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## **Part VII**

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

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## **Introductory note**

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

In the period under review, the Council invoked Chapter VII in roughly half of the resolutions it adopted: 35 out of 65 resolutions in 2008 (53.8 per cent), and 22 out of 47 resolutions in 2009 (46.8 per cent) were adopted under Chapter VII.

With regard to the determination of a threat to the peace according to Article 39, the Council expressed its concern about growing or emerging threats to security in West Africa, notably terrorist activities in the Sahel region, maritime insecurity in the Gulf of Guinea, and illicit drug trafficking. The Council determined the situations in Afghanistan, Bosnia and Herzegovina, Chad, the Central African Republic and the subregion, Darfur (Sudan), Lebanon and the Sudan as ongoing threats to international peace and security while excluding the situation in Iraq from this determination. In connection with the situations in Côte d'Ivoire, the Democratic Republic of the Congo, Haiti, Liberia and Somalia, the Council determined that such situations continued to pose a threat to "international peace and security in the region", while it did not make this determination for the situations in Burundi and Sierra Leone. The Council regularly determined that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbated the situation in Somalia, which continued to constitute a threat to international peace and security in the region. In its consideration of thematic issues, the Council stressed that sexual violence, when used or commissioned as a tactic of war, could significantly exacerbate situations of armed conflict and might impede the restoration of international peace and security.

The Council imposed new measures under Chapter VII, of the type provided for in Article 41, against Eritrea, and expanded the measures against the Democratic People's Republic of Korea and the Islamic Republic of Iran, while modifying the measures against Côte d'Ivoire, the Democratic Republic of the Congo and Liberia. The Council terminated the remaining measures imposed under Article 41 against Rwanda. There were no new judicial measures established during the period, but the tribunals for Rwanda, the former Yugoslavia and Lebanon continued to function.

The Council adopted several resolutions authorizing United Nations peacekeeping missions, as well as multinational forces, to undertake enforcement actions under Article 42. In connection with the mission deployed in the Central African Republic and Chad, the Council authorized the deployment of a United Nations military component for the first time in 2009 to follow up operations by the European Union in Chad and the Central African Republic. The Council continued to authorize enforcement action for United Nations peacekeeping missions in Côte d'Ivoire, Darfur (Sudan), the Democratic Republic of the Congo, Lebanon and the Sudan. With regard to multinational forces, the Council authorized enforcement action for operations by the European Union in Bosnia and Herzegovina and in Chad and the Central African Republic, and by the African Union in Somalia. The Council also renewed the authorization of the use of force for the multinational forces already deployed in Afghanistan, while the mandate of multinational forces deployed in Iraq was allowed to lapse in the period under review.

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The mission deployed in the Central African Republic and Chad was given a more robust mandate, partially under Chapter VII, that included authorization to use all necessary means to protect civilians under threat. In connection with piracy off the coast of Somalia, the Council adopted a series of resolutions under Chapter VII and progressively expanded the authorization of anti-piracy measures involving the use of force by States cooperating with the Transitional Federal Government of Somalia.

In the period under review, the Council often stressed that the measures it was taking under Chapter VII of the Charter should be consistent with applicable international human rights law. It did so in the context of piracy and in the context of counter-terrorism by stressing that States must ensure that any measures taken to implement the relevant resolutions comply with all of their obligations under international law, in particular international human rights law, refugee law and international humanitarian law.

Part VII focuses on selected material (in sections I to X) that may best serve to highlight how the provisions of Chapter VII of the Charter were interpreted by the Council in its deliberations and applied in its decisions. Individual Articles of the Charter are covered in separate sections of this part.

Sections I to IV focus on the practice of the Council relevant to Articles 39 to 42, while sections V and VI focus on Articles 43 to 47 regarding command and deployment of military forces. Sections VII and VIII address, respectively, the obligations of Member States under Articles 48 and 49, and sections IX and X deal with the practice of the Council with respect to Articles 50 and 51. Each section contains subsections on the relevant decisions and deliberations of the Council, as appropriate.

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

### Article 39

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

### Note

This section concerns the practice of the Security Council with regard to the determination of the existence of a threat to the peace, breach of the peace, or act of aggression in accordance with Article 39. It provides information on when the Council has determined the existence of a threat and examines instances where the existence of a threat was debated. Accordingly, this section is divided into two subsections. Subsection A gives an overview of the decisions of the Council in which determinations were made regarding the existence of a threat to the peace, whereas subsection B presents case studies reflecting the arguments advanced during the Council's deliberations in connection with the adoption of some of the resolutions reflected in subsection A.

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

During the period under review, the Council did not explicitly invoke Article 39 of the Charter in any of its decisions nor did it determine the existence of any breach of the peace or act of aggression. The Council, however, adopted numerous resolutions determining,

or expressing concern at, the existence of threats to the peace.

### New threats

During the period under review, the Security Council determined for the first time that “the dispute between Djibouti and Eritrea” constituted a “threat to international peace and security” in one resolution adopted in connection with peace and security in Africa.

In a series of presidential statements under two items relating to Africa, particularly West Africa, the Council also expressed concern at the issue of drug trafficking and organized crime as threats to regional or international peace, stability or security. In 2009, the Council was concerned by “growing and emerging threats to security in West Africa” such as illicit drug trafficking which posed a threat to regional stability. At the end of 2009, the Council noted with concern the “serious threats” posed by drug trafficking and related transnational organized crime “to international security in different regions of the world, including in Africa” (see table 1).

With regard to women and peace and security, in resolution 1820 (2008), the Council stressed that sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, could significantly exacerbate situations of armed conflict and might impede the restoration of international peace and security.<sup>1</sup>

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<sup>1</sup> Resolution 1820 (2008), para. 1; reaffirmed in resolution 1888 (2009), para. 1 (see table 2).

Table 1  
**Determination of new threats to regional or international peace and security in 2008-2009**

<i>Decision and date</i>	<i>Provision</i>
<b>Peace consolidation in West Africa</b>	
S/PRST/2009/20 10 July 2009	The Council also expresses its concern over the fact that the progress achieved remains fragile. The Council is concerned, in particular, by growing or emerging threats to security in West Africa, notably terrorist activities in the Sahel band, maritime insecurity in the Gulf of Guinea and illicit drug trafficking, which pose a threat to regional stability with possible impact on international security (fifth paragraph)
<b>Peace and security in Africa</b>	
S/PRST/2009/32 8 December 2009	The Council notes with concern the serious threats posed, in some cases, by drug trafficking and related transnational organized crime to international security in different regions of the world, including in Africa. The increasing link, in some cases, between drug trafficking and the financing of terrorism is also a source of growing concern (second paragraph)
Resolution 1907 (2009) 23 December 2009	Determining that Eritrea's actions undermining peace and reconciliation in Somalia as well as the dispute between Djibouti and Eritrea constitute a threat to international peace and security (penultimate preambular paragraph)

### **Continuing threats**

The Council determined in 2008 and 2009 that the situations in Afghanistan, Lebanon, the Sudan and Darfur continued to constitute threats to international peace and security; in connection with Bosnia and Herzegovina and with Chad, the Central African Republic and the subregion, respectively, the Council determined that the situation “in the region” and the situation “in the region of the border” between the three countries continued to constitute a threat to international peace and security; the Council further determined that the situations in Côte d’Ivoire, the Democratic Republic of the Congo, Haiti, Liberia and Somalia continued to pose a threat to “international peace and security in the region” (see table 2).

In all of those instances, following the determination of the existence of a threat to the peace, the Council, in the same resolutions, took measures in accordance with Articles 40, 41 or 42 of the Charter to maintain or restore international peace and security, such as the imposition and extension of sanctions measures or the authorization of United Nations, regional or multinational peacekeeping operations

under Chapter VII of the Charter, which sometimes included the use of force.<sup>2</sup>

During the period under review the Council also recognized a new issue as having an exacerbating impact on a situation which had been determined to be a continuing threat to international peace and security. With regard to Somalia, by a series of resolutions, the Council determined that the incidents of piracy and armed robbery against vessels at sea off the coast of Somalia exacerbated the situation in Somalia, which continued to constitute a threat to international peace and security in the region. Subsequent to this determination, the Council authorized measures under Article 42 of the Charter to be taken by Member States cooperating with the Transitional Government of Somalia in the combat against piracy.<sup>3</sup>

In connection with the Great Lakes region, the Council considered that the continued presence of Rwandan armed groups operating in the eastern Democratic Republic of the Congo continued to pose a “serious threat to the peace and security of the entire Great Lakes region.” It also strongly condemned attacks by the Lord’s Resistance Army in the

<sup>2</sup> For more information, see sections II, III and IV below.

<sup>3</sup> For more information, see sect. IV, case 16, below.

Democratic Republic of the Congo and southern Sudan, which posed a continuing threat to regional security.

It is to be noted that during the period under review it was determined that the situations in Burundi, Iraq and Sierra Leone, which had been determined to be threats to the peace during the previous period under review (2004-2007), no longer constituted such threats.

In its decisions on thematic items, the Council also identified generic threats to peace and security caused by the proliferation of nuclear, chemical and biological weapons; deliberate targeting of civilians; and sexual violence when used or commissioned as a tactic of war, and expressed its readiness to consider all such situations and where necessary adopt appropriate and effective measures. For example, the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, was reaffirmed as a threat to international peace and security under three items concerning non-proliferation. With regard to non-proliferation/Democratic People's Republic of Korea, following the country's nuclear test on 25 May 2009, the Council adopted resolution 1874 (2009), in which it expressed the gravest concern that the nuclear test and missile activities carried out by the Democratic

People's Republic of Korea had further generated increased tension in the region and beyond, and determined that there continued to "exist a clear threat to international peace and security". In connection with the maintenance of international peace and security, the Council emphasized in resolution 1887 (2009) that a situation of non-compliance with non-proliferation obligations should be brought to its attention with a view to determining if that situation constituted a threat to international peace and security. The Council stressed its primary responsibility in addressing such threats.

As had been the case during the previous period under review, the Council reaffirmed that terrorism in all its forms and manifestations constituted "one of the most serious threats to international peace and security", and that reaffirmation was often made in the context of responses to terrorist attacks around the world. In connection with the protection of civilians in armed conflict, the Council reiterated that the deliberate targeting of civilian populations and the commission of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict might constitute a threat to international peace and security.

Table 2

**Decisions in which the Council referred to continuing threats to the peace in 2008-2009**

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in Afghanistan</b>	
Resolution 1833 (2008) 22 September 2008	Determining that the situation in Afghanistan still constitutes a threat to international peace and security (twenty-second preambular paragraph)  <i>Same provision in resolution 1890 (2009), twenty-fourth preambular paragraph</i>
<b>The situation in Bosnia and Herzegovina</b>	
Resolution 1845 (2008) 20 November 2008	Determining that the situation in the region continues to constitute a threat to international peace and security (penultimate preambular paragraph)  <i>Same provision in resolution 1895 (2009), penultimate preambular paragraph</i>
<b>The situation in Chad, the Central African Republic and the subregion</b>	
Resolution 1834 (2008) 24 September 2008	Determining that the situation in the region of the border between the Sudan, Chad and the Central African Republic constitutes a threat to international peace and security (ultimate preambular paragraph)  <i>Same provision in resolution 1861 (2009), ultimate preambular paragraph</i>



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Decision and date

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### The situation in Côte d'Ivoire

- Resolution [1795 \(2008\)](#)  
15 January 2008
- Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region (penultimate preambular paragraph)
- Same provision in resolutions [1826 \(2008\)](#), penultimate preambular paragraph, and [1842 \(2008\)](#), penultimate preambular paragraph*
- Resolution [1842 \(2008\)](#)  
29 October 2008
- Decides that any threat to the electoral process in Côte d'Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution [1572 \(2004\)](#) (para. 6)
- [S/PRST/2008/42](#)  
7 November 2008
- The Council recalls that, pursuant to resolutions [1572 \(2004\)](#) and [1842 \(2008\)](#), any threat to the electoral process in Côte d'Ivoire shall constitute a threat to the peace and national reconciliation process and it reaffirms its determination to impose targeted measures against any person designated by its sanctions committee concerning Côte d'Ivoire to be responsible for these threats (fifth paragraph)
- Resolution [1865 \(2009\)](#)  
27 January 2009
- Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region (penultimate preambular paragraph)
- Same provision in resolutions [1880 \(2009\)](#), penultimate preambular paragraph, and [1893 \(2009\)](#), penultimate preambular paragraph*

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

- Resolution [1799 \(2008\)](#)  
15 February 2008
- 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)
- Same provision in resolutions [1807 \(2008\)](#), penultimate preambular paragraph; [1843 \(2008\)](#), penultimate preambular paragraph; [1856 \(2008\)](#), penultimate preambular paragraph; [1857 \(2008\)](#), penultimate preambular paragraph; [1896 \(2009\)](#), penultimate preambular paragraph; and [1906 \(2009\)](#), penultimate preambular paragraph*

### The situation in Guinea-Bissau

- [S/PRST/2008/37](#)  
15 October 2008
- The Council remains seriously concerned by the continued growth in drug trafficking as well as organized crime, which threatens peace and security in Guinea-Bissau and in the subregion (sixth paragraph)
- [S/PRST/2009/29](#)  
5 November 2009
- The Council further notes that the situation in Guinea-Bissau continues to be extremely fragile, in particular as a result of increased drug trafficking and organized crime that could pose a threat to regional stability, and should be addressed by an approach of shared responsibility (sixth paragraph)

### The situation in the Great Lakes region

Resolution [1804 \(2008\)](#)  
13 March 2008

Expressing its grave concern at the continued presence of the Forces démocratiques de libération du Rwanda, ex-Rwandan Armed Forces/Interahamwe and other Rwandan armed groups referred to in the joint communiqué of the Governments of the Democratic Republic of the Congo and the Republic of Rwanda signed at Nairobi on 9 November 2007 (“the Nairobi communiqué”) operating in the eastern part of the Democratic Republic of the Congo, which continues to pose a serious threat to the peace and security of the entire Great Lakes region (third preambular paragraph)

[S/PRST/2008/48](#)  
22 December 2008

The Council strongly condemns the recent attacks by the Lord’s Resistance Army in the Democratic Republic of the Congo and Southern Sudan, which pose a continuing threat to regional security (fourth paragraph)

### The question concerning Haiti

Resolution [1840 \(2008\)](#)  
14 October 2008

Determining that the situation in Haiti continues to constitute a threat to international peace and security in the region, despite the progress achieved thus far (penultimate preambular paragraph)

*Same provision in resolution [1892 \(2009\)](#), penultimate preambular paragraph*

### The situation in Liberia

Resolution [1819 \(2008\)](#)  
18 June 2008

Determining that, despite significant progress having been made in Liberia, the situation there continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)

*Same provision in resolutions [1854 \(2008\)](#), penultimate preambular paragraph, and [1903 \(2009\)](#), penultimate preambular paragraph*

Resolution [1836 \(2008\)](#)  
29 September 2008

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

*Same provision in resolution [1885 \(2009\)](#), penultimate preambular paragraph*

### The situation in the Middle East

Resolution [1832 \(2008\)](#)  
27 August 2008

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

*Same provision in resolution [1884 \(2009\)](#), ultimate preambular paragraph*

### The situation in Somalia

Resolution [1801 \(2008\)](#)  
20 February 2008

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

*Same provision in resolutions [1811 \(2008\)](#), penultimate preambular paragraph; [1814 \(2008\)](#), penultimate preambular paragraph; [1831 \(2008\)](#), penultimate preambular paragraph; [1844 \(2008\)](#), penultimate preambular paragraph; [1853 \(2008\)](#), penultimate preambular paragraph; [1863 \(2009\)](#), penultimate preambular paragraph; and [1872 \(2009\)](#), penultimate preambular paragraph*

<i>Decision and date</i>	<i>Provision</i>
Resolution 1816 (2008) 2 June 2008	Determining that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbate the situation in Somalia which continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)  <i>Same provision in resolutions 1838 (2008), penultimate preambular paragraph; 1846 (2008), penultimate preambular paragraph; 1851 (2008), penultimate preambular paragraph; and 1897 (2009), penultimate preambular paragraph</i>
S/PRST/2008/41 30 October 2008	The Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed (fifth paragraph)

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

Resolution 1812 (2008) 30 April 2008	Determining that the situation in the Sudan continues to constitute a threat to international peace and security (ultimate preambular paragraph)  <i>Same provision in resolutions 1870 (2009), ultimate preambular paragraph, and 1881 (2009), ultimate preambular paragraph</i>
Resolution 1828 (2008) 31 July 2008	Determining that the situation in Darfur, Sudan, continues to constitute a threat to international peace and security (ultimate preambular paragraph)
Resolution 1841 (2008) 15 October 2008	Determining that the situation in the Sudan continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)  <i>Same provision in resolution 1891 (2009), penultimate preambular paragraph</i>

#### **Threats to international peace and security caused by terrorist acts**

S/PRST/2008/19 2 June 2008	The Council reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security, and that any acts of terrorism are criminal and unjustifiable, regardless of their motivation, wherever, whenever and by whomsoever committed (third paragraph)  <i>Same provision in S/PRST/2008/31, third paragraph; S/PRST/2008/32, third paragraph; S/PRST/2008/35, third paragraph; and S/PRST/2009/22, third paragraph</i>  The Council further reaffirms the need to combat by all means, in accordance with the Charter of the United Nations, threats to international peace and security caused by terrorist acts. The Council reminds States that they must ensure any measures taken to combat terrorism comply with all their obligations under international law, in particular international human rights, refugee and humanitarian law (fourth paragraph)  The Council reiterates its determination to combat all forms of terrorism, in accordance with its responsibilities under the Charter (fifth paragraph)
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Resolution [1822 \(2008\)](#)  
30 June 2008

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

*Same provision in resolution [1904 \(2009\)](#), second preambular paragraph*

Noting with concern the continued threat posed to international peace and security by Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, and reaffirming its resolve to address all aspects of that threat (penultimate preambular paragraph)

[S/PRST/2008/45](#)  
9 December 2008

The Security Council, underlining that peace and security in the world are indivisible and taking into account the interconnection and interdependence of the world, reaffirms that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed. It further reaffirms its determination to combat threats to international peace and security caused by acts of terrorism by all possible means in accordance with the Charter of the United Nations (first paragraph)

Resolution [1904 \(2009\)](#)  
17 December 2009

Noting with concern the continued threat posed to international peace and security, 10 years after the adoption of resolution [1267 \(1999\)](#), by Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, and reaffirming its resolve to address all aspects of that threat (penultimate preambular paragraph)

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

Resolution [1887 \(2009\)](#)  
24 September 2009

Reaffirming that the proliferation of weapons of mass destruction, and their means of delivery, constitutes a threat to international peace and security (fourth preambular paragraph)

Emphasizes that a situation of non-compliance with non-proliferation obligations shall be brought to the attention of the Security Council, which shall determine if that situation constitutes a threat to international peace and security, and emphasizes the primary responsibility of the Council in addressing such threats (para. 1)

#### **Non-proliferation/Democratic People's Republic of Korea**

Resolution [1874 \(2009\)](#)  
12 June 2009

Reaffirming that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security (second preambular paragraph)

Expressing the gravest concern that the nuclear test and missile activities carried out by the Democratic People's Republic of Korea have further generated increased tension in the region and beyond, and determining that there continues to exist a clear threat to international peace and security (eighth preambular paragraph)

*Decision and date*

*Provision*

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### **Non-proliferation of weapons of mass destruction**

Resolution 1810 (2008)  
25 April 2008

Affirming its resolve to take appropriate and effective actions against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery, in conformity with its primary responsibilities, as provided for in the Charter of the United Nations (fifth preambular paragraph)

### **Protection of civilians in armed conflict**

Resolution 1894 (2009)  
11 November 2009

Notes that the deliberate targeting of civilians as such and other protected persons, and the commission of systematic, flagrant and widespread violations of applicable international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, and reaffirms in this regard its readiness to consider such situations and, where necessary, to adopt appropriate steps (para. 3)

### **Women and peace and security**

Resolution 1888 (2009)  
30 September 2009

Reaffirms that sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, can significantly exacerbate situations of armed conflict and may impede the restoration of international peace and security, affirms in this regard that effective steps to prevent and respond to such acts of sexual violence can significantly contribute to the maintenance of international peace and security, and expresses its readiness, when considering situations on the agenda of the Security Council, to take, where necessary, appropriate steps to address widespread or systematic sexual violence in situations of armed conflict (para. 1)

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## **B. Discussion relating to Article 39**

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

With regard to the situation in Georgia, the Council, while not determining this situation to be a threat to the peace, discussed the destabilizing effect of conflict in South Ossetia on security in the region (case 1). Under the item "Women and peace and security", the Council discussed the occurrence of sexual violence in armed conflict as a threat to international peace and security (case 2). In connection with the situation in Somalia, the Council deliberated on the impact which piracy and armed robbery off the coast of Somalia had on the situation in Somalia (case 3). Finally, under the item "Peace and security in Africa", Council members discussed whether the situation in Zimbabwe could be determined to be a

threat, in connection with a draft resolution on Zimbabwe which it failed to adopt (case 4).

### **Case 1 The situation in Georgia**

The Security Council convened its 5951st meeting, on 8 August 2008, in response to the request by the Russian Federation to consider "the aggressive actions of Georgia against South Ossetia".<sup>4</sup> The representative of the Russian Federation noted that, although his country had previously warned Council members of the likely escalation of the South Ossetian conflict, those warnings had been ignored and, as a consequence, the Council now had to discuss a situation that represented a "threat to regional security and peace".<sup>5</sup> The representative of Italy emphasized

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<sup>4</sup> S/2008/533.

<sup>5</sup> S/PV.5951, p. 2.

that even though the conflict did not appear on the Council's agenda, the Council could not dismiss its responsibilities vis-à-vis a situation that could further deteriorate and affect the stability of the entire region.<sup>6</sup>

At the 5952nd meeting, on 8 August 2008, the representative of the United Kingdom expressed his concern regarding the situation in Georgia, which involved an escalation in the fighting and further casualties. He pointed out that the situation was “a threat to peace and security in the region and beyond”.<sup>7</sup> Similarly, the representative of the United States stressed that the situation in Georgia “clearly poses a threat to international peace and security” that affected all Council members.<sup>8</sup>

At the 5953rd meeting, on 10 August 2008, the representative of the United States stated that the Council should do what it could to ensure adherence to the provisions of the Charter and take actions to address the threat to international peace and security.<sup>9</sup> Referring to an increasing number of victims, refugees and displaced persons, the representative of France expressed grave concern at the possible implications of the deteriorating situation for the peace and stability of the region. He called on the Council to shoulder its responsibilities and end a deteriorating process that was likely to have serious consequences for international peace and security.<sup>10</sup>

At the 5961st meeting, on 19 August 2008, the representative of France, referring to events following 7 August 2008, stated that instability had once again flared up on the flank of Europe, threatening peace in the region and risking serious tensions in international relations.<sup>11</sup>

## Case 2

### Women and peace and security

At the 5916th meeting, on 19 June 2008, a number of speakers touched upon the relationship between sexual violence and international peace and security: the representative of the United States reminded the Council that for years there had been a debate about whether sexual violence against women

was a security issue to be taken up by the Council. She was proud that the response to that lingering question was a resounding “yes”, as the Council had now acknowledged that sexual violence in conflict zones was, indeed, a security concern, affirming that sexual violence profoundly affected not only the health and safety of women, but also the economic and social stability of their nations.<sup>12</sup> While the Secretary-General stressed that sexual violence undermined efforts to cement peace,<sup>13</sup> the President of the General Assembly stated that sexual violence against women was an inherent and grave threat to human security.<sup>14</sup> The former Division Commander of the United Nations Organization Mission in the Democratic Republic of the Congo stated that sexual violence must be perceived as a threat to peace and security in the entire world, and in Africa in particular.<sup>15</sup>

Overall, speakers acknowledged that sexual violence against women could potentially and under specific circumstances constitute a threat to international peace and security.<sup>16</sup> The Chairman of the Peacebuilding Commission added that sexual violence undermined and threatened the potential for peace and stability.<sup>17</sup> The representative of Canada stressed that sexual and other forms of violence against civilians in conflict-affected situations could, in many circumstances, constitute a threat to international peace and security, and that it was more than clear in the Sudan, the Democratic Republic of the Congo and the Great Lakes region, for example, that sexual violence was a security problem requiring a security response.<sup>18</sup> The representative of Germany concurred that sexual violence was a security problem requiring a systematic security response.<sup>19</sup>

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<sup>12</sup> S/PV.5916, p. 3.

<sup>13</sup> *Ibid.*, p. 4.

<sup>14</sup> *Ibid.*, p. 7.

<sup>15</sup> *Ibid.*, p. 9.

<sup>16</sup> *Ibid.*, p. 10 (Croatia); p. 14 (United Kingdom); S/PV.5916 (Resumption 1), p. 6 (Netherlands); p. 8 (Iceland); pp. 14-15 (Ireland); pp. 17-18 (Republic of Korea); p. 19 (Austria); p. 22 (United Republic of Tanzania); p. 25 (Panama); p. 29 (Afghanistan); p. 32 (Tonga, on behalf of the Pacific small island developing States); p. 33 (Bosnia and Herzegovina); and p. 39 (Mauritania).

<sup>17</sup> *Ibid.*, p. 27.

<sup>18</sup> S/PV.5916 (Resumption 1), p. 15.

<sup>19</sup> *Ibid.*, p. 23.

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<sup>6</sup> *Ibid.*, p. 7.

<sup>7</sup> S/PV.5952, pp. 5-6.

<sup>8</sup> *Ibid.*, p. 7.

<sup>9</sup> S/PV.5953, p. 6.

<sup>10</sup> *Ibid.*, pp. 10-11.

<sup>11</sup> S/PV.5961, pp. 6-7.

At the end of the meeting, the Council unanimously adopted resolution 1820 (2008), in which it stressed that sexual violence, when used or commissioned as a tactic of war in order to deliberately target civilians or as a part of a widespread or systematic attack against civilian populations, could significantly exacerbate situations of armed conflict and might impede the restoration of international peace and security, and affirmed in that regard that effective steps to prevent and respond to such acts of sexual violence could significantly contribute to the maintenance of international peace and security.

### Case 3

#### The situation in Somalia

At its 5902nd meeting, on 2 June 2008, the Council unanimously adopted resolution 1816 (2008), by which it expressed grave concern at the threat that acts of piracy and armed robbery posed to the delivery of humanitarian aid to Somalia, the safety of commercial maritime routes and international navigation. The Council determined that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbated the situation in Somalia which continued to constitute a threat to international peace and security in the region.<sup>20</sup>

In the debate following the adoption of the resolution, the representative of Viet Nam stated that his country shared the concern regarding acts of piracy and armed robbery off the coast of Somalia, which posed a great threat to international navigation and the delivery of humanitarian aid to Somalia.<sup>21</sup> The representative of China pointed out that piracy constituted a grave threat not only to the political and peace processes of Somalia but also to the international efforts for humanitarian relief, and noted that piracy interfered with the safety and security of international shipping.<sup>22</sup> The representative of South Africa emphasized that the Council should be clear that it was the situation in Somalia, not piracy in and of itself, that constituted a threat to international peace and security, as piracy was a symptom of the situation in Somalia.<sup>23</sup>

At its 5987th meeting, on 7 October 2008, the Council unanimously adopted resolution 1838 (2008), by which, expressing grave concern at the recent proliferation of acts of piracy and armed robbery off the coast of Somalia, and the serious threat that posed to the delivery of humanitarian aid to Somalia, international navigation and the safety of commercial maritime routes and fishing activities in accordance with international law, the Council determined that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbated the situation in Somalia.

During the debate following the adoption of the resolution, the representative of France noted that the news in recent months had indicated that the threat posed by pirates in Somalia and to the international community as a whole was now global.<sup>24</sup>

At the 6020th meeting, on 20 November 2008, the representative of Costa Rica expressed concern over the increasing number of cases of armed robbery and kidnappings at sea. He noted that the establishment of links between the African Union Mission in Somalia, the current anti-piracy operation and future interventions should make it possible to respond effectively to the causes and consequences of lawlessness in Somalia, which now posed a threat to international peace and security.<sup>25</sup>

At the 6026th meeting, on 2 December 2008, following the unanimous adoption of resolution 1846 (2008), by which the Council reiterated that the incidents of piracy and armed robbery against vessels in the territorial waters of Somalia and the high seas off the coast of Somalia exacerbated the situation in Somalia, the representative of China stated that combating piracy was a new threat facing the international community and that, as it had an impact on the fundamental interests of Member States, it was obvious that the United Nations should play a leadership and coordinating role.<sup>26</sup>

At its 6046th meeting, on 16 December 2008, the Council unanimously adopted resolution 1851 (2008), in view of the dramatic increase in the incidents of piracy and armed robbery at sea off the coast of

<sup>20</sup> Resolution 1816 (2008), second and twelfth preambular paragraphs.

<sup>21</sup> S/PV.5902, p. 4.

<sup>22</sup> Ibid., p. 5.

<sup>23</sup> Ibid., p. 4.

<sup>24</sup> S/PV.5987, p. 3.

<sup>25</sup> S/PV.6020, p. 25.

<sup>26</sup> S/PV.6026, pp. 2-3.

Somalia in the past six months and determining that the incidents exacerbated the situation in Somalia.

During the debate that followed the adoption of the resolution, the representative of China, categorizing piracy off the coast of Somalia as an international matter, noted that the long-term delay in the settlement of the Somali issue was posing a serious threat to international peace and security, while the rampant piracy off the Somali coast had worsened the security situation in Somalia.<sup>27</sup> Similarly, the representatives of Viet Nam and Turkey pointed out that piracy and armed robbery in the waters off the coast of Somalia further aggravated the situation in that country, which continued to constitute a threat to international peace and security in the region.<sup>28</sup> The representative of Egypt said that there was no doubt that the current high-level meeting of the Security Council to discuss piracy and the means of combating it was ample testimony to the fact that the phenomenon had become a serious threat to international peace and security.<sup>29</sup>

At the 6158th meeting, on 9 July 2009, the representative of the Russian Federation noted that piracy off the coast of Somalia remained a serious destabilizing factor in the subregion and that there was also a growing risk that it would spread to other vulnerable areas off the African coast.<sup>30</sup> The representative of Uganda stressed that the situation in Somalia continued to disrupt international trade, through piracy, and posed a threat to international peace and security.<sup>31</sup> In resolution 1897 (2009) of 30 November 2009, the Council continued to be gravely concerned by the extended range of the piracy threat into the western Indian Ocean.

#### **Case 4 Peace and security in Africa**

At its 5933rd meeting, on 11 July 2008, under the item entitled “Peace and security in Africa”, owing to the negative vote of a permanent member, the Council failed to adopt a draft resolution<sup>32</sup> by which it would have imposed sanctions on Zimbabwe, and would also

have determined that the situation in Zimbabwe posed a threat to international peace and security in the region.<sup>33</sup>

Strongly opposing any Council action against his country, the representative of Zimbabwe argued that the situation in Zimbabwe did not represent a threat to international peace and security and emphasized that the draft resolution was a clear abuse of Chapter VII of the Charter, as it sought to impose sanctions on Zimbabwe under the pretext that the country was a threat to international peace and security “simply because the elections held did not yield a result favourable to the United Kingdom and its allies”.<sup>34</sup> The representative of the Libyan Arab Jamahiriya agreed that the situation in Zimbabwe did not fall within the purview of the mandate of the Council, as it did not constitute a threat to international peace and security and was a dispute between national Zimbabwean parties.<sup>35</sup> The representative of Viet Nam added that that view was shared by regional countries, especially the neighbours of Zimbabwe.<sup>36</sup> The representative of the Russian Federation argued that the problems of Zimbabwe could not be resolved by artificially elevating them to the level of a threat to peace and security.<sup>37</sup> The representative of China stressed that the development of the situation in Zimbabwe to date had not gone beyond the realm of internal affairs and did not constitute a threat to the world’s peace and security.<sup>38</sup>

On the other hand, several speakers held the view that the situation in Zimbabwe did constitute a threat to peace and security<sup>39</sup> or a “potential danger and threat to peace in southern Africa”.<sup>40</sup> The representative of the United Kingdom maintained that the draft resolution did not interfere in the internal affairs of an African State and that the Security Council had often determined that political instability and violence in one country had consequences for wider peace and security, which therefore required it to act. He affirmed that that remained true in Zimbabwe, and that the African Union had acknowledged the risk of the conflict spreading across the region.<sup>40</sup>

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<sup>27</sup> S/PV.6046, p. 5.

<sup>28</sup> *Ibid.*, p. 19 (Viet Nam); and p. 26 (Turkey).

<sup>29</sup> *Ibid.*, p. 30.

<sup>30</sup> S/PV.6158, p. 16.

<sup>31</sup> *Ibid.*, p. 24.

<sup>32</sup> S/2008/447.

<sup>33</sup> S/PV.5933, pp. 2-4.

<sup>34</sup> *Ibid.*, p. 5.

<sup>35</sup> *Ibid.*, p. 7.

<sup>36</sup> *Ibid.*, p. 9.

<sup>37</sup> *Ibid.*, p. 13.

<sup>38</sup> *Ibid.*, p. 10 (Costa Rica); p. 12 (Croatia); pp. 13-14 (Panama); and p. 14 (United States).

<sup>39</sup> *Ibid.*, p. 6 (Burkina Faso).

<sup>40</sup> *Ibid.*, p. 8.



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

### Article 40

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

### Note

This section deals with the practice of the Security Council vis-à-vis Article 40 regarding provisional measures with which the Council called upon the parties to comply in order to “prevent an aggravation of the situation”. Given that there was no constitutional discussion regarding Article 40 during the period 2008-2009, this section focuses on the decisions adopted during the period which may be of relevance to the Council’s interpretation and application of Article 40.

With regard to the item entitled “Non-proliferation”, in a communication sent to the Secretary-General dated 26 March 2008, the representative of the Islamic Republic of Iran asserted that the engagement of the Security Council in his country’s nuclear programme was “clearly contrary to the Charter”, arguing that the Council had never determined that nuclear programme to be a threat to international peace and security under Article 39 of the Charter and, thus, it could not adopt any measures against the Islamic Republic of Iran under Chapter VII of the Charter. Moreover, the representative of the Islamic Republic of Iran opined that the Council, before resorting to the measures stipulated in Articles 40 and 41 of the Charter, must have exhausted all required procedures under Chapter VI of the Charter.<sup>41</sup>

<sup>41</sup> S/2008/203, p. 6.

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

During the period under consideration, the Security Council did not adopt any resolution explicitly citing Article 40 of the Charter. However, in a number of instances, having determined the existence of a threat to the peace, the Council adopted decisions acting under Chapter VII of the Charter, without expressly referring to Article 40, which may be of relevance to the Council’s interpretation and application of Article 40.

From the present Supplement onward, materials covered in this section generally do not include demands or calls made by the Security Council in situations where it had already adopted measures under Article 41 or Article 42 of the Charter. An exception was made in cases where, although measures under Article 41 or Article 42 were already in place, the Council made a clear demand which was new and not directly related to the measures adopted previously under Article 41 or Article 42, such as the occurrence of a specific incident, the escalation of which needed to be prevented. For instance, while considering the item “Reports of the Secretary-General on the Sudan”, the Council, deeply regretting the recent outbreak of fighting in Abyei, the ensuing displacement of civilians and the obstruction to the freedom of movement of the United Nations Mission in the Sudan, urged the parties to facilitate immediate humanitarian support for the displaced citizens and support for their voluntary return as soon as an interim administration and the agreed security arrangements were in place.<sup>42</sup>

The present Supplement also covers cases in which provisional measures were adopted simultaneously with measures under Article 41 or Article 42. For example, under the item “Peace and security in Africa”, the Council determined that the dispute between Djibouti and Eritrea constituted a threat to international peace and security and called upon all Member States, including Eritrea, to support the Djibouti peace process and support reconciliation efforts by the Transitional Federal Government in Somalia, and demanded that Eritrea cease all efforts to destabilize or overthrow, directly or indirectly, the Transitional Federal

<sup>42</sup> S/PRST/2008/24, second paragraph.

Government.<sup>43</sup> In the same resolution, the Council demanded that all Member States, in particular Eritrea, cease arming, training and equipping armed groups and their members, including Al-Shabaab, that aimed to destabilize the region or incite violence and civil strife in Djibouti.<sup>44</sup>

During the period under review, the Council adopted a number of decisions calling upon the parties

to comply with a measure to prevent the aggravation of a situation. The types of measures that were assumed to have relevance to Article 40 in 2008 and 2009 included the following: (a) withdrawal of armed forces; (b) cessation of hostilities, respectively cessation of support of armed groups involved in hostilities; (c) negotiation of differences and disputes; and (d) creation of the conditions necessary for unimpeded delivery of humanitarian assistance (see table 3).

<sup>43</sup> Resolution 1907 (2009), para. 2.

<sup>44</sup> Resolution 1907 (2009), para. 16.

Table 3

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

<i>Type of measure</i>	<i>Decision and date</i>	<i>Provision</i>
<b>Reports of the Secretary-General on the Sudan</b>		
Withdrawal of armed forces	Resolution <a href="#">1812 (2008)</a> 30 April 2008	Calls upon the parties to address and find a mutually agreeable solution to the Abyei issue, and further urges all parties to redeploy their forces away from the disputed 1 January 1956 border and fully establish an interim administration in Abyei in accordance with the Comprehensive Peace Agreement (para. 7)
	Resolution <a href="#">1870 (2009)</a> 30 April 2009	Welcomes the agreement by the parties to submit the Abyei boundary dispute to the Abyei Arbitration Tribunal at the Permanent Court of Arbitration for resolution, calls upon the parties to abide by and implement the decision of the Tribunal on the final settlement of the Abyei boundary dispute, urges the parties to reach agreement on providing the funding of the Abyei Interim Administration in accordance with the Comprehensive Peace Agreement, and urges all parties to redeploy their military forces away from the disputed border of 1 January 1956 (para. 8)
Negotiation of differences and disputes	<a href="#">S/PRST/2008/24</a> 24 June 2008	The Council emphasizes that the peaceful resolution of the situation in Abyei is vital to the effective implementation of the Comprehensive Peace Agreement and peace in the region. The Council welcomes the agreements in the road map, including its provisions regarding revenue-sharing and the interim boundaries in Abyei. The Council urges the parties to use the opportunity created by the signing of the road map to resolve all outstanding issues related to implementation of the Agreement and welcomes the commitment of the parties to take unresolved issues to arbitration as necessary (first paragraph)

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Type of measure	Decision and date	Provision
Creation of the conditions necessary for unimpeded delivery of humanitarian assistance	<a href="#">S/PRST/2008/24</a> 24 June 2008	The Council deeply regrets the recent outbreak of fighting in Abyei, the ensuing displacement of civilians and the obstruction to the freedom of movement of the United Nations Mission in the Sudan. The Council urges the parties to facilitate immediate humanitarian support for the displaced citizens and support for their voluntary return as soon as an interim administration and the agreed security arrangements are in place (second paragraph)

### Peace and security in Africa

Cessation of hostilities, including support of armed groups involved in hostilities, negotiation of differences and disputes	Resolution <a href="#">1907 (2009)</a> 23 December 2009	<p>Calls upon all Member States, including Eritrea, to support the Djibouti peace process and support reconciliation efforts by the Transitional Federal Government in Somalia, and demands that Eritrea cease all efforts to destabilize or overthrow, directly or indirectly, the Transitional Federal Government (para. 2)</p> <p>Demands that all Member States, in particular Eritrea, cease arming, training and equipping armed groups and their members including Al-Shabaab, that aim to destabilize the region or incite violence and civil strife in Djibouti (para. 16)</p>
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## 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

During the period under review, the Security Council imposed new measures under Chapter VII, of the type provided for in Article 41, against Eritrea, and expanded the measures against the Democratic People's Republic of Korea and the Islamic Republic of Iran, while modifying the measures against Côte d'Ivoire, the Democratic Republic of the Congo and Liberia. The Council also terminated the remaining

measures imposed under Article 41 against Rwanda. There were no new judicial measures established during the period, but the tribunals for Rwanda, the former Yugoslavia and Lebanon continued to function.

There was also one instance where the Council considered but did not impose measures under Article 41. At its 5933rd meeting, on 11 July 2008, during consideration of the item entitled "Peace and security in Africa", the Council rejected a draft resolution<sup>45</sup> by which it would have condemned the Government of Zimbabwe's campaign of violence against the political opposition and the civilian population which had made it impossible for a free and fair election to occur, and imposed sanctions, under

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<sup>45</sup> The draft resolution (S/2008/447) was put to the vote, received 9 votes in favour, 5 against (China, Libyan Arab Jamahiriya, Russian Federation, South Africa, Viet Nam) and 1 abstention (Indonesia), and was not adopted owing to the negative votes of two permanent members of the Council. For more information, see sect. 1, case 4, above, and part I, sect. 17.

Chapter VII of the Charter, including an arms embargo and travel ban and assets freeze on certain individuals and entities.

Subsection A outlines the decisions of the Council imposing, modifying or terminating measures under Article 41 of the Charter. It is organized under three main headings, dealing with decisions on issues of a thematic nature, country-specific decisions, and judicial measures, respectively. Subsection B is organized under three headings also, each highlighting the salient issues that were raised in the Council's deliberations in connection with Article 41 of the Charter.

concerning sanctions measures and their implementation (see table 4). Such decisions were taken in relation to the items "Children and armed conflict", "Protection of civilians in armed conflict" and "Women and peace and security". In its decisions the Council, respectively, encouraged enhanced communication between its Working Group on Children and Armed Conflict and the sanctions committees; reiterated its willingness to respond to situations where civilians were being targeted through consideration of "appropriate measures" and affirmed its intention, when establishing sanctions regimes, to consider targeted measures against parties who commit rape and other forms of sexual violence against women and girls in situations of armed conflict.

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

### Decisions on thematic issues

The Council adopted several decisions on issues of a thematic nature which contain relevant information

Table 4

### Decisions on thematic issues relating to Article 41

<i>Decision</i>	<i>Provision</i>
<b>Children and armed conflict</b>	
<a href="#">S/PRST/2009/9</a> 29 April 2009	The Council welcomes the sustained engagement of its Working Group on Children and Armed Conflict and requests it to adopt, with the administrative support of the Secretariat, timely conclusions and recommendations in line with resolution <a href="#">1612 (2005)</a> . The Council encourages the Working Group to continue its review process, to enhance its ability to follow up the implementation of its recommendations and the development and implementation of action plans to halt the recruitment and use of children, and to consider and react in a timely manner to information on situations of children and armed conflict, in collaboration with the Office of the Special Representative of the Secretary-General and UNICEF. It also invites the Working Group to enhance its communication with relevant sanctions committees of the Council, including by forwarding pertinent information (fifteenth paragraph)
Resolution <a href="#">1882 (2009)</a> 4 August 2009	Requests enhanced communication between the Working Group and relevant Security Council sanctions committees, including through the exchange of pertinent information on violations and abuses committed against children in armed conflict (para. 7 (b))
<b>Protection of civilians in armed conflict</b>	
Resolution <a href="#">1894 (2009)</a> 11 November 2009	Reiterates its willingness to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately obstructed, including through the consideration of appropriate measures at the disposal of the Council in accordance with the Charter of the United Nations (para. 4)

Decision

Provision

### Women and peace and security

Resolution 1820 (2008) 19 June 2008	Affirms its intention, when establishing and renewing State-specific sanctions regimes, to take into consideration the appropriateness of targeted and graduated measures against parties to situations of armed conflict who commit rape and other forms of sexual violence against women and girls in situations of armed conflict (para. 5)
Resolution 1888 (2009) 30 September 2009	Reiterates its intention, when adopting or renewing targeted sanctions in situations of armed conflict, to consider including, where appropriate, designation criteria pertaining to acts of rape and other forms of sexual violence; and calls upon all peacekeeping and other relevant United Nations missions and United Nations bodies, in particular the Working Group on Children and Armed Conflict, to share with relevant Security Council sanctions committees, including through relevant monitoring groups and groups of experts of sanctions committees, all pertinent information about sexual violence (para. 10)

### Country-specific decisions relating to Article 41

The present subsection covers the country-specific decisions adopted during the period under review, by which the Council imposed, modified, strengthened or terminated sanctions regimes, in chronological order of the imposition of the sanctions. It includes references to the establishment of subsidiary bodies of the Council tasked to oversee the implementation of the relevant sanctions measures, namely sanctions committees, monitoring groups and panels of experts. It should be noted that the short descriptions of the mandatory measures — arms embargo, asset freeze, travel restrictions, restriction of air traffic and the like — are used for clarification only and are not intended to serve as legal definitions of the measures. The decisions of the Council relating to its committees or other subsidiary bodies are described in more detail in part IX of the present Supplement.

### Measures imposed against Iraq

#### *Background*

The Security Council first imposed a comprehensive trade and financial embargo following Iraq's invasion in Kuwait in 1990. This was modified by resolutions 1483 (2003) and 1546 (2004) and since

then active measures have included an arms embargo, an asset freeze, and an asset transfer to the Development Fund for Iraq, applying to senior officials of the former Iraqi regime, an embargo on chemical and biological weapons, non-proliferation measures requiring that Iraq halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes, a petroleum embargo requiring that all the proceeds of all sales of petroleum be put into the Development Fund for Iraq with 5 per cent going to the Compensation Fund for Kuwait, and restrictions on ballistic missiles with a range of over 150 kilometres. During the period, the sanctions regime was overseen by a sanctions committee established pursuant to resolution 1518 (2003).<sup>46</sup>

#### *Developments during 2008 and 2009*

During 2008 and 2009, the sanctions regime did not undergo any modifications.

Provisions of all decisions containing sanctions measures under Article 41 are set out in table 5.

<sup>46</sup> For more information, see part IX. Until 2003, the sanctions measures were overseen by the Committee established pursuant to resolution 661 (1990).

Table 5  
Sanctions measures

<i>Decision</i>	<i>Provision</i>
<b>Arms embargo: measures prior to 2008-2009<sup>a</sup></b>	
Resolution <a href="#">661 (1990)</a> 6 August 1990	Decides that all States shall prevent: <ol style="list-style-type: none"> <li>(a) The import into their territories of all commodities and products originating in Iraq or Kuwait exported therefrom after the date of the present resolution;</li> <li>(b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export or trans-shipment of any commodities or product from Iraq or Kuwait; and any dealings by their nationals or their flag vessels or in their territories in any commodities or products originating in Iraq or Kuwait and exported therefrom after the date of the present resolution, including in particular any transfer of funds to Iraq or Kuwait for the purposes of such activities or dealings;</li> <li>(c) The sale or supply by their nationals or from their territories or using their flag vessels of any commodities or products, including weapons or any other military equipment, whether or not originating in their territories but not including supplies intended strictly for medical purposes, and, in humanitarian circumstances, foodstuffs, to any person or body in Iraq or Kuwait or to any person or body for the purposes of any business carried on in or operated from Iraq or Kuwait, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply of such commodities or products (para. 3)</li> </ol>
Resolution <a href="#">1483 (2003)</a> 22 May 2003	Decides that, with the exception of prohibitions related to the sale or supply to Iraq of arms and related materiel other than those arms and related materiel required by the Authority to serve the purposes of this and other related resolutions, all prohibitions related to trade with Iraq and the provision of financial or economic resources to Iraq established by resolution <a href="#">661 (1990)</a> and subsequent relevant resolutions, including resolution <a href="#">778 (1992)</a> , shall no longer apply (para. 10)
Resolution <a href="#">1546 (2004)</a> 8 June 2004	Decides that the prohibitions related to the sale or supply to Iraq of arms and related materiel under previous resolutions shall not apply to arms or related materiel required by the Government of Iraq or the multinational force to serve the purposes of the present resolution, stresses the importance for all States to abide strictly by them, and notes the significance of Iraq's neighbours in this regard, and calls upon both the Government of Iraq and the multinational force to ensure that appropriate implementation procedures are in place (para. 21)
<b>Asset freeze: measures prior to 2008-2009<sup>a</sup></b>	
Resolution <a href="#">1483 (2003)</a> 22 May 2003	Decides that all Member States in which there are: <ol style="list-style-type: none"> <li>(a) Funds or other financial assets or economic resources of the previous Government of Iraq or its state bodies, corporations, or agencies, located outside Iraq as of the date of adoption of the present resolution; or</li> </ol>

Decision

Provision

(b) Funds or other financial assets or economic resources that have been removed from Iraq, or acquired, by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, shall freeze without delay those funds or other financial assets or economic resources and, unless these funds or other financial assets or economic resources are themselves the subject of a prior judicial, administrative or arbitral lien or judgement, immediately shall cause their transfer to the Development Fund for Iraq, it being understood that, unless otherwise addressed, claims made by private individuals or non-government entities on those transferred funds or other financial assets may be presented to the internationally recognized, representative government of Iraq; and decides also that all such funds or other financial assets or economic resources shall enjoy the same privileges, immunities, and protections as provided under paragraph 22 [of the resolution] (para. 23)

Resolution [1546 \(2004\)](#)  
8 June 2004

Recalls the continuing obligations of Member States to freeze and transfer certain funds, assets and economic resources to the Development Fund for Iraq in accordance with paragraphs 19 and 23 of resolution [1483 \(2003\)](#) and with resolution [1518 \(2003\)](#) (para. 29)

**Chemical and biological weapons embargo: measures prior to 2008-2009<sup>a</sup>**

Resolution [687 \(1991\)](#)  
3 April 1991

Decides that Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of:

(a) All chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities related thereto;

(b) All ballistic missiles with a range greater than 150 kilometers, and related major parts and repair and production facilities (para. 8)

Decides also, for the implementation of paragraph 8, the following:

(a) Iraq shall submit to the Secretary-General, within 15 days of the adoption of the present resolution, a declaration of the locations, amounts and types of all items specified in paragraph 8 and agree to urgent, on-site inspection as specified below;

(b) The Secretary-General, in consultation with the appropriate Governments and, where appropriate, with the Director-General of the World Health Organization, within 45 days of the adoption of the present resolution shall develop and submit to the Council for approval a plan calling for the completion of the following acts within 45 days of such approval:

(i) The forming of a special commission which shall carry out immediate on-site inspection of Iraq's biological, chemical and missile capabilities, based on Iraq's declarations and the designation of any additional locations by the special commission itself;

(ii) The yielding by Iraq of possession to the Special Commission for destruction, removal or rendering harmless, taking into account the requirements of public safety, of all items specified under paragraph 8 (a), including items at the additional locations designated by the Special Commission under paragraph (i) and the destruction by Iraq, under the supervision of the Special Commission, of all its missile capabilities, including launchers, as specified under paragraph 8 (b);

(iii) The provision by the Special Commission to the Director General of the International Atomic Energy Agency (IAEA) of the assistance and cooperation required in paragraphs 12 and 13 [of the resolution] (para. 9)

Decides further that Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified in paragraphs 8 and 9, and requests the Secretary-General, in consultation with the Special Commission, to develop a plan for the future ongoing monitoring and verification of Iraq's compliance with the present paragraph, to be submitted to the Council for approval within 120 of the adoption of the present resolution (para. 10)

**Non-proliferation measures: measures prior to 2008-2009<sup>a</sup>**

Resolution [687 \(1991\)](#)  
3 April 1991

See paragraph 9 of the resolution, under "Chemical and biological weapons embargo", above

Decides that Iraq shall unconditionally agree not to acquire or develop nuclear weapons or nuclear-weapon-usable material or any subsystems or components or any research, development, support or manufacturing facilities related to the above; to submit to the Secretary-General and the Director General of IAEA within 15 days of the adoption of the present resolution a declaration of the locations, amounts and types of all items specified above; to place all of its nuclear-weapon-usable materials under the exclusive control, for custody and removal, of the Agency, with the assistance and cooperation of the Special Commission as provided for in the plan of the Secretary-General discussed in paragraph 9 (b); to accept, in accordance with the arrangements provided for in paragraph 13, urgent on-site inspection and the destruction, removal or rendering harmless as appropriate of all items specified above; and to accept the plan discussed in paragraph 13 for the future ongoing monitoring and verification of its compliance with these undertakings (para. 12)

Resolution [707 \(1991\)](#)  
15 August 1991

Demands that Iraq:

...

(f) Halt all nuclear activities of any kind, except for use of isotopes for medical, agricultural or industrial purposes until the Council determines that Iraq is in full compliance with the present resolution and paragraphs 12 and 13 of resolution [687 \(1991\)](#) and IAEA determines that Iraq is in full compliance with its safeguards agreement with the Agency (para. 3)



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Decision

Provision

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### **Petroleum embargo: measures prior to 2008-2009<sup>a</sup>**

Resolution [1483 \(2003\)](#)  
22 May 2003

Decides that all export sales of petroleum, petroleum products and natural gas from Iraq following the date of adoption of the present resolution shall be made consistent with prevailing international market best practices, to be audited by independent public accountants reporting to the International Advisory and Monitoring Board referred to in paragraph 12 [of the resolution] in order to ensure transparency, and decides that, except as provided in paragraph 21 below, all proceeds from such sales shall be deposited into the Development Fund for Iraq until such time as an internationally recognized, representative Government of Iraq is properly constituted (para. 20)

Decides that 5 per cent of the proceeds referred to in paragraph 20 above shall be deposited into the Compensation Fund established pursuant to resolution [687 \(1991\)](#) and subsequent relevant resolutions and that, unless an internationally recognized, representative Government of Iraq and the Governing Council of the United Nations Compensation Commission, in the exercise of its authority over methods of ensuring that payments are made into the Compensation Fund, decide otherwise, this requirement shall be binding upon a properly constituted, internationally recognized, representative Government of Iraq and any successor thereto (para. 21)

### **Restrictions on ballistic missiles: measures prior to 2008-2009<sup>a</sup>**

Resolution [687 \(1991\)](#)  
3 April 1991

See paragraphs 8, 9 and 10 of the resolution, under “Chemical and biological weapons embargo”, above

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<sup>a</sup> No modifications were made in 2008-2009.

### **Measures imposed against Somalia and Eritrea**

#### *Background*

The sanctions regime against Somalia was established in 1992 with a comprehensive ban on all arms. This was expanded to prohibit the direct or indirect supply to Somalia of technical advice, financial and other assistance, and training related to military activities. Exemptions to the embargo have also been granted, including for supplies and technical assistance by States intended solely for the purpose of helping to develop security sector institutions, as well as for equipment related to the African Union Mission in Somalia (AMISOM).

During the period, a sanctions committee established pursuant to resolution [751 \(1992\)](#) and a monitoring group oversaw the regimes.<sup>47</sup>

#### *Developments during 2008 and 2009*

During the period under review, the Council made several major changes to the regime by imposing a range of targeted sanctions to cover specific groups in Somalia and, at the end of 2009, expanding the arms embargo and targeted measures to include Eritrea. In addition to these major changes, a number of minor adjustments, exemptions and clarifications were made to the regime by means of 10 resolutions.

In the first major expansion of the sanctions, by resolution [1844 \(2008\)](#) of 20 November 2008, the Council imposed a targeted arms embargo, including the supply of financial services related to military activities, asset freeze and travel ban on individuals or entities that threatened the peace, security or stability of Somalia, the Djibouti Agreement, the political process, or threaten the transitional federal institutions or AMISOM by force; acted in violation of the general arms embargo, or obstructed the delivery of humanitarian assistance to Somalia.

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<sup>47</sup> For more information, see part IX.

By resolution [1907 \(2009\)](#) of 23 December 2009, the Council imposed a general arms embargo on Eritrea, as well as a targeted arms embargo, including the provision of financial services related to military activities, asset freeze and travel ban on individuals or entities that violated the arms embargo, provided support from Eritrea to armed opposition groups which aim to destabilize the region; obstructed implementation

of resolution [1862 \(2009\)](#) concerning Djibouti; provided support to individuals or groups to perpetrate acts of violence or terrorist acts against other States or their citizens in the region; or obstructed the investigations or work of the Monitoring Group.

Provisions of all decisions containing sanctions measures, enforcement measures and other measures under Article 41 are set out in tables 6, 7 and 8.

Table 6  
Sanctions measures

<i>Decision</i>	<i>Provision</i>
<b>Arms embargo: measures taken prior to 2008-2009</b>	
Resolution <a href="#">733 (1992)</a> 23 January 1992	Decides, under Chapter VII of the Charter of the United Nations, that all States shall, for the purposes of establishing peace and stability in Somalia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Somalia until the Council decides otherwise (para. 5)
Resolution <a href="#">1356 (2001)</a> 19 June 2001	Reiterates to all States their obligation to comply with the measures imposed by resolution <a href="#">733 (1992)</a> , and urges each State to take the necessary steps to ensure full implementation and enforcement of the arms embargo (para. 1)
	Decides that the measures imposed by paragraph 5 of resolution <a href="#">733 (1992)</a> shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Somalia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only (para. 2)
	Decides also that the measures imposed by paragraph 5 of resolution <a href="#">733 (1992)</a> shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, as approved in advance by the Committee established pursuant to resolution <a href="#">751 (1992)</a> (para. 3)
Resolution <a href="#">1425 (2002)</a> 22 July 2002	Stresses that the arms embargo on Somalia prohibits financing of all acquisitions and deliveries of weapons and military equipment (para. 1)
	Decides that the arms embargo prohibits the direct or indirect supply to Somalia of technical advice, financial and other assistance, and training related to military activities (para. 2)
Resolution <a href="#">1725 (2006)</a> 6 December 2006	Decides that the measures imposed by paragraph 5 of resolution <a href="#">733 (1992)</a> and further elaborated in paragraphs 1 and 2 of resolution <a href="#">1425 (2002)</a> shall not apply to supplies of weapons and military equipment and technical training and assistance intended solely for the support of or use by the force referred to in paragraph 3 [of the resolution] (para. 5)

**Arms embargo: modifications in 2008-2009**

Resolution 1844 (2008) 20 November 2008	<p>Reaffirms the general and complete arms embargo against Somalia imposed by resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007) (para. 6)</p> <p>Decides that all Member States shall take the measures necessary to prevent the direct or indirect supply, sale or transfer of weapons and military equipment and the direct or indirect supply of technical assistance or training, financial and other assistance, including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment, to the individuals or entities designated by the Committee pursuant to paragraph 8 below (para. 7)</p> <p>Decides also that the provisions of paragraphs 1, 3 and 7 [of the resolution] shall apply to individuals, and that the provisions of paragraphs 3 and 7 shall apply to entities, designated by the Committee:</p> <p>(a) As engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti agreement of 19 August 2008 or the political process, or threaten the transitional federal institutions or the African Union Mission in Somalia by force;</p> <p>(b) As having acted in violation of the general and complete arms embargo reaffirmed in paragraph 6;</p> <p>(c) As obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia (para. 8)</p>
Resolution 1846 (2008) 2 December 2008	<p>Affirms also that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon in paragraphs 1 and 2 of resolution 1425 (2002) do not apply to supplies of technical assistance to Somalia solely for the purposes set out in paragraph 5 [of the resolution], which have been exempted from those measures in accordance with the procedure set out in paragraphs 11 (b) and 12 of resolution 1772 (2007) (para. 12)</p>
Resolution 1851 (2008) 16 December 2008	<p>Affirms also that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) shall not apply to weapons and military equipment destined for the sole use of Member States and regional organizations taking measures in accordance with paragraph 6 [of the resolution] (para. 11)</p>
Resolution 1853 (2008) 19 December 2008	<p>Stresses the obligation of all States to comply fully with the measures imposed by resolution 733 (1992), as well as resolution 1844 (2008) (para. 1)</p>
Resolution 1872 (2009) 26 May 2009	<p>Affirms that the measures imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon in paragraphs 1 and 2 of resolution 1425 (2002) shall not apply to supplies and technical assistance provided in accordance with paragraph 11 (b) of resolution 1772 (2007) to the Transitional Federal Government for the purposes of the development of its security sector institutions, consistent with the Djibouti peace process and subject to the notification procedure set out in paragraph 12 of resolution 1772 (2007) (para. 14)</p>

<i>Decision</i>	<i>Provision</i>
Resolution 1897 (2009) 30 November 2009	Notes again with concern the findings contained in the report of the Monitoring Group on Somalia of 20 November 2008 that escalating ransom payments and the lack of enforcement of the arms embargo established by resolution 733 (1992) are fuelling the growth of piracy off the coast of Somalia, <sup>a</sup> and calls upon all States to fully cooperate with the Monitoring Group (para. 2)
Resolution 1907 (2009) 23 December 2009	<p>Reiterates that all Member States, including Eritrea, shall comply fully with the terms of the arms embargo imposed by paragraph 5 of resolution 733 (1992), as elaborated upon and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007) on Somalia, and the provisions of resolution 1844 (2008) (para. 1)</p> <p>Decides that all Member States shall immediately take the measures necessary to prevent the sale or supply to Eritrea, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, and technical assistance, training, financial and other assistance related to military activities or to the provision, manufacture, maintenance or use of these items, whether or not originating in their territories (para. 5)</p> <p>Decides also that Eritrea shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all Member States shall prohibit the procurement of the items, training and assistance described in paragraph 5 above from Eritrea by their nationals, or using their flag vessels or aircraft, whether or not originating in the territory of Eritrea (para. 6)</p> <p>Decides further that all Member States shall take the measures necessary to prevent the direct or indirect supply, sale or transfer by their nationals or from their territories or using their flag vessels or aircraft of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned and the direct or indirect supply of technical assistance or training, financial and other assistance including investment, brokering or other financial services, related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of weapons and military equipment to the individuals or entities designated by the Committee pursuant to paragraph 15 below (para. 12)</p> <p>Decides that the provisions of paragraph 10 [of the resolution] shall apply to individuals, including but not limited to the Eritrean political and military leadership, and that the provisions of paragraphs 12 and 13 shall apply to individuals and entities, including but not limited to Eritrean political and military leadership, governmental, and parastatal entities, and entities privately owned by Eritrean nationals living within or outside of Eritrean territory, designated by the Committee as:</p> <ul style="list-style-type: none"><li>(a) Violating the measures established by paragraphs 5 and 6 above;</li><li>(b) Providing support from Eritrea to armed opposition groups which aim to destabilize the region;</li></ul>

Decision

Provision

(c) Obstructing the implementation of resolution 1862 (2009) concerning Djibouti;

(d) Harboring, financing, facilitating, supporting, organizing, training, or inciting individuals or groups to perpetrate acts of violence or terrorist acts against other States or their citizens in the region;

(e) Obstructing the investigations or work of the Monitoring Group on Somalia (para. 15)

**Asset freeze: measures taken in 2008-2009<sup>b</sup>**

Resolution 1844 (2008)  
20 November 2008

Decides that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities designated by the Committee pursuant to paragraph 8 [of the resolution], or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and further decides that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals, or by any individuals or entities within their territories, to or for the benefit of such individuals or entities (para. 3)

Decides that the measures imposed by paragraph 3 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of a negative decision by the Committee within three working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or

(c) To be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 3 above, and has been notified by the relevant State or Member States to the Committee (para. 4)

Decides that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 3 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of the present resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen (para. 5)

See also paragraph 8 of the resolution, under “Arms embargo” above

Resolution 1853 (2008)  
19 December 2008

Stresses the obligation of all States to comply fully with the measures imposed by resolution 733 (1992), as well as resolution 1844 (2008) (para. 1)

Resolution 1907 (2009)  
23 December 2009

Decides that all Member States shall freeze without delay the funds, other financial assets and economic resources which are on their territories on the date of adoption of the present resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the entities and individuals designated by the Committee pursuant to paragraph 15 [of the resolution], or by individuals or entities acting on their behalf or at their direction, and decides further that all Member States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any individuals or entities within their territories to or for the benefit of such individuals or entities (para. 13)

Decides also that the measures imposed by paragraph 13 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant Member State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources, and in the absence of a negative decision by the Committee within three working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant Member State(s) to the Committee and has been approved by the Committee;

(c) To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment, provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 15 below,, and has been notified by the relevant Member State(s) to the Committee (para. 14)

See also paragraph 15 of the resolution, under “Arms embargo” above

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Decision

Provision

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**Financial services restrictions: measures taken in 2008-2009<sup>b</sup>**

- Resolution 1844 (2008)  
20 November 2008 See paragraphs 7 and 8 of the resolution, under “Arms embargo” above
- Resolution 1853 (2008)  
19 December 2008 Stresses the obligation of all States to comply fully with the measures imposed by resolution 733 (1992), as well as resolution 1844 (2008) (para. 1)
- Resolution 1907 (2009)  
23 December 2009 See paragraphs 12 and 15 of the resolution, under “Arms embargo” above  
Demands that Eritrea cease facilitating travel and other forms of financial support to individuals or entities designated by the Committee and other sanctions committees, in particular the Committee established pursuant to resolution 1267 (1999), in line with the provisions set out in the relevant resolutions (para. 17)

**Travel ban or restrictions: measures taken in 2008-2009<sup>b</sup>**

- Resolution 1844 (2008)  
20 November 2008 Decides that all Member States shall take the measures necessary to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to paragraph 8 [of the resolution], provided that nothing in the present paragraph shall oblige a State to refuse its own nationals entry into its territory (para. 1)  
Decides also that the measures imposed by paragraph 1 above shall not apply:  
(a) Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or  
(b) Where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and national reconciliation in Somalia and stability in the region (para. 2)  
See also paragraph 8 of the resolution, under “Arms embargo” above
- Resolution 1853 (2008)  
19 December 2008 Stresses the obligation of all States to comply fully with the measures imposed by resolution 733 (1992), as well as resolution 1844 (2008) (para. 1)
- Resolution 1907 (2009)  
23 December 2009 Decides that all Member States shall take the measures necessary to prevent the entry into or transit through their territories of individuals designated by the Committee pursuant to the criteria in paragraph 15 [of the resolution], provided that nothing in the present paragraph shall oblige a State to refuse entry into its territory to its own nationals (para. 10)  
Decides also that the measures imposed by paragraph 10 above shall not apply:  
(a) Where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation; or  
(b) Where the Committee determines on a case-by-case basis that an exemption would otherwise further the objectives of peace and stability in the region (para. 11)  
See also paragraph 15 of the resolution, under “Arms embargo” above, and paragraph 17, under “Financial services restrictions” above

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<sup>a</sup> S/2008/769, enclosure, sect. VIII.C.

<sup>b</sup> No measures were taken prior to this period.

Table 7

**Enforcement measures**

<i>Decision</i>	<i>Provision</i>
<b>Cargo inspections: measures taken in 2008-2009<sup>a</sup></b>	
Resolution <a href="#">1907 (2009)</a> 23 December 2009	Calls upon all Member States to inspect, in their territories, including seaports and airports, in accordance with their national authorities and legislation, and consistent with international law, all cargo to and from Somalia and Eritrea, if the State concerned has information that provides reasonable grounds to believe the cargo contains items, the supply, transfer or export of which is prohibited by paragraphs 5 and 6 of the present resolution or the general and complete arms embargo to Somalia established pursuant to paragraph 5 of resolution <a href="#">733 (1992)</a> and elaborated upon and amended by subsequent resolutions for the purpose of ensuring strict implementation of those provisions (para. 7)
<b>Seizure of arms: measures taken in 2008-2009<sup>a</sup></b>	
Resolution <a href="#">1907 (2009)</a> 23 December 2009	Decides to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraphs 5 and 6 of the present resolution, seize and dispose of (either by destroying or rendering inoperable) items, the supply, sale, transfer or export of which is prohibited by paragraphs 5 and 6, and decides further that all Member States shall cooperate in such efforts (para. 8)

<sup>a</sup> No measures were taken prior to this period.

Table 8

**Other measures under Article 41**

<i>Decision</i>	<i>Provision</i>
<b>Conditions for termination or review</b>	
Resolution <a href="#">1844 (2008)</a> 20 November 2008	Decides that the measures outlined in paragraphs 1, 3 and 7 [of the resolution] cease to apply in respect of such individuals or entities if and at such time as the Committee removes them from the list of designated individuals and entities (para. 9)
<b>Intention to consider imposing measures</b>	
Resolution <a href="#">1801 (2008)</a> 20 February 2008	Reaffirms its intention to take measures against those who seek to prevent or block a peaceful political process, or those who threaten the transitional federal institutions or the African Union Mission in Somalia (AMISOM) by force, or take action that undermines stability in Somalia or the region (para. 5)
Resolution <a href="#">1814 (2008)</a> 15 May 2008	Recalls its intention to take measures against those who seek to prevent or block a peaceful political process, or those who threaten the transitional federal institutions or AMISOM by force, or take action that undermines stability in Somalia or the region, and therefore requests the Committee established pursuant to resolution <a href="#">751 (1992)</a> to provide, within 60 days of the adoption of the present resolution, recommendations on specific targeted measures to be imposed against such individuals or entities (para. 6)



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<i>Decision</i>	<i>Provision</i>
Resolution 1907 (2009) 23 December 2009	Affirms that it shall keep Eritrea's actions under review and that it shall be prepared to adjust the measures, including through their strengthening, modification or lifting, in the light of Eritrea's compliance with the provisions of the present resolution (para. 21)
<b>Intention to review sanctions</b>	
Resolution 1811 (2008) 29 April 2008	Reiterates its intention, in the light of the report of the Monitoring Group of 24 April 2008, <sup>a</sup> to consider specific action to improve implementation of and compliance with measures imposed by resolution 733 (1992) (para. 2)
Resolution 1844 (2008) 20 November 2008	Decides to review the measures outlined in paragraphs 1, 3 and 7 [of the resolution] within 12 months (para. 26)
Resolution 1853 (2008) 19 December 2008	Reiterates its intention to consider specific action to improve implementation of and compliance with measures imposed by resolution 733 (1992), as well as resolution 1844 (2008) (para. 2)
Resolution 1907 (2009) 23 December 2009	See paragraph 21 of the resolution, under "Intention to consider imposing Article 41 measures" above

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<sup>a</sup> S/2008/274.

### Measures imposed against Liberia

#### *Background*

The Security Council first established an arms embargo against Liberia in 1992 by resolution 788 (1992) and subsequently imposed a variety of measures, several of which were subsequently terminated.<sup>48</sup> In 2008, the arms embargo, an asset freeze against former President of Liberia Charles Taylor, his immediate family members, senior officials of the former Taylor regime, or other close allies or associates, and a travel ban for individuals who constituted a threat to the peace process and stability in Liberia, including certain senior members of former President Charles Taylor's Government were in force following a 12-month renewal to 19 December 2008.<sup>49</sup>

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<sup>48</sup> Terminated measures included embargoes on the export of diamonds and timber.

<sup>49</sup> Resolution 1792 (2007), para. 1.

During the period, a sanctions committee established pursuant to resolution 1521 (2003) and a panel of experts oversaw the regime.<sup>50</sup>

#### *Developments during 2008 and 2009*

The arms embargo was extended for a period of 12 months by resolution 1854 (2008) and was then replaced, by resolution 1903 (2009), with an arms embargo limited to all non-governmental entities and individuals operating in the territory of Liberia, while still requiring that States provide notification to the Committee of any shipments of arms to the Government of Liberia for a period of 12 months. The travel ban was extended twice for periods of 12 months, while the asset freeze, which had been established for an open-ended period, remained in force.

Provisions of all decisions containing sanctions measures and other measures under Article 41 are set out in tables 9 and 10.

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<sup>50</sup> For more information, see part IX.

Table 9  
Sanctions measures

<i>Decision</i>	<i>Provision</i>
<b>Arms embargo: measures prior to 2008-2009</b>	
Resolution 788 (1992) 19 November 1992	Decides, under Chapter VII of the Charter of the United Nations, that all States shall, for the purposes of establishing peace and stability in Liberia, immediately implement a general and complete embargo on all deliveries of weapons and military equipment to Liberia until the Council decides otherwise (para. 8)
Resolution 1343 (2001) 7 March 2001	Decides to terminate the prohibitions imposed by paragraph 8 of resolution 788 (1992) and to dissolve the Committee established pursuant to resolution 985 (1995) (para. 1) <ul style="list-style-type: none"> <li>(a) Decides that all States shall take the necessary measures to prevent the sale or supply to Liberia, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating in their territories;</li> <li>(b) Decides also that all States shall take the necessary measures to prevent any provision to Liberia by their nationals or from their territories of technical training or assistance related to the provision, manufacture, maintenance or use of the items referred to in subparagraph (a) above;</li> <li>(c) Decides further that the measures imposed by subparagraphs (a) and (b) above shall not apply to supplies of non-lethal military equipment, intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee established by paragraph 14 [of the resolution];</li> <li>(d) Affirms that the measures imposed by subparagraph (a) above do not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Liberia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only (para. 5)</li> </ul>
Resolution 1521 (2003) 22 December 2003	Decides to terminate the prohibitions imposed by paragraphs 5 to 7 of resolution 1343 (2001) and paragraphs 17 and 28 of resolution 1478 (2003) and to dissolve the Committee established pursuant to resolution 1343 (2001) (para. 1) <ul style="list-style-type: none"> <li>(a) Decides also that all States shall take the necessary measures to prevent the sale or supply to Liberia, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating in their territories;</li> <li>(b) Decides further that all States shall take the necessary measures to prevent any provision to Liberia by their nationals or from their territories of technical training or assistance related to the provision, manufacture, maintenance or use of the items in subparagraph (a) above;</li> </ul>

(c) Reaffirms that the measures in subparagraphs (a) and (b) above apply to all sales or supply of arms and related materiel destined for any recipient in Liberia, including all non-State actors, such as Liberians United for Reconciliation and Democracy and the Movement for Democracy in Liberia, and to all former and current militias and armed groups;

(d) Decides that the measures imposed by subparagraphs (a) and (b) above shall not apply to supplies of arms and related materiel and technical training and assistance intended solely for support of or use by the United Nations Mission in Liberia (UNMIL);

(e) Decides also that the measures imposed by subparagraphs (a) and (b) above shall not apply to supplies of arms and related materiel and technical training and assistance intended solely for support of or use in an international training and reform programme for the Liberian armed forces and police, as approved in advance by the Committee established by paragraph 21 [of the resolution];

(f) Decides further that the measures imposed by subparagraphs (a) and (b) above shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee;

(g) Affirms that the measures imposed by subparagraph (a) above do not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Liberia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only (para. 2)

Resolution 1579 (2004)  
21 December 2004

Decides, on the basis of its assessments of progress made by the National Transitional Government of Liberia towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):

(a) To renew the measures on arms and travel imposed by paragraphs 2 and 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution, and to review them after six months (para. 1)

Resolution 1607 (2005)  
21 June 2005

Notes that the measures on arms, travel and timber imposed by paragraphs 2, 4 and 10 respectively of resolution 1521 (2003) and renewed by paragraph 1 of resolution 1579 (2004) remain in force until 21 December 2005 (para. 9)

Resolution 1683 (2006)  
13 June 2006

Decides that the measures imposed by paragraphs 2 (a) and (b) of resolution 1521 (2003) shall not apply to the weapons and ammunition already provided to members of the Special Security Service for training purposes pursuant to advance approval, under paragraph 2 (e) of that resolution, by the Committee established by paragraph 21 of that resolution, and that those weapons and ammunition may remain in the custody of the Special Security Service for unencumbered operational use (para. 1)

Decides also that the measures imposed by paragraphs 2 (a) and (b) of resolution 1521 (2003) shall not apply to limited supplies of weapons and ammunition, as approved in advance on a case-by-case basis by the Committee, intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of UNMIL in October 2003 (para. 2)

*Decision*

*Provision*

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Resolution 1731 (2006)  
20 December 2006

Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):

(a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution;

(b) That the measures on arms imposed by paragraphs 2 (a) and (b) of resolution 1521 (2003) shall not apply to supplies of non-lethal military equipment, excluding non-lethal weapons and ammunition, as notified in advance to the Committee established pursuant to paragraph 21 of resolution 1521 (2003), intended solely for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of UNMIL in October 2003 (para. 1)

Resolution 1792 (2007)  
19 December 2007

Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):

(a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution (para. 1)

#### **Arms embargo: modifications in 2008-2009**

Resolution 1854 (2008)  
19 December 2008

Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):

(a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution;

(b) That Member States shall notify the Committee established pursuant to paragraph 21 of resolution 1521 (2003) upon delivery of all arms and related materiel supplied in accordance with paragraph 2 (e) or paragraph 2 (f) of resolution 1521 (2003), paragraph 2 of resolution 1683 (2006) or paragraph 1 (b) of resolution 1731 (2006) (para. 1)

Resolution 1903 (2009)  
17 December 2009

Decides that the measures on arms, previously imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006), are replaced by paragraph 4 below, and shall not apply to the supply, sale or transfer of arms and related materiel and the provision of any assistance, advice or training, related to military activities to the Government of Liberia for the period set forth in paragraph 4 below (para. 3)

Decision

Provision

Decides also that all States shall take the measures necessary to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel and the provision of any assistance, advice or training related to military activities, including financing and financial assistance, to all non-governmental entities and individuals operating in the territory of Liberia for a period of 12 months from the date of adoption of the present resolution (para. 4)

Decides further that the measures in paragraph 4 above shall not apply to:

(a) Supplies of arms and related materiel as well as technical training and assistance intended solely for the support of or use by UNMIL;

(b) Protective clothing, including flak jackets and military helmets, temporarily exported to Liberia by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(c) Other supplies of non-lethal military equipment intended solely for humanitarian or protective use and related technical assistance and training, as notified in advance to the Committee in accordance with paragraph 6 [of the resolution] (para. 5)

Decides that, for the period time set forth in paragraph 4 above, all States shall notify in advance to the Committee any shipment of arms and related materiel to the Government of Liberia, or any provision of assistance, advice or training related to military activities for the Government, except those referred to in paragraphs 5 (a) and (b) above, and stresses the importance of such notifications containing all relevant information, including, where applicable, the type and quantity of weapons and ammunitions delivered, the end-user, the proposed date of delivery and the itinerary of shipments; and reiterates that the Government shall subsequently mark the weapons and ammunition, maintain a registry of them and formally notify the Committee that these steps have been taken (para. 6)

#### **Asset freeze: measures prior to 2008-2009**

Resolution 1532 (2004)  
12 March 2004

Decides that, to prevent former President of Liberia Charles Taylor, his immediate family members, in particular Jewel Howard Taylor and Charles Taylor, Jr., senior officials of the former Taylor regime, or other close allies or associates as designated by the Committee established pursuant to paragraph 21 of resolution 1521 (2003) from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion, all States in which there are, at the date of adoption of the present resolution or at any time thereafter, funds, other financial assets and economic resources owned or controlled directly or indirectly by Charles Taylor, Jewel Howard Taylor and Charles Taylor, Jr. and/or those other individuals designated by the Committee, including funds, other financial assets and economic resources held by entities owned or controlled, directly or indirectly, by any of them or by any persons acting on their behalf or at their direction, as designated by the Committee, shall freeze without delay all such funds, other financial assets and economic resources and shall ensure that neither these nor any other funds, other financial assets or economic resources are made available, by their nationals or by any persons within their territory, directly or indirectly, to or for the benefit of such persons (para. 1)

Decides also that the provisions of paragraph 1 above do not apply to funds, other financial assets and economic resources:

(a) That have been determined by relevant State(s) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State(s) to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within two working days of such notification;

(b) That have been determined by relevant State(s) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State(s) to the Committee and has been approved by the Committee; or

(c) That have been determined by relevant State(s) to be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 1 above or an individual or entity identified by the Committee, and has been notified by the relevant State(s) to the Committee (para. 2)

Decides further that all States may allow for the addition to accounts subject to the provisions of paragraph 1 above of:

(a) Interest or other earnings due on those accounts; and

(b) Payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of paragraph 1 above;

provided that any such interest, other earnings and payments continue to be subject to those provisions (para. 3)

Expresses its intention to consider whether and how to make available the funds, other financial assets and economic resources frozen pursuant to paragraph 1 above to the Government of Liberia, once that Government has established transparent accounting and auditing mechanisms to ensure the responsible use of government revenue to benefit directly the people of Liberia (para. 6)

Resolution [1731 \(2006\)](#)  
20 December 2006

Notes that the measures imposed by paragraph 1 of resolution [1532 \(2004\)](#) remain in force, and reconfirms its intention to review those measures at least once a year (para. 2)

<i>Decision</i>	<i>Provision</i>
Resolution 1792 (2007) 19 December 2007	Recalls that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force, notes with concern the findings of the Panel of Experts on Liberia on the lack of progress in this regard, and calls upon the Government of Liberia to continue to make all necessary efforts to fulfil its obligations (para. 2)
<b>Asset freeze: modifications in 2008-2009</b>	
Resolution 1854 (2008) 19 December 2008	Recalls that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force, notes with concern the findings of the Panel of Experts on the lack of progress in this regard, and calls upon the Government of Liberia to continue to make all necessary efforts to fulfil its obligations (para. 2)
Resolution 1903 (2009) 17 December 2009	Recalls that the measures imposed by paragraph 1 of resolution 1532 (2004) remain in force, notes with serious concern the findings of the Panel of Experts on the lack of progress with regard to the implementation of the financial measures imposed by paragraph 1 of resolution 1532 (2004), and demands that the Government of Liberia make all necessary efforts to fulfil its obligations (para. 2)
<b>Travel ban or restrictions: measures prior to 2008-2009</b>	
Resolution 1521 (2003) 22 December 2003	Decides to terminate the prohibitions imposed by paragraphs 5 to 7 of resolution 1343 (2001) and paragraphs 17 and 28 of resolution 1478 (2003) and to dissolve the Committee established pursuant to resolution 1343 (2001) (para. 1)  (a) Decides also that all States shall take the necessary measures to prevent the entry into or transit through their territories of all such individuals, as designated by the Committee, who constitute a threat to the peace process in Liberia, or who are engaged in activities aimed at undermining peace and stability in Liberia and the subregion, including those senior members of the Government of former President Charles Taylor and their spouses and members of Liberia's former armed forces who retain links to former President Charles Taylor, those individuals determined by the Committee to be in violation of paragraph 2 [of the resolution], and any other individuals, or individuals associated with entities, providing financial or military support to armed rebel groups in Liberia or in countries in the region, provided that nothing in the present paragraph shall oblige a State to refuse entry into its territory to its own nationals;  (b) Decides also that the measures in paragraph 4 (a) above shall continue to apply to the individuals already designated pursuant to paragraph 7 (a) of resolution 1343 (2001), pending the designation of individuals by the Committee as required by and in accordance with paragraph 4 (a) above;  (c) Decides that the measures imposed by paragraph 4 (a) above shall not apply where the Committee determines that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of the resolutions of the Council, for the creation of peace, stability and democracy in Liberia and lasting peace in the subregion (para. 4)

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<i>Decision</i>	<i>Provision</i>
Resolution 1579 (2004) 21 December 2004	Decides, on the basis of its assessments of progress made by the National Transitional Government of Liberia towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):  (a) To renew the measures on arms and travel imposed by paragraphs 2 and 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution, and to review them after six months (para. 1)
Resolution 1607 (2005) 21 June 2005	Notes that the measures on arms, travel and timber imposed by paragraphs 2, 4 and 10 respectively of resolution 1521 (2003) and renewed by paragraph 1 of resolution 1579 (2004) remain in force until 21 December 2005 (para. 9)
Resolution 1647 (2005) 20 December 2005	Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):  (a) To renew the measures on arms and travel imposed by paragraphs 2 and 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution (para. 1)
Resolution 1688 (2006) 16 June 2006	Decides that the measures imposed by paragraph 4 (a) of resolution 1521 (2003) shall not apply to former President Taylor for the purposes of any travel related to his trial before the Special Court [for Sierra Leone], as well as any travel related to the execution of the judgment, and decides to exempt from the travel ban the travel of any witnesses whose presence at the trial is required (para. 9)
Resolution 1731 (2006) 20 December 2006	Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):  (a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution (para. 1)
Resolution 1792 (2007) 19 December 2007	Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):  (a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution (para. 1)

### **Travel ban or restrictions: modifications in 2008-2009**

Resolution 1854 (2008) 19 December 2008	Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):  (a) To renew the measures on arms imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) and by paragraph 1 (b) of resolution 1731 (2006) and to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a further period of 12 months from the date of adoption of the present resolution (para. 1)
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<i>Decision</i>	<i>Provision</i>
Resolution 1903 (2009) 17 December 2009	Decides to renew the measures on travel imposed by paragraph 4 of resolution 1521 (2003) for a period of 12 months from the date of adoption of the present resolution (para. 1)

Table 10  
**Other measures under Article 41**

<i>Decision</i>	<i>Provision</i>
<b>Intention to review sanctions</b>	
Resolution 1854 (2008) 19 December 2008	Decides, on the basis of its assessment of progress made to date towards meeting the conditions for lifting the measures imposed by resolution 1521 (2003):  ...  (c) To review any of the measures at the request of the Government of Liberia, once the Government reports to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met and provides the Council with information to justify its assessment (para. 1)  Reconfirms its intention to review the measures imposed by paragraph 1 of resolution 1532 (2004) at least once a year, and directs the Committee, in coordination with the relevant designating States and with the assistance of the Panel of Experts, to update as necessary the publicly available reasons for listing for entries on the travel ban and assets freeze lists as well as the Committee's guidelines, particularly with regard to listing and delisting procedures (para. 3)
Resolution 1903 (2009) 17 December 2009	Reconfirms its intention to review the measures imposed by paragraph 1 of resolution 1532 (2004) at least once a year, and directs the Committee, in coordination with the relevant designating States and with the assistance of the Panel of Experts, to update as necessary the publicly available reasons for listing for entries on the travel ban and assets freeze lists as well as the Committee's guidelines (para. 7)  Decides to review any of the measures at the request of the Government of Liberia, once the Government reports to the Council that the conditions set out in resolution 1521 (2003) for terminating the measures have been met, and provides the Council with information to justify its assessment (para. 8)

### **Measures imposed against Rwanda**

#### *Background*

The sanctions regime against Rwanda was established in 1994 with a comprehensive arms embargo. By resolution 1011 (1995), the arms embargo was limited to non-governmental forces. During the period, a sanctions committee established pursuant to resolution 918 (1994) oversaw the regime.<sup>51</sup>

#### *Developments during 2008 and 2009*

By resolution 1823 (2008) of 10 July 2008, the Council decided to terminate the prohibitions imposed by paragraphs 9 and 10 of resolution 1011 (1995) and to dissolve the Committee established pursuant to resolution 918 (1994) concerning Rwanda.

Provisions of all decisions containing sanctions measures under Article 41 are set out in table 11.

<sup>51</sup> For more information, see part IX.

Table 11  
Sanctions measures

<i>Decision</i>	<i>Provision</i>
<b>Arms embargo: measures prior to 2008-2009</b>	
Resolution 918 (1994) 17 May 1994	<p>Decides that all States shall prevent the sale or supply to Rwanda by their nationals or from their territories or using their flag vessels or aircraft of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts (para. 13)</p> <p>Decides that the provisions set forth in paragraphs 13 and 15 [of the resolution] do not apply to activities related to the United Nations Assistance Mission for Rwanda and the United Nations Observer Mission Uganda-Rwanda (para. 16)</p>
Resolution 1005 (1995) 17 July 1995	<p>Decides that, notwithstanding the restrictions imposed in paragraph 13 of resolution 918 (1994), appropriate amounts of explosives intended exclusively for use in established humanitarian demining programmes may be supplied to Rwanda upon application to and authorization by the Security Council Committee established pursuant to resolution 918 (1994) (para. 1)</p>
Resolution 1011 (1995) 16 August 1995	<p>Decides that, with immediate effect and until 1 September 1996, the restrictions imposed by paragraph 13 of resolution 918 (1994) shall not apply with regard to the sale or supply of arms and related materiel to the Government of Rwanda through named points of entry on a list to be supplied by that Government to the Secretary-General, who shall promptly notify all States Members of the United Nations of the list (para. 7)</p> <p>Decides also that on 1 September 1996 the restrictions imposed by paragraph 13 of resolution 918 (1994) on the sale or supply of arms and related materiel to the Government of Rwanda shall terminate, unless the Council decides otherwise after its consideration of the second report of the Secretary-General referred to in paragraph 12 [of the resolution] (para. 8)</p> <p>Decides further, with a view to prohibiting the sale and supply of arms and related materiel to non-governmental forces for use in Rwanda, that all States shall continue to prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts, to Rwanda, or to persons in the States neighbouring Rwanda if such sale or supply is for the purpose of the use of such arms or materiel within Rwanda, other than to the Government of Rwanda as specified in paragraphs 7 and 8 above (para. 9)</p> <p>Decides that no arms or related materiel sold or supplied to the Government of Rwanda may be resold to, transferred to, or made available for use by, any State neighbouring Rwanda, or person not in the service of the Government of Rwanda, either directly or indirectly (para. 10)</p> <p>Decides also that States shall notify the Committee established pursuant to resolution 918 (1994) of all exports from their territories of arms or related materiel to Rwanda, that the Government of Rwanda shall mark and register and notify the Committee of all imports made by it of arms and related materiel, and that the Committee shall report regularly to the Council on notifications so received (para. 11)</p>

<i>Decision</i>	<i>Provision</i>
Resolution 1053 (1996) 23 April 1996	Expresses its determination that the prohibition on the sale or supply of arms and related materiel to non-governmental forces for use in Rwanda should be implemented fully in accordance with resolution 1011 (1995) (para. 3)  Urges all States, in particular those in the region, to intensify their efforts to prevent military training and the sale or supply of weapons to militia groups or former Rwandan government forces and to take the steps necessary to ensure the effective implementation of the arms embargo, including by the creation of all necessary national mechanisms for implementation (para. 5)
Resolution 1749 (2007) 28 March 2007	Decides to terminate with immediate effect the measures imposed by paragraph 11 of resolution 1011 (1995) (para. 1)

**Arms embargo: modifications in 2008-2009**

Resolution 1823 (2008) 10 July 2008	Decides to terminate the prohibitions imposed by paragraphs 9 and 10 of resolution 1011 (1995) (para. 1)
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**Measures imposed against Sierra Leone**

*Background*

The sanctions regime against Sierra Leone was established by resolution 1132 (1997), by which the Council imposed an embargo on arms and related materiel and petroleum, as well as a travel ban against members of the military junta. In 1998, the earlier measures were terminated, and a targeted arms embargo and travel ban were imposed against non-governmental forces in Sierra Leone, and leading

members of the former military junta and of the Revolutionary United Front.<sup>52</sup>

*Developments during 2008 and 2009*

During the period under review, there were no changes to the sanctions regime.

Provisions of all decisions containing sanctions measures under Article 41 are set out in table 12.

<sup>52</sup> An embargo on the export of diamonds was imposed from 2000 to 2003. For more information, see previous volumes of the *Repertoire*.

Table 12

**Sanctions measures**

<i>Decision</i>	<i>Provision</i>
<b>Arms embargo: measures prior to 2008-2009<sup>a</sup></b>	
Resolution 1132 (1997) 8 October 1997	Decides that all States shall prevent the sale or supply to Sierra Leone, by their nationals or from their territories, or using their flag vessels or aircraft, of petroleum and petroleum products and arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, whether or not originating in their territory (para. 6)

*Decision*

*Provision*

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Resolution 1171 (1998)  
5 June 1998

Decides to terminate the remaining prohibitions imposed by paragraphs 5 and 6 of resolution 1132 (1997) (para. 1)

Also decides, with a view to prohibiting the sale and supply of arms and related materiel to non-governmental forces in Sierra Leone, that all States shall prevent the sale or supply, by their nationals or from their territories, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, to Sierra Leone other than to the Government of Sierra Leone through named points of entry on a list to be supplied by that Government to the Secretary-General, who shall promptly notify all States Members of the United Nations of the list (para. 2)

Further decides that the restrictions referred to in paragraph 2 above shall not apply to the sale or supply of arms and related materiel for the sole use in Sierra Leone of the Monitoring Group of the Economic Community of West African States or the United Nations (para. 3)

Decides that States shall notify all exports from their territories of arms or related materiel to Sierra Leone to the Committee established by resolution 1132 (1997), that the Government of Sierra Leone shall mark, register and notify to the Committee all imports made by it of arms and related materiel, and that the Committee shall report regularly to the Council on notifications so received (para. 4)

Resolution 1306 (2000)  
5 July 2000

Reminds States of their obligation to implement fully the measures imposed by resolution 1171 (1998), and calls upon them, where they have not already done so, to enforce, strengthen or enact, as appropriate, legislation making it a criminal offence under domestic law for their nationals or other persons operating on their territory to act in violation of the measures imposed by paragraph 2 of that resolution, and to report to the Committee no later than 31 July 2000 on the implementation of those measures (para. 17)

**Travel ban or restrictions: measures prior to 2008-2009<sup>a</sup>**

Resolution 1132 (1997)  
8 October 1997

Decides that all States shall prevent the entry into or transit through their territories of members of the military junta and adult members of their families, as designated in accordance with paragraph 10 (f) [of the resolution], provided that the entry into or transit through a particular State of any such person may be authorized by the Committee established by paragraph 10 for verified humanitarian purposes or purposes consistent with paragraph 1, and provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals (para. 5)

Resolution 1171 (1998)  
5 June 1998

Decides to terminate the remaining prohibitions imposed by paragraphs 5 and 6 of resolution 1132 (1997) (para. 1)

Decides that all States shall prevent the entry into or transit through their territories of leading members of the former military junta and of the Revolutionary United Front, as designated by the Committee established by resolution 1132 (1997), provided that the entry into or transit through a particular State of any such person may be authorized by the same Committee, and provided that nothing in the present paragraph shall oblige a State to refuse its own nationals entry to its territory (para. 5)

<i>Decision</i>	<i>Provision</i>
Resolution 1306 (2000) 5 July 2000	See paragraph 17 of the resolution, under “Arms embargo” above
Resolution 1793 (2007) 21 December 2007	Acting under Chapter VII of the Charter of the United Nations, decides to exempt from the measures imposed by paragraph 5 of resolution 1171 (1998) the travel of any witnesses whose presence at trial before the Special Court for Sierra Leone is required (para. 8)

<sup>a</sup> No modifications were made in 2008-2009.

### Measures imposed against Al-Qaida and the Taliban

#### Background

The Security Council initially imposed an asset freeze and other measures against the Taliban by resolution 1267 (1999), which were expanded by a series of resolutions, including in particular resolutions 1333 (2000) and 1390 (2002), to include an arms embargo, asset freeze and travel ban on Osama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them.

During the period, a committee and an analytical and monitoring group oversaw the sanctions measures.

In addition, an Office of the Ombudsperson was established to assist with delisting requests.<sup>53</sup>

#### Developments during 2008 and 2009

During the period under consideration, the Council reaffirmed the arms embargo, asset freeze and travel ban on Al-Qaida and the Taliban by two separate resolutions.

Provisions of all decisions containing sanctions measures and other measures under Article 41 are set out in tables 13 and 14.

<sup>53</sup> For more information, see part IX.

Table 13  
Sanctions measures

<i>Decision</i>	<i>Provision</i>
<b>Arms embargo: measures prior to 2008-2009</b>	
Resolution 1333 (2000) 19 December 2000	Decides that all States shall: <ol style="list-style-type: none"> <li>(a) Prevent the direct or indirect supply, sale and transfer to the territory of Afghanistan under Taliban control as designated by the Committee established pursuant to resolution 1267 (1999) by their nationals or from their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned;</li> <li>(b) Prevent the direct or indirect sale, supply and transfer to the territory of Afghanistan under Taliban control, as designated by the Committee, by their nationals or from their territories, of technical advice, assistance, or training related to the military activities of the armed personnel under the control of the Taliban;</li> <li>(c) Withdraw any of their officials, agents, advisers, and military personnel employed by contract or other arrangement present in Afghanistan to advise the Taliban on military or related security matters, and in this context urge other nationals to leave the country (para. 5)</li> </ol>

*Decision*

*Provision*

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	<p>Decides that the measures imposed by paragraph 5 above shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee, and affirms that the measures imposed by paragraph 5 above do not apply to protective clothing, including flak jackets and military helmets, exported to Afghanistan by United Nations personnel, representatives of the media and humanitarian workers for their personal use only (para. 6)</p>
<p>Resolution <a href="#">1390 (2002)</a> 16 January 2002</p>	<p>Decides that all States shall take the following measures with respect to Osama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions <a href="#">1267 (1999)</a> and <a href="#">1333 (2000)</a>, to be updated regularly by the Committee established pursuant to resolution <a href="#">1267 (1999)</a>:</p> <p>...</p> <p>(c) Prevent the direct or indirect supply, sale and transfer to those individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, and technical advice, assistance, or training related to military activities (para. 2)</p>
<p>Resolution <a href="#">1526 (2004)</a> 30 January 2004</p>	<p>Decides to improve, as set out below, the implementation of the measures imposed by paragraph 4 (b) of resolution <a href="#">1267 (1999)</a>, paragraph 8 (c) of resolution <a href="#">1333 (2000)</a> and paragraphs 1 and 2 of resolution <a href="#">1390 (2002)</a> with respect to Osama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions <a href="#">1267 (1999)</a> and <a href="#">1333 (2000)</a>, namely:</p> <p>...</p> <p>(c) To prevent the direct or indirect supply, sale or transfer, to those individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, and technical advice, assistance, or training related to military activities;</p> <p>and recalls that all States shall implement the measures with respect to listed individuals and entities (para. 1)</p>
<p>Resolution <a href="#">1617 (2005)</a> 29 July 2005</p>	<p>Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution <a href="#">1267 (1999)</a>, paragraph 8 (c) of resolution <a href="#">1333 (2000)</a> and paragraphs 1 and 2 of resolution <a href="#">1390 (2002)</a> with respect to Al-Qaida, Osama bin Laden and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions <a href="#">1267 (1999)</a> and <a href="#">1333 (2000)</a>:</p> <p>...</p>

Decision

Provision

(c) Prevent the direct or indirect supply, sale or transfer, to those individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, and technical advice, assistance, or training related to military activities (para. 1)

**Arms embargo: modifications in 2008-2009**

Resolution [1822 \(2008\)](#)  
30 June 2008

Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution [1267 \(1999\)](#), paragraph 8 (c) of resolution [1333 \(2000\)](#), and paragraphs 1 and 2 of resolution [1390 \(2002\)](#), with respect to Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#):

...

(c) Prevent the direct or indirect supply, sale or transfer to those individuals, groups, undertakings and entities, from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance or training related to military activities (para. 1)

Resolution [1904 \(2009\)](#)  
17 December 2009

Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution [1267 \(1999\)](#), paragraph 8 (c) of resolution [1333 \(2000\)](#) and paragraphs 1 and 2 of resolution [1390 \(2002\)](#), with respect to Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#):

...

(c) Prevent the direct or indirect supply, sale, or transfer to those individuals, groups, undertakings and entities, from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance or training related to military activities (para. 1)

**Asset freeze: measures prior to 2008-2009**

Resolution [1267 \(1999\)](#)  
15 October 1999

Decides that on 14 November 1999 all States shall impose the measures set out in paragraph 4 below, unless the Council has previously decided, on the basis of a report of the Secretary-General, that the Taliban has fully complied with the obligation set out in paragraph 2 [of the resolution] (para. 3)

Decides also that, in order to enforce paragraph 2, all States shall:

...

- (b) Freeze funds and other financial resources, including funds derived or generated from property owned or controlled directly or indirectly by the Taliban, or by any undertaking owned or controlled by the Taliban, as designated by the Committee established by paragraph 6 [of the resolution], and ensure that neither they nor any other funds or financial resources so designated are made available, by their nationals or by any persons within their territory, to or for the benefit of the Taliban or any undertaking owned or controlled, directly or indirectly, by the Taliban, except as may be authorized by the Committee on a case-by-case basis on the grounds of humanitarian need (para. 4)
- Resolution 1333 (2000)  
19 December 2000
- Reminds all States of their obligation to implement strictly the measures imposed by paragraph 4 of resolution 1267 (1999) (para. 4)
- Decides that all States shall take further measures:
- ...
- (c) To freeze without delay funds and other financial assets of Osama bin Laden and individuals and entities associated with him as designated by the Committee, including those in Al-Qaida, and including funds derived from or generated by property owned or controlled directly or indirectly by Osama bin Laden and individuals and entities associated with him, and to ensure that neither they nor any other funds or financial resources are made available, by their nationals or by any persons within their territory, directly or indirectly for the benefit of Osama bin Laden, his associates or any entities owned or controlled, directly or indirectly, by Osama bin Laden or individuals and entities associated with him, including Al-Qaida, and requests the Committee to maintain an updated list, based on information provided by States and regional organizations, of the individuals and entities designated as being associated with Osama bin Laden, including those in Al-Qaida (para. 8)
- Resolution 1388 (2002)  
15 January 2002
- Decides that the provisions of paragraphs 4 (a) and (b) of resolution 1267 (1999) do not apply to Ariana Afghan Airlines aircraft or its funds and other financial resources (para. 1)
- Resolution 1390 (2002)  
16 January 2002
- Decides to continue the measures imposed by paragraph 8 (c) of resolution 1333 (2000) and notes the continued application of the measures imposed by paragraph 4 (b) of resolution 1267 (1999), in accordance with paragraph 2 below, and decides to terminate the measures imposed in paragraph 4 (a) of resolution 1267 (1999) (para. 1)
- Decides also that all States shall take the following measures with respect to Osama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000), to be updated regularly by the Committee established pursuant to resolution 1267 (1999):
- (a) Freeze without delay the funds and other financial assets or economic resources of those individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for the benefit of such persons by their nationals or by any persons within their territory (para. 2)



<i>Decision</i>	<i>Provision</i>
Resolution 1452 (2002) 20 December 2002	<p>Decides that the provisions of paragraph 4 (b) of resolution 1267 (1999), and paragraphs 1 and 2 (a) of resolution 1390 (2002), do not apply to funds and other financial assets or economic resources that have been determined by the relevant State(s) to be:</p> <p>(a) Necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources, after notification by the relevant State(s) to the Committee established pursuant to resolution 1267 (1999) of the intention to authorize, where appropriate, access to such funds, assets or resources and in the absence of a negative decision by the Committee within 48 hours of such notification;</p> <p>(b) Necessary for extraordinary expenses, provided that such determination has been notified by the relevant State(s) to the Committee and has been approved by the Committee (para. 1)</p> <p>Also decides that all States may allow for the addition to accounts subject to the provisions of paragraph 4 (b) of resolution 1267 (1999) and paragraphs 1 and 2 (a) of resolution 1390 (2002) of:</p> <p>(a) Interest or other earnings due on those accounts; or</p> <p>(b) Payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of resolutions 1267 (1999), 1333 (2000), or 1390 (2002), provided that any such interest, other earnings and payments continue to be subject to those provisions (para. 2)</p> <p>Decides that the exception provided for in paragraph 4 (b) of resolution 1267 (1999) will cease to have effect from the date of adoption of the present resolution (para. 4)</p>
Resolution 1526 (2004) 30 January 2004	<p>Decides to improve, as set out below, the implementation of the measures imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002) with respect to Osama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000), namely:</p> <p>(a) To freeze without delay the funds and other financial assets or economic resources of those individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for the benefit of such persons by their nationals or by any persons within their territory (para. 1)</p>

Calls upon States to move vigorously and decisively to cut the flows of funds and other financial assets and economic resources to individuals and entities associated with Al-Qaida, Osama bin Laden and/or the Taliban, taking into account, as appropriate, international codes and standards for combating the financing of terrorism, including those designed to prevent the abuse of non-profit organizations and informal/alternative remittance systems (para. 4)

Resolution [1735 \(2006\)](#)  
22 December 2006

Decides that all States shall take the following measures as previously imposed by paragraph 4 (b) of resolution [1267 \(1999\)](#), paragraph 8 (c) of resolution [1333 \(2000\)](#) and paragraphs 1 and 2 of resolution [1390 \(2002\)](#) with respect to Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#):

(a) Freeze without delay the funds and other financial assets or economic resources of those individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for the benefit of such persons by their nationals or by persons within their territory (para. 1)

Reminds States of their obligation to freeze without delay the funds and other financial assets or economic resources pursuant to paragraph 1 (a) above (para. 2)

Confirms that the requirements in paragraph 1 (a) apply to economic resources of every kind (para. 3)

Stresses that the measures imposed by paragraph 1(a) apply to all forms of financial resources, including but not limited to those used for the provision of Internet hosting or related services, used for the support of Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them (para. 20)

#### **Asset freeze: modifications in 2008-2009**

Resolution [1822 \(2008\)](#)  
30 June 2008

Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution [1267 \(1999\)](#), paragraph 8 (c) of resolution [1333 \(2000\)](#), and paragraphs 1 and 2 of resolution [1390 \(2002\)](#), with respect to Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#):

(a) Freeze without delay the funds and other financial assets or economic resources of those individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for the benefit of such persons by their nationals or by persons within their territory (para. 1)

Decision

Provision

Confirms that the requirements in paragraph 1 (a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings or entities associated with them (para. 4)

Decides that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen (para. 6)

Reaffirms the provisions regarding available exemptions to the measures in paragraph 1 (a) above, set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006), and reminds Member States to use the procedures for exemptions as set out in the Committee guidelines (para. 7)

Resolution 1904 (2009)

17 December 2009

Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution 1267 (1999), paragraph 8 (c) of resolution 1333 (2000) and paragraphs 1 and 2 of resolution 1390 (2002), with respect to Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000):

(a) Freeze without delay the funds and other financial assets or economic resources of those individuals, groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for the benefit of such persons by their nationals or by persons within their territory (para. 1)

Confirms that the requirements in paragraph 1 (a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of Al-Qaida, Osama bin Laden or the Taliban, and other individuals, groups, undertakings or entities associated with them (para. 4)

Confirms also that the requirements in paragraph 1 (a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the Consolidated List (para. 5)

Decides that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen (para. 6)

Encourages Member States, when unfreezing the assets of a deceased individual or defunct entity as a result of a delisting, to recall the obligations set forth in resolution 1373 (2001) and, in particular, to prevent unfrozen assets from being used for terrorist purposes (para. 24)

**Travel ban or restrictions: measures prior to 2008-2009**

Resolution [1390 \(2002\)](#)  
16 January 2002

Decides that all States shall take the following measures with respect to Osama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#), to be updated regularly by the Committee established pursuant to resolution [1267 \(1999\)](#):

...

(b) Prevent the entry into or the transit through their territories of those individuals, provided that nothing in this paragraph shall oblige any State to deny entry into or require the departure from its territories of its own nationals and that this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process, or the Committee determines on a case-by-case basis only that entry or transit is justified (para. 2)

Resolution [1526 \(2004\)](#)  
30 January 2004

Decides to improve, as set out below, the implementation of the measures imposed by paragraph 4 (b) of resolution [1267 \(1999\)](#), paragraph 8 (c) of resolution [1333 \(2000\)](#) and paragraphs 1 and 2 of resolution [1390 \(2002\)](#) with respect to Osama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#), namely:

...

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

Resolution [1617 \(2005\)](#)  
29 July 2005

Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution [1267 \(1999\)](#), paragraph 8 (c) of resolution [1333 \(2000\)](#) and paragraphs 1 and 2 of resolution [1390 \(2002\)](#) with respect to Al-Qaida, Osama bin Laden and the Taliban and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#):

...

(b) Prevent the entry into or the transit through their territories of those individuals, provided that nothing in the present paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and that the present paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee established pursuant to resolution [1267 \(1999\)](#) determines on a case-by-case basis only that entry or transit is justified (para. 1)

*Decision*

*Provision*

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**Travel ban or restrictions: modifications in 2008-2009**

Resolution [1822 \(2008\)](#)  
30 June 2008

Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution [1267 \(1999\)](#), paragraph 8 (c) of resolution [1333 \(2000\)](#), and paragraphs 1 and 2 of resolution [1390 \(2002\)](#), with respect to Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#):

...

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

Resolution [1904 \(2009\)](#)  
17 December 2009

Decides that all States shall take the measures as previously imposed by paragraph 4 (b) of resolution [1267 \(1999\)](#), paragraph 8 (c) of resolution [1333 \(2000\)](#) and paragraphs 1 and 2 of resolution [1390 \(2002\)](#), with respect to Al-Qaida, Osama bin Laden and the Taliban, and other individuals, groups, undertakings and entities associated with them, as referred to in the list created pursuant to resolutions [1267 \(1999\)](#) and [1333 \(2000\)](#):

...

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

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Table 14  
**Other measures under Article 41**

<i>Decision</i>	<i>Provision</i>
<b>Criteria for listing</b>	
Resolution 1822 (2008) 30 June 2008	<p>Reaffirms that acts or activities indicating that an individual, group, undertaking or entity is “associated with” Al-Qaida, Osama bin Laden or the Taliban include:</p> <ul style="list-style-type: none"> <li>(a) Participating in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;</li> <li>(b) Supplying, selling or transferring arms and related materiel to;</li> <li>(c) Recruiting for; or</li> <li>(d) Otherwise supporting acts or activities of: Al-Qaida, Osama bin Laden or the Taliban, or any cell, affiliate, splinter group or derivative thereof (para. 2)</li> </ul> <p>Further reaffirms that any undertaking or entity owned or controlled, directly or indirectly, by, or otherwise supporting, such an individual, group, undertaking or entity associated with Al-Qaida, Osama bin Laden or the Taliban shall be eligible for designation (para. 3)</p>
Resolution 1904 (2009) 17 December 2009	<p>Reaffirms that acts or activities indicating that an individual, group, undertaking or entity is associated with Al-Qaida, Osama bin Laden or the Taliban include:</p> <ul style="list-style-type: none"> <li>(a) Participating in the financing, planning, facilitating, preparing or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;</li> <li>(b) Supplying, selling or transferring arms and related materiel to;</li> <li>(c) Recruiting for; or</li> <li>(d) Otherwise supporting acts or activities of Al-Qaida, Osama bin Laden or the Taliban, or any cell, affiliate, splinter group or derivative thereof (para. 2)</li> </ul> <p>Further reaffirms that any undertaking or entity owned or controlled, directly or indirectly, by, or otherwise supporting, such an individual, group, undertaking or entity associated with Al-Qaida, Osama bin Laden or the Taliban shall be eligible for designation (para. 3)</p>
<b>Intention to review sanctions</b>	
Resolution 1822 (2008) 30 June 2008	Decides to review the measures described in paragraph 1 [of the resolution] with a view to their possible further strengthening in 18 months, or sooner if necessary (para. 40)
Resolution 1904 (2009) 17 December 2009	Decides to review the measures described in paragraph 1 [of the resolution] with a view to their possible further strengthening in 18 months, or sooner if necessary (para. 48)

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## Measures imposed against the Democratic Republic of the Congo

### *Background*

The Security Council imposed an arms embargo by resolution [1493 \(2003\)](#) on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and on groups not parties to the Global and All-Inclusive Agreement, in the Democratic Republic of the Congo. Subsequently, by resolutions [1596 \(2005\)](#), [1649 \(2005\)](#) and [1698 \(2006\)](#), it extended the arms embargo to any recipient in the country, excluding most units of the national army and police, and imposed an asset freeze and travel ban on anyone violating the arms embargo and political and military leaders impeding the disarmament and the voluntary repatriation or resettlement of combatants, recruiting or using children in armed conflict and individuals committing serious violations of international law involving the targeting of children in situations of armed conflict. The Council also required the Democratic Republic of the Congo and States bordering Ituri and the Kivus to ensure that all civilian and military airports or airfields in their respective territories would not be used for a purpose inconsistent with the arms embargo.

During the period, a committee established pursuant to resolution [1533 \(2004\)](#) and a group of experts oversaw the sanctions.<sup>54</sup>

### *Developments during 2008 and 2009*

The arms embargo, asset freeze, travel ban and aviation measures were extended four times during the period, the last extension for a period of one year until 30 November 2010. The Council also made some adjustments to the measures. By resolution [1807 \(2008\)](#) of 31 March 2008, the Council decided that the arms

embargo would apply to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo and would no longer apply to the military activities of the Government of the Democratic Republic of the Congo. The Council also adjusted the asset freeze and travel ban to apply to: (a) persons or entities violating the arms embargo; (b) political and military leaders of foreign armed groups who impeded the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups; (c) political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo, who impeded the participation of their combatants in disarmament, demobilization and reintegration processes; (d) political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law; and (e) individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement.

The Council also re-established the transportation and aviation measures that required, inter alia, that Governments in the region ensure that aircraft operate in accordance with the Convention on International Civil Aviation, in particular by verifying the validity of documents, maintaining a registry of all information concerning flights to and from the Democratic Republic of the Congo, and generally ensuring that all means of transport on their respective territories would not be used in violation of the arms embargo.

Provisions of all decisions containing sanctions measures, enforcement measures and other measures under Article 41 are set out in tables 15, 16 and 17.

<sup>54</sup> For information on these bodies, see part IX.

Table 15  
Sanctions measures

<i>Decision</i>	<i>Provision</i>
<b>Arms embargo: measures prior to 2008-2009</b>	
<p>Resolution <a href="#">1493 (2003)</a> 28 July 2003</p>	<p>Decides that all States, including the Democratic Republic of the Congo, shall, for an initial period of 12 months from the adoption of the present resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-Inclusive Agreement, in the Democratic Republic of the Congo (para. 20)</p> <p>Decides also that the measures imposed by paragraph 20 above shall not apply to:</p> <p style="padding-left: 40px;">(a) Supplies to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), the Interim Emergency Multinational Force deployed in Bunia and the integrated Congolese national army and police forces;</p> <p style="padding-left: 40px;">(b) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training as notified in advance to the Secretary-General through his Special Representative (para. 21)</p>
<p>Resolution <a href="#">1533 (2004)</a> 12 March 2004</p>	<p>Reaffirms the demand, laid down in paragraph 20 of resolution <a href="#">1493 (2003)</a>, that all States take the necessary measures to prevent the supply of arms and any related materiel or assistance to armed groups operating in North and South Kivu and in Ituri, and to groups not party to the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, signed at Pretoria on 17 December 2002 (para. 1)</p>
<p>Resolution <a href="#">1596 (2005)</a> 18 April 2005</p>	<p>Reaffirms the measures established by paragraph 20 of resolution <a href="#">1493 (2003)</a> extended until 31 July 2005 by resolution <a href="#">1552 (2004)</a>, decides that these measures shall from now on apply to any recipient in the territory of the Democratic Republic of the Congo, and reiterates that assistance includes financing and financial assistance related to military activities (para. 1)</p> <p>Decides that the measures above shall not apply to:</p> <p style="padding-left: 40px;">(a) Supplies of arms and related materiel or technical training and assistance intended solely for support of or use by units of the army and police of the Democratic Republic of the Congo, provided that the said units:</p> <ul style="list-style-type: none"> <li>– Have completed the process of their integration; or</li> <li>– Operate under the command, respectively, of the état-major intégré of the armed forces or of the national police of the Democratic Republic of the Congo; or</li> <li>– Are in the process of their integration, in the territory of the Democratic Republic of the Congo outside the provinces of North and South Kivu and the Ituri district;</li> </ul>



<i>Decision</i>	<i>Provision</i>
	<p>(b) Supplies of arms and related materiel as well as technical training and assistance intended solely for support of or use by MONUC;</p> <p>(c) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as notified in advance to the Committee in accordance with paragraph 8 (e) of resolution <a href="#">1533 (2004)</a> (para. 2)</p> <p>Decides that all future authorized shipments of arms and related materiel consistent with such exemptions noted in paragraph 2 (a) above shall only be made to receiving sites as designated by the Government of National Unity and Transition, in coordination with MONUC, and notified in advance to the Committee (para. 4)</p>
<a href="#">Resolution 1649 (2005)</a> 21 December 2005	<p>Demands that the Governments of Uganda, Rwanda, the Democratic Republic of the Congo and Burundi take measures to prevent the use of their respective territories in support of violations of the arms embargo imposed by resolutions <a href="#">1493 (2003)</a> and <a href="#">1596 (2005)</a>, and renewed by resolution <a href="#">1616 (2005)</a>, or in support of activities of armed groups present in the region (para. 15)</p>
<a href="#">Resolution 1771 (2007)</a> 10 August 2007	<p>Reaffirms paragraph 21 of resolution <a href="#">1493 (2003)</a> and paragraph 2 of resolution <a href="#">1596 (2005)</a>, and recalls in particular that the measures referred to in paragraph 1 [of the resolution] shall not apply to supplies of arms and related materiel or technical training and assistance intended solely for support of or use by units of the army and police of the Democratic Republic of the Congo, provided that the said units:</p> <p>(a) Have completed the process of their integration; or</p> <p>(b) Operate under the command, respectively, of the état-major intégré of the armed forces or of the national police of the Democratic Republic of the Congo; or</p> <p>(c) Are in the process of their integration, in the territory of the Democratic Republic of the Congo outside the provinces of North and South Kivu and the Ituri district (para. 2)</p> <p>Decides that the measures referred to in paragraph 1 shall not apply to technical training and assistance agreed to by the Government and intended solely for support of units of the army and police of the Democratic Republic of the Congo that are in the process of their integration in the provinces of North and South Kivu and the Ituri district (para. 3)</p> <p>Decides that the conditions specified in paragraph 4 of resolution <a href="#">1596 (2005)</a>, as now applied to the Government, shall apply to supplies of arms and related materiel as well as technical training and assistance which are consistent with such exemptions noted in paragraph 2 and 3 above, and notes in this regard that States have an obligation to notify such supplies in advance to the Committee referred to in paragraph 7 (para. 4)</p>
<b>Arms embargo: modifications in 2008-2009</b>	
<a href="#">Resolution 1799 (2008)</a> 15 February 2008	<p>Decides to extend until 31 March 2008 the measures on arms imposed by paragraph 20 of resolution <a href="#">1493 (2003)</a> as amended and expanded by paragraph 1 of resolution <a href="#">1596 (2005)</a> (para. 1)</p>

<i>Decision</i>	<i>Provision</i>
Resolution 1804 (2008) 13 March 2008	Stresses that the arms embargo imposed by resolution 1493 (2003), as expanded by resolution 1596 (2005), prohibits the provision of arms and any related materiel or technical training and assistance to all foreign armed groups and illegal Congolese militias in the Democratic Republic of the Congo, including the Forces démocratiques de libération du Rwanda (FDLR), the ex-Rwandan Armed Forces/Interahamwe and other Rwandan armed groups (para. 7)
Resolution 1807 (2008) 31 March 2008	<p>Decides, for a further period ending on 31 December 2008, that all States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, including financing and financial assistance, to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo (para. 1)</p> <p>Decides also that the measures on arms previously imposed by paragraph 20 of resolution 1493 (2003) and paragraph 1 of resolution 1596 (2005), as renewed in paragraph 1 above, shall no longer apply to the supply, sale or transfer of arms and related materiel, and the provision of any assistance, advice or training related to military activities to the Government of the Democratic Republic of the Congo (para. 2)</p> <p>Decides further that the measures in paragraph 1 above shall not apply to:</p> <ul style="list-style-type: none"><li>(a) Supplies of arms and related materiel as well as technical training and assistance intended solely for the support of or use by MONUC;</li><li>(b) Protective clothing, including flak jackets and military helmets, temporarily exported to the Democratic Republic of the Congo by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;</li><li>(c) Other supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as notified in advance to the Committee in accordance with paragraph 5 (para. 3)</li></ul> <p>Decides to terminate the obligations set out in paragraph 4 of resolution 1596 (2005) and paragraph 4 of resolution 1771 (2007) (para. 4)</p>
Resolution 1856 (2008) 22 December 2008	Urges all Governments in the region, in particular those of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda, to resolve in a constructive manner their shared security and border problems, to prevent the use of their respective territories in support of violations of the arms embargo reaffirmed by resolution 1807 (2008) or in support of activities of armed groups present in the region, and to abide by their commitments to establish bilateral diplomatic relationships made at the meeting of the Tripartite Plus Commission of September 2007 (para. 20)
Resolution 1857 (2008) 22 December 2008	Decides to renew until 30 November 2009 the measures on arms imposed by paragraph 1 of resolution 1807 (2008), and reaffirms the provisions of paragraphs 2, 3 and 5 of that resolution (para. 1)

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<i>Decision</i>	<i>Provision</i>
Resolution 1896 (2009) 30 November 2009	Decides to renew until 30 November 2010 the measures on arms imposed by paragraph 1 of resolution 1807 (2008), and reaffirms the provisions of paragraphs 2, 3 and 5 of that resolution (para. 1)

**Asset freeze: measures prior to 2008-2009**

Resolution 1596 (2005) 18 April 2005	Decides that all States shall, during the period of enforcement of the measures referred to in paragraph 1 [of the resolution], immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of the present resolution, which are owned or controlled, directly or indirectly, by persons designated by the Committee pursuant to paragraph 13, or that are held by entities owned or controlled, directly or indirectly, by any persons acting on their behalf or at their direction, as designated by the Committee, and decides further that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories, to or for the benefit of such persons or entities (para. 15)
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Decides that the provisions of the previous paragraph do not apply to funds, other financial assets and economic resources that:

(a) Have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within four working days of such notification;

(b) Have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) Have been determined by relevant States to be the subject of a judicial, administrative or arbitration lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee pursuant to paragraph 15 above, and has been notified by the relevant States to the Committee (para. 16)

Resolution 1649 (2005) 21 December 2005	Decides that, for a period expiring on 31 July 2006, the provisions of paragraphs 13 to 16 of resolution 1596 (2005) shall extend to the following individuals, as designated by the Committee established pursuant to resolution 1533 (2004):
--	--

(a) Political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;

(b) Political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo, and in particular those operating in Ituri, who impede the participation of their combatants in disarmament, demobilization and reintegration processes (para. 2)

Resolution 1698 (2006)  
31 July 2006

Decides that, for a period expiring on 31 July 2007, the provisions of paragraphs 13 to 16 of resolution 1596 (2005) shall extend to the following individuals, operating in the Democratic Republic of the Congo and designated by the Committee:

– Political and military leaders recruiting or using children in armed conflict in violation of applicable international law;

– Individuals committing serious violations of international law involving the targeting of children in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement (para. 13)

Resolution 1771 (2007)  
10 August 2007

Decides to renew, for the period specified in paragraph 1 [of the resolution] the financial and travel measures imposed by paragraphs 13 and 15 of resolution 1596 (2005), paragraph 2 of resolution 1649 (2005) and paragraph 13 of resolution 1698 (2006), and reaffirms the provisions of paragraph 14 and 16 of resolution 1596 (2005) and paragraph 3 of resolution 1698 (2006) (para. 6)

#### **Asset freeze: modifications in 2008-2009**

Resolution 1799 (2008)  
15 February 2008

Decides to extend, for the period specified in paragraph 1 above, the financial and travel measures imposed by paragraphs 13 and 15 of resolution 1596 (2005), paragraph 2 of resolution 1649 (2005) and paragraph 13 of resolution 1698 (2006) (para. 3)

Resolution 1804 (2008)  
13 March 2008

Recalls that the targeted measures, including a travel ban and an asset freeze imposed by paragraphs 13 and 15 of resolution 1596 (2005) were extended by resolutions 1649 (2005) and 1698 (2006) to apply, in particular, to political and military leaders of armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups, and stresses that those measures are applicable to leaders of FDLR, the ex-Rwandan Armed Forces/Interahamwe and other Rwandan armed groups designated in accordance with the provisions of those resolutions (para. 5)

Undertakes to consider, in its forthcoming review of the measures described in paragraph 5 above, expanding their applicability, as appropriate and taking into account participation in or contribution to the disarmament, demobilization, repatriation, resettlement and reintegration process, to other members of FDLR, the ex-Rwandan Armed Forces/Interahamwe or other Rwandan armed groups operating in the territory of the Democratic Republic of the Congo or to persons providing other forms of assistance to them (para. 6)

Decision

Provision

Resolution 1807 (2008)  
31 March 2008

Decides that all States shall, during the period of enforcement of the measures referred to in paragraph 1 [of the resolution], immediately freeze the funds, other financial assets and economic resources which are on their territories from the date of adoption of the present resolution, which are owned or controlled, directly or indirectly, by persons or entities designated by the Committee pursuant to paragraph 13, or that are held by entities owned or controlled, directly or indirectly, by them or by any persons or entities acting on their behalf or at their direction, as designated by the Committee, and decides that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities (para. 11)

Decides that the provisions of paragraph 11 above do not apply to funds, other financial assets and economic resources that:

(a) Have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges, or for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within four working days of such notification;

(b) Have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) Have been determined by relevant States to be the subject of a judicial, administrative or arbitration lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee pursuant to paragraph 13 below, and has been notified by the relevant States to the Committee (para. 12)

Decides also that the provisions of paragraphs 9 and 11 shall apply to the following individuals and, as appropriate, entities, as designated by the Committee:

(a) Persons or entities acting in violation of the measures taken by Member States in accordance with paragraph 1;

(b) Political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;

(c) Political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo who impede the participation of their combatants in disarmament, demobilization and reintegration processes;

(d) Political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law;

(e) Individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement (para. 13)

Decides further that, for a further period ending on the date referred to in paragraph 1, the measures in paragraphs 9 and 11 shall continue to apply to individuals and entities already designated pursuant to paragraphs 13 and 15 of resolution [1596 \(2005\)](#), paragraph 2 of resolution [1649 \(2005\)](#) and paragraph 13 of resolution [1698 \(2006\)](#), unless the Committee decides otherwise (para. 14)

Resolution [1857 \(2008\)](#)  
22 December 2008

Decides to renew, for the period specified in paragraph 1 [of the resolution], the financial and travel measures imposed by paragraphs 9 and 11 of resolution [1807 \(2008\)](#), and reaffirms the provisions of paragraphs 10 and 12 of that resolution (para. 3)

Decides that the measures referred to in paragraph 3 above shall apply to the following individuals and, as appropriate, entities, as designated by the Committee:

(a) Persons or entities acting in violation of the measures taken by Member States in accordance with paragraph 1;

(b) Political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;

(c) Political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo who impede the participation of their combatants in disarmament, demobilization and reintegration processes;

(d) Political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law;

(e) Individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement;

(f) Individuals obstructing the access to or the distribution of humanitarian assistance in the eastern part of the Democratic Republic of the Congo;

(g) Individuals or entities supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through illicit trade of natural resources (para. 4)

Decision

Provision

Decides also that, for a further period ending on the date referred to in paragraph 1, the measures in paragraph 3 above shall continue to apply to individuals and entities already designated pursuant to paragraphs 13 and 15 of resolution 1596 (2005), paragraph 2 of resolution 1649 (2005), paragraph 13 of resolution 1698 (2006) and paragraphs 9 and 11 of resolution 1807 (2008), unless the Committee decides otherwise (para. 5)

Resolution 1896 (2009)  
30 November 2009

Decides to renew, for the period specified in paragraph 1 [of the resolution], the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1807 (2008), and reaffirms the provisions of paragraphs 10 and 12 of that resolution regarding the individuals and entities referred to in paragraph 4 of resolution 1857 (2008) (para. 3)

### Measures on transport and aviation: measures prior to 2008-2009

Resolution 1596 (2005)  
18 April 2005

Decides that, during the period of enforcement of the measures referred to in paragraph 1 [of the resolution], all Governments in the region, and in particular those of the Democratic Republic of the Congo and of States bordering Ituri and the Kivus, shall take the necessary measures:

(a) To ensure that aircraft operate in the region in accordance with the Convention on International Civil Aviation, signed in Chicago on 7 December 1944, in particular by verifying the validity of documents carried in aircraft and the licences of pilots;

(b) To prohibit immediately in their respective territories operation of any aircraft inconsistent with the conditions in that Convention or the standards established by the International Civil Aviation Organization, in particular with respect to the use of falsified or out-of-date documents, and to notify the Committee, and to maintain such prohibition until the Committee is informed by States or by the Group of Experts that these aircraft meet the said conditions and standards set forth in chapter V of the Chicago Convention and determines that they will not be used for a purpose inconsistent with the resolutions of the Security Council;

(c) To ensure that all civilian and military airports or airfields on their respective territories will not be used for a purpose inconsistent with the measures imposed by paragraph 1 (para. 6)

Also decides that each Government in the region, in particular those of States bordering Ituri and the Kivus, as well as that of the Democratic Republic of the Congo, shall maintain a registry for review by the Committee and the Group of Experts of all information concerning flights originating in their respective territories en route to destinations in the Democratic Republic of the Congo, as well as flights originating in the Democratic Republic of the Congo en route to destinations in their respective territories (para. 7)

Decides that, during the period of enforcement of the measures referred to in paragraph 1, the Government of the Democratic Republic of the Congo on the one hand, and those of States bordering Ituri and the Kivus on the other hand, shall take the necessary measures:

(a) To strengthen, as far as each of them is concerned, customs controls on the borders between Ituri or the Kivus and the neighbouring States;

(b) To ensure that all means of transport on their respective territories will not be used in violation of the measures taken by Member States in accordance with paragraph 1, and to notify MONUC of such actions;

and requests MONUC and the United Nations Operation in Burundi, in accordance with their respective mandates, to provide assistance to this end, where they have a permanent presence, to the competent customs authorities of the Democratic Republic of the Congo and of Burundi (para. 10)

Urges all States to conduct inquiries into the activities of their nationals who operate or are associated with the operation of aircraft or other means of transport such as those referred to in paragraphs 6 and 10 used for the transfer of arms or related materiel in violation of the measures imposed by paragraph 1, and if necessary to institute the appropriate legal proceedings against them (para. 12)

Resolution 1771 (2007)  
10 August 2007

Decides to renew, for the period specified in paragraph 1 [of the resolution], the measures on transport imposed by paragraphs 6, 7 and 10 of resolution 1596 (2005) (para. 5)

#### Measures on transport and aviation: modifications in 2008-2009

Resolution 1799 (2008)  
15 February 2008

Decides to extend, for the period specified in paragraph 1 above, the measures on transport imposed by paragraphs 6, 7 and 10 of resolution 1596 (2005) (para. 2)

Resolution 1807 (2008)  
31 March 2008

Decides that, for a further period ending on the date referred to in paragraph 1 [of the resolution], all Governments in the region, and in particular those of the Democratic Republic of the Congo and of States bordering Ituri and the Kivus, shall take the necessary measures:

(a) To ensure that aircraft operate in the region in accordance with the Convention on International Civil Aviation, signed at Chicago on 7 December 1944, in particular by verifying the validity of documents carried in aircraft and the licenses of pilots;

(b) To prohibit immediately in their respective territories the operation of any aircraft inconsistent with the conditions in that Convention or the standards established by the International Civil Aviation Organization, in particular with respect to the use of falsified or out-of-date documents, and to notify the Committee of the measures they take in this regard;

(c) To ensure that all civilian and military airports or airfields on their respective territories will not be used for a purpose inconsistent with the measures imposed by paragraph 1 (para. 6)

Recalls that, pursuant to paragraph 7 of resolution 1596 (2005), each Government in the region, in particular those of States bordering Ituri and the Kivus, as well as that of the Democratic Republic of the Congo, must maintain a registry for review by the Committee and the Group of Experts of all information concerning flights originating in their respective territories en route to destinations in the Democratic Republic of the Congo, as well as flights originating in the Democratic Republic of the Congo en route to destinations in their respective territories (para. 7)



<i>Decision</i>	<i>Provision</i>
	Decides that, for a further period ending on the date referred to in paragraph 1, the Government of the Democratic Republic of the Congo on the one hand, and those of States bordering Ituri and the Kivus on the other hand, shall take the necessary measures:
	(a) To strengthen, as far as each of them is concerned, customs controls on the borders between Ituri or the Kivus and the neighbouring States;
	(b) To ensure that all means of transport on their respective territories will not be used in violation of the measures taken by Member States in accordance with paragraph 1, and notify the Committee of such actions (para. 8)
Resolution 1857 (2008) 22 December 2008	Decides to renew, for the period specified in paragraph 1 [of the resolution], the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008), and reaffirms the provisions of paragraph 7 of that resolution (para. 2)
Resolution 1896 (2009) 30 November 2009	Decides to renew, for the period specified in paragraph 1 [of the resolution], the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008), and reaffirms the provisions of paragraph 7 of that resolution (para. 2)
<b>Travel ban or restrictions: measures prior to 2008-2009</b>	
Resolution 1596 (2005) 18 April 2005	Decides that, during the period of enforcement of the measures referred to in paragraph 1 [of the resolution], all States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee as acting in violation of the measures taken by Member States in accordance with paragraph 1, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals (para. 13)  Decides also that the measures imposed by the previous paragraph shall not apply where the Committee determines in advance and on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would further the objectives of the Council's resolutions, that is peace and national reconciliation in the Democratic Republic of the Congo and stability in the region (para. 14)
Resolution 1649 (2005) 21 December 2005	See paragraph 2 of the resolution, under "Asset freeze" above  Decides that the measures imposed under paragraph 2 as well as those under paragraph 13 of resolution 1596 (2005) shall not apply where the Committee authorizes in advance, and on a case-by-case basis, the transit of individuals returning to the territory of the State of their nationality, or participating in efforts to bring to justice perpetrators of grave violations of human rights or international humanitarian law (para. 3)
Resolution 1698 (2006) 31 July 2006	See paragraph 13 of the resolution, under "Asset freeze" above
Resolution 1771 (2007) 10 August 2007	See paragraph 6 of the resolution, under "Asset freeze" above

**Travel ban or restrictions: modifications in 2008-2009**

Resolution 1799 (2008) See paragraph 3 of the resolution, under “Asset freeze” above  
15 February 2008

Resolution 1804 (2008) See paragraphs 5 and 6 of the resolution, under “Asset freeze” above  
13 March 2008

Resolution 1807 (2008) Decides that, during the period of enforcement of the measures referred to in  
31 March 2008 paragraph 1 [of the resolution], all States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee pursuant to paragraph 13, provided that nothing in the present paragraph shall obligate a State to refuse entry into its territory to its own nationals (para. 9)

Decides also that the measures imposed by paragraph 9 above shall not apply:

(a) Where the Committee determines in advance and on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;

(b) Where the Committee concludes that an exemption would further the objectives of the resolutions of the Security Council, that is, peace and national reconciliation in the Democratic Republic of the Congo and stability in the region;

(c) Where the Committee authorizes in advance, and on a case-by-case basis, the transit of individuals returning to the territory of the State of their nationality, or participating in efforts to bring to justice perpetrators of grave violations of human rights or international humanitarian law (para. 10)

See also paragraphs 13 and 14 of the resolution, under “Asset freeze” above

Resolution 1857 (2008) See paragraphs 3, 4 and 5 of the resolution, under “Asset freeze” above  
22 December 2008

Resolution 1896 (2009) See paragraph 3 of the resolution, under “Asset freeze” above  
7 December 2009

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Table 16  
Enforcement measures

<i>Decision</i>	<i>Provision</i>
<b>Border/customs controls: measures prior to 2008-2009</b>	
Resolution <a href="#">1596 (2005)</a> 18 April 2005	Decides that, during the period of enforcement of the measures referred to in paragraph 1 [of the resolution], the Government of the Democratic Republic of the Congo on the one hand, and those of States bordering Ituri and the Kivus on the other hand, shall take the necessary measures: <p style="margin-left: 40px;">(a) To strengthen, as far as each of them is concerned, customs controls on the borders between Ituri or the Kivus and the neighbouring States;</p> <p style="margin-left: 40px;">(b) To ensure that all means of transport on their respective territories will not be used in violation of the measures taken by Member States in accordance with paragraph 1, and to notify the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) of such actions;</p> <p>and requests MONUC and the United Nations Operation in Burundi, in accordance with their respective mandates, to provide assistance to this end, where they have a permanent presence, to the competent customs authorities of the Democratic Republic of the Congo and of Burundi (para. 10)</p>
Resolution <a href="#">1771 (2007)</a> 10 August 2007	See paragraph 5 of the resolution, under “Measures on transport and aviation” in table 15 above
<b>Border/customs controls: modifications in 2008-2009</b>	
Resolution <a href="#">1807 (2008)</a> 31 March 2008	See paragraph 8 of the resolution, under “Measures on transport and aviation” in table 15 above
<b>Cargo inspections: measures prior to 2008-2009</b>	
Resolution <a href="#">1533 (2004)</a> 12 March 2004	Requests MONUC to continue to use all means, within its capabilities, to carry out the tasks outlined in paragraph 19 of resolution <a href="#">1493 (2003)</a> , and in particular to inspect, without notice as it deems it necessary, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri (para. 3)
<b>Cargo inspections: modifications in 2008-2009</b>	
Resolution <a href="#">1856 (2008)</a> 22 December 2008	Decides that MONUC shall, from the adoption of the present resolution, have the following mandate, in this order of priority, working in close cooperation with the Government of the Democratic Republic of the Congo: <p style="margin-left: 40px;">...</p> <p style="margin-left: 40px;">(n) To monitor the implementation of the measures imposed by paragraph 1 of resolution <a href="#">1807 (2008)</a>, in cooperation, as appropriate, with the Governments concerned and with the Group of Experts established by resolution <a href="#">1533 (2004)</a>, including by inspecting, as it deems necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri (para. 3)</p>

*Decision*

*Provision*

**Seizure of arms: measures taken in 2008-2009<sup>a</sup>**

Resolution 1856 (2008) 22 December 2008 Decides that MONUC shall, from the adoption of the present resolution, have the following mandate, in this order of priority, working in close cooperation with the Government of the Democratic Republic of the Congo:

...

(o) To seize or collect, as appropriate, the arms and any related materiel whose presence in the territory of the Democratic Republic of the Congo violates the measures imposed by paragraph 1 of resolution 1807 (2008) and to dispose of such arms and related materiel as appropriate (para. 3)

<sup>a</sup> No measures were taken prior to this period.

Table 17

**Other measures under Article 41**

*Decision*

*Provision*

**Intention to consider imposing measures**

Resolution 1804 (2008) 13 March 2008 See paragraph 6 of the resolution, under “Asset freeze” in table 15 above

**Intention to review sanctions**

Resolution 1804 (2008) 13 March 2008 See paragraph 6 of the resolution, under “Asset freeze” in table 15 above

Resolution 1807 (2008) 31 March 2008 Decides that, when appropriate and no later than 31 December 2008, it shall review the measures set forth in the present resolution, with a view to adjusting them, as appropriate, in the light of consolidation of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform, including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups (para. 22)

Resolution 1857 (2008) 22 December 2008 Decides that, when appropriate and no later than 30 November 2009, it shall review the measures set forth in the present resolution, with a view to adjusting them, as appropriate, in the light of the consolidation of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform, including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups (para. 26)

Resolution 1896 (2009) 30 November 2009 Decides that, when appropriate and no later than 30 November 2010, it shall review the measures set forth in the present resolution, with a view to adjusting them, as appropriate, in the light of the security situation in the Democratic Republic of the Congo, in particular progress in security sector reform, including the integration of the armed forces and the reform of the national police, and in disarming, demobilizing, repatriating, resettling and reintegrating, as appropriate, Congolese and foreign armed groups (para. 21)

**Measures imposed against the Sudan**

*Background*

In 2004, in the light of developments in the region of Darfur, Sudan, the Council decided to impose, by resolution 1556 (2004), an arms embargo on all non-governmental entities and individuals, including the Janjaweed militias, operating in Darfur. Subsequently, by resolution 1591 (2005), the Council expanded the arms embargo to all the parties to the N'Djamena Ceasefire Agreement and all other belligerents in the region and imposed an asset freeze and a travel ban on individuals who were identified as impeding the peace process, constituting a threat to stability in Darfur and the region, committing violations of international humanitarian or human rights law or

other atrocities, violating the arms embargo, or were responsible for offensive military overflights.

During the period, a sanctions committee established pursuant to resolution 1591 (2005) and a panel of experts oversaw the regime.<sup>55</sup>

*Developments during 2008 and 2009*

During the period under review the above-mentioned measures remained in force; the Council did not make any modifications to the sanctions regime.

Provisions of all decisions containing sanctions measures under Article 41 are set out in table 18.

<sup>55</sup> For more information, see part IX.

Table 18  
**Sanctions measures**

<i>Decision</i>	<i>Provision</i>
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**Arms embargo: measures prior to 2008-2009<sup>a</sup>**

Resolution 1556 (2004)  
30 July 2004

Decides that all States shall take the necessary measures to prevent the sale or supply to all non-governmental entities and individuals, including the Janjaweed militias, operating in the states of North Darfur, South Darfur and West Darfur, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, whether or not originating in their territories (para. 7)

Decides also that all States shall take the necessary measures to prevent any provision to the non-governmental entities and individuals identified in paragraph 7 above operating in the states of North Darfur, South Darfur and West Darfur by their nationals or from their territories, of technical training or assistance related to the provision, manufacture, maintenance or use of the items listed in paragraph 7 (para. 8)

Decides further that the measures imposed by paragraphs 7 and 8 above shall not apply to:

- (a) Supplies and related technical training and assistance to monitoring, verification or peace support operations, including such operations led by regional organizations, that are authorized by the United Nations or are operating with the consent of the relevant parties;
- (b) Supplies of non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use, and related technical training and assistance;
- (c) Supplies of protective clothing, including flak jackets and military helmets, for the personal use of United Nations personnel, human rights monitors, representatives of the media and humanitarian and development workers and associated personnel (para. 9)

*Decision*

*Provision*

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Resolution 1591 (2005)  
29 March 2005

Reaffirms the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004) and decides that these measures shall, immediately upon adoption of the present resolution, also apply to all the parties to the N'Djamena ceasefire agreement and any other belligerents in the states of Northern Darfur, Southern Darfur and Western Darfur; decides that these measures shall not apply to the supplies and related technical training and assistance listed in paragraph 9 of resolution 1556 (2004); decides also that these measures shall not apply with respect to assistance and supplies provided in support of implementation of the Comprehensive Peace Agreement; decides further that these measures shall not apply to movements of military equipment and supplies into the Darfur region that are approved in advance by the Committee established under paragraph 3 (a) [of the resolution] upon a request by the Government of the Sudan; and invites the African Union Ceasefire Commission to share pertinent information as appropriate in this regard with the Secretary-General, the Committee or the Panel of Experts established under paragraph 3 (b) (para. 7)

**Asset freeze: measures prior to 2008-2009<sup>a</sup>**

Resolution 1591 (2005)  
29 March 2005

Decides, in the light of the failure of all parties to the conflict in Darfur to fulfil their commitments:

...

(c) That those individuals, as designated by the Committee, based on the information provided by Member States, the Secretary-General, the United Nations High Commissioner for Human Rights or the Panel of Experts, and other relevant sources, who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the measures implemented by Member States in accordance with paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 [of the present resolution] as implemented by a State, or are responsible for offensive military overflights, shall be subject to the measures identified in subparagraphs (d) and (e) of the present paragraph;

...

(e) That all States shall freeze all funds, financial assets and economic resources that are on their territories on the date of adoption of the present resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons designated by the Committee pursuant to subparagraph (c) above, or that are held by entities owned or controlled, directly or indirectly, by such persons or by persons acting on their behalf or at their direction, and decides also that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities;

...

(g) That the measures imposed by subparagraph (e) of the present paragraph do not apply to funds, other financial assets and economic resources:

Decision

Provision

(i) That have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges or for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within two working days of such notification;

(ii) That have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(iii) That have been determined by relevant States to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, or other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered prior to the date of the present resolution, is not for the benefit of a person or entity designated by the Committee, and has been notified by the relevant States to the Committee (para. 3)

Resolution [1672 \(2006\)](#)  
25 April 2006

Decides that all States shall implement the measures specified in paragraph 3 of resolution [1591 \(2005\)](#) with respect to the following individuals:

- Major General Gaffar Mohamed Elhassan (Commander of the Western Military Region for the Sudanese Armed Forces)
- Sheikh Musa Hilal (Paramount Chief of the Jalul Tribe in North Darfur)
- Adam Yacub Shant (Sudanese Liberation Army Commander)
- Gabril Abdul Kareem Badri (National Movement for Reform and Development Field Commander) (para. 1)

**Travel ban or restrictions: measures prior to 2008-2009<sup>a</sup>**

Resolution [1591 \(2005\)](#)  
29 March 2005

Decides, in the light of the failure of all parties to the conflict in Darfur to fulfil their commitments:

...

(c) That those individuals, as designated by the Committee established by subparagraph (a) [of the resolution], based on the information provided by Member States, the Secretary-General, the United Nations High Commissioner for Human Rights or the Panel of Experts established under subparagraph (b), and other relevant sources, who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the measures implemented by Member States in accordance with paragraphs 7 and 8 of resolution [1556 \(2004\)](#) and paragraph 7 [of resolution [1591 \(2005\)](#)] as implemented by a State, or are responsible for offensive military overflights described in paragraph 6., shall be subject to the measures identified in subparagraphs (d) and (e);

(d) That all States shall take the necessary measures to prevent entry into or transit through their territories of all persons as designated by the Committee pursuant to subparagraph (c) above, provided that nothing in the present subparagraph shall obligate a State to refuse entry into its territory to its own nationals;

...

(f) That the measures imposed by subparagraph (d) above shall not apply where the Committee established by subparagraph (a) determines on a case by case basis that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would otherwise further the objectives of the Council's resolutions for the creation of peace and stability in the Sudan and the region (para. 3)

<sup>a</sup> No modifications were made in 2008-2009.

### Measures imposed against Côte d'Ivoire

#### *Background*

By resolution [1572 \(2004\)](#) of 15 November 2004, the Security Council adopted a general arms embargo and an asset freeze and travel restrictions on individuals who constituted a threat to the national reconciliation process, in particular those who blocked the implementation of the Linas-Marcoussis and Accra III Agreements, were responsible for serious violations of human rights and international humanitarian law, publicly incited hatred and violence, or violated the arms embargo. By resolution [1643 \(2005\)](#), the Council added an embargo on diamonds to the existing regime. The measures were regularly renewed, the last extension being until 31 October 2008 by resolution [1782 \(2007\)](#).

During the period, a sanctions committee established pursuant to resolution [1572 \(2004\)](#) and a panel of experts oversaw the regime.<sup>56</sup>

#### *Developments during 2008 and 2009*

During the period, the Council twice renewed the arms embargo, asset freeze, travel restrictions and diamond embargo for periods of 12 months, the last extension until 31 October 2010. By resolution

[1842 \(2008\)](#) of 29 October 2008, the Council also decided that any threat to the electoral process in Côte d'Ivoire shall constitute a threat to the national reconciliation process for the purposes of the asset freeze and travel ban. For the diamond embargo, the Council, by resolution [1893 \(2008\)](#) of 29 October 2009, clarified and expanded the exemptions, including by allowing imports that would be used solely for the purposes of scientific research and analysis to facilitate the development of specific technical information concerning Ivorian diamond production coordinated by the Kimberley Process. On several occasions the Council also reiterated its intention to impose the targeted measures on persons determined to be threatening the peace process, obstructing the United Nations Operation in Côte d'Ivoire and the French forces that supported it, violating human rights or the arms embargo or inciting hatred. Finally, the Council repeatedly promised to review the measures no later than three months after the holding of open, free, fair and transparent presidential elections in accordance with international standards.

Provisions of all decisions containing sanctions measures, enforcement measures and other measures under Article 41 are set out in tables 19, 20 and 21.

<sup>56</sup> For more information, see part IX.



Table 19  
Sanctions measures

<i>Decision</i>	<i>Provision</i>
<b>Arms embargo: measures prior to 2008-2009</b>	
Resolution <a href="#">1572 (2004)</a> 15 November 2004	<p>Decides that all States shall, for a period of 13 months from the date of adoption of the present resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire from their territories or by their nationals, or using their flag vessels or aircraft, of arms or any related materiel, in particular military aircraft and equipment, whether or not originating in their territories, as well as the provision of any assistance, advice or training related to military activities (para. 7)</p> <p>Decides that the measures imposed by paragraph 7 above shall not apply to:</p> <p>(a) Supplies and technical assistance intended solely for the support of or use by the United Nations Operation in Côte d'Ivoire and the French forces supporting them;</p> <p>(b) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance and training, as approved in advance by the Committee established by paragraph 14 [of the resolution];</p> <p>(c) Supplies of protective clothing, including flak jackets and military helmets, temporarily exported to Côte d'Ivoire by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;</p> <p>(d) Supplies temporarily exported to Côte d'Ivoire to the forces of a State which is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire, as notified in advance to the Committee (para. 8)</p>
Resolution <a href="#">1584 (2005)</a> 1 February 2005	<p>Reaffirms its decision in paragraph 7 of resolution <a href="#">1572 (2004)</a> that all States, particularly those bordering Côte d'Ivoire, shall take the necessary measures to prevent the direct or indirect supply, sale or transfer to Côte d'Ivoire of arms or any related materiel as well as the provision of any assistance, advice or training related to military activities (para. 1)</p>
<b>Arms embargo: modifications in 2008-2009</b>	
Resolution <a href="#">1842 (2008)</a> 29 October 2008	<p>Decides to renew until 31 October 2009 the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of resolution <a href="#">1572 (2004)</a> and the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution <a href="#">1643 (2005)</a> (para. 1)</p>
Resolution <a href="#">1893 (2009)</a> 29 October 2009	<p>Decides to renew until 31 October 2010 the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of resolution <a href="#">1572 (2004)</a> and the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution <a href="#">1643 (2005)</a> (para. 1)</p>

**Asset freeze: measures prior to 2008-2009**

Resolution [1572 \(2004\)](#)  
15 November 2004

Decides that all States shall, for the same period of 12 months, freeze immediately the funds, other financial assets and economic resources that are in their territories at the date of adoption of the present resolution or at any time thereafter, that are owned or controlled directly or indirectly by the persons designated pursuant to paragraph 9 [of the resolution] by the Committee, or that are held by entities owned or controlled directly or indirectly by any persons acting on their behalf or at their direction, as designated by the Committee, and decides further that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities (para. 11)

Decides that the provisions of paragraph 11 do not apply to funds, other financial assets and economic resources:

(a) That have been determined by relevant States to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within two working days of such notification;

(b) That have been determined by relevant States to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) That have been determined by relevant States to be subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 11 above or an individual or entity identified by the Committee, and has been notified by the relevant States to the Committee (para. 12)

**Asset freeze: modifications in 2008-2009**

Resolution [1842 \(2008\)](#)  
29 October 2008

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

Decides that any threat to the electoral process in Côte d’Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution [1572 \(2004\)](#) (para. 6)

*Decision*

*Provision*

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Resolution [1893 \(2009\)](#)  
29 October 2009

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

**Travel ban or restrictions: measures prior to 2008-2009**

Resolution [1572 \(2004\)](#)  
15 November 2004

Decides that all States shall take the necessary measures, for a period of 12 months, to prevent the entry into or transit through their territories of all persons designated by the Committee who constitute a threat to the peace and national reconciliation process in Côte d’Ivoire, in particular those who block the implementation of the Linas-Marcoussis and Accra III Agreements, any other person determined to be responsible for serious violations of human rights and international humanitarian law in Côte d’Ivoire on the basis of relevant information, any other person who publicly incites hatred and violence, and any other person determined by the Committee to be in violation of the measures imposed by paragraph 7 [of the resolution], provided that nothing in the present paragraph shall oblige a State to refuse entry into its territory to its own nationals (para. 9)

Decides that the measures imposed by paragraph 9 above shall not apply where the Committee determines that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would further the objectives of the resolutions of the Council, for peace and national reconciliation in Côte d’Ivoire and stability in the region (para. 10)

**Travel ban or restrictions: modifications in 2008-2009**

Resolution [1842 \(2008\)](#)  
29 October 2008

See paragraph 1 of the resolution, under “Arms embargo” above, and paragraph 6, under “Asset freeze” above

Resolution [1893 \(2009\)](#)  
29 October 2009

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

**Diamond embargo: measures prior to 2008-2009**

Resolution [1643 \(2005\)](#)  
15 December 2005

Decides that all States shall take the necessary measures to prevent the import of all rough diamonds from Côte d’Ivoire to their territory, welcomes the measures agreed upon by participants in the Kimberley Process Certification Scheme to this effect, and calls upon the States in the region which are not participants in the Kimberley Process to intensify their efforts to join the Kimberley Process in order to increase the effectiveness of monitoring the import of diamonds from Côte d’Ivoire (para. 6)

**Diamond embargo: modifications in 2008-2009**

Resolution [1842 \(2008\)](#)  
29 October 2008

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

Resolution [1893 \(2009\)](#)  
29 October 2009

Decides that the measures imposed by paragraph 6 of resolution [1643 \(2005\)](#) shall not apply to an import that will be used solely for the purposes of scientific research and analysis to facilitate the development of specific technical information concerning Ivorian diamond production, provided the research is coordinated by the Kimberley Process and approved on a case-by-case basis by the Committee (para. 16)

<i>Decision</i>	<i>Provision</i>
	Decides also that a request made in accordance with paragraph 16 above shall be submitted to the Committee jointly by the Kimberley Process and the importing Member State, and decides further that, where the Committee has approved an exemption pursuant to this paragraph, the importing Member State shall notify the Committee of the results of the study and share the results, without delay, with the Group of Experts [on Côte d'Ivoire] to assist it in its investigations (para. 17)

Table 20

**Enforcement measures**

<i>Decision</i>	<i>Provision</i>
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**Cargo inspections: measures prior to 2008-2009<sup>a</sup>**

Resolution 1739 (2007) 10 January 2007	Decides that the United Nations Operation in Côte d'Ivoire (UNOCI) <sup>b</sup> shall have the following mandate from the date of adoption of the present resolution:
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...

(g) Monitoring of the arms embargo:

- To monitor the implementation of the measures imposed by paragraph 7 of resolution 1572 (2004), in cooperation with the Group of Experts established pursuant to resolution 1584 (2005) and, as appropriate, with the United Nations Mission in Liberia and Governments concerned, including by inspecting, as they deem it necessary and without notice, the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings of Côte d'Ivoire (para. 2)

**Seizure of arms: measures prior to 2008-2009<sup>a</sup>**

Resolution 1739 (2007) 10 January 2007	Decides that UNOCI shall have the following mandate from the date of adoption of the present resolution:
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(g) Monitoring of the arms embargo:

...

- To collect, as appropriate, arms and any related materiel brought into Côte d'Ivoire in violation of the measures imposed by paragraph 7 of resolution 1572 (2004), and to dispose of such arms and related materiel as appropriate (para. 2)

<sup>a</sup> No modifications were made in 2008-2009.

<sup>b</sup> For more information on the mandate of UNOCI, see part X.

Table 21

**Other measures under Article 41**

<i>Decision</i>	<i>Provision</i>
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**Conditions for termination or review**

Resolution 1842 (2008) 29 October 2008	See paragraph 2 (a) of the resolution, under "Intention to review sanctions" below
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*Decision*

*Provision*

Resolution [1893 \(2009\)](#) 29 October 2009 See paragraph 2 (a) of the resolution, under “Intention to review sanctions” below

**Intention to consider imposing measures**

Resolution [1842 \(2008\)](#) 29 October 2008 Underlines that it is fully prepared to impose targeted measures against persons to be designated by the Committee who are determined to be, among other things:

(a) A threat to the peace and national reconciliation process in Côte d’Ivoire, in particular by blocking the implementation of the peace process as referred to in the Ouagadougou Political Agreement;

(b) Attacking or obstructing the action of the United Nations Operation in Côte d’Ivoire (UNOCI), of the French forces supporting it, of the Special Representative of the Secretary-General, of the Facilitator or his Special Representative in Côte d’Ivoire;

(c) Responsible for obstacles to the freedom of movement of UNOCI and of the French forces supporting it;

(d) Responsible for serious violations of human rights and international humanitarian law committed in Côte d’Ivoire;

(e) Publicly inciting hatred and violence;

(f) Acting in violation of the measures imposed by paragraph 7 of resolution [1572 \(2004\)](#) (para. 16)

Resolution [1865 \(2009\)](#) 27 January 2009 Recalls that it is fully prepared to impose targeted measures pursuant to paragraph 16 of resolution [1842 \(2008\)](#), including against persons who are determined to be a threat to the peace and national reconciliation process in Côte d’Ivoire, and recalls further that, pursuant to paragraph 6 of the above-mentioned resolution, any threat to the electoral process in Côte d’Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the action of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement, shall constitute a threat to the peace and national reconciliation process for the purposes of paragraph 9 and 11 of resolution [1572 \(2004\)](#) (para. 9)

Resolution [1880 \(2009\)](#) 30 July 2009 Recalls that it is fully prepared to impose targeted measures pursuant to paragraph 16 of resolution [1842 \(2008\)](#), including against persons who are determined to be a threat to the peace and national reconciliation process in Côte d’Ivoire, and recalls further that, pursuant to paragraph 6 of the above-mentioned resolution, any threat to the electoral process in Côte d’Ivoire, in particular any attack or obstruction of the action of the Independent Electoral Commission in charge of the organization of the elections or the actions of the operators mentioned in paragraphs 1.3.3 and 2.1.1 of the Ouagadougou Political Agreement, shall constitute a threat to the peace and national reconciliation process for the purposes of paragraphs 9 and 11 of resolution [1572 \(2004\)](#) (para. 11)

Resolution [1893 \(2009\)](#) 29 October 2009 Underlines that it is fully prepared to impose targeted measures against persons to be designated by the Committee who are determined to be, among other things:

- (a) A threat to the peace and national reconciliation process in Côte d'Ivoire, in particular by blocking the implementation of the peace process as referred to in the Ouagadougou Political Agreement;
- (b) Attacking or obstructing the action of UNOCI, of the French forces supporting it, the Special Representative of the Secretary-General, the Facilitator, or his Special Representative in Côte d'Ivoire;
- (c) Responsible for obstacles to the freedom of movement of UNOCI and of the French forces supporting it;
- (d) Responsible for serious violations of human rights and international humanitarian law committed in Côte d'Ivoire;
- (e) Publicly inciting hatred and violence;
- (f) Acting in violation of the measures imposed by paragraph 7 of resolution [1572 \(2004\)](#) (para. 20)

#### Intention to review sanctions

Resolution [1842 \(2008\)](#)  
29 October 2008

Decides to review the measures renewed in paragraph 1 [of the resolution] in the light of the progress achieved in the implementation of the key steps of the peace process and of the progress of the electoral process, as referred to in resolution [1826 \(2008\)](#), by the end of the period mentioned in paragraph 1, and decides further to carry out during the period mentioned in paragraph 1:

- (a) A review of the measures renewed in paragraph 1 no later than three months after the holding of open, free, fair and transparent presidential elections in accordance with international standards; or
- (b) A midterm review no later than 30 April 2009 if no review has been scheduled on the basis of paragraph 2 (a) of the present resolution at that date (para. 2)

Resolution [1893 \(2009\)](#)  
29 October 2009

Decides to review the measures renewed in paragraph 1 [of the resolution] in the light of the progress achieved in the electoral process and in the implementation of the key steps of the peace process, as referred to in resolution [1880 \(2009\)](#), by the end of the period mentioned in paragraph 1, and decides further to carry out during the period mentioned in paragraph 1:

- (a) A review of the measures renewed in paragraph 1 no later than three months after the holding of open, free, fair and transparent presidential elections in accordance with international standards, with a view to possibly modifying the sanctions regime; or
  - (b) A midterm review no later than 30 April 2010 if no review has been scheduled on the basis of paragraph 2 (a) of the present resolution at that date (para. 2)
-

## Measures imposed against Lebanon

### Background

By resolution 1636 (2005) of 31 October 2005, the Council imposed targeted sanctions, comprising an assets freeze as well as travel restrictions against individuals designated by the International Independent Investigation Commission or the Government of Lebanon as suspected of involvement in the terrorist bombing in Beirut on 14 February 2005 that killed the former Prime Minister of Lebanon, Rafiq Hariri, and 22 others. A Committee established pursuant to resolution 1636 (2005) was tasked with registering individuals and supporting the implementation of the sanctions measures.<sup>57</sup> Subsequently, by resolution 1701 (2006) of 11 August 2006, the Council imposed an arms embargo, including a ban on training, on any

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

The Council also decided that the Committee and any measures still in force would terminate when the Committee reported to the Council that all investigative and judicial proceedings relating to the terrorist attack of 14 February 2005 had been completed, unless otherwise decided by the Council.

### Developments during 2008 and 2009

The Council made no modifications to the regime during the period. As at the end of 2009, no individuals had been designated and registered by the Committee.

Provisions of all decisions containing sanctions measures and other measures under Article 41 are set out in tables 22 and 23.

<sup>57</sup> For more information on the Committee, see part IX.

Table 22

### Sanctions measures

*Decision*

*Provision*

#### Arms embargo: measures prior to 2008-2009<sup>a</sup>

Resolution 1701 (2006)  
11 August 2006

Decides that all States shall take the necessary measures to prevent, by their nationals or from their territories or using their flag vessels or aircraft:

(a) The sale or supply to any entity or individual in Lebanon of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, whether or not originating in their territories; and

(b) The provision to any entity or individual in Lebanon of any technical training or assistance related to the provision, manufacture, maintenance or use of the items listed in subparagraph (a) above;

except that these prohibitions shall not apply to arms, related material, training or assistance authorized by the Government of Lebanon or by the United Nations Interim Force in Lebanon as authorized in paragraph 11 [of the resolution] (para. 15)

#### Asset freeze: measures prior to 2008-2009<sup>a</sup>

Resolution 1636 (2005)  
31 October 2005

Decides, as a step to assist in the investigation of this crime and without prejudice to the ultimate judicial determination of the guilt or innocence of any individual:

(a) That all individuals designated by the Commission or the Government of Lebanon as suspected of involvement in the planning, sponsoring, organizing or perpetrating of this terrorist act, upon notification of such designation to and agreement of the Committee established in subparagraph (b), shall be subject to the following measures:

...

- All States shall freeze all funds, financial assets and economic resources that are on their territories that are owned or controlled, directly or indirectly, by such individuals, or that are held by entities owned or controlled, directly or indirectly, by such individuals or by persons acting on their behalf or at their direction; ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such individuals or entities; and cooperate fully in accordance with applicable law with any international investigations related to the assets or financial transactions of such individuals, entities or persons acting on their behalf, including through sharing of financial information (para. 3)

**Travel ban or restrictions: measures prior to 2008-2009<sup>a</sup>**

Resolution 1636 (2005) 31 October 2005 Decides, as a step to assist in the investigation of this crime and without prejudice to the ultimate judicial determination of the guilt or innocence of any individual:

(a) That all individuals designated by the Commission or the Government of Lebanon as suspected of involvement in the planning, sponsoring, organizing or perpetrating of this terrorist act, upon notification of such designation to and agreement of the Committee established in subparagraph (b), shall be subject to the following measures:

- All States shall take the measures necessary to prevent entry into or transit through their territories of such individuals, provided that nothing in the present paragraph shall obligate a State to refuse entry into its territory to its own nationals, or, if such individuals are found within their territory, shall ensure in accordance with applicable law that they are available for interview by the Commission if it so requests (para. 3)

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<sup>a</sup> No modifications were made in 2008-2009.



Table 23

**Other measures under Article 41**

<i>Decision</i>	<i>Provision</i>
<b>Conditions for termination or review: measures prior to 2008-2009<sup>a</sup></b>	
Resolution 1636 (2005) 31 October 2005	Decides, as a step to assist in the investigation of this crime and without prejudice to the ultimate judicial determination of the guilt or innocence of any individual:  ...  (c) That the Committee and any measures still in force under subparagraph (a) will terminate when the Committee reports to the Council that all investigative and judicial proceedings relating to this terrorist attack have been completed, unless otherwise decided by the Council (para. 3)

<sup>a</sup> No modifications were made in 2008-2009.

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

*Background*

In 2006, the Security Council, condemning the nuclear test proclaimed by the Democratic People’s Republic of Korea on 9 October 2006 and deciding that the Democratic People’s Republic of Korea should abandon all nuclear weapons and existing nuclear programmes, imposed targeted sanctions by resolution 1718 (2006). The sanctions included arms embargoes on battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems, as well as on luxury goods and material and equipment related to nuclear programmes. The Council also imposed travel restrictions and an asset freeze on individuals associated with the Democratic People’s Republic of Korea’s nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes.

During the period, a sanctions committee was established pursuant to resolution 1718 (2006) to oversee the implementation and enforcement and to grant exceptions. In addition, the Council, by resolution 1874 (2009) of 12 June 2009, established a panel of experts to assist the committee.<sup>58</sup>

*Developments during 2008 and 2009*

On 12 June 2009, by resolution 1874 (2009), the Council condemned the nuclear test conducted by the

Democratic People’s Republic of Korea on 25 May 2009 in violation and flagrant disregard of its relevant resolutions, in particular resolutions 1695 (2006) and 1718 (2006). The Council expanded the arms embargo and refined the enforcement mechanisms, including by ordering inspections of cargo to and from the Democratic People’s Republic of Korea. It expanded the sanctions on heavy weaponry and those items specified by the sanctions committee to apply to all “arms and related materiel”. The Council also strengthened the enforcement measures and required members to investigate all cargo to and from the Democratic People’s Republic of Korea and to investigate vessels on the high seas if a Member State believed them to contain banned items. It prohibited provision of bunkering services, such as provision of fuel or supplies, for vessels of the Democratic People’s Republic of Korea. Moreover, the Council called on Member States to stop public financial support for trade and prevent the provision of financial services or resources that could contribute to the nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes. It also called upon Member States and financial institutions not to enter into new financial relationships with or provide public support to the Democratic People’s Republic of Korea except for humanitarian and developmental purposes or the promotion of denuclearization.

Provisions of all decisions containing sanctions measures, enforcement measures and other measures under Article 41 are set out in tables 24 to 26.

<sup>58</sup> For more information, see part IX.

Table 24  
Sanctions measures

<i>Decision</i>	<i>Provision</i>
<b>Arms embargo: measures prior to 2008-2009</b>	
Resolution 1718 (2006) 14 October 2006	<p>Decides that:</p> <p>(a) All Member States shall prevent the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:</p> <p>(i) Any battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel, including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 [of the resolution];</p> <p>...</p> <p>(b) The Democratic People's Republic of Korea shall cease the export of all items covered in subparagraphs (a) (i) and (ii) above and that all Member States shall prohibit the procurement of such items from the Democratic People's Republic of Korea by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the Democratic People's Republic of Korea;</p> <p>(c) All Member States shall prevent any transfers to the Democratic People's Republic of Korea by their nationals or from their territories, or from the Democratic People's Republic of Korea by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (ii) above (para. 8)</p>
<b>Arms embargo: modifications in 2008-2009</b>	
Resolution 1874 (2009) 12 June 2009	<p>Decides that the measures in paragraph 8 (b) of resolution 1718 (2006) shall also apply to all arms and related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms or materiel (para. 9)</p> <p>Decides that the measures in paragraph 8 (a) of resolution 1718 (2006) shall also apply to all arms and related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms, except for small arms and light weapons and their related materiel, and calls upon States to exercise vigilance over the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea of small arms or light weapons, and further decides that States shall notify the Committee at least five days prior to selling, supplying or transferring small arms or light weapons to the Democratic People's Republic of Korea (para. 10)</p>

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Decision

Provision

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**Asset freeze: measures prior to 2008-2009**

Resolution 1718 (2006)  
14 October 2006

Decides that:

...

(d) All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic resources which are on their territories at the date of the adoption of the present resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Council as being engaged in or providing support for, including through other illicit means, Democratic People's Republic of Korea's nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities (para. 8)

Decides that the provisions of paragraph 8 (d) above do not apply to financial or other assets or resources that have been determined by relevant States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges, or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets and economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee; or

(c) To be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered prior to the date of the present resolution, is not for the benefit of a person referred to in paragraph 8 (d) above or an individual or entity identified by the Council or the Committee, and has been notified by the relevant States to the Committee (para. 9)

**Asset freeze: modifications in 2008-2009**

- Resolution 1874 (2009)  
12 June 2009
- Calls upon Member States, in addition to implementing their obligations pursuant to paragraphs 8 (d) and (e) of resolution 1718 (2006), to prevent the provision of financial services or the transfer to, through or from their territory, or to or by their nationals or entities organized under their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources that could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes or activities, including by freezing any financial or other assets or resources on their territories or that hereafter come within their territories, or that are subject to their jurisdiction or that hereafter become subject to their jurisdiction, that are associated with such programmes or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation (para. 18)
- Emphasizes that all Member States should comply with the provisions of paragraphs 8 (a) (iii) and 8 (d) of resolution 1718 (2006) without prejudice to the activities of the diplomatic missions in the Democratic People's Republic of Korea pursuant to the Vienna Convention on Diplomatic Relations (para. 21)

**Luxury goods embargo: measures prior to 2008-2009**

- Resolution 1718 (2006)  
14 October 2006
- Decides that:
- (a) All Member States shall prevent the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:
- ...
- (iii) Luxury goods (para. 8)

**Luxury goods embargo: modifications in 2008-2009**

- Resolution 1874 (2009)  
12 June 2009
- See paragraph 21 of the resolution, under "Asset freeze" above

**Non-proliferation measures: measures prior to 2008-2009**

- Resolution 1718 (2006)  
14 October 2006
- Decides that:
- (a) All Member States shall prevent the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:

...

(ii) All items, materials, equipment, goods and technology as set out in the lists in documents [S/2006/814](#) and [S/2006/815](#), unless within 14 days of adoption of the present resolution the Committee has amended or completed their provisions, also taking into account the list in document [S/2006/816](#), as well as other items, materials, equipment, goods and technology, determined by the Council or the Committee, which could contribute to Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;

(b) The Democratic People's Republic of Korea shall cease the export of all items covered in subparagraphs (a) (i) and (ii) above and that all Member States shall prohibit the procurement of such items from the Democratic People's Republic of Korea by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the Democratic People's Republic of Korea;

(c) All Member States shall prevent any transfers to the Democratic People's Republic of Korea by their nationals or from their territories, or from the Democratic People's Republic of Korea by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (ii) above;

...

(f) In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action, including through inspection of cargo to and from the Democratic People's Republic of Korea, as necessary (para. 8)

#### Non-proliferation measures: modifications in 2008-2009

Resolution [1874 \(2009\)](#)  
12 June 2009

Calls upon all Member States not to provide public financial support for trade with the Democratic People's Republic of Korea (including the granting of export credits, guarantees or insurance to their nationals or entities involved in such trade) where such financial support could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes or activities (para. 20)

Decides that the measures set out at paragraphs 8 (a), 8 (b) and 8 (c) of resolution [1718 \(2006\)](#) shall also apply to the items listed in INFCIRC/254/Rev.9/Part 1 and INFCIRC/254/Rev.7/Part 2 (para. 23)

**Travel ban or restrictions: measures prior to 2008-2009<sup>a</sup>**

Resolution 1718 (2006) Decides that:  
14 October 2006

...

(e) All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Council as being responsible for, including by supporting or promoting, policies of the Democratic People's Republic of Korea in relation to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory (para. 8)

Decides that the measures imposed by paragraph 8 (e) above shall not apply where the Committee determines on a case-by-case basis, that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of the present resolution (para. 10)

**Financial services restrictions: measures taken in 2008-2009<sup>b</sup>**

Resolution 1874 (2009) See paragraph 18 of the resolution, under "Asset freeze" above  
12 June 2009

Calls upon all Member States and international financial and credit institutions not to enter into new commitments for grants, financial assistance or concessional loans to the Democratic People's Republic of Korea, except for humanitarian and development purposes directly addressing the needs of the civilian population or the promotion of denuclearization, and also calls upon States to exercise enhanced vigilance with a view to reducing current commitments (para. 19)

**Prohibition of bunkering services: measures taken in 2008-2009<sup>b</sup>**

Resolution 1874 (2009) Decides that Member States shall prohibit the provision by their nationals or from their territory of bunkering services, such as provision of fuel or supplies, or other servicing of vessels, to vessels of the Democratic People's Republic of Korea if they have information that provides reasonable grounds to believe they are carrying items, the supply, sale, transfer or export of which is prohibited by paragraph 8 (a), 8 (b) or 8 (c) of resolution 1718 (2006) or by paragraph 9 or 10 of the present resolution, unless the provision of such services is necessary for humanitarian purposes or until such time as the cargo has been inspected, and seized and disposed of if necessary, and underlines that the present paragraph is not intended to affect legal economic activities (para. 17)

**Public financial support for trade restrictions: measures taken in 2008-2009<sup>b</sup>**

Resolution 1874 (2009) See paragraph 20 of the resolution under "Non-proliferation measures" above  
12 June 2009

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<sup>a</sup> No modifications were made in 2008-2009.

<sup>b</sup> No measures were taken prior to this period.

Table 25  
Enforcement measures

<i>Decision</i>	<i>Provision</i>
<b>Cargo inspections: measures prior to 2008-2009</b>	
Resolution 1718 (2006) 14 October 2006	Decides that:  ...  (f) In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action including through inspection of cargo to and from the Democratic People's Republic of Korea, as necessary (para. 8)
<b>Cargo inspections: modifications in 2008-2009</b>	
Resolution 1874 (2009) 12 June 2009	<p>Calls upon all States to inspect, in accordance with their national authorities and legislation, and consistent with international law, all cargo to and from the Democratic People's Republic of Korea, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items, the supply, sale, transfer or export of which is prohibited by paragraph 8 (a), 8 (b) or 8 (c) of resolution 1718 (2006) or by paragraph 9 or 10 of the present resolution, for the purpose of ensuring strict implementation of those provisions (para. 11)</p> <p>Calls upon all Member States to inspect vessels, with the consent of the flag State, on the high seas, if they have information that provides reasonable grounds to believe that the cargo of such vessels contains items, the supply, sale, transfer or export of which is prohibited by paragraph 8 (a), 8 (b) or 8 (c) of resolution 1718 (2006) or by paragraph 9 or 10 of the present resolution, for the purpose of ensuring strict implementation of those provisions (para. 12)</p> <p>Calls upon all States to cooperate with inspections pursuant to paragraphs 11 and 12 [of the resolution], and, if the flag State does not consent to inspection on the high seas, decides that the flag State shall direct the vessel to proceed to an appropriate and convenient port for the required inspection by the local authorities pursuant to paragraph 11 (para. 13)</p> <p>Decides to authorize all Member States to, and that all Member States shall, seize and dispose of items, the supply, sale, transfer or export of which is prohibited by paragraph 8 (a), 8 (b) or 8 (c) of resolution 1718 (2006) or by paragraph 9 or 10 of the present resolution, that are identified in inspections pursuant to paragraph 11, 12, or 13 above in a manner that is not inconsistent with their obligations under applicable Council resolutions, including resolution 1540 (2004), as well as any obligations of parties to the Treaty on the Non-Proliferation of Nuclear Weapons, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 13 January 1993 and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972, and decides further that all States shall cooperate in such efforts (para. 14)</p>

<i>Decision</i>	<i>Provision</i>
	Requires any Member State, when it undertakes an inspection pursuant to paragraph 11, 12 or 13 above, or seizes and disposes of cargo pursuant to paragraph 14, to submit promptly reports containing relevant details to the Committee on the inspection, seizure and disposal (para. 15)
	Also requires any Member State, when it does not receive the cooperation of a flag State pursuant to paragraph 12 or 13 above, to submit promptly to the Committee a report containing relevant details (para. 16)
	Decides that Member States shall prohibit the provision by their nationals or from their territory of bunkering services, such as provision of fuel or supplies, or other servicing of vessels, to vessels of the Democratic People's Republic of Korea if they have information that provides reasonable grounds to believe they are carrying items, the supply, sale, transfer or export of which is prohibited by paragraph 8 (a), 8 (b) or 8 (c) of resolution 1718 (2006) or by paragraph 9 or 10 of the present resolution, unless the provision of such services is necessary for humanitarian purposes or until such time as the cargo has been inspected, and seized and disposed of if necessary, and underlines that the present paragraph is not intended to affect legal economic activities (para. 17)

**Reporting: measures prior to 2008-2009**

Resolution 1718 (2006) 14 October 2006	Calls upon all Member States to report to the Council within 30 days of the adoption of the present resolution on the steps they have taken with a view to implementing effectively the provisions of paragraph 8 [of the resolution] (para. 11)
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**Reporting: modifications in 2008-2009**

Resolution 1874 (2009) 12 June 2009	Calls upon all Member States to report to the Security Council within 45 days of the adoption of the present resolution and thereafter upon request by the Committee on concrete measures they have taken in order to implement effectively the provisions of paragraph 8 of resolution 1718 (2006) as well as paragraphs 9 and 10 of the present resolution, as well as financial measures set out in paragraphs 18, 19 and 20 of the present resolution (para. 22)
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Table 26

**Other measures under Article 41**

<i>Decision</i>	<i>Provision</i>
<b>Intention to review sanctions: measures prior to 2008-2009</b>	
Resolution 1718 (2006) 14 October 2006	Affirms that it shall keep the actions of the Democratic People's Republic of Korea under continuous review and that it shall be prepared to review the appropriateness of the measures contained in paragraph 8 [of the resolution] including the strengthening, modification, suspension or lifting of the measures, as may be needed at that time in the light of the Democratic People's Republic of Korea's compliance with the provisions of the resolution (para. 15)



Decision

Provision

**Intention to review sanctions: modifications in 2008-2009**

<p>Resolution <a href="#">1874 (2009)</a> 12 June 2009</p>	<p>Affirms that it shall keep the actions of the Democratic People’s Republic of Korea under continuous review and that it shall be prepared to review the appropriateness of the measures contained in paragraph 8 of resolution <a href="#">1718 (2006)</a> and relevant paragraphs of the present resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at that time in the light of compliance by the Democratic People’s Republic of Korea with relevant provisions of resolution <a href="#">1718 (2006)</a> and the present resolution (para. 32)</p>
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**Measures imposed against the Islamic Republic of Iran**

*Background*

On 29 March 2006, the Security Council expressed serious concern with the decision by the Islamic Republic of Iran to resume enrichment-related activities and called upon that country to take the steps which were essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions.<sup>59</sup> After the Islamic Republic of Iran failed to meet the expectations of the Council, the Council, by resolutions [1737 \(2006\)](#) and [1747 \(2007\)](#), imposed a proliferation-sensitive nuclear activities and nuclear weapons delivery systems-related embargo, an export ban on all arms and related materiel from the Islamic Republic of Iran, an asset freeze on designated individuals and entities, and a travel notification requirement on designated individuals. The Council also established a sanctions committee to oversee the implementation and enforcement of the measures.<sup>60</sup>

*Developments during 2008 and 2009*

During the period, the Council, by resolution [1803 \(2008\)](#), imposed additional measures on the Islamic Republic of Iran because of its non-compliance with resolutions [1737 \(2006\)](#) and [1747 \(2007\)](#). The Council broadened the scope of the proliferation-sensitive nuclear activities and nuclear weapons delivery systems-related embargo, introduced a travel ban on designated individuals, and expanded the lists of persons and entities subject to the asset freeze and of persons subject to the travel notification requirement. In addition, the Council called upon Member States to inspect the cargoes to and from the Islamic Republic of Iran, of aircraft and vessels, at their airports and seaports if there were suspicions that they might be transporting prohibited items.

Provisions of all decisions containing sanctions measures, enforcement measures and other measures under Article 41 are set out in tables 27 to 29.

<sup>59</sup> S/PRST/2006/15.

<sup>60</sup> For more information, see part IX.

Table 27

**Sanctions measures**

Decision

Provision

**Arms embargo: measures prior to 2008-2009<sup>a</sup>**

<p>Resolution <a href="#">1747 (2007)</a> 24 March 2007</p>	<p>Decides that the Islamic Republic of Iran shall not supply, sell or transfer directly or indirectly from its territory or by its nationals or using its flag vessels or aircraft any arms or related materiel, and that all States shall prohibit the procurement of such items from the Islamic Republic of Iran by their nationals, or using their flag vessels or aircraft, and whether or not originating in the territory of the Islamic Republic of Iran (para. 5)</p>
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**Asset freeze: measures prior to 2008-2009**

Resolution 1737 (2006)  
23 December 2006

Decides that all States shall freeze the funds, other financial assets and economic resources which are on their territories at the date of adoption of the present resolution or at any time thereafter, that are owned or controlled by the persons or entities designated in the annex, as well as those of additional persons or entities designated by the Council or by the Committee as being engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them, including through illicit means, and that the measures in this paragraph shall cease to apply in respect of such persons or entities if, and at such time as, the Council or the Committee removes them from the annex, and decides further that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of these persons and entities (para. 12)

Decides also that the measures imposed by paragraph 12 above do not apply to funds, other financial assets or economic resources that have been determined by relevant States:

(a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Committee and has been approved by the Committee;

(c) To be the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement, provided that the lien or judgement was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraphs 10 and 12 [of the resolution], and has been notified by the relevant States to the Committee;

(d) To be necessary for activities directly related to the items specified in subparagraphs 3 (b) (i) and (ii) and have been notified by the relevant States to the Committee (para. 13)

Decision

Provision

Decides further that States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 12 above of interest or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of the present resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen (para. 14)

Decides that the measures in paragraph 12 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that:

(a) The contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in paragraphs 3, 4 and 6 [of the resolution];

(b) The payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 12 above;

and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization (para. 15)

*See also annex I to the resolution*

Resolution [1747 \(2007\)](#)  
24 March 2007

Decides that the measures specified in paragraphs 12, 13, 14 and 15 of resolution [1737 \(2006\)](#) shall apply also to the persons and entities listed in annex I to the present resolution (para. 4)

*See also annex I to the resolution*

#### **Asset freeze: modifications in 2008-2009**

Resolution [1803 \(2008\)](#)  
3 March 2008

Decides that the measures specified in paragraphs 12 to 15 of resolution [1737 \(2006\)](#) shall apply also to the persons and entities listed in annexes I and III to the present resolution, and any persons or entities acting on their behalf or at their direction, and to entities owned or controlled by them and to persons and entities determined by the Council or the Committee to have assisted designated persons or entities in evading sanctions of, or in violating the provisions of, the present resolution, resolution [1737 \(2006\)](#) or resolution [1747 \(2007\)](#) (para. 7)

*See also annexes I and III to the resolution*

#### **Financial services restrictions: measures prior to 2008-2009**

Resolution [1737 \(2006\)](#)  
23 December 2006

Decides that all States shall also take the necessary measures to prevent the provision to the Islamic Republic of Iran of any technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of the prohibited items, materials, equipment, goods and technology specified in paragraphs 3 and 4 [of the resolution] (para. 6)

*Decision*

*Provision*

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Resolution [1747 \(2007\)](#)  
24 March 2007

Calls upon all States and international financial institutions not to enter into new commitments for grants, financial assistance and concessional loans to the Government of the Islamic Republic of Iran, except for humanitarian and development purposes (para. 7)

**Financial services restrictions: modifications in 2008-2009**

Resolution [1803 \(2008\)](#)  
3 March 2008

Calls upon all States to exercise vigilance in entering into new commitments for public-provided financial support for trade with the Islamic Republic of Iran, including the granting of export credits, guarantees or insurance, to their nationals or entities involved in such trade, in order to avoid such financial support contributing to the proliferation-sensitive nuclear activities, or to the development of nuclear weapon delivery systems, as referred to in resolution [1737 \(2006\)](#) (para. 9)

Also calls upon all States to exercise vigilance over the activities of financial institutions in their territories with all banks domiciled in the Islamic Republic of Iran, in particular with Bank Melli and Bank Saderat, and their branches and subsidiaries abroad, in order to avoid such activities contributing to the proliferation-sensitive nuclear activities, or to the development of nuclear weapon delivery systems, as referred to in resolution [1737 \(2006\)](#) (para. 10)

**Non-proliferation measures: measures prior to 2008-2009**

Resolution [1737 \(2006\)](#)  
23 December 2006

*Summary.* Ban on all items, materials, equipment, goods and technology which could contribute to the Islamic Republic of Iran's enrichment-related, reprocessing or heavy water-related activities, including related services such as technical assistance or training (paras. 3-7, 9, 16 and 17)

**Non-proliferation measures: modifications in 2008-2009**

Resolution [1803 \(2008\)](#)  
3 March 2008

Decides that all States shall take the necessary measures to prevent the supply, sale or transfer directly or indirectly from their territories or by their nationals or using their flag vessels or aircraft to, or for use in or benefit of, the Islamic Republic of Iran, and whether or not originating in their territories, of:

(a) All items, materials, equipment, goods and technology set out in INFCIRC/254/ Rev.7/Part 2<sup>b</sup> in document [S/2006/814](#), except the supply, sale or transfer, in accordance with the requirements of paragraph 5 of resolution [1737 \(2006\)](#), of items, materials, equipment, goods and technology set out in sections 1 and 2 of the annex to that document, and sections 3 to 6 as notified in advance to the Committee, only when for exclusive use in light water reactors, and where such supply, sale or transfer is necessary for technical cooperation provided to the Islamic Republic of Iran by the International Atomic Energy Agency (IAEA) or under its auspices as provided for in paragraph 16 of resolution [1737 \(2006\)](#);

(b) All items, materials, equipment, goods and technology set out in 19.A.3<sup>c</sup> of Category II in document [S/2006/815](#) (para. 8)

Decision

Provision

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**Travel ban or restrictions: measures prior to 2008-2009**

Resolution [1737 \(2006\)](#)  
23 December 2006

Calls upon all States to exercise vigilance regarding the entry into or transit through their territories of individuals who are engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, and decides in this regard that all States shall notify the Committee of the entry into or transit through their territories of the persons designated in the annex to the present resolution, as well as of additional persons designated by the Council or the Committee as being engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities and for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 [of the resolution], except where such travel is for activities directly related to the items in paragraphs 3 (b) (i) and (ii) (para. 10)

Underlines that nothing in paragraph 10 above requires a State to refuse its own nationals entry into its territory, and that all States shall, in the implementation of paragraph 10 above, take into account humanitarian considerations as well as the necessity to meet the objectives of the present resolution, including where article XV of the statute of IAEA is engaged (para. 11)

Resolution [1747 \(2007\)](#)  
24 March 2007

Calls upon all States also to exercise vigilance and restraint regarding the entry into or transit through their territories of individuals who are engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, and decides in this regard that all States shall notify the Committee established pursuant to paragraph 18 of resolution [1737 \(2006\)](#) of the entry into or transit through their territories of the persons designated in the annex to resolution [1737 \(2006\)](#) or annex I to the present resolution, as well as of additional persons designated by the Council or the Committee as being engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 of resolution [1737 \(2006\)](#), except where such travel is for activities directly related to the items in subparagraphs 3 (b) (i) and (ii) of that resolution (para. 2)

Underlines that nothing in paragraph 2 above requires a State to refuse its own nationals entry into its territory, and that all States shall, in the implementation of paragraph 2 above, take into account humanitarian considerations, including religious obligations, as well as the necessity to meet the objectives of the present resolution and resolution [1737 \(2006\)](#), including where article XV of the statute of IAEA is engaged (para. 3)

**Travel ban or restrictions: modifications in 2008-2009**

Resolution 1803 (2008)  
3 March 2008

Calls upon all States to exercise vigilance and restraint regarding the entry into or transit through their territories of individuals who are engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, and decides in this regard that all States shall notify the Committee established pursuant to paragraph 18 of resolution 1737 (2006) of the entry into or transit through their territories of the persons designated in the annex to resolution 1737 (2006), annex I to resolution 1747 (2007) or annex I to the present resolution, as well as of additional persons designated by the Council or the Committee as being engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 of resolution 1737 (2006), except where such entry or transit is for activities directly related to the items in paragraphs 3 (b) (i) and (ii) of resolution 1737 (2006) (para. 3)

Underlines that nothing in paragraph 3 above requires a State to refuse its own nationals entry into its territory, and that all States shall, in the implementation of paragraph 3 above, take into account humanitarian considerations, including religious obligations, as well as the necessity to meet the objectives of the present resolution and resolutions 1737 (2006) and 1747 (2007), including where article XV of the statute of IAEA is engaged (para. 4)

Decides that all States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated in annex II to the present resolution as well as of additional persons designated by the Council or the Committee as being engaged in, directly associated with or providing support for the Islamic Republic of Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology specified by and under the measures in paragraphs 3 and 4 of resolution 1737 (2006), except where such entry or transit is for activities directly related to the items in paragraphs 3 (b) (i) and (ii) of resolution 1737 (2006) and provided that nothing in the present paragraph shall oblige a State to refuse its own nationals entry into its territory (para. 5)

Decides also that the measures imposed by paragraph 5 above shall not apply where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of the present resolution (para. 6)

*See also annexes I, II and III to the resolution*

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<sup>a</sup> No modifications were made in 2008-2009.

<sup>b</sup> Communications received from certain Member States regarding guidelines for transfers of nuclear-related dual-use equipment, materials, software and related technology.

<sup>c</sup> Complete unmanned aerial vehicle systems.

Table 28

**Enforcement measures**

<i>Decision</i>	<i>Provision</i>
<b>Cargo inspections: measures taken in 2008-2009<sup>a</sup></b>	
Resolution 1803 (2008) 3 March 2008	<p>Calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, to inspect the cargoes to and from the Islamic Republic of Iran of aircraft and vessels, at their airports and seaports, owned or operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line, provided that there are reasonable grounds to believe that the aircraft or vessel is transporting goods prohibited under the present resolution or resolution 1737 (2006) or resolution 1747 (2007) (para. 11)</p> <p>Requires all States, in cases when inspection mentioned in paragraph 11 above is undertaken, to submit to the Council within five working days a written report on the inspection containing, in particular, an explanation of the grounds for the inspection, as well as information on its time, place, circumstances, results and other relevant details (para. 12)</p>
<b>Reporting: measures prior to 2008-2009</b>	
Resolution 1737 (2006) 23 December 2006	Decides that all States shall report to the Committee within 60 days of the adoption of the present resolution on the steps they have taken with a view to implementing effectively paragraphs 3, 4, 5, 6, 7, 8, 10, 12 and 17 [of the resolution] (para. 19)
Resolution 1747 (2007) 24 March 2007	Calls upon all States to report to the Committee within 60 days of the adoption of the present resolution on the steps they have taken with a view to implementing effectively paragraphs 2, 4, 5, 6 and 7 [of the resolution] (para. 8)
<b>Reporting: modifications in 2008-2009</b>	
Resolution 1803 (2008) 3 March 2008	Calls upon all States to report to the Committee within 60 days of the adoption of the present resolution on the steps they have taken with a view to implementing effectively paragraphs 3, 5 and 7 to 11 [of the resolution] (para. 13)

<sup>a</sup> No measures were taken prior to this period.

Table 29

**Other measures under Article 41**

<i>Decision</i>	<i>Provision</i>
<b>Conditions for termination or review: measures prior to 2008-2009</b>	
Resolution 1737 (2006) 23 December 2006	<p>Affirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 23 [of the resolution], to be submitted within 60 days, and:</p> <p>(a) That it shall suspend the implementation of measures if and for so long as the Islamic Republic of Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by the International Atomic Energy Agency (IAEA), to allow for negotiations;</p>

(b) That it shall terminate the measures specified in paragraphs 3, 4, 5, 6, 7, 10 and 12 [of the resolution] as soon as it determines that the Islamic Republic of Iran has fully complied with its obligations under the relevant resolutions of the Council and met the requirements of the IAEA Board of Governors, as confirmed by the Board (para. 24)

Resolution [1747 \(2007\)](#)  
24 March 2007

Affirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 12 [of the resolution], to be submitted within 60 days, and:

(a) That it shall suspend the implementation of measures if and for so long as the Islamic Republic of Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by IAEA, to allow for negotiations in good faith in order to reach an early and mutually acceptable outcome;

(b) That it shall terminate the measures specified in paragraphs 3, 4, 5, 6, 7 and 12 of resolution [1737 \(2006\)](#) as well as in paragraphs 2, 4, 5, 6 and 7 [of resolution [1747 \(2007\)](#)] as soon as it determines, following receipt of the report referred to in paragraph 12 [of resolution [1747 \(2007\)](#)], that the Islamic Republic of Iran has fully complied with its obligations under the relevant resolutions of the Council and met the requirements of the IAEA Board of Governors, as confirmed by the Board (para. 13)

**Conditions for termination or review: modifications in 2008-2009**

Resolution [1803 \(2008\)](#)  
3 March 2008

Reaffirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 18 [of the resolution], and:

(a) That it shall suspend the implementation of measures if and for so long as the Islamic Republic of Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by IAEA, to allow for negotiations in good faith in order to reach an early and mutually acceptable outcome;

(b) That it shall terminate the measures specified in paragraphs 3 to 7 and 12 of resolution [1737 \(2006\)](#), as well as in paragraphs 2 and 4 to 7 of resolution [1747 \(2007\)](#) and in paragraphs 3, 5 and 7 to 11 [of resolution [1803 \(2008\)](#)], as soon as it determines, following receipt of the report referred to in paragraph 18 [of resolution [1803 \(2008\)](#)], that the Islamic Republic of Iran has fully complied with its obligations under the relevant resolutions of the Council and met the requirements of the IAEA Board of Governors, as confirmed by the Board;

(c) That it shall, in the event that the report shows that the Islamic Republic of Iran has not complied with resolutions [1696 \(2006\)](#), [1737 \(2006\)](#), [1747 \(2007\)](#) and the present resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade the Islamic Republic of Iran to comply with these resolutions and the requirements of IAEA, and underlines that further decisions will be required should such additional measures be necessary (para. 19)



Decision

Provision

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**Intention to consider imposing measures: measures prior to 2008-2009**

Resolution [1696 \(2006\)](#)  
31 July 2006

Expresses its intention, in the event that the Islamic Republic of Iran has not by that date complied with the present resolution, then to adopt appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade the Islamic Republic of Iran to comply with the present resolution and the requirements of IAEA, and underlines that further decisions will be required should such additional measures be necessary (para. 8)

Resolution [1737 \(2006\)](#)  
23 December 2006

Affirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 23 [of the resolution], to be submitted within 60 days, and:

...

(c) That it shall, in the event that the report referred to in paragraph 23 shows that the Islamic Republic of Iran has not complied with the present resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade the Islamic Republic of Iran to comply with the present resolution and the requirements of IAEA, and underlines that further decisions will be required should such additional measures be necessary (para. 24)

Resolution [1747 \(2007\)](#)  
24 March 2007

Affirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 12 [of the resolution], to be submitted within 60 days, and:

...

(c) That it shall, in the event that the report referred to in paragraph 12 shows that the Islamic Republic of Iran has not complied with resolution [1737 \(2006\)](#) and the present resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade the Islamic Republic of Iran to comply with these resolutions and the requirements of IAEA, and underlines that further decisions will be required should such additional measures be necessary (para. 13)

**Intention to consider imposing measures: modifications in 2008-2009**

Resolution [1803 \(2008\)](#)  
3 March 2008

Reaffirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 18 [of the resolution], and:

...

(c) That it shall, in the event that the report shows that the Islamic Republic of Iran has not complied with resolutions [1696 \(2006\)](#), [1737 \(2006\)](#), [1747 \(2007\)](#) and the present resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade the Islamic Republic of Iran to comply with these resolutions and the requirements of IAEA, and underlines that further decisions will be required should such additional measures be necessary (para. 19)

**Intention to review sanctions: measures prior to 2008-2009**

Resolution 1737 (2006) 23 December 2006 Affirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 23 [of the resolution], to be submitted within 60 days (para. 24)

**Intention to review sanctions: modifications in 2008-2009**

Resolution 1803 (2008) 3 March 2008 Requests within 90 days a further report from the Director General of IAEA on whether the Islamic Republic of Iran has established full and sustained suspension of all activities mentioned in resolution 1737 (2006), as well as on the process of Iranian compliance with all the steps required by the IAEA Board of Governors and with the other provisions of resolutions 1737 (2006) and 1747 (2007) and the present resolution, to the Board and, in parallel, to the Council for its consideration (para. 18)

Reaffirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 18 above (para. 19)

**3. Judicial measures relating to Article 41**

Although the Council did not establish any new judicial measures during this period, the measures that the Council had previously authorized, the International Tribunals for the former Yugoslavia and Rwanda, respectively, and the Special Tribunal for Lebanon, continued to function.<sup>61</sup> The Council also reiterated its support for the Special Court for Sierra Leone.<sup>62</sup> The Council, which had previously referred the situation in Darfur to the Prosecutor of the International Criminal Court, also recalled its decision, under Chapter VII of the Charter of the United Nations, in resolution 1593 (2005) that the Government of the Sudan and all other parties to the conflict in Darfur shall cooperate fully with and provide any necessary assistance to the International Criminal Court and the Prosecutor pursuant to that resolution, while stressing the principle of complementarity of the International Criminal Court.<sup>63</sup>

**B. Discussion relating to Article 41**

The following subsection covers discussions in the Council that touched on the appropriate role and use of sanctions and other measures taken under Article 41. Discussions relating to specific countries

are covered first, followed by discussions on thematic issues. For country-specific discussions, the main focus was on non-proliferation concerns and the nuclear programmes in the Islamic Republic of Iran and the Democratic People’s Republic of Korea and the question of “Peace and security in Africa”, where the Council considered the application of measures under Article 41 against Zimbabwe and Eritrea. Overall, the thematic discussions considered the relevance of using targeted measures to help enforce other Council decisions on children and armed conflict, protection of civilians, mediation and women and peace and security, including sexual violence.

The case studies below are ordered chronologically by the date of the Council meeting. For the broader context in which these discussions were held, see the relevant sections of part I.

**Country-specific discussion relating to Article 41**

**Case 5  
Non-proliferation**

At its 5848th meeting, on 3 March 2008, the Security Council, noting with serious concern that, as confirmed by the reports of the Director General of the International Atomic Energy Agency (IAEA),<sup>64</sup> the

<sup>61</sup> For more information on the Tribunals, see part IX.

<sup>62</sup> Resolutions 1829 (2008), ninth preambular paragraph, and 1886 (2009), ninth preambular paragraph.

<sup>63</sup> S/PRST/2008/21, second paragraph.

<sup>64</sup> Reports of 23 May 2007 (GOV/2007/22, see S/2007/303, annex), 30 August 2007 (GOV/2007/48), 15 November 2007 (GOV/2007/58) and 22 February 2008 (GOV/2008/4).

Islamic Republic of Iran had not established full and sustained suspension of all enrichment-related and reprocessing activities and heavy water-related projects as set out in resolutions 1696 (2006), 1737 (2006) and 1747 (2007), or resumed its cooperation with IAEA under the Additional Protocol, or taken the other steps required by the Board of Governors, or complied with the provisions of those aforementioned resolutions, which were essential to build confidence, and deploring the refusal by the Islamic Republic of Iran to take those steps had, by 14 votes in favour and one abstention (Indonesia), imposed an expanded sanctions regime as detailed in table 27 above.<sup>65</sup>

At the meeting, the Islamic Republic of Iran rejected the basis for imposing sanctions, arguing that the consideration of its peaceful nuclear programme in no way fell within the purview of the Security Council. In fact, based on the IAEA reports and as a result of the country's cooperation and the closure of the outstanding questions, not only did there remain "no single reason or shred of legality for any new action by the Council, but also the illegality of the previous actions of the Council have become more abundantly clear." On the question of the suspension of enrichment and reprocessing activities, the representative of the Islamic Republic of Iran stated that his country could not accept a requirement which was legally defective and politically coercive. The attempt to make the suspension mandatory through the Security Council had been, from the outset, against the fundamental principles of international law, the Treaty on the Non-Proliferation of Nuclear Weapons and resolutions of the IAEA Board of Governors. The resolutions of the Security Council that made the suspension mandatory also flouted the stated position of the overwhelming majority of the international community.<sup>66</sup>

The representative of the United Kingdom read out a statement which had been agreed by the Foreign Ministers of China, France, Germany, the Russian Federation, the United Kingdom and the United States of America (Group of Six), with the support of the High Representative of the European Union, noting that it was the third time that the Security Council had sent a strong message of international resolve to the Islamic Republic of Iran by adopting a sanctions resolution under Article 41 of Chapter VII of the Charter of the United Nations on

the country's nuclear programme. They noted the progress made in implementing the IAEA-Islamic Republic of Iran workplan and the Agency's serious concerns about the "alleged studies", which were critical to an assessment of a possible military dimension to the Iranian nuclear programme.<sup>67</sup>

The representative of the Russian Federation added that a point of principle with regard to the decision was that, like resolutions 1737 (2006) and 1747 (2007), it was taken under Chapter VII, Article 41, of the Charter of the United Nations. It therefore called for no use of force whatsoever. He added that there was a provision in the resolution to the effect that, if necessary, the Council would adopt further measures on an exclusively peaceful basis. His delegation remained convinced that an effective solution to the Iranian nuclear problem could only be found in the political and diplomatic spheres.<sup>68</sup>

While the majority of Council members echoed the statement of the Group of Six, several speakers expressed concern about the overall impact of sanctions or of the implementation of specific measures.

The representative of South Africa regretted that the Council had kept the same substantive text tabled before the latest report of the Director General of IAEA was even issued, or before the IAEA Board of Governors had a full opportunity to consider the matter and take account of the verbal update of the Director General, which gave the impression that the verification work and important progress made by the Agency was virtually irrelevant to the sponsors of the draft resolution. He underlined that the rationale for bringing the issue of the Islamic Republic of Iran to the Security Council in the first place was to reinforce the decisions of IAEA and to enhance its authority, and yet the current draft resolution did not accurately reflect what was happening at IAEA. He expressed serious concerns about the implications of the situation for the credibility of the Security Council, and the only reason his delegation would vote in favour of the resolution was to preserve the previous decisions of the Council that the Islamic Republic of Iran had not fully implemented. He added that the suspension of enrichment activities could under no circumstances become a goal in itself and it was incumbent on the Council to assure the Islamic Republic of Iran that the call for suspension was not a

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<sup>65</sup> Resolution 1803 (2008).

<sup>66</sup> S/PV.5848, p. 5.

<sup>67</sup> *Ibid.*, pp. 12-13.

<sup>68</sup> *Ibid.*, p. 21.

smokescreen for any indefinite suspension or termination. In that regard, it would also be important to terminate the sanctions once IAEA had addressed the remaining issues. He also would have preferred that the resolution not contain the controversial provision that allows for searches of certain Iranian vessels and aircraft, even subject to very strict limitations, as this could spark confrontation and further threaten international peace and security. Furthermore, the restrictions on dual-use goods and on loans and credits must not be allowed to have a negative impact on the civilian population.<sup>69</sup>

The representative of the Libyan Arab Jamahiriya did not agree with other Council members about the usefulness of a resolution imposing additional sanctions on the Islamic Republic of Iran, instead expressing concern that it might cause the situation to deteriorate. He had also requested that the text of the draft resolution reflect the content of the latest report of the IAEA Director General and address the Iranian nuclear programme in the context of concerns related to the Middle East in general. However, because the draft resolution had taken into consideration some of their concerns, his delegation had decided to join the unanimous opinion in the Council and to vote in favour, so that the Security Council could speak with a single voice.<sup>70</sup>

The representative of Indonesia, who abstained from voting, stated that his delegation remained to be convinced of the efficacy of adopting additional sanctions at this juncture. Essentially, they were not convinced that more sanctions, however incremental, well-targeted and reversible, would move them forward in resolving the question of the Islamic Republic of Iran's nuclear programme instead of having potential negative impact at a time when progress was being made. He questioned whether more sanctions would instil confidence and trust and engender cooperation between all the parties concerned, as lack of confidence and trust was at the heart of the matter. He agreed with South Africa that the suspension of enrichment-related activities was an instrument and not an end in itself isolated from broader cooperation with IAEA. He reiterated that the strategic goals of resolutions 1737

(2006) and 1747 (2007) were being achieved and the Islamic Republic of Iran was cooperating with IAEA.<sup>71</sup>

#### **Case 6 Non-proliferation/Democratic People's Republic of Korea**

At its 6141st meeting on 12 June 2009, the Security Council unanimously adopted resolution 1874 (2009) by which it condemned in the strongest terms the nuclear test conducted by the Democratic People's Republic of Korea on 25 May 2009, and demanded that the country not conduct any further nuclear test or any launch using ballistic missile technology. It also strengthened the sanctions measures as detailed in tables 24 and 25 above. Concerning the strengthened sanctions, many Council members noted that the measures were targeted and would not affect the general population's ability to receive humanitarian and economic assistance.

Speaking in support of the measures, the representative of the United States stated that the new measures, including the creation of a wholly new framework for States to cooperate in the inspection of ships and aircraft suspected to be carrying weapons of mass destruction or other banned goods, were innovative, robust and unprecedented.<sup>72</sup>

The representative of China stated that the provisions of resolution 1874 (2009) were in line with Article 41 of Chapter VII of the Charter. The resolution not only demonstrated the international community's firm opposition to the Democratic People's Republic of Korea's nuclear test, but also sent a positive signal to that country. He underlined that once the Democratic People's Republic of Korea returned to the Treaty on the Non-Proliferation of Nuclear Weapons, it would enjoy the right to enjoy the peaceful uses of nuclear energy. He added that the Security Council's actions should not adversely impact the economic viability or the development of the Democratic People's Republic of Korea or the delivery of humanitarian assistance to the country. On the question of cargo inspections, he maintained that the question was complex and sensitive and that countries needed to act prudently and in strict accordance with domestic and international law and on the condition of reasonable grounds and sufficient evidence. All parties should refrain from any word or deed that could exacerbate the conflict. Under no

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<sup>69</sup> Ibid., pp. 7-8.

<sup>70</sup> Ibid., p. 9.

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<sup>71</sup> Ibid., p. 12.

<sup>72</sup> S/PV.6141, p. 3.

circumstances should force be used or threatened. He added that, despite the second nuclear test undertaken by the Democratic People's Republic of Korea, his delegation was of the view that Security Council actions were not all about sanctions and that political and diplomatic means were the only way to resolve the issue.<sup>73</sup>

In a similar vein, the representative of the Russian Federation underlined that all sanctions measures were to be implemented exclusively under Article 41 of the Charter, which did not provide for the use of military force. On the cargo inspection regime, he underlined that it would be applied solely in the context of ensuring compliance with its provisions. It had a fully defined framework clearly limited to the situation arising as a result of the nuclear test by the Democratic People's Republic of Korea. It was unprecedented and could not be interpreted more broadly.<sup>74</sup>

### **Peace and security in Africa**

Under the agenda item, "Peace and security in Africa", the Security Council considered a wide variety of both thematic and country-specific issues. During the period, the question of sanctions came up twice, once in the context of Zimbabwe and once for Eritrea. While the draft resolution on Zimbabwe was rejected and the one on Eritrea approved, in neither case was the vote unanimous, and the cases highlight the different opinions in the Council on the appropriateness of the use of measures under Article 41.

#### **Case 7 Rejection of sanctions measures against Zimbabwe**

At its 5933rd meeting, on 11 July 2008, the draft resolution on Zimbabwe was put to a vote; it received 9 votes in favour, 5 against (China, Libyan Arab Jamahiriya, Russian Federation, South Africa, Viet Nam) and 1 abstention (Indonesia), and was not adopted owing to the negative votes of two permanent members. By the draft resolution, the Council would have, *inter alia*, condemned the Government of Zimbabwe's campaign of violence against the political opposition and the civilian population and imposed an arms embargo on Zimbabwe as well as a travel ban and

financial freeze against President Robert Mugabe and 13 senior officials in the Government of Zimbabwe.<sup>75</sup>

At the start of the meeting, the representative of Zimbabwe had opined that the situation in his country posed absolutely no threat to international peace and security and did not warrant the adoption of a Security Council resolution under Chapter VII of the Charter. He argued that the "sanctions" already imposed by the European Union, the United States and the United Kingdom had put the economy under siege and resulted in many people moving to neighbouring countries "in search of greener pastures". Yet, it was partly this movement of people that the Council was calling a threat to international peace and security. If the Council adopted the sanctions it would be the first time that the movement of a people seeking economic opportunities elsewhere was used as a basis for a sanctions resolution under Chapter VII of the Charter. He further argued that the draft resolution was a clear abuse of Chapter VII as it sought to impose sanctions on Zimbabwe under the pretext that the country was now a threat to international peace and security simply because the election held had not yielded a result "favourable to the United Kingdom and its allies".<sup>76</sup>

The representative of South Africa, whose country had been appointed as facilitator by the Southern African Development Community (SADC), held that the African Union summit had not called for sanctions, but had "appealed to States and all parties concerned to refrain from any action that may negatively impact on the climate for dialogue". The summit had also encouraged President Robert Mugabe and the leader of the Movement for Democratic Change, Mr. Morgan Tsvangirai, to honour their commitments to initiate dialogue. As a result, he stated that South Africa was obliged to follow the decision of SADC and vote against the draft resolution. He concluded by stating that the Council must give space for the African Union summit decision to be implemented.<sup>77</sup>

Other Council members who voted against the draft resolution or abstained maintained similarly that the draft would have been against the spirit of the African Union resolution adopted in Sharm el-Sheikh, which encouraged dialogue and reconciliation among the parties and appealed to States and all parties

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<sup>73</sup> *Ibid.*, pp. 3-4.

<sup>74</sup> *Ibid.*, p. 8.

<sup>75</sup> S/2008/447.

<sup>76</sup> S/PV.5933, pp. 3-4.

<sup>77</sup> *Ibid.*, pp. 4-5.

concerned to refrain from any actions that might negatively affect the climate for dialogue. They also argued that the situation in Zimbabwe did not pose a threat to peace and security in the region and, therefore, did not fall within the Council's purview. By adopting the draft resolution to impose sanctions, the Council would hinder the ongoing mediation efforts by SADC to find a solution to the situation in Zimbabwe and interfere in its internal affairs.<sup>78</sup> The representative of the Libyan Arab Jamahiriya underlined that imposing sanctions on Zimbabwe would have serious consequences for the people of Zimbabwe and create a climate of tension that would in no way be conducive to finding a solution to the problem. Imposing sanctions would also be contrary to the international consensus that sanctions are a last resort to be used when all other means have been exhausted. He also expressed concern that one of the parties might regard the draft resolution as tacit support for it, which could embolden that party to increase its demands and to refuse to enter into or to continue dialogue to resolve the situation.<sup>79</sup> The representative of Viet Nam added that subjecting Zimbabwe to Chapter VII sanctions would set a dangerous precedent for intervention in the internal affairs of sovereign States and would run counter to the fundamental principles of international law and the Charter of the United Nations, while the representative of the Russian Federation called the application of enforcement measures under Chapter VII of the Charter unjustified and excessive.<sup>80</sup>

On the other hand, those Council members in support of the draft resolution argued that it would not compromise or undermine the dialogue. Some further stressed that the draft resolution would have exerted some countervailing pressure and strengthened the mediation efforts by giving the full weight of the international community. They also held that the conflict in Zimbabwe threatened to destabilize the region to which the Council should respond.<sup>81</sup> The representative of the United Kingdom further explained that the Council had missed the opportunity to back up South Africa's mediation efforts with something more

than words, which was why the draft resolution included carefully targeted sanctions aimed at those who had brought about the current crisis, with a clear message that they would be lifted once an inclusive political settlement was reached. The Council had also lost an opportunity to impose an arms embargo, as the last thing Zimbabwe needed was more arms. He expressed hope that Government and civil society in Southern Africa would continue to ensure that arms did not get through to the Mugabe Government.<sup>82</sup>

The representative of Costa Rica, while expressing support for the proposed sanctions measures, added that the Council should be especially disciplined with respect to the imposition of sanctions and should therefore consider and apply fair procedures and clear parameters when it implemented them. That would facilitate their better implementation and result in their greater efficacy. He was therefore pleased that certain changes had been incorporated into the draft resolution by the sponsors, as requested by his country, notably in paragraph 7 and concerning in particular the setting of a start-up date.<sup>83</sup> However, although his country understood the reasons for setting the start-up date at May 2005, it would have preferred that the draft resolution provide for the implementation of sanctions to be limited to the specific events dating from March of the current year. This was, firstly, because by limiting the sanctions in that manner it would have added clarity to the parameters used to establish sanctions. Secondly, however, and more importantly, such an approach would have identified much more clearly the strongest motivation for the action of the Council, which was the lack of respect for the popular will expressed in the elections. He also highlighted the importance of paragraph 12 of the draft resolution, in which the Council clearly stated that it would consider the measures imposed "if ... an inclusive political settlement is agreed, which respects the will of the Zimbabwean people and the results of the

<sup>78</sup> Ibid., pp. 5-6 (Libyan Arab Jamahiriya); pp. 6-7 (Indonesia); p. 7 (Viet Nam); pp. 9-10 (Russian Federation); and pp. 12-13 (China).

<sup>79</sup> Ibid., p. 6.

<sup>80</sup> Ibid., p. 8 (Viet Nam); and p. 10 (Russian Federation).

<sup>81</sup> Ibid., p. 6 (Burkina Faso); pp. 8-9 (United Kingdom); p. 10 (France); pp. 10-12 (Costa Rica); p. 12 (Croatia); pp. 13-14 (Panama); and pp. 14-15 (United States).

<sup>82</sup> Ibid., p. 9.

<sup>83</sup> S/2008/447; paragraph 7 reads "Decides that all States shall take the following measures with respect to individuals and entities designated in the annex to this resolution or designated by the Committee established pursuant to paragraph 10 below ("the Committee") as having engaged in or provided support for actions or policies to subvert democratic processes or institutions in Zimbabwe since May 2005, including having ordered, planned, or participated in acts of politically motivated violence, or as providing support to individuals or entities designated pursuant to this paragraph".

29 March 2008 elections”, which made it clear that the sanctions would be coercive and not punitive measures. He expressed hope that individuals listed in the annex to the draft resolution would heed the will of the Council, the international community and their own people as early as possible and engage in serious, substantial and inclusive negotiations in order to achieve a political agreement that respected the popular will, even in the knowledge that the draft resolution had not been adopted.<sup>84</sup>

### Case 8 Imposition of sanctions measures on Eritrea

At its 6254th meeting, on 23 December 2009, the Council, by 13 votes to 1 (Libyan Arab Jamahiriya), with 1 abstention (China), adopted resolution 1907 (2009), by which, expressing its grave concern at the findings of the Monitoring Group that Eritrea had provided political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability, and expressing its deep concern that Eritrea had not withdrawn its forces to the status quo ante as called for in resolution 1862 (2009) and the presidential statement of 12 June 2008,<sup>85</sup> it imposed the measures detailed in tables 6 and 7 above.

The representative of Uganda noted that in its decision taken at the thirteenth summit held in Sirte, Libyan Arab Jamahiriya, from 1 to 3 July 2009, the African Union had called upon the Security Council to “impose sanctions against all those foreign actors, both within and outside the region, especially Eritrea, providing support to the armed groups engaged in destabilization activities in Somalia ... [and] undermining the peace and reconciliation efforts and regional stability”. He commended the Council for responding to the call from the African Union and also noted that the measures imposed by that resolution were not comprehensive but targeted and corrective, and expressed hope that Eritrea would take the necessary action to enable the Council to make a positive review of the measures it had imposed.<sup>86</sup>

The representative of Viet Nam, who expressed support for the measures, also held that the international community should be cautious about

imposing further sanctions, with a view to avoiding undesired adverse impacts on humanitarian activities and the livelihoods of the people of Eritrea.<sup>87</sup> The representative of Australia commented that it had been important for his delegation that the imposition of targeted sanctions under that resolution was based on a two-step approach. It was their understanding that any decision on specific designations would be made in the framework of the Committee established pursuant to resolution 751 (1992) in accordance with the procedural guarantees of resolution 1844 (2008).<sup>88</sup> The representative of Burkina Faso stated that, although his country had continually recalled that the imposition of sanctions was an extreme measure that the Council should consider only as a last resort, the fact that the scale and intensity of the recent attacks in Somalia had lent credibility to the argument about support for the insurgents coming from the outside, particularly from countries in the subregion, and the call from the African Union had convinced them to support it in this case. Given that the sanctions regime was accompanied by a review mechanism, he noted that Eritrea still had time to show its good faith and goodwill.<sup>89</sup> The representative of Djibouti, supported by the representative of Somalia, agreed that only a set of coordinated and punitive measures, targeting primarily the regime’s civilian and military leadership, could force it to make unpalatable choices. Considering the regime’s “legendary intransigence”, he said that sanctions against Eritrea had too long been inevitable.<sup>90</sup> Noting the unusual nature of the sanctions in involving three countries and affecting a whole region, he emphasized that the measures targeted only the Eritrean regime’s destructive role in Somalia and its infringement of the sovereignty and territorial integrity of Djibouti without adversely affecting the people of Eritrea, who were ravaged by extreme pestilence and misgovernment.<sup>91</sup>

The representative of Mexico, as Chair of the Committee established pursuant to resolution 751 (1992), stated that he was convinced that the sanctions regime should contribute to the creation of better security conditions in Somalia and to the strengthening of the Djibouti peace process. He also noted that the resolution expanded the mandate of both of the

<sup>84</sup> S/PV.5933, pp. 10-12.

<sup>85</sup> S/PRST/2008/20.

<sup>86</sup> S/PV.6254, pp. 2-4.

<sup>87</sup> Ibid., p. 3.

<sup>88</sup> Ibid., p. 4.

<sup>89</sup> Ibid., p. 6.

<sup>90</sup> Ibid., p. 7.

<sup>91</sup> Ibid., pp. 7-8 (Djibouti); and pp. 8-9 (Somalia).

Committee and of its Monitoring Group to a practically regional focus, which involved an unprecedented challenge both for the Security Council and for the countries of the region. He stated that he would continue to guide the work of the Committee in a transparent manner with a focus on taking clear, consistent decisions in order to use sanctions as a means of providing control and incentives to get the various regional actors to join a process directed towards the stability of the region.<sup>92</sup>

The representative of China, who had abstained from voting, commented that his country had always maintained that, in imposing sanctions, the Security Council should act with prudence. He stated that the adoption of a resolution on sanctions against Eritrea should not replace diplomatic efforts to resolve disputes through dialogue and negotiation.<sup>93</sup>

Having cast the only vote against the sanctions, the representative of the Libyan Arab Jamahiriya explained that the resolution took an unrealistic and excessively hasty approach. Sanctions were not the ideal way of resolving the current problems as their humanitarian impact would further exacerbate the situation in the Horn of Africa, and create an obstacle to peaceful solutions to be attained in the framework of the good offices of the African Union and of the Secretary-General, supported by other international partners. He also added that his country had been the victim of sanctions for many years and had therefore committed itself to not being party to the imposition of sanctions against any African country whatsoever.<sup>94</sup>

## Discussion on thematic issues

### Case 9

#### Children and armed conflict

At the 5834th meeting, on 12 February 2008, Council members' discussion touched on the role that measures under Article 41 could play in protecting children in armed conflict. The representative of the Watchlist on Children and Armed Conflict, a non-governmental organization, stated that the Security Council could not expect to achieve accountability based on empty threats. To ensure their own credibility, Council members had to be prepared to exercise their powers to impose targeted measures when warranted,

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<sup>92</sup> Ibid., p. 5.

<sup>93</sup> Ibid., p. 4.

<sup>94</sup> Ibid., pp. 3-4.

which entailed systematically referring information to relevant sanctions committees and, in other cases, applying measures through country-specific or thematic resolutions of the full Security Council.<sup>95</sup>

A number of speakers emphasized that the imposition of targeted sanctions was an important tool for the Council to address threats to children. In particular, the representative of Belgium stated that the protection of children in every phase of an armed conflict was never negotiable and that it was the responsibility of the Security Council to adopt the necessary sanctions against individuals and groups that continued to recruit children.<sup>96</sup> This was echoed by the representative of Costa Rica, supported by the representatives of France and Mexico, who added that the Council, and in particular the Working Group on Children and Armed Conflict, had a responsibility to the children of the world to ensure that all its resolutions were complied with.<sup>97</sup> In that respect, he suggested that the Working Group should regularly provide comprehensive information on crimes against children to the sanctions committees, where they existed, and should also recommend to the Council measures and sanctions against those who consistently violated its resolutions where no relevant sanctions committee existed.<sup>98</sup> The representative of Guatemala, echoed by the Permanent Observer of Palestine, referred to the annexes to the reports of the Secretary-General, which listed groups that recruited children, stressing that those groups should be subjected to much more robust and effective targeted sanctions.<sup>99</sup>

On the other hand, the representative of China stated that his country had always opposed the wilful use or threat of use of sanctions in the Security Council and that caution was called for in dealing with the issue of children and armed conflict, as well as in using sanctions.<sup>100</sup>

Several representatives also expressed concern about the potential negative impact of sanctions on children. The representative of Iraq noted that the innocent children of Iraq had paid a heavy price because of international sanctions and the Iraqi regime

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<sup>95</sup> S/PV.5834, p. 8.

<sup>96</sup> Ibid., p. 9.

<sup>97</sup> Ibid., p. 21 (Costa Rica); p. 23 (France); and p. 31 (Mexico).

<sup>98</sup> Ibid., p. 21 (Costa Rica).

<sup>99</sup> S/PV.5834 (Resumption 1), p. 14.

<sup>100</sup> S/PV.5834, p. 18.



had used the suffering of the Iraqi people, including children, to pressure the international community and to avoid fulfilling its international obligations.<sup>101</sup> Similarly, the representative of Bangladesh noted that it was well documented that children were the ones who suffered most under unregulated sanction regimes, and that the Council had a duty to ensure that sanctions did not affect the innocent.<sup>102</sup>

On the question of non-sanctions-related measures under Article 41, several speakers noted the role of the Council in referring violators to the International Criminal Court. A number of representatives, supporting the recommendation of the Secretary-General, encouraged the Security Council to refer violations against children in armed conflicts to the Court for investigation and prosecution when national Governments persistently failed to prosecute such crimes.<sup>103</sup> However, the representative of the United States did not agree that the Security Council should have a general policy or practice of referring cases to the International Criminal Court and emphasized that it was important to bear in mind that not all United Nations Member States were parties to the Rome Statute, and those that were not needed to be taken into account.<sup>104</sup>

There were similar discussions at the 5936th meeting on 17 July 2008 and the 6114th meeting on 29 April 2009.

#### **Case 10 Maintenance of international peace and security**

At its 6108th meeting, the Council considered the topic “mediation and settlement of disputes” under the item “Maintenance of international peace and security”. During the course of the debate the appropriate role of sanctions and other measures under Article 41 in influencing mediation was addressed by several speakers. The representative of Mexico stated the Council had to provide ample opportunity for ongoing

reconciliation procedures before calling for action on the basis of Articles 40 and 41 of the Charter. Both mediation and other peaceful means to settle disputes had to be exhausted before the Council resorted to actions provided for under Chapter VII.<sup>105</sup>

The representative of Cuba, speaking on behalf of the Non-Aligned Movement, and endorsed by the representative of Pakistan, agreed that sanctions imposed by the Security Council remained an issue of serious concern to the non-aligned countries. In accordance with the Charter, the imposition of sanctions should be considered only after all means of peaceful settlement of disputes under Chapter VI of the Charter had been exhausted and a thorough consideration undertaken of the short-term and long-term effects of such sanctions.<sup>106</sup>

On the other hand, the representative of France emphasized that support for peace processes also involved targeted and resolute action against those who would threaten to derail those processes. Council action in that area had to be flexible and reactive and he noted positively the inclusion in resolution 1844 (2008) on Somalia of provisions on individual sanctions against entities that threatened the peace, security or stability of Somalia.<sup>107</sup> Similarly, the representatives of Burkina Faso and Benin underlined that the Council had to be able to use appropriately the instruments available to it, including sanctions, which could help to support mediation and create conditions for the management of uncertain situations.<sup>108</sup>

#### **Case 11 Protection of civilians in armed conflict**

At its 6151st meeting, on 26 June 2009, the Security Council heard a briefing from the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, who introduced the report of the Secretary-General on the protection of civilians in armed conflict.<sup>109</sup> In his briefing, the Under-Secretary-General stressed that, above all, the Council should ensure that constraints on humanitarian access had consequences for those that imposed them and not

<sup>101</sup> S/PV.5834 (Resumption 1), p. 28.

<sup>102</sup> *Ibid.*, p. 44.

<sup>103</sup> S/PV.5834, p. 10 (Italy); p. 28 (Iceland, on behalf of the five Nordic countries); and p. 25 (Slovenia, on behalf of the European Union); S/PV.5834 (Resumption 1), p. 2 (Kazakhstan); p. 10 (Republic of Korea); p. 19 (Austria); p. 29 (Switzerland); p. 39 (Germany); pp. 43-44 (Liechtenstein); and p. 49 (Nigeria).

<sup>104</sup> S/PV.5834, p. 13.

<sup>105</sup> S/PV.6108, p. 23.

<sup>106</sup> S/PV.6108 (Resumption 1), p. 11 (Cuba); and p. 18 (Pakistan).

<sup>107</sup> S/PV.6108, p. 18.

<sup>108</sup> S/PV.6108, p. 17 (Burkina Faso); and S/PV.6108 (Resumption 1), p. 24 (Benin).

<sup>109</sup> S/2009/277.

just those that suffered because of them. That meant applying targeted sanctions against individuals obstructing access or perpetrating attacks against staff, and even being ready to refer situations involving the prolonged and wilful impediment of relief, or attacks against humanitarian workers, to the International Criminal Court. He added that the same applied for addressing the culture of impunity and ensuring accountability through security sector and other reforms, as the Council needed to insist on such cooperation and, if necessary, enforce it through targeted sanctions and by systematically requesting reports on violations and mandating commissions of inquiry to examine situations of concern.<sup>110</sup>

Responding to the briefing, a number of speakers agreed that the Council should impose targeted measures and individual sanctions against individuals responsible for grievous violations of humanitarian law and human rights, including sexual violence.<sup>111</sup> Noting that weapons were the root cause of the tragedies, atrocities and horrifying events witnessed in armed conflicts, the representative of Burkina Faso stressed that the Council was duty-bound to ensure the implementation of the various arms embargoes stipulated in the context of the Council's own sanctions.<sup>112</sup> The representative of Australia noted that the Council had adequate tools to make a difference, including targeted measures such as sanctions, the utilization of international criminal justice mechanisms to end impunity, and the authorization of the use of force. What was lacking was the political resolve of the Council to use those tools to protect civilians.<sup>113</sup>

The representative of Brazil observed that, among the Council's powers those set forth in Chapter VI should be given careful consideration as a means to support the peaceful settlement of disputes. When Chapter VII action proved necessary and sanctions emerged as a potentially effective tool, as proposed in the report of the Secretary-General, they should be specific and targeted, so as not to impose further suffering on the affected populations.<sup>114</sup> Commenting on the limitations of sanctions, the representative of Uganda noted that sometimes when engagement with

armed groups failed, alternatives had to be considered which should not be restricted to condemnation of violations committed by armed groups together with the application of targeted measures.<sup>115</sup> However, the representative of China, in particular, stated that although the Council had an active role to play with regard to advancing the call for the protection of civilians in armed conflict, his Government had never been in favour of the Council resorting to the use of or threatening the use of sanctions at every turn. Special care had to be taken in particular when addressing the protection of civilians in armed conflict as it had to be re-emphasized that national Governments had the right to take law enforcement action to fight terrorists, extremists and separatists in their territory, in order to safeguard their own and the region's security, peace and stability.<sup>116</sup>

## **Case 12**

### **Women and peace and security**

At its 6180th meeting, on 7 August 2009, the Security Council considered the report of the Secretary-General pursuant to Security Council resolution 1820 (2008), which dealt with the question of sexual violence in conflict and in which it was recommended that the Council incorporate provisions on sexual violence in armed conflict into existing sanctions regimes, as appropriate.<sup>117</sup> This was endorsed by a number of speakers who agreed that the Council should consider appropriate measures, including targeted sanctions<sup>118</sup> or referral to the International Criminal Court.<sup>119</sup> A few speakers also noted the importance of the information-gathering role of the sanctions committees in identifying perpetrators of sexual violence.<sup>120</sup> In that context, the representative of Mexico endorsed the proposal in the report to set up commissions of inquiry for conflict in which sexual violence was perpetrated, as that information would be extremely useful to the work of the various sanctions committees.<sup>121</sup>

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<sup>110</sup> S/PV.6151, p. 6.

<sup>111</sup> *Ibid.*, p. 7 (Croatia); S/PV.6151 (Resumption 1), pp. 28-29 (Norway).

<sup>112</sup> S/PV.6151, p. 24.

<sup>113</sup> S/PV.6151 (Resumption 1), p. 13.

<sup>114</sup> S/PV.6151, p. 27.

<sup>115</sup> *Ibid.*, p. 22.

<sup>116</sup> *Ibid.*, p. 13.

<sup>117</sup> S/2009/362.

<sup>118</sup> S/PV.6180, p. 5 (United States); pp. 7-9 (France); p. 9 (Austria); p. 13 (Uganda); p. 15 (Mexico); S/PV.6180 (Resumption 1), p. 4 (Canada); p. 15 (Netherlands); p. 21 (Iceland); and p. 23 (Peru).

<sup>119</sup> S/PV.6180, p. 9 (Austria); and p. 17 (Croatia).

<sup>120</sup> *Ibid.*, p. 9 (Austria); S/PV.6180 (Resumption 1), p. 10 (Italy); and p. 23 (Peru).

<sup>121</sup> S/PV.6180, p. 15.

The representative of China, however, sounded a note of caution, stating that his delegation was not in favour of the Security Council's all-too-frequent use of sanctions or the threat of sanctions and that the Council should exercise caution in applying sanctions in the context of fighting sexual violence.<sup>122</sup> The representative of Brazil underlined that widespread or systematic sexual violence in armed conflict should not be fought only by means of vigorous law enforcement or

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<sup>122</sup> Ibid., p. 21.

sanctions, but needed to be accompanied by serious efforts to address some of the causes of the problem, such as discrimination, prejudice, poor education, institutional fragility and lack of resources.<sup>123</sup>

There were similar discussions at the 6195th and 6196th meetings, held on 30 September and 5 October 2009, respectively.

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<sup>123</sup> Ibid., p. 28.

## 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

This section deals with the practice of the Security Council concerning the authorization of the use of force by peacekeeping operations, multinational forces or interventions by regional organizations.<sup>124</sup>

During the period under review, the Council authorized enforcement action, under Chapter VII of the Charter, for the maintenance of peace and security by several peacekeeping missions and multinational forces in Afghanistan, Bosnia and Herzegovina, Chad, the Central African Republic and the subregion, Côte d'Ivoire, the Democratic Republic of the Congo/Great Lakes region, the Middle East, the Sudan (including Darfur) and Somalia. The mission deployed in the Central African Republic and Chad was given a more robust mandate than the previous one, partially under

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<sup>124</sup> 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 mandates of peacekeeping operations.

Chapter VII, that included authorization to use all necessary means and to protect civilians under threat.

The Council adopted a series of resolutions under Chapter VII of the Charter to deal with the issue of piracy off the coast of Somalia and progressively authorized anti-piracy measures involving the use of force by States cooperating with the Transitional Federal Government of Somalia.

This section is divided into two subsections: subsection A outlines decisions of the Council authorizing enforcement action, under Chapter VII of the Charter, while subsection B highlights the salient issues that were raised in the Council's deliberations, with two cases directly connected to the adoption of the resolutions authorizing the use of force and two other cases reflecting thematic discussions in the Council which help to shed light on the interpretation and application of the provisions enshrined in Article 42 or with regard to the resort to measures under Chapter VII in general.

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

During the period under review, without explicitly invoking Article 42 of the Charter but acting under Chapter VII of the Charter, the Council adopted several resolutions by which it authorized a number of United Nations peacekeeping missions as well as multinational forces, including those deployed by regional organizations, to use "all necessary measures" or "all necessary means" or to take "all necessary

action” to enforce its demands relating to the restoration of international peace and security.

With respect to the United Nations peacekeeping missions, the Council continued to authorize enforcement action for missions in Côte d’Ivoire (UNOCI), Darfur/Sudan (UNAMID), the Democratic Republic of the Congo (MONUC) and the Sudan (UNMIS). In connection with the mission deployed in Côte d’Ivoire, the Council also continued to authorize the French forces to use “all necessary means” to support UNOCI. While not acting explicitly under Chapter VII of the Charter, but having determined the existence of a threat to international peace and security, the Council reaffirmed the authority of the United Nations Interim Force in Lebanon (UNIFIL) to employ “all necessary action” to undertake a number of tasks it was mandated to perform. On the other hand, the Council, in the context of renewing the mandate of the United Nations Stabilization Mission in Haiti, which was authorized partly under Chapter VII, renewed a military component for that mission without however authorizing the use of force.

In the cases of UNMIS, UNAMID and UNOCI, while the decisions during the period under review did not contain particular provisions on authorization of the use of force, the mandates of UNOCI and the French forces supporting it, UNMIS and UNAMID, all of which had been previously authorized to use force by resolutions 1739 (2007), 1706 (2006) and 1769 (2007), respectively, were renewed. The decisions on UNIFIL and the situation in the Great Lakes region recalled or reaffirmed the authorization of the respective missions to use force.

In connection with multinational forces, the Council authorized the use of “all necessary measures” for operations by the European Union in Bosnia and Herzegovina and in Chad and the Central African Republic (EUFOR Chad/Central African Republic), and by the African Union in Somalia. The Council also renewed the authorization of the use of force for the multinational forces already deployed in Afghanistan.

The mandate of the multinational force deployed in Iraq, previously renewed by resolution 1790 (2007), elapsed as from 31 December 2008.<sup>125</sup> The mandate of EUFOR Chad/Central African Republic terminated on 15 March 2009.

During the period under consideration, the Council authorized peacekeeping operations and multinational forces to undertake enforcement actions under Article 42 of the Charter in the discharge of a large range of tasks, for example, to maintain and/or create a secure environment; to monitor and ensure respect of ceasefire agreements and cessation of hostilities agreements; to support the organization of free, open, fair and transparent elections; to support the implementation of peace agreements; to provide protection to transitional/interim Governments; to protect civilians under imminent threat of physical violence; to protect United Nations personnel and facilities; to monitor and ensure the implementation of arms embargoes imposed by the Council; or to disarm and demobilize armed groups (see table 30).<sup>126</sup>

To deal with the issue of piracy off the coast of Somalia, the Council for the first time authorized employment of anti-piracy measures involving the use of force by States cooperating with the Transitional Federal Government of Somalia. The area of this authorization of use of force was progressively expanded over time: first in the territorial waters of Somalia, then in the high seas and airspace off the coast of Somalia, and finally inside Somalia.

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<sup>125</sup> See resolution 1790 (2007), para. 1, in which the Council noted that the presence of the multinational force in Iraq was at the request of the Government of Iraq, reaffirmed the authorization for the multinational force as set forth in resolution 1546 (2004) and decided to extend the mandate as set forth in that resolution until 31 December 2008.

<sup>126</sup> See part X for detailed mandates of individual peacekeeping operations.

Table 30

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

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in Afghanistan</b>	
Resolution 1833 (2008) 22 September 2008	Authorizes the Member States participating in the International Security Assistance Force to take all necessary measures to fulfil its mandate (para. 2)
Resolution 1890 (2009) 8 October 2009	Authorizes the Member States participating in the International Security Assistance Force to take all measures necessary to fulfil its mandate (para. 2)
<b>The situation in Bosnia and Herzegovina</b>	
Resolution 1845 (2008) 20 November 2008	Authorizes the Member States acting under paragraphs 10 and 11 above to take all necessary measures to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for compliance with those annexes and shall be equally subject to such enforcement action by the European Union Force and the North Atlantic Treaty Organization (NATO) presence as may be necessary to ensure the implementation of those annexes and the protection of the European Union Force and the NATO presence (para. 14)
Resolution 1895 (2009) 18 November 2009	Authorizes Member States to take all necessary measures, at the request of either the European Union Force or the NATO Headquarters, in defence of the European Union Force or the NATO presence respectively, and to assist both organizations in carrying out their missions, and recognizes the right of both the European Union Force and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack (para. 15)
	Authorizes the Member States acting under paragraphs 10 and 11 [of the resolution], in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic (para. 16)
<b>The situation in Chad, the Central African Republic and the subregion</b>	
Resolution 1861 (2009) 14 January 2009	[The Council,] Acting under Chapter VII of the Charter of the United Nations, <ul style="list-style-type: none"> <li>(a) Decides that the United Nations Mission in the Central African Republic and Chad shall be authorized to take all necessary measures, within its capabilities and its area of operations in eastern Chad, to fulfil the following functions, in liaison with the Government of Chad: <ul style="list-style-type: none"> <li>(i) To contribute to protecting civilians in danger, particularly refugees and internally displaced persons;</li> <li>(ii) To facilitate the delivery of humanitarian aid and the free movement of humanitarian personnel by helping to improve security in the area of operations;</li> </ul> </li> </ul>

(iii) To protect United Nations personnel, facilities, installations and equipment and to ensure the security and freedom of movement of its staff and United Nations and associated personnel;

(b) Decides also that the Mission shall be authorized to take all necessary measures, within its capabilities and its area of operations in the north-eastern Central African Republic, to fulfil the following functions, by establishing a permanent military presence in Birao and in liaison with the Government of the Central African Republic:

(i) To contribute to the creation of a more secure environment;

(ii) To execute operations of a limited character in order to extract civilians and humanitarian workers in danger;

(iii) To protect United Nations personnel, facilities, installations and equipment and to ensure the security and freedom of movement of its staff and United Nations and associated personnel (para. 7)

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

Resolution 1795 (2008) 15 January 2008 Decides to renew the mandates of the United Nations Operation in Côte d'Ivoire (UNOCI) and of the French forces supporting it, as determined in resolution 1739 (2007), until 30 July 2008, in order to support the organization in Côte d'Ivoire of free, open, fair and transparent elections within the time frame set out in the Ouagadougou Political Agreement and the supplementary agreements (para. 4)

Resolution 1826 (2008) 29 July 2008 Decides to renew the mandates of UNOCI and of the French forces supporting it, as determined in resolution 1739 (2007), until 31 January 2009, in particular to support the organization in Côte d'Ivoire of free, open, fair and transparent elections (para. 1)

Resolution 1865 (2009) 27 January 2009 Decides to renew the mandates of UNOCI and of the French forces supporting it, as determined in resolution 1739 (2007), until 31 July 2009, in particular to support the organization in Côte d'Ivoire of free, open, fair and transparent elections (para. 15)

Resolution 1880 (2009) 30 July 2009 Decides to renew the mandate of UNOCI, as determined in resolution 1739 (2007), until 31 January 2010, in particular to support the organization in Côte d'Ivoire of free, open, fair and transparent elections, within the electoral time frame referred to in paragraph 1 [of the resolution] (para. 19)

Decides to extend until 31 January 2010 the authorization it provided to the French forces in order to support UNOCI, within the limits of their deployment and their capabilities (para. 30)

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

Resolution 1843 (2008) 20 November 2008 Underscores the importance of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) implementing its mandate in full, including through robust rules of engagement (para. 4)

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<i>Decision and date</i>	<i>Provision</i>
Resolution 1856 (2008) 22 December 2008	Authorizes the Mission to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks listed in paragraphs 3 (a) to (g), (i), (j), (n) and (o) and in paragraph 4 (e) [of the resolution] (para. 5)
Resolution 1906 (2009) 23 December 2009	Authorizes the Mission to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks of its mandate listed in paragraphs 3 (a) to (e) of resolution 1856 (2008) and paragraphs 9, 20, 21 and 24 [of resolution 1906 (2009)] (para. 6)

#### **The situation in the Great Lakes region**

Resolution 1804 (2008) 13 March 2008	Recalls the mandate of MONUC to facilitate the voluntary demobilization and repatriation of disarmed foreign combatants and their dependants, and to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to support operations led by the integrated brigades of the Armed Forces of the Democratic Republic of the Congo with a view to disarming the recalcitrant armed groups in order to ensure their participation in the disarmament, demobilization, repatriation, resettlement and reintegration process (para. 3)
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#### **The situation in the Middle East**

Resolution 1884 (2009) 27 August 2009	Recalling the request of the Government of Lebanon to deploy an international force to assist it to exercise its authority throughout the territory, and reaffirming the authority of the United Nations Interim Force in Lebanon to take all necessary action, in areas of operations of its forces and as it deems within its capabilities, to ensure that its area of operations is not utilized for hostile activities of any kind and to resist attempts by forceful means to prevent it from discharging its mandate (ninth preambular paragraph)
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#### **Reports of the Secretary-General on the Sudan**

Resolution 1812 (2008) 30 April 2008	Decides to extend the mandate of the United Nations Mission in the Sudan (UNMIS) until 30 April 2009, with the intention to renew it for further periods (para. 1)
Resolution 1828 (2008) 31 July 2008	Decides to extend the mandate of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), as set out in resolution 1769 (2007), for a further 12 months, to 31 July 2009 (para. 1)
Resolution 1870 (2009) 30 April 2009	Decides to extend the mandate of UNMIS until 30 April 2010, with the intention to renew it for further periods as may be required (para. 1)
Resolution 1881 (2009) 30 July 2009	Decides to extend the mandate of UNAMID as set out in resolution 1769 (2007) for a further 12 months, until 31 July 2010 (para. 1)

### **The situation in Somalia**

- |Resolution 1801 (2008)  
20 February 2008
- Decides to renew the authorization of member States of the African Union to maintain a mission in Somalia for a further period of six months, which shall be authorized to take all necessary measures, as appropriate, to carry out the mandate set out in paragraph 9 of resolution 1772 (2007), and underlines, in particular, that the African Union Mission in Somalia (AMISOM) is authorized to take all necessary measures, as appropriate, to provide security for key infrastructure and to contribute, as may be requested and within its capabilities, to the creation of the necessary security conditions for the provision of humanitarian assistance (para. 1)
- Resolution 1816 (2008)  
2 June 2008
- Decides that, for a period of six months from the date of the present resolution, States cooperating with the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the Transitional Federal Government to the Secretary-General, may:
- (a) Enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and
- (b) Use, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery (para. 7)
- Resolution 1831 (2008)  
19 August 2008
- Decides to renew the authorization of member States of the African Union to maintain a mission in Somalia for a further period of six months, which shall be authorized to take all necessary measures, as appropriate, to carry out the mandate set out in paragraph 9 of resolution 1772 (2007), and underlines, in particular, that AMISOM is authorized to take all necessary measures, as appropriate, to provide security for key infrastructure and to contribute, as may be requested and within its capabilities, to the creation of the necessary security conditions for the provision of humanitarian assistance (para. 1)
- Resolution 1838 (2008)  
7 October 2008
- Calls upon States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to use on the high seas and airspace off the coast of Somalia the necessary means, in conformity with international law, as reflected in the United Nations Convention on the Law of the Sea, for the repression of acts of piracy (para. 3)
- Resolution 1846 (2008)  
2 December 2008
- Decides that, for a period of 12 months from the date of the present resolution, States and regional organizations cooperating with the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the Transitional Federal Government to the Secretary-General, may:
- (a) Enter into the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law; and



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Decision and date

Provision

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(b) Use, within the territorial waters of Somalia, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law, all necessary means to repress acts of piracy and armed robbery at sea (para. 10)

Resolution 1851 (2008)  
16 December 2008

[...] decides that for a period of 12 months from the date of adoption of resolution 1846 (2008), States and regional organizations cooperating in the fight against piracy and armed robbery at sea off the coast of Somalia for which advance notification has been provided by the Transitional Federal Government to the Secretary-General may undertake all necessary measures that are appropriate in Somalia, for the purpose of suppressing acts of piracy and armed robbery at sea, pursuant to the request of the Transitional Federal Government, provided, however, that any measures undertaken pursuant to the authority of the present paragraph shall be undertaken consistent with applicable international humanitarian and human rights law (para. 6)

Resolution 1863 (2009)  
16 January 2009

Decides to renew for up to six months from the date of the present resolution the authorization of member States of the African Union to maintain a mission in Somalia, which shall be authorized to take all necessary measures to carry out the mandate set out in paragraph 9 of resolution 1772 (2007); and underlines, in particular, that the Mission is authorized to take all necessary measures to provide security for key infrastructure and to contribute, as may be requested and within its capabilities and existing mandate, to the creation of the necessary security conditions for the provision of humanitarian assistance (para. 2)

Resolution 1872 (2009)  
26 May 2009

Decides to authorize the member States of the African Union to maintain the Mission until 31 January 2010 to carry out its existing mandate (para. 16)

Resolution 1897 (2009)  
30 November 2009

Encourages Member States to continue to cooperate with the Transitional Federal Government in the fight against piracy and armed robbery at sea, notes the primary role of the Transitional Federal Government in the fight against piracy and armed robbery at sea, and decides to renew, for a period of 12 months from the date of the present resolution, the authorizations as set out in paragraph 10 of resolution 1846 (2008) and paragraph 6 of resolution 1851 (2008) granted to States and regional organizations cooperating with the Transitional Federal Government in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by the Transitional Federal Government to the Secretary-General (para. 7)

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## B. Discussion relating to Article 42

This subsection highlights the salient issues that were raised in the Council's deliberations or in connection with the adoption of the resolutions authorizing the use of force, relating to the issue of piracy in connection with the situation in Somalia (case 13). The subsection also includes an overview of the thematic discussions held by the Council which help to shed light on the interpretation and application of the provisions

enshrined in Article 42 or with regard to the resort to measures under Chapter VII in general. Such discussions were held in connection with the protection of civilians in armed conflict (case 14) and the maintenance of international peace and security (case 15).

### Case 13 The situation in Somalia

To deal with piracy off the coast of Somalia in connection with the situation in Somalia, by resolution

1816 (2008) adopted at the 5902nd meeting, on 2 June 2008, the Security Council for the first time permitted, for a period of six months, States cooperating with the Transitional Federal Government to enter Somalia's territorial waters to combat acts of piracy and armed robbery against vessels at sea off the coast of Somalia. The Council further decided that those States cooperating with the Transitional Federal Government might use, within the territorial waters of Somalia, in a manner consistent with action permitted on the high seas with respect to piracy under relevant international law, "all necessary means" to repress acts of piracy and armed robbery.

At that meeting, the representative of Viet Nam reaffirmed that resolution 1816 (2008) should not be interpreted as allowing any action that was contrary to international law, the Charter of the United Nations or the United Nations Convention on the Law of the Sea to be taken within the maritime areas under the jurisdiction of a coastal State.<sup>127</sup> Similarly, the representative of Indonesia emphasized that the Council needed to exercise caution in trying to address piracy in other parts of the world.<sup>128</sup> Calling for prudence in the Council's action to deal with the sensitive issues of international law to combat piracy, the representative of China also maintained that the relevant resolution must be based on the consent of the countries concerned and in line with the wishes of the Government and the people of Somalia, and that it should apply only to the territorial waters of Somalia and not be expanded to cover other regions.<sup>129</sup>

At the 6020th meeting, on 20 November 2008, the representative of France reported that, in response to the Council's appeal to States in resolution 1838 (2008) to take part actively in the fight against piracy in particular by deploying naval vessels and military aircraft, his country had started an initiative of ensuring the military protection of the maritime convoys of the World Food Programme, which had been taken up by the Netherlands, Denmark and Canada. Moreover, all States members of the European Union had mobilized to fight piracy more broadly on the basis of resolutions 1814 (2008), 1816 (2008) and 1838 (2008). He reported that a European Union naval operation off the coast of Somalia for a period of one year would be launched on 8 December with the full agreement and full support of

the Somali authorities, and that it would mobilize five to six ships, with air capability, and would protect the World Food Programme convoys and vulnerable ships and curb acts of piracy and armed attacks off the coast of Somalia.<sup>130</sup>

At its 6046th meeting, on 16 December 2008, following the adoption of resolution 1851 (2008), in which, *inter alia*, the Council called upon States, regional and international organizations to take part actively in the fight against piracy and armed robbery at sea off the coast of Somalia and authorized them to take all necessary measures that were appropriate in Somalia, the representative of the United Kingdom pointed out that the authorization of the use of force in paragraph 6 of resolution 1851 (2008) enabled States and regional organizations, with the approval of the Transitional Federal Government, to act, using force, if necessary, against pirate activities on land in Somalia. He stated that this was an important tool to combat those who planned, facilitated or undertook acts of piracy from the territory of Somalia, while the use of any force must be both necessary and proportionate.<sup>131</sup> The representative of the United States believed that, with the Council's authorization, allowing States to pursue pirates into their place of operation on land would have a significant impact as maritime operations alone were insufficient in combating piracy.<sup>132</sup> The representative of Belgium said that the Security Council had taken another step to effectively combat piracy, as resolution 1851 (2008) authorized the international community to act not only in the territorial waters of Somalia but also on its soil. At the same time, he emphasized the exceptional nature of this measure, stating that the concern to suppress piracy must not undermine certain principles of international law, such as the law of the sea, freedom of navigation and the sovereignty of States over their territories. The representative considered it essential that the exceptional measures just adopted by the Council were time-bound, strictly monitored and taken for only one specific purpose, namely, combating piracy, and only by countries cooperating with the Somali authorities, in compliance with humanitarian and human rights law.<sup>133</sup>

At the 6095th meeting, on 20 March 2009, the representative of Mexico recognized the importance of resolutions 1816 (2008) and 1846 (2008), by which the

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<sup>127</sup> S/PV.5902, p. 4.

<sup>128</sup> *Ibid.*, pp. 2-3.

<sup>129</sup> *Ibid.*, p. 5.

<sup>130</sup> S/PV.6020, p. 12.

<sup>131</sup> S/PV.6046, p. 4.

<sup>132</sup> *Ibid.*, p. 9.

<sup>133</sup> *Ibid.*, p. 13.

Council authorized, subject to certain conditions, entry into the territorial waters of Somalia in accordance with the Charter. He emphasized that the powers granted to the Security Council under Chapter VII of the Charter were the legal basis that permitted States to employ, in Somalia's territorial waters, all necessary measures to counter acts of piracy and armed robbery, in a manner consistent with actions permitted on the high seas with respect to piracy under relevant international law. He considered that the authorizations were not precedents in customary international law, in recognition of the exceptional nature of the authorized actions and of the Security Council acting in accordance with Chapter VII of the Charter.<sup>134</sup>

#### **Case 14 Protection of civilians in armed conflict**

At the 5898th meeting, on 27 May 2008, in connection with the protection of civilians in armed conflict, the representative of Croatia, expressing concern at the situations in and around refugee camps, particularly in some areas of Africa, emphasized that those situations required peacekeeping missions with strong, clear and goal-oriented mandates, including the authorization of the use of force, if necessary, to protect civilians.<sup>135</sup>

At the 6066th meeting, on 14 January 2009, the representative of the United Kingdom, recalling that the NATO mission to uphold the Dayton Peace Agreement in Bosnia was one of the first mandates in recent times to have had protection of civilians as one of its core tasks, asked Council members who had opposed robust language in peacekeeping mandates on the protection of civilians and Chapter VII authority to back up forces undertaking tasks for the protection of civilians to reflect on whether their actions were actually overall aiding the Council's work on protection of civilians.<sup>136</sup>

The representative of Palestine brought to the attention of the Council the suggestion made by the Secretary-General in his latest report on civilians in armed conflict,<sup>137</sup> in which he stated that, in situations where parties to a conflict committed systematic and widespread breaches of international humanitarian and

human rights law and thereby created the threat of genocide, crimes against humanity and war crimes, the Council should be willing to intervene under Chapter VII of the Charter.<sup>138</sup>

Commenting on the role of the United Nations when parties failed to abide by their obligations and peacekeeping forces were confronted with violence directed against civilians, the representative of Brazil said that this aspect was a growing concern of the Security Council. She noted that the need for United Nations forces to protect civilians in their areas of operation was a key moral and political component of peacekeeping missions and that the collective conscience could not and would not accept a situation where the United Nations would stand idly by as civilians were injured or killed on its watch. Therefore, for that situation to be avoided, the representative of Brazil considered it essential that the Council continue to take steps to craft mandates and secure military resources consistent with such moral and political imperatives.<sup>139</sup>

At the 6151st meeting, on 26 June 2009, the representative of Mexico expressed the belief that the Security Council had the obligation to take every measure necessary against those who threatened or severely endangered civilians during an armed conflict. He suggested that Council resolutions on the protection of civilians in armed conflict be grounded in the norms and principles of international humanitarian law, which would strengthen and further develop that body of norms and confer greater legitimacy on the decisions and actions of the Council.<sup>140</sup> The representative of Brazil called for the Council to make appropriate and non-selective use of the instruments provided for in the Charter to put an end to gross violations of international humanitarian law, stating that in those cases where a peacekeeping mission was established, it might be necessary and even morally imperative to give it a clear mandate to help protect civilians.<sup>141</sup>

At the 6216th meeting, on 11 November 2009, the representative of Croatia noted that as a response to the atrocities committed during the 1990s, the Security Council had taken an important decision in 1999 to add to the mandate of the peacekeeping operation in Sierra

<sup>134</sup> S/PV.6095, p. 11.

<sup>135</sup> S/PV.5898, p. 22.

<sup>136</sup> S/PV.6066, p. 23.

<sup>137</sup> S/2007/643.

<sup>138</sup> S/PV.6066 (Resumption 1), pp. 8-10.

<sup>139</sup> S/PV.6066, p. 30.

<sup>140</sup> S/PV.6151, p. 10.

<sup>141</sup> *Ibid.*, p. 27.

Leone a direct reference to the protection of civilians, including through the use of force. He observed that the introduction of protection of civilian provisions had become increasingly important in later peacekeeping mandates. The concept became the central part of the mandate of the peacekeeping operation in the Democratic Republic of the Congo, and had since been introduced into a plethora of other United Nations-mandated peacekeeping missions.<sup>142</sup>

On the other hand, the representative of the Russian Federation, highlighting that the protection of civilians was primarily the responsibility of the governments of the States involved in a conflict and that the actions of the international community should be focused on assisting national efforts in that regard, made clear that the international community could only take appropriate steps, especially when it came to the use of force, under the auspices and with the consent of the Security Council, as well as in accordance with the Charter. He further recalled that the protection of civilians was only one aspect of the mandate of a peacekeeping operation, and that the main task of United Nations peacekeepers was to assist the peace process.<sup>143</sup>

The representative of Benin pointed to the need for an in-depth discussion to identify all the implications of deploying robust missions, taking into consideration criteria for the use of force in the light of the basic principles for the deployment of peacekeeping operations and the need to make adjustments to rules of engagement. He further noted that peacekeeping operations mandated to protect civilians must have determined and effective political backing in accordance with the principle of civilian control of armed forces, in order to maintain the legitimacy of United Nations action.<sup>144</sup>

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<sup>142</sup> S/PV.6216, p. 10.

<sup>143</sup> *Ibid.*, p. 16.

<sup>144</sup> S/PV.6216 (Resumption 1), p. 50.

## Case 15

### Maintenance of international peace and security

At the 6108th meeting, on 21 April 2009, in a debate on mediation and settlement of disputes under the item entitled “Maintenance of international peace and security”, the representative of Cuba, speaking on behalf of the Non-Aligned Movement, expressed her Government’s concern at the Council’s excessive and hasty authorization of the use of force under Chapter VII of the Charter in some cases, while being silent and inactive in others. She noted that the Council had resorted to Chapter VII of the Charter as an umbrella for addressing issues that did not necessarily pose an immediate threat to international peace and security. She advocated a preference for the full utilization of the provisions of Chapters VI and VIII for the pacific settlement of disputes before resorting to Chapter VII provisions, particularly Articles 41 and 42. Chapter VII should be invoked, as intended, as a measure of last resort.<sup>145</sup> Similarly, the representative of Qatar considered that Chapter VII must be used only as a last resort when the need arose, expressing concern that in recent years Council resolutions had been frequently adopted under Chapter VII.<sup>146</sup> The representative of Pakistan criticized the injudicious use of Chapter VII by the Council and held that experience had shown that Chapter VII measures were not always ideal and might further worsen and complicate disputes.<sup>147</sup> The representative of Viet Nam emphasized that mediation efforts focused on addressing the root causes of conflicts could avoid a hasty dramatization of a conflict, which could lead to the “unnecessary” application of measures of last resort, such as those invoked under Chapter VII of the Charter.<sup>148</sup>

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<sup>145</sup> S/PV.6108 (Resumption 1), pp. 10-12.

<sup>146</sup> *Ibid.*, p. 13.

<sup>147</sup> *Ibid.*, p. 18.

<sup>148</sup> S/PV.6108, p. 7.

## V. Provision of armed forces in accordance with Articles 43 to 45 of the Charter

### Article 43

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

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

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

### Article 44

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

### Article 45

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

## Note

Articles 43 to 45 of the Charter provide for arrangements intended to govern the relationship

between the Security Council and the Member States contributing troops and air-force contingents for the purpose of the maintenance of international peace and security. Article 43 stipulates Member States' obligation to make available armed forces and other assistance in the maintenance of international peace and security to the Council, on its call, and Article 44 foresees the involvement of troop-contributing countries in relevant Council deliberations. Article 45 of the Charter specifies the need for Member States to make available national air-force contingents for combined international enforcement actions, at the request of the Council. During the period under review, the Council, in a number of decisions and deliberations, touched upon such arrangements in the context of the United Nations peacekeeping operations in general as well as of specific peacekeeping missions.

This section is divided into six subsections. Subsections A, C and E contain the Council's decisions relevant to Articles 43, 44 and 45, respectively. Subsections B, D and F present the constitutional discussions with relevance to those Articles.

In the period under review, no communication was received that contained an explicit reference to Articles 43 to 45 or provisions contained therein.

The Council did not explicitly refer to Articles 43 and 44 in any of its decisions. However it called upon States to provide assistance relating to enforcement actions by United Nations peacekeeping operations, for example in the context of increasing the military strength in the peacekeeping mission deployed in the Democratic Republic of the Congo (MONUC) or in the context of the authorization of a new military component for the mission in the Central African Republic and Chad (see table 31).

With relevance to Article 44, the Council adopted one presidential statement under the item entitled "United Nations peacekeeping operations", in which the Council, inter alia, noted that it had endeavoured to deepen consultations with troop- and police-contributing countries.<sup>149</sup>

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<sup>149</sup> S/PRST/2009/24.

With regard to Article 45, the Council considered the constraints facing some peacekeeping missions, notably the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and MONUC, in the complete fulfilment of their mandates due to the lack of necessary air-force contingents of various types. The Council adopted decisions requesting appropriate support and held discussions relevant to Article 45.

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

During the period under consideration, with reference to Article 43 of the Charter of the United Nations, the Council considered the strengthening of MONUC, the ongoing deployment of UNAMID and the authorization of an enlarged United Nations Mission in the Central African Republic and Chad (MINURCAT). Accordingly, the Council requested Member States to contribute troops for UNAMID, MONUC and MINURCAT. UNAMID achieved, approximately, its recommended troop capacity but severely lacked critical

enablers such as logistic and aerial contingents. On the other hand, MONUC, with an increase in personnel newly authorized by the Council in November 2008, and MINURCAT, fully taking over the responsibilities of EUFOR Chad/Central African Republic, had yet to reach their full troop strength, while also suffering from the lack of critical assets. Owing to these limitations, the Council urged the international community to step up its commitments to the full deployments of those missions.<sup>150</sup> The Council also called for Member States' support of redeployment of forces from one mission to another in West Africa.

<sup>150</sup> The cases of the United Nations Mission in the Central African Republic and Chad, the United Nations Organization Mission in the Democratic Republic of the Congo and the African Union-United Nations Hybrid Operation in Darfur, in which the calls for contributions included calls for the contribution of helicopters, are covered in subsection E below (table 32).

Table 31  
Calls for the provision of assistance relating to enforcement action

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in Chad, the Central African Republic and the subregion</b>	
Resolution 1834 (2008) 24 September 2008	Encourages troop-contributing countries to pledge the necessary force requirements and, in particular, the helicopters, reconnaissance units, engineers, logistics and medical facilities (para. 7)
Resolution 1861 (2009) 14 January 2009	Encourages Member States to contribute the necessary force requirements for the United Nations Mission in the Central African Republic and Chad, in particular the helicopters, reconnaissance elements, engineers, logistics and medical facilities (para. 14)  Urges all the Member States, particularly the States bordering Chad and the Central African Republic, to facilitate the delivery to Chad and the Central African Republic freely, without obstacles or delay, of all personnel, equipment, provisions, supplies and other goods, including vehicles and spare parts, intended for the Mission, and the European Union operation until its complete disengagement (para. 15)
<b>The situation in Côte d'Ivoire</b>	
Resolution 1880 (2009) 30 July 2009	Reaffirms its intention, as expressed in resolution 1836 (2008), to authorize the Secretary-General to redeploy troops, as may be needed, between the United Nations Mission in Liberia (UNMIL) and the United Nations Operation in Côte d'Ivoire (UNOCI) on a temporary basis and in accordance with the provisions of resolution 1609 (2005), as recommended by the Secretary-General in paragraph 25 of his report of 7 July 2009, <sup>a</sup> and calls upon troop-contributing countries to support the efforts of the Secretary-General in that regard (para. 24)

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Decision and date

Provision

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

Resolution [1906 \(2009\)](#)  
23 December 2009 Commends the contribution of troop- and police-contributing countries and donors to the United Nations Organization Mission in the Democratic Republic of the Congo, and calls upon Member States to pledge and contribute the remaining helicopters, air capabilities, intelligence assets and other force enablers required for the Mission (para. 42)

### **The situation in Liberia**

Resolution [1885 \(2009\)](#)  
15 September 2009 Reaffirms its intention to authorize the Secretary-General to redeploy troops, as may be needed, between UNMIL and UNOCI on a temporary basis, in accordance with the provisions of resolution [1609 \(2005\)](#) of 24 June 2005, and calls upon troop-contributing countries to support the efforts of the Secretary-General in this regard (para. 5)

### **The situation in the Middle East**

Resolution [1832 \(2008\)](#)  
27 August 2008 Commending the active role and dedication of the personnel of the United Nations Interim Force in Lebanon, notably of its Commander, expressing its strong appreciation to Member States that contribute to the Force, and underlining the necessity that the Force have at its disposal all necessary means and equipment to carry out its mandate (fifth preambular paragraph)

*Same provision in resolution [1884 \(2009\)](#), eighth preambular paragraph*

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

[S/PRST/2008/1](#)  
11 January 2008 The Council expresses concern about the deterioration of security and humanitarian conditions in Darfur and calls upon the United Nations and all Member States to facilitate the rapid and complete deployment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID). The Council urges capable Member States to contribute the helicopter and transportation units necessary to ensure the successful implementation of the mandate of UNAMID (sixth paragraph)

[S/PRST/2008/27](#)  
16 July 2008 The Council further calls upon the United Nations and all parties to facilitate the rapid and complete deployment of UNAMID, and upon capable Member States to contribute the helicopter and transportation units necessary to ensure the successful implementation of the mandate of UNAMID (fifth paragraph)

Resolution [1828 \(2008\)](#)  
31 July 2008 Welcomes the agreement of the Government of the Sudan, during its meeting with the Security Council on 5 June 2008, to the African Union-United Nations troop deployment plan, commends the contribution made by troop- and police-contributing countries and donors to UNAMID, and in order to facilitate the full and successful deployment of UNAMID and to enhance the protection of its personnel:

(a) Calls for the rapid deployment, as planned by the Secretary-General, of force enablers, including the heavy support package's engineer, logistical, medical and signal units, and of additional troops, police and civilian personnel, including contractors; and

(b) Calls upon States Members of the United Nations to pledge and contribute the helicopter, aerial reconnaissance, ground transport, engineering and logistical units and other force enablers required (para. 2)

Underlines the importance of raising the capability of those UNAMID battalions formerly deployed by the African Union Mission in the Sudan and other incoming battalions; requests the continuing assistance of donors in ensuring that these battalions are trained and equipped to United Nations standards (para. 3)

Welcomes the intention of the Secretary-General to deploy 80 per cent of UNAMID by 31 December 2008, and urges the Government of the Sudan, troop contributors, donors, the Secretariat and all stakeholders to do all they can to facilitate this (para. 4)

Resolution 1881 (2009)  
30 July 2009

Calls upon States Members of the United Nations to pledge and contribute the remaining helicopter, aerial reconnaissance, ground transport, medical and logistical units and other force enablers required; underlines the need for capable battalions effectively able to carry out UNAMID's mandated tasks; in this regard requests the continuing assistance of donors in ensuring that battalions are suitably trained and equipped; and further requests UNAMID to examine how it could maximize the use of its capabilities in Darfur (para. 3)

<sup>a</sup> S/2009/344.

## B. Discussion relating to Article 43

During the period under consideration, the debate in the Security Council on MINURCAT, in the light of Article 43 of the Charter, focused on the continuing lack of pledges by troop-contributing countries to assist the Mission to reach its authorized capacity (case 16). In the case of UNAMID, the Council discussed the lack of critical air and ground units, despite calls from the Council for more contributions of the urgently needed assets,<sup>151</sup> as well as the issue of the composition of the troops, with a focus on the interpretation of the "predominantly African character" of the hybrid mission (case 17).<sup>152</sup>

### Case 16

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

At the 6111th meeting, on 24 April 2009, in connection with the situation in Chad, the Central African Republic and the subregion, following the transfer of authority from EUFOR Chad/Central African Republic to a newly established military component of

MINURCAT on 15 March 2009,<sup>153</sup> the Assistant Secretary-General for Peacekeeping Operations stressed that there was an urgent need to reinforce MINURCAT up to its authorized strength and to equip it to meet the challenges facing it. Despite the deployment of EUFOR troops under MINURCAT and additional deployment of troops by Ghana and Togo, he reminded the Council that MINURCAT still lacked elements essential to the force, particularly a communications unit and most of the military helicopters required, and urged the Council to do everything within its power to ensure that MINURCAT had the military assets, including helicopters, required to implement its mandate and to minimize the risks facing the Mission's troops.<sup>154</sup>

The representative of the Czech Republic, speaking on behalf of the European Union, stated that approximately 2,000 of the soldiers who had participated in the EUFOR operation now served under the MINURCAT banner, further underlining European support to United Nations peacekeeping operations. He encouraged the Secretariat and new troop-contributing countries to sustain their efforts towards a quick achievement of the full operational capacity of MINURCAT in order to preserve the positive outcome of EUFOR.<sup>155</sup>

<sup>151</sup> Decisions concerning the provision of air-force contingents to UNAMID are covered in subsection E below; see also the discussion in subsection F below, case 20.

<sup>152</sup> Resolution 1769 (2007), seventh preambular paragraph.

<sup>153</sup> For more information, see part VIII, sect. III; and part X.

<sup>154</sup> S/PV.6111, pp. 2-3.

<sup>155</sup> *Ibid.*, p. 6.



At the 6172nd meeting, on 28 July 2009, the Special Representative of the Secretary-General and head of MINURCAT noted that the deployment of military force stood at 46 per cent of its mandated strength and as a consequence limited the ability of MINURCAT to effectively execute the military concept of operations and provide a safe and secure environment for vulnerable populations. He further reminded the Council that there was still a lack of rotary assets with enhanced night-flight capability and, should this unacceptable situation continue to prevail, it would be necessary to explore the possibility of acquiring such capabilities commercially. He also asked those countries which had already deployed troops in the force to strengthen their presence and prolong their deployment.<sup>156</sup>

The representative of France stated that it was essential for the deployment of MINURCAT to be accelerated and completed and thus called on all States to confirm their commitments or undertake new ones.<sup>157</sup> The representative of Burkina Faso urged the international community to do its utmost to ensure the effective deployment of the military component of MINURCAT and to make it operational by giving it the logistical means necessary to carry out its mandate.<sup>158</sup> The representative of the Russian Federation pointed out that the Russian aviation unit currently bore the brunt of the burden and hoped that the troop-contributing countries would provide the necessary air units for the Mission.<sup>159</sup> Similarly expressing his Government's concern about the delay in the Mission's full deployment, the representative of Japan urged all concerned to make their best efforts to expedite seamless transitions in troop deployment.<sup>160</sup> The representative of Viet Nam, echoed by the representative of Croatia, called upon the donor countries and troop-contributing countries to extend the necessary resources and provide military enablers to expedite the full deployment of MINURCAT.<sup>161</sup>

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<sup>156</sup> S/PV.6172, p. 4.

<sup>157</sup> *Ibid.*, p. 6.

<sup>158</sup> *Ibid.*, p. 9.

<sup>159</sup> *Ibid.*

<sup>160</sup> *Ibid.*, p. 10.

<sup>161</sup> *Ibid.*, pp. 13-14 (Viet Nam); and p. 18 (Croatia).

### Case 17

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

At the 5832nd meeting, on 8 February 2008, the Under-Secretary-General for Peacekeeping Operations, stating that the issue of force composition was one of the lynchpins of the success of UNAMID, reiterated the demand for a definitive decision from the Government of the Sudan on the inclusion of Thai and Nepalese military units in UNAMID, alongside the Ethiopian and Egyptian troops. He stressed that, although Council resolution 1769 (2007) indeed indicated that UNAMID forces should be "predominantly African in character", it did not necessarily mean it should be "exclusively" African. He emphasized a few important reasons why a broader mix of troops was necessary. First, it was necessary to seek troop and police contributors from non-African countries to obtain certain required capabilities. Second, due consideration had to be given to the geographical balance of the force in order to have an operation that would be perceived as impartial by the parties. He further called upon UNAMID troop and police contributors to do everything possible to expedite their predeployment preparations and arrive at the mission with the required capabilities as swiftly as possible. He reiterated the need for UNAMID to urgently generate critical military aviation and ground transportation assets.<sup>162</sup>

Expressing regret for the difficulty encountered in the deployment of non-African units, and stating that the Council could not accept the authority that the Government of the Sudan claimed over the admissibility of the contributions of countries to the Council-mandated force, the representative of Belgium welcomed the forthcoming deployment of the Thai and Nepalese contingents.<sup>163</sup> The inconsistent cooperation from the Government of the Sudan and the bureaucratic obstacles to making things happen on the ground were also pointed out by the representative of the United Kingdom.<sup>164</sup>

On the other hand, the representative of Burkina Faso welcomed the news that the Sudanese authorities had agreed to the expansion of the UNAMID contingent with the participation of some non-African countries.<sup>165</sup>

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<sup>162</sup> S/PV.5832, p. 7.

<sup>163</sup> *Ibid.*, p. 21.

<sup>164</sup> *Ibid.*, p. 18.

<sup>165</sup> *Ibid.*, p. 9.

The representative of China pointed out that the implementation of resolution 1769 (2007) was not the exclusive responsibility of the Secretariat, the African Union or the Government of the Sudan but that the international community must share that responsibility by providing the necessary resources, equipment and personnel. Only the joint efforts of the international community as a whole could enable the deployment of the hybrid force on the ground without hindrance and its ability to play an effective role.<sup>166</sup> Concurring, a few other speakers called for UNAMID troop contributors to speed up their preparations for deployment and stressed the importance for the international community to provide critical aviation and ground transportation units.<sup>167</sup>

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

On 5 August 2009, the Security Council adopted a presidential statement under the item entitled “United Nations peacekeeping operations”, in which it noted that it had endeavoured in the previous six months to improve its dialogue with the Secretariat and with troop- and police-contributing countries on the collective oversight of peacekeeping operations and to develop practices such as efforts to deepen consultations with troop- and police-contributing countries. The Council also identified, as one of several areas where further reflection was required to improve the preparation, planning, monitoring and evaluation, and completion of peacekeeping operations, earlier and more meaningful engagement with troop- and police-contributing countries before the renewal or modification of the mandate of a peacekeeping operation, while recognizing that through their experience and expertise, those countries could greatly contribute to effective planning, decision-making and deployment of peacekeeping operations.<sup>168</sup>

### **D. Discussion relating to Article 44**

During the period under review, there were two debates in which the Security Council dealt with its

engagement with troop- and police-contributing countries and which are featured here as case studies. Under the item entitled “United Nations peacekeeping operations”, the Council discussed the role of troop- and police-contributing countries (case 18). The relationship between the Council and troop-contributing countries was touched upon in the discussions of the working methods of the Council (case 19).

At the 5895th meeting, on 20 May 2008, on post-conflict peacebuilding, there was one explicit reference to Article 44 which did not give rise to a constitutional discussion.<sup>169</sup>

#### **Case 18 United Nations peacekeeping operations**

At the 6075th meeting, on 23 January 2009, speakers concurred that political support, sufficient financial and logistical resources as well as exit strategies were required for successful mandate fulfilment by peacekeeping operations. In discussing the tripartite cooperation between the Council, the Secretariat and troop-contributing countries, the representative of Uruguay underscored the low level of participation of those countries in the management of operations, especially in the preparation and planning stage. Attaching central importance to an enhanced exchange of information, he called for a real opportunity for troop-contributing countries to express their opinion before the specifics of an operation were defined. He proposed the creation of a depoliticized and effective mechanism to make such interaction possible that would help to minimize risks and maximize the efficiency of peacekeeping operations.<sup>170</sup>

The representative of India stated that, in the current international context, Article 44 should be read as implying that the Council should invite non-Council members to participate in the decisions of the Council concerning the employment of contingents of the Member States’ armed forces. He asserted that the Charter had envisaged peacekeeping as a tool jointly invented and honed by the Council and the General Assembly, not as an attribute of the power accorded to the Council by the Charter. He regretted that, in reality, the Security Council had “completely monopolized” its hold on United Nations peacekeeping operations. He noted the holding of meetings with troop-contributing

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<sup>166</sup> Ibid., p. 10.

<sup>167</sup> Ibid., p. 12 (Indonesia); p. 21 (United States); and p. 24 (Viet Nam).

<sup>168</sup> S/PRST/2009/24, third and fourth paragraphs.

<sup>169</sup> S/PV.5895 (Resumption 1), p. 27.

<sup>170</sup> S/PV.6075, pp. 40-41.

countries in private under the format established by resolution 1353 (2001), and the increase in the frequency of briefings by the Secretariat for troop-contributing countries, but complained that such briefings continued to be held, quite literally, on the eve of the renewal of mission mandates, making them pro forma exercises, as there was little real scope for serious or meaningful discussion. He reiterated the imperative of involving troop-contributing countries both early and fully in all aspects and stages of mission planning.<sup>171</sup>

A number of other speakers also pointed to the added value and benefit brought to the Council by the expertise and knowledge of troop-contributing countries throughout the entire planning and decision-making process.<sup>172</sup> The representative of Austria welcomed the idea of organizing, on a more regular basis, meetings among the Security Council, the Secretariat, commanders in the field and troop-contributing countries to discuss the implementation, progress and challenges of the various operations under way. He further held that the problem of the lack of instructions and guidelines for force commanders and troops on the ground for the specific implementation of their mandates should be solved by developing them through close tripartite cooperation.<sup>173</sup>

The representative of Pakistan asserted that peacekeeping activities could not be only “Council-centric”. Since mandates were to be implemented on the ground by troop-contributing countries, the majority of which were not Council members, there was an obvious need to bring troop-contributing countries fully into the loop, which required a genuine and meaningful partnership, extending from the deployment and operational aspects to a role in decision-making and policy formulation.<sup>174</sup> The representative of Jordan requested cooperation in an open manner under participation of troop-contributing countries, regional organizations and specialized agencies in order to achieve the Council’s strategic objectives in the long run.<sup>175</sup>

## Case 19

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

At the 5968th meeting, on 27 August 2008, during the debate on working methods of the Security Council, while several speakers welcomed the fact that in recent years coordination with and transparency towards troop-contributing countries had been strengthened,<sup>176</sup> others put greater emphasis on what still needed to be done in this regard: the representative of Slovakia pointed out that private Security Council meetings with troop-contributing countries, which had become too formalistic and had lost much of their original value, had to be revitalized.<sup>177</sup> Similarly, the representative of Uruguay noted that the current meetings with troop-contributing countries were merely informative in nature and lacked real consultation.<sup>178</sup> The representative of New Zealand also noted that there was considerable scope to develop the interaction between the Security Council and other interested parties, inter alia, troop-contributing countries.<sup>179</sup> A number of other speakers underlined the utility of enhancing communications with troop-contributing countries, whose opinions should be taken into due account.<sup>180</sup>

The representative of the Russian Federation supported further strengthening the practice of holding active consultations between Council members and troop-contributing countries in order to ensure that those countries participated at the earliest stages of planning for such operations. At the same time, he asserted the importance of the Council receiving the fullest assessment possible from troop-contributing countries with regard to the relevant issues.<sup>181</sup>

The representative of Jordan called upon the Council to consult with troop-contributing countries in the formulation of resolutions. He argued that the burden of making full use of the opportunity to interact with the Council within its regular consultations and

<sup>171</sup> Ibid., p. 33.

<sup>172</sup> Ibid., p. 17 (Burkina Faso); pp. 18-19 (Japan); p. 22 (Austria); p. 23 (Croatia); p. 26 (Libyan Arab Jamahiriya); p. 35 (Pakistan); p. 38 (Nigeria); and p. 43 (Morocco, on behalf of the Non-Aligned Movement).

<sup>173</sup> Ibid., p. 22.

<sup>174</sup> Ibid., pp. 35-36.

<sup>175</sup> Ibid., p. 37.

<sup>176</sup> S/PV.5968, p. 5 (China); and p. 7 (Croatia).

<sup>177</sup> Ibid., p. 24.

<sup>178</sup> Ibid., p. 31.

<sup>179</sup> Ibid., p. 29.

<sup>180</sup> Ibid., p. 19 (Burkina Faso); p. 25 (Switzerland); S/PV.5968 (Resumption 1), p. 10 (Canada); p. 13 (Ecuador); p. 17 (Austria); p. 19 (Republic of Korea); p. 22 (Tonga, on behalf of the Pacific small island developing States); p. 24 (Pakistan); and p. 26 (Poland).

<sup>181</sup> S/PV.5968, p. 16.

meetings fell on the troop-contributing countries. He said that the current nature of such meetings restricted effective and active participation and did not lead to desired results. Emphasizing that consultations with troop-contributing countries were essential in helping the Governments of those States to take the decision to participate in peacekeeping missions, he suggested that the Council encourage consultations with troop-contributing countries in accordance with resolution 1353 (2001), and the presence of military and political experts in the participating missions at the earliest stage, before the consideration of those matters.<sup>182</sup>

Speaking on behalf of the Non-Aligned Movement, the representative of Cuba, seconded by a few speakers,<sup>183</sup> requested that meetings with troop-contributing countries should be held not only to draw up mandates but also when considering a change, renewal or termination of a mission mandate, or when there was a rapid deterioration of the situation on the ground.<sup>184</sup> The representative of Japan suggested that, to ensure the implementation and effectiveness of Council action, having an informal exchange of views prior to a major adjustment to or the creation of a peacekeeping operation mandate in the Working Group on Peacekeeping Operations helped to address the legitimate concerns of the major stakeholders,

<sup>182</sup> Ibid., p. 36.

<sup>183</sup> Ibid., p. 4 (Indonesia); p. 6 (Libyan Arab Jamahiriya); and pp. 11-12 (Viet Nam).

<sup>184</sup> Ibid., p. 33.

including troop-contributing countries and financial contributors.<sup>185</sup>

### **E. Decisions of the Security Council relating to the provision of air-force contingents by Member States in accordance with Article 45 of the Charter**

During the period under review, despite the repeated requests to Member States for air-force contribution to peacekeeping operations made in numerous reports and letters from the Secretary-General,<sup>186</sup> the Security Council continued to face difficulties in receiving any pledge for critical enablers, especially air-force contingents for UNAMID, the newly established military component of MINURCAT and MONUC after its reinforcement in November 2008. Table 32 reflects the calls by the Council for various types of air-force contingents needed by the peacekeeping missions in Chad/Central African Republic, the Democratic Republic of the Congo and Darfur/Sudan.

<sup>185</sup> Ibid., p. 22.

<sup>186</sup> For example, for UNAMID, see S/2008/249, para. 35; S/2008/443, para. 39; S/2008/558, para. 18; S/2009/201, paras. 52 and 65; and S/2009/592, para. 24. For MONUC, see S/2009/472, para. 72; S/2008/703, para. 7 (b); and S/2009/52, pp. 1-2.

Table 32  
**Calls for the provision of air-force contingents by Member States**

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in Chad, the Central African Republic and the subregion</b>	
Resolution 1834 (2008) 24 September 2008	Encourages troop-contributing countries to pledge the necessary force requirements and, in particular, the helicopters, reconnaissance units, engineers, logistics and medical facilities (para. 7)
Resolution 1861 (2009) 14 January 2009	Encourages Member States to contribute the necessary force requirements for the United Nations Mission in the Central African Republic and Chad, in particular the helicopters, reconnaissance elements, engineers, logistics and medical facilities (para. 14)

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Decision and date

Provision

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

Resolution 1906 (2009)  
23 December 2009

Commends the contribution of troop- and police-contributing countries and donors to the United Nations Organization Mission in the Democratic Republic of the Congo, and calls upon Member States to pledge and contribute the remaining helicopters, air capabilities, intelligence assets and other force enablers required for the Mission (para. 42)

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

S/PRST/2008/1  
11 January 2008

The Council expresses concern about the deterioration of security and humanitarian conditions in Darfur and calls upon the United Nations and all Member States to facilitate the rapid and complete deployment of the African Union-United Nations Hybrid Operation in Darfur (UNAMID). The Council urges capable Member States to contribute the helicopter and transportation units necessary to ensure the successful implementation of the mandate of UNAMID (sixth paragraph)

S/PRST/2008/27  
16 July 2008

The Council further calls upon the United Nations and all parties to facilitate the rapid and complete deployment of UNAMID, and upon capable Member States to contribute the helicopter and transportation units necessary to ensure the successful implementation of the mandate of UNAMID (fifth paragraph)

Resolution 1828 (2008)  
31 July 2008

Welcomes the agreement of the Government of the Sudan, during its meeting with the Security Council on 5 June 2008, to the African Union-United Nations troop deployment plan, commends the contribution made by troop- and police-contributing countries and donors to UNAMID, and in order to facilitate the full and successful deployment of UNAMID and to enhance the protection of its personnel ..., calls upon States Members of the United Nations to pledge and contribute the helicopter, aerial reconnaissance, ground transport, engineering and logistical units and other force enablers required (paras. 2 and 2 (b))

Resolution 1881 (2009)  
30 July 2009

Commends the contribution of troop- and police-contributing countries and donors to UNAMID; calls on United Nations Member States to pledge and contribute the remaining helicopter, aerial reconnaissance, ground transport, medical and logistical units and other force enablers required (para. 3)

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### F. Discussion relating to the provision of air-force contingents by Member States in accordance with Article 45 of the Charter

In the period under review, the Security Council discussed the lack of air-force contingents facing peacekeeping missions. Cases 20 and 21 reflect such discussions in the context of UNAMID and MONUC, respectively. Difficulties around the deployment of air-force contingents were also discussed under the item entitled "United Nations peacekeeping operations" (case 22). In the context of its authorization of a new

military component for MINURCAT, the Council discussed the provision of air-force capacity while predominantly considering the continued lack of pledges by Member States of assistance to the newly created component of MINURCAT to reach its authorized troop capacity. That discussion is featured in subsection B above (see case 16).

#### Case 20 Reports of the Secretary-General on the Sudan

At the 5817th meeting, on 9 January 2008, in connection with the reports of the Secretary-General on the Sudan, the Under-Secretary-General for

Peacekeeping Operations observed that the deployment of UNAMID in Darfur, following the transfer of authority from the African Union Mission in the Sudan on 31 December 2007 pursuant to resolution 1769 (2007), continued to be compounded by the shortfalls in a number of critical areas, including essential transportation and aviation. Those missing units, consisting of two transport units and three military utility aviation units, would enable UNAMID to move personnel and resources over large areas with the speed required to respond to crises and to rapidly resupply units based in insecure locations. He informed the Council that there was an additional shortfall of one multi-role logistic unit and one aerial reconnaissance unit, following the technical determination that the unit pledged did not meet requirements. He referred to the ongoing discussions with Ukraine to explore the possibility of transferring tactical helicopters from another mission, while exploring proposals from the Russian Federation that would involve providing the airframes to other troop-contributing countries.<sup>187</sup>

By a presidential statement of 11 January 2008, the Council called upon the United Nations and all Member States to facilitate the rapid and complete deployment of UNAMID and urged capable Member States to contribute the helicopter and transportation units necessary to ensure the successful implementation of the mandate of UNAMID.<sup>188</sup>

At the 5832nd meeting, on 8 February 2008, the Under-Secretary-General for Peacekeeping Operations reiterated the need to urgently generate critical military aviation and ground transportation assets for UNAMID.<sup>189</sup> A few speakers expressed concerns at the situation and implications for stability in Darfur and added their support to the appeals by the Secretariat for contribution of those assets, including helicopters, necessary to fulfil the mandate of UNAMID.<sup>190</sup>

At the 5849th meeting, on 11 March 2008, the Assistant Secretary-General for Peacekeeping Operations, after reporting that, with the exception of Ethiopia's pledge of four light tactical helicopters, credible offers for utility helicopters and the remainder

of the light tactical helicopters, aerial reconnaissance aircraft and logistics and transport units remained outstanding, urged the Council once again to support the efforts to find and deploy those assets to the mission as soon as possible.<sup>191</sup> This aspect was equally emphasized by the briefers from the Secretariat in subsequent meetings, where they noted that UNAMID was still lacking five critical operational capabilities: attack helicopters, surveillance aircraft, medium-lift support helicopters, military engineers and logistical support.<sup>192</sup>

At the 5922nd meeting, on 24 June 2008, the Special Envoy of the African Union for Darfur regretted that it had not yet been possible to obtain two dozen or so helicopters for UNAMID, notwithstanding the repeated calls from the international community at large for the rapid deployment of a robust UNAMID.<sup>193</sup> A number of speakers reiterated concerns over the lack of resources for UNAMID, including the lack of air-force contingents for the full deployment of the mission.<sup>194</sup> The representative of Croatia, noting that the issue was not only the pace of the deployment, but also equipment, stated that the crucial issue was that of helicopters. He stressed that it should be part of the Council's responsibility to try to ensure not only that deployment but also that delivery of equipment was on time.<sup>195</sup> The representative of the United States reiterated the need to deliver the right capabilities and to redouble efforts to get the international community to ensure that the capabilities were made available, whether it be heavy-lift or medium-lift capacity or helicopters, and opined that the Council could be more focused in order to encourage the deployment or availability of appropriate assets.<sup>196</sup>

By a presidential statement of 16 July 2008, the Council called upon the United Nations and all parties to facilitate the rapid and complete deployment of UNAMID, and upon capable Member States to contribute the helicopter and transportation units necessary to ensure the successful implementation of the mandate of UNAMID.<sup>197</sup> On 31 July 2008, the Council

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<sup>187</sup> S/PV.5817, pp. 2-6.

<sup>188</sup> S/PRST/2008/1, sixth paragraph.

<sup>189</sup> S/PV.5832, p. 7.

<sup>190</sup> *Ibid.*, p. 12 (Indonesia); p. 13 (Costa Rica); p. 14 (South Africa); p. 18 (United Kingdom); p. 23 (United States); and p. 25 (Panama).

<sup>191</sup> S/PV.5849, p. 5.

<sup>192</sup> S/PV.5872, p. 3; and S/PV.5892, p. 6.

<sup>193</sup> S/PV.5922, pp. 5-8.

<sup>194</sup> *Ibid.*, p. 9 (Libyan Arab Jamahiriya); p. 11 (South Africa); p. 12 (China); p. 19 (Croatia); and pp. 22-23 (United States).

<sup>195</sup> *Ibid.*, p. 19.

<sup>196</sup> *Ibid.*, pp. 22-23.

<sup>197</sup> S/PRST/2008/27, fifth paragraph.

adopted resolution 1828 (2008), by which, in order to facilitate the full and successful deployment of UNAMID and to enhance the protection of its personnel, it called upon States Members of the United Nations to pledge and contribute the helicopter, aerial reconnaissance, ground transport, engineering and logistical units and other force enablers required.<sup>198</sup>

At the 6054th meeting, on 19 December 2008, the Under-Secretary-General for Peacekeeping Operations stated that as the mission's capabilities increased much more work could be done. However, key gaps in the mission's force composition remained to be filled. For over a year, pledges had been made for, inter alia, an aerial reconnaissance unit, light tactical helicopters and 18 medium-utility helicopters, which had been and still were outstanding.<sup>199</sup>

#### **Case 21 The situation concerning the Democratic Republic of the Congo**

Following the approval by the Security Council of a temporary surge capacity for MONUC under resolution 1843 (2008) of 20 November 2008, renewed by resolution 1856 (2008) of 22 December 2008,<sup>200</sup> at the 6104th meeting, on 9 April 2009, the Special Representative of the Secretary-General for the Democratic Republic of the Congo underlined the importance of those additional resources given the current situation in the eastern part of the country and regretted that, despite the offer of the provision of additional troops and police personnel by several countries, critically important capacities were not yet in sight. He emphasized that without the additional helicopter support required for rapid deployment and reaction, for example, the capacity of MONUC to respond quickly to emerging threats and to protect civilian populations would be compromised and that support to the armed forces of the Democratic Republic of the Congo would also be seriously constrained.<sup>201</sup>

At the 6203rd meeting, on 16 October 2009, the Special Representative of the Secretary-General informed the Council that, while first elements of additional uniformed personnel authorized in 2008 had begun to arrive, the limited helicopter and fixed-wing

aircraft capacity was still a huge constraint on the ability of MONUC to quickly deploy and sustain its forces in places where they were most needed. This was compounded by the lack of tactical intelligence in which no support had yet been received, even though it had been authorized by the Council a year previously.<sup>202</sup>

By resolution 1906 (2009) of 23 November 2009, the Council called upon Member States to pledge and contribute the remaining helicopters, air capabilities, intelligence assets and other force enablers required for the Mission.<sup>203</sup>

#### **Case 22 United Nations peacekeeping operations**

At its 6075th meeting, on 23 January 2009, the Security Council held a thematic debate on United Nations peacekeeping operations, in which the Under-Secretary-General for Peacekeeping Operations reminded the Council that UNAMID continued to face difficulties in deploying and still lacked helicopters that would provide the mobility essential to carry out its important mandate.<sup>204</sup>

The representative of the Russian Federation underlined that a Russian helicopter unit was operating as part of the United Nations Mission in the Sudan (UNMIS) and that another Russian aviation group was being dispatched to MINURCAT.<sup>205</sup>

At the 6153rd meeting, on 29 June 2009, the Under-Secretary-General for Peacekeeping Operations reiterated that needed capabilities, such as "those well-known helicopters", were not always available in sufficient quantity to the United Nations, considerably hindering mandate implementation in certain missions.<sup>206</sup> The representative of Rwanda stressed that a number of Member States, particularly from the African continent, were committed to peacekeeping but required the support of the international community in providing equipment that they were not able to muster because of minimal resources and competing priorities. He said that equipment such as helicopters, which the international community had failed to provide to missions like UNAMID, was a necessary force multiplier that would greatly affect the mobility and

<sup>198</sup> Resolution 1828 (2008), para. 2 (b).

<sup>199</sup> S/PV.6054, pp. 2-5.

<sup>200</sup> For more information, see part X.

<sup>201</sup> S/PV.6104, p. 6.

<sup>202</sup> S/PV.6203, p. 5.

<sup>203</sup> Resolution 1906 (2009), para. 42.

<sup>204</sup> S/PV.6075, p. 4.

<sup>205</sup> *Ibid.*, p. 21.

<sup>206</sup> S/PV.6153, p. 3.

effectiveness of peacekeeping in that region.<sup>207</sup> Recalling the statement made by the Under-Secretary-General for Peacekeeping Operations to the Special Committee on Peacekeeping Operations on 23 January 2009, which had highlighted a number of areas where peacekeeping faced problems, including the absence of

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<sup>207</sup> S/PV.6153 (Resumption 1), p. 10.

critical enabling capacities such as air assets, the representative of India observed that the problem was not a lack of personnel or equipment but rather reluctance on the part of Member States to make those assets available to the United Nations.<sup>208</sup>

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<sup>208</sup> Ibid., p. 13.

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

### *Article 46*

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

### *Article 47*

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

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

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

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

### **Note**

Articles 46 and 47 of the Charter prescribe the role of the Military Staff Committee in planning the application of armed force and also touch upon its composition.

This section features instances in which the Security Council, either in its decisions or in its deliberations, dealt with the role of the Military Staff Committee according to Articles 46 and 47 of the Charter.

During the period under review, the Council adopted one decision in relation to Articles 46 and 47 (see subsection A). Furthermore, the possibility of reactivating the Military Staff Committee was taken up by a few Council members in connection with the items entitled "Implementation of the note by the President of the Security Council (S/2006/507)", "United Nations peacekeeping operations" and "Maintenance of international peace and security" (see subsection B).

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

While no explicit references to Articles 46 and 47 were made during the period under review, the Council adopted one presidential statement under the item entitled "United Nations peacekeeping operations", in which, as one of the areas where further reflection was required to improve the preparation, planning, monitoring and evaluation, and completion of peacekeeping operations, the Council recognized the need to improve its access to military advice, and expressed its intention to pursue its work on mechanisms to that effect. The Council further



stated that it would continue to review the role of the Military Staff Committee.<sup>209</sup>

## **B. Discussion relating to Articles 46 and 47**

During the period under review, a few Council members suggested considering a reactivation of the Military Staff Committee in debates under the items entitled “United Nations peacekeeping operations” (case 23) and “Maintenance of international peace and security” (case 24).

Case 24 is focused on the role of the Military Staff Committee in connection with peacekeeping operations. Discussions on the role of the Military Staff Committee in the establishment of a system for the regulation of armaments in accordance with Article 26 are covered in part V, section III.

### **Case 23 United Nations peacekeeping operations**

During the debate on United Nations peacekeeping operations at the 6075th meeting, on 23 January 2009, the representative of the Russian Federation expressed the view that the required level of military expertise for the Security Council remained unsatisfactory. He argued that to ensure a more systematic approach by the Council to the military aspects of peacekeeping, it was now time, and justified in all respects, to revitalize the Military Staff Committee, with the full participation of the 15 Council members. He reiterated that the Military Staff Committee’s assessment of the military situation in countries in which peacekeeping operations were deployed, its formulations of recommendations regarding operational aspects of peacekeeping and its participation in missions to assess the readiness of troops and services assigned to peacekeeping operations would ensure that the Council was provided with reliable and timely information and would also enhance United Nations peacekeeping military expertise as a whole. He further announced that his delegation was ready to share specific proposals on the possible organization of the Committee’s work.<sup>210</sup>

At the 6153rd meeting, on 29 June 2009, the representative of Uganda opined that because of the

<sup>209</sup> S/PRST/2009/24, fourth paragraph.

<sup>210</sup> S/PV.6075, p. 20.

recent shift towards more robust and comprehensive United Nations peacekeeping operations which required a clear understanding of the situation on the ground before mandates were designed, and the need to elaborate clear entrance and exit strategies with the principal actors concerned, his Government supported the revitalization of the Military Staff Committee, with the participation of all Council members, so that it could play a more active role in providing the relevant technical input.<sup>211</sup>

At the 6178th meeting, on 5 August 2009, the representative of the Russian Federation regretted that the non-paper prepared by the Department of Peacekeeping Operations and the Department of Field Support entitled “A new partnership agenda: charting a new horizon for United Nations peacekeeping”<sup>212</sup> overlooked the problem of ensuring the level of military expertise necessary for the implementation of Security Council decisions. Supporting the idea of involving military experts from Council members in reviewing and drawing up the mandates of peacekeeping operations, he advocated further systematization of the work of the Council on the military aspects of peacekeeping. He reiterated the Russian proposal to expand the Military Staff Committee to all 15 Council members. With regard to the presidential statement to be adopted, he opined that it focused insufficient attention on the need to intensify the activities of the Military Staff Committee, among other issues.<sup>213</sup>

At the end of the meeting, the President made a statement on behalf of the Council, in which, inter alia, the Council recognized the need to improve its access to military advice and continue to review the role of the Military Staff Committee.<sup>214</sup>

### **Case 24 Maintenance of international peace and security**

In the concept paper prepared by the President (Costa Rica) for the thematic debate on the topic of

<sup>211</sup> S/PV.6153, p. 13.

<sup>212</sup> The non-paper lays out the initial views of the Departments of Peacekeeping Operations and Field Support on a future agenda to strengthen the United Nations peacekeeping partnership; see <http://www.un.org/en/peacekeeping/documents/newhorizon.pdf>. For more information, see part I, sect. 37, and part X.

<sup>213</sup> S/PV.6178, pp. 16-17.

<sup>214</sup> S/PRST/2009/24, fourth paragraph.

strengthening the collective system for the regulation of armaments, the Security Council, in conjunction with the General Assembly, was called upon for concrete and actionable proposals on the general regulation and reduction of armaments and on the “all too obscure” Military Staff Committee. The paper further noted that the exercise would serve as an opportunity to comply with the request made during the 2005 World Summit to consider the composition, mandate and working methods of the Military Staff Committee.<sup>215</sup>

At the 6017th meeting, on 19 November 2008, the representative of the Russian Federation noted that, to date, ensuring the level of military expertise required for action within the framework of United Nations peacekeeping operations remained unresolved. Turning to the Russian initiative to intensify the activities of the Military Staff Committee, he explained that the thrust of it lay in involving the Military Staff Committee in fact-finding missions and inspection groups to assess the combat readiness of troops and equipment allocated for

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<sup>215</sup> S/2008/697, pp. 2-3.

participation in peacekeeping operations, which would provide timely and relevant information to the Council.<sup>216</sup>

With reference to the Military Staff Committee, the representative of Argentina noted that for the use and command of the forces placed at the disposal of the United Nations, the Organization had needed to establish different arrangements throughout its history because it had been impossible for the Military Staff Committee to fulfil its mandate. He explained that the current structure of United Nations peacekeeping operations had arisen from the need to perform some of those functions foreseen in the Charter.<sup>217</sup> The representative of Canada asserted that any decision regarding renewed activity of the Military Staff Committee, after a prolonged period of disuse, would require significant consultation and further study.<sup>218</sup>

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<sup>216</sup> S/PV.6017, p. 8.

<sup>217</sup> S/PV.6017 (Resumption 1), p. 6.

<sup>218</sup> *Ibid.*, p. 16.

## VII. Obligations of Member States under Article 48 of the Charter

### *Article 48*

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

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

### **Note**

Article 48 of the Charter underlines the obligation of all or some Member States, as determined by the Security Council, to carry out the decisions of the Council adopted in accordance with the provisions of Articles 40, 41 and 42 of the Charter. In accordance with Article 48 (2), Member States may carry out the decisions directly or through other international organizations.

During the period under review, the Security Council did not explicitly invoke Article 48 of the Charter in any of its decisions. However, in a number of resolutions adopted under Chapter VII of the Charter, the Council, without expressly referring to Article 48, underlined the necessity for Member States to fully comply with the requirements of the resolutions adopted by the Council, and contained provisions which might be regarded as implicit references to Article 48.

In addition, Article 48 was explicitly invoked in a communication addressed to the Council. In the tenth report of the Analytical Support and Sanctions Monitoring Team established pursuant to resolution [1526 \(2004\)](#) and extended by resolution [1822 \(2008\)](#), it was noted that the Committee established pursuant to resolution [1267 \(1999\)](#) had decided to consider proposals for high-level agreements with international organizations, such as the International Civil Aviation Organization or the World Customs Organization. That decision was founded on the fact that, “under Article 48 of the Charter”, Member States were obliged to observe

mandatory decisions of the Council, not only directly but also through their action in relevant international agencies of which they were members.<sup>219</sup>

In the course of the Council's deliberations relating to the adoption of decisions under Chapter VII of the Charter during the period under review, there was no constitutional discussion regarding the interpretation or application of Article 48. Accordingly, this section focuses on the decisions of the Council which highlight the range of addressees of the Council's calls for implementation of such decisions. Details of the measures themselves are covered in the sections focusing on Articles 40, 41 or 42.

### **Decisions of the Security Council under Article 48**

During the period under review, in Council decisions, no calls were made relating to the implementation of measures under Article 40. Any obligation evoked, or request made for assistance in implementing measures taken in accordance with Article 42, was either in the context of the deployment of a peacekeeping operation, when States were called upon to provide armed forces and assistance related to enforcement actions by United Nations peacekeeping operations, or in the context of mutual assistance in the implementation of a Chapter VII provision. As those requests are covered under section V.A and section VIII.B, respectively, only the decisions of the Council concerning obligations of Member States relating to measures taken under Article 41 are featured here (see table 33).

In most decisions relating to the imposition of sanctions measures under Article 41, the Council, during the period under review, called on "Member States", "all States" or "all States, particularly those in the region" to (a) fully comply with the sanctions

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<sup>219</sup> S/2009/502, para. 84.

regime; (b) implement the measures decided by the Council; and (c) cooperate with, and report to, the relevant sanctions committee or monitoring mechanism. In addition to Member States, the Council requested a large variety of actors such as "relevant United Nations bodies, other organizations and interested parties" and "international and regional organizations" to cooperate more closely with the body in charge of monitoring the sanctions regime.

While generally stressing the obligation of "all States" to comply with the measures imposed, in one instance, in connection with the border dispute between Djibouti and Eritrea, the Council insisted that "all Member States, including Eritrea" should comply fully with the terms of the arms embargo.<sup>220</sup> In connection with the situation concerning the Democratic Republic of the Congo, the Council specifically demanded that "all parties and all States" ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control<sup>221</sup> and urged "all States, especially those in the region" to take appropriate steps to end the illicit trade in natural resources, including if necessary through judicial means, and, where necessary, to report to the Security Council.<sup>222</sup> Furthermore, the Council urged "all Governments in the region", naming four States in particular, to prevent the use of their respective territories in support of violations of the arms embargo.<sup>223</sup>

With regard to judicial measures in accordance with Article 41, concerning the situation in the Great Lakes region, the Council called on "all States" to intensify cooperation with and render all necessary assistance to the International Criminal Tribunal for Rwanda.<sup>224</sup>

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<sup>220</sup> Resolution 1907 (2009), para. 1.

<sup>221</sup> Resolution 1896 (2009), para. 12.

<sup>222</sup> Resolution 1906 (2009), para. 28.

<sup>223</sup> Resolution 1859 (2008), para. 20.

<sup>224</sup> Resolution 1804 (2008), para. 9.

Table 33

**Decisions referring to obligations to carry out the Council's decisions adopted in accordance with Article 41**

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in Côte d'Ivoire</b>	
Resolution <a href="#">1842 (2008)</a> 29 October 2008	<p>Calls upon the Ivorian parties to the Ouagadougou Political Agreement and all States, in particular those in the subregion, to fully implement the measures renewed in paragraph 1 [of the resolution], including, as appropriate, by taking the necessary rules and regulations, and calls also upon the United Nations Operation in Côte d'Ivoire (UNOCI) and the French forces supporting it to bring their full support, in particular, to the implementation of the measures on arms renewed in paragraph 1, within their capacities and respective mandates, as determined in resolution <a href="#">1739 (2007)</a> and renewed in resolution <a href="#">1826 (2008)</a> (para. 3)</p> <p><i>Same provision in resolution <a href="#">1893 (2009)</a>, para. 3</i></p> <p>Requests all States concerned, in particular those in the subregion, to cooperate fully with the Committee (para. 9)</p> <p><i>Same provision in resolution <a href="#">1893 (2009)</a>, para. 9</i></p> <p>Urges all States, relevant United Nations bodies and other organizations and interested parties, including the Kimberley Process, to cooperate fully with the Committee, the Group of Experts, UNOCI and the French forces, in particular by supplying any information at their disposal on possible violations of the measures imposed by paragraphs 7, 9 and 11 of resolution <a href="#">1572 (2004)</a> and paragraph 6 of resolution <a href="#">1643 (2005)</a> and reiterated in paragraph 1 [of resolution <a href="#">1842 (2008)</a>] (para. 15)</p> <p><i>Same provision in resolution <a href="#">1893 (2009)</a>, para. 18</i></p>
<b>The situation concerning the Democratic Republic of the Congo</b>	
Resolution <a href="#">1856 (2008)</a> 22 December 2008	<p>Emphasizing the responsibility of the Government of the Democratic Republic of the Congo and the Governments of the region to prevent the use of their respective territories in support of violations of the arms embargo imposed by resolution <a href="#">1807 (2008)</a> or in support of activities of armed groups present in the region in accordance with the Pact on Security, Stability and Development for the Great Lakes Region [and] urging them to take effective measures to prevent cross-border support to any illegal armed group in the eastern region of the Democratic Republic of the Congo (eighth preambular paragraph)</p> <p>Urges all Governments in the region, in particular those of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda ..., to prevent the use of their respective territories in support of violations of the arms embargo reaffirmed by resolution <a href="#">1807 (2008)</a> or in support of activities of armed groups present in the region (para. 20)</p>
Resolution <a href="#">1857 (2008)</a> 22 December 2008	<p>Stressing the obligation of all States to abide by the notification requirements set out in paragraph 5 of resolution <a href="#">1807 (2008)</a> (seventh preambular paragraph)</p>

Decision and date

Provision

Calls upon all States, in particular those of the region, to support the implementation of the measures specified in the present resolution, to cooperate fully with the Committee in carrying out its mandate and to report to the Committee, within 45 days from the date of adoption of the present resolution, on the actions they have taken to implement the measures imposed by paragraphs 1 to 5 [of the resolution], and encourages all States to send representatives, at the Committee's request, to meet with the Committee for more in-depth discussion of relevant issues (para. 7)

Resolution [1896 \(2009\)](#)  
30 November 2009

Calls upon all States, particularly those in the region and those in which individuals and entities designated pursuant to paragraph 3 of the present resolution are based, to implement fully the measures specified in the present resolution and to cooperate fully with the Committee in carrying out its mandate (para. 5)

Requests the Governments of the Democratic Republic of the Congo and of all States, particularly those in the region, the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the Group of Experts to cooperate intensively, including by exchanging information regarding arms shipments, trading routes and strategic mines known to be controlled or used by armed groups, flights from the Great Lakes region to the Democratic Republic of the Congo and from the Democratic Republic of the Congo to the Great Lakes region, the illegal exploitation of and trafficking in natural resources, and activities of individuals and entities designated by the Committee pursuant to paragraph 4 of resolution [1857 \(2008\)](#) (para. 10)

Further demands that all parties and all States ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control, and in this regard requests all States to identify a focal point to the Committee in order to enhance cooperation and information-sharing with the Group of Experts (para. 12)

Reiterates its demand, expressed in paragraph 21 of resolution [1807 \(2008\)](#) and reaffirmed in paragraph 14 of resolution [1857 \(2008\)](#), that all parties and all States, particularly those in the region, cooperate fully with the work of the Group of Experts and that they ensure the safety of its members, and unhindered and immediate access, in particular to persons, documents and sites that the Group of Experts deems relevant to the execution of its mandate (para. 13)

Also calls upon Member States to cooperate fully with the Group of Experts in respect of its mandate under paragraph 7 of the present resolution to develop recommendations for the Committee for guidelines for the exercise of due diligence, in particular by providing details of any relevant national guidelines, licensing requirements or legislation relating to trading in mineral products (para. 15)

Resolution [1906 \(2009\)](#)  
23 December 2009

Emphasizing that the linkage between the illicit exploitation of and trade in natural resources and the proliferation of and trafficking in arms is one of the major factors fuelling and exacerbating conflicts in the Great Lakes region, particularly in the Democratic Republic of the Congo, urging all States, particularly those in the region, to implement fully the measures set out in its resolution [1896 \(2009\)](#) ... (twelfth preambular paragraph)

Urges all States to take appropriate legal action against leaders of the Forces démocratiques de libération du Rwanda (FDLR) residing in their countries, including through effective implementation of the sanctions regime established by resolution [1533 \(2004\)](#) and renewed by its resolution [1896 \(2009\)](#) (para. 27)

Also urges all States, especially those in the region, to take appropriate steps to end the illicit trade in natural resources, including, if necessary, through judicial means, and, where necessary, to report to the Council (para. 28)

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### **The situation in the Great Lakes region**

Resolution [1804 \(2008\)](#)  
13 March 2008

Calls upon Member States to consider taking the measures necessary to prevent the provision by their nationals or from their territories of any financial, technical or other forms of support to or for the benefit of FDLR, the ex-Rwandan Armed Forces/Interahamwe or other Rwandan armed groups operating in the territory of the Democratic Republic of the Congo (para. 8)

Reiterates its call upon all States to intensify cooperation with and render all necessary assistance to the International Criminal Tribunal for Rwanda (para. 9)

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### **The situation in Liberia**

Resolution [1819 \(2008\)](#)  
18 June 2008

Calls upon all States and the Government of Liberia to cooperate fully with the Panel of Experts in all the aspects of its mandate (para. 3)

*Same provision in resolutions [1854 \(2008\)](#), para. 6; and [1903 \(2009\)](#), para. 11*

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

Resolution [1887 \(2009\)](#)  
24 September 2009

Reaffirming its resolution [1540 \(2004\)](#) and the necessity for all States to implement fully the measures contained therein, and calling upon all Member States and international and regional organizations to cooperate actively with the Committee established pursuant to that resolution, including in the course of the comprehensive review as called for in resolution [1810 \(2008\)](#) (ultimate preambular paragraph)

### **Non-proliferation/Democratic People's Republic of Korea**

[S/PRST/2009/7](#)  
13 April 2009

The Council also calls upon all Member States to comply fully with their obligations under resolution [1718 \(2006\)](#) (fourth paragraph)

Resolution [1874 \(2009\)](#)  
12 June 2009

Urges all States, relevant United Nations bodies and other interested parties to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures imposed by resolution [1718 \(2006\)](#) and the present resolution (para. 27)

### **Non-proliferation of weapons of mass destruction**

Resolution [1810 \(2008\)](#)  
25 April 2008

Reiterates its decisions taken in, and the requirements of, resolution [1540 \(2004\)](#), and emphasizes the importance for all States to implement fully that resolution (para. 1)

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Decision and date

Provision

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### Peace and security in Africa

Resolution 1907 (2009)  
23 December 2009

Reiterates that all Member States, including Eritrea, shall comply fully with the terms of the arms embargo imposed by paragraph 5 of resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007) on Somalia and the provisions of resolution 1844 (2008) (para. 1)

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

Resolution 1841 (2008)  
15 October 2008

Urges all States, relevant United Nations bodies, the African Union and other interested parties to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on implementation of the measures imposed by resolutions 1556 (2004) and 1591 (2005) (para. 4)

*Same provision in resolution 1891 (2009), para. 5*

### The situation concerning Rwanda

Resolution 1823 (2008)  
10 July 2008

Stressing the importance of the cooperation of all States, in particular those in the region, with the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and with the Group of Experts established by resolution 1533 (2004), while carrying out its mandate as renewed by resolution 1807 (2008) (third preambular paragraph)

### The situation in Somalia

Resolution 1801 (2008)  
20 February 2008

Emphasizes the continued contribution made to Somalia's peace and security by the arms embargo imposed by resolution 733 (1992), as elaborated and amended by subsequent resolutions, demands that all Member States, in particular those of the region, comply fully with it ... (para. 11)

Resolution 1811 (2008)  
29 April 2008

Stresses the obligation of all States to comply fully with the measures imposed by resolution 733 (1992) (para. 1)

Resolution 1814 (2008)  
15 May 2008

Emphasizing the continued contribution made to Somalia's peace and security by the arms embargo imposed by resolution 733 (1992), as elaborated and amended by resolutions 1356 (2001), 1425 (2002), 1725 (2006), 1744 (2007) and 1772 (2007), and reiterating its demand that all Member States, in particular those in the region, comply fully with it (fifteenth preambular paragraph)

Resolution 1844 (2008)  
20 November 2008

Reminds all Member States of their obligation to implement strictly the measures imposed by the present resolution and all relevant resolutions (para. 24)

Resolution 1853 (2008)  
19 December 2008

Stresses the obligation of all States to comply fully with the measures imposed by resolution 733 (1992), as well as resolution 1844 (2008) (para. 1)

### Threats to international peace and security caused by terrorist acts

Resolution 1822 (2008)  
30 June 2008

Emphasizing the obligation placed upon all Member States to implement, in full, resolution 1373 (2001), including with regard to the Taliban or Al-Qaida, and any individuals, groups, undertakings or entities associated with Al-Qaida, Osama bin Laden or the Taliban, who have participated in financing, planning, facilitating, recruiting for, preparing, perpetrating or otherwise supporting terrorist activities or acts, as well as to facilitate the implementation of counter-terrorism obligations in accordance with relevant Council resolutions (fourteenth preambular paragraph)

Reiterates the obligation of all Member States to implement and enforce the measures set out in paragraph 1 [of the resolution], and urges all States to redouble their efforts in this regard (para. 8)

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## VIII. Obligations of Member States under Article 49 of the Charter

### Article 49

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

### Note

Article 49 of the Charter provides for Member States to assist each other in carrying out the measures decided upon by the Security Council.

During the period under review, the Security Council adopted no decision referring explicitly to Article 49. However, a large number of decisions included provisions whereby the Council requested Member States to afford mutual assistance with a view to implementing its decisions adopted under Chapter VII of the Charter. Most of those calls concerned the implementation of decisions relating to measures adopted in accordance with Article 42, a few concerned

measures adopted in accordance with Article 41, while no reference to mutual assistance was recorded in decisions relating to measures under Article 40.

This section accordingly provides an overview of the Council's decisions calling upon Member States to afford mutual assistance in carrying out its decisions adopted under Articles 41 and 42.

### A. Calls for mutual assistance in the implementation of decisions adopted under Article 41

In connection with its decisions adopted under Article 41 of the Charter, the Council on two occasions called upon the donor community to provide technical or other types of assistance to the target State in implementing the sanctions measures previously adopted by the Council (see table 34).



Table 34

**Provisions referring to mutual assistance in carrying out the Council's decisions adopted in accordance with Article 41**

<i>Decision and date</i>	<i>Provision</i>
<b>The situation concerning the Democratic Republic of the Congo</b>	
Resolution 1896 (2009) 30 November 2009	Urges the donor community to consider providing increased technical or other assistance and support to strengthen the institutional capacity of the mining, law enforcement and border control agencies and institutions of the Democratic Republic of the Congo (para. 18)
<b>The situation in Liberia</b>	
Resolution 1903 (2009) 17 December 2009	Underlining its determination to support the Government of Liberia in its efforts to meet the conditions of resolution 1521 (2003), and encouraging all stakeholders, including donors, to support the Government of Liberia in its efforts ... (ninth preambular paragraph)

**B. Calls for mutual assistance in the implementation of decisions adopted under Article 42**

In its decisions authorizing Member States, regional and other international organizations to take enforcement action in accordance with Article 42 of the Charter, the Security Council regularly requested States, sometimes particularly those in the region, to provide various types of support or assistance (see table 35).

Most of such requests during the period under review were requests for financial resources, personnel, equipment and training for the full deployment or maintenance of a regional peacekeeping operation or multinational force, such as the International Security Assistance Force in Afghanistan, the European Force and the North Atlantic Treaty Organization presence in Bosnia and Herzegovina, the European Force (EUFOR) in Chad and the Central African Republic and the African Union Mission in Somalia (AMISOM). Furthermore, concerning EUFOR Chad/Central African Republic, the Council, in one decision, urged States to facilitate the delivery of all personnel, equipment, provisions, supplies and other goods to the two host

countries of that operation.<sup>225</sup> In connection with AMISOM, the Council, while reiterating its call for contributions of various resources, urged “those Member States which have offered to contribute to the Mission to fulfil such commitments”.<sup>226</sup>

Another call for increased cooperation and coordination among States relating to the enforcement action was made in connection with the threat posed by the Lord's Resistance Army (LRA): the Council called upon the Governments of the Great Lakes region to coordinate their efforts to address that threat and strongly encouraged enhanced regular information-sharing about LRA in that respect.

In the context of anti-piracy measures off the coast of Somalia, for which the Council authorized the use of force for the first time during the period under review, it repeatedly urged States and other international actors to render assistance to the Transitional Federal Government in the fight against piracy and armed robbery at sea and requested increased cooperation and coordination among them.

<sup>225</sup> Resolution 1861 (2009), para. 15.

<sup>226</sup> Resolution 1814 (2008), para. 10.

Table 35

**Provisions referring to mutual assistance in carrying out the Council's decisions adopted in accordance with Article 42**

<i>Decision and date</i>	<i>Provision</i>
<b>The situation in Afghanistan</b>	
Resolution <a href="#">1833 (2008)</a> 22 September 2008	Recognizes the need to further strengthen the International Security Assistance Force (ISAF) to meet all its operational requirements, and in this regard calls upon Member States to contribute personnel, equipment and other resources to the Force and to make contributions to the trust fund established pursuant to resolution <a href="#">1386 (2001)</a> (para. 3)
Resolution <a href="#">1890 (2009)</a> 8 October 2009	Recognizes the need to further strengthen ISAF to meet all its operational requirements, and in this regard calls upon Member States to contribute personnel, equipment and other resources to the Force (para. 3)
<b>The situation in Bosnia and Herzegovina</b>	
Resolution <a href="#">1845 (2008)</a> 20 November 2008	Invites all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraphs 10 and 11 [of the resolution] (para. 19)  <i>Same provision in resolution <a href="#">1895 (2009)</a>, para. 19</i>
<b>The situation in Chad, the Central African Republic and the subregion</b>	
Resolution <a href="#">1861 (2009)</a> 14 January 2009	Urges all the Member States, particularly the States bordering Chad and the Central African Republic, to facilitate the delivery to Chad and the Central African Republic freely, without obstacles or delay, of all personnel, equipment, provisions, supplies and other goods, including vehicles and spare parts, intended for the United Nations Mission in the Central African Republic and Chad, and the European Union operation until its complete disengagement (para. 15)
<b>The situation concerning the Democratic Republic of the Congo</b>	
Resolution <a href="#">1906 (2009)</a> 23 December 2009	Calls upon the Governments of the Great Lakes region to coordinate their efforts to address the threat posed by the Lord's Resistance Army (LRA) and strongly encourages enhanced regular information-sharing about LRA in this respect, with the United Nations Organization Mission in the Democratic Republic of the Congo and other United Nations missions in the areas where LRA is threatening the population ... (para. 16)
<b>The situation in Somalia</b>	
Resolution <a href="#">1801 (2008)</a> 20 February 2008	Urges member States of the African Union to contribute to the African Union Mission in Somalia (AMISOM) in order to help to facilitate the full withdrawal of other foreign forces from Somalia and help to create the conditions for lasting peace and stability there (para. 3)  Urges Member States to provide financial resources, personnel, equipment and services for the full deployment of AMISOM (para. 4)

<i>Decision and date</i>	<i>Provision</i>
	Encourages Member States whose naval vessels and military aircraft operate in international waters and airspace adjacent to the coast of Somalia to be vigilant to any incidents of piracy therein and to take appropriate action to protect merchant shipping, in particular the transportation of humanitarian aid, against any such act, in line with relevant international law, and welcomes the contribution made by France to protect the World Food Programme naval convoys and the support now provided by Denmark to this end (para. 12)
Resolution 1814 (2008) 15 May 2008	Reiterates its call upon Member States to provide financial resources, personnel, equipment and services for the full deployment of the Mission, and upon States members of the African Union to contribute to the Mission in order to facilitate the withdrawal of other foreign forces from Somalia and help to create the conditions for lasting peace and stability there, urges those Member States which have offered to contribute to the Mission to fulfil such commitments, recognizes that more needs to be done to harness increased support for the Mission ... (para. 10)
Resolution 1816 (2008) 2 June 2008	<p>Urges States whose naval vessels and military aircraft operate on the high seas and airspace off the coast of Somalia to be vigilant to acts of piracy and armed robbery, and in this context encourages, in particular, States interested in the use of commercial maritime routes off the coast of Somalia to increase and coordinate their efforts to deter acts of piracy and armed robbery at sea in cooperation with the Transitional Federal Government (para. 2)</p> <p>Urges all States to cooperate with each other, with the International Maritime Organization (IMO) and, as appropriate, with the relevant regional organizations in connection with, and share information about, acts of piracy and armed robbery in the territorial waters and on the high seas off the coast of Somalia, and to render assistance to vessels threatened by or under attack by pirates or armed robbers, in accordance with relevant international law (para. 3)</p> <p>Urges States to work in cooperation with interested organizations, including IMO, to ensure that vessels entitled to fly their flag receive appropriate guidance and training on avoidance, evasion and defensive techniques and to avoid the area whenever possible (para. 4)</p> <p>Calls upon States and interested organizations, including IMO, to provide technical assistance to Somalia and nearby coastal States, upon their request, to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery off the Somali and nearby coastlines (para. 5)</p> <p>Calls upon States to coordinate their actions with other participating States taken pursuant to paragraphs 5 and 7 [of the resolution] (para. 10)</p> <p>Calls upon all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia, consistent with applicable international law, including international human rights law, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims and witnesses and persons detained as a result of operations conducted under the present resolution (para. 11)</p>

<i>Decision and date</i>	<i>Provision</i>
Resolution 1831 (2008) 19 August 2008	<p>Emphasizing the contribution that AMISOM is making to lasting peace and stability in Somalia, welcoming in particular the continuing commitment of the Governments of Uganda and Burundi, condemning any hostility towards the Mission, and urging all parties in Somalia and the region to support and cooperate with the Mission ... (seventh preambular paragraph)</p> <p>Urges member States of the African Union to contribute to AMISOM in order to help to facilitate the full withdrawal of other foreign forces from Somalia and help to create the conditions for lasting peace and stability there (para. 3)</p> <p>Urges Member States to provide financial resources, personnel, equipment and services for the full deployment of the Mission (para. 4)</p>
<a href="#">S/PRST/2008/33</a> 4 September 2008	<p>The Council reiterates its strong support for AMISOM and again urges the international community to provide financial resources, personnel, equipment and services for the full deployment of the Mission (fifth paragraph)</p> <p>The Council further requests the Secretary-General urgently to identify and approach States that might contribute the financial resources, personnel, equipment and services required, stands ready to support the Secretary-General in this regard, and calls upon States to respond favourably (tenth paragraph)</p>
Resolution 1838 (2008) 7 October 2008	<p>Urges States that have the capacity to do so to cooperate with the Transitional Federal Government in the fight against piracy and armed robbery at sea in conformity with the provisions of resolution 1816 (2008) (para. 4)</p> <p>Calls upon States and regional organizations to coordinate their actions pursuant to paragraphs 3, 4 and 5 [of the resolution] (para. 7)</p>
Resolution 1846 (2008) 2 December 2008	<p>Calls upon States and interested organizations, including IMO, to provide technical assistance to Somalia and nearby coastal States upon their request to enhance the capacity of these States to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines (para. 5)</p> <p>Calls upon States and regional organizations to coordinate, including by sharing information through bilateral channels or the United Nations, their efforts to deter acts of piracy and armed robbery at sea off the coast of Somalia in cooperation with each other, IMO, the international shipping community, flag States, and the Transitional Federal Government (para. 7)</p> <p>Calls upon all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction ... (para. 14)</p>
Resolution 1851 (2008) 16 December 2008	<p>Calls on Member States to assist the Transitional Federal Government, at its request and with notification to the Secretary-General, to strengthen its operational capacity to bring to justice those who are using Somali territory to plan, facilitate or undertake criminal acts of piracy and armed robbery at sea, and stresses that any measures taken pursuant to the present paragraph shall be consistent with applicable international human rights law (para. 7)</p>

**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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<i>Decision and date</i>	<i>Provision</i>
Resolution 1863 (2009) 16 January 2009	Calls upon Member States to contribute personnel, equipment and other resources to the Mission, and encourages Member States to cooperate closely with the African Union, the United Nations, troop-contributing countries and other donors to this end (para. 14)
Resolution 1872 (2009) 26 May 2009	Urges Member States and regional and international organizations to contribute generously to the United Nations trust fund for AMISOM, while noting that the existence of the trust fund does not preclude the conclusion of direct bilateral arrangements in support of the Mission (para. 20)
Resolution 1897 (2009) 30 November 2009	<p>Commends the work of the Contact Group on Piracy off the Coast of Somalia to facilitate coordination in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, in cooperation with IMO, flag States and the Transitional Federal Government, and urges States and international organizations to continue to support those efforts (para. 4)</p> <p>... calls upon States and interested organizations, including IMO, to provide technical assistance to Somalia, including regional authorities, and nearby coastal States upon their request, to enhance their capacity to ensure coastal and maritime security, including combating piracy and armed robbery at sea off the Somali and nearby coastlines, and stresses the importance of coordination in this regard through the Contact Group on Piracy off the Coast of Somalia (para. 5)</p> <p>Encourages Member States to continue to cooperate with the Transitional Federal Government in the fight against piracy and armed robbery at sea ... (para. 7)</p> <p>Calls upon Member States to assist Somalia, at the request of the Transitional Federal Government and with notification to the Secretary-General, to strengthen capacity in Somalia, including regional authorities, to bring to justice those who are using Somali territory to plan, facilitate or undertake criminal acts of piracy and armed robbery at sea ... (para. 11)</p> <p>Calls upon all States, and in particular flag, port and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation to cooperate in determining jurisdiction and in the investigation and prosecution of persons responsible for acts of piracy and armed robbery off the coast of Somalia ... (para. 12)</p>

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

### Article 50

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

### Note

During the period under review, the Security Council continued its practice of imposing targeted sanctions.<sup>227</sup> Given the shift from comprehensive economic sanctions to targeted sanctions in recent years, no Security Council committee mandated to oversee the implementation of sanctions was approached by third States concerning special economic problems experienced by them as a result of United Nations sanctions imposed on another State.<sup>228</sup>

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<sup>227</sup> For more information about sanctions measures, see sect. III above.

<sup>228</sup> See the reports submitted to the General Assembly during the period under consideration concerning assistance to third States affected by the application of sanctions (A/63/224, A/64/225 and A/65/217). The two annual reports to the Council of the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo touched upon socioeconomic and humanitarian consequence of sanctions in the target State (see S/2008/832, para. 8, and S/2009/667, para. 8), and the Committee reiterated the Council's request that the Secretary-General should present, before 15 February 2007, in close consultation with the Group of Experts, a report comprising an assessment of the potential economic, humanitarian and social impact on the population of the Democratic Republic of the Congo of the implementation of the possible measures taken to prevent exploitation of the country's natural resources.

In the period under review, the Council adopted no decisions relevant to Article 50, nor was there any instance of a decision in the subsidiary bodies of the Council of relevance to Article 50. On two occasions, however, members made references that can be considered as having an implicit bearing on Article 50. First, at the 5968th meeting, on 27 August 2008, in a thematic debate on working methods of the Council under the item "Implementation of the note by the President of the Security Council (S/2006/507)", the representative of Uruguay suggested that subsidiary bodies of the Council, in particular the sanctions committees, should permit interested Member States to participate in their discussions. It should be possible for those States with concerns regarding sanctions regimes to participate, so that effective and timely consultations could be held, pursuant to Article 50 of the Charter, with the relevant sanctions committee. He noted that, despite the improvement in the implementation of sanctions regimes, there was still a real lack of direct access to appeal bodies or a system for consultations in which countries could participate with a reasonable expectation of seeing their interests taken into account and of influencing organizational developments with a view to advancing those interests.<sup>229</sup>

Secondly, at the 6059th meeting, on 22 December 2008, in connection with the situation concerning Iraq, the representative of Italy pointed out that there was a concern over guaranteeing the certainty of law, avoiding any impact on the situation that arose following the adoption of resolution 687 (1991) and its follow-up and safeguarding enterprises that signed contracts with Iraq prior to the establishment of the sanctions regime and that had not been able to fulfil their contractual obligations in compliance with the measures established by the Security Council.<sup>230</sup>

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<sup>229</sup> S/PV.5968, p. 31.

<sup>230</sup> S/PV.6059, p. 6.

## X. Right of self-defence in accordance with Article 51 of the Charter

### Article 51

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

### Note

This section deals with the practice of the Security Council in connection with Article 51 of the Charter, which affirms the inherent right of individual or collective self-defence in the case of an armed attack against a Member State. During the period under review, the Council did not explicitly or implicitly refer to Article 51 in any of its decisions. However, in the course of its deliberations, the right of self-defence was invoked in connection with a number of agenda items and a number of communications were received which touched upon the principle enshrined in Article 51.

In this section, under heading A (Discussions relating to Article 51), the debates in the Council on the application and interpretation of Article 51 are featured in three case studies. Under heading B (Communications relating to Article 51), an overview of the above-mentioned communications is presented.

### A. Discussion relating to Article 51

In the deliberations of the Council, explicit references to Article 51 were made on numerous occasions<sup>231</sup> and the Council debated the application and interpretation of Article 51 in connection with the items “The situation in the Middle East, including the

<sup>231</sup> See, for example, S/PV.6017 (Resumption 1), p. 19 (Bolivia); S/PV.6151 (Resumption 1), p. 33 (Russian Federation).

Palestinian question”, “The situation in Georgia” and “Protection of civilians in armed conflict” (see cases 25 to 27).

### Case 25

#### The situation in the Middle East, including the Palestinian question

At the 5824th meeting on 22 January 2008, at which the armed hostilities and deteriorating situation in the Gaza Strip and southern Israel were discussed, the representative of Israel reaffirmed his Government’s intention to act in accordance with its inherent right under Article 51 of the Charter to protect and defend its people and recalled that this was the very obligation and right of all States. In addition, he insisted that a distinction should be made between Israel’s action taken in self-defence and Palestinian terrorism.<sup>232</sup>

Several speakers, while recognizing Israel’s right to self-defence, argued that this right should be exercised in a restrained and proportionate manner.<sup>233</sup> Acknowledging the right of Israel to self-defence, the representative of Slovenia, speaking on behalf of the European Union, called for the immediate end of all acts of violence and all activities that were contrary to international law and endangered civilians.<sup>234</sup> The representative of the United Kingdom considered it unacceptable that Israel should respond to continued rocket and mortar attacks by taking action designed to cause suffering to the civilian population of Gaza.<sup>235</sup> The representative of Croatia urged an immediate end to the hostile acts on both sides and feared that disproportionate reactions and measures that affected the population as a whole were seriously detrimental to the peace process.<sup>236</sup>

On the other hand, several speakers rejected the argument that Israel was acting in self-defence: the representative of South Africa argued that disproportionate use of force by Israel’s army, including the collective punishment against the Palestinian

<sup>232</sup> S/PV.5824, p. 8.

<sup>233</sup> Ibid., p. 15 (France); and p. 16 (Panama).

<sup>234</sup> S/PV.5824 (Resumption 1), p. 4.

<sup>235</sup> S/PV.5824, p. 11.

<sup>236</sup> Ibid., p. 17.

population, invalidated the claim of self-defence.<sup>237</sup> The representative of Lebanon recalled that the right of self-defence, as established by international norms and conventions, in particular the Charter, did not permit the excessive or disproportionate use of force, and could not be used as a pretext to wage war or exact revenge against innocent civilians as what was taking place in Gaza today.<sup>238</sup> The representative of the Syrian Arab Republic stressed that the right to self-defence applied to all, including the Palestinians, and that self-defence could not be a racist principle tailored to Israeli measurements and the occupation's standards.<sup>239</sup>

At the 6100th meeting, on 25 March 2009, in the context of the situation in Gaza and southern Lebanon, the representative of Lebanon maintained that Israel had essentially violated the provisions of international law governing the conditions for the use of force, always under the pretext that the Charter, specifically Article 51, gave Member States the right to self-defence in the case of armed aggression until the Council took the measures necessary to maintain international peace and security. He therefore requested the Council to interpret Article 51 in the narrowest sense, since it constituted an exception to the general rule provided by Article 2 (4) of the Charter, which prohibited the threat or use of force. He further argued that Israel used Article 51 and the right to self-defence to justify its use of force, which contradicted the reality of the occupation, given that Gaza had remained an occupied land from the standpoint of international law. Citing the opinion of the International Court of Justice concerning the status of the separation wall, he held that the Court had stated that the right of self-defence could not cover threats originating within, rather than outside, the areas under its control. He furthermore emphasized that the right to self-defence required the existence of necessity and parity and that those two conditions had never been fulfilled whenever Israel had used force. Pointing out that international humanitarian law governed all occupied areas, he also held that, whenever Israel invoked the right to self-defence in Gaza and Lebanon, it engaged in "self-help", in cherry-picking its own rights. He further criticized daily violations of Lebanese airspace by Israel, calling it "yet another example of its misinterpretation of Article 51 of

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<sup>237</sup> *Ibid.*, p. 12.

<sup>238</sup> S/PV.5824 (Resumption 1), p. 7.

<sup>239</sup> *Ibid.*, p. 9.

the Charter", while it continued to occupy parts of southern Lebanon.<sup>240</sup>

At the 6201st meeting, held on 14 October 2009 subsequent to the issuance of the report of the United Nations Fact-Finding Mission on the Gaza Conflict headed by Justice Richard Goldstone and commissioned by the Human Rights Council,<sup>241</sup> the representative of Israel strongly condemned the partiality of the report and accused it of favouring and legitimizing terrorism and denying Israel's rights to defend its citizens. Stating that the debate on the Goldstone report in the Council was only a "tale full of sound and fury", he warned that if Israel was to take further risks for peace, the international community must recognize Israel's right to self-defence.<sup>242</sup> The representative of the United Kingdom argued that the Goldstone report did not adequately recognize Israel's right to protect its citizens or pay sufficient attention to the actions of Hamas. He denounced the attacks carried out by Palestinian militants as a breach of international humanitarian law and acknowledged Israel's right to defend its citizens against these attacks, which must be done in accordance with international law.<sup>243</sup> The representative of Australia declared that his country strongly supported Israel's right to self-defence and called for an end to rocket attacks.<sup>244</sup> Other speakers, however, emphasized that some findings of the report referred to a disproportionate use of force hurting the population in Gaza.<sup>245</sup>

## **Case 26**

### **The situation in Georgia**

By a letter dated 7 August 2008 addressed to the President of the Security Council, the representative of the Russian Federation requested an emergency meeting to consider the aggressive actions of Georgia against South Ossetia, an internationally recognized party to the conflict.<sup>246</sup>

When the Security Council met to consider the matter, at its 5951st meeting, on 8 August 2008, the representative of the Russian Federation among others

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<sup>240</sup> S/PV.6100, pp. 32-33.

<sup>241</sup> A/HRC/12/48.

<sup>242</sup> S/PV.6201, p. 11.

<sup>243</sup> *Ibid.*, pp. 20-21.

<sup>244</sup> S/PV.6201 (Resumption 1), p. 26.

<sup>245</sup> S/PV.6201, p. 7 (Palestine); S/PV.6201 (Resumption 1), p. 3 (Egypt, on behalf of the Non-Aligned Movement); and p. 13 (Indonesia).

<sup>246</sup> S/2008/533.



called for the Council to reject the use of force by Georgia against South Ossetia.<sup>247</sup> The representative of Georgia declared on the other hand that his Government's military action was taken in self-defence, to protect its own civilians from "repeated armed provocations" by South Ossetian separatists who had defied the ceasefire and sharply escalated the violence.<sup>248</sup>

At the 5952nd meeting, held on the same day, the representative of Georgia reaffirmed that his Government took actions in self-defence, "with the sole goal of protecting the civilian population and preventing further loss of life among the region's residents".<sup>249</sup>

At the 5953rd meeting, on 10 August 2008, the representative of the Russian Federation further explained that his country had established a maritime "security zone" in order to prevent armed incidents in the area patrolled by Russian ships. He denied his Government's intention to create a maritime blockade against Georgia, and asserted that force would be used only in accordance with Article 51 of the Charter, in exercise of the right to self-defence by the Russian Federation.<sup>250</sup> The representative of Panama condemned the decision of the Government of Georgia to seek to impose its authority over South Ossetia through the use of force, and equally condemned the entirely disproportionate, and therefore illegitimate, use of force by the Russian Federation with the stated aim of protecting its citizens and peacekeeping forces. He recalled that any abuse of the basic restrictions which applied to Article 51 was a violation of the Russian Federation's fiduciary obligations as a permanent member of the Council.<sup>251</sup>

At the 5961st meeting, held on 19 August 2008 following the signing of the six-point ceasefire

agreement, the representative of the United Kingdom opined that by claiming a right to self-defence under Article 51 of the Charter, the Russian Federation confirmed its position as a party to the conflict. In addition, he observed that the military actions carried out by the Russian Federation since 7 August had gone beyond those of a peacekeeper or mediator.<sup>252</sup>

### Case 27

#### Protection of civilians in armed conflict

At the 6066th meeting, on 14 January 2009, under the item entitled "Protection of civilians in armed conflict", referring to the conflict between Israel and Palestine, the representative of Israel reaffirmed his country's legitimate right to self-defence against "very discriminate" attacks by Hamas against its civilians.<sup>253</sup> The representative of the United States defended Israel's "unquestionable" right to self-defence but urged the Government of Israel to ease access and movement for humanitarian support to avoid civilian casualties and minimize the impact on innocent civilians.<sup>254</sup>

The representative of the Syrian Arab Republic disagreed with the view that self-defence could be invoked to justify Israel's actions. He held that the Charter did not give a State the right to violate the rights of civilians, including those under occupation, using the excuse of self-defence. Therefore, the argument that the aggression of Israel against the Palestinians was in application of Article 51 was not permissible, as the right of self-defence could not be claimed by an occupying Power. Rather, he argued that Article 51 applied by default to resistance by the Palestinians against the Israeli occupation, in self-defence. He maintained that the right to self-defence should not be "manipulated by some to justify their silence over Israel's crimes".<sup>255</sup> The representative of Egypt argued that the Council failed to show a clear commitment to the peace talks by claiming that Israel was exercising its right to self-defence when Israel used "excessive and disproportionate" force while flouting all its legal and ethical obligations.<sup>256</sup>

<sup>247</sup> S/PV.5951, p. 3.

<sup>248</sup> Ibid., p. 5.

<sup>249</sup> S/PV.5952, p. 3.

<sup>250</sup> S/PV.5953, p. 9. At the 6151st meeting, in connection with protection of civilians in armed conflict, the representative of the Russian Federation, in response to allegations made by the representative of Georgia in his statement, strongly denied that the Russian Federation had occupied South Ossetia and argued that the decision to send troops had been legally based on Article 51 of the Charter. He added that, in accordance with the established procedure, the Council had been informed of that decision (see S/PV.6151 (Resumption 1), p. 33).

<sup>251</sup> S/PV.5953, p. 15.

<sup>252</sup> S/PV.5961, p. 10.

<sup>253</sup> S/PV.6066 (Resumption 1), p. 15.

<sup>254</sup> S/PV.6066, p. 22.

<sup>255</sup> S/PV.6066 (Resumption 1), p. 26.

<sup>256</sup> Ibid., pp. 30-31.

## **B. Invocation of the right of self-defence in other instances**

Article 51 of the Charter was quite frequently invoked in communications without being followed by a constitutional discussion. Those instances in which the right to self-defence was invoked in discussions, in addition to communications, are reflected in cases 25 and 26 above.

Explicit references to Article 51 were found in the following documents: the final document of the fifteenth summit conference of the Non-Aligned Movement;<sup>257</sup> communications concerning the situation relating to Nagorny Karabakh and relations between Armenia and Azerbaijan;<sup>258</sup> communications concerning the situation in Chad, the Central African Republic and the subregion;<sup>259</sup> communications concerning relations

between Cambodia and Thailand;<sup>260</sup> communication relating to protection of civilians in armed conflict.<sup>261</sup>

In most of these instances, the reference to Article 51 was made by the sender of the communication in the context of justifying his country's actions or announcing possible future action in a particular situation by invoking the right to self-defence. In connection with the issue of non-proliferation, the Islamic Republic of Iran said that it would, in the case of an attack, not hesitate to act in self-defence to protect itself and its people in accordance with the inherent right under Article 51 of the Charter.<sup>262</sup> The Democratic People's Republic of Korea also made reference to self-defence in connection with the issue of non-proliferation.<sup>263</sup>

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<sup>257</sup> Letter dated 24 July 2009 from the representative of Egypt to the Secretary-General, transmitting the Final Document of the Fifteenth Summit Conference of the Movement of Non-Aligned Countries, held in Sharm el-Sheikh, Egypt, from 11 to 16 July 2009 (see S/2009/514, annex, para. 22.2).

<sup>258</sup> Letters dated 7 February 2008 (S/2008/82) and 22 December 2008 from the representative of Azerbaijan to the Secretary-General, transmitting a report on the legal consequences of armed aggression by the Republic of Armenia against the Republic of Azerbaijan (S/2008/812, annex, paras. 8, 12-15, 21, 29, 32, 37, 50, 55 and 61).

<sup>259</sup> Letters dated 15 January 2008 and 15 May 2008 from the representative of Chad to the President of the Security Council (S/2008/21 and S/2008/332).

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<sup>260</sup> Letter dated 15 October 2008 from the representative of Cambodia to the President of the Security Council (S/2008/653); and letter dated 16 October 2008 from the representative of Thailand to the President of the Security Council (S/2008/657).

<sup>261</sup> Letter dated 2 October 2008 from the representative of Switzerland to the Secretary-General, transmitting the Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict (S/2008/636, preface to the Document, para. 3).

<sup>262</sup> Identical letters dated 30 April 2008 from the representative of the Islamic Republic of Iran to the Secretary-General and the President of the Security Council (S/2008/288); and letters dated 14 April 2009 and 6 October 2009 from the representative of the Islamic Republic of Iran to the President of the Security Council (S/2009/202 and S/2009/520).

<sup>263</sup> Letters dated 11 August 2008 and 3 September 2009 from the representative of the Democratic People's Republic of Korea to the President of the Security Council (S/2008/547 and S/2009/443).