

Part VII

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

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Introductory note

Part VII deals with action taken by the Security Council with respect to threats to the peace, breaches of the peace or acts of aggression, within the framework of Chapter VII of the Charter of the United Nations (Articles 39 to 51). This part is divided into 10 sections, each focusing on selected material to highlight the interpretation and application of the provisions of Chapter VII of the Charter by the Council in its deliberations and decisions. Sections I to IV cover material relating 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, which govern the Council's primary responsibility to maintain international peace and security.

During the period under review, as in the previous biennium (2012–2013), Chapter VII of the Charter was invoked explicitly in approximately half of the resolutions adopted. Of the 63 resolutions adopted by the Council in 2014, 32 were adopted “acting under Chapter VII of the Charter” (approximately 51 per cent); in 2015, 35 of the 64 resolutions were adopted “acting under Chapter VII of the Charter” (approximately 55 per cent). As in previous periods, most of those resolutions concerned the mandates of United Nations and regional peacekeeping missions or multinational forces, and the imposition, extension, modification or termination of sanctions measures.

In 2014 and 2015, as shown in section I, the Security Council determined several new and ongoing threats to regional and/or international peace and security. The Council determined the existence of new threats under Article 39 of the Charter in relation to the situations in Yemen and Libya. Significantly, the Council concluded that the advance of Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) on the sovereign territory of Iraq was a major threat to the future of Iraq, and emphasized that the large-scale offensive of terrorist organizations in Iraq, the Syrian Arab Republic and Lebanon posed a major threat to the region. Furthermore, the Council determined that ISIL constituted a “global and unprecedented threat” to international peace and security and, in that connection, identified the phenomenon of foreign terrorist fighters as a threat to international peace and security. During the period under review, the Council determined in resolution [2177 \(2014\)](#) that the unprecedented extent of the Ebola outbreak in Africa constituted a threat to international peace and security. This was the first time that the outbreak of a disease was deemed by the Council a threat to international peace and security. Ongoing threats to international peace and security included the situations in Afghanistan, the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Lebanon, Liberia, Mali, Somalia and the Sudan and South Sudan. The Council, further, reaffirmed that terrorism “in all forms and manifestations” constituted one of the most serious threats to international peace and security. Specifically, the Council noted with concern the continued threat posed to international peace and security by terrorist groups such as Al-Nusrah Front and Al-Qaida, as well as Boko Haram.

As covered in section III, the Council imposed new measures under Article 41 in connection with Yemen and South Sudan and expanded the sanctions regimes

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

As described in section IV, the Council authorized United Nations peacekeeping missions and multinational forces to use force under Chapter VII of the Charter, in connection with the maintenance or restoration of international peace and security by several peacekeeping missions and multinational forces in Bosnia and Herzegovina, the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Libya, Mali, the Sudan (including Darfur and Abyei), South Sudan and Somalia. The Council established the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and authorized the Mission to use "all necessary means" in carrying its mandate. The Council renewed the authorization of enforcement action with respect to the United Nations Multidimensional Integrated Stabilization Mission in Mali and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo. The Council also authorized the African Union Mission in Somalia to engage in enforcement measures. As in the past, the Council again clarified that the scope of the authorization to use force by the African Union-United Nations Hybrid Operation in Darfur (UNAMID), the United Nations Mission in South Sudan and the United Nations Interim Security Force for Abyei included taking "all necessary measures" to protect civilians.

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

As shown in section X many Member States engaged in military operations against ISIL in Iraq and the Syrian Arab Republic. In that context, the principle of individual and/or collective self-defence and Article 51 of the Charter were referred to in numerous communications received by the President of the Council, leading to deliberations on the scope and interpretation of the right to self-defence under a wide range of matters before the Council.

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 regarding the determination of the existence of a threat by the Council and examines instances in which a threat was debated. The section is divided into two subsections. Subsection A provides an overview of the decisions of the Council relating to the determination of a “threat to the peace”, be it new or continuing, and subsection B contains a series of case studies describing some of the arguments advanced during the Council’s deliberations in connection with the determination of a threat in accordance with Article 39 of the Charter and the adoption of some of the resolutions referred to in subsection A.

A. Decisions of the Security Council relating to Article 39

During the period under review and consistently with its practice in previous periods, 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 nevertheless demonstrated a far-reaching focus with regard to the evolving nature of conflicts and situations on its agenda and determined, reaffirmed, recognized and noted the existence of new and continuing threats.

New threats

During the period under review, with regard to situations before the Council, setbacks occurred which led to the emergence of new threats to international peace and security and to the stability of certain countries and certain regions. The countries concerned were Yemen, Iraq and Libya.

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

Also in 2014, in connection with the situation in Iraq, the Council concluded that the “advance of Islamic State in Iraq and the Levant on the sovereign territory of Iraq” was a major threat to the future of Iraq.³ The Council also determined that the large-scale offensive of terrorist organizations in Iraq, the Syrian Arab Republic and Lebanon posed a major threat to the region.

Thirdly, in 2014, the Council expressed concern about the threat posed by “unsecured arms and ammunition in Libya and their proliferation” to the stability of the country and the region, including through the transfer to terrorist and violent extremist groups. Against this background, the Council determined on many occasions during the review period that the situation in Libya continued to constitute a threat to international peace and security. The Council also expressed grave concern over the “acute and growing threat” posed by foreign terrorist fighters in Libya and the region.

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

During the period under review, new threats were also identified in connection with thematic issues. For instance, in September 2014, in the context of a high-level meeting chaired by the President of the United

¹ See resolution [2140 \(2014\)](#), para. 30.

² *Ibid.*, para. 29.

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

States of America, Barack Obama, under the item entitled “Threats to international peace and security caused by terrorist acts”, the Council adopted resolution [2178 \(2014\)](#), in which it identified foreign terrorist fighters as a threat to international peace and security. Under the same item, the Council determined that Islamic State in Iraq and the Levant (ISIL, also known

as Da’esh) constituted a “global and unprecedented threat” to international peace and security.

The relevant provisions of each decision relating to the determination of a threat to the peace by the Council during the period under review are set out in table 1, in chronological order and indicating the item under which they were adopted.

Table 1

Determination of new threats to regional or international peace and security, 2014–2015

<i>Decision and date</i>	<i>Provision</i>
The situation in the Middle East	
Resolution 2140 (2014) 26 February 2014	Determining that the situation in Yemen constitutes a threat to international peace and security in the region (penultimate preambular paragraph) <i>See also resolutions 2201 (2015) (final preambular paragraph), 2204 (2015) (penultimate preambular paragraph) and 2216 (2015) (penultimate preambular paragraph)</i>
The situation in Libya	
Resolution 2144 (2014) 14 March 2014	Expressing concern at the threat posed by unsecured arms and ammunition in Libya and their proliferation, which poses a risk to stability in Libya and the region, including through transfer to terrorist and violent extremist groups, and underlining the importance of coordinated international support to Libya and the region to address these issues (fifteenth preambular paragraph)
Resolution 2146 (2014) 19 March 2014	Determining that the situation in Libya continues to constitute a threat to international peace and security (penultimate preambular paragraph) <i>See also resolutions 2208 (2015) (penultimate preambular paragraph), 2213 (2015) (penultimate preambular paragraph), 2238 (2015) (final preambular paragraph) and 2259 (2015) (final preambular paragraph)</i>
Peace and security in Africa	
Resolution 2177 (2014) 18 September 2014	Determining that the unprecedented extent of the Ebola outbreak in Africa constitutes a threat to international peace and security (fifth preambular paragraph)
The situation concerning Iraq	
S/PRST/2014/2019 September 2014	The Council strongly condemns attacks by terrorist organizations, including the terrorist organization operating under the name “Islamic State in Iraq and the Levant” (ISIL) and associated armed groups, in Iraq, the Syrian Arab Republic and Lebanon and emphasizes that this large-scale offensive poses a major threat to the region. The Council expresses again its deep outrage about all Iraqis as well as nationals of other States who have been killed, kidnapped, raped or tortured by ISIL, as well as its recruitment and use of children. The Council stresses the need that those who have committed or are otherwise responsible for violations of international humanitarian law or violations or abuses of human rights in Iraq must be held accountable, noting that some of these acts may constitute war crimes and crimes against humanity. The Council stresses the need for those responsible for such violations of international humanitarian law or violations or abuses of human rights to be held to account, and calls upon the Government of Iraq and the international community to work towards ensuring that all perpetrators are brought to justice (fourth paragraph)

Decision and date

Provision

Threats to international peace and security caused by terrorist acts

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

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

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

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

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

Continuing threats

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

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

In connection with the Central African Republic, the Council expressed its grave concern at the findings of the Panel of Experts that armed groups posed a “permanent threat to the peace, security and stability” of the country.⁴ With regard to the Democratic Republic of the Congo, the Council expressed concern

regarding the “sustained regional threat” posed by the Forces démocratiques de libération du Rwanda, stressing the importance of “permanently addressing this threat”. The Council further determined that the situation in Somalia, in combination with the influence of Eritrea in Somalia, as well as the dispute between Djibouti and Eritrea, continued to constitute a threat to international peace and security in the region. Similarly, in relation to the Sudan and South Sudan, the Council recognized that the situation in Abyei and along the border between the Sudan and South Sudan continued to pose a threat to international peace and security.

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

During the years 2014 and 2015, the decisions adopted under thematic issues made reference to threats to international peace and security that were similar to those identified in country-specific and regional situations. The Council reaffirmed that

⁴ For further information relating to the Panel of Experts appointed pursuant to resolution [2127 \(2013\)](#), see part IX, sect. I. B. 1.

terrorism “in all forms and manifestations” constituted one of the most serious threats to international peace and security. Specifically, the Council noted with concern the continued threat to international peace and security posed by terrorist groups such as Al-Nusrah Front and Al-Qaida, as well as Boko Haram. With regard to non-proliferation, the Council determined also in 2014 and 2015 that the proliferation of weapons of mass destruction, as well as their means of delivery, continued to constitute a threat to international peace

and security. Significantly, the Council expressed concern that “the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons” continued to pose a threat to international peace and security.

The relevant provisions of decisions, concerning region- or country-specific situations and thematic issues, in which reference is made by the Council to continuing threats to the peace during the period under review are set out in tables 2 and 3, respectively.

Table 2

Decisions in which the Council referred to continuing threats to the peace, by region or country, 2014–2015

<i>Decision and date</i>	<i>Provision</i>
Africa	
Peace and security in Africa	
S/PRST/2014/17 27 August 2014	The Council continues to be gravely concerned about the activities in the Sahel region of terrorist organizations, including the Organization of Al-Qaida in the Islamic Maghreb, Jama'atu Ahlis Sunna Lidda'Awati Wal-Jihad (Boko Haram), Ansar Eddine, the Mouvement pour l'unification et le jihad en Afrique de l'Ouest and Al Mourabitoun, and reiterates its strong condemnation of the recent terrorist attacks perpetrated in the region. The Council also reiterates its concern over the serious threats to peace and security posed by armed conflict, the proliferation of arms and transnational organized crime and other illicit activities such as drug trafficking in the Sahel region, and the increasing links, in some cases, with terrorism (sixth paragraph)
S/PRST/2015/24 8 December 2015	The Council urges Member States of the Sahel, West Africa and the Maghreb to coordinate their efforts to prevent the serious threat posed to international and regional security by terrorist groups crossing borders and seeking safe havens in the Sahel region, to enhance cooperation and coordination in order to develop holistic, inclusive and effective strategies to combat in a comprehensive and integrated manner the activities of terrorist groups, and to prevent the expansion of those groups as well as to limit the proliferation of all arms and transnational organized crime. The Council welcomes the efforts of the African Union and the Economic Community of West African States (ECOWAS) as well as of Member States of the Sahel to strengthen border security and regional cooperation, including through the Group of Five for the Sahel and the Nouakchott Process on the Enhancement of Security Cooperation and the Operationalization of the African Peace and Security Architecture in the Sahel-Saharan Region, the most inclusive security cooperation mechanism in the region. It takes note of the establishment by the countries of the Group of Five for the Sahel of a framework to strengthen regional security cooperation as well as to conduct cross-border joint military operations, including with the support of the French forces (fourth paragraph)
Central African region	
S/PRST/2014/8 12 May 2014	The Council underlines the primary responsibility of States in the Lord's Resistance Army (LRA)-affected region to protect civilians. The Council welcomes the efforts undertaken by the Democratic Republic of the Congo, South Sudan, Uganda and the Central African Republic, in coordination with the African Union, to end the threat posed by LRA, and urges further efforts from these countries, as well as from other countries in the region (eighth paragraph) <i>See also S/PRST/2015/12 (tenth paragraph)</i>
S/PRST/2015/12 11 June 2015	The Council welcomes the recent gains made by States in the region against Boko Haram, and commends the bravery of the troops involved. The Council underlines the continuing threat presented by Boko Haram to peace and stability in the region. It urges States in the region to

further enhance regional military cooperation and coordination to more effectively and immediately combat Boko Haram, in accordance with international law. In this regard, it welcomes efforts by the region to set up a multinational joint task force, and strongly encourages the ongoing coordination efforts of the Economic Community of Central African States and ECOWAS to counter Boko Haram. The Council stresses the need to adopt a comprehensive approach in order to successfully tackle the threat presented by Boko Haram to the region. The Council encourages partners to increase security assistance to Lake Chad Basin Commission countries and Benin and humanitarian support across the region for those affected by Boko Haram activities. The Council calls upon the United Nations Regional Office for Central Africa to continue its collaboration with the United Nations Office for West Africa in order to continue to support, as appropriate, the States of the Lake Chad Basin region to address the impact of the threat on peace and security, including the political, socioeconomic and humanitarian situation in the subregion. The Council underlines the need for all actions to counter Boko Haram to be conducted in compliance with international law, including international humanitarian law, human rights law and refugee law, as applicable (fourth paragraph)

The situation in Central African Republic

Resolution [2134 \(2014\)](#)
28 January 2014

Determining that the situation in the Central African Republic constitutes a threat to international peace and security in the region (final preambular paragraph)

See also resolutions [2149 \(2014\)](#) (penultimate preambular paragraph), [2181 \(2014\)](#) (fourth preambular paragraph), [2196 \(2015\)](#) (penultimate preambular paragraph), [2212 \(2015\)](#) (third preambular paragraph) and [2217 \(2015\)](#) (penultimate preambular paragraph)

Resolution [2196 \(2015\)](#)
22 January 2015

Expressing grave concern at the findings of the Panel of Experts in its final report^a that armed groups continue to destabilize the Central African Republic and to pose a permanent threat to the peace, security and stability of the country, and further expressing concern that illicit trade, exploitation and smuggling of natural resources, including gold, diamonds and wildlife poaching and trafficking, continues to threaten the peace and stability of the Central African Republic (fourteenth preambular paragraph)

The situation in Côte d'Ivoire

Resolution [2153 \(2014\)](#)
29 April 2014

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region (penultimate preambular paragraph)

See also resolutions [2162 \(2014\)](#) (penultimate preambular paragraph), [2219 \(2015\)](#) (penultimate preambular paragraph) and [2226 \(2015\)](#) (penultimate preambular paragraph)

The situation concerning the Democratic Republic of the Congo

Resolution [2136 \(2014\)](#)
30 January 2014

Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)

See also resolutions [2147 \(2014\)](#) (penultimate preambular paragraph), [2198 \(2015\)](#) (penultimate preambular paragraph) and [2211 \(2015\)](#) (penultimate preambular paragraph)

Resolution [2147 \(2014\)](#)
28 March 2014

Expressing deep concern regarding the sustained regional threat posed by the Forces démocratiques de libération du Rwanda, a group under United Nations sanctions whose leaders and members include perpetrators of the 1994 genocide against the Tutsi in Rwanda, during which Hutu and others who opposed the genocide were also killed, and have continued to promote and commit ethnically based and other killings in Rwanda and the Democratic Republic of the Congo, and stressing the importance of permanently addressing this threat (twelfth preambular paragraph)

^a S/2014/762.

The situation in Liberia

Resolution [2176 \(2014\)](#)
15 September 2014

Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)

See also resolutions [2188 \(2014\)](#) (penultimate preambular paragraph), [2190 \(2014\)](#) (penultimate preambular paragraph), [2215 \(2015\)](#) (penultimate preambular paragraph), [2237 \(2015\)](#) (penultimate preambular paragraph) and [2239 \(2015\)](#) (penultimate preambular paragraph)

The situation in Mali

Resolution [2164 \(2014\)](#)
25 June 2014

Remaining concerned over the fragile security situation in the north of Mali and the continuing activities in the Sahel region of terrorist organizations, including Al-Qaida in the Islamic Maghreb, Ansar Eddine, the Mouvement pour l'unicité et le jihad en Afrique de l'Ouest and Al-Mourabitoune, which constitute a threat to peace and security in the region and beyond, and reiterating its strong condemnation of the abuses of human rights and violence against civilians, notably women and children, committed in the north of Mali and in the region by terrorist groups (eleventh preambular paragraph)

See also resolution [2227 \(2015\)](#) (fourteenth preambular paragraph)

Determining that the situation in Mali constitutes a threat to international peace and security (penultimate preambular paragraph)

See also resolution [2227 \(2015\)](#) (penultimate preambular paragraph)

The situation in Somalia

Resolution [2142 \(2014\)](#)
5 March 2014

Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)

See also resolution [2232 \(2015\)](#) (penultimate preambular paragraph)

Resolution [2182 \(2014\)](#)
24 October 2014

Determining that the situation in Somalia, Eritrea's influence in Somalia, as well as the dispute between Djibouti and Eritrea, continue to constitute a threat to international peace and security in the region (penultimate preambular paragraph)

See also resolution [2244 \(2015\)](#) (penultimate preambular paragraph)

Resolution [2184 \(2014\)](#)
12 November 2014

Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia, as well as the activity of pirate groups in Somalia, are an important factor exacerbating the situation in Somalia, which continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)

See also resolution [2246 \(2015\)](#) (penultimate preambular paragraph)

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

Resolution [2138 \(2014\)](#)
13 February 2014

Determining that the situation in the Sudan continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)

See also resolutions [2155 \(2014\)](#) (penultimate preambular paragraph), [2173 \(2014\)](#) (final preambular paragraph), [2187 \(2014\)](#) (penultimate preambular paragraph), [2200 \(2015\)](#) (penultimate preambular paragraph) and [2228 \(2015\)](#) (final preambular paragraph)

Resolution [2156 \(2014\)](#)
29 May 2014

Recognizing that the current situation in Abyei and along the border between the Sudan and South Sudan continues to constitute a serious threat to international peace and security (final preambular paragraph)

See also resolutions [2179 \(2014\)](#) (final preambular paragraph), [2205 \(2015\)](#) (final preambular paragraph), [2230 \(2015\)](#) (final preambular paragraph) and [2251 \(2015\)](#) (final preambular paragraph)

Repertoire of the Practice of the Security Council, 2014–2015

<i>Decision and date</i>	<i>Provision</i>
Resolution 2206 (2015) 3 March 2015	Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph) <i>See also resolutions 2223 (2015) (penultimate preambular paragraph), 2241 (2015) (penultimate preambular paragraph) and 2252 (2015) (penultimate preambular paragraph)</i>

Asia

The situation in Afghanistan

S/PRST/2014/12 25 June 2014	The Council recognizes the threat posed by the production of, trade in and trafficking in illicit drugs 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 (second paragraph)
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Europe

The situation in Bosnia and Herzegovina

Resolution 2183 (2014) 11 November 2014	Determining that the situation in the region continues to constitute a threat to international peace and security (penultimate preambular paragraph) <i>See also resolution 2247 (2015) (penultimate preambular paragraph)</i>
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Middle East

The situation in the Middle East

Resolution 2139 (2014) 22 February 2014	Strongly condemning the increased terrorist attacks resulting in numerous casualties and destruction carried out by organizations and individuals associated with Al-Qaida, its affiliates and other terrorist groups, and reiterating its call upon all parties to commit to putting an end to terrorist acts perpetrated by such organizations and individuals, while reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed (ninth preambular paragraph)
Resolution 2165 (2014) 14 July 2014	Determining that the deteriorating humanitarian situation in the Syrian Arab Republic constitutes a threat to peace and security in the region (penultimate preambular paragraph) <i>See also resolution 2191 (2014) (penultimate preambular paragraph)</i>
Resolution 2172 (2014) 26 August 2014	Determining that the situation in Lebanon continues to constitute a threat to international peace and security (final preambular paragraph) <i>See also resolution 2236 (2015) (final preambular paragraph)</i>

Table 3
Decisions in which the Council referred to continuing threats to the peace, by thematic issue, 2014–2015

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

Decision and date

Provision

Non-proliferation/Democratic People's Republic of Korea

Resolution
[2141 \(2014\)](#)
5 March 2014

Determining that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, continues to constitute a threat to international peace and security (seventh preambular paragraph)

See also resolution [2207 \(2015\)](#) (seventh preambular paragraph)

Non-proliferation of weapons of mass destruction

[S/PRST/2014/7](#)
7 May 2014

The Security Council, meeting on the occasion of the tenth anniversary of the adoption of resolution [1540 \(2004\)](#), reaffirms that proliferation of nuclear, chemical and biological weapons and their means of delivery constitutes a threat to international peace and security (first paragraph)

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

[S/PRST/2014/5](#)
21 February 2014

The Council notes with concern the particular challenges that transnational organized crime, including trafficking in illicit weapons, drugs and persons, as well as piracy, armed robbery at sea and terrorism, may pose to the security of countries on its agenda, including post-conflict States. The Council encourages the coordination of United Nations actions, including through peacekeeping operations and special political missions, where mandated, as well as actions by Member States in fighting these threats through implementation of applicable national and international norms, relevant international long-term capacity-building efforts and regional initiatives (tenth paragraph)

Threats to international peace and security

Resolution
[2195 \(2014\)](#)
19 December 2014

Reaffirming also that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed (second preambular paragraph)

Threats to international peace and security caused by terrorist acts

Resolution
[2133 \(2014\)](#)
27 January 2014

Reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed, and further reaffirming the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts (first preambular paragraph)

See also resolutions [2161 \(2014\)](#) (second preambular paragraph), [2170 \(2014\)](#) (third preambular paragraph), [2178 \(2014\)](#) (first preambular paragraph), [2199 \(2015\)](#) (second preambular paragraph), [2249 \(2015\)](#) (fourth preambular paragraph) and [2253 \(2015\)](#) (second preambular paragraph) and presidential statements [S/PRST/2014/23](#) (first paragraph) and [S/PRST/2015/14](#) (fourth paragraph)

Resolution
[2160 \(2014\)](#)
17 June 2014

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 the United Nations plays in this effort (eighth preambular paragraph)

See also resolution [2255 \(2015\)](#) (tenth preambular paragraph)

Resolution
[2161 \(2014\)](#)
17 June 2014

Noting with concern the continued threat to international peace and security posed by Al-Qaida and other individuals, groups, undertakings and entities associated with it, and reaffirming its resolve to address all aspects of that threat (twenty-second preambular paragraph)

See also resolutions 2170 (2014) (penultimate preambular paragraph), 2199 (2015) (penultimate preambular paragraph), 2249 (2015) (sixth preambular paragraph), 2253 (2015) (thirty-second preambular paragraph) and 2255 (2015) (twenty-fourth preambular paragraph)

Small arms

Resolution
2220 (2015)
22 May 2015

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

B. Discussion relating to Article 39

During the period under review, several issues regarding the interpretation of Article 39 and the determination of 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 "Maintenance of international peace and security" and "Implementation of the note by the President of the Security Council (S/2010/507)".

The first of the two references was made at a meeting focused on the sub-item "Regional organizations and contemporary challenges to global security", held on 18 August 2015. The reference was made by the representative of Haiti, who stated that while the concept of a threat to peace, as stated in Article 39 of the Charter, was regarded by some as "ambiguous and elusive from the point of view of international law", threats to peace and security were no less real, and a whole range of new threats had developed in recent decades. He further said that the Council's actions were often subject to political and strategic constraints that in some situations had left it virtually paralysed even when circumstances warranted urgent intervention. He advocated for closer involvement of regional organizations in the efforts to reduce threats to peace and security.⁵

The second explicit reference to Article 39 of the Charter was made during the annual open debate on working methods held on 20 October 2015, under the item "Implementation of the note by the President of the Security Council (S/2010/507)". Referring to the respective competencies of the Security Council, the General Assembly and the Economic and Social Council, the representative of the Bolivarian Republic of Venezuela said that the Council should deal "strictly

with issues relating to threats to international peace and security, in accordance with Article 39" and expressed concern about "the tendency of this organ to address issues outside its jurisdiction". He gave as an example resolution 2240 (2015), adopted only 11 days previously, with his country abstaining, concerning the smuggling of migrants and human trafficking into, through and from the Libyan territory and off the coast of Libya.⁶

During the period under review, the threat to international peace and security posed by the situation in Ukraine and the downing of Malaysia Airlines flight MH17 was the subject of deliberations among Council members in relation to the item "Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council" (case 1). The threat posed by the outbreak of the Ebola virus in West Africa, in particular in Liberia and Sierra Leone, was considered by the Council under the item "Peace and security in Africa" and the sub-item "Ebola", which was included in the agenda for the first time (case 2). The threat posed by the emergence of ISIL in Iraq and the Syrian Arab Republic was discussed as a threat to international peace and security in relation to "The situation concerning Iraq" (case 3). Also in connection with the emergence of ISIL, the Council addressed the threat posed by foreign terrorist fighters, under the item "Threats to international peace and security caused by terrorist acts" (case 4). The human rights situation in the Democratic People's Republic of Korea was the subject of deliberations in the Council as a threat to international peace and security under a new item (case 5). Under the item "Women and peace and security", the Council discussed the threat to

⁶ S/PV.7539, p. 15. See also in this regard the intervention of the representative of the Bolivarian Republic of Venezuela in case 5 below.

⁵ S/PV.7505 (Resumption 1), pp. 26–27.

international peace and security posed by the spread of sexual violence in conflict (case 6).

Case 1

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

On 3 March 2014, the Council held its 7125th meeting, which was the third meeting under the item entitled “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)”.⁷ The representative of Nigeria stated that the situation in Ukraine, especially in Crimea, represented “a clear and potent” threat to international peace and security, and called for a rapid de-escalation of tension and hostile rhetoric.⁸ The representative of Rwanda said that the situation in Ukraine, in particular Crimea, was alarming and could pose a threat to international peace and security.⁹ Calls for de-escalation were reiterated by Council members and non-members alike at many of the meetings held under this item during 2014 and 2015.¹⁰

On 29 July 2015, at its 7498th meeting, the Council failed to adopt a draft resolution because of the negative vote cast by a permanent member.¹¹ During that meeting, a discussion was held on whether the downing of the Malaysia Airlines passenger flight MH17 constituted a threat to international peace and security. The representative of Malaysia, speaking also on behalf of Australia, Belgium, the Netherlands and Ukraine, presented the draft resolution and stated that the establishment of an international tribunal by the Council would send a clear message that the international community was committed to taking action “against those who threaten international peace and security by endangering civil aviation”.¹² While the representatives of Lithuania, Ireland and the United Kingdom affirmed that the downing of the aircraft constituted a threat to international peace and security, the representatives of the Russian Federation and the Bolivarian Republic of Venezuela rejected that

conclusion.¹³ The representative of the Russian Federation said that it was difficult to explain how an event that was not considered a threat to international peace and security at the time of the adoption of resolution 2166 (2014) “suddenly” became one a year later. He cited as precedents similar incidents involving aircraft in the past, and affirmed that they were not deemed threats to international peace and security. He also recalled that the Russian Federation’s proposal to set up a special international tribunal to prosecute pirates, in view of the number of attacks off the coast of Somalia, had not enjoyed the support of the Council, although the situation clearly qualified as threatening international peace and security.¹⁴

Case 2

Peace and security in Africa

At its 7268th meeting, on 18 September 2014, the Council held a meeting under the item entitled “Peace and security in Africa” and for the first time under the sub-item “Ebola”. As stated by the representative of the United States, this was the first time in the history of the United Nations that the Security Council had held an emergency meeting on a health crisis.¹⁵ The Secretary-General said that only twice before had the Council met to discuss the security implications of a public health issue, both times on the AIDS epidemic.¹⁶ At the meeting, the Council unanimously adopted resolution 2177 (2014), in which it determined that the “unprecedented extent of the Ebola outbreak in Africa” constituted a threat to international peace and security. In statements after the vote, some Member States concurred with the determination that the Ebola outbreak constituted a threat to international peace and security.¹⁷ The representative of France recalled that it was the first time in history that the Security Council had defined a health crisis in that manner.¹⁸ The representative of Colombia stated however that, while the outbreak had the potential to erode stability and social cohesion in some of the countries concerned, the situation could not be characterized as a threat to international peace and security “in general”. He further argued that the General Assembly should move forward with the study of the issue in view of the fact

⁷ For more information on the item entitled “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council (S/2014/136)”, see part I, sect. 21.

⁸ S/PV.7125, p.11.

⁹ Ibid., p.8.

¹⁰ See for example, S/PV.7221, S/PV.7253, S/PV.7287 and S/PV.7311.

¹¹ Draft resolution S/2015/562.

¹² S/PV.7498, p. 3 (Malaysia).

¹³ Ibid., p. 5 (Russian Federation); p. 7 (Lithuania); p. 11 (United Kingdom, Bolivarian Republic of Venezuela); and p. 20 (Ireland).

¹⁴ Ibid., p. 5.

¹⁵ S/PV.7268, p. 7.

¹⁶ Ibid., p. 2.

¹⁷ Ibid., p. 7 (United States); p. 10 (France); p. 16 (Australia); p. 17 (United Kingdom); p. 19 (Chad); and p. 44 (Germany).

¹⁸ Ibid., p. 10.

that public health issues required the cooperation and the decisive political commitment of the entire international community.¹⁹ Similarly, the representative of Brazil underlined the need to treat the outbreak first and foremost as a health emergency and a social and development challenge rather than a threat to peace and security.²⁰ At subsequent meetings held under the same item in 2014 and 2015, the Council continued to discuss the Ebola outbreak as a threat to international peace and security.²¹

Case 3

The situation concerning Iraq

On 19 September 2014, the Council held its 7271st meeting, under the item entitled “The situation in Iraq”. During his briefing to the Council, the Special Representative of the Secretary-General and Head of the United Nations Assistance Mission for Iraq affirmed that ISIL was a “threat to peace in Iraq and the rest of the region”.²² Echoing those comments, the representative of the United States affirmed that ISIL posed a threat to the people of Iraq and the Syrian Arab Republic and the broader Middle East and that, if left unchecked, it would pose a growing threat beyond the region.²³ Several other speakers stated that ISIL and its actions were a threat to the wider world and to “the fundamental values of the international community”.²⁴ The representative of Argentina affirmed that there was no doubt that ISIL was a threat to the security of the region and to international security.²⁵ Other representatives referred to ISIL as a “global” threat to peace and security,²⁶ and the representative of Poland used the term “direct threat” to international peace and security in reference to ISIL.²⁷

¹⁹ Ibid., pp. 45–46. For more information on the relations of the Security Council with other United Nations organs, see part IV.

²⁰ S/PV.7268, p. 28.

²¹ For more information on meetings held under this item, see part I, sect. 13.

²² S/PV.7271, p. 2.

²³ Ibid, p. 6.

²⁴ Ibid., p. 9 (Australia); p. 26 (Norway); p. 28 (Netherlands); p. 34 (Belgium); and pp. 41–42 (Albania).

²⁵ Ibid., p. 15.

²⁶ Ibid., p. 28 (Italy); p. 29 (Egypt); p. 38 (Denmark); and p. 42 (New Zealand).

²⁷ Ibid., p. 41.

Case 4

Threats to international peace and security caused by terrorist acts

On 24 September 2014, the Council held its 7272nd meeting, on the item entitled “Threats to international peace and security caused by terrorist acts” and, for the first time, under the sub-item “Foreign terrorist fighters”. The meeting was held at the level of Heads of State or Government, the sixth time in the Council’s history that such a summit was held.²⁸ At that meeting, the Council unanimously adopted resolution 2178 (2014), in which it determined that the phenomenon of foreign terrorist fighters posed a threat to international peace and security (see also table 1). During the discussion that ensued, several speakers concurred that the phenomenon of foreign terrorist fighters constituted a threat to international peace and security.²⁹ The representative of India added that this phenomenon was a manifestation of international terrorism’s growing threat to international peace and security.³⁰ The representative of Estonia expressed concern about the recent wave of terrorism and extremism which crossed State boundaries and posed a threat to countries far from conflict zones.³¹

The Council held another meeting under the same item and sub-item on 29 May 2015, having before it a concept note circulated by Lithuania.³² The goal of the meeting, at which interior ministers participated, was to assess how far the international community had come since September 2014 in countering the flow of foreign terrorist fighters into conflict zones. The Secretary-General expressed concern that the recent events, particularly in Iraq and the Syrian Arab Republic, demonstrated that the phenomenon was an increasing threat to international peace and security that required even more concerted action by the international community.³³ Several speakers at the meeting echoed the Secretary-General’s concern and affirmed the need for further coordination.³⁴ The representative of Angola affirmed that, although the phenomenon was not new, the extent of the

²⁸ For more information on Security Council summits and the format of meetings in general, see part II of the present Supplement; *Repertoire, Supplement 2008–2009, Supplement 2010–2011 and Supplement 2012–2013*, part II; and chaps. I to IV of Supplements from 1946 to 2007.

²⁹ S/PV.7272, p. 29 (Serbia); p. 32 (Senegal); and p. 36 (Singapore).

³⁰ Ibid., p. 40.

³¹ Ibid., p. 35.

³² See S/2015/324.

³³ S/PV.7453, p. 3.

³⁴ Ibid., p. 3 (New Zealand); p. 20 (Nigeria); p. 21 (China); and pp. 28–29 (France).

involvement of foreign terrorist fighters in conflicts and acts of terrorism was unprecedented.³⁵

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

On 22 December 2014, the Council held its 7353rd meeting and for the first time included in the agenda the item entitled “The situation in the Democratic People’s Republic of Korea”, in response to the request of 10 Council members who were concerned about the scale and gravity of human rights violations detailed in the comprehensive report of the Human Rights Council commission of inquiry on human rights in the Democratic People’s Republic of Korea.³⁶ The request was made with a view to receiving “further information from the Secretariat on this situation and its implications for international peace and security”.³⁷

At the meeting, the representative of Australia explained, on behalf of the nine other Council members, that the reason for requesting the inclusion of a new item in the agenda was the gravity and systematic nature of the human rights violations in the Democratic People’s Republic of Korea; given the threat to the maintenance of international peace and security, he said that the situation could not be appropriately considered by the Council on an ad hoc and informal basis.³⁸ The representative of China opposed the inclusion of the item in the agenda, noting that the Council should concentrate on addressing issues that “really concern international peace and security”.³⁹ The representative of the United States affirmed that the widespread and systematic human rights violations being committed were not only “deplorable in their own right” but also posed a threat to international peace and security;⁴⁰ a position that was echoed by the representatives of France and Lithuania.⁴¹ The representative of the Republic of Korea added that the Council had taken necessary measures in other cases in the past in which human rights violations were committed “on a scale large enough to constitute a threat to peace and security”.⁴²

³⁵ *Ibid.*, p. 22.

³⁶ See letter dated 5 December 2014 from the representatives of Australia, Chile, France, Jordan, Lithuania, Luxembourg, the Republic of Korea, Rwanda, the United Kingdom and the United States to the President of the Security Council (S/2014/872).

³⁷ *Ibid.*

³⁸ S/PV.7353, p. 2.

³⁹ *Ibid.*

⁴⁰ *Ibid.*, p. 9.

⁴¹ *Ibid.*, p. 12 (France); and p. 18 (Lithuania).

⁴² *Ibid.*, p. 20.

On 10 December 2015, the Council held its 7575th meeting under the same item at the request of nine Council members.⁴³ While the representatives of China, Angola, the Bolivarian Republic of Venezuela and the Russian Federation argued that the human rights situation in the Democratic People’s Republic of Korea did not constitute a threat to international peace and security,⁴⁴ various speakers, including one of the briefers on that occasion, the United Nations High Commissioner for Human Rights, argued to the contrary that the scale, institutionalization and severity of the violations of human rights in the country did indeed pose a threat to regional or international peace and security.⁴⁵ In this regard, the representative of the Bolivarian Republic of Venezuela affirmed that there was an attempt “de facto to alter the founding principles of the Charter” and to redefine what constituted a threat to international peace and security and the meaning of the principle of sovereignty.⁴⁶ The representative of Chad called for caution and affirmed the urgent need to conduct further investigations in order to determine unequivocally whether the alleged violations had actually been committed. He also said that, in order to avoid “a double standard”, the special interest brought by Council members to the issue of human rights in the Democratic People’s Republic of Korea should be extended to all similar situations around the world.⁴⁷

Case 6 Women and peace and security

On 15 April 2015, the Council held its 7428th meeting, an open debate on the item “Women and peace and security”, having before it a concept note circulated by Jordan⁴⁸ and the report of the Secretary-General on conflict-related sexual violence.⁴⁹ As mentioned in the concept note, the Secretary-General reported on the use of sexual violence as a tactic of

⁴³ See letter dated 3 December 2015 from the representatives of Chile, France, Jordan, Lithuania, Malaysia, New Zealand, Spain, the United Kingdom and the United States addressed to the President of the Security Council (S/2015/931).

⁴⁴ See S/PV.7575, p. 2 (China); p. 8 (Angola); p. 10 (Bolivarian Republic of Venezuela); and p. 14 (Russian Federation).

⁴⁵ *Ibid.*, p. 5 (United Nations High Commissioner for Human Rights); p. 8 (New Zealand); p. 10 (Jordan); p. 12 (France); pp. 12–13 (Lithuania); p. 15 (Spain); p. 17 (United States); and p. 20 (Japan).

⁴⁶ *Ibid.*, p. 10.

⁴⁷ *Ibid.*, pp. 9–10.

⁴⁸ S/2015/243.

⁴⁹ S/2015/203.

terror.⁵⁰ At the meeting, the representative of Spain expressed the need to modify the “conventional conception of what constitutes a threat to peace and security” and noted the failure to pay sufficient attention to sexual violence in conflict.⁵¹ The representative of Mexico affirmed that his delegation believed that this scourge constituted a threat to international peace and security, given its impact on the societies in conflict and the fact that it hindered peacemaking, peacekeeping and peacebuilding.⁵² The representative of Uruguay stated that the debate reaffirmed the commitment undertaken by the Council to defending the rights of women and children on the basis of the conviction that violence posed a threat to the maintenance of international peace and security.⁵³ The representative of Poland added that the widespread occurrence of sexual violence in conflict was a threat to peace and security, and diminished prospects for reconciliation and peacebuilding.⁵⁴ The representative of Rwanda characterized conflict-related sexual violence as one of the most urgent challenges for affected Governments and a serious threat to international peace and security.⁵⁵

⁵⁰ Ibid., para. 1.

⁵¹ S/PV.7428, p. 12.

⁵² Ibid., p. 39.

⁵³ Ibid., p. 55.

⁵⁴ Ibid., p. 67.

⁵⁵ Ibid., p. 76.

On 13 October 2015, on the fifteenth anniversary of the adoption of resolution 1325 (2000), the Council held its 7533rd meeting, a high-level open debate,⁵⁶ under the same item. The meeting was held over two days and had the largest number of speakers in the history of the Council.⁵⁷ The Council adopted resolution 2242 (2015), in which it reaffirmed that sexual violence, when used or commissioned as a method or tactic of war or as a part of a widespread or systematic attack against civilian populations, could impede the restoration of international peace and security.⁵⁸ The Council also reiterated its intention to increase attention to women and peace and security in all relevant thematic areas of work on its agenda, including threats to international peace and security caused by terrorist acts.⁵⁹ At the meeting, gender inequality⁶⁰ and sexual violence⁶¹ were referred to by speakers as threats to international peace and security.

⁵⁶ For more information on high-level meetings during the period under review, see part II.

⁵⁷ For more information on participation during the period under review, see part II.

⁵⁸ Resolution 2242 (2015), tenth preambular paragraph.

⁵⁹ Ibid., thirteenth preambular paragraph.

⁶⁰ S/PV.7533, p. 12 (Spain).

⁶¹ Ibid., p. 42 (Andorra).

II. Provisional measures to prevent an aggravation of the situation in accordance with Article 40 of the Charter

Article 40

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

Note

Section II covers the practice of the Security Council in relation to Article 40 of the Charter, with regard to 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, the Council did not adopt any decision explicitly citing Article 40 of the Charter. The Council did however demand and urge the implementation of measures relating to the conflicts in the Syrian Arab Republic and Yemen that are relevant for the interpretation and application of this provision.

While Article 40 suggests that provisional measures to prevent the aggravation of a conflict would be adopted prior to the imposition of measures under Chapter VII (Articles 41 and 42), the practice of the Council reflects a more flexible interpretation of

the provision. Indeed, given the prolonged, complex and rapidly changing nature of conflicts dealt with by the Council, provisional measures have been imposed in parallel to the adoption of measures under Articles 41 and 42 of the Charter.

In the years 2014 and 2015, the Council adopted a number of measures aimed at protecting civilians affected by the conflict in the Syrian Arab Republic. Starting with resolution [2139 \(2014\)](#), the Council demanded, inter alia, an end to all forms of violence, an immediate cessation of all attacks against civilians, the lifting of sieges of populated areas, and rapid, safe and unhindered humanitarian access, and expressed its intent to take further steps in the case of non-compliance with the resolution. In subsequent resolutions, in parallel to the reiteration of measures or the adoption of further measures, the Council determined that the deteriorating humanitarian situation in the Syrian Arab Republic constituted a threat to peace and security in the region. In other resolutions the Council reiterated its calls to protect civilians. No measures under Articles 41 or 42 of the Charter were imposed, however.

With respect to Yemen, and recalling its determination that the situation in the country constituted a threat to international peace and security, the Council in resolution [2201 \(2015\)](#) demanded, inter alia, that the Houthis take immediate and unconditional

measures, including the release of the President and the Prime Minister, and that all parties cease all armed hostilities against “the people and the legitimate authorities of Yemen” and relinquish the arms seized from Yemen’s military and security institutions. The Council also declared its readiness to take further steps in case of non-implementation by “any Yemeni party”. In the presidential statement of 22 March 2015,⁶² the Council reiterated some of those demands. Before making the demands, the Council had imposed measures under Article 41 of the Charter in resolution [2140 \(2014\)](#), namely an asset freeze and a travel ban against individuals or entities engaged in or providing support for acts threatening the peace, security and stability of Yemen.⁶³

In sum, during the period under review, the Council called for compliance with provisional measures relating to, inter alia, (a) cessation of violence and hostilities, (b) lifting of sieges against populated areas, (c) unhindered humanitarian access, (d) demilitarization of medical facilities, (e) engagement in good faith negotiations, (f) respect for government institutions, and (g) release of government authorities, which are deemed of relevance for the interpretation and application of Article 40 of the Charter (see table 4).

⁶² [S/PRST/2015/8](#).

⁶³ For more information, see part VII, sect. III.A.2.

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 Middle East (resolution 2139 (2014) of 22 February 2014)	
Cessation of violence	Demands that all parties immediately put an end to all forms of violence, irrespective of where it comes from, cease and desist from all violations of international humanitarian law and violations and abuses of human rights and reaffirm their obligations under international humanitarian law and international human rights law, and stresses that some of these violations may amount to war crimes and crimes against humanity (para. 2)
Cessation of attacks on civilians	Also demands that all parties immediately cease all attacks against civilians, as well as the indiscriminate employment of weapons in populated areas, including shelling and aerial bombardment, such as the use of barrel bombs, and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering, and recalls in this regard the obligation to respect and ensure respect for international humanitarian law in all circumstances, and further recalls, in particular, the obligation to distinguish between civilian populations and combatants and the prohibition against indiscriminate attacks and attacks against civilians and civilian objects as such (para. 3)
Lifting of sieges	Calls upon all parties to immediately lift the sieges of populated areas, including in the old city of Homs (Homs), Nubul and Zahra (Aleppo), Madamiyet Elsham (Rural Damascus), Yarmouk (Damascus), eastern Ghouta (Rural Damascus),

Type of measure	Provision
Unhindered humanitarian access	<p>Darayya (Rural Damascus) and other locations, and demands that all parties allow the delivery of humanitarian assistance, including medical assistance, cease depriving civilians of food and medicine indispensable to their survival, and enable the rapid, safe and unhindered evacuation of all civilians who wish to leave, and underscores the need for the parties to agree on humanitarian pauses, days of tranquillity, localized ceasefires and truces to allow humanitarian agencies safe and unhindered access to all affected areas in the Syrian Arab Republic, recalling that starvation of civilians as a method of combat is prohibited by international humanitarian law (para. 5)</p> <p>Demands that all parties, in particular the Syrian authorities, promptly allow rapid, safe and unhindered humanitarian access for United Nations humanitarian agencies and their implementing partners, including across conflict lines and across borders, in order to ensure that humanitarian assistance reaches people in need through the most direct routes (para. 6)</p> <p><i>See also resolution 2165 (2014), paras. 2 and 6</i></p>
Demilitarization of medical facilities	<p>Further demands that all parties demilitarize medical facilities, schools and other civilian facilities and avoid establishing military positions in populated areas and desist from attacks directed against civilian objects (para. 10)</p> <p><i>See also resolution 2165 (2014), eleventh preambular paragraph</i></p>
Council action in the event of failure to comply	<p>Requests the Secretary-General to report to the Council on the implementation of the present resolution by all parties in the Syrian Arab Republic, in particular paragraphs 2 to 12, in 30 days from its adoption and every 30 days thereafter, and upon receipt of the report of the Secretary-General expresses its intent to take further steps in the case of non-compliance with the present resolution (para. 17)</p> <p><i>See also resolutions 2165 (2014), para. 11, 2191 (2014), para. 6, and 2258 (2015), para. 6</i></p>
The situation in the Middle East (resolution 2201 (2015) of 15 February 2015)	
Engage in good faith negotiations	<p>Demands that the Houthis immediately and unconditionally:</p> <p>(a) Engage in good faith in the United Nations-brokered negotiations;</p>
Respect for government institutions	<p>(b) Withdraw their forces from government institutions, including in the capital, Sana'a, and normalize the security situation in the capital and other provinces, and relinquish government and security institutions;</p>
Release of government authorities	<p>(c) Safely release President Hadi, Prime Minister Bahah, members of the Cabinet and all individuals under house arrest or arbitrarily detained;</p> <p>(d) Refrain from further unilateral actions that could undermine the political transition and the security of Yemen (para. 7)</p>
Cessation of hostilities	<p>Also demands that all parties in Yemen cease all armed hostilities against the people and the legitimate authorities of Yemen and relinquish the arms seized from Yemen's military and security institutions, in accordance with the Peace and National Partnership Agreement and its security annex (para. 8)</p> <p><i>See also S/PRST/2015/8, twenty-first paragraph</i></p>
Council action in the event of failure to comply	<p>Declares its readiness to take further steps in case of non-implementation by any Yemeni party of the present resolution, in particular paragraphs 5 to 8 (para. 14)</p> <p><i>See also S/PRST/2015/8, twenty-sixth paragraph</i></p>

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 by which the Security Council imposed measures not involving the use of force, pursuant to Article 41 of the Charter. During the period under review, the Council imposed new measures under Article 41 in relation to the situations in Yemen and South Sudan. Given the expansion of military operations and presence in Iraq and the Syrian Arab Republic, the measures against Al-Qaida and associated individuals and entities were extended to apply to Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) and Al-Nusrah Front. By resolution 2253 (2015) the Council renamed the Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities “the Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities”. While the measures against Somalia, Eritrea, the Democratic Republic of the Congo, Liberia, Côte d'Ivoire, and the Sudan were extended, no changes were made to the measures imposed against Iraq, Lebanon, the Democratic People's Republic of Korea and Guinea-Bissau.

The Council terminated some of the measures that it had previously imposed against Liberia and Côte d'Ivoire. On 20 July 2015, the Council decided that it would terminate the measures previously imposed against the Islamic Republic of Iran and that all States would comply with a number of measures specified in the resolution, upon receipt of a report from the International Atomic Energy Agency confirming that the country had taken the actions specified in the Joint Comprehensive Plan of Action.⁶⁴

⁶⁴ Resolution 2231 (2015), paras. 7 (a) and (b).

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

During the period under review, no judicial measures were imposed under Article 41. The Tribunals for the Former Yugoslavia and Rwanda nevertheless continued to function in parallel with the International Residual Mechanism for Criminal Tribunals (see part IX of the present Supplement).

This section is divided into two subsections. Subsection A outlines the decisions by which the Security Council imposed, modified or terminated measures under Article 41 of the Charter. It is organized under two main headings, dealing with decisions on issues of a thematic nature and those of a country-specific nature. Subsection B covers the Council's deliberations during the period under review and is also organized under two headings, each highlighting the salient issues that were raised in the deliberations of the Council in connection with Article 41 of the Charter, in connection with either thematic items or country-specific items.

A. Decisions of the Security Council relating to Article 41

1. Decisions on thematic issues relating to Article 41

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

As in previous periods, the Council recognized sanctions as an important tool in the maintenance and restoration of international peace and security, including in support of countering terrorism.⁶⁵ It reiterated its readiness to adopt targeted and graduated measures against persistent perpetrators of violations

⁶⁵ Resolution 2253 (2015), twelfth preambular paragraph.

and abuses committed against children,⁶⁶ and against those actors, including those in terrorist groups, engaged in sexual and gender-based violence.⁶⁷ The Council reaffirmed its responsibility to monitor the implementation of arms embargoes, and reiterated that arms embargoes should have clearly established objectives and provisions for regular review of the measures with a view to lifting them once the objectives are met.⁶⁸ The Council expressed its readiness to consider the potential impact of measures adopted under Article 41 on the population, including youth.⁶⁹

2. Decisions on country-specific questions relating to Article 41

As set out below, during the years 2014 and 2015, the Council imposed new sanctions measures in relation to the situations in Yemen and South Sudan, expanded the regimes against the Taliban and Al-Qaida (in addition to extending those measures to ISIL (Da'esh) and Al-Nusrah Front), and also expanded the sanctions measures concerning Libya and the Central African Republic. The measures against Somalia, Eritrea, the Democratic Republic of the Congo, Liberia, Côte d'Ivoire and the Sudan were extended and some were modified, while no changes were made to the measures imposed against Iraq, Lebanon, the Democratic People's Republic of Korea and Guinea-Bissau. In connection with the situation in Mali, the Council expressed its readiness to consider targeted sanctions.⁷⁰

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

⁶⁶ Resolution 2143 (2014), para. 10.

⁶⁷ Resolution 2242 (2015), para. 6.

⁶⁸ Resolution 2220 (2015), paras. 9 and 13.

⁶⁹ Resolution 2250 (2015), para. 18.

⁷⁰ See S/PRST/2015/5, fourth paragraph, and resolution 2227 (2015), para. 3.

This subsection uses categories of sanctions measures such as arms embargo, asset freeze or travel ban for clarification purposes only. These categories are not intended to serve as legal definitions of the measures. Developments in the sanctions measures imposed by the Council during the period under review are categorized according to the following actions taken by the Council: “establishment”,⁷¹ “modification”,⁷² “extension”,⁷³ “limited extension”⁷⁴ or “termination”.⁷⁵

The subsections that follow each consist of a narrative describing the most significant developments in 2014 and 2015 and a table including all relevant provisions of Council decisions concerning changes to a sanctions regime according to the categories outlined above (a number indicates the corresponding paragraph of the Council's resolution). An overview of all decisions adopted during 2014 and 2015 by which the Council established sanctions measures or modified measures previously imposed is given in tables 5 and 6.

⁷¹ An action by the Council is categorized as an “establishment” when a sanctions measure is initially imposed by the Council.

⁷² When an additional element to the measure is introduced, it is categorized as a modification. A measure is thus “modified” when (a) elements of the measure are terminated or newly introduced, (b) information on designated individuals or entities is modified, (c) exemptions to the measure are introduced, modified or terminated and (d) elements of the measure are modified.

⁷³ An action by the Council is categorized as an “extension” when the sanctions measure concerned is not modified or terminated and the Council extends or restates the measure without specifying an end date.

⁷⁴ An action by the Council is categorized as a “limited extension” when the sanctions measure concerned is extended for a specific period of time, including a date upon which the measure will terminate unless further extended by the Council.

⁷⁵ An action by the Council is categorized as a “termination” when the Council ends the specific sanctions measure. However, if only an element of the measure is terminated, but other measures or elements of that measure remain, this action will be categorized as a modification of the measure.

Table 5
Overview of decisions on measures pursuant to Article 41, in place or imposed, 2014–2015

<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>	<i>Yemen</i>	<i>South Sudan</i>
Resolutions by which measures were established or subsequently modified															
733 (1992);	1267 (1999);	1267 (1999);	661 (1990);	788 (1992);	1493 (2003);	1572 (2004);	1556 (2004);	1636 (2005);	1718 (2006);	1737 (2006)	1970 (2011);	2048 (2012)	2127 (2013)	2140 (2014)	2206 (2015)
1356 (2001);	1333 (2000);	1333 (2000);	687 (1991);	1521 (2003);	1552 (2004);	1643 (2005);	1591 (2005);	1701 (2006)	1874 (2009);	1747 (2007);	1973 (2011);				
1425 (2002);	1388 (2002);	1388 (2002);	707 (1991);	1532 (2004);	1596 (2005);	1727 (2006);	1672 (2006);		2087 (2013);	1803 (2008);	2009 (2011);				
1725 (2006);	1390 (2002);	1390 (2002);	1483 (2003);	1579 (2004);	1616 (2005);	1782 (2007);	1945 (2010);		2094 (2013)	1929 (2010)	2016 (2011);				
1744 (2007);	1452 (2002);	1452 (2002);	1546 (2004);	1607 (2005);	1649 (2005);	1842 (2008);	2035 (2012)				2095 (2013)				
1772 (2007);	1735 (2006);	1735 (2006);	1637 (2005);	1647 (2005);	1671 (2006);	1893 (2009);									
1816 (2008);	1822 (2008);	1904 (2009);	1723 (2006);	1683 (2006);	1698 (2006);	1946 (2010);									
1844 (2008);	1904 (2009);	1989 (2011);	1790 (2007);	1688 (2006);	1768 (2007);	1975 (2011);									
1846 (2008);	1988 (2011);	2083 (2012)	1859 (2008);	1689 (2006)	1771 (2007);	1980 (2011);									
1851 (2008);	2082 (2012)		1905 (2009);	1731 (2006);	1799 (2008);	2045 (2012);									
1872 (2009);			1956 (2010);	1753 (2007);	1807 (2008);	2101 (2013)									
1897 (2009);			1957 (2010)	1792 (2007)	1857 (2008);										
1907 (2009);				1854 (2008);	1896 (2009);										
1916 (2010);				1903 (2009);	1952 (2010)										
1950 (2010);				1961 (2010);											
1964 (2010);				2025 (2011);											
1972 (2011);				2079 (2012);											
2002 (2011);				2128 (2013)											
2023 (2011);															
2036 (2012);															
2060 (2012);															
2093 (2013);															
2111 (2013);															
2125 (2013)															
Resolutions adopted in 2014–2015															
2142 (2014);	2160 (2014);	2161 (2014);	No	2188 (2014);	2136 (2014);	2153 (2014);	2138 (2014);	No	2141 (2014);	2231 (2015)	2146 (2014);	2157 (2014);	2134 (2014);	2204 (2015);	2241 (2015);
2182 (2014);	2255 (2015)	2170 (2014);	resolutions	2237 (2015)	2147 (2014);	2162 (2014);	2200 (2015)	resolutions	2207 (2015)		2174 (2014);	2186 (2014);	S/PRST/2014	2216 (2015)	2252 (2015);
2184 (2014);		2178 (2014);	adopted		2198 (2015);	2219 (2015)		adopted			2208 (2015);	2203 (2015)	/28; 2196		2252 (2015)
2244 (2015);		2199 (2015);			2211 (2015)						2213 (2015);		(2015); 2217		(2015)
2246 (2015)		2253 (2015)									2238 (2015);		(2015)		
											2259 (2015)				

Table 6
Overview of measures pursuant to Article 41 in place or imposed, 2014–2015

Type of measure	Measures															
	<i>Somalia and Eritrea</i>	<i>Taliban</i>	<i>ISIL (Da'esh) and Al-Qaida</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>	<i>Yemen</i>	<i>South Sudan</i>
Arms embargo	X	X	X	X	X	X	X	X	X	X	X	X		X	X	
Travel ban or restrictions	X	X	X			X	X	X	X	X	X	X	X	X	X	X
Asset freeze	X	X	X	X		X	X	X	X	X	X	X		X	X	X
Ban on arms exports by target State										X	X	X				
Business restrictions	X (Eritrea)										X	X				
Financial restrictions	X (Eritrea)	X	X							X	X	X				
Non-proliferation measures										X	X					
Prohibition on bunkering services										X	X	X				
Public financial support for trade restrictions										X	X					
Restrictions on ballistic missiles										X	X					
Transport and aviation sanctions										X						
Diamond embargo																
Diplomatic/overseas representation restrictions										X						
Luxury goods embargo										X						
Oil/petroleum embargo			X												X	

<i>Measures</i>																
<i>Type of measure</i>	<i>Somalia and Eritrea</i>	<i>Taliban</i>	<i>ISIL (Da'esh) and Al-Qaida</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>	<i>Yemen</i>	<i>South Sudan</i>
Trade ban on cultural goods			X													
Charcoal ban	X															

Somalia and Eritrea

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

On 5 March 2014, by resolution [2142 \(2014\)](#) the Council decided that until 25 October 2014, with certain exceptions, the arms embargo would not apply to deliveries of weapons or the provision of advice, assistance or training intended solely for the development of the security forces of the Federal Government of Somalia, an exemption that was renewed until 15 November 2016 by resolutions [2182 \(2014\)](#) and [2244 \(2015\)](#). The Council also affirmed that entry into Somali ports for temporary visits of vessels carrying arms would not violate the arms embargo if those items remained aboard the vessels.

By resolutions [2184 \(2014\)](#) and [2246 \(2015\)](#), the Council decided that the arms embargo did not apply to supplies of weapons and military equipment or the provision of assistance destined for the sole use of Member States and international, regional and

subregional organizations taking measures in the fight against piracy and armed robbery at sea. The Council also recognized the possibility of applying targeted sanctions against individuals or entities that plan, organize, facilitate or illicitly finance or profit from piracy operations.⁷⁶

By resolution [2182 \(2014\)](#), the Council authorized until 30 October 2015 an exemption to the asset freeze for the payment of funds and economic resources necessary to ensure the timely delivery of humanitarian assistance in Somalia, which was later renewed until 15 November 2016. By the same resolution, the Council authorized Member States to inspect, in Somali territorial waters and on the high seas off the coast of Somalia extending to and including the Arabian Sea and Persian Gulf, vessels bound to or from Somalia which they had grounds to believe were carrying charcoal from Somalia or weapons or military equipment to Somalia or to individuals or entities designated by the Committee pursuant to resolutions 751 (1992) and [1907 \(2009\)](#), and to seize and dispose of any prohibited items. Those inspections were later renewed until 15 November 2016.

⁷⁶ Resolutions [2184 \(2014\)](#), para. 10; and [2246 \(2015\)](#), para. 11.

Table 7
Changes to the measures imposed pursuant to Article 41 concerning Somalia and Eritrea, 2014–2015

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i>				
		<i>2142 (2014)</i>	<i>2182 (2014)</i>	<i>2184 (2014)</i>	<i>2244 (2015)</i>	<i>2246 (2015)</i>
Arms embargo	733 (1992), para. 5	Extension (1, 8) Exemption (2)	Extension (1, 8, 17) Limited extension (3) Modification (15, 15 (ii) and (iii)) Exemption (3, 10)	Exemption (15)	Extension (1, 5, 13) Limited extension (20) Exemption (2, 3)	Exemption (16)
Arms embargo (Eritrea)	1907 (2009), para. 5				Extension (13)	
Asset freeze	1844 (2008), para. 3		Exemption (41)		Exemption (23)	
Charcoal ban	2036 (2012), para. 22		Extension (11, 13, 17) Modification (15, 15 (i))		Extension (18, 20)	

The Taliban and associated individuals and entities

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

On 17 June 2014, by resolution 2160 (2014) the Council extended the arms embargo, asset freeze and travel ban on the individuals and entities designated prior to the date of adoption of resolution 1988 (2011) as the Taliban, as well as other individuals, groups, undertakings and entities associated with the Taliban, as designated by the Committee. The Council also maintained the existing exemptions to the asset freeze and the travel ban.

On 21 December 2015, in resolution 2255 (2015), the Council reaffirmed the measures imposed previously; it also refined the eligibility criteria for the inclusion of new individuals, groups or entities.⁷⁷ By the same resolution, the Council urged Member States to implement the comprehensive international standards embodied in the revised Forty Recommendations on Combating Money Laundering and the Financing of Terrorism and Proliferation of the Financial Action Task Force, which constituted a newly imposed financial restriction, and called upon States to move vigorously and decisively to cut the flows of funds and economic resources to individuals and entities on the Committee's List.⁷⁸

As in the past, the Council expressed its intention in both resolutions to review the implementation of the measures in 18 months, and make adjustments as necessary.⁷⁹

⁷⁷ Resolution 2255 (2015), paras. 2 and 3.

⁷⁸ *Ibid.*, paras. 10 and 11.

⁷⁹ Resolutions 2160 (2014), para. 47; and 2255 (2015), para. 57.

Table 8
Changes to the measures imposed pursuant to Article 41 concerning the Taliban and associated individuals and entities, 2014–2015

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i>	
		<i>2160 (2014)</i>	<i>2255 (2015)</i>
Arms embargo	1333 (2000), para. 5	Extension (1(c)) Modification (1)	Extension (1(c)) Modification (1)
Asset freeze	1267 (1999), para. 4 (b)	Extension (1(a), 5, 6, 7, 8) Exemption (5, 12)	Extension (1(a), 5, 7, 8) Modification (1, 6, 10, 11) Exemption (1(a), 17, 18, 18 (a) and (b))
Travel ban or restrictions	1390 (2002), para. 2 (b)	Extension (1(b)) Modification (1) Exemption (1(b), 13 (a)–(c), 14, 15)	Extension (1(b)) Exemption (1 (b), 19, 19 (a)–(d), 20) Modification (1)

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

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

On 17 June 2016, by resolution [2161 \(2014\)](#), the Council extended the measures previously imposed by resolutions [1333 \(2000\)](#), [1390 \(2002\)](#) and [1989 \(2011\)](#), which included an asset freeze, a travel ban and an arms embargo; the listing criteria remained unaltered.⁸⁰ In the same resolution, the Council confirmed that the asset freeze also applied, inter alia, to resources used for the provision of Internet hosting or related services and the payment of ransoms. The Council urged Member States to promote awareness of the Al-Qaida Sanctions List and encouraged them to exchange information expeditiously with other Member States when they detected the travel of individuals on the List.⁸¹

On 15 August 2014, by resolution [2170 \(2014\)](#), the Council deplored and condemned the terrorist acts of ISIL, observed that it was a splinter group of Al-Qaida, and expressed its readiness to consider listing individuals, groups, undertakings and entities providing support to ISIL or to Al-Nusrah Front, or recruiting for them, through information and communications technologies.⁸² The Council also condemned any direct and indirect trade involving ISIL, Al-Nusrah Front and other associates of Al-Qaida, which could constitute financial support and lead to further listings.⁸³ The Council reaffirmed its decision to extend the arms embargo and the asset freeze to ISIL, Al-Nusrah Front and all other individuals, groups, undertakings and entities associated with Al-Qaida, and decided that the individuals associated with those groups listed in the annex to the resolution would be subject to the arms embargo, asset freeze and travel ban provided for in resolution [2161 \(2014\)](#).

On 24 September 2014, by resolution [2178 \(2014\)](#), the Council stressed the urgent need to implement measures with respect to foreign terrorist fighters, and called upon States to propose foreign terrorist fighters and those who facilitate and finance their travel and subsequent activities for inclusion in

the Al-Qaida Sanctions List.⁸⁴ The Council decided that Member States should prevent the entry or transit through their territory of any individual about whom they had credible information that provided reasonable grounds to believe the travel was for the purpose of participating in the financing, planning, preparation or perpetration of terrorist acts.⁸⁵

On 12 February 2015, by resolution [2199 \(2015\)](#), the Council extended and modified previous measures and imposed a new measure, namely a trade ban on cultural goods. The Council extended the arms embargo; and, with respect to the asset freeze, the Council reaffirmed the provisions of resolution [2161 \(2014\)](#), including that it applied to the payment of ransoms. It recalled its stated intention to consider additional measures to disrupt oil trade as a source of terrorism funding, and emphasized that States were required to freeze financial assets and economic resources of ISIL and other groups, including oil, oil products, modular refineries and related material and other natural resources.⁸⁶ Member States were asked to inform the Committee pursuant to resolutions [1267 \(1999\)](#) and [1989 \(2011\)](#) within 30 days of the interdiction in their territory of any oil, oil products, modular refineries and related material being transferred to or from ISIL or Al-Nusrah Front.⁸⁷ The Council, further, condemned the destruction of cultural heritage in Iraq and the Syrian Arab Republic, and decided that all Member States should take appropriate steps to prevent the trade in Iraqi and Syrian cultural property, including by prohibiting cross-border trade, thereby allowing for their eventual safe return.⁸⁸

On 20 November 2015, in response to the terrorist attacks perpetrated by ISIL in Sousse, in Ankara, over Sinai, in Beirut and in Paris, the Council unequivocally condemned the attacks “in the strongest terms”; and expressed its intention to update the Al-Qaida Sanctions List to better reflect the threat posed by ISIL.⁸⁹

On 17 December 2015, by resolution [2253 \(2015\)](#) the Council changed the name of the Committee pursuant to resolutions [1267 \(1999\)](#) and [1989 \(2011\)](#) to “Committee pursuant to resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities”, and

⁸⁰ Resolution [2161 \(2014\)](#), para. 2.

⁸¹ *Ibid.*, paras. 13 and 20.

⁸² Resolution [2170 \(2014\)](#), paras. 1, 7 and 18.

⁸³ *Ibid.*, para. 14.

⁸⁴ Resolution [2178 \(2014\)](#), paras. 10 and 20.

⁸⁵ *Ibid.*, para. 8.

⁸⁶ Resolution [2199 \(2015\)](#), fifth preambular paragraph and para. 7.

⁸⁷ *Ibid.*, para. 12.

⁸⁸ *Ibid.*, paras. 15 and 17.

⁸⁹ *Ibid.*, paras. 15 and 17.

renamed the Al-Qaida Sanctions List the ISIL (Da'esh) and Al-Qaida Sanctions List. The Council also decided that the asset freeze, travel ban and arms embargo imposed by previous resolutions would be applied with respect to ISIL (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities.⁹⁰ Also by resolution [2253 \(2015\)](#), the Council decided to expand the listing criteria to include individuals and

⁹⁰ Ibid., paras. 15 and 17.

entities associated with ISIL.⁹¹ It urged Member States to implement the comprehensive international standards embodied in the revised Forty Recommendations on Combating Money Laundering and the Financing of Terrorism and Proliferation, and welcomed the reports of the Financial Action Task Force on the financing of the terrorist organization ISIL and emerging terrorist financing risks.⁹²

⁹¹ Ibid., paras. 3–10.

⁹² Ibid., paras. 16 and 17.

Table 9
Changes to the measures imposed pursuant to Article 41 concerning ISIL (Da'esh) and Al-Qaida and associates, 2014–2015

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)					2253 (2015) ISIL (Da'esh) and Al-Qaida and associates
		2161 (2014)	2170 (2014)	2178 (2014)	2199 (2015)		
Arms embargo	1333 (2000), para. 5	Extension (1, 1 (c), 10, 42)	Extension (10) Modification (19)		Extension (24, 26)	Extension (2 (c), 55) Modification (2)	
Asset freeze	1267 (1999), para. 4 (b)	Extension (1, 1 (a), 5–8, 10, 11, 42, 49) Exemption (6, 9, 61)	Extension (12, 17) Modification (19)		Extension (3, 4, 19, 28) Modification (2, 7, 9, 22, 23)	Extension (2 (a), 6–9, 16, 55, 62) Modification (2, 13, 19) Exemption (7, 10, 74, 75, 75 (a) and (b))	
Trade ban on cultural goods	2199 (2015), para. 17						
Travel ban or restrictions	1390 (2002), para. 2 (b)	Extension (1, 1 (b), 10, 42) Exemption (1 (b), 9, 61)	Modification (19)	Modification (8) Exemption (8)		Extension (2 (b), 55) Modification (2) Exemption (2 (b), 10, 74)	

Iraq

During the period under review, the Council adopted no resolutions concerning the remaining sanctions measures on Iraq, which consisted of an arms embargo (with exemptions) and an asset freeze on 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 lists of individuals and entities pursuant to resolution 1483 (2003).

Liberia

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

On 9 December 2014, by resolution 2188 (2014), the Council extended the arms embargo and the travel ban for a period of nine months and reaffirmed the asset freeze imposed by resolution 1532 (2004) on former President Charles Taylor, his family and associates. The Council also decided to maintain all measures under continuous review with a view to modifying or lifting all or part of the measures of the sanctions regime dependent upon the country's progress towards meeting the conditions set out in resolution 1521 (2003) for terminating those measures and in the light of the threat to peace and security in Liberia posed by the Ebola virus.⁹³ On 2 September 2015, by resolution 2237 (2015), the Council extended the arms embargo for a period of nine months, and decided to terminate the travel ban and asset freeze set out in resolutions 1521 (2003) and 1532 (2004).⁹⁴

⁹³ Resolution 2188 (2014), paras. 2 and 3.

⁹⁴ Resolution 2237 (2015), paras. 1 and 2.

Table 10

Changes to the measures imposed pursuant to Article 41 concerning Liberia, 2014–2015

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)	
		2188 (2014)	2237 (2015)
Arms embargo	1521 (2003), para. 2	Limited extension (2 (a) and (b)) Exemption (2, 2 (b))	Limited extension (1) Exemption (1)
Asset freeze	1532 (2004), para. 1	Extension (1) Exemption (1)	Termination (2)
Travel ban or restrictions	1521 (2003), para. 4	Limited extension (2, 2 (a)) Exemption (2, 2 (a))	Termination (2)

Democratic Republic of the Congo

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

By resolutions 2136 (2014) and 2198 (2015), the Council extended the arms embargo, asset freeze and travel ban measures until 1 February 2015 and 1 July 2016, respectively. Also by resolution 2136 (2014), the Council decided to exempt the African Union Regional Task Force from the arms embargo measures; by resolution 2198 (2015), it also exempted the United

Nations Organization Stabilization Mission in the Democratic Republic of the Congo from those measures. The individuals and entities affected by the sanctions identified in resolutions 2136 (2014) and 2198 (2015) included individuals and entities supporting armed groups through illicit trade in natural resources, including wildlife and wildlife products, and those providing financial, material or technological support or goods or services to a designated individual or entity.⁹⁵ The Council decided to review the measures no later than 1 July 2016 in the light of the security situation in the Democratic Republic of the Congo.⁹⁶

⁹⁵ Resolutions 2136 (2014), paras. 4 (g) and (j); and 2198 (2015), paras. 5 (g) and (j).

⁹⁶ Resolution 2198 (2015), para. 34.

Table 11
Changes to the measures imposed pursuant to Article 41 concerning the Democratic Republic of the Congo, 2014–2015

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)	
		2136 (2014)	2198 (2015)
Arms embargo	1493 (2003), para. 20	Limited extension (1) Exemption (1)	Limited extension (1) Exemption (1)
Asset freeze	1596 (2005), para. 15	Limited extension (3) Exemption (3)	Limited extension (3) Exemption (3)
Travel ban or restrictions	1596 (2005), para. 13	Limited extension (3) Exemption (3, 13)	Limited extension (3) Exemption (3, 4)
Embargo on natural resources	1649 (2005), para. 16		Extension (23, 25, 26)

Côte d'Ivoire

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

By resolution 2153 (2014), the Council extended until 30 April 2015 the financial and travel measures imposed by paragraphs 9 to 12 of resolution 1572 (2004) and paragraph 12 of resolution 1975 (2011). By resolution 2162 (2014), the Council affirmed its intention to review the listing of individuals subject to those measures, provided that they engaged in actions that furthered the objective of national reconciliation.⁹⁷

Arms embargo measures were extended by resolution 2153 (2014) until 30 April 2015, with exemptions for the United Nations Operation in Côte d'Ivoire, the French forces supporting it, and the

Ivorian security forces. The arms embargo, asset freeze and travel ban were further extended by resolution 2219 (2015) until 30 April 2016.

The embargo on the importation of diamonds from Côte d'Ivoire, originally imposed by paragraph 6 of resolution 1643 (2005), was terminated on 29 April 2014 by resolution 2153 (2014), in the light of progress made towards implementation of the Kimberley Process Certification Scheme and better governance of the diamond sector. The Council also decided to review the remaining measures by 30 April 2016, with a view to possibly further modifying or lifting all or part of them, in the light of the progress achieved in the stabilization of Côte d'Ivoire, in accordance with progress achieved in relation to disarmament, demobilization and reintegration and security sector reform, national reconciliation and the fight against impunity.⁹⁸

⁹⁷ Resolution 2162 (2014), para. 5.

⁹⁸ Resolution 2219 (2015), para. 11.

Table 12
Changes to the measures imposed pursuant to Article 41 concerning Côte d'Ivoire, 2014–2015

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)		
		2153 (2014)	2162 (2014)	2219 (2015)
Arms embargo	1572 (2004), para. 7	Limited extension (1) Exemption (3, 4, 4 (a)–(c))		Limited extension (1) Exemption (2–4, 4 (a)–(c))
Asset freeze	1572 (2004) para. 11	Limited extension (12) Exemption (12)		Limited extension (12) Exemption (12)
Diamond embargo	1643 (2005), para. 6	Termination (13)		
Travel ban or restrictions	1572 (2004), para. 9	Limited extension (12) Exemption (12)		Limited extension (12) Exemption (12)

Sudan

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

In both resolutions, the Council expressed concern that items continued to be converted for military purposes and transferred to Darfur, and urged all States to be mindful of this risk in the light of the measures contained in resolution 1591 (2005).⁹⁹ In resolution 2200 (2015), the Council extended the arms embargo and called upon the Government of the Sudan to ensure the safe and effective management, storage and security of its stockpiles of small arms and light weapons and the collection and/or destruction of surplus, seized, unmarked or illicitly held weapons and ammunition.¹⁰⁰ By resolutions 2138 (2014) and 2200

⁹⁹ Resolutions 2138 (2014), para. 7; and 2200 (2015), para. 9.

¹⁰⁰ Resolution 2200 (2015), paras. 7 and 8.

(2015), the Council extended the travel ban on all persons designated by the Committee established pursuant to resolution 1591 (2005), and called upon the Government of the Sudan to enhance cooperation and information-sharing with other States with regard to enforcing this measure. The Council expressed regret that some individuals and armed groups continued to commit violence against civilians, impede the peace process and disregard the demands of the Council, and expressed its intention to impose targeted sanctions against individuals and entities that met the listing criteria in paragraph 3 (c) of resolution 1591 (2005).¹⁰¹ By resolution 2200 (2015), the Council expressed its intention to impose sanctions on individuals or entities that planned, sponsored or participated in attacks against personnel of the African Union-United Nations Hybrid Operation in Darfur.¹⁰²

¹⁰¹ Resolutions 2138 (2014), para. 13; and 2200 (2015), para. 15.

¹⁰² Resolution 2200 (2015), para. 19.

Table 13

Changes to the measures imposed pursuant to Article 41 concerning the Sudan, 2014–2015

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)	
		2138 (2014)	2200 (2015)
Arms embargo	1556 (2004), paras. 7, 8		Extension (7)
Asset freeze	1591 (2005), para. 3 (e)		
Travel ban or restrictions	1591 (2005), para. 3 (d)	Extension (10)	Extension (12)

Lebanon

During the period under review, the Council made no modifications to the sanctions measures concerning Lebanon, which consisted of an arms embargo, an asset freeze and a travel ban.

Democratic People's Republic of Korea

During the period under review, the sanctions regime against the Democratic People's Republic of Korea remained in force but did not undergo any modifications. The Council urged all States, relevant United Nations bodies and other interested parties to cooperate fully with the Committee established pursuant to resolution 1718 (2006) and the Panel of Experts, including by supplying information on the implementation of the measures imposed by

resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013).¹⁰³

Islamic Republic of Iran

During the period under review, the Council adopted three resolutions concerning the sanctions regime on the Islamic Republic of Iran, resolutions 2159 (2014), 2224 (2015) and 2231 (2015), but only the latter affected the sanctions measures. Table 14 provides an overview of the changes made to the measures during the period under review.

On 20 July 2015, by resolution 2231 (2015), the Council endorsed the Joint Comprehensive Plan of Action and urged its full implementation on the timetable established therein.¹⁰⁴ Acting under Article

¹⁰³ Resolutions 2141 (2014), para. 5; and 2207 (2015), para. 5.

¹⁰⁴ For the Joint Comprehensive Plan of Action, see resolution 2231 (2015), annex A. See also case 8 below.

41 of the Charter, the Council decided that, upon receipt of the report from the International Atomic Energy Agency verifying that the Islamic Republic of Iran had taken the actions specified in paragraphs 15.1 to 15.11 of annex V to the Joint Comprehensive Plan of Action, the provisions of resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010) and 2224 (2015) would be terminated. The Council also decided that, in the event of non-performance of the commitments under the Joint Comprehensive Plan of Action, all relevant provisions of the resolutions mentioned above would apply in the same manner as they did prior to the adoption of the resolution.¹⁰⁵ The Council allowed exemptions to the restrictions for, inter alia, transfers or activities directly

related to the implementation of the nuclear-related actions specified in the annex to the Joint Comprehensive Plan of Action, required for preparation for its implementation or determined by the Committee established pursuant to resolution 1737 (2006) to be consistent with the objectives of resolution 2231 (2015). The Council also decided that 10 years after Joint Comprehensive Plan of Action Adoption Day all the provisions of resolution 2231 (2015) would be terminated and the Council would have concluded its consideration of the Iranian nuclear issue.¹⁰⁶ Adoption Day fell on 18 October 2015, at which time the Joint Comprehensive Plan of Action came into effect.

¹⁰⁵ Resolution 2231 (2015), paras. 7 (a) and 12.

¹⁰⁶ Ibid., para. 8.

Table 14
Changes to the measures imposed pursuant to Article 41 concerning the Islamic Republic of Iran, 2014–2015

<i>Provisions</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph) 2231 (2015)</i>
Provisions relating to sanctions measures^a		
Arms embargo	1747 (2007), para. 6	Termination (7 (a)) Exemption (21, 23)
Asset freeze	1737 (2006), para. 12	Termination (7 (a)) Exemption (21, 23, 28)
Ban on arms exports by target State	1747 (2007), para. 5	Termination (7 (a)) Exemption (21, 23)
Business restrictions	1929 (2010), para. 22	Termination (7 (a)) Exemption (21, 23)
Financial restrictions	1803 (2008), para. 10	Termination (7 (a)) Exemption (21, 23)
Non-proliferation measures	1737 (2006), paras. 2, 3, 4, 6, 7	Termination (7 (a)) Exemption (21, 23)
Prohibition on bunkering services	1929 (2010), para. 18	Termination (7 (a)) Exemption (21, 23)
Public financial support for trade restrictions	1747 (2007), para. 7	Termination (7 (a)) Exemption (21, 23)
Restrictions on ballistic missiles	1929 (2010), para. 9	Termination (7 (a)) Exemption (21, 23)
Travel ban or restrictions	1737 (2006), para. 10	Termination (7 (a)) Exemption (21, 23)
Provisions relating to restrictions^b		
Arms embargo	2231 (2015), para. 7 (b); annex B,	

<i>Provisions</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph 2231 (2015))</i>
	paras. 5, 6 (b)	
Asset freeze	2231 (2015), para. 7 (b); annex B, paras. 6 (c) and (d)	Exemption (annex B, 6 (d))
Ban on arms exports by target State	2231 (2015), para. 7 (b); annex B, para. 7	
Non-proliferation measures	2231 (2015), para. 7 (b); annex B, para. 2	
Restrictions on ballistic missiles	2231 (2015), para. 7 (b); annex B, paras. 3, 4	
Travel ban or restrictions	2231 (2015), para. 7 (b); annex B, para. 6 (e)	Exemption (annex B, 6 (e))

^a In paragraph 7 (a) of resolution 2231 (2015), the Council decided that the sanctions measures previously imposed against the Islamic Republic of Iran would be terminated upon receipt by the Council of the report of the International Atomic Energy Agency described in paragraph 5 of that resolution. The measures were thus not terminated on 20 July 2015, the date on which the resolution was adopted by the Council.

^b In paragraph 7 (b) of resolution 2231 (2015), the Council decided that all States should comply with paragraphs 1, 2, 4 and 5 and the provisions in subparagraphs (a) to (f) of paragraph 6 of annex B to the resolution for the duration specified in each paragraph or subparagraph, and were called upon to comply with paragraphs 3 and 7 of annex B to the resolution. The restrictions did not come into effect on 20 July 2015, the date on which the resolution was adopted by the Council, but on 16 January 2016 when the Council received the report of the International Atomic Energy Agency described in paragraph 5 of the resolution.

Libya

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

In resolution 2144 (2014), the Council, expressing concern at the threat posed by unsecured arms and ammunition in Libya and underlining the importance of coordinated international support to Libya to address these issues, urged the Government of Libya to improve further the monitoring of the arms or related materiel that was supplied, sold or transferred to Libya, and urged Member States and regional organizations to provide assistance to the Government to strengthen the infrastructure and mechanisms in place to do so.¹⁰⁷ The Council further stressed that arms supplied, sold or transferred as security or disarmament assistance to the Government should not be resold to, transferred to or made available for use by other parties.¹⁰⁸ The Council directed the Committee established pursuant to resolution 1970 (2011) to review the remaining asset freeze measures with

respect to the Libyan Investment Authority and the Libyan Africa Investment Portfolio, and reaffirmed its decision that the Committee, in consultation with the Government, should lift the designation of those entities as soon as practical to ensure that the assets were made available to and for the benefit of the people of Libya.¹⁰⁹

By resolution 2146 (2014), the Council, expressing concern that the illicit export of crude oil from Libya posed a threat to the peace, security and stability of the country, imposed new measures to curb the illicit export of oil.¹¹⁰ The Council authorized Member States to inspect, on the high seas, vessels designated by the Committee.¹¹¹ The Council decided that all Member States should take the measures necessary to prohibit the provision of bunkering services to designated vessels, unless provision of such services was necessary for humanitarian purposes, and that all Member States should take the measures necessary to require their nationals and entities and individuals in their territory not to engage in any financial transactions with respect to crude oil from Libya aboard vessels designated by the Committee.

¹⁰⁷ Resolution 2144 (2014), fifteenth preambular paragraph and para. 9.

¹⁰⁸ *Ibid.*, para. 8.

¹⁰⁹ *Ibid.*, para. 11.

¹¹⁰ Resolution 2146 (2014), fifth preambular paragraph and para. 10. See also case 10 below.

¹¹¹ Resolution 2146 (2014), paras. 5, 6 and 8.

The Council decided that the authorizations provided and the measures imposed by resolution 2146 (2014) would terminate one year from the date of its adoption, on 19 March 2015, unless the Council extended them.¹¹² The Council did in fact twice extend those authorizations and measures, until 31 March 2015 and until 31 March 2016.¹¹³

By resolutions 2174 (2014) and 2213 (2015), the Council reaffirmed that the travel ban and asset freeze also applied to individuals and entities determined by the Committee to be engaging in or providing support for other acts that threatened the peace, stability or security of Libya, or obstructed or undermined the successful completion of its political transition.¹¹⁴ The

Council called upon Member States to inspect, in their territory, vessels and aircraft bound to or from Libya, if they had information that provided reasonable grounds to believe that the cargo contained items prohibited under the arms embargo, and authorized the seizure and disposal of such items.¹¹⁵ By resolution 2238 (2015), the Council recalled the arms embargo, travel ban, asset freeze and measures concerning illicit oil exports imposed by previous resolutions, and called upon Member States to fully and effectively implement those measures.

The Council on several occasions affirmed its readiness to review the appropriateness of the measures, including their strengthening, modification, suspension or lifting.¹¹⁶

¹¹² Ibid., para 15.

¹¹³ Resolutions 2208 (2015), para. 1; and 2213 (2015), para. 14.

¹¹⁴ Resolutions 2174 (2014), para. 4; and 2213 (2015), para. 11.

¹¹⁵ Resolutions 2174 (2014), paras. 9 and 10; and 2213 (2015), paras. 19 and 20.

¹¹⁶ Resolutions 2174 (2014), para. 12; 2213 (2015), para. 28; 2238 (2015), para. 16; and 2259 (2015), para. 17.

Table 15
Changes to the measures imposed pursuant to Article 41 concerning Libya, 2014–2015

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)						
		2144 (2014)	2146 (2014)	2174 (2014)	2208 (2015)	2213 (2015)	2238 (2015)	2259 (2015)
Arms embargo	1970 (2011), para. 9	Exemption (7, 8)		Exemption (8)		Extension (20) Modification (19) Exemption (16)	Extension (14) Exemption (14)	
Asset freeze	1970 (2011), para. 17			Modification (4) Exemption (4)		Extension (11) Exemption (11)	Extension (14) Exemption (14)	Extension (10)
Ban on arms exports by target State	1970 (2011), para. 10						Extension (14)	
Business restrictions	1973 (2011), para. 21		Extension (10)					
Financial restrictions	2146 (2014), para. 10 (d)				Limited extension (1)	Limited extension (14)	Extension (14)	
Oil/petroleum embargo	2146 (2014), para. 10 (a), (c) and (d)				Limited extension (1)	Limited extension (14)	Extension (14)	
Prohibition on bunkering services	2146 (2014), para. 10 (c)		Exemption (10 (c))		Limited extension (1) Exemption (1)	Limited extension (14) Exemption (14)	Extension (14) Exemption (14)	
Transportation and aviation sanctions	1973 (2011), paras. 6, 17, 18							
Travel ban or restrictions	1970 (2011), para. 15			Modification (4) Exemption (4)		Extension (11) Exemption (11)	Extension (14) Exemption (14)	Extension (10)

Guinea-Bissau

During 2014 and 2015, the sanctions regime for Guinea-Bissau, consisting of a travel ban, remained in force but did not undergo any modifications. By resolution 2203 (2015), the Council decided to review the sanctions measures seven months from the adoption of the resolution, in September 2015.

Central African Republic

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

By resolution 2134 (2014), the Council imposed an asset freeze and travel ban on individuals and entities designated by the Committee established pursuant to resolution 2127 (2013) as engaging in or providing support for acts that undermined the peace, stability or security of the Central African Republic. The Council exempted from the asset freeze funds, other financial assets or economic resources that had been determined by Member States to be necessary for basic expenses and extraordinary expenses notified to and approved by the Committee, as well as those determined to be the subject of a judicial, administrative or arbitral lien or judgment. The Council decided that the asset freeze should not prevent a designated person or entity, under certain circumstances, from making payment due under a contract entered into prior to the listing of such a person or entity. Exemptions to the travel ban included

cases where the Committee determined that the travel was justified on the grounds of humanitarian need, necessary for the fulfilment of a judicial process, or would further the objectives of peace and national reconciliation. Also by resolution 2134 (2014), the Council extended for a period of one year the arms embargo established by resolution 2127 (2013).

By a presidential statement of 18 December 2014, the Council recalled the travel ban imposed on individuals designated by the Committee, and expressed its intent to consider designating additional individuals or entities for targeted sanctions.¹¹⁷

By resolution 2196 (2015), the Council extended the arms embargo, asset freeze and travel ban until 29 January 2016. The Council further decided to exempt from the arms embargo supplies intended solely for the support of or use by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, the African Union Regional Task Force, and the European Union missions and French forces deployed in the Central African Republic.

On 20 October 2015, in a presidential statement, the Council reiterated its intention to expand the list of individuals and entities maintained by the Committee by adding those responsible for the outbreak of violence, in particular those that had provided support to, acted for or on behalf of, or at the direction of, an individual or an entity that had already been sanctioned by the Committee.¹¹⁸

¹¹⁷ S/PRST/2014/28, seventh and eighth paragraphs.

¹¹⁸ S/PRST/2015/17, sixth paragraph.

Table 16

Changes to the measures imposed pursuant to Article 41 concerning the Central African Republic, 2014–2015

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)			
		2134 (2014)	S/PRST/2014/28	2196 (2015)	2217 (2015)
Arms embargo	2127 (2013), para. 54	Limited extension (40) Exemption (40)		Limited extension (1) Exemption (1 (a)–(g))	Exemption (42)
Asset freeze	2134 (2014), para. 32	Exemption (33–35)		Limited extension (7, 9) Exemption (8 (a)–(c), 10)	
Travel ban or restrictions	2134 (2014), para. 30	Exemption (30, 31)	Extension (8)	Limited extension (4) Exemption (4, 5 (a)–(c))	

Yemen

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

On 26 February 2014, the Council determined that the situation in Yemen constituted a threat to international peace and security and, acting under Chapter VII of the Charter,¹¹⁹ decided to impose sanctions measures for the first time. The Council imposed an asset freeze and a travel ban for an initial period of one year, on individuals and entities designated by the Committee as engaging in or providing support for acts that threatened the peace, security or stability of Yemen, as described in paragraphs 17 and 18 of resolution 2140 (2014). The Council decided that the asset freeze would not apply to funds, financial assets or economic resources that had been determined by relevant Member States to be necessary for basic expenses and extraordinary expenses notified to and approved by the Committee as well as those determined to be the subject of a judicial, administrative or arbitral lien or judgment. The Council also decided that the asset freeze imposed should not prevent a designated person or entity, subject to a series of circumstances, from making payment due under a contract entered into prior to the listing of such a person or entity. Concerning the travel ban, the Council decided that it would not apply when the Committee determined that such travel was justified on the grounds of humanitarian need, to fulfil a judicial process, or to further the objectives of peace and national reconciliation in Yemen, or where a State

had determined that such entry or transit was required to advance peace and stability in Yemen. By the same resolution, the Council established a Committee to monitor the implementation of the measures and a Panel of Experts to assist the Committee.¹²⁰

On 24 February 2015, the Council extended the asset freeze and the travel ban until 26 February 2016, and reaffirmed the designation criteria and exemptions to the sanctions measures provided for in paragraphs 11 to 16 of resolution 2140 (2014).¹²¹ The Council reaffirmed its intention to keep the situation in Yemen under continuous review and its readiness to review the appropriateness of the measures contained in the resolution, including the strengthening, modification, suspension or lifting of the measures, as needed in the light of developments.¹²²

On 14 April 2015, the Council imposed an arms embargo on the former President of the country, Ali Abdullah Saleh, and the two rebel leaders Abdullah Yahya al-Hakim and Abd al-Khaliq al-Huthi, as well as the individuals and entities designated by the Committee and those listed in the annex to the resolution,¹²³ and authorized Member States to inspect all cargo to Yemen and seize and dispose of all items prohibited under the arms embargo.¹²⁴ The Council underscored that violations of the arms embargo and obstructing the delivery, or distribution of, humanitarian assistance could be acts that threatened the peace, security or stability of Yemen, constituting grounds for listing.¹²⁵

¹¹⁹ Resolution 2140 (2014), last two preambular paragraphs.

¹²⁰ Ibid., paras. 19 and 21. For more information on the Committee and the Panel of Experts, see part IX.

¹²¹ Resolution 2204 (2015), paras. 2 and 3.

¹²² Ibid., para. 10.

¹²³ Resolution 2216 (2015), para. 14.

¹²⁴ Ibid., paras. 15 and 16.

¹²⁵ Ibid., para. 19.

Table 17

Changes to the measures imposed pursuant to Article 41 concerning Yemen, 2014–2015

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)		
		2140 (2014)	2204 (2015)	2216 (2015)
Arms embargo	2216 (2015), paras. 14–16			
Asset freeze	2140 (2014), paras. 11, 13	Exemption (12 (a)–(c), 14)	Limited extension (2) Exemption (2)	Extension (4)
Travel ban or restrictions	2140 (2014), para. 15	Exemption (15, 16 (a)–(d))	Limited extension (2) Exemption (2)	Extension (4)

South Sudan

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

On 3 March 2015, the Council, acting under Article 41 of the Charter, by resolution [2206 \(2015\)](#), imposed sanctions measures, namely a travel ban and an asset freeze, for the first time on individuals and entities designated by the Committee established pursuant to that resolution as being responsible for or complicit in, or having engaged in, actions or policies that threatened the peace, security or stability of South Sudan.¹²⁶ In addition to establishing a Committee to monitor the implementation of the sanctions measures, the Council requested the Secretary-General to create a Panel of Experts to assist the Committee in carrying out its mandate.¹²⁷ The Council expressed its intent to impose any sanctions that might be appropriate to respond to the situation in the country, which might

include an arms embargo and the designation of senior individuals responsible for actions or policies that threatened the peace, security or stability of South Sudan.¹²⁸

In October and December 2015, the Council reiterated its endorsement of the Cessation of Hostilities Agreement signed on 23 January 2014 and endorsed the Agreement on the Resolution of the Conflict in the Republic of South Sudan, which was designed to end the conflict; and expressed its intention to consider all appropriate measures against those who took action that undermined the peace, stability and security of South Sudan, including those who prevented the implementation of those agreements. The Council underscored that individuals or entities that were responsible for or complicit in, or had engaged in, attacks against United Nations missions, international security presences or other peacekeeping operations or humanitarian personnel could meet the designation criteria detailed in resolution [2206 \(2015\)](#).¹²⁹

¹²⁶ Resolution [2206 \(2015\)](#), paras. 6, 9 and 12.

¹²⁷ *Ibid.*, paras. 16 and 18. For more information on the Committee and the Panel of Experts, see part IX.

¹²⁸ Resolution [2206 \(2015\)](#), para. 21.

¹²⁹ Resolutions [2241 \(2015\)](#), paras. 1 and 22; and [2252 \(2015\)](#), paras. 1 and 20.

Table 18

Changes to the measures imposed pursuant to Article 41 concerning South Sudan, 2014–2015

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)		
		2206 (2015)	2241 (2015)	2252 (2015)
Asset freeze	2206 (2015) , paras. 12, 14	Exemption (13 (a)–(c), 15)		
Travel ban or restrictions	2206 (2015) , para. 9	Exemption (9, 11 (a)–(c))		

B. Discussion relating to Article 41

The present subsection deals with the discussions in the Council regarding the use of sanctions and other measures pursuant to Article 41 of the Charter, under two headings, covering thematic and country- and region-specific issues, respectively. Under thematic issues the Council discussed the use of sanctions as a means of combating the scourge of sexual violence in conflict (case 7), in reaching a negotiated comprehensive agreement on the nuclear programme of the Islamic Republic of Iran (case 8), and more broadly as a policy tool in maintaining international peace and security (case 9). In discussions on country-specific items, the Council addressed the use of sanctions as a tool in addressing the destabilization of the situation in Libya (case 10), and considered the role of sanctions, in

particular the sanctions on Al-Qaida, in the context of the Sahel and the African continent (case 11).

Discussions of a thematic nature

Case 7

Women and peace and security

At its 7160th meeting, held on 25 April 2014 under the item entitled “Women and peace and security”, the Council held a debate on sexual violence in conflict and considered the report of the Secretary-General on conflict-related sexual violence.¹³⁰ The representative of Chile expressed support for the systematic inclusion of the prevention of conflict-related sexual violence and its follow-up in the relevant

¹³⁰ [S/2014/181](#).

country-specific resolutions and in the mandates of special political and peacekeeping missions. He also encouraged its inclusion in the work of the bodies monitoring the relevant Security Council sanctions.¹³¹ The representative of Australia stressed that targeted sanctions had a clear role to play in the area of conflict-related sexual violence, namely, to expose and circumscribe the perpetrators and create a powerful deterrent to others.¹³²

At its 7289th meeting, on 28 October 2014, the Council focused in its discussion on displaced women and girls, having before the report of the Secretary-General on women and peace and security.¹³³ The representative of Lithuania said that the regular inclusion of violence against displaced women and girls, including sexual violence, as a designation criterion would facilitate tackling impunity for such crimes.¹³⁴ The representative of Mexico welcomed the fact that sexual violence was being more broadly considered by the Council as a criterion in determining the application of targeted sanctions in situations of conflict, and expressed the hope that the strategic review of sanctions and peacekeeping operations to be carried out in 2015 would take into account the commitments and priorities of the agenda on women and peace and security.¹³⁵ The representative of the European Union joined previous speakers in welcoming the increased use of the criteria related to human rights and sexual violence in the Council's sanctions regimes.¹³⁶ The representative of India pointed out that the most egregious crimes against women were committed by irregular forces that obeyed no laws and were much more immune to sanctions than Governments. He concluded that the Council needed to focus its attention on such forces, which were responsible for the bulk of the crimes committed against women.¹³⁷

At its 7428th meeting, on 15 April 2015, the Council considered the report of the Secretary-General on conflict-related sexual violence.¹³⁸ The representative of Lithuania stated that ensuring accountability for conflict-related sexual crimes and for sexual and gender-based crimes was key to prevention. She said that the Council should be "more vocal and systematic" in its condemnation of conflict-

related sexual violence and should use sanctions to this effect, and that the systematic integration of gender-based violence into the designation criteria of sanctions regimes was one of the areas in which further advances were needed.¹³⁹ The representative of Ireland encouraged the Council to use all means at its disposal to bring perpetrators into the spotlight, including through referrals to the International Criminal Court and mandating commissions of inquiry, and to be more ambitious in its use of targeted sanctions.¹⁴⁰ The representative of Liechtenstein affirmed that the international community should attach high priority to fighting sexual violence, and that the use of sexual violence as a designation criterion for the imposition of targeted sanctions would be a meaningful step.¹⁴¹ The representative of Germany noted that sexual violence functioned as an inherent strategic component of extremist groups' ideology and was used to terrorize local populations into submission, forcibly displace unwanted populations and recruit new fighters. He said that robust military and police responses and sanctions could be a part of the solution, hand in hand with work at the grass-roots level, where tolerance and the protection of human rights must be strengthened.¹⁴² The representative of the Sudan said that the fight against sexual violence was a noble cause that had been corrupted by politicization and called for the lifting of the "unilateral sanctions" that had been imposed on some regions, hampering national efforts. He underlined the importance of verifying the accuracy of information, especially before including it in reports presented to the Council.¹⁴³

Case 8 Non-proliferation

At its 7211th meeting, on 25 June 2014, the Council heard a briefing by the Chair of the Security Council Committee established pursuant to resolution 1737 (2006), concerning non-proliferation and the Islamic Republic of Iran. The Chair of the Committee and representative of Australia noted that negotiations between the Islamic Republic of Iran and the five permanent members of the Council and Germany on a comprehensive agreement concerning the country's nuclear programme were entering a critical stage, and emphasized that only the Council could alter the sanctions measures it had imposed.¹⁴⁴ Speakers reiterated that while negotiations continued the

¹³¹ S/PV.7160, p. 9.

¹³² Ibid., p. 11.

¹³³ S/2014/693.

¹³⁴ S/PV.7289, p. 20.

¹³⁵ Ibid., p. 35.

¹³⁶ Ibid., p. 38.

¹³⁷ Ibid., p. 66.

¹³⁸ S/2015/203.

¹³⁹ S/PV.7428, p. 16.

¹⁴⁰ Ibid., p. 58.

¹⁴¹ Ibid., p. 33.

¹⁴² Ibid., p. 35.

¹⁴³ Ibid., p. 50.

¹⁴⁴ S/PV.7211, p. 2.

sanctions measures imposed by the Council on the Islamic Republic of Iran remained in place.¹⁴⁵ The representative of the United States said that the Committee should be continuously taking steps to improve enforcement of United Nations sanctions and respond effectively to violations.¹⁴⁶

The representative of the United Kingdom stated that sanctions should be implemented and enforced “robustly”, and added that the economic pressure created by sanctions supported diplomatic efforts.¹⁴⁷ The representative of Chad said, however, that sanctions needed to evolve to reflect the situation on the ground, and suggested an alleviation of sanctions “to bring the Iranians to the negotiating table”.¹⁴⁸ The representative of China stated that all parties should implement the resolutions on sanctions against the Islamic Republic of Iran “resolutely, accurately and comprehensively”, but that sanctions were “not an end in themselves”.¹⁴⁹

During the period under review, the Council held four other meetings concerning the Islamic Republic of Iran and non-proliferation, at which Council members were briefed on the status of the negotiations and reiterated their respective positions.¹⁵⁰

At its 7488th meeting, on 20 July 2015, the Council unanimously adopted resolution [2231 \(2015\)](#), by which it endorsed the Joint Comprehensive Plan of Action, concluded on 14 July 2015 by China, France, Germany, the Russian Federation, the United Kingdom, the United States, the High Representative of the European Union and the Islamic Republic of Iran.¹⁵¹ After the vote, several Council members welcomed the Joint Comprehensive Plan of Action.¹⁵² The representative of the United States recalled that in 2006, in response to the Islamic Republic of Iran’s efforts to develop a nuclear-weapons programme, the Council had put in place “one of the toughest sanctions regimes in its history”. She said that, faced with the country’s non-compliance, the United Nations had tightened the sanctions in 2007, 2008 and 2010, and that the sanctions regime had played a “critical role” in

reaching the Joint Comprehensive Plan of Action.¹⁵³ Similarly, the representative of Lithuania said that “sustained pressure” by the international community, including through United Nations sanctions, could create conditions that brought parties to the negotiating table in good faith and in the spirit of compromise.¹⁵⁴

The representative of France said that the Joint Comprehensive Plan of Action included limits on the Islamic Republic of Iran’s nuclear programme and a robust oversight and verification system.¹⁵⁵ The representative of the United States cautioned that all sanctions that had been suspended could be “snapped back into place”,¹⁵⁶ a warning that was echoed by other speakers.¹⁵⁷

Speaking after Council members, the representative of the Islamic Republic of Iran stressed that resolution [2231 \(2015\)](#) and the Joint Comprehensive Plan of Action terminated the unjustifiable sanctions that had been imposed on his country for its efforts to exercise its rights, sanctions that were grounded on “nothing but baseless and pure speculation and hearsay”. He asserted that no proof was ever presented that the Iranian programme had been “anything but peaceful”, and that the International Atomic Energy Agency had consistently reported that the country had duly stood by every single one of its commitments.¹⁵⁸

At its 7583rd meeting, on 15 December 2015, held after the coming into effect of the Joint Comprehensive Plan of Action on 18 October 2015, the Council heard a briefing by the Chair of the Committee established pursuant to resolution [1737 \(2006\)](#). After the briefing, several speakers welcomed the entry into force of the Joint Comprehensive Plan of Action and the first steps towards its full implementation.¹⁵⁹ The representative of New Zealand stated that Member States had begun the process of revising their domestic settings to reflect the provisions of the agreement, to allow for the “removal of sanctions” and for “snap-back arrangements”, should they be required.¹⁶⁰ Several speakers reiterated that while efforts to reach the full implementation of the Joint Comprehensive Plan of Action continued all sanctions measures

¹⁴⁵ *Ibid.*, p. 3 (United Kingdom); p. 6 (Lithuania, United States); and p. 7 (Republic of Korea).

¹⁴⁶ *Ibid.*, p. 6.

¹⁴⁷ *Ibid.*, p. 3.

¹⁴⁸ *Ibid.*, p. 8.

¹⁴⁹ *Ibid.*, p. 4.

¹⁵⁰ See [S/PV.7265](#), [S/PV.7350](#), [S/PV.7412](#) and [S/PV.7469](#).

¹⁵¹ See [S/2015/544](#).

¹⁵² [S/PV.7488](#), p. 5 (France); p. 7 (United Kingdom, Spain); p. 9 (Bolivarian Republic of Venezuela); and p. 11 (Lithuania, Chad).

¹⁵³ *Ibid.*, pp. 2–3 (United States).

¹⁵⁴ *Ibid.*, p. 11 (Lithuania).

¹⁵⁵ *Ibid.*, p. 5.

¹⁵⁶ *Ibid.*, p. 3.

¹⁵⁷ *Ibid.*, p. 6 (France); and p. 11 (Lithuania).

¹⁵⁸ *Ibid.*, p. 13.

¹⁵⁹ [S/PV.7583](#), p. 3 (Angola, China); p. 4 (France); p. 6 (New Zealand, United Kingdom); p. 7 (Chile); p. 8 (Nigeria); p. 9 (Chad); and p. 10 (Bolivarian Republic of Venezuela).

¹⁶⁰ *Ibid.*, p. 6.

remained in effect and had to be robustly implemented by all Member States.¹⁶¹ The representative of the United States warned that after implementation of the Joint Comprehensive Plan of Action there would still be measures imposed on the Islamic Republic of Iran under Article 41 of Chapter VII of the Charter. She declared that the United States and its partners would continue to bring violations to the Council's attention and press the Council to respond appropriately.¹⁶²

Case 9

General issues relating to sanctions

At its 7323rd meeting, on 25 November 2014, the Council addressed "General issues relating to sanctions", having before it a concept note circulated by Australia.¹⁶³ In his briefing, the Under-Secretary-General for Political Affairs stated that United Nations sanctions were an "indispensable Charter-based instrument" for the maintenance of international peace and security. He recalled that through the years the Council had established 25 sanctions regimes in total, and that sanctions had been used to support conflict-resolution efforts, to prevent the proliferation of weapons of mass destruction, and to counter terrorism. He said that United Nations sanctions worked, that they were "fairly economical", and that the Council had shown its ability to continuously innovate and adjust its sanctions regimes, the most significant transformation being the shift from comprehensive to targeted sanctions. He also said that work was required to raise awareness among Member States that sanctions were "supportive, not punitive", and to provide assistance to States implementing sanctions.¹⁶⁴

Following the briefings, all Council members took the floor and discussed various issues concerning sanctions. The representative of Nigeria stated that sanctions were a "useful conflict-management tool" and played an important role in ensuring compliance with the collective security architecture, as enshrined in the Charter of the United Nations. He recalled that sanctions had become more targeted and said that a "one-size-fits-all approach" would not be effective as sanctions had to be tailored to address specific situations.¹⁶⁵ The representative of the United States said that sanctions had the capacity to target narrower groups than before, and to focus on non-State as well

as government actors. He noted that, while sanctions had become more challenging to implement, the Council relied on them more than ever before in responding to global threats.¹⁶⁶ The representative of the United Kingdom stated that sanctions were a vital "foreign policy tool" that could contribute to achieving United Nations objectives. He said that they were used to prevent conflict, human rights abuses, terrorism and the proliferation of weapons, and that they had made a critical and positive difference in situations from Afghanistan to Yemen.¹⁶⁷ The representative of Argentina asserted that sanctions were "temporary in nature", since they were designed to be lifted when the objective sought in each case was achieved.¹⁶⁸ The representative of Lithuania pointed out that while the current number of sanctions regimes was the highest in history, sanctions remained a rather exceptional measure under Article 41 of the Charter.¹⁶⁹ The representative of France stated that, increasingly, sanctions were a way of assisting States in restoring stability, as in the case of the Central African Republic. He added that sanctions were "not an end in and of themselves", but rather a tool to achieve a political objective.¹⁷⁰ Similarly, the representative of the Republic of Korea stated that sanctions were a useful tool in achieving the objectives of the Charter.¹⁷¹ The representative of Chad said that sanctions were a valuable tool for maintaining peace and security, but the practice had shortcomings in respect of due process and human rights guarantees during the process of listing and delisting.¹⁷²

While acknowledging that sanctions were generally an effective tool for the Council, the representative of China stated that the Council should comply with the Charter and adopt a "prudent and responsible" attitude on the question of sanctions. He said that the Council should give priority to such tools as mediation, good offices and negotiations, and that the enforcement of sanctions should be predicated on the exhaustion of other non-coercive means. He stressed that sanctions should not be a tool for one country to use "in pursuit of power politics".¹⁷³ The representative of the Russian Federation stressed that in introducing sanctions it was the "exclusive prerogative of the Council" to identify clear and precise objectives, as defined by the Charter. He said

¹⁶¹ Ibid., p. 4 (France); p. 6 (New Zealand); p. 7 (United Kingdom); p. 8 (Malaysia); and p. 11 (Lithuania, United States).

¹⁶² Ibid., p. 12.

¹⁶³ S/2014/793.

¹⁶⁴ S/PV.7323, pp. 2–3.

¹⁶⁵ Ibid., pp. 6–7.

¹⁶⁶ Ibid., p. 20.

¹⁶⁷ Ibid., p. 9.

¹⁶⁸ Ibid., p. 12.

¹⁶⁹ Ibid., p. 7.

¹⁷⁰ Ibid., p. 11.

¹⁷¹ Ibid., p. 16.

¹⁷² Ibid., p. 13.

¹⁷³ Ibid., p. 14.

that sanctions must be proportionate to the threats to international peace and security and that they should be a means of last resort, not a mechanism for collective punishment affecting the well-being of a country's population.¹⁷⁴

The representative of Rwanda made reference to the evolution of sanctions into targeted sanctions, and said that targeted sanctions better served their remedial and preventative purpose. He also said that the Council could benefit from holding regular meetings or briefings on general issues of sanctions.¹⁷⁵ The representative of Jordan expressed hope for closer cooperation between the adversely affected States and the sanctions committees.¹⁷⁶

Speakers also addressed the issue of implementation. The representative of Lithuania stated that sanctions measures, “whether intended to coerce, constrain or deter”, could serve their underlying purpose only when they were properly targeted and implemented.¹⁷⁷ The representative of Nigeria noted that sanctions were a relatively low-cost option when considered against deploying peacekeeping operations but their effectiveness was compromised by lack of compliance.¹⁷⁸ Other speakers who emphasized the importance of implementation expressed similar views.¹⁷⁹ The representative of Chile suggested establishing criteria conducive to facilitating the implementation of sanctions, and he encouraged field visits by the sanctions committees and their Chairs to verify and evaluate implementation and compliance.¹⁸⁰ The representative of the United Kingdom recalled that sanctions regimes established by the Council under Chapter VII of the Charter placed obligations on all Member States.¹⁸¹ The representatives of the Republic of Korea and Rwanda acknowledged the growing need for support in capacity-building of Member States to assist implementation efforts.¹⁸² The representative of Jordan affirmed that developing countries faced the “greatest burden” with respect to enforcing sanctions throughout Africa and the Middle East. In this regard, he expressed the hope that the Council would lay the foundation for an institutional dialogue among assistance providers, donors and adversely affected

States, through which the former would be able and willing to provide sanctions-related assistance.¹⁸³

The representative of the United States noted that implementation gaps undermined the Council's efforts and exacerbated threats. He stated that the Council should continue to encourage all parts of the United Nations system to foster and facilitate full implementation of sanctions, and that the Council should devote more attention to helping States to enforce sanctions.¹⁸⁴ The representative of Australia also reaffirmed that the key to the effectiveness of the sanctions system remained the engagement with Member States.¹⁸⁵ The representative of the Russian Federation stated that if Member States required any kind of assistance in implementing a given sanctions regime, they were fully entitled to directly address the relevant sanctions committee.¹⁸⁶

Country-specific discussions relating to Article 41

Case 10 The situation in Libya

At its 7142nd meeting, on 19 March 2014, the Council unanimously adopted resolution [2146 \(2014\)](#), by which it authorized Member States to inspect on the high seas vessels designated by the Committee established pursuant to resolution [1970 \(2011\)](#), and imposed measures to prevent illicit oil exports from Libya. Speaking after the adoption of the resolution, the representative of Argentina expressed support for the resolution, and deemed the step authorized therein of an “exceptional nature”.¹⁸⁷ The representative of China emphasized that measures adopted by Member States under the authorization in resolution [2146 \(2014\)](#) would not set a precedent and would not affect the exclusive jurisdiction of a flag State over its vessels on the high seas.¹⁸⁸ While agreeing that the illegal export of Libyan oil threatened to further jeopardize the country's stability, the representative of the Russian Federation decried the use of “emergency measures” to deal with problems that had been “created with the connivance and even support of a number of Member States”.¹⁸⁹ At the 7345th meeting, on 17 December 2014, following the briefing by the Chair of the Committee established pursuant to resolution [1970 \(2011\)](#), the representative of Libya

¹⁷⁴ *Ibid.*, p. 18.

¹⁷⁵ *Ibid.*, pp. 17–18.

¹⁷⁶ *Ibid.*, p. 20.

¹⁷⁷ *Ibid.*, p. 7.

¹⁷⁸ *Ibid.*

¹⁷⁹ *Ibid.*, p. 10 (United Kingdom); p. 11 (France); and p. 17 (Rwanda).

¹⁸⁰ *Ibid.*, p. 9.

¹⁸¹ *Ibid.*, p. 10.

¹⁸² *Ibid.*, p. 17 (Republic of Korea); and p. 18 (Rwanda).

¹⁸³ *Ibid.*, p. 20.

¹⁸⁴ *Ibid.*, p. 21.

¹⁸⁵ *Ibid.*, p. 23.

¹⁸⁶ *Ibid.*, p. 19.

¹⁸⁷ [S/PV.7142](#), p. 2.

¹⁸⁸ *Ibid.*, p. 3.

¹⁸⁹ *Ibid.*, p. 2.

took the floor to state that the sanctions on Libya were not sanctions against the legitimate authorities but that, in fact, the Libyan authorities were “partners with the Security Council” in the efforts to ensure that the existing arms embargo was not violated by non-State parties or terrorist organizations.¹⁹⁰

At its 7420th meeting, on 27 March 2015, the Council unanimously adopted resolution 2213 (2015), by which it extended the mandate of the United Nations Support Mission in Libya (UNSMIL) and expanded the sanctions measures imposed by resolutions 1970 (2011) and 2146 (2014),¹⁹¹ and also adopted resolution 2214 (2015). Speaking after the adoption of the resolutions, the representative of the United Kingdom welcomed the renewed focus on the UNSMIL mandate for supporting the political process in Libya, and reaffirmed support for the sanctions imposed.¹⁹² The representative of Jordan cautioned that the situation in Libya and the region would deteriorate unless the efforts of the legitimate Government were supported, which would require the sanctions Committee to accelerate consideration of the requests of the Government to obtain the equipment and weapons it needed.¹⁹³ Similarly, the representatives of Libya and Egypt encouraged the implementation of resolution 2214 (2015), in particular paragraphs 7 and 10, in which the Committee was urged to consider expeditiously the requests for exemption from the arms embargo submitted by the Libyan authorities.¹⁹⁴ At its 7598th meeting, on 23 December 2015, the Council unanimously adopted resolution 2259 (2015), in which it welcomed the signing of the Libyan Political Agreement, and recalled the sanctions measures in place, namely the arms embargo, travel ban and asset freeze and measures concerning illicit oil exports. The representative of Libya affirmed that, under resolution

2259 (2015), those who prevented the Government from exercising its authority and role from its headquarters in the capital would be subject to international sanctions.¹⁹⁵

Case 11 Peace and security in Africa

At its 7203rd meeting, held on 19 June 2014 under the item entitled “Peace and security in Africa”, the Council heard a briefing by the Special Envoy of the Secretary-General for the Sahel and considered the latest report of the Secretary-General on the progress towards the United Nations integrated strategy for the Sahel.¹⁹⁶ In the discussion, the representative of Australia affirmed that countering violent extremism was more relevant than ever in preventing terrorism and conflict. He thus urged the United Nations to leverage the full range of development and security entities to build community resilience against terrorism, highlighting in this regard the Al-Qaida sanctions regime. He emphasized, however, that the effectiveness of the sanctions regime depended upon the ability of affected States to use it as part of their national and regional counter-terrorism strategies.¹⁹⁷ Speaking about the challenges with respect to the Sahel, the representative of the United States referred to the instability in Libya and the deteriorating situation in northern Mali, as well as the threat posed by Boko Haram. He also spoke about the ministerial meeting hosted by the Government of the United Kingdom, at which representatives of a number of Member States and regional organizations had agreed upon a unified response to the crisis in Nigeria, including through the strengthening of the sanctions against Boko Haram’s leaders.¹⁹⁸

¹⁹⁰ S/PV.7345, p. 4.

¹⁹¹ For more information on the sanctions regime concerning Libya, see part VII, sect. III.A.2.

¹⁹² S/PV.7420, p. 3.

¹⁹³ Ibid.

¹⁹⁴ Ibid., p. 5.

¹⁹⁵ S/PV.7598, p. 8.

¹⁹⁶ S/2014/397.

¹⁹⁷ S/PV.7203, p. 10.

¹⁹⁸ Ibid., pp. 15–16.

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.¹⁹⁹

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

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

A. Decisions of the Security Council relating to Article 42

During 2014 and 2015, the Council made no explicit reference to Article 42 of the Charter in its decisions. This notwithstanding, the Council adopted several resolutions under Chapter VII of the Charter by which it authorized peacekeeping missions and multinational forces, including those deployed by regional organizations, to use “all necessary measures” or “all necessary means” in the maintenance or restoration of international peace and security.²⁰⁰

During the period under review, the Council authorized the use of force in relation to the situation in the Central African Republic and in connection with the smuggling of migrants off the coast of Libya. With respect to the former, the Council in resolution [2134 \(2014\)](#) authorized the use of force by the European Union operation in support of the African-led International Support Mission in the Central African

Republic, according to the terms of the letter dated 21 January 2014 from the High Representative for Foreign Affairs and Security Policy of the European Union.²⁰¹ Subsequently, by resolution [2149 \(2014\)](#), the Council established the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and requested the Secretary-General to subsume the presence of the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) into MINUSCA.²⁰² MINUSCA was authorized to use “all necessary means” to carry out its mandate.²⁰³ Besides the European Union operation, the Council also authorized the French forces operating in the country to use “all necessary means” to provide operational support to elements of MINUSCA.²⁰⁴

With respect to the smuggling of migrants and human trafficking into, through and from the Libyan territory, the Council in resolution [2240 \(2015\)](#), which was adopted under the item entitled “Maintenance of international peace and security”, authorized Member States acting nationally or through regional organizations to use “all measures” commensurate with the specific circumstances in confronting migrant smugglers or human traffickers.²⁰⁵

During the period under review, the operations of the International Security Assistance Force in Afghanistan came to an end on 31 December 2014.²⁰⁶

In 2014 and 2015, the Council reiterated its authorization to use force in relation to various situations and disputes in Africa and Europe. In connection with the situation in Mali, the Council authorized the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to take all means necessary to carry out its mandate

¹⁹⁹ The Security Council’s authorization of the use of force by regional organizations is covered in part VIII. The authorization of the use of force by peacekeeping operations is covered in part X in the context of the mandates of peacekeeping operations.

²⁰⁰ See previous Supplements for more information on the authorization by the Security Council of the use of force with respect to the mandates of missions referred to below and established prior to the period under review.

²⁰¹ The authorization to use force was later extended until 15 March 2015 by resolution [2181 \(2014\)](#), para. 1.

²⁰² The Council also decided to transfer authority from the African-led International Support Mission to the Central African Republic to MINUSCA, which took place on 15 September 2014. For more information on the mandate of MINUSCA, see part X, sect. I, “Peacekeeping operations”; and for more information on the mandate of BINUCA, see part X, sect. II, “Political and peacebuilding missions”.

²⁰³ Resolution [2149 \(2014\)](#), para. 29; see also resolution [2217 \(2015\)](#), para. 31.

²⁰⁴ See resolutions [2149 \(2014\)](#), para. 47; and [2217 \(2015\)](#), para. 50.

²⁰⁵ See resolution [2240 \(2015\)](#), para. 10.

²⁰⁶ For more information on the situation in Afghanistan, see part I, sect. 17. For more information concerning the authorization of the use of force by ISAF, see *Repertoire, Supplement 2012–2013*, part VII, sect. IV.A.

and authorized the French forces to use all necessary means to intervene in support of elements of the mission “when under imminent and serious threat upon request of the Secretary-General”.²⁰⁷ With respect to Somalia, the Council reiterated the authorization for the African Union Mission (AMISOM) to take all measures necessary to carry out its mandate, welcomed the joint operations of AMISOM and the Somali National Army, which had had a significant impact in reducing territory held by Al-Shabaab, and underlined “the importance of such operations continuing”.²⁰⁸ In resolution [2232 \(2015\)](#), the Council agreed with the Secretary-General’s assessment that the security strategy in Somalia should be guided by three objectives, including the continuation of “offensive operations” against Al-Shabaab strongholds.²⁰⁹ In relation to the situation concerning the Democratic Republic of the Congo, the Council reiterated its authorization to the United Nations Organization Stabilization Mission (MONUSCO) to “take all measures necessary” to perform its mandate, including neutralizing armed groups through the Intervention Brigade.²¹⁰ The Council emphasized that such measures were to be taken in strict compliance with international law and in accordance with the human rights due diligence policy on United Nations support to non-United Nations forces.²¹¹ In connection with the situation in Côte d’Ivoire, the Council renewed the authorization to use force provided to the French forces supporting the United Nations Operation (UNOCI), for two consecutive periods of one year, and also authorized UNOCI to use “all necessary means” to carry out its mandate within its capabilities and in its areas of deployment.²¹² During the period under review, the Council clarified, as it had done in previous years, the scope of the authorization to use all necessary means or actions by the African Union-United Nations Hybrid Operation in Darfur (UNAMID), the United Nations Mission in South Sudan and the United Nations Interim Security Force for Abyei under Chapter VII of the Charter. The Council emphasized that, in all three missions, the

authorization included taking all necessary measures to protect civilians.²¹³

In Europe, in relation to the situation in Bosnia and Herzegovina, the Council renewed its authorization to Member States, under the European Union Force-Althea and the North Atlantic Treaty Organization presence, to take “all measures necessary” to effect the implementation of and ensure compliance with their designated functions under the Peace Agreement.²¹⁴

For more information on the specific mandates of the United Nations peacekeeping operations, see part X of the present Supplement.

B. Discussion relating to Article 42

This subsection highlights the themes discussed during 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 reflected existing tensions among Member States between the adherence to traditional principles of peacekeeping and the consolidation of robust mandates to address increasingly challenging theatres of operation. Council deliberations continued to focus on the limits and scope of the authorization of the use of force under mandates to protect civilians. The Council also discussed the use of force to address humanitarian issues in the context of the migrant crisis in the Mediterranean. The case studies below, concerning United Nations peacekeeping operations (case 12), the protection of civilians in armed conflict (case 13) and the maintenance of international peace and security (case 14), focus on the key elements of those debates. Following the terrorist attacks perpetrated by Islamic State in Iraq and the Levant (ISIL, also known as Da’esh) in 2015, in particular the attacks in Paris and St. Denis on 13 November 2015, the Council adopted resolution [2249 \(2015\)](#) under the item entitled “Threats to international peace and security caused by terrorist acts”. After the adoption of the resolution, Council members made reference to the threat posed by ISIL and the need to counter it with the use of “all necessary measures” (see case 15).

²⁰⁷ See resolution [2164 \(2014\)](#), paras.12 and 26; [S/PRST/2015/5](#), sixth paragraph; and resolution [2227 \(2015\)](#), paras. 13 and 27.

²⁰⁸ See resolution [2182 \(2014\)](#), paras. 23 and 28.

²⁰⁹ Resolution [2232 \(2015\)](#), para. 5.

²¹⁰ See resolution [2147 \(2014\)](#), para. 4. For more information on MONUSCO, see part X. For background information on the Intervention Brigade, see *Repertoire, Supplement 2013–2013*, part VII.

²¹¹ See resolution [2211 \(2015\)](#), para. 9 (e).

²¹² See resolutions [2162 \(2014\)](#), paras. 20 and 28; and [2226 \(2015\)](#), paras. 20 and 28.

²¹³ See resolutions [2155 \(2014\)](#), para. 4; [2156 \(2014\)](#), para. 8; [2173 \(2014\)](#), para. 9; [2179 \(2014\)](#), para. 8; [2187 \(2014\)](#), para. 4; [2205 \(2015\)](#), para. 9; [2223 \(2015\)](#), para. 4; [2228 \(2015\)](#), para. 5; [2230 \(2015\)](#), para. 10; [2241 \(2015\)](#), para. 4; [2251 \(2015\)](#), para. 9; and [2252 \(2015\)](#), para. 8.

²¹⁴ See resolutions [2183 \(2014\)](#), paras. 14, 15 and 16; and [2247 \(2015\)](#), paras. 5, 6 and 7.

Case 12
United Nations peacekeeping operations

On 11 June 2014, the Council held an open debate under the item “United Nations peacekeeping operations” and under the sub-item “New trends”, having before it a concept note circulated by the Russian Federation.²¹⁵ During the meeting, speakers made reference to “robust peacekeepers” and “robust mandates”. While some speakers viewed such mandates positively, as a reflection of the Council’s determination to meet new challenges in peacekeeping operations,²¹⁶ others expressed a variety of concerns. For example, certain speakers argued that further intergovernmental reflection on this type of robust mandates was necessary,²¹⁷ or highlighted the risks associated with the lack of adequate resources or the absence of clear political goals.²¹⁸ The representative of Rwanda emphasized that his country supported “well-prepared and well-planned robust peacekeeping”, but believed that peacekeepers had no role to play in “asymmetric warfare”.²¹⁹ Other speakers argued that robust mandates should be without prejudice to the basic principles of peacekeeping.²²⁰ Moreover, the representative of Uruguay affirmed that peacekeeping operations should restrict their use of force to cases of “legitimate self-defence and defence of the mandate”.²²¹ Echoing other speakers, the representative of Bangladesh said that “any attempt to use peacekeepers as combatants” would hamper their credibility and universal acceptability, and that enabling conditions must be created that protected peacekeepers so that they could perform their traditional peacekeeping role.²²²

At a meeting on 9 October 2014, under the item entitled “United Nations peacekeeping operations”, the Council heard briefings from the Force Commanders of MONUSCO, MINUSMA and the United Nations Disengagement Observer Force and the Military Adviser for Peacekeeping Operations. The Military Adviser for Peacekeeping Operations affirmed that the Force Commanders were operating in failing or failed States where there was “hardly any peace to keep”.²²³ The Force Commander of MONUSCO noted that

United Nations peacekeeping principles might not always apply against “armed criminal groups” in contemporary missions, and suggested that their application could be reviewed and adjusted to contemporary threats and to the context of violence that innocent civilians and peacekeeping personnel faced in conflict areas. He added that, to protect civilians, a military force should be “robust and dynamic”.²²⁴ In illustrating the challenges that military contingents were facing, the Force Commander of MINUSMA said that the mission was in a terrorist-fighting situation without “an anti-terrorist mandate or adequate training, equipment, logistics or intelligence to deal with such a situation”.²²⁵ During the meeting some speakers reiterated their support for “robust mandates”.²²⁶ The representative of the Russian Federation observed that the mandates of the operations were increasingly providing for the use of force and endowed with multiple components. He cited the example of MONUSCO, and noted the need to substantively analyse the experience of the use of the Intervention Brigade.²²⁷

Case 13
Protection of civilians in armed conflict

Having before it a concept note circulated by Chile,²²⁸ the Council held an open debate on 30 January 2015 on the protection of civilians in armed conflict. According to the concept note, the focus of the debate was the protection challenges and needs faced by women and girls in armed conflict and post-conflict settings. During the meeting, speakers dwelled on the question of the use of force for the purposes of protecting civilians.

The representative of Kazakhstan emphasized that the need to uphold the rights of women and girls should be clearly specified in the mandates of peacekeepers, with the rules and responsibilities explicitly demarcated, including in cases requiring the use of force.²²⁹ The representative of the Russian Federation noted that in all armed conflicts the belligerents bear primary responsibility for full compliance with the standards of international law and for taking “all possible measures to ensure protection of civilians”. He argued that international institutions and mechanisms are meant above all to assist all national efforts. He observed that the primary reference

²¹⁵ See [S/2014/384](#).

²¹⁶ See [S/PV.7196](#), p. 15 (Nigeria); and p. 51 (Senegal).

²¹⁷ *Ibid.*, p. 6 (Chile); p. 23 (Argentina); and p. 55 (Indonesia).

²¹⁸ *Ibid.*, p. 7 (Chile); and p. 59 (Ireland).

²¹⁹ *Ibid.*, p. 4.

²²⁰ *Ibid.*, p. 33 (Pakistan); p. 35 (Guatemala); and p. 58 (Turkey).

²²¹ *Ibid.*, p. 43.

²²² *Ibid.*, p. 61.

²²³ See [S/PV.7275](#), p. 2.

²²⁴ *Ibid.*, p. 3.

²²⁵ *Ibid.*, p. 4.

²²⁶ *Ibid.*, p. 8 (Rwanda); and p. 10 (Republic of Korea).

²²⁷ *Ibid.*, p. 15.

²²⁸ [S/2015/32](#).

²²⁹ [S/PV.7374](#), p. 39.

points were the provisions of the Charter and the basic principles of United Nations peacekeeping, including the use of force only in accordance with the mandate.²³⁰ The representative of the Bolivarian Republic of Venezuela affirmed that the responsibility to protect implied military action against a State without its consent, whereas the protection of civilians did not address the strategic use of force, and was applied in the context of full respect for the Charter and the guiding principles of peacekeeping, including the consent of the host State.²³¹ The representative of Burundi added that any use of force to defend civilians should take place with total respect for the Charter and that any unilateral action taken in the name of some kind of theory of protection of civilians should be discouraged.²³² Some speakers expressed regret at the fact that, in spite of the robust mandates provided by the Council, there were inconsistent results with regard to the effective protection of civilians.²³³ Expressing support for the Council's authorization of missions with protection mandates, the representative of Thailand noted that "when civilians are at risk, the Security Council must act decisively and in a timely manner" in accordance with the Charter.²³⁴

Case 14 Maintenance of international peace and security

On 9 October 2015, the Council held a meeting under the item entitled "Maintenance of international peace and security", at which it adopted resolution [2240 \(2015\)](#) by 14 votes in favour, with 1 abstention (Bolivarian Republic of Venezuela). By that resolution the Council authorized "Member States acting nationally or through regional organizations" "to use all measures" in confronting migrant smugglers or human traffickers. As described by the representative of the United Kingdom, by that resolution, the Council authorized "the European Union military operation in the southern Central Mediterranean to begin interdictions against migrant smugglers operating on the high seas".²³⁵

In the discussion that ensued, the representative of Chad expressed the hope that the reference to Chapter VII of the Charter authorizing the use of force would not give rise to extensive interpretations, as had

been the case in the past. He noted, further, that the use of force against smugglers on the high seas "alone" would not be enough to put an end to the flow of migrants and refugees towards Europe.²³⁶ The representative of the Bolivarian Republic of Venezuela said that creating the possibility of applying Chapter VII, specifically the use of military force to deal with the humanitarian situation of migrants, was "a serious mistake". He added that in so doing the Council was setting a dangerous precedent and usurping the authority of the General Assembly by addressing issues that fell within its competence.²³⁷

The representative of Chile said that it was his delegation's understanding that the resolution granted States or regional organizations, under exceptional circumstances and for a limited period of time, the right to intercept vessels on the high seas, along the coast of Libya, only when there existed "reasonable grounds to suspect trafficking in migrants or human trafficking and always within the legal framework of the norms established by the United Nations Convention on the Law of the Sea".²³⁸ The representative of Jordan cautioned that the resolution should not be misinterpreted as an authorization to "bypass" the provisions of refugee conventions or override the legal principles governing the use of force. She noted that the use of force as provided for in paragraph 10 of the resolution should be limited in scope, because "the use of force against non-State players or individual non-State actors in the context of human trafficking in the Mediterranean does not violate the legal norms that allow parties to resort to force".²³⁹

The representative of Libya recognized the grave threat to international peace and security posed by the smuggling and trafficking of migrants. He observed that illegal migration cannot be tackled solely with security measures, and said he did not believe that anyone would stand against an international effort to put an end to the humanitarian tragedy provided it was done in full respect for the principles of international law, in particular respect for the sovereignty of States and non-interference in their internal affairs. He confirmed that his country did not object to the deployment of a European maritime force in the Mediterranean off the Libyan coast aimed at saving illegal migrants or at targeting smugglers and their boats in international waters.²⁴⁰

²³⁰ *Ibid.*, p. 10.

²³¹ *Ibid.*, p. 25.

²³² *Ibid.*, p. 49.

²³³ *Ibid.*, p. 37 (Belgium); p. 41 (Slovakia); and p. 51 (Indonesia).

²³⁴ *Ibid.*, p. 40.

²³⁵ [S/PV.7531](#), p. 2.

²³⁶ *Ibid.*, p. 3.

²³⁷ *Ibid.*, p. 5.

²³⁸ *Ibid.*, p. 7.

²³⁹ *Ibid.*

²⁴⁰ *Ibid.*, p. 10.

Case 15

Threats to international peace and security caused by terrorist acts

On 20 November 2015, the Council held its 7565th meeting, under the item “Threats to international peace and security caused by terrorist acts”, and unanimously adopted resolution 2249 (2015). The Council made no reference to Chapter VII in the resolution, but nevertheless called upon Member States with a capacity to do so to take “all necessary measures” on the territory under the control of ISIL, also known as Da’esh, in the Syrian Arab Republic and Iraq.²⁴¹ In a statement after the adoption of the resolution, the representative of France stated that the resolution called on all Member States to take “all necessary measures” to eradicate the “sanctuary” that Da’esh had created in Syrian Arab Republic and Iraq

²⁴¹ Resolution 2249 (2015), para. 5.

and to thwart its radical ideology.²⁴² The representative of the United States welcomed and applauded the resolute call on States to take all necessary measures, adding that it was necessary to “choke off funding, arms, recruitment and other kinds of support to ISIL and Al-Nusrah Front”. She noted that Iraq had made clear that it was facing a serious threat of continuing attacks from ISIL, in particular from safe havens in the Syrian Arab Republic, and that the “Al-Assad regime” had shown that it could not and would not suppress that threat.²⁴³ The representative of the United Kingdom added that the resolution was a powerful international recognition of the threat posed by ISIL and that it called for “all necessary measures” to counter ISIL.²⁴⁴

²⁴² S/PV.7565, p. 2.

²⁴³ Ibid., p. 4.

²⁴⁴ Ibid., p. 9.

V. Consideration of Articles 43 to 45 of the Charter

Article 43

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

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

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

Article 44

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

employment of contingents of that Member's armed forces.

Article 45

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

Note

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

No agreements under Article 43 were ever concluded, however, and in the absence of such agreements there is therefore no practice in application of Article 43. The United Nations has developed

practical arrangements to carry out military operations in the absence of such agreements. In that context, the Council 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 of the present Supplement.

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

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

A. Need for Member States to contribute to, support and assist peacekeeping operations

During the period under review, a period marked by various high-level reviews in respect of peacekeeping operations, while the Council did not explicitly refer to Articles 43 to 45 in any of its decisions, increased attention was paid to the challenges faced by peacekeeping operations in delivering their respective mandates. As in previous periods, in the decisions of the Council, frequent reference was made to the need for Member States to contribute to, support and assist peacekeeping operations (see sect. VII below, concerning Article 48 of the Charter).

In this regard, the High-level Independent Panel on Peace Operations included among its recommendations that the Secretariat should consult with Member States and regional organizations on the options for a regional and global capacity for rapid deployment capabilities, including to serve as bridging forces, and prepare a proposal for Member States.²⁴⁵ The Panel stated that, "in the spirit of Article 43 of the Charter", it was time for Member States to support new arrangements for mobilizing the requisite capabilities and strengthening systems to deliver on the mandates of peace operations in more austere and insecure environments.²⁴⁶

B. Need to consult with troop- and police-contributing countries

During the period under review, the Council affirmed its intention to enhance the effectiveness of peacekeeping operations, including through consultations with troop- and police-contributing countries.²⁴⁷ The Council took note of the report of the Secretary-General entitled "The future of United Nations peace operations: implementation of the recommendations of the High-level Independent Panel on Peace Operations"²⁴⁸ and of the recommendations of the High-level Independent Panel on Peace Operations,²⁴⁹ with respect to consultations between the Security Council, troop- and police-contributing countries and the Secretariat.²⁵⁰ The Council noted in particular the view of the Panel and the Secretary-General that the lack of effective dialogue through consultations between these three stakeholders had generated frustration on all sides and had undermined mandate implementation. The Council acknowledged the importance of effective consultations among the Security Council, troop- and police-contributing countries and the Secretariat, viewed them as an opportunity to set expectations for the required capabilities, performance standards and timelines, welcomed developments in the informal approach to consultations, as reflected in the report on the activities of its Working Group on Peacekeeping Operations for the period from 1 January to 31 December 2015,²⁵¹ and

²⁴⁵ See S/2015/446, para. 206 (b).

²⁴⁶ Ibid., para. 194.

²⁴⁷ S/PRST/2015/22, ninth paragraph.

²⁴⁸ S/2015/682.

²⁴⁹ See S/2015/446.

²⁵⁰ S/PRST/2015/22, fourth paragraph; and S/PRST/2015/26, second paragraph

²⁵¹ S/2015/1050.

encouraged further informal consultations.²⁵² The Council also acknowledged that those consultations must extend beyond the issue of mandates of operations, to areas such as the safety and security of peacekeepers, strategic force generation, gender, conduct and discipline, including allegations of sexual exploitation and abuse, implementation of protection of civilian mandates, capability, performance, equipment and national caveats.²⁵³

In 2014 and 2015, there were no explicit references to Article 44 in the communications addressed to the Council. In numerous communications, however, the need for effective triangular cooperation between troop-contributing countries, the Secretariat and the Security Council was emphasized.²⁵⁴ Moreover, the High-level Independent Panel on Peace Operations²⁵⁵ and the Secretary-General²⁵⁶ recommended consultations with troop- and police-contributing countries.

During the period under review, Article 44 of the Charter was explicitly referred to in numerous discussions of the Council under a wide range of items.²⁵⁷ The question of enhanced dialogue and consultation with troop- and police-contributing countries was extensively discussed in Council deliberations under the item entitled “United Nations peacekeeping operations” (case 16) and, in connection with the Council’s working methods, under the item “Implementation of the note by the President of the Security Council (S/2010/507)” (case 17).

Case 16 United Nations peacekeeping operations

On 11 June 2014, the Council held its 7196th meeting, under the item entitled “United Nations

peacekeeping operations” and the sub-item “New trends”. The concept note for the meeting circulated by the Russian Federation made explicit reference to taking into account the views of troop-contributing countries.²⁵⁸ During the meeting, a majority of speakers supported enhanced participation, collaboration and exchanges with troop- and police-contributing States (also referred to as triangular cooperation) with a view to achieving a variety of objectives, namely, to strengthen the link between policy formulation and its implementation in the field as well as the increased effectiveness of peacekeeping operations. The representative of India expressed hope for the eventual implementation of Article 44 of the Charter, and called on the Council to reconsider the use of intervention mandates for United Nations peacekeeping operations until all Member States contributing troops had been given the opportunity, “under Article 44 of the Charter”, to participate in the Council’s decisions on such operations in the Chamber.²⁵⁹ The representative of Spain said that his country believed in improving the channels of communication between troop-contributing countries and the Security Council and in better links between those countries and the work of the Council “in keeping with Articles 43 and 44 of the Charter”.²⁶⁰ The representative of Bangladesh urged the Council to allow the troop- and police-contributing countries to join in dialogue and discussion “under Article 44 of the Charter” prior to making decisions on and mandates for United Nations peacekeeping operations.²⁶¹

At subsequent meetings held under the same item, the question of consultation and dialogue between the Secretariat, the Security Council and troop-contributing countries was also addressed.²⁶²

Case 17 Implementation of the note by the President of the Security Council (S/2010/507)

On 23 October 2014, at its 7285th meeting, the Council held its annual open debate on its working methods under the item “Implementation of the note by the President of the Security Council (S/2010/507)”. The representative of India spoke of the complete disregard in the working methods of the Council for “the clear provisions and obligations set out in Article 44” of the Charter.²⁶³ Other speakers however

²⁵² See [S/PRST/2015/26](#), second and fifth to seventh paragraphs.

²⁵³ *Ibid.*, fifth paragraph.

²⁵⁴ See, for example, the statement annexed to the letter dated 14 November 2014 from the representative of the Islamic Republic of Iran to the President of the Security Council ([S/2014/818](#)).

²⁵⁵ [S/2015/446](#), para. 193 (a).

²⁵⁶ [S/2015/682](#), paras. 61–63.

²⁵⁷ See [S/PV.7109](#), p. 35 (India); [S/PV.7196](#), pp. 27–28 (India); p. 39 (Spain); and p. 61 (Bangladesh); [S/PV.7228](#), p. 65 (India); [S/PV.7285 \(Resumption 1\)](#), p. 29 (India); [S/PV.7389](#), p. 31 (India); [S/PV.7414](#), p. 32 (India); [S/PV.7464](#), p. 21 (Bolivarian Republic of Venezuela); [S/PV.7479](#), p. 15 (Bolivarian Republic of Venezuela); [S/PV.7505](#), p. 24 (India); [S/PV.7533](#), p. 65 (India); [S/PV.7539](#), p. 15 (Bolivarian Republic of Venezuela); and p. 25 (India); and [S/PV.7558](#), p. 19 (Bolivarian Republic of Venezuela).

²⁵⁸ See [S/2014/384](#), annex.

²⁵⁹ [S/PV.7196](#), pp. 27–28.

²⁶⁰ *Ibid.*, p. 39.

²⁶¹ *Ibid.*, p. 61.

²⁶² See, in particular, [S/PV.7228](#), [S/PV.7317](#) and [S/PV.7464](#).

²⁶³ [S/PV.7285 \(Resumption 1\)](#), p. 29.

acknowledged the progress achieved in connection with the dialogue between the Council and troop- and police-contributing countries and pointed out that further improvement was possible.²⁶⁴ The representative of Brazil urged the Council to consider new ways to improve the participation of other actors, including troop-contributing countries, in the decision-making process.²⁶⁵ The representative of Peru affirmed that it was essential to consolidate the practice of the Council's consultations with troop-contributing countries involved in peacekeeping operations.²⁶⁶

During the following year's open debate on working methods, held on 20 October 2015, the question of consultations with troop-contributing countries as an expression of Article 44 again arose. The representative of India stated that Article 44 of the Charter required that consultations be held with troop-contributing countries before the mandates of peacekeeping operations were finalized. He affirmed that, regrettably, that had never happened and he looked to the elected members of the Council to make a new beginning.²⁶⁷ The representative of the Bolivarian Republic of Venezuela said that, in accordance with Article 44, troop-contributing countries should participate in the decisions of the Council on the employment of their contingents in peacekeeping operations, and called for "a genuine implementation of the provisions of Article 44".²⁶⁸ Many speakers supported enhanced and regular consultations with troop-contributing countries.²⁶⁹

C. Question of contributing military air assets

During the period under review, the Council adopted a number of decisions in which it called on Member States to contribute personnel, equipment and other resources to United Nations and Member State-led enforcement operations and peacekeeping

missions,²⁷⁰ including military air assets.²⁷¹ It called upon Member States to contribute air assets in the context of military action carried out pursuant to Chapter VII of the Charter in the Central African Republic²⁷² and Somalia.²⁷³

During the period under review, the question of air assets at the disposal of peacekeeping missions was frequently mentioned in the deliberations of the Council. On 15 December 2015, at its 7581st meeting, held in connection with the item "Reports of the Secretary-General on the Sudan and South Sudan", the Council adopted resolution [2252 \(2015\)](#), with 2 abstentions (Russian Federation, Venezuela (Bolivarian Republic of)). In the resolution the Council requested the Secretary-General to prioritize the complete deployment of personnel of the United Nations Mission in South Sudan to the authorized military and police strength, including tactical military helicopters and unmanned aerial systems.²⁷⁴ In explanation of vote, the representatives of the Russian Federation and the Bolivarian Republic of Venezuela voiced the concerns of Member States, including the host country in this case, with regard to the use of unmanned aerial vehicles, owing to the implications for the sovereignty of the country concerned and the lack of added value of using such vehicles.²⁷⁵ The representative of the United States, on the other hand, recalled the extensive briefing from the Secretariat on the important role that unarmed and unmanned aerial systems and helicopters could play in helping missions. She said that this was the result of listening to troop contributors, and that "we owe it to the troops and police on the ground to provide them with those lifesaving tools".²⁷⁶

²⁶⁴ [S/PV.7285](#), p. 14 (Rwanda); p. 17 (Lithuania); and [S/PV.7285 \(Resumption 1\)](#), p. 19 (Indonesia).

²⁶⁵ [S/PV.7285 \(Resumption 1\)](#), pp. 5–6.

²⁶⁶ *Ibid.*, p. 24.

²⁶⁷ [S/PV.7539](#), p. 25.

²⁶⁸ *Ibid.*, p. 15.

²⁶⁹ *Ibid.*, p. 8 (Angola); and p. 22 (Sweden); and [S/PV.7539 \(Resumption 1\)](#), p. 6 (Indonesia); p. 11 (Uruguay); pp. 14–15 (Brazil); p. 20 (Peru, Pakistan); p. 22 (Ukraine); and p. 28 (Rwanda).

²⁷⁰ See, for example, resolutions [2148 \(2014\)](#), para. 11; [2149 \(2014\)](#), paras. 16, 17 and 20; [2164 \(2014\)](#), para. 21; [2182 \(2014\)](#), para. 37; [2217 \(2015\)](#), para. 23; [2227 \(2015\)](#), para. 17; [2228 \(2015\)](#), para. 13; [2232 \(2015\)](#), para. 16; and [2245 \(2015\)](#), para. 11; and [S/PRST/2014/28](#), fifteenth paragraph; and [S/PRST/2015/17](#), sixteenth paragraph.

²⁷¹ See, for example, resolutions [2147 \(2014\)](#), para. 36; [2149 \(2014\)](#), para. 16; and [2182 \(2014\)](#), para. 30; and [S/PRST/2014/28](#), seventeenth paragraph.

²⁷² Resolution [2149 \(2014\)](#), para. 16; and [S/PRST/2014/28](#), seventeenth paragraph.

²⁷³ See resolutions [2182 \(2014\)](#), para. 30; and [2232 \(2015\)](#), para. 14.

²⁷⁴ Resolution [2252 \(2015\)](#), para. 13.

²⁷⁵ [S/PV.7581](#), p. 2 (Russian Federation); and p. 3 (Bolivarian Republic of Venezuela).

²⁷⁶ *Ibid.*, 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 under Articles 46 and 47 of the Charter regarding the Military Staff Committee, including instances in which the Council considered the role of the Military Staff Committee in planning the application of armed force, and in advising and assisting the Council on the military requirements for the maintenance of international peace and security.

During the period under review, the Military Staff Committee received little attention from the Council in its decisions and deliberations. During the period under review, the Council did not explicitly refer to either Article 46 or Article 47 in any of its decisions or its discussions. The Military Staff Committee was

however mentioned in two decisions, as described in subsection A below, and at one of the meetings of the Council, as covered in subsection B below.

As it is customary, the annual reports of the Council to the General Assembly made reference to the activities of the Military Staff Committee.²⁷⁷ Moreover, at the eleventh annual workshop for the newly elected members of the Security Council, mention was made by one of the participants to the “productive discussion” with the Military Staff Committee on the security situation in Mali.²⁷⁸

A. Decisions of the Security Council relating to Articles 46 and 47

During the period under review, there were no explicit references to Articles 46 and 47 in any of the decisions of the Council. However, the Military Staff Committee was referred to in one resolution, adopted unanimously under the item “Women and peace and security” on 13 October 2015, the fifteenth anniversary of the adoption of resolution 1325 (2000). The Council requested the Military Staff Committee to discuss issues of sexual exploitation and abuse as part of its regular programme.²⁷⁹

The Council also issued a presidential statement in which it recognized that sustained consultations with the Secretariat and troop- and police-contributing countries were essential for a shared understanding of appropriate responses and their implications for the mandate and conduct of an operation. In this regard the Council recalled the “many mechanisms that exist to facilitate consultations”, including the Special Committee on Peacekeeping Operations of the General Assembly and the Military Staff Committee.²⁸⁰

B. Discussion relating to Articles 46 and 47

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

²⁷⁷ See [A/69/2](#), part IV; [A/70/2](#), part IV; and [A/71/2](#), part IV.

²⁷⁸ See [S/2014/213](#), annex.

²⁷⁹ See resolution [2242 \(2015\)](#), para. 9.

²⁸⁰ [S/PRST/2015/26](#), fourth paragraph.

On 30 September 2015, at the 7527th meeting of the Council, held under the item “Maintenance of international peace and security”, the representative of the Russian Federation said that the Military Staff Committee could be used in planning joint action in the fight against Islamic State in Iraq and the Levant (ISIL, also known as Da’esh).²⁸¹

²⁸¹ S/PV.7527, p. 4.

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

Article 48

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

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

Note

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

While Article 48 relates to requests to Member States to carry out action decided upon by the Council, during 2014 and 2015, as in previous periods, the Council addressed some of its pleas to “all parties”²⁸² “militias”²⁸³ and “non-State actors”,²⁸⁴ emphasizing the

²⁸² See, for example, resolutions 2147 (2014), para. 34; 2149 (2014), para. 43; 2155 (2014), para. 16; 2162 (2014), para. 29; 2164 (2014), para. 22; 2211 (2015), para. 37; 2217 (2015), para. 48; 2223 (2015), para. 15; 2226 (2015), para. 29; and 2227 (2015), para. 6; and S/PRST/2015/7, fourth paragraph.

²⁸³ See, for example, resolution 2217 (2015), para. 5; and S/PRST/2015/17, eleventh paragraph.

intra-State nature of many of the conflicts on its agenda.

In 2014 and 2015, the Council did not explicitly invoke Article 48 in its decisions. The Council, however, adopted resolutions and issued presidential statements in which it 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, and subsection B covers decisions of the Council requiring Member States to carry out action in relation to measures under Article 42. During the biennium under review, no references to Article 48 were found in communications to the Council nor was any discussion held in relation to the interpretation or application of that Article.

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

During the period under review and in relation to decisions adopted pursuant to Article 41 concerning sanctions, the Council called on Member States (a) to comply with their obligation to implement sanctions measures by, inter alia, taking “all necessary measures”;²⁸⁵ (b) to report to the relevant sanctions committees or to the Council;²⁸⁶ (c) to ensure

²⁸⁴ See, for example, S/PRST/2015/8, tenth paragraph.

²⁸⁵ See, for example, resolutions 2138 (2014), para. 10; 2161 (2014), para. 40; and 2182 (2014), paras. 16 (“commensurate with the circumstances”) and 19.

²⁸⁶ See, for example, resolutions 2138 (2014), para. 11; 2160 (2014), paras. 15 and 30; 2196 (2015), para. 24; 2199

cooperation with the relevant committee, panel of experts or monitoring group;²⁸⁷ and (d) to provide unhindered access to and ensure the safety of panels of experts and monitoring groups assisting sanctions committees to allow them to execute their respective mandates.²⁸⁸ The Council also addressed those requests to all Member States, all States concerned and States in the region or subregion.²⁸⁹

During the period under review, with respect to sanctions measures imposed under Article 41, the Council recalled the requirement that Member States take “all possible measures” to notify or inform in a timely manner the listed individual or entity of the inclusion in the sanctions list and to include with this notification the narrative summary of reasons for listing.²⁹⁰ Similarly, the Council strongly urged Member States to provide reasons for submitting delisting requests.²⁹¹

Regarding decisions adopted in accordance with Article 41 concerning judicial measures, the Council called on Member States to cooperate with tribunals.²⁹² During the period under review, as in previous periods, 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. In this context, it requested Member States, States where fugitives were suspected to be at large,²⁹³ and States

(2015), para. 29; 2204 (2015), para. 9; 2216 (2015), para. 17; and 2253 (2015), paras. 15 and 36.

²⁸⁷ See, for example, resolutions 2140 (2014), para. 23; 2141 (2014), para. 5; 2153 (2014), paras. 23 and 34; 2159 (2014), para. 5; 2188 (2014), para. 7; 2196 (2015), para. 21; 2200 (2015), para. 22; 2206 (2015), para. 19; 2207 (2015), para. 5; 2219 (2015), para. 24; 2223 (2015), para. 15; 2224 (2015), para. 5; 2237 (2015), para. 5; 2241 (2015), para. 20; 2244 (2015), para. 26; and 2252 (2015), para. 18.

²⁸⁸ See, for example, resolutions 2138 (2014), para. 16; 2153 (2014), para. 22; 2196 (2015), para. 22; 2213 (2015), para. 26; 2219 (2015), paras. 10 and 37; and 2223 (2015), para. 15.

²⁸⁹ See, for example, resolutions 2138 (2014), para. 11; and 2219 (2015), para. 24.

²⁹⁰ See, for example, resolutions 2160 (2014), para. 24; 2161 (2014), para. 40; 2253 (2015), para. 53; and 2255 (2015), para. 30.

²⁹¹ See, for example, resolution 2161 (2014), para. 54.

²⁹² See, for example, resolutions 2164 (2014), para. 8; 2193 (2014), para. 2; 2194 (2014), paras. 2 and 3; 2227 (2015), para. 5; and 2256 (2015), para. 4.

²⁹³ See, for example, resolutions 2194 (2014), para. 4; and 2256 (2015), para. 13.

individually concerned²⁹⁴ to take measures with a view to cooperating with those tribunals.

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. For example, 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, as a legal successor to the Stabilization Force, in Bosnia and Herzegovina.²⁹⁵ With regard to the situation in Somalia, the Council authorized the “States members of the African Union” to maintain the deployment of the African Union Mission in Somalia and to take all necessary measures to carry out its mandate.²⁹⁶ The Council also called upon “Member States” to inspect any unflagged vessels that they had reasonable grounds to believe had been, were being, or imminently would be used for migrant smuggling or human trafficking from Libya.²⁹⁷

The Council requested Member States or coalitions of Member States to report to the Council on the implementation of mandates, in relation to the situations in Bosnia and Herzegovina,²⁹⁸ the Central African Republic,²⁹⁹ Libya,³⁰⁰ Mali³⁰¹ and Somalia.³⁰²

²⁹⁴ See, for example, resolution 2213 (2015), para. 7, in which the Council called upon the Government of Libya to cooperate fully with and provide the necessary assistance to the International Criminal Court and the Prosecutor as required by resolution 1970 (2011); and resolution 2256 (2015), para. 14, in which it urged the Democratic Republic of the Congo to transfer Ladislas Ntaganzwa for trial without delay or conditions.

²⁹⁵ Resolutions 2183 (2014), para. 10; and 2247 (2015), para. 3.

²⁹⁶ Resolution 2182 (2014), para. 23.

²⁹⁷ Resolution 2240 (2015), para. 5.

²⁹⁸ Resolution 2183 (2014), para. 18.

²⁹⁹ Resolutions 2149 (2014), para. 47; and 2217 (2015), para. 50.

³⁰⁰ Resolution 2240 (2015), para. 17.

³⁰¹ Resolutions 2164 (2014), para. 26; and 2227 (2015), para. 27.

³⁰² Resolutions 2184 (2014), para. 30; and 2246 (2015), para. 32.

As in previous periods, the Council called upon “all Member States”, in particular the Sudan and South Sudan, to ensure the free, unhindered and expeditious movement to and from Abyei of all personnel and equipment for the exclusive use of the United Nations Interim Security Force for Abyei.³⁰³ The Council also demanded that the Government of South Sudan and “all relevant parties” cooperate fully in the deployment, operations, monitoring, verification and reporting functions of the United Nations Mission in South Sudan, in particular by guaranteeing the safety, security and unrestricted freedom of movement of United Nations and associated personnel.³⁰⁴ In the context of Lebanon, the Council urged “all parties” to ensure that the freedom of movement of the United Nations Interim Force in Lebanon was fully respected

³⁰³ Resolutions 2156 (2014), para. 16; 2179 (2014), para. 16; and 2251 (2015), para. 19.

³⁰⁴ Resolution 2155 (2014), para. 16.

and unimpeded.³⁰⁵ Similarly, the Council urged “all parties” to cooperate with the operations of the United Nations Operation in Côte d’Ivoire and the French forces supporting it by ensuring their safety, security and freedom of movement with unhindered and immediate access throughout the territory of Côte d’Ivoire to enable them to fully carry out their mandates.³⁰⁶

In some instances, the Council requested action from Member States acting “through” other international entities, reflecting Article 48 (2) of the Charter.³⁰⁷

³⁰⁵ S/PRST/2015/7, fourth paragraph.

³⁰⁶ Resolutions 2162 (2014), para. 29; and 2226 (2015), para. 29.

³⁰⁷ For example, the Council requested “all States contributing through the Contact Group on Piracy off the Coast of Somalia” to the fight against piracy to report on their efforts to establish jurisdiction and cooperation on the investigation and prosecution of piracy (resolutions 2184 (2014), para. 30; and 2246 (2015), para. 32).

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 concerns 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 2014 and 2015, 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, as in previous periods, there was no constitutional discussion in the Council relating to the interpretation or application of Article 49 of the Charter. No reference to Article 49 was found in the communications received by the Council.

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 Bosnia and Herzegovina, the Council invited “all States”, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States participating, under the authorization of the Council, in the multinational stabilization force.³⁰⁸

³⁰⁸ Resolution 2183 (2014), para. 19.

Concerning the Central African Republic, the Council urged Member States to provide “the necessary support” to enable countries contributing troops and police to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) to reach United Nations standards without any further delay.³⁰⁹ Similarly, it called upon partners to pledge or confirm pledges for the capabilities lacking in MINUSCA.³¹⁰

In relation to the situation in Côte d’Ivoire, the Council called upon the Governments of Côte d’Ivoire and Liberia to continue reinforcing their cooperation “particularly with respect to the border area” and to implement the shared border strategy to support the disarmament and repatriation of foreign armed elements on both sides of the border.³¹¹ The Council also encouraged coordinated action by “authorities from neighbouring countries” to address the instability in western Côte d’Ivoire, again “particularly with respect to the border area”.³¹² The Council reiterated the necessity for the Ivorian authorities to provide unhindered access to the United Nations Operation in Côte d’Ivoire and the French forces supporting it.³¹³

During the period under review, the outbreak of the Ebola virus in West Africa put on hold the joint activities of the Governments of Côte d’Ivoire and Liberia. In connection with the item “The situation in Liberia”, the Council nevertheless called upon those Governments to reinforce their cooperation.³¹⁴ Furthermore, at the end of 2015 and in the light of the progress achieved, the Council affirmed its expectation that the Government of Liberia would assume complete security responsibilities from the United Nations Mission in Liberia by 30 June 2016, and in that context encouraged Member States and multilateral organizations to provide “financial, technical and other assistance”.³¹⁵

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

country or States in the region.³¹⁶ With respect to the monitoring of the sanctions regime, in particular the arms embargo, the Council urged Member States and regional organizations to provide assistance to the Government to strengthen the infrastructure and mechanisms currently in place to do so.³¹⁷

In connection with the arms embargo imposed on Somalia under Article 41, the Council encouraged Member States supplying weapons and military equipment to assist the Federal Government of Somalia in improving its notifications to the sanctions Committee.³¹⁸ The Council encouraged Member States in East Africa to appoint focal points for the purpose of coordinating and exchanging information with the Monitoring Group on Somalia and Eritrea on regional investigations into Al-Shabaab.³¹⁹ The Council called upon Member States to assist Somalia to strengthen maritime capacity in the country.³²⁰ It also called upon States “able to do so” to take part in the fight against piracy by inter alia, deploying naval vessels, arms and military aircraft.³²¹ The Council reiterated its call for new donors to support the African Union Mission in Somalia through the provision of additional funding.³²²

In 2014 and 2015, in relation to the situation in Mali, the Council called upon West African States, in addition to Sahel and Maghreb States, to enhance their coordination to develop inclusive and effective strategies to combat, in a comprehensive and integrated manner, the activities of terrorist groups crossing borders and seeking safe havens in the Sahel region.³²³

During the period under review, in connection with the item “Threats to international peace and security caused by terrorist acts”, the Council called upon Member States to help to build the capacity of other Member States,³²⁴ in particular the States neighbouring zones of armed conflict, to address the threat posed by foreign terrorist fighters, and to cooperate and consistently support each other’s efforts

³⁰⁹ S/PRST/2015/17, sixteenth paragraph.

³¹⁰ S/PRST/2014/28, seventeenth paragraph.

³¹¹ Resolutions 2162 (2014), para. 30; and 2226 (2015), para. 30.

³¹² Resolutions 2153 (2014), para. 18; and 2219 (2015), para. 19.

³¹³ Resolution 2219 (2015), para. 23.

³¹⁴ Resolutions 2190 (2014), para. 18; and 2239 (2015), para. 19.

³¹⁵ Resolution 2239 (2015), para. 5.

³¹⁶ Resolution 2144 (2014), para. 5.

³¹⁷ *Ibid.*, para. 9. For more information on the sanctions regime concerning Libya, see part VII, sect. III.A.2.

³¹⁸ Resolution 2182 (2014), para. 2. For more information on the sanctions regime concerning Somalia, see part VII, sect. III.A.2; for information on the mandate of the Committee, see part IX, sect. I.B.1.

³¹⁹ Resolution 2182 (2014), para. 50.

³²⁰ Resolutions 2184 (2014), para. 7; and 2246 (2015), para. 7.

³²¹ Resolution 2184 (2014), para. 11.

³²² Resolution 2232 (2015), para. 16.

³²³ Resolution 2227 (2015), para. 29.

³²⁴ S/PRST/2014/23, tenth paragraph.

to counter violent extremism.³²⁵ The Council also variously urged and encouraged Member States to act cooperatively and exchange information in connection with the fight against terrorism.³²⁶

³²⁵ Resolution 2178 (2014), paras. 14 and 18; and S/PRST/2015/11, twenty-fifth paragraph.

³²⁶ Resolution 2253 (2015), paras. 22, 32 and 51.

IX. Special economic problems of the nature described in Article 50 of the Charter

Article 50

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

Note

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

During the period under review, the Council continued its practice of imposing targeted instead of comprehensive economic sanctions, thereby minimizing the unintended adverse impact on third States.³²⁷ In a divergence from previous years, when none of the Committees monitoring Security Council-mandated sanctions received formal requests for assistance under Article 50, in 2015 one Committee received a formal request for assistance from a third State experiencing special economic problems arising from United Nations sanctions imposed on another State. On 31 March 2015, the Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea received a letter from a Member State regarding a request for assistance in relation to the *Mu Du Bong* incident. On 21 July 2015, the Member State in question provided additional information to the Committee pertaining to a

request for assistance under Article 50 of the Charter.³²⁸

The Council did not explicitly invoke Article 50 of the Charter in any of its decisions. The Council did however adopt decisions that may be deemed of relevance to the interpretation and application of Article 50 by the Council. For example, on 12 November 2014, in connection with the situation in Somalia, the Council requested cooperating States to take appropriate steps to ensure that the activities they undertook pursuant to Council authorizations to combat piracy and armed robbery at sea off the coast of Somalia did not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State.³²⁹ The Council reiterated its request on 10 November 2015.³³⁰

While Article 50 of the Charter was not explicitly mentioned at any meeting of the Council, some Council members made reference to the impact of sanctions during meetings of the Council of relevance for the interpretation and application of Article 50. On 25 November 2014, under the item "General issues relating to sanctions", the representative of China said that efforts should be made to minimize the negative impact of sanctions on the general population and third-party States.³³¹ While stressing that sanctions were an important instrument for resolving crisis situations, the representative of the Russian Federation cautioned that sanctions should not be a mechanism for collective punishment affecting the well-being of the population of the affected country and undermining the legitimate interests of third countries.³³² The representative of Jordan expressed the hope that the Council would develop a structured approach, as envisaged in the Charter, for close cooperation between

³²⁷ For more information on sanctions measures, see part VII, sect. III.

³²⁸ See S/2015/987, para. 15.

³²⁹ Resolution 2184 (2014), para. 16.

³³⁰ Resolution 2246 (2015), para. 17.

³³¹ S/PV.7323, p. 14.

³³² *Ibid.*, p. 18.

the adversely affected States — both targeted and neighbouring States — and the sanctions committees. He argued for a systematic dialogue, following the imposition of sanctions measures, to identify the views, burdens and needs of the concerned States, a number of which were “failed or fragile States”.³³³

Of all the subsidiary organs, only the Committee established pursuant to resolution 1718 (2006) explicitly referred to Article 50 in its annual report to the Council.³³⁴ Moreover, that report was the only communication to the Council in the years 2014 and 2015 in which Article 50 of the Charter was explicitly invoked.

Although Article 50 was not explicitly mentioned, a report entitled “Compendium of the High-level Review of United Nations Sanctions”,

³³³ Ibid., p. 20.

³³⁴ S/2015/987, para. 15.

which was transmitted in a letter dated 12 June 2015 from the representatives of Australia, Finland, Germany, Greece and Sweden to the Secretary-General,³³⁵ contained several references to the unintended negative economic consequences of sanctions on third States. It was reported that several of the High-level Review working groups had found that some private sector actors, confused by differing unilateral, regional and United Nations sanctions, were applying policies resulting in over-compliance, including forgoing legitimate business with entities not subject to United Nations sanctions, or even all business with a particular country. It was also reported that humanitarian actors had noted the role of sanctions in dissuading donors from providing aid to certain regions, regardless of who was targeted or what exemptions might be available.³³⁶

³³⁵ A/69/941-S/2015/432.

³³⁶ Ibid., p. 56.

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

Article 51

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

Note

Section X deals with the practice of the Security Council in relation to Article 51 of the Charter, regarding the inherent right of individual or collective self-defence in the event of an armed attack against a Member State. The section is divided into three subsections. Subsection A covers decisions adopted by the Council relating to Article 51; subsection B covers the discussions of the Council of relevance to the interpretation and application of Article 51; and subsection C covers references to Article 51 and the right to 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 2220 (2015), concerning small arms, the Council emphasized that the right of individual and collective self-defence recognized in Article 51 of the Charter and the legitimate security demands of all countries should be fully taken into account.³³⁷

B. Discussion relating to Article 51

During the years 2014 and 2015, numerous explicit references to Article 51 were made at meetings of the Council held under several items; some of them gave rise to discussions on the interpretation and application of this Article, as described in cases 18 to 23.³³⁸ Member States also referred to the right to self-defence at numerous meetings of the Council.³³⁹

³³⁷ Resolution 2220 (2015), third preambular paragraph.

³³⁸ For other explicit references to Article 51 see, under maintenance of international peace and security, S/PV.7247, p. 41 (Azerbaijan); and S/PV.7389, p. 56 (Islamic Republic of Iran); and p. 57 (Zimbabwe); under the situation in the Middle East, S/PV.7426, p. 9 (Yemen); under the situation in the Middle East,

As further described below, the Security Council considered the situation in Ukraine under two separate items.³⁴⁰ By a letter dated 28 February 2014 addressed to the President of the Security Council, the representative of Ukraine requested an urgent meeting of the Council, in accordance with Articles 34 and 35 of the Charter.³⁴¹ Subsequently, as events on the ground unfolded, by a letter dated 13 April 2014 addressed to the President of the Security Council, the representative of the Russian Federation requested an emergency meeting to consider the development of the situation.³⁴² Article 51 was explicitly referred to several times in deliberations under those items (see cases 18 and 19 below). In addition, during the period under review many Member States engaged in military operations against Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) in Iraq and the Syrian Arab Republic. Council members discussed the scope and interpretation of the right to self-defence in the context of those military operations under both thematic and country-specific items (see cases 20 to 23). The principle of individual and/or collective self-defence, as well as Article 51 of the Charter, were evoked in many communications received by the President of the Council (see subsection C below).

including the Palestinian question, [S/PV.7430](#), p. 11 (Jordan); and under small arms, [S/PV.7442](#), p. 32 (Brazil).

³³⁹ See [S/PV.7105](#), p.71 (Democratic Republic of the Congo); [S/PV.7169](#), p. 42 (Democratic People's Republic of Korea); [S/PV.7208](#), p. 30 (Pakistan); [S/PV.7214](#), p. 5 (State of Palestine); and p. 6 (Israel); [S/PV.7220](#), p. 5 (State of Palestine); pp. 8–9 (Israel); p. 10 (United States); p. 15 (United Kingdom); and p. 20 (Rwanda); [S/PV.7222](#), p. 11 (Jordan); p. 24 (Australia); p. 26 (Chad); p. 28 (Rwanda); p. 29 (Lebanon); p. 32 (Saudi Arabia, on behalf of the Organization of Islamic Cooperation); p. 36 (Malaysia); p. 37 (European Union); p. 47 (Plurinational State of Bolivia); p. 50 (Indonesia); p. 51 (Norway); p. 59 (El Salvador); p. 60 (Canada); p. 61 (Bangladesh); and p. 68 (Jamaica); [S/PV.7281](#), p. 32 (Egypt); p. 40 (Malaysia); p. 50 (Belize); p. 52 (Zimbabwe, on behalf of the Southern Africa Development Community); and pp. 64–65 (Peru); [S/PV.7316](#), p. 59 (Kenya); [S/PV.7360](#), p. 61 (Peru); [S/PV.7361](#), p. 80 (Armenia); [S/PV.7389](#), p. 52 (South Africa); and p. 82 (Democratic People's Republic of Korea); and [S/PV.7430](#), p. 63 (Zimbabwe).

³⁴⁰ For more information, see part I, sect. 21.

³⁴¹ [S/2014/136](#).

³⁴² [S/2014/264](#).

Case 18

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

On 13 April 2014, under the item entitled “Letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council ([S/2014/264](#))”, the Council was briefed on the situation regarding Ukraine. Following the briefing, the representative of Luxembourg stated that, by virtue of Article 51 of the Charter, Ukraine had the right to defend itself against a threat to its territorial integrity, and the representative of Lithuania expressed support for “the right of Ukraine to defend itself in the face of external aggression”.³⁴³ While not explicitly referring to Article 51 of the Charter, the representative of Rwanda said that Ukraine had a right to self-defence.³⁴⁴ Similarly, on 2 May 2014, under the same item, the representative of the United States supported the right of Ukraine to self-defence, while criticizing the Russian Federation for invoking Article 51 of the Charter in the context of its “takeover of parts” of Georgia and in the eastern Ukraine.³⁴⁵

Case 19

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

On 29 April 2014, under the item entitled “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council ([S/2014/136](#))”, the representative of the United Kingdom opposed the assertion that the Russian Federation had a legal basis to intervene in Ukraine in accordance with the right to self-defence under Article 51 of the Charter. He further stated that Russian nationals were not under threat in Ukraine and the Russian Federation had no justification for invoking Article 51.³⁴⁶ Similarly, the representative of Ukraine questioned the Russian Federation's invocation of the right to self-defence under Article 51 in the territory of another country.³⁴⁷ On 28 August 2014, under the same item, the representative of Lithuania recognized the

³⁴³ [S/PV.7154](#), p. 11 (Luxembourg) and p. 4 (Lithuania).

³⁴⁴ *Ibid.*, p. 7.

³⁴⁵ [S/PV.7167](#), p. 7.

³⁴⁶ [S/PV.7165](#), p. 3.

³⁴⁷ *Ibid.*, p. 18.

right of Ukraine to defend itself in accordance with Article 51. She called on the Russian Federation to withdraw from the sovereign territory of Ukraine and comply with international law and respect the Charter.³⁴⁸ The representative of Ukraine said that, in view of the “open Russian military aggression”, Ukraine reserved the right to act in accordance with Article 51 of the Charter. He called on the international community to provide assistance to Ukraine to resist the Russian aggression.³⁴⁹ On 21 January 2015, at a subsequent meeting of the Council, the representative of Ukraine stated that, in accordance with the principle of collective self-defence, Ukraine had called on many States and organizations for assistance.³⁵⁰ On 5 June 2015, under the same item, the representative of Ukraine reiterated the right of Ukraine to defend its territorial integrity and sovereignty, which were being challenged by the Russian “occupation of Crimea”. He also stated that Ukraine, under Article 51, had the right to invite other countries to help it with its self-defence.³⁵¹

Case 20
Maintenance of international peace and security

On 23 February 2015, under the item “Maintenance of international peace and security”, the representative of the Islamic Republic of Iran, on behalf of the Non-Aligned Movement, said that Article 51 of the Charter was “restrictive” and should not be rewritten or reinterpreted.³⁵² Stating that the United Nations must continue to champion the resolution of conflicts by peaceful means, the representative of Zimbabwe, on behalf of the Southern African Development Community, stressed that the use of force had to be guided by the provisions of Article 51, which authorized “force only in cases of legitimate self-defence”.³⁵³

On 30 September 2015, at its 7527th meeting, held under the same item and the sub-item entitled “Settlement of conflicts in the Middle East and North Africa and countering the terrorist threat in the region”, the Council had before it a concept note circulated by the Russian Federation which aimed at a comprehensive consideration of the situation in the Middle East and North Africa.³⁵⁴ At that meeting, the

³⁴⁸ S/PV.7253, p. 4.

³⁴⁹ Ibid., p. 15.

³⁵⁰ S/PV.7365, p. 21.

³⁵¹ S/PV.7457, p. 19.

³⁵² S/PV.7389, p. 56.

³⁵³ Ibid., p. 57.

³⁵⁴ S/2015/678.

Secretary of State of the United States, in reference to the military actions undertaken in the region, stated that coalition air operations against ISIL targets in the Syrian Arab Republic were conducted in accordance with international law and based on the requests of neighbouring countries for collective self-defence under Article 51 of the Charter.³⁵⁵ Similarly, the Secretary for Foreign Affairs and Trade of Australia said that air operations by Australia targeting Da’esh in the Syrian Arab Republic were consistent with Article 51. He stated, further, that the Government of the Syrian Arab Republic had failed to constrain continued attacks by Da’esh in Iraq from safe havens in the Syrian Arab Republic and that Australia, together with coalition partners, was acting in response to the request for assistance by Iraq, and was undertaking military operations against ISIL in the Syrian Arab Republic in the collective self-defence of Iraq.³⁵⁶

Case 21
Implementation of the note by the President of the Security Council (S/2010/507)

On 20 October 2015, at its 7539th meeting, under the item “Implementation of the note by the President of the Security Council (S/2010/507)”, the Council discussed its working methods. The representative of Guatemala expressed concern about the increase in the number of letters addressed to the President of the Council with the aim of justifying military action taken in accordance with Article 51 of the Charter. She questioned whether such communications, most of which were sent ex post facto to justify actions that had already been taken, genuinely complied with the reporting obligations of States provided for in the Charter. She also questioned the assumption that the sending of a communication justified “any future military action”, and expressed the view that those communications did not exempt the Council from its responsibility to maintain international peace and security.³⁵⁷

Case 22
Threats to international peace and security caused by terrorist acts

On 20 November 2015, under the item “Threats to international peace and security caused by terrorist acts”, following the adoption of resolution 2249 (2015), the representative of France said that Da’esh had committed an “act of war” against France when it launched attacks in Paris and Saint-Denis on

³⁵⁵ S/PV.7527, p. 22.

³⁵⁶ Ibid., p. 69.

³⁵⁷ S/PV.7539, p. 29.

13 November 2015. He stated that French military action against Da'esh targets, which had been justified as legitimate collective self-defence, could, since the November attacks, also be characterized as "individual self-defence, in accordance with Article 51 of the Charter".³⁵⁸ The representative of the United States noted that Iraq had made clear that it was facing a serious threat of continuing attacks from ISIL, in particular from safe havens in the Syrian Arab Republic, and that the "Al-Assad regime" had shown that it could not and would not suppress that threat. She said that the United States was taking necessary and proportionate military action, in accordance with the Charter "and its recognition of the inherent right to individual and collective self-defence", to deny ISIL safe haven.³⁵⁹ The representative of the United Kingdom affirmed that the resolution was a powerful international recognition of the threat posed by ISIL and that, like others, his country had already taken action against ISIL on the basis of "individual and collective self-defence".³⁶⁰

Case 23

The situation concerning Iraq

On 18 December 2015, under the item "The situation concerning Iraq", the Council discussed the military operations of Turkey in Iraq in December 2015. The Minister for Foreign Affairs of Iraq said that Turkish forces had entered the country without the official permission of the Iraqi federal authorities, and that the incursion constituted a serious violation of Iraqi sovereignty and was in breach of the provisions of the Charter and the norms of international law. Noting that Iraq entrusted its security, unity and territorial integrity to the Council, he recalled that in its resolutions the Council had stressed the inherent right of Member States to individual or collective self-defence, in accordance with Article 51, should they be subject to armed attack, and stated that Iraq would take all necessary measures to end such hostile acts.³⁶¹ The representative of Turkey said that Turkey had no interest in violating Iraqi sovereignty nor did it have any ambitions for its territory. He stressed, however, that Turkey had the right to exercise self-defence against Da'esh and the Kurdish Workers Party, which posed significant threats to the safety and security of Turkey from areas "beyond the reach of the Iraqi Government".³⁶²

³⁵⁸ S/PV.7565, p. 2.

³⁵⁹ Ibid., p. 4.

³⁶⁰ Ibid., p. 9.

³⁶¹ S/PV.7589, pp. 3–4.

³⁶² Ibid., pp. 5–6.

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

During the period under review, Article 51 and the principle of self-defence were referred to in numerous communications addressed to the President of the Council, in which Member States informed the Council of actions carried out in individual or collective self-defence, or declared an intention, invoking their individual right to self-defence, to consider possible future action.

The Council received such communications in connection with many conflicts and situations, concerning Ukraine,³⁶³ the Golan Heights,³⁶⁴ Libya,³⁶⁵ Israel and Lebanon,³⁶⁶ the line of control in Jammu and Kashmir,³⁶⁷ Georgia³⁶⁸ and the Sudan and South Sudan.³⁶⁹ In connection with the issue of nuclear deterrence for self-defence, the Council also received communications concerning the Democratic People's Republic of Korea.³⁷⁰

Of particular significance during the period under review and given the number of communications received, were the references to the principle of self-defence in the context of the fight against Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) in

³⁶³ Letter dated 13 March 2014 from the representative of Ukraine to the President of the Security Council (S/2014/186).

³⁶⁴ Identical letters dated 17 June 2014 from the representative of Israel to the Secretary-General and the President of the Security Council (S/2014/415); and identical letters dated 15 July 2014 from the representative of Israel to the Secretary-General and the President of the Security Council (S/2014/495).

³⁶⁵ Letter dated 17 June 2014 from the representative of the United States to the President of the Security Council (S/2014/417).

³⁶⁶ Identical letters dated 26 August 2014 from the representative of Israel to the Secretary-General and the President of the Security Council (S/2014/630).

³⁶⁷ Letter dated 11 October 2014 from the Secretary-General addressed to the President of the Security Council, transmitting a communication from the Government of Pakistan (S/2014/730).

³⁶⁸ Identical letters dated 23 December 2014 from the representative of Georgia to the Secretary-General and the President of the Security Council (S/2014/941).

³⁶⁹ Letter dated 1 August 2015 from the representative of the Sudan to the President of the Security Council (S/2015/594).

³⁷⁰ Letters dated 26 January 2014 (S/2014/53), 15 March 2014 (S/2014/194), 21 July 2014 (S/2014/512) and 20 December 2014 (S/2014/930) from the representative of the Democratic People's Republic of Korea to the President of the Security Council.

Iraq and the Syrian Arab Republic submitted by Australia,³⁷¹ Canada,³⁷² France,³⁷³ Germany,³⁷⁴ the Russian Federation,³⁷⁵ the Syrian Arab Republic,³⁷⁶ Turkey,³⁷⁷ the United Kingdom³⁷⁸ and the United States.³⁷⁹ The communications revealed contrasting views about the scope, application and interpretation of the principle of self-defence. Also of significance in the period under review were the communications concerning the situation in Yemen citing Article 51 of the Charter in support of military operations by the States members of the Gulf Cooperation Council and a number of other Arab States.³⁸⁰

Article 51 was also explicitly mentioned in the Final Document of the seventeenth Ministerial Conference of the Non-Aligned Movement, in which the Ministers reaffirmed the principled positions of the Movement concerning the peaceful settlement of disputes, and the prohibition of the threat or use of force. As in the past, the Ministers noted that, consistent with the practice of the United Nations and international law, as pronounced by the International Court of Justice, Article 51 of the Charter was “restrictive and should not be rewritten or reinterpreted”.³⁸¹ Finally, the right to self-defence was explicitly cited in two reports of the Secretary-General on the implementation of Security Council resolution 1701 (2006) concerning the hostilities in Lebanon and Israel.³⁸²

³⁷¹ Letter dated 9 September 2015 from the representative of Australia to the President of the Security Council (S/2015/693).

³⁷² Letter dated 31 March 2015 from the representative of Canada to the President of the Security Council (S/2015/221).

³⁷³ Identical letters dated 8 September 2015 from the representative of France to the Secretary-General and the President of the Security Council (S/2015/745).

³⁷⁴ Letter dated 10 December 2015 from the representative of Germany to the President of the Security Council (S/2015/946).

³⁷⁵ Letter dated 15 October 2015 from the representative of the Russian Federation to the President of the Security Council (S/2015/792).

³⁷⁶ Identical letters dated 29 July 2015 (S/2015/574), 17 September 2015 (S/2015/719), 21 September 2015 (S/2015/727), 14 October 2015 (S/2015/789) and 29 December 2015 (S/2015/1048) from the representative of the Syrian Arab Republic to the Secretary-General and the President of the Security Council.

³⁷⁷ Identical letters dated 22 February 2015 from the representative of Turkey to the Secretary-General and the President of the Security Council (S/2015/127); and letter dated 24 July 2015 from the representative of Turkey to the President of the Security Council (S/2015/563).

³⁷⁸ Identical letters dated 25 November 2014 from the representative of the United Kingdom to the Secretary-General and the President of the Security Council (S/2014/851); and letters dated 7 September 2015 (S/2015/688) and 3 December 2015 (S/2015/928) from the representative of the United Kingdom to the President of the Security Council.

³⁷⁹ Letter dated 23 September 2014 from the representative of the United States to the Secretary-General (S/2014/695).

³⁸⁰ Identical letters dated 26 March 2015 from the representative of Qatar to the Secretary-General and the President of the Security Council (S/2015/217); and note verbale dated 2 April 2015 from the observer of the League of Arab States to the President of the Security Council (S/2015/232).

³⁸¹ See letter dated 1 August 2014 from the representative of the Islamic Republic of Iran to the Secretary-General (S/2014/573), annex I.

³⁸² S/2014/130, para. 67; and S/2014/438, para. 18.