member States to provide financial support and contributions in kind to the African-led International Support Mission in the Central African Republic (MISCA) to enable its deployment and the implementation of its mandate, and to contribute generously to the United Nations Trust Fund for MISCA.²⁸⁸

With regard to Libya, the Council encouraged Libya and “neighbouring States” to continue efforts to promote regional cooperation aimed at stabilization of the situation in the country and to prevent former regime elements and violent extremist groups from using their territories to carry out illicit acts to destabilize the country and the region.²⁸⁹

In connection with Mali, the Council urged “Member States” to assist efforts to undertake reform and capacity-building of the Malian security forces in order to restore the authority of the State of Mali over its territory, to uphold the unity and territorial integrity of Mali and to reduce the threat posed by Al-Qaida and affiliated groups.²⁹⁰ It also urged “Sahel and Maghreb States” to enhance interregional cooperation and coordination in relation to counter-terrorism strategies and activities against Al-Qaida in the Sahel and Maghreb.²⁹¹

Subsequently, the Council urged Member States to provide assistance, expertise, training, and capacity-building to the Malian Defence and Security Forces, and called upon Member States “including from the Sahel region” to contribute troops to the African-led International Support Mission in Mali (AFISMA).²⁹² It further urged Member States to provide coordinated support to AFISMA, including military training, provision of equipment, intelligence, logistical support and any necessary assistance in efforts to reduce the threat posed by terrorist organizations.²⁹³ The Council further called upon “the international community” to meet regularly in and outside Mali to assist the transitional authorities of Mali to implement the transitional road map and to continue contributing to the promotion of lasting peace, stability and reconciliation in Mali.²⁹⁴ The Council also urged “Member States” to provide coordinated assistance, expertise, training and capacity-building support to the Malian Defence and Security Forces, including through the United Nations Trust Fund established pursuant to resolution 2085 (2012).²⁹⁵ The Council urged “the Sahel and Maghreb States” to enhance interregional cooperation and coordination in order to develop inclusive and effective strategies to combat in a comprehensive and integrated manner the activities of terrorist groups and prevent their expansion, as well as to limit the proliferation of all arms and transnational organized crime.²⁹⁶

²⁸⁷ Resolution 2128 (2013), paras. 10 and 12.

²⁸⁸ Resolution 2127 (2013), paras. 42 and 44.

²⁸⁹ Resolution 2095 (2013), para. 6.

²⁹⁰ See resolution 2056 (2012), para. 22.

²⁹¹ Ibid., para. 23.

²⁹² Resolution 2085 (2012), paras. 7 and 13.

²⁹³ Resolutions 2085 (2012), para. 14; and 2100 (2013), para. 10.

²⁹⁴ Resolution 2100 (2013), para. 5.

²⁹⁵ Ibid., para. 23. See also resolution 2085 (2012), para. 7.

²⁹⁶ Resolution 2100 (2013), para. 29.

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 2012 - 2013, there was no explicit reference to or invocation of Article 50 of the Charter in any decision of the Council or in any of the annual reports of the subsidiary bodies overseeing sanctions regimes. This is consistent with the trend observed in previous periods, due mainly to the continued use of targeted, as opposed to comprehensive, sanctions by the Council, thereby considerably minimizing the negative effects on third, non-targeted, States.²⁹⁷

²⁹⁷ For more information on sanctions measures, see part VII, sect. III, "Measures not involving the use of armed force in accordance with Article 41 of the Charter".

Article 50 of the Charter was not invoked in any communication to the Council.

In spite of the absence of explicit references to Article 50 of the Charter, the Council continued to adopt decisions, in particular in connection with piracy off the coast of Somalia, in which it urged cooperating States to take appropriate steps to ensure that the activities they undertook pursuant to relevant resolutions did not have the "practical effect of denying or impairing the right of innocent passage",²⁹⁸ echoing the intention behind Article 50 of avoiding unintended economic problems arising for third States from the carrying out of measures imposed by the Council.

At a meeting under the item entitled "Briefings by Chairmen of subsidiary bodies of the Security Council", on 7 December 2012, the representative of Portugal, concerned about the unintended consequences of sanctions for populations and third States, proposed two concrete initiatives, namely, (a) to consider humanitarian exemption to help populations affected by the freezing of national assets and funds, and (b) to clarify whether subsidiaries of listed entities would also be subject to sanctions.²⁹⁹

²⁹⁸ See resolutions [2077 \(2012\)](#), para. 15; and [2125 \(2013\)](#), para. 15.

²⁹⁹ [S/PV.6881](#), p. 6.

X. Right of individual or collective self-defence in accordance with Article 51 of the Charter

Article 51

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

deems necessary in order to maintain or restore international peace and security.

Note

Section X 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 event of an armed attack against a Member State. The section is divided into three subsections. Sub-section 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 communications addressed to the Council.

A. Decisions of the Security Council relating to Article 51

During the period under review, the Council made reference to Article 51 of the Charter in one decision. In resolution 2117 (2013), noting the significance of small arms and light weapons as the most frequently used weapons in the majority of recent armed conflicts, the Council emphasized that the right of individual and collective self-defence recognized in Article 51 of the Charter should be “fully taken into account”.³⁰⁰

B. Discussion relating to Article 51

During the period under review, explicit references to Article 51 of the Charter were made in the deliberations of the Council on several agenda items, but none of those references led to a constitutional discussion on the interpretation or application of Article 51.

On 25 April 2012, at a meeting held in connection with the theme “Securing borders against illicit cross-border trafficking and movement” under the item “Threats to international peace and security”, the representative of the Bolivarian Republic of Venezuela defended the need to establish controls on small arms and light weapons so as to limit their supply to Governments and their authorized bodies, which he deemed to be “in accordance with international law, in particular the right to self-defence enshrined in Article 51 of the Charter”.³⁰¹

On 15 January 2013, under the item “Threats to international peace and security”, the representative of Egypt, speaking on behalf of the Organization of Islamic Cooperation, emphasized the need to distinguish between terrorism and the exercise of the legitimate right of peoples to resist foreign occupation consistent with, inter alia, Article 51 of the Charter.³⁰²

³⁰⁰ Resolution 2117 (2013), first and third preambular paragraphs.

³⁰¹ S/PV.6760 (Resumption 1), p. 8.

³⁰² S/PV.6900, p. 30.

On 22 January 2013, with reference to the situation in Mali, the representative of the Niger opined that the intervention of France in Mali was legitimate and legal by virtue of the express request made by the authorities of Mali under the relevant provisions of the Charter “and specifically pursuant to Article 51, which enshrines the principle of individual and collective self-defence”.³⁰³ In his identical letters to the Secretary-General and the President of the Security Council, the representative of France made no explicit reference to Article 51 of the Charter in reporting that France had responded to a request for assistance from the Interim President of Mali. He wrote that the French armed forces were supporting Malian units in combating terrorist elements from the north that were threatening the territorial integrity and very existence of the State and the security of its population.³⁰⁴

Reference to the right of self-defence was made during the period in connection with, inter alia, the rocket attacks against Israel originating in Gaza, under the item entitled “The situation in the Middle East, including the Palestinian question”.³⁰⁵ Under the same item but in connection with the Syrian crisis, reference was made to the recognition in resolution 580 of the League of Arab States of the right of States to their own self-defence.³⁰⁶

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

During the period under review, explicit references to Article 51 of the Charter were found in several communications addressed to the President of the Council.

Article 51 of the Charter was explicitly mentioned in connection with disputes or situations relating to

³⁰³ S/PV.6905, p. 14.

³⁰⁴ S/2013/17.

³⁰⁵ See S/PV.6816, p. 24 (Germany); S/PV.6847, p. 23 (Germany); and p. 25 (Portugal); and S/PV.6862, p. 31 (Israel).

³⁰⁶ S/PV.6950 (Resumption 1), p. 5 (Permanent Observer of the League of Arab States).

Eritrea and Ethiopia³⁰⁷ and the Sudan and South Sudan.³⁰⁸

Article 51 was also explicitly mentioned in communications relating to the question of non-proliferation concerning the Islamic Republic of Iran. The representative of the Islamic Republic of Iran, referring to media reports of threats of the use of force made by the Prime Minister and Defence Minister of Israel, invoked his country's inherent right under Article 51 of the Charter to act in self-defence to respond to attacks or to take appropriate measures to protect itself.³⁰⁹

The representative of the Syrian Arab Republic addressed identical letters to the Secretary-General and the President of the Security Council dated 21 May 2013 informing them that his country had responded to an alleged violation by Israel of the Agreement on Disengagement "by exercising the right to self-defence" enshrined in the Charter.³¹⁰

The right of self-defence, without reference to Article 51 of the Charter, was also invoked by Israel on numerous occasions during the period under review in

connection with actions carried out in response to attacks "emanating from the Gaza strip".³¹¹

In his report on the implementation of Security Council resolution 1701 (2006), the Secretary-General affirmed that, notwithstanding the right of Israel to self-defence, the retaliatory fire used in response to the rocket-launching on 22 August 2013 from Lebanon did not conform to "the expectations of the United Nations with respect to the cessation of hostilities", which included that each side would immediately notify the United Nations Interim Force in Lebanon if it had been fired upon and refrain from responding except where "clearly required in immediate self-defence".³¹²

In the Final Document of the Sixteenth Conference of Heads of State or Government of Non-Aligned Countries held in Tehran from 26 to 31 August 2012, transmitted to the Secretary-General in a letter dated 8 October 2012 from the representative of the Islamic Republic of Iran in his capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement, the Heads of State or Government reiterated that all States shall refrain from the threat or use of force against any State and stressed that the Charter contained sufficient provisions regarding the use of force to maintain and preserve international peace and security. They also noted that Article 51 of the Charter "is restrictive and should not be rewritten or re-interpreted".³¹³

³⁰⁷ Letter dated 23 January 2012 from the representative of Eritrea (S/2012/57), letter dated 14 March 2012 from the representative of Ethiopia (S/2012/158) and letter dated 27 September 2012 from the representative of Eritrea (S/2012/726), all addressed to the President of the Security Council.

³⁰⁸ Letter dated 23 April 2012 from the representative of the Sudan (S/2012/252, p. 1) and letter dated 28 April 2012 from the representative of the Sudan (S/2012/277, p. 1), both addressed to the President of the Security Council.

³⁰⁹ Letter dated 25 May 2012 from the representative of the Islamic Republic of Iran (S/2012/372), letter dated 22 August 2012 from the representative of the Islamic Republic of Iran (S/2012/660), both addressed to the President of the Security Council, and identical letters dated 7 November 2012 from the representative of the Islamic Republic of Iran addressed to the Secretary-General and the President of the Security Council (S/2012/817).

³¹⁰ S/2013/303.

³¹¹ Identical letters from the representative of Israel to the Secretary-General and the President of the Security Council dated 3 January 2012 (S/2012/5), 27 January 2012 (S/2012/69), 31 January 2012 (S/2012/73), 3 February 2012 (S/2012/78), 17 February 2012 (S/2012/100), 11 March 2012 (S/2012/148), 4 May 2012 (S/2012/296), 17 May 2012 (S/2012/333), 19 June 2012 (S/2012/457), 17 July 2012 (S/2012/556), 28 August 2012 (S/2012/674), 11 September 2012 (S/2012/696), 16 October 2012 (S/2012/770), 24 October 2012 (S/2012/787), 12 November 2012 (S/2012/826) and 25 June 2013 (S/2013/373).

³¹² S/2013/650, para. 68.

³¹³ S/2012/752, annex I, para. 28.2.