
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 by the Council in its deliberations and decisions. Sections I to IV cover material related to Articles 39 to 42, which regulate the Council's power to determine threats to international peace and security and to take the appropriate 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 Council regarding the proper interpretation and implementation of the Articles governing the Council's primary responsibility to maintain international peace and security.

During the period under review, as in previous periods, the Council adopted 50 per cent of its resolutions (27 out of 54 resolutions) explicitly under Chapter VII of the Charter. Most of those resolutions concerned the mandates of United Nations and regional peacekeeping missions or multinational forces, and the imposition, extension, modification or termination of sanctions measures.

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

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

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

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

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

As covered in section III, during the period under review, the Council imposed new measures under Article 41 in connection with the situation in South Sudan and terminated the sanctions measures on Eritrea. The Council renewed the existing measures concerning the Central African Republic, the Democratic Republic of the Congo, Libya, Mali, Somalia, South Sudan and Yemen. The Council also made modifications to the sanctions regimes concerning Libya, Somalia and South Sudan. No changes were made to the measures concerning Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) and Al-Qaida and associates, and the Taliban and associated individuals and entities, as well as those concerning the Democratic People's Republic of Korea, Guinea-Bissau, Iraq, Lebanon and the Sudan. As far as judicial measures were concerned, no action was taken in 2018. Procedurally, the Council agreed that issues pertaining to the International Residual Mechanism for Criminal Tribunals would be considered under the item entitled "International Residual Mechanism for Criminal Tribunals".

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

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

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

Article 39

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

Note

Section I concerns the practice of the Council with regard to the determination of the existence of a threat to the peace, breach of the peace or act of aggression in accordance with Article 39 of the Charter. It provides information regarding the determination of the existence of a threat by the Council and examines instances in which a threat was debated. The section is divided into two subsections. Subsection A provides an overview of the decisions of the Council relating to the determination of a “threat to the peace”, and subsection B contains a series of case studies describing some of the arguments advanced during the Council’s deliberations in connection with the determination of a threat in accordance with Article 39 of the Charter and the adoption of some of the resolutions mentioned in subsection A.

A. Decisions relating to Article 39

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

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

threats to international peace and security in the respective regions.¹

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

¹ See, in relation to the situation in the Central African Republic, resolutions 2399 (2018), 2446 (2018) and 2448 (2018), penultimate preambular paragraphs; in relation to the situation concerning the Democratic Republic of the Congo, resolutions 2409 (2018) and 2424 (2018), penultimate preambular paragraphs, and 2439 (2018), third preambular paragraph; in relation to the situation in Libya, resolutions 2434 (2018), final preambular paragraph, and 2441 (2018), penultimate preambular paragraph; in relation to the situation in Mali, resolutions 2423 (2018) and 2432 (2018), penultimate preambular paragraphs; in relation to the situation in the Middle East, resolution 2433 (2018), final preambular paragraph (Lebanon), resolutions 2401 (2018) and 2449 (2018), penultimate preambular paragraphs (Syrian Arab Republic), and resolutions 2402 (2018), penultimate preambular paragraph, and 2451 (2018), final preambular paragraph (Yemen); in relation to the situation in Somalia, resolutions 2415 (2018), 2431 (2018) and 2444 (2018), penultimate preambular paragraphs; and in relation to the situation in South Sudan and the Sudan, resolutions 2400 (2018), second preambular paragraph, and 2425 (2018) and 2429 (2018), final preambular paragraphs (Sudan), and resolutions 2406 (2018) and 2418 (2018), penultimate preambular paragraphs (South Sudan).

² S/PRST/2018/17, seventeenth paragraph.

³ S/PRST/2018/3, twenty-second paragraph; and S/PRST/2018/16, sixteenth paragraph.

to respond to and contain the outbreak of the Ebola virus.⁴

With respect to the situation in Libya, the Council reaffirmed its determination that terrorism, in all forms and manifestations, constituted one of the most serious threats to peace and security.⁵ In connection with the situation in Mali, the Council strongly condemned the activities of terrorist organizations operating in the country and the Sahel region, including the Mouvement pour l'unification et le jihad en Afrique de l'Ouest (Movement for Unity and Jihad in West Africa), Al-Qaida in the Islamic Maghreb, Al Mourabitoune, Ansar Eddine, and associated individuals and groups such as Jama'at Nusrat al-Islam wal-Muslimin (Group for the Support of Islam and Muslims) and 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.⁶

With reference to the situation in Somalia, the Council determined that incidents of piracy and armed robbery at sea off the Somali coast, as well as the activity of pirate groups in Somalia, were important factors exacerbating the situation in Somalia, which continued to constitute a threat to international peace and security in the region.⁷ Moreover, the Council expressed concern over the continued threat to the peace and stability of the country and the region posed by Al-Shabaab.⁸ The Council also condemned any flows of weapons and ammunition supplies to and through Somalia in violation of the arms embargo, including when they resulted in supplies to Al-Shabaab and affiliates linked to Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), as a serious threat to peace and stability in the region. In that regard, the Council expressed concern at reports of increased illegal flows of weapons and ammunition supplied from Yemen to Somalia.⁹ In relation to the situation in South Sudan and the Sudan, the Council recognized 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.¹⁰

In Asia, in connection with the situation in Afghanistan, the Council continued to recognize the "threat to the international community" posed by the production, trafficking and consumption of illicit drugs originating in Afghanistan.¹¹ The Council made a similar determination under the item entitled "Maintenance of international peace and security", and further took note of the significant increase in the cultivation, production, trade and trafficking of illicit drugs in Afghanistan, which continued to pose a threat to peace and stability in the region and beyond.¹²

In Europe, in connection with the situation in Bosnia and Herzegovina, the Council determined that the situation in the region continued to constitute a threat to international peace and security.¹³

During 2018, the Council also made reference to threats to international peace and security in several decisions adopted in connection with thematic items. In that regard, under the item entitled "Non-proliferation/Democratic People's Republic of Korea", the Council determined that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, continued to constitute a threat to international peace and security.¹⁴ Under the item "Threats to international peace and security", the Council reaffirmed that terrorism posed a threat to international peace and security and that countering that threat required collective efforts on national, regional and international levels.¹⁵

The relevant provisions of the decisions, concerning country- or region-specific 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.

⁴ Resolution 2439 (2018), second and third preambular paragraphs.

⁵ Resolution 2420 (2018), penultimate preambular paragraph.

⁶ Resolution 2423 (2018), sixteenth preambular paragraph.

⁷ Resolution 2442 (2018), penultimate preambular paragraph.

⁸ Resolution 2444 (2018), fourth preambular paragraph.

⁹ Ibid., seventh preambular paragraph.

¹⁰ Resolutions 2411 (2018), 2412 (2018), 2416 (2018), 2438 (2018) and 2445 (2018), final preambular paragraphs.

¹¹ Resolution 2405 (2018), para. 34.

¹² S/PRST/2018/2, fourteenth and fifteenth paragraphs.

¹³ Resolution 2443 (2018), penultimate preambular paragraph.

¹⁴ Resolution 2407 (2018), penultimate preambular paragraph.

¹⁵ S/PRST/2018/9, fifth paragraph.

Table 1

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

<i>Decision and date</i>	<i>Provision</i>
Africa	
Central African region	
<p>S/PRST/2018/17 10 August 2018</p>	<p>The Security Council recalls that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons and their ammunition continue to pose threats to international peace and security, cause significant loss of life and contribute to instability and security in Central Africa, and, in this regard, encourages the United Nations Regional Office for Central Africa (UNOCA) to continue to contribute, in its capacity as the secretariat for the United Nations Standing Advisory Committee on Security Questions in Central Africa, to countering this threat and calls for sustainable assistance by international and bilateral donors. The Security Council commends UNOCA's support for regional anti-piracy efforts, in cooperation with the United Nations Office for West Africa and the Sahel (UNOWAS), the member States of the Economic Community of Central African States (ECCAS), the Economic Community of West African States and the Gulf of Guinea Commission, to address maritime insecurity in the Gulf of Guinea. The Council encourages UNOCA to continue to work with UNOWAS, ECCAS and the Gulf of Guinea Commission to support the full operationalization of the Yaoundé process architecture for safety and security in the Gulf of Guinea, particularly the Interregional Coordination Centre for Maritime Safety and Security in the Gulf of Guinea (seventeenth paragraph)</p>
The situation in the Central African Republic	
<p>Resolution 2399 (2018) 30 January 2018</p>	<p>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)</p> <p>See also resolutions 2446 (2018) and 2448 (2018) (penultimate preambular paragraphs)</p>
The situation concerning the Democratic Republic of the Congo	
<p>Resolution 2409 (2018) 27 March 2018</p>	<p>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)</p> <p>See also resolutions 2424 (2018) (penultimate preambular paragraph) and 2439 (2018) (third preambular paragraph)</p>
<p>Resolution 2439 (2018) 30 October 2018</p>	<p>Recognizing the recurring threat of the Ebola virus in the region since it was first discovered in 1976 and recalling its resolution 2177 (2014) concerning the 2014 Ebola virus outbreak in West Africa (second preambular paragraph)</p>
The situation in Libya	
<p>Resolution 2420 (2018) 11 June 2018</p>	<p>Reaffirming its determination that terrorism, in all forms and manifestations, constitutes one of the most serious threats to peace and security (penultimate preambular paragraph)</p>
<p>Resolution 2434 (2018) 13 September 2018</p>	<p>Recalling its determination in its resolution 2213 (2015) that the situation in Libya continues to constitute a threat to international peace and security (final preambular paragraph)</p>
<p>Resolution 2441 (2018) 5 November 2018</p>	<p>Determining that the situation in Libya continues to constitute a threat to international peace and security (penultimate preambular paragraph)</p>
The situation in Mali	
<p>Resolution 2423 (2018) 28 June 2018</p>	<p>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, human rights abuses and violations, and violence against civilians, notably women and children, committed in Mali and in the region by terrorist groups (sixteenth preambular paragraph)</p>

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

See also resolution [2432 \(2018\)](#) (penultimate preambular paragraph)

The situation in Somalia

Resolution [2415 \(2018\)](#) 15 May 2018 Determining that the situation in Somalia continues to constitute a threat to international peace and security (penultimate preambular paragraph)

See also resolution [2431 \(2018\)](#) (penultimate preambular paragraph)

Resolution [2442 \(2018\)](#) 6 November 2018 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)

Resolution [2444 \(2018\)](#) 14 November 2018 Condemning Al-Shabaab attacks in Somalia and beyond, expressing concern that Al-Shabaab continues to pose a serious threat to the peace and stability of Somalia and the region, and further expressing concern at the presence of affiliates linked to Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) and the security implications of the situation in Yemen for Somalia (fourth preambular paragraph)

Condemning any flows of weapons and ammunition supplies to and through Somalia in violation of the arms embargo on Somalia, including when they result in supplies to Al-Shabaab and affiliates linked to ISIL (also known as Da'esh) and when they undermine the sovereignty and territorial integrity of Somalia, as a serious threat to peace and stability in the region, and expressing concern at reports of increased illegal flows of weapons and ammunition supplies from Yemen to Somalia (seventh preambular paragraph)

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

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

Resolution [2400 \(2018\)](#) 8 February 2018 Determining that the situation in the Sudan continues to constitute a threat to international peace and security in the region (second preambular paragraph)

Resolution [2425 \(2018\)](#) 29 June 2018 Determining that the situation in the Sudan constitutes a threat to international peace and security (final preambular paragraph)

See also resolution [2429 \(2018\)](#) (final preambular paragraph)

Resolution [2406 \(2018\)](#) 15 March 2018 Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)

See also resolution [2418 \(2018\)](#) (penultimate preambular paragraph)

Resolution [2411 \(2018\)](#) 13 April 2018 Recognizing that the current situation in Abyei and along the border between the Sudan and South Sudan continues to constitute a serious threat to international peace and security (final preambular paragraph)

See also resolutions [2412 \(2018\)](#), [2416 \(2018\)](#), [2438 \(2018\)](#) and [2445 \(2018\)](#) (final preambular paragraphs)

Peace consolidation in West Africa

[S/PRST/2018/3](#) 30 January 2018 The Security Council recalls that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons continue to pose threats to international peace and security, cause significant loss of lives and contribute to instability and security in many regions, including in West Africa and the Sahel, and, in this regard, encourages the United Nations Office for West Africa and the Sahel to consider work that could contribute to countering this threat and calls for sustainable assistance by international and bilateral donors (twenty-second paragraph)

Decision and date

Provision

[S/PRST/2018/16](#)
10 August 2018

The Security Council recalls that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons continue to pose threats to international peace and security, cause significant loss of lives, and contribute to instability and security in many regions, including in West Africa and the Sahel (sixteenth paragraph)

Asia

The situation in Afghanistan

Resolution [2405 \(2018\)](#)
8 March 2018

Calls upon States to strengthen their efforts as well as international and regional cooperation to counter the threat to the international community posed by the production, trafficking and consumption of illicit drugs originating in Afghanistan which significantly contribute to the financial resources of the Taliban and its associates and could also benefit Al-Qaida, Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) affiliates and other terrorist groups, and to act in accordance with the principle of common and shared responsibility in addressing the drug problem of Afghanistan, including through cooperation against the trafficking in illicit drugs and precursor chemicals, also underlining the importance of border management cooperation, emphasizes the need for enhanced regional and international support of the National Drug Action Plan of Afghanistan, and welcomes the continued efforts of the United Nations Office on Drugs and Crime in empowering the Afghan Ministry of Counter Narcotics in its implementation, and appreciates the work of the Paris Pact initiative, its "Paris-Moscow" process and its partners, including the European Union, the North Atlantic Treaty Organization, the Organization for Security and Cooperation in Europe, the Collective Security Treaty Organization and the Shanghai Cooperation Organization, as well as the work of the Central Asian Regional Information and Coordination Centre for combating the illicit trafficking of narcotic drugs, psychotropic substances and their precursors, and encourages the Committee established pursuant to resolution [1988 \(2011\)](#) and 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 to continue to pay attention to the linkages between the proceeds of organized crime, inter alia, the illicit production and trafficking of drugs and their chemical precursors and the financing, respectively, of the Taliban, including the Haqqani Network, and of ISIL (Da'esh), Al-Qaida, and associated individuals, groups, undertakings and entities; (para. 34)

Europe

The situation in Bosnia and Herzegovina

Resolution [2443 \(2018\)](#)
6 November 2018

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

Middle East

The situation in the Middle East

Resolution [2401 \(2018\)](#)
24 February 2018

Determining that the devastating humanitarian situation in the Syrian Arab Republic continues to constitute a threat to peace and security in the region (penultimate preambular paragraph)

See also resolution [2449 \(2018\)](#) (penultimate preambular paragraph)

Resolution [2402 \(2018\)](#)
26 February 2018

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

Resolution [2433 \(2018\)](#)
30 August 2018

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

Resolution [2451 \(2018\)](#)
21 December 2018

Determining that the situation in Yemen continues to constitute a threat to regional and international peace and security (final preambular paragraph)

Table 2

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

<i>Decision and date</i>	<i>Provision</i>
Maintenance of international peace and security	
S/PRST/2018/2 19 January 2018	<p>The Security Council underscores the importance of close coordination between Afghanistan and the Central Asian States in combating the significant increase in the cultivation, production, trade and trafficking of illicit drugs in Afghanistan, as reflected in the Afghanistan Opium Survey published by the United Nations Office on Drugs and Crime (UNODC) on 15 November 2017, which continue to pose a threat to peace and stability in the region and beyond, and emphasizes the need for enhanced regional and international support of the National Drug Action Plan of Afghanistan (fourteenth paragraph)</p> <p>The Security Council in this regard appreciates the work of UNODC, calls upon States to strengthen international and regional cooperation to counter the threat to the international community posed by the cultivation, production, trafficking and consumption of illicit drugs originating in Afghanistan which significantly contribute to the financial resources of the Taliban and its associates, and to act in accordance with the principle of common and shared responsibility in addressing the drug problem of Afghanistan, including through cooperation against the trafficking in illicit drugs and precursor chemicals, and welcomes cooperation between Afghanistan and Central Asian States and relevant regional and international organizations and initiatives (fifteenth paragraph)</p>
Non-proliferation/Democratic People’s Republic of Korea	
Resolution 2407 (2018) 21 March 2018	Determining that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, continues to constitute a threat to international peace and security (penultimate preambular paragraph)
Threats to international peace and security	
S/PRST/2018/9 8 May 2018	The Security Council reaffirms that terrorism poses a threat to international peace and security and that countering this threat requires collective efforts on national, regional and international levels on the basis of respect for international law and the Charter of the United Nations, and further reaffirms its commitment to sovereignty, territorial integrity and political independence of all States in accordance with the Charter of the United Nations, and stresses that Member States have the primary responsibility in countering terrorist acts and violent extremism conducive to terrorism (fifth paragraph)

B. Discussions relating to Article 39

During the period under review, several issues regarding the interpretation of Article 39 and the determination of threats to international peace and security arose during the Council’s deliberations. An explicit reference to Article 39 was made at the 8395th meeting, held on 9 November 2018, by the representative of Liechtenstein, who asserted that the role of the Council was a “crucial aspect” in the discussion on the conditions for the exercise by the International Criminal Court of the jurisdiction over the crime of aggression owing to the Council’s

competence under Article 39 to make a determination that an act of aggression had been committed.¹⁶

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

¹⁶ [S/PV.8395](#), p. 31. For more information on the meeting, see case 1 below.

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

Further to the alleged chemical weapons attack in Duma of 7 April 2018, the Council discussed, on three occasions during the same month, the threat to international peace and security posed by the situation in the Syrian Arab Republic under the item entitled “Threats to international peace and security” and the sub-item entitled “The situation in the Middle East” (see case 5).

On 23 May and 15 November 2018, the Council held two meetings under the item entitled “Peace and security in Africa” and deliberated on whether the situation in the Sahel constituted a threat to international peace and security and on the potential imposition of a mandate under Chapter VII for the Joint Force of the Group of Five for the Sahel.¹⁷

On 5 September 2018, the Council considered the situation in Nicaragua under the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”.¹⁸ During the meeting, a former member of the Government of Nicaragua and civil society leader invited under rule 39 of the provisional rules of procedure emphasized the urgency of the situation, which, he stated, threatened the peace and security “of an entire region”,¹⁹ whereas several Council members and the representatives of Nicaragua and the Bolivarian Republic of Venezuela disagreed and determined that the situation did not pose such a threat.²⁰

During the period under review, the Council also continued to discuss a wide array of other threats to international peace and security considered by the Council in the past, such as the proliferation of

weapons of mass destruction,²¹ terrorism, in particular the threats posed by terrorist organizations, including ISIL (Da’esh), Nusrah Front and Al-Qaida, and by foreign terrorist fighters,²² and the potential for regional conflicts and tensions to threaten regional and international peace and security, in particular in the Middle East and North Africa.²³

In addition, although less frequently than in previous years, the Council considered the threat to international peace and security posed by the nuclear activities of the Democratic People’s Republic of Korea.²⁴ Further to the letter dated 13 March 2018 from the Chargé d’affaires a.i. of the Permanent Mission of the United Kingdom to the President of the Council (S/2018/218) following the alleged nerve agent attack in the United Kingdom of 4 March 2018, the Council discussed the threat to international peace and security emanating from the use of chemical weapons.²⁵

Case 1 Maintenance of international peace and security

On 17 May 2018, at its 8262nd meeting, held under the above-mentioned item, the Council, at the initiative of Poland, which held the presidency for the month, considered the sub-item entitled “Upholding international law within the context of the maintenance

¹⁷ S/PV.8266 and S/PV.8402. For more information on peacekeeping operations led by regional arrangements, including the Joint Force, see part VIII, sect. III.

¹⁸ S/PV.8340. For more information on the meeting in the context of the Council’s discussions concerning the agenda and the role of regional organizations in addressing the situation in Nicaragua, see part II, sect. II.C, case 3, and part VIII, sect. I.B, case 3, respectively.

¹⁹ S/PV.8340, p. 4.

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

²¹ See, for example, under the item entitled “Maintenance of international peace and security”, S/PV.8362; “The situation in the Middle East”, S/PV.8344; and “Non-proliferation of weapons of mass destruction”, S/PV.8160 and S/PV.8230.

²² See, for example, under the item entitled “Briefings by Chairs of subsidiary bodies of the Security Council”, S/PV.8364; “Maintenance of international peace and security”, S/PV.8293 and S/PV.8362; and “Threats to international peace and security caused by terrorist acts”, S/PV.8178 and S/PV.8330.

²³ See, for example, under the item entitled “Maintenance of international peace and security”, S/PV.8293; and “The situation in the Middle East, including the Palestinian question”, S/PV.8167 and S/PV.8244.

²⁴ See, under the item entitled “Non-proliferation/ Democratic People’s Republic of Korea”, S/PV.8363. For more information on the discussion by the Council of the threat to international peace and security posed by the nuclear activities of the Democratic People’s Republic of Korea throughout 2016 and 2017, see *Repertoire, Supplement 2016–2017*, part VII, sect. I.B, case 3.

²⁵ See, under the item entitled “Letter dated 13 March 2018 from the Chargé d’affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council (S/2018/218)”, S/PV.8203, S/PV.8224, S/PV.8237 and S/PV.8343.

of international peace and security”.²⁶ During the debate, numerous speakers underscored the importance of respect for international law in combating threats to international peace and security. Other speakers focused on the threat to international peace and security posed by violations of international law. Among them, the representatives of the Plurinational State of Bolivia and Cuba expressed the view that violations of international law in and of themselves posed a threat to international peace and security, and the representative of the Permanent Observer of the State of Palestine maintained that impunity and double standards undermined international law and, therefore, threatened international peace and security.²⁷ The representative of Kenya, noting that a politically skewed application of international law would erode the foundation of a rules-based international system and bring into question the credibility of the Council, warned that the alternative to the application of international human rights law and humanitarian law had proven to be an even greater threat to international peace and security as compared to the traditional drivers of conflict.²⁸ The representative of Lithuania, referring to several examples of non-compliance with international law and violations of sovereignty in Europe, underscored that such blatant breaches of the Charter constituted a threat to international peace, security and stability.²⁹ Also in relation to regional conflicts, the representative of Sweden claimed that the continuous aggression by the Russian Federation and its annexation of Crimea was an ongoing breach of international law and that the redrawing of borders backed by military power represented a threat beyond Ukraine and a challenge to the international legal order and the Charter, and thus a threat to all States.³⁰ The representative of Ukraine also emphasized that the violation of fundamental principles of international law by a permanent member of the Council was one of the most serious current threats to international peace and security.³¹

Several speakers identified and discussed other contemporary threats to international peace and security. The representative of Estonia pointed out that modern conflicts threatening international peace and

security were characterized by an increasingly broader use of new technologies, and that international law was applicable when cyber means were used to threaten international peace and security.³² The representative of Portugal stated that it might be necessary to further develop the existing legal framework to better deal with new and interlinked global threats such as climate change, new typologies of conflicts, transnational organized crime or terrorism.³³ The representative of Kazakhstan said that there was no greater threat to international peace and security than the continued existence of nuclear weapons.³⁴ The representative of Lebanon determined that the “disputed maritime border and the exclusive economic zone between Lebanon and Israel” remained a source of conflict that could threaten the peace and security of the region.³⁵ While the representative of the United States maintained that the regimes of the Democratic People’s Republic of Korea, the Islamic Republic of Iran, the Syrian Arab Republic and Venezuela (Bolivarian Republic of) posed a threat to peace and security internationally, the representative of the Bolivarian Republic of Venezuela said that it was the “United States regime” that represented a real threat to peace and regional and international stability.³⁶ The representative of Jamaica said that new and emerging threats to international peace and security were being fuelled by a myriad social, economic and political factors that provided a breeding ground for discontent, conflict and strife.³⁷

Case 2 Maintenance of international peace and security

At its 8395th meeting, held on 9 November 2018 under the above-mentioned item, at the initiative of China, which held the presidency for the month, the Council considered the sub-item entitled “Strengthening multilateralism and the role of the United Nations”.³⁸ In the context of this topic, speakers noted the complex and, in some cases, existential nature of contemporary threats to international peace and security. In this regard, several speakers underlined

²⁶ The Council had before it a concept note annexed to a letter dated 3 May 2018 from the representative of Poland to the Secretary-General (S/2018/417/Rev.1).

²⁷ S/PV.8262, p. 23 (Plurinational State of Bolivia), p. 77 (Cuba) and p. 96 (Permanent Observer of the State of Palestine).

²⁸ Ibid., p. 69.

²⁹ Ibid., p. 33.

³⁰ Ibid., p. 22.

³¹ Ibid., pp. 60–61.

³² Ibid., pp. 34–35.

³³ Ibid., p. 85.

³⁴ Ibid., p. 16.

³⁵ Ibid., p. 76.

³⁶ Ibid., p. 17 (United States) and p. 83 (Bolivarian Republic of Venezuela).

³⁷ Ibid., p. 64.

³⁸ The Council had before it a concept note annexed to a letter dated 1 November 2018 from the representative of China to the Secretary-General (S/2018/982).

the significance of international cooperation and collective action in addressing them.³⁹

The representative of Argentina expressed concern that the maintenance of international peace and security was increasingly threatened by serious new challenges such as organized crime, cybercrime and terrorism, which required effective and efficient responses based on dialogue, consensus, cooperation and multilateralism, which no individual State in the international community was able to provide on its own.⁴⁰

The representative of Norway noted that terrorism was a “truly global threat” and stressed the need for a global response.⁴¹ The representative of the Philippines stated that it was the most pressing threat to peace and security in the world and affirmed that the fight against terrorism demanded total and sincere cooperation.⁴² The representative of Estonia noted the threat to international peace and security posed by cyber means, adding that new technologies were increasingly used in modern conflicts threatening international peace and security.⁴³ The representative of Kuwait also stated that, as a result of advances in technology, the threats facing the world were transnational and more complicated and interlinked than ever before, and further underlined the need for collective action in confronting such challenges.⁴⁴ The representative of Slovenia maintained that the new threats were more complex, multidimensional and quickly multiplying, and that, owing to this interdependence, only through international cooperation could solutions be found and progress achieved.⁴⁵ The representative of Ireland emphasized that there were new and very different threats to international peace and security, to the very survival of the planet and to the stable development of societies.⁴⁶ The representative of Malaysia warned that the evolving nature of the traditional threats and non-traditional security challenges could undermine many of the gains that had already been achieved.⁴⁷

The representative of the Russian Federation noted the attempts to “drag some countries into military alliances” such as the North Atlantic Treaty

Organization, “with invocations of the inadmissibility of meddling in their internal affairs actually accompanied by shameless interference”. He further noted that that bloc mindset only produced additional threats to international security and was ruinous for the principles of multilateralism.⁴⁸ The representative of Poland said that there were significant new threats and challenges to international peace and security, including foreign fighters, violent extremism, cyberattacks, refugee flows, uncontrolled migration and information warfare, that her country believed undermined global stability, stressing that there was no way to tackle those issues in an effective way unilaterally and achieve a sustainable outcome.⁴⁹ The representative of the Plurinational State of Bolivia categorically rejected the imposition of unilateral measures, which was a flagrant violation of multilateralism and a serious threat to the international order.⁵⁰ On the other hand, the representative of the United Kingdom emphasized that effective collective action required resolving threats that challenged collective security on the world stage, including migration, cybercrime, modern-day slavery, terrorist threats, disease or climate change, and that action to uphold international peace and security could not only mean action by consensus, since threats to international peace and security often involved a challenge to international law and norms.⁵¹

The representative of Peru expressed concern over the proliferation of conflicts and the emergence of new threats to international peace and security, as well as their root causes, including growing inequality, the effects of climate change, armament and transnational organized crime.⁵² In a similar vein, the representatives of Sweden and Germany noted the importance of preventing threats to international peace and security.⁵³ The representative of Sweden added that, for the Council to be able to fulfil its task, it had to act on a full range of threats to international peace and security, be better at identifying risks and root causes of conflicts and ensure that its response was comprehensive.⁵⁴ The representative of Germany further asserted that, as an incoming member of the Council in 2019, his delegation would focus on the catalysts and drivers of conflict, human rights, climate change and sexual violence against women.⁵⁵

³⁹ S/PV.8395, p. 10 (Sweden), p. 27 (Peru) and p. 58 (Cuba).

⁴⁰ Ibid., p. 50.

⁴¹ Ibid., p. 70.

⁴² Ibid., p. 81.

⁴³ Ibid., p. 49.

⁴⁴ Ibid., p. 16.

⁴⁵ Ibid., p. 36.

⁴⁶ Ibid., p. 67.

⁴⁷ Ibid., p. 82.

⁴⁸ Ibid., p. 14.

⁴⁹ Ibid., p. 19.

⁵⁰ Ibid., p. 25.

⁵¹ Ibid., p. 28.

⁵² Ibid., p. 27.

⁵³ Ibid., p. 10 (Sweden) and p. 56 (Germany).

⁵⁴ Ibid., p. 10.

⁵⁵ Ibid., p. 56.

Commenting on the mandate of the Council, the representative of Spain said that flagrant and mass violations of human rights and international humanitarian law were threats to international peace and security that should be taken into consideration by the organs to which the Charter attributed that responsibility, in particular the Council.⁵⁶

Case 3 Maintenance of international peace and security

At its 8307th meeting, held on 11 July 2018, the Council held a high-level debate under the above-mentioned item and the sub-item entitled “Understanding and addressing climate-related security risks”. During the meeting, a discussion on climate change as a threat to international peace and security arose. The Minister for Foreign Affairs of Sweden said that the threat that a changing climate posed to societies and to international peace and security could not be underestimated.⁵⁷ The representative of France added that the threat of climate change to international peace and security was an objective fact that could not be denied.⁵⁸ The Prime Minister of Curaçao, the Netherlands, underscored that the Council had a responsibility to act in situations where climate change threatened international stability and security.⁵⁹ The representative of Maldives, speaking on behalf of the Alliance of Small Island States, emphasized the importance for the United Nations to have a full understanding of how climate change threatened international peace and security, and the representative of Trinidad and Tobago, acknowledging that the threat to the peace and security of all humankind from climate change was real, emphasized that it was even greater for small island developing States.⁶⁰

Other speakers discussed the linkages between climate change and threats to international peace and security, including the ways in which the former could aggravate the latter. The Deputy Secretary-General, who briefed the Council at the outset of the meeting on climate-related risks, highlighted the “complex relationship between climate change and conflict”. She further emphasized the need to understand climate change as one issue within a web of factors that could lead to and exacerbate conflict, adding that climate change acted as a threat multiplier, applying additional stress on prevailing political, social and economic

pressure points.⁶¹ The Minister for Water Resources of Iraq stated that the rising temperature of the Earth’s surface, if not a concrete threat on its own, which he deemed it was, undoubtedly magnified the threats posed by other risks and increased their complexity and intensity in many regions of the world. With regard to the situation in the Middle East, he added that the inequity of access to water represented a real threat to peace and stability in the region.⁶² The representative of Kazakhstan said that climate change was a threat multiplier as it could result in poverty, food insecurity, illegal migration, internal displacement, social instability and bitter conflicts because high-risk areas were essentially agricultural, and recalled that the fight over scarce natural resources, such as land and water, had also resulted in long and brutal hostilities.⁶³ Similarly, the representative of Poland stressed that the negative impacts of climate change on global peace and security could not be neglected since they were threat multipliers that could aggravate poverty, environmental degradation and social tensions and could lead to escalations of local and regional conflicts.⁶⁴ The President of Nauru noted that, since it had acknowledged that the adverse effects of climate change might aggravate existing threats to international peace and security, the Council had begun to consider the issue according to specific geopolitical contexts.⁶⁵ The representative of the Sudan, speaking on behalf of the Group of Arab States, similarly underlined that climate change and environmental degradation exacerbated such threats.⁶⁶

The representative of Peru stressed that it was crucial to understand that the growing socioeconomic and environmental impacts of climate change led to humanitarian crises and conflicts, which in turn could pose a threat to international peace and security because of their scope.⁶⁷ The representative of Ethiopia recalled a presidential statement of 20 July 2011, in which the Council expressed concern that possible adverse effects of climate change might, in the long run, aggravate certain existing threats to international peace and security. He added that, when the impacts of climate change became threats to the maintenance of international peace and security, the Council had a role

⁵⁶ Ibid., p. 43.

⁵⁷ S/PV.8307, p. 8.

⁵⁸ Ibid., p. 14.

⁵⁹ Ibid., p. 8.

⁶⁰ Ibid., p. 27.

⁶¹ Ibid., p. 3.

⁶² Ibid., pp. 4–5.

⁶³ Ibid., p. 10.

⁶⁴ Ibid., p. 23.

⁶⁵ Ibid., p. 25.

⁶⁶ Ibid., p. 28.

⁶⁷ Ibid., p. 12.

to play in analysing the conflict and the security implications and finding a path to peace and security.⁶⁸

The representative of the Russian Federation nonetheless expressed his disappointment about the meeting and categorized its holding as “yet another attempt to link the issue of preserving the environment to threats to international peace and security”. He further claimed that those who promulgated the idea that climate change was a threat to security did not bring scientifically sound, specific details to bear or clear explanations of the notions of security, conflict, threats or stability as they related to the climate issue.⁶⁹ In contrast, the representative of the United States asserted that, while the Council most often focused on armed conflict as the most conventional threat to international peace and security, it was right to also consider natural phenomena and disasters as they had taken lives, destroyed homes, affected resources and caused widespread displacement both within and beyond national borders.⁷⁰ The representative of France, recalling that the impacts of climate change were multiplying the risks to international stability, concluded that both the Council and the General Assembly should speak out on that threat.⁷¹

Case 4 The situation in the Middle East

On 5 January 2018, the Council held its 8152nd meeting to discuss the alleged human rights violations that occurred during the anti-government protests in the Islamic Republic of Iran in late December 2017 and early January 2018. During the meeting, the representative of France stated that, however worrying, the events did not constitute per se a threat to international peace and security, and the representative of Equatorial Guinea said that the human rights situation in the Islamic Republic of Iran did not, in principle, constitute such a threat.⁷² The representative of China similarly stressed that the situation did not pose any threat to international peace and security, and the representative of Kazakhstan stated that the developments in the Islamic Republic of Iran were a domestic issue outside the Council’s mandate since they did not represent a threat to international peace and security.⁷³ The representative of the Plurinational State of Bolivia expressed his delegation’s categorical rejection of other delegations’ attempts to push for

meetings on issues that did not pose a threat to international peace and security, which posed the risk of the Council becoming “instrumentalized for political ends”, and stated that the situation in the Islamic Republic of Iran was therefore not an issue that belonged on the agenda of the Council.⁷⁴ The representative of the Russian Federation expressed regret at the “misuse of the forum of the Security Council”. He cautioned about declaring a threat to international peace and security and establishing the grounds “for the necessity of outside interferences” in the country’s internal affairs, drawing parallels with the events in the Syrian Arab Republic in 2011.⁷⁵

The representative of Kuwait, expressing hope that the situation in the Islamic Republic of Iran would not evolve into further violence, underscored the importance of preventive diplomacy and the role of the Council in addressing situations in which there were signs of future threats to regional and international peace and security at an early stage.⁷⁶ The representative of the United Kingdom stated that, too often, the security interests of the Islamic Republic of Iran were pursued in a way that destabilized and directly threatened others, supported terrorism and distorted the country’s economy, and asserted that such regional activities risked increasing international conflict and threatened international peace and security.⁷⁷

Case 5 Threats to international peace and security

During the period under review, the Council held three meetings within the space of six days to discuss the threat posed by the situation in the Syrian Arab Republic further to the alleged chemical weapons attack in Duma on 7 April 2018. On 9 April 2018, the Council held an emergency meeting under the item entitled “Threats to international peace and security” and for the first time under the sub-item entitled “The situation in the Middle East”.⁷⁸ During the meeting, several speakers determined that the use of chemical weapons constituted a threat to international peace and

⁶⁸ Ibid., pp. 18–19.

⁶⁹ Ibid., p. 15.

⁷⁰ Ibid., p. 13.

⁷¹ Ibid., p. 14.

⁷² S/PV.8152, p. 5 (France) and p. 11 (Equatorial Guinea).

⁷³ Ibid., p. 12 (China) and p. 14 (Kazakhstan).

⁷⁴ Ibid., p. 5.

⁷⁵ Ibid., pp. 12–13.

⁷⁶ Ibid., p. 6.

⁷⁷ Ibid., p. 7.

⁷⁸ S/PV.8225. For further details on the proposals to establish a new mechanism to investigate the alleged use of chemical weapons in the Syrian Arab Republic, see part I, sect. 23, and part IX, sect. VIII. For more information on emergency meetings held and new sub-items introduced in 2018, see part II, sects. I.A and II.A, respectively.

security.⁷⁹ The representative of Côte d'Ivoire said that the use of chemical weapons violated the most fundamental norms of international law and posed threats to collective security.⁸⁰ The representative of Ethiopia remarked that threats to international peace and security were becoming increasingly complex by the day. He noted that the proliferation of nuclear weapons was posing a real danger and the international norms on the use of chemical weapons were being undermined. He further acknowledged the primary responsibility of the Council for the promotion and maintenance of international peace and security and regretted that the Council had not been able to effectively address the new and emerging threats and challenges to peace and security.⁸¹ The representative of Kazakhstan similarly underscored that the Council was the main and sole body authorized to counter threats to international peace and security, adding that, unfortunately, the situation within the Council was becoming increasingly strained.⁸²

The representatives of the Russian Federation, Equatorial Guinea and the Syrian Arab Republic expressed support for the holding of the meeting under the item entitled "Threats to international peace and security".⁸³ The representative of Equatorial Guinea explained that it was an appropriate topic, as the recent events in the Middle East represented a genuine threat to peace and security, not only in that region but also at the international level.⁸⁴

On 13 April 2018, the Council convened another meeting under the same item to discuss the situation in the Middle East.⁸⁵ In his briefing to the Council, the Secretary-General focused on the state of affairs across the entire region and held that the situation in the Middle East was in chaos to such an extent that it had become a threat to international peace and security and that the situation in the Syrian Arab Republic in particular represented the most serious threat to international peace and security.⁸⁶ Expressing similar views, the representative of France claimed that, for seven years, the situation in the Syrian Arab Republic had constituted without a doubt a grave threat to international peace and security, as defined by the Charter. He emphasized that that threat was related to

the "repeated, organized and systematic use of chemical weapons by the Bashar Al-Assad regime". He added that the Council was justified in taking measures under Chapter VII of the Charter, but that its action had been paralyzed by the use of the veto for several years.⁸⁷ The representative of Peru noted the atrocity crimes committed with impunity and stated that the conflict had deteriorated into a serious threat to regional and global stability.⁸⁸ The representative of Sweden asserted that the use of chemical weapons constituted a grave threat to international peace and security, and the representative of Kuwait stated that he shared the Secretary-General's concern that the Middle East was experiencing crises and challenges that unquestionably represented threats to international peace and security.⁸⁹ In his statement at the end of the meeting, the representative of the Syrian Arab Republic thanked the Secretary-General for his comprehensive and accurate briefing. He added that the Secretary-General spoke in a manner commensurate with the threats to international peace and security posed by the allegations and accusations against the Syrian Arab Republic and its allies.⁹⁰

On 14 April 2018, following the air strikes carried out against the Syrian Arab Republic by the United States, the United Kingdom and France, the Council held another emergency meeting under the same item.⁹¹ During the meeting, the Council voted on a draft resolution submitted by the Russian Federation, which the Council failed to adopt owing to an insufficient number of votes in favour.⁹² During the discussion, the Secretary-General reiterated that the Syrian Arab Republic represented the most serious threat to international peace and security in the world.⁹³ The representative of Sweden recalled the Council's primary responsibility to act in response to threats to international peace and security and reiterated that the use of chemical weapons constituted a threat to international peace and security.⁹⁴ The representative of Peru emphasized the need to prevent the situation in the Syrian Arab Republic from spiralling out of control and causing a greater threat to

⁷⁹ [S/PV.8225](#), p. 15 (Sweden), p. 21 (Plurinational State of Bolivia) and p. 22 (Peru).

⁸⁰ *Ibid.*, p. 17.

⁸¹ *Ibid.*

⁸² *Ibid.*, p. 19.

⁸³ *Ibid.*, p. 5 (Russian Federation), p. 18 (Equatorial Guinea) and p. 25 (Syrian Arab Republic).

⁸⁴ *Ibid.*, p. 18.

⁸⁵ [S/PV.8231](#).

⁸⁶ *Ibid.*, pp. 2–3.

⁸⁷ *Ibid.*, pp. 7–9.

⁸⁸ *Ibid.*, p. 20.

⁸⁹ *Ibid.*, p. 12 (Sweden) and p. 14 (Kuwait).

⁹⁰ *Ibid.*, p. 20.

⁹¹ [S/PV.8233](#).

⁹² [S/2018/355](#). The draft resolution received three votes in favour (Bolivia (Plurinational State of), China, Russian Federation), eight against (Côte d'Ivoire, France, Kuwait, Netherlands, Poland, Sweden, United Kingdom, United States) and four abstentions (Equatorial Guinea, Ethiopia, Kazakhstan, Peru). For further details, see part I, sect. 23.

⁹³ [S/PV.8233](#), p. 2.

⁹⁴ *Ibid.*, p. 12.

stability in the region and to international peace and security.⁹⁵

The representative of the Russian Federation read out a statement by the President of his country, in which the latter had characterized the strike by the United States and its allies as an “act of aggression against a sovereign State”.⁹⁶ The representative of the

⁹⁵ Ibid., p. 18.

⁹⁶ Ibid., p. 3. For a comprehensive coverage of the Council’s

Syrian Arab Republic called upon the Council to firmly condemn that aggression, which would exacerbate the tensions in the region and was a threat to international peace and security throughout the world.⁹⁷

discussion during this meeting in the context of the prohibition of the threat or use of force under Article 2 (4) of the Charter, see part III, sect. II.B, case 5.

⁹⁷ Ibid., p. 22.

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

Article 40

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

Note

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

Decisions relating to Article 40

During the period under review, the Council did not explicitly cite Article 40 in any decisions it adopted. This notwithstanding, certain decisions in which the Council demanded and urged the implementation of measures in relation to the situations in South Sudan and the Middle East (Yemen) were of relevance for the interpretation and application

of this provision. The relevant provisions of those decisions are set out in table 3.

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.

In 2018, in connection with the situation in the Middle East (Yemen), in its resolution [2451 \(2018\)](#), the Council called upon the parties to implement the Stockholm Agreement and respect fully the ceasefire agreed for Hudaydah Governorate that came into force on 18 December 2018.⁹⁸ The Council also called for the mutual redeployment of forces to be carried out from the city of Hudaydah and the ports of Hudaydah, Salif and Ra’s Isa to agreed locations within 21 days of the ceasefire coming into force.⁹⁹ The Council expressed its intention to consider further measures to support the implementation of the resolution and all other relevant resolutions and to alleviate the humanitarian situation in the country.¹⁰⁰

In relation to the situation in South Sudan, in its resolution [2406 \(2018\)](#), the Council demanded that all parties immediately end the fighting throughout the country and that the leaders of South Sudan implement the permanent ceasefire declared in the Agreement on the Resolution of the Conflict in the Republic of South Sudan and ceasefires for which they had respectively called on 11 July 2016 and 22 May 2017, as well as the

⁹⁸ Resolution [2451 \(2018\)](#), para. 3.

⁹⁹ Ibid.

¹⁰⁰ Ibid., para. 7.

Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access signed on 21 December 2017.¹⁰¹ The Council also demanded that the Transitional Government of National Unity comply with the obligations set out in the Status of Forces Agreement between the United Nations and the Government of the Republic of South Sudan concerning the United Nations Mission in South Sudan, and immediately cease obstructing the United Nations Mission in South Sudan in the performance of its mandate and international and national humanitarian actors in assisting civilians.¹⁰² The Council expressed its intention to consider all appropriate measures, as demonstrated through the adoption of resolutions 2206 (2015), 2290 (2016) and 2353 (2017) against those who took actions that undermined the peace, stability and security of South Sudan.¹⁰³ In its resolution 2428 (2018), the Council demanded that the leaders of South Sudan fully and immediately adhere to the Agreement

on the Resolution of the Conflict in the Republic of South Sudan, the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access, and the 27 June 2018 Khartoum Declaration of Agreement between Parties of the Conflict of South Sudan and allow full, safe and unhindered humanitarian access to help ensure timely delivery of humanitarian assistance to all those in need.¹⁰⁴ The Council also expressed its intent to continue to impose any sanctions that might be appropriate to respond to the situation, including the designation of senior individuals responsible for actions or policies that threatened the peace, security or stability of South Sudan, and affirmed that it would be prepared to adjust the measures contained in the resolution, including by strengthening through additional measures, in the light of the implementation of the parties' commitments, including the ceasefire, and compliance with the resolution and other applicable resolutions.¹⁰⁵

¹⁰¹ Resolution 2406 (2018), para. 1.

¹⁰² Ibid., para. 2.

¹⁰³ Ibid., para. 3.

¹⁰⁴ Resolution 2428 (2018), para. 2.

¹⁰⁵ Ibid., paras. 25 and 26.

Table 3

Decisions in which the Council called for compliance with provisional measures and expressed its intent to take action in the event of non-compliance

<i>Type of measure</i>	<i>Provision</i>
The situation in the Middle East (resolution 2451 (2018) of 21 December 2018)	
Cessation of hostilities	Calls on the parties to implement the Stockholm Agreement according to the timelines determined in it, insists on the full respect by all parties of the ceasefire agreed for Hudaydah Governorate, which came into force on 18 December 2018, and the mutual redeployment of forces to be carried out from the city of Hudaydah and the ports of Hudaydah, Salif and Ra's Isa to agreed locations outside the city and the ports within 21 days of the ceasefire coming into force; a commitment not to bring any military reinforcements to the city, the ports of Hudaydah, Salif and Ra's Isa, and the Governorate; and a commitment to remove any military manifestations from the city, all of which are central to the successful implementation of the Stockholm Agreement, and further calls on the parties to continue to engage constructively, in good faith and without preconditions with the Special Envoy for Yemen, including on continued work towards stabilizing the Yemeni economy and on Sana'a airport, and participating in a next round of talks in January 2019 (para. 3)
Council action in the event of failure to comply	Requests the Secretary-General to report on progress regarding implementation of this resolution, including any breaches of commitments by the parties, on a weekly basis, as called for by the parties, until further notice, and expresses its intention to consider further measures, as necessary, to support the implementation of this resolution and all other relevant Security Council resolutions and to alleviate the humanitarian situation and support a political solution to end the conflict (para. 7)
Reports of the Secretary-General on the Sudan and South Sudan (resolution 2406 (2018) of 15 March 2018)	
Cessation of hostilities	Demands that all parties immediately end the fighting throughout South Sudan, and further demands that the leaders of South Sudan implement the permanent ceasefire declared in the Agreement on the Resolution of the Conflict in the Republic of South Sudan and ceasefires for which they respectively called on 11 July 2016 and 22 May 2017, as well as the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access signed on 21 December 2017, and ensure that subsequent decrees and orders directing their commanders to control their forces and protect civilians and their property are fully implemented (para. 1)

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

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

Article 41

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

Note

Section III covers decisions of the Council imposing measures not involving the use of force, pursuant to Article 41 of the Charter. In 2018, the Council, under Chapter VII, lifted the sanctions on Eritrea and imposed an arms embargo on South Sudan.

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

No judicial measures were imposed under Article 41. This notwithstanding, as discussed in part IX, the Council agreed that issues pertaining to the International Residual Mechanism for Criminal Tribunals would be considered under the item entitled "International Residual Mechanism for Criminal Tribunals".¹⁰⁶

The present section is divided into two subsections. Subsection A outlines the decisions in which the Council imposed, modified or terminated measures under Article 41. 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 in connection with Article 41, with respect to thematic items or country-specific items.

¹⁰⁶ See S/2018/90.

A. Decisions relating to Article 41

Decisions on thematic issues relating to Article 41

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

In resolution 2427 (2018), adopted under the item entitled "Children and armed conflict", the Council recalled the obligations of all parties to armed conflict under international humanitarian law and human rights law for the protection of children in armed conflict.¹⁰⁷ It reiterated its readiness to adopt targeted and graduated measures against persistent perpetrators of violations and abuses committed against children and to consider including provisions pertaining to parties to armed conflict that engaged in activities in violation of international law relating to the rights and protection of children in armed conflicts, when establishing, modifying or renewing the mandate of relevant sanctions regimes.¹⁰⁸

In resolution 2417 (2018), adopted under the item entitled "Protection of civilians in armed conflict", the Council noted the devastating impact on civilians of ongoing armed conflict and related violence and emphasized with deep concern that ongoing armed conflicts and violence had devastating humanitarian consequences. It expressed concern over the growing number of armed conflicts all over the globe and reaffirmed the need for all parties to armed conflict to respect the humanitarian principles of humanity, neutrality, impartiality and independence in the provision of humanitarian assistance, including medical assistance.¹⁰⁹ In that context, the Council recalled that it had adopted and could consider adopting sanctions measures, where appropriate and in line with existing practice, that could be applied to individuals or entities obstructing the delivery of humanitarian assistance, or access to, or distribution of, humanitarian assistance.¹¹⁰

Under the same item, in a presidential statement issued on 21 September 2018, the Council reaffirmed its commitment to the protection of civilians in armed

¹⁰⁷ Resolution 2427 (2018), sixth and thirteenth preambular paragraphs.

¹⁰⁸ Ibid., para. 32.

¹⁰⁹ Resolution 2417 (2018), third, fourth and nineteenth preambular paragraphs.

¹¹⁰ Ibid., para. 9.

conflict as one of its core issues and to the continuing and full implementation of all relevant resolutions of the Council that addressed the protection of civilians, women and peace and security, children and armed conflict, and peacekeeping. It also expressed its intent to continue to address the protection of civilians in the context of both country-specific and thematic items on its agenda.¹¹¹ In this connection, the Council updated the aide-memoire for the consideration of issues pertaining to the protection of civilians in armed conflict, originally adopted in 2002.¹¹² As explained in the introduction to the aide-memoire, it was intended to facilitate the Council's consideration of issues relevant to the protection of civilians in armed conflict and to serve as a reference tool on the Council's practice in that area, by listing the main themes and specific issues for consideration emerging from the practice and providing, in an addendum, verbatim examples of Council-agreed language on themes and issues.¹¹³

Under the item entitled "Threats to international peace and security caused by terrorist acts", the Council issued a presidential statement on 21 December 2018, in which it affirmed that, following the review of the implementation of the measures as described in resolution 2368 (2017), no further adjustments to the measures with respect to all individuals, groups, undertakings and entities included on the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) and Al-Qaida sanctions list were necessary. The Council further stated that it would continue to evaluate the implementation of such measures and make adjustments, as necessary.¹¹⁴

Decisions on country-specific issues relating to Article 41

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

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

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

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

The categories of sanctions measures used in the present subsection, such as arms embargo, asset freeze or travel ban, are for clarification purposes only, and are not intended to serve as legal definitions of the measures. In addition, developments in the sanctions measures imposed by the Council during the period under review are categorized according to the following main actions taken by the Council: "establishment",¹¹⁵ "modification",¹¹⁶ "extension",¹¹⁷ "limited extension"¹¹⁸ or "termination".¹¹⁹

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

¹¹⁵ An action by the Council is categorized as an "establishment" when a sanctions measure is initially imposed by the Council.

¹¹⁶ 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 or (d) elements of the measure are otherwise modified.

¹¹⁷ An action by the Council is categorized as an "extension" when the sanctions measure concerned is not modified or terminated and the Council extends or restates the measure without specifying an end date.

¹¹⁸ 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.

¹¹⁹ 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 elements of that measure remain, the action will be categorized as a modification of the measure.

¹¹¹ S/PRST/2018/18, first and sixth paragraphs.

¹¹² Ibid., seventh paragraph.

¹¹³ Ibid., annex.

¹¹⁴ S/PRST/2018/21.

Table 4
Overview of country-specific decisions on measures pursuant to Article 41, in place or imposed, in 2018

<i>Sanctions regime</i>	<i>Resolutions by which measures were established or subsequently modified</i>		<i>Resolutions adopted in 2018</i>
Somalia and Eritrea	733 (1992)	2002 (2011)	2444 (2018)
	1356 (2001)	2023 (2011)	
	1425 (2002)	2036 (2012)	
	1725 (2006)	2060 (2012)	
	1744 (2007)	2093 (2013)	
	1772 (2007)	2111 (2013)	
	1816 (2008)	2125 (2013)	
	1844 (2008)	2142 (2014)	
	1846 (2008)	2182 (2014)	
	1851 (2008)	2184 (2014)	
	1872 (2009)	2244 (2015)	
	1897 (2009)	2246 (2015)	
	1907 (2009)	2316 (2016)	
	1916 (2010)	2317 (2016)	
	1950 (2010)	2383 (2017)	
	1964 (2010)	2385 (2017)	
	1972 (2011)		
Taliban and associated individuals and entities	1988 (2011)	2160 (2014)	None
	2082 (2012)	2255 (2015)	
ISIL (Da'esh) and Al-Qaida and associated individuals and entities	1267 (1999)	2161 (2014)	None
	1333 (2000)	2170 (2014)	
	1388 (2002)	2178 (2014)	
	1390 (2002)	2199 (2015)	
	1452 (2002)	2253 (2015)	
	1735 (2006)	2347 (2017)	
	1904 (2009)	2349 (2017)	
	1989 (2011)	2368 (2017)	
	2083 (2012)		
Iraq	661 (1990)	1723 (2006)	None
	687 (1991)	1790 (2007)	
	707 (1991)	1859 (2008)	
	1483 (2003)	1905 (2009)	
	1546 (2004)	1956 (2010)	
	1637 (2005)	1957 (2010)	
Democratic Republic of the Congo	1493 (2003)	1807 (2008)	2424 (2018)
	1552 (2004)	1857 (2008)	
	1596 (2005)	1896 (2009)	
	1616 (2005)	1952 (2010)	
	1649 (2005)	2136 (2014)	
	1671 (2006)	2147 (2014)	
	1698 (2006)	2198 (2015)	
	1768 (2007)	2211 (2015)	
	1771 (2007)	2293 (2016)	
	1799 (2008)	2360 (2017)	
Sudan	1556 (2004)	2138 (2014)	2400 (2018)
	1591 (2005)	2200 (2015)	
	1672 (2006)	2265 (2016)	
	1945 (2010)	2340 (2017)	
	2035 (2012)		

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

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

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

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

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

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

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

Somalia and Eritrea

In 2018, the Council adopted resolutions 2442 (2018) and 2444 (2018) related to the sanctions measures imposed by the Council concerning Somalia and Eritrea, by which it extended, modified or terminated the existing targeted measures. On 14 November 2018, by resolution 2444 (2018), the Council lifted the arms embargo, travel ban, asset freeze and targeted sanctions on Eritrea while keeping in place the measures concerning Somalia.¹²⁰ Table 6 provides an overview of the changes to the measures authorized by the Council in 2018.

On 6 November 2018, the Council adopted resolution 2442 (2018), in which it 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.¹²¹ The Council also kept under review the possibility of applying targeted sanctions against individuals or entities that planned, organized, facilitated or illicitly financed or profited from piracy operations in the event that they met the listing criteria set out in paragraph 43 of resolution 2093 (2013). The Council also called upon all States to cooperate fully with the Monitoring Group on Somalia and Eritrea, including on information-sharing regarding possible violations of the arms embargo or charcoal ban.¹²²

Shortly thereafter, on 14 November 2018, by resolution 2444 (2018), the Council decided, from the date of adoption of the resolution, to lift the arms embargo, travel ban, asset freeze and targeted sanctions imposed on Eritrea in its resolutions 1907 (2009), 2023 (2011), 2060 (2012) and 2111 (2013).¹²³ The Council also recognized that, during the course of its current and four previous mandates, the Monitoring Group on Somalia and Eritrea had not found conclusive evidence that Eritrea supported Al-Shabaab and underlined the importance of continuing efforts towards the normalization of relations between Djibouti and Eritrea for regional peace, stability and reconciliation.¹²⁴ In

addition, expressing satisfaction that funds derived from the mining sector of Eritrea were not contributing to violations of resolutions 1844 (2008), 1862 (2009), 1907 (2009) or 2023 (2011), the Council decided that States were no longer required to undertake the measures set out in paragraph 13 of resolution 2023 (2011), designed to prevent funds derived from the mining sector of Eritrea from being used to contribute to violations of the aforesaid resolutions.¹²⁵

Concerning Somalia, the Council reaffirmed the arms embargo and related exemptions imposed by previous resolutions on Somalia. It reiterated that the delivery of weapons, ammunition or military equipment or the provision of advice, assistance or training, intended solely for the development of the Somali National Security Forces, to provide security for the Somali people, and the entry into Somali ports for temporary visits of vessels carrying arms and related materiel for defensive purposes did not amount to a violation of the arms embargo.¹²⁶ It also welcomed the improvements made by the Federal Government of Somalia in weapon registration, recording and marking procedures and reiterated that the Council was committed to monitoring and assessing improvements in order to review the arms embargo when all conditions set out in Council resolutions were met.¹²⁷ In this connection, the Council requested the Secretary-General to conduct a technical assessment regarding the arms embargo, with options and recommendations for improving implementation, by 15 May 2019.¹²⁸

The Council also reaffirmed its decision regarding the ban on the import and export of Somali charcoal as set out in paragraph 22 of resolution 2036 (2012) and reiterated that individuals and entities engaged in acts that violated the charcoal ban could be listed for targeted measures. The Council also reiterated paragraphs 11 to 21 of resolution 2182 (2014) and decided to renew, until 15 November 2019, the authorization for Member States to inspect vessels and to seize and dispose of any prohibited items bound to or from Somalia, where there were grounds to believe that the vessels were in violation of the charcoal ban and arms embargo as set out in paragraph 15 of resolution 2182 (2014).¹²⁹ In addition, the

¹²⁰ Resolution 2444 (2018), paras. 4, 13–16 and 41–45.

¹²¹ Resolution 2442 (2018), paras. 14 and 16.

¹²² *Ibid.*, para. 11.

¹²³ Resolution 2444 (2018), para. 4.

¹²⁴ In the resolution, the Council welcomed the meetings between the President of Djibouti and the President of Eritrea, between the representative of the Government of Eritrea and the Chair of the Committee pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, and between the representative of

the Government of Eritrea and the Coordinator of the Monitoring Group (paras. 1, 2 and 3). For information on the Committee and the Monitoring Group, see part IX, sect. I.B.

¹²⁵ Resolution 2444 (2018), para. 5.

¹²⁶ *Ibid.*, paras. 13–15.

¹²⁷ *Ibid.*, para. 17.

¹²⁸ *Ibid.*, para. 32.

¹²⁹ *Ibid.*, paras. 41 and 44.

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.¹³⁰

Furthermore, the Council decided that acts that threatened the peace, security or stability of Somalia

¹³⁰ Ibid., para. 48.

could also include but were not limited to planning, directing or committing acts involving sexual and gender-based violence and, on the basis of such criteria, reiterated its willingness to adopt targeted measures against concerned individuals and entities.¹³¹

¹³¹ Ibid., paras. 50 and 51.

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

Provisions relating to sanctions measures	Resolutions establishing measures	Resolutions adopted during the review period (paragraph)	
		2442 (2018)	2444 (2018)
Arms embargo (Somalia)	733 (1992), para. 5	Exemption (16)	Extension (13) Exemption (14, 15)
Arms embargo (Eritrea)	1907 (2009), paras. 5 and 6		Termination (4)
Asset freeze (Somalia)	1844 (2008), para. 3		Extension (50) Exemption (48)
Asset freeze (Eritrea)	1907 (2009), para. 13		Termination (4)
Business restrictions (Eritrea)	2023 (2011), para. 13		Termination (5)
Charcoal ban (Somalia)	2036 (2012), para. 22		Extension (41) Limited extension (44)
Travel ban (Somalia)	1844 (2008), para. 1		Extension (50)
Travel ban (Eritrea)	1907 (2009), para. 10		Termination (4)

Taliban and associated individuals and entities

During the period under review, the Council did not adopt any new resolutions concerning the sanctions measures on the Taliban and other individuals, groups, undertakings and entities associated with the Taliban constituting a threat to the peace, stability and security of Afghanistan, as designated by the Committee established pursuant to resolution 1988 (2011). The Committee continued to oversee the implementation of the asset freeze, arms embargo and travel ban or restrictions as previously imposed by resolutions 1267 (1999), 1333 (2000) and 1390 (2002).¹³²

¹³² For information on the Committee and the Analytical Support and Sanctions Monitoring Team, see part IX, sect. I.B.

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

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

individuals, groups, undertakings and entities included on the ISIL (Da'esh) and Al-Qaida sanctions list.¹³³

Iraq

During 2018, the Council did not adopt any new resolutions concerning the remaining sanctions measures on Iraq, consisting of an arms embargo, with exemptions, and an asset freeze on senior officials, State bodies, corporations and agencies of the former Iraqi regime. Pursuant to resolution 1483 (2003), the Committee established pursuant to resolution 1518 (2003) continued to oversee the implementation of the asset freeze and maintain the lists of individuals and entities.¹³⁴

¹³³ S/PRST/2018/21. For information on 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 the Analytical Support and Sanctions Monitoring Team, see part IX, sect. I.B.

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

Democratic Republic of the Congo

During the period under review, by resolution 2424 (2018), the Council renewed the sanctions measures on the Democratic Republic of the Congo, comprising an arms embargo, a travel ban, an asset freeze and restrictions on transportation and aviation, until 1 July 2019. It also renewed the exemptions to the arms embargo, asset freeze and travel ban.¹³⁵ Table 7 provides an overview of the changes to the measures during the period under review.

In resolution 2424 (2018), the Council further reaffirmed that the asset freeze and travel ban measures contained in previous resolutions would apply to individuals and entities as designated by the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo for engaging in or providing support for acts that undermined the peace, stability or security of the Democratic Republic of the Congo, as set forth in paragraph 7 of resolution 2293 (2016) and paragraph 3 of resolution 2360 (2017).¹³⁶

¹³⁵ Resolution 2424 (2018), para. 1.

¹³⁶ Ibid., para. 2. For information on the Committee and the Group of Experts, see part IX, sect. I.B.

Table 7

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

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

Sudan

During the period under review, the Council did not adopt any new resolution modifying sanctions measures on the Sudan. However, in resolution 2400 (2018), by which it extended the mandate of the Panel of Experts on the Sudan, the Council recalled the sanctions measures and designation criteria established by previous resolutions and reaffirmed the related exemptions.¹³⁷ The Council also expressed its intent to

regularly review the measures on Darfur, in the light of the evolving situation on the ground and the reports submitted by the Panel of Experts.¹³⁸ In addition, in resolution 2429 (2018), in the context of the renewal of the mandate of the African Union-United Nations Hybrid Operation in Darfur, the Council expressed its

¹³⁸ Ibid., para. 3. For information on the Committee established pursuant to resolution 1591 (2005) concerning the Sudan and the Panel of Experts, see part IX, sect. I.B.

¹³⁷ Resolution 2400 (2018), para. 1.

intent to consider imposing additional measures against any party that impeded the peace process in Darfur,¹³⁹ which was reiterated in a presidential statement on 11 December 2018.¹⁴⁰

Lebanon

During the period under review, the Council did not make any modifications to the sanctions measures established pursuant to resolution 1636 (2005), consisting of an asset freeze and a travel ban. These measures were to be imposed on individuals designated by the International Independent Investigation Commission or the Government of Lebanon, as suspected of involvement in the 14 February 2005 terrorist bombing in Beirut that killed the former Prime Minister of Lebanon, Rafic Hariri, and 22 others.¹⁴¹

Democratic People's Republic of Korea

During the period under review, the Council did not make any modifications to the sanctions measures concerning the Democratic People's Republic of Korea. The Committee established pursuant to resolution 1718 (2006) continued to oversee the implementation of the asset freeze, arms embargo, travel ban and other restrictions previously imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017) and 2397 (2017).¹⁴² By resolution 2407 (2018), the mandate of the Panel of Experts supporting the Committee was extended until 24 April 2019.¹⁴³

Libya

During the period under review, the Council adopted two resolutions relating to the sanctions measures concerning Libya, one of which modified the

measures in place.¹⁴⁴ Table 8 provides an overview of the changes to the measures in 2018.¹⁴⁵

By resolution 2420 (2018), adopted on 11 June 2018, the Council extended the authorizations concerning the strict implementation of the arms embargo on the high seas off the coast of Libya for a further period of 12 months.¹⁴⁶ These authorizations were originally set forth in resolution 2292 (2016) and had been previously extended by resolution 2357 (2017).¹⁴⁷ The Council further requested the Secretary-General to report within 11 months on the implementation of resolution 2420 (2018).¹⁴⁸

On 5 November 2018, by resolution 2441 (2018), the Council decided to extend, until 15 February 2020, the authorizations provided by and the measures imposed by resolution 2146 (2014) to prevent the illicit export of petroleum, including crude oil and refined petroleum products, from Libya. The Council further decided that the authorizations provided by and the measures imposed by resolution 2146 (2014) would apply with respect to vessels loading, transporting or discharging petroleum, including crude oil and refined petroleum products, illicitly exported or attempted to be exported from Libya.¹⁴⁹ In this connection, the Council requested the Government of Libya, among others, to inform the Committee established pursuant to resolution 1970 (2011) concerning Libya of vessels transporting petroleum, including crude oil and refined petroleum products, illicitly exported from Libya.¹⁵⁰

In the same resolution, the Council reaffirmed that the travel ban and asset freeze measures also applied to individuals and entities determined by the Committee 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. The Council also reaffirmed that such acts could include, but were not limited to, planning, directing, sponsoring or participating in attacks against United Nations personnel, including members of the Panel of Experts on Libya and decided that such acts could also include

¹³⁹ Resolution 2429 (2018), para. 31.

¹⁴⁰ S/PRST/2018/19, fifth paragraph.

¹⁴¹ Resolution 1636 (2005), fourth preambular paragraph and para. 3. For information on the Committee established pursuant to resolution 1636 (2005), see part IX, sect. I.B.

¹⁴² For information on the Committee and the Panel of Experts, see part IX, sect. I.B.

¹⁴³ Resolution 2407 (2018), para. 1.

¹⁴⁴ Resolutions 2420 (2018) and 2441 (2018). For information on the Committee established pursuant to resolution 1970 (2011) concerning Libya and the Panel of Experts, see part IX, sect. I.B.

¹⁴⁵ Resolution 2420 (2018) is not included in the table as it does not contain provisions extending or modifying the sanctions measures.

¹⁴⁶ Resolution 2420 (2018), para. 1.

¹⁴⁷ Resolutions 2292 (2016), paras. 3–5; and 2357 (2017), para. 1.

¹⁴⁸ Resolution 2420 (2018), para. 2.

¹⁴⁹ Resolution 2441 (2018), para. 2.

¹⁵⁰ *Ibid.*, para. 3.

but were not limited to planning, directing or committing acts involving sexual and gender-based violence.¹⁵¹

In addition, in resolution 2441 (2018), the Council called upon Member States to report to the Committee on the actions they had taken to implement effectively the travel ban and asset freeze measures in relation to all individuals on the sanctions list,

¹⁵¹ Ibid., para. 11.

including those designated by the Committee on 7 June 2018 and 11 September 2018.¹⁵²

The Council expressed its readiness to consider reviewing the arms embargo and, at the request of the Government of National Accord, to consider changes to the asset freeze, when appropriate.¹⁵³

¹⁵² Ibid., para. 12. See S/2018/1176, para. 25, for designations made by the Committee in 2018.

¹⁵³ Resolution 2441 (2018), paras. 7 and 13.

**Table 8
Changes to the measures imposed pursuant to Article 41 concerning Libya, in 2018**

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

Guinea-Bissau

During 2018, the sanctions regime for Guinea-Bissau, consisting of a travel ban, continued to remain in force, but did not undergo any modifications.¹⁵⁴ In resolution 2404 (2018), the Council decided to review the sanctions measures within seven months from the date of adoption of the resolution, expressed its readiness to take additional measures to respond to further worsening of the situation in Guinea-Bissau and requested the Secretary-General to submit a report and recommendations on, inter alia, the continuation of the sanctions regime imposed by the Council further to resolution 2048 (2012).¹⁵⁵ The report of the Secretary-General was submitted to the Council on 28 August 2018.¹⁵⁶

¹⁵⁴ For information on the Committee established pursuant to resolution 2048 (2012) concerning Guinea-Bissau, see part IX, sect. I.B.

¹⁵⁵ Resolution 2404 (2018), paras. 26–28.

¹⁵⁶ S/2018/791.

Central African Republic

During the period under review, the Council adopted two resolutions related to the sanctions measures concerning the Central African Republic.¹⁵⁷ Table 9 provides an overview of the changes to the measures during the review period.¹⁵⁸

On 30 January 2018, by resolution 2399 (2018), the Council extended until 31 January 2019 all three sanctions measures concerning the Central African Republic, namely an arms embargo, a travel ban and an asset freeze, as well as the related exemptions.¹⁵⁹ In connection with the arms embargo, the Council authorized Member States to seize, register and dispose

¹⁵⁷ Resolutions 2399 (2018) and 2448 (2018). For information on the Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic and the Panel of Experts, see part IX, sect. I.B.

¹⁵⁸ Resolution 2448 (2018) is not included in the table as it does not contain provisions extending or modifying the sanctions measures.

¹⁵⁹ Resolution 2399 (2018), paras. 1, 9, 14 and 16–19.

of prohibited arms and related materiel upon discovery.¹⁶⁰

By resolution 2399 (2018), the Council indicated that the arms embargo would not apply to supplies intended solely for the support of or use by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and the European Union training missions deployed in the country, French forces and other Member States forces providing training and assistance to the country's security forces, including State civilian law enforcement institutions, intended solely for the support of or use in the Central African Republic process of security sector reform, in coordination with MINUSCA.¹⁶¹

By this resolution, the Council also decided that individuals and entities who committed acts of incitement to violence, in particular on an ethnic or

¹⁶⁰ Ibid., para. 2.

¹⁶¹ Ibid., para. 1 (a) and (b). Other exemptions to the arms embargo, asset freeze and travel ban were set forth in para. 1 (c)–(h) (arms embargo), para. 14 (travel ban) and paras. 17–19 (asset freeze).

religious basis, that undermined the peace, stability or security of the Central African Republic and then engaged in or provided support for acts that undermined the peace, stability or security of the country could meet the criteria for designation by the Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic.¹⁶²

Further to the request of the Council in paragraph 43 of resolution 2399 (2018), the Secretary-General, in a letter dated 31 July 2018 to the President of the Council, proposed benchmarks to assess the arms embargo measures in the Central African Republic.¹⁶³

On 13 December 2018, the Council adopted resolution 2448 (2018), acknowledging the important contribution of the Council-mandated sanctions regime to the peace, stability and security of the Central African Republic. The Council recalled that individuals or entities that undermined peace and stability in the country could be listed for targeted measures.¹⁶⁴

¹⁶² Ibid., para. 22.

¹⁶³ S/2018/752.

¹⁶⁴ Resolution 2448 (2018), eighteenth preambular paragraph and para. 9.

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

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

Yemen

In 2018, the Council adopted resolution 2402 (2018), extending the asset freeze and travel ban, as well as the relevant exemptions to those measures, until 26 February 2019.¹⁶⁵ Table 10 provides an overview of the changes to the measures during the period under review.

In resolution 2402 (2018), the Council reaffirmed the designation criteria established in prior resolutions and its intention to keep the situation in Yemen under continuous review, as well as its readiness to review

¹⁶⁵ Resolution 2402 (2018), para. 2.

the appropriateness of the measures contained in the resolution in the light of developments in the country.¹⁶⁶ The Council also called upon Member States that had not already done so to report to the Committee established pursuant to resolution 2140 (2014) on the steps taken to implement the sanctions measures and recalled that Member States undertaking cargo inspections pursuant to paragraph 15 of resolution 2216 (2015) were required to submit written reports to the Committee.¹⁶⁷

¹⁶⁶ Ibid., paras. 3, 4 and 12.

¹⁶⁷ Ibid., para. 10.

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

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

South Sudan

During the period under review, the Council adopted three resolutions concerning the sanctions measures on South Sudan.¹⁶⁸ By resolution 2428 (2018), in addition to extending the asset freeze and travel ban, as well as the relevant exemptions to those measures, the Council imposed an arms embargo on the country affecting arms and related materiel of all types and technical assistance, training, financial or other assistance related to military activities or the provision, maintenance or use of any arms and related materiel.¹⁶⁹ Table 11 provides an overview of the changes to the measures during the period under review.¹⁷⁰

On 15 March 2018, in the context of the renewal of the mandate of the United Nations Mission in South Sudan (UNMISS), the Council expressed, in resolution 2406 (2018), its intention to consider all appropriate measures against those who took actions that undermined the peace, stability and security of South Sudan. The Council also took note of the communiqué of the Peace and Security Council of the African Union of 8 February 2018, in which the Peace and Security Council stated that signatories to the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access should be deprived of the means to continue fighting, and expressed its intention to consider all measures, including an arms embargo, as appropriate, to deprive the parties of the means to continue fighting and to prevent violations of the Agreement.¹⁷¹

On 31 May 2018, by resolution 2418 (2018), the Council renewed the asset freeze and travel ban, as

well as the relevant exemptions, until 15 July 2018.¹⁷² In the resolution, the Council also requested the Secretary-General to report, by 30 June 2018, on whether, since the adoption of the resolution, any fighting had taken place among the parties to the Agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access and whether the parties had reached a viable political agreement. The Council also decided that, if the Secretary-General reported such fighting or lack of a viable political agreement, it would consider applying sanctions measures to the individuals listed in annex 1 to the resolution and/or an arms embargo.¹⁷³

On 13 July 2018, by resolution 2428 (2018), the Council decided to impose an arms embargo until 31 May 2019, by which all Member States would immediately take the measures necessary to prevent the direct or indirect supply, sale or transfer to the territory of South Sudan of arms and related materiel of all types and technical assistance, training, financial or other assistance related to military activities or the provision, maintenance or use of any arms and related materiel. The Council also decided on a series of exemptions concerning, inter alia, arms and related materiel for the support of or use by United Nations personnel, including UNMISS and the United Nations Interim Security Force for Abyei, and non-lethal military equipment for humanitarian or protective use.¹⁷⁴ In addition, by resolution 2428 (2018), the Council renewed the asset freeze and travel ban and all related exemptions until 31 May 2019.¹⁷⁵ The Council also reaffirmed that those measures would apply to individuals and entities responsible for, complicit in, or having engaged in, directly or indirectly, actions or policies that threatened the peace, security or stability of South Sudan and decided that they would apply to the individuals identified in annex 1 to the resolution.¹⁷⁶ The Council also underscored that

¹⁶⁸ Resolutions 2406 (2018), 2418 (2018) and 2428 (2018).

For information on the Committee established pursuant to resolution 2206 (2015) concerning South Sudan and the Panel of Experts, see part IX, sect. I.B.

¹⁶⁹ Resolution 2428 (2018), paras. 4 and 12.

¹⁷⁰ Resolution 2406 (2018) is not included in the table as it does not contain provisions extending or modifying the sanctions measures.

¹⁷¹ Resolution 2406 (2018), para. 3.

¹⁷² Resolution 2418 (2018), para. 1.

¹⁷³ Ibid., para. 3.

¹⁷⁴ Resolution 2428 (2018), paras. 4 and 5.

¹⁷⁵ Ibid., para. 12.

¹⁷⁶ Ibid., paras. 13 and 17.

actions or policies that threatened the peace, security or stability of South Sudan could include, inter alia, planning, directing or committing acts involving sexual and gender-based violence in South Sudan, and the engagement by armed groups or criminal networks in activities that destabilized the country through the illicit exploitation or trade of natural resources.¹⁷⁷ Furthermore, the Council expressed concerns at reports of misappropriation and diversion of public resources

¹⁷⁷ Ibid., para. 14 (e) and (j).

and serious concern at the reports of financial impropriety involving the Transitional Government of National Unity, both of which posed a risk to the peace, security and stability of South Sudan. In this context, the Council underscored that individuals engaged in actions or policies that had the purpose or effect of expanding or extending the conflict in the country could be listed for travel and financial measures.¹⁷⁸

¹⁷⁸ Ibid., para. 15.

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

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

Mali

In 2018, the Council adopted two resolutions related to the sanctions measures concerning Mali.¹⁷⁹ Table 12 provides an overview of the changes to the measures during the period under review.¹⁸⁰

In resolution 2423 (2018), the Council expressed its intention to follow closely the timely implementation of the road map adopted on 22 March 2018 and to respond with measures pursuant to resolution 2374 (2017) should the parties not

implement the agreed-upon commitments within the announced time frame.¹⁸¹

By resolution 2432 (2018), the Council extended the asset freeze and travel ban, as well as the relevant exemptions to those measures, until 31 August 2019.¹⁸² The Council reaffirmed the designation criteria established in resolution 2374 (2017) and its intention to keep the situation in Mali under continuous review, as well as its readiness to review the appropriateness of the sanctions measures in the light of developments in the country.¹⁸³

¹⁷⁹ Resolutions 2423 (2018) and 2432 (2018). For information on the Committee established pursuant to resolution 2374 (2017) concerning Mali and the Panel of Experts, see part IX, sect. I.B.

¹⁸⁰ Resolution 2423 (2018) is not included in the table as it does not contain provisions extending or modifying the sanctions measures.

¹⁸¹ Resolution 2423 (2018), sixth preambular paragraph and para. 3.

¹⁸² Resolution 2432 (2018), para. 1.

¹⁸³ Ibid., paras. 2 and 5.

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

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

B. Discussions relating to Article 41

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

During the period under review, Article 41 was explicitly referred to on two occasions at Council meetings. On 25 June 2018, at the 8293rd meeting, held under the item entitled “Maintenance of international peace and security”, the representative of the United Kingdom stated that sanctions were a vital part of the Council’s arsenal, and, as made clear by Article 41, sanctions gave very real effect to the Council’s decisions and turned words in the Chamber into tangible consequences for those who threatened international peace and security.¹⁸⁴ On 29 August 2018, at the 8334th meeting, held also under the item entitled “Maintenance of international peace and security”, the representative of Cuba regretted that the Council was too quick to seek recourse in the provisions of Articles 41 and 42 of the Charter without having fully exhausted all other options, including those provided for in Chapter VI, and without considering their consequences, including the short- and long-term effects of imposing sanctions, in particular for political processes aimed at achieving the peaceful settlement of conflicts.¹⁸⁵

The use of sanctions was widely discussed by Council and non-Council members in deliberations in relation to both thematic and country- or region-specific items during 2018. Under the thematic item entitled “Maintenance of international peace and security”, the Council considered how sanctions regimes could assist in preventing and resolving conflicts related to natural resources (see case 6). The Council also discussed the question of including sexual

and gender-based violence as an explicit designation criterion across different sanctions regimes under the thematic item entitled “Women and peace and security” (see case 7). The Council held similar discussions in the context of the sanctions measures concerning Libya (see case 9) and Somalia (see case 11).

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

Discussions on thematic issues relating to Article 41

Case 6 Maintenance of international peace and security

On 16 October 2018, at the initiative of the Plurinational State of Bolivia, which held the presidency for the month, the Council convened its 8372nd meeting, held under the above-mentioned item and the sub-item entitled “Root causes of conflict – the role of natural resources”.¹⁸⁶ At that meeting, the Council heard a briefing from the Secretary-General, who addressed links between internal armed conflicts and natural resources, emphasizing the work of the United Nations in addressing the growing threat of climate-related security risks. He maintained that the unfair distribution of natural resources, and corruption and mismanagement, could and did lead to conflict, and that those pressures could exacerbate existing

¹⁸⁶ The Council had before it a concept note annexed to a letter dated 9 October 2018 from the representative of the Plurinational State of Bolivia to the Secretary-General (S/2018/901).

¹⁸⁴ S/PV.8293, p. 14.

¹⁸⁵ S/PV.8334, p. 53.

ethnic or religious divides within societies and across borders.¹⁸⁷

Council members all agreed that conflict was too frequently fuelled by competition over natural resources. Speaking ahead of all Council members, the representative of the Plurinational State of Bolivia maintained that multinational corporations and foreign interests were often behind the exploitation of natural resources in conflict situations. He stressed that sanctions regimes should be “more dynamic and effective” and called for sanctions to be applied to the networks that made up the entire chain of those involved in conflict, as well as to the “commercial enablers” and “financial facilitators”, to prevent multinational corporations from profiting from illegally obtained natural resources on the global market.¹⁸⁸ The representative of Peru underscored the links established between illegal extractors of natural resources and criminal organizations, calling upon the sanctions committees of the Council to pay special attention to illicit trafficking networks dealing in natural resources emanating from countries affected by conflict and the corresponding illegal flows, in line with the presidential statement of 25 June 2007.¹⁸⁹ The representative of Poland stressed the need for a “comprehensive and innovative” approach, as the issue of natural resources and conflict concerned the actions of private companies and armed groups, as well as Governments. In that regard, recalling also the presidential statement of 25 June 2007,¹⁹⁰ she stated that expert groups and sanctions regimes offered a variety of mechanisms and could play a role in helping the Governments concerned to prevent the illegal exploitation of resources from further fuelling the conflict.¹⁹¹

The representative of Côte d’Ivoire, speaking also on behalf of Equatorial Guinea and Ethiopia, noted that the Council had used various tools to address the links between natural resources and conflict, including sanctions on natural resources, and urged the Council to take stock of the lessons learned from the implementation of those measures in order to strengthen the Council’s role in the prevention and resolution of conflicts linked to natural resources.¹⁹² The representative of the Netherlands underscored that the illegal trade in natural resources should be grounds

for sanctions, as revenues from illegal exploitation and trade were used to destabilize countries.¹⁹³

The representative of Kuwait called for sanctions regimes adopted by the Council to include explicit mandates with specific terms of reference so as to prevent the trafficking and illegal exploitation of natural resources. He noted, however, that preventive diplomacy based on dialogue and mediation remained the best means to prevent conflicts, including those linked to claims pertaining to natural resources.¹⁹⁴

The representative of Sweden advocated for the Council to assess and address the issue of natural resources in a more structured and proactive way, by including more integrated analysis in the regular reporting from the Secretariat, such as gender analysis, given that women were important actors in addressing the drivers and root causes of conflict. He noted, however, that the Council needed also to follow up such information with action, through the mandates of peacekeeping missions, in collaboration with United Nations country teams and other relevant actors, as well as through targeted measures on individuals, entities or goods involved in fuelling conflict through illicit trade.¹⁹⁵ The representative of France further emphasized the need to address the inequitable access of women to resources when establishing designation criteria linked to the exploitation of natural resources.¹⁹⁶

The representative of China stated that sanctions imposed by the Council were not an end in themselves and should be carefully targeted for a precise impact on organizations engaged in illicit extraction, while minimizing the effects on the normal exploitation conducted by the countries concerned.¹⁹⁷ The representative of the United States said that sanctions regimes remained a critical tool for addressing the destabilizing impact of the trade in illicit resources and that States needed to do more to strengthen the implementation of United Nations sanctions regimes seeking to eliminate trade in natural resources that contributed to conflict.¹⁹⁸ The representative of the United Kingdom stressed that, while sanctions regimes could provide a useful tool for tackling the role of natural resources in perpetuating conflict, their success relied on the implementation by not only all Council

¹⁸⁷ [S/PV.8372](#), pp. 2–3.

¹⁸⁸ *Ibid.*, pp. 3–4.

¹⁸⁹ *Ibid.*, p. 7. See also [S/PRST/2007/22](#).

¹⁹⁰ [S/PRST/2007/22](#), seventh paragraph.

¹⁹¹ [S/PV.8372](#), p. 16.

¹⁹² *Ibid.*, pp. 6–7.

¹⁹³ *Ibid.*, p. 9.

¹⁹⁴ *Ibid.*, p. 10.

¹⁹⁵ *Ibid.*, p. 12.

¹⁹⁶ *Ibid.*, p. 17.

¹⁹⁷ *Ibid.*, p. 15.

¹⁹⁸ *Ibid.*, p. 8.

members but also all of the other States Members of the United Nations.¹⁹⁹

Case 7 Women and peace and security

On 16 April 2018, at the initiative of Peru, which held the presidency for the month, the Council convened its 8234th meeting, held under the above-mentioned item and the sub-item entitled “Preventing sexual violence in conflict through empowerment, gender equality and access to justice”.²⁰⁰

During the meeting, the Council considered the latest report of the Secretary-General on conflict-related sexual violence.²⁰¹ During the discussion, several speakers expressed support for the inclusion of sexual violence as a separate designation criterion in sanctions regimes.²⁰² The representatives of the Plurinational State of Bolivia, Kazakhstan and Lithuania explicitly concurred with the recommendation of the report, calling on the Council sanctions committees to include sexual violence as part of the designation criteria.²⁰³ The representative of the Netherlands called on the Council to systematically and explicitly incorporate and apply sexual violence as a designation criterion in sanctions regimes, in particular in those regimes targeting the actors listed in the report.²⁰⁴ She stressed that sanctions could not be an alternative to prosecution for crimes that were punishable under international law. For conflict-affected areas where United Nations sanctions regimes did not exist, she further urged the Council to consider the adoption of targeted sanctions regimes that would allow for the inclusion of a specific designation criterion on sexual violence.²⁰⁵ In a similar vein, the representative of Germany said that, in addition to including sexual violence as a designation criterion for sanctions regimes much more regularly, the Council should also refer cases of sexual violence to the International Criminal Court.²⁰⁶

Concerning sanctions regimes already in place, but without separate designation criteria on sexual violence, the representative of Sweden encouraged the panels of experts to report such crimes under international humanitarian law and/or human rights criteria.²⁰⁷ Noting the Council’s first-ever separate designation criterion on conflict-related sexual violence in the sanctions regime for the Central African Republic in 2017, she added that having such criteria was not enough and that sanctions committees also needed gender expertise. In her words, the Council had responded to this need by adding new language when renewing the regime in 2018.²⁰⁸ Similarly, the representative of Canada called on the Council to explicitly include sexual violence as a designation criterion within United Nations sanctions regimes where such crimes were persistently perpetrated and said that sanctions committees should be supported by dedicated gender and sexual violence expertise and draw on information from the Special Representative of the Secretary-General on Sexual Violence in Conflict.²⁰⁹

The representative of Argentina stressed that crimes involving sexual violence constituted the most serious international crimes and must be prevented and punished through the use of available tools, including the sanctions regimes.²¹⁰ The representative of Mexico underscored that the international community needed to acknowledge that sanctions were one of the most effective ways of punishing perpetrators of sexual violence. He noted, however, that sanctions would continue to have a “limited impact” in terms of combating sexual violence in conflict if they were not accompanied by cooperation, both within and outside the United Nations system, on investigating and documenting those types of war crimes in an impartial and effective manner.²¹¹ The representative of Ireland urged the Council to be consistent and timely in its use of sanctions against perpetrators of conflict-related sexual violence.²¹² The representative of Italy, while noting the ability of the Council to deter sexual and gender-based violence with targeted sanctions, stressed the need to ensure that sanctions were implemented effectively in order to increase the cost of allowing or using sexual violence in conflict.²¹³

¹⁹⁹ *Ibid.*, p. 18.

²⁰⁰ [S/PV.8234](#). The Council had before it a concept note annexed to a letter dated 2 April 2018 from the representative of Peru addressed to the Secretary-General ([S/2018/311](#)).

²⁰¹ [S/2018/250](#).

²⁰² [S/PV.8234](#), p. 12 (France), p. 27 (Canada), p. 34 (Spain), p. 54 (Germany), p. 72 (Costa Rica) and p. 74 (Montenegro).

²⁰³ *Ibid.*, p. 14 (Plurinational State of Bolivia), p. 20 (Kazakhstan) and pp. 47–48 (Lithuania).

²⁰⁴ *Ibid.*, p. 23.

²⁰⁵ *Ibid.*

²⁰⁶ *Ibid.*, p. 54.

²⁰⁷ *Ibid.*, p. 9.

²⁰⁸ *Ibid.*, pp. 8–9. For reference, see resolutions [2339 \(2017\)](#), para. 17 (c); and [2399 \(2018\)](#), para. 35.

²⁰⁹ [S/PV.8234](#), p. 27.

²¹⁰ *Ibid.*, p. 79.

²¹¹ *Ibid.*, p. 39.

²¹² *Ibid.*, p. 66.

²¹³ *Ibid.*, p. 42.

While the representative of Croatia welcomed the emphasis on the urgency of ensuring that sexual violence considerations were explicitly and consistently reflected in prevention efforts, peace processes and sanctions regimes,²¹⁴ the representative of the United States regretted that sanctions tools at the Council's disposal to punish the perpetrators of sexual violence remained "terribly underutilized".²¹⁵

The representative of the Russian Federation expressed concern at the attempts to broaden the interpretation of the scope of the Council's mandate on combating sexual violence in conflict by using a different term – "conflict-related sexual violence" – and noted that what appeared to be mere technical differences in the terminology ran the risk of going beyond the Council's remit and infringing on the mandates of other United Nations bodies.²¹⁶

Discussions on country-specific issues relating to Article 41

Case 8

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

At its 8273rd meeting, held on 31 May 2018, the Council adopted resolution [2418 \(2018\)](#), albeit not unanimously.²¹⁷ The representative of the United States noted that the Council had not imposed an arms embargo, even though the need was obvious, and had not sanctioned a single individual since 2015. She noted that the parties had violated the agreement on the cessation of hostilities in South Sudan and neither the Intergovernmental Authority on Development (IGAD) nor the African Union had applied consequences for the violators.²¹⁸ The representatives of the United Kingdom, Sweden and France were of the view that resolution [2418 \(2018\)](#) was an important step in increasing the international pressure on the parties to compromise in the interest of peace, which could help to put an end to the violence in South Sudan and advance the political process.²¹⁹

²¹⁴ *Ibid.*, p. 71.

²¹⁵ *Ibid.*, p. 10.

²¹⁶ *Ibid.*, p. 17.

²¹⁷ The draft resolution received nine votes in favour (Côte d'Ivoire, France, Kuwait, Netherlands, Peru, Poland, Sweden, United Kingdom, United States) and six abstentions (Bolivia (Plurinational State of), China, Equatorial Guinea, Ethiopia, Kazakhstan, Russian Federation). See [S/PV.8273](#), p. 4.

²¹⁸ [S/PV.8273](#), p. 2.

²¹⁹ *Ibid.*, p. 5 (United Kingdom), p. 5 (Sweden) and p. 7 (France).

Those who abstained expressed concern that the threat of additional sanctions measures and designations could have a negative effect on the peace process and stressed the need to coordinate the efforts of regional organizations and the United Nations. Speaking before the vote, the representative of Ethiopia explained that IGAD was at the critical moment of concluding the high-level revitalization forum and presenting its bridging proposal, and that the adoption of the draft resolution would be detrimental to the process. He said that by taking action without synchronizing or calibrating its position regarding the African Union, the Council would be seriously undermining the peace process. He further noted that IGAD had reaffirmed its commitment to take targeted measures against parties and individuals found to be spoilers, which had also been reinforced by the African Union. The representative of Ethiopia said that his country would be abstaining because the text was manifestly harmful to the peace process and undermined the efforts of the region, the subregion, IGAD and the African Union.²²⁰ The representative of Equatorial Guinea, also speaking before the vote, said that the inclusion of a list of individuals on whom sanctions would be imposed would hinder the negotiations taking place on the ground.²²¹

After the vote, the representative of the Russian Federation said that it was wrong to introduce sanctions against high-ranking individuals who were involved in the peace negotiation process sponsored by IGAD. He expressed doubt that the introduction of sanctions against members of the Government of South Sudan and an arms embargo could play a positive role in reaching a political settlement. He indicated that during the course of work on a new draft resolution in July 2018, the Russian Federation would also proceed from the position that it was unacceptable to have any preordained stance on broadening sanctions. He also rejected the penholders' damaging and disrespectful position of imposing a too-strict time frame on the Council, which was simply unacceptable when taking far-reaching decisions on sanctions under Chapter VII.²²²

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

²²⁰ *Ibid.*, pp. 3–4.

²²¹ *Ibid.*, p. 4.

²²² *Ibid.*, p. 6.

implementing sanctions, and its action ought to help to advance the political settlement process in South Sudan.²²³ The representative of the Plurinational State of Bolivia said that decisions to impose sanctions measures against those who violated cessation of hostilities agreements and obstructed peace processes must be agreed in principle in conjunction with the relevant regional and subregional organizations.²²⁴ The representative of Kazakhstan, deeply concerned at the reports of continuing military actions and flagrant violations of international humanitarian law and human rights law, expressed readiness to discuss appropriate additional measures by the Council against those who violated the agreement on the cessation of hostilities. Nevertheless, Kazakhstan had abstained from voting on resolution 2418 (2018) because it did not adequately reflect the concerns of the States of the region with regard to the timing of such actions.²²⁵

On 13 July 2018, the Council adopted resolution 2428 (2018), with six abstentions.²²⁶ Speaking before the vote, the representative of the United States said that the goal of the draft resolution (S/2018/691) was to help the people of South Sudan by stopping the flow of weapons that armed groups were using to fight one another and terrorize the people. Reaffirming that the United States supported the peace process in South Sudan, the representative stated that the arms embargo was a measure to protect civilians, help stop the violence and end the “cycle of broken promises to stick to the ceasefire”, in order for negotiations to work.²²⁷

The representative of Ethiopia said that resorting to immediate sanctions would amount to not taking into account the progress that had been made in the peace process to date and that the adoption of the draft resolution might confuse the parties, which would find it difficult to reconcile the action of the Council with the reality of the peace process.²²⁸ The representative of Equatorial Guinea stated that the imposition of sanctions by the Council would involve not just a counterproductive interference in the undeniable positive progress that had been made on the ground,

but would also reflect a clear lack of consideration for the States and regional organizations involved.²²⁹

Speaking after the vote, the representative of France explained that the resolution was not intended to undermine negotiations conducted by IGAD but to protect civilian populations and that the arms embargo was one of the most important measures that the Council could adopt to protect South Sudanese civilians. He added that by adopting individual sanctions against two important military leaders from both sides, the Council was sending the clear message that impunity for acts of violence against civilians and violations of the most basic human rights and international humanitarian law could no longer be tolerated.²³⁰ The representative of the Netherlands especially welcomed the sanctions imposed against the two individuals, whose responsibility for gross human rights violations had been well documented. He also said that the imposition of an arms embargo underscored the fact that there was no military solution to the conflict in South Sudan. He further welcomed the “insertion of specific designation criteria for sexual violence” in resolution 2428 (2018).²³¹

The representative of China noted that the African Union and IGAD had indicated on several recent occasions that it was neither advisable nor helpful to impose additional sanctions on South Sudan, and said that the Council must listen to the legitimate aspirations of regional organizations and countries in Africa and take a cautious stance when it came to imposing sanctions.²³² The representative of the Russian Federation noted that the member States of IGAD had declared that expanding the sanctions pressure on South Sudan was highly inopportune. He expressed his firm belief that imposing sanctions on active participants in the political process or members of the Government was counterproductive and that an arms embargo would not have a positive effect on the political settlement process.²³³

In response to the statements made by other Council members, the representative of the United Kingdom said that resolution 2428 (2018) was designed to protect the people of South Sudan through its imposition of a long-needed arms embargo and targeted sanctions against two individuals whose acts had expanded and extended the conflict.²³⁴ At the end of the meeting, the representative of South Sudan

²²³ Ibid.

²²⁴ Ibid., p. 7.

²²⁵ Ibid.

²²⁶ The draft resolution received nine votes in favour (Côte d'Ivoire, France, Kuwait, Netherlands, Peru, Poland, Sweden, United Kingdom, United States) and six abstentions (Bolivia (Plurinational State of), China, Equatorial Guinea, Ethiopia, Kazakhstan, Russian Federation). See S/PV.8310, p. 5.

²²⁷ S/PV.8310, p. 2–3.

²²⁸ Ibid., p. 4.

²²⁹ Ibid., p. 4.

²³⁰ Ibid., p. 5.

²³¹ Ibid., p. 6.

²³² Ibid.

²³³ Ibid., pp. 7–8.

²³⁴ Ibid., p. 9.

thanked the Council members that had abstained from voting. Referring to the statements made by the representatives of Ethiopia and Equatorial Guinea, he explained that it was not the resolution itself that would undermine peace, but the adoption of a resolution at a time when the peace process was making positive advances, because it would tilt the balance for the parties that were negotiating.²³⁵

Case 9 **The situation in Libya**

At its 8389th meeting, held on 5 November 2018, the Council adopted resolution [2441 \(2018\)](#), with two abstentions.²³⁶ By resolution [2441 \(2018\)](#), the Council renewed the sanctions measures and exemptions related to oil and petroleum concerning Libya and reaffirmed other existing measures, including that the travel ban and asset freeze measures would apply to individuals and entities determined by the Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya to be engaging in or providing support for other acts that threatened the peace, stability or security of Libya, or obstructed or undermined the successful completion of its political transition. By that resolution, the Council decided that such acts might also include planning, directing or committing acts involving sexual and gender-based violence.²³⁷

Following the vote, the representative of Sweden said that his country was particularly pleased to have introduced the act of planning, directing or committing sexual and gender-based violence as a separate and distinct criterion for listing under the sanctions. He expressed hope that highlighting the problem of sexual violence would make a decisive change, compel compliance and trigger accountability on the ground in Libya and that the Council would continue to expand its listing criteria in other sanctions regimes.²³⁸

The representatives of the Netherlands and France also welcomed the introduction of sexual and gender-based violence as a designation criterion for sanctions.²³⁹ The representative of the United Kingdom stated that the Council had taken an important step by

expanding the designation criteria to include gender-based violence, which sent a powerful signal that such crimes would not be tolerated by the international community.²⁴⁰

The representative of the Russian Federation, which had abstained from the vote on resolution [2441 \(2018\)](#), stated that the actions incorporated in the new provision specifying sexual and gender-based violence as a separate criterion were already fully covered in the existing listing criteria, and that the existence of precedents in other sanctions regimes, namely the regimes concerning the Central African Republic and South Sudan, did not mean that the practice should automatically apply to all country situations. He further stated that any “unjustified appearance” of a gender component in the work of the Panel of Experts of the Committee would distract the experts from their main tasks. It had occurred to no one to consider whether Council sanctions on specific individuals for sexual violence in Libya would actually help to prevent such crimes. He added that resolution [2441 \(2018\)](#) had been adopted under Chapter VII of the Charter of the United Nations, based on which the Council identified the presence of threats to international peace and security and adopted decisions on measures to be taken. He further recalled that the issue of sexual and gender-based violence was considered by specialized bodies, such as the Human Rights Council and the Commission on the Status of Women.²⁴¹

Case 10 **The situation in Libya**

At the 8263rd meeting of the Council, held on 21 May 2018, following a briefing by the Special Representative of the Secretary-General for Libya and Head of the United Nations Support Mission in Libya, the representative of the United Kingdom expressed great concern over reports of what appeared to be slave auctions run by migrant traffickers. He expressed support for the Council to take action through sanctions regimes to signal that traffickers could not act with impunity.²⁴² The representative of the United States underscored that the Council was considering sanctions against six individuals involved in migrant smuggling and human trafficking in Libya. Highlighting that those designations would be an important step towards holding the perpetrators of abuses accountable, she stated that there was strong regional support for the designations and expressed

²³⁵ *Ibid.*, p. 10.

²³⁶ The draft resolution received 13 votes in favour (Bolivia (Plurinational State of), Côte d’Ivoire, Equatorial Guinea, Ethiopia, France, Kazakhstan, Kuwait, Netherlands, Peru, Poland, Sweden, United Kingdom, United States) and 2 abstentions (China, Russian Federation). See [S/PV.8389](#), p. 2.

²³⁷ Resolution [2441 \(2018\)](#), para. 11.

²³⁸ [S/PV.8389](#), p. 2.

²³⁹ *Ibid.*, p. 4.

²⁴⁰ *Ibid.*, p. 2.

²⁴¹ *Ibid.*, p. 3.

²⁴² [S/PV.8263](#), p. 6.

regret that the Council had not yet reached consensus on such designations.²⁴³

The representative of France highlighted his country's work with its European and American partners, with the support of the Government of Libya, on the adoption by the Council of sanctions targeting migrant smugglers, and expressed hope that there would soon be a list in that respect adopted by the relevant sanctions committee. He reiterated the position of France that those responsible for trafficking in human beings and the smuggling of migrants must be subject to sanctions within the existing United Nations sanctions regime. He further expressed hope that consensus on the matter would be reached soon.²⁴⁴ The representative of Peru also expressed support for imposing sanctions on trafficking networks.²⁴⁵

The representative of Sweden stressed that serious efforts were needed to safeguard against human rights abuses and violations, create accountability and promote changes in behaviour in order to end impunity, and that the Council needed to come together and send a strong signal in that regard. He called for the Council to impose sanctions to target those responsible for smuggling and trafficking in persons.²⁴⁶ The representatives of Côte d'Ivoire and the Netherlands expressed support for the inclusion of persons or entities engaged in the trafficking or smuggling of migrants on the list of sanctions of the Committee established pursuant to resolution 1970 (2011) concerning Libya.²⁴⁷

At the 8341st meeting of the Council, held under the same item on 5 September 2018, the representative of France stressed his concern for the humanitarian situation in Libya, in particular the plight of migrants and refugees, who were victims of human rights violations. He emphasized that those who threatened the peace, security and stability of Libya would be subject to international sanctions, in line with the resolutions of the Council.²⁴⁸ The representative of Côte d'Ivoire noted with deep concern the persistence of the smuggling of migrants and welcomed the Council's imposition of sanctions on six individuals involved in human trafficking in Libya.²⁴⁹ The representative of the United States echoed this statement, reiterating support for the Council's use of

sanctions to respond to migrant trafficking.²⁵⁰ In that context, the representative of the Netherlands stressed that implementing the sanctions measures diligently should remain the Council's priority.²⁵¹

The representative of the Russian Federation expressed concern over the situation of migrants and refugees in Libya and the abuses of their rights, but added that a long-term solution to that problem was certainly not to be found through sanctions. He said that attention should be paid to criminality in countries of destination for migrants and that the root causes of mass migrations, such as socioeconomic situations and conflicts, should be addressed.²⁵²

The representative of Libya called for the Council to take decisive action and impose severe sanctions on the perpetrators of human rights violations.²⁵³ The representative of Equatorial Guinea highlighted that human trafficking was a lucrative source of income for human-trafficking networks. He urged the Council to take appropriate steps, stating that Equatorial Guinea would support all well-founded, impartial and suitable proposals that could help to end all acts that constituted violations of human rights and international humanitarian law.²⁵⁴

Case 11 **The situation in Somalia**

At its 8398th meeting, held on 14 November 2018, the Council adopted resolution 2444 (2018), by which it decided to lift the arms embargo, travel ban, asset freeze and targeted sanctions imposed on Eritrea by the Council in its resolutions 1907 (2009), 2023 (2011), 2060 (2012) and 2111 (2013), and to renew the partial lifting of the arms embargo and exemption measures concerning Somalia.²⁵⁵

All the Council members, as well as the representatives of Djibouti, Eritrea and Somalia invited under rule 37 of the provisional rules of procedure, welcomed the termination of the sanctions on Eritrea. In addition, Council members noted that the easing of tensions in the Horn of Africa, particularly the rapprochement between Eritrea and Ethiopia, and the positive dynamic between Djibouti and Eritrea, was a key factor in their decision to lift the sanctions.²⁵⁶ The

²⁴³ Ibid., p. 7.

²⁴⁴ Ibid., p. 9.

²⁴⁵ Ibid., p. 11.

²⁴⁶ Ibid., p. 12.

²⁴⁷ Ibid., p. 13 (Côte d'Ivoire) and p. 18 (Netherlands).

²⁴⁸ S/PV.8341, p. 6.

²⁴⁹ Ibid., pp. 13–14.

²⁵⁰ Ibid., p. 19.

²⁵¹ Ibid., p. 16.

²⁵² Ibid., p. 11.

²⁵³ Ibid., p. 21.

²⁵⁴ Ibid., p. 8.

²⁵⁵ Resolution 2444 (2018), paras. 4, 13, 14, 41, 44 and 48.

²⁵⁶ S/PV.8398, pp. 2–3 (United Kingdom), p. 3 (Ethiopia), p. 4 (Sweden), pp. 4–5 (Kazakhstan), p. 5 (Russian Federation), p. 6 (United States), pp. 5–6 (France), p. 7

current lack of evidence connecting Eritrea to Al-Shabaab, which the Council recognized in paragraph 1 of resolution 2444 (2018), was also cited by the representative of the United States as a basis for its affirmative vote.²⁵⁷ The representative of the Russian Federation said that throughout the years no convincing evidence had been produced that proved Asmara was supporting destructive forces in the region. He added that in the wake of the changes that had occurred in the Horn of Africa, the classification of the dispute between Djibouti and Eritrea as a threat to international peace and security was also outdated.²⁵⁸

The representative of the Plurinational State of Bolivia noted that sanctions should be assessed in the light of the evolving situation and the context on the ground and that the lifting of sanctions on Eritrea was imperative.²⁵⁹ Similarly, the representative of Kuwait said that the lifting of sanctions was a message to the international community that the Council responded to positive developments and lifted sanctions when the reasons for which they were imposed no longer existed.²⁶⁰

The representative of Ethiopia noted that the lifting of sanctions on Eritrea did not mean that the region was free of challenges. Cooperation among the countries of the Horn of Africa and the serious support of the international community were still needed as the region continued to move forward towards greater peace, stability and economic integration.²⁶¹ The representative of Djibouti welcomed the lifting of sanctions on Eritrea and noted that the unanimous support of Council members for the adoption of resolution 2444 (2018) underlined the importance of the settlement of disputes in a peaceful manner, consistent with international law.²⁶² The representative of Eritrea thanked Ethiopia and Somalia for having called for the immediate lifting of the sanctions, and expressed his country's appreciation for the constructive engagement that the United Kingdom, as the penholder, and Kazakhstan, as Chair of the Committee pursuant to resolutions 751 (1992) and

1907 (2009) concerning Somalia and Eritrea, had had with his delegation.²⁶³

Concerning the situation in Somalia, the representative of the United Kingdom welcomed the progress made to date on security reform and said that she looked forward to further cooperation between the Somali authorities and the Panel of Experts on the implementation of the arms embargo.²⁶⁴ The representatives of Sweden, France and Poland expressed similar views concerning the critical role of the sanctions regime in the international effort to defeat Al-Shabaab, in particular in curtailing its sources of funding by combating illicit trafficking in arms and Somali charcoal.²⁶⁵ The representative of Sweden noted that the sanctions regime allowed the important build-up of the Somali national force, while the representative of France said that the exemptions from the arms embargo that the sanctions regime provided for enabled Somalia to acquire the equipment it needed to combat terrorist groups, with the support of its international partners.²⁶⁶ The representative of the United States, while acknowledging the significant progress made by Somalia over the past decade, noted that Somali capacity, including regarding the implementation of the remaining arms restrictions and the ban on the trade of Somali charcoal, remained limited owing to the country's security conditions, corruption and uneven progress in governance.²⁶⁷

The representative of the Netherlands welcomed the "addition of stand-alone sanctions criteria for sexual and gender-based violence" in resolution 2444 (2018). He stated that those who committed such heinous acts should know that the Council had showed its commitment to responding to such practices.²⁶⁸ The representative of the Russian Federation expressed regret that the authors of the resolution had included provisions affirming sexual and gender-based violence as a separate criterion for the imposition of sanctions, despite the fact that such behaviour was covered under the existing listing criteria. He reminded the Council that issues pertaining to sanctions were clearly regulated under Chapter VII of the Charter of the United Nations, which was about the presence of threats to international peace and security. He stated that any broader interpretation of that position ran the risk of a loss of sanctions instruments' effectiveness

(Poland), p. 7 (Netherlands), pp. 7–8 (Equatorial Guinea), p. 8 (Plurinational State of Bolivia), pp. 8–9 (Peru), p. 9 (Kuwait), pp. 9–10 (China), pp. 10–11 (Somalia), pp. 11–12 (Djibouti) and p. 13 (Eritrea).

²⁵⁷ Ibid., p. 6.

²⁵⁸ Ibid., p. 5.

²⁵⁹ Ibid., p. 8.

²⁶⁰ Ibid., p. 9.

²⁶¹ Ibid., p. 3.

²⁶² Ibid., pp. 12–13.

²⁶³ Ibid., p. 13.

²⁶⁴ Ibid., p. 2.

²⁶⁵ Ibid., p. 4 (Sweden), pp. 6–7 (France) and p. 7 (Poland).

²⁶⁶ Ibid., p. 4 (Sweden) and pp. 6–7 (France).

²⁶⁷ Ibid., p. 6.

²⁶⁸ Ibid., p. 7.

and relevance. He emphasized that the issue of sexual and gender-based violence was not part of the direct remit of the Council and said that if States wanted to discuss such issues, they should raise them in the Human Rights Council and the Commission on the Status of Women.²⁶⁹

In his intervention, the representative of Somalia raised several points in relation to the sanctions imposed on Somalia. First, he noted that the outdated sanctions against Somalia constituted one of the longest-standing United Nations sanctions regimes ever imposed and one with the broadest mandate as well. He stressed the importance of having clearly defined benchmarks to monitor the complete lifting of sanctions on Somalia, contending that if no specific, clear and verifiable steps were set forth, the incentives to comply with the Council's demands would be undercut and the effectiveness of ending the sanctions regime would drastically diminish. Second, he stated that Council sanctions should target terrorist groups such as Al-Shabaab and Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), which remained

serious threats to the peace and stability of Somalia. He claimed that the flow of illegal weapons and resources into Somalia could only be curbed by targeting and destroying the existing trade networks used by such terrorist groups. He also asked for help to improve the capacity of Somalia to monitor and safeguard its land borders and other sea and air access points. Third, citing the recent reports of the Monitoring Group on Somalia and Eritrea,²⁷⁰ he asserted that the construction by the United Arab Emirates of a military base in Berbera clearly defied Council resolutions and served to undermine the unity, sovereignty and territorial integrity of Somalia. Lastly, he expressed the view that the quality of the reports of the Monitoring Group had been mixed owing to minimal time spent on the ground in Somalia and the Group's level of expertise. He recommended that the Panel of Experts on Somalia, established pursuant to resolution 2444 (2018), be relocated in order to better perform its mandated tasks. Moreover, its experts should be drawn from a pool of individuals with a higher level of technical and regional expertise.²⁷¹

²⁶⁹ Ibid., p. 5.

²⁷⁰ S/2017/924 and S/2018/1002.

²⁷¹ S/PV.8398, pp. 10–11.

IV. Measures to maintain or restore international peace and security in accordance with Article 42 of the Charter

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Note

Section IV covers the practice of the 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.²⁷²

²⁷² The Council's authorization of the use of force by regional organizations is covered in part VIII. The authorization of the use of force by peacekeeping operations is covered in part X in the context of the mandates of peacekeeping operations.

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

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

A. Decisions relating to Article 42

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

regional organizations, to use “all necessary measures”, “all necessary means” or “all the means” for the maintenance or restoration of international peace and security.

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

In 2018, the Council reiterated its authorization to use force in relation to various situations and disputes. 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 to take “all necessary means” to carry out its mandate,²⁷³ and for the French forces to use “all the means” to provide operational support to the Mission when under serious threat.²⁷⁴

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 to take “all necessary measures” to carry out its mandate.²⁷⁵

With respect to the flows of arms and related materiel transferred to or from Libya in violation of the arms embargo, the Council extended the authorizations first granted in paragraphs 4 and 8 of resolution 2292 (2016) to Member States, acting nationally or through regional organizations, to use “all measures commensurate to the specific circumstances” when 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”.²⁷⁶ 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

when carrying out inspections of vessels on the high seas off the coast of Libya that they had reasonable grounds to suspect were being used for migrant smuggling or human trafficking and to seize such vessels that were confirmed to be used for such activities.²⁷⁷ The Council also reaffirmed paragraph 11 of resolution 2240 (2015), which clarified that the authorization to use force applied only when confronting migrant smugglers and human traffickers on the high seas off the Libyan coast and would not affect the rights and obligations of Member States under international law.²⁷⁸

With regard to the situation in Mali, the Council reiterated the authorization for the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to use “all necessary means” to carry out its mandate,²⁷⁹ and for the French forces also to use “all necessary means” until the end of the mandate of MINUSMA to intervene in support of the Mission when under imminent and serious threat, upon the request of the Secretary-General,²⁸⁰ within their respective capacities and areas of deployment. Moreover, the Council requested MINUSMA to continue to carry out its mandate with a “proactive and robust posture”.²⁸¹

In connection with the situation in Somalia, the Council reiterated the authorization for the African Union Mission in Somalia to take “all necessary measures”, in full compliance with participating States’ obligations under international humanitarian and human rights law and in full respect for the sovereignty, territorial integrity, political independence and unity of Somalia, to carry out its mandate, as set out in paragraphs 7 and 8 of resolution 2372 (2017).²⁸² In addition, the Council renewed, for a period of 13 months, the authorizations granted by paragraph 10 of resolution 1846 (2008) and paragraph 6 of resolution 1851 (2008) to States and regional organizations cooperating with Somali authorities to repress acts of piracy and armed robbery at sea off the coast of Somalia.²⁸³

With regard to the situation in Darfur in the Sudan, the Council extended the authorization for the African Union-United Nations Hybrid Operation in Darfur to take the necessary action, as set out in

²⁷³ Resolution 2448 (2018), para. 38.

²⁷⁴ *Ibid.*, para. 69.

²⁷⁵ Resolution 2409 (2018), para. 35.

²⁷⁶ Resolution 2420 (2018), para. 1.

²⁷⁷ Resolution 2437 (2018), para. 2.

²⁷⁸ *Ibid.*

²⁷⁹ Resolution 2423 (2018), para. 32.

²⁸⁰ *Ibid.*, para. 53.

²⁸¹ *Ibid.*, para. 33.

²⁸² Resolutions 2415 (2018), para. 1; and 2431 (2018), para. 6.

²⁸³ Resolution 2442 (2018), para. 14.

paragraph 15 of resolution 1769 (2007), and also urged the mission to take “all necessary measures” within its rules of engagement to protect United Nations personnel and equipment.²⁸⁴

In connection with the situation in Abyei, the Council recalled that the mandate of the United Nations Interim Security Force for Abyei, as set out in paragraph 3 of resolution 1990 (2011), included taking the “necessary actions” to protect civilians under imminent threat of physical violence, irrespective of its source, and in that regard underlined that peacekeepers were authorized to use “all necessary means”, including force when required, in order to protect civilians under threat of physical violence.²⁸⁵

With regard to the situation in South Sudan, the Council authorized the United Nations Mission in South Sudan (UNMISS) to use “all necessary means” to carry out its mandated tasks and also authorized the Regional Protection Force to use “all necessary means, including undertaking robust action where necessary and actively patrolling”, to accomplish its mandate.²⁸⁶ The Council further underscored that the mandate of UNMISS included authority to use “all necessary means” to protect United Nations personnel, installations and equipment, to protect civilians from threats, irrespective of their source, to create conditions conducive to the delivery of humanitarian assistance and to support the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan and the peace process.²⁸⁷

In the Americas, concerning the situation in Haiti, the Council authorized the United Nations Mission for Justice Support in Haiti to use “all necessary means” to carry out its mandate to support and develop the Haitian National Police.²⁸⁸

In Europe, in relation to the situation in Bosnia and Herzegovina, the Council authorized the Member States acting under the EUFOR-Althea and the North Atlantic Treaty Organization (NATO) presence to take “all necessary measures” to effect the implementation of and ensure compliance with annexes 1-A and 2 of the General Framework Agreement for Peace in Bosnia and Herzegovina;²⁸⁹ and to, at the request of either EUFOR-Althea or NATO, take “all necessary

measures” in defence of the EUROR-Althea or NATO presence.²⁹⁰

In the Middle East, in connection with the situation in Lebanon, the Council renewed its authorization for the United Nations Interim Force in Lebanon to take “all necessary action” in areas of deployment of its forces, to ensure that its area of operations was not utilized for hostile activities, to resist attempts by forceful means to prevent it from discharging its mandate, to protect United Nations personnel, facilities, installations and equipment, to ensure the security and freedom of movement of United Nations personnel and humanitarian workers, and to protect civilians under imminent threat of physical violence.²⁹¹

B. Discussions relating to Article 42

During the period under review, two explicit references to Article 42 of the Charter were made in the context of the Council’s deliberations. The first was made at the 8262nd meeting of the Council, held under the item entitled “Maintenance of international peace and security”, by the representative of Brazil, who underscored that States that engaged in military operations under Article 42 should have to report to the Council periodically so that their adherence to the mandate could be multilaterally monitored.²⁹² The second explicit reference to Article 42 was made at the 8334th meeting, held under the same item, by the representative of Cuba, who, noting with concern the increasing tendency of the Council to invoke Chapter VII of the Charter “excessively and hastily”, regretted that the Council was too quick to seek recourse in the provisions of Articles 41 and 42 of the Charter without having fully exhausted other options, including those provided for in Chapter VI, and without considering the consequences.²⁹³

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

²⁸⁴ Resolution 2429 (2018), paras. 15 and 48.

²⁸⁵ Resolution 2445 (2018), para. 11.

²⁸⁶ Resolution 2406 (2018), paras. 7 and 9.

²⁸⁷ *Ibid.*, para. 12.

²⁸⁸ Resolution 2410 (2018), para. 14.

²⁸⁹ Resolution 2443 (2018), para. 5.

²⁹⁰ *Ibid.*, para. 6.

²⁹¹ Resolution 2433 (2018), para. 19.

²⁹² S/PV.8262, p. 45.

²⁹³ S/PV.8334, p. 53.

Case 12
Maintenance of international peace and security

On 21 February 2018, at the initiative of Kuwait, which held the presidency for the month, the Council convened its 8185th meeting, held under the above-mentioned item and the sub-item “Purposes and principles of the Charter of the United Nations in the maintenance of international peace and security”.²⁹⁴ During the meeting, the Deputy Prime Minister and Minister for Foreign Affairs of Kuwait underscored that in certain circumstances, where peaceful means would not lead to resolving crises, Chapter VII allowed for the use of force so as to maintain or restore international peace and security. He affirmed that the liberation of Kuwait had demonstrated the effectiveness and legitimacy of Chapter VII through a legitimate military response to a despicable military invasion.²⁹⁵ The representative of France echoed that statement, recalling that the liberation of Kuwait had shown that the use of force in accordance with the Charter was sometimes necessary to uphold international law.²⁹⁶

The representative of Côte d’Ivoire stated that the use of force to maintain international peace and security must be authorized exclusively by the Council in order to give it the legal authority necessary to prevent any type of excess and abuse.²⁹⁷ In a similar vein, the representative of the Plurinational State of Bolivia held that the use of force must be considered as a last resort only when all other methods had been exhausted, in accordance with Chapter VII and in strict compliance with the system of multilateralism.²⁹⁸

On 17 May 2018, at the initiative of Poland, which held the presidency for the month, the Council convened its 8262nd meeting, held under the same item and under the sub-item “Upholding international law within the context of the maintenance of international peace and security”.²⁹⁹

The representative of Peru affirmed that one of the cornerstones of the international order was the prohibition of the use of force in any way that was

incompatible with the Charter of the United Nations. He expressed his concern about some countries testing arguments and interpretations that were ultimately alien to international law and that undermined the system of collective security.³⁰⁰ The representative of Brazil asserted that the prohibition of the use of force was a peremptory norm; it was the rule. Self-defence and authorization under Chapter VII were the exceptions to it. The use of armed force in any manner inconsistent with the Charter constituted aggression, as defined in General Assembly resolution 3314 (XXIX). While acknowledging that the use of force might be envisaged in exceptional circumstances, he warned that decisions on the use of force that were informed by subjective unilateral criteria would make peace a “far-distant objective”. He urged Member States not to open the door for unilateralism, thereby jeopardizing the collective security system. He followed by saying that Council resolutions were adopted on behalf of the international community and that those authorized to take action on behalf of others were accountable to those that authorized them. States that engaged in military operations to implement measures envisaged in Article 42 should have to report periodically to the Council, so that their adherence to the mandate could be multilaterally monitored. He further pointed out that those troops might not be wearing blue helmets, but they were acting “on the authority and legitimacy of a blue text”.³⁰¹

The representative of Mexico expressed particular concern about the authorization of the use of force against non-State actors, due to a lack of legal clarity in that regard.³⁰²

The representative of the United States emphasized that Governments could not use sovereignty as a shield to commit mass atrocities, spread weapons of mass destruction or engage in terrorism. The Council must be prepared to act in such instances, using its wide-ranging authority to impose sanctions, establish tribunals and authorize the use of force, and to resort when necessary to its “broad authority under Chapter VII”.³⁰³ The representative of France stated that the Council’s decisions containing measures under Chapter VII, including the authorization to use force, helped to enforce international law and ensure that violations did not go unpunished.³⁰⁴

²⁹⁴ The Council had before it a concept note annexed to a letter dated 1 February 2018 from the representative of Kuwait addressed to the Secretary-General (S/2018/85).

²⁹⁵ S/PV.8185, p. 8.

²⁹⁶ Ibid., p. 26.

²⁹⁷ Ibid., p. 11.

²⁹⁸ Ibid., p. 28.

²⁹⁹ The Council had before it a concept note annexed to a letter dated 3 May 2018 from the representative of Poland addressed to the Secretary-General (S/2018/417/Rev.1).

³⁰⁰ S/PV.8262, pp. 19–20.

³⁰¹ Ibid., pp. 44–45.

³⁰² Ibid., p. 47.

³⁰³ Ibid., p. 17.

³⁰⁴ Ibid., pp. 28–29.

Case 13 United Nations peacekeeping operations

On 28 March 2018, at the initiative of the Netherlands, which held the presidency for the month, the Council convened its 8218th meeting, held under the above-mentioned item and the sub-item entitled “Collective action to improve United Nations peacekeeping operations”.³⁰⁵ At the meeting, the representative of the European Union underscored that peacekeepers must protect civilians and be able to use force when civilians were threatened with physical violence and that operations must be equipped with the necessary tools in that regard.³⁰⁶ The representative of South Africa said that the protection of civilians must be at the heart of peacekeeping and that in some cases it might require the use of force, in accordance with the mission mandate and in compliance with the applicable legal framework.³⁰⁷

Several speakers emphasized the importance of the principles of peacekeeping, including the non-use of force except in self-defence or in defence of the mandate.³⁰⁸ The representative of Kuwait further highlighted the need to adapt the principles of peacekeeping, such as the use of force in self-defence and in defence of the mandate, to the increase in threats that did not respect the United Nations flag and the protection it provided.³⁰⁹

The representative of Argentina emphasized that the incorporation of mandates on the protection of civilians into peacekeeping operations had been one of the most important developments regarding peacekeeping missions of the century. In that regard, he reiterated that the issue should not be considered from a strictly military perspective, but rather as part of a broader political and humanitarian approach, centred on building a safe, protected environment. He added that it was crucial that all Member States continued moving towards a clear and common understanding of the modalities and implications of such activities, in particular in cases where it was necessary to use force to provide security to civilians threatened by physical violence.³¹⁰

³⁰⁵ The Council had before it a concept note annexed to a letter dated 2 March 2018 from the representative of the Netherlands addressed to the Secretary-General (S/2018/184).

³⁰⁶ S/PV.8218, p. 50.

³⁰⁷ Ibid., p. 73.

³⁰⁸ Ibid., p. 22 (Kuwait), p. 23 (Russian Federation), p. 34 (Bolivarian Republic of Venezuela), p. 74 (Cuba) and p. 80 (Viet Nam).

³⁰⁹ Ibid., p. 23.

³¹⁰ Ibid., p. 43.

The representative of the Russian Federation stated that it was crucial to respect the Charter of the United Nations and the core principles of peacekeeping – the consent of the parties, impartiality and the non-use of force, except in self-defence and to protect the mandate. He opined that the increasingly frequent proposals made of late to interpret those principles flexibly or revise them were pernicious, in particular with regard to so-called proactive and robust peacekeeping and giving peacekeepers the right to the “first use of force”. In his country’s view, if the neutral authority of peacekeepers was undermined, it could turn them into active participants in conflicts.³¹¹ The representative of Guatemala reaffirmed that the use of force must always be the last resort, especially when acting on behalf of the United Nations, and noted that while the reasons for developing mandates calling for more robust operations were understandable, such action should be considered carefully by the Special Committee on Peacekeeping Operations.³¹² Echoing a similar view, the representative of Cuba said that her delegation was not convinced that the Council’s approval of operations involving the use of force beyond the basic principles could contribute to improving the effectiveness of peacekeeping operations and the security of their military, police or civilian personnel.³¹³

Referring to the report authored by former United Nations Force Commander, Lieutenant General Carlos Alberto dos Santos Cruz, entitled “Improving security of United Nations peacekeepers”, the representatives of Georgia and Latvia both highlighted the need for changes in the peacekeeping arena with respect to operational behaviour and the use of force.³¹⁴

Case 14 Protection of civilians in armed conflict

On 22 May 2018, at the initiative of Poland, which held the presidency for the month, the Council convened its 8264th meeting, held under the above-mentioned item.³¹⁵ The representative of the United States stated that the Kigali Principles on the Protection of Civilians called upon troop-contributing countries to empower military commanders of peacekeeping contingents to use force to protect

³¹¹ Ibid., pp. 23–24.

³¹² Ibid., p. 43. For more information on the relationship between the Council and the Special Committee on Peacekeeping Operations, see part IV, sect. I.G.

³¹³ S/PV.8218, p. 75.

³¹⁴ Ibid., p. 70 (Georgia) and pp. 80–81 (Latvia).

³¹⁵ The Council had before it a concept note annexed to a letter dated 9 May 2018 from the representative of Poland to the Secretary-General (S/2018/444).

civilians, on the basis that if commanders had to wait too long for such guidance, it might be too late to prevent an approaching attack. She emphasized that if properly implemented, the Kigali Principles would make peacekeeping missions more effective, improve civilian security and save lives.³¹⁶ The representative of Rwanda noted that the Kigali Principles did not exclude the use of force and recalled that paragraph 3 of the Principles called for troop-contributing countries “to be prepared to use force to protect civilians, as necessary and consistent with the mandate”.³¹⁷

The representative of the Russian Federation reaffirmed the position that using any means of response to protect civilians, in particular those involving the use of force, was only possible when mandated by the Council and in strict accordance with the provisions of the Charter.³¹⁸ The representative of Brazil stressed that, in the exceptional circumstances in which resolutions authorized it, the use of force should be limited to the mandate, as the notion that civilians were more effectively protected by military action was not supported by any real evidence. He also stated that it was crucial to develop an understanding of what force could and could not accomplish. He further

³¹⁶ S/PV.8264, p. 14.

³¹⁷ Ibid., p. 56.

³¹⁸ Ibid., p. 26.

called on the Council to demand enhanced reporting and monitor the implementation of such resolutions.³¹⁹

The representative of Germany said that the protection-of-civilians mandates that the Council assigned to missions needed to be more robust.³²⁰ By contrast, the representative of India affirmed that the Council’s membership needed to frame mandates with clarity and specificity. The growing number of instances of serious attacks on peacekeepers and the high level of casualties suffered by them pointed to the difficulties of being able to implement so-called robust mandates in situations involving rival warring groups mixed with civilian populations, putting at risk the credibility and the image of the neutral presence of the United Nations in situations of armed conflict.³²¹ The representative of Argentina underlined that the authorization of robust mandates by the Council, as well as their implementation by peacekeeping operations, must not compromise the fulfilment of their core mandate to protect civilians, or distract them from their mission based on the fundamental principles governing peacekeeping operations.³²²

³¹⁹ Ibid., p. 34.

³²⁰ Ibid., p. 38.

³²¹ Ibid., p. 32.

³²² Ibid., p. 29.

V. Consideration of Articles 43 to 45 of the Charter

Article 43

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

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

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

Article 44

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

Article 45

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

Note

Under Article 43 of the Charter all Member States undertake to make available to the 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 on Member States to contribute armed forces, assistance and facilities, including rights of passage, (b) consult with Member States contributing troops for United Nations peacekeeping activities and (c) call on Member States to contribute military air assets in the context of peacekeeping.

During the period under review, the Council continued to pay close attention to the challenges faced by peacekeeping operations in fulfilling their respective mandates. In that regard, the Council adopted several decisions urging Member States to deliver military assistance to the operations. The Council did not, however, engage in any constitutional discussion concerning Articles 43 and 45 during the reporting period. Throughout 2018, the Council also adopted decisions in which it emphasized, and held meetings in which it deliberated upon, the importance of consulting troop- and police-contributing countries on issues pertaining to the mandates of peacekeeping operations. Set out below is an overview of the practice of the Council in 2018 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 provide assistance, including military air assets, to peacekeeping operations

In 2018, the Council did not explicitly refer to Article 43 or Article 45 in any of its decisions or discussions. Nevertheless, the Council adopted several resolutions calling upon Member States to provide military support, both personnel and equipment, including military air assets, to existing peacekeeping operations in the Central African Republic, the Democratic Republic of the Congo, Mali and Somalia. In addition, in resolution [2436 \(2018\)](#), the Council urged all troop- and police-contributing countries to meet United Nations performance standards for personnel, training and equipping.³²³

With respect to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the Council, in resolution [2448 \(2018\)](#), reiterated its serious concern at the continuing lack of key capabilities for MINUSCA, stressed the need to fill the gaps, in particular in the field of military helicopters, and emphasized the utmost importance of improving logistics support to ensure the security and safety of MINUSCA personnel.³²⁴ The Council also reiterated the importance of current and future troop- and police-contributing countries providing troops and police with adequate capabilities, equipment and predeployment training in order to enhance the capacity of MINUSCA.³²⁵ While noting the progress of troop- and police-contributing countries in meeting the United Nations standards, the Council also called on them to immediately finalize the procurement and deployment of all required contingent-owned equipment.³²⁶

In relation to the United Nations Organization Stabilization Mission in the Democratic People's Republic of the Congo (MONUSCO), the Council, in resolution [2409 \(2018\)](#), requested MONUSCO to continue to maximize force interoperability, flexibility,

³²³ Resolution [2436 \(2018\)](#), para. 3.

³²⁴ Resolution [2448 \(2018\)](#), thirty-second preambular paragraph.

³²⁵ *Ibid.*, para. 44.

³²⁶ *Ibid.*, para. 47.

mobility and effectiveness in the implementation of the Mission's mandate, including by deploying rapidly deployable units, specialized capabilities, including enhanced information-gathering assets and analysis, specialized infantry, and key enablers such as medical evacuation and air assets.³²⁷ The Council also highlighted that inadequate equipment, among other factors, could adversely affect effective mandate implementation.³²⁸

Concerning the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), the Council, in resolution [2423 \(2018\)](#), reiterated its serious concern at the continuing lack of key capabilities for MINUSMA and stressed the need to fill the gaps, in particular in the field of military helicopters and mine-protected vehicles, and enable MINUSMA to implement its mandate in a complex security environment that included asymmetric threats.³²⁹ The Council welcomed the significant progress made in the deployment of a combat convoy battalion and a quick reaction force, as well as the recent pledges announced to fill troop and capacity gaps, and in that regard urged Member States that had made pledges to fully deploy those units within the announced time frame.³³⁰ The Council urged MINUSMA troop- and police-contributing countries to expedite the procurement and deployment of all necessary contingent-owned equipment, and further urged Member States to provide troops and police with adequate capabilities, predeployment and, where appropriate, in situ training and equipment, including enablers specific to the operating environment, in order for MINUSMA to fulfil its mandate.³³¹

With regard to the African Union Mission in Somalia (AMISOM), the Council, in resolution [2431 \(2018\)](#), recalled its request that the African Union generate the specialized units specified in the annex to resolution [2297 \(2016\)](#) and reiterated the importance for all force enablers and multipliers to operate under the command of the Force Commander.³³² The Council welcomed efforts to identify specific requirements in that regard and requested their generation without delay, and requested the African Union to provide regular updates on the force generation in its reports through the Secretary-General.³³³ The Council stressed

the critical need to source fully functioning and mission-appropriate contingent-owned equipment, including force enablers and multipliers, as provided for in paragraph 6 of resolution [2036 \(2012\)](#), either from existing AMISOM troop-contributing countries or from other Member States, and urged the African Union to generate the remainder of the force enablers within the existing troop ceiling.³³⁴ The Council reiterated its call for new and existing donors to support AMISOM through the provision of additional funding for troop stipends, equipment and technical assistance and contributions to the United Nations trust fund for AMISOM, and underlined the African Union's call for its member States to provide financial support to AMISOM.³³⁵

During the period under review, in several discussions the Council touched upon the importance of providing peacekeeping operations with adequate troops and equipment, including military air assets. For example, at the 8218th meeting, held on 28 March 2019, under the item entitled "United Nations peacekeeping operations", the Prime Minister of the Netherlands stated, in reference to MINUSMA, that rotation schemes for vital but scarce capabilities such as helicopters and medical facilities lowered the threshold for participation in missions, increased their sustainability and improved their quality.³³⁶ At the same meeting, the representative of the United Kingdom emphasized the need for a better match between the capacity of troops and the tasks that they were asked to perform, which in turn required Member States to deliver the capabilities that they had committed.³³⁷ Similarly, the representative of Estonia recalled the responsibility of Member States to provide adequate troops and capabilities to United Nations peacekeeping operations and noted with concern that in crisis areas with more than one mission, United Nations missions were less equipped and not as well trained as operations led by other actors.³³⁸ The representative of Slovakia stressed that it was a priority to continue addressing the difficulties in getting enough troops and equipment.³³⁹ The representatives of Kazakhstan and Fiji underlined the need to provide peacekeeping forces with adequate resources, with the latter adding that proper equipment was vital to support United Nations peacekeepers.³⁴⁰ The representatives of Djibouti and Ukraine also underscored the importance

³²⁷ Resolution [2409 \(2018\)](#), para. 50.

³²⁸ *Ibid.*, para. 51.

³²⁹ Resolution [2423 \(2018\)](#), thirtieth preambular paragraph.

³³⁰ *Ibid.*, fourteenth preambular paragraph.

³³¹ *Ibid.*, para. 56.

³³² Resolution [2431 \(2018\)](#), para. 13. See also resolution [2297 \(2016\)](#), para. 10.

³³³ Resolution [2431 \(2018\)](#), para. 13.

³³⁴ *Ibid.*, para. 14.

³³⁵ *Ibid.*, para. 31.

³³⁶ [S/PV.8218](#), p. 9.

³³⁷ *Ibid.*, p. 19.

³³⁸ *Ibid.*, p. 31.

³³⁹ *Ibid.*, p. 54.

³⁴⁰ *Ibid.*, p. 15 (Kazakhstan) and p. 84–85 (Fiji).

of the provision of adequate resources, including helicopters.³⁴¹

Further to the reports of the Secretary-General on the situation in Mali,³⁴² the Council also considered the problem of capability gaps, including the aforementioned assets, within MINUSMA at meetings held under the item entitled “The situation in Mali” on 23 January and 11 April 2018. The reports focused on the persistent capability gaps, including for crucial assets such as helicopters, which were putting at stake the effort to project the robust posture mandated by the Council. At the 8163rd meeting, held on 23 January, the representative of France said that lasting solutions must be found quickly so as to adequately equip contingents with armoured vehicles, medium-term aerial capacities and armoured convoys.³⁴³ Similarly, the representative of the United States stressed the need to find an enduring solution for the most critical capability gaps of MINUSMA, such as those related to combat convoy battalions, helicopters and armoured personnel carriers.³⁴⁴ The representative of Côte d’Ivoire called for the operationalization of the Mission’s rapid reaction force as soon as possible and for the fulfilment of the Mission’s need for helicopters.³⁴⁵ The representative of the Netherlands stressed that the fact that MINUSMA was the peacekeeping mission with the highest number of victims among peacekeepers served to underscore the crucial importance of high-quality equipment and well-trained troops, and called upon Member States to provide capacity to the Mission.³⁴⁶ At the 8229th meeting, held on 11 April, the representative of the United Kingdom called on all Member States to ensure that the continued shortfall of troop numbers and equipment, including the need for further air cover, reconnaissance capability and armoured personnel carriers, was generously met.³⁴⁷ The representative of the Netherlands reiterated that the attacks on MINUSMA personnel served as a reminder to Member States of their responsibility to provide MINUSMA with the appropriate equipment, both in terms of troops and capacities.³⁴⁸

³⁴¹ *Ibid.*, p. 59 (Djibouti) and p. 66 (Ukraine).

³⁴² [S/2017/1105](#) and [S/2018/273](#).

³⁴³ [S/PV.8163](#), pp. 5–6.

³⁴⁴ *Ibid.*, p. 17.

³⁴⁵ *Ibid.*, p. 7.

³⁴⁶ *Ibid.*, p. 16.

³⁴⁷ [S/PV.8229](#), p. 12.

³⁴⁸ *Ibid.*, p. 20.

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

During the period under review, the Council continued to adopt decisions reaffirming or recognizing the importance of triangular cooperation and consultations among the Council, Member States and the Secretariat in connection with peacekeeping operations, as well as with other stakeholders such as donors, host countries and regional and subregional organizations.³⁴⁹

Concerning the United Nations Disengagement Observer Force (UNDOF), the Council reaffirmed in two of its decisions that troop- and police-contributing countries should have access to reports and information related to the current temporary configuration of UNDOF and reinforced that such information assisted the Council with evaluating, mandating and reviewing UNDOF and with effective consultation with troop- and police-contributing countries.³⁵⁰

In 2018, no explicit references to Article 44 were made during discussions of the Council. This notwithstanding, the importance of consulting troop- and police-contributing countries on issues relating to the mandate of peacekeeping operations was addressed in varying degrees of depth and scope in meetings under the items entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))” in connection with the working methods of the Council (see case 15), “United Nations peacekeeping operations”, specifically focusing on collective action to improve United Nations peacekeeping operations (see case 16), and “Protection of civilians in armed conflict”, in considering the report of the Secretary-General on the protection of civilians in armed conflict³⁵¹ and the input from troop- and police-contributing countries in the formulation of mandates.³⁵²

Case 15

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

On 6 February 2018, at the initiative of Kuwait, which held the presidency for the month, the Council convened its 8175th meeting, held under the above-

³⁴⁹ [S/PRST/2018/10](#), twenty-seventh paragraph; and resolution [2436 \(2018\)](#), twelfth preambular paragraph and para. 10.

³⁵⁰ Resolutions [2426 \(2018\)](#), thirteenth preambular paragraph; and [2450 \(2018\)](#), thirteenth preambular paragraph.

³⁵¹ [S/2018/462](#).

³⁵² [S/PV.8264](#).

mentioned item, concerning the working methods of the Council.³⁵³ At the meeting, various speakers addressed the importance of consultations with troop- and police-contributing countries in the context of peacekeeping operations. The representative of the United Kingdom stressed that the Council should work closely with troop- and police-contributing countries when considering peacekeeping deployments and mandates.³⁵⁴ The representative of Egypt considered it very important to develop close coordination between the Council and troop-contributing countries in the context of peacekeeping operations to ensure understanding between the Council and those countries in reviewing the mandates that troops had to implement on the ground and the means of overcoming the complex challenges they faced.³⁵⁵ The representative of China proposed that the Council weigh the views and concerns of troop-contributing countries during mission deployment and mandate adjustments, more actively engage troop-contributing countries, and enhance information-sharing mechanisms such as the Working Group on Peacekeeping Operations and meetings with troop-contributing countries.³⁵⁶ The representative of Côte d'Ivoire stated that consultations among the Council, the Secretariat and troop- and police-contributing countries enabled the views of those countries to be taken into account and made it possible to better prepare peacekeeping operations.³⁵⁷ Several speakers emphasized the need for meaningful participation by troop- and police-contributing countries to ensure an exchange of views that genuinely contributed to the review of the mandate.³⁵⁸ The representative of Italy said that giving due consideration to the views of troop- and police-contributing countries when renewing mandates was key to nurturing trust between those countries and Council members.³⁵⁹

The representative of Kuwait asserted that the Council needed to deepen its coordination with troop- and police-contributing countries.³⁶⁰ The representative of France underscored the need for the Council to continue to improve the transparency of its work with regard to troop-contributing countries in the framework

of discussions relating to peacekeeping.³⁶¹ The representative of Guatemala, emphasizing the importance of holding consultations among the Council, the Secretariat and troop- and police-contributing countries, said that the contribution of troops and police considerably increased the Council's ability to take appropriate, effective and timely decisions in fulfilling its responsibilities.³⁶² The representative of Slovakia asserted that the substantive engagement of the Council with troop-contributing countries should be improved to strengthen the basis for decision-making in the Council and the incentive for the general membership to support peacekeeping operations.³⁶³

The representative of Japan stated that troop-contributing countries might be able to contribute on mandate renewals. While co-penholding could be explored further in that regard, the way in which the negotiations were conducted was of greater significance. He said that penholders had the responsibility to explore the best possible outcome through an inclusive process, including by reaching out to troop-contributing countries.³⁶⁴ In addition, many participants offered specific proposals on the format of consultations between the Council and troop-contributing countries and the application of the note by the President of the Security Council (S/2017/50), dated 30 August 2017, also known as note 507.³⁶⁵

Case 16 United Nations peacekeeping operations

On 28 March 2018, at the initiative of the Netherlands, which held the presidency for the month, the Council convened its 8218th meeting, held under the above-mentioned item and the sub-item entitled "Collective action to improve United Nations peacekeeping operations".³⁶⁶ The Secretary-General briefed the Council on the challenges facing

³⁵³ The Council had before it a concept note annexed to a letter dated 24 January 2018 from the representative of Kuwait addressed to the Secretary-General (S/2018/66).

³⁵⁴ S/PV.8175, p. 15.

³⁵⁵ Ibid., p. 64.

³⁵⁶ Ibid., p. 23.

³⁵⁷ Ibid., p. 16.

³⁵⁸ Ibid., p. 25 (Brazil), pp. 47–48 (Indonesia) and p. 35 (Pakistan).

³⁵⁹ Ibid., p. 43.

³⁶⁰ Ibid., p. 40.

³⁶¹ Ibid., p. 9.

³⁶² Ibid., p. 50.

³⁶³ Ibid., p. 58.

³⁶⁴ Ibid., p. 24.

³⁶⁵ Ibid., pp. 3–4 (Executive Director of the Security Council Report), p. 14 (Ethiopia), p. 20 (Netherlands), p. 26 (Hungary), p. 29 (Germany), p. 32 (South Africa), pp. 34–35 (Turkey), p. 35 (Pakistan), p. 45 (New Zealand), p. 47 (Belgium), p. 52 (Saudi Arabia), pp. 59–60 (Uruguay) and p. 61 (Costa Rica). For further information on the format of meetings, see part II, sect. I.A.

³⁶⁶ The Council had before it a concept note annexed to a letter dated 2 March 2018 from the representative of the Netherlands addressed to the Secretary-General (S/2018/184).

peacekeeping operations and actions implemented on the peacekeeping front and submitted six specific requests for Member States, adding that triangular partnerships among the Council, troop- and police-contributing countries and the Secretariat were a vital part of reinforcing support for peacekeeping.³⁶⁷

During the discussion that ensued, the representative of China stated that troop-contributing countries must be given more opportunities to participate in discussions concerning the development and adjustment of mandates, which would also help to improve mandates.³⁶⁸ The representative of Norway suggested that consultations about when and how to deploy an operation should involve all stakeholders, including troop- and police-contributing countries.³⁶⁹ The representative of Argentina asserted that missions should be planned sufficiently in advance and be based on priorities established from the beginning in consultation with troop- and police-contributing countries.³⁷⁰ Several speakers emphasized the need to take into account the perspectives of troop- and police-contributing countries regarding the design, review and/or renewal of mandates.³⁷¹ The representative of Nepal stated further that it should be compulsory for penholders to consult with prospective troop- and police-contributing countries on mandates before they were finalized, to ensure that peacekeeping operations were designed and deployed solely to support an

inclusive domestic process.³⁷² The representative of the United Republic of Tanzania suggested that troop- and police-contributing countries should be consulted to ensure that the mandates were configured and realigned to clearly address the actual situation on the ground, with adequate force levels and capabilities commensurate with the proxy forces.³⁷³

The representative of France asserted that the development of evaluation, analysis and action tools and strategic reviews conducted by the Secretariat should include the participation of troop- and police-contributing countries and added that his country systematically consulted the contributors ahead of the renewal of mandates for which it was responsible and expressed its commitment to doing so even more regularly throughout the year.³⁷⁴

The representative of Thailand also underscored the importance of close consultations and communication among the Council, host countries and troop- and police-contributing countries in order to ensure that the mandate's objectives were met and delivered effectively.³⁷⁵

Some speakers underlined more broadly the importance of triangular consultation and partnerships among the Council, the Secretariat and troop- and police-contributing countries.³⁷⁶

³⁶⁷ S/PV.8218, pp. 3–4.

³⁶⁸ Ibid., p. 25.

³⁶⁹ Ibid., p. 39.

³⁷⁰ Ibid., p. 44.

³⁷¹ Ibid., p. 29 (Indonesia), p. 48 (Italy) and p. 57 (El Salvador).

³⁷² Ibid., p. 58.

³⁷³ Ibid., p. 70.

³⁷⁴ Ibid., p. 17.

³⁷⁵ Ibid., p. 37.

³⁷⁶ Ibid., p. 57 (El Salvador), p. 60 (Jordan), p. 68 (Morocco), p. 75 (Cuba) and p. 80 (Viet Nam).

VI. Role and composition of the Military Staff Committee in accordance with Articles 46 and 47 of the Charter

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. *There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.*

2. *The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.*

3. *The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.*

4. *The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.*

Note

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

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

While Article 46 was not referred to in any of the Council's discussions, at the 8362nd meeting, held on 26 September 2018 under the item entitled "Maintenance of international peace and security", the President of Equatorial Guinea recalled that disarmament, being one of the longest-standing objectives of the United Nations, was the subject of resolution 1 (1946), the first Council resolution

adopted under Article 47 of the Charter.³⁷⁷ In addition, while the Military Staff Committee was not mentioned in any of the decisions of the Council, several speakers referred to it at the 8175th meeting of the Council, held on 6 February under the item entitled "Implementation of the note by the President of the Security Council (S/2017/507)". At that meeting, the representative of Sweden recalled that the elected Council members had requested that their representatives be invited to participate in the missions of the Military Staff Committee.³⁷⁸ The representative of Poland also mentioned that initiative of the elected members, noting that it was a way of enhancing the inclusiveness and effectiveness of the Military Staff Committee.³⁷⁹ The representative of the Netherlands stated that the role of the Military Staff Committee should be strengthened, especially when it came to the performance of missions in relation to the mandates.³⁸⁰

As is customary, the annual report of the Council to the General Assembly issued during the reporting period made reference to the activities of the Military Staff Committee.³⁸¹

³⁷⁷ S/PV.8362, pp. 6–7.

³⁷⁸ S/PV.8175, p. 20.

³⁷⁹ Ibid., p. 12.

³⁸⁰ Ibid., p. 20.

³⁸¹ See A/72/2, part IV.

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

Article 48

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

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

Note

Section VII covers the practice of the Council in relation to Article 48 of the Charter, regarding the obligation of all or some Member States to carry out the decisions of the Council for the maintenance of international peace and security. Under Article 48 (2), Member States shall carry out the decisions directly, or

through international organizations of which they are members. The section focuses on the types of obligations imposed on Member States pursuant to Article 48, and on the range of addressees designated by the Council to implement, or comply with, decisions adopted.

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

During the period under review, the Council did not explicitly invoke Article 48 in any of its decisions. The Council, however, adopted resolutions and issued presidential statements in which it underlined the obligation of Member States and other entities concerned to comply with the measures imposed under Chapter VII of the Charter pursuant to Article 48. The section is divided into two subsections. Subsection A covers decisions in which the Council required Member States to carry out action in relation to measures under Article 41. Subsection B covers decisions in which the Council required Member States to carry out action in relation to measures under Article 42. During 2018, no references to Article 48 were found in communications to the Council nor was there any discussion held in relation to the interpretation or application of that Article.

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

During the period under review and in relation to decisions adopted pursuant to Article 41 concerning sanctions, the Council frequently requested, or stressed the importance for, “all Member States” or “all States” to implement specific measures, including by taking “all necessary measures”.³⁸² The Council also requested Member States to assist or cooperate with the relevant sanctions committees, panels of experts and/or monitoring groups, including by providing the bodies with relevant information, reporting to them on actions taken to implement the sanctions measures, ensuring the safety of their members and providing them with unhindered access to persons, documents and sites.³⁸³ In addition, in support of sanctions

measures in connection with the situations in the Central African Republic and South Sudan, the Council authorized “all Member States” to seize, register and dispose of prohibited items.³⁸⁴

During the reporting period, the Council continued to address Governments of individual States when making requests to comply with measures adopted in relation to Article 41. In that regard, with respect to the situation in Libya, the Council called upon the Government of National Accord to improve the implementation of the arms embargo;³⁸⁵ to improve further the monitoring and control of arms or related materiel supplied, sold or transferred to Libya;³⁸⁶ and to support the investigatory work of the Panel of Experts inside Libya, including by sharing information.³⁸⁷ The Council also called upon all States, including Libya and countries in the region, to provide unhindered and immediate access, in particular to persons, documents and sites.³⁸⁸

Concerning the situation in Somalia, the Council requested the Federal Government of Somalia to facilitate access for the Panel of Experts, upon request by the Panel of Experts submitted at least 10 days in advance, and to allow photographs of weapons and ammunition in the custody of the Federal Government and access to all logbooks of the Federal Government and distribution records;³⁸⁹ to cooperate with the Panel of Experts to facilitate interviews of suspected members of Al-Shabaab and Islamic State in Iraq and the Levant (ISIL, also known as Da’esh) held in the custody of the Federal Government, in order to assist the Panel with its investigations;³⁹⁰ and to share information with the Panel regarding Al-Shabaab activities.³⁹¹ The Council also called upon the Federal Government of Somalia, in addition to “Member States”, to cooperate with the Panel of Experts in its investigations related to the export to Somalia of chemicals that might be used in the manufacture of explosive devices.³⁹² The Council

³⁸² Under the item entitled “The situation in the Central African Republic”, see resolution [2399 \(2018\)](#), twenty-third preambular paragraph and paras. 1, 9, 16 and 40; under the item entitled “The situation in the Middle East”, see resolution [2433 \(2018\)](#), para. 18 (Lebanon), and [S/PRST/2018/5](#), tenth paragraph (Yemen); under the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, see resolution [2428 \(2018\)](#), paras. 4 and 7 (South Sudan); and under the item entitled “The situation in Somalia”, see resolution [2444 \(2018\)](#), para. 41.

³⁸³ Under the item entitled “The situation in the Central African Republic”, see resolution [2399 \(2018\)](#), paras. 15, 37, 38 and 40; under the item entitled “Non-proliferation/Democratic People’s Republic of Korea”, see resolution [2407 \(2018\)](#), para. 5; under the item entitled “The situation in Libya”, see resolution [2441 \(2018\)](#), paras. 12, 16 and 17; under the item entitled “The

situation in the Middle East”, see resolution [2402 \(2018\)](#), paras. 8 and 10 (Yemen); under the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, see resolutions [2406 \(2018\)](#), para. 19, and [2428 \(2018\)](#), para. 19 (South Sudan); and under the item entitled “The situation in Somalia”, see resolution [2444 \(2018\)](#), paras. 29, 45 and 53.

³⁸⁴ Resolutions [2399 \(2018\)](#), para. 2; and [2428 \(2018\)](#), para. 9.

³⁸⁵ Resolution [2441 \(2018\)](#), para. 10.

³⁸⁶ *Ibid.*, para. 9.

³⁸⁷ *Ibid.*, para. 16.

³⁸⁸ *Ibid.*, para. 17.

³⁸⁹ Resolution [2444 \(2018\)](#), para. 18.

³⁹⁰ *Ibid.*, para. 34.

³⁹¹ *Ibid.*, para. 53.

³⁹² *Ibid.*, para. 29.

stressed that it was the primary responsibility of the Federal Government to notify the Committee pursuant to resolution 751 (1992) concerning Somalia of any deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training to its security forces, pursuant to paragraphs 3–8 of resolution 2142 (2014).³⁹³ The Council further reiterated that the Federal Government and the Federal Member States of Somalia would take the necessary measures to prevent the export of charcoal from Somalia.³⁹⁴

With respect to the situation in South Sudan, the Council called upon “all Member States, in particular States neighbouring South Sudan”, to inspect all cargo to South Sudan in their territory if the State concerned had reasonable grounds to believe the cargo contained items of which the supply, sale, or transfer were prohibited.³⁹⁵ The Council further required “any Member State” undertaking such inspections to submit an initial written report to the Committee established pursuant to resolution 2206 (2015) concerning South Sudan containing the grounds for and the results of the inspections, and, if any prohibited items were found, further required the Member State to submit to the Committee a subsequent written report containing relevant details.³⁹⁶ The Council also called upon “all Member States, especially those neighbouring South Sudan”, to ensure cooperation with the Panel of Experts, including by providing any information on illicit transfers of wealth from South Sudan into financial, property and business networks.³⁹⁷

As in previous years, the Council addressed requests to actors other than States to cooperate with the relevant committees and panels of experts on the implementation of specific measures adopted in relation to Article 41. In doing so, the Council used various formulas. For example, the Council addressed “all actors” with respect to the situation in Mali;³⁹⁸ “all parties” with regard to the situations in the Central African Republic,³⁹⁹ Libya⁴⁰⁰ and South Sudan;⁴⁰¹ and “other interested parties” with respect to the situation in the Democratic People’s Republic of Korea⁴⁰² and Libya.⁴⁰³ In addition, the Council also requested the

cooperation of international, regional and subregional organizations, in accordance with Article 48 (2), with the respective panels of experts on the Central African Republic,⁴⁰⁴ South Sudan⁴⁰⁵ and Yemen.⁴⁰⁶

Regarding decisions adopted in accordance with Article 41 in connection with judicial measures, the Council called upon “all States” to cooperate with and render all necessary assistance to the International Residual Mechanism for Criminal Tribunals towards the relocation of acquitted and convicted persons who had completed serving their sentences,⁴⁰⁷ and to intensify cooperation with and render all necessary assistance to the Mechanism, in particular to achieve the arrest and surrender of all remaining fugitives indicted by the International Criminal Tribunal for Rwanda.⁴⁰⁸ The Council called upon the authorities in Bosnia and Herzegovina to fully cooperate with the Mechanism.⁴⁰⁹

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, as well as the African Court on Human and Peoples’ Rights, in holding accountable the perpetrators of genocide, war crimes and crimes against humanity, including those committed in the context of the electoral process.⁴¹⁰

Similarly, in connection with the situation in Mali, the Council urged the Malian authorities to continue to cooperate with the International Criminal Court.⁴¹¹ The Council also recalled the importance of assistance and cooperation “by all parties concerned” with the Court in matters within its jurisdiction.⁴¹²

B. Decisions in which the Security Council required 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

³⁹³ Ibid., para. 22.

³⁹⁴ Ibid., para. 41.

³⁹⁵ Resolution 2428 (2018), para. 8.

³⁹⁶ Ibid., para. 10.

³⁹⁷ Ibid., para. 21.

³⁹⁸ Resolution 2423 (2018), twelfth preambular paragraph.

³⁹⁹ Resolution 2399 (2018), para. 15.

⁴⁰⁰ Resolution 2441 (2018), para. 17.

⁴⁰¹ Resolution 2428 (2018), para. 21.

⁴⁰² Resolution 2407 (2018), para. 5.

⁴⁰³ Resolution 2441 (2018), para. 16.

⁴⁰⁴ Resolution 2399 (2018), para. 37.

⁴⁰⁵ Resolutions 2406 (2018), para. 19; and 2428 (2018), para. 21.

⁴⁰⁶ Resolution 2402 (2018), para. 8.

⁴⁰⁷ Resolution 2422 (2018), para. 3.

⁴⁰⁸ Ibid., para. 4.

⁴⁰⁹ Resolution 2443 (2018), para. 1.

⁴¹⁰ Resolution 2409 (2018), seventeenth preambular paragraph and para. 11.

⁴¹¹ Resolution 2423 (2018), para. 61.

⁴¹² Ibid., twenty-second preambular paragraph.

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 that had made pledges to fill in troop and capacity gaps in the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to fully deploy those units within the announced time frame.⁴¹³ With regard to the situation in Somalia, the Council stressed the critical need to source fully functioning and mission-appropriate contingent-owned equipment, including force enablers and multipliers, for the African Union Mission in Somalia (AMISOM)⁴¹⁴ and reiterated its call on new and existing donors to support AMISOM through, inter alia, the provision of additional funding for troop stipends and equipment.⁴¹⁵

In 2018, the Council continued to call upon States and non-State actors to cooperate with peacekeeping operations to ensure the fulfilment of their respective Chapter VII mandates. In that regard, in relation to the situations in the Central African Republic⁴¹⁶ and Mali,⁴¹⁷ the Council urged “all parties” in the respective countries to cooperate fully with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and MINUSMA and to ensure their safety, security and freedom of movement, and called upon “Member States, especially those in the region”, to ensure the freedom of movement of personnel and equipment of MINUSCA⁴¹⁸ and MINUSMA.⁴¹⁹

With respect to the area of operations of the United Nations Interim Force in Lebanon (UNIFIL), the Council urged “all parties” to ensure that the freedom of movement of UNIFIL and its access to the Blue Line was fully respected and unimpeded.⁴²⁰

With regard to the situation in Abyei, the Council called upon “both parties”, namely South Sudan and the Sudan, to maintain standing clearance for all air and ground patrols of the United Nations Interim Security Force for Abyei (UNISFA) in order to facilitate full freedom of movement for UNISFA and the Joint Border Verification and Monitoring Mechanism.⁴²¹ The Council also called upon “all Member States, in particular Sudan and South Sudan”, to ensure the free, unhindered and expeditious movement of all UNISFA personnel and equipment.⁴²² In relation to the situation in Darfur, the Council called upon “all parties in Darfur” to remove all obstacles to the full and proper discharge of the mandate of the African Union-United Nations Hybrid Operation in Darfur, including by ensuring its security and freedom of movement.⁴²³ Concerning the situation in South Sudan, the Council demanded that the Transitional Government of National Unity comply with the obligations of the Status of Forces Agreement between the United Nations and the Government of the Republic of South Sudan concerning the United Nations Mission in South Sudan and immediately cease obstructing the United Nations Mission in South Sudan in the performance of its mandate.⁴²⁴

⁴¹³ Resolution 2423 (2018), thirty-first preambular paragraph.

⁴¹⁴ Resolution 2431 (2018), para. 14.

⁴¹⁵ *Ibid.*, para. 31.

⁴¹⁶ Resolution 2448 (2018), para. 64.

⁴¹⁷ Resolution 2423 (2018), para. 9.

⁴¹⁸ Resolution 2448 (2018), para. 65.

⁴¹⁹ Resolution 2423 (2018), para. 60.

⁴²⁰ Resolution 2433 (2018), para. 14.

⁴²¹ Resolution 2412 (2018), para. 3 (1).

⁴²² Resolutions 2416 (2018), para. 20; and 2445 (2018), para. 21.

⁴²³ Resolution 2429 (2018), para. 50.

⁴²⁴ Resolution 2406 (2018), para. 2.

VIII. Mutual assistance pursuant to Article 49 of the Charter

Article 49

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

Note

Section VIII covers the practice of the Council in relation to Article 49 of the Charter, concerning mutual

assistance among Member States in carrying out the measures decided upon by the Council.

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

to measures under Article 41. Subsection B covers decisions in which the Council requested mutual assistance in relation to measures under Article 42.

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

A. Decisions in which the Security Council requested 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, in particular 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 inspections.

For example, in connection with the situation in the Central African Republic, the Council urged the Government to enhance cooperation and information-sharing with other States in taking "the necessary measures to prevent the entry into or transit through their territories of individuals designated by the Committee".⁴²⁵

Concerning the situation in Libya, the Council called upon all Member States to cooperate in efforts aimed at ensuring the implementation of the arms embargo⁴²⁶ and urged Member States and regional organizations to provide assistance to the Government of National Accord, upon its request, to strengthen the infrastructure and mechanisms in place to secure arms and related materiel.⁴²⁷

With respect to the situation in Somalia, the Council urged Member States to support improved weapons and ammunition management to improve the

⁴²⁵ Resolution 2399 (2018), para. 9.

⁴²⁶ Resolution 2441 (2018), para. 10.

⁴²⁷ *Ibid.*, para. 9.

capacity of the Federal Government of Somalia to manage weapons and ammunition.⁴²⁸

Concerning the situation in South Sudan, the Council decided that all Member States should cooperate in efforts to seize and dispose of items of which the supply, sale or transfer was prohibited.⁴²⁹

B. Decisions in which the Security Council requested 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 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 continued to call upon Member States to assist the Lebanese Armed Forces as needed to enable them to perform their duties in line with resolution 1701 (2006).⁴³⁰

With respect to the situation in Libya and the question of migration, the Council reiterated the calls made in previous resolutions for "all flag States involved" to cooperate in efforts to inspect vessels suspected of being used for migrant smuggling or human trafficking from Libya.⁴³¹ The Council also reiterated its calls for Member States acting nationally or through regional organizations, including the European Union, to cooperate with the Government of National Accord and with each other, including by sharing information to assist Libya, upon request, in building capacity to secure its borders and to prevent, investigate and prosecute acts of smuggling of migrants and human trafficking through its territory and in its territorial sea.⁴³²

⁴²⁸ Resolution 2444 (2018), para. 20.

⁴²⁹ Resolution 2428 (2018), para. 9.

⁴³⁰ Resolution 2433 (2018), twenty-fifth preambular paragraph.

⁴³¹ Resolution 2437 (2018), para. 2. See also resolution 2240 (2015), para. 9.

⁴³² *Ibid.* See also resolutions 2240 (2015), paras. 2 and 3; 2312 (2016), paras. 2 and 3; and 2380 (2017), paras. 2 and 3.

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

Article 50

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

Note

Section IX covers the practice of the 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.⁴³³ None of the Council-mandated sanctions committees received formal requests for assistance under Article 50.

The Council did not explicitly invoke Article 50 in any of its decisions during the reporting period. However, consistent with prior practice in connection with the situation in Somalia, on 6 November 2018, the Council requested that cooperating States take appropriate steps to ensure that the authorized activities they undertook in the fight against piracy and armed robbery at sea off the coast of Somalia did not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State.⁴³⁴

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

For example, at the 8175th meeting of the Council, held under the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)” on 6 February 2018, the representative of the Plurinational State of Bolivia underscored the

need to conduct periodic reviews to determine whether sanctions were effective and if they hurt local populations.⁴³⁵ The representative of Thailand stressed that sanctions should continue to be targeted in order to minimize unintended economic and social consequences, while the representative of Egypt commended the Council on the progress made towards more intelligent and effective sanctions that reduced the negative and unintended impact on civilians and countries not parties to the conflict.⁴³⁶

At the 8185th meeting, held on 21 February 2018 under the item entitled “Maintenance of international peace and security”, the Secretary-General emphasized the need to avoid unintended consequences of sanctions, including humanitarian ones.⁴³⁷ The representative of the Plurinational State of Bolivia further reiterated the need to ensure that sanctions had the least possible humanitarian impact on civilian populations, while the representative of France noted the remarkable progress of the Council with respect to the increasingly targeted nature of sanctions, which reduced their impact on civilians.⁴³⁸

Lastly, at the 8363rd meeting, held on 27 September 2018 under the item entitled “Non-proliferation/Democratic People’s Republic of Korea”, the representative of the Netherlands highlighted the key role that a well-functioning Committee established pursuant to resolution 1718 (2006) could play in taking action against sanctions violations and in minimizing their humanitarian impact.⁴³⁹ The representative of Equatorial Guinea was in favour of improving the mechanism of the Committee and seeking sanctions that caused fewer humanitarian crises and had a lesser impact on third countries.⁴⁴⁰ The representative of Sweden, while acknowledging that the responsibility for the dire humanitarian situation in the Democratic People’s Republic of Korea fundamentally rested with the Government, pointed out that there were concerns about the indirect negative impact of sanctions and said that enhanced efforts were needed to ensure that the humanitarian exemptions were safeguarded.⁴⁴¹

⁴³³ For more information on sanctions measures, see sect. III above.

⁴³⁴ Resolution 2442 (2018), para. 17.

⁴³⁵ S/PV.8175, p. 21.

⁴³⁶ Ibid., p. 54 (Thailand) and p. 64 (Egypt).

⁴³⁷ S/PV.8185, p. 4.

⁴³⁸ Ibid., p. 28 (Plurinational State of Bolivia) and p. 26 (France).

⁴³⁹ S/PV.8363, p. 7.

⁴⁴⁰ Ibid., p. 16.

⁴⁴¹ Ibid., p. 17.

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

Article 51

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

Note

Section X deals with the practice of the 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 Council. The Council did not refer to Article 51 or the right of self-defence in its decisions during the reporting period.

A. Discussions relating to Article 51

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

Discussions on thematic items

On 6 February 2018, during a meeting held under the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)”, five explicit invocations of Article 51 were made by the representatives of Brazil and Mexico. The representative of Brazil noted the increasing volume of communications from Member States invoking Article 51 to justify the use of military action for counter-terrorism purposes and stated that there was ample room for improvement regarding the content,

timing and circulation of such communications. He added that proper follow-up to such communications was needed to ensure that the obligations under the Charter were met and suggested the creation of a special section listing all communications received under Article 51 on the Council’s website.⁴⁴² The representative of Mexico also noted, and expressed concern in relation to, the continuous references to Article 51 by some States to address threats to international peace and security with military action, especially against non-State actors. He said his country was troubled that such a practice, coupled with the ambiguous language of recent Council resolutions, ran the risk of a de facto broadening of exceptions to the general prohibition on the use of force, as set out in Article 2 (4) of the Charter. He called for the Council to review and modify its working methods in order to lend transparency to the way in which it responded to letters addressed to it that invoked the right of self-defence under Article 51.⁴⁴³

Under the item entitled “Threats to international peace and security”, three meetings were held in 2018 during which either Article 51 was invoked explicitly or the right of self-defence was addressed. Explicit references to Article 51 were made during two of the three meetings, all in relation to the situation in the Syrian Arab Republic. First, during a meeting held on 13 April 2018 focused on the situation in the Middle East, the representative of the Plurinational State of Bolivia emphasized that the use of force was legal only in the exercise of the right to self-defence, in line with Article 51, or when approved by the Council.⁴⁴⁴ The representative of the Syrian Arab Republic stated that, if attacked, his country would have no other choice but to apply Article 51, which gave the country the legitimate right to defend itself.⁴⁴⁵ Second, the following day, on 14 April 2018, at an emergency meeting held in the wake of military strikes carried out in the Syrian Arab Republic by the United States, France and the United Kingdom, the representative of the Syrian Arab Republic claimed that “in response to this terrible aggression”, his country had exercised its legitimate right in line with Article 51 to defend itself.⁴⁴⁶ Third, on 30 May 2018, at a meeting held under the same item concerning the deteriorating

⁴⁴² S/PV.8175, pp. 24–25.

⁴⁴³ Ibid., pp. 57–58.

⁴⁴⁴ S/PV.8231, p. 14.

⁴⁴⁵ Ibid., p. 22.

⁴⁴⁶ S/PV.8233, p. 21.

situation in Gaza,⁴⁴⁷ the representative of the United States urged the Council members to exercise at least as much scrutiny when it came to the actions of the Hamas terrorist group as it did to the “legitimate right of self-defence” of Israel.⁴⁴⁸ The representative of the United Kingdom expressed full support for the right of Israel to self-defence and the “right to defend its citizens from such acts of terror”⁴⁴⁹. The representative of Ethiopia said that it was impossible to deny Israel the right to self-defence, a right that came with a responsibility to ensure proportionality under the circumstances of escalating violence.⁴⁵⁰ The representative of Peru condemned any attack against civilians while also recognizing the right of Israel to guarantee its own security and to deploy legitimate defence measures, in line with the principles of proportionality, precaution and legality.⁴⁵¹ The representative of Equatorial Guinea similarly called upon the Israeli authorities to use proportionate force in their “legitimate self-defence”.⁴⁵²

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

In addition, on 9 November 2018, at a meeting held under the same item and under the sub-item entitled “Strengthening multilateralism and the role of the United Nations”, three speakers explicitly referred to Article 51. The representative of the Plurinational State of Bolivia stressed that the use of force was lawful only when in exercise of self-defence in accordance with Article 51 or when approved by the Council.⁴⁵³ The representative of Liechtenstein similarly noted that the Charter had made the use of force illegal, with only two exceptions: self-defence in accordance with Article 51 and the authorization of the use of force by the Council. He lamented the recent “widening interpretation” of the notion of self-defence, without much discussion or consequence.⁴⁵⁴ On a

similar note, the representative of Brazil emphasized the need not to lose sight of the fundamental notion that the prohibition on the use of force was the rule, thereby making self-defence and Chapter VII authorizations the exception. He voiced disagreement with interpretations that sought to expand the scope of the right to self-defence, in particular with regard to non-State actors, and called on the Council to follow up on notifications received under Article 51 to ensure that the obligations laid out in the Charter were being fulfilled.⁴⁵⁵ The representative of the Russian Federation also recalled the basic principles and norms of international relations, including the ban on the use of force in international relations without the permission of the Council or beyond the limits of self-defence.⁴⁵⁶

Discussions on country- and region-specific items

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

Under the item entitled “The situation in the Middle East, including the Palestinian question”, the Council engaged in two extensive discussions on the question of the right of Israel to self-defence under Article 51 of the Charter (see case 18). In addition, during a meeting under the item entitled “The situation in the Middle East, including the Palestinian question”, held on 25 January 2018, the representative of Turkey made an explicit reference to Article 51 in connection with the conflict in the Syrian Arab Republic. He affirmed that Operation Olive Branch was being conducted in line with Article 51 and with full respect for the territorial integrity of the Syrian Arab Republic.⁴⁵⁷

On 24 February 2018, under the item entitled “The situation in the Middle East”, the representative of the Syrian Arab Republic stated that according to Article 51, his country had the right to defend itself with all the legal tools available. He criticized the military presence of the United States in Syrian territories and reiterated that according to Article 51, his country had the right to defend itself.⁴⁵⁸

On 26 November 2018, under the item entitled “Letter dated 28 February 2014 from the Permanent Representative of Ukraine to the United Nations

⁴⁴⁷ For further details, see part I, sect. 24, “The situation in the Middle East, including the Palestinian question”.

⁴⁴⁸ S/PV.8272, p. 5.

⁴⁴⁹ Ibid.

⁴⁵⁰ Ibid., p. 10.

⁴⁵¹ Ibid., p. 11.

⁴⁵² Ibid., p. 15.

⁴⁵³ S/PV.8395, p. 25.

⁴⁵⁴ Ibid., p. 30.

⁴⁵⁵ Ibid., p. 62.

⁴⁵⁶ Ibid., p. 14.

⁴⁵⁷ S/PV.8167, p. 54.

⁴⁵⁸ S/PV.8188, p. 13.

addressed to the President of the Security Council (S/2014/136)", the representative of Ukraine affirmed that his country was ready to use all available means in exercising the right to self-defence, as provided for in Article 51.⁴⁵⁹

Lastly, on 19 December 2018, at a meeting held under the item entitled "The situation in the Middle East", several speakers addressed the question of the right of Israel to self-defence in connection with alleged violations of the Blue Line in the form of illegal tunnels from Lebanon into Israel (see case 19).⁴⁶⁰

Case 17 Maintenance of international peace and security

On 17 May 2018, at the initiative of Poland, which held the presidency for the month, the Council convened its 8262nd meeting, held under the above-mentioned item and the sub-item entitled "Upholding international law within the context of the maintenance of international peace and security".⁴⁶¹ During the debate, the representative of Turkey emphasized that, in the context of maintaining international peace and security, the Charter underlined the prohibition of the use of force and the legitimate right to self-defence, enshrined in Article 51.⁴⁶² The representative of China, underscoring the importance of respect for the principles contained in the Charter, including the sovereignty and territorial integrity of all countries, stressed that unilateral operations not authorized by the Council or not carried out in the exercise of the right of self-defence ran counter to the purposes and principles of the Charter.⁴⁶³

Several speakers deliberated on the scope and limits of the right to self-defence under Article 51. The representative of the Russian Federation recalled that Articles 2 (4) and 51 of the Charter clearly stated that military force against a State was permitted only when sanctioned by the Council or for self-defence. He also criticized the military presence of the United States and the coalition that it led in the Syrian Arab Republic. The coalition partners justified themselves by making "awkward references to self-defence against terrorism" and "so-called geopolitical stabilization"

and coming up with a legal formula of "illegal but legitimate". He noted that "this international legal nihilism" had culminated in the aggression against the Syrian Arab Republic on 14 April.⁴⁶⁴ The representative of Brazil pointed out that Article 51 was an exception to Article 2 (4) and that since the latter mentioned States, the former must be interpreted in that light, meaning that self-defence must be a response to an armed attack undertaken by or attributable to a State. He referred to the advisory opinion of the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, which held that Article 51 of the Charter recognized the existence of an inherent right of self-defence in the case of an armed attack by one State against another. He also made reference to the *travaux préparatoires* of the Charter of the United Nations, stressing that it was implausible to impute to the drafters the intention to make self-defence applicable outside inter-State conflicts. Lastly, he reaffirmed that Article 51 was restrictive and should not be rewritten or reinterpreted. The conditions for any reinterpretation of Article 51 were strict and could not be changed by the practice of a few States.⁴⁶⁵

The representative of Mexico said that the justifications presented by some States for using force in legitimate self-defence showed the need to consider the limits imposed by Article 51 and the inherent right of self-defence, and added that a lack of rigour in interpreting Article 51 could lead to abuse, putting international peace and security at risk. He said that of particular concern was the authorization of the use of force against non-State actors, due to a lack of legal clarity in that regard.⁴⁶⁶ The representative of Cyprus expressed similar concerns about recent attempts to "open the door" of Article 51 to the threat of terrorism in response to armed attacks perpetrated by non-State actors, which he cautioned carried the potential to escalate violence and abusive invocations of self-defence.⁴⁶⁷

The representative of Argentina expressed concern about the issue of notifications under Article 51 and called for the Council to ensure greater transparency on its follow-up to such communications.⁴⁶⁸

⁴⁵⁹ S/PV.8410, p. 12.

⁴⁶⁰ S/PV.8432.

⁴⁶¹ The Council had before it a concept note annexed to a letter dated 3 May 2018 from the representative of Poland addressed to the Secretary-General (S/2018/417/Rev.1).

⁴⁶² S/PV.8262, p. 81.

⁴⁶³ Ibid., p. 20.

⁴⁶⁴ Ibid., p. 27.

⁴⁶⁵ Ibid., p. 44.

⁴⁶⁶ Ibid., p. 47.

⁴⁶⁷ Ibid., p. 80.

⁴⁶⁸ Ibid., pp. 65–66.

Case 18
**The situation in the Middle East, including the
Palestinian question**

On 1 June 2018, the Council convened its 8274th meeting, held under the above-referenced item. At the meeting, the Council voted on two draft resolutions submitted by Kuwait (S/2018/516) and by the United States (S/2018/520), respectively.⁴⁶⁹ The representative of the United States said that Council members could choose to condemn the terrorists responsible for inciting violence in Gaza and against condemning a country for acting in self-defence.⁴⁷⁰ The representative of Kuwait expressed the view that Israel was an “occupying Power” and stated that “the right to self-defence should not apply to the aggressor and occupier”.⁴⁷¹

The representative of Peru reaffirmed the right of Israel to guarantee its security and legitimate defence.⁴⁷² The representative of Poland, while recognizing the right of Israel to protect its border and defend its civilian population, called on Israel to respect the rights of Palestinian civilians to peaceful protests and to adhere to the principle of proportionality in the use of force when defending its legitimate security interests.⁴⁷³ The representative of Ethiopia stated that the right of Israel to self-defence carried with it the responsibility to ensure proportionality.⁴⁷⁴

During a subsequent meeting held on 24 July 2018 under the same item, the representative of the United States stated that while very careful attention was paid to every step Israel took in self-defence, it was important not to lose sight of the very real damage that was being done to Israel by terrorist attacks coming from Gaza.⁴⁷⁵

The representative of Peru, while strongly condemning the firing of rockets and incendiary devices that endangered the lives of civilians and caused material damage, emphasized that the legitimacy of the right to self-defence of Israel depended on its adherence to the principles of proportionality and precaution.⁴⁷⁶ The representative of Poland, while recognizing the right of Israel to protect

its borders and defend its legitimate security interests, urged Israel to ensure the proportional use of force and to respect the right to peaceful protests.⁴⁷⁷ The representative of Argentina similarly urged Israel to take into account its obligations under international humanitarian law and international human rights law when exercising “its inalienable right to legitimate defence”.⁴⁷⁸

Case 19
The situation in the Middle East

On 19 December 2018, the Council convened its 8432nd meeting, held under the above-mentioned item, during which the Council discussed alleged violations of the Blue Line in the form of illegal tunnels from Lebanon into Israel. At the meeting, the representative of the United States expressed strong support for the efforts of Israel to defend its sovereignty and unconditionally affirmed the country’s right to self-defence.⁴⁷⁹ The representatives of the United Kingdom, the Netherlands, Peru and Equatorial Guinea also recognized the right of Israel to defend itself.⁴⁸⁰ The representative of the Russian Federation, while acknowledging the right of Israel to defend its national security, including by preventing any illegal penetration of its territory by anyone, expressed hope that any action taken in that regard would not run counter to the provisions of resolution 1701 (2006) defining the rules of conduct of the parties in the area of the Blue Line, which he said was not an internationally recognized boundary.⁴⁸¹

The representative of Lebanon expressed concern over the words of the Prime Minister of Israel claiming the right of Israel to “pre-emptive self-defence”, and added that what was seen by the Prime Minister as self-defence was seen as a “threat in Beirut”. He said that the so-called Israeli right to “pre-emptive self-defence” had no international legal basis and was used to justify illegal aggressive acts and invasions.⁴⁸² The representative of Israel reiterated that Israel had the full right, like any other nation in the world, to defend itself, its sovereignty and its people, and noted that Israel would continue Operation Northern Shield to protect itself and ensure the safety of its people.⁴⁸³

⁴⁶⁹ For further information on the vote, see part I, sect. 24, “The situation in the Middle East, including the Palestinian question”.

⁴⁷⁰ S/PV.8274, p. 3.

⁴⁷¹ Ibid., p. 12.

⁴⁷² Ibid., p. 9.

⁴⁷³ Ibid., p. 7.

⁴⁷⁴ Ibid., p. 11.

⁴⁷⁵ S/PV.8316, p. 10.

⁴⁷⁶ Ibid., p. 18.

⁴⁷⁷ Ibid., p. 21.

⁴⁷⁸ Ibid., p. 29.

⁴⁷⁹ S/PV.8432, p. 3.

⁴⁸⁰ Ibid., p. 6 (United Kingdom), p. 8 (Netherlands), p. 10 (Peru) and p. 12 (Equatorial Guinea).

⁴⁸¹ Ibid., p. 11.

⁴⁸² Ibid., p. 15.

⁴⁸³ Ibid., pp. 17–18.

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

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

In addition, references to the principle of self-defence were found in other communications from several Member States, including the Syrian Arab Republic, declaring that it had exercised its legitimate right of self-defence in response to the military strikes carried out by the United States, France and the United Kingdom on 14 April in the Syrian Arab Republic;⁴⁸⁴ the Islamic Republic of Iran, claiming its right to self-defence in relation to “pre-emptive military attacks” purportedly carried out by Israel;⁴⁸⁵ the Islamic Republic of Iran, invoking the right to self-defence of the Syrian Arab Republic in response to an alleged “aggression” by Israel that included “launching rocket attacks and air strikes”;⁴⁸⁶ the Islamic Republic of Iran, indicating that the Iranian missile programme was an effective means for exercising “the right to self-

defence in the event of any armed attack;⁴⁸⁷ Lebanon, underscoring that Israel must “be stopped from using the pretext of ‘self-defence’ to launch devastating wars”;⁴⁸⁸ and Armenia, in relation to the Nagorno-Karabakh dispute, claiming that Artsakh had “no other choice but to resort to self-defence”.⁴⁸⁹

Article 51 of the Charter was also explicitly referenced in the sixth report of the Secretary-General on the implementation of resolution 2231 (2015) and in the letter dated 11 December 2018 from the Security Council Facilitator for the implementation of resolution 2231 (2015) addressed to the President of the Council,⁴⁹⁰ both of which recalled letters received by the Council from the Islamic Republic of Iran invoking its legitimate right to self-defence under Article 51.⁴⁹¹ The remaining explicit references to Article 51 can be found in the letter from the representative of Kuwait transmitting a summary of the views and proposals put forward by participants in the open debate held on 6 February 2018 concerning the working methods of the Council.⁴⁹²

⁴⁸⁴ Identical letters dated 14 April 2018 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council (S/2018/352).

⁴⁸⁵ Letter dated 9 May 2018 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council (S/2018/445).

⁴⁸⁶ Letter dated 14 May 2018 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council (S/2018/459).

⁴⁸⁷ Letter dated 28 November 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council (S/2018/1061).

⁴⁸⁸ Identical letters dated 12 November 2018 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council (S/2018/1018).

⁴⁸⁹ Letter dated 20 February 2018 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General (S/2018/150).

⁴⁹⁰ S/2018/1106.

⁴⁹¹ See S/2018/697 and S/2018/891, respectively, both of which are included in table 13.

⁴⁹² Identical letters dated 5 April 2018 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General and the President of the Security Council (S/2018/399). See also S/PV.8175.

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

<i>Document symbol</i>	<i>Document title</i>
S/2018/53	Identical letters dated 20 January 2018 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2018/82	Identical letters dated 1 February 2018 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2018/141	Identical letters dated 20 February 2018 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

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

<i>Document symbol</i>	<i>Document title</i>
S/2018/423	Letter dated 3 May 2018 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the President of the Security Council
S/2018/433	Letter dated 3 May 2018 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General
S/2018/607	Letter dated 13 June 2018 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the President of the Security Council
S/2018/830	Letter dated 11 September 2018 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council
S/2018/891	Letter dated 3 October 2018 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2018/967	Letter dated 29 October 2018 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2018/1022	Letter dated 13 November 2018 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
