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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, including Articles 39 through 51.

The period under review was marked by a considerably expanded scope of Council action in response to threats or breaches of the peace, with Chapter VII of the Charter being invoked in a large number of decisions of the Council. Of the 53 resolutions adopted by the Council in 2010, 32 were adopted “acting under Chapter VII of the Charter” (60.3%), while in 2011, 43 of the 66 resolutions were adopted “acting under Chapter VII” (65.2%). Most of those resolutions concerned the mandates of United Nations and regional peacekeeping missions or multinational forces, and the imposition, extension, modification or termination of sanctions measures.

In 2010 and 2011, the Security Council determined several new and ongoing threats to regional and/or international peace and security. Determinations of new threats under Article 39 of the Charter included the sinking of the Republic of Korea’s naval ship, the *Cheonan*;¹ events following the newly established independence of South Sudan;² actions involving Eritrea with respect to the situation in Somalia;³ and events concerning the situation in Libya. Ongoing threats to international peace and security included the situations in Afghanistan, Bosnia and Herzegovina, Chad, the Central African Republic, Côte d’Ivoire, the Democratic Republic of the Congo, Haiti, Lebanon, Liberia, Libya, Somalia, and the Sudan. With respect to the situation in Afghanistan, the Security Council also recognized the threat posed by illicit drug production, trade and trafficking to international peace and stability. Previously, such a determination had only been made in the context of Africa. In its consideration of thematic agenda items, the

¹ [S/PRST/2010/13](#) on 9 July 2010

² South Sudan gained independence on 9 July 2011 and was formally admitted as a member of the United Nations on 14 July 2011. In its decisions adopted under the item “Reports of the Secretary-General of Sudan”, the Council determined that “the situation faced by South Sudan”; “the current situation in Abyei”; “the current situation in Abyei and along the border between Sudan and South Sudan”; and “the situation along the border between Sudan and South Sudan” all constituted threats to international peace and security.

³ Resolutions [2002 \(2011\)](#) and [2023 \(2011\)](#).

Council reaffirmed that the non-proliferation of nuclear, chemical and biological weapons (including in the context of the Democratic People's Republic of Korea) and terrorism in all its forms continued to constitute threats to international peace and security.

The Council imposed new sanctions measures, of the type provided for under Article 41, against Libya, while the remaining measures imposed against Sierra Leone were terminated. The Council also took unprecedented action in amending the sanctions regime in relation to the Taliban and Al-Qaida, by separating the regime into two: one to target individuals associated with the Taliban who threatened Afghanistan's peace and stability, and another to focus exclusively on Al-Qaida and its associates. Though the scope and effect of the sanctions measures did not change, the Council continued to improve its due process procedures with the establishment of the Ombudsperson's office. Sanctions measures were also extended or modified on Côte d'Ivoire, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Liberia, the Islamic Republic of Iran, Liberia, Somalia and Eritrea, and the Sudan. In addition, the Council imposed new judicial measures in connection with the situation in Libya by referring it to the International Criminal Court, while the tribunals for Rwanda, the former Yugoslavia and Lebanon continued to function.

The Council adopted several resolutions authorizing United Nations peacekeeping missions and multinational forces, including those deployed by regional organizations to carry out enforcement actions under Article 42. Regarding the situation in Libya, the Council authorized Member States, acting nationally or through regional organizations or arrangements, to take all necessary measures to protect civilians and civilian-populated areas under threat of attack in the country. The Council also authorized Member States to take all measures necessary to enforce compliance with the no-fly zone and to carry out strict implementation of the arms embargo to inspect in their territory vessels and aircraft bound to or from Libya.

During the period under review, the Council also adopted several resolutions authorizing United Nations peacekeeping missions, as well as multinational forces, to undertake enforcement actions. With respect to United Nations peacekeeping missions, the Council, authorized enforcement action for the newly established missions in United

Nations Interim Security Force for Abyei (UNISFA) and the United Nations Mission in the Republic of South Sudan (UNMISS). Furthermore, the Council re-authorized enforcement action for the United Nations Operation in Côte d'Ivoire (UNOCI), the African Union/United Nations Hybrid operation in Darfur (UNAMID), the United Nations Organization Mission in the Democratic Republic of the Congo (MONUSCO), the United Nations Interim Force in Lebanon (UNIFIL) and the United Nations Mission in the Sudan (UNMIS). The United Nations Mission in the Central African Republic and Chad (MINURCAT) completed its mandate in December 2010.

Regarding the multinational forces, the Council authorized the use of “all necessary measures” within the framework of Chapter VII of the Charter for operations undertaken by: the Member States participating in the International Security Assistance Force (ISAF) deployed in Afghanistan; the European Union military operation (EUFOR ALTHEA) and the North Atlantic Treaty Organization (NATO) presence in Bosnia and Herzegovina; and the African Union in Somalia (AMISOM). The Council also extended the authorization of French forces to use all necessary means in order to support UNOCI.

The present part is divided into ten sections with each focusing on selected material to highlight the interpretation and application of the provisions of Chapter VII of the Charter by the Council in its deliberations and decisions. Sections I to IV cover material related to Articles 39 to 42, which regulate the Security Council’s power to determine threats to international peace and security and to take the appropriate actions in response to those threats, including the imposition of sanctions measures or the authorization for the use of force. Sections V to VI focus on Articles 43 to 47, regarding the command and deployment of military forces. Sections VII and VIII address, respectively, the obligations of Member States under Articles 48 and 49, while sections IX and X address, respectively, the practice of the Council with respect to Articles 50 and 51. Finally, each section contains sub-sections on discussions that took place within the Security Council regarding the proper interpretation and implementation of these articles governing the Security Council’s primary responsibility to maintain international peace and security.

Section 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. The section is divided into two sub-sections. Sub-section A gives an overview of the relevant decisions of the Council, while sub-section 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 sub-section 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. However, the Council adopted numerous resolutions determining, or expressing concern at, the existence of threats to the peace.

1. New threats

During the period under review, in six resolutions, the Council determined the existence of new threats to “regional” and/or “international peace and security”.

Following the newly established independence of South Sudan and the ensuing developments in the region, the Council determined for the first time that “the situation faced by South Sudan”, “the current situation in Abyei”, “the current situation in Abyei and along the border between Sudan and South Sudan”, and “the situation along the border between Sudan and South Sudan” all constituted threats to international peace and security. “The situation faced by South Sudan” was determined as a threat to international peace and security in the same resolution that welcomed the new State’s independence. It was the first mention, even though the Council stated that the situation “continues” to constitute a threat.

Regarding Eritrea, under its consideration of peace and security in Africa, the Council determined that the failure of Eritrea to fully comply with [resolutions 1844 \(2008\)](#), [1862 \(2009\)](#) and [1907 \(2009\)](#) in addition to its actions undermining peace and reconciliation in Somalia and the Horn of Arica region, as well as the dispute between Djibouti and Eritrea, constituted a “threat to international peace and security”.

Finally, by [resolution 1970 \(2011\)](#) of 25 February 2011 regarding Libya, the Council authorized measures under Article 41, including referring the situation to the International Criminal Court and various sanctions measures, without making an explicit determination of a new threat to international or regional peace and security under Article 39. The Council expressed grave concern at the situation in Libya, condemned the violence and use of force against civilians and deplored the “gross and systematic violation of human rights”. Consequently, “mindful of its primary responsibility for the maintenance of international peace and security” and “acting under Chapter VII of the Charter”, the Council authorized the measures. Subsequently, in [resolution 1973 \(2011\)](#) of 17 March 2011, the Council determined that the situation in Libya “continued to constitute a threat to international peace and security,” authorizing States, in accordance with Article 42, to establish a no-fly zone and to take “all necessary measures” to protect civilians in Libya.

For more details, see table 1.

Table 1
Determination of new threats to regional or international peace and security in 2010-2011

<i>Decision and date</i>	<i>Provision</i>
Peace and security in Africa	
Resolution 2023 (2011) 5 December 2011	Determining that the failure of Eritrea to fully comply with resolutions 1844 (2008) , 1862 (2009) and 1907 (2009) and its actions undermining peace and reconciliation in Somalia and the Horn of Africa region as well as the dispute between Djibouti and Eritrea constitute a threat to international peace and security, (thirteenth preambular paragraph)
Reports of the Secretary-General on the Sudan	
Resolution 1990 (2011) 27 June 2011	Recognizing that the current situation in Abyei demands an urgent response and constitutes a threat to international peace and security (sixteenth preambular paragraph)
Resolution 1996 (2011) 8 July 2011	Determining that the situation faced by South Sudan continues to constitute a threat to international peace and security in the region (eighteenth preambular paragraph)
Resolution 2024 (2011) 14 December 2011	Recognizing the urgent need for Sudan and South Sudan to commence the process of border normalization, and recognizing further that the situation along the border between Sudan and South Sudan constitutes a threat to international peace and security (seventh preambular paragraph)
Resolution 2032 (2011) 22 December 2011	Recognizing that the current situation in Abyei and along the border between Sudan and South Sudan constitutes a threat to international peace and security (twenty-third preambular paragraph)
The situation in Libya	
Resolution 1973 (2011) 17 March 2011	Determining that the situation in the Libyan Arab Jamahiriya continues to constitute a threat to international peace and security (twenty-first preambular paragraph)

2. *Continuing threats*

In 2010 and 2011, the Council determined that the situations in Afghanistan and Lebanon continued to constitute threats to “international peace and security”. It also determined that the situations in Côte d’Ivoire, the Democratic Republic of the Congo, Haiti and Liberia all continued to pose a threat to “international peace and security in the region”. In connection with Bosnia and Herzegovina, the Council determined that the situation “in the region” continued to constitute a threat to international peace and security. Regarding the developments in the Sudan, the Council determined that “the situation in Sudan” and “the situation in the region” continued to constitute threats to “international peace and security” and “international peace and security in the region”.

In a number of resolutions regarding Chad and the Central African Republic, the Council expressed its serious concern about the security situation in the Central African Republic and also determined that the situation “in the region on the border” between the Sudan, Chad and the Central African Republic continued to constitute a threat to “international peace and security in the region”.

By a series of resolutions adopted during the period, a number of elements of the situation in Somalia and Eritrea were deemed as continuing threats to the peace by the Council. By [resolutions 1910 \(2010\)](#) and [1972 \(2011\)](#) the Council determined that the situation in Somalia continued to constitute a threat to “international peace and security in the region”, while by [resolution 1916 \(2010\)](#), the Council condemned the flow of weapons and ammunition supplies to and through Somalia and Eritrea in violation of the Somalia arms embargo and the Eritrean arms embargo as a “serious threat to peace and stability in the region”. By the same [resolution 1916 \(2010\)](#), later repeated in [resolution 2002 \(2011\)](#), the Council further determined that the situation in Somalia, as well as Eritrea’s actions undermining peace and reconciliation in Somalia and the dispute between Djibouti and Eritrea continued to constitute a threat to “international peace and security in the region”. Further, by [resolution 1950 \(2010\)](#), the Council determined that incidents of piracy and armed robbery 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”.

In all of the above-mentioned 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 in order to maintain or restore international peace and security, such as impose provisional measures on parties to a conflict in order to prevent an aggravation of the situation, impose and/or extend sanctions measures, or authorize United Nations, regional or multinational peacekeeping operations under Chapter VII of the Charter, which sometimes included the use of force.⁴

In a number of decisions adopted under thematic agenda items, the Council reaffirmed that the proliferation of nuclear, chemical and biological weapons and their

⁴ For more information, see sects. II, III and IV of the present part.

means of delivery continued to pose a threat to “international peace and security”, including in the context of the Democratic People’s Republic of Korea and the Islamic Republic of Iran. The Council, in [resolution 1977 \(2011\)](#), also reaffirmed its resolve to take appropriate and effective actions against any threats 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 United Nations Charter”.

In 2010 and 2011, as it did in 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”. For more details of various provisions, see tables 2 and 3.

Table 2

Decisions by country-specific agenda item in which the Council referred to continuing threats to the peace in 2010-2011

<i>Decision and date</i>	<i>Provision</i>
The question concerning Haiti	
Resolution 1944 (2010) 14 October 2010	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 (twenty-second preambular paragraph) <i>Same provision in resolution 2012 (2011), twenty-eighth preambular paragraph</i>
Reports of the Secretary-General on the Sudan	
Resolution 1919 (2010) 29 April 2010	Determining that the situation in the Sudan continues to constitute a threat to international peace and security (sixteenth preambular paragraph) <i>Similar provision in resolution 1945 (2010), fifteenth preambular paragraph</i>
Resolution 1935 (2010) 30 July 2010	Determining that the situation in the Sudan constitutes a threat to international peace and security (fourteenth preambular paragraph) <i>Same provision in resolution 2003 (2011), eighteenth preambular paragraph</i>
Resolution 1978 (2011) 27 April 2011	Determining that the situation in the region continues to constitute a threat to international peace and security (third preambular paragraph)
Resolution 1982 (2011) 17 May 2011	Determining that the situation in Sudan continues to constitute a threat to international peace and security in the region (third preambular paragraph)
The situation concerning the Democratic Republic of the Congo	
Resolution 1925 (2010) 28 May 2010	Aware of the persistent challenges to the stability of the Democratic Republic of the Congo, and determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region (eighteenth preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
Resolution 1952 (2010) 29 November 2010	Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region (thirteenth preambular paragraph) <i>Same provision in resolution 2021 (2011), twelfth preambular paragraph</i>
Resolution 1991 (2011) 28 June 2011	Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region (seventeenth preambular paragraph)
The situation in Afghanistan	
Resolution 1943 (2010) 13 October 2010	Determining that the situation in Afghanistan still constitutes a threat to international peace and security (twenty-ninth preambular paragraph) <i>Same provision in resolution 2011 (2011), thirty-ninth preambular paragraph</i>
The situation in Bosnia and Herzegovina	
Resolution 1948 (2010) 18 November 2010	Determining that the situation in the region continues to constitute a threat to international peace and security (twenty-fifth preambular paragraph) <i>Same provision in resolution 2019 (2011), twenty-fifth preambular paragraph</i>
The situation in Chad, the Central African Republic and the subregion	
Resolution 1913 (2010) 12 March 2010	Determining that the situation in the region continues to constitute a threat to international peace and security (third preambular paragraph) <i>Same provision in resolution 1922 (2010), third preambular paragraph</i>
Resolution 1923 (2010) 25 May 2010	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 (nineteenth preambular paragraph)
The situation in Côte d'Ivoire	
Resolution 1911 (2010) 28 January 2010	Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region (eleventh preambular paragraph) <i>Same provision in resolutions 1924 (2010), third preambular paragraph; 1933 (2010), tenth preambular paragraph; 1946 (2010), seventh preambular paragraph; 1951 (2010), fifth preambular paragraph; 1962 (2010), nineteenth preambular paragraph; 1980 (2011), tenth preambular paragraph; and 2000 (2011), twentieth preambular paragraph</i>
Resolution 1975 (2011) 30 March 2011	Determining that the situation in Côte d'Ivoire continues to constitute a threat to international peace and security (fourteenth preambular paragraph)
The situation in Liberia	
Resolution 1938 (2010) 15 September 2010	Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region (nineteenth preambular paragraph) <i>Same provision in resolution 2008 (2011), eighteenth preambular paragraph</i>
Resolution 1961 (2010) 17 December 2010	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 (tenth preambular paragraph)
Resolution 2025 (2011) 14 December 2011	Determining that, despite significant progress, the situation in Liberia continues to constitute a threat to international peace and security in the region (thirteenth preambular paragraph)
The situation in the Middle East	
Resolution 1937 (2010) 30 August 2010	Determining that the situation in Lebanon continues to constitute a threat to international peace and security (thirteenth preambular paragraph) <i>Same provision in resolution 2004 (2011), sixteenth preambular paragraph</i>

<i>Decision and date</i>	<i>Provision</i>
The situation in Somalia	
Resolution 1910 (2010) 28 January 2010	Determining that the situation in Somalia constitutes a threat to international peace and security in the region (nineteenth preambular paragraph) <i>Same provision in resolution 1964 (2010), twenty-first preambular paragraph</i>
Resolution 1916 (2010) 19 March 2010	Determining that the situation in Somalia, Eritrea's actions undermining peace and reconciliation in Somalia, as well as the dispute between Djibouti and Eritrea continue to constitute a threat to international peace and security in the region (eleventh preambular paragraph) <i>Same provision in resolution 2002 (2011), fifteenth preambular paragraph</i>
Resolution 1950 (2010) 23 November 2010	Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia exacerbate the situation in Somalia, which continues to constitute a threat to international peace and security in the region (twentieth preambular paragraph) <i>Same provision in resolutions 1976 (2011), eighteenth preambular paragraph; 2015 (2011), seventeenth preambular paragraph; and 2020 (2011), twenty-seventh preambular paragraph</i>
Resolution 1972 (2011) 17 March 2011	Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region (eighth preambular paragraph) <i>Same provision in resolution 2010 (2011), twenty-fourth preambular paragraph</i>

Table 3

Decisions by thematic agenda item in which the Council referred to continuing threats to the peace in 2010-2011

<i>Decision and date</i>	<i>Provision</i>
Non-proliferation	
Resolution 1984 (2011) 9 June 2011	Determining that the proliferation of weapons of mass destruction, as well as their means of delivery, continues to constitute a threat to international peace and security (sixth preambular paragraph)
Non-proliferation / Democratic People's Republic of Korea	
Resolution 1928 (2010) 7 June 2010	Determining that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, continues to constitute a threat to international peace and security (third preambular paragraph) <i>Same provision in resolution 1985 (2011), sixth preambular paragraph</i>
Non-proliferation of weapons of mass destruction	
Resolution 1977 (2011) 20 April 2011	Reaffirming also that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security (second preambular paragraph)
Threats to international peace and security caused by terrorist acts	
Resolution 1963 (2010) 20 December 2010	Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed, and remaining determined to contribute further to enhancing the effectiveness of the overall effort to fight this scourge on a global level (first preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
Resolution 1988 (2011) 17 June 2011	<p>Reaffirming that the situation in Afghanistan still constitutes a threat to international peace and security, and expressing its strong concern about the security situation in Afghanistan, in particular the ongoing violent and terrorist activities by the Taliban, Al-Qaida, illegal armed groups, criminals and those involved in the narcotics trade, and the strong links between terrorism activities and illicit drugs, resulting in threats to the local population, including children, national security forces and international military and civilian personnel (third preambular paragraph)</p> <p>Recognizing also that, notwithstanding the evolution of the situation in Afghanistan and progress in reconciliation, the situation in Afghanistan remains a threat to international peace and security, and reaffirming the need to combat this threat by all means, in accordance with the Charter of the United Nations and international law, including applicable human rights, refugee and humanitarian law, stressing in this regard the important role that the United Nations plays in this effort (eighth preambular paragraph)</p>
Resolution 1989 (2011) 17 June 2011	<p>Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed, and reiterating its unequivocal condemnation of Al-Qaida and other individuals, groups, undertakings and entities associated with it, for ongoing and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims and the destruction of property and greatly undermining stability (second preambular paragraph)</p> <p>Noting with concern the continued threat to international peace and security posed by Al-Qaida and other individuals, groups, undertakings and entities associated with it, reaffirming its resolve to address all aspects of that threat, and considering the deliberations of the Committee on the recommendation of its Analytical Support and Sanctions Monitoring Team, in its eleventh report to the Committee, that Member States treat listed Taliban and listed individuals and entities of Al-Qaida and its affiliates differently (eighteenth preambular paragraph)</p>

B. Discussion relating to Article 39

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

In two separate open debates, the Council discussed the impact of HIV/AIDS (case 1), and the impact of climate change on international peace and security (case 2). In connection with its discussion on threats to international peace and security, the Council heard a briefing by the Executive Director of the United Nations Office on Drugs and Crime and deliberated on the threat to the international community posed by the production, trafficking and consumption of illicit drugs (case 3). In response to an incident involving an Israeli attack on a Turkish-operated flotilla bound for Gaza, the Council met to discuss its potential destabilizing effect on the situation in the Middle East, with some states arguing that the incident could be classified as an “act of

aggression” (case 4). In its consideration of peace and security in Africa, the Council deliberated on the impact of piracy off the Gulf of Guinea on international navigation, security and the economic development of states in the region (case 5). Under the item of women and peace and security, the Council members discussed sexual violence as a threat to international peace and security, and considered whether it was appropriate to discuss situations which were not on its agenda in that context (case 6). Finally, under the item of “the promotion and strengthening of the rule of law in the maintenance of international peace and security”, the Council discussed the International Criminal Court’s definition of “acts of aggression”.

Case 1

Maintenance of international peace and security

The impact of HIV/AIDS epidemic on international peace and security

At its 6547th meeting, on 7 June 2011, following the issuance of a concept paper,⁵ the Council held a high-level debate to discuss the impact of HIV/AIDS on international peace and security and the need for peacekeeping and peacebuilding operations and efforts to better take into account the challenges of HIV/AIDS during post-conflict and reconstruction strategies. By unanimously adopting [resolution 1983 \(2011\)](#) at the outset, the Council recognized that the epidemic posed “one of the most formidable challenges to the development, progress and stability of society” that required an exceptional and comprehensive “global response”. In his capacity as President of the Council, the representative of Gabon explained that the debate offered the Council an opportunity to consider progress made since the adoption of [resolution 1308 \(2000\)](#), and to take stock of future challenges as the HIV/AIDS pandemic remained a threat to collective security.⁶ The representative of Nigeria agreed, pointing out that the debate was a demonstration of the Council’s commitment to an issue that was pivotal to the development and security in

⁵ [S/2011/340](#).

⁶ [S/PV.6547](#), pp. 2-3.

Africa in particular and of the world, more generally.⁷ Similarly, the representative of Brazil viewed the debate as an opportunity for the Council to underline its readiness to address HIV/AIDS in the context of international peace and security, by focusing on the impact of HIV/AIDS on aspects related to its agenda, including conflict and post-conflict situations, peacekeeping operations, and sexual violence in situations of conflict.⁸

The representative of France stressed that the terrible consequences of AIDS were not only social and human, but also economic and referred to the obstacles it posed to countries attempting to recover from conflict.⁹ The representative of Germany said that HIV/AIDS impacted whole societies and sometimes even regional and international security, that threats to international peace and security were multifaceted and thus required comprehensive responses.¹⁰ The representative of the United States also acknowledged that in the twenty-first century, threats to peace and security stemmed not only from traditional armed conflicts, but also from more diffuse dangers, like the spread of lethal diseases.¹¹ The representative of the United Kingdom felt that the adoption of [resolution 1983 \(2011\)](#) sent a strong message that the epidemic still had a serious impact on international peace and security, and that the Council had an obligation to vulnerable communities to consider whether it could make a contribution to efforts to combat the spread of the disease.¹²

The representative of India described HIV/AIDS as a global challenge with widespread implications for societies on economic, social, legal and moral fronts,¹³ while the representative of China described it as posing a serious threat to human life.¹⁴ The representative of South Africa described the impact of HIV/AIDS on the maintenance of international peace and security as an issue of “critical global concern”,¹⁵ to which the representative of Bosnia and Herzegovina added that world peace depended not only on securing borders, but also on securing people against threats and risks to their security. In

⁷ Ibid., p. 6.

⁸ Ibid., p. 16.

⁹ Ibid., p. 8.

¹⁰ Ibid., pp. 19-20.

¹¹ Ibid., p. 9.

¹² Ibid., pp. 12-13.

¹³ Ibid., p. 15.

¹⁴ Ibid., p. 15.

¹⁵ Ibid., p. 7.

his view, [resolution 1983 \(2011\)](#) was a clear expression of the Council’s collective will to enhance its responsibility to maintain international peace and security.¹⁶

Case 2

Maintenance of international peace and security

The impact of climate change on international peace and security

At its 6587th meeting, on 20 July 2011, following the issuance of a concept paper,¹⁷ the Council convened to discuss the impact of climate change on international peace and security. During the debate, it was generally acknowledged that climate change presented a serious global challenge, with most speakers calling for international cooperation to tackle the problem in a holistic and preventive manner. Several speakers affirmed that the Council had the responsibility to discuss the issue, as climate change presented a potential threat to international peace and security.¹⁸ The representative of the United States noted the negative impact of climate change on peace and security as it amplified pressure on scarce resources and on vulnerable communities, citing, for example, the impact of the drought and desertification on the conflict and humanitarian situation in Darfur. In that regard, she urged the Council to be prepared to respond to a full range of crises exacerbated by the effects of climate change.¹⁹ The representative of France underlined the “immense destabilizing potential” of climate change that could multiply the threats to peace and security in the most fragile regions and States.²⁰ The representative of the United Kingdom stressed that while respecting the different roles, functions and mandates of the various United Nations bodies dealing with climate change, the Security Council should consider “emerging threats” in the maintenance of

¹⁶ Ibid., p. 18.

¹⁷ [S/2011/408](#).

¹⁸ [S/PV.6587](#), p. 7 (United States); pp. 9-10 (Bosnia and Herzegovina); p. 14 (Colombia); p. 15 (France); p. 23 (Republic of Nauru); p. 25 (Australia); [S/PV.6587 \(Resumption 1\)](#), pp. 3-4 (Luxembourg); p. 6 (New Zealand); p. 8 (Chile); p. 17 (Canada); p. 19 (Papua New Guinea); p. 22 (Belgium); pp. 26-27 (Palau); pp. 32-33 (Kenya); p. 36 (Fiji); and p. 40 (Spain).

¹⁹ [S/PV.6587](#), pp. 6-7.

²⁰ Ibid., p. 15.

international peace and security to better fulfill its responsibility to prevent future conflict.²¹ Speaking on behalf of the Pacific island small developing States, the representative of Nauru compared “dangerous and potentially catastrophic” impacts of the climate change to the threat posed by nuclear proliferation or terrorism as it threatened to destabilize the societies and political institutions therein.²²

Some speakers contended that the impact of climate change, while not presenting a threat to international peace and security per se, nonetheless had an exacerbating impact on other situations which did pose threats to international peace and security.²³ The representative of Brazil, for example, while acknowledging the links between climate change and development and between security and development, felt that the possible security implications of climate change were far less obvious. In her view, environmental impacts did not threaten international peace and security on their own, but the adverse effects of climate change could, in certain circumstances, contribute to aggravating existing threats to international peace and security.²⁴ The representative of the United Kingdom said that effects of climate change would be felt most keenly in areas of the world already experiencing stress from shortages of food, water and energy, adding that in those contexts, climate change must be seen as a “threat multiplier”, exacerbating existing tensions and increasing the likelihood of conflict, to which the representative of the European Union agreed.²⁵

Some speakers offered more measured support for the Council’s consideration of the impact of climate change, agreeing that it was linked to issues of peace and security, while also signaling the need for a clear distinction between the debate in the Council and the international climate negotiations.²⁶ The representative of Portugal did not see the Council as the appropriate forum for climate change negotiations or for discussions on mitigating measures for environmental vulnerabilities, but acknowledged the Council’s

²¹ Ibid., p. 12.

²² Ibid., pp. 22-23.

²³ Ibid., p. 7 (United States); p. 8 (Brazil); pp. 11-12 (United Kingdom); p. 14 (Colombia); p. 16 (Lebanon); p. 18 (Gabon); pp. 24-25 (Australia) and p. 29 (El Salvador); [S/PV.6587 \(Resumption 1\)](#), p. 4 (Luxembourg); p. 13 (Ireland); p. 21 (Kazakhstan); pp. 22-23 (Belgium); and p. 28 (Barbados, speaking on behalf of Caribbean Community (CARICOM)).

²⁴ [S/PV.6587](#), p. 8.

²⁵ Ibid., p. 11 (United Kingdom); and p. 29 (European Union).

²⁶ Ibid., p. 20 (Portugal); [S/PV.6587 \(Resumption 1\)](#), pp. 9-10 (Mexico); and p. 17 (Iceland).

role to recognize and deal with “new challenges” in the context of their impact on international peace and stability.²⁷ Similarly, the representative of Mexico felt that climate change was “far from being a threat to international peace and security in the traditional sense”; he hoped that the debate would help to make greater efforts in the framework of the international climate negotiations.²⁸

By contrast, a number of speakers held the view that climate change had to be addressed in other bodies of the United Nations, and questioned whether the Council was the appropriate forum in which to discuss the implications of climate change. They contended that there was no direct link between climate change and security, stressing that the issue of climate change was essentially a development issue.²⁹ For instance, the representative of China, while acknowledging that climate change might affect security, nevertheless emphasized that it was fundamentally a sustainable development issue.³⁰ The representative of the Russian Federation expressed his skepticism about the “repeated attempts” to place on the Council’s agenda the issue of the threat posed by climate change to international peace and security, which could not bring any added value and would merely politicize the issue and increase disagreements among countries.³¹ The representative of India contended that the existential threat to island States or the emergency of food security as a result of climate change could not be resolved or remedied by the Council under Article 39 of the Charter and, therefore, required a broader approach anchored in development, adaptive capacity, risk assessment and institutional build-up.³² The representative of Egypt (on behalf of the Non-Aligned Movement) and Argentina (on behalf of the Group of 77) both cited the need for the Council to respect the delineation of responsibilities of the principle organs of the United

²⁷ [S/PV.6587](#), p. 20.

²⁸ [S/PV.6587 \(Resumption 1\)](#), pp. 9-10.

²⁹ [S/PV.6587](#), p. 9 (China); p. 13 (Russian Federation); p. 16 (Lebanon); p. 17 (South Africa); pp. 19-20 (India); and p. 27 (Argentina, on behalf of the Group of 77 and China) [S/PV.6587 \(Resumption 1\)](#), pp. 4-5 (Costa Rica); pp. 10-11 (Ecuador); p. 11 (Cuba); p. 16 (Singapore); p. 19 (Iran (Islamic Republic of)); p. 20 (Kuwait, on behalf of the Group of Arab States); p. 23 (Peru); p. 24 (Bangladesh); pp. 25-26 (Plurinational State of Bolivia); p. 28 (Barbados, on behalf of CARICOM); p. 31 (Philippines); and p. 35 (Venezuela).

³⁰ [S/PV.6587](#), p. 9.

³¹ *Ibid.*, p. 13.

³² *Ibid.*, p. 19.

Nations as provided for in the United Nations Charter and to avoid any encroachment on the spheres of competence of those organs and agencies.³³

During the debate, the Council adopted a presidential statement,³⁴ by which the Council expressed its concern that possible adverse effects of climate change, may, in the long run, aggravate certain existing threats to international peace and security.

Furthermore, the Council expressed its concern that possible security implications of loss of territory of some States caused by sea-level-rise may arise, in particular in small low-lying island States.

In the same statement, the Council reaffirmed its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, but also recognized the responsibility for sustainable development issues, including climate change, conferred upon the General Assembly and the Economic and Social Council.

Case 3

Threats to international peace and security

Briefing by the Executive Director of the United Nations Office on Drugs and Crime

At its 6277th meeting, on 24 February 2010, following the issuance of a concept paper,³⁵ the Council convened to hear briefings from the Secretary-General and from the Executive Director of the United Nations Office on Drugs and Crime, and to deliberate on transnational threats to international peace and security posed by drug trafficking, organized crime and terrorism. In his briefing, the Secretary-General declared that transnational issues, including drug trafficking and organized crime, were increasingly present on the Council's agenda, clearly reflecting the gravity of the threats, and called on the Council to address other "emerging threats", such as cybercrime, money-laundering, environmental crime and the dumping of hazardous waste. He also called for early and

³³ *Ibid.*, p. 26 (Egypt, on behalf of the Non-Aligned Movement); and p. 27 (Argentina, on behalf of the Group of 77 and China).

³⁴ [S/PRST/2011/15](#).

³⁵ [S/2010/94](#).

common action, in order to prevent drug trafficking and organized crime from threatening international peace and security.³⁶

Similarly, Lebanon stated that transnational organized crime and drug trafficking had long-term negative impacts on peace, security and economic development and should be tackled in a synchronized manner on multiple fronts.³⁷ The representative of Turkey argued that international organized criminal networks posed transnational risks and threats to the entire international community as they undermined state authority, fueled corruption, hampered economic development, weakened the rule of law, and thus created tension and conflict among countries. He saw the Council's role and responsibility in monitoring the impact of those threats on international peace and security, particularly in areas and issues that the Council was seized of.³⁸ The representative of China stated that the Council must focus on issues that threatened peace and security brought about by armed conflict, hence it should focus on the drug trafficking and related organized crime faced by countries in conflict or in post-conflict situations, so as to help address the problem of armed conflict.³⁹ The representative of the Russian Federation directed the Council's attention towards the drugs threat from Afghanistan, which he stated was "global in nature and as acute as ever" and contended that the situation in Afghanistan necessitated the Council's actions as it posed a threat to the international peace and security.⁴⁰

The representative of Nigeria pointed to the West African subregion, which she noted was fast emerging as a major warehouse and transit point for illicit drugs and where activities of the drug cartels constituted a major threat not only to the subregion's fledging democratic structures, but also to good governance and the rule of law, thus constituting serious impediments to subregional efforts to promote human prosperity, development and peacebuilding.⁴¹ The representative of the United States reflected that in the recent past, the topic of the meeting might not have made it onto the agenda of the Council. However, organized crime and drug trafficking and the consequences that

³⁶ [S/PV.6277](#), pp. 2-3.

³⁷ *Ibid.*, p. 11.

³⁸ *Ibid.*, p. 6.

³⁹ *Ibid.*, p. 10.

⁴⁰ *Ibid.*, p. 12.

⁴¹ *Ibid.*, p. 14.

followed in the wake of such large-scale crime and corruption were “precisely the type of threat to global security and stability” that the Council was required to confront in the interconnected modern world. Comparing drug trafficking to global terrorism, pandemic disease and climate change, she further added that the issue was a transnational security threat that, by definition, could not be tackled by any one country alone.⁴² A number of countries also called for greater political commitment and international cooperation in order to address the threat posed by transnational crime, including by encouraging universal adherence to and accurate implementation of the relevant United Nations conventions, in particular the Convention against Transnational Organized Crime and its Protocols.⁴³

Following the debate, the Council adopted a presidential statement,⁴⁴ by which it noted with concern the serious threats posed in some cases by drug trafficking and transnational organized crime to international security in different regions of the world. The Council also declared that transnational crimes threatened the security of countries on the Council’s agenda, and indicated its intention to consider such threats, as appropriate.

Case 4

The situation in the Middle East, including the Palestinian question

Letter dated 31 May 2010 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council ([S/2010/266](#))

Letter dated 31 May 2010 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council ([S/2010/267](#))

On 31 May 2010, following requests from the representatives of Turkey and Lebanon, respectively, the Council convened an emergency meeting to discuss an incident which had occurred earlier the same day, involving the Israeli interception of a

⁴² Ibid., p. 16.

⁴³ Ibid., p. 6 (Turkey); p. 8 (Mexico); p. 9 (Uganda); pp. 15-16 (Japan); p. 17 (United States); p. 19 (Austria); and p. 21 (France).

⁴⁴ [S/PRST/2010/4](#).

multinational convoy of ships that had resulted in a number of fatalities. The Minister for Foreign Affairs of Turkey stated that the actions by Israel constituted a grave breach of international law tantamount to “banditry and piracy”, further characterizing Israel’s actions as an “act of aggression” which could be deemed neither legitimate nor legal, calling on the Council to react strongly and adopt a presidential statement that would condemn the actions.⁴⁵ Similarly, the representative of Nigeria added that the Council should be united in the message it sent out whenever there was a clear threat to peace and security.⁴⁶ The representative of Lebanon stated that the “aggression” perpetrated against unarmed innocents be firmly condemned and that an investigation should immediately take place to identify the perpetrators.⁴⁷ A number of representatives condemned Israel’s actions as violations of international law, the Law of the Sea and/or international humanitarian law, including the Geneva Conventions, thereby constituting international crimes.⁴⁸ The representative of Palestine strongly condemned Israel’s “flagrant aggression” as a direct consequence of the international community’s silence and inability to put an end to Israel’s previous violations of international law, international humanitarian law and human rights law.⁴⁹

In response, the representative of Israel argued that the flotilla was in fact acting under the guise of humanitarian aid to send “a message of hate and to implement violence” and defended the Israeli soldiers’ actions as “self-defence”. He justified the legitimacy of the Israeli maritime blockade as a recognized measure under international law.⁵⁰

On 1 June 2010, the Council adopted a presidential statement⁵¹ by which it condemned the act, without explicitly determining whether the situation constituted either an act of aggression or a threat to international or regional peace.

⁴⁵ [S/PV.6325](#), pp. 4-5.

⁴⁶ *Ibid.*, p. 9.

⁴⁷ *Ibid.*, p. 12.

⁴⁸ *Ibid.*, p. 11 (Gabon); p. 11 (Bosnia and Herzegovina); and p. 12 (Lebanon).

⁴⁹ *Ibid.*, p. 13.

⁵⁰ *Ibid.*, p. 14.

⁵¹ [S/PRST/2010/9](#).

Case 5

Peace and security in Africa

Piracy in the Gulf of Guinea

At its 6633rd meeting, on 19 October 2011, the Council convened an open debate, following the issuance of a concept paper,⁵² to discuss the impact of piracy off the Gulf of Guinea on peace and security in Africa. In his briefing, the Secretary-General informed Council members that the threat of piracy in the Gulf of Guinea had continued to grow, with new cases of piracy and armed robbery aboard vessels along the West African coast, posing significant potential consequences for economic development and security and negatively impacting on West Africa's trade with the rest of the world. He explained his decision to deploy an assessment mission to the region to examine the scope of the threat.⁵³ The representative of the Economic Community of West African States (ECOWAS) echoed the Secretary-General's comments, informing members that piracy and other criminal acts had become prevalent, threatening local and international movements of ships and their cargo transiting Benin, Ghana, Togo, Nigeria and Guinea.⁵⁴

All speakers agreed that the issue had become a significant cause for concern for countries in the region and that a comprehensive response was required in order to strengthen the region's defence capabilities and prevent the situation from becoming even more dangerous.⁵⁵ The representative of the Russian Federation observed that although there had been isolated attacks on vessels in the Gulf of Guinea in the past, the attacks of the last year off the coasts of Ghana, Togo, Benin and Nigeria had shown all the hallmarks of a well-functioning criminal enterprise that threatened the security of maritime shipping and the economic well-being of coastal states.⁵⁶ The representative of Portugal noted that the effects of piracy were felt far beyond the mere realm of security, disrupting trade and economic activity that were vital to coastal States. Most importantly,

⁵² [S/2011/644](#).

⁵³ [S/PV.6633](#), pp. 2-3.

⁵⁴ *Ibid.*, p. 3.

⁵⁵ *Ibid.*, p. 9 (Brazil); p. 13 (India); p. 15 (South Africa); p. 16 (Bosnia and Herzegovina); p. 19 (Gabon); p. 20 (Nigeria); and p. 21 (Benin).

⁵⁶ *Ibid.*, p. 9.

in his view, piracy affected countries with very different levels of institutional capacity to address the problem and could not be solved by isolated measures on the part of individual States.⁵⁷

Urging the United Nations to pay particular attention to the issue, the representative of China noted that in recent years, there had been an increase in both the number of piracy attacks and the level of violence involved, which threatened the economic activity in the region and the shipping security and therefore posed a threat to peace and security in the region.⁵⁸ The representative of the United States expressed that piracy attacks, whether within territorial waters or on the high seas, threatened regional and maritime security and the safety of seafarers, and impeded the economic growth across West and Central Africa.⁵⁹

Many speakers also considered the links between piracy and other branches of organized crime, including drug trafficking and the trade in illicit arms in West Africa. The representative of France observed that the transnational threat of piracy had been “compounded” by the rise in trafficking activity along the West African coast, in drugs, migrant smuggling and illegal fishing. An ever growing number of hostage-taking incidents and the rising costs of maritime trade and extraction activities threatened the growth, development and in turn, stability of states in the Gulf of Guinea.⁶⁰ Similarly, the representative of the United States recognized that illicit maritime trafficking in goods, drugs and persons undermined governance and unravelled the fabric of fragile societies.⁶¹ The representative of Benin opined that threats coming from scourges such as maritime piracy and the growth in unlawful activities that threatened the security of States constituted a genuine threat to international peace and security.⁶² He further argued that if left unaddressed, the situation off the coast of Guinea could seriously jeopardize the tremendous investments made by the international community in both establishing durable peace and in fostering economic development in the subregion. In his view, the situation in the “zone of lawlessness” off the coast of Guinea could seriously undermine

⁵⁷ Ibid., p. 10.

⁵⁸ Ibid., p. 12.

⁵⁹ Ibid., p. 17.

⁶⁰ Ibid., pp. 7-8.

⁶¹ Ibid., p. 17.

⁶² Ibid., p. 22.

the ability of States to meet their primary responsibility to protect people and goods in their territory and to secure safe traffic in their territorial waters, and thereby constituted a serious threat to peace and security in the region.⁶³

Some speakers compared the threat posed by piracy off the Gulf of Guinea to that posed by piracy off the coast of Somalia.⁶⁴ The representative of India pointed out that although the two situations were different in proportion at the present stage, it was quite possible that the failure of the international community to act decisively against piracy off the coast of Somalia could have spawned a new surge in piracy in the Gulf of Guinea.⁶⁵

At its 6645th meeting, on 31 October 2011, the Council adopted [resolution 2018 \(2011\)](#), by which it expressed its deep concern at the threat piracy and armed robbery at sea in the Gulf of Guinea posed to international navigation, security and the economic development of states in the region. The Council further expressed its concern over the threat piracy and armed robbery at sea posed to the safety of seafarers and other persons, including through them being taken as hostages.

Case 6

Women and peace and security

At its 6453rd meeting, on 16 December 2010, the Council engaged in an open debate to discuss women and peace and security. At the outset of the debate the Council unanimously adopted [resolution 1960 \(2010\)](#), by which it reaffirmed that sexual violence, when used or commissioned as a tactic of war or as a part of a widespread or systematic attack against civilian populations, could significantly exacerbate and prolong situations of armed conflict and could impede the restoration of international peace and security. Following the adoption of the resolution, a number of speakers classified sexual violence

⁶³ Ibid., p. 21.

⁶⁴ Ibid., p. 13 (India); p. 14 (United Kingdom); p. 15 (South Africa); p. 16 (Bosnia and Herzegovina); p. 16 (Germany); p. 17 (United States); and p. 18 (Lebanon).

⁶⁵ Ibid., p. 13.

as a tactic of warfare being a threat to peace and security.⁶⁶ The representative of Finland stated that sexual violence posed a threat not only to the health and lives of the victims and their communities, it was also “a serious impediment to peace, security and development”⁶⁷. The representative of Austria added that the extremely negative effect of sexual violence on peace processes, reconciliation and post-conflict reconstruction clearly made the crime a “security threat”.⁶⁸ The representative of China said that the Council should pay close attention to situations that posed threats to international peace and security and to make full use of existing mechanisms, such as the Special Representative of the Secretary-General for sexual violence in conflict and UN Women, to create synergy.⁶⁹ The representative of Italy stated that conflict-related sexual violence was a threat to security and an impediment to peacebuilding in many parts of the world, not only in the crisis areas of the Council’s agenda.⁷⁰ Conversely, the representative of the Russian Federation said that, from the standpoint of the Council’s purposes under the Charter, its attention must be focused only on those conflicts which threatened peace and security. Consequently, in his opinion, the instruments adopted by the Council in [resolution 1960 \(2010\)](#) must also be used in that context.⁷¹

At the 6642nd meeting, on 28 October 2011, following the issuance of a report of the Secretary-General⁷² and a concept paper by the Nigerian Presidency,⁷³ the Council continued its discussion of women and peace and security, with a focus on the implementation of [resolution 1325 \(2000\)](#). The representative of Lebanon stated that since the adoption of that resolution, awareness had increased of the threat that sexual violence constituted to peace and security, but that the benefits of resolution 1325 (2000) had yet to reach most women in conflict and in fragile settings.⁷⁴ The representative of China said that the Council should, in accordance with its Charter mandate, focus its

⁶⁶ [S/PV.6453](#), p. 11 (United Kingdom); p. 20 (Gabon); p. 23 (Austria); p. 29 (Italy); and p. 34 (Finland); [S/PV.6453 \(Resumption 1\)](#), p. 3 (Portugal); and p. 12 (Chile).

⁶⁷ [S/PV.6453](#), p. 34.

⁶⁸ *Ibid.*, p. 23.

⁶⁹ *Ibid.*, p. 18.

⁷⁰ *Ibid.*, p. 29.

⁷¹ *Ibid.*, p. 21.

⁷² [S/2011/598](#).

⁷³ [S/2011/654](#).

⁷⁴ [S/PV.6642](#), p. 19.

attention on situations that threatened international peace and security, calling for relevant United Nations organs to collaborate, while working in their respective spheres of competence.⁷⁵ Similarly, the representative of the Russian Federation remarked that attention should be given only to those situations that represented a threat to international peace and security. Issues of violence, he posited, should only be considered in the Council so long as they related to themes of maintaining peace and security and in strict relation to those situations that were on the Council's agenda. In his view, "artificially linking" gender issues exclusively to the Security Council contradicted its mandate and led to imbalances in system-wide coordination.⁷⁶

Case 7

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

At the 6347th meeting, on 29 June 2010, following the issuance of a concept paper,⁷⁷ the Council met to discuss the promotion and strengthening of the rule of law in the maintenance of international peace and security, including a discussion on the role of the International Criminal Court (ICC) in that regard. Stressing the link between justice and international peace and security, several speakers welcomed the decision by the States Parties to the ICC to include a definition of the crime of aggression in the Rome Statute, as well as the conditions under which the Court could exercise jurisdiction over that crime.⁷⁸ In the decision of the International Criminal Court, adopted in Kampala on 11 June 2010, "act of aggression" was defined as "the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations".⁷⁹ The representative of Liechtenstein welcomed the development, noting that once formally

⁷⁵ Ibid., p. 22.

⁷⁶ Ibid.

⁷⁷ [S/2010/322](#).

⁷⁸ [S/PV.6347](#), p. 8 (Mexico); p. 11 (Uganda); p. 16 (Brazil); p. 17 (Austria); and p. 24 (Japan); [S/PV.6347 \(Resumption 1\)](#), p. 2 (Denmark); p. 3 (Switzerland); p. 7 (Liechtenstein); p. 9 (Republic of Korea); p. 11 (Argentina); p. 15 (Peru); and p. 17 (South Africa).

⁷⁹ [RC/Res. 6](#), Annex I.

activated, it would give the Council a new policy option to address the most serious forms of the illegal use of force in contravention of the Charter.⁸⁰ The representative of South Africa explained that the main issue under consideration in Kampala was the role of the Council regarding the determination of a crime of aggression, with a number of representatives expressing concern about leaving such a determination exclusively in the hands of the Security Council. While some had advanced legal arguments to support such a view, he noted that there was also an underlying perception that the Council “could not faithfully fulfil this mandate and would, for political reasons unrelated to the maintenance of international peace and security, prevent the ICC from exercising jurisdiction over this crime”.⁸¹

⁸⁰ [S/PV.6347 \(Resumption 1\)](#), p. 7.

⁸¹ *Ibid.*, p. 17.

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

Article 40

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

Note

This section covers the practice of the Security Council in relation to Article 40 of the Charter, regarding provisional measures that the Council called upon the parties to comply with, in order to prevent an aggravation of the situation.

Article 40 was explicitly referred to in one meeting of the Council. At the 6528th meeting on 4 May 2011, under the item entitled “The situation in Libya”, the representative of Colombia said that the work being carried out by the International Criminal Court with regard to the situation in Libya was of the utmost importance for ensuring the full and effective implementation of [resolution 1970 \(2011\)](#), and it thus deserved full support. He further reminded Council members that they were there owing to a decision adopted by the Council under Article 40 of the Charter, which, he argued, was clearly binding in nature vis-à-vis all States Members of the Organization.⁸²

A. Decisions of the Security Council relating to Article 40

During the period under review, the Council did not adopt any decision explicitly citing Article 40 of the Charter. However, in a number of instances, having determined

⁸² [S/PV.6528](#), p. 9.

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 interpretation and application of Article 40 by the Council (see table 4).

It should be noted that the present section generally does not include the demands and calls made by the Council in situations where it had already adopted measures under Article 41 or Article 42 of the Charter. However, the present section includes cases in which provisional measures were adopted simultaneously with the adoption of measures under Article 41 or Article 42. For example, on 26 February 2011, the Council expressed grave concern at the situation in Libya and condemning the violence and use of force against Libyan civilians, and adopted [resolution 1970 \(2011\)](#) under Chapter VII, by which it, inter alia, demanded an immediate end to the violence, urged the Libyan authorities to act with utmost restraint, respect human rights and international law, ensure the safe passage of humanitarian and medical supplies, humanitarian agencies and workers into the country, immediately lift restrictions on all forms of media.⁸³ By the same resolution, the Council simultaneously imposed measures under Article 41 of the Charter, by referring the situation in Libya to the International Criminal Court, imposing an arms embargo against the Libyan Arab Jamahiriya as well as a travel ban and asset freeze against certain individuals, as designated by the Committee of the Security Council established by the same resolution.⁸⁴

During the period under review, the Council adopted a number of decisions containing measures calling upon the parties to comply with an order to prevent an aggravation of the situation. The types of measures that were assumed as having relevance to Article 40 in 2010 and 2011 included the following: (a) fulfilment of commitments under a peace agreement; (b) cessation of violence and human rights abuses; (c) prevention of recruitment and use of child soldiers; (d) compliance with obligations under international human rights and humanitarian law; (e) facilitation of evacuations; (f) creation of conditions necessary for the unimpeded delivery of humanitarian assistance; (g) lifting of restrictions on the media (see table 4).

⁸³ [Resolution 1970 \(2011\)](#), paras. 1 and 2.

⁸⁴ *Ibid.*, paras. 4, 9, 15, 17 and 24.

Table 4
Measures calling upon the parties to comply with an order to prevent an aggravation of the situation

<i>Type of measure</i>	<i>Decision and date</i>	<i>Provision</i>
Reports of the Secretary-General on Sudan		
Creation of conditions necessary for the unimpeded delivery of humanitarian assistance	Resolution 1996 (2011) 8 July 2011	Calls upon all parties to allow, in accordance with relevant provisions of international law, the full, safe and unhindered access of relief personnel to all those in need and delivery of humanitarian assistance, in particular to internally displaced persons and refugees (para. 8)
Cessation of violence and human rights abuses		Demands that all parties, in particular rebel militias and the Lord's Resistance Army, immediately cease all forms of violence and human rights abuses against the civilian population in South Sudan, in particular gender-based violence, including rape and other forms of sexual abuse, as well as all violations and abuses against children in violation of applicable international law, such as their recruitment and use, killing and maiming and abduction with a view to specific and time-bound commitments to combat sexual violence in accordance with resolution 1960 (2010) and violence and abuses against children (para. 9)
Prevention of recruitment and use of child soldiers		Calls upon the Government of the Republic of South Sudan and the Sudan People's Liberation Army to renew the action plan (signed by the United Nations and the Sudan People's Liberation Army on 20 November 2009) to end the recruitment and use of child soldiers that expired in November 2010, and requests the Mission to advise and assist the Government in this regard; and further requests the Secretary-General to strengthen child protection in United Nations system activities in the Republic of South Sudan and ensure continued monitoring and reporting of the situation of children (para. 10)
Compliance with obligations under international human rights and humanitarian law		Calls upon the authorities of the Republic of South Sudan to combat impunity and hold accountable all perpetrators of human rights and international humanitarian law violations, including those committed by illegal armed groups or elements of the Republic of South Sudan Security Forces (para. 13)
		Calls upon the Government of the Republic of South Sudan to end prolonged, arbitrary detention and to establish a safe, secure and humane prison system through the provision of advice and technical assistance, in cooperation with international partners, and requests the Mission to advise and assist the Government in this regard;
Fulfilment of commitments under peace agreement	Resolution 1990 (2011) 27 June 2011	Calls upon the Government of the Sudan and the Government of Southern Sudan or its successor urgently to fulfil their commitment under the Comprehensive Peace Agreement to resolve peacefully the final status of Abyei, and calls upon them to consider in good faith proposals that the African Union High-Level Implementation Panel on the Sudan shall make to resolve this matter (para. 9)
The situation in Libya		
Cessation of violence and human rights abuses	Resolution 1970 (2011) 26 February 2011	Demands an immediate end to the violence, and calls for steps to fulfil the legitimate demands of the population (para. 1)
Compliance with obligations under international humanitarian law; facilitation of evacuations;		Urges the Libyan authorities: (a) To act with the utmost restraint, respect human rights and international humanitarian law, and allow immediate access for international human rights monitors; (b) To ensure the safety of all foreign nationals and their assets and facilitate the departure of those wishing to leave the country;

<i>Type of measure</i>	<i>Decision and date</i>	<i>Provision</i>
creation of conditions necessary for the unimpeded delivery of humanitarian assistance; lifting of restrictions on the media		(c) To ensure the safe passage of humanitarian and medical supplies, and humanitarian agencies and workers, into the country; and (d) To immediately lift restrictions on all forms of media (para. 2)

Section 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

This section covers decisions of the Security Council not involving the use of force, in accordance with Article 41 of the Charter. During the period under review, the Security Council imposed new measures under Chapter VII, of the type provided for in Article 41, on Libya and expanded the measures on Eritrea and the Islamic Republic of Iran, while modifying the measures on Côte d'Ivoire, the Democratic Republic of the Congo, Iraq, the Democratic People's Republic of Korea, Liberia and the Sudan. The Council also decided to separate the measures imposed on Al-Qaida and associated individuals and entities from the measures imposed on the Taliban and associated individuals and entities, thereby dividing one sanctions regime into two separate ones. Additionally, the Council terminated the remaining measures imposed under Article 41 concerning Sierra Leone. During the two-year period, the Council imposed judicial measures under Article 41 of the Charter, by referring the situation in Libya to the International Criminal Court while the tribunals for Rwanda, the former Yugoslavia and Lebanon continued to function.

The section is divided into two subsections: Subsection A outlines the decisions of the Security Council imposing, modifying or terminating measures under Article 41 of the Charter. It is organized under two main headings, dealing with decisions of a thematic nature and country-specific decisions, respectively. Similarly, subsection B is organized under two headings, highlighting the salient issues that were raised in the Council's

deliberations in connection with Article 41 of the Charter, either in connection with thematic agenda items or in the context of country-specific agenda items.

A. Decisions of the Security Council relating to Article 41

1. Decisions of a thematic nature relating to Article 41

During the period, the Council adopted several decisions of a thematic nature which contained relevant information concerning sanctions measures and their implementation (see table 5). Such decisions were taken in relation to the agenda items “Children and armed conflict”, “Protection of civilians in armed conflict”, “The promotion and strengthening of the rule of law” and “Women and peace and security”. In these decisions the Council, respectively, expressed its readiness to adopt targeted and graduated sanctions measures against persistent perpetrators of violations and abuses against children; reiterated its willingness to respond to situations where civilians, particularly women and children, were being targeted, through consideration of “appropriate measures”; reiterated the need for targeted sanctions in support of clear objectives so as to minimize possible adverse consequences; and affirmed its intention, when establishing or renewing sanctions regimes, to consider targeted measures against parties who committed rape and other forms of sexual violence against women and girls in situations of armed conflict.

Table 5
Thematic decisions relating to Article 41

<i>Decision</i>	<i>Provision</i>
Children and armed conflict	
S/PRST/2010/10 16 June 2010	The Council expresses deep concern that certain parties persist in committing violations and abuses against children, and expresses its readiness to adopt targeted and graduated measures against persistent perpetrators taking into account the relevant provisions of its resolutions 1539 (2004) , 1612 (2005) and 1882 (2009) . To this end, the Council invites: (a) Its Working Group on Children and Armed Conflict to exchange pertinent information with relevant sanctions committees, in particular through communication of the relevant recommendations of the Working Group.

<i>Decision</i>	<i>Provision</i>
	(b) Its relevant sanctions committees to consider inviting more regularly the Special Representative of the Secretary-General for Children and Armed Conflict to brief them on specific information contained in the reports of the Secretary-General. (c) The Special Representative to share specific information contained in the reports of the Secretary-General with relevant sanctions committee expert groups (tenth paragraph)
Resolution 1998 (2011) 12 July 2011	Expresses deep concern that certain parties persist in committing violations and abuses against children and expresses its readiness to adopt targeted and graduated measures against persistent perpetrators, taking into account the relevant provisions of its resolutions 1539 (2004) , 1612 (2005) and 1882 (2009) (para. 9(b)) Expresses its intention, when establishing, modifying or renewing the mandate of relevant Sanctions regimes, to consider including provisions pertaining to parties to armed conflict that engage in activities in violation of applicable international law relating to the rights and protection of children in armed conflict (para. 9(e)) (Similar provision in S/PRST/2010/10 , eleventh paragraph)

Protection of civilians in armed conflict

S/PRST/2010/25 22 November 2010	The Council remains committed to addressing the impact of armed conflict on civilians, in particular women and children. The Council expresses its deep regret that civilians continue to account for the vast majority of casualties in situations of armed conflict, including as a result of deliberate targeting, indiscriminate or disproportionate attacks and sexual and gender based violence, as well as other acts that violate applicable international law. The Council demands that all relevant parties immediately put an end to such practices and reaffirms its readiness to adopt appropriate measures (para. 7)
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The promotion and strengthening of the rule of law

S/PRST/2010/11 29 June 2010	The Council considers sanctions an important tool in the maintenance and restoration of international peace and security. The Council reiterates the need to ensure that sanctions are carefully targeted in support of clear objectives and designed carefully so as to minimize possible adverse consequences and are implemented by Member States. The Council remains committed to ensuring that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions. In this context, the Council recalls the adoption of resolutions 1822 (2008) and 1904 (2009) including the appointment of an Ombudsperson and other procedural improvements in the Al-Qaida and Taliban sanctions regime (tenth paragraph)
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Women and peace and security

Resolution 1960 (2010) 16 December 2010	Encourages the Secretary-General to include in his annual reports submitted pursuant to resolutions 1820 (2008) and 1888 (2009) detailed information on parties to armed conflict that are credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence, and to list in an annex to these annual reports the parties that are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Council agenda; and expresses its intention to use this list as a basis for more focused United Nations engagement with those parties, including, as appropriate, measures in accordance with the procedures of the relevant sanctions committees (para. 3) 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 entities, in particular the Security Council Working Group on Children and Armed Conflict, the Special Representative of the Secretary General for Children and Armed Conflict, and the Special Representative of the Secretary General on Sexual Violence in Conflict, to share with relevant Security Council sanctions committees, including through relevant sanctions committee monitoring groups and groups of experts, all pertinent information about sexual violence (para. 7)
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<i>Decision</i>	<i>Provision</i>
	Requests the Secretary-General to establish monitoring, analysis and reporting arrangements on conflict-related sexual violence, including rape in situations of armed conflict and in post-conflict and other situations relevant to the implementation of resolution 1888 (2009) , as appropriate, and taking into account the specificity of each country, that ensure a coherent and coordinated approach at the field level, and encourages the Secretary-General to engage with United Nations actors, national institutions, civil society organizations, health-care service providers, and women’s groups to enhance data collection and analysis of incidents, trends, and patterns of rape and other forms of sexual violence to assist the consideration by the Council of appropriate actions, including targeted and graduated measures, while respecting fully the integrity and specificity of the monitoring and reporting mechanism implemented under Council resolutions 1612 (2005) and 1882 (2009) on children and armed conflict (para. 8)

2. Country-specific decisions relating to Article 41

The following contains descriptions and tables on decisions adopted during the period, by which the Council imposed, modified, strengthened or terminated sanction regimes in connection with country-specific agenda items. It also touches upon the establishment of any subsidiary bodies of the Council tasked to oversee the implementation of the relevant sanctions measures, namely sanctions committees, monitoring groups and groups or panels of experts.

During 2010 and 2011, the Council authorised sanctions measures in connection with ten existing country-specific situations⁸⁵ and one new country-specific situation.⁸⁶ Measures previously authorized in connection with the situation in Sierra Leone were terminated, while measures authorized in connection with the Taliban and associated individuals and entities were separated from those imposed on Al-Qaida and associated individuals and entities. An overview of all sanctions measures imposed during 2010 and 2011, including selected prior resolutions and original mandating resolutions, is provided in table 6.⁸⁷

⁸⁵ Somalia and Eritrea, Sierra Leone, Iraq, Liberia, Democratic Republic of the Congo, Côte d’Ivoire, Sudan, Lebanon, Democratic People’s Republic of Korea, Iran (Islamic Republic of).

⁸⁶ Libya.

⁸⁷ To assist the reader in understanding the scope of the mandatory measures contained within the decisions, short descriptions of the measures, such as “arms embargo” or “travel ban or restrictions”, have been provided. These descriptions are provided only as a convenience to readers; they do not represent an interpretation of the decisions or serve as legal definitions of measures. The decisions of the Council adopted in connection with sanctions committees or other subsidiary bodies of the Council are described in further detail in part IX of the present supplement.

Table 6
Overview of sanctions measures in place in 2010-2011

<i>Measures taken in connection with</i>	Somalia and Eritrea	Sierra Leone⁸⁸	Al-Qaida and associated individuals and entities	Iraq	Liberia	Democratic Republic of the Congo	Côte d'Ivoire	Sudan	Lebanon	Democratic People's Republic of Korea	Islamic Republic of Iran	Taliban and associated individuals and entities⁸⁹	Libya⁹⁰
<i>Resolution establishing measures and selected resolutions subsequently modifying the measures</i>	733 (1992) ; 751 (1992) ; 1844 (2008) ; 1907 (2009)	1132 (1997) ; 1171 (1998) ; 1306 (2000)	1267 (1999) ; 1333 (2000) ; 1390 (2002) ; 1904 (2009)	661 (1990) ; 687 (1991) ; 707 (1991) ; 1483 (2003) ; 1546 (2004)	788 (1992) ; 1521 (2003) ; 1532 (2004)	1493 (2003) ; 1596 (2005) ; 1856 (2008)	1572 (2004) ; 1643 (2005) ; 1973 (2007)	1556 (2004) ; 1591 (2005)	1636 (2005) ; 1701 (2006)	1718 (2006) ; 1874 (2009)	1737 (2006) ; 1747 (2007) ; 1803 (2008)	1988 (2011)	1970 (2011) ; 1973 (2011)
<i>Resolutions adopted in 2010-2011</i>	1916 (2010) ; 1972 (2011) ; 2002 (2011) ; 2023 (2011)	1940 (2010)	1989 (2011)	1956 (2010) ; 1957 (2010)	1961 (2010) ; 2025 (2011)	1925 (2010) ; 1952 (2010) ; 2021 (2011)	1946 (2010) ; 1975 (2011) ; 1980 (2011)	1945 (2010)	No resolutions adopted	No resolutions adopted	1929 (2010)	1988 (2011)	1970 (2011) ; 1973 (2011)
<i>Arms embargo</i>	X		X		X	X	X	X	X	X	X	X	X
<i>Assets freeze</i>	X		X		X	X	X	X	X	X	X	X	X
<i>Border / customs controls</i>						X							
<i>Cargo inspections</i>	X (Eritrea)									X	X		X

⁸⁸ The sanctions measures were terminated pursuant to [resolution 1940 \(2010\)](#) of 29 September 2010.

⁸⁹ Imposition of new measures pursuant to [resolution 1989 \(2011\)](#) of 17 June 2011.

⁹⁰ Imposition of new measures pursuant to [resolution 1970 \(2011\)](#) of 26 February 2011.

<i>Diamond embargo</i>							X						
<i>Diaspora tax ban</i>	X (Eritrea)												
<i>Financial services restrictions</i>										X	X		
<i>Luxury goods embargo</i>										X			
<i>Measures on transport and aviation</i>						X							X
<i>Non-proliferation measures</i>				X						X	X		
<i>Mining sector restrictions</i>	X (Eritrea)												
<i>Petroleum embargo</i>				X									
<i>Prohibition on bunkering services</i>										X	X		
<i>Restrictions on ballistic missiles</i>				X									
<i>Seizing of arms</i>	X					X	X			X			X
<i>Travel ban or restrictions</i>	X				X	X	X	X	X	X	X	X	X

a) Measures imposed against Somalia and Eritrea

Background

In 1992, the Security Council first imposed an arms embargo on Somalia and established a Committee to oversee the implementation of the embargo. In 2008, by [resolution 1844 \(2008\)](#), the Council expanded the scope of the arms embargo to prohibit the direct or indirect supply to Somalia of technical advice, financial and other assistance, and training related to military activities, and imposed additional targeted sanctions, including a travel ban and an assets freeze on certain individuals that, inter alia, threatened the peace, security or stability of Somalia, violated the arms embargo or obstructed the delivery of humanitarian assistance to Somalia, as designated by the Committee. Exemptions to the embargo were also granted, including for supplies and technical assistance provided by States for the sole purpose of helping develop security sector institutions, as well as with respect to efforts to combat piracy off the coast of Somalia.

In its [resolution 1907 \(2009\)](#), the Council expressed its concern at the findings that Eritrea had provided political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability. By that resolution, the Council decided to impose a ban on the sale or supply to and from Eritrea of arms and related materiel, technical assistance and training as well as a targeted assets freeze, travel ban and arms embargo on individuals and entities that, inter alia, violated the arms embargo and/or provided support from Eritrea to armed opposition groups aimed at destabilizing the region, as designated by the Committee.

Developments during 2010-2011

During the period under review, the Council made a number of modifications, exemptions and clarifications to the sanctions regime concerning Somalia and Eritrea. By [resolutions 1916 \(2010\)](#) and [1972 \(2011\)](#), the Council authorized exemptions to the assets freeze imposed by [resolution 1844 \(2008\)](#) for financial resources necessary to ensure the timely delivery of humanitarian assistance to Somalia. While granting the temporary humanitarian exemption, the Security Council in its [resolution 1916 \(2010\)](#) and subsequently in [resolution 1972 \(2011\)](#), requested the United Nations Humanitarian Aid

Coordinator to submit a periodic report on the implementation of the exemption and on any impediments to the delivery of humanitarian assistance in Somalia. The Council indicated it would review the effects of the humanitarian exemption to the assets freeze every 120 days based on those reports and other available information. By [resolution 2002 \(2011\)](#), the Council expanded the criteria for designation to include political or military leaders recruiting or using children in armed conflict; and individuals responsible for targeting civilians including children and women in situations of armed conflict. Furthermore, the resolution expanded the listing criteria to include those engaging in the misappropriation of financial resources which undermined the ability of local authorities to deliver services in Somalia and those individuals and entities engaged in all non-local commerce via Al-Shabaab controlled ports.

By [resolution 2023 \(2011\)](#), the Council determined that Eritrea's failure to fully comply with prior resolutions and its actions undermining peace and reconciliation in Somalia and the Horn of Africa region, as well as the dispute between Djibouti and Eritrea, constituted a threat to international peace and security. Consequently, the Council expanded the measures against Eritrea to include the Eritrean mining sector and financial services, while also imposing a ban on a "diaspora tax", prohibiting the use of extortion and other illicit means to collect taxes outside of Eritrea from its nationals or other individuals of Eritrean descent. Furthermore, the Council modified the cargo restrictions to apply only to cargo bound to or from Eritrea, with no mention of cargo bound to or from Somalia.

During the period, the Security Council Committee pursuant to [resolutions 751 \(1992\)](#) and [1907 \(2009\)](#), continued to monitor the measures imposed.⁹¹

An overview of changes to the measures taken in connection with Somalia and Eritrea during the period is provided in table 7, while table 8 and table 9 provide further details on all provisions related to those measures.

⁹¹ For more information on the Committee, see part IX, sect. I.B. 1, with regard to Security Council committees overseeing specific sanctions measures.

Table 7
Changes to the measures taken in connection with Somalia and Eritrea in 2010-2011

	<i>Resolution(s) establishing measures</i>	<i>Resolutions adopted during the period</i>			
		<i>1916 (2010)</i>	<i>1972 (2011)</i>	<i>2002 (2011)</i>	<i>2023 (2011)</i>
Provisions related to sanctions measures					
Arms embargo	<u>733 (1992)</u>	exemption		modified	extended
Assets freeze	<u>1844 (2008)</u>	modified	modified	modified	
Travel ban or restrictions	<u>1844 (2008)</u>			modified	
Provisions related to enforcement measures					
Ban on diaspora tax	<u>2023 (2011)</u>				new
Cargo inspections	<u>1907 (2009)</u>				modified
Mining sector restrictions	<u>2023 (2011)</u>				new
Seizing of arms	<u>1907 (2009)</u>				modified

Table 8
Provisions related to sanctions measures and enforcement measures

<i>Decision</i>	<i>Provision</i>
Provisions related to sanctions measures	
ARMS EMBARGO	
<u>Resolution 1916 (2010)</u> 19 March 2010	Exemption Decides that paragraphs 11 (b) and 12 of <u>resolution 1772 (2007)</u> also apply to supplies and technical assistance by international, regional and subregional organizations (para. 3)
<u>Resolution 2023 (2011)</u> 5 December 2011	Strongly condemning any acts by Eritrea that undermine peace, security and stability in the region, and calling upon all Member States to comply fully with the terms of the arms embargo imposed by paragraph 5 of <u>resolution 733 (1992)</u> of 23 January 1992, as elaborated on and amended by subsequent resolutions (twelfth preambular paragraph)
ASSETS FREEZE	
<u>Resolution 1916 (2010)</u> 19 March 2010	Exemption Decides that, for a period of twelve months from the date of the present resolution, and without prejudice to humanitarian assistance programmes conducted elsewhere, the obligations imposed on Member States in paragraph 3 of <u>resolution 1844 (2008)</u> shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia, by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the General Assembly that provide humanitarian assistance, or their implementing partners, and decides to review the effects of the present paragraph every one hundred and twenty days based on all available information, including the report of the United Nations Resident and Humanitarian Coordinator for Somalia submitted under paragraph 11 below (para. 5)
<u>Resolution 1972 (2011)</u> 17 March 2011	Exemption Decides that, for a period of sixteen months from the date of the present resolution, and without prejudice to humanitarian assistance programmes conducted elsewhere, the obligations imposed on Member States in

<i>Decision</i>	<i>Provision</i>
	paragraph 3 of resolution 1844 (2008) shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status in the General Assembly that provide humanitarian assistance, or their implementing partners (para. 4)
Resolution 2002 (2011) 29 July 2011	See under “Arms embargo” above (para. 1)
	Exemption Decides that, for a period of twelve months from the date of the present resolution, and without prejudice to humanitarian assistance programmes conducted elsewhere, the obligations placed on Member States in paragraph 3 of resolution 1844 (2008) shall not apply to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status in the General Assembly that provide humanitarian assistance, and their implementing partners, including bilaterally or multilaterally funded non-governmental organizations participating in the United Nations Consolidated Appeal for Somalia (para. 9)

Provisions related to enforcement measures

BAN ON DIASPORA TAX

Resolution 2023 (2011) 5 December 2011	Condemns the use of the “diaspora tax” on the Eritrean diaspora by the Government of Eritrea to destabilize the Horn of Africa region or violate relevant resolutions, including resolutions 1844 (2008) , 1862 (2009) and 1907 (2009) , including for purposes such as procuring arms and related materiel for transfer to armed opposition groups or providing any services or financial transfers provided directly or indirectly to such groups, as outlined in the findings of the Monitoring Group on Somalia and Eritrea in its report of 18 July 2011, 366 and decides that Eritrea shall cease these practices (para. 10) Decides that Eritrea shall cease using extortion, threats of violence, fraud and other illicit means to collect taxes outside of Eritrea from its nationals or other individuals of Eritrean descent, decides further that States shall take appropriate measures to hold accountable, consistent with international law, those individuals on their territory who are acting, officially or unofficially, on behalf of the Government of Eritrea or the People’s Front for Democracy and Justice contrary to the prohibitions imposed in the present paragraph and the laws of the States concerned, and calls upon States to take such action as may be appropriate consistent with their domestic law and relevant international instruments, including the Vienna Convention on Diplomatic Relations of 1961 and the Vienna Convention on Consular Relations of 1963, to prevent such individuals from facilitating further violations (para. 11)
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CARGO INSPECTIONS

Resolution 2023 (2011) 5 December 2011	Calls upon all States, in particular States of the region, in order to ensure strict implementation of the arms embargo established by paragraphs 5 and 6 of resolution 1907 (2009) , to inspect in their territory, including seaports and airports, in accordance with the national authorities and legislation and consistent with international law, all cargo bound to or from Eritrea, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited by paragraphs 5 or 6 of resolution 1907 (2009) , and recalls the obligations contained in paragraphs 8 and 9 of resolution 1907 (2009) with respect to the discovery of items prohibited by paragraphs 5 or 6 of resolution 1907 (2009) and paragraph 5 of resolution 733 (1992) as elaborated and amended by subsequent resolutions (para. 8)
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MINING SECTOR RESTRICTIONS

- [Resolution 2023 \(2011\)](#)
5 December 2011
- Decides that States, in order to prevent funds derived from the mining sector of Eritrea contributing to violations of [resolutions 1844 \(2008\)](#), [1862 \(2009\)](#), [1907 \(2009\)](#) or the present resolution, shall take appropriate measures to promote the exercise of vigilance by their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction that are doing business in this sector in Eritrea, including through the issuance of due diligence guidelines, and requests in this regard the Committee, with the assistance of the Monitoring Group, to draft guidelines for the optional use of Member States (para. 13)
-
- Urges all States to introduce due diligence guidelines to prevent the provision of financial services, including insurance or reinsurance, 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 if such services, assets or resources, including new investment in the extractives sector, would contribute to violation by Eritrea of relevant resolutions, including [resolutions 1844 \(2008\)](#), [1862 \(2009\)](#), [1907 \(2009\)](#) and the present resolution (para. 14)
-

REPORTING ON ENFORCEMENT

- [Resolution 1916 \(2010\)](#)
19 March 2010
- Requests the United Nations Resident and Humanitarian Coordinator for Somalia to report to the Council every one hundred and twenty days on the implementation of paragraphs 4 and 5 above and on any impediments to the delivery of humanitarian assistance in Somalia, and requests relevant United Nations agencies and humanitarian organizations having observer status in the General Assembly that provide humanitarian assistance to assist the Coordinator in the preparation of such report by providing information relevant to paragraphs 4 and 5 above (para. 11)
- [Resolution 1972 \(2011\)](#)
17 March 2011
- Requests the Emergency Relief Coordinator to report to the Security Council by 15 November 2011 and again by 15 July 2012 on the implementation of paragraphs 3 and 4 above and on any impediments to the delivery of humanitarian assistance in Somalia, and requests relevant United Nations agencies and humanitarian organizations having observer status in the General Assembly that provide humanitarian assistance to assist the United Nations Resident and Humanitarian Coordinator for Somalia in the preparation of such report by providing information relevant to paragraphs 3 and 4 above (para. 5)
- [Resolution 2023 \(2011\)](#)
5 December 2011
- Expresses concern at the potential use of the Eritrean mining sector as a financial source to destabilize the Horn of Africa region, as outlined in the final report of the Monitoring Group, and calls upon Eritrea to show transparency in its public finances, including through cooperation with the Monitoring Group, in order to demonstrate that the proceeds of these mining activities are not being used to violate relevant resolutions, including [resolutions 1844 \(2008\)](#), [1862 \(2009\)](#), [1907 \(2009\)](#) and the present resolution (para. 12)
- Calls upon all States to report to the Council within one hundred and twenty days on steps taken to implement the provisions of the present resolution (para. 15)
- Urges all States, relevant United Nations bodies and other interested parties to cooperate fully with the Committee and the Monitoring Group, including by supplying any information at their disposal on the implementation of the measures decided in [resolutions 1844 \(2008\)](#), [1907 \(2009\)](#) and the present resolution, in particular incidents of non-compliance (para. 17)
-

SEIZING OF ARMS

- [Resolution 2023 \(2011\)](#)
5 December 2011
- See under “Cargo inspections” above, para. 8
-

Table 9
Other provisions related to Article 41 measures

<i>Decision</i>	<i>Provision</i>
CRITERIA FOR LISTING	
S/PRST/2011/13 24 June 2011	The Council reiterates the primary responsibility of Somalis to achieve peace, security and reconciliation in Somalia. It recalls that targeted measures can be imposed on those that engage in or provide support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement or the political process or threaten the transitional federal institutions or the African Union Mission in Somalia by force, violate the arms embargo or obstruct the delivery of or access to humanitarian assistance in Somalia. (fifth paragraph)
Resolution 2002 (2011) 29 July 2011	<p>Decides that the measures in paragraphs 1, 3 and 7 of resolution 1844 (2008) shall apply to individuals, and that the provisions of paragraphs 3 and 7 of that resolution 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 of resolution 1844 (2008);</p> <p>(c) As obstructing the delivery of humanitarian assistance to Somalia, or access to or distribution of humanitarian assistance in Somalia;</p> <p>(d) As being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law;</p> <p>(e) As being responsible for violations of applicable international law in Somalia involving the targeting of civilians, including children and women, in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement (para. 1)</p> <p>Considers that acts under paragraph 1 (a) above may include, but are not limited to, the misappropriation of financial resources, which undermines the ability of the transitional federal institutions to fulfil their obligations in delivering services within the framework of the Djibouti Agreement (para. 2)</p> <p>Considers also that all non-local commerce via Al-Shabaab-controlled ports, that constitutes financial support for a designated entity, poses a threat to the peace, stability and security of Somalia, and thereby individuals and entities engaged in such commerce may be designated by the Committee and made subject to the targeted measures established by resolution 1844 (2008) (para. 3)</p>

INTENTION TO CONSIDER IMPOSING ART 41 MEASURES

Resolution 1976 (2011) 11 April 2011	Underlines the need to investigate and prosecute those who illicitly finance, plan, organize or unlawfully profit from pirate attacks off the coast of Somalia, recognizing that individuals and entities who incite or intentionally facilitate an act of piracy are themselves engaging in piracy as defined under international law, and expresses its intention to keep under review the possibility of applying targeted sanctions against such individuals and entities if they meet the listing criteria set out in paragraph 8 of resolution 1844 (2008) of 20 November 2008 (para. 15)
Resolution 2023 (2011) 5 December 2011	Taking note of the decision of the Assembly of Heads of State and Government of the African Union, held in January 2010, and the communiqué of the meeting of the African Union Peace and Security Council held on 8 January 2010 welcoming the adoption by the United Nations Security Council on 23 December 2009 of resolution 1907 (2009) , which imposes sanctions on Eritrea for, among other things, providing political, financial and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia and regional stability stressing the need to pursue vigorously the effective implementation of resolution 1907 (2009) , and expressing its intention to apply targeted

<i>Decision</i>	<i>Provision</i>
	sanctions against individuals and entities if they meet the listing criteria set out in paragraph 15 of resolution 1907 (2009) and paragraph 8 of resolution 1844 (2008) (ninth preambular paragraph)
Resolution 2023 (2011) 5 December 2011	Expresses its intention to apply targeted sanctions against individuals and entities if they meet the listing criteria set out in paragraph 15 of resolution 1907 (2009) and paragraph 1 of resolution 2002 (2011) and requests the Security Council Committee pursuant to resolutions 751 (1992) and 1907 (2009) to review, as a matter of urgency, listing proposals from Member States (para.9);
INTENTION TO REVIEW SANCTIONS	
Resolution 1916 (2010) 19 March 2010	Reiterates its intention to consider specific action to improve implementation of and compliance with measures imposed by resolutions 733 (1992) , 1844 (2008) and 1907 (2009) ; (para. 2)
Resolution 2023 (2011) 5 December 2011	Affirms that it shall keep the actions of Eritrea under continuous review and that it shall be prepared to adjust the measures, including through their strengthening, modification or lifting, in the light of compliance by Eritrea with the provisions of resolutions 1844 (2008) , 1862 (2009) , 1907 (2009) and the present resolution; (para. 18)
INTENTION TO STRENGTHEN SANCTIONS	
Resolution 2002 (2011) 29 July 2011	Reiterating its condemnation in the strongest terms of all acts of violence, abuses and violations, including sexual and gender-based violence, committed against civilians, including children, in violation of applicable international law, stressing that the perpetrators must be brought to justice, recalling all its relevant resolutions on women and peace and security, on children and armed conflict and on the protection of civilians in armed conflict, and considering, therefore, that the existing designation criteria for targeted measures under resolution 1844 (2008) need to be reaffirmed and further strengthened (twelfth preambular paragraph) Demands that all parties ensure full, safe and unhindered access for the timely delivery of humanitarian aid to persons in need of assistance across Somalia, underlines its grave concern at the worsening humanitarian situation in Somalia, urges all parties and armed groups to take appropriate steps to ensure the safety and security of humanitarian personnel and supplies, and expresses its readiness to apply targeted sanctions against such individuals and entities if they meet the listing criteria set out in paragraph 1 (c) above; (para. 5)
Resolution 2023 (2011) 5 December 2011	Notes the withdrawal by Eritrea of its forces following the stationing of Qatari observers in the disputed areas along the border with Djibouti, calls upon Eritrea to engage constructively with Djibouti to resolve the border dispute, and reaffirms its intention to take further targeted measures against those who obstruct implementation of resolution 1862 (2009) (para. 5)

b) Measures imposed on Sierra Leone

Background

The Security Council imposed sanctions measures on Sierra Leone in 1997 by adopting [resolution 1132 \(1997\)](#), which authorized an arms embargo, a petroleum embargo as well as a travel ban against members of the military junta. In 1998, by [resolution 1171 \(1998\)](#), the earlier measures were terminated and a targeted arms embargo and a travel ban were imposed on non-governmental forces in Sierra Leone and leading members of the former military junta and of the Revolutionary United Front. By

resolution [1306 \(2000\)](#), the Council prohibited the direct or indirect import of rough diamonds from Sierra Leone. Finally, by [resolution 1793 \(2007\)](#), the Council authorized exemption to the travel ban for any witnesses whose presence was required at trials before the Special Court for Sierra Leone.

Developments during 2010-2011

By [resolution 1940 \(2010\)](#) of 29 September 2010, the Council decided to terminate the measures imposed by paragraphs 2, 4 and 5 of [resolution 1171 \(1998\)](#) and to dissolve the Committee established pursuant to [resolution 1132 \(1997\)](#) concerning Sierra Leone.

An overview of changes to the measures taken in connection with Sierra Leone during the period is provided in table 10.

Table 10

Provisions related to sanctions measures and enforcement measures

<i>Decision</i>	<i>Provision</i>
Provisions related to sanctions measures	
ARMS EMBARGO	
Resolution 1940 (2010) 29 September 2010	Decides to terminate, with immediate effect, the measures set forth in paragraphs 2, 4 and 5 of resolution 1171 (1998) (para. 1)
TRAVEL BAN OR RESTRICTIONS	
Resolution 1940 (2010) 29 September 2010	See under “Arms embargo” above (para. 1)

c) Measures imposed on Al-Qaida and associated individuals and entities

Background

In 1999, the Security Council adopted [resolution 1267 \(1999\)](#), in which it imposed an assets freeze and other targeted measures on designated individuals, entities and aircraft that were owned, controlled, leased or operated by the Taliban. The measures were modified by a number of subsequent resolutions, most notably [resolutions 1333 \(2000\)](#) and [1390 \(2002\)](#), to include an arms embargo (including technical advice and

training), an assets freeze and a travel ban on designated individuals and entities associated with Usama bin Laden, members of Al-Qaida and the Taliban and other individuals, groups, undertakings and entities associated with them, wherever they were located. By [resolution 1617 \(2005\)](#), the Council provided criteria to define the acts or activities indicating that an individual, group, undertaking, or entity was “associated with” Al-Qaida, Usama bin Laden or the Taliban. In 2009, the Council made a number of changes to the procedures of the Committee established pursuant to [resolution 1267 \(1999\)](#), designed to enhance due process and encourage greater transparency in the listing of individuals and entities. In that regard, by adopting [resolution 1904 \(2009\)](#), the Council established an Office of the Ombudsperson to assist with delisting requests.

Developments during 2010-2011

With the adoption of [resolution 1989 \(2011\)](#), the Council decided to separate the Al-Qaida and Taliban sanctions regime, focusing exclusively on Al-Qaida and associated individuals and entities. A separate Committee was established pursuant to [resolution 1988 \(2011\)](#) to maintain a list of individuals, groups, undertakings and entities associated with the Taliban.⁹² Further by adopting [resolution 1989 \(2011\)](#), the Council decided to extend for a duration of 18 months the assets freeze, the travel ban and the arms embargo against those individuals and entities associated with Al-Qaida, wherever located, as designated by the Committee. The resolution also reaffirmed the acts and activities regarding the “associated with” criteria eligibility for listing. On 3 June 2011, the Secretary-General appointed the Ombudsperson pursuant to [resolution 1904 \(2009\)](#)⁹³.

During the period, the Committee pursuant to [resolutions 1267 \(1999\)](#) and [1989 \(2011\)](#) continued to oversee implementation of the measures imposed, while the newly appointed Ombudsperson began to present delisting requests to the Committee.⁹⁴

An overview of changes to the measures taken in connection with Al-Qaida and associated individuals and entities during the period is provided in table 11, while table 12 and table 13 provide further details on all provisions related to those measures.

⁹² For more information, see sect. 2 (k) below with regard to the measures imposed against the Taliban and associated individuals and entities.

⁹³ [S/2010/282](#).

⁹⁴ For more information on the Committee and the Ombudsperson, see Part IX.

Table 11
Changes to the measures taken in connection with Al-Qaida and associated individuals and entities in 2010-2011

	<i>Resolution(s) establishing measures</i>	<i>Resolutions adopted during the period</i>
		<u><i>1989 (2011)</i></u>
Provisions related to sanctions measures		
Arms embargo	1333 (2000)	Modified
Assets freeze	1333 (2000)	Modified
Travel ban or restrictions	1333 (2000)	Modified

Table 12
Provisions related to sanctions measures and enforcement measures

<i>Decision</i>	<i>Provision</i>
Provisions related to sanctions measures	
ARMS EMBARGO	
Resolution 1989 (2011) 17 June 2011	Decides that all States shall take the following measures ... with respect to Al-Qaida and other individuals, groups, undertakings and entities associated with it, (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)
ASSETS FREEZE	
Resolution 1989 (2011) 17 June 2011	Decides that all States shall take the following measures...with respect to Al-Qaida and other individuals, groups, undertakings and entities associated with it, ... (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 territories; (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 and other individuals, groups, undertakings or entities associated with it (para. 6) Notes that such means of financing or support include but are not limited to the use of proceeds derived from crime, including the illicit cultivation and production of and trafficking in narcotic drugs and their precursors (para. 7) Confirms that the requirements in paragraph 1 (a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the Al-Qaida Sanctions List (para. 8)

<i>Decision</i>	<i>Provision</i>
	<p>Exemption 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. 9)</p> <p>Exemption Encourages Member States to make use of 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 directs the Committee to review the procedures for exemptions as set out in the Committee guidelines to facilitate their use by Member States and to continue to ensure that exemptions are granted expeditiously and transparently (para. 10)</p>

TRAVEL BAN OR RESTRICTIONS

<p>Resolution 1989 (2011) 17 June 2011</p>	<p>Decides that all States shall take the following measures...with respect to Al-Qaida and other individuals, groups, undertakings and entities associated with it, ... (b) Prevent the entry into or transit through their territories of those individuals, ... (para. 1)</p>
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	<p>Exemption Decides that all States shall take the following measures...with respect to Al-Qaida and other individuals, groups, undertakings and entities associated with it, ... (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 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)</p>
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Table 13
Other provisions related to Article 41 measures

<i>Decision</i>	<i>Provision</i>
CRITERIA FOR LISTING	
<p>Resolution 1989 (2011) 17 June 2011</p>	<p>Reaffirms that acts or activities indicating that an individual, group, undertaking, or entity is associated with Al-Qaida include:</p> <p>(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; (b) Supplying, selling or transferring arms and related materiel to; (c) Recruiting for; or otherwise supporting acts or activities of Al-Qaida or any cell, affiliate, splinter group or derivative thereof (para. 4)</p> <p>Also 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 shall be eligible for designation (para. 5)</p>
INTENTION TO REVIEW SANCTIONS	
<p>Resolution 1989 (2011) 17 June 2011</p>	<p>Decides to review the measures described in paragraph 1 above with a view to their possible further strengthening in eighteen months, or sooner if necessary (para. 59)</p>

d) Measures imposed against Iraq

Background

By [resolution 660 \(1990\)](#), the Security Council condemned the Iraqi invasion of Kuwait, determined that such action constituted a breach of international peace and security, and consequently, in [resolutions 661 \(1990\)](#), [687 \(1991\)](#) and [707 \(1991\)](#), imposed comprehensive arms, trade and financial embargos against Iraq. Those measures were modified and expanded by [resolutions 1483 \(2003\)](#) and [1546 \(2004\)](#) to include a targeted arms embargo; an assets freeze on designated individuals, as well as an assets 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 the proceeds of all sales of petroleum be put into the Development Fund for Iraq with 5% going to the Compensation Fund for Kuwait; and restrictions on certain ballistic missiles. By [resolution 1518 \(2003\)](#), the Council also established a Committee to identify, in accordance with [resolution 1483 \(2003\)](#), individuals and entities whose funds, other financial assets and economic resources should be frozen and transferred to the Development Fund for Iraq.⁹⁵

Developments during 2010-2011

During 2010 and 2011, the Council made a number of significant changes to the sanctions regime imposed against Iraq. By adopting [resolution 1956 \(2010\)](#), the Council terminated the Development Fund for Iraq and all arrangements for depositing into the Fund proceeds from export sales of petroleum, petroleum products and natural gas. In its [resolution 1957 \(2010\)](#), the Council welcomed the progress Iraq had made in supporting the international non-proliferation regime and in complying with disarmament treaties and other relevant international instruments, and decided to lift the restrictions imposed

⁹⁵ For more information on the Committee, see Part IX. Until 2003, the sanctions measures were overseen by the Committee established pursuant to [resolution 661 \(1990\)](#).

by [resolutions 687 \(1991\)](#) and [707 \(1991\)](#) relating to weapons of mass destruction and civilian nuclear activities.

During the period, the Committee established pursuant to [resolution 1518 \(2003\)](#) continued to oversee the measures imposed.

An overview of changes to the measures taken in connection with Iraq during the period is provided in table 14, while table 15 provides further details on all provisions related to those measures.

Table 14

Changes to the measures taken in connection with Iraq in 2010-2011

	<i>Resolution(s) establishing measures</i>	<i>Resolutions adopted during the period</i>	
		1956 (2010)	1957 (2010)
Provisions related to sanctions measures			
Non-proliferation measures	687 (1991) 707 (1991)		Terminated
Petroleum embargo	1483 (2003)	Terminated	
Restrictions on ballistic missiles	687 (1991)		Terminated

Table 15

Provisions related to sanctions measures and enforcement measures

<i>Decision</i>	<i>Provision</i>
Provisions related to sanctions measures	
NON-PROLIFERATION MEASURES	
Resolution 1957 (2010) 15 December 2010	Decides to terminate the weapons of mass destruction, missile and civil nuclear-related measures imposed by paragraphs 8, 9, 10, 12 and 13 of resolution 687 (1991) of 3 April 1991 and paragraph 3 (f) of resolution 707 (1991) of 15 August 1991 and as reaffirmed in subsequent relevant resolutions (para. 1)
PETROLEUM EMBARGO	
Resolution 1956 (2010) 15 December 2010	Decides to terminate, on 30 June 2011, the arrangements established in paragraph 20 of resolution 1483 (2003) for depositing into the Development Fund for Iraq proceeds from export sales of petroleum, petroleum products and natural gas and the arrangements referred to in paragraph 12 of resolution 1483 (2003) and paragraph 24 of resolution 1546 (2004) of 8 June 2004 for the monitoring of the Development Fund by the International Advisory and Monitoring Board, and further decides that, subject to the exception provided for in paragraph 27 of resolution 1546 (2004) , the provisions of paragraph 22 of resolution 1483 (2003) shall continue to apply until that date, including with respect to funds and financial assets and economic resources described in paragraph 23 of that resolution (para.1)

<i>Decision</i>	<i>Provision</i>
	Decides that, after 30 June 2011, the requirement established in paragraph 20 of resolution 1483 (2003) that all proceeds from export sales of petroleum, petroleum products and natural gas from Iraq be deposited into the Development Fund for Iraq shall no longer apply, affirms that the requirement established in paragraph 21 of resolution 1483 (2003) that 5 per cent of the proceeds from all export sales of petroleum, petroleum products and natural gas shall be deposited into the United Nations Compensation Fund, established in accordance with resolution 687 (1991) of 3 April 1991 and subsequent resolutions shall continue to apply, and further decides that 5 per cent of the value of any non-monetary payments of petroleum, petroleum products and natural gas made to service providers shall be deposited into the Compensation Fund and that, unless the 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, the above requirements shall be binding on the Government of Iraq (para. 3)

RESTRICTIONS ON BALLISTIC MISSILES

[Resolution 1957 \(2010\)](#) See under “Non-proliferation measures” above
15 December 2010

e) Measures imposed on Liberia

Background

Previous sanctions measures concerning Liberia were imposed by the Security Council in [resolutions 788 \(1992\)](#) and [1343 \(2001\)](#) respectively. In 2003, in response to the changed circumstances in Liberia, the Council decided, by [resolution 1521 \(2003\)](#), to establish a new Committee to oversee the measures as modified and re-imposed by the same resolution. Those measures included an arms embargo, a travel ban and an embargo on the import of rough diamonds and round logs and timber products originating in Liberia. By [resolution 1532 \(2004\)](#), the Council decided to impose an assets freeze on former Liberian President Charles Taylor, his wife and son and other individuals designated by the Committee. No expiration date for those particular measures was provided in that resolution or any subsequent resolutions. By [resolutions 1689 \(2006\)](#) and [1753 \(2007\)](#), the Council terminated the measures prohibiting the import of round logs and timber products from Liberia and the measures on diamonds, respectively. The arms embargo, assets freeze and travel ban were subsequently renewed by a number of resolutions. By [resolution 1903 \(2009\)](#), the Council decided that the arms embargo would no longer apply to the Government of Liberia, but would continue to apply to all non-governmental entities and individuals operating in the territory of Liberia.

Developments during 2010-2011

During the period under review, by [resolutions 1961 \(2010\)](#) and [2025 \(2011\)](#), the Council extended the arms embargo and travel ban for a period of 12 months, respectively, and recalled that the assets freeze, which had been established for an open-ended period, remained in force.

During the period, the Committee established pursuant to [resolution 1521 \(2003\)](#) and a Panel of Experts continued to monitor the measures imposed.⁹⁶

An overview of changes to the measures taken in connection with Liberia during the period is provided in table 16, while table 17 and table 18 provide further details on all provisions related to those measures.

Table 16
Changes to the measures taken in connection with Liberia in 2010-2011

	<i>Resolution(s) establishing measures</i>	<i>Resolutions adopted during the period</i>	
		1961 (2010)	2025 (2011)
Provisions related to sanctions measures			
Arms embargo	788 (1992)	extended	extended
Assets freeze	1532 (2004)	extended	extended
Travel ban	1521 (2003)	extended	extended

Table 17
Provisions related to sanctions measures and enforcement measures

<i>Decision</i>	<i>Provision</i>
Provisions related to sanctions measures	
ARMS EMBARGO	
Resolution 1961 (2010) 17 December 2010	Decides to renew for a period of twelve months from the date of adoption of the present resolution the measures on arms, previously imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) of 13 June 2006, by paragraph 1(b) of resolution 1731 (2006) of 20 December 2006 and by paragraphs 3 to 6 of resolution 1903 (2009) (para. 3)
Resolution 2025 (2011) 14 December 2011	Decides for a period of twelve months from the date of adoption of this resolution: (b) To renew the measures on arms, previously imposed by paragraph 2 of resolution 1521 (2003) and modified by paragraphs 1 and 2 of resolution 1683 (2006) of 13 June 2006, by paragraph 1 (b) of resolution 1731 (2006) of 20 December 2006, by paragraphs 3 to 6 of resolution 1903 (2009) of 17

⁹⁶ For more information on these bodies, see part IX, sect. I. B. 1, with regard to Security Council committees overseeing specific sanctions measures.

<i>Decision</i>	<i>Provision</i>
	December 2009 and by paragraph 3 of resolution 1961 (2010) of 17 December 2010 (para. 2)

ASSETS FREEZE

[Resolution 1961 \(2010\)](#)
17 December 2010

Recalls that the measures imposed by paragraph 1 of [resolution 1532 \(2004\)](#) remain in force, notes with serious concern 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)

[Resolution 2025 \(2011\)](#)
14 December 2011

Reaffirms that the measures imposed by paragraph 1 of [resolution 1532 \(2004\)](#) of 12 March 2004 remain in force, notes with serious concern the lack of progress with regards 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. 1)

TRAVEL BAN OR RESTRICTIONS

[Resolution 1961 \(2010\)](#)
17 December 2010

Decides to renew the measures on travel imposed by paragraph 4 of [resolution 1521 \(2003\)](#) for a period of twelve months from the date of adoption of the present resolution (para. 1)

[Resolution 2025 \(2011\)](#)
14 December 2011

Decides, for a period of twelve months from the date of adoption of the present resolution:
(a) To renew the measures on travel imposed by paragraph 4 of [resolution 1521 \(2003\)](#) (para. 2)

Table 18

Other provisions related to Article 41 measures

<i>Decision</i>	<i>Provision</i>
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INTENTION TO REVIEW SANCTIONS

[Resolution 1961 \(2010\)](#)
17 December 2010

Reconfirms its intention to review the measures imposed by paragraph 1 of [resolution 1532 \(2004\)](#) at least once a year, and directs the Security Council Committee established pursuant to [resolution 1521 \(2003\)](#), in coordination with the Government of Liberia and relevant designating States and with the assistance of the Panel of Experts on Liberia, 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. 4)

Decides to review any of the above 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. 5)
(Similar provisions in resolution 2025 (2011), para. 3)

[Resolution 2025 \(2011\)](#)
14 December 2011

Decides for a period of twelve months from the date of adoption of the present resolution:
(c) To review the measures in the present paragraph and in paragraph 1 above in the light of the progress achieved in the stabilization throughout the country and the holding of presidential and parliamentary elections, with a view to possibly modifying or lifting all or part of the measures of the sanctions regime, and decides that such a review shall be carried out at the end of the above-mentioned twelve-month period, with a midterm review no later than 30 April (para. 2)

f) Measures imposed against the Democratic Republic of the Congo

Background

By [resolution 1493 \(2003\)](#), the Security Council first imposed an arms embargo on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri in the Democratic Republic of the Congo. These measures were renewed and their scope expanded by a number of subsequent resolutions. By [resolution 1533 \(2004\)](#), the Council established a Committee to oversee the measures imposed, and also authorized the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to carry out cargo inspections and to seize or collect the arms and any related material whose presence in the country violated the arms embargo, and to dispose as appropriate. By [resolution 1596 \(2005\)](#), the Council, inter alia, imposed a travel ban and an assets freeze on individuals and entities designated by the Committee, as well as measures on transport and aviation and border/customs controls. By resolution [1698 \(2006\)](#), the Council extended the scope of the travel ban and assets freeze to include political and military leaders recruiting, using or targeting children in armed conflict or committing serious violations of international law, as well as individuals committing serious violations of international law involving the targeting of children in situations of armed conflict.

By [resolution 1807 \(2008\)](#), the Council decided that the arms embargo should no longer apply to the Government of the Democratic Republic of the Congo, but would continue to apply to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo. By the same resolution, the Council made a number of adjustments to the listing criteria of the assets freeze and the travel ban to include, inter alia individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of women and children in situations of armed conflict, as well as 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. Furthermore, the Council decided to renew the transport and aviation measures as well as the customs controls on the borders with neighboring states. By

[resolution 1857 \(2008\)](#) the Council decided to expand the listing criteria for the assets freeze and travel ban to also apply to individuals obstructing access to or distribution of humanitarian assistance and those supporting illegal armed groups in the east of the country through the illicit trade in natural resources.

Developments during 2010-2011

During the period, by [resolutions 1952 \(2010\)](#) and [2021 \(2011\)](#), the Council extended the arms embargo, assets freeze, travel ban and measures on transport and aviation and expanded the corresponding listing criteria as laid out in [resolution 1857 \(2008\)](#). By [resolution 1925 \(2010\)](#), the Council also re-authorized the newly named United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to seize or collect any arms or related material whose presence in the country violated the terms of the arms embargo and to dispose of them as appropriate. During the period, the Committee established pursuant to [resolution 1533 \(2004\)](#) and a Group of Experts continued to monitor the measures imposed.⁹⁷

An overview of changes to the measures taken in connection with the Democratic Republic of the Congo during the period is provided in table 19, while table 20 and table 21 provide further details on all provisions related to those measures.

Table 19
Changes to the measures taken in connection with Democratic Republic of the Congo in 2010-2011

	<i>Resolution(s) establishing measures</i>	<i>Resolutions adopted during the period</i>		
		1925 (2010)	1952 (2010)	2021 (2011)
Provisions related to sanctions measures				
Arms embargo	1493 (2003)		extended	extended
Assets freeze	1596 (2005)		extended	extended
Border / customs controls	1596 (2005)		extended	extended
Measures on transport and aviation	1596 (2005)		extended	extended
Travel ban	1596 (2005)		extended	extended
Provisions related to enforcement measures				

⁹⁷ For more information on these bodies, see part IX, sect. I. B. 1, with regard to Security Council committees overseeing specific sanctions measures.

Seizing of arms [1533 \(2004\)](#) extended

Table 20
Provisions related to sanctions measures and enforcement measures

<i>Decision</i>	<i>Provision</i>
Provisions related to sanctions measures	
ARMS EMBARGO	
Resolution 1952 (2010) 29 November 2010	Decides to renew until 30 November 2011 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) <i>Same provision in resolution 2021 (2011), para. 1</i>
ASSETS FREEZE	
Resolution 1952 (2010) 29 November 2010	Decides further to renew, for the period specified in paragraph 1 above, 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) <i>(Similar provision in resolution 2021 (2011), para. 3)</i>
BORDER / CUSTOMS CONTROLS	
Resolution 1952 (2010) 29 November 2010	Decides also to renew, for the period specified in paragraph 1 above, 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) <i>Same provision in resolution 2021 (2011), para. 2</i>
MEASURES ON TRANSPORT AND AVIATION	
Resolution 1952 (2010) 29 November 2010	See under “Border / Customs controls” above
TRAVEL BAN OR RESTRICTIONS	
Resolution 1952 (2010) 29 November 2010	See under “Assets freeze” above
Provisions related to enforcement measures	
SEIZING OF ARMS	
Resolution 1925 (2010) 28 May 2010	Decides that the Mission shall have the following mandate in this order of priority: (t) To monitor the implementation of the measures imposed by paragraph 1 of resolution 1896 (2009) , in cooperation, as appropriate, with the Governments concerned and with the Group of Experts on the Democratic Republic of the Congo established by resolution 1533 (2004) of 12 March 2004, seize or collect any arms or related materiel whose presence in Democratic Republic of the Congo violates the measures imposed by paragraph 1 of resolution 1896 (2009) and dispose of them as appropriate, and provide assistance to the competent customs authorities of the Democratic Republic of the Congo in implementing the provisions of paragraph 9 of resolution 1896 (2009) (para. 12)

Table 21
Other provisions related to Article 41 measures

<i>Decision</i>	<i>Provision</i>
CRITERIA FOR LISTING	
Resolution 2021 (2011) 29 November 2011	Encourages all States to submit to the Committee for inclusion on its list of designees individuals or entities that meet the criteria set out in paragraph 4 of resolution 1857 (2008) , as well as any entities owned or controlled, directly or indirectly, by the submitted individuals or entities or individuals or entities acting on behalf of or at the direction of the submitted entities (para. 20)
INTENTION TO REVIEW SANCTIONS	
Resolution 1952 (2010) 29 November 2010	Decides that, when appropriate and no later than 30 November 2011, it shall review the measures set forth in this resolution, with a view to adjusting them, as appropriate, in 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. 22) (Similar provision in resolution 2021 (2011) , para. 21)

g) Measures imposed against Côte d'Ivoire

Background

By [resolution 1572 \(2004\)](#) of 15 November 2004, the Security Council imposed an arms embargo, as well as an assets freeze and travel ban on certain individuals who, inter alia, threatened the national reconciliation process in Côte d'Ivoire. Furthermore, the Council established a Sanctions Committee to oversee the measures imposed therein. By [resolution 1739 \(2007\)](#), the Council mandated the United Nations Operation in Côte d'Ivoire (UNOCI) to monitor the arms embargo and to collect and dispose of any arms imported in violation of the embargo.

By [resolution 1643 \(2005\)](#), the Council imposed an embargo on all rough diamonds originating from Côte d'Ivoire. Furthermore, it decided that any obstacle to the freedom of movement of UNOCI, the French forces and the High Representative for the elections or the International Working Group constituted a threat to the national reconciliation process for the purposes of the assets freeze and travel ban. Similarly, by [resolution 1842 \(2008\)](#), the Council decided that any threat to the electoral process in Côte d'Ivoire constituted a threat to the national reconciliation process for the purposes of the assets freeze and travel ban.

Developments during 2010-2011

During the period, by [resolutions 1946 \(2010\)](#) and [1980 \(2011\)](#), the Council extended the arms embargo, assets freeze, travel ban and diamond embargo until 30 April 2011 and 31 April 2012, respectively. By [resolution 1946 \(2010\)](#), the Council provided an exemption to the arms embargo for supplies of non-lethal equipment intended solely to enable the Ivorian security forces to maintain public order. By resolution 1980 (2011), the Council decided that the supply of vehicles to the Ivorian security forces would be subject to the arms embargo, and further detailed exemption provisions. In [resolution 1975 \(2011\)](#), the Council decided that certain individuals listed in the Annex to the resolution would be subject to the assets freeze and travel ban, and reaffirmed its intention to consider further measures, including targeted sanctions, against media actors who met the relevant sanctions criteria, including by publicly inciting hatred and violence.

During the period, the Committee established pursuant to [resolution 1572 \(2004\)](#) and a Group of Experts continued to monitor the measures imposed.⁹⁸

An overview of changes to the measures taken in connection with Côte d'Ivoire during the period is provided in table 22, while table 23 and table 24 provide further details on all provisions related to those measures.

Table 22
Changes to the measures taken in connection with Côte d'Ivoire in 2010-2011

	<i>Resolution(s) establishing measures</i>	<i>Resolutions adopted during the period</i>		
		1946 (2010)	1975 (2011)	1980 (2011)
Provisions related to sanctions measures				
Arms embargo	1572 (2004)	extended		extended
Assets freeze	1572 (2004)	extended	modified	extended
Diamond embargo	1643 (2005)	extended		extended
Travel ban	1572 (2004)	extended	modified	extended
Provisions related to enforcement measures				
Seizing of arms	1739 (2007)			extended

⁹⁸ For more information on these bodies, see part IX, sect. I. B. 1, with regard to Security Council committees overseeing specific sanctions measures.

Table 23
Provisions related to sanctions measures and enforcement measures

<i>Decision</i>	<i>Provision</i>
Provisions related to sanctions measures	
ARMS EMBARGO	
Resolution 1946 (2010) 15 October 2010	Decides to renew until 30 April 2011 the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of resolution 1572 (2004) and the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005) (para. 1)
Resolution 1946 (2010) 15 October 2010	Exemption Decides, in line with paragraph 27 of resolution 1933 (2010) and in addition to the provisions of paragraph 8 of resolution 1572 (2004) , that the arms embargo shall not apply to the supplies of non-lethal equipment intended solely to enable the Ivorian security forces to use only appropriate and proportionate force while maintaining public order, as approved in advance by the Security Council Committee established pursuant to resolution 1572 (2004) (para. 5)
Resolution 1980 (2011) 28 April 2011	Decides to renew until 30 April 2012 the measures on arms and the financial and travel measures imposed by paragraphs 7 to 12 of resolution 1572 (2004) , paragraph 5 of resolution 1946 (2010) and paragraph 12 of resolution 1975 (2011) , and further decides to renew until 30 April 2012 the measures preventing the importation by any State of all rough diamonds from Côte d'Ivoire imposed by paragraph 6 of resolution 1643 (2005) (para. 1) Decides that the supply of vehicles to the Ivorian security forces shall be subject to the measures imposed by paragraph 7 of resolution 1572 (2004) (para. 8) Decides also that the exemption procedure set out in paragraph 8 (e) of resolution 1572 (2004) shall apply only to arms and related materiel, vehicles and the provision of technical training and assistance in support of the Ivorian process of security sector reform, pursuant to a formal request by the Government of Côte d'Ivoire and approved in advance by the Security Council Committee established pursuant to resolution 1572 (2004) (para. 9)
ASSETS FREEZE	
Resolution 1946 (2010) 15 October (2011)	See under “Arms embargo” above (para. 1)
Resolution 1975 (2011) 30 March 2011	Decides to adopt targeted sanctions against those individuals who meet the criteria set out in resolution 1572 (2004) and subsequent resolutions, including those individuals who obstruct peace and reconciliation in Côte d'Ivoire, obstruct the work of the United Nations Operation in Côte d'Ivoire and other international actors in Côte d'Ivoire and commit serious violations of human rights and international humanitarian law, and decides, therefore, that the individuals listed in the annex to the present resolution shall be subject to the financial and travel measures imposed by paragraphs 9 and 11 of resolution 1572 (2004) , and reaffirms its intention to consider further measures, as appropriate, including targeted sanctions against media actors who meet the relevant sanctions criteria, including by publicly inciting hatred and violence (para. 12)
Resolution 1980 (2011) 28 April 2011	See under “Arms embargo” above (para. 1)
DIAMOND EMBARGO	
Resolution 1946 (2010) 15 October (2010)	See under “Arms embargo” above (para. 1)

<i>Decision</i>	<i>Provision</i>
	<p>Exemption Requests the Kimberley Process to communicate, as appropriate, to the Council, through the Committee, information which, where possible, has been reviewed by the Group of Experts, concerning the production and illicit export of diamonds from Côte d’Ivoire, and further decides to renew the exemptions set out in paragraphs 16 and 17 of resolution 1893 (2009) with regard to the securing of samples of rough diamonds for scientific research purposes coordinated by the Kimberley Process (para. 14) <i>Same provision in resolution 1980 (2011), para. 18</i></p>
<p>Resolution 1980 (2011) 28 April 2011</p>	See under “Arms embargo” above (para. 1)

TRAVEL BAN OR RESTRICTIONS

<p>Resolution 1946 (2010) 15 October (2010)</p>	See under “Arms embargo” above (para. 1)
<p>Resolution 1975 (2011) 30 March 2011</p>	See under “Assets freeze” above (para. 12)
<p>Resolution 1980 (2011) 28 April 2011</p>	See under “Arms embargo” above (para. 1)

Provisions related to enforcement measures

REPORTING ON ENFORCEMENT

<p>Resolution 1946 (2010) 15 October (2010)</p>	<p>Requests the Government of France to communicate, as appropriate, to the Council, through the Committee, information gathered by the French forces and, where possible, reviewed by the Group of Experts, concerning the supply of arms and related materiel to Côte d’Ivoire (para. 13)</p> <p>Urges all States, relevant United Nations bodies and other organizations and interested parties to cooperate fully with the Committee, the Group of Experts, the United Nations Operation in Côte d’Ivoire 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 1572 (2004) and paragraph 6 of resolution 1643 (2005) and reiterated in paragraph 1 above further requests the Group of Experts to coordinate its activities, as appropriate, with all actors involved to promote the political process in Côte d’Ivoire (para. 15)</p>
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SEIZING OF ARMS

<p>Resolution 1980 (2011) 28 April 2011</p>	Recalls that the United Nations Operation in Côte d’Ivoire is mandated, within the 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. 5)
<p>Resolution 2000 (2011) 27 July 2011</p>	<p>Decides that the United Nations Operation in Côte d’Ivoire shall have the following mandate:</p> <p>(c) Monitoring of the arms embargo</p> <ul style="list-style-type: none"> – To monitor the implementation of the measures imposed by paragraph 7 of resolution 1572 (2004) of 15 November 2004, in cooperation with the Group of Experts on Côte d’Ivoire established pursuant to resolution 1584 (2005) of 1 February 2005, including by inspecting, as they deem it necessary and when appropriate without notice, all weapons, ammunition and related materiel regardless of location, consistent with resolution 1980 (2011); – 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. 7)

Table 24
Other provisions related to Article 41 measures

<i>Decision</i>	<i>Provision</i>
CONDITIONS FOR TERMINATION OR REVIEW	
Resolution 1946 (2010) 15 October 2010	Decides also to review the measures renewed in paragraph 1 above 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 1933 (2010) , by the end of the period mentioned in paragraph 1 above, and decides further to carry out during the period mentioned in paragraph 1 above a review of the measures renewed in paragraph 1 above 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, lifting or maintaining the sanctions regime, in accordance with progress in the peace process (para. 2)
Resolution 1980 (2011) 28 April 2011	Decides also to review the measures renewed in paragraph 1 above in the light of the progress achieved in the stabilization throughout the country, the holding of the parliamentary elections and the implementation of the key steps of the peace process, as referred to in resolution 1933 (2010) , by the end of the period mentioned in paragraph 1 above, and decides further to carry out a midterm review of the measures renewed in paragraph 1 above no later than 31 October 2011, with a view to possibly modifying, lifting or maintaining, ahead of 30 April 2012, all or part of the measures of the sanctions regime, in accordance with progress in the peace process, the developments related to human rights violations and the developments related to the parliamentary elections (para. 2)
CRITERIA FOR LISTING	
Resolution 1946 (2010) 15 October 2010	Underlines that it is fully prepared to impose targeted measures against persons to be designated by the Committee in accordance with paragraphs 9, 11 and 14 of resolution 1572 (2004) 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, the French forces supporting it and the Special Representative of the Secretary-General for Côte d'Ivoire; (c) Responsible for obstacles to the freedom of movement of the United Nations Operation in Côte d'Ivoire and 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 1 above; (Similar provisions in resolution 1980 (2011), para. 10)
Resolution 1975 (2011) 30 March 2011	See under "Assets freeze" above (para. 12)
INTENTION TO CONSIDER IMPOSING ARTICLE 41 MEASURES	
Resolution 1911 (2010) 28 January 2010	Recalls that it is fully prepared to impose targeted measures pursuant to paragraph 20 of resolution 1893 (2009) , 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 on 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) of 15 November 2004 (para. 11)
Resolution 1933 (2010) 30 June 2010	Urges every Ivorian to refrain from any call for hatred, intolerance and violence, notes with interest that in his report of 20 May 2010 the Secretary-General encouraged the Security Council to impose targeted sanctions against media actors who fan political tension and incite violence, and reiterates that it is

<i>Decision</i>	<i>Provision</i>
	fully prepared to impose targeted measures pursuant to paragraphs 6 and 20 of resolution 1893 (2009) , including against persons who are determined to be a threat to the peace and national reconciliation process in Côte d'Ivoire or to be publicly inciting hatred and violence (para. 10)
Resolution 1946 (2010) 15 October 2010	See under “criteria for listing” above (para. 6)
	Notes with concern the media monitoring reports of the United Nations Operation in Côte d'Ivoire and the media outlets referenced therein for inciting violence and a resumption of internal conflict, and stresses that it remains ready to impose sanctions against those who obstruct the electoral process, specifically the action of the Independent Electoral Commission and all other operators involved, and the proclamation and certification of the results of the presidential and parliamentary elections (para. 7)
Resolution 1962 (2010) 20 December 2010	Reaffirms its readiness to impose measures, including targeted sanctions, against persons who, among other things, threaten the peace process and national reconciliation, including by seeking to undermine the outcome of the electoral process, obstruct the work of the United Nations Operation in Côte d'Ivoire and other international actors and commit serious violations of human rights and international humanitarian law, as set out in resolution 1946 (2010) (para. 16)
Resolution 1967 (2011) 19 January 2011	Reiterates its readiness to impose measures, including targeted sanctions against those who obstruct the work of the United Nations Operation in Côte d'Ivoire, as underlined in resolutions 1946 (2010) and 1962 (2010) (para. 11)
Resolution 1975 (2011) 30 March 2011	See under “Assets freeze” above (para. 12)
Resolution 1980 (2011) 28 April 2011	See under “criteria for listing” above (Resolution 1946 (2010), para. 6)
	Reiterates its readiness to impose sanctions against those who obstruct the electoral process, specifically the action of the Independent Electoral Commission and all other operators involved, and the proclamation and certification of the results of the parliamentary elections (para. 11)
INTENTION TO REVIEW SANCTIONS	
Resolution 1946 (2010) 15 October 2010	See under “conditions for termination or review” above (para. 2)
Resolution 1980 (2011) 28 April 2011	See under “conditions for termination or review” above (para. 2)

h) Measures imposed against the Sudan

Background

In 2004, in light of developments in the region of Darfur, Sudan, the Council adopted [resolution 1556 \(2004\)](#), thereby imposing an arms embargo on all non-governmental entities and individuals operating in Darfur, including the Janjaweed. Those measures were modified and strengthened in [resolution 1591 \(2005\)](#), by which the Council expanded the arms embargo to all the parties to the N'djamena Ceasefire Agreement and all other belligerents in the region. Further by the resolution, the Council imposed an assets 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 who were responsible for offensive military overflights. By the same resolution, the Council established a Committee to monitor the implementation of the measures imposed therein.

Developments during 2010-2011

By [resolution 1945 \(2010\)](#), the Council strengthened the enforcement of the arms embargo by requiring all States to ensure that any sale or supply of arms and related material to Sudan, as prohibited by the arms embargo, were made conditional upon the necessary end-user documentation. The resolution also restricted and clarified the exceptions to the arms embargo for supplies and assistance provided in support of implementation of the Comprehensive Peace Agreement and for movements of military equipment and supplies into the Darfur region.

During the period, the Committee established pursuant to [resolution 1591 \(2005\)](#) and a Panel of Experts continued to monitor the measures imposed.⁹⁹

An overview of changes to the measures taken in connection with the Sudan during the period is provided in table 25, while table 26 and table 27 provide further details on all provisions related to those measures.

Table 25
Changes to the measures taken in connection with the Sudan in 2010-2011

	<i>Resolution(s) establishing measures</i>	<i>Resolutions adopted during the period</i>	
		1945 (2010)	
Provisions related to sanctions measures			
Arms embargo	1556 (2004)	Modified	
Assets freeze	1591 (2005)	Extended	
Travel ban or restrictions	1591 (2005)	Extended	
Provisions related to enforcement measures			
Reporting on enforcement	1945 (2010)	New	

⁹⁹ For more information on these bodies, see part IX, sect. I. B. 1, with regard to Security Council committees overseeing specific sanctions measures.

Table 26
Provisions related to sanctions measures and enforcement measures

<i>Decision</i>	<i>Provision</i>
Provisions related to sanctions measures	
ARMS EMBARGO	
Resolution 1945 (2010) 14 October 2010	Reminds all States, particularly States in the region, of the obligations contained in resolutions 1556 (2004) and 1591 (2005) , in particular those obligations relating to arms and related materiel (para. 7)
Resolution 1945 (2010) 14 October 2010	Exemption Reiterates paragraph 7 of resolution 1591 (2005) , which provides for exceptions to the measures imposed by paragraphs 7 and 8 of resolution 1556 (2004) for: (a) Supplies and related technical assistance listed in paragraph 9 of resolution 1556 (2004) ; (b) Assistance and supplies provided in support of implementation of the Comprehensive Peace Agreement; or (c) Movements of military equipment and supplies into the Darfur region that are approved in advance by the Committee upon a request by the Government of the Sudan (para. 8)
Resolution 1945 (2010) 14 October 2010	Decides that all States, including the Sudan, when relying on the exception contained in paragraph 7 of resolution 1591 (2005) , shall notify the Committee in advance of providing assistance and supplies into the Darfur region in support of the implementation of the Comprehensive Peace Agreement in the states of Northern Darfur, Southern Darfur and Western Darfur (para. 9)
Resolution 1945 (2010) 14 October 2010	Decides also that all States shall ensure that any sale or supply of arms and related materiel to the Sudan not prohibited by resolutions 1556 (2004) and 1591 (2005) are made conditional upon the necessary end-user documentation so that States may ascertain that any such sale or supply is conducted consistent with the measures imposed by those resolutions (para. 10)
ASSETS FREEZE	
Resolution 1945 (2010) 14 October 2010	See under “Arms embargo” above (para. 7)
TRAVEL BAN OR RESTRICTIONS	
Resolution 1945 (2010) 14 October 2010	See under “Arms embargo” above (para. 7)
Provisions related to enforcement measures	
REPORTING ON ENFORCEMENT	
Resolution 1945 (2010) 14 October 2010	Urges all States, in particular those in the region, to report to the Committee on the actions they have taken to implement the measures imposed by resolutions 1556 (2004) and 1591 (2005) , including the imposition of targeted measures (para. 6)

Table 27
Other provisions related to Article 41 measures

<i>Decision</i>	<i>Provision</i>
INTENTION TO REVIEW SANCTIONS	
Resolution 1945 (2010) 14 October 2010	Expresses its intention, following the midterm report, to review the state of implementation, including obstacles to full and effective implementation of the measures, imposed in resolution 1591 (2005) , with a view to ensuring full compliance (para. 11)

i) Lebanon – Measures imposed on individuals or entities

Background

By [resolution 1636 \(2005\)](#) of 31 October 2005, the Council imposed targeted sanctions, namely an assets freeze and travel restrictions, on individuals designated by the International Independent Investigation Commission or the Government of Lebanon as suspected of involvement in the 14 February 2005 terrorist bombing in Beirut, Lebanon, that killed former Lebanese Prime Minister Rafiq Hariri and 22 others. A Committee established pursuant to the same resolution was tasked with registering individuals and supporting the implementation of the sanctions measures.¹⁰⁰ The Council also decided that the Committee and any measures still in force would terminate when the Committee reported to the Security 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.

In the context of the hostilities in Lebanon and Israel, by [resolution 1701 \(2006\)](#) of 11 August 2006, the Council imposed an arms embargo, including a ban on training, on individuals or entities in Lebanon, unless authorized by the Government or the United Nations Interim Force in Lebanon (UNIFIL).

Developments during 2010-2011

The Council made no modifications to the regime during the period. As at the end of 2011, no individuals had been designated and registered by the Committee.

¹⁰⁰ For more information on the Committee established pursuant to [resolution 1636 \(2005\)](#), see part IX, sect. I. B. 1, with regard to Security Council committees overseeing specific sanctions measures.

j) Measures imposed against the Democratic People's Republic of Korea

Background

By [resolution 1718 \(2006\)](#), 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, decided to impose targeted sanctions relating to the country. The measures included an embargo on battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems, an embargo on the sales, transfer and supply of luxury goods as well as an embargo on material and equipment related to nuclear programmes. The Council also imposed travel restrictions and an assets freeze on individuals associated with the Democratic People's Republic of Korea's nuclear and missile programmes and called upon Member States to cooperate in allowing inspection of cargo to and from the Democratic People's Republic of Korea. By the same resolution, the Council also established a Committee to oversee the implementation of the measures imposed therein.

By [resolution 1874 \(2009\)](#), the Security Council condemned the nuclear test conducted by the Democratic People's Republic of Korea on 25 May 2009, in violation of [resolutions 1695 \(2006\)](#) and [1718 \(2006\)](#). Consequently, the Council decided to impose additional measures, including an expansion of the arms embargo and financial measures related thereto, as well as a ban on the provision of financial services, the transfer of financial assets or resources or public financial support for trade with the Democratic People's Republic of Korea that could contribute to that country's nuclear and missile programmes. The resolution also called for the inspection of cargo to and from the Democratic Republic of Korea and authorized, under specific circumstances, the seizures and disposal of prohibited items. Further, it introduced a ban on the provision of bunkering services and other servicing of vessels of the Democratic People's Republic of Korea.

By the same resolution, the Council also requested the Secretary-General to create a Panel of Experts.

Developments during 2010-2011

During 2010-2011, the sanctions regime against the Democratic People's Republic of Korea continued to remain in force, but did not undergo any modifications. The Committee established pursuant to [resolution 1718 \(2006\)](#) and the Panel of Experts established pursuant to [resolution 1874 \(2009\)](#) continued to monitor the measures imposed.¹⁰¹

k) 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 it to take the steps which were essential to build confidence in the exclusively peaceful purpose of its nuclear programme and to resolve outstanding questions.¹⁰² When the Islamic Republic of Iran failed to comply with such demands, the Council adopted [resolutions 1737 \(2006\)](#) and [1747 \(2007\)](#), thereby imposing non-proliferation measures in the form of an embargo on materials, equipment, goods and technology which could contribute to enrichment-related, or reprocessing, or heavy water-related activities, or to the development of nuclear weapon delivery systems, with exemptions; an export ban on all arms and related materiel from the Islamic Republic of Iran, and an assets freeze and a travel notification requirement on designated individuals. By [resolution 1737 \(2006\)](#), the Council also established a Committee to oversee the implementation of the measures imposed therein, and to designate individuals subject to the targeted measures.¹⁰³ In addition, [resolution 1747 \(2007\)](#) called upon all States to exercise vigilance and restraint in the supply, sale or transfer of the seven categories of heavy weapons as defined for the purpose of the United Nations Register on Conventional Arms to Iran.

¹⁰¹ For more information on these bodies, see part IX, sect. I. B. 1, with regard to Security Council committees overseeing specific sanctions measures.

¹⁰² [S/PRST/2006/15](#).

¹⁰³ For more information on the Committee established pursuant to resolution 1737 (2006), see part IX, sect. I. B. 1, with regard to Security Council committees overseeing specific sanctions measures.

By [resolution 1803 \(2008\)](#) the Council broadened the scope of the non-proliferation measures to include dual-use items, with exceptions, introduced a travel ban on designated individuals and expanded the lists of persons and entities subject to the assets freeze and travel notification requirements. In addition, the Council called upon Member States to inspect cargoes to and from the Islamic Republic of Iran, of aircraft and vessels owned or operated by Iran Air Cargo and Islamic Republic of Iran Shipping Line, if there were reasonable grounds to believe that they contained prohibited items. Furthermore, the Council called upon all states to exercise vigilance in granting export credits for the purpose of trade with the Islamic Republic of Iran and over the activities of financial institutions with Iranian banks.

Developments during 2010-2011

By [resolution 1929 \(2010\)](#), the Council sought to strengthen and build upon the measures contained in resolutions [1737 \(2006\)](#), [1747 \(2007\)](#) and [1803 \(2008\)](#), with a view to persuading the Islamic Republic of Iran to comply with its Security Council obligations. Consequently, the Council authorized a further expansion of the non-proliferation measures and decided for the first time to impose an embargo not only on the export of arms from Iran, but also the supply to the Islamic Republic of Iran of the seven categories of conventional weapons as defined for the purposes of the United Nations Register of Conventional Arms and related services. The Council also called upon states to inspect all cargo to and from the Islamic Republic of Iran, if there were reasonable grounds to believe that it contained prohibited items, and further authorized the seizure and disposal of prohibited items indentified during such inspection. The Council further expanded restrictions on financial and shipping enterprises concerning the proliferation of sensitive nuclear activities, calling on States to exercise vigilance when conducting business with Iranian entities. Moreover, under specified circumstances, the Council introduced a ban on the provision of bunkering and other servicing of Iranian vessels. The Council also affirmed that it would suspend implementation of the measures if and for so long as the Islamic Republic of Iran suspended all enrichment-related and reprocessing activities. Alternatively, in the event that the report by the International Atomic Energy Agency showed that the Islamic Republic of Iran had not complied with

the resolutions, the Council indicated that it would adopt further appropriate measures under Article 41 of the Charter to persuade the Islamic Republic of Iran to comply.

During the period, the Committee established pursuant to [resolution 1737 \(2006\)](#) continued to oversee the implementation of the measures imposed. By [resolution 1929 \(2010\)](#), the Council also established a Panel of Experts to assist the Committee in carrying out its mandate.¹⁰⁴

An overview of changes to the measures taken in connection with the Islamic Republic of Iran during the period is provided in table 28, while table 29 and table 30 provide further details on all provisions related to those measures.

Table 28
Changes to the measures taken in connection with the Islamic Republic of Iran in 2010-2011

	<i>Resolution(s) establishing measures</i>	<i>Resolutions adopted during the period</i>
		1929 (2010)
Provisions related to sanctions measures		
Arms embargo	1747 (2007)	Modified
Assets freeze	1737 (2006)	Modified
Cargo inspections	1803 (2008)	Modified
Financial services restrictions	1737 (2006)	Modified
Non-proliferation measures	1737 (2006)	Modified
Prohibition on bunkering services	1929 (2010)	New
Travel ban or restrictions	1737 (2006)	Extended
Provisions related to enforcement measures		
Reporting on enforcement	1737 (2006)	Modified

Table 29
Provisions related to sanctions measures and enforcement measures

<i>Decision</i>	<i>Provision</i>
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¹⁰⁴ For more information on these bodies, see part IX, sect. I. B. 1, with regard to Security Council committees overseeing specific sanctions measures.

Decision

Provision

Provisions related to sanctions measures

ARMS EMBARGO

[Resolution 1929 \(2010\)](#)
9 June 2010

Decides also that all States shall prevent the direct or indirect supply, sale or transfer to the Islamic Republic of Iran, from or through their territories or by their nationals or individuals subject to their jurisdiction, or using their flag vessels or aircraft, and whether or not originating in their territories, of 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 of Conventional Arms, or related materiel, including spare parts, or items as determined by the Security Council or the Security Council Committee established pursuant to [resolution 1737 \(2006\)](#) (“the Committee”), decides further that all States shall prevent the provision to the Islamic Republic of Iran by their nationals or from or through their territories of technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, provision, manufacture, maintenance or use of such arms and related materiel, and in this context calls upon all States to exercise vigilance and restraint over the supply, sale, transfer, provision, manufacture and use of all other arms and related materiel (para. 8)

Decides to authorize all States to, and that all States shall, seize and dispose of (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of [resolution 1737 \(2006\)](#), paragraph 5 of [resolution 1747 \(2007\)](#), paragraph 8 of [resolution 1803 \(2008\)](#) or paragraphs 8 or 9 of this resolution that are identified in inspections pursuant to paragraphs 14 or 15 of this resolution, in a manner that is not inconsistent with their obligations under applicable Security Council resolutions, including [resolution 1540 \(2004\)](#), as well as any obligations of parties to the NPT, and decides further that all States shall cooperate in such efforts (para. 16)

ASSETS FREEZE

[Resolution 1929 \(2010\)](#)
9 June 2010

Decides also that the measures specified in paragraphs 12 to 15 of [resolution 1737 \(2006\)](#) shall apply also to the individuals and entities listed in annex I to the present resolution and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and to any individuals and entities determined by the Council or the Committee to have assisted designated individuals or entities in evading sanctions of, or in violating the provisions of, [resolutions 1737 \(2006\)](#), [1747 \(2007\)](#), [1803 \(2008\)](#) or the present resolution (para. 11)

Decides further that the measures specified in paragraphs 12 to 15 of [resolution 1737 \(2006\)](#) shall apply also to the Islamic Revolutionary Guard Corps (also known as “Army of the Guardians of the Islamic Revolution”) individuals and entities specified in annex II to the present resolution, and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and calls upon all States to exercise vigilance over those transactions involving the Islamic Revolutionary Guard Corps that could contribute to the Islamic Republic of Iran’s proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems (para. 12)

Decides also that the measures specified in paragraphs 12, to 15 of [resolution 1737 \(2006\)](#) shall also apply to the entities of the Islamic Republic of Iran Shipping Lines (IRISL) as specified in annex III to the present resolution and to any person or entity acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, or determined by the Council or the Committee to have assisted them in evading the sanctions of, or in violating the provisions of, [resolution 1737 \(2006\)](#), [1747 \(2007\)](#), [1803 \(2008\)](#) or this resolution (para. 19)

Calls upon all States, in addition to implementing their obligations pursuant to [resolutions 1737 \(2006\)](#), [1747 \(2007\)](#), [1803 \(2008\)](#) and the present resolution, to prevent the provision of financial services, including insurance or reinsurance, 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 if they have

<i>Decision</i>	<i>Provision</i>
	information that provides reasonable grounds to believe that such services, assets or resources could contribute to the Islamic Republic of Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems, 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 related to such programmes or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation (para. 21)

FINANCIAL SERVICES RESTRICTIONS

[Resolution 1929 \(2010\)](#) See under "Assets freeze" above (para. 21)
9 June 2010

Decides that all States shall require their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction to exercise vigilance when doing business with entities incorporated in the Islamic Republic of Iran or subject to the Islamic Republic of Iran's jurisdiction, including those of the Islamic Revolutionary Guard Corps and the Islamic Republic of Iran Shipping Lines, and any individuals or entities acting on their behalf or at their direction, and entities owned or controlled by them, including through illicit means, if they have information that provides reasonable grounds to believe that such business could contribute to the Islamic Republic of Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems or to violations of [resolution 1737 \(2006\)](#), [1747 \(2007\)](#) [1803 \(2008\)](#) or the present resolution (para. 22)

Calls upon States to take appropriate measures that prohibit in their territories the opening of new branches, subsidiaries, or representative offices of Iranian banks, and also that prohibit Iranian banks from establishing new joint ventures, taking an ownership interest in or establishing or maintaining correspondent relationships with banks in their jurisdiction to prevent the provision of financial services if they have information that provides reasonable grounds to believe that these activities could contribute to the Islamic Republic of Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems (para. 23)

Also calls upon States to take appropriate measures that prohibit financial institutions within their territories or under their jurisdiction from opening representative offices or subsidiaries or banking accounts in the Islamic Republic of Iran if they have information that provides reasonable grounds to believe that such financial services could contribute to the Islamic Republic of Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems (para. 24)

NON-PROLIFERATION MEASURES

[Resolution 1929 \(2010\)](#) Decides that the Islamic Republic of Iran shall not acquire an interest in any commercial activity in another State involving uranium mining, production or use of nuclear materials and technology as listed in [INFCIRC/254/Rev.9/Part 1](#), in particular uranium-enrichment and reprocessing activities, all heavy-water activities or technology related to ballistic missiles capable of delivering nuclear weapons, and further decides that all States shall prohibit such investment in territories under their jurisdiction by the Islamic Republic of Iran, its nationals and entities incorporated in the Islamic Republic of Iran or subject to its jurisdiction, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them (para. 7)

Decides further that the Islamic Republic of Iran shall not undertake any activity related to ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology, and that States shall take all measures necessary to prevent the transfer of technology or technical assistance to the Islamic Republic of Iran related to such activities; (para. 9)

Decides that, for the purposes of the measures specified in paragraphs 3, to 7 of [resolution 1737 \(2006\)](#), the list of items in [S/2006/814](#) shall be superseded by the list of items in [INFCIRC/254/Rev.9/Part 1](#) and [INFCIRC/254/Rev.7/Part 2](#), and any further items if the State determines that they could contribute to enrichment-related, reprocessing or heavy water-related activities or to the development of nuclear weapon delivery systems, and further decides that for the purposes of the measures specified in paragraphs 3 to 7 of [resolution 1737 \(2006\)](#), the list of items contained in [S/2006/815](#) shall be superseded by the list of items contained in [S/2010/263](#) (para. 13)

<i>Decision</i>	<i>Provision</i>
	See under “Arms embargo” above (para. 16)
	See under “Financial services restrictions” above (para. 22)

PROHIBITION OF BUNKERING SERVICES

[Resolution 1929 \(2010\)](#)
9 June 2010

Decides that all 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 Iranian-owned or -contracted vessels, including chartered vessels, if they have information that provides reasonable grounds to believe that they are carrying items, the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of [resolution 1737 \(2006\)](#), paragraph 5 of [resolution 1747 \(2007\)](#), paragraph 8 of [resolution 1803 \(2008\)](#) or paragraphs 8 or 9 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. 18)

TRAVEL BAN OR RESTRICTIONS

[Resolution 1929 \(2010\)](#)
9 June 2010

(including exemption)

Decides that all States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated in the annex to [resolution 1737 \(2006\)](#), annex I to [resolution 1747 \(2007\)](#), annex I to [resolution 1803 \(2008\)](#) and annex I to the present resolution, or by the Council or the Committee pursuant to paragraph 10 of [resolution 1737 \(2006\)](#), except where such entry or transit is for activities directly related to the provision to the Islamic Republic of Iran of items listed in paragraphs 3(b)(i) and (ii) of [resolution 1737 \(2006\)](#) in accordance with paragraph 3 of [resolution 1737 \(2006\)](#), underlines that nothing in the present paragraph shall oblige a State to refuse its own nationals entry into its territory, and decides that the measures imposed in the present paragraph shall not apply when 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, including where article XV of the statute of the Agency [International Atomic Energy Agency] is engaged (para. 10)

Provisions related to enforcement measures

CARGO INSPECTIONS

[Resolution 1929 \(2010\)](#)
9 June 2010

Calls upon all States to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from the Islamic Republic of Iran, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items, the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of [resolution 1737 \(2006\)](#), paragraph 5 of [resolution 1747 \(2007\)](#), paragraph 8 of [resolution 1803 \(2008\)](#) or paragraphs 8 or 9 of the present resolution, for the purpose of ensuring strict implementation of those provisions (para. 14)

Notes that States, consistent with international law, in particular the law of the sea, may request inspections of vessels on the high seas with the consent of the flag State, and calls upon all States to cooperate in such inspections if there is information that provides reasonable grounds to believe that the vessel is carrying items the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of [resolution 1737 \(2006\)](#), paragraph 5 of [resolution 1747 \(2007\)](#), paragraph 8 of [resolution 1803 \(2008\)](#) or paragraphs 8 or 9 of the present resolution, for the purpose of ensuring strict implementation of those provisions (para. 15)

<i>Decision</i>	<i>Provision</i>
	<p>Decides to authorize all States to, and that all States shall, seize and dispose of (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination State for disposal) items, the supply, sale, transfer or export of which is prohibited by paragraph 3, 4 or 7 of resolution 1737 (2006), paragraph 5 of resolution 1747 (2007), paragraph 8 of resolution 1803 (2008) or paragraph 8 or 9 of the present resolution that are identified in inspections pursuant to paragraph 14 or 15 of the present resolution, in a manner that is not inconsistent with their obligations under applicable Council resolutions, including resolution 1540 (2004) of 28 April 2004, as well as any obligations of parties to the Treaty on the Non-Proliferation of Nuclear Weapons, 355 and decides further that all States shall cooperate in such efforts (para. 16)</p> <p>Requires any State, when it undertakes an inspection pursuant to paragraph 14 or 15 of the present resolution, to submit to the Committee within five working days an initial written report containing, in particular, an explanation of the grounds for the inspection, the results of such inspection and whether or not cooperation was provided, and, if items prohibited for transfer are found, further requires such States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if that information is not in the initial report (para. 17)</p>

REPORTING ON ENFORCEMENT

<p>Resolution 1929 (2010) 9 June 2010</p>	<p>Requests the Director General of the International Atomic Energy Agency to communicate to the Security Council all his reports on the application of safeguards in the Islamic Republic of Iran (para. 4)</p> <p>See under “Cargo inspections” above (para. 17)</p> <p>Requests all Member States to communicate to the Committee any information available on transfers to other companies or activity by Iran Air’s cargo division or vessels owned or operated by the Islamic Republic of Iran Shipping Lines that may have been undertaken in order to evade the sanctions of, or in violation of the provisions of, resolutions 1737 (2006), 1747 (2007), 1803 (2008) or the present resolution, including renaming or re-registering of aircraft, vessels or ships, and requests the Committee to make that information widely available (para. 20)</p> <p>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 decided in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and the present resolution, in particular incidents of non-compliance (para. 30)</p> <p>Calls upon all States to report to the Committee within sixty days of the adoption of the present resolution on the steps they have taken with a view to implementing effectively paragraphs 7 to 19 and 21 to 24 of the present resolution (para. 31)</p>
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Table 30
Other provisions related to Article 41 measures

<i>Decision</i>	<i>Provision</i>
CRITERIA FOR LISTING	
<p>Resolution 1929 (2010) 9 June 2010</p>	<p>See under “Assets freeze” above (para. 11)</p> <p>See under “Assets freeze” above (para. 12)</p>

<i>Decision</i>	<i>Provision</i>
	See under “Non-Proliferation measures” above (para. 13)
	See under “Assets freeze” above (para. 19)

CONDITIONS FOR TERMINATION OR REVIEW

Resolution 1929 (2010) 9 June 2010	Affirms that it shall review the actions of the Islamic Republic of Iran in the light of the report referred to in paragraph 36 above, to be submitted within ninety 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 the Agency, 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) , paragraphs 3, 5 and 7 to 11 of resolution 1803 (2008) , and in paragraphs 7 to 19 and 21 to 24 of the present resolution, as soon as it determines, following receipt of the report referred to in paragraph 36 above, 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 Board of Governors of the Agency, as confirmed by the Board of Governors; (c) that it shall, in the event that the report shows that the Islamic Republic of Iran has not complied with resolutions 1737 (2006) , 1747 (2007) , 1803 (2008) 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 the Agency, and underlines that further decisions will be required should such additional measures be necessary (para. 37)
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l) Measures imposed against the Taliban and associated individuals and entities

By [resolution 1988 \(2011\)](#), the Council decided to separate the Al-Qaida and the Taliban sanctions regime: Those previously designated as associated with the Taliban, inscribed in section A (“Individuals associated with the Taliban”) and Section B (“Entities and other groups and undertakings associated with the Taliban”) of the “Consolidated List” as at 17 June 2011, would thenceforth be transferred to the new 1988 (2011) Sanctions List, to be maintained by the new Committee established pursuant to [resolution 1988 \(2011\)](#). By the same resolution, the Council extended the imposition of the targeted measures from the previous sanctions regime to the new one. These measures consisted of an assets freeze, travel ban and arms embargo against individuals and entities associated with the Taliban who constituted a threat to the peace, stability and security of Afghanistan, as designated by the Committee. The Council also reaffirmed the acts and activities regarding eligibility for designation and provided for the submission of delisting requests by listed parties through the Focal Point Mechanism.

During the period, an Analytical Support and Sanctions Monitoring Team provided support to the implementation of the measures imposed.¹⁰⁵

Details on all provisions related to sanctions measures and enforcement measures are provided in table 31 and table 32.

Table 31

Provisions related to sanctions measures and enforcement measures

<i>Decision</i>	<i>Provision</i>
ARMS EMBARGO	
Resolution 1988 (2011) 17 June 2011	<p>Decides that all States shall take the following measures with respect to individuals and entities designated prior to this date as the Taliban, and other individuals, groups, undertakings and entities associated with them, as specified in section A (“Individuals associated with the Taliban”) and section B (“Entities and other groups and undertakings associated with the Taliban”) of the Consolidated List of the Committee, established pursuant to resolutions 1267 (1999) and 1333 (2000) as of the date of adoption of the present resolution, as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee established pursuant to paragraph 30 below (hereinafter known as “the List”):</p> <p>(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)</p> <p>... decides further that all States shall take the measures set forth in paragraph 1 above against those listed individuals, groups, undertakings and entities (para. 2)</p>
ASSETS FREEZE	
Resolution 1988 (2011) 17 June 2011	<p>Decides that all States shall take the following measures with respect to individuals and entities designated...</p> <p>(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 territories (para 1)</p> <p>See under “Arms embargo” above (para. 2)</p> <p>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 the Taliban on the List, and other individuals, groups, undertakings and entities associated with them, as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan and other individuals, groups, undertakings or entities associated with them (para. 6)</p>

¹⁰⁵ For more information on these bodies, see part IX, sect. I. B. 1, with regard to Security Council committees overseeing specific sanctions measures.

<i>Decision</i>	<i>Provision</i>
	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 List (para. 7)
	Exemption 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. 8)
	Exemption Decides also that all Member States may make use of the provisions set out in paragraphs 1 and 2 of resolution 1452 (2002) , as amended by resolution 1735 (2006) , regarding available exemptions with regard to the measures in paragraph 1 (a) above, and encourages their use by Member States (para. 9)

TRAVEL BAN OR RESTRICTIONS

Resolution 1988 (2011) 17 June 2011	Decides that all States shall take the following measures with respect to individuals and entities designated... (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 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, including where this directly relates to supporting efforts by the Government of Afghanistan to promote reconciliation (para. 1)
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Table 32

Other provisions related to Article 41 measures

<i>Decision</i>	<i>Provision</i>
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CRITERIA FOR LISTING

Resolution 1988 (2011) 17 June 2011	Decides that all States shall take the following measures with respect to individuals and entities designated prior to this date as the Taliban, and other individuals, groups, undertakings and entities associated with them, as specified in section A (“Individuals associated with the Taliban”) and section B (“Entities and other groups and undertakings associated with the Taliban”) of the Consolidated List of the Committee, established pursuant to resolutions 1267 (1999) and 1333 (2000) as of the date of adoption of the present resolution, as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee established pursuant to paragraph 30 below (hereinafter known as “the List”) (para. 1) Decides also that those previously designated as the Taliban, and other individuals, groups, undertakings and entities associated with them, whose names were inscribed in section A (“Individuals associated with the Taliban”) and section B (“Entities and other groups and undertakings associated with the Taliban”) of the Consolidated List maintained by the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities on the date of adoption of the present resolution shall no longer be a part of the Consolidated List, but shall henceforth be on the List described in paragraph 1 above, and decides further that all States shall take the measures set forth in paragraph 1 above against those listed individuals, groups, undertakings and entities (para. 2) Decides further that the acts or activities indicating that an individual, group, undertaking or entity is eligible for designation under paragraph 1 above include: (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; (b) Supplying, selling or transferring arms and related materiel to; (c) Recruiting for; or (d) Otherwise supporting acts or activities of those designated and other individuals, groups,
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undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan (para. 3)

Affirms that any undertaking or entity owned or controlled, directly or indirectly by, or otherwise supporting, such an individual, group, undertaking or entity on the List shall be eligible for designation; (para. 4)

Notes that such means of financing or support include but are not limited to the use of proceeds derived from illicit cultivation and production of and trafficking in narcotic drugs and their precursors originating in and transiting through Afghanistan (para. 5)

INTENTION TO REVIEW SANCTIONS

[Resolution 1988 \(2011\)](#) 17 June 2011 Decides to review the implementation of the measures outlined in the present resolution in eighteen months and make adjustments, as necessary, to support peace and stability in Afghanistan (para. 34)

m) Measures imposed against Libya

By [resolution 1970 \(2011\)](#) of 26 February 2011, the Security Council expressed grave concern at the situation in Libya, including the violence and use of force against civilians and the gross and systematic violation of human rights. Within this context, the Council decided to impose specific measures in relation to Libya, consisting of: an arms embargo covering arms and related materiel to and from Libya, as well as the provision of armed mercenary personnel; provisions relating to the inspection of cargo in the context of the enforcement of the arms embargo; and a travel ban and asset freeze on designated individuals and/or entities. Exemptions to these measures were also provided. Furthermore, the Council decided to refer the situation to the International Criminal Court, and to establish a Committee to oversee the implementation of the measures imposed by the resolution.

By [resolution 1973 \(2011\)](#) of 17 March 2011, the Council expanded the measures, including by strengthening the enforcement of the arms embargo to authorize the use of all measures commensurate to the specific circumstances to carry out cargo inspections. The scope of the asset freeze was also expanded to include the exercise of vigilance when doing business with Libyan entities, if States had information that provided reasonable grounds to believe that such business could contribute to violence against civilians. By [resolution 2009 \(2011\)](#) of 16 September 2011, the Council authorized further exemptions to the arms embargo for, inter alia, supplies to Libya of arms and related material of all types, intended for security or disarmament assistance to the Libyan authorities.

During the period, the Committee established pursuant to [resolution 1970 \(2011\)](#) oversaw the implementation of the measures and was assisted by a Panel of Experts, created through [resolution 1973 \(2011\)](#).¹⁰⁶

Details on all provisions related to sanctions and enforcement measures are provided in table 33 and table 34.

Table 33
Provisions related to sanctions measures

<i>Decision</i>	<i>Provision</i>
ARMS EMBARGO	
Resolution 1970 (2011) 26 February 2011	Decides that all Member States shall immediately take the measures necessary to prevent the direct or indirect supply, sale or transfer to the Libyan Arab Jamahiriya, from or through their territories or by their nationals, 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, and financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel, whether or not originating in their territories, and decides further that this measure shall not apply to: (a) 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 Security Council Committee established pursuant to paragraph 24 below; (b) Protective clothing, including flak jackets and military helmets, temporarily exported to the Libyan Arab Jamahiriya by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only; or (c) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee (para. 9) Decides also that the Libyan Arab Jamahiriya shall cease the export of all arms and related materiel and that all Member States shall prohibit the procurement of such items from the Libyan Arab Jamahiriya by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the Libyan Arab Jamahiriya (para. 10)
Resolution 1973 (2011) 17 March 2011	Requests Member States which are taking action under paragraph 13 above on the high seas to coordinate closely with each other and with the Secretary-General, and further requests the States concerned to inform the Secretary-General and the Security Council Committee established pursuant to paragraph 24 of resolution 1970 (2011) (“the Committee”) immediately of measures taken in exercise of the authority conferred by paragraph 13 above (para. 14) Requires any Member State, whether acting nationally or through regional organizations or arrangements, when it undertakes an inspection pursuant to paragraph 13 above, to submit promptly an initial written report to the Committee containing, in particular, an explanation of the grounds for the inspection, the results of such inspection, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure and disposal, and relevant details of the transfer, including a description of the items, their origin and their intended destination, if this information is not in the initial report (para. 15)

¹⁰⁶ For more information on these bodies, see see part IX, sect. I. B. 1, with regard to Security Council committees overseeing specific sanctions measures.

<i>Decision</i>	<i>Provision</i>
<p>Resolution 2009 (2011) 16 September 2011</p>	<p>Deplores the continuing flows of mercenaries into the Libyan Arab Jamahiriya, and calls upon all Member States to comply strictly with their obligations under paragraph 9 of resolution 1970 (2011) to prevent the provision of armed mercenary personnel to the Libyan Arab Jamahiriya (para. 16)</p> <p>Exemption Decides that the measure imposed by paragraph 9 of resolution 1970 (2011) shall also not apply to the supply, sale or transfer to Libya of:</p> <p>(a) Arms and related materiel of all types, including technical assistance, training and financial and other assistance, intended solely for security or disarmament assistance to the Libyan authorities and notified to the Security Council Committee established pursuant to resolution 1970 (2011) in advance and in the absence of a negative decision by the Committee within five working days of such a notification;</p> <p>(b) Small arms, light weapons and related materiel, temporarily exported to Libya for the sole use of United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, notified to the Committee in advance and in the absence of a negative decision by the Committee within five working days of such a notification (para. 13)</p>

ASSETS FREEZE

<p>Resolution 1970 (2011) 26 February 2011</p>	<p>Decides further that all Member States shall freeze without delay all 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 listed in annex II to the present resolution or designated by the Committee established pursuant to paragraph 24 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decides further 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 the individuals or entities listed in annex II to the present resolution or individuals designated by the Committee (para. 17)</p> <p>Expresses its intention to ensure that assets frozen pursuant to paragraph 17 above shall at a later stage be made available to and for the benefit of the people of the Libyan Arab Jamahiriya (para. 18)</p> <p>Exemption Decides that the measures imposed by paragraph 17 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:</p> <p>(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 in accordance with national laws, 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 five working days of such notification;</p> <p>(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</p> <p>(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 17 above, and has been notified by the relevant State or Member States to the Committee (para. 19)</p> <p>Exemption Decides also that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 17 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. 20)</p>
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<i>Decision</i>	<i>Provision</i>
	<p>Exemption Decides further that the measures in paragraph 17 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 the payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 17 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, ten working days prior to such authorization (para. 21)</p>
<p>Resolution 1973 (2011) 17 March 2011</p>	<p>Decides further that the asset freeze imposed by paragraphs 17, 19, 20 and 21 of resolution 1970 (2011) shall apply to all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the Libyan authorities, as designated by the Committee, 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 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 individuals or entities within their territories to or for the benefit of the Libyan authorities, as designated by the Committee, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, as designated by the Committee, and directs the Committee to designate such Libyan authorities, individuals or entities within thirty days of the date of the adoption of the present resolution and as appropriate thereafter (para. 19)</p> <p>Affirms its determination to ensure that assets frozen pursuant to paragraph 17 of resolution 1970 (2011) shall, at a later stage, as soon as possible be made available to and for the benefit of the people of the Libyan Arab Jamahiriya (para. 20)</p> <p>Decides also that the individuals listed in annex I shall be subject to the travel restrictions imposed in paragraphs 15 and 16 of resolution 1970 (2011), and decides further that the individuals and entities listed in annex II shall be subject to the asset freeze imposed in paragraphs 17, 19, 20 and 21 of resolution 1970 (2011) (para. 22)</p>
<p>Resolution 2009 (2011) 16 September 2011</p>	<p>Exemption Decides that the Libyan National Oil Corporation and Zueitina Oil Company shall no longer be subject to the asset freeze and other measures imposed in paragraphs 17, 19, 20 and 21 of resolution 1970 (2011) and paragraph 19 of resolution 1973 (2011) (para. 14)</p> <p>Decides also to modify the measures imposed in paragraphs 17, 19, 20 and 21 of resolution 1970 (2011) and paragraph 19 of resolution 1973 (2011) with respect to the Central Bank of Libya, the Libyan Arab Foreign Bank, the Libyan Investment Authority, and the Libyan Africa Investment Portfolio as follows:</p> <p>(a) funds, other financial assets and economic resources outside of Libya of the entities mentioned above in the present paragraph that are frozen as of the date of the present resolution pursuant to measures imposed in paragraph 17 of resolution 1970 (2011) or paragraph 19 of resolution 1973 (2011) shall remain frozen by States unless subject to an exemption as set out in paragraphs 19, 20 or 21 of that resolution or paragraph 16 below;</p> <p>Exemption b) Except as provided in (a), the Central Bank of Libya, the Libyan Arab Foreign Bank, the Libyan Investment Authority, and the Libyan Africa Investment Portfolio shall otherwise no longer be subject to the measures imposed in paragraphs 17 of resolution 1970 (2011), including that States are no longer required to 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 these entities (para. 15)</p>

<i>Decision</i>	<i>Provision</i>
	<p>Exemption Decides that in addition to the provisions of paragraph 19 of resolution 1970 (2011), the measures imposed by paragraph 17 of that resolution, as modified by paragraph 15 above and paragraph 19 of resolution 1973 (2011), do not apply to funds, other financial assets or economic resources of the Central Bank of Libya, the Libyan Arab Foreign Bank, the the Libyan Investment Authority and the Libyan Africa Investment Portfolio provided that:</p> <p>(a) A Member State has provided notice to the Committee of its intent to authorize access to funds, other financial assets, or economic resources, for one or more of the following purposes and in the absence of a negative decision by the Committee within five working days of such a notification:</p> <ul style="list-style-type: none">(i) Humanitarian needs;(ii) Fuel, electricity and water for strictly civilian uses;(iii) Resuming Libyan production and sale of hydrocarbons;(iv) Establishing, operating, or strengthening institutions of civilian government and civilian public infrastructure; or(v) Facilitating the resumption of banking sector operations, including to support or facilitate international trade with Libya; <p>(b) A Member State has notified the Committee that those funds, other financial assets or economic resources shall not be made available to or for the benefit of the individuals subject to the measures imposed in paragraph 17 of resolution 1970 (2011) or paragraph 19 of resolution 1973 (2011);</p> <p>(c) The Member State has consulted in advance with the Libyan authorities about the use of such funds, other financial assets, or economic resources; and</p> <p>(d) The Member State has shared with the Libyan authorities the notification submitted pursuant to the present paragraph and the Libyan authorities have not objected within five working days to the release of such funds, other financial assets, or economic resources (para. 16)</p>

MEASURES ON TRANSPORT AND AVIATION

[Resolution 1973 \(2011\)](#)
17 March 2011

Decides to establish a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help to protect civilians (para. 6)

Exemption

Decides also that the ban imposed by paragraph 6 above shall not apply to flights whose sole purpose is humanitarian, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance, or evacuating foreign nationals from the Libyan Arab Jamahiriya, nor shall it apply to flights authorized by paragraphs 4 or 8, nor to other flights which are deemed necessary by States acting under the authorization conferred in paragraph 8 below to be for the benefit of the Libyan people, and that these flights shall be coordinated with any mechanism established under paragraph 8 (para. 7)

Decides that all States shall deny permission to any aircraft registered in the Libyan Arab Jamahiriya or owned or operated by Libyan nationals or companies to take off from, land in or overfly their territory unless the particular flight has been approved in advance by the Committee, or in the case of an emergency landing (para. 17)

Decides also that all States shall deny permission to any aircraft to take off from, land in or overfly their territory, if they have information that provides reasonable grounds to believe that the aircraft contains items, the supply, sale, transfer or export of which is prohibited by paragraphs 9 and 10 of [resolution 1970 \(2011\)](#) as modified by the present resolution, including the provision of armed mercenary personnel, except in the case of an emergency landing (para. 18)

[Resolution 2009 \(2011\)](#)
16 September 2011

Decides that the measures in paragraph 17 of [resolution 1973 \(2011\)](#) shall cease to have effect from the date of this resolution (para. 21)

TRAVEL BAN OR RESTRICTIONS

[Resolution 1970 \(2011\)](#)
26 February 2011

Decides that all Member States shall take the measures necessary to prevent the entry into or transit through their territories of individuals listed in annex I to the present resolution or designated by the Committee established pursuant to paragraph 24 below, provided that nothing in the present

<i>Decision</i>	<i>Provision</i>
	paragraph shall oblige a State to refuse its own nationals entry into its territory (para. 15)
	Exemption Decides also that the measures imposed by paragraph 15 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; (b) Where entry or transit is necessary for the fulfilment of a judicial process; (c) Where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and national reconciliation in the Libyan Arab Jamahiriya and stability in the region; or (d) Where a State determines on a case-by-case basis that such entry or transit is required to advance peace and stability in the Libyan Arab Jamahiriya and the State subsequently notifies the Committee within forty-eight hours of making such a determination (para. 16)
Resolution 1973 (2011) 17 March 2011	See under “Assets freeze” above (para. 22)

Provisions related to enforcement measures

CARGO INSPECTIONS

Resolution 1970 (2011) 26 February 2011	<p>Calls upon all States, in particular States neighbouring the Libyan Arab Jamahiriya, to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from the Libyan Arab Jamahiriya, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items, the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of the present resolution for the purpose of ensuring strict implementation of those provisions (paras. 11)</p> <p>Requires any Member State, when it undertakes an inspection pursuant to paragraph 11 above, to submit promptly an initial written report to the Committee containing, in particular, an explanation of the grounds for the inspections, the results of such inspections, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report (para. 13)</p>
Resolution 1973 (2011) 17 March 2011	<p>Decides that paragraph 11 of resolution 1970 (2011) shall be replaced by the following paragraph: “Calls upon all Member States, in particular States of the region, acting nationally or through regional organizations or arrangements, in order to ensure strict implementation of the arms embargo established by paragraphs 9 and 10 of resolution 1970 (2011), to inspect in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from the Libyan Arab Jamahiriya, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items, the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of resolution 1970 (2011) as modified by the present resolution, including the provision of armed mercenary personnel, calls upon all flag States of such vessels and aircraft to cooperate with such inspections, and authorizes Member States to use all measures commensurate to the specific circumstances to carry out such inspections” (para. 13)</p> <p>Requests Member States which are taking action under paragraph 13 above on the high seas to coordinate closely with each other and with the Secretary-General, and further requests the States concerned to inform the Secretary-General and the Security Council Committee established pursuant to paragraph 24 of resolution 1970 (2011) (“the Committee”) immediately of measures taken in exercise of the authority conferred by paragraph 13 above (para. 14)</p> <p>Requires any Member State, whether acting nationally or through regional organizations or arrangements, when it undertakes an inspection pursuant to paragraph 13 above, to submit promptly an initial written report to the Committee containing, in particular, an explanation of the grounds for</p>

<i>Decision</i>	<i>Provision</i>
	the inspection, the results of such inspection, and whether or not cooperation was provided, and, if prohibited items for transfer are found, further requires such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure and disposal, and relevant details of the transfer, including a description of the items, their origin and their intended destination, if this information is not in the initial report (para. 15)

SEIZING OF ARMS

Resolution 1970 (2011) 26 February 2011	Decides to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraphs 9 or 10 of the present resolution, seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items, the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of the present resolution, and decides further that all Member States shall cooperate in such efforts (para. 12) See under “Cargo inspections” above (para. 13)
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Resolution 1973 (2011) 17 March 2011	See under “Arms embargo” above (para. 15)
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REPORTING ON ENFORCEMENT

Resolution 1970 (2011) 26 February 2011	See under “Cargo inspections” above (para. 13)
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Table 34

Other provisions related to Article 41 measures

<i>Decision</i>	<i>Provision</i>
CRITERIA FOR LISTING	
Resolution 1970 (2011) 26 February 2011	Decides that the measures contained in paragraphs 15 and 17 above shall apply to the individuals and entities designated by the Committee, pursuant to paragraphs 24 (b) and (c) below respectively: (a) Involved in or complicit in ordering, controlling or otherwise directing, the commission of serious human rights abuses against persons in the Libyan Arab Jamahiriya, including by being involved in or complicit in planning, commanding, ordering or conducting attacks, in violation of international law, including aerial bombardments, on civilian populations and facilities; or (b) Acting for or on behalf of or at the direction of individuals or entities identified in subparagraph (a) (para. 22)
Resolution 1973 (2011) 17 March 2011	See under “Assets freeze” above (para. 22) Decides further that the measures specified in paragraphs 15, 16, 17, 19, 20 and 21 of resolution 1970 (2011) shall apply also to individuals and entities determined by the Council or the Committee to have violated the provisions of resolution 1970 (2011) , particularly paragraphs 9 and 10 thereof, or to have assisted others in doing so (para. 23)

INTENTION TO REVIEW SANCTIONS

Resolution 1970 (2011) 26 February 2011	Affirms that it shall keep the actions of the Libyan authorities under continuous review and that it shall be prepared to review the appropriateness of the measures contained in the present resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at any time in the light of the Libyan authorities’ compliance with relevant provisions of the present resolution (para. 27)
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<i>Decision</i>	<i>Provision</i>
Resolution 1973 (2011) 17 March 2011	Reaffirms its intention to keep the actions of the Libyan authorities under continuous review, and underlines its readiness to review at any time the measures imposed by the present resolution and resolution 1970 (2011) , including by strengthening, suspending or lifting those measures, as appropriate, based on compliance by the Libyan authorities with the present resolution and resolution 1970 (2011) (para. 28)
Resolution 2009 (2011) 16 September 2011	Takes note of the improved situation in Libya, emphasises its intention to keep the measures imposed by paragraphs 6 to 12 of resolution 1973 (2011) under continuous review and underlines its readiness, as appropriate and when circumstances permit, to lift those measures and to terminate authorization given to Member States in paragraph 4 of resolution 1973 (2011) in consultation with the Libyan authorities (para. 20)

B. Discussion relating to Article 41

The following sub-section covers discussions in the Council regarding the appropriate role and use of sanctions and other Article 41 measures. The section is divided under two headings; the first deals with discussions on thematic issues, while the second deals with country-specific discussions. In its thematic discussions the Council also touched on the relevance of using targeted measures to help enforce its decisions on children and armed conflict (Case 8), and women and peace and security (Case 9). There was also a thematic debate on the efficiency and legitimacy of sanctions regimes in the maintenance of international peace and security (Case 10). Regarding country-specific discussions, the Council discussed non-proliferation and the imposition of sanctions measures in the context of the Islamic Republic of Iran (Case 11), debated options for an appropriate response to the crisis in Syria (Case 12), and discussed the application of Article 41 measures against individuals and entities in Libya (Case 13).¹⁰⁷

¹⁰⁷ For the broader context in which these discussions were held, see relevant sections in part I.

1. *Discussions of a thematic nature*

Case 8
Children and armed conflict

At its 6341st meeting, on 16 June 2010, following the issuance of a concept paper,¹⁰⁸ the Council held an open debate to discuss the Report of the Secretary-General on children and armed conflict¹⁰⁹ to highlight progress made and ways of addressing remaining challenges for the children and armed conflict agenda. In her briefing before the Council, the Special Representative of the Secretary-General for Children and Armed Conflict referenced the report before the Council, which highlighted a list of the most persistent violators who had been named in the annexes of the Secretary-General's reports for a minimum of five years. She reflected that as the Secretary-General's independent voice for children affected by armed conflict, it was her duty to persuade the Council to "move forward on taking action against these violators". In that regard, she mentioned the Security Council Committee established pursuant to [resolution 1533 \(2004\)](#) concerning the Democratic Republic of the Congo, which had acted to include crimes against children as grounds for listing, and suggested that other Sanctions Committees consider doing the same. She further suggested that the Council devise appropriate mechanisms to deal with the large number of persistent violators listed in the Secretary-General's annexes that were not covered by sanctions committees, lest the perpetrators sensed reluctance on the part of the Council to hold them fully accountable.¹¹⁰

Regarding the need to hold persistent perpetrators accountable, a number of speakers expressed their support for the possibility of imposing strong and targeted measures against those groups.¹¹¹ The representative of France stressed that if parties to a

¹⁰⁸ [S/2010/314](#).

¹⁰⁹ [S/2010/181](#).

¹¹⁰ [S/PV.6341](#), p. 4.

¹¹¹ *Ibid.*, p. 13 (Mexico); pp. 13-14 (France); p. 15 (United States); p. 17 (Austria); p. 24 (Bosnia and Herzegovina); p. 28 (Japan); p. 29 (Canada, on behalf of the Group of Friends of children and armed conflict); [S/PV.6341 \(Resumption 1\)](#), p. 6 (New Zealand); p. 8 (Germany); p. 9 (Liechtenstein); p. 15

conflict refused to engage in dialogue and to implement action plans, in spite of repeated appeals of the Council to do so, the Council should not hesitate to consider imposing targeted and strong sanctions against them.¹¹² The representative of the United States supported the Secretary-General's recommendation to include the unlawful recruitment of children as a listing criterion in appropriate sanctions regimes, and encouraged closer cooperation and coordination among the Working Group on Children and Armed Conflict, Security Council sanctions committees and their expert groups.¹¹³ The representative of Croatia considered unacceptable that for almost a decade, the same names continued to appear on the lists annexed to the Secretary-General's reports, and called on the Council to act more systematically and more urgently.¹¹⁴ The representative of the Netherlands agreed, and opined that in most cases the Council had not done enough to address accountability or end impunity.¹¹⁵ Conversely, the representative of China said that his country was not in favour of the frequent use or threat of use of sanctions by the Security Council, stressing that it was particularly necessary to exercise caution when regarding the issue of children and armed conflict.¹¹⁶

Some speakers called for more transparency in the listing of persistent violators in the annual reports of the Secretary-General. Noting the five-year timeline suggested by the Secretary-General, the representative of Uganda encouraged a broader set of conditions that would necessitate action by the Council against persistent perpetrators.¹¹⁷ Similarly, the representative of the Russian Federation suggested that an exchange of views as to what qualified parties to conflicts as "persistent violators" would be helpful. In his view, a brief mention in the annexes to a report of the Secretary-General was "insufficient" in this context.¹¹⁸ The representative of Sri Lanka also suggested that the

(Italy); p. 18 (Croatia); p. 22 (Republic of Korea); p. 28 (Finland, on behalf of the Nordic countries); p. 31 (Chile); p. 33 (Belgium); p. 36 (Sri Lanka); p. 36 (Slovenia); p. 40 (Australia); and p. 42 (Netherlands).

¹¹² [S/PV.6341](#), pp. 13-14.

¹¹³ *Ibid.*, p. 15.

¹¹⁴ [S/PV.6341 \(Resumption 1\)](#), p. 19.

¹¹⁵ *Ibid.*, p. 42.

¹¹⁶ [S/PV.6341](#), p. 27.

¹¹⁷ *Ibid.*, p. 18.

¹¹⁸ *Ibid.*, p. 22.

criteria for de-listing be clarified so that the groups that had already complied with the resolutions or had ceased recruitment could be quickly de-listed.¹¹⁹

Following the debate the Council adopted a presidential statement,¹²⁰ by which it expressed its readiness to adopt targeted and graduated measures against persistent perpetrators.

Case 9

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

At its 6347th meeting, held on 29 June 2010, following the issuance of a concept paper,¹²¹ the Council met to discuss the promotion and strengthening of the rule of law in the maintenance of international peace and security. In her briefing before the Council, the Under-Secretary-General for Legal Affairs and Legal Counsel of the United Nations explained that any discussion on the rule of law at the international level should address the ongoing issue of Security Council sanctions regimes, which performed a necessary role in the maintenance of international peace and security. She emphasized that it was critical that sanctions be adopted in accordance with international law and consistent with the objectives enshrined in the Charter, and noted that over the past years, the Council had emphasised setting out and strengthening the international legal framework and norms for addressing these issues. She cited the recent adoption of [resolution 1904 \(2009\)](#) as a reflection of the effort to address the rights of due process and the establishment of an Office of the Ombudsperson as an important step by the Council towards ensuring fair and clear procedures for individuals and entities listed by the Committee.¹²²

Many speakers welcomed the decisions taken by the Council to strengthen the legal framework for the sanctions regimes by enhancing the transparency and fairness of listing and de-listing procedures, particularly through the establishment of the

¹¹⁹ [S/PV.6341 \(Resumption 1\)](#), p. 36.

¹²⁰ [S/PRST/2010/10](#), see also subsect. A above.

¹²¹ [S/2010/322](#).

¹²² [S/PV.6347](#), p. 6.

Ombudsperson for the Al-Qaida and Taliban sanctions regime.¹²³ The representative of the United Kingdom welcomed the reforms and achievements of recent years, which he viewed as evidence that the Council had listened to, and acted upon, the concerns of the wider international community. By doing so, it had ensured that sanctions continued to be a vital tool in the fight against terrorists such as Al-Qaida and the Taliban.¹²⁴ The representative of the Russian Federation agreed with the Legal Counsel that with skilful use, targeted application and careful analysis of negative side effects, sanctions could serve as an effective instrument to strengthen international peace and security and restore respect for the law, so long as they were imposed in strict compliance with the Charter and with a clear understanding of the conditions for lifting or easing them.¹²⁵

Some states offered more measured support for the use of sanctions as a tool in the maintenance of international peace and security. The representative of Brazil emphasized that they should be used “sparingly and wisely and never to the detriment of negotiated solutions to differences”. In her view, the purpose of sanctions should be to modify the behaviour of the targeted State, party, individual or entity threatening international peace and security, and never as an “indirect or undeclared means to cause regime change” or to punish or exact retribution.¹²⁶ The representative of Lebanon stated that he did not support double standards in the imposition of sanctions, questioning why they had been enforced against some but not all States that had not complied with international resolutions.¹²⁷ The representative of China said that his country took a cautious approach to the use of sanctions and advocated for strict criteria and appropriate time frames. In that regard, he stressed that in strengthening United Nations sanctions, the Council undertake broad consultations, emphasize facts and evidence, avoid double standards, and take fully into account the practical situation of the countries concerned.¹²⁸ The representative of the Solomon Islands remarked that sanctions against countries

¹²³ Ibid., p. 8 (Mexico); pp. 10-11 (Bosnia and Herzegovina); p. 13 (Nigeria); p. 15 (France); p. 18 (Austria); p. 20 (Lebanon); p. 23 (Japan); p. 27 (Turkey); p. 28 (Gabon); [S/PV.6347 \(Resumption 1\)](#), p. 2 (Denmark); pp. 3-4 (Switzerland); p. 5 (Finland); pp. 6-7 (Liechtenstein); p. 8 (Australia); p. 11 (Argentina); p. 15 (Peru); p. 16 (South Africa); and p. 19 (Germany).

¹²⁴ [S/PV.6347](#), p. 19.

¹²⁵ Ibid., p. 23.

¹²⁶ Ibid., p. 16.

¹²⁷ Ibid., p. 20.

¹²⁸ Ibid., pp. 21-22.

“burned bridges” and were “more harmful than constructive”, advocating instead a culture of dialogue over confrontation. However, where sanctions were applied, he stressed that they be regularly monitored, reviewed and reported on to ensure they remained a tool that served the purpose of multilateralism.¹²⁹

Following the debate the Council issued a presidential statement¹³⁰ (see subsection A), by which it reiterated the need to ensure that sanctions were carefully targeted in support of clear objectives and designed carefully so as to minimize possible adverse consequences.

Case 10

Women and peace and security

At its 6453rd meeting, on 16 December 2010, under the item “Women and peace and security”, the Council held an open debate to discuss sexual violence in conflict and to consider the Report of the Secretary-General on the implementation of [resolutions 1820 \(2008\)](#) and [1888 \(2009\)](#).¹³¹ During the meeting, the Council unanimously adopted [resolution 1960 \(2010\)](#), by which it decided, inter alia, to establish monitoring, analysis and reporting arrangements on conflict-related sexual violence in situations on the Council’s agenda to assist the Council’s consideration of appropriate actions, including targeted and graduated measures. Additionally, the Secretary-General was encouraged to include in his annual reports on conflict-related sexual violence an annex listing the parties credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Council’s agenda, using the same listing and delisting criteria as the annexes prepared for the Children and armed conflict reports. Such listing would be used as a basis for more focused United Nations engagement with those parties, including, as appropriate, measures in accordance with the procedures of the relevant sanctions committees.

¹²⁹ [S/PV.6347 \(Resumption 1\)](#), p. 20.

¹³⁰ [S/PRST/2010/11](#), see also subsect. A above.

¹³¹ [S/2010/604](#).

In her briefing to the Council, the Special Representative of the Secretary-General on Sexual Violence in Conflict opined that rape and sexual violence continued to persist in contexts of conflict and unrest across the globe because without the credible threat of consequences there was no deterrent. The impact on the ground in other areas of Council practice, such as the protection of children in armed conflict and the work of the sanctions committees, was “real and proven”, and it was time for the women, peace and security agenda to similarly establish an accountability system whereby timely and reliable information on sexual violence would flow from the country to the global level, to provide a basis for accountability and action.¹³²

Following the vote, speakers welcomed the strengthened mechanisms for the collection and analysis of information and the listing of perpetrators in the annex of the Secretary-General’s report, as a way to tackle impunity for crimes of sexual violence in conflict. Many speakers specifically expressed their support for the possibility of imposing targeted measures against perpetrators of sexual violence,¹³³ and for including sexual violence as a criterion for sanctions during the establishment or review of the mandates of sanctions committees.¹³⁴ The representative of Turkey felt that the most significant added value of [resolution 1960 \(2010\)](#) derived from its “action-oriented nature”, not only condemning those who perpetrated acts of violence against women but also calling for action against them.¹³⁵ The representative of the United States called for the mechanism to be used to inform of targeted actions by the Council and by Member States, pointing out that with improved information the United Nations would be better placed to assist States in responding more robustly to crimes of sexual violence.¹³⁶ The representative of Finland stressed that it was crucial for information gathered to reach the Council and its sanctions committees in a timely manner, welcoming the intention of the Council to ensure the flow of information from the field to the Council and to take action

¹³² [S/PV.6453](#), p. 4.

¹³³ *Ibid.*, p. 16 (Turkey); p. 18 (Uganda); p. 20 (Gabon); and p. 25 (United States).

¹³⁴ *Ibid.*, p. 13 (France); p. 15 (Bosnia and Herzegovina); p. 19 (Brazil); p. 22 (Japan); p. 23 (Austria); p. 26 (Germany); p. 27 (Liechtenstein); p. 29 (Italy); p. 31 (Republic of Korea); p. 32 (Canada); p. 33 (Luxembourg); and p. 34 (Finland, on behalf of the Nordic countries); [S/PV.6453 \(Resumption 1\)](#), p. 4 (Portugal); p. 5 (Switzerland); p. 9 (Costa Rica, on behalf of the Human Security Network); p. 11 (Argentina); and p. 12 (Chile).

¹³⁵ [S/PV.6453](#), p. 16.

¹³⁶ *Ibid.*, p. 25.

based on that information.¹³⁷ The representative of Liechtenstein, as a co-sponsor of [resolution 1960 \(2010\)](#), welcomed the inclusion in future reports of the Secretary-General of parties suspected of being responsible for acts of sexual violence. Nonetheless, he considered the resolution to be a “missed opportunity”, in so much as it failed to include, in the operative section, any statement on the Council’s commitment to end impunity, let alone on any concrete measures to that end.¹³⁸

A number of speakers also expressed their support for the work of the International Criminal Court (ICC) in cases where sexual violence constituted a war crime, crime against humanity or crime of genocide, and called on the Council to strengthen the Court in order to prosecute perpetrators of sexual violence in the context of armed conflict.¹³⁹ The representative of Liechtenstein was particularly disappointed that [resolution 1960 \(2010\)](#) was silent on the importance of the work carried out by the ad hoc tribunals established by the Council and by the ICC, particularly at a time when much of the current work undertaken by the Court had been dedicated to incidences of mass rapes in the Democratic Republic of the Congo.¹⁴⁰

The representative of China emphasized that the Council should pay close attention to situations that posed “threats to international peace and security” and make full use of existing mechanisms, such as the Special Representative of the Secretary-General and UN Women, in order to create synergy.¹⁴¹ The representative of the Russian Federation agreed, noting that from the standpoint of the Council’s purposes under the Charter, the Council’s attention must be focused only on those conflicts which threatened peace and security. Consequently, the instruments adopted in [resolution 1960 \(2010\)](#), such as the practice of making lists of violators and agreements on monitoring, analysis and accountability, should also be used in that context.¹⁴² Conversely, the representative of Luxembourg would have preferred if the resolution invited the Secretary-General to

¹³⁷ *Ibid.*, p. 34.

¹³⁸ *Ibid.*, p. 27.

¹³⁹ *Ibid.*, p. 11 (Mexico); p. 23 (Austria); p. 26 (Germany); pp. 27-28 (Liechtenstein); p. 29 (Italy); and p. 34 (Finland, on behalf of the Nordic countries); [S/PV.6453 \(Resumption 1\)](#), p. 5 (Switzerland); p. 6 (Slovenia); p. 9 (Costa Rica, on behalf of the Human Security Network); and p. 13 (Spain).

¹⁴⁰ [S/PV.6453](#), pp. 27-28.

¹⁴¹ *Ibid.*, p. 18.

¹⁴² *Ibid.*, p. 21.

provide information on perpetrators of sexual violence, not only in situations of armed conflict on the agenda of the Council, but also in other conflicts and situations, which “should not escape the attention of the international community”.¹⁴³

2. *Country-specific discussions relating to Article 41*

Case 11

Non-proliferation

At its 6280th meeting, on 4 March 2010, the Council heard a briefing by the Chairman of the Security Council Committee established pursuant to [resolution 1737 \(2006\)](#), regarding non-proliferation and the Islamic Republic of Iran. Following the Chairman’s briefing, a number of speakers expressed their concern at the Islamic Republic of Iran’s continued failure to comply with both its International Atomic Energy Agency (IAEA) and Security Council obligations, calling on the Council to consider imposing stronger measures against the country in order to encourage greater compliance, and to hold the Government of the Islamic Republic of Iran accountable.¹⁴⁴ The representative of the United Kingdom opined that while existing measures had had some effect, they had not yet led the Islamic Republic of Iran to change course on its nuclear activities, and that imposing further measures could persuade it to comply with IAEA requirements by raising the cost of the Iranian nuclear programme.¹⁴⁵ The representative of France added that since the Islamic Republic of Iran had flouted five consecutive Security Council resolutions, the Council had “no other choice” but to seek the adoption of new measures, in line with the dual-track approach that had consistently been promoted by the permanent five members of the Council, plus Germany.¹⁴⁶

¹⁴³ Ibid., p. 33.

¹⁴⁴ [S/PV.6280](#), p. 4 (United States); p. 5 (United Kingdom); and p. 7 (France).

¹⁴⁵ Ibid., pp. 4-5.

¹⁴⁶ Ibid., p. 7.

The representatives of the Russian Federation and China felt that although the situation concerning the Iranian nuclear programme continued to be complex, there was still room for negotiations and diplomatic interaction with the Iranian government.¹⁴⁷

At its 6335th meeting, on 9 June 2010, the Council adopted [resolution 1929 \(2010\)](#), thereby imposing under Article 41 of the Charter an expanded sanctions regime against the country, as detailed in table 29 above. In the resolution, it noted with serious concern that, as confirmed by reports of the Director General of the IAEA,¹⁴⁸ the 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 \(2006\)](#), [1747 \(2007\)](#) and [1803 \(2008\)](#), nor resumed cooperation with the IAEA under the Additional Protocol, nor cooperated with the IAEA in connection with the possibility of military dimensions of the nuclear programme, nor taken the other steps required by the IAEA Board of Governors, nor complied with the provisions of those aforementioned resolutions, which were essential to build confidence.

Speaking before the vote, the representatives of Brazil and Turkey expressed their intention to vote against the draft resolution, explaining that the adoption of sanctions at such a juncture ran counter to the successful efforts of their delegations to engage the Islamic Republic of Iran in a negotiated solution with regard to its nuclear programme.¹⁴⁹ The representative of Brazil stressed that the Tehran declaration, adopted on 17 May 2010 under the initiative of the two countries, had promoted a solution that ensured the full exercise of the Islamic Republic of Iran's right to the peaceful use of nuclear energy while providing verifiable assurance that its nuclear programme was exclusively for peaceful purposes. She expressed regret, therefore, that the joint declaration had neither received the political recognition it deserved, nor been given adequate time to bear fruit,

¹⁴⁷ *Ibid.*, p. 7 (Russian Federation); and p. 8 (China).

¹⁴⁸ Reports of 27 February 2006 (GOV/2006/15), 8 June 2006 (GOV/2006/38), 31 August 2006 (GOV/2006/53), 14 November 2006 (GOV/2006/64), 22 February 2007 (GOV/2007/8), 23 May 2007 (GOV/2007/22), 30 August 2007 (GOV/2007/48), 15 November 2007 (GOV/2007/58), 22 February 2008 (GOV/2008/4), 26 May 2008 (GOV/2008/15), 15 September 2008 (GOV/2008/38), 19 November 2008 (GOV/2008/59), 19 February 2009 (GOV/2009/8), 5 June 2009 (GOV/2009/35), 28 August 2009 (GOV/2009/55), 16 November 2009 (GOV/2009/74), 18 February 2010 (GOV/2010/10) and 31 May 2010 (GOV/2010/28).

¹⁴⁹ [S/PV.6335](#), pp. 2-3 (Brazil); and pp. 3-4 (Turkey).

arguing that it was unnatural to rush to sanctions in such circumstances.¹⁵⁰ The representative of Turkey agreed, expressing deep concern that the adoption of sanctions would negatively affect the momentum created by the declaration and the overall diplomatic process.¹⁵¹

Following the vote, a number of speakers welcomed the Council's adoption of the resolution as a decisive response to the Islamic Republic of Iran's failure to comply with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons as well as previous Security Council resolutions and IAEA requirements.¹⁵² The representative of the United States stressed that the sanctions adopted, which were "tough" as well as "smart and precise", were not directed at the Iranian people, nor did they seek to stop the Islamic Republic of Iran from legitimately exercising its rights under the Treaty, but were rather aimed squarely at the nuclear ambitions of a Government that had "chosen a path leading to increased isolation".¹⁵³ The representative of the United Kingdom felt that the adoption of the resolution sent a strong message of international resolve to the Iranian Government that their continued failure to comply with the Council and IAEA Board requirements could no longer be tolerated.¹⁵⁴ The representative of France believed that the sanctions resolution adopted was "robust, yet specific and targeted", and that it was the Council's duty to prevent a regional arms race, which could be provoked by mere doubt concerning the aims of the Iranian programme.¹⁵⁵ The representative of the Russian Federation, acknowledging that it had become "inevitable" that additional restrictive measures be adopted, nonetheless stressed that the measures be used in a balanced and proportional way, and contained no provisions that would harm the well-being of the Iranian people.¹⁵⁶ The representative of China said that sanctions could never fundamentally resolve the Iranian nuclear issue, and stressed that any action taken by the Council be "appropriate, incremental, clearly targeted and commensurate with the actual

¹⁵⁰ *Ibid.*, pp. 2-3.

¹⁵¹ *Ibid.*, p. 3.

¹⁵² *Ibid.*, pp. 4-5 (United States); pp. 5-6 (United Kingdom); p. 6 (France); p. 7 (Uganda); p. 8 (Russian Federation); and p. 9 (Japan).

¹⁵³ *Ibid.*, p. 4.

¹⁵⁴ *Ibid.*, p. 6.

¹⁵⁵ *Ibid.*, p. 8.

¹⁵⁶ *Ibid.*, p. 9.

practices” of the Islamic Republic of Iran in the nuclear field.¹⁵⁷ The representative of Lebanon stated that the most effective response to any concerns about the Iranian nuclear issue should come through dialogue, not through sanctions. On that basis, he viewed the new sanctions regime as a “sad setback for diplomatic efforts”.¹⁵⁸

While reaffirming the Islamic Republic of Iran’s right to the peaceful use of nuclear technology, the representatives of Nigeria and Bosnia and Herzegovina supported the Council in imposing measures under Article 41.¹⁵⁹ The representative of Mexico opined that diplomatic dialogue was not incompatible with the adoption of sanctions.¹⁶⁰

In response, the representative of the Islamic Republic of Iran emphasized that the Leader of the Islamic Republic of Iran had, on several occasions, rejected and opposed nuclear weapons and their use on religious grounds. Furthermore, he stated that his country had cooperated with the IAEA and had displayed goodwill and seriousness by agreeing to the initiative proposed by Turkey and Brazil, which had opened a new window of opportunity for cooperation, lamenting the fact that instead of welcoming the Tehran declaration, certain members of the Council had introduced a “politically motivated” resolution. He further indicated that no amount of pressure would affect his nation’s determination to pursue and defend its legal and inalienable right to nuclear technology for peaceful purposes and to build on its own scientific advances in developing various peaceful aspects of the technology.¹⁶¹

Case 12

The situation in Libya

At its 6491st meeting, on 26 February 2011, the Council, expressing grave concern at the situation in the Libyan Arab Jamahiriya and condemning the violence and use of force against civilians, unanimously adopted [resolution 1970 \(2011\)](#) under Article

¹⁵⁷ Ibid., p. 11.

¹⁵⁸ Ibid., p. 12.

¹⁵⁹ Ibid., pp. 12-13 (Nigeria); and p. 13 (Bosnia and Herzegovina).

¹⁶⁰ Ibid., p. 14.

¹⁶¹ Ibid., pp. 15-17.

41 of the Charter, thereby imposing a range of measures including a referral of the situation to the International Criminal Court (ICC), an arms embargo, and targeted measures such as a travel ban and assets freeze against fifteen individuals. By the same resolution, the Council also indicated that it would keep the Libyan authorities actions under continuous review, and would be prepared to review the appropriateness of the measures, including the strengthening, modification, suspension or lifting of the measures, in light of the Libyan authorities' compliance with the relevant provisions.

Following the vote, many speakers expressed their support for the resolution as sending a clear message that the international community would not tolerate gross and systematic violations of human rights by the Libyan regime, and as a swift response to the calls from the League of Arab States, the African Union, and the Libyan delegation for Council action.¹⁶² The representative of India stated that although his country was not a signatory to the Rome Statute, he noted that several members of the Council had expressed that the referral to the ICC would have the effect of an immediate cessation of violence and the restoration of calm and stability, and on that basis, he had voted in favour of the resolution.¹⁶³ The representative of Nigeria believed that the sanctions would have the effect of deterring individuals from supporting or otherwise assisting the regime, and would isolate those planning, coordinating or directing the atrocities. Furthermore, she stressed that Nigeria supported the sanctions to the extent that their impact was targeted and did not exacerbate the burden already upon Libyan citizens.¹⁶⁴ The representative of the United States commended the Council for coming together and speaking with one voice to condemn the violence, to pursue accountability and adopt sanctions targeting Libya's "unrepentant leadership".¹⁶⁵ The representative of the Russian Federation saw the purpose of the resolution as imposing "targeted, clearly expressed, restrictive measures" with regard to those guilty of violence against civilians. However,

¹⁶² [S/PV.6491](#), p. 2 (United Kingdom); p. 3 (South Africa); p. 3 (Nigeria); p. 3 (United States); p. 4 (Lebanon); p. 4 (Russian Federation); p. 4 (China); p. 5 (Colombia); p. 5 (Portugal); p. 5 (France); p. 6 (Germany); p. 6 (Bosnia and Herzegovina); p. 6 (Gabon); and pp. 6-7 (Brazil).

¹⁶³ *Ibid.*, p. 2.

¹⁶⁴ *Ibid.*, p. 3.

¹⁶⁵ *Ibid.*

he clarified that the resolution did not enjoin sanctions, even indirect, for forceful interference in Libya's affairs.¹⁶⁶

At its 6498th meeting, on 17 March 2011, the Council, deploring the failure of the Libyan authorities to comply with [resolution 1970 \(2011\)](#) adopted [resolution 1973 \(2011\)](#), thereby strengthening the measures under Article 41 that had previously been adopted in [resolution 1970 \(2011\)](#). In the resolution, the Council called upon Member States to ensure strict implementation of the arms embargo, imposed a ban on all international flights by Libyan-owned or operated aircraft, authorized the freezing of assets of seven more individuals and five entities, and empowered the newly established sanctions committee to designate additional individuals and entities to be subject to an assets freeze and travel ban. In addition to Article 41 measures, [resolution 1973 \(2011\)](#) also authorized a range of measures under Article 42, including the establishment of a no-fly zone and authorizing Member States to take all necessary measures to protect civilians and civilian-populated areas under threat of attack.¹⁶⁷

Speaking before the vote, the representative of France stated that the measures that had been imposed under [resolution 1970 \(2011\)](#) had not been sufficient and that the situation in Libya had grown more alarming, urging Council members to adopt the draft resolution.¹⁶⁸

Speaking after the vote, a number of speakers stressed that the Council's decision to adopt further measures under [resolution 1973 \(2011\)](#) was in response to the failure of the Libyan authorities to comply with the demands made under [resolution 1970 \(2011\)](#), and also in response to the appeals from other regional organizations, most notably the League of Arab States, for further Security Council action.¹⁶⁹ The representative of the United Kingdom commended the Council for acting swiftly and comprehensively in response to the situation in Libya and to the appeal of the League of Arab States.¹⁷⁰ The representative of South Africa remarked that by adopting [resolution 1973 \(2011\)](#), the

¹⁶⁶ *Ibid.*, p. 4.

¹⁶⁷ See sect. IV below.

¹⁶⁸ [S/PV.6498](#), pp. 2-3.

¹⁶⁹ *Ibid.*, p. 3 (Lebanon); p. 4 (United Kingdom); p. 5 (United States); pp. 7-8 (Colombia); pp. 8-9 (Portugal); p. 9 (Nigeria); and p. 10 (South Africa).

¹⁷⁰ *Ibid.*, p. 4.

Council had responded appropriately to the call of the countries of the region to strengthen the implementation of [resolution 1970 \(2011\)](#), and that it had acted responsibly to protect and save the lives of defenceless civilians.¹⁷¹ The representative of Colombia expressed his support for [resolution 1973 \(2011\)](#) as the continuation of a process involving gradual measures that was in keeping with the Charter and that had begun with [resolution 1970 \(2011\)](#). He reminded members that in adopting [resolution 1970 \(2011\)](#), the Council had decided it would keep the matter under review and indicated that it was willing to consider the strengthening of sanctions should there be persistent non-compliance by the Libyan authorities.¹⁷²

In abstaining from voting on the draft resolution, the representative of India said that the resolution needed to include more clarity on any spillover effects of the proposed financial measures, which he cautioned could adversely affect the economic interests of the Libyan people and others dependent on those trade and economic ties.¹⁷³ The representative of Germany stated that his country did not support the military option foreseen in the resolution, but rather felt that stronger sanctions, backed by the whole international community, would be an effective way to end the rule of the “Al-Qadhafi regime” and initiate the necessary political transition.¹⁷⁴

Case 13

The situation in the Middle East

At its 6627th meeting, on 4 October 2011, under the agenda item “The situation in the Middle East”, the Security Council discussed the situation in Syria but failed to adopt a draft resolution¹⁷⁵ on the issue, due to the negative votes cast by two permanent members.¹⁷⁶ Under the draft resolution, the Council would have expressed its concern at

¹⁷¹ Ibid., p.10.

¹⁷² Ibid., p. 7.

¹⁷³ Ibid., p. 6.

¹⁷⁴ Ibid., p. 5.

¹⁷⁵ [S/2011/612](#).

¹⁷⁶ Russian Federation, China. For more information, see Part I, sect. ... with regard to the situation in the Middle East.

the continuing deterioration of the situation in Syria and the potential for further escalation of the violence, strongly condemned the grave and systematic human rights violations taking place, and demanded that the Syrian authorities immediately end all violence. Additionally, the resolution would have requested the Secretary-General to report on the implementation of the resolution within 30 days, upon which the Council would consider its options, including the possibility of imposing measures under Article 41 of the Charter.

Following the vote, those who had voted in favour of its adoption expressed their disappointment at the Council's failure to send a collective message of condemnation to the Syrian authorities.¹⁷⁷ The representative of France said that since the Syrian authorities had not responded to diplomatic efforts, and confronted by the risk of regional instability, a "united response" from the international community was necessary. He further noted that in preparing the draft resolution, every effort had been made by the sponsors to understand the concerns of some members of the Council who opposed the imposition of sanctions, and to prepare a unanimous response, particularly by agreeing to withdraw the proposed sanctions.¹⁷⁸ The representative of the United Kingdom agreed, and said that, by including reference to Article 41 of the Charter, the draft resolution had made it clear that any further steps would be non-military in nature, and expressed deep disappointment that despite the efforts to reach compromise, the wording of the resolution was still unacceptable to some. In his view, the deterioration in the situation, the disproportionate use of force against civilians and the lack of any sign of reform, meant that the time for "strong Security Council action" was long overdue.¹⁷⁹ The representative of the United States said that the Council had failed to address "an urgent moral challenge and a growing threat to international peace and security", and expressed disappointment that two members had vetoed a draft resolution that made no mention of sanctions. She said it was time for the Council to assume its responsibilities and impose "tough, targeted sanctions and an arms embargo", urging those Governments that had failed to support Council action to change course and to heed the voices of the Syrian

¹⁷⁷ [S/PV.6627](#), pp. 2-3 (France); p. 5 (Portugal); p. 7 (United Kingdom); p. 8 (Colombia); pp. 8-9 (United States); and p. 10 (Germany).

¹⁷⁸ *Ibid.*, pp. 2-3.

¹⁷⁹ *Ibid.*, p. 7.

people.¹⁸⁰ The representative of Germany opined that in failing to adopt the draft resolution, the Council had “failed to live up to its responsibilities under the Charter” and in addition to political dialogue, his delegation would support the imposition of sanctions.¹⁸¹

A number of countries abstained from voting on the draft resolution, expressing discomfort with the threat of sanctions and respect for sovereignty as reasons for their abstention.¹⁸² The representative of India, while expressing concern at the unfolding events in Syria, believed that engaging Syria in a “collaborative and constructive dialogue” was the only pragmatic and productive way forward.¹⁸³ The representative of South Africa expressed concern at the sponsors’ intention to impose punitive measures that would have “pre-judged” the resolution’s implementation, arguing that these provisions were designed as a “prelude to further actions”.¹⁸⁴ Having voted against the draft resolution, the representative of the Russian Federation deemed unacceptable the “threat of an ultimatum and sanctions” against the Syrian authorities as a contravention of the principle of a peaceful settlement of the crisis, on the basis of a full Syrian national dialogue.¹⁸⁵ The representative of China, in explaining his reasons for voting against the adoption of the resolution, argued that sanctions, or the threat thereof, would not help to resolve the crisis in Syria and could instead further complicate the situation. He expressed his regret and disappointment that this “major and legitimate concern” did not receive due attention from the sponsors of the draft, which he felt exerted undue pressure on Syria. He expressed his country’s preference for supporting mediation efforts of the relevant countries and organizations in the region.¹⁸⁶ The representative of Syria rejected the discourse of the sponsors of the draft resolutions, remarking that certain parties opposed Syria based on unfounded pretexts, including the pretext of maintaining international peace and security.¹⁸⁷

¹⁸⁰ *Ibid.*, pp. 8-9.

¹⁸¹ *Ibid.*, p. 10.

¹⁸² *Ibid.*, pp. 6-7 (India); p. 9 (Lebanon); p. 11 (South Africa); and pp. 11-12 (Brazil).

¹⁸³ *Ibid.*, pp. 6-7.

¹⁸⁴ *Ibid.*, p. 11.

¹⁸⁵ *Ibid.*, pp. 3-4.

¹⁸⁶ *Ibid.*, p. 5.

¹⁸⁷ *Ibid.*, pp. 12-14.

Section 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 covers the practice of the Security Council in relation to Article 42 of the Charter, regarding the authorization of the use of force by peacekeeping operations and multinational forces, as well as interventions by regional organizations.¹⁸⁸

During the period under review, the Council authorized the use of force under Chapter VII of the Charter, relating to the maintenance or restoration of international peace and security by several peacekeeping missions and multinational forces in Afghanistan, Bosnia and Herzegovina, Chad, Central African Republic and the subregion, Côte d'Ivoire, the Democratic Republic of the Congo, the Middle East, the Sudan (including Darfur and Abyei areas), South Sudan and Somalia. The Council authorized enforcement action for the two newly-established peacekeeping operations: the United Nations Interim Security Force for Abyei (UNISFA) and the United Nations Mission in the Republic of South Sudan (UNMISS).

The section is divided into two sub-sections. Sub-section A outlines decisions of the Council authorizing enforcement action under Chapter VII of the Charter. Sub-section

¹⁸⁸ The Council's authorization of the use of force by regional organizations is covered in Part VIII (Regional Arrangements). The authorization of the use of force by peacekeeping operations is also covered in Part X in the context of mandates of peacekeeping operations.

B covers discussions of the Council that can be considered relevant to Article 42, and contains three case studies: in connection with the situation in Libya (case 14); and also in connection with thematic issues: the protection of civilians in armed conflict (case 15) and the maintenance of international peace and security (case 16).

A. Decisions of the Security Council relating to Article 42

During the period under review, there were no instances where Article 42 was explicitly mentioned in the decisions of the Council. However, in some instances, the Council adopted several resolutions under Chapter VII of the Charter which authorized peacekeeping missions and multinational forces, including those deployed by regional organizations, to use “all necessary measures”, “all necessary means” or “all necessary action” relating to the maintenance or restoration of international peace and security. Specifically, enforcement actions that could be considered to be under Article 42 were authorized by the Council in connection with a broad range of mandated tasks, including the protection of civilians and civilian populated areas under threat of attack; enforcing compliance with the ban on flights; monitoring and ensuring implementation of arms embargo imposed by the Council; protection of United Nations personnel and facilities as well as humanitarian personnel; protection for transitional and interim Governments to maintain and/or create a secure environment; supporting the implementation of peace agreements; and allowing missions to defend themselves from attacks or threat of attacks.¹⁸⁹

In connection with the situation in Libya, the Council authorized Member States, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take “all necessary measures” to protect civilians and civilian-populated areas under threat of attack in the country.¹⁹⁰ The Council also authorized Member States to take “all measures necessary” to enforce compliance with the no-fly zone, in order to help better protect civilians.¹⁹¹ Previously,

¹⁸⁹ For detailed mandates of individual peacekeeping operations, see Part X.

¹⁹⁰ [Resolution 1973 \(2011\)](#), para. 4.

¹⁹¹ *Ibid.*, para. 8.

by [resolution 1970 \(2011\)](#), the Council authorized a range of measures under Article 41, including calling upon States to inspect all cargo to and from Libya in their territory.¹⁹² By [resolution 1973 \(2011\)](#) however, the Council decided to replace the text of paragraph 11 of resolution 1970 (2011), by further authorizing States to “use all measures” commensurate to carry out strict implementation of the arms embargo to inspect in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from Libya.¹⁹³

During the period, there were also several instances where decisions relevant to Article 42 were adopted in connection with the mandates of United Nations peacekeeping missions. The Council, inter alia, authorized UNISFA to take the “actions necessary” to ensure security in the Abyei Area and protect civilians under imminent threat of physical violence.¹⁹⁴ The Council also authorized UNMISS to use “all necessary means” to carry out its protection mandate as set out in paragraphs 3 (b) (iv), 3 (b) (v), and 3 (b) (vi) of [resolution 1996 \(2011\)](#).¹⁹⁵ Furthermore, the Council re-authorized enforcement action for UNOCI,¹⁹⁶ the African Union/United Nations Hybrid operation in Darfur (UNAMID),¹⁹⁷ the United Nations Organization Mission in the Democratic Republic of the Congo (MONUSCO)¹⁹⁸ and the United Nations Mission in the Sudan (UNMIS).¹⁹⁹

Although decisions during the period under review did not contain specific provisions authorizing the use of force in connection with UNMIS, UNOCI and UNAMID, the Council renewed the mandates of each mission, including authorization of the use of force, which had previously been mandated by [resolutions 1706 \(2006\)](#), [1739 \(2007\)](#) and [1769 \(2007\)](#), respectively.

While not explicitly invoking Chapter VII, the Council determined that the situation in Lebanon constituted “a threat to international peace and security”, and reaffirmed the authority of the United Nations Interim Force in Lebanon (UNIFIL) to

¹⁹² [Resolution 1970 \(2011\)](#) para. 11.

¹⁹³ [Resolution 1973 \(2011\)](#), para. 13.

¹⁹⁴ [Resolution 1990 \(2011\)](#), para. 3.

¹⁹⁵ [Resolution 1996 \(2011\)](#), paras. 3 and 4.

¹⁹⁶ [Resolutions 1911 \(2010\)](#), [1924 \(2010\)](#), [1933 \(2010\)](#), [1962 \(2010\)](#) and [1981 \(2011\)](#).

¹⁹⁷ [Resolutions 1935 \(2010\)](#) and [2003 \(2011\)](#).

¹⁹⁸ [Resolutions 1925 \(2010\)](#) and [1991 \(2011\)](#).

¹⁹⁹ [Resolutions 1919 \(2010\)](#) and [1978 \(2011\)](#).

take “all necessary action” to ensure that its area of operations was not utilized for hostile activities of any kind.²⁰⁰

The Council twice extended its prior authorization of the United Nations Mission in the Central African Republic and Chad (MINURCAT) to use “all necessary means” and to contribute to protecting civilians in danger, as set out in [resolution 1861 \(2009\)](#).²⁰¹ By [resolution 1923 \(2010\)](#) of 25 May 2010, following a request from the representative of Chad to the President of the Council declaring the ability of the country to assume the full responsibility for the security and protection of the civilian population and calling for a gradual withdrawal of the Mission’s military component,²⁰² the Council reduced the military component of MINURCAT and set out a timeline for the final withdrawal of all Mission personnel. The Council also removed measures that could be considered as being under Article 42 from the mandate of the Mission.

Several decisions that could be considered as being under Article 42 were adopted in connection with the mandate of multinational forces. In connection with Afghanistan, the Council continued to authorize the Member States participating in the International Security Assistance Force (ISAF) already deployed in the country to take “all necessary measures” to fulfil its mandate.²⁰³ In connection with Bosnia and Herzegovina, the Council also continued to authorize the Member States, at the request of either the European Union military operation or the North Atlantic Treaty Organization (NATO) to take “all necessary measures” to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement.²⁰⁴ In connection with Somalia, the Council also continued its authorization of the African Union in Somalia (AMISOM) to take all “necessary measures” to carry out its mandate.²⁰⁵ In connection with Côte d’Ivoire, the Council also extended, on several occasions, the authorization of the French

²⁰⁰ [Resolutions 1937 \(2010\)](#), tenth preambular paragraph and [2004 \(2011\)](#), thirteenth preambular paragraph.

²⁰¹ [Resolutions 1913 \(2010\)](#), para. 1 and [1922 \(2010\)](#), para. 1.

²⁰² [S/2010/250](#).

²⁰³ [Resolutions 1943 \(2010\)](#), paras. 1 and 2 and [2011 \(2011\)](#) paras. 1 and 2.

²⁰⁴ [Resolutions 1948 \(2010\)](#), para. 14 and [2019 \(2011\)](#) paras. 14 and 15.

²⁰⁵ [Resolutions 1910 \(2010\)](#), para. 1, [1964 \(2010\)](#), para. 1 and [2010 \(2011\)](#), para. 1.

forces to use “all necessary means” in order to support the mission deployed in Côte d’Ivoire.²⁰⁶

The Council also authorized Member States cooperating with the Transitional Federal Government to continue using “all necessary means” to repress acts of piracy and armed robbery at sea, as set out in paragraph 10 of [resolution 1846 \(2008\)](#) and paragraph 6 of [resolution 1851 \(2008\)](#), to prevent piracy off the coast of Somalia.²⁰⁷

This section covers only the decisions of the Council related to the authorization of the use of force. Decisions concerning the implementation of those enforcement measures are captured in section V, which deals with the command and deployment of military forces in accordance with Articles 43 to 45.

Table 35

Decisions authorizing the use of force of United Nations peacekeeping missions and multinational forces, including those deployed by regional organizations

<i>Decision and date</i>	<i>Provision</i>
Reports of the Secretary-General on the Sudan	
Resolution 1935 (2010) 30 July 2010	<i>African Union-United Nations Hybrid Operation in Darfur (UNAMID)</i> Decides to extend the mandate of the African Union-United Nations Hybrid Operation in Darfur as set out in resolution 1769 (2007) of 31 July 2007 for a further twelve months, until 31 July 2011 (para. 1)
Resolution 2003 (2011) 29 July 2011	<i>African Union-United Nations Hybrid Operation in Darfur (UNAMID)</i> Decides to extend the mandate of the African Union-United Nations Hybrid Operation in Darfur as set out in resolution 1769 (2007) of 31 July 2007 for a further twelve months, until 31 July 2012 (para. 1)
Resolution 1990 (2011) 27 June 2011	<i>United Nations Interim Security Force for Abyei (UNISFA)</i> Acting under Chapter VII of the Charter of the United Nations, authorizes the Force, within its capabilities and its area of deployment, to take the actions necessary: (a) To protect Force personnel, facilities, installations and equipment; (b) To protect United Nations personnel, facilities, installations and equipment; (c) To ensure the security and freedom of movement of United Nations personnel, humanitarian personnel and members of the Joint Military Observation Committee and Joint Military Observer Teams; (d) Without prejudice to the responsibilities of the relevant authorities, to protect civilians in the Abyei Area under imminent threat of physical violence; (e) To protect the Abyei Area from incursions by unauthorized elements, as defined in the Agreement; and (f) To ensure security in the Abyei Area (para. 3)

²⁰⁶ [Resolutions 1911 \(2010\)](#), para. 17, [1924 \(2010\)](#), para. 2, [1933 \(2010\)](#), para. 24, [1962 \(2010\)](#), para 17 and [2000 \(2011\)](#), para 17.

²⁰⁷ [Resolutions 1950 \(2010\)](#), para. 7 and [2010 \(2011\)](#) para. 1.

<i>Decision and date</i>	<i>Provision</i>
Resolution 1996 (2011) 8 July 2011	<i>United Nations Mission in the Republic of South Sudan (UNMISS)</i> Authorizes the Mission to use all means necessary, within the limits of its capacity and in the areas where its units are deployed, to carry out its protection mandate as set out in paragraphs 3 (b) (iv) to (vi) (para. 4)
Resolution 1919 (2010) 29 April 2010	<i>United Nations Mission in the Sudan (UNMIS)</i> Decides to extend the mandate of the United Nations Mission in the Sudan until 30 April 2011, with the intention to renew it for further periods as may be required (para. 1)
Resolution 1978 (2011) 27 April 2011	<i>United Nations Mission in the Sudan (UNMIS)</i> Decides to extend until 9 July 2011 the mandate of the United Nations Mission in the Sudan as set out in resolution 1590 (2005) of 24 March 2005 (para. 1)
The situation in Afghanistan	
Resolution 1943 (2010) 13 October 2010	Authorizes the Member States participating in the International Security Assistance Force to take all measures necessary to fulfil its mandate (para. 2)
Resolution 2011 (2011) 12 October 2011	Authorizes the Member States participating in the International Security Assistance Force to take all necessary measures to fulfil its mandate (para. 2)
The situation in Bosnia and Herzegovina	
Resolution 1948 (2010) 18 November 2010	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, and stresses that the parties shall continue to be held equally responsible for the compliance with those annexes and shall be equally subject to such enforcement action by the European Union Force and the North Atlantic Treaty Organization presence as may be necessary to ensure the implementation of those annexes and the protection of the European Union Force and the North Atlantic Treaty Organization presence (para. 14) Authorizes Member States to take all necessary measures, at the request of either the European Union Force or the North Atlantic Treaty Organization Headquarters, in defence of the European Union Force or the North Atlantic Treaty Organization presence respectively, and to assist both organizations in carrying out their missions, and recognizes the right of both the European Union Force and the North Atlantic Treaty Organization 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 above, 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)
Resolution 2019 (2011) 16 November 2011	Authorizes the Member States acting under paragraphs 10 and 11 above to take all measures necessary to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement, and stresses that the parties shall continue to be held equally responsible for the compliance with those annexes and shall be equally subject to such enforcement action by the European Union Force-Althea and the North Atlantic Treaty Organization presence as may be necessary to ensure the implementation of those annexes and the protection of the European Union Force-Althea and the North Atlantic Treaty Organization presence (para. 14) Authorizes Member States to take all necessary measures, at the request of either the European Union Force-Althea or the North Atlantic Treaty Organization Headquarters, in defence of the European Union Force-Althea or the North Atlantic Treaty Organization presence respectively, and to assist both organizations in carrying out their missions, and recognizes the right of both the European Union Force-Althea and the North Atlantic Treaty Organization presence to take all measures necessary to defend themselves from attack or threat of attack (para. 15)

<i>Decision and date</i>	<i>Provision</i>
	Authorizes the Member States acting under paragraphs 10 and 11 above, in accordance with annex 1-A of the Peace Agreement, to take all measures necessary 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)
The situation in Chad, the Central African Republic and the subregion	
Resolution 1913 (2010) 12 March 2010	Decides to extend until 15 May 2010 the mandate of the United Nations Mission in the Central African Republic and Chad as set out in resolution 1861 (2009) (para. 1)
Resolution 1922 (2010) 12 May 2010	Decides to extend until 26 May 2010 the mandate of the United Nations Mission in the Central African Republic and Chad as set out in resolution 1861 (2009) and extended by resolution 1913 (2010) (para. 1)
The situation concerning the Democratic Republic of the Congo	
Resolution 1925 (2010) 28 May 2010	Emphasizes that the protection of civilians must be given priority in decisions about the use of available capacity and resources, and 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 its protection mandate as set out in paragraphs 12 (a) to (k) and (t) below (para. 11)
Resolution 1991 (2011) of 28 June 2011	Decides to extend until 30 June 2012 the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo as set out in paragraphs 2, 11 and 12 (a) to (p) and (r) to (t) of resolution 1925 (2010) of 28 May 2010, reaffirms that the protection of civilians must be given priority in decisions about the use of available capacity and resources, and encourages further the use of innovative measures implemented by the Mission in the protection of civilians (para. 1)
The situation in Côte d'Ivoire	
Resolution 1911 (2010) 28 January 2010	Decides to renew the mandate of the United Nations Operation in Côte d'Ivoire, as determined in resolution 1739 (2007) of 10 January 2007, until 31 May 2010, in particular to support the organization in Côte d'Ivoire of open, free, fair and transparent elections (para. 14) Decides to extend until 31 May 2010 the authorization that it provided to the French forces in order to support the United Nations Operation in Côte d'Ivoire, within the limits of their deployment and their capabilities (para. 20)
Resolution 1924 (2010) 27 May 2010	Decides to extend until 30 June 2010 the mandate of the United Nations Operation in Côte d'Ivoire as determined in resolution 1739 (2007) of 10 January 2007 (para. 1) Decides also to extend until 30 June 2010 the authorization that the Security Council provided to the French forces in order to support the United Nations Operation in Côte d'Ivoire, within the limits of their deployment and their capabilities (para. 2)
Resolution 1933 (2010) 30 June 2010	Authorizes the United Nations Operation in Côte d'Ivoire to use all necessary means to carry out its mandate, within its capabilities and its areas of deployment (para. 17) Decides to extend until 31 December 2010 the authorization that the Council provided to the French forces in order to support the United Nations Operation in Côte d'Ivoire, within the limits of their deployment and their capabilities (para. 24)
Resolution 1962 (2010) 20 December 2010	Recalls its authorization given to the United Nations Operation in Côte d'Ivoire to use all necessary means to carry out its mandate, within its capabilities and its areas of deployment (para. 14) Decides to extend until 30 June 2011 the authorization that the Security Council provided to the French forces in order to support the United Nations Operation in Côte d'Ivoire, within the limits of their deployment and their capabilities (para. 17)
Resolution 1967 (2011) 19 January 2011	Reiterates its authorization and its full support given to the Special Representative of the Secretary-General for Côte d'Ivoire to use all means necessary to carry out the mandate of the United Nations Operation in Côte d'Ivoire, including protection of civilians, and to ensure its freedom of movement, within its capabilities and its areas of deployment (para. 8)

<i>Decision and date</i>	<i>Provision</i>
Resolution 1975 (2011) 30 March 2011	Recalls its authorization and stresses its full support given to the United Nations Operation in Côte d'Ivoire, while impartially implementing its mandate, to use all means necessary to carry out its mandate to protect civilians under imminent threat of physical violence, within its capabilities and its areas of deployment, including to prevent the use of heavy weapons against the civilian population, and requests the Secretary-General to keep it urgently informed of measures taken and efforts made in this regard (para. 6)
Resolution 1981 (2011) 13 May 2011	Decides to extend until 31 July 2011 the mandate of the United Nations Operation in Côte d'Ivoire as set out in resolutions 1933 (2010) , 1962 (2010) and 1975 (2011) (para. 1)
Resolution 2000 (2011) 27 July 2011	Decides to continue its authorization given to the United Nations Operation in Côte d'Ivoire to use all means necessary to carry out its mandate, within its capabilities and its areas of deployment, pursuant to resolutions 1933 (2010) and 1962 (2010) (para. 8)
	Decided to extend until 31 July 2012 the authorization that the Council provided to the French forces in order to support the United Nations Operation in Côte d'Ivoire, within the limits of their deployment and their capabilities (para. 17)

The situation in Libya

Resolution 1973 (2011) 17 March 2011	Authorizes Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011) , to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory, and requests the Member States concerned to inform the Secretary-General immediately of the measures they take pursuant to the authorization conferred by the present paragraph which shall be immediately reported to the Security Council (para. 4)
	Authorizes Member States that have notified the Secretary-General of the United Nations and the Secretary General of the League of Arab States, acting nationally or through regional organizations or arrangements, to take all measures necessary to enforce compliance with the ban on flights imposed by paragraph 6 above, as necessary, and requests the States concerned, in cooperation with the League of Arab States, to coordinate closely with the Secretary-General of the United Nations on the measures they are taking to implement this ban, including by establishing an appropriate mechanism for implementing the provisions of paragraphs 6 and 7 above (para. 8)
	Decides that paragraph 11 of resolution 1970 (2011) shall be replaced by the following paragraph: “Calls upon all Member States, in particular States of the region, acting nationally or through regional organizations or arrangements, in order to ensure strict implementation of the arms embargo established by paragraphs 9 and 10 of resolution 1970 (2011) , to inspect in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from the Libyan Arab Jamahiriya, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of resolution 1970 (2011) as modified by the present resolution, including the provision of armed mercenary personnel, calls upon all flag States of such vessels and aircraft to cooperate with such inspections and authorizes Member States to use all measures commensurate to the specific circumstances to carry out such inspections” (para. 13)

The situation in Somalia

Resolution 1910 (2010) 28 January 2010	Decides to authorize the States members of the African Union to maintain until 31 January 2011 the African Union Mission in Somalia, which shall be authorized to take all measures necessary to carry out its existing mandate, as set out in paragraph 9 of resolution 1772 (2007) of 20 August 2007 (para. 1)
Resolution 1950 (2010) 23 November 2010	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 further period of twelve 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) , as renewed by

<i>Decision and date</i>	<i>Provision</i>
	resolution 1897 (2009) , 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)
Resolution 1964 (2010) 22 December 2010	Decides to authorize the States members of the African Union to maintain the deployment until 30 September 2011 of the African Union Mission in Somalia, which shall be authorized to take all measures necessary to carry out its existing mandate, as set out in paragraph 9 of resolution 1772 (2007) of 20 August 2007 (para. 1)
Resolution 2010 (2011) 30 September 2011	Decides to authorize the States members of the African Union to maintain the deployment until 31 October 2012 of the African Union Mission in Somalia, which shall be authorized to take all measures necessary to carry out its existing mandate, as set out in paragraph 9 of resolution 1772 (2007) of 20 August 2007, and requests the African Union to urgently increase its force strength to its mandated level of 12,000 uniformed personnel, thereby enhancing its ability to carry out its mandate (para. 1)
Resolution 2020 (2011) 22 November 2011	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 off the coast of Somalia, and decides to renew for a further period of twelve 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) , as renewed by paragraph 7 of resolution 1897 (2009) and paragraph 7 of resolution 1950 (2010) , 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. 9)
The situation in the Middle East	
Resolution 1937 (2010) 30 August 2010	Decides to extend the present mandate of the United Nations Interim Force in Lebanon until 31 August 2011 (para. 1)
Resolution 2004 (2011) 30 August 2011	Decides to extend the present mandate of the United Nations Interim Force in Lebanon until 31 August 2012 (para. 1)

B. Discussion relating to Article 42

This sub-section highlights issues considered relevant to Article 42 and the authorization of the use of force that were raised in the discussions of the Council. Discussions relevant to Article 42 took place in connection with the situation in Libya (case 14), as well as in two thematic items: in connection with the protection of civilians in armed conflict (case 15) and the maintenance of international peace and security (case 16).

It should be noted that the present section only covers debates and discussions of the Council related to the authorization of the use of force. Debates and discussions on

the implementation of those enforcement measures are captured in section V, which deals with the command and deployment of military forces in accordance with Articles 43 to 45.

Case 14

The situation in Libya

At the 6498th meeting on 17 March 2011, under the item entitled “The situation in Libya”, the Council adopted [resolution 1973 \(2011\)](#) by which it authorized Member States to take all necessary measures to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, while excluding a foreign occupation force of any form on any part of Libyan territory.²⁰⁸ The Council also authorized Member States that had notified the Secretary-General of the United Nations and the Secretary-General of the League of Arab States, acting nationally or through regional organizations or arrangements, to take all measures necessary to enforce compliance with the ban on flights.²⁰⁹ By the same resolution, the Council also authorized Member States to use all measures commensurate to carry out implementation of the arms embargo to inspect in their territory vessels and aircraft bound to or from Libya.²¹⁰

Speaking before the vote, the representative of France called for the members of the Council to vote in favour of the draft resolution, stressing that it provided the means to protect the civilian population by establishing a no-fly zone and by authorizing Member States to take measures necessary to implement its provisions.²¹¹ Following the adoption of the resolution, several speakers expressed their support for the text.²¹² Many speakers noted the request of the League of Arab States²¹³ for the Council to establish a no-fly zone and to implement necessary measures to ensure the protection of the Libyan

²⁰⁸ [Resolution 1973 \(2011\)](#), para. 4.

²⁰⁹ *Ibid.*, para. 8.

²¹⁰ *Ibid.*, para. 13.

²¹¹ [S/PV.6498](#), p. 3.

²¹² *Ibid.*, p. 7 (Colombia); p. 8 (Portugal); p. 9 (Nigeria); and p. 10 (South Africa).

²¹³ [S/2011/137](#).

people. The representative of the United States said that [resolution 1973 \(2011\)](#) was a powerful response to the call of the League of Arab States for the Council to authorize the measures necessary to protect civilians and to the urgent needs on the ground.²¹⁴ The representative of Colombia pointed out that the Council had effectively responded to an express request made by a regional organization. Furthermore he commended the League of Arab States, which instead of acting on its own had called for the Council to exercise the functions assigned to it by the Charter.²¹⁵ Similarly, the representative of the United Kingdom welcomed the fact that the Council had acted comprehensively in response to the deteriorating situation in Libya.²¹⁶ The representative of Portugal believed that the resolution would fulfill its essential objectives, including, establishing an immediate ceasefire and protecting civilians while guaranteeing the country's sovereignty, territorial integrity and national unity.²¹⁷

Five Council members abstained from voting on [resolution 1973 \(2011\)](#).²¹⁸ In explaining his decision not to vote for the draft resolution, the representative of Germany urged the Council to consider the potential negative implications as well as limitations of using military force, and emphasized that the likelihood of large-scale loss of life should not be underestimated.²¹⁹ The representative of India said that by adopting resolution 1973 (2011), the Council had authorized far-reaching measures under Chapter VII, with relatively little credible information on the situation on the ground in Libya. He also said that the Council did not have clarity about details of enforcement measures, including participants, assets or implemented measures.²²⁰ The representative of Brazil stated that she was not convinced that the use of force as provided for in paragraph 4 of resolution 1973 (2011) would lead to the immediate end to violence and the protection of civilians. She also stressed that such measures may have the unintended effect of exacerbating tensions on the ground causing more harm than good to the civilian population.²²¹ The

²¹⁴ [S/PV.6498](#), p. 5.

²¹⁵ *Ibid.*, pp. 7-8.

²¹⁶ *Ibid.*, p. 4.

²¹⁷ *Ibid.*, p. 9.

²¹⁸ Brazil, China, Germany, India and the Russian Federation abstained.

²¹⁹ [S/PV.6498](#), p. 5.

²²⁰ *Ibid.*, p. 6.

²²¹ *Ibid.*, p. 6.

representatives of the Russian Federation and China expressed regret that questions concerning provisions of the resolution regarding the use of force had not been answered.²²² In that regard, the representative of the Russian Federation said that the questions he had raised were concrete, legitimate and relevant to the enforcement mechanism of a no-fly zone, the rules of engagement and the limits on the use of force. While expressing regret that the “passion” of some Council members for methods involving force prevailed, he said that the Russian Federation had chosen not to veto the resolution despite being convinced that the ceasefire and a peaceful settlement of the situation in Libya were essential to protecting civilian population.²²³ The representative of China reiterated that although his country was against the use of force in international relations, he attached importance to the position of the League of Arab States on the establishment of a no-fly zone, as well as the position of the African Union, and therefore had decided to abstain from voting on [resolution 1973 \(2011\)](#).²²⁴

At the 6528th meeting on 4 May 2011, the representative of the Russian Federation, expressed concern regarding the growing number of civilian casualties, some of which had occurred as a result of the actions of NATO-lead coalition forces, and emphasized that any use of force by NATO in Libya should be carried out in strict compliance with resolution 1973 (2011).²²⁵

Case 15

Protection of civilians in armed conflict

At the 6531st meeting on 10 May 2011, the Council held an open debate under the item entitled “Protection of civilians in armed conflict”. The Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator noted that the adoption of [resolution 1973 \(2011\)](#), the authorization and the subsequent use of force to protect civilians in Libya had prevented civilian deaths and injuries, but it had also raised

²²² Ibid., p. 8 (Russian Federation); and p. 10 (China).

²²³ Ibid., p. 8.

²²⁴ Ibid., p. 10.

²²⁵ [S/PV.6528](#), p. 9.

concerns in terms of the potential undermining of the protection of civilians agenda, and its important role in providing a framework for action in future crises. She further said that the implementation of the decisions of the Council must be exclusively limited to promoting and ensuring the protection of civilians.²²⁶

During the discussion, speakers raised the question of the conditions and legitimacy of Council-mandated actions intended to protect civilians, including the NATO-led intervention in Libya. Some speakers questioned whether the operation had gone beyond the mandate authorized by the Council and said that it was aimed at changing the regime, rather than protecting civilians.²²⁷ The representative of Cuba said that nothing in [resolution 1973 \(2011\)](#) authorized, under the pretext of humanitarian action of the protection of civilians, the bombing of cities or populated areas resulting in the death of more innocent civilians, the destruction of schools, homes and hospitals and further suffering of the civilian population.²²⁸ Many speakers said that actions to protect civilians must respect the purposes and principles of the Charter, including the sovereignty, independence and territorial integrity of Member States. Furthermore, some speakers said that any decision for military intervention must not be associated with political motives²²⁹ or double standards.²³⁰ The representative of Brazil urged Member States to avoid excessively broad interpretations of the protection of civilians, which could lead to the exacerbation of conflict, compromise the impartiality of the United Nations, or create the perception that it was being used as a pretext for military intervention or regime change.²³¹

Conversely, several speakers voiced their support for the United Nations intervention in Libya as a prompt response to serious violations of international law and the disproportionate use of force against civilians.²³² The representatives of the United Kingdom and the United States said that actions undertaken by the NATO-led coalition

²²⁶ [S/PV.6531](#), p. 4.

²²⁷ *Ibid.*, p. 18 (South Africa); and p. 34 (Nicaragua); [S/PV.6531 \(Resumption 1\)](#), p. 19 (Venezuela).

²²⁸ [S/PV.6531](#), p. 28.

²²⁹ *Ibid.*, p. 10, (India); and p. 18 (South Africa); [S/PV.6531 \(Resumption 1\)](#), p. 28 (Syrian Arab Republic).

²³⁰ [S/PV.6531](#), p. 34 (Nicaragua); and p. 27 (Cuba).

²³¹ *Ibid.*, p. 11.

²³² *Ibid.*, p. 26 (Italy); p. 28 (Switzerland); p. 32 (Japan); and p. 33 (Liechtenstein); [S/PV.6531 \(Resumption 1\)](#), p. 2 (Australia); p. 15 (Croatia); and p. 17 (Austria).

forces were within the bounds of their mandate to enforce the arms embargo and the no-fly zone, and that they had made every effort to avoid civilian casualties.²³³ The representative of France stressed that the Council was obliged to intervene in instances of grave violations of the humanitarian law, war crimes and crimes against humanity and that it had done so by authorizing the forces of the coalition to protect civilians under bombardment ordered by Libyan government forces.²³⁴

Concerning the situation in Côte d'Ivoire, the representative of the United States said that the Council had consistently responded to escalating violence in Côte d'Ivoire by urging the United Nations peacekeeping force in Côte d'Ivoire (UNOCI) to “use all means necessary” to carry out its mandate to protect civilians under threat of attack and to neutralize the threat of heavy weapons as outlined in [resolution 1975 \(2011\)](#). She further concluded that those actions had saved many lives, based on the substantial weapons caches discovered in and around Abidjan.²³⁵ Similarly, several speakers restated their support of the implementation of [resolution 1975 \(2011\)](#) by the United Nations mission in Côte d'Ivoire,²³⁶ and the representative of Gabon expressed his opinion that it had helped to avoid civil war.²³⁷

While acknowledging that his country had originally supported the resolutions authorizing the use of force in Libya and Côte d'Ivoire, the representative of South Africa, nevertheless, expressed concern that those operations had gone “beyond their letter and spirit”, stressing the importance of ensuring that international actors complied with the Charter and of fully respecting the will, sovereignty and territorial integrity of the country concerned.²³⁸

At its 6650th meeting, on 9 November 2011, the representative of the European Union said that in Côte d'Ivoire and Libya, the Council had saved lives by mandating the

²³³ [S/PV.6531](#), p. 8 (United Kingdom); and p. 15 (United States).

²³⁴ *Ibid.*, p. 23.

²³⁵ *Ibid.*, p. 15.

²³⁶ [S/PV.6531](#), p. 8 (United Kingdom); p. 20 (Nigeria); p. 28 (Switzerland); and p. 32 (Japan); [S/PV.6531 \(Resumption 1\)](#), p. 17 (Austria).

²³⁷ [S/PV.6531](#), p. 21.

²³⁸ *Ibid.*, p. 18.

protection of civilians, and urged the Council to take “robust” action in situations of human rights violations in the Syrian Arab Republic.²³⁹

Some speakers said that the protection of civilians was a central part of the work of the Council, noting that when civilians were targeted and national authorities failed to protect them, the Council was duty-bound to intervene.²⁴⁰ The representative of the United Kingdom indicated that the concept of protecting civilians was essential to most United Nations peacekeeping and military operations authorized by the Council. However, to ensure its practical implementation the principle needed to be strengthened by enforcement mechanisms at the domestic and international levels.²⁴¹

Several speakers, however, called for respect for the relevant provisions of the Charter and underlined that the protection of civilians with the use of force should be a last resort.²⁴² The representative of Brazil said that because the United Nations could authorize the use of force, it was under the obligation to fully develop an awareness of the dangers involved in such use, and to set up mechanisms that could provide an objective and detailed assessment of such dangers, as well as ways and means of preventing harm to civilians.²⁴³ The representative of South Africa further emphasized that civilians should not be harmed in the name of protecting civilians, and that the Council’s authorization to use force to protect civilians in Libya had been exploited. He also condemned the actions of NATO in that country, adding that they had gone far beyond the bounds of their mandate, contained in [resolution 1973 \(2011\)](#).²⁴⁴

²³⁹ [S/PV.6650 \(Resumption 1\)](#), p. 8.

²⁴⁰ [S/PV.6650](#), p. 3 (Portugal); and p. 19 (France).

²⁴¹ *Ibid.*, p. 11.

²⁴² [S/PV.6650](#), p. 13 (Bosnia and Herzegovina); and p. 18 (India); [S/PV.6650 \(Resumption 1\)](#), p. 6 (Bangladesh).

²⁴³ [S/PV.6650](#), p. 16.

²⁴⁴ *Ibid.*, p. 22.

Case 16

Maintenance of international peace and security

At the 6621st meeting on 22 September 2011, the Council held an open debate under the item entitled “Maintenance of international peace and security”, with a focus on preventive diplomacy instruments, including early warning, fact-finding, mediation, peacekeeping and peacebuilding. The representative of Colombia said that when the Council acted under Chapter VII, the dispute had already acquired such proportions that it was more complex and more difficult to solve, so much so that the Council was empowered to impose sanctions and even to authorize the use of force. He further said that it would be ideal not to have to resort to Chapter VII, and therefore every effort must be made to strengthen preventive diplomacy and make it more efficient and more agile.²⁴⁵ The representative of India, noting that low-intensity conflict, non-State actors and the terrorist-criminal drug-trafficking nexus threatened international stability and progress, stated that recent developments seemed to indicate an alarming trend towards increased reliance on the use of force as a mechanism for resolving some of these conflicts. He further said that the use of force lead to collateral damage, and in many places, had in fact prolonged conflicts, leading to situations in which the cure turned out to be worse than the disease itself. He emphasized that India was always opposed and would continue to oppose the use of force as the primary reaction to conflicts, and that coercive measures should be avoided and used as a measure of last resort, implemented with extreme care and caution.²⁴⁶ The representative of the United Kingdom noted that the Council had a responsibility to use all means available to prevent conflict and to ensure that it did not escalate. He also said that military action may be necessary, as had proved the case in Libya, but it was a last resort, appropriate only in certain circumstances.²⁴⁷

²⁴⁵ [S/PV.6621](#), p. 5.

²⁴⁶ *Ibid.*, p. 18.

²⁴⁷ *Ibid.*, p. 12.

Section V - Command and deployment of military 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

This section covers the practice of the Security Council in relation to Articles 43 to 45 of the Charter, regarding 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 obligates Member States, at the request of the Council, to make available to it armed forces and other assistance for the purpose of maintaining international peace and security, while Article 44 provides for the involvement of troop-contributing countries in relevant Council discussions. 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.

The section is divided into six sub-sections: sub-sections A, C and E cover the decisions of the Council relevant to Articles 43, 44 and 45, respectively. Sub-sections B, D and F present the discussions of a constitutional nature that can be considered relevant to those Articles.

During the period under review, the Council did not explicitly refer to Article 43 in any of its decisions. The Council did, however, adopt a number of decisions by which it called upon States to provide armed forces and assistance related to enforcement actions by United Nations peacekeeping operations, and which are therefore of relevance to the interpretation of Article 43.

Similarly, the Council did not explicitly refer to Article 44 in any of its decisions. However, there were two instances where statements by the President contained what can be considered as references to Article 44, under the items entitled “Maintenance of international peace and security”,²⁴⁸ and “United Nations peacekeeping operations”,²⁴⁹ respectively.

During the period under review, the Council held a number of meetings that can be considered as references to Article 45.

²⁴⁸ [S/PRST/2010/18](#).

²⁴⁹ [S/PRST/2011/17](#).

There were no communications to the Council which contained an explicit reference to Articles 43 to 45 or provisions contained therein.

A. Decisions of the Security Council relating to Article 43

During the period under review, the Council adopted a number of decisions that implicitly referred to Article 43 of the Charter. In connection with the establishment of the United Nations Interim Security Force for Abyei (UNISFA), the Council called on Member States to ensure the unhindered right of passage to and from Abyei of all personnel, equipment and supplies which were of the official use of the Mission.²⁵⁰ The Council also called for Member States to support the redeployment of forces from UNMIL to UNOCI.²⁵¹ Also, by a statement by the President adopted on 23 September 2010, in connection with the consideration of the role of the Council in maintaining international peace and security, the Council, *inter alia*, encouraged Member States with the necessary capabilities to contribute more police, military and civilian personnel, including female personnel, to United Nations peacekeeping and political missions.²⁵² For more details, see table 36.

Table 36
Calls by the Security Council to provide assistance related to enforcement action

<i>Decision and date</i>	<i>Provision</i>
Maintenance of international peace and security: Ensuring the Security Council's effective role in maintaining international peace and security	
S/PRST/2010/18 23 September 2010	The Council pays tribute to the invaluable role played by the troop- and police-contributing countries in keeping and building a sustainable peace in many volatile parts of the world and reiterates its commitment to strengthen consultations with them, while encouraging Member States with the necessary capabilities to contribute more police, military and civilian personnel, including female personnel, to United Nations peacekeeping and political missions. (para. 12)
Reports of the Secretary-General on the Sudan	
Resolution 1990 (2011) 27 June 2011	Calls upon all Member States to ensure the free, unhindered and expeditious movement to and from Abyei of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles and spare parts, which are for the exclusive and official use of the Force (para. 5)
The situation in Côte d'Ivoire	

²⁵⁰ [Resolution 1990 \(2011\)](#), para. 5.

²⁵¹ [Resolution 1938 \(2010\)](#), para. 6.

²⁵² [S/PRST/2010/18](#), twelfth paragraph.

<i>Decision and date</i>	<i>Provision</i>
Resolution 1962 (2010) 20 December 2010	Affirms its intention to consider authorizing the Secretary-General to redeploy further troops, as may be needed, between the United Nations Mission in Liberia and the United Nations Operation in Côte d'Ivoire on a temporary basis, in accordance with the provisions of its 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. 7)
Resolution 1967 (2011) 19 January 2011	Decides to authorize the immediate deployment of the additional capacities as set out in paragraphs 1, 4 and 5 above, and requests the support of troop- and police-contributing countries in that regard; (para. 7)
Resolution 1968 (2011) 16 February 2011	Requests the support of troop- and police-contributing countries [with regards to the temporary redeployment of troops and resources from the Mission in Liberia to the Mission in Côte d'Ivoire, as per para. 1] (para. 2)

The situation in Liberia

Resolution 1938 (2010) 15 September 2010	Reaffirms its intention to authorize the Secretary-General to redeploy troops, as may be needed, between the Mission and the United Nations Operation in Côte d'Ivoire 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. 6)
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B. Discussion relating to Article 43

During the period under review, in one instance the Council discussed the need for Member States to adequately support and equip United Nations peacekeeping missions, in order to ensure they were able to fulfil the mandates and objectives required of them (case 17). Furthermore, at the 6270th meeting, on 12 February 2010, in connection with transition and exit strategies in United Nations peacekeeping operations, there was one explicit reference to Article 43, which did not give rise to any discussion that could be considered as constitutional in nature. The representative of Bangladesh, citing Article 43, declared that his country was always ready to respond to that call with whatever means and capacity it had.²⁵³

²⁵³ [S/PV.6270 \(Resumption 1\)](#), p. 5.

Case 17

United Nations peacekeeping operations

At the 6603rd meeting on 26 August 2011, under the item entitled “United Nations peacekeeping operations”, the Council held an open debate to take stock of recent progress in peacekeeping operations, and to review the challenges which were impeding further success. Some speakers noted that meeting the demands of modern peacekeeping operations had stretched the capacity of the United Nations peacekeeping operations, and that a lack of resources made it difficult for those peacekeeping missions to adequately fulfil their mandates.²⁵⁴ The representative of the Russian Federation, for example, said that the increased number of complex peacekeeping operations in the past few years had placed ever-growing demands on the resources of the United Nations, which was encountering an unprecedented number of challenges. The representative of Gabon pointed out that missions such as MONUSCO and UNAMID were lacking in logistical and human resources, whether it be aerial, financial or material resources.²⁵⁵ The representative of Portugal said that peacekeeping operations must be provided with the means required to achieve the objectives defined by the Council.²⁵⁶ The representative of India agreed, adding that a lack of resources affected the operational effectiveness of peacekeeping and cast a shadow on the credibility of the Council’s mandates.²⁵⁷ The representative of China expressed hope that those countries able to do so would increase their input and provide the necessary resources and technical guarantees for such peacekeeping operations.²⁵⁸ As an active troop- and police-contributing country, the Philippines noted that the surge in, and increased demand for, peacekeepers was often not matched by the capabilities and resources necessary to meet their peacekeeping

²⁵⁴ [S/PV.6603](#), p. 9 (Gabon); p. 11 (Russian Federation); pp.16- 17 (United States); p. 21 (India); and p. 26 (Republic of Korea); [S/PV.6603 \(Resumption 1\)](#), p. 2 (Australia); pp. 3-4 (Pakistan); p. 6 (Senegal); p. 9 (Uruguay); p. 13 (Malaysia); p. 16 (Philippines); p. 17 (Canada); p. 21 (European Union); p. 27 (Hungary); p. 33 (Ukraine); p. 35 (Tunisia); and p. 37 (Azerbaijan).

²⁵⁵ [S/PV.6603](#), p. 9.

²⁵⁶ *Ibid.*, p. 6.

²⁵⁷ *Ibid.*, p. 21.

²⁵⁸ *Ibid.*, p. 5.

mandates, calling on the Council to ensure that peacekeepers were adequately armed and equipped to enhance their capacity to protect themselves in high-risk areas.²⁵⁹

The representative of South Africa felt that burden-sharing was the key in dealing with the complex challenges of peacekeeping, and in that regard encouraged Member States to generously contribute to all peacekeeping operations, both in personnel and equipment.²⁶⁰ The representative of Bosnia and Herzegovina said that Member States should continue to improve their efforts in responding to requests for the provision of personnel to United Nations peacekeeping operations.²⁶¹

C. Decisions of the Security Council relating to Article 44

During the period under review, the Security Council adopted two statements by the President which could be considered of relevance to Article 44. At the 6389th meeting on 23 September 2010, in connection with the item entitled “Maintenance of international peace and security”, the Council adopted a statement by the President by which it paid tribute to the invaluable role played by troop and police-contributing countries in keeping and building a sustainable peace in many volatile parts of the world, and reiterated its commitment to strengthening consultations with them.²⁶² At the 6603rd meeting on 26 August 2011, in connection with the item entitled “United Nations peacekeeping operations”, the Council adopted a statement by the President by which it stressed the need for improving the communication between the Council, troop and police-contributing countries and the Secretariat, and other stakeholders in accordance with [resolution 1353 \(2001\)](#) to foster a spirit of partnership, cooperation, confidence and mutual trust, and to ensure that the Council had the benefit of the views of those serving in the field when making decisions about peacekeeping mandates.²⁶³

²⁵⁹ [S/PV.6603 \(Resumption 1\)](#), p. 16.

²⁶⁰ [S/PV.6603](#), p. 20.

²⁶¹ *Ibid.*, p. 18.

²⁶² [S/PRST/2010/18](#), para. 12.

²⁶³ [S/PRST/2011/17](#), paras. 6 and 8.

D. Discussion relating to Article 44

During the period under review, there were two instances where the Council discussed its engagement with troop and police-contributing countries. In an open debate dedicated to the working methods of the Council, several speakers encouraged a closer working relationship between the Council and troop-contributing countries, especially with respect to the missions in which they participated (case 18). Furthermore, in its debate on United Nations peacekeeping operations, the Council also discussed the role of troop and police-contributing countries (case 19).

Case 18

Implementation of the note by the President of the Security Council (S/2006/507)

At its 6300th meeting on 22 April 2010, the Council held an open debate to discuss the working methods of the Council and the implementation of the note by the President of the Security Council ([S/2006/507](#)). During the debate, many speakers recognised that greater interaction between troop and police-contributing countries and the Council had been achieved in recent years,²⁶⁴ including through informal interactive dialogues and the establishment of the New Horizon initiative, a consultation process by which the Council could engage troop-contributing countries at least a week in advance of informal consultations of the Council in connection with mission mandates and their renewals.²⁶⁵ The representative of France said that interest had been shown in organizing working meetings with troop and police-contributing countries prior to consultations of the Council, which allowed for a more effective participation of military advisors and specialists in police-related and political issues from the States providing contingents, and which would improve background discussions.²⁶⁶ The representative of Kenya said that

²⁶⁴ [S/PV.6300](#), p. 5 (Mexico); p. 8 (United Kingdom); p. 13 (France); p. 14 (Bosnia and Herzegovina); p. 17 (Gabon); p. 17 (Uganda); and p. 18 (Japan); [S/PV.6300 \(Resumption 1\)](#), p. 3 (Canada); p. 4 (New Zealand); p. 7 (Costa Rica); p. 11 (Uruguay); and p. 15 (Singapore).

²⁶⁵ [S/PV.6300](#), p. 7 (Austria); p. 10 (Lebanon); p. 12 (United States); p. 13 (France); p. 14 (Bosnia and Herzegovina); and p. 25 (Finland).

²⁶⁶ [S/PV.6300](#), p. 13.

as a troop-contributing country, he appreciated the recent efforts that the Council had undertaken to improve interaction with troop-contributing countries. Strengthening cooperation between the Council and troop-contributing countries, he further said, enhanced the possibility for success in peacekeeping operations.²⁶⁷

Other speakers, while recognizing the positive increase in the participation of troop-contributing countries in Council deliberations, felt there was still room for that interaction to be strengthened through more frequent engagement in the Council's open meetings and informal consultations, in order to better hear and consider the views of those countries.²⁶⁸ The representative of Brazil said that consultations between the Council and troop-contributing countries be held as early as possible in the negotiation of mandate renewals for peacekeeping missions, so that the views of troop-contributing countries could be considered by the Council fully and in a timely manner.²⁶⁹ The representative of Canada said that in the past year there had been a noticeable improvement in the quality of the consultations with troop-contributing countries, in particular in the scheduling of consultations so that they could occur before the decision of the Council concerning the mandate of the Mission had already been taken. He said that this allowed for the Council to benefit from the significant experience of the troop-contributing countries and also ensure that there was broad support for Council decisions.²⁷⁰ The representative of New Zealand said that recent discussions in connection with Chad demonstrated that key troop-contributing countries were unable to participate meaningfully in timely and sustained high-level consultations with Council members, and in that regard advocated the creative use of Council meeting formats such as informal interactive dialogues.²⁷¹ The representative of Jordan called for the full and effective implementation of [resolution 1353 \(2001\)](#) and the statement by the President of 5 August 2009, which provided a framework for cooperation between the Council, troop-contributing countries, and the Secretariat. He said that the consultation mechanism and

²⁶⁷ [S/PV.6300 \(Resumption 1\)](#), p. 19.

²⁶⁸ [S/PV.6300](#), p. 3 (Turkey); p. 15 (Brazil); p. 30 (Italy); p. 34 (South Africa); and p. 35 (Slovenia); [S/PV.6300 \(Resumption 1\)](#), p. 4 (New Zealand); p. 10 (India); p. 16 (Ukraine); p. 20 (Namibia); p. 21 (Czech Republic); and p. 27 (Pakistan).

²⁶⁹ [S/PV.6300](#), p. 15.

²⁷⁰ [S/PV.6300 \(Resumption 1\)](#), p. 3.

²⁷¹ *Ibid.*, p. 4.

the detailed procedures laid out in those reference documents should be optimally utilized so as to forge a stronger relationship between the Council and troop-contributing countries.²⁷²

Case 19

United Nations peacekeeping operations

At its 6603rd meeting on 26 August 2011, in connection with United Nations peacekeeping operations, the Council convened an open debate under the sub-agenda item entitled “Peacekeeping: taking stock and preparing for the future”. Several speakers suggested the need for greater cooperation and communication amongst the Security Council and troop and police-contributing countries. For example, the representatives of Colombia and France offered support for Council initiatives that sought to improve and enhance the communication and cooperation between the Council – the organ which plans and adopts mandates for peacekeeping operations – and those that must implement them,²⁷³ while the representatives of Nigeria and Germany added that the Council should find a better system for seeking information and benefitting from the experiences of troop-contributing countries and police-contributing countries, in the deliberations on and design of peacekeeping missions.²⁷⁴ The representatives of Lebanon, Brazil, Bosnia and Herzegovina and South Africa all pointed to the triangular partnership between the Security Council, the Secretariat and troop-contributing and police-contributing countries, the cooperation of which was a key factor in the success of United Nations Peacekeeping.²⁷⁵ The representative of Gabon said that regular exchanges with troop-contributing countries would allow the Council to better understand the situation on the ground and to make better decisions, and in that regard welcomed the participation of Force Commanders at a previous meeting of the Council.²⁷⁶ The representative of the

²⁷² [S/PV.6300](#), p. 31.

²⁷³ [S/PV.6603](#), p. 8 (Colombia); and p. 12 (France).

²⁷⁴ *Ibid.*, p. 4 (Nigeria); and p. 18 (Germany).

²⁷⁵ *Ibid.*, p. 13 (Lebanon); p. 15 (Brazil); pp. 17-18 (Bosnia and Herzegovina); and p. 20 (South Africa).

²⁷⁶ *Ibid.*, p. 9.

United States said that he was pleased that the draft statement by the President called for concrete measures to enhance the consultations of the Council with troop and police-contributing countries, and sought more regular input from force commanders, police commissioners and other uniformed personnel in the field, as it could provide the Council with a critical understanding of the challenges and realities they faced on the ground.²⁷⁷ Similarly, the representative of the United Kingdom said that the draft statement would add important new ways to strengthen the relationship between troop and police-contributing countries, the Secretariat and the Council in its consideration of peacekeeping mandates.²⁷⁸ The representative of the Russian Federation said that there was a need for ongoing dialogue between the Council and troop-contributing countries on all aspects of the work of peacekeeping operations, including at the planning and mandate-development stages. He further said that interaction with troop-contributing countries would allow the Council to develop clearer and more realistic peacekeeping goals, with strict monitoring of their implementation, and to curb attempts to broaden their interpretation.²⁷⁹

E. Decisions of the Security Council relating to the provision of air-force contingents by Member States in accordance with Article 45

During the period under review, in two decisions regarding the Democratic Republic of the Congo, the Council requested MONUSCO²⁸⁰ to keep a reserve force capable of redeploying rapidly in the country within its mandated strength, and in that regard, called on Member States to pledge and provide the remaining force enablers required for the Mission to fulfil its mandate.²⁸¹ Similarly, regarding Darfur, the Council

²⁷⁷ *Ibid.*, p. 16.

²⁷⁸ *Ibid.*, p. 10.

²⁷⁹ *Ibid.*, p. 12.

²⁸⁰ By [resolution 1925 \(2010\)](#) of 28 May 2010, the Council changed the name of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to the United Nations Organization Stabilization Mission in the Democratic Republic of Congo (MONUSCO). For more information, see part X.

²⁸¹ [Resolutions 1925 \(2010\)](#), para. 19, and [1991 \(2011\)](#), paras. 10 and 22.

adopted [resolution 1935 \(2010\)](#), by which it called on Member States to contribute force enablers including military utility helicopters to assist UNAMID.²⁸²

Table 37 lists the decisions during the period where the Council called upon Member States to contribute various types of air-force contingents required by peacekeeping operations.

Table 37
Calls for the provision of air-force contingents by Member States

<i>Decision and date</i>	<i>Provision</i>
Reports of the Secretary-General on the Sudan	
Resolution 1935 (2010) 30 July 2010	Commends the contribution of troop- and police-contributing countries and donors to the African Union-United Nations Hybrid Operation in Darfur, notes that the Operation is nearing full deployment, underlines the need for capable units able to carry out the Operation's mandated tasks, in this regard requests the continuing assistance of donors to troop- and police-contributing countries in ensuring that units are suitably trained and equipped to conduct and sustain themselves on operations, and calls upon Member States to pledge and contribute the remaining military utility helicopters, aerial reconnaissance and other force enablers required (para. 5)
The situation concerning the Democratic Republic of the Congo	
Resolution 1925 (2010) 28 May 2010	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 provide the remaining force enablers required for the Mission (para. 19)
	<i>Same provision in resolution 1991 (2011), para. 22</i>

F. Discussion relating to the provision of air-force contingents by Member States in accordance with Article 45

In the period under review, the question of the provision of air-force contingents was discussed by the Council in several instances, of which two are considered here in the sub-section.²⁸³ In connection with the situation in the Democratic Republic of the Congo, the Council discussed the lack of air-force contingents facing MONUSCO which was hampering the Mission's ability to adequately reach all parts of the country and protect civilians (case 20). In a thematic debate in connection with United Nations peacekeeping operations, the Council discussed the difficulty of ensuring and deploying necessary air-force contingents (case 21).

²⁸² [Resolution 1935 \(2010\)](#), para. 5.

²⁸³ The question of air contingents was also raised in connection with the situation in Somalia ([S/PV.6532](#)).

Case 20

The situation concerning the Democratic Republic of the Congo

At the 6539th meeting on 18 May 2011, under the item entitled “The situation concerning the Democratic Republic of the Congo”, the representative of Lebanon said that the international community should continue to support the authorities of the Democratic Republic of the Congo in all the efforts being made to ensure conditions for stability and prosperity in the country, and that MONUSCO should have all the necessary means to carry out its tasks, including helicopters and planes.²⁸⁴ The representative of India, recalling the long-standing association of his country with the Democratic Republic of the Congo as one of the major troop-contributing countries over the past five decades, pointed out that India had extended the service of six utility helicopters until April 2011 and pledged to continue to extend the services of four combat helicopters beyond that commitment period.²⁸⁵

At the 6551st meeting on 9 June 2011, the Special Representative of the Secretary-General and the head of MONUSCO said that the military operations of the Mission were being negatively impacted by a shortage of military helicopters. With the scheduled departure of the remaining combat helicopters in early July, he said the problem would become worse absent new contributions. Despite a recent commitment from South Africa to provide an additional military utility helicopter, filling gaps in the helicopter capabilities of the Mission would be critical to maintaining its efforts in the protection of civilians and other core mandated tasks.²⁸⁶

In his briefing to the Council at the 6649th meeting on 8 November 2011, the Special Representative of the Secretary-General and the head of MONUSCO expressed his disappointment that the Forces armées de la République démocratique du Congo (FARDC) and MONUSCO had lost momentum in dealing with armed groups in the east of the country, due in large part to the reorganization of FARDC which had left significant gaps that had been exploited by various groups. The problem had been

²⁸⁴ [S/PV.6539](#), pp. 15-16.

²⁸⁵ *Ibid.*, p. 21.

²⁸⁶ [S/PV.6551](#), p. 3.

exacerbated by the continuing shortage of MONUSCO military helicopters, which had imposed severe limits on the nature and level of the military operations of the Mission.²⁸⁷

Case 21

United Nations peacekeeping operations

At its 6592nd meeting, on 27 July 2011, under the item entitled “United Nations peacekeeping operations”, several Force Commanders were invited to brief the Council on their respective missions. In his briefing, the Force Commander of MONUSCO said that the non-availability of aviation assets – both utility and attack helicopters – was of great concern for the Mission. Noting that in recent years the focus of the conflict had shifted westward, away from the east of the country and into jungle areas that were only accessible by helicopter, he said that one-third of the 93 MONUSCO bases could logistically be supplied only by air assets. Furthermore, he said that the lack of attack helicopters had greatly reduced the Mission’s deterrence capability against the Forces démocratiques de libération du Rwanda in the Kivu provinces, and with the elections approaching, the future requirements for air assets were going to be much higher.²⁸⁸ Similarly, the Force Commander for UNAMID said that one of the major logistical challenges facing the UNAMID forces in Darfur was the issue of aviation capacity, in particular with regard to utility helicopters. He appealed to Member States with the means to support the Mission to make some of those capacities available, since they would go a long way towards enhancing the capabilities of the mission.²⁸⁹ The representative of South Africa said that it was encouraged by ongoing efforts to address the shortage of military assets such as helicopters, but troops deployed on Missions could not be expected to be everywhere at once without the necessary resources.²⁹⁰

At the 6603rd meeting on 26 August 2011, a number of speakers highlighted a gap between the growing demand for United Nations peacekeeping operations and the

²⁸⁷ [S/PV.6649](#), p. 4.

²⁸⁸ [S/PV.6592](#), pp. 18-19.

²⁸⁹ *Ibid.*, p. 20.

²⁹⁰ *Ibid.*, p. 22.

resources needed to carry out those missions, including military helicopters.²⁹¹ For example, the representative of the United States said that he shared the concern of the Secretariat and troop-contributing countries that the chronic lack of helicopters hampered the ability of United Nations peacekeeping operations to implement their mandates, and that addressing that strategic gap should remain a high priority for Member States and the Secretariat alike.²⁹² Similarly, the representative of the European Union acknowledged the pressing need for military helicopters and that the urgency of the matter required a pragmatic and swift solution.²⁹³

Some speakers highlighted the need for increased inter-mission cooperation to offset the lack of air assets in missions. For example, the representative of Portugal noted that unless peacekeeping operations were provided with the means necessary to achieve the tasks and objectives mandated by the Council, the credibility of the United Nations would be undermined. In that regard, he called on those members that possessed more resources to contribute accordingly, “be it in terms of force generation or equipment, such as helicopters”.²⁹⁴ Highlighting the benefits of inter-mission cooperation, such as that achieved between UNMIL forces in Liberia and UNOCI forces in Côte d'Ivoire, the representative of France noted that helicopter reinforcements had allowed heavy weaponry to be neutralized and allowed traffic and the movement of mercenaries at the Liberian border to be monitored.²⁹⁵

²⁹¹ [S/PV.6603](#), p. 6 (Portugal); p. 16 (United States); and p. 26 (Republic of Korea); [S/PV.6603 \(Resumption 1\)](#), p. 2 (Australia); and p. 33 (Ukraine).

²⁹² [S/PV.6603](#), p. 16.

²⁹³ [S/PV.6603 \(Resumption 1\)](#), p. 21.

²⁹⁴ [S/PV.6603](#), p. 6.

²⁹⁵ *Ibid.*, p. 13.

Section VI - Assistance by the Military Staff Committee and composition of the Military Staff Committee in accordance with Articles 46 and 47 of the Charter

Article 46

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

Article 47

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

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

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

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

Note

This section covers the practice of the Security Council in relation to Articles 46 and 47 of the Charter regarding the Military Staff Committee, including instances where the Council, either in its decisions or in its discussions, considered the role of the Military Staff Committee in planning the application of armed force, and advising and assisting the Council on the military requirements for the maintenance of international peace and security.

The section is divided into two sub-sections: sub-section A covers the decisions adopted by the Council of relevance to Articles 46 and 47; sub-section B covers the discussions of the Council of relevance to Articles 46 and 47.

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

During the period under review, the Council did not explicitly refer to either Article 46 or 47 in any of its decisions. However, on two occasions, the Council adopted statements by the President which included references to the Military Staff Committee that can be considered relevant to the interpretation of Articles 46 and 47. At the 6389th meeting on 23 September 2010, under the item entitled “Maintenance of international peace and security”, the Council adopted a statement by the President by which it, *inter alia*, recognized that peacekeeping operations had become an increasing complex undertaking, and acknowledged the need for improved military expertise, and in that regard expressed its intention to continue to look into the role of the Military Staff Committee.²⁹⁶ Similarly, at the 6603rd meeting on 26 August 2011, under the item entitled “United Nations peacekeeping operations” the Council adopted a statement by the President by which it, *inter alia*, recognized the need to improve its access to military advice, including from troop-contributing countries of peacekeeping operations, and in

²⁹⁶ [S/PRST/2010/18](http://www.un.org/en/sc/repertoire/S/PRST/2010/18), eleventh paragraph.

that regard indicated that it would continue to review the role of the Military Staff Committee.²⁹⁷

B. Discussion relating to Articles 46 and 47

During the period under review, there was one instance where Article 47 was explicitly referred to in a meeting of the Council. At the 6389th meeting on 23 September 2010, under the item entitled “Maintenance of international peace and security”, the representative of the Russian Federation reiterated the relevance of the proposal by his delegation to intensify the activities of the Military Staff Committee, which provided for the development of practical cooperation between the Military Staff Committee and the Council, the Secretariat and all interested Member States, in full compliance with the Charter and Article 47. He further said that the proposal ensured a systemic and professional military expert assessment of peacekeeping activities.²⁹⁸ There were no explicit references to Article 46 in meetings of the Council during the period.

In several other instances, the Council discussed the question of the revitalization of the Military Staff Committee, in particular regarding its role in providing advice and support to the Council on peacekeeping operations (case 22) and “Implementation of the note by the President of the Security Council (S/2006/507)” (case 23).

Case 22

United Nations peacekeeping operations

At the 6270th meeting on 12 February 2010, under the item entitled “United Nations peacekeeping operations”, the representative of the Russian Federation said the problem of ensuring the required level of military expertise in the peacekeeping decisions of the Council deserved particular attention. In that regard, he said the Russian proposal on reinvigorating the work of the Military Staff Committee, with a full component of all

²⁹⁷ [S/PRST/2011/17](#), ninth paragraph.

²⁹⁸ [S/PV.6389](#), p. 15.

Council members and the flexible involvement of leading troop-contributing countries, remained relevant. He further said that the assessments of the Committee with regard to the situation in countries where peacekeeping operations existed; its recommendations on operational aspects of peacekeeping; its participation in and cooperation with the Secretariat in missions; and in defining preparedness of contingents and the infrastructure of peacekeeping operations would provide the Council with reliable and timely information, and build up the military expertise of United Nations peacekeeping.²⁹⁹

At the 6370th meeting on 6 August 2010, the representative of the United Kingdom recalled the statement by the President of 5 August 2009, by which the Council had acknowledged the need to improve access to military advice. He said that while some progress had been made since, more could be done to improve the understanding of the Council of the operational demands placed on troops and police by the peacekeeping resolutions drafted by the Council. In that regard, he said that his delegation supported measures including initiatives towards improving consultations and interaction with troop and police-contributing countries, and was willing to explore ways of making the Military Staff Committee more inclusive and relevant, in order to help the Council make decisions that enabled peacekeepers to implement their mandates fully.³⁰⁰ The representative of the Russian Federation said that the proposal by his delegation to further revitalize the activities of the Military Staff Committee was still on the table, and noted that the Committee was drafting recommendations regarding operational aspects of peacekeeping activities. He further said that the participation of the Committee in measures to determine the readiness of contingents and infrastructure for peace operations would allow it to supply the Council with reliable, timely information, as well as to enhance the quality of military expertise available to United Nations peacekeeping as a whole.³⁰¹

At the 6592nd meeting on 27 July 2011, the representative of the Russian Federation again recalled the proposal by his delegation to revitalize the activities of the Military Staff Committee, which would elaborate recommendations on the operational

²⁹⁹ [S/PV.6270](#), p. 22.

³⁰⁰ [S/PV.6370](#), p. 24.

³⁰¹ *Ibid.*, p. 28.

aspects of peacekeeping, and take part in missions to assess the preparedness of contingents and infrastructure for peacekeeping operations.³⁰²

At the 6603rd meeting on 26 August 2011, the representative of the United Kingdom said that the Military Staff Committee had demonstrated, through its discussions of the draft concept of operations of the African Union Mission in Somalia, that it had an important role to play. He further said that all Council members could contribute military advice to the Military Staff Committee without recourse to redrafting of the Charter, as a part of the informal mechanism.³⁰³ The representative of the Russian Federation said that the problem of ensuring the required level of military expertise had not been resolved in the measures taken within United Nations peacekeeping operations. In that regard, he further reiterated the proposal of his delegation to step up the work of the Military Staff Committee.³⁰⁴ The representative of Germany said that designing mandates and missions should build on an inclusive planning process involving, at an early stage, a broad range of experts and potential capability providers, notably including troop and police-contributing countries, as well as main financial contributors. In that regard, he said that the role of the Military Staff Committee should be revitalized and strengthened.³⁰⁵

Case 23

Implementation of the note by the President of the Security Council (S/2006/507)

At its 6300th debate on 22 April 2010, the Council convened to discuss the working methods of the Council and the implementation of the note by the President of the Security Council ([S/2010/507](#)). In the concept paper issued in advance of the debate the representative of Portugal, in his capacity as the President of the Security Council, invited the Council to engage in a constructive debate on the recent practices of the Security Council, including on any progress made in the Council's implementation of the

³⁰² [S/PV.6592](#), p. 26.

³⁰³ [S/PV.6603](#), p. 11.

³⁰⁴ *Ibid.*

³⁰⁵ *Ibid.*, p. 18.

note (S/2010/507). The paper further suggested that transparency, interaction with non-Member States and Council efficiency would be principal themes for discussion, including a discussion on the enhancement of the role of the Military Staff Committee.³⁰⁶

During the debate, the representative of Namibia said that the Annual Report of the Security Council to the General Assembly was the most visible source of information about the work of the Council. Therefore, he stressed the need for the report to be more analytical, providing not only an account of the matters considered by the Council, but also an assessment of the Council's ability to deal with the problems and suggestions of possible improvements. In addition, he emphasized that the report should continue to include an account of the work of the Military Staff Committee.³⁰⁷

At its 6672nd meeting, on 30 November 2011, the representative of Germany spoke in favour of increasing the role of the Military Staff Committee, welcoming the practice of regular informal meetings of the Committee with all members of the Council, and encouraging the continuation of the practice.³⁰⁸ The representative of the United Kingdom encouraged the Council to create more opportunities to hear expert and specialized advice from the Peacebuilding Commission and the Military Staff Committee.³⁰⁹ While supporting the view of other delegations that the Council establish closer interactions with other bodies, such as the Peacebuilding Commission, the representative of Portugal emphasized the need for further consideration of the work of the Military Staff Committee.³¹⁰

³⁰⁶ [S/2011/726](#), pp. 3-4.

³⁰⁷ [S/PV.6300 \(Resumption 1\)](#), pp. 20-21.

³⁰⁸ [S/PV.6672](#), p. 10.

³⁰⁹ *Ibid.*, p. 14.

³¹⁰ [S/PV.6672 \(Resumption 1\)](#), p. 20.

Section 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

This section covers the practice of the Council in relation to Article 48 of the Charter, regarding the obligation of all or some Member States to carry out its decisions adopted in accordance with the provisions of Articles 40, 41 and 42. Under Article 48 (2), Member States shall carry out the decisions directly, or through international organizations of which they are members. Therefore, the present section focuses on the types of obligations imposed on Member States in accordance with Article 48, and on the range of addressees designated by the Council to implement, or comply with, decisions adopted under Articles 40, 41 and 42. Details of the measures themselves are provided in the sections covering the aforementioned Articles.

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

This section is divided into two sub-sections: sub-section A covers decisions of the Council with provisions relevant to Article 48 that call upon States to implement or comply with measures adopted under Article 41; sub-section B covers decisions of the Council with provisions relevant to Article 48 on measures adopted under Article 42. There were no references to Article 48 in decisions adopted under Article 40. Additional

provisions concerning the obligations of Member States in relation to the effective implementation of measures taken under Article 42 are covered in sections V and VIII of this part, and therefore are not covered in the present section.

A. Obligations of Member States relevant to Article 48 in decisions adopted in accordance with Article 41

During the period under review, in connection with its decisions adopted in accordance with Article 41, including sanctions and judicial measures, the Council called on Member States to: a) comply with their obligation to implement the measures imposed; b) report to the relevant Sanctions Committee or to the Council directly; c) ensure full cooperation with the relevant committee or monitoring mechanism; and d) cooperate with the International Criminal Court (ICC) and the *ad hoc* tribunals.

Regarding the obligations of Member States to implement the measures imposed, decisions of the Council were addressed, respectively, to “Member States” “all States” or “all States, particularly States in the region.” However, in one resolution adopted in connection with the situation in Côte d’Ivoire, the Council specifically called on “the Government and all international partners, including private companies, involved in assisting the Government in the reform of the security sector” to comply with the provisions of its previous resolutions.³¹¹

In its decisions imposing sanctions measures, Member States were often requested to fully cooperate with Security Council Committees established to oversee the implementation of the sanctions,³¹² as well as related panels and groups.³¹³ Similarly, the Council called upon Member States to submit reports on the implementation of measures overseen by the Committees.³¹⁴ While the Council often addressed such calls to “all States” or “all States, particularly in the region,” in some instances, reference was made to certain States. For example, in considering the situation concerning the Democratic Republic of the Congo, the Council called upon “all States, particularly those in the region and those in which individuals and entities [subjected to targeted measures] are

³¹¹ [Resolution 2000 \(2011\)](#), para. 16.

³¹² See for example [resolution 1952 \(2010\)](#), para. 4.

³¹³ See for example [resolution 1916 \(2010\)](#), para. 10.

³¹⁴ See for example [resolution 1929 \(2010\)](#), para. 31.

based,” to regularly report to the Committee on the actions they have taken to implement the measures.³¹⁵ In connection with the situation in Somalia, the Council specifically requested that “all States, including Eritrea, other States in the region and the Transitional Federal Government” ensure cooperation with the Monitoring Group by individuals and entities within their jurisdiction or under their control. It also urged “all parties and all States, including Eritrea, other States in the region, and the Transitional Federal Government, as well as international, regional and subregional organizations,” to cooperate fully with the activities of the Monitoring Group and to ensure the safety of its members as well as unhindered access to persons, documents and sites the Monitoring Group requested to see.³¹⁶

Regarding judicial measures adopted in accordance with Article 41, in connection with the International Tribunals for Rwanda and the Former Yugoslavia, the Council, *inter alia*, recalled the obligation of States to cooperate with the Tribunals, and in particular to comply without undue delay with requests for assistance in the location, arrest, detention, surrender and transfer of accused persons.³¹⁷ The Council also decided that all States should cooperate fully with the international residual mechanism established by the same resolution, including complying with requests for assistance or orders issued by the Mechanism pursuant to its Statute.³¹⁸ Additionally, in the context of the referral of the situation in Libya to the International Criminal Court, the Council, cognisant of the fact that “States not party to the Rome Statute have no obligation under the Statute,” urged “all States and concerned regional and other international organizations” to cooperate fully with the Court and its Prosecutor.³¹⁹ Finally, in its consideration of the situation in Sierra Leone, the Council urged “all States to cooperate with and render assistance to the Special Court for Sierra Leone, or any institution to which the Court has transferred his case.”³²⁰

³¹⁵ [Resolution 1952 \(2010\)](#), para. 20.

³¹⁶ [Resolution 1916 \(2010\)](#), paras. 10 and 12.

³¹⁷ [Resolution 1966 \(2010\)](#), para. 8.

³¹⁸ *Ibid.*, para. 9.

³¹⁹ [Resolution 1970 \(2011\)](#), para. 5.

³²⁰ [Resolution 1940 \(2010\)](#), eighth preambular paragraph.

Table 38 provides a list of all decisions of the Council referring to obligations of Member States to carry out its decisions adopted in accordance with Article 41.

Table 38

References to obligations of Member States relevant to Article 48 in decisions adopted in accordance with Article 41

<i>Decision and date</i>	<i>Provision</i>
Central African region: Impact of illicit arms trafficking on peace and security: Impact of illicit arms trafficking on peace and security	
S/PRST/2010/6 19 March 2010	The Security Council reiterates that Member States should comply with existing arms embargoes and export bans and take necessary steps to effectively implement these measures imposed by the Council in its relevant resolutions (fourth paragraph)
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991	
International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994	
Resolution 1966 (2010) 22 December 2010	Recalls the obligation of States to cooperate with the Tribunals, and in particular to comply without undue delay with requests for assistance in the location, arrest, detention, surrender and transfer of accused persons (para. 8) Decides that all States shall cooperate fully with the Mechanism in accordance with the present resolution and the Statute of the Mechanism and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the statute of the Mechanism, including the obligation of States to comply with requests for assistance or orders issued by the Mechanism pursuant to its statute (para. 9) Urges all States, especially States where fugitives are suspected to be at large, to further intensify cooperation with and render all necessary assistance to the Tribunals and the Mechanism, as appropriate, in particular to achieve the arrest and surrender of all remaining fugitives as soon as possible (para. 10) Calls upon all States to cooperate to the maximum extent possible in order to receive referred cases from the Tribunals and the Mechanism (para. 12)
Non-proliferation	
Resolution 1928 (2010) 7 June 2010	Urges all States, relevant United Nations bodies and other interested parties, to cooperate fully with the Security Council Committee established pursuant to resolution 1718 (2006) 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 resolution 1874 (2009) (para. 3)
Resolution 1929 (2010) 9 June 2010	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 decided in resolutions 1737 (2006) , 1747 (2007) , 1803 (2008) and the present resolution, in particular incidents of non-compliance (para. 30) Calls upon all States to report to the Committee within sixty days of the adoption of the present resolution on the steps they have taken with a view to implementing effectively paragraphs 7 to 19 and 21 to 24 of the present resolution (para. 31)

<i>Decision and date</i>	<i>Provision</i>
Resolution 1984 (2011) 9 June 2011	Urges all States, relevant United Nations bodies and other interested parties to cooperate fully with the Committee and with the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures imposed by resolutions 1737 (2006) , 1747 (2007) , 1803 (2008) and 1929 (2010) (para. 4) <i>Same provision in resolution 1985 (2011), para. 4</i>

Non-proliferation of weapons of mass destruction

Resolution 1977 (2011) 20 April 2011	Reaffirming further the need for all Member States to comply fully with their obligations and fulfil their commitments in relation to arms control, disarmament and the non-proliferation in all its aspects of all weapons of mass destruction and their means of delivery (third preambular paragraph) Reiterates its decisions taken in, and the requirements of, resolution 1540 (2004) , and re-emphasizes the importance for all States to implement fully that resolution (para. 1) Again calls upon all States that have not yet submitted a first report on steps they have taken or intend to take to implement resolution 1540 (2004) to submit such a report to the 1540 Committee without delay (para. 6)
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Peace and security in Africa (Eritrea)

Resolution 2023 (2011) 5 December 2011	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 subsequent resolutions (para. 3) Reiterates also that Eritrea shall fully comply with resolution 1907 (2009) without any further delay and stresses the obligation of all States to comply with the measures imposed by resolution 1907 (2009) (para. 4) Calls upon all States to report to the Council within one hundred and twenty days on steps taken to implement the provisions of the present resolution (para. 15) Urges all States, relevant United Nations bodies and other interested parties, to cooperate fully with the Committee and the Monitoring Group, including by supplying any information at their disposal on the implementation of the measures decided in resolutions 1844 (2008) , 1907 (2009) and the present resolution, in particular incidents of non-compliance (para. 17)
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Reports of the Secretary-General on the Sudan

Resolution 1945 (2010) 14 October 2010	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. 5) Urges all States, in particular those in the region, to report to the Committee on the actions they have taken to implement the measures imposed by resolutions 1556 (2004) and 1591 (2005) , including the imposition of targeted measures (para. 6) Reminds all States, particularly States in the region, of the obligations contained in resolutions 1556 (2004) and 1591 (2005) , in particular those obligations relating to arms and related materiel (para. 7)
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The situation concerning the Democratic Republic of the Congo

Resolution 1925 (2010) 28 May 2010	Emphasizing that the linkage between the illicit exploitation of and trade in natural resources and the proliferation of and trafficking in arms is among the major factors fuelling and exacerbating conflicts in the Great Lakes region, urging all States, particularly those in the region, to implement fully the measures set out in its resolution 1896 (2009) of 30 November 2009, reiterating its determination to continue to closely monitor the implementation of and compliance with the measures set out in resolution 1896 (2009) , and urging all States to take legal action, where appropriate, in accordance with those measures, against the leaders of the Forces démocratiques de libération du Rwanda residing in their countries (ninth preambular paragraph)
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<i>Decision and date</i>	<i>Provision</i>
Resolution 1952 (2010) 29 November 2010	<p>...stressing the obligation of all States to abide by the notification requirements set out in paragraph 5 of resolution 1807 (2008) (seventh preambular paragraph)</p> <p>Calls upon all States to implement fully the measures specified in the present resolution and to cooperate fully with the Security Council Committee established pursuant to resolution 1533 (2004) in carrying out its mandate (para. 4)</p> <p>Reiterates its demand, expressed in paragraph 21 of resolution 1807 (2008) and reaffirmed in paragraph 14 of resolution 1857 (2008) and paragraph 13 of resolution 1896 (2009), 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. 18)</p> <p>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 regularly report to the Committee on the actions they have taken to implement the measures imposed by paragraphs 1, 2 and 3 above and recommended in paragraph 8 above (para. 20)</p>

The situation in Côte d'Ivoire

Resolution 1946 (2010) 15 October 2010	<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 above, including as appropriate by making the necessary rules and regulations, calls upon the United Nations Operation in Côte d'Ivoire to bring its full support within its capacities and its mandate, and calls upon the French forces to support the United Nations Operation in Côte d'Ivoire in this regard, within the limits of their deployment and their capabilities (para. 3)</p> <p>Requests all States concerned, in particular those in the subregion, to cooperate fully with the Committee... (para. 8)</p> <p>Urges all States, relevant United Nations bodies and other organizations and interested parties, to cooperate fully with the Committee, the Group of Experts, the United Nations Operation in Côte d'Ivoire 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 1572 (2004) and paragraph 6 of resolution 1643 (2005) and reiterated in paragraph 1 above; ... (para.15)</p> <p>Urges, in this context, that all Ivorian parties and all States, particularly those in the region, ensure:</p> <ul style="list-style-type: none">– The safety of the members of the Group of Experts;– Unhindered access by the Group of Experts, in particular to persons, documents and sites in order for the Group of Experts to execute its mandate (para. 16) <p><i>Same provision in resolution 1980 (2011), para. 23</i></p>
Resolution 1980 (2011) 28 April 2011	<p>Calls upon all Member States, in particular those in the subregion, to fully implement the measures renewed in paragraph 1 above, including as appropriate by enforcing the necessary rules and regulations and calls upon the United Nations Operation in Côte d'Ivoire to lend its full support within its capacities and its mandate, and calls upon the French forces to support the United Nations Operation in Côte d'Ivoire in this regard, within the limits of their deployment and their capabilities (para. 3)</p> <p>Requests all States concerned, in particular those in the subregion, to cooperate fully with the Committee ... (para. 12)</p> <p>Urges all States, relevant United Nations bodies and other organizations and interested parties, to cooperate fully with the Committee, the Group of Experts, the United Nations Operation in Côte d'Ivoire 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 1572 (2004), paragraph 6 of resolution 1643 (2005) and paragraph 12 of resolution 1975 (2011) as reiterated in paragraph 1 above ... (para. 21)</p>
Resolution 2000 (2011) 27 July 2011	<p>Calls upon the Government of Côte d'Ivoire and all international partners, including private companies, involved in assisting the Government in the reform of the security sector, to comply with</p>

<i>Decision and date</i>	<i>Provision</i>
	the provisions of resolution 1980 (2011) and to coordinate their efforts with a view to promoting transparency and a clear division of labour among all international partners (para. 16)
The situation in Liberia	
Resolution 1961 (2010) 17 December 2010	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. 8)
	<i>Same provision in resolution 2025 (2011), para. 7</i>
The situation in Libya	
Resolution 1970 (2011) 26 February 2011	Decides also that the Libyan authorities shall cooperate fully with and provide any necessary assistance to the International Criminal Court and the Prosecutor pursuant to the present resolution and, while recognizing that States not party to the Rome Statute of the Court have no obligation under the Rome Statute, urges all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor (para. 5)
	Calls upon all Member States to report to the Committee within one hundred and twenty days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 9, 10, 15 and 17 above (para. 25)
Resolution 1973 (2011) 17 March 2011	Deplores the continuing flows of mercenaries into the Libyan Arab Jamahiriya, and calls upon all Member States to comply strictly with their obligations under paragraph 9 of resolution 1970 (2011) to prevent the provision of armed mercenary personnel to the Libyan Arab Jamahiriya (para. 16)
	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 decided in resolution 1970 (2011) and the present resolution, in particular incidents of non-compliance (para. 25)
The situation in Sierra Leone	
Resolution 1940 (2010) 29 September 2010	Urging all States to cooperate with and render assistance to the Special Court for Sierra Leone, or any institution to which the Court has transferred his case, to bring Mr. Johnny Paul Koroma to justice if he is found to be alive, and calling upon him to surrender (eighth preambular paragraph)
The situation in Somalia	
Resolution 1916 (2010) 19 March 2010	Stresses the obligation of all States to comply fully with the measures imposed by resolution 733 (1992) , as elaborated upon and amended in subsequent relevant resolutions, as well as resolutions 1844 (2008) and 1907 (2009) (para. 1)
	Calling upon all Member States, in particular those in the region, to refrain from any action in contravention of the Somalia and Eritrea arms embargoes, and to take all necessary steps to hold violators accountable (ninth preambular paragraph)
	Requests that all States, including Eritrea, other States in the region and the Transitional Federal Government ensure cooperation with the Monitoring Group by individuals and entities within their jurisdiction or under their control (para. 10)
	Urges that all parties and all States, particularly those in the region, including international, regional and subregional organizations, cooperate fully with the work of the Monitoring Group and ensure the safety of its members, and unhindered access, in particular to persons, documents and sites that the Monitoring Group deems relevant to the execution of its mandate (para. 12)
Resolution 1950 (2010) 23 November 2010	... calls upon all States to fully cooperate with the Monitoring Group on Somalia and Eritrea, including on information-sharing regarding possible arms embargo violations; (para. 3)
Resolution 1972 (2011) 17 March 2011	Reiterating its insistence that all States, in particular those in the region, should refrain from any action in contravention of the Somalia arms embargo and take all necessary steps to hold violators accountable (fourth preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
	Calling upon all States to effectively implement the targeted measures imposed in resolution 1844 (2008) (fifth preambular paragraph)
	Stresses the obligation of all States to comply fully with the measures imposed by resolution 733 (1992) as elaborated and amended by subsequent relevant resolutions, and the measures imposed by resolution 1844 (2008) (para. 1)
Resolution 2002 (2011) 29 July 2011	Urges all parties and all States, including Eritrea, other States in the region, and the Transitional Federal Government, as well as international, regional and subregional organizations, to ensure cooperation with the Monitoring Group, and ensure the safety of the members of the Monitoring Group and unhindered access, in particular to persons, documents and sites that the Monitoring Group deems relevant to the execution of its mandate (para. 10)
Threats to international peace and security caused by terrorist acts	
Resolution 1988 (2011) 17 June 2011	Requests all Member States, but particularly the Government of Afghanistan, to inform the Committee if they become aware of any information indicating that an individual, group, undertaking or entity that has been de-listed should be considered for designation under paragraph 1 of the present resolution, and further requests that the Government provide to the Committee an annual report on the status of reportedly reconciled individuals who have been de-listed by the Committee in the previous year (para. 22)

B. Obligations of Member States relevant to Article 48 in decisions adopted in accordance with Article 42

During the period under review, the Council designated Member States, acting in their national capacity or through relevant regional organizations of which they were members, to implement or support the implementation of measures under Article 42. In connection with the situation in Libya, the Council, inter alia, authorized Member States that had “notified the Secretary-General, acting nationally or through regional organizations or arrangements” to take “all necessary measures” to protect civilians and civilian-populated areas under threat of attack in the country, as well as to enforce compliance with the flight ban imposed by the same resolution.³²¹

Also during the period, coalitions of States authorized to use force were requested to inform the Council of actions taken to implement their mandate. For example, in [resolution 1948 \(2010\)](#) of 18 November 2010 authorizing the establishment of the European Union multinational stabilization force in Bosnia and Herzegovina, the Council called upon “the Member States acting through or in cooperation with the European Union and the Member States acting through or in cooperation with the North Atlantic

³²¹ [Resolution 1973 \(2011\)](#), paras. 4 and 8.

Treaty Organization” to report to the Council at regular intervals.³²² Similarly, the Council requested “the leadership” of the International Security Assistance Force in Afghanistan to keep it regularly informed, through the Secretary-General, on the implementation of its mandate.³²³

Also in relation to Article 42, in one instance, the Council requested certain States to cooperate with each other in the deployment of a peacekeeping mission. In connection with reports of the Secretary-General on the Sudan, the Council called upon the Government of Sudan and the Government of Southern Sudan, or its successor, to fully cooperate with each other and provide full support to the United Nations Interim Security Force for Abyei (UNISFA), enabling the Mission to fully implement its mandate.³²⁴

Table 39 provides a list of all decisions of the Council referring to obligations of Member States to carry out its decisions adopted in accordance with Article 42

Table 39

References to obligations of Member States relevant to Article 48 in decisions adopted in accordance with Article 42

<i>Decision and date</i>	<i>Provision</i>
Reports of the Secretary-General on the Sudan	
Resolution 1990 (2011) 27 June 2011	Urges the Government of Sudan and the Government of Southern Sudan or its successor to fully cooperate with each other and provide full support to the Force, enabling it to fully implement the mandate (para.7)
Resolution 1996 (2011) 8 July 2011	Demands that the Government of the Republic of South Sudan and all relevant parties cooperate fully in the deployment, operations and monitoring, verification and reporting functions of the Mission, in particular by guaranteeing the safety, security and unrestricted freedom of movement of United Nations personnel, as well as of associated personnel throughout the territory of the Republic of South Sudan (para. 6)
The situation in Afghanistan	
Resolution 1943 (2010) 13 October 2010	Authorizes the Member States participating in the International Security Assistance Force to take all measures necessary to fulfil its mandate (para. 2) <i>Same provision in resolution 2011 (2011), para. 2</i> Requests the leadership of the International Security Assistance Force to keep the Security Council regularly informed, through the Secretary-General, on the implementation of its mandate, including through the timely provision of quarterly reports (para. 6) <i>Same provision in resolution 2011 (2011), para. 7</i>

³²² [Resolution 1948 \(2010\)](#), para. 18.

³²³ [Resolution 1943 \(2010\)](#), para. 6

³²⁴ [Resolution 1990 \(2011\)](#), para. 7.

<i>Decision and date</i>	<i>Provision</i>
The situation in Bosnia and Herzegovina	
Resolution 1948 (2010) 18 November 2010	Authorizes the Member States acting through or in cooperation with the European Union to establish for a further period of twelve months, starting from the date of the adoption of the present resolution, a multinational stabilization force (the European Union Force) as a legal successor to the Stabilization Force under unified command and control... (para. 10) Requests the Member States acting through or in cooperation with the European Union and the Member States acting through or in cooperation with the North Atlantic Treaty Organization to report to the Security Council on the activity of the European Union Force and the North Atlantic Treaty Organization Headquarters presence respectively, through the appropriate channels and at least at three-monthly intervals (para. 18)
Resolution 2019 (2011) 16 November 2011	Requests the Member States acting through or in cooperation with the European Union and the Member States acting through or in cooperation with the North Atlantic Treaty Organization to report to the Security Council on the activity of the European Union Force-Althea and the North Atlantic Treaty Organization Headquarters presence respectively, through the appropriate channels and at least at three-monthly intervals (para. 18)
<hr/> The situation in Libya	
Resolution 1973 (2011) 17 March 2011	Authorizes Member States that have notified the Secretary-General, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011) , to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding a foreign occupation force of any form on any part of Libyan territory, and requests the Member States concerned to inform the Secretary-General immediately of the measures they take pursuant to the authorization conferred by the present paragraph which shall be immediately reported to the Security Council (para. 4) Authorizes Member States that have notified the Secretary-General of the United Nations and the Secretary General of the League of Arab States, acting nationally or through regional organizations or arrangements, to take all measures necessary to enforce compliance with the ban on flights imposed by paragraph 6 above, as necessary, and requests the States concerned, in cooperation with the League of Arab States, to coordinate closely with the Secretary-General of the United Nations on the measures they are taking to implement this ban, including by establishing an appropriate mechanism for implementing the provisions of paragraphs 6 and 7 above (para. 8) Decides that the Member States concerned shall inform the Secretary-General of the United Nations and the Secretary General of the League of Arab States immediately of measures taken in exercise of the authority conferred by paragraph 8 above, including to supply a concept of operations (para. 11) Decides that paragraph 11 of resolution 1970 (2011) shall be replaced by the following paragraph: “Calls upon all Member States, in particular States of the region, acting nationally or through regional organizations or arrangements, in order to ensure strict implementation of the arms embargo established by paragraphs 9 and 10 of resolution 1970 (2011) , to inspect in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from the Libyan Arab Jamahiriya, ... and authorizes Member States to use all measures commensurate to the specific circumstances to carry out such inspections” (para. 13)
<hr/> The situation in Somalia	
Resolution 1910 (2010) 28 January 2010	Decides to authorize the States members of the African Union to maintain until 31 January 2011 the African Union Mission in Somalia, which shall be authorized to take all measures necessary to carry out its existing mandate, as set out in paragraph 9 of resolution 1772 (2007) of 20 August 2007 (para. 1)
Resolution 1950 (2010) 23 November 2010	Renews its call upon States and regional organizations that have the capacity to do so to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with the present resolution and international law, by deploying naval vessels, arms and military aircraft and through seizures and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use (para. 4)

<i>Decision and date</i>	<i>Provision</i>
	<p>... decides to renew, for a further period of twelve 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), as renewed by resolution 1897 (2009), 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, ... (para. 7)</p> <p>Requests States and regional organizations cooperating with the Transitional Federal Government to inform the Security Council and the Secretary-General in nine months of the progress of actions undertaken in the exercise of the authorizations provided in paragraph 7 above, and further requests all States contributing through the Contact Group on Piracy off the Coast of Somalia to the fight against piracy off the coast of Somalia, including Somalia and other States in the region, to report by the same deadline on their efforts to establish jurisdiction and cooperation in the investigation and prosecution of piracy (para. 21)</p>
<p>Resolution 1964 (2010) 22 December 2010</p>	<p>Decides to authorize the States members of the African Union to maintain until the deployment until 30 September 2011 the African Union Mission in Somalia, which shall be authorized to take all measures necessary to carry out its existing mandate, as set out in paragraph 9 of resolution 1772 (2007) of 20 August 2007 (para. 1)</p>
<p>Resolution 2010 (2011) 30 September 2011</p>	<p>Decides to authorize the States members of the African Union to maintain the deployment until 31 October 2012 of the African Union Mission in Somalia, which shall be authorized to take all measures necessary to carry out its existing mandate as set out in paragraph 9 of resolution 1772 (2007), and requests the African Union to urgently increase its force strength to its mandated level of 12,000 uniformed personnel, thereby enhancing its ability to carry out its mandate (para. 1)</p>

Section 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

This section covers the practice of the Security Council in relation to Article 49 of the Charter, regarding mutual assistance among Member States when carrying out the decisions of the Council relating to the maintenance of international peace and security. The section is divided into three sub-sections: sub-section A covers decisions of the Council referring to mutual assistance in the implementation of measures adopted in accordance with Article 40; sub-section B covers decisions referring to mutual assistance in the implementation of measures adopted in accordance with Article 41; and sub-section C covers decisions referring to mutual assistance in the implementation of measures adopted in accordance with Article 42.

During the period under review, the Council did not explicitly invoke Article 49 in any of its decisions. However, the Council did request Member States to join in providing mutual assistance in implementing measures under Article 41 and Article 42. To a lesser extent, the Council called on Member States to provide mutual assistance in implementing measures in accordance with Article 40. The interpretation and application of Article 49 did not give rise to any significant constitutional discussion in the deliberations of the Council. Similarly, no reference to Article 49 was found in the communications received by the Council.

A. Calls for mutual assistance in the implementation of measures adopted in accordance with Article 40

During the period under review, there was one instance where the Council called on Member States to assist in the implementation of decisions adopted under Article 40, concerning provisional measures to prevent an aggravation of the situation. By [resolution 1970 \(2011\)](#) of 26 February 2011, adopted in connection with the situation in Libya, the Council, inter alia, requested all Member States, to the extent possible, to cooperate in the evacuation of those foreign nationals wishing to leave the country.³²⁵ By the same resolution, the Council called on Member States to cooperate among each other in facilitating and supporting the return of humanitarian assistance in Libya.³²⁶

Table 40 covers decisions referring to mutual assistance in the implementation of measures adopted in accordance with Article 40.

Table 40
Decisions referring to mutual assistance in the implementation of measures adopted in accordance with Article 40

<i>Decision and date</i>	<i>Provision</i>
The situation in Libya	
Resolution 1970 (2011) 26 February 2011	Requests all Member States, to the extent possible, to cooperate in the evacuation of those foreign nationals wishing to leave the country (para. 3) Also calls upon all Member States, working together and acting in cooperation with the Secretary-General, to facilitate and support the return of humanitarian agencies and make available humanitarian and related assistance in the Libyan Arab Jamahiriya, ... (para. 26)

B. Calls for mutual assistance in the implementation of measures adopted in accordance with Article 41

During the period under review, the Council adopted several decisions which called upon Member States to cooperate with each other regarding the implementation of

³²⁵ [Resolution 1970 \(2011\)](#), para. 3.

³²⁶ *Ibid.*, para. 26.

measures in accordance with Article 41. For example, in connection with the non-proliferation of weapons of mass destruction, the Council, inter alia, stressed the need for enhanced assistance and collaboration among States to implement [resolution 1540 \(2004\)](#), and also called on States to inform the Security Council Committee established pursuant to [resolution 1540 \(2004\)](#) responsible for monitoring the implementation of these measures, as appropriate, of areas in which they were able to provide assistance.³²⁷ Furthermore, in connection with the sanctions regime established in Iran and Libya respectively, the Council requested that all States cooperate with third States in their efforts to seize and dispose of items prohibited under such regimes, and with regard to the situation in Libya, called upon flag States to cooperate with inspections performed on their vessels or aircrafts.

Table 41 covers decisions referring to mutual assistance in the implementation of measures adopted in accordance with Article 41.

Table 41

Decisions referring to mutual assistance in the implementation of measures adopted in accordance with Article 41

<i>Decision and date</i>	<i>Provision</i>
Non-proliferation	
Resolution 1929 (2010) 9 June 2010	Decides to authorize all States to, and that all States shall, seize and dispose of (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination State for disposal) items, the supply, sale, transfer or export of which is prohibited by paragraph 3, 4 or 7 of resolution 1737 (2006) , ... and decides further that all States shall cooperate in such efforts (para.16)
Non-proliferation of weapons of mass destruction	
Resolution 1977 (2011) 20 April 2011	Noting that international cooperation between States, in accordance with international law, is required to counter the illicit trafficking by non-State actors in nuclear, chemical and biological weapons, their means of delivery and related materials (eighth preambular paragraph) Recognizing the need to enhance the coordination of efforts at the national, subregional, regional and international levels, as appropriate, in order to strengthen a global response to the serious challenge and threat to international peace and security posed by the proliferation of weapons of mass destruction and their means of delivery (ninth preambular paragraph) Stressing, in that regard, the need for enhanced assistance and collaboration among States, between the 1540 Committee and States, and between the Committee and relevant international, regional and subregional organizations in assisting States to implement resolution 1540 (2004) (nineteenth preambular paragraph)

³²⁷ [Resolution 1977 \(2011\)](#), nineteenth preambular paragraph.

<i>Decision and date</i>	<i>Provision</i>
	Urges States and relevant international, regional and subregional organizations to inform the 1540 Committee, as appropriate, of areas in which they are able to provide assistance; and calls upon States and such organizations, if they have not done so previously, to provide the Committee with a point of contact for assistance by 31 August 2011 (para. 14)
The situation in Libya	
Resolution 1970 (2011) 26 February 2011	Decides to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraphs 9 or 10 of the present resolution, seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items, the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of the present resolution, and decides further that all Member States shall cooperate in such efforts (para. 12)
Resolution 1973 (2011) 17 March 2011	...“Calls upon all Member States ... to inspect in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from the Libyan Arab Jamahiriya ... calls upon all flag States of such vessels and aircraft to cooperate with such inspections ...” (para. 13)

C. Calls for mutual assistance in the implementation of decisions adopted under Article 42

During the period under review, the Council requested Member States to provide appropriate support, assistance and increased cooperation for the purpose of implementing measures adopted under Article 42 involving the use of armed force. In particular, in several instances, the Council called upon Member States to contribute the necessary personnel and equipment to multinational forces established and authorized to use force under Chapter VII of the Charter. For example, in connection with the situation in Somalia, the Council called upon States, in particular Members States of the African Union (AU), to consider contributing troops to the African Union Mission in Somalia (AMISOM).³²⁸ Furthermore, the Council strongly urged Member States as well as regional and international organizations to contribute to the United Nations Trust Fund for AMISOM.³²⁹ In connection with the situation in Libya, the Council called upon all Member States, acting nationally or through regional organizations or arrangements, to provide assistance in order to implement measures under Article 42, in particular the protection of civilians and the enforcement of a no-fly zone over the country.³³⁰ The

³²⁸ [Resolution 2010 \(2011\)](#), sixteenth preambular paragraph.

³²⁹ *Ibid.*, para. 14.

³³⁰ [Resolution 1973 \(2011\)](#), para. 8.

Council also requested States members of the League of Arab States to cooperate with other Member States in the implementation of measures under Article 42.³³¹

Table 42 covers decisions referring to mutual assistance in the implementation of measures adopted in accordance with Article 42.

Table 42

Decisions referring to mutual assistance in the implementation of measures adopted in accordance with Article 42

<i>Decision and date</i>	<i>Provision</i>
The situation in Afghanistan	
Resolution 1943 (2010) 13 October 2010	Recognizes the need to further strengthen the International Security Assistance Force 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)
Resolution 2011 (2011) 12 October 2011	Recognizes the need for the International Security Assistance Force to meet all its operational requirements, welcomes the agreement between the Government of Afghanistan and countries contributing to the Force to gradually transfer lead security responsibility in Afghanistan to the Government country-wide by the end of 2014 and the start of the transition process in July 2011, and calls upon Member States to contribute personnel, equipment and other resources to the Force and to continue to pursue their efforts to support security and stability in Afghanistan (para. 3)
The situation in Bosnia and Herzegovina	
Resolution 1948 (2010) 18 November 2010	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 above (para. 19)
	<i>Same provision in resolution 2019 (2011), para. 19</i>
The situation in Libya	
Resolution 1973 (2011) 17 March 2011	...welcoming the response of neighbouring States, in particular Tunisia and Egypt, to address the needs of those refugees and foreign workers, and calling upon the international community to support those efforts (fifteenth preambular paragraph)
	Recognizes the important role of the League of Arab States in matters relating to the maintenance of international peace and security in the region, and, bearing in mind Chapter VIII of the Charter of the United Nations, requests the States members of the League of Arab States to cooperate with other Member States in the implementation of paragraph 4 above (para. 5)
	Calls upon all Member States, acting nationally or through regional organizations or arrangements, to provide assistance, including any necessary overflight approvals, for the purposes of implementing paragraphs 4, 6, 7 and 8 above (para. 9)
	Requests the Member States concerned to coordinate closely with each other and with the Secretary-General of the United Nations on the measures they are taking to implement paragraphs 4, 6, 7 and 8 above, including practical measures for the monitoring and approval of authorized humanitarian or evacuation flights (para. 10)

³³¹ [Resolution 1973 \(2011\)](#), para. 5.

<i>Decision and date</i>	<i>Provision</i>
The situation in Somalia	
Resolution 1910 (2010) 28 January 2010	<p>Strongly encouraging the prompt disbursement of funds pledged in support of the Somali security institutions and the Mission at the international conference on Somalia, held in Brussels on 23 April 2009, and recognizing the importance of timely and predictable funding for the Transitional Federal Government and the Mission, (tenth preambular paragraph)</p> <p>5. Encourages Member States to support the Mission and the Somali security sector institutions through the provision of appropriate and necessary equipment; (para. 5)</p> <p>Urges Member States and regional and international organizations to contribute generously and promptly to the United Nations trust fund for the Mission, or to make direct bilateral donations in support of the Mission, and encourages donors to work closely with the United Nations and African Union in order to ensure that the appropriate funds and equipment are promptly provided, particularly in relation to the salaries of Mission soldiers and the costs of contingent-owned equipment (para. 8)</p>
Resolution 1950 (2010) 23 November 2010	<p>Renews its call upon States and regional organizations that have the capacity to do so to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with the present resolution and international law, by deploying naval vessels, arms and military aircraft and through seizures and disposition of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use (para. 4)</p> <p>... calls upon States and interested organizations, including the International Maritime Organization, 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. 6)</p> <p>Commends the establishment of the Trust Fund to Support Initiatives of States Countering Piracy off the Coast of Somalia and the International Maritime Organization Djibouti Code Trust Fund (a multi-donor trust fund initiated by Japan), and urges both State and non-State actors affected by piracy, most notably the international shipping community, to contribute to them (para. 18)</p>
Resolution 1964 (2010) 22 December 2010	<p>Encourages Member States to support the Mission and the Somali security sector institutions through the provision of appropriate and necessary equipment and technical assistance (para. 8)</p> <p>Reiterates its call to Member States and regional and international organizations to contribute generously and promptly to the United Nations trust fund for the Mission without caveats, or to make direct bilateral donations in support of the Mission, and encourages donors to work closely with the United Nations and the African Union in order to ensure that the appropriate funds and equipment are promptly provided, particularly in relation to the salaries of Mission soldiers, self-sustainment and the costs of contingent-owned equipment, in particular lethal equipment (para. 9)</p>
Resolution 2010 (2011) 30 September 2011	<p>Commending the contribution of the African Union Mission in Somalia to lasting peace and stability in Somalia, recognizing the significant sacrifices made by these forces, expressing its appreciation for the continued commitment of troops and equipment to the Mission by the Governments of Uganda and Burundi, and calling upon other States members of the African Union to consider contributing troops to the Mission (sixteenth preambular para.)</p> <p>14. Reiterates its call to Member States and regional and international organizations to support the Mission through the provision of equipment, technical assistance and funding without caveats to the United Nations trust fund for the African Union Mission in Somalia, or to make direct bilateral donations in support of the Mission, including for the urgent need for the reimbursement of contingent-owned equipment, and for the provision of compassionate flights for Mission troops, and encourages donors to work closely with the United Nations and the African Union in order to ensure that the appropriate funds and equipment are promptly provided; (para. 14)</p>

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

Article 50

If preventive of 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

This section covers the practice of the Security Council in relation to Article 50 of the Charter, regarding the right of Member States to consult the Council with a view to resolve special economic problems arising from the implementation of preventive and enforcement measures, such as sanctions, imposed by the Council.

During the period under review, the Council continued its practice of applying targeted sanctions, such as travel bans, arms embargoes and assets freezes on designated States, entities or individuals.³³² There were no instances in the official documents of the Council where Security Council committees mandated to oversee the implementation of sanctions measures were approached by Member States, or other States, regarding special economic problems arising from the implementation of sanctions measures.³³³ The Council did not explicitly invoke Article 50 in any of its decisions, and the subsidiary bodies of the Council did not include any explicit references to Article 50 in their annual reports to the Council. However, in a number of instances, the Council adopted decisions which, without explicitly referring to Article 50, may be of relevance to the interpretation

³³² For more information on sanctions measures, see sect. III with regard to Article 41 of the Charter.

³³³ See also the annual reports to the General Assembly ([A/65/217](#) and [A/66/213](#)) concerning the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions.

and application of Article 50 by the Council. For instance, by [resolutions 1950 \(2010\)](#) of 23 November 2010, and [2020 \(2011\)](#) of 22 November 2011, adopted in connection with the situation in Somalia, the Council, inter alia, requested cooperating States to take appropriate steps to ensure that the authorized activities did not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State.³³⁴ Similarly, by [resolution 2018 \(2011\)](#) of 31 October 2011, adopted in connection with the item entitled “Peace and security in Africa”, the Council, inter alia, expressed its deep concern about the threat of piracy and armed robbery at sea in the Gulf of Guinea, and requested the States concerned to take appropriate steps to ensure that the activities they undertake pursuant to the same resolution do not have the practical effect of denying or impairing freedom of navigation on the high seas, or the right of innocent passage in the territorial sea to vessels of third States.³³⁵

Also during the period, there was one instance where the question of protection against the negative effects of measures imposed by the Council on Member States was discussed. At the 6347th meeting on 29 June 2010, under the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security,” the representative of Brazil said that sanctions should be implemented in ways that balanced effectiveness to achieve the desired results against possible adverse socio-economic and humanitarian consequences. She further said that in devising and implementing sanctions regimes, the Council should avoid adverse effects for individuals and entities not targeted, or for third States.³³⁶ Similarly, the representative of Turkey said that sanctions should be carefully targeted in order to minimize adverse consequences on populations and third-Party States.³³⁷

There were no explicit references to Article 50 in communications received by the Council. However, in a report transmitted on 12 May 2010, the Panel of Experts established pursuant to [resolution 1874 \(2009\)](#) highlighted the economic implications associated with the implementation of sanctions measures imposed on the Democratic People’s Republic of Korea. The report highlighted that several Governments had

³³⁴ [Resolutions 1950 \(2010\)](#), para. 10; and [2020 \(2011\)](#), para. 12.

³³⁵ [Resolution 2018 \(2011\)](#), para. 3.

³³⁶ [S/PV.6347](#), p. 16.

³³⁷ *Ibid.*, p. 27.

requested guidelines or information on the disposal of proscribed items after seizure. Government officials of Member States with whom the Panel had consultations frequently had mentioned that disposal of seized items could entail great financial and other burdens for the Member State seizing items, and that appropriate solutions should be developed to lessen such burdens.³³⁸

³³⁸ [S/2010/571](#), para. 92.

Section 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 covers the practice of the Security Council in relation to Article 51 of the Charter, regarding the inherent right of individual or collective self-defence in the case of an armed attack against a Member State. The section is divided into three sub-sections: sub-section A covers decisions adopted by the Council relating to Article 51; sub-section B covers the discussions of the Council of relevance to the interpretation and application of Article 51; and sub-section C covers references to Article 51 and the principle to self-defence in other instances, in particular communications received by the Council.

A. Decisions of the Security Council relating to Article 51

During the period under review, the Council did not explicitly refer to Article 51 in any of its decisions. However, a reference was made to the right of self-defence of States in a statement by the President adopted on 19 March 2010, in connection with the agenda item entitled “Central African region: impact of illicit arms trafficking on peace

and security.” In the statement, the Council, inter alia, while acknowledging the right of all States to manufacture, import, export, transfer and retain conventional arms for self-defence and security needs, consistent with international law and the Charter of the United Nations, underlined the vital importance of effective regulation and controls of the transparent trade in small arms and light weapons in order to prevent their illegal diversion and re-export.³³⁹

B. Discussion relating to Article 51

During the period, explicit references to Article 51 were made in several meetings of the Council, but there were no discussions that could be considered to be of a constitutional nature.³⁴⁰ The questions of application and interpretation of Article 51 was also implicitly referred to in connection with the Central African region and Palestine.

Central African region

At the 6288th meeting, on 19 March 2010, the Council discussed the impact of illicit arms trafficking on peace and security in the Central African region. The representative of Lebanon said that a binding international instrument to regulate the illegal trade of weapons did not infringe the inherent right of States to individual or collective self-defence in the event of aggression against a Member of the United Nations, as stipulated in Article 51 of the Charter. The representative of the United Kingdom said that with regard to the arms trade, he acknowledged the right of States to legally trade in conventional arms for self-defence. To this end, he noted, his delegation had played a leading role in developing a binding arms trade treaty that would set standards for the arms trade, ensuring respect for human rights and international humanitarian law while respecting a State’s inherent right to self-defence.³⁴¹

³³⁹ [S/PRST/2010/6](#), third paragraph.

³⁴⁰ See [S/PV.6288](#), p. 15 (Lebanon); [S/PV.6347 \(Resumption 1\)](#), p. 22 (Azerbaijan); and [S/PV.6362](#), p. 4 (Eritrea).

³⁴¹ [S/PV.6288](#), p. 23.

The situation in the Middle East, including the Palestinian question

On 31 May 2010, the Council convened an emergency meeting at the request of Turkey³⁴² and Lebanon,³⁴³ following the military interception by Israel of a flotilla attempting to deliver humanitarian aid to Gaza and to break the naval blockade off the coast of Gaza, which resulted in civilian and military casualties. The representative of Turkey, noting that international law dictated that, even in wartime, civilians were not to be attacked or harmed, said that the use of force by Israel had been disproportionate. He added that the doctrine of self-defence could not in any way justify the actions taken by the Israeli forces. He also urged the Council to adopt a presidential statement that would condemn the Israeli “act of aggression.”³⁴⁴ The representative of Israel said that once it became clear that the flotilla intended to violate the naval blockade on Gaza despite repeated warnings, Israeli Defense Forces (IDF) who boarded the ships were attacked violently with life-threatening means, and therefore had acted in self-defence.³⁴⁵

In several subsequent meetings held under the same agenda, speakers raised the question of the right of Israel to invoke self-defence as a legitimate ground for its action during the flotilla incident.³⁴⁶

C. References to Article 51 and the principle of self-defence in other instances

During the period under review, references to Article 51 and the principle of self-defence were found in several communications addressed to the President of the Council whereby Member States informed the Council of defensive actions carried out in self-defence or declared an intention to consider possible future action invoking their individual right to self-defence. The Council received such communications concerning Cambodia and Thailand,³⁴⁷ Eritrea and Ethiopia,³⁴⁸ Nagorny Karabakh,³⁴⁹ and

³⁴² [S/2010/266](#).

³⁴³ [S/2010/267](#).

³⁴⁴ [S/PV.6325](#), p. 4.

³⁴⁵ *Ibid.*, p. 14.

³⁴⁶ See [S/PV.6363](#), pp. 12-13 (Lebanon); and [S/PV.6404 \(Resumption 1\)](#), p. 21 (Nicaragua).

³⁴⁷ Letter dated 5 February 2011 from the representative of Thailand to the President of the Security Council ([S/2011/57](#), p. 2). For implicit references, see identical letters dated 8 August 2010 from the

Palestine.³⁵⁰ In connection with the issue of non-proliferation, the Council also received communications concerning the Islamic Republic of Iran,³⁵¹ and the Democratic People's Republic of Korea.³⁵²

Furthermore, Article 51 was explicitly mentioned in several other instances. In a letter dated 4 April 2011, the representative of Sao Tome and Principe transmitted to the Secretary-General the Sao Tome Declaration on a "Central African Common Position on the Arms Trade Treaty," whereby the signatories confirmed their commitment to the inherent right of all States to individual and collective self-defence, in accordance with Article 51 of the Charter. The Declaration further confirmed the right of all States to manufacture, import, export, transfer and possess conventional arms for their legitimate self-defence and security needs, for the maintenance of order and in order to participate in peace support operations.³⁵³

Also, in the outcome document of the sixteenth ministerial conference of the Non-Aligned Movement (NAM), NAM reaffirmed its principled positions concerning the peaceful settlement of disputes, and the non-use or threat of use of force, and in that connection, stressed that consistent with the practice of the United Nations and

representative of Cambodia to the President of the General Assembly and the President of the Security Council ([S/2010/426](#), p. 2); letter dated 7 February 2011 from the representative of the Permanent Mission of Thailand ([S/2011/59](#), p. 2); letter dated 25 April 2011 from the representative of Cambodia to the President of the Security Council ([S/2011/264](#), p. 2); and letter dated 25 April 2011 from the representative of Thailand to the President of the Security Council ([S/2011/265](#), p. 2).

³⁴⁸ Letter dated 3 May 2010 from the representative of Mexico to the President of the Security Council ([S/2010/225](#), Annex, p. 5); and letters dated 3 November 2011 and 20 December 2011 from the representative of Eritrea to the President of the Security Council ([S/2011/681](#), p. 3; and [S/2011/792](#), p. 7).

³⁴⁹ Letter dated 13 October 2010 from the representative of Azerbaijan to the Secretary-General ([S/2010/531](#), p. 5).

³⁵⁰ Identical letters dated 12 January 2010 from the representative of Israel to the Secretary-General and the President of the Security Council ([S/2010/21](#), p. 1). For implicit references, see identical letters dated 1 September 2010, 14 September 2010 and 16 September 2010 from the representative of Israel to the Secretary-General and the President of the Security Council ([S/2010/459](#), p. 1; [S/2010/477](#), p. 1; and [S/2010/483](#), p. 1).

³⁵¹ Identical letters dated 4 August 2010 from the representative of the Islamic Republic of Iran to the Secretary-General, the President of the General Assembly and the President of the Security Council ([S/2010/431](#), p. 1); and letter dated 11 November 2011 from the representative of the Islamic Republic of Iran to the President of the Security Council ([S/2011/710](#), p. 1).

³⁵² Letter dated 19 December 2010 from the representative of the United States of America to the Secretary-General ([S/2010/648](#), p. 4).

³⁵³ [S/2011/225](#), Annex I, p. 30.

international law, Article 51 of the Charter was restrictive and should not be re-written or re-interpreted.³⁵⁴

In addition, in a letter to the Council dated 4 November 2011, the representative of Turkey conveyed the conclusions of the Human Rights Council on the situation in Gaza, including by [resolution 14/1](#) of 2 June 2010, and document [A/HRC/15/21](#) of 27 September 2010, in which the Human Rights Council declared that Israel's interception of the *Mavi Marmara* on the high seas was unlawful and could not be justified under Article 51 of the Charter.³⁵⁵

Finally, in his report on Somalia the Secretary-General cited the joint communiqué of the Transitional Federal Government of Somalia and Kenya issued on 31 October 2011, by which the two countries clarified that the Kenyan security operation inside Somalia was aimed at eliminating the threat posed by Al-Shabaab to the national security and economic well-being of Kenya, and was based on the legitimate right to self-defence under Article 51 of the Charter.³⁵⁶

³⁵⁴ Letter dated 29 June 2011 from the representative of Egypt addressed to the Secretary-General ([S/2011/407](#), p. 26).

³⁵⁵ [S/2011/690](#), p. 1.

³⁵⁶ [S/2011/759](#), para. 5.