
Part VII

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

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Introductory note

Part VII of the present Supplement deals with action taken by the Security Council with respect to threats to the peace, breaches of the peace or acts of aggression, within the framework of Chapter VII of the Charter of the United Nations, including Articles 39 to 51. This part is divided into 10 sections, each focusing on selected material to highlight the interpretation and application of the provisions of Chapter VII of the Charter by the Council in its deliberations and decisions. Sections I to IV cover material related to Articles 39 to 42, which regulate the Security Council's power to determine threats to international peace and security and to take the appropriate action in response to those threats, including the imposition of sanctions measures or the authorization of the use of force. Sections V and VI focus on Articles 43 to 47, regarding the command and deployment of military forces. Sections VII and VIII address, respectively, the obligations of Member States under Articles 48 and 49, while sections IX and X address, respectively, the practice of the Council with respect to Articles 50 and 51. The sections contain subsections on discussions held within the Security Council regarding the proper interpretation and implementation of the Articles governing the Security Council's primary responsibility to maintain international peace and security.

During the period under review, as in previous periods, the Council adopted an average of 50 per cent of its resolutions explicitly under Chapter VII of the Charter. Of the 77 resolutions adopted by the Council in 2016, 42 were adopted "acting under Chapter VII of the Charter" (approximately 54 per cent), while in 2017, 29 of the 61 resolutions (approximately 47 per cent) were adopted under the same terms. 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 2016 and 2017, as discussed in section I, the Council considered the potential for acquisition of chemical weapons by non-State actors as a new threat to international peace and security in the context of the situation in Libya, and affirmed that several other situations continued to constitute threats to regional and/or international peace and security, namely, the situations in Bosnia and Herzegovina, the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Lebanon, Liberia, Mali, Somalia, the Sudan and South Sudan, the Syrian Arab Republic and Yemen. The Council frequently reaffirmed that terrorism "in all forms and manifestations", particularly the activities of terrorist groups such as Islamic State of Iraq and the Levant (ISIL, also known as Da'esh), constituted one of the most serious threats to international peace and security. The Council also considered the dispute between Djibouti and Eritrea, the trafficking, production and consumption of illicit drugs in Afghanistan, piracy and armed robbery at sea off the coast of Somalia, the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery and illicit transfer, and the destabilizing accumulation and misuse of small arms and light weapons in many regions of the world, to be continuing threats to international peace and security.

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

As covered in section III, the Council imposed new measures under Article 41 in connection with the situation in Mali, and significantly expanded the scope of existing measures against the Democratic People's Republic of Korea. It renewed the sanctions measures concerning Somalia and Eritrea, ISIL (Da'esh) and Al-Qaida

and associates, the Democratic Republic of the Congo, the Sudan, Libya, the Central African Republic, Yemen and South Sudan and made modifications to some of the measures concerning Somalia and Eritrea, ISIL (Da'esh) and Al-Qaida and associates, Libya and the Central African Republic. No changes were made to the measures concerning the Taliban and associated individuals and entities, Iraq, Lebanon and Guinea-Bissau. The Council terminated the remaining measures against Liberia and Côte d'Ivoire. The sanctions regime on the Islamic Republic of Iran was terminated during the reporting period upon the receipt of the report from the International Atomic Energy Agency confirming that the Islamic Republic of Iran had taken the actions specified in the Joint Comprehensive Plan of Action. As far as judicial measures were concerned, no action was taken in 2016 and 2017. The International Tribunal for the Former Yugoslavia continued to function in parallel with the International Residual Mechanism for Criminal Tribunals. The Tribunal for the Former Yugoslavia closed definitively on 31 December 2017.

As described in section IV, the Council authorized United Nations peacekeeping missions and multinational forces to use force under Chapter VII of the Charter, with regard to the maintenance or restoration of international peace and security by several peacekeeping missions and multinational forces in Bosnia and Herzegovina, the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Haiti, Lebanon, Libya, Mali, the Sudan (including Darfur and the Abyei Area), South Sudan and Somalia. During the period under review, the Council authorized the use of force by the newly established United Nations Mission for Justice Support in Haiti, established upon the expiration of the final mandate of the United Nations Stabilization Mission in Haiti. The Council renewed the authorization to use force in the discharge of the protection of civilians mandate of the United Nations Interim Force in Lebanon, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the United Nations Operation in Côte d'Ivoire (UNOCI), the United Nations Organization Mission in the Democratic Republic of the Congo and the African Union Mission in Somalia. Moreover, the Council reauthorized the French forces in the Central African Republic, Côte d'Ivoire and Mali to take "all necessary measures" to support MINUSCA, UNOCI and MINUSMA, respectively, in discharging the mandated tasks. With respect to the situation in Libya, the Council reiterated its authorization to Member States to take "all necessary measures" when confronting migrant smugglers as well as in carrying out the inspection of vessels in the implementation of the arms embargo. Consistent with past practice, the Council clarified 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 to include 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, including aerial force enablers, while Member States continued to call for greater interaction and enhanced consultations with troop- and police-contributing countries during the period under review. The Council also frequently requested compliance by States and non-State actors with its decisions adopted under Chapter VII, as well as cooperation between them in implementation of measures contained therein. During the period under review, as covered in section X, the principle of individual and/or collective self-defence, and Article 51 of the Charter, were cited in numerous communications received by the President of the Council, leading to deliberations on the scope and interpretation of the right to self-defence under a wide range of agenda items.

I. Determination of a threat to the peace, breach of the peace or act of aggression in accordance with Article 39 of the Charter

Article 39

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

Note

Section I concerns the practice of the Security Council with regard to the determination of the existence of a threat to the peace, breach of the peace, or act of aggression in accordance with Article 39 of the Charter. It provides information regarding the determination of the existence of a threat by the Council and examines instances in which a threat was debated. The section is divided into two subsections. Subsection A provides an overview of the decisions of the Council relating to the determination of a “threat to the peace”, 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 mentioned in subsection A.

A. Decisions of the Security Council relating to Article 39

During the period under review and consistently with previous periods, the Council did not explicitly invoke Article 39 of the Charter in any of its decisions. The Council did not, moreover, determine the existence of any breach of the peace or act of aggression. This notwithstanding, the Council continued to monitor the evolution of existing and emerging conflicts and situations so as to determine, reaffirm and recognize the existence of new and continuing threats.

New threats

During the period under review, the Council determined that “the potential for acquisition by non-State actors of chemical weapons in Libya” represented a threat to international peace and

security.¹ In 2014 the Council had already 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.² Consequently, the Council authorized Member States to acquire, control, transport, transfer and destroy the chemical weapons in the Libyan territory to ensure the elimination of Libya’s chemical weapons stockpile in the soonest and safest manner.³

Continuing threats

During the period under review, the Council determined that the situations in the Central African Republic, Côte d’Ivoire, the Democratic Republic of the Congo, Lebanon, Liberia, Mali, Somalia, the Sudan and South Sudan, the Syrian Arab Republic and Yemen continued to pose threats to international peace and security and/or threats to peace and security in the respective regions.

In Africa, in connection with the situation in Mali, the Council condemned the activities of terrorist organizations operating in the country, including the recently-formed Jama’at Nusrat al-Islam wal-Muslimin (Group for the Support of Islam and Muslims), Islamic State in the Greater Sahara and Ansar-al Islam, stating that they constituted a threat to peace and security “in the region and beyond”. The Council also reaffirmed the existence of such a threat in relation to the situation in Mali and the activities of terrorist organizations in the country, and the Sahel region in general under the item “Peace and security in Africa”. With regard to the situation in Somalia, the Council determined that piracy and armed robbery at sea off the Somali coast, as well as the activity of pirate groups in Somalia, constituted important factors exacerbating the threat to peace and security in the region posed by the situation in the country. Moreover, the Council expressed concern over both the continued threat to the peace and stability of the country and the region posed by Al-Shabaab, as well as the growing threat of affiliates of Islamic State in Iraq and the Levant (ISIL, also known as Da’esh). It further determined that the dispute between Djibouti and Eritrea continued to

¹ Resolution 2298 (2016), eighth preambular paragraph.

² For more information on the threat to international peace and security posed by the transfer of arms and ammunition to terrorist groups in Libya, see *Repertoire, Supplement 2014–2015*, part VII, sect. I.

³ Resolution 2298 (2016), para. 3.

constitute a threat to international peace and security. The Council also condemned the flows of weapons and ammunition supplies to and through Somalia and to Eritrea that violated the respective arms embargoes, as posing a serious threat to peace and stability in the region. In relation to the situation in the Sudan and South Sudan, the Council also reaffirmed that the current situation in Abyei and along the border between the Sudan and South Sudan continued to constitute a serious threat to international peace and security.

In Asia, regarding the situation in Afghanistan, the Council continued to recognize the “threat to the international community” posed by the production, trafficking and consumption of illicit drugs. The Council also recognized, in connection with the situation in Iraq, as it had done in the past, that terrorism posed a threat to international peace and security.

Concerning the Middle East, the Council determined that the “severity of the devastating humanitarian situation” in the Syrian Arab Republic continued to constitute a threat to peace and security in the region.

During the period 2016–2017, the decisions adopted in connection with thematic items made reference to threats to international peace and security similar to those identified in country-specific and regional situations. Most notably, the Council frequently reaffirmed that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constituted a threat to international peace and security. It further recognized the need to increase coordination of efforts at the national, regional, subregional and international levels to strengthen a global response to this threat. The Council also

continued to make similar determinations under the items entitled “Maintenance of international peace and security” and “Non-proliferation/Democratic People’s Republic of Korea”. With respect to the latter, the Council expressed its “gravest concern” at the series of ballistic missile tests carried out by the Democratic People’s Republic of Korea between July and December 2017, and the danger they posed to international peace and security in the region and beyond. The Council further determined that the actions of the Democratic People’s Republic of Korea were a threat not just to the region, but to all Member States.

Under the item entitled “Threats to international peace and security”, the Council recalled that ISIL constituted a “global threat to international peace and security”. Regarding the item “Threats to international peace and security caused by terrorist acts”, the Council continued to recognize that terrorism in all forms and manifestations constituted “one of the most serious threats to international peace and security”. More specifically, the Council recalled the threat to international peace and security posed by foreign terrorist fighters and reaffirmed that attacks against civil aviation, like any act of international terrorism, constituted a threat to international peace and security. The Council also affirmed that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons in many regions of the world continued to pose threats to international peace and security.

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

Table 1
Decisions in which the Council referred to continuing threats to the peace, by region and country, 2016–2017

<i>Decision and date</i>	<i>Provision</i>
Africa	
Peace and security in Africa	
Resolution 2359 (2017) 21 June 2017	Recalling that the situation in Mali constitutes a threat to international peace and security, and that the activities in Mali and in the Sahel region of terrorist organizations constitute a threat to peace and security in the region and beyond (last preambular paragraph)
Resolution 2391 (2017) 8 December 2017	Noting that the activities of terrorist organizations, including those benefiting from transnational organized crime, in the Sahel region constitute a threat to international peace and security (last preambular paragraph)

The situation in the Central African Republic

Resolution 2262 (2016) 27 January 2016 Determining that the situation in the Central African Republic continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)

See also resolution 2264 (2016) (third preambular paragraph), resolution 2281 (2016) (sixth preambular paragraph) and resolution 2301 (2016) (penultimate preambular paragraph)

The situation concerning the Democratic Republic of the Congo

Resolution 2277 (2016) 30 March 2016 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 resolution 2293 (2016) (penultimate preambular paragraph), resolution 2348 (2017) (penultimate preambular paragraph) and resolution 2360 (2017) (penultimate preambular paragraph)

The situation in Côte d'Ivoire

Resolution 2260 (2016) 20 January 2016 Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region (fifth preambular paragraph)

The situation in Liberia

Resolution 2308 (2016) 14 September 2016 Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region (eight preambular paragraph)

The situation in Libya

Resolution 2273 (2016) 15 March 2016 Recalling its determination in resolution 2213 (2015) that the situation in Libya continues to constitute a threat to international peace and security (last preambular paragraph)

See also resolution 2291 (2016) (last preambular paragraph), resolution 2323 (2016) (last preambular paragraph) and resolution 2376 (2017) (last preambular paragraph)

Resolution 2278 (2016) 31 March 2016 Determining that the situation in Libya continues to constitute a threat to international peace and security (penultimate preambular paragraph)

See also resolution 2362 (2017) (penultimate preambular paragraph)

The situation in Mali

Resolution 2295 (2016) 29 June 2016 Strongly condemning the activities in Mali and in the Sahel region of terrorist organizations, including Al-Qaida in the Islamic Maghreb, Al-Mourabitoune, Ansar Eddine and their affiliates such as the Front de libération du Macina, which continue to operate in Mali and constitute a threat to peace and security in the region and beyond, and human rights abuses and violence against civilians, notably women and children, committed in Mali and in the region by terrorist groups (fifteenth preambular paragraph)

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

See also resolution 2364 (2017) (penultimate preambular paragraph) and resolution 2374 (2017) (penultimate preambular paragraph)

Resolution 2364 (2017) 29 June 2017 Strongly condemning the activities in Mali and in the Sahel region of terrorist organizations, including the Mouvement pour l'unification et le jihad en Afrique de l'Ouest, Al-Qaida in the Islamic Maghreb, Al-Mourabitoune, Ansar Eddine and associated individuals and groups such as Jama'at Nusrat al-Islam wal-Muslimin (Group for the Support of Islam and Muslims) and Islamic State in the Greater Sahara and Ansar al-Islam, which continue to operate in Mali and constitute a threat to peace and security in the region and beyond, and human rights abuses and violence against civilians, notably women and children, committed in Mali and in the region by terrorist groups (seventeenth preambular paragraph)

See also resolution 2374 (2017) (fourteenth preambular paragraph)

The situation in Somalia

Resolution 2289 (2016) Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region (fourth preambular paragraph)
27 May 2016

See also resolution 2297 (2016) (penultimate preambular paragraph), resolution 2355 (2017) (fourth preambular paragraph), resolution 2372 (2017) (penultimate preambular paragraph)

Resolution 2316 (2016) 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)
9 November 2016

See also resolution 2383 (2017) (penultimate preambular paragraph)

Resolution 2317 (2016) Expressing concern that Al-Shabaab continues to pose a serious threat to the peace and stability of Somalia and the region (fifth preambular paragraph)
10 November 2016

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

See also resolution 2385 (2017) (penultimate preambular paragraph)

Resolution 2385 (2017) Condemning any flows of weapons and ammunition supplies to and through Somalia in violation of the arms embargo on Somalia, including when they undermine the sovereignty and territorial integrity of Somalia, and to Eritrea in violation of the arms embargo on Eritrea, as a serious threat to peace and stability in the region (fourth preambular paragraph)
14 November 2017

Expressing concern that Al-Shabaab continues to pose a serious threat to the peace and stability of Somalia and the region, and expressing concern at the emergence of, and growing threat of, affiliates of Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) (fifth preambular paragraph)

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

Resolution 2265 (2016) Determining that the situation in the Sudan continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)
10 February 2016

See also resolution 2296 (2016) (last preambular paragraph), resolution 2340 (2017) (penultimate preambular paragraph) and resolution 2363 (2017) (last preambular paragraph)

Resolution 2271 (2016) Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region (second preambular paragraph)
2 March 2016

See also resolution 2280 (2016) (second preambular paragraph), resolution 2290 (2016) (penultimate preambular paragraph), resolution 2302 (2016) (second preambular paragraph), resolution 2304 (2016) (penultimate preambular paragraph), resolution 2326 (2016) (second preambular paragraph), resolution 2327 (2016) (penultimate preambular paragraph), resolution 2353 (2017) (second preambular paragraph) and resolution 2392 (2017) (second preambular paragraph)

Resolution 2287 (2016) 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 (last preambular paragraph)
12 May 2016

See also resolution 2318 (2016) (last preambular paragraph), resolution 2352 (2017) (last preambular paragraph) and resolution 2386 (2017) (last preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
Resolution 2340 (2017) 8 February 2017	Urging all armed groups engaged in conflict in the Jebel Marra area, including the Sudan Liberation Army-Abdul Wahid, to join the African Union-led peace negotiations, as a first step towards a comprehensive and sustainable peace agreement, and recalling its willingness to consider targeted sanctions against individuals or entities who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, or violate the measures implemented by Member States in accordance with relevant resolutions (tenth preambular paragraph)

Asia

The situation in Afghanistan

Resolution 2274 (2016) 15 March 2016	Encouraging the international community and regional partners to further effectively support Afghan-led sustained efforts to address drug production and trafficking in a balanced and integrated approach, including through the working group on counter-narcotics of the Joint Coordination and Monitoring Board, as well as regional initiatives, and recognizing 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 (thirty-first preambular paragraph; see also para. 44)
Resolution 2344 (2017) 17 March 2017	Calls upon States to strengthen international and regional cooperation to counter the threat to the international community posed by the production, trafficking and consumption of illicit drugs originating in Afghanistan which significantly contribute to the financial resources of the Taliban and their associates, in accordance with the principle of common and shared responsibility in addressing the drug problem of Afghanistan, including through cooperation against the trafficking in illicit drugs and precursor chemicals, appreciates the work of the Paris Pact initiative and its Paris-Moscow process, as well as the efforts of the Shanghai Cooperation Organization, underlines the importance of border management cooperation, and welcomes the intensified cooperation of the relevant United Nations institutions with the Organization for Security and Cooperation in Europe, the Collective Security Treaty Organization and the Central Asian Regional Information and Coordination Centre for combating the illicit trafficking of narcotic drugs, psychotropic substances and their precursors in this regard (para. 26)

The situation concerning Iraq

Resolution 2299 (2016) 25 July 2016	Recognizing that terrorism poses a threat to international peace and security and that countering this threat requires collective efforts on national, regional and international levels on the basis of respect for international law, including the Charter of the United Nations, and in this context, welcoming the efforts of the Government of Iraq and its partners to counter ISIL (Da'esh), hold it accountable for its abuses and return stability throughout the country, and also welcoming the successes of the Government of Iraq in the liberation from ISIL (Da'esh) of Sinjar, Bayji, Ramadi, Hit and, most recently, Fallujah, marking a major step in the continuing international effort to defeat ISIL (Da'esh) (tenth preambular paragraph)
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See also resolution [2367 \(2017\)](#) (tenth preambular paragraph)

Europe

The situation in Bosnia and Herzegovina

Resolution 2315 (2016) 8 November 2016	Determining that the situation in the region continues to constitute a threat to international peace and security (penultimate preambular paragraph)
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See also resolution [2384 \(2017\)](#) (penultimate preambular paragraph)

Middle East

The situation in the Middle East

Resolution 2332 (2016) 21 December 2016	Determining that the deteriorating humanitarian situation in the Syrian Arab Republic continues to constitute a threat to peace and security in the region (penultimate preambular paragraph)
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Repertoire of the Practice of the Security Council, 2016–2017

<i>Decision and date</i>	<i>Provision</i>
Resolution 2342 (2017) 23 February 2017	Determining that the situation in Yemen continues to constitute a threat to international peace and security (penultimate preambular paragraph)
Resolution 2373 (2017) 30 August 2017	Determining that the situation in Lebanon continues to constitute a threat to international peace and security (last preambular paragraph)
Resolution 2393 (2017) 19 December 2017	Determining that the severity of the devastating humanitarian situation in the Syrian Arab Republic continues to constitute a threat to peace and security in the region (penultimate preambular paragraph)

Table 2

Decisions in which the Council referred to continuing threats to the peace, by thematic issue, 2016–2017

<i>Decision and date</i>	<i>Provision</i>
Non-proliferation of weapons of mass destruction	
Resolution 2325 (2016) 15 December 2016	Reaffirming also that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security (second preambular paragraph) Recognizing the need to enhance coordination of efforts at the national, subregional, regional and international levels, as appropriate, in order to strengthen a global response to the serious challenge and threat to international peace and security posed by the proliferation of weapons of mass destruction and their means of delivery (eleventh preambular paragraph)
Non-proliferation/Democratic People's Republic of Korea	
Resolution 2270 (2016) 2 March 2016	Reaffirming that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security (second preambular paragraph) <i>See also resolution 2321 (2016) (second preambular paragraph), resolution 2371 (2017) (second preambular paragraph), resolution 2375 (2017) (second preambular paragraph) and resolution 2397 (2017) (second preambular paragraph)</i> Expressing gravest concern at the nuclear test conducted by the Democratic People's Republic of Korea on 6 January 2016 in violation of resolutions 1718 (2006) , 1874 (2009) , 2087 (2013) and 2094 (2013) , and at the challenge such a test constitutes to the Treaty on the Non-Proliferation of Nuclear Weapons and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond (third preambular paragraph) <i>See also resolution 2321 (2016) (third preambular paragraph), resolution 2356 (2017) (fifth preambular paragraph), resolution 2371 (2017) (ninth preambular paragraph), resolution 2375 (2017) (fifth preambular paragraph) and resolution 2397 (2017) (sixth preambular paragraph)</i>
Resolution 2276 (2016) 24 March 2016	Determining that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, continues to constitute a threat to international peace and security (seventh preambular paragraph) <i>See also resolution 2345 (2017) (seventh preambular paragraph)</i>
Resolution 2371 (2017) 5 August 2017	Expressing its gravest concern at the ballistic missile tests conducted by the Democratic People's Republic of Korea on 3 and 28 July 2017, which the Democratic People's Republic of Korea has stated were tests of intercontinental ballistic missiles, in violation of resolutions 1718 (2006) , 1874 (2009) , 2087 (2013) , 2094 (2013) , 2270 (2016) , 2321 (2016) and 2356 (2017) , and at the challenge such tests constitute to the Treaty on the Non-Proliferation of Nuclear Weapons and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger they pose to peace and stability in the region and beyond (third preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
S/PRST/2017/16 29 August 2017	The Council further condemns the Democratic People's Republic of Korea for its outrageous actions and demands that the Democratic People's Republic of Korea immediately cease all such actions. The Council stresses that these actions of the Democratic People's Republic of Korea are not just a threat to the region, but to all Member States (second paragraph)
Resolution 2375 (2017) 11 September 2017	Expressing its gravest concern at the nuclear test conducted by the Democratic People's Republic of Korea on 2 September 2017 in violation of resolutions 1718 (2006) , 1874 (2009) , 2087 (2013) , 2094 (2013) , 2270 (2016) , 2321 (2016) , 2356 (2017) and 2371 (2017) and at the challenge such a test constitutes to the Treaty on the Non-Proliferation of Nuclear Weapons and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond (third preambular paragraph)
Resolution 2397 (2017) 22 December 2017	Expressing its gravest concern at the ballistic missile launch conducted by the Democratic People's Republic of Korea on 28 November 2017 in violation of resolutions 1718 (2006) , 1874 (2009) , 2087 (2013) , 2094 (2013) , 2270 (2016) , 2321 (2016) , 2356 (2017) , 2371 (2017) and 2375 (2017) and at the challenge such a test constitutes to the Treaty on the Non-Proliferation of Nuclear Weapons and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond (third preambular paragraph)

Threats to international peace and security

Resolution 2379 (2017) 21 September 2017	Recalling that Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) constitutes a global threat to international peace and security through its terrorist acts, its violent extremist ideology, its continued gross, systematic and widespread attacks directed against civilians, its violations of international humanitarian law and abuses of human rights, particularly those committed against women and children, and including those motivated by religious or ethnic grounds, and its recruitment and training of foreign terrorist fighters whose threat affects all regions and Member States (third preambular paragraph)
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Threats to international peace and security caused by terrorist acts

S/PRST/2016/6 11 May 2016	The Council, consistent with its primary responsibility for the maintenance of international peace and security, in accordance with the Charter, further recalls 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, as underlined in resolution 2178 (2014) , and in this regard, takes note of the Secretary-General's Plan of Action to Prevent Violent Extremism, and further notes that the General Assembly welcomed the initiative by the Secretary-General and took note of said Plan, which will be subject to further consideration during the review of the United Nations Global Counter-Terrorism Strategy in June 2016, as well as in other relevant forums (ninth paragraph)
Resolution 2309 (2016) 22 September 2016	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, wherever and by whomsoever committed, and remaining determined to contribute further to enhancing the effectiveness of the overall effort to fight this scourge on a global level (first preambular paragraph) <i>See also resolution 2341 (2017) (fourth preambular paragraph), resolution 2370 (2017) (fourth preambular paragraph), resolution 2395 (2017) (second and twenty-ninth preambular paragraphs) and resolution 2396 (2017) (second preambular paragraph)</i> Reaffirming that terrorist attacks against civil aviation, like any act of international terrorism, constitute a threat to international peace and security, and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever, wherever and by whomsoever committed, and reaffirming the need to combat by all means threats to international peace and security caused by terrorist acts, in accordance with the Charter and other international law, in particular international human rights law, international refugee law and international humanitarian law (ninth preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
Resolution 2322 (2016) 12 December 2016	Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever, wherever and by whomsoever committed (third preambular paragraph) <i>See also resolution 2347 (2017) (fourth preambular paragraph) and resolution 2354 (2017) (fourth preambular paragraph)</i>
Resolution 2341 (2017) 13 February 2017	Reaffirming that terrorism poses a threat to international peace and security and that countering this threat requires collective efforts at the national, regional and international levels on the basis of respect for international law, including international human rights law and international humanitarian law, and the Charter (fifth preambular paragraph) <i>See also resolution 2368 (2017) (third preambular paragraph), resolution 2395 (2017) (third preambular paragraph) and resolution 2396 (2017) (third preambular paragraph)</i>
Resolution 2370 (2017) 2 August 2017	Gravely concerned that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons in many regions of the world continue to pose threats to international peace and security, cause significant loss of life, contribute to instability and insecurity and continue to undermine the effectiveness of the Security Council in discharging its primary responsibility for the maintenance of international peace and security (seventh preambular paragraph)
Maintenance of international peace and security	
Resolution 2310 (2016) 23 September 2016	Reaffirming that the proliferation of weapons of mass destruction, and their means of delivery, constitutes a threat to international peace and security (fourth preambular paragraph)

B. Discussion relating to Article 39

During the period under review, several issues regarding the interpretation of Article 39 and the determination of a threat to international peace and security arose during the Council's debates. Explicit references to Article 39 were made on two occasions. At the 7857th meeting, held on 10 January 2017 under the item entitled "Maintenance of international peace and security", the representative of the Democratic People's Republic of Korea asserted that Article 39 could not be legal grounds for sanctions resolutions.⁴ At the 7947th meeting, held on 23 May 2017 in connection with the item entitled "United Nations peacekeeping operations", the Head of Mission and Force Commander of the United Nations Disengagement Observer Force expressed the view that an expanded understanding of what constituted a threat to the peace, as defined in Article 39, had led to a fourth principle of peacekeeping, that of protecting civil populations, human rights and humanitarian operations, in addition to the traditional core principles of consent, impartiality and the non-use of force, except in legitimate defence.⁵

⁴ [S/PV.7857](#), p. 106.

⁵ [S/PV.7947](#), p. 5.

During 2016 and 2017, the Council continued to discuss threats to international peace and security it had considered in the past, such as terrorism, piracy and the proliferation of weapons of mass destruction and the potential for their acquisition by terrorist groups, and, more specifically, the threats posed by terrorist organizations, particularly ISIL (Da'esh), Boko Haram, Al-Qaida and Al-Shabaab and foreign terrorist fighters.⁶ During the period under review, the Council discussed again, as it had done since 2014, the situation of human rights in the Democratic People's Republic of Korea and its potential to threaten regional and international peace and security.⁷

During the period under review the Council addressed other threats to global peace and security, such as water scarcity and climate change under the item entitled "Maintenance of international peace and

⁶ See, under the item entitled "Maintenance of international peace and security", [S/PV.7621](#), [S/PV.7776](#), [S/PV.7857](#) and [S/PV.7886](#); in connection with the item entitled "Non-proliferation of weapons of mass destruction", [S/PV.7758](#), [S/PV.7837](#), [S/PV.7985](#) and [S/PV.8053](#); under the item entitled "Peace consolidation in West Africa", [S/PV.7675](#); and, under the item entitled "Threats to international peace and security caused by terrorist acts", [S/PV.7670](#), [S/PV.7831](#), [S/PV.7882](#) and [S/PV.8017](#).

⁷ See [S/PV.7830](#) and [S/PV.8130](#).

security” (see case 1). Under the same item, the Council also focused on the question of human trafficking and whether it constituted a threat to international peace and security (see case 2).

During 2016 and 2017, the Council discussed at numerous meetings the threat to international peace and security posed by the increased nuclear activity of the Democratic People’s Republic of Korea (see case 3). The Council also discussed the potential threat posed by the human rights situation in Myanmar, in particular in connection with the Rohingya minority, to regional and international peace and security (see case 4).⁸

Case 1 Maintenance of international peace and security

On 22 November 2016, the Council held its 7818th meeting, at which, at the initiative of the Senegalese presidency,⁹ it considered for the first time the sub-item entitled “Water, peace and security”.¹⁰ The representative of the Russian Federation stated that natural resources, in and of themselves, were “neutral in nature”, and that therefore their presence or their scarcity could not, a priori, be regarded “as an underlying reason for conflicts and for creating a threat to peace and security”.¹¹ The representative of Brazil, similarly, emphasized that water scarcity was “primarily a sustainable development challenge”; while noting that it could contribute to conflict and instability under some circumstances, he said that it did not necessarily represent a threat to international peace and security.¹² In contrast, the representative of Botswana cited forecasts that water scarcity, exacerbated by climate change, could threaten international peace and security in the future.¹³ The representative of Costa Rica, echoing this statement, underlined the need to create the institutional and legal structure without which water would be a threat to international security.¹⁴ Other speakers opined that competition over water could lead to conflicts, thereby becoming a

threat to international peace and security.¹⁵ With respect to the shrinking of Lake Chad, the representative of Angola said that the situation had the potential to become a hotbed of crisis and conflict, as well as a real threat to regional and international peace and security.¹⁶ The representative of the United Kingdom said that it was important to have a broad enough definition of the threats to international peace and security, not so as to encroach on the responsibilities of other parts of the United Nations system, but to join up with them.¹⁷ The representative of Egypt stated that the theme of water as a source of achieving international peace and security or as a threat to the latter required sustained attention.¹⁸

On 20 December 2017, at its 8144th meeting, the Council discussed complex contemporary challenges to international peace and security, having before it a letter dated 1 December 2017 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General.¹⁹ During the debate, the representatives of Maldives and Sweden spoke of climate change as a security threat.²⁰ The representative of Ukraine noted that the agenda of the Council had expanded considerably, owing to the close interlinkage between threats to international peace and security and such challenges as human rights, development and climate change.²¹ The Secretary-General said that climate change had emerged as a threat multiplier, and the representative of the United Kingdom recalled that the Council had recognized that climate change could aggravate existing threats to international peace and security.²² The representative of France said that epidemics or climate change sometimes had very real effects on the stability of countries and could threaten the security of an entire region.²³ The representative of Botswana, while not referring to climate change explicitly, pointed out that environmental challenges, among other growing trends of interconnected instability and insecurity, posed a serious threat to international peace and security.²⁴ The representative of Brazil, however, said that the Council must “be cautious in avoiding attempts to securitize the development agenda”, and noted that climate change,

⁸ For more information on the actions of the Council under this item during 2016–2017, see part I, sect. 20. See also part VI, sects. I.B and II.C.

⁹ Letter dated 14 November 2016 from the Permanent Representative of Senegal to the United Nations addressed to the Secretary-General (S/2016/969).

¹⁰ At the initiative of Senegal, members of the Council held an Arria-formula meeting on 22 April 2016 on the theme “Water, peace and security”.

¹¹ S/PV.7818, p. 21.

¹² Ibid., pp. 29–30.

¹³ Ibid., p. 61.

¹⁴ Ibid., p. 62.

¹⁵ Ibid., p. 12 (Malaysia); and p. 67 (Haiti).

¹⁶ Ibid., p. 18.

¹⁷ Ibid., p. 19.

¹⁸ Ibid., p. 25.

¹⁹ S/2017/1016.

²⁰ S/PV.8144, pp. 7–8 (Sweden); and p. 63 (Maldives).

²¹ Ibid., p. 5.

²² Ibid., p. 2 (Secretary-General); and p. 10 (United Kingdom).

²³ Ibid., p. 11.

²⁴ Ibid., p. 54.

international migration, population growth, food insecurity and other sustainable development issues did not constitute threats to international peace and security, nor were they root causes of conflict per se.²⁵

Case 2 Maintenance of international peace and security

At its 7847th meeting, on 20 December 2016, the Council conducted an open debate under the sub-item “Trafficking in persons in conflict situations”, at which it considered the report of the Secretary-General on the implementation of measures to counter trafficking in persons.²⁶ At the meeting, the President of Spain and the representative of Japan asserted that human trafficking in conflict and terrorism-related situations represented a threat to international peace and security.²⁷ The representative of Uruguay stated that trafficking was “a threat to all of society and affects the well-being of communities and the security of nations” and that it was increasingly linked to armed conflicts and threats to international peace and security.²⁸ The representative of France noted that trafficking in persons in conflict situations was “too often considered as separate from the threats to international peace and security” and that those practices were “part and parcel of the strategies of such terrorist groups as Da’esh and Boko Haram”, and indeed were a threat to international peace and security.²⁹ The representative of Kazakhstan expressed the view that human trafficking was a critical component of the financial flows of terrorist groups and money-laundering by organized crime networks, which posed a threat to international peace and security.³⁰

At the Council’s 7898th meeting, held at the ministerial level on 15 March 2017, many speakers asserted that human trafficking represented a threat to international peace and security.³¹ The representative of Japan stated that trafficking in persons, and exploiting trafficked children as combatants in armed conflict, showed how violations of human rights and dignity could become threats to international peace and security.³² The representative of France said that the

actions of ISIL (Da’esh) and Boko Haram were a dramatic illustration of the links that existed between threats to international peace and security and human trafficking.³³ The representative of the Russian Federation opined that the proceeds of human trafficking were being used as sources of financing for terrorism, compounding the threat to international peace and security.³⁴ Echoing this view, the representatives of Egypt and South Africa agreed that human trafficking was closely related to other crimes, such as terrorism and the illicit arms trade, which posed a threat to international peace and security.³⁵ The representative of Brazil, conversely, reaffirmed that there were no “automatic linkages” between armed conflict and human trafficking, and the latter also occurred in situations that did not threaten international peace and security.³⁶

At its 8111th meeting, on 21 November 2017, the Council again discussed trafficking in persons in conflict situations and addressed the subsequent report of the Secretary-General on trafficking in persons in armed conflict.³⁷ The representative of Ukraine asserted that the channels used for trafficking humans could also be used by terrorist organizations to smuggle arms or transport terrorists, and should be treated as a major threat to international security.³⁸ The representatives of France and the Sudan agreed that trafficking in persons posed a threat to international peace and security.³⁹ While the representative of South Africa stated that human trafficking threatened international peace and security by sustaining terrorism,⁴⁰ the representative of Brazil reaffirmed that human trafficking also occurred in situations that did not threaten international peace and security.⁴¹

Case 3 Non-proliferation/Democratic People’s Republic of Korea

During the period under review, the Council frequently discussed the nuclear and ballistic missile tests conducted by the Democratic People’s Republic of Korea, under the item entitled “Non-proliferation/Democratic People’s Republic of Korea”. For example, at its 7638th meeting, on 2 March 2016, the Council unanimously adopted a resolution in which it

²⁵ *Ibid.*, p. 39.

²⁶ S/2016/949.

²⁷ S/PV.7847, p. 10 (Spain); and p. 14 (Japan).

²⁸ *Ibid.*, pp. 16–17.

²⁹ *Ibid.*, p. 19.

³⁰ *Ibid.*, p. 70.

³¹ S/PV.7898, p. 13 (Ukraine); p. 50 (Cambodia); p. 53 (Albania); p. 64 (United Arab Emirates); p. 69 (Greece); and p. 74 (Côte d’Ivoire).

³² *Ibid.*, p. 18.

³³ *Ibid.*, p. 8.

³⁴ *Ibid.*, p. 20.

³⁵ *Ibid.*, p. 22 (Egypt); and p. 51 (South Africa).

³⁶ *Ibid.*, p. 34.

³⁷ S/2017/939.

³⁸ S/PV.8111, p. 11.

³⁹ *Ibid.*, p. 13 (France); and p. 53 (Sudan).

⁴⁰ *Ibid.*, p. 45.

⁴¹ *Ibid.*, p. 34.

condemned the nuclear and ballistic tests conducted by the Democratic People's Republic of Korea on 6 January and 7 February 2016.⁴² During the deliberations that followed, the representative of the United States stated that the pursuit of nuclear weapons by the Democratic People's Republic of Korea not only caused suffering to its own people but also posed an extraordinary and growing threat to peace and security on the peninsula and in the region and the world.⁴³ The representative of France called the tests a "flagrant violation" of Security Council resolutions, as well as a threat to international and regional peace and security.⁴⁴

At its 7821st meeting, on 30 November 2016, the Council unanimously adopted a resolution by which it condemned the nuclear test conducted by the Democratic People's Republic of Korea on 9 September 2016.⁴⁵ The Secretary-General opined that the nuclear tests and ballistic missile activities of the country posed an ever growing threat to regional security.⁴⁶ Several other speakers concurred with this view, maintaining that the nuclear development of the Democratic People's Republic of Korea posed a threat to regional or international peace and security.⁴⁷

At its 8019th meeting, on 5 August 2017, the Council adopted a resolution by which it condemned the intercontinental ballistic missile tests conducted by the Democratic People's Republic of Korea on 3 and 28 July 2017.⁴⁸ Numerous speakers stated that the nuclear activities of the country were threats to regional and international peace and security.⁴⁹ The representative of the United States asserted that human rights violations went "hand in hand" with threats to international peace and security.⁵⁰

On 29 November 2017, at its 8118th meeting, held to address another missile launch conducted on the same day by the Democratic People's Republic of Korea, which had landed in the sea in Japan's exclusive economic zone, the representative of Japan noted the range of the ballistic missile, and said that it was "abundantly clear" that this was not merely a

regional threat but a global threat to all Member States.⁵¹ This view was echoed by other speakers, who identified the continuing ballistic missile tests as threats to international peace and security.⁵²

Having before it a letter dated 1 December 2017 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General,⁵³ the Council held its 8137th meeting on 15 December 2017. At the meeting, the Minister for Foreign Affairs of Japan asserted that the Democratic People's Republic of Korea posed a clear global threat to all Member States.⁵⁴ The representative of Senegal stated that, following its most recent intercontinental ballistic missile test, conducted on 29 November 2017, the Democratic People's Republic of Korea had displayed its determination to acquire a nuclear capacity, which posed a serious threat not only to the people of the peninsula and the region but also to the safety of air navigation in that part of the world.⁵⁵ Several other Council members also reaffirmed that the situation in the Korean peninsula was a threat to international peace and security.⁵⁶ Countering these claims, the representative of the Democratic People's Republic of Korea declared that his country did not pose any threat to any country or region, as long as the interests of the Democratic People's Republic of Korea were not infringed upon. He reiterated that his country's nuclear force was devoted solely to its mission as a "self-defensive deterrent". He said that the United States-Republic of Korea joint military exercises seriously threatened the peace and security of the Korean peninsula, the region and the world.⁵⁷

Case 4 The situation in Myanmar

At the 8060th meeting, on 28 September 2017, the first meeting since 2009 on the situation in Myanmar, the representative of Senegal expressed appreciation for the holding of the meeting on the

⁴² Resolution 2270 (2016), para. 1.

⁴³ S/PV.7638, p. 3.

⁴⁴ Ibid., p. 6.

⁴⁵ Resolution 2321 (2016), para. 1.

⁴⁶ S/PV.7821, p. 2.

⁴⁷ Ibid., p. 3 (United States); p. 8 (New Zealand); pp. 8–9 (Uruguay); p. 12 (France); and p. 13 (Angola).

⁴⁸ Resolution 2371 (2017), para. 1.

⁴⁹ S/PV.8019, p. 4 (France); p. 5 (Uruguay); p. 7 (Senegal); p. 9 (Italy); p. 10 (Ethiopia); and p. 12 (Egypt, Republic of Korea).

⁵⁰ Ibid., p. 2.

⁵¹ S/PV.8118, p. 6.

⁵² Ibid., p. 7 (United Kingdom); pp. 7–8 (Egypt); p. 8 (Sweden); p. 9 (Ukraine); p. 15 (France); p. 16 (Uruguay); and p. 17 (Italy).

⁵³ S/2017/1038.

⁵⁴ S/PV.8137, p. 3.

⁵⁵ Ibid., p. 17.

⁵⁶ Ibid., p. 5 and p. 23 (United States); p. 6 (Sweden); p. 9 (United Kingdom); pp. 9–10 (Egypt); p. 12 (France); p. 13 (Ethiopia); p. 16 (Uruguay); and p. 18 (Italy).

⁵⁷ Ibid., p. 22. The Council considered the threat posed by the nuclear activities of the Democratic People's Republic of Korea at several other meetings under the item (see S/PV.7932, S/PV.7958, S/PV.7996, S/PV.8039 and S/PV.8151).

growing threat to international peace and security.⁵⁸ The representative of Kazakhstan was of the view that the “inter-ethnic and interreligious strife”, together with the refugee problem in the neighbouring countries, could foster terrorism and become a source of threat to regional and international peace and security.⁵⁹ The representative of Bangladesh affirmed that the “state of volatility” constituted a larger threat to regional peace and security and should be a major security concern for the international community.⁶⁰

⁵⁸ S/PV.8060, p. 7.

⁵⁹ Ibid., p. 13.

⁶⁰ Ibid., p. 23.

At the 8133rd meeting, held under this item on 12 December 2017, the representative of Egypt opined that the abuses against the Rohingya minority in Myanmar, together with all the humanitarian, political, security and social challenges entailed, continued to threaten regional peace and security in that part of the world.⁶¹ The representative of Uruguay asserted that there was a “close link” between human rights violations and the creation of conflicts and their ability to become threats to international peace and security.⁶²

⁶¹ S/PV.8133, pp. 10–11.

⁶² Ibid., p. 17.

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

Article 40

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

Note

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

Decisions of the Security Council relating to Article 40

During the period under review, the Council did not explicitly cite Article 40 of the Charter in any decision it adopted. This notwithstanding, certain

decisions in which the Council demanded and urged the implementation of measures in relation to the situations in Mali and South Sudan were of relevance 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 that provision. Given the prolonged, complex and rapidly changing nature of conflicts dealt with by the Council, provisional measures have been imposed in parallel to the adoption of measures under Articles 41 and 42 of the Charter.

As in the previous biennium, during the years 2016 and 2017 a number of provisional measures were adopted with a view to ensuring the cessation of hostilities and implementation of the successive ceasefire agreements of 2014 and 2015 in relation to the situation in Mali.⁶³ This was done simultaneously with the adoption of measures under Chapter VII of the Charter, including the reauthorization of the use of force by the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the French forces supporting it.⁶⁴ The Council, further, expressed its readiness to consider targeted sanctions against those who obstructed or threatened the implementation of the Agreement on Peace and

⁶³ Resolutions 2295 (2016), para. 5; and 2364 (2017), para. 5.

⁶⁴ Resolutions 2295 (2016), paras. 17 and 35; and 2364 (2017), paras. 18 and 37. For more information on the authorization to use force under Article 42 of the Charter, see sect. IV below.

Reconciliation in Mali, attacked and took actions to threaten MINUSMA and other international presences, and those who provided support to such attacks and actions (see table 3).⁶⁵ The Council also issued a

presidential statement,⁶⁶ in which it urged the signatories to the Agreement to strictly adhere to the ceasefire, and reiterated its intention to consider measures under Article 41 in the event of failure to comply (see table 3).

⁶⁵ Resolution 2295 (2016), para.4; and 2364 (2017), para. 4. For more information, see sect. III below and part IX, sect. I.B.

⁶⁶ S/PRST/2016/16, first and second paragraphs.

Table 3

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

<i>Type of measure</i>	<i>Provision</i>
The situation in Mali (resolution 2295 (2016) of 29 June 2016)	
Council action in the event of failure to comply	Expresses its readiness to consider targeted sanctions against those who take actions to obstruct or threaten the implementation of the Agreement, those who resume hostilities and violate the ceasefire, those who attack and take actions to threaten the United Nations Multidimensional Integrated Stabilization Mission in Mali and other international presences, as well as those who provide support to such attacks and actions (para. 4) <i>See also resolution 2364 (2017), para. 4</i>
Cessation of hostilities	Demands that all armed groups in Mali put aside their arms, cease hostilities, reject the recourse to violence, cut off all ties with terrorist organizations, take concrete steps to enhance their cooperation and coordination with the Government of Mali to eliminate the terrorist threat, and recognize, without conditions, the unity and territorial integrity of the Malian State, within the framework of the Agreement (para. 5) <i>See also resolution 2364 (2017), para. 5</i>
The situation in Mali (S/PRST/2016/16 of 3 November 2016)	
Cessation of hostilities	The Security Council strongly condemns the repeated violations of the ceasefire arrangements by the Plateforme and Coordination armed groups in and around Kidal over the last months, which threaten the viability of the Agreement on Peace and Reconciliation in Mali. The Council urges the signatory armed groups to cease hostilities immediately, to strictly adhere to the ceasefire arrangements and to resume dialogue without delay for the implementation of the Agreement (first paragraph)
Council action in the event of failure to comply	The Council urges the Government of Mali and the Plateforme and Coordination armed groups to fully and sincerely maintain their commitments under the Agreement. The Council recalls its readiness to consider targeted sanctions against those who take actions to obstruct the implementation of the Agreement as well as those who resume hostilities and violate the ceasefire, as expressed in its resolution 2295 (2016) (second paragraph)

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

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial

interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Note

Section III covers decisions of the Security Council imposing measures not involving the use of force, pursuant to Article 41 of the Charter. During the period under review, the Council imposed new measures under Chapter VII in relation to the situation in Mali.

The Council terminated the remaining measures against Côte d'Ivoire on 28 April 2016 and those pertaining to Liberia on 25 May 2016. In addition, upon receipt of the report from the International Atomic Energy Agency confirming that the Islamic Republic of Iran had taken the actions specified in paragraphs 15.1–15.11 of annex V to the Joint Comprehensive Plan of Action, as envisaged in resolution [2231 \(2015\)](#), the sanctions regime on the Islamic Republic of Iran was terminated on 16 January 2016, also known as Implementation Day.⁶⁷

During the review period, the Council explicitly referred to Article 41 in the preamble of resolutions [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) and [2397 \(2017\)](#) in connection with the sanctions measures concerning the Democratic People's Republic of Korea and in resolutions [2271 \(2016\)](#), [2280 \(2016\)](#), [2290 \(2016\)](#) and [2353 \(2017\)](#) in connection with South Sudan.

No judicial measures were imposed under Article 41 of the Charter. This notwithstanding, as discussed in part IX, the International Tribunal for the Former Yugoslavia continued to function in parallel with the International Residual Mechanism for Criminal Tribunals.

The present section is divided into two subsections. Subsection A outlines the decisions of the Council imposing, modifying or terminating measures under Article 41 of the Charter. It is organized under two main headings, dealing with decisions on issues of a thematic and country-specific nature. Subsection B covers the Council's deliberations during the review period and is also organized under two headings, each highlighting the salient issues that were raised in the deliberations of the Council in connection with Article 41 of the Charter, in connection with thematic items or country-specific items.

⁶⁷ [S/2016/57](#). For more information on the meetings held during the period under review in connection with the monitoring of the implementation of resolution [2231 \(2015\)](#) following the termination of the sanctions measures relating to the Islamic Republic of Iran, see part I, sect. 37.B.

A. Decisions of the Security Council relating to Article 41

Decisions on thematic issues relating to Article 41

The Council adopted numerous decisions on issues of a thematic nature concerning sanctions measures and their implementation. The decisions related to a variety of items of which the Council was seized, including “Maintenance of international peace and security”,⁶⁸ “Peace and security in Africa”,⁶⁹ “Threats to international peace and security”⁷⁰ and “Threats to international peace and security caused by terrorist acts”.⁷¹

In 2016 and 2017, the Council continued to emphasize sanctions as an important tool under the Charter in the maintenance of international peace and security, including in support of countering terrorism, and stressed in that regard the need for robust implementation.⁷² It reiterated its readiness to further sanction Al-Qaida and other listed entities and individuals.⁷³

During the period under review, the Council expressed its intention to consider targeted sanctions for individuals and entities involved in trafficking in persons in areas affected by armed conflict and in sexual violence in conflict.⁷⁴ It called upon Member States to inspect, on the high seas off the coast of Libya, unflagged vessels used or believed to be used by organized criminal enterprises for migrant smuggling or human trafficking from Libya.⁷⁵ It also encouraged Member States to provide the Counter-Terrorism Committee Executive Directorate and the Analytical Support and Sanctions Monitoring Team with relevant information pertaining to linkages between human trafficking and terrorist financing.⁷⁶

⁶⁸ See for example resolutions [2331 \(2016\)](#), [2347 \(2017\)](#) and [2388 \(2017\)](#) and [S/PRST/2017/24](#).

⁶⁹ See for example resolutions [2349 \(2017\)](#), [2359 \(2017\)](#) and [2391 \(2017\)](#).

⁷⁰ See for example resolution [2379 \(2017\)](#).

⁷¹ See for example resolutions [2322 \(2016\)](#), [2368 \(2017\)](#), [2370 \(2017\)](#), [2395 \(2017\)](#) and [2396 \(2017\)](#).

⁷² Resolution [2368 \(2017\)](#), sixteenth preambular paragraph.

⁷³ Resolution [2359 \(2017\)](#), fifth preambular paragraph.

⁷⁴ Resolutions [2331 \(2016\)](#), paras. 12 and 13, [2368 \(2017\)](#), para. 15, and [2388 \(2017\)](#), para. 27.

⁷⁵ Resolution [2380 \(2017\)](#), para. 5.

⁷⁶ Resolution [2388 \(2017\)](#), para. 9.

The Council renewed its call upon Member States to take appropriate steps to prevent and counter the illicit trade and trafficking in cultural property and other items of archaeological, historical, cultural, rare scientific and religious importance originating from a context of armed conflict, and encouraged Member States to propose listings of individuals and entities involved in such activities to the Committee.⁷⁷

Decisions on country-specific issues relating to Article 41

During the years 2016 and 2017, as set out below, the Council terminated the sanctions measures against Côte d'Ivoire and Liberia and imposed new sanctions measures in relation to the situation in Mali. It significantly expanded the scope of existing measures against the Democratic People's Republic of Korea and introduced a series of new measures to curtail the country's prohibited nuclear and ballistic missile capabilities and activities.

The Council renewed the measures concerning Somalia and Eritrea, ISIL (Da'esh) and Al-Qaida and associates, the Democratic Republic of the Congo, the Sudan, Libya, the Central African Republic, Yemen and South Sudan. The Council also made modifications to the sanctions regimes concerning Somalia and Eritrea, Islamic State of Iraq and the Levant (ISIL, also known as Da'esh) and Al-Qaida and associates, Libya and the Central African Republic, as set out below. For the first time, sexual and gender-based violence became a designation criterion for sanctions in relation to the Central African Republic; no changes were made to the measures concerning the Taliban and associated individuals and entities, Iraq, Lebanon and Guinea-Bissau.

In connection with the situation in South Sudan, on 12 August 2016, by resolution [2304 \(2016\)](#), the Council decided that, if in any of the reports pursuant to paragraph 16 of the resolution, the Secretary-General reported political or operational impediments to operationalizing the Regional Protection Force or obstructions to the United Nations Mission in South Sudan in the performance of its mandate by the Transitional Government of National Unity, it would consider "appropriate measures", including an arms embargo, as described in the draft resolution annexed thereto.

⁷⁷ Resolution [2347 \(2017\)](#), paras. 8 and 10. See also resolution [1483 \(2003\)](#), para. 7.

The present subsection concerning developments in each of the sanctions regimes does not include reference to the subsidiary bodies of the Council that are responsible for their implementation. The decisions of the Council relating to the subsidiary bodies are described in detail in part IX, section I.B. The categories of sanctions measures used in the present subsection, such as arms embargo, asset freeze or travel ban, are for clarification purposes only, and are not intended to serve as legal definitions of the measures. In addition, developments in the sanctions measures imposed by the Council during the period under review are categorized according to the following main actions taken by the Council: "establishment",⁷⁸ "modification",⁷⁹ "extension",⁸⁰ "limited extension"⁸¹ or "termination".⁸²

Each of the following subsections consists of a narrative section describing the most significant developments in 2016 and 2017 and a table including all relevant provisions of Council decisions concerning changes to a sanctions regime, according to the categories outlined above (a number indicates the corresponding paragraph of the Council resolution). Tables 4 and 5 provide an overview of relevant decisions adopted in 2016 and 2017 by which the Council established or modified sanctions measures it had previously imposed.

⁷⁸ An action by the Council is categorized as an "establishment" when a sanctions measure is initially imposed by the Council.

⁷⁹ When a change is introduced to the measure, it is categorized as a "modification". A measure is modified when (a) elements of the measure are terminated or newly introduced, (b) information on designated individuals or entities is modified, (c) exemptions to the measure are introduced, modified or terminated and (d) elements of the measure are otherwise modified.

⁸⁰ An action of the Council is categorized as an "extension" when the sanctions measure concerned is not modified or terminated and the Council extends or restates the measure without specifying an end date.

⁸¹ 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.

⁸² 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, the action will be categorized as a modification of the measure.

Table 4
Overview of country-specific decisions on measures pursuant to Article 41, in place or imposed, 2016–2017

<i>Somalia and Eritrea</i>	<i>Taliban and associated individuals and entities</i>	<i>ISIL (Da'esh) & 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>Libya</i>	<i>Guinea-Bissau</i>	<i>Central African Republic</i>	<i>Yemen</i>	<i>South Sudan</i>	<i>Mali</i>
Resolutions by which measures were established or subsequently modified															
733 (1992); 1356 (2001); 1425 (2002); 1725 (2006); 1744 (2007); 1772 (2007); 1816 (2008); 1844 (2008); 1846 (2008); 1851 (2008); 1872 (2009); 1897 (2009); 1907 (2009); 1916 (2010); 1950 (2010); 1964 (2010); 1972 (2011); 2002 (2011); 2023 (2011); 2036 (2012); 2060 (2012); 2093 (2013); 2111 (2013); 2125 (2013); 2142 (2014); 2182 (2014); 2184 (2014); 2244 (2015); 2246 (2015)	1988 (2011); 2082 (2012); 2160 (2014); 2255 (2015)	1267 (1999); 1333 (2000); 1388 (2002); 1390 (2002); 1452 (2002); 1735 (2006); 1904 (2009); 1989 (2011); 2083 (2012); 2161 (2014); 2170 (2014); 2178 (2014); 2199 (2015); 2253 (2015)	661 (1990); 687 (1991); 707 (1991); 1483 (2003); 1546 (2004); 1637	788 (1992); 1521 (2003); 1532 (2004); 1579 (2004); 1616 (2005); 1647 (2005); 1671 (2006); 1683 (2006); 1698 (2006); 1768 (2007); 1771 (2007); 1790 (2008); 1792 (2007); 1854 (2008); 1903 (2009); 1961 (2010); 2025 (2011); 2079 (2012); 2128 (2013); 2188 (2014); 2237 (2015)	1493 (2003); 1552 (2004); 1596 (2005); 1616 (2005); 1649 (2005); 1671 (2006); 1688 (2006); 1768 (2007); 1771 (2007); 1790 (2008); 1792 (2007); 1857 (2008); 1896 (2009); 1952 (2010); 2136 (2014); 2147 (2014); 2198 (2015); 2211 (2015)	1572 (2004); 1643 (2005); 1727 (2006); 1782 (2007); 1842 (2008); 1893 (2009); 1946 (2010); 1975 (2011); 1980 (2011); 2045 (2012); 2101 (2013); 2153 (2014); 2219 (2015)	1556 (2004); 1701 (2006); 1874 (2009); 2087 (2013); 2094 (2013); 2141 (2014); 2207 (2015); 2174 (2014); 2208 (2015); 2213 (2015); 2238 (2015); 2259 (2015)	1636 (2005); 1718 (2006); 1970 (2011); 2048 (2012); 2127 (2013); 2140 (2014); 2206 (2015); 2374 (2017)	2099 (2011); 2186 (2014); S/PRST/2011/2216 (2015); 2252 (2015)	2016 (2011); 2203 (2015); 4/28; 2196 (2015); 2217 (2015)	2048 (2012); 2127 (2013); 2140 (2014); 2206 (2015); 2374 (2017)	2127 (2013); 2140 (2014); 2206 (2015); 2374 (2017)	2140 (2014); 2206 (2015); 2374 (2017)	2206 (2015); 2374 (2017)	2374 (2017)
Resolutions adopted in 2016–2017															
2316 (2016); 2317 (2016); 2383 (2017); 2385 (2017)	No resolutions adopted	2347 (2017); 2349 (2017); 2368 (2017)	No resolutions adopted	2288 (2016)	2293 (2016); 2360 (2017)	2283 (2016)	2265 (2016); 2340 (2017)	No resolutions adopted	2270 (2016); 2321 (2016); 2356 (2017); 2371 (2017); 2375 (2017); 2397 (2017)	2278 (2016); 2292 (2016); 2357 (2017); 2362 (2017)	No resolutions adopted	2262 (2016); 2339 (2017)	2266 (2016); 2342 (2017)	2271 (2016); 2280 (2016); 2290 (2016); 2353 (2017)	2374 (2017)

Table 5
Overview of measures pursuant to Article 41, in place or imposed, 2016–2017

<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>Libya</i>	<i>Guinea-Bissau</i>	<i>Central African Republic</i>	<i>Yemen</i>	<i>South Sudan</i>	<i>Mali</i>
Arms embargo	X	X	X	X	X	X	X	X	X	X	X		X	X		
Travel ban or restrictions	X	X	X			X	X	X	X	X	X	X	X	X	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					
Ban/restriction on workers abroad										X						
Business restrictions	X (Eritrea)										X					
Charcoal ban	X															
Diplomatic/overseas representation restrictions										X						
Embargo on natural resources						X				X						
Financial restrictions	X (Eritrea)									X	X					
Luxury goods embargo										X						
Natural gas embargo/restriction										X						
Non-proliferation measures										X						
Oil/petroleum and petroleum products embargo/restriction										X	X					

<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>Libya</i>	<i>Guinea-Bissau</i>	<i>Central African Republic</i>	<i>Yemen</i>	<i>South Sudan</i>	<i>Mali</i>
Prohibition on bunkering services										X	X					
Public financial support for trade restrictions										X						
Restrictions on ballistic missiles										X						
Sectoral ban										X						
Specialized teaching and technical cooperation restrictions										X						
Transport and aviation sanctions										X						
Trade ban on cultural goods			X													

Somalia and Eritrea

During the period under review, the Security Council adopted resolutions [2316 \(2016\)](#), [2317 \(2016\)](#), [2383 \(2017\)](#) and [2385 \(2017\)](#) related to the sanctions measures imposed by the Council concerning Somalia and Eritrea.⁸³ The resolutions either extended or modified three sanctions measures concerning Somalia, namely the asset freeze, the arms embargo and the charcoal ban. Table 6 provides an overview of the changes to the measures authorized by the Council in 2016 and 2017.

On 9 November 2016, by resolution [2316 \(2016\)](#), 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 authorized to fight against piracy and armed robbery at sea off the coast of Somalia.⁸⁴ The Council reiterated its decision in resolution [2383 \(2017\)](#).⁸⁵

On 11 November 2016, by resolution [2317 \(2016\)](#), the Council reaffirmed the arms embargo on Somalia and further reaffirmed the arms embargo on Eritrea. It reiterated that the delivery of weapons, ammunition or military equipment or the provision of

advice, assistance or training, intended solely for the development of the Somali National Security Forces, to provide security for the Somali people, and the entry into Somali ports for temporary visits of vessels carrying arms and related materiel for defensive purposes did not amount to a violation of the arms embargo.⁸⁶ The arms embargo and the exemptions outlined above were again reaffirmed by the Council in its resolution [2385 \(2017\)](#) on 14 November 2017.⁸⁷ In addition, by resolutions [2317 \(2016\)](#) and [2385 \(2017\)](#), the Council decided that the asset freeze should not be applied to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of humanitarian assistance.⁸⁸ By resolutions [2317 \(2016\)](#) and [2385 \(2017\)](#), the Council reaffirmed the ban on the import and export of Somali charcoal⁸⁹ and renewed its authorization for Member States to inspect vessels and to seize and dispose of any prohibited items bound to or from Somalia, where there were grounds to believe that the vessels were carrying charcoal, weapons or military equipment to Somalia or to individuals or entities designated by the relevant Committee in Somali territorial waters and on the high seas off the coast of Somalia.⁹⁰

⁸³ For more information on the Committee pursuant to resolutions [751 \(1992\)](#) and [1907 \(2009\)](#) concerning Somalia and Eritrea, see part IX, sect. I.B.

⁸⁴ Resolution [2316 \(2016\)](#), paras. 14 and 16.

⁸⁵ Resolution [2383 \(2017\)](#), para. 16.

⁸⁶ Resolution [2317 \(2016\)](#), paras. 1, 2, 3 and 16.

⁸⁷ Resolution [2385 \(2017\)](#), paras. 1, 2, 3 and 19.

⁸⁸ Resolutions [2317 \(2016\)](#), para. 28; and [2385 \(2017\)](#), para. 33.

⁸⁹ Resolutions [2317 \(2016\)](#), paras. 22 and 25; and [2385 \(2017\)](#), paras. 26 and 29.

⁹⁰ Resolutions [2317 \(2016\)](#), para. 25; and [2385 \(2017\)](#), para. 29.

Table 6
Changes to the measures imposed pursuant to Article 41 concerning Somalia and Eritrea,
2016–2017

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)			
		2316 (2016)	2317 (2016)	2383 (2017)	2385 (2017)
Arms embargo	733 (1992) , para. 5	Exemption (16)	Extension (1) Limited extension (25) Exemption (2, 3)	Exemption (16)	Extension (1) Limited extension (29) Exemption (2, 3)
Arms embargo (Eritrea)	1907 (2009) , paras. 5 and 6		Extension (16)		Extension (19)
Assets freeze	1844 (2008) , para. 3		Exemption (28)		Exemption (33)
Charcoal ban	2036 (2012) , para. 22		Extension (22) Limited extension (25)		Extension (26) Limited extension (29)

Taliban and associated individuals and entities

During the period under review, the Council adopted six resolutions concerning the Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004).⁹¹ It did not, however, adopt any new resolutions concerning the sanctions measures on the Taliban and other individuals, groups, undertakings and entities associated with the Taliban constituting a threat to peace, stability and security of Afghanistan, as designated by the Committee. The relevant Committee continued to oversee the implementation of the asset freeze, arms embargo and travel ban or restriction as previously imposed by resolutions 1267 (1999), 1333 (2000) and 1390 (2002).

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

During the period under review, the Council adopted resolutions, 2331 (2016), 2347 (2017), 2349 (2017), 2368 (2017) and 2396 (2017), concerning the sanctions measures on ISIL (Da'esh) and Al-Qaida and associates. In addition to the above-mentioned resolutions concerning the Monitoring Team, the Council adopted five resolutions affecting 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.⁹² Table 7 provides an overview of the changes to the measures during the period under review.⁹³

On 20 December 2016, by resolution 2331 (2016), the Council condemned all acts of trafficking, particularly the sale or trade in persons undertaken by ISIL (Da'esh), including of Yazidis and other persons belonging to religious and ethnic minorities, and also any such trafficking in persons and other abuses committed by other terrorist or armed groups. It recognized the importance of collecting evidence to ensure that those responsible could be held accountable, and expressed its intention to consider

targeted sanctions for individuals and entities involved in such acts.⁹⁴

On 24 March 2017, by resolution 2347 (2017), the Council requested Member States to prevent and counter the illicit trade and trafficking in cultural property originating from a context of armed conflict, in particular items illegally removed from Iraq since 6 August 1990 and the Syrian Arab Republic since 15 March 2011, and in that regard recalled the asset freeze on ISIL and individuals, groups, entities or undertakings associated with ISIL (Da'esh) or Al-Qaida.⁹⁵ It reiterated that any engagement in trade involving ISIL, Al-Nusra Front and all other individuals, groups, undertakings and entities associated with Al-Qaida could constitute financial support and could lead to further listings by the Committee.⁹⁶ In the resolution, the Council also encouraged Member States to propose listings of ISIL, Al-Qaida and associated individuals, groups, undertakings and entities involved in the illicit trade in cultural property that met the designation criteria set forth in resolutions 1267 (1999), 1989 (2011) and 2253 (2015) to be considered by the Committee.⁹⁷

On 20 July 2017, by resolution 2368 (2017), the Council decided to renew the arms embargo, asset freeze and travel ban with respect to ISIL (Da'esh), Al-Qaida, and associated individuals, groups, undertakings and entities,⁹⁸ as well as the exemptions to the asset freeze and the travel ban.⁹⁹ The Council recalled the criteria for inclusion in the ISIL (Da'esh) and Al-Qaida sanctions list contained in prior resolutions while reaffirming its intention to consider targeted sanctions for individuals and entities associated with ISIL (Da'esh) or Al-Qaida involved in trafficking in persons in areas affected by armed conflict and in sexual violence in conflict, and expanded the designation criteria to individuals and entities engaged in financing, supporting, facilitating acts or activities, including in petroleum and antiquities trade-related activities, with ISIL (Da'esh), Al-Qaida and associates.¹⁰⁰

By the same resolution, the Council also expanded the asset freeze to include trade in petroleum products, natural resources, chemical or agricultural products, weapons or antiquities, kidnapping for

⁹¹ Resolutions 2331 (2016), 2342 (2017), 2347 (2017), 2368 (2017), 2370 (2017) and 2388 (2017). For more information on the Monitoring Team, see part IX, sect. I.B.

⁹² Resolutions 2325 (2016), 2347 (2017), 2349 (2017), 2368 (2017) and 2370 (2017).

⁹³ Resolutions 2331 (2016) and 2396 (2017) are not included in the table since no changes to any measures were made. The Council expressed its intention to consider additional targeted sanctions in resolution 2331 (2016).

⁹⁴ Resolution 2331 (2016), paras. 11 and 12.

⁹⁵ Resolution 2347 (2017), para. 8.

⁹⁶ *Ibid.*, para. 2.

⁹⁷ *Ibid.*, para. 10.

⁹⁸ Resolution 2368 (2017), paras. 1, 1 (a)–(c), 5–10, 13, 20, 22, 80 and 81 (a) and (b).

⁹⁹ *Ibid.*, paras. 1(b), 6, 10, 80 and 81.

¹⁰⁰ *Ibid.*, paras. 2 (a)–(c), 3, 4, 14, 15, 50 and 61.

ransom, and the proceeds of other crimes, including trafficking in persons, extortion and bank robbery.¹⁰¹ The Council, further, called upon Member States to supervise the money value transfer systems and detect and prevent the physical cross-border movement of currency to support terrorism, taking into account relevant Financial Action Task Force recommendations and international standards, and to protect non-profit organizations from terrorist abuse.¹⁰² The Council also decided to review the measures set out in the resolution with a view to their possible further strengthening in 18 months.¹⁰³

On 21 December 2017, by resolution [2396 \(2017\)](#), the Council decided that, as of 23 October 2017, Member States should require airlines operating in their territories to provide advance passenger information, in furtherance of resolution [2178 \(2014\)](#) and the standard established by the International Civil Aviation Organization, to detect the departure from their territories or attempted travel to, entry into or transit through their territories of foreign terrorist fighters and individuals designated by the Committee.¹⁰⁴

¹⁰¹ Ibid., para. 7.

¹⁰² Ibid., para. 22.

¹⁰³ Ibid., para 104.

¹⁰⁴ Resolution [2396 \(2017\)](#), para. 11. See also resolution [2178 \(2014\)](#), para. 8. For more information, see *Repertoire, Supplement 2014–2015*, part VII, sect. III.A.2.

Table 7

Changes to the measures imposed pursuant to Article 41 concerning ISIL (Da’esh) and Al-Qaida and associates, 2016–2017

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)		
		2347 (2017)	2349 (2017)	2368 (2017)
Arms embargo	1333 (2000) , para. 5			Extension (1, 1(c))
Asset freeze	1267 (1999) , para. 4(b)	Extension (8)	Extension (6)	Extension (1, 1(a), 5, 6, 7, 8, 9, 13) Modification (7, 20, 22) Exemption (6, 10, 80, 81, 81(a) and (b))
Trade ban on cultural goods	2199 (2015) , para. 17	Modification (8)		
Travel ban or restrictions	1390 (2002) , para. 2(b)			Extension (1, 1(b)) Exemption (1(b), 10, 80)

Iraq

During 2016 and 2017, the Council did not adopt any new resolutions concerning the remaining sanctions measures on Iraq, consisting of an arms embargo, with exemptions, and an asset freeze on senior officials, State bodies, corporations and agencies of the former Iraqi regime. Pursuant to resolution [1483 \(2003\)](#), the relevant Committee continued to oversee the implementation of the asset freeze and maintain the lists of individuals and entities.

Liberia

During the period under review, the Council adopted resolution [2288 \(2016\)](#) concerning the arms

embargo on Liberia.¹⁰⁵ Table 8 provides an overview of the changes to the measure during the period under review.

Upon its determination that the ceasefire in Liberia was being fully respected and maintained, and that significant progress had been made in establishing and maintaining stability in Liberia and the subregion,¹⁰⁶ on 25 May 2016, by resolution [2288 \(2016\)](#), the Council terminated, with immediate effect, the arms embargo previously imposed by resolution [1521 \(2003\)](#).

¹⁰⁵ For more information on the Committee established pursuant to resolution [1521 \(2003\)](#) concerning Liberia and the mandate of the Panel of Experts, see part IX, sect. I.B.

¹⁰⁶ Resolution [2288 \(2016\)](#), eleventh preambular paragraph and para. 1.

Table 8
Changes to the measures imposed pursuant to Article 41 concerning Liberia, 2016–2017

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)	
		2288 (2016)	
Arms embargo	1521 (2003), para. 2		Termination (1)

Democratic Republic of the Congo

During the period under review, the Council adopted resolutions 2293 (2016) and 2360 (2017) in relation to the sanctions measures on the Democratic Republic of the Congo, consisting of an arms embargo, a travel ban, an asset freeze and an embargo on natural resources.¹⁰⁷ Table 9 provides an overview of the changes to the measures during the period under review.

The Council twice renewed the sanctions measures in place, namely, the arms embargo, asset freeze and travel ban, first until 1 July 2017 by resolution 2293 (2016), and subsequently until 1 July 2018 by resolution 2360 (2017).¹⁰⁸ In addition, the Council reaffirmed the provisions of prior resolutions concerning the embargo on natural resources, including wildlife.¹⁰⁹ The Council reaffirmed that measures

contained in prior resolutions would apply to individuals and entities as designated by the Committee for engaging in or providing support for acts that undermined the peace, stability or security of the Democratic Republic of the Congo,¹¹⁰ and decided that such acts would include planning, directing, sponsoring or participating in attacks against MONUSCO peacekeepers or United Nations personnel, including members of the Group of Experts.¹¹¹ By resolution 2293 (2016), the Council reaffirmed the exemptions contained in previous resolutions and added exemptions for other sales and/or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee.¹¹² In the same resolution, the Council reiterated the exemptions to the travel ban as set out in resolutions 1807 (2007) and 2078 (2014).¹¹³

¹⁰⁷ During the review period, in regard to the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo or the Group of Experts, the Council adopted resolutions 2277 (2016), 2293 (2016), 2348 (2017) and 2360 (2017). For more information, see part IX, sect. I.B.

¹⁰⁸ Resolutions 2293 (2016), paras. 1 and 5, and 2360 (2017), para. 1.

¹⁰⁹ Resolutions 2293 (2016), para. 29, and 2360 (2017), para. 26.

¹¹⁰ Resolutions 2293 (2016), para. 7, and 2360 (2017), para. 2.

¹¹¹ Resolution 2360 (2017), para. 3.

¹¹² Resolution 2293 (2016), para. 3(d).

¹¹³ *Ibid.*, para. 6. See also resolutions 1807 (2008), para. 9, and 2078 (2014), para. 10.

Table 9
Changes to the measures imposed pursuant to Article 41 concerning the Democratic Republic of the Congo, 2016–2017

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)	
		2293 (2016)	2360 (2017)
Arms embargo	1493 (2003), para. 20	Limited extension (1) Exemption (1, 2, 3 (a)–(d))	Limited extension (1) Exemption (1)
Asset freeze	1596 (2005), para. 15	Limited extension (5) Exemption (5)	Limited extension (1) Exemption (1)
Travel ban or restrictions	1596 (2005), para. 13	Limited extension (5) Exemption (5, 6)	Limited extension (1) Exemption (1)
Embargo on natural resources	1649 (2005), para 16	Extension (25, 28, 29)	Extension (22, 25, 26)

Côte d'Ivoire

During the period under review, the Security Council adopted one resolution relating to the sanctions measures concerning Côte d'Ivoire.¹¹⁴ Table 10 provides an overview of the changes to the measures authorized by the Council during 2016 and 2017.

¹¹⁴ For more information on the Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, see part IX, sect. I.B.

Welcoming the progress achieved in the stabilization of the country and the successful conduct of the presidential election of 25 October 2015, the Council, by resolution 2283 (2016), terminated the three remaining sanctions measures on Côte d'Ivoire, namely, the arms embargo, asset freeze and travel ban.¹¹⁵

¹¹⁵ Resolution 2283 (2016), seventh preambular paragraph and para. 1.

Table 10

Changes to the measures imposed pursuant to Article 41 concerning Côte d'Ivoire, 2016–2017

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)
		2283 (2016)
Arms embargo	1572 (2004), para. 7	Termination (1)
Asset freeze	1572 (2004), para. 11	Termination (1)
Travel ban or restrictions	1572 (2004), para. 9	Termination (1)

Sudan

During the period under review, the Council adopted two resolutions, resolutions 2265 (2016) and 2340 (2017) concerning the sanctions measures on the Sudan.¹¹⁶ Table 11 provides an overview of the changes to the measures in 2016 and 2017.

In both resolutions, the Council expressed its concern regarding the supply, sale or transfer to the Sudan of technical assistance and support, including weapons systems and materiel, which could be used by the Government to support military aircraft in violation of the arms embargo measures against all non-governmental entities and individuals, as imposed by resolutions 1556 (2004) and 1591 (2005), and also that certain items continued to be converted for military purposes and transferred to Darfur.¹¹⁷ In resolutions 2265 (2016) and 2340 (2017), the Council recalled the obligations of the Government of the Sudan in respect of the arms embargo established in prior resolutions, and called upon the Government to address the illicit transfer, destabilizing accumulation and misuse of

small arms and light weapons in Darfur, and further to ensure the safe and effective management, storage and security of stockpiles and the collection and/or destruction of surplus, seized, unmarked or illicitly held weapons and ammunition.¹¹⁸

By the same resolutions, the Council reiterated that all States should take the measures necessary to prevent entry into or transit through their territories of designated persons, in accordance with resolution 1591 (2005), and called upon the Government of the Sudan to enhance cooperation and information-sharing with other States in that regard.¹¹⁹ In resolution 2340 (2017), while acknowledging an overall reduction in violence, the Council called upon the Government to investigate and bring the perpetrators to justice, taking into account the findings of the 2014, 2015 and 2016 final reports of the Panel of Experts and the report of the Secretary-General.¹²⁰ In the same resolution, it expressed its intention to impose targeted sanctions on individuals and entities who planned, sponsored or participated in attacks against civilians and personnel of the African Union-United Nations Hybrid Operation in Darfur (UNAMID).¹²¹

¹¹⁶ During the review period, the Council adopted resolutions 2265 (2016), 2340 (2017) and 2363 (2017), relating to the Committee established pursuant to resolution 1591 (2005) concerning the Sudan. For more information concerning the Committee see part IX, sect. I.B.

¹¹⁷ Resolutions 2265 (2016), paras. 6 and 9; and 2340 (2017), paras. 8 and 11.

¹¹⁸ Resolutions 2265 (2016), paras. 7 and 8; and 2340 (2017), paras. 9 and 10.

¹¹⁹ Resolutions 2265 (2016), para. 12; and 2340 (2017), para. 14.

¹²⁰ S/2016/1109.

¹²¹ Resolution 2340 (2017), fifth preambular paragraph and paras. 18, 20 and 21.

Table 11
Changes to the measures imposed pursuant to Article 41 concerning the Sudan, 2016–2017

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)	
		2265 (2016)	2340 (2017)
Arms embargo	1556 (2004), paras. 7, 8	Extension (7)	Extension (9)
Asset freeze	1591 (2005), para. 3 (e)		
Travel ban or restrictions	1591 (2005), para. 3 (d)	Extension (12)	Extension (14)

Lebanon

During the period under review, the Council did not make any modifications to the sanctions measures concerning Lebanon established pursuant to resolution 1636 (2005), consisting of an arms embargo, an asset freeze and a travel ban.

Democratic People's Republic of Korea

During the period under review, the Council adopted seven resolutions concerning the sanctions measures on the Democratic People's Republic of Korea,¹²² six of which served to strengthen the measures in response to increased nuclear testing and ballistic missile launching activity over the period under review.¹²³ Table 12 provides an overview of the changes to the measures during 2016 and 2017.

On 2 March 2016, by resolution 2270 (2016), against the background of a fourth nuclear test conducted by the Democratic People's Republic of Korea on 6 January 2016, the Council decided to expand the sanctions measures against the country. While reaffirming non-proliferation measures established in prior resolutions, the Council expanded those measures to include any items determined by the State concerned to contribute to the Democratic People's Republic of Korea's ballistic missile or weapons of mass destruction programmes or to the development of the operational capabilities of its armed forces.¹²⁴ Similarly, the measures relating to the arms embargo,¹²⁵ asset freeze,¹²⁶ financial restrictions,¹²⁷ travel ban¹²⁸ and embargo on luxury

goods¹²⁹ were all expanded in terms of scope and individuals and entities affected. Moreover, the Council strengthened the restrictions on diplomats and overseas representation, authorizing Member States to expel diplomats or government representatives working on behalf of or at the direction of a designated individual or entity of the Democratic People's Republic of Korea, or of an individual or entities assisting in the evasion of sanctions or violating the provisions of prior resolutions.¹³⁰

By resolution 2270 (2016), the Council also determined that Member States should prevent specialized teaching or training of nationals of disciplines that could contribute to the Democratic People's Republic of Korea's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems.¹³¹ The Council further decided that Member States should prohibit their nationals and those in their territories from leasing or chartering their flagged vessels or aircraft or providing crew services to the Democratic People's Republic of Korea.¹³² In addition, the Council decided that the Democratic People's Republic of Korea should not supply, sell or transfer coal, iron and iron ore, gold, titanium ore, vanadium ore and rare earth minerals, and that all States should prohibit the procurement of such material from the Democratic People's Republic of Korea, thereby expanding the scope of the embargo on natural resources.¹³³

On 30 November 2016, following a fifth nuclear test by the Democratic People's Republic of Korea on 9 September 2016, the Council expanded further the sanctions measures on the country in a new resolution. By resolution 2321 (2016), the Council expanded the arms embargo to cover additional items,¹³⁴ as well as

¹²² Resolutions 2270 (2016), 2276 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017) and 2397 (2017).

¹²³ For more information on the Committee established pursuant to resolution 1718 (2006), concerning sanctions on the Democratic People's Republic of Korea, see part IX, sect. I.

¹²⁴ Resolution 2270 (2016), paras. 8, 8 (a) and (b), 17, 24, 25 and 27.

¹²⁵ Ibid., paras. 6, 7, 8, 8 (a) and 8 (b), 25 and 27.

¹²⁶ Ibid., paras. 10, 12, 23, 25, 32, 37 and 47.

¹²⁷ Ibid., paras. 15, 33, 34, 35 and 37.

¹²⁸ Ibid., paras. 7, 11 and 13–15.

¹²⁹ Ibid., paras. 25 and 39.

¹³⁰ Ibid., para. 13.

¹³¹ Ibid., para. 17.

¹³² Ibid., para. 19.

¹³³ Ibid., paras. 29 and 30.

¹³⁴ Resolution 2321 (2016), paras. 4 and 7.

the embargo on luxury goods.¹³⁵ The Council also expanded the embargo on natural resources originating in the Democratic People's Republic of Korea by, inter alia, adding copper, nickel, silver and zinc to the list of the minerals banned from the sale or procurement from the Democratic People's Republic of Korea.¹³⁶ The Council tightened the restrictions on diplomatic and overseas representation of the Democratic People's Republic of Korea by, inter alia, requiring Member States to reduce the number of staff at the country's diplomatic missions and consular posts, restricting their entry or transit, and limiting to one the number of bank accounts per diplomatic mission and consular post of the Democratic People's Republic of Korea, and to one per accredited diplomat and consular officer, at banks in their territory.¹³⁷ The Council decided that Member States should prohibit the Democratic People's Republic of Korea from using real property that it owns or leases in their territories for any purpose other than diplomatic or consular activities.¹³⁸ The Council further decided that, if a Member State determined that an individual was working on behalf of or at the direction of a bank or financial institution of the Democratic People's Republic of Korea, then Member States should expel the individual from their territories.¹³⁹

By resolution 2321 (2016), the Council also decided that the Democratic People's Republic of Korea should not supply, sell or transfer statues from its territory, and that all States should prohibit the procurement of such items from the country.¹⁴⁰ The Council also decided that all Member States should prevent the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea of new helicopters and vessels.¹⁴¹

On 2 June 2017, by resolution 2356 (2017), the Council recalled and reaffirmed most existing measures and added new individuals and entities to the list of those affected by the asset freeze and travel ban in place since the adoption of resolution 1718 (2006).¹⁴²

On 5 August 2017, the Council adopted resolution 2371 (2017), in which it reaffirmed and further expanded the sanctions measures in place against the Democratic People's Republic of Korea. As

in previous resolutions adopted during the review period, while reaffirming most of the measures in place, the Council expanded the arms embargo to include designated additional conventional arms-related items, materials, equipment, goods and technology. The Council also expanded the asset freeze and the travel ban to include additional designated individuals and entities.¹⁴³ By the same resolution, the Council added lead and lead ore to the list of natural resources, and decided that the Democratic People's Republic of Korea should not supply, sell or transfer such items and that all States should prohibit their procurement from the country. The Council set out a revised procedure for the implementation of the ban on coal, iron and iron ore established by resolution 2270 (2016).¹⁴⁴ Furthermore, the Council expanded the financial restrictions by deciding that States should prohibit the opening of new joint ventures or cooperative entities with entities or individuals of the Democratic People's Republic of Korea, or the expansion of existing joint ventures, unless approved by the Committee.¹⁴⁵ The Council clarified that the financial restrictions contained in resolution 1718 (2006) and modified by subsequent resolutions, including resolution 2094 (2013), also applied to the clearing of funds through all Member States' territories.¹⁴⁶

Moreover, in resolution 2371 (2017) the Council expressed concern that nationals of the Democratic People's Republic of Korea worked in other States for the purpose of generating foreign export earnings, and decided that all Member States should restrict the issuance of new work authorizations for those nationals from the date of adoption of the resolution, unless such employment was required for the delivery of humanitarian assistance or denuclearization, as approved by the Committee on a case-by-case basis.¹⁴⁷ In addition, the Council decided to prohibit the supply, sale or transfer of seafood, including fish, crustaceans, molluscs and other aquatic invertebrates in all forms.¹⁴⁸

On 11 September 2017, following a sixth nuclear test by the Democratic People's Republic of Korea, the Council adopted resolution 2375 (2017), in which it reaffirmed and expanded some of the measures, including the scope of the arms embargo, as well as the

¹³⁵ Ibid., paras. 5 and 7.

¹³⁶ Ibid., paras. 26 and 28.

¹³⁷ Ibid., paras. 14, 15 and 16.

¹³⁸ Ibid., para. 18.

¹³⁹ Ibid., para. 33.

¹⁴⁰ Ibid., para. 29.

¹⁴¹ Ibid., para. 30.

¹⁴² Resolution 2356 (2017), para. 3.

¹⁴³ Resolution 2371 (2017), paras. 3 and 5.

¹⁴⁴ Ibid., paras. 8 and 10.

¹⁴⁵ Ibid., para. 12.

¹⁴⁶ Ibid., para. 13.

¹⁴⁷ Ibid., para. 11.

¹⁴⁸ Ibid., para. 9.

individuals and entities affected by the asset freeze and the travel ban.¹⁴⁹

The Council, in the same resolution, introduced three new measures relating to the energy sector, prohibiting the supply, sale or transfer of all condensates and natural gas liquids to the Democratic People’s Republic of Korea; limiting the amount of all refined petroleum products supplied, sold or transferred to the country; and restricting the annual amount of crude oil supplied, sold or transferred to the country.¹⁵⁰ In addition, the Council expanded the reach of some of the sanctions measures by (a) prohibiting the sale and procurement from the Democratic People’s Republic of Korea of textiles, as defined in the resolution, (b) expanding the restriction by Member States on work authorizations for the nationals of the Democratic People’s Republic of Korea and (c) prohibiting the opening, maintenance and operation of all joint ventures or cooperative entities, new and existing, with entities or individuals of the Democratic People’s Republic of Korea.¹⁵¹

On 22 December 2017, the Council adopted resolution 2397 (2017), in which it strengthened the measures targeting the energy sector of the Democratic People’s Republic of Korea,¹⁵² the restrictions on work

authorizations for its nationals,¹⁵³ the asset freeze and travel ban¹⁵⁴ and the implementation measures relating to the embargo on natural resources and other prohibited items.¹⁵⁵ By the same resolution, the Council further expanded the sectors of the economy of the Democratic People’s Republic of Korea subject to sanctions, namely, food and agricultural products, machinery, electrical equipment, earth and stone, including magnesite and magnesia, wood and vessels, as well as industrial machinery, transportation vehicles, and iron, steel and other metals.¹⁵⁶

The Council also affirmed that it would keep the actions of the Democratic People’s Republic of Korea under continuous review, expressed its determination to take further significant measures in the event of a further nuclear test or launch, and decided that, if the country conducted a further nuclear test or a launch of an intercontinental ballistic missile system capable of reaching intercontinental ranges or contributing to the development of a ballistic missile system capable of such ranges, it would take action to restrict further the export of petroleum to the Democratic People’s Republic of Korea.¹⁵⁷

¹⁴⁹ Resolution 2375 (2017), paras. 3, 4 and 5.

¹⁵⁰ Ibid., paras. 13, 14 and 15.

¹⁵¹ Ibid., paras. 16, 17 and 18.

¹⁵² Resolution 2397 (2017), paras. 4 and 5.

¹⁵³ Ibid., para. 8.

¹⁵⁴ Ibid., para. 3.

¹⁵⁵ Ibid., para. 9.

¹⁵⁶ Ibid., para. 6 and 7.

¹⁵⁷ Ibid., para. 28.

Table 12

Changes to the measures imposed pursuant to Article 41 concerning the Democratic People’s Republic of Korea, 2016–2017

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i>					
		<i>2270 (2016)</i>	<i>2321 (2016)</i>	<i>2356 (2017)</i>	<i>2371 (2017)</i>	<i>2375 (2017)</i>	<i>2397 (2017)</i>
Arms embargo	1718 (2006), paras. 8 (a), 8 (a)(i) and (c)	Extension (5) Modification (6, 7, 8, 25, 27) Exemption (8, 8(a) and (b))	Modification (4, 7)	Extension (3)	Modification (5)	Modification (4, 5)	
Asset freeze	1718 (2006), para. 8 (d)	Modification (10, 12, 23, 25, 32, 37, 47) Exemption (32)	Extension (41) Modification (3)	Modification (3)	Modification (3, 4) Exemption (26)	Modification (3)	Modification (3)

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

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i>					
		<i>2270 (2016)</i>	<i>2321 (2016)</i>	<i>2356 (2017)</i>	<i>2371 (2017)</i>	<i>2375 (2017)</i>	<i>2397 (2017)</i>
Ban on arms exports by target State	1718 (2006), para. 8 (b)	Extension (9) Modification (7, 8, 25, 27) Exemption (8, 8 (a) and (b))	Modification (4, 7)	Extension (3)	Modification (5)	Modification (4, 5)	
Ban/restriction on workers abroad	2371 (2017), para. 11				Establishment	Modification (17) Exemptions (17)	Modification (8) Exemption (8)
Diplomatic/overseas representation restrictions	2094 (2013), para. 24	Modification (13) Exemption (13)	Modification (14, 15, 16, 18)				
Embargo on natural resources	2270 (2016), paras. 29 and 30	Establishment (29, 30) Exemption (29 (a) and (b))	Modification (26, 28) Exemption (26 (a) and (b))		Modification (8, 10) Exemption (8, 10)		Modification (6, 7) Exemption (6, 7, 16)
Financial restrictions	1695 (2006), para. 4	Extension (33) Modification (15, 34, 35, 37) Exemption (33, 35)	Modification (16, 18, 31, 35) Exemption (31)		Modification (12, 13, 14) Exemption (12)	Modification (18) Exemption (18)	
Luxury goods embargo	1718 (2006), paras. 8 (a) and 8 (a)(iii)	Modification (25, 39)	Modification (5, 7)	Extension (3)	Modification (5)	Modification (5)	
Natural gas embargo/restriction	2375 (2017), para. 13					Establishment	
Non-proliferation measures	1718 (2006), paras. 6, 7, 8 (a), 8 (a)(ii) and 8 (c)	Extension (2, 3, 4, 5) Modification (8, 17, 25, 27) Exemption (8 (a) and 8 (b))	Extension (2) Modification (4, 7, 10, 11, 37) Exemption (11 (a) and (b))	Extension (2, 3)	Extension (2) Modification (5)	Extension (2) Modification (4, 5)	Extension (2)
Oil/petroleum and petroleum products embargo/restriction	2375 (2017), paras. 14 and 15					Establishment Exemption (14, 15)	Modification (4, 5) Exemption (4, 5)
Prohibition on bunkering services	1874 (2009), para. 17	Modification (31) Exemption (31)	Modification (20)				

Repertoire of the Practice of the Security Council, 2016–2017

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i>					
		<i>2270 (2016)</i>	<i>2321 (2016)</i>	<i>2356 (2017)</i>	<i>2371 (2017)</i>	<i>2375 (2017)</i>	<i>2397 (2017)</i>
Public financial support for trade restrictions	1874 (2009), para. 20	Extension (36)	Modification (22, 32) Exemption (32)				Extension (11) Exemption (11)
Restrictions on ballistic missiles	1695 (2006), paras. 2, 3 and 4	Extension (2, 4, 5) Modification (8, 25, 27) Exemption (8, 8 (a) and (b))	Extension (2) Modification (4, 7, 37)	Extension (2, 3)	Extension (2) Modification (5)	Extension (2) Modification (5)	Extension (2)
Sectoral ban	2321 (2016), para. 29 and 30		Establishment Exemption (29, 30)		Modification (9) Exemption (9)	Modification (16) Exemption (16)	Modification (14) Exemption (14)
Specialized teaching and technical cooperation restrictions	2270 (2016), para. 17	Establishment	Modification (10, 11)				
Transport and aviation sanctions	2270 (2016), paras. 19 and 20	Establishment Exemption (19, 20)	Modification (8, 9) Exemption (8, 9)		Modification (7) Exemption (7)		
Travel ban or restrictions	1718 (2006), para. 8 (e)	Modification (7, 11, 13–15) Exemption (13, 14)	Modification (3, 33) Exemption (33)	Modification (3)	Modification (3)	Modification (3)	Modification (3)

Libya

During the period under review, the Security Council adopted four resolutions related to the sanctions measures concerning Libya,¹⁵⁸ two of which modified the sanctions measures in place. Table 13 provides an overview of the changes to the measures in 2016–2017.¹⁵⁹

On 31 March 2016, by resolution [2278 \(2016\)](#), the Council extended until 31 July 2017 the measures introduced by resolution [2146 \(2014\)](#) to prevent the illicit export of crude oil from Libya, including a restriction on financial transactions, prohibition of the loading, transport or discharge of crude oil from Libya

¹⁵⁸ Resolutions [2278 \(2016\)](#), [2292 \(2016\)](#), [2357 \(2017\)](#) and [2362 \(2017\)](#).

¹⁵⁹ Resolutions [2292 \(2016\)](#) and [2357 \(2017\)](#) are not included in the table as they do not extend or modify the sanctions measures concerning Libya.

aboard designated vessels and the prohibition of bunkering services.¹⁶⁰

On 29 June 2017, by resolution [2362 \(2017\)](#), the Council extended the above-mentioned measures until 15 November 2018, and expanded their scope to include vessels loading, transporting or discharging petroleum, including crude oil and refined petroleum products, illicitly exported or attempted to be exported from Libya.¹⁶¹ The Council reaffirmed that the travel ban and asset freeze applied to individuals and entities determined by the Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya to be engaging in or providing support for acts that threatened the peace, stability or security of Libya, or obstructed or undermined the successful completion of its political transition. In addition, the Council decided that individuals and entities engaged in planning,

¹⁶⁰ Resolution [2278 \(2016\)](#), para. 1. See also resolution [2146 \(2014\)](#), fourth and fifth preambular paragraphs and para. 10.

¹⁶¹ Resolution [2362 \(2017\)](#), para. 2.

directing, sponsoring or participating in attacks against United Nations personnel, including members of the Panel of Experts, would also be subject to both measures.¹⁶²

In both resolutions, the Council expressed its readiness to consider reviewing, at the request of the Government of National Accord, the arms embargo and the asset freeze, when appropriate.¹⁶³

¹⁶² Ibid., para. 11.

¹⁶³ Resolutions 2278 (2016), paras. 7, 11 and 16; and 2362 (2017), paras. 7 and 12. See case 9 below, in connection with the item entitled “The situation in Libya”.

Table 13
Changes to the measures imposed pursuant to Article 41 concerning Libya, 2016–2017

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)	
		2278 (2016)	2362 (2017)
Arms embargo	1970 (2011), para. 9	Exemption (7)	Exemption (7)
Asset freeze	1970 (2011), para. 17		Modified (11) Exemption (11)
Ban on arms exports by target State	1970 (2011), para. 10		
Business restrictions	1973 (2011), para. 21		
Financial restrictions	2146 (2014), para. 10 (d)	Limited extension (1)	Limited extension (2)
Oil/petroleum embargo/restriction	2146 (2014), para. 10 (a), (c), (d)	Limited extension (1)	Limited extension (2) Modification (2)
Prohibition on bunkering services	2146 (2014), para. 10 (c)	Limited extension (1) Exemption (1)	Limited extension (2) Modification (2)
Transportation and aviation sanctions measures	1973 (2011), paras. 6, 17, 18		
Travel ban or restrictions	1970 (2011), para. 15		Extension (11) Exemption (11)

Guinea-Bissau

During the years 2016 and 2017, the sanctions regime for Guinea-Bissau, consisting of a travel ban, continued to remain in force, but did not undergo any modifications.¹⁶⁴ In resolution 2267 (2016), the Council decided to review the sanctions measures seven months from the date of adoption of the resolution, in September 2016.¹⁶⁵ In resolution 2343

(2017), the Council decided to review the sanctions measures in September 2017.¹⁶⁶

Central African Republic

The Council adopted resolutions 2262 (2016), 2301 (2016) and 2339 (2017) relating to the sanctions measures concerning the Central African Republic in 2016 and 2017.¹⁶⁷ Table 14 provides an overview of the changes to the measures during the period.¹⁶⁸

¹⁶⁴ For more information on the Committee established pursuant to resolution 2048 (2012) concerning Guinea-Bissau, see part IX, sect. I.B.

¹⁶⁵ Resolution 2267 (2016), para. 20.

¹⁶⁶ Resolution 2343 (2017), para. 23.

¹⁶⁷ For more information on the Committee established pursuant to resolution 2127 (2013) concerning the

On 27 January 2016, by resolution [2262 \(2016\)](#), the Council extended until 31 January 2017 all three sanctions measures concerning the Central African Republic established in prior resolutions, namely, an arms embargo, a travel ban and an asset freeze.¹⁶⁹ The Council also included additional exemptions to the arms embargo,¹⁷⁰ and emphasized, with regard to the travel ban, that individuals who knowingly facilitated the travel of a listed individual in violation of the

travel ban could be determined to have met the designation criteria.¹⁷¹

On 27 January 2017, by resolution [2339 \(2017\)](#), the Council decided to extend the sanctions measures until 31 January 2018.¹⁷² In the resolution, the Council also expanded the designation criteria for the asset freeze and travel ban to include individuals and entities involved in planning, directing or committing acts involving sexual and gender-based violence in the Central African Republic.¹⁷³

Central African Republic, see part IX, sect. I.B.

¹⁶⁸ Resolution [2301 \(2016\)](#) is not included in the table because it did not extend or modify the sanctions measures concerning the Central African Republic.

¹⁶⁹ Resolution [2262 \(2016\)](#), paras. 1, 5 and 8.

¹⁷⁰ *Ibid.*, paras. 1 (b) and 1 (c).

¹⁷¹ *Ibid.*, para. 7.

¹⁷² Resolution [2339 \(2017\)](#), paras. 1, 5 and 12.

¹⁷³ *Ibid.*, para. 17 (c).

Table 14
Changes to the measures imposed pursuant to Article 41 concerning the Central African Republic, 2016–2017

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i>	
		<i>2262 (2016)</i>	<i>2339 (2017)</i>
Arms embargo	2127 (2013) , para. 54	Limited extension (1) Exemption (1(a)–(h))	Limited extension (1) Exemption (1(a)–(h))
Asset freeze	2134 (2014) , paras. 32, 34	Limited extension (8) Exemption (9, 9 (a)–(c), 10, 11)	Limited extension (12) Exemption (13, 13 (a)–(c), 14, 15)
Travel ban or restrictions	2134 (2014) , para. 30	Limited extension (5) Exemption (5, 6, 6 (a)–(c))	Limited extension (5) Exemptions (5, 10 (a)–(c))

Yemen

During the period under review, the Council adopted two resolutions relating to the sanctions measures concerning Yemen.¹⁷⁴ Table 15 provides an overview of the changes to the measures during the period under review.

By resolutions [2266 \(2016\)](#), and [2342 \(2017\)](#), the Council extended the arms embargo, asset freeze and travel ban, as well as the relevant exemptions to those

measures, until 26 February 2017 and 26 February 2018, respectively.¹⁷⁵ The Council reaffirmed the designation criteria of prior resolutions, as well as 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 in the light of developments in the country.¹⁷⁶

¹⁷⁴ For more information on the Committee established pursuant to resolution [2140 \(2014\)](#), concerning sanctions measures on Yemen, see part IX, sect. I.B.

¹⁷⁵ Resolutions [2266 \(2016\)](#), para. 2 and [2342 \(2017\)](#), para. 2.

¹⁷⁶ Resolutions [2266 \(2016\)](#), paras. 4 and 12; and [2342 \(2017\)](#), paras. 4 and 12.

Table 15
Changes to the measures imposed pursuant to Article 41 concerning Yemen, 2016–2017

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)	
		2266 (2016)	2342 (2017)
Arms embargo	2216 (2015), paras. 14–16	Limited extension (2)	Limited extension (2)
Asset freeze	2140 (2014), paras. 11, 13	Limited extension (2) Exemption (2)	Limited extension (2) Exemption (2)
Travel ban or restrictions	2140 (2014), para. 15	Limited extension (2) Exemption (2)	Limited extension (2) Exemption (2)

South Sudan

During the period under review, the Council adopted six resolutions concerning the sanctions measures on South Sudan, consisting of an asset freeze and a travel ban.¹⁷⁷ Table 16 provides an overview of the changes to the measures during the period under review.¹⁷⁸

By resolutions 2271 (2016), and 2280 (2016), the Council extended the asset freeze and travel ban, and the relevant exemptions, until 15 April 2016 and 1 June 2016, respectively.

Amid concerns about the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, on 31 May 2016, the Council adopted resolution 2290 (2016), renewing again the sanctions measures in place, this time until 31 May 2017.¹⁷⁹ In the resolution, the Council reaffirmed the designation criteria set out in resolution 2206 (2015),¹⁸⁰ expressed its intent to review the situation at 90-day intervals from the adoption of the resolution, and affirmed that it would be prepared to adjust the measures in the light of progress achieved in the peace,

accountability and reconciliation process and the implementation of the Agreement and the parties' commitments.¹⁸¹

Subsequently, by resolution 2304 (2016), in the context of the renewal of the mandate of the United Nations Mission in South Sudan (UNMISS),¹⁸² the Council decided that it would consider imposing appropriate measures in the event the Secretary-General reported political or operational impediments to operationalizing the Regional Protection Force or obstructions to UNMISS in the performance of its mandate.¹⁸³ The measures, which would establish an arms embargo, are described in a draft resolution annexed to resolution 2304 (2016).

In resolution 2327 (2016), the Council affirmed its intention to consider appropriate measures to address the evolving situation in South Sudan, including those described in the annex to resolution 2304 (2016).¹⁸⁴ The Council expressed its intention to consider all appropriate measures against those that undermine the peace, stability and security of South Sudan.¹⁸⁵

By resolution 2353 (2017), the Council extended the asset freeze and travel ban for another year, until 31 May 2018, without reference to any further measures.¹⁸⁶

¹⁷⁷ Resolutions 2271 (2016), 2280 (2016), 2290 (2016), 2304 (2016), 2327 (2016) and 2353 (2017). For more information on the Committee established pursuant to resolution 2206 (2015) concerning South Sudan, see part IX, sect. I.B.

¹⁷⁸ Resolutions 2304 (2016) and 2327 (2016) are not included in the table since they do not contain provisions extending or modifying the sanctions measures.

¹⁷⁹ Resolution 2290 (2016), paras. 6 and 7. For more information on the situation in South Sudan, see part I, sect. 11, "Reports of the Secretary-General on the Sudan and South Sudan".

¹⁸⁰ Resolution 2290 (2016), paras. 8, 9 and 10.

¹⁸¹ Ibid., paras. 6, 15 and 16.

¹⁸² For more information on the mandate of UNMISS, see part X, sect. I.

¹⁸³ Resolution 2304 (2016), paras. 16 and 17.

¹⁸⁴ Resolution 2327 (2016), para. 10.

¹⁸⁵ Ibid., para. 3.

¹⁸⁶ Resolution 2353 (2017), para. 1.

Table 16
 Changes to the measures imposed pursuant to Article 41 concerning South Sudan, 2016–2017

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)			
		2271 (2016)	2280 (2016)	2290 (2016)	2353 (2017)
Asset freeze	2206 (2015), paras. 12, 14	Limited extension (1) Exemption (1)	Limited extension (1) Exemption (1)	Limited extension (7) Exemption (7)	Limited extension (1) Exemption (1)
Travel ban or restrictions	2206 (2015), para. 9	Limited extension (1) Exemption (1)	Limited extension (1) Exemption (1)	Limited extension (7) Exemption (7)	Limited extension (1) Exemption (1)

Mali

During the period under review, the Council established new sanctions measures, an asset freeze and a travel ban in connection with the situation in Mali (see table 17).¹⁸⁷

In 2016 and 2017, the Council repeatedly expressed its readiness to consider targeted sanctions against those who took actions to obstruct or threaten the implementation of the Agreement on Peace and Reconciliation in Mali, resumed hostilities and violated the ceasefire, and attacked and took actions to threaten the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and other international presences, as well as those who provided support to such attacks and actions.¹⁸⁸

On 5 September 2017, by resolution 2374 (2017), acting under Chapter VII of the Charter, the Council decided to establish, for an initial period of one year, an asset freeze and a travel ban against individuals and entities designated as responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threatened the peace, security or stability of Mali.¹⁸⁹ The Council also established a Committee to monitor the implementation of the measures and, for an initial period of 13 months, a Panel of Experts mandated to support the work of the Committee.¹⁹⁰

In the resolution, the Council further specified the actions or policies that threatened the peace, security or stability of Mali, including engaging in hostilities in violation of the Agreement; involvement in attacks against the Malian Defence and Security Forces, MINUSMA peacekeepers and United Nations personnel or international security presences; obstructing the delivery of humanitarian assistance; and the use or recruitment of children.¹⁹¹

The Council also elaborated on the exemptions to the measures. Regarding the travel ban, for example, the Council decided that entry into or transit through the territories of Member States would be exempted from the travel ban if it was (a) justified for humanitarian need, including religious obligation, (b) necessary for the fulfilment of judicial process or (c) where the Committee determined that an exemption would further the objectives of peace and national reconciliation in Mali and stability in the region.¹⁹² With regard to the asset freeze, the Council decided that the asset freeze would not apply to the funds or economic resources determined by the Member States to be necessary for basic or extraordinary expenses, as approved by the Committee; the subject of a lien or judgement entering into effect prior to the date of adoption of the resolution; and determined by the Committee to further the objectives of peace and national reconciliation in Mali and stability in the region.¹⁹³

¹⁸⁷ For more information, see part I, sect. 15, “The situation in Mali”. For information on the Committee established pursuant to resolution 2374 (2017) concerning Mali and its Panel of Experts, see part IX, sect. I.B.

¹⁸⁸ Resolution 2295 (2016), para. 4; S/PRST/2016/16, second paragraph; and resolution 2364 (2017), para. 4.

¹⁸⁹ Resolution 2374 (2017), paras. 1, 4 and 8.

¹⁹⁰ Ibid., paras. 9 and 11.

¹⁹¹ Ibid., para. 8.

¹⁹² Ibid., para. 2.

¹⁹³ Ibid., para. 5.

Table 17
Measures imposed pursuant to Article 41 concerning Mali, 2016–2017

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the period (paragraph)
		2374 (2017)
Asset freeze	2374 (2017), para. 4	Establishment Exemption (5 (a)–(d), 6, 7)
Travel ban or restrictions	2374 (2017), para. 1	Establishment Exemption (2 (a)–(c))

B. Discussion relating to Article 41

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

During the period under review, although Article 41 was explicitly referred to on only a few occasions at Council meetings,¹⁹⁴ the use of sanctions was widely discussed by Council and non-Council members in deliberations in relating to both thematic and country- or region-specific items.¹⁹⁵ Under thematic items, the Council discussed the use of sanctions as a policy tool in connection with the maintenance of international peace and security broadly (see case 5); countering sexual violence (see case 6); combating human trafficking (see case 7); and countering nuclear proliferation in the Democratic People’s Republic of Korea (see case 8). In regard to country- and region-specific items, the Council discussed the use of sanctions with respect to the situation in Libya, and the repercussions for the Government of Libya and the political process (see case 9); developments in South Sudan, in particular the effectiveness of new measures, with a view to preventing further violence (see case 10); and, in response to the use of chemical weapons, the conflict in the Syrian Arab Republic (see case 11).

¹⁹⁴ S/PV.7620, p. 11 (United Kingdom); p. 12 (Japan); and p. 21 (Bolivarian Republic of Venezuela); S/PV.8053, p. 7 (Kazakhstan); S/PV.8018, p. 4 (United Kingdom); and p. 17 (Egypt); and S/PV.8151, p. 6 (Ethiopia).

¹⁹⁵ In addition to the case studies presented in subsection III.B, see, for example, S/PV.7740 and S/PV.8038 (Implementation of the note by the President of the Security Council (S/2010/507)); S/PV.7925 (The situation in Somalia); S/PV.7857, S/PV.7938 and S/PV.8114 (Maintenance of international peace and security); and S/PV.7917, S/PV.8040 and S/PV.8062 (The situation in Mali).

Discussion on thematic issues

Case 5

General issues relating to sanctions

At its 7620th meeting, on 11 February 2016, the Council held an open debate on the working methods of the subsidiary organs of the Security Council. At the meeting, the representative of Japan underscored that sanctions, as “non-military measures stipulated in Article 41 of the Charter”, were neither a punishment nor an objective, but one of the most important tools that the Council had at its disposal to find a comprehensive solution to the conflict in question.¹⁹⁶ Several speakers concurred with this statement, asserting that sanctions could not be effective when used in isolation.¹⁹⁷ Some speakers asserted that sanctions could be useful for, inter alia, reducing the capacity of relevant parties to do harm¹⁹⁸ and preventing conflicts.¹⁹⁹ Others recalled cases in which the imposition of sanctions had been successful at achieving various objectives, particularly in restricting the development of nuclear weapons in the Islamic Republic of Iran²⁰⁰ and in helping to end the apartheid regime in South Africa.²⁰¹ The representative of Egypt described the sanctions regime as “one of the most important tools at the disposal of the Organization” in order to achieve the purposes and principles of the Charter.²⁰² Referring to Article 41, the representative of the United Kingdom emphasized the need for effective implementation of sanctions to continue to support the maintenance of international peace and security.²⁰³

¹⁹⁶ S/PV.7620, p. 12.

¹⁹⁷ Ibid., p. 2 (Sweden); p. 9 (New Zealand); and p. 14 (Spain).

¹⁹⁸ Ibid., p. 8 (New Zealand).

¹⁹⁹ Ibid., p. 10 (United Kingdom); and p. 16 (United States).

²⁰⁰ Ibid., p. 6 (France); pp. 10–11 (United Kingdom); and p. 16 (United States).

²⁰¹ Ibid., p. 2 (Sweden); p. 6 (France); p. 16 (United States); and p. 21 (Bolivarian Republic of Venezuela).

²⁰² Ibid., p. 19.

²⁰³ Ibid., p. 11.

By contrast, the representative of China stated that the Council should “refrain from the threat or use of sanctions” and instead rely on such measures as mediation, good offices and political processes to settle differences and disputes and resolve crises.²⁰⁴ The representative of the Bolivarian Republic of Venezuela noted that the Charter stipulated that certain actions could be taken before military action to avert threats to international peace and security but that it did not mention sanctions, only a set of measures as set out in Article 41.²⁰⁵ A number of speakers acknowledged the risk of unintended consequences of sanctions.²⁰⁶ In particular, regarding sanctions involving natural resources, the representative of Chile warned that many people relied on them for survival,²⁰⁷ while others stressed that the use of such sanctions infringed on State sovereignty.²⁰⁸ The representative of the United Kingdom stated that the Council’s approach was working: no third-party State had appealed for assistance relating to the unintended consequences of sanctions since 2003.²⁰⁹

Many speakers underlined the importance of having clear criteria for the modification, suspension and termination of sanctions on the basis of changing circumstances,²¹⁰ with some adding that the procedures and criteria for lifting them should be communicated openly to affected States.²¹¹ Other conditions identified by speakers were targeting sanctions and making a clear differentiation between States and armed groups.²¹²

Several speakers advocated for briefings by the sanctions committees at public meetings of the Council to allow for greater transparency,²¹³ while the representative of the Russian Federation expressed

doubt that such an approach would enhance the effectiveness of the sanctions committees.²¹⁴ Others stressed the need for increased dialogue with Member States affected by sanctions and with neighbouring countries, including at Council meetings;²¹⁵ visits of Chairs to the regions;²¹⁶ and close cooperation between committee Chairs and the penholders of resolutions.²¹⁷ Concerning the importance of due process, some speakers expressed support for strengthening the mandate of the Office of the Ombudsperson and extending it to all committees.²¹⁸ The representative of Sweden observed, in regard to transparent procedures and provisions for due process, that the committees were “critical”, being the primary interface between the United Nations sanctions system and Member States.²¹⁹ The representative of Chile warned that a lack of due process might undermine the legitimacy of the sanctions and hamper their implementation.²²⁰ The representative of Senegal expressed the view that the Office of the Ombudsperson should be institutionalized to ensure its independence with respect to the committees and the Council.²²¹ The representative of the Russian Federation, however, cautioned that broadening the Ombudsperson’s power was dangerous and reiterated their opposition to the creation of “additional bureaucratic layers”.²²²

At the 8018th meeting, on 3 August 2017, several speakers reiterated that sanctions were not an end in themselves and should rather be part of an overall political strategy.²²³ The representative of the Plurinational State of Bolivia expressed the view that, in addition, the imposition of sanctions must not affect the development of States subject to such measures, and in all cases must be implemented with a view to minimizing both the impact on and the possible

²⁰⁴ *Ibid.*, p. 5.

²⁰⁵ *Ibid.*, p. 21.

²⁰⁶ *Ibid.*, p. 4 (Chile); p. 8 (New Zealand); p. 11 (United Kingdom); p. 14 (Spain); p. 15 (Uruguay); p. 18 (Malaysia); p. 21 (Bolivarian Republic of Venezuela); and p. 24 (Islamic Republic of Iran).

²⁰⁷ *Ibid.*, p. 4.

²⁰⁸ *Ibid.*, p. 22 (Bolivarian Republic of Venezuela); and p. 27 (Sudan).

²⁰⁹ *Ibid.*, p. 11.

²¹⁰ *Ibid.*, p. 2 (Sweden); pp. 4–5 (Chile); p. 10 (Senegal); p. 15 (Uruguay); pp. 19–20 (Egypt); p. 22 (Bolivarian Republic of Venezuela); p. 24 (Islamic Republic of Iran); and p. 27 (Eritrea).

²¹¹ *Ibid.*, p. 15 (Uruguay); and p. 22 (Bolivarian Republic of Venezuela).

²¹² *Ibid.*, p. 2 (Sweden); p. 6 (France); p. 11 (United Kingdom); p. 16 (United States); p. 21 (Bolivarian Republic of Venezuela); and p. 25 (Libya).

²¹³ *Ibid.*, p. 3 (Sweden); pp. 3–4 (Chile); p. 5 (China); p. 9 (New Zealand); p. 10 (Senegal); p. 14 (Spain); pp. 16–17 (United States); p. 18 (Malaysia); p. 19 (Ukraine); and p. 20 (Egypt).

²¹⁴ *Ibid.*, p. 13.

²¹⁵ *Ibid.*, p. 3 (Sweden); p. 4 (Chile); p. 5 (China); p. 7 (France); p. 7 (Angola); p. 10 (Senegal); p. 14 (Spain); p. 15 (Uruguay); p. 17 (United States); p. 17 (Malaysia); p. 19 (Ukraine); p. 20 (Egypt); pp. 22 (Bolivarian Republic of Venezuela); p. 26 (Libya); p. 26 (Sudan); p. 27 (Eritrea); and p. 30 (Central African Republic).

²¹⁶ *Ibid.*, p. 2 (Sweden); p. 4 (Chile); p. 7 (France); p. 17 (United States); p. 20 (Egypt); p. 27 (Sudan); and p. 29 (Côte d’Ivoire).

²¹⁷ *Ibid.*, p. 2 (Sweden); p. 10 (Senegal); p. 15 (Spain); p. 15 (Uruguay); p. 19 (Ukraine); and p. 20 (Egypt).

²¹⁸ *Ibid.*, p. 2 (Sweden); p. 4 (Chile); p. 15 (Uruguay); and p. 22 (Bolivarian Republic of Venezuela).

²¹⁹ *Ibid.*, p. 2.

²²⁰ *Ibid.*, p. 4.

²²¹ *Ibid.*, p. 10.

²²² *Ibid.*, p. 13.

²²³ *S/PV.8018*, p. 6 (China); p. 7 (Ethiopia); pp. 7–8 (Russian Federation); p. 9 (Plurinational State of Bolivia); and p. 15 (Italy).

humanitarian cost for the civilian population affected by their implementation.²²⁴

During the meeting, some speakers emphasized that sanctions should be limited in duration, with clear objectives and criteria for termination.²²⁵ Other speakers underlined the importance of periodic review in the improvement of sanctions design and implementation.²²⁶ The representative of Sweden added that the Council should also conduct periodic reviews of listed individuals and entities in all sanctions regimes to ensure that information was up to date.²²⁷ Some speakers underscored the importance of cooperation with regional and subregional organizations and with the countries in the region.²²⁸ The representatives of Kazakhstan and Ethiopia warned against politicizing sanctions and allowing double standards in their design and implementation.²²⁹ The representative of the Russian Federation stated that it was unacceptable to use restrictive measures to overthrow “objectionable regimes”.²³⁰

With regard to implementation, the representative of the United Kingdom reiterated that sanctions agreed in the Council were legally binding Chapter VII obligations.²³¹ Several speakers underscored the importance of information-sharing and cooperation, in particular capacity-building on the part of Member States to ensure effective implementation.²³² In that regard, the representative of Kazakhstan maintained that States should be assisted in upgrading their legal procedures and enacting new domestic legislation in keeping with United Nations standards. He stated that lack of awareness and absence of dialogue with the affected Member States could potentially erode the credibility of sanctions and result in a reluctance to implement them.²³³

²²⁴ Ibid., p. 10.

²²⁵ Ibid., p. 5 (Kazakhstan); p. 6 (China); p. 7 (Ethiopia); p. 8 (Russian Federation); and p. 17 (Japan).

²²⁶ Ibid., p. 5 (Kazakhstan); p. 6 (China); p. 7 (Ethiopia); p. 8 (Russian Federation); p. 9 (Ukraine); p. 10 (Plurinational State of Bolivia); p. 11 (Uruguay); p. 15 (Italy); p. 16 (Sweden); and p. 17 (Japan).

²²⁷ Ibid., p. 16.

²²⁸ Ibid., p. 7 (Ethiopia); p. 9 (Ukraine); p. 11 (Uruguay); and p. 13 (Senegal).

²²⁹ Ibid., p. 5 (Kazakhstan); and p. 7 (Ethiopia).

²³⁰ Ibid., p. 8.

²³¹ Ibid., p. 4.

²³² Ibid., p. 4 (United Kingdom); pp. 5–6 (Kazakhstan); p. 11 (Uruguay); p. 13 (Senegal); p. 17 (Japan); and p. 18 (Egypt).

²³³ Ibid., pp. 5–6.

Case 6

Women and peace and security

On 2 June 2016, at its 7704th meeting, the Council discussed human trafficking in situations of conflict-related sexual violence. The Council was briefed by the Special Representative of the Secretary-General on Sexual Violence in Conflict, who focused on the problem of trafficking of girls and women by armed groups and the resulting income flows accruing to such organizations. She maintained that, since such groups were beyond the reach of judicial deterrence, the priority should be to divest them of resources and degrade their capacity to communicate, travel, trade and do harm, and that through sanctions infrastructure, it was possible to raise the cost of their crimes.²³⁴ The representative of the Bolivarian Republic of Venezuela expressed support for the imposition of “exemplary” sanctions against all those who instigated or were responsible for the crime of sexual violence.²³⁵ The representative of Thailand argued for strengthening the regime of targeted sanctions against perpetrators of conflict-related sexual violence and human trafficking.²³⁶ In a similar vein, the representatives of Ireland and Argentina opined that sanctions were one of the available means that the international community could pursue to respond to conflict-related sexual violence and human trafficking, respectively.²³⁷ The representative of Spain expressed the view that qualified professionals were involved in administering hormones to and sterilizing women who were then trafficked, and that persons committing this type of crime should be subject to sanctions.²³⁸

The representative of the United States underscored that 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 was a vital tool to punish the perpetrators of sexual violence, as anyone financing ISIL (Da’esh) and other terrorist groups in connection with sexual violence was eligible for designation.²³⁹ In that regard, the representative of France stated that further work to identify individuals and entities who, through their involvement in trafficking for sexual violence, financed terrorist groups was necessary, including through the activities of the sanctions committees.²⁴⁰ In

²³⁴ S/PV.7704, p. 4.

²³⁵ Ibid., p. 23.

²³⁶ Ibid., p. 50.

²³⁷ Ibid., p. 44 (Ireland); and pp. 57–58 (Argentina).

²³⁸ Ibid., p. 12.

²³⁹ Ibid., p. 10.

²⁴⁰ Ibid., p. 30.

addition, some speakers suggested refining the designation criteria to include conflict-related sexual violence²⁴¹ and trafficking.²⁴² The representative of Kazakhstan stated that some recommendations contained in the high-level review of United Nations sanctions,²⁴³ adopted in June 2015, could serve to improve the impact of sanctions against individuals and entities involved in trafficking for the purposes of sexual violence.²⁴⁴ Some speakers also expressed support more generally for including the issues of conflict-related sexual violence and human trafficking in the work of sanctions committees,²⁴⁵ and for the role of the International Criminal Court in countering such crimes.²⁴⁶

At its 7938th meeting, held under the same item on 15 May 2017, the Council focused its discussion on sexual violence in conflict. Many speakers reiterated their support for sanctions against perpetrators of conflict-related sexual violence²⁴⁷ and for the continued inclusion of sexual violence in conflict as a designation criterion for sanctions.²⁴⁸ The representatives of the European Union and Germany welcomed the inclusion of human rights abuses as another criterion for the imposition of sanctions.²⁴⁹ The Vice-Minister for Foreign Affairs of Uruguay stated that the Council should ensure that the theme of sexual violence was addressed in all relevant sanctions committees and that the names of the alleged perpetrators were systematically included on sanctions lists.²⁵⁰ The representative of Spain asserted that the key aspect needed to improve in the implementation of resolutions on sexual violence in conflict was to make good use of the specialized expertise of the panels of

experts of the sanctions committees.²⁵¹ The representative of the Islamic Republic of Iran stated that sanctions, as a form of collective punishment, flagrantly and indiscriminately violated the basic human rights of all citizens, particularly women.²⁵² Several speakers recalled the important role of the International Criminal Court in fighting impunity for conflict-related sexual violence,²⁵³ with the representatives of the Plurinational State of Bolivia and Guatemala maintaining that the Court was the most appropriate mechanism and a progressive framework for combating such crimes.²⁵⁴

Case 7 Maintenance of international peace and security

At its 7847th meeting, on 20 December 2016, the Council held an open debate at the ministerial level in connection with trafficking in persons in conflict situations. The Council heard a briefing by the Secretary-General further to his report on the implementation of measures to counter trafficking in persons,²⁵⁵ submitted pursuant to the presidential statement of 16 December 2015.²⁵⁶ At the meeting, the Council unanimously adopted resolution [2331 \(2016\)](#), in which it expressed its intention to consider targeted sanctions for individuals and entities involved in trafficking in persons in areas affected by armed conflict and in sexual violence in conflict, and to integrate the issue of trafficking in persons in areas affected by armed conflict and sexual violence in conflict into the work of relevant sanctions committees.²⁵⁷

²⁴¹ *Ibid.*, p. 32 (Germany); p. 33 (Hungary); p. 41 (Luxembourg); p. 45 (Lithuania); and p. 49 (India).

²⁴² *Ibid.*, p. 29 (New Zealand); p. 35 (Liechtenstein); and p. 37 (European Union).

²⁴³ [S/2015/432](#), annex.

²⁴⁴ [S/PV.7704](#), p. 42.

²⁴⁵ *Ibid.*, p. 18 (Uruguay); and p. 24 (Bolivarian Republic of Venezuela).

²⁴⁶ *Ibid.*, p. 16 (Japan); p. 18 (Uruguay); p. 35 (Liechtenstein); p. 37 (European Union); p. 41 (Luxembourg); p. 43 (Estonia); p. 45 (Lithuania); p. 47 (Portugal); pp. 57–58 (Argentina); and p. 62 (Switzerland).

²⁴⁷ [S/PV.7938](#), pp. 9–10 (Uruguay); pp. 10–11 (Sweden); p. 31 (Rwanda); p. 47 (Bangladesh); pp. 48–49 (Argentina); p. 53 (Lithuania); p. 61 (Belgium); and p. 69 (Bolivarian Republic of Venezuela).

²⁴⁸ *Ibid.*, p. 25 (Italy); p. 26 (Kazakhstan); p. 30 (Switzerland); p. 35 (European Union); p. 44 (Guatemala); p. 56 (Costa Rica); and p. 57 (Germany).

²⁴⁹ *Ibid.*, p. 35 (European Union); and p. 57 (Germany).

²⁵⁰ *Ibid.*, pp. 9–10.

²⁵¹ *Ibid.*, p. 28.

²⁵² *Ibid.*, p. 34.

²⁵³ *Ibid.*, p. 5 (Under-Secretary-General and Acting Special Representative of the Secretary-General on Sexual Violence in Conflict and Special Adviser to the Secretary-General on the Prevention of Genocide); p. 9 (Uruguay); p. 14 (France); p. 25 (Italy); p. 28 (Spain); p. 33 (Liechtenstein); p. 37 (Brazil); pp. 48–49 (Argentina); p. 53 (Lithuania); p. 56 (Costa Rica); p. 62 (Republic of Korea); p. 64 (Albania); p. 65 (Netherlands); p. 80 (Maldives); and p. 82 (Sierra Leone).

²⁵⁴ *Ibid.*, p. 22 (Plurinational State of Bolivia); and p. 44 (Guatemala).

²⁵⁵ [S/2016/949](#).

²⁵⁶ [S/PRST/2015/25](#).

²⁵⁷ Resolution [2331 \(2016\)](#), paras. 12 and 13. During the period under review, the Council also adopted resolutions [2312 \(2016\)](#), [2380 \(2017\)](#) and [2388 \(2017\)](#), in which it authorized measures to combat migrant smugglers and human traffickers. However, none of the measures fell within the framework of sanctions measures under Article 41.

Addressing the links between armed conflict, sexual violence and terrorist financing, the representative of the Bolivarian Republic of Venezuela expressed support for effective accountability for all forms of sexual violence, and stated that “exemplary” sanctions should be applied to all instigators and perpetrators of such crimes.²⁵⁸ The representative of Hungary expressed support for the inclusion of perpetrators of trafficking in persons in United Nations and unilateral sanctions.²⁵⁹ Other speakers underscored the need to utilize the existing tools and mechanisms, including sanctions regimes, to combat human trafficking and counter terrorist financing.²⁶⁰ In that regard, several speakers underlined the importance of information-sharing across the United Nations, encouraging the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict to brief the sanctions committees on identified trafficking patterns and perpetrators.²⁶¹ The representative of Montenegro stated that every Member State needed to play its part in updating the list of designated individuals and entities engaged in trafficking activities.²⁶² The representative of Chile proposed, *inter alia*, that the Council ask the expert groups of the sanctions committees to include human trafficking in their reports to the committees to facilitate the implementation of resolution 2331 (2016).²⁶³

Case 8 Non-proliferation/Democratic People’s Republic of Korea

During the period under review, the Council held 14 meetings under the item entitled “Non-proliferation/Democratic People’s Republic of Korea” and adopted eight resolutions, imposing progressively stronger sanctions measures against the Democratic People’s Republic of Korea.²⁶⁴

On 15 December 2017, on the initiative of Japan, the Council held a meeting under this item at the ministerial level. As set out in the concept note circulated prior to the meeting, the focus of the

discussion was twofold, namely, threats and challenges posed by the Democratic People’s Republic of Korea to international peace and security, and ways and means to maximize pressure to change its course of action towards the denuclearization of the Korean peninsula.²⁶⁵ At the meeting, the Ministers for Foreign Affairs of Japan and Ukraine and the representative of France expressed support for additional measures against the regime to curb its nuclear and missile programmes.²⁶⁶ Some speakers recalled that sanctions were a means, not an end, and underlined the importance of the political component in efforts aimed at resolving the situation.²⁶⁷ The representatives of France and Italy stated, moreover, that sanctions could serve as lever to enable dialogue, which in their view was the condition for a political solution.²⁶⁸

The representative of Senegal noted the failure of sanctions measures to change the behaviour of the Government of the Democratic People’s Republic of Korea, and called instead for an open and frank dialogue and a return to the Six-Party Talks.²⁶⁹ The representative of Egypt warned against imposing additional sanctions without clear political prospects for a solution to the crisis and, in that regard, welcomed the visit to Pyongyang by the Under-Secretary-General for Political Affairs, which was the first of its kind by a senior United Nations official since 2010.²⁷⁰

Some speakers underlined the need for full implementation of the existing sanctions measures,²⁷¹ and stressed the need for increased cooperation and information-sharing and improved capacity-building.²⁷² The representative of Italy considered it crucial to submit national implementation reports on time, as the delay in turning sanctions provisions into national legislation could create opportunities for evading them.²⁷³

Speakers expressed concern over the potential or existing negative consequences of sanctions on the population of the Democratic People’s Republic of

²⁵⁸ S/PV.7847, p. 16.

²⁵⁹ *Ibid.*, p. 35.

²⁶⁰ *Ibid.*, p. 14 (Japan); p. 20 (Malaysia); p. 21 (New Zealand); p. 38 (India); and p. 47 (Romania).

²⁶¹ *Ibid.*, p. 25 (United States); p. 36 (Italy); and pp. 58–59 (Luxembourg).

²⁶² *Ibid.*, p. 69.

²⁶³ *Ibid.*, p. 77.

²⁶⁴ For more information on the meetings, including on participants, speakers and outcomes, see in part I, sect. 37.C.

²⁶⁵ See S/2017/1038, annex.

²⁶⁶ S/PV.8137, p. 4 (Japan); p. 7 (Ukraine); and p. 13 (France).

²⁶⁷ *Ibid.*, p. 11 (China); pp. 14–15 (Russian Federation); and p. 19 (Plurinational State of Bolivia).

²⁶⁸ *Ibid.*, p. 13 (France); and p. 18 (Italy).

²⁶⁹ *Ibid.*, pp. 17–18.

²⁷⁰ *Ibid.*, p. 10.

²⁷¹ *Ibid.*, p. 4 (Japan); p. 5 (United States); p. 6 (Sweden); p. 7 (Ukraine); p. 9 (United Kingdom); pp. 12–13 (France); p. 14 (Egypt); p. 17 (Uruguay); p. 18 (Italy); and p. 21 (Republic of Korea).

²⁷² *Ibid.*, p. 4 (Japan); p. 6 (Sweden); p. 9 (United Kingdom); and pp. 18–19 (Italy).

²⁷³ *Ibid.*, pp. 18–19.

Korea,²⁷⁴ and advised that the humanitarian exemptions provided for under the sanctions regime be upheld.²⁷⁵

On 22 December 2017, at its 8151st meeting, the Council unanimously adopted resolution [2397 \(2017\)](#).²⁷⁶ The representative of Sweden described the sanctions against the Democratic People’s Republic of Korea as the “most rigorous sanctions regime” ever imposed on the country and noted that by resolution [2397 \(2017\)](#) the Council had strengthened those measures further.²⁷⁷ Speakers commended the Council’s unity in the matter²⁷⁸ and praised the new resolution for increasing the constraints on the resources available to the Democratic People’s Republic of Korea to develop illegal nuclear and ballistic missile programmes.²⁷⁹ The representative of Italy welcomed the Council’s renewed commitment, expressed in resolution [2397 \(2017\)](#), to avoiding unintended humanitarian consequences.²⁸⁰

The representative of the Plurinational State of Bolivia expressed concern, however, over the possible humanitarian consequences that the sanctions could have on the civilian population, particularly with regard to workers outside the Democratic People’s Republic of Korea, who were expected to be deported, and the possible non-observance of the human rights of migrant workers.²⁸¹ Similarly, the representative of the Russian Federation stressed that sanctions-based measures did not apply to the activities of diplomatic missions in the Democratic People’s Republic of Korea, the projects they undertook with the regime, restrictions on Korean civilian aircraft or the provision of the relevant spare parts.²⁸²

Some speakers expressed the view that strengthened sanctions could put greater pressure on the regime to change its current policy and return to negotiations,²⁸³ while others reiterated that sanctions

should be part of a comprehensive political strategy.²⁸⁴ The representative of Egypt stressed the need to reach a “comprehensive settlement”, including the establishment of the necessary conditions for negotiations, to break the “vicious cycle” of repeated violations of Council resolutions by the Democratic People’s Republic of Korea, which compelled the Council to impose further sanctions with no clear political horizon for resolving them.²⁸⁵

The representative of Japan stated that resolution [2397 \(2017\)](#) exemplified the collective will of the international community. He cited in particular paragraph 28, in which the Council affirmed that it would keep the actions of the Democratic People’s Republic of Korea under continuous review, and decided that, if the country conducted a further nuclear test or launch, it would take action to restrict further the export of petroleum to the Democratic People’s Republic of Korea.²⁸⁶

Discussions on country-specific issues relating to Article 41

Case 9 The situation in Libya

At its 7661st meeting, on 31 March 2016, the Council adopted resolution [2278 \(2016\)](#), which extended the sanctions regime on Libya.²⁸⁷ In reference to the resolution, the representative of Libya expressed surprise at the Council’s “unfortunate refusal” to respond to their request that the Libyan Investment Authority be enabled to manage its resources within the framework of the asset freeze. He stated that the refusal flew in the face of the Council’s expressed willingness to help the Libyan people and protect their resources, and said that the “disparity between deeds and words” did nothing to maintain the Council’s credibility in the eyes of the Libyan people.²⁸⁸

At its 7988th meeting, on 29 June 2017, the Council adopted resolution [2362 \(2017\)](#). The representative of Libya expressed his country’s deepest regret and huge disappointment that the Council had ignored the amendment of the asset freeze measures related to the Libyan Investment Authority, and he recalled the repeated requests made by the Government

²⁷⁴ *Ibid.*, p. 6 (Sweden); p. 11 (China); p. 14 (Ethiopia); p. 15 (Russian Federation); p. 17 (Uruguay); p. 19 (Italy); and p. 19 (Plurinational State of Bolivia).

²⁷⁵ *Ibid.*, pp. 6–7 (Sweden); and p. 19 (Italy).

²⁷⁶ For more information on the sanctions measures relating to the Democratic People’s Republic of Korea, see sect. III.A above.

²⁷⁷ [S/PV.8151](#), p. 8.

²⁷⁸ *Ibid.*, p. 2 (United States); p. 6 (France); pp. 6–7 (Ethiopia); p. 8 (Sweden); and p. 9 (Ukraine).

²⁷⁹ *Ibid.*, p. 3 (United States); pp. 3–4 (United Kingdom); p. 5 (Senegal); p. 6 (France); p. 7 (Italy); and p. 12 (Japan).

²⁸⁰ *Ibid.*, p. 7.

²⁸¹ *Ibid.*, p. 9.

²⁸² *Ibid.*, p. 11.

²⁸³ *Ibid.*, p. 6 (France); p. 6 (Ethiopia); and p. 7 (Italy).

²⁸⁴ *Ibid.*, p. 5 (Senegal); p. 8 (Sweden); p. 9 (Plurinational State of Bolivia); p. 10. (China); p. 11 (Russian Federation); and p. 13 (Republic of Korea).

²⁸⁵ *Ibid.*, p. 5.

²⁸⁶ *Ibid.*, p. 12.

²⁸⁷ For more information on sanctions measures concerning Libya, see sect. III.A above; for more information on the situation in Libya, see part I, sect. 14.

²⁸⁸ [S/PV.7661](#), p. 2.

of Libya to amend the sanctions regime to avoid the continuous depreciation, since 2011, of the frozen assets of the Authority.²⁸⁹ He noted that, despite the recommendation contained in the report of the Panel of Experts on Libya²⁹⁰ “to explicitly allow and encourage the reinvestment of assets frozen under the measures”, the Council had not taken any steps to amend the sanctions regime. He called attention to the fact that resolution 2362 (2017) was adopted under a silence procedure during a holiday without consulting the permanent mission of Libya and with no regard to their requests to amend the sanctions regime. He expressed his confidence that the Council would consider positively their “fair, urgent and repeated request” to amend the sanctions regime to allow the regime to attain its goal of protecting and preserving the frozen assets of the Libyan people.²⁹¹

The representative of the United Kingdom took note of the “legitimate concern” of the Government of National Accord regarding the risk of depreciation of the assets frozen under sanctions, and agreed that further work needed to be done on that issue. He noted, however, that Libya’s resources had to be protected and preserved for the benefit of the Libyan people. He encouraged the Council to take a supportive approach to arms embargo exemption requests to provide essential assistance to the humanitarian and stabilization efforts.²⁹²

The representative of Egypt reiterated the importance of lifting the embargo on the supply of arms to the Libyan National Army, given that the National Army was the only entity with the mandate to counter terrorism in Libya.²⁹³

At the 8032nd meeting, on 28 August 2017, the representative of Libya once again drew attention to the management of frozen Libyan assets and stated that it made no sense to try to justify the loss of Libya’s frozen assets by connecting them to political differences and divisions. He reiterated that the Government of National Accord had not asked for the asset freeze to be lifted, but to find a particular formula that would help it to protect and preserve the funds and investments, even as they remained frozen.²⁹⁴

²⁸⁹ S/PV.7988, pp. 3–5.

²⁹⁰ S/2016/209.

²⁹¹ S/PV.7988, pp. 3–5.

²⁹² Ibid., pp. 2–3.

²⁹³ Ibid., p. 2.

²⁹⁴ S/PV. 8032, p. 9.

Case 10

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

At its 7850th meeting, on 23 December 2016, the Council failed to adopt a draft resolution,²⁹⁵ owing to an insufficient number of affirmative votes. The draft resolution would have established an arms embargo on South Sudan.²⁹⁶ After the vote, the representative of the United States, as the penholder of the draft resolution, noted that while not a “panacea”, the draft resolution would have made it impossible for the Government of South Sudan to continue to use the precious resources at its disposal to buy heavy weapons armaments, thereby significantly reducing arms sales to a “fellow United Nations Member State that, instead of feeding its people, is arming and arming up for a conflict” increasingly ethnic in nature.²⁹⁷ The representatives of Spain and France held that the proposed sanctions measures were necessary for protecting civilians and responding to the security and humanitarian situation, with the latter adding that they could also facilitate the political process.²⁹⁸ Some speakers expressed the view that the arms embargo could stop the proliferation of weapons and reduce the ability of the parties to continue fuelling the conflict.²⁹⁹ The representative of Ukraine claimed that the arms embargo was not a punishment but a prerequisite and a tool for peace.³⁰⁰

Noting the political will demonstrated by the Government, some speakers found it counterproductive at that stage to impose further sanctions.³⁰¹ Speakers called upon the Council to take prudent action to avoid further complicating the situation, and to refocus its attention on the decision by President Salva Kiir Mayardit to launch a national inclusive dialogue and encourage the Government to move forward on that path.³⁰² The representative of Egypt pointed out that resorting to threats of sanctions had proven ineffective at ending crises in the Sudan or improving the situation of civilians in South Sudan.³⁰³ Acknowledging the mediation efforts by regional organizations, some speakers supported the position of the Intergovernmental Authority on Development (IGAD) against imposition of an arms embargo or targeted sanctions on South

²⁹⁵ S/2016/1085.

²⁹⁶ For more information on the meeting, see part I, sect. 11.

²⁹⁷ S/PV.7850, p. 3.

²⁹⁸ Ibid., p. 4 (France); and p. 11 (Spain).

²⁹⁹ Ibid., p. 7 (Ukraine); and p.11 (Uruguay, New Zealand).

³⁰⁰ Ibid., p. 7.

³⁰¹ Ibid., pp. 5–6 (China); p. 6 (Russian Federation); p. 7 (Japan); p. 8 (Malaysia); p. 9 (Bolivarian Republic of Venezuela); and p. 10 (Angola).

³⁰² Ibid., pp. 5–6 (China); and p. 10 (Angola).

³⁰³ Ibid., p. 8.

Sudan, arguing that sanctions would be ineffective.³⁰⁴ The representatives of the Bolivarian Republic of Venezuela and the Russian Federation stated that imposing specific sanctions on one of the signatories to the peace agreement was counterproductive to its full implementation and would not facilitate the political process.³⁰⁵ Moreover, the representative of the Bolivarian Republic of Venezuela stated that there was no link between sanctions and the political strategy to resolve the crisis, and expressed reservations about the overall effectiveness of an arms embargo as a tool for putting an end to the illicit flow of weapons.³⁰⁶

Noting the efforts of the Government to implement the relevant resolutions, as reported in his previous statement to the Council, the representative of South Sudan stated that the imposition of sanctions would further weaken the Government and strengthen the militant and armed groups, therefore aggravating matters.³⁰⁷

At the 7906th meeting, on 23 March 2017, the question of imposing additional sanctions measures was raised again, with some speakers reiterating their support for targeted sanctions as one of the tools to respond to the situation in South Sudan.³⁰⁸ In contrast, the representatives of Egypt and South Sudan stated that further sanctions could only worsen the situation.³⁰⁹ The representative of Egypt added that it was vital to avoid a collapse of the country's State institutions and to maintain and strengthen them and, in that regard, sanctions-based approaches were unwise.³¹⁰ The representative of the Russian Federation said that what was needed to establish lasting peace in South Sudan was not an arms embargo but targeted measures to disarm the population and to demobilize and reintegrate combatants.³¹¹

At the 7930th meeting, on 25 April 2017, the representative of the United Kingdom affirmed that an arms embargo would prevent “further devastation and re-arming” during the upcoming rainy season.³¹² The representative of the United States called on the Council to move forward with tools available to it, such as further sanctions and an arms embargo so as to

stop the violence and the atrocities.³¹³ The representative of France advocated for applying targeted sanctions on perpetrators of violations of human rights and international humanitarian law.³¹⁴ The representative of the Russian Federation stated that that an arms embargo was not necessary but rather targeted measures to disarm civilians and reintegrate combatants.³¹⁵

At the 7950th meeting, on 24 May 2017, while the representatives of the United States and the United Kingdom reiterated their support for additional measures to halt the violence,³¹⁶ the representatives of the Russian Federation and South Sudan again expressed their reservations regarding the application of such measures to the conflict in South Sudan.³¹⁷

Case 11 The situation in the Middle East

At its 7893rd meeting, held on 28 February 2017 in connection with the conflict in the Syrian Arab Republic, under the item entitled “The situation in the Middle East”, the Council failed to adopt a draft resolution owing to the negative votes of two permanent members.³¹⁸ The draft resolution would have imposed an asset freeze and a travel ban on individuals designated by the Committee as, inter alia, responsible for, engaged in or otherwise involved in the use, transfer, acquisition, proliferation, development, manufacture or production of chemical weapons in the Syrian Arab Republic; an embargo on chlorine and on arms and related materiel used to deliver chemicals as weapons; and an embargo on helicopters or related materiel.³¹⁹ The draft resolution would also have established, in accordance with rule 28 of the provisional rules of procedure, a committee to monitor implementation of the measures imposed in the draft resolution.³²⁰

Speaking after the vote, the representative of the United Kingdom recalled resolution [2118 \(2013\)](#), in which the Council decided that any use of chemical weapons by anyone in the Syrian Arab Republic would lead to the imposition of measures under Chapter VII

³⁰⁴ Ibid., pp. 5–6 (China); p. 6 (Russian Federation); p. 8 (Malaysia); p. 8 (Egypt); p. 9 (Bolivarian Republic of Venezuela); and p. 10 (Angola)

³⁰⁵ Ibid., p. 6 (Russian Federation); and p. 9 (Bolivarian Republic of Venezuela).

³⁰⁶ Ibid., p. 9.

³⁰⁷ Ibid., p. 12.

³⁰⁸ [S/PV.7906](#), p. 8 (United Kingdom); pp. 14–15 (United States); pp. 15–16 (France); and p. 19 (Ukraine).

³⁰⁹ Ibid., p. 10 (Egypt); and p. 24 (South Sudan).

³¹⁰ Ibid., p. 10.

³¹¹ Ibid., p. 18.

³¹² [S/PV.7930](#), p. 6.

³¹³ Ibid., p.20.

³¹⁴ Ibid., p. 10.

³¹⁵ Ibid., p. 15.

³¹⁶ [S/PV.7950](#), pp.4–5 (United States); and p. 7 (United Kingdom).

³¹⁷ Ibid., p. 13 (Russian Federation); and p. 17 (South Sudan).

³¹⁸ [S/2017/172](#). For more information on the voting, see part I, sect. 24.

³¹⁹ [S/2017/172](#), paras. 15, 16, 17, 21, 23 and 25.

³²⁰ Ibid., para. 13.

of the Charter. He stated that the draft resolution was a response to an impartial and factual report by the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism.³²¹ The representative of Italy stated that the draft resolution was about ensuring a meaningful follow-up to the work of the Joint Investigative Mechanism, and explained the reasons behind his country's vote.³²² The representative of France stated that the Joint Investigative Mechanism had provided the Council with enough information to take the necessary measures and shoulder its responsibility.³²³ Several speakers highlighted the importance of the draft resolution since it introduced measures to hold accountable those responsible for the use of chemical weapons in the country.³²⁴ In that regard, the representative of Ukraine expressed concern at the inability of the Council to address breaches of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, which would lead to further impunity.³²⁵

Several speakers, however, questioned the credibility of the reports of the Joint Investigative Mechanism upon which the proposed sanctions measures were founded.³²⁶ The representative of the Russian Federation criticized the reports for their "questionable" information and lack of convincing facts and for their disregard for the widespread use of toxic substances by Al-Nusra Front as well as numerous opposition groups.³²⁷ The representative of the Syrian Arab Republic stated that the reports drew from "false, fabricated" eyewitness accounts of members of terrorist groups and that his country had repeatedly denied having used such chemical weapons, in particular chlorine.³²⁸ On the basis of the unconvincing findings, the representative of the Russian Federation stated that there was no justification for concluding that the Syrian Arab Republic had failed to comply with the Chemical Weapons Convention or violated resolution 2118 (2013), and criticized the sanctions envisioned in the

draft resolution for being a "carbon copy" of those imposed on other countries.³²⁹

Specifically in regard to the proposed sanctions, the representative of the Russian Federation found that the majority of the banned items listed in the annex to the draft resolution had nothing to do with the Chemical Weapons Convention. He argued that the export embargo would adversely affect the Syrian economy, while the embargo on helicopters would undermine its counter-terrorism efforts.³³⁰ The representative of the Plurinational State of Bolivia noted that the names of the people and companies mentioned in the draft resolution had not been provided by the Joint Investigative Mechanism and asserted, therefore, that the list violated the right to due process.³³¹ In the same vein, the representative of Ethiopia suggested that the list needed "further clarification and investigation" to determine the specific individuals and entities responsible for the use of chemical weapons in the Syrian Arab Republic.³³² That view was echoed by the representative of Kazakhstan, who deemed the work of the Joint Investigative Mechanism necessary to provide a basis for punitive decisions.³³³ The representative of Egypt observed that the sponsors of the draft resolution had not followed the usual steps by which a sanctions list was generated, which involved first establishing a sanctions committee and then, on the basis of the evidence provided, designating those subject to sanctions. He said that the draft resolution included, in its annexes, a "pre-identified" list of individuals and entities who would be subject to the sanctions, but the sponsors had not provided any evidence of culpability.³³⁴

Several speakers expressed concern over the timing of the sanctions and the negative impact on the ongoing peace process.³³⁵ The representative of China emphasized that the investigations on the use of chemical weapons were still ongoing and it was too early to reach a final conclusion.³³⁶ Similarly, the representative of the Plurinational State of Bolivia pointed out that the draft resolution and its proposed sanctions would threaten the existing ceasefire and the peace process conducted under the auspices of the

³²¹ S/PV.7893, p. 5.

³²² Ibid., p. 10.

³²³ Ibid., p. 15.

³²⁴ Ibid., p. 8 (Japan); p. 9 (Uruguay); p. 10 (Italy); p. 14 (Sweden); and p. 15 (Senegal, France).

³²⁵ Ibid., p. 16.

³²⁶ Ibid., p. 7 (Russian Federation); p. 11 (Plurinational State of Bolivia); p. 12 (Egypt); p. 13 (Ethiopia); and p. 16 (Syrian Arab Republic).

³²⁷ Ibid., p. 7.

³²⁸ Ibid., p. 16.

³²⁹ Ibid., p. 7.

³³⁰ Ibid., p. 8.

³³¹ Ibid., p. 11.

³³² Ibid., p. 13.

³³³ Ibid., p. 14.

³³⁴ Ibid., p. 12.

³³⁵ Ibid., p. 8 (Russian Federation); p. 9 (China); and p. 11 (Plurinational State of Bolivia).

³³⁶ Ibid., p. 9.

United Nations.³³⁷ In response, the representative of Japan noted that it was not a question of whether the timing was good or not to ensure accountability for the use of chemical weapons.³³⁸

³³⁷ Ibid., p. 11.

³³⁸ Ibid., pp. 8–9.

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.³³⁹

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, Haiti, Lebanon, 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, and subsection B covers discussions of the Council of relevance for Article 42.

³³⁹ 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.

A. Decisions of the Security Council relating to Article 42

During the review period, the Council made no explicit reference to Article 42 of the Charter in its decisions. This notwithstanding, the Council adopted several resolutions under Chapter VII of the Charter by which it authorized peacekeeping missions and multinational forces, including those deployed by regional organizations, to use "all necessary measures"

or "all necessary means" for the maintenance or restoration of international peace and security.³⁴⁰

During the period under review, by resolution 2350 (2017) of 13 April 2017, the Council authorized the use of force for the newly established United Nations Mission for Justice Support in Haiti (MINUJUSTH).³⁴¹ In the resolution, the Council authorized the new mission to use "all necessary means to carry out its mandate" and "to protect civilians under imminent threat of physical violence, within its capabilities and areas of deployment, as needed".³⁴²

In 2016 and 2017, the Council reiterated its authorization to use force in relation to a number of situations and disputes. In the Middle East, in connection with the situation in Lebanon, the Council renewed its authorization to the United Nations Interim Force in Lebanon (UNIFIL) "to take all necessary action", and "to resist attempts by forceful means" to prevent it from discharging its mandate, *inter alia*, to protect United Nations personnel, facilities and equipment; to ensure the security of humanitarian

³⁴⁰ See previous Supplements for more information on the authorization by the Security Council of the use of force with respect to the mandates of the missions referred to below and established prior to the period under review.

³⁴¹ Resolution 2350 (2017), para. 5. For more information on the mandate of MINUJUSTH, see part X, sect. I.

³⁴² Resolution 2350 (2017), paras. 12 and 13.

workers; and to protect civilians under imminent threat of physical violence.³⁴³

In Africa, in relation to the situation in the Central African Republic, the Council renewed the authorization for the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) to take “all means necessary” to discharge its mandate,³⁴⁴ and for the French forces to use all means necessary to provide operational support to the Mission.³⁴⁵

Concerning the situation in Côte d’Ivoire, by resolution 2284 (2016), the Council extended the mandate of the United Nations Operation in Côte d’Ivoire (UNOCI) for a final period of 14 months, until 30 June 2017,³⁴⁶ reiterating the authorization to use “all means necessary” to carry out its mandate,³⁴⁷ and extending the authorization provided to the French forces to support the mission “within the limits of their deployment and their capabilities”.³⁴⁸

With regard to the situation in the Democratic Republic of the Congo, the Council reiterated its authorization to the United Nations Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to take “all measures necessary” to accomplish its mandate,³⁴⁹ including neutralizing armed groups through the Intervention Brigade.³⁵⁰ The Council also recalled the significance of the manner in which such measures would need to be taken, namely, in strict compliance with international law and in accordance with the human rights due diligence policy concerning United Nations support to non-United Nations forces.³⁵¹ Moreover, the Council called upon the troop- and police-contributing countries to take “all necessary measures” to carry out the Mission’s mandate.³⁵²

With respect to the flows of arms and related materiel transferred to or from Libya in violation of the

arms embargo, the Council extended the authorization to Member States, acting nationally or through regional organizations, to use “all measures commensurate to the specific circumstances” when conducting inspections of vessels and seizing items in the course of such inspections, emphasizing that the inspections should be carried out in compliance with international humanitarian law and international human rights law and “without causing undue delay to or undue interference with the exercise of freedom of navigation”.³⁵³ In connection with migrant smuggling into, through and from the Libyan territory, the Council renewed the authorizations granted in paragraphs 7, 8, 9 and 10 of resolution 2240 (2015) to Member States, acting nationally or through regional organizations, that were engaged in the fight against migrant smuggling and human trafficking, to use “all measures commensurate to the specific circumstances” in confronting migrant smugglers or human traffickers in carrying out inspections of vessels on the high seas off the coast of Libya that they had reasonable grounds to suspect were being used for migrant smuggling or human trafficking and to seize such vessels that were confirmed to be used for such activities.³⁵⁴ The Council also clarified that the authorization to use force applied only when confronting migrant smugglers and human traffickers on the high seas off the Libyan coast.³⁵⁵

Regarding the situation in Mali, the Council reiterated the authorization for the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to take “all measures necessary” to carry out its mandate,³⁵⁶ and the French forces also to use “all means necessary” in support of the Mission when under imminent and serious threat, upon the request of the Secretary-General.³⁵⁷ Moreover, the Council requested MINUSMA to move to and achieve a “more proactive and robust posture” to carry out its mandate.³⁵⁸

In connection with the situation in Somalia, the Council reiterated the authorization for the African Union Mission in Somalia (AMISOM), to take all measures necessary to carry out its mandate,³⁵⁹ and to

³⁴³ Resolution 2373 (2017), para. 14.

³⁴⁴ Resolutions 2281 (2016), para. 2; 2301 (2016), para. 32; and 2387 (2017), para. 41.

³⁴⁵ Resolutions 2301 (2016), para. 56; and 2387 (2017), para. 65.

³⁴⁶ Resolution 2284 (2016), para. 14. For more information on the mandate of UNOCI and the withdrawal plan of the Secretary-General, see part X, sect. I.

³⁴⁷ Resolution 2284 (2016), para. 16.

³⁴⁸ *Ibid.*, para. 25.

³⁴⁹ Resolutions 2277 (2016), para. 34; and 2348 (2017), para. 33.

³⁵⁰ For more information on the Intervention Brigade, see *Repertoire, Supplement 2012–2013*, part VII.

³⁵¹ Resolution 2277 (2016), para. 35 (i) (d); and resolution 2348 (2017), para. 34 (d).

³⁵² S/PRST/2016/18, twelfth paragraph.

³⁵³ Resolution 2292 (2016), paras. 4 and 8.

³⁵⁴ Resolutions 2312 (2016), para. 7; and 2380 (2017), para. 7.

³⁵⁵ Resolutions 2312 (2016), para. 8; and 2380 (2015), para. 8.

³⁵⁶ Resolutions 2295 (2016), para. 17; and 2364 (2017), para. 18.

³⁵⁷ Resolutions 2295 (2016), para. 35; and 2364 (2017), para. 37.

³⁵⁸ Resolutions 2295 (2016), para. 18; and 2364 (2017), para. 19.

³⁵⁹ Resolutions 2289 (2016), para. 1; 2297 (2016), para. 4;

conduct targeted offensive operations against Al Shabaab and other armed opposition groups as one of the mission's priority tasks.³⁶⁰ In addition, by resolution 2316 (2016) the Council renewed, for a period of 12 months, the authorization to use "all necessary means" granted by resolution 1846 (2008) to States and regional organizations cooperating with Somali authorities to repress acts of piracy and armed robbery at sea off the coast of Somalia.³⁶¹

With regard to the situation in the Sudan and South Sudan, the Council extended the authorization for the United Nations Mission in South Sudan (UNMISS) to use all means necessary to carry out its tasks.³⁶² By resolution 2304 (2016) of 12 August 2016, the Council increased the force levels of UNMISS by establishing the Regional Protection Force,³⁶³ and authorized the Force to use "all necessary means, including undertaking robust action where necessary and actively patrolling".³⁶⁴ During the period under review, the Council also clarified – as it had done in previous years – the scope of the authorization to use force by the African Union-United Nations Hybrid Operation in Darfur (UNAMID), UNMISS and the United Nations Interim Security Force for Abyei (UNISFA) under Chapter VII of the Charter. In that regard, the Council underscored that, in all three missions, the mandate for the protection of civilians included taking all necessary measures, steps or action, or using all necessary means, to protect civilians under imminent threat of physical violence, irrespective of the source of such violence,³⁶⁵ as well as United Nations personnel.³⁶⁶

2355 (2017), para. 1; and 2372 (2017), para. 6.

³⁶⁰ Resolutions 2297 (2016), para. 6 (a); and 2372 (2017), para. 8 (e).

³⁶¹ Resolution 2316 (2016), para. 14.

³⁶² Resolutions 2302 (2016), para. 1; 2304 (2016), paras. 4 and 5; 2326 (2016), para. 2; 2327 (2016), para. 11; and 2392 (2017), para. 1.

³⁶³ Resolution 2304 (2016), para. 8. For more information on the mandate of the Regional Protection Force, see part X, sect. I.

³⁶⁴ Resolution 2304 (2017), para. 10. See also resolutions 2326 (2016), para. 2; and 2327 (2016), para. 9.

³⁶⁵ In connection with UNISFA, resolutions 2287 (2016), para. 9; 2318 (2016), para. 9; 2352 (2017), para. 11; and 2386 (2017), para. 11; in connection with UNAMID, resolution 2296 (2016), para. 5; and in connection with UNMISS, resolutions 2304 (2016), para. 5; and 2327 (2016), para. 11.

³⁶⁶ In connection with UNAMID, resolutions 2296 (2016), para. 5; and 2363 (2017), para. 37; and in connection with UNMISS, resolutions 2304 (2016), para. 5; and 2327 (2016), para. 11.

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" in carrying out their mandate.³⁶⁷

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

B. Discussion relating to Article 42

During the period under review, the Council did not explicitly invoke Article 42 of the Charter in its deliberations. Nonetheless, Council members discussed the scope and extent of the authorization to use force in connection with region- and country-specific and thematic items. While some speakers demanded absolute adherence to the basic principles of peacekeeping, others advocated for a more robust mandate for peace operations, as illustrated by the case studies below, under the items entitled "United Nations peacekeeping operations" (see case 12), "Protection of civilians in armed conflict" (see case 13) and "The situation in Mali" (see case 14).

Case 12

United Nations peacekeeping operations

At the 7918th meeting, on 6 April 2017, the Secretary-General briefed the Council on the review of peacekeeping operations and pointed out that there was no "one-size-fits-all" peace operation. He noted that while some missions had "straightforward mandates" focusing on separating warring parties, others had more "robust" mandates to protect civilians and deal with multiple armed groups.³⁶⁸ The representative of Ukraine stated that in conflict areas where the security situation changed swiftly and dramatically, the mandates should contain provisions enabling peacekeeping operations to use force in circumstances of direct threat to their personnel or civilians, including terrorist threats.³⁶⁹

The representative of the Russian Federation stated that the critical guidelines were the Charter and the basic principles of peacekeeping: the consent of the host country, impartiality and the non-use of force except for self-defence or to implement the mandate of the Council. In his view, the "flexible interpretation" of

³⁶⁷ Resolutions 2315 (2016), paras. 5, 6 and 7; and 2384 (2017), paras. 5, 6 and 7.

³⁶⁸ S/PV.7918, p. 3.

³⁶⁹ Ibid., p. 16.

mandates depending on the conditions on the ground was “unacceptable”. He warned about attempts to “artificially politicize” the activity of peacekeepers. He stated that under no circumstances should Blue Helmets become party to a conflict or join those parties.³⁷⁰ The representative of China stated that it was key to abide by the basic principles of peacekeeping operations, which formed the “cornerstone” of peacekeeping operations and retained an irreplaceable guiding role.³⁷¹

The representative of Uruguay stated that lasting peace was not achieved by nor maintained through military interventions but thanks to political solutions.³⁷² The representative of the United Kingdom asserted that military operations could only “create the space for the political process to progress” and stressed the need to address the political challenges to peace, not only the security ones, to deliver the agenda of the Secretary-General on sustaining peace.³⁷³

At the 7947th meeting, on 23 May 2017, the Council was briefed by the Under-Secretary-General for Peacekeeping Operations and by the Force Commanders of MONUSCO, UNDOF, MINUSCA and the United Nations Mission in Liberia (UNMIL). The Force Commander of MONUSCO mentioned that “the question of the use of force” needed to be looked at, as interpretations by contingents on the ground differed when it came to self-defence or the defence of the mandate.³⁷⁴ The Force Commander of MINUSCA pointed out that there had been major changes in peacekeeping missions, which were facing increasingly complex and chaotic conflicts, with rising levels of violence. He said that, in many ways, the move towards more robust mandates was inevitable. He added that the new approach was situated between peacekeeping and peace enforcement, with the main goal of giving the peacekeeping missions concerned the necessary operational credibility to better protect civilians and ensure the adequate delivery of its mandate. In his view, the desire for robust action had fallen short of expectations. He highlighted the need to revisit the rules of engagement to enable strong offensive operations so as to be able to properly protect populations and ensure that missions had the freedom to manoeuvre and support their actions, clarifying that it did not mean giving missions the licence to abuse

force but rather helping them to make better use of the weapons they had.³⁷⁵

The Head of Mission and Force Commander of UNDOF said that it was notable that as challenges emerged and the very nature of peacekeeping operations evolved, the core principles of peacekeeping remained constant.³⁷⁶ After the briefings, the representatives of China and the Russian Federation recalled the importance of adhering to the basic principles of peacekeeping.³⁷⁷ The representative of China also highlighted the need to respect the sovereignty of the host State. The representative of the Russian Federation emphasized that it was unacceptable to use the concept of protection of civilians as a pretext to use force by peacekeepers against the host State.³⁷⁸ The Under-Secretary-General for Peacekeeping Operations stated that using robust force was not enough, and that it must be accompanied by similarly robust efforts in the political arena.³⁷⁹

Case 13 Protection of civilians in armed conflict

On 19 January 2016, at its 7606th meeting, the Council had before it the eleventh report of the Secretary-General on the protection of civilians in armed conflict.³⁸⁰ During the debate, the Senior Humanitarian Policy Advisor of Oxfam stated that in the face of threats to civilians, peacekeepers must be allowed to “act and use force if need be”.³⁸¹ Similarly, the representative of Belgium asserted that Blue Helmets had a duty to intervene when civilians were at risk, using force if necessary, and the representative of the Holy See called for the “legitimate use of force” to stop atrocities and war crimes.³⁸² The representative of Australia expressed the view that robust peacekeeping was an essential tool at the Council’s disposal.³⁸³ The representative of Austria agreed that if a peace operation was so mandated, the protection of civilians required proactive operations.³⁸⁴ The representative of France recalled the success stories in Mali, where deployment of robust mandates helped stabilize the country and restore the rule of law, and in the Central African Republic, where the intervention helped to

³⁷⁰ Ibid., p. 8.

³⁷¹ Ibid., p. 12.

³⁷² Ibid., p. 6.

³⁷³ Ibid., p. 10.

³⁷⁴ S/PV.7947, p. 4.

³⁷⁵ Ibid., pp. 7–8.

³⁷⁶ Ibid., p. 5.

³⁷⁷ Ibid., p. 17 (China); and p. 23 (Russian Federation).

³⁷⁸ Ibid., p. 23.

³⁷⁹ Ibid., p. 26.

³⁸⁰ S/2015/453.

³⁸¹ S/PV.7606, p. 7.

³⁸² Ibid., p. 46 (Belgium); and p. 54 (Holy See).

³⁸³ Ibid., pp. 45–46.

³⁸⁴ Ibid., p. 69.

avoid mass atrocities.³⁸⁵ The representative of South Africa stated that the Force Intervention Brigade of MONUSCO was a “credible example” of the success that could be achieved through the use of force against those who obstructed the peace.³⁸⁶ The representative of the European Union asserted that different levels of threat must be met with the appropriate and commensurate use of force, as necessary.³⁸⁷

The representative of the Russian Federation, conversely, reiterated the importance of adherence to the basic principles of peacekeeping and criticized their flexible interpretation depending on changing conditions.³⁸⁸ The representative of Pakistan opined that the fundamental principles were not an impediment to “protection-of-civilians mandates”, and that the use of force in defence of those mandates was an integral part of the principles. He added that Pakistan had demonstrated that protecting civilians was possible with a robust deterrence posture and without resort to the actual use of force, as exemplified by the action by Pakistani troops in the African Union-United Nations Hybrid Operation in Darfur (UNAMID).³⁸⁹ The representative of Brazil argued that force should be used only as a last resort, noting that the international community had a right to expect full accountability from those to whom authority was given to resort to force.³⁹⁰ The representative of Peru expressed the view that, when there were specific threats of physical violence, the use of force by troops in peacekeeping operations, in accordance with their mandate to protect civilians, should be strictly preventive and tactical in nature.³⁹¹ The representatives of Egypt and Rwanda criticized the lack of clarity regarding the scope of the use of force to protect civilians.³⁹² The representative of Thailand argued in favour of the code of conduct, and the representative of Indonesia explicitly identified protocols regarding the use of force.³⁹³

On 10 June 2016, at its 7711th meeting, held at the ministerial level, the Council had before it the report of the Secretary-General dated 13 May 2016 on the protection of civilians in armed conflict.³⁹⁴ At the meeting, the Vice-Minister for Foreign Affairs of Uruguay noted that protecting civilians was a

multidimensional task that included many players and that did not mean only the use of force as response to the imminent danger of violence.³⁹⁵ The representative of Benin, noting the genuine limits on the use of force, opined that “soft-power” methods could be much more effective in certain cases, and that the passive use of military force could add to the deterrent function.³⁹⁶ The representative of India stated that not only the deployment of armed forces but other efforts “of a robust political nature” also needed to be given due attention.³⁹⁷ Some speakers added that, if authorized, force could be used only as a last resort.³⁹⁸ Others highlighted the need to adhere to the traditional principles of peacekeeping.³⁹⁹ Specifically, the representatives of the Russian Federation and Brazil expressed concerns about the interpretation of those principles,⁴⁰⁰ while the representative of Pakistan expressed the view that they were compatible with protecting civilians.⁴⁰¹ The representative of India commented on the potential risks associated with the implementation of robust mandates. In his view, “the inherent subjectivity involved in the timing of an offensive operation, in anticipation of imminent danger”, could impact the perceived impartiality of the United Nations.⁴⁰²

Several speakers, however, argued in favour of robust mandates.⁴⁰³ The representative of Chad expressed support for a “more proactive commitment” to protection of civilians, including, in extreme cases, the use of force.⁴⁰⁴ Some speakers clarified that the use of force should be “commensurate” with the situation on the ground.⁴⁰⁵ The representative of the African Union highlighted the need to achieve modern and effective peacekeeping. In his view, that would involve searching for the right balance between the traditional principles of peacekeeping and the need for increased use of force, and a review of the limits of peacekeeping, including fighting against terrorist groups.⁴⁰⁶ The representative of Rwanda addressed the significance of peacekeepers’ preparedness to use force

³⁸⁵ Ibid., p. 15.

³⁸⁶ Ibid., p. 62.

³⁸⁷ Ibid., p. 57.

³⁸⁸ Ibid., p. 29.

³⁸⁹ Ibid., pp. 53–54.

³⁹⁰ Ibid., p. 33.

³⁹¹ Ibid., pp. 86–87.

³⁹² Ibid., p. 24 (Egypt); and p. 31 (Rwanda).

³⁹³ Ibid., p. 34 (Thailand); and p. 59 (Indonesia).

³⁹⁴ S/2016/447.

³⁹⁵ S/PV.7711, p. 15.

³⁹⁶ Ibid., p. 39.

³⁹⁷ Ibid., p. 52.

³⁹⁸ Ibid., p. 46 (Argentina); p. 55 (Brazil); p. 56 (Guatemala); and p. 81 (Indonesia).

³⁹⁹ Ibid., p. 26 (Russian Federation); p. 64 (Italy); p. 77 (Morocco); p. 81 (Indonesia); and p. 92 (Turkey).

⁴⁰⁰ Ibid., p. 26 (Russian Federation); and p. 55 (Brazil).

⁴⁰¹ Ibid., p. 59.

⁴⁰² Ibid., p. 52.

⁴⁰³ Ibid., p. 8 (France); p. 10 (Senegal); p. 15 (Ukraine); and p. 69 (African Union).

⁴⁰⁴ Ibid., p. 32.

⁴⁰⁵ Ibid., p. 32 (Chad); and p. 65 (European Union).

⁴⁰⁶ Ibid., pp. 69–70.

to protect civilians, in accordance with the Kigali Principles on the Protection of Civilians. He underscored the need for a “synchronized understanding of the use of force” by the Council, the Secretariat and troop- and police-contributing countries.⁴⁰⁷ The representative of the United States also expressed support for the Kigali Principles and noted that they called for troop-contributing countries to empower the military commander of a peacekeeping contingent to make decisions on whether to use force to protect civilians.⁴⁰⁸

Case 14 The situation in Mali

At its 7727th meeting, on 29 June 2016, the Council adopted resolution [2295 \(2016\)](#), by which it extended the authorization of MINUSMA to use force, and requested the Mission to move to a more “proactive and robust” posture to carry out its mandate.⁴⁰⁹ During the discussion that ensued, members of the Council addressed the limits of the authorization of the use of force by the Council and the interpretation of the new robust mandate. The representative of the Russian Federation expressed reservations with regard to the text of the resolution and, in particular, at the vague references to the level of asymmetric threats that would justify the use of force. He affirmed his country’s position that despite

the flexibility of the text, the peacekeepers were subject to the principles of peacekeeping and that the use of force should be considered only if a serious threat had been assessed.⁴¹⁰ The representative of Uruguay added that the proactive nature of a peacekeeping operation should not lead to preventive actions or attacks when it came to fighting terrorism, and that peacekeeping operations were not the right tool to conduct offensive counter-terrorist operations.⁴¹¹

Some speakers commended the adoption of a more proactive and robust mandate giving peacekeepers the ability to anticipate, deter and counter asymmetric threats.⁴¹² The representative of New Zealand also expressed support for a mandate for MINUSMA that enabled troops to take robust action to defend themselves and protect civilians in the presence of asymmetric threats, and agreed that troops should be enabled to undertake proactive defence.⁴¹³ The representative of the United Kingdom stated that the mandate to take robust action was fully in line with the principles of peacekeeping and that MINUSMA was authorized to take action in self-defence and in defence of the mandate.⁴¹⁴

⁴¹⁰ [S/PV.7727](#), p. 3.

⁴¹¹ *Ibid.*, pp. 3–4.

⁴¹² *Ibid.*, p. 5 (United States); p. 6 (Spain); and p. 7 (France).

⁴¹³ *Ibid.*, p. 6.

⁴¹⁴ *Ibid.*, p. 7.

⁴⁰⁷ *Ibid.*, p. 45.

⁴⁰⁸ *Ibid.*, p. 13.

⁴⁰⁹ Resolution [2295 \(2016\)](#), paras. 17–18.

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, the Council continued to pay close attention to the challenges faced by peacekeeping operations in fulfilling their respective mandates. In that regard, the Council adopted several decisions urging Member States to deliver military assistance to the operations. The

Council did not, however, engage in any constitutional discussion concerning Articles 43 and 45 during the reporting period. There were, nevertheless, numerous explicit references to Article 44 during the deliberations of the Council. Set out below is an overview of the practice of the Council in 2016 and 2017 concerning the need for Member States to contribute to, support and assist peacekeeping operations, including the question of contributing military air assets (subsection A), and the need for consultation with troop- and police-contributing countries (subsection B).

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

During the period under review, the Council did not explicitly refer to Article 43 or Article 45 in any of its decisions or discussions. Nevertheless, the Council adopted several resolutions calling upon Member States to provide military support, both personnel and equipment, including military air assets, to existing peacekeeping operations in Mali, Somalia, the Sudan and South Sudan. In addition, the Council, in resolution [2378 \(2017\)](#), adopted on 20 September 2017 under the item entitled “United Nations peacekeeping operations”, underscored the need to “enhance the overall effectiveness and efficiency of United Nations peacekeeping operations” by, inter alia, increasing pledges by Member States, including of enablers and rapid deployment units.⁴¹⁵

With respect to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), in resolution [2295 \(2016\)](#) of 29 June 2016, the Council urged Member States to contribute troops and police that had adequate capabilities as well as equipment, including enablers, specific to the operating environment.⁴¹⁶ The Council reiterated the request on 21 June, 29 June and 8 December 2017,⁴¹⁷ calling upon Member States who pledged to deploy units to fill in troop and capacity gaps to deploy them rapidly, and calling for the rapid

⁴¹⁵ Resolution [2378 \(2017\)](#), para. 11.

⁴¹⁶ Resolution [2295 \(2016\)](#), para. 30.

⁴¹⁷ Resolution [2359 \(2017\)](#), thirteenth preambular paragraph; resolution [2364 \(2017\)](#), penultimate preambular paragraph and para. 32; and resolution [2391 \(2017\)](#), sixteenth preambular paragraph.

deployment of the quick reaction force, as well as the aviation unit supporting it.⁴¹⁸

In relation to the African Union Mission in Somalia, in resolution [2297 \(2016\)](#) of 7 July 2016, the Council recalled its request that the African Union generate the specialized units set out in the annex to the resolution,⁴¹⁹ stressed the need to source force enablers and multipliers, either from the Mission's existing troop-contributing countries or from other Member States, and emphasized in particular the need for an appropriate aviation component of up to 12 military helicopters.⁴²⁰ On 30 August 2017, in resolution [2372 \(2017\)](#), the Council again stressed the need for the specialized units, welcomed the deployment of three helicopters by Kenya, and urged the African Union to generate the remainder of the force enablers.⁴²¹

Regarding the United Nations Mission in South Sudan (UNMISS), in resolution [2304 \(2016\)](#) of 12 August 2016, the Council urged Member States in the region to expedite contributions of rapidly deployable troops to ensure the full deployment of the Regional Protection Force as soon as possible.⁴²²

In 2016 and 2017, there were no explicit references to Articles 43 and 45 in the communications of the Council. In a letter dated 3 March 2016 from the President of the Council addressed to the Secretary-General, which contained the terms of reference for the Council's mission to Mali, Guinea-Bissau and Senegal, the Council did, however, call upon the Secretary-General, the countries contributing troops and police and other bilateral donors to continue their efforts to ensure that MINUSMA contingents had "the necessary equipment and training to fulfil their mandate".⁴²³

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

During the period under review, the Council adopted multiple decisions reaffirming the importance of strengthening the triangular cooperation and

consultations between the Council, the Secretariat and troop- and police-contributing countries.⁴²⁴

Concerning the United Nations Disengagement Observer Force, the Council repeatedly emphasized in its decisions the importance of troop- and police-contributing countries having access to reports and information related to the Force's existing temporary configuration,⁴²⁵ and urged the Secretary-General to report promptly to the Council and troop-contributing countries any actions that impeded its ability to fulfil its mandate.⁴²⁶ Regarding the United Nations Stabilization Mission In Haiti, the Council underscored the importance of regularly updating planning documents for the military and police components of the Mission, such as the concept of operations and rules of engagement, and requested the Secretary-General to report on them fully and in a timely manner to the Council and troop- and police-contributing countries.⁴²⁷ In respect of UNMISS, the Council requested the Secretary-General to continue consulting with troop- and police-contributing countries to enable the Mission to execute effectively its mandate.⁴²⁸

In 2016 and 2017 there were no explicit references to Article 44 in the communications of the Council. Nevertheless, in the report of the thirteenth annual workshop for the newly elected members of the Council, it was noted that a participant had expressed concern over the formality and lack of dialogue at meetings with troop- and police-contributing countries, force commanders and police commissioners.⁴²⁹ In a note by the President dated 30 August 2017, the Council underscored the importance of consultations with troop- and police-contributing countries and addressed multiple procedural issues concerning the consultations.⁴³⁰

Article 44 of the Charter was explicitly referred to in the context of numerous thematic debates under the items entitled "Maintenance of international peace and security" (see case 15) and "United Nations peacekeeping operations" (see case 16). In addition,

⁴¹⁸ Resolution [2364 \(2017\)](#), penultimate preambular paragraph.

⁴¹⁹ Resolution [2297 \(2016\)](#), para. 10.

⁴²⁰ *Ibid.*, para. 11.

⁴²¹ Resolution [2372 \(2017\)](#), para. 13.

⁴²² Resolution [2304 \(2016\)](#), para. 13. For more information on the mandate of the Regional Protection Force, see part X, sect. I; and in connection with the authorization of the use of force, see sect. IV above.

⁴²³ [S/2016/215](#), annex, para. 16.

⁴²⁴ [S/PRST/2016/8](#), thirteenth paragraph; [S/PRST/2017/27](#), nineteenth paragraph; and resolutions [2378 \(2017\)](#), para. 12; and [2382 \(2017\)](#), eighteenth preambular paragraph.

⁴²⁵ Resolutions [2294 \(2016\)](#), twelfth preambular paragraph; and [2330 \(2016\)](#), twelfth preambular paragraph.

⁴²⁶ Resolutions [2294 \(2016\)](#), para. 5; and [2330 \(2016\)](#), para. 5.

⁴²⁷ Resolution [2313 \(2016\)](#), para. 35.

⁴²⁸ Resolution [2327 \(2016\)](#), para. 33.

⁴²⁹ For the report of the workshop, held in November 2015, see letter dated 26 May 2016 from the representative of Finland addressed to the President of the Council ([S/2016/506](#), annex).

⁴³⁰ [S/2017/507](#), annex, paras. 89–91. For more information, see part II.

under the item entitled “Protection of civilians in armed conflict”, the Council discussed the need to consult with troop- and police-contributing countries on two occasions, with multiple speakers underscoring the critical role of such dialogue in effectively fulfilling the mandates regarding the protection of civilians.⁴³¹ On 19 July 2016, the Council held its 7740th meeting, under the item entitled “Implementation of the note by the President of the Security Council (S/2010/507)”. Among other topics, the Council discussed the issue of consultations with the troop- and police-contributing countries in the context of the working methods of the Council, with many speakers noting the importance of close interaction between the Council and the contributors.⁴³²

Case 15 Maintenance of international peace and security

At the 7621st meeting, held at the ministerial level on 15 February 2016, the representative of India raised the issue of the lack of consultation between the Council and the troop-contributing countries “despite Article 44 of the Charter” which, he maintained, explicitly required the Council to invite Member States contributing troops that were not members of the Council to participate in the decisions of the Council.⁴³³

At the 7802nd meeting, on 7 November 2016, also held at the ministerial level, the representative of India stated, in reference to resolution [2304 \(2016\)](#), which revised the mandate of the United Nations Mission in South Sudan and established the Regional Protection Force, that the resolution had been adopted with little agreement within the Council itself, little groundwork with the host Government and “without

effective consultations” with the troop- and police-contributing countries that had to implement it.⁴³⁴ At the same meeting, the Minister for Foreign Affairs of Ukraine underscored the importance of providing the troop-contributing countries with “comprehensive, sufficient and timely information on the security situation on the ground”.⁴³⁵ Numerous speakers expressed support for strengthening cooperation, consultation and information exchanges with troop- and police-contributing countries, including in the formulation and review of the mandates.⁴³⁶

Case 16 United Nations peacekeeping operations

At its 7642nd and 7643rd meetings, held on 10 and 11 March 2016, respectively, the Council addressed allegations of sexual exploitation by troops at peacekeeping missions. The representative of the Bolivarian Republic of Venezuela, at both meetings, emphasized the need to fully implement Article 44 of the Charter, which established the requirement to invite troop-contributing countries to participate in the decision-making process concerning the deployment of troops in peacekeeping operations.⁴³⁷

At its 7808th meeting, on 10 November 2016, the Council focused on the issue of police commissioners at peacekeeping missions. The representative of the Bolivarian Republic of Venezuela once again explicitly referred to Article 44, expressing support for an ongoing dialogue between the Council and the countries that contributed contingents related to all aspects of activities in peacekeeping operations.⁴³⁸ The representative of China also advocated for strengthening such communication, and the representative of the Russian Federation suggested that the best venue for consultations of that nature were the Security Council Working Group on Peacekeeping Operations and the Special Committee on Peacekeeping Operations of the General Assembly.⁴³⁹

⁴³¹ [S/PV.7606](#), p. 4 (Deputy Secretary-General); p. 21 (New Zealand); p. 26 (Bolivarian Republic of Venezuela); p. 34 (Thailand); p. 36 (India); p. 37 (Sweden); p. 65 (Chile); p. 72 (Morocco); p. 74 (Netherlands); p. 79 (Bangladesh); and p. 86 (Peru); and [S/PV.7711](#), pp. 7–8 (France); p. 18 (Spain); p. 21 (New Zealand); p. 25 (Egypt); p. 28 (Malaysia); p. 33 (Chad); p. 41 (Netherlands); p. 42 (Nigeria); p. 43 (Bangladesh); p. 46 (Argentina); p. 50 (Thailand); p. 52 (India); p. 53 (Mexico); p. 56 (Guatemala); p. 58 (Switzerland); p. 59 (Pakistan); p. 63 (Poland); p. 77 (Morocco); and pp. 80–81 (Indonesia).

⁴³² [S/PV.7740](#), p. 4 (Egypt); p. 9 (New Zealand); p. 12 (China); p. 16 (Argentina); p. 18 (Brazil); pp. 19–20 (Pakistan); p. 22 (India); pp. 22–23 (Hungary); p. 23 (Italy); p. 26 (Romania); p. 35 (Indonesia); p. 37 (South Africa); p. 38 (Kazakhstan); and p. 40 (Turkey).

⁴³³ [S/PV.7621](#), pp. 36–37.

⁴³⁴ [S/PV.7802](#), pp. 39–40.

⁴³⁵ *Ibid.*, p. 14.

⁴³⁶ *Ibid.*, p. 13 (Senegal); p. 14 (Ukraine); p. 19 (Spain); pp. 23–24 (Angola); p. 27 (France); p. 30 (Russian Federation); pp. 31–32 (Bolivarian Republic of Venezuela); p. 33 (United Kingdom); p. 38 (Democratic Republic of the Congo); pp. 40–41 (Pakistan); p. 42 (Guatemala); pp. 44–45 (Thailand, on behalf of the Association of Southeast Asian Nations); p. 50 (Belgium); p. 52 (Indonesia); p. 53 (Bangladesh); p. 61 (Paraguay); and p. 74 (Turkey).

⁴³⁷ [S/PV.7642](#), p. 15; and [S/PV.7643](#), p. 8.

⁴³⁸ [S/PV.7808](#), p. 12.

⁴³⁹ *Ibid.*, p. 20 (China); and p. 21 (Russian Federation).

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 subcommittees.*

Note

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

During the period under review, the Council did not explicitly refer to either Article 46 or Article 47 in any of its decisions or discussions. In addition, the Military Staff Committee was not mentioned in any of the decisions of the Council or its deliberations. As it is customary, the annual reports of the Council to the General Assembly made reference to the activities of the Military Staff Committee during the reporting period.⁴⁴⁰

⁴⁴⁰ See [A/71/2](#), part IV; and [A/72/2](#), part IV.

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

Article 48

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

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

Note

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

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

While Article 48 relates to requests to Member States to carry out action decided upon by the Council, during 2016 and 2017, as in previous periods, the Council addressed some of its pleas to “all parties” or “other interested parties”, reflecting the intra-State and increasingly complex nature of many contemporary conflicts dealt with by the Council. In its requests to carry out actions, the Council also addressed “regional

and subregional organizations”, signalling the importance of such entities in tackling disputes and situations before the Council. Additional information on the engagement of regional arrangements in the maintenance of international peace and security is provided in part VIII.

During the period under review, the Council did not explicitly invoke Article 48 in any of its decisions. The Council, however, adopted resolutions and issued presidential statements in which it underlined the obligation of Member States to comply with the measures imposed under Chapter VII of the Charter pursuant to Article 48. The section is divided into two subsections. Subsection A covers decisions of the Council requiring Member States to carry out action in relation to measures under Article 41. Subsection B covers decisions of the Council requiring Member States to carry out action in relation to measures under Article 42. During the years 2016-2017, 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 frequently requested “Member States” or “States” to actively or fully implement specific measures,⁴⁴¹ and to cooperate with the relevant sanctions committees, panels of experts and/or monitoring groups.⁴⁴² Consistent with prior practice, the Council also addressed non-State actors, requesting them to comply with or collaborate with measures imposed pursuant to Article 41 (see below).

In connection with sanctions against terrorist suspects, the Council urged Member States to “move vigorously and decisively” to freeze assets and resources of individuals, groups, undertakings and entities listed on the ISIL (Da’esh) and Al-Qaida Sanctions List,⁴⁴³ to “identify and propose for listing”

new entries that met the criteria,⁴⁴⁴ and to “provide reasons for submitting their delisting requests”.⁴⁴⁵ Moreover, the Council reiterated the obligations of Member States to prevent travel to or through their territories of individuals suspected of participating in the foreign terrorist fighter-related activities described in paragraph 6 of resolution 2178 (2014).⁴⁴⁶ The Council reaffirmed its call upon Member States to provide advance passenger information to the appropriate national authorities in order to detect the departure from, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by 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, and further reaffirmed its call upon Member States to report such departure or attempted entry to the Committee,⁴⁴⁷ by sharing this information with the State of residence or nationality, or the countries of return, transit or relocation, and relevant international organizations.⁴⁴⁸ The Council also called upon Member States to take the necessary measures to fulfil their obligation to report to the Committee interdictions in their territories of any petroleum, petroleum products, modular refineries, and related material being transferred to or from ISIL (Da’esh) or Al-Nusra Front, and to report also such interdictions of antiquities as well as the outcome of proceedings brought against individuals and entities as a result of any such activity.⁴⁴⁹ The Council strongly urged Member States to provide all relevant information to the Ombudsperson, including any relevant confidential information.⁴⁵⁰

With regard to the non-proliferation regime and sanctions overseen by the Committee established pursuant to resolution 1540 (2004), the Council urged States as well as “relevant international, regional and subregional organizations”, in line with paragraph 2 of Article 48, to inform the Committee of areas in which they were able to provide assistance, and called upon them to provide the Committee with information on their ongoing assistance programmes relevant to resolution 1540 (2004).⁴⁵¹

⁴⁴¹ Resolutions 2262 (2016), para. 30; 2293 (2016), para. 27; 2317 (2016), para. 22; 2321 (2016), para. 38; 2339 (2017), para. 36; 2371 (2017), para. 19; 2374 (2017), para. 17; 2375 (2017), para. 20; 2385 (2017), para. 26; 2397 (2017), para. 18.

⁴⁴² Resolutions 2317 (2016), para. 37; 2339 (2017), para. 11; 2362 (2017), para. 15; 2385 (2017), paras. 15 and 45.

⁴⁴³ Resolution 2349 (2017), para. 6.

⁴⁴⁴ Resolution 2368 (2017), para. 27.

⁴⁴⁵ *Ibid.*, para. 73.

⁴⁴⁶ *Ibid.*, thirty-seventh preambular paragraph.

⁴⁴⁷ Resolution 2368 (2017), para. 35.

⁴⁴⁸ Resolution 2396 (2017), para. 11.

⁴⁴⁹ Resolution 2368 (2017), para. 16.

⁴⁵⁰ *Ibid.*, para. 66. For more information on sanctions measures, see sect. III above.

⁴⁵¹ Resolution 2325 (2016), para. 19.

In relation to the sanctions regime against the Democratic People's Republic of Korea, the Council called upon all Member States to inspect vessels if they had reasonable grounds to believe that the cargo of such vessels contained items the supply, sale, transfer or export of which was prohibited by the relevant resolutions,⁴⁵² and decided that Member States should seize and dispose of such items.⁴⁵³ Moreover, the Council called upon all Member States to reduce the number of staff at their diplomatic missions and consular posts in the Democratic People's Republic of Korea.⁴⁵⁴

During the reporting period, the Council, in its decisions, continued to address Governments of individual States when making requests to comply with measures adopted in relation to Article 41. In that regard, with respect to the situation in Libya, the Council urged the Government of National Accord to "improve the implementation of the arms embargo",⁴⁵⁵ and called upon the Government to support the investigatory work of the Panel of Experts, including by sharing information.⁴⁵⁶ Concerning the situation in Somalia, the Council requested the Somali authorities to "take the measures necessary" to prevent the export of charcoal from Somalia,⁴⁵⁷ and to cooperate with the Somalia and Eritrea Monitoring Group and share information with the Monitoring Group regarding Al-Shabaab activities.⁴⁵⁸

In addition, the Council, as it did in previous years, addressed requests to actors other than States to cooperate with the relevant committees and panels of experts on the implementation of specific measures adopted in relation to Article 41. For example, the Council addressed "other interested parties" with respect to the situation in Libya,⁴⁵⁹ and "all parties" with regard to the situations in the Central African Republic⁴⁶⁰ and Mali,⁴⁶¹ urging or calling upon them to cooperate with the relevant committees and panels. With respect to South Sudan, the Council requested the

cooperation of "Member States" and "all parties", as well as "international, regional and subregional organizations", in accordance with Article 48 (2).⁴⁶²

Regarding decisions adopted in accordance with Article 41 in connection with judicial measures, the Council urged the Malian authorities to continue to cooperate with the International Criminal Court, ensuring that perpetrators of violations and abuses of human rights and of violations of international humanitarian law, including those involving sexual violence, were held accountable.⁴⁶³ Similarly, with respect to the situation in the Democratic Republic of the Congo, the Council stressed the importance of the Government's ongoing cooperation with the International Criminal Court in holding accountable the perpetrators of war crimes and crimes against humanity.⁴⁶⁴

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

During the period under review, the Council urged, called upon and requested action by a particular Member State, a designated group of Member States and/or all Member States in relation to measures adopted under Article 42 of the Charter. For example, with respect to the situation in Mali, the Council urged Member States to provide troops and police as well as military equipment in order for the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to fulfil its mandate.⁴⁶⁵ In regard to the situation in Somalia, the Council reiterated its call for "new donors" to financially assist the African Union Mission to Somalia and underlined the call by the African Union for its members to provide such support.⁴⁶⁶ Concerning the situation in Libya, the Council called upon Member States to inspect, as permitted under international law, any unflagged

⁴⁵² Resolution 2375 (2017), para. 7.

⁴⁵³ Resolutions 2321 (2016), para. 40; 2371 (2017), para. 21; and 2375 (2017), para. 22.

⁴⁵⁴ Resolution 2321 (2016), para. 14.

⁴⁵⁵ Resolutions 2278 (2016) and 2362 (2017), para. 10.

⁴⁵⁶ Resolutions 2278 (2016), para. 14; and 2362 (2017), para. 15.

⁴⁵⁷ Resolutions 2317 (2016), para. 22; and 2385 (2017), para. 26.

⁴⁵⁸ Resolution 2317 (2016), para. 37; and 2385 (2017), paras. 15 and 45.

⁴⁵⁹ Resolutions 2278 (2016), para. 14; and 2362 (2017), para. 15.

⁴⁶⁰ Resolution 2339 (2017), para. 11.

⁴⁶¹ Resolution 2374 (2017), para. 3.

⁴⁶² Resolution 2327 (2016), para. 18.

⁴⁶³ Resolutions 2295 (2016), para. 36; and 2364 (2017), para. 38.

⁴⁶⁴ Resolutions 2293 (2016), para. 16; and 2360 (2017), para. 13.

⁴⁶⁵ Resolutions 2295 (2016), para. 30; 2359 (2017), thirteenth preambular paragraph; and 2391 (2017), sixteenth preambular paragraph; and S/PRST/2016/16, tenth paragraph. For more information on decisions of the Council calling upon Member States to provide military contributions to peacekeeping operations in line with Articles 43 and 45 of the Charter, see sect. V above.

⁴⁶⁶ Resolutions 2297 (2016), para. 21; and 2372 (2017), para. 31.

vessels and, with the consent of the flag State, any other 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.⁴⁶⁷ In addition, in a presidential statement dated 25 April 2016, the Council called upon “States in the region” of the Gulf of Guinea “to cooperate, as appropriate, on the prosecution of suspected pirates” and upon “all States in the region and all relevant stakeholders to intensify their efforts to secure the safe and immediate release of all seafarers held hostage”.⁴⁶⁸

As in previous periods, the Council frequently called upon States and non-State actors to cooperate with peacekeeping operations to ensure the fulfilment of their respective Chapter VII mandates. In that regard, 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.⁴⁶⁹ The Council also demanded that the Transitional Government of National Unity of South Sudan “immediately cease obstructing the United Nations Mission in South Sudan in the performance of its mandate”,⁴⁷⁰ and that “all parties in Darfur”, in addition to the Government of the Sudan, remove obstacles to the discharge of the mandate of the African Union-United Nations Hybrid Operation in Darfur and ensure the Operation’s security and

freedom of movement.⁴⁷¹ In relation to the situations in the Central African Republic and in Mali, the Council urged “all parties” to cooperate fully with the deployment and activities of United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and MINUSMA,⁴⁷² as well as “Member States, especially those in the region”, to ensure freedom of movement of personnel and equipment of MINUSCA and MINUSMA.⁴⁷³ With respect to the situations in the Democratic Republic of the Congo, Lebanon and Libya, the Council urged “all parties” to cooperate with the activities of the missions and ensure the freedom of movement of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the United Nations Interim Force in Lebanon and the United Nations Support Mission in Libya.⁴⁷⁴ Concerning Côte d’Ivoire, the Council urged “all parties” to cooperate with the operations of the United Nations Operation in Côte d’Ivoire and of the French forces by ensuring their safety, security and freedom of movement with unhindered and immediate access throughout the territory of Côte d’Ivoire to enable them to fully carry out their mandates.⁴⁷⁵

⁴⁶⁷ Resolutions 2312 (2016), paras. 5 and 6; and 2380 (2017), paras. 5 and 6.

⁴⁶⁸ S/PRST/2016/4, fifth paragraph.

⁴⁶⁹ Resolutions 2287 (2016), para. 19; 2318 (2016), para. 20; 2352 (2017), para. 23; and 2386 (2017), para. 23.

⁴⁷⁰ Resolution 2327 (2016), para. 2.

⁴⁷¹ Resolutions 2296 (2016), paras. 5 and 19; and 2363 (2017), twenty-first preambular paragraph and paras. 6 (iii) and 38.

⁴⁷² Resolutions 2295 (2016), para. 6; 2301 (2016), para. 51; and 2364 (2017), para. 6.

⁴⁷³ Resolutions 2295 (2016), para. 33; 2301 (2016), para. 52; and 2364 (2017), para. 35.

⁴⁷⁴ Resolutions 2273 (2016), ninth preambular paragraph; 2291 (2016), thirteenth preambular paragraph; 2305 (2016), para. 8; 2323 (2016), seventeenth preambular paragraph; 2373 (2017), fourteenth preambular paragraph and para. 10; and 2376 (2017), nineteenth preambular paragraph.

⁴⁷⁵ Resolution 2284 (2016), para. 26.

VIII. Mutual assistance pursuant to Article 49 of the Charter

Article 49

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

Note

Section VIII covers the practice of the Security Council in relation to Article 49 of the Charter, concerning mutual assistance among Member States in

carrying out the measures decided upon by the Council.

During the period under review, the Council did not explicitly invoke Article 49 in any of its decisions. The Council did, however, adopt resolutions and issue presidential statements in which it called upon Member States to cooperate with each other or assist specific States in the implementation of measures imposed under Chapter VII of the Charter. This section is divided into two subsections. Subsection A covers decisions of the Council urging cooperation among

Member States with respect to measures under Article 41. Subsection B covers decisions of the Council requesting mutual assistance in relation to measures under Article 42.

In 2016 and 2017, as in previous periods, there was no constitutional discussion in the Council relating to the interpretation or application of Article 49 of the Charter. No reference to Article 49 was found in the communications received by the Council.

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

During the period under review, the Council called upon Member States to enhance their cooperation in implementing specific sanctions measures. The addressees of the Council's calls for mutual assistance ranged from individual Member States, particularly concerned States, to "all Member States", as well as regional and subregional organizations. The types of assistance requested of Member States varied greatly, from requests to share information and requests for the provision of technical assistance to requests for cooperation in carrying out various inspections.

For example, in connection with the situation in the Central African Republic, the Council decided that all Member States should cooperate in efforts aimed at implementation of the arms embargo,⁴⁷⁶ and urged the authorities of the Central African Republic to share information with other Member States, through the database of the International Criminal Police Organization (INTERPOL), on the documents of individuals against whom a travel ban had been issued.⁴⁷⁷

In relation to the Democratic People's Republic of Korea, the Council called upon all Member States to cooperate with each other in implementing the relevant resolutions, particularly with respect to "inspecting, detecting and seizing items the transfer of which is prohibited by these resolutions",⁴⁷⁸ as well as in inspecting vessels believed to be carrying such items.⁴⁷⁹

Concerning the situation in Libya, the Council similarly called upon all Member States to cooperate in efforts aimed at the implementation of the arms embargo,⁴⁸⁰ and urged Member States and regional organizations to provide assistance to the Government of National Accord, upon its request, in strengthening the infrastructure and mechanisms in place to secure arms and related materiel.⁴⁸¹

The Council also urged cooperation among Member States in fulfilling their obligations arising from the non-proliferation and counter-terrorism regimes. With regard to the former, it encouraged States to contribute funds "to assist States in implementing their obligations under resolution 1540 (2004), including for implementing projects in response to assistance requests submitted directly by States to the Committee".⁴⁸² In relation to counter-terrorism efforts, the Council recalled that Member States were to afford one another "the greatest measure of assistance" in connection with criminal investigations or proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence, and urged "full coordination" in such investigations or proceedings, particularly with those States where, or against whose citizens, terrorist acts had been committed.⁴⁸³ The Council also urged Member States to exchange information and improve cooperation to prevent the movement of terrorists,⁴⁸⁴ including by prompt notification, upon travel of individuals they suspected of being terrorists, of all countries where such individuals held citizenship, and by sharing such information with INTERPOL,⁴⁸⁵ and also to share with INTERPOL information on fraudulent, counterfeit, stolen and lost passports and other travel documents of suspects.⁴⁸⁶ The Council, further, urged Member States to share information concerning the identity of foreign terrorist fighters.⁴⁸⁷ The Council called upon Member States to help to build the capacity of other Member States to address the threat posed by foreign terrorist fighter returnees and relocators and their accompanying family members,⁴⁸⁸ and called upon Member States and international, regional and subregional entities to

⁴⁷⁶ Resolutions 2262 (2016), para. 2; and 2339 (2017), para. 2.

⁴⁷⁷ Resolution 2339 (2017), para. 8.

⁴⁷⁸ Resolutions 2321 (2016), para. 38; 2371 (2017), para. 19; 2375 (2017), para. 20; and 2397 (2017), para. 18.

⁴⁷⁹ Resolution 2375 (2017), para. 8.

⁴⁸⁰ Resolution 2362 (2017), para. 10.

⁴⁸¹ Resolutions 2278 (2016), para. 9; and 2362 (2017), para. 9.

⁴⁸² Resolution 2325 (2016), para. 21.

⁴⁸³ Resolutions 2368 (2017), para. 12; and 2396 (2017), para. 23.

⁴⁸⁴ Resolution 2395 (2017), fifteenth preambular paragraph.

⁴⁸⁵ Resolution 2396 (2017), paras. 3 and 11.

⁴⁸⁶ Resolution 2368 (2017), para. 31.

⁴⁸⁷ *Ibid.*, para. 40.

⁴⁸⁸ Resolution 2396 (2017), para. 25.

provide technical assistance, resources and capacity-building to Member States in order to implement capabilities to collect and analyse passenger name record and biometric data.⁴⁸⁹

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

During the period under review, the Council also adopted several resolutions in which it requested cooperation among Member States in carrying out measures under Article 42 of the Charter authorizing the use of force. The types of assistance requested in this regard ranged from sharing information and capacity-building to deter various criminal acts to coordination among Member States to deter such acts.

For example, concerning the situation in Lebanon, the Council called upon Member States to assist the Lebanese Armed Forces as needed to enable them to perform their duties in line with resolution 1701 (2006).⁴⁹⁰

With respect to the situation in Libya and the question of migration, the Council called upon Member States “acting nationally or through regional organizations” to cooperate and share information with the Government of National Accord and with each other to assist Libya in building capacity to secure its

⁴⁸⁹ Ibid., paras. 12 and 15.

⁴⁹⁰ Resolution 2373 (2017), penultimate preambular paragraph.

borders and to “prevent, investigate and prosecute acts of smuggling of migrants and human trafficking”.⁴⁹¹ The Council also urged States and regional organizations whose naval vessels and aircraft operated on the high seas and in the airspace off the coast of Libya to be “vigilant for acts of migrant smuggling and human trafficking”, and in this regard encouraged them to “increase and coordinate their efforts to deter acts of migrant smuggling and human trafficking, in cooperation with Libya”.⁴⁹²

In relation to the situation in Somalia, the Council called upon Member States to support the efforts of the Federal Government with regard to the development of the Somali National Army, including its more effective participation in joint operations with the African Union Mission in Somalia.⁴⁹³

The Council urged Member States to assist States in the region of the Gulf of Guinea in improving their maritime infrastructure in order to strengthen their capacity to carry out joint maritime operations to counter piracy and armed robbery at sea.⁴⁹⁴ The Council further called upon all States in the region to “intensify their efforts to secure the safe and immediate release of all seafarers held hostage in or around the Gulf of Guinea”.⁴⁹⁵

⁴⁹¹ Resolutions 2312 (2016), para. 2; and 2380 (2017), para. 2.

⁴⁹² Resolution 2312 (2016), para. 4.

⁴⁹³ Resolution 2275 (2016), para. 14.

⁴⁹⁴ S/PRST/2016/4, nineteenth paragraph.

⁴⁹⁵ Ibid., fifth paragraph.

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.⁴⁹⁶ None of the Security Council-mandated sanctions committees received formal requests for assistance under Article 50 of the Charter.

⁴⁹⁶ For more information on sanctions measures, see sect. III above.

The Council did not explicitly invoke Article 50 of the Charter in any of its decisions during the reporting period. The Council did however adopt decisions that may be deemed of relevance for the interpretation and application of Article 50. For example, on 9 November 2016, in connection with the situation in Somalia, the Council requested that cooperating States take appropriate steps to ensure that the authorized activities they undertook in the fight against piracy and armed robbery at sea off the coast of Somalia did not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State.⁴⁹⁷ The Council reiterated that request on 7 November 2017.⁴⁹⁸

While Article 50 of the Charter was not explicitly mentioned at any meeting of the Council, some references made by Council members to the impact of sanctions during meetings are of relevance for the interpretation and application of Article 50. Most such references were made in the context of two meetings held under the item entitled “General issues relating to sanctions” (see case 17).

During the period under review, there was only one explicit reference to Article 50 of the Charter in the communications received by the Council. The reference was made in a letter dated 2 February 2016 from the Permanent Representative of the Bolivarian Republic of Venezuela addressed to the Secretary-General, which included a concept note for the 7620th meeting of the Council, to be held on the working methods of the subsidiary organs. The issues recommended for consideration at the meeting included the unintended economic impact of sanctions. It was stated that, “in line with Article 50 of the Charter of the United Nations”, the Security Council should consider the effect of sectoral sanctions on the legitimate trade of natural resources and the impact on the legitimate sources of livelihood of artisanal communities and should develop, if necessary, specific assistance for those affected.⁴⁹⁹

A letter dated 22 December 2017 from the Permanent Representative of Egypt to the President of the Security Council included a document entitled “Improving sanctions regimes: reflection by Egypt”. The document contained no explicit reference to Article 50, but summarized a series of points made by

members of the Council, including that sanctions must be implemented with a view to minimizing their impact on the civilian population or socioeconomic development and third countries affected by the implementation of such measures.⁵⁰⁰

Case 17 General issues relating to sanctions

On 11 February 2016, the Council held its 7620th meeting to consider, at the initiative of the Bolivarian Republic of Venezuela, the working methods of its subsidiary organs, under the item entitled “General issues relating to sanctions”. The concept note circulated ahead of the meeting included for discussion the unintended economic impact of sanctions.⁵⁰¹ At the meeting, the representative of Chile called for improved dialogue between the sanctions committees and the States affected by sanctions, and the representative of Senegal called for involvement of those States, and neighbouring States, in the work of the committees.⁵⁰² The representative of the Islamic Republic of Iran said that sanctions committees must be “vigilant” of the economic effects of sanctions on third parties.⁵⁰³ On the other hand, the representative of the United Kingdom asserted that the approach of targeted sanctions was “working”, as no third-party State had appealed to the United Nations for assistance with the unintended consequences of sanctions since 2003.⁵⁰⁴

At the 8018th meeting, held on 3 August 2017 under the sub-item entitled “Enhancing the effectiveness of United Nations sanctions”, the representatives of Kazakhstan and China stressed the need to avert negative socioeconomic consequences for innocent populations and third States.⁵⁰⁵ The representatives of Ukraine and the Plurinational State of Bolivia favoured targeted and selective sanctions, respectively, as a way of striking a balance between the desired result and any possible unintended socioeconomic and humanitarian consequences in third States.⁵⁰⁶

⁴⁹⁷ Resolution 2316 (2016), para. 17.

⁴⁹⁸ Resolution 2383 (2017), para. 17.

⁴⁹⁹ S/2016/102, sect. II.C.

⁵⁰⁰ S/2017/1098, annex, para. 11 (d).

⁵⁰¹ S/2016/102, sect. II.C.

⁵⁰² S/PV.7620, p. 4 (Chile); and p. 10 (Senegal).

⁵⁰³ Ibid., p. 24.

⁵⁰⁴ Ibid., p. 11.

⁵⁰⁵ S/PV.8018, p. 5 (Kazakhstan); and p. 6 (China).

⁵⁰⁶ Ibid., p. 8 (Ukraine); and p. 10 (Plurinational State of Bolivia).

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

Article 51

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

Note

Section X deals with the practice of the Security Council in relation to Article 51 of the Charter, regarding the “inherent right of individual or collective self-defence” in the event of an armed attack against a Member State. The section is divided into two subsections. Subsection A covers the discussions of the Council of relevance to the interpretation and application of Article 51, and subsection B covers references to Article 51 and the right to self-defence in communications addressed to the Security Council. The Council did not refer to Article 51 of the Charter or the right of self-defence in its decisions during the reporting period.

A. Discussion relating to Article 51

During 2016 and 2017, explicit references to Article 51 of the Charter as well as to the right of self-defence were made at numerous meetings of the Council in relation to a broad range of thematic and country- and region-specific items of its agenda. No discussion of constitutional significance of Article 51 arose during the reporting period.

Discussion on thematic items

During the reporting period, speakers referred both to Article 51 explicitly and to the right of self-defence, at numerous Council meetings under thematic items relating to various situations.

At the 7621st meeting, a high-level debate held on 15 February 2016 under the item entitled “Maintenance of international peace and security”, the

representative of the Islamic Republic of Iran stressed that Article 51 of the Charter was “restrictive” and should not be rewritten or reinterpreted,⁵⁰⁷ while the representative of the Syrian Arab Republic criticized some Member States for “distorting” the provisions of Article 51 to justify their military intervention in his country on the pretext of combating Da’esh.⁵⁰⁸ At other meetings of the Council under the same item, several speakers made reference to the principle of self-defence. The representative of Burundi regretted that the accusations against his Government’s forces for the attacks on armed groups were “without any regard to either its right of self-defence or the aggressive nature of the assailants”.⁵⁰⁹ The representative of the Democratic People’s Republic of Korea claimed that the ballistic missile launches conducted by his State were part of its legitimate right to self-defence provided for in the Charter.⁵¹⁰ The representatives of Azerbaijan and Armenia expressed divergent views on the right to self-defence of the people of Nagorno-Karabakh.⁵¹¹ The representative of Egypt emphasized the importance of “striking a balance between humanitarian considerations and considerations related to the legitimate use of mines for self-defence”.⁵¹²

Some references to Article 51 and the right to self-defence were also made at meetings under the item entitled “Non-proliferation”. At the 7739th meeting, on 18 July 2016, the Council focused on the report of the Secretary-General on the implementation of Security Council resolution 2231 (2015).⁵¹³ The representative of the Russian Federation expressed bewilderment at the absence in the report of any mention of his delegation’s suggestion on a standard form for applications for transfers to the Islamic Republic of Iran of conventional weapons under the seven categories of the United Nations Register of Conventional Arms. He claimed that the opponents of the proposal had adopted a free interpretation of resolution 2231 (2105) for their own political ends, which impeded the Islamic Republic of Iran from fully exercising its rights as a State Member of the United Nations to self-defence, in accordance with Article 51 of the Charter.⁵¹⁴ The representative of New Zealand

⁵⁰⁷ S/PV.7621, p. 34.

⁵⁰⁸ Ibid., p. 40.

⁵⁰⁹ S/PV.7653, p. 32.

⁵¹⁰ S/PV.7857, pp. 106-107.

⁵¹¹ S/PV.7886, p. 47 (Azerbaijan); and p. 53 (Armenia).

⁵¹² S/PV.7966, p. 18.

⁵¹³ S/2016/589.

⁵¹⁴ S/PV.7739, p. 10.

acknowledged the right of the Islamic Republic of Iran to provide for its self-defence, but said that its leaders could not pretend that the “intemperate indeed ridiculous” actions of the Revolutionary Guards were not their responsibility.⁵¹⁵

Explicit reference to Article 51 was also made at the 7740th meeting, held on 19 July 2016 under the item entitled “Implementation of the note by the President of the Security Council (S/2010/507)”, by the representative of Brazil. He suggested that the working methods of the Council could be improved by, inter alia, developing a proper follow-up to communications submitted to the Council in connection with Article 51.⁵¹⁶

Under the item “Threats to international peace and security caused by terrorist acts”, at the 7882nd meeting on 13 February 2017, the representative of the Syrian Arab Republic once again criticized the intervention by some States in his country under the pretext of fighting Da’esh, which he said violated Article 51 of the Charter and the sovereignty of his country.⁵¹⁷ The representative of Brazil noted the increase in the number of communications from Member States submitted to the Council under Article 51, which in his view sought to “justify resorting to military action in the context of counter-terrorism, usually *ex post facto*”, and reiterated his recommendation for follow-up to such communications and for an assessment as to whether the obligations laid out in the Charter were being fulfilled.⁵¹⁸

At the 8137th meeting, held on 15 December 2017 under the item “Non-proliferation/Democratic People’s Republic of Korea”, the representative of the Democratic People’s Republic of Korea stated that the country’s nuclear force was devoted solely to its mission as a self-defensive deterrent, and was fully in line with Article 51 of the Charter, which stipulated the right of the exercise of self-defensive measures to be taken by an individual Member State.⁵¹⁹

Discussion on country- and region-specific items

During the period under review, several explicit references to Article 51 as well as references to the right of self-defence were made with respect to the situations in South Sudan, the Syrian Arab Republic and Iraq, the conflict between Yemen and Saudi

Arabia, and the Israeli-Palestinian conflict, at meetings held under country- and region-specific items.

At the 7906th meeting, held on 23 March 2017 under the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, the representative of South Sudan rejected the claims that South Sudanese forces had been targeting civilians, and maintained that the State had exercised its right to self-defence when attacked by negative forces and criminal elements, in line, he claimed, with international law, including Article 51 of the Charter.⁵²⁰ On 20 July 2017, at the 8008th meeting, held under the same item, the representative of the United Kingdom asserted that the violence occurring in South Sudan, including the offensive in the town of Pagak, was not self-defence.⁵²¹

At the 7822nd, 7825th and 7834th meetings, held under the item “The situation in the Middle East”, the representative of the Bolivarian Republic of Venezuela declared that the Government of the Syrian Arab Republic had a legitimate right to defend its sovereignty and territorial integrity against terrorism.⁵²² On 7 April 2017, at the 7919th meeting, also held under the item “The situation in the Middle East” and in connection with the military operations in the Syrian Arab Republic, the representative of the Plurinational State of Bolivia recalled the words of the former Secretary-General, Ban Ki-Moon, who had stated that the use of force was lawful only when in exercise of self-defence in accordance with Article 51 of the Charter or when the Council approved such action.⁵²³

References to Article 51 in relation to the situation in the Syrian Arab Republic were made also at meetings under the item “The situation in the Middle East, including the Palestinian question”. At the 7929th meeting, on 20 April 2017, the representative of Turkey expressed the view that Operation Euphrates Shield, in which the Free Syrian Army was supported by Turkish forces, had been carried out in accordance with Article 51 of the Charter and had eliminated the strike capabilities of Da’esh in the northern Syrian Arab Republic.⁵²⁴ Another explicit reference to Article 51 under the item was made at the 8072nd meeting, on 18 October 2017, by the representative of Brazil, who again noted the increasing number of letters from Member States submitted to justify the use of military action for counter-terrorism purposes under Article 51;

⁵¹⁵ *Ibid.*, p. 14.

⁵¹⁶ S/PV.7740, p. 18.

⁵¹⁷ S/PV.7882, pp. 46-47.

⁵¹⁸ *Ibid.*, p. 49.

⁵¹⁹ S/PV.8137, p. 22.

⁵²⁰ S/PV.7906, p. 23.

⁵²¹ S/PV.8008, p. 6.

⁵²² S/PV.7822, p. 20; S/PV.7825, p. 9; and S/PV.7834, p. 15.

⁵²³ S/PV.7919, pp. 3-4.

⁵²⁴ S/PV.7929, p. 58.

he said that such letters should provide sufficient information on attacks in which legitimate self-defence was invoked, and suggested listing all such communications on the Council’s website to enhance transparency.⁵²⁵

In relation to the Israeli-Palestinian conflict, at the 7673rd meeting, held on 18 April 2016 under the item entitled “The situation in the Middle East, including the Palestinian question”, the representatives of the Bolivarian Republic of Venezuela and Malaysia referred to the actions of the Israeli forces allegedly conducted in self-defence. The representative of the Bolivarian Republic of Venezuela considered the response “disproportionate”,⁵²⁶ while the representative of Malaysia stated that what the Israeli army treated as an act of self-defence was in fact “murder”.⁵²⁷ At the 8072nd meeting, the representative of Peru recognized the right of Israel to exercise legitimate self-defence “in accordance with the principles of proportionality and lawfulness”.⁵²⁸

In response to the alleged missile launches from the territory of Yemen towards Saudi Arabia, at the 7797th meeting, held on 31 October 2016 under the item entitled “The situation in the Middle East”, the representative of the United States stressed that every country had a right to defend itself and that her country remained fully committed to the security of Saudi Arabia.⁵²⁹

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

During the period under review, Article 51 was explicitly referred to in numerous communications addressed to the President of the Council or the Secretary-General. In those communications, Member States informed the Council of actions carried out in individual or collective self-defence, declared an intention to consider possible future action invoking their individual right to self-defence, or, in some cases, rejected such declarations by other States. The complete list of letters from Member States containing explicit references to Article 51 is given in table 18.

References to the principle of self-defence were also found in many other communications from Member States, including the Democratic People’s Republic of Korea⁵³⁰ and the Islamic Republic of Iran,⁵³¹ claiming the right to nuclear development for the purposes of self-defence; from Armenia⁵³² and Azerbaijan,⁵³³ concerning Nagorno-Karabakh; from Turkey, expressing its determination to take all measures necessary for its self-defence against terrorist organizations present in Iraq⁵³⁴ and, with regard to alleged violations of its airspace⁵³⁵ by the Russian Federation, declaring its sovereign right to defend its airspace; from South Sudan, in relation to the procurement of ordinary arms for self-defence;⁵³⁶ and from the Syrian Arab Republic, claiming the right to defend its territorial integrity with respect to conflict with Israel⁵³⁷ and to defend its people against the terrorism of ISIL.⁵³⁸

Article 51 of the Charter was explicitly cited also in the report of the Monitoring Group on Somalia and Eritrea submitted pursuant to resolution 2244 (2015), transmitting the view of Eritrea that the arms embargo constituted an “obstacle to its exercise of its right of

⁵³⁰ Letters dated 4 April 2016 (S/2016/324), 2 December 2016 (S/2016/1023), 15 February 2017 (S/2017/139) and 14 July 2017 (S/2017/610) from the representative of the Democratic People’s Republic of Korea to the Secretary-General.

⁵³¹ Identical letters dated 23 March 2016 from the representative of the Islamic Republic of Iran to the Secretary-General and the President of the Security Council (S/2016/279); and letter dated 9 March 2017 from the representative of the Islamic Republic of Iran to the President of the Security Council (S/2017/205).

⁵³² Letters dated 8 March 2016 (S/2016/231) and 21 April 2016 (S/2016/371) from the representative of Armenia to the Secretary-General.

⁵³³ Letters dated 22 April 2016 (S/2016/375) and 10 April 2017 (S/2017/316) from the representative of Azerbaijan to the Secretary-General.

⁵³⁴ Letter dated 16 November 2016 from the representative of Turkey to the President of the Security Council (S/2016/973).

⁵³⁵ Letter dated 15 February 2016 from the representative of Turkey to the President of the Security Council (S/2016/148).

⁵³⁶ Note verbale dated 4 May 2017 from the Permanent Mission of South Sudan to the President of the Security Council (S/2017/398).

⁵³⁷ Identical letters dated 17 March 2017 from the representative of the Syrian Arab Republic to the Secretary-General and the President of the Security Council (S/2017/227).

⁵³⁸ Identical letters dated 30 March 2017 from the representative of the Syrian Arab Republic to the Secretary-General and the President of the Security Council (S/2017/267).

⁵²⁵ S/PV.8072, p. 30.

⁵²⁶ S/PV.7673, p. 17.

⁵²⁷ Ibid., pp. 20–21.

⁵²⁸ S/PV.8072, p. 33.

⁵²⁹ S/PV.7797, p. 17.

individual or collective self-defence under Article 51 of the Charter”.⁵³⁹

⁵³⁹ S/2016/920, para. 50. The report was transmitted to the Council in a letter dated 7 October 2016 from the Chair of the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea addressed to the President of the Security Council.

Table 18
Communications from Member States containing explicit references to Article 51 of the Charter

<i>Document symbol</i>	<i>Document title</i>
S/2016/34	Letter dated 11 January 2016 from the Permanent Representative of Denmark to the United Nations addressed to the President of the Security Council
S/2016/63	Letter dated 21 January 2016 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General
S/2016/132	Letter dated 10 February 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Netherlands to the United Nations addressed to the President of the Security Council
S/2016/163	Letter dated 19 February 2016 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
S/2016/174	Identical letters dated 23 February 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2016/294	Identical letters dated 30 March 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2016/513	Letter dated 3 June 2016 from the Permanent Representative of Norway to the United Nations addressed to the President of the Security Council
S/2016/523	Letter dated 7 June 2016 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council
S/2016/739	Letter dated 24 August 2016 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
S/2016/820	Identical letters dated 29 September 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2016/869	Letter dated 15 October 2016 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council
S/2016/870	Identical letters dated 17 October 2016 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2017/124	Letter dated 8 February 2017 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the President of the Security Council
S/2017/256	Letter dated 24 March 2017 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
S/2017/303	Letter dated 7 April 2017 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General

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Document symbol *Document title*

- [S/2017/350](#) Identical letters dated 25 April 2017 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General and the President of the Security Council
- [S/2017/456](#) Letter dated 27 May 2017 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council
- [S/2017/605](#) Letter dated 12 July 2017 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
- [S/2017/1133](#) Identical letters dated 22 December 2017 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General and the President of the Security Council
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