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

During the period under review, as in previous periods, the Council adopted 50 per cent of its resolutions (26 out of 52 resolutions) explicitly under Chapter VII of the Charter. Most of those resolutions concerned the mandates of United Nations and regional peacekeeping missions or multinational forces, and the imposition, extension, modification or termination of sanctions measures.

As discussed in section I, in 2019 the Council determined that the Houthi attacks against civilian infrastructure in Saudi Arabia posed a serious national security threat to the Kingdom of Saudi Arabia, as well as a wider threat to regional security. In addition, during the reporting period the Council reaffirmed that the situations in Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Lebanon, Libya, Mali, Somalia, the Sudan and South Sudan (including Abyei) and Yemen constituted threats to regional and/or international peace and security. In connection with the situation in Bosnia and Herzegovina, the Council maintained its

determination that the situation in the region continued to constitute a threat to international peace and security.

With respect to specific countries and regions, the Council in its decisions recalled past determinations of threats to international peace and security of significance in those situations. For example, in relation to Libya, the Council reaffirmed its determination that terrorism, in all forms and manifestations, constituted one of the most serious threats to peace and security. In connection with the situation in Somalia, the Council reiterated that the incidents of piracy and armed robbery at sea off the coast of Somalia, as well as the activity of pirate groups in Somalia, were an important factor exacerbating the situation in Somalia, which continued to pose a threat to international peace and security. In relation to the situation in West Africa, the Council recalled that the illicit transfer of small arms and light weapons continued to pose threats to international peace and security, including in West Africa and the Sahel. Similarly, and for the first time in relation to the cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security, the Council determined that the illicit trade, destabilizing accumulation and misuse of small arms and light weapons in many regions of the world, including Africa, continued to pose threats to international peace and security, caused significant loss of life, and contributed to instability and insecurity.

As in past practice, the Council reaffirmed in its decisions under thematic items that terrorism, terrorist groups and the proliferation of weapons of mass destruction as well as their means of delivery, constituted threats to international peace and security. The Council also reaffirmed that the linkages between international organized crime and terrorism represented a threat to international peace and security. Throughout 2019, the Council continued to address threats to international peace and security routinely discussed in the past, such as terrorism, proliferation of conventional weapons and weapons of mass destruction, illicit trade, destabilizing accumulation and misuse of small arms and light weapons and organized crime, including mercenarism in Africa. Consistent with preceding years, climate change as a threat to international peace and security was also addressed in discussions of the Council during the review period.

As described in section II, in 2019 the Council did not adopt any decision calling for compliance with provisional measures which may have been of relevance for the interpretation and

application of Article 40 of the Charter. In addition, there was no discussion of relevance for the interpretation and application of Article 40 of the Charter.

As covered in section III, in the period under review, the Council imposed a new ban on components that could be used in the manufacture in Somalia of improvised explosive devices and modified the arms embargo on the Central African Republic. The Council renewed the existing measures concerning the Central African Republic, the Democratic Republic of the Congo, Mali, Somalia, South Sudan, the Taliban and associated individuals and entities, and Yemen. No changes were made to the measures concerning the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) and Al-Qaida and associates, Iraq, the Democratic People's Republic of Korea, Guinea-Bissau, Lebanon, Libya and the Sudan. As far as judicial measures were concerned, no action was taken in 2019.

As described in section IV, the Council reiterated authorizations granted prior to 2019 to United Nations peacekeeping missions and multinational forces to use force under Chapter VII of the Charter, with regard to the maintenance or restoration of international peace and security in Bosnia and Herzegovina, the Central African Republic, the Democratic Republic of the Congo, Haiti, Lebanon, Libya, Mali, Somalia, the Sudan (including Abyei and Darfur) and South Sudan. In that regard, the Council renewed the authorization to use force to discharge the protection-of-civilians mandate of the United Nations Interim Security Force for Abyei, the African Union-United Nations Hybrid Operation in Darfur, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the United Nations Organization Mission in the Democratic Republic of the Congo, the United Nations Stabilization Mission in Haiti, the United Nations Interim Force in Lebanon, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), the African Union Mission in Somalia, and the United Nations Mission in South Sudan. Moreover, the Council reiterated the authorization granted to the French forces in the Central African Republic and Mali to take "all necessary measures" to support MINUSCA and MINUSMA, respectively, in fulfilling the mandated tasks. With respect to the situation in Somalia, the Council also extended the authorization to States and regional organizations cooperating with Somali authorities to repress acts of piracy and armed robbery at sea off the coast of Somalia. In relation to the situation in Libya, the Council reiterated its authorization

to Member States to take “all necessary measures” when confronting migrant smugglers as well as in carrying out the inspection of vessels in the implementation of the arms embargo. With regard to the situation in Bosnia and Herzegovina, the Council renewed its authorization to Member States, under the European Union Force-Althea (EUFOR Althea) and the North Atlantic Treaty Organization (NATO) presence, to take “all necessary measures” to effect the implementation of and to ensure compliance with the General Framework Agreement for Peace in Bosnia and Herzegovina, the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic and, at the request of either EUFOR Althea or NATO, to take “all necessary measures” in their defense.

As described in sections V to VIII, in the context of peacekeeping, the Council called upon Member States to contribute troops and other assets, including aerial force enablers, while Member States called for deepening its interaction and consultation with troop- and police-contributing countries during the period under review. In addition, the Council frequently requested compliance with its decisions adopted under Chapter VII by States and non-State actors alike as well as by regional and subregional organizations. As featured in section IX, the Council discussed the impact of counter-terrorism measures and sanctions on the provision of humanitarian assistance. As covered in section X, Article 51 as well as the principle of individual and/or collective self-defence were cited abundantly in communications addressed to the Council and in its discussions. However, the volume of substantive deliberations on the scope, interpretation and application of Article 51 and the right to self-defence in meetings of the Council decreased as compared to 2018.

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

Article 39

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

Note

Section I concerns the practice of the Security Council with regard to the determination of the existence of a threat to the peace, breach of the peace, or act of aggression in accordance with Article 39 of the Charter. It provides information regarding the determination of the existence of a threat by the Council and examines instances in which a threat was debated. The section is divided into three subsections. Subsection A provides an overview of the decisions of the Council relating to the determination of a “threat to the peace”. Subsection B contains a series of case studies describing some of the arguments advanced during the Council’s deliberations in connection with the determination of a threat in accordance with Article 39 of the Charter and the adoption of some of the resolutions mentioned in subsection A. Subsection C outlines the references to Article 39 of the Charter found in communications addressed to the Council in 2019.

A. Decisions of the Security Council relating to Article 39

New threats

During the period under review, the Council did not determine the existence of any breach of the peace, act of aggression or new threat to international peace and security. However, in a presidential statement issued on 29 August 2019, the Council determined that the Houthi attacks on

civilian infrastructure in the Kingdom of Saudi Arabia posed a serious national security threat to the Kingdom of Saudi Arabia, as well as a wider threat to regional security.¹

Continuing threats

In 2019, the Council continued to monitor the evolution of existing and emerging conflicts and situations to determine, reaffirm and recognize the existence of continuing threats. In that regard, the Council determined that the situations in the Central African Republic, the Democratic Republic of the Congo, Lebanon, Libya, Mali, Somalia, the Sudan and South Sudan, and Yemen continued to pose threats to international peace and security and/or threats to international peace and security in the respective regions.² With respect to Afghanistan, the Council recognized that, notwithstanding accelerated efforts to make progress toward reconciliation, the situation in Afghanistan remained a threat to international peace and security, and reaffirmed the need to combat this threat by all means.³

In relation to Bosnia and Herzegovina, the Council reiterated its determination that the situation in the region constituted a threat to international peace and security.⁴

In Africa, with respect to the situation in Libya, the Council also reaffirmed its determination that terrorism, in all forms and manifestations, constituted one of the most serious threats to peace and security.⁵ The Council made the same determination under the item entitled “Threats to international peace and security caused by terrorist acts”.⁶ In relation to the Sudan and

¹ [S/PRST/2019/9](#), fifth paragraph.

² See, in relation to the situation in the Central African Republic, resolutions [2454 \(2019\)](#), fifth preambular paragraph; and [2488 \(2019\)](#), eighth preambular paragraph; in relation to the situation concerning the Democratic Republic of the Congo, resolutions [2463 \(2019\)](#), penultimate preambular paragraph; and [2478 \(2019\)](#), fifth preambular paragraph; in relation to the situation in Libya, resolution [2486 \(2019\)](#), final preambular paragraph; in relation to the situation in Mali, resolutions [2480 \(2019\)](#), penultimate preambular paragraph; and [2484 \(2019\)](#), eleventh preambular paragraph; in relation to the situation in the Middle East, resolutions [2485 \(2019\)](#), final preambular paragraph (Lebanon); and [2456 \(2019\)](#), penultimate preambular paragraph (Yemen); in relation to the situation in Somalia, resolution [2472 \(2019\)](#), penultimate preambular paragraph; and in relation to the situation in the Sudan and South Sudan, resolutions [2455 \(2019\)](#), second preambular paragraph; [2479 \(2019\)](#), fourth preambular paragraph; and [2495 \(2019\)](#), penultimate preambular paragraph (the Sudan); [2459 \(2019\)](#), penultimate preambular paragraph; and [2471 \(2019\)](#), second preambular paragraph (South Sudan).

³ Resolution [2501 \(2019\)](#), penultimate preambular paragraph.

⁴ Resolution [2496 \(2019\)](#), penultimate preambular paragraph.

⁵ Resolution [2473 \(2019\)](#), penultimate preambular paragraph.

⁶ Resolution [2462 \(2019\)](#), second preambular paragraph.

South Sudan, the Council reaffirmed that the current situation in Abyei and along the border between the Sudan and South Sudan continued to constitute a threat to international peace and security.⁷ Concerning the situation in Somalia, the Council expressed grave concern that Al-Shabaab continued to pose a serious threat to the peace, security and stability of Somalia and the region, particularly through its increased use of improvised explosive devices.⁸ The Council also condemned any flows of weapons and ammunition supplies to and through Somalia in violation of the arms embargo, including when they resulted in supplies to Al-Shabaab and affiliates linked to the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh), and when they undermined the sovereignty and territorial integrity of Somalia as a serious threat to peace and stability in the region.⁹ In connection with peace consolidation in West Africa, the Council recalled that the illicit transfer, of small arms and light weapons continued to pose threats to international peace and security, including in West Africa and the Sahel.¹⁰

During 2019, several decisions adopted in connection with thematic items also made reference to threats to international peace and security. In that regard, for the first time under the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”, the Council determined that the illicit trade, destabilizing accumulation and misuse of small arms and light weapons in many regions of the world, including Africa, continued to pose threats to international peace and security.¹¹ Under the item entitled “Non-proliferation/the Democratic People’s Republic of Korea”, the Council reaffirmed that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constituted a threat to international peace and security.¹² Under the item “Threats to international peace and security”, the Council determined that the linkages between international terrorism and organized crime, whether domestic or transnational, constituted a serious challenge and a threat to international security.¹³ Similar to previous years, the Council called upon Member

⁷ Resolutions [2465 \(2019\)](#), sixth preambular paragraph; [2469 \(2019\)](#), eighteenth preambular paragraph; and [2497 \(2019\)](#), thirteenth preambular paragraph.

⁸ Resolution [2498 \(2019\)](#), fourth preambular paragraph.

⁹ *Ibid.*, sixth preambular paragraph.

¹⁰ [S/PRST/2019/7](#), twenty-first paragraph.

¹¹ Resolution [2457 \(2019\)](#), seventh preambular paragraph.

¹² Resolution [2464 \(2019\)](#), seventh preambular paragraph.

¹³ Resolution [2482 \(2019\)](#), para. 1.

States to strengthen their efforts as well as international regional cooperation to counter the threat posed by the illicit cultivation, production, trafficking and consumption of narcotic drugs and psychotropic substances, which could significantly contribute to the financial resources of terrorist groups.¹⁴ The Council also recalled that ISIL (Da'esh) constituted a global threat to international peace and security through its terrorist acts, its violent extremist ideology, its continued gross, systematic and widespread attacks directed against civilians, its violations of international humanitarian law and abuses of human rights, particularly those committed against women and children, and including those motivated by religious or ethnic grounds, and its recruitment and training of foreign terrorist fighters whose threat affected all regions and Member States.¹⁵

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

Table 1
Decisions in which the Council referred to continuing threats to the peace, by region and country, 2019

<i>Decision and date</i>	<i>Provision</i>
Africa	
The situation in the Central African Republic	
Resolution 2454 (2019) 31 January 2019	Determining that the situation in the CAR continues to constitute a threat to international peace and security in the region (fifth preambular paragraph) See also resolution 2488 (2019) (penultimate preambular paragraph) and 2499 (2019) (penultimate preambular paragraph)
The situation concerning the Democratic Republic of the Congo	
Resolution 2463 (2019) 29 March 2019	Determining that the situation in the DRC continues to constitute a threat to international peace and security in the region (thirty-first preambular paragraph) See also resolution 2478 (2019) (penultimate preambular paragraph) and 2502 (2019) (penultimate preambular paragraph)
The situation in Libya	
Resolution 2473 (2019) 10 June 2019	Reaffirming its determination that terrorism, in all forms and manifestations, constitutes one of the most serious threats to peace and security (penultimate preambular paragraph)

¹⁴ Ibid., para. 4.

¹⁵ Resolution [2490 \(2019\)](#), third preambular paragraph.

<i>Decision and date</i>	<i>Provision</i>
Resolution 2486 (2019) 12 September 2019	Recalling its determination in resolution 2213 (2015) that the situation in Libya continues to constitute a threat to international peace and security (final preambular paragraph)

The situation in Mali

Resolution 2480 (2019) 28 June 2019	Determining that the situation in Mali continues to constitute a threat to international peace and security (penultimate preambular paragraph)
Resolution 2484 (2019) 29 August 2019	Determining that the situation in Mali continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)

The situation in Somalia

Resolution 2472 (2019) 31 May 2019	Determining that the situation in Somalia continues to constitute a threat to international peace and security (penultimate preambular paragraph)
Resolution 2498 (2019) 15 November 2019	<p>Condemning Al-Shabaab attacks in Somalia and beyond, expressing grave concern that Al-Shabaab continues to pose a serious threat to the peace, security and stability of Somalia and the region, particularly through their increased use of improvised explosive devices (IEDs), and further expressing grave concern at the continued presence in Somalia of affiliates linked to Islamic State in Iraq and the Levant (ISIL also known as Da'esh) (fourth preambular paragraph)</p> <p>Condemning any flows of weapons and ammunition supplies to and through Somalia in violation of the arms embargo, including when they result in supplies to Al-Shabaab and affiliates linked to ISIL, and when they undermine the sovereignty and territorial integrity of Somalia as a serious threat to peace and stability in the region, and further condemning continued illegal flows of weapons and ammunition from Yemen to Somalia (sixth preambular paragraph)</p> <p>Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)</p>
Resolution 2500 (2019) 4 December 2019	Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia, as well as the activity of pirate groups in Somalia, are an important factor exacerbating the situation in Somalia, which continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)

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

Resolution 2455 (2019) 7 February 2019	Determining that the situation in Sudan continues to constitute a threat to international peace and security in the region (second preambular paragraph)
Resolution 2479 (2019) 27 June 2019	<p>Determining that the situation in Sudan constitutes a threat to international peace and security (fourth preambular paragraph)</p> <p>See also resolution 2495 (2019) (penultimate preambular paragraph)</p>
Resolution 2459 (2019) 15 March 2019	<p>Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region (thirty-fifth preambular paragraph)</p> <p>See also resolution 2471 (2019) (second preambular paragraph)</p>
Resolution 2465 (2018) 12 April 2019	Recognizing that the current situation in Abyei and along the border between the Sudan and South Sudan continues to constitute a threat to international peace and security (sixth preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
	See also resolution 2469 (2019) (final preambular paragraph) and 2497 (2019) (final preambular paragraph)
Peace consolidation in West Africa	
S/PRST/2019/7 7 August 2019	The Security Council recalls that the illicit transfer, of small arms and light weapons continue to pose threats to international peace and security, including in West Africa and the Sahel. (twenty-first paragraph)
Asia	
The situation in Afghanistan	
Resolution 2501 (2019) 16 December 2019	Recognizing that, notwithstanding accelerated efforts to make progress toward reconciliation, the situation in Afghanistan remains a threat to international peace and security, and reaffirming the need to combat this threat by all means, in accordance with the Charter of the United Nations and international law, including applicable human rights, refugee and humanitarian law, stressing in this regard the important role the United Nations plays in this effort (penultimate preambular paragraph)
Europe	
The situation in Bosnia and Herzegovina	
Resolution 2496 (2019) 5 November 2019	Determining that the situation in the region continues to constitute a threat to international peace and security (penultimate preambular paragraph)
Middle East	
The situation in the Middle East	
Resolution 2456 (2019) 26 February 2019	Determining that the situation in Yemen continues to constitute a threat to international peace and security (penultimate preambular paragraph)
Resolution 2485 (2019) 29 August 2019	Determining that the situation in Lebanon continues to constitute a threat to international peace and security (final preambular paragraph)

Table 2
Decisions in which the Council referred to continuing threats to the peace, by thematic issue, in 2019

<i>Decision and date</i>	<i>Provision</i>
Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security	
Resolution 2457 (2019) 27 February 2019	Gravely concerned that the illicit trade, destabilizing accumulation and misuse of small arms and light weapons in many regions of the world, including Africa, continue to pose threats to international peace and security, cause significant loss of life, contribute to instability and insecurity (seventh preambular paragraph)

Decision and date *Provision*

Non-proliferation/Democratic People’s Republic of Korea

Resolution [2464 \(2019\)](#)
10 April 2019 Determining that proliferation of nuclear, chemical, and biological weapons, as well as their means of delivery, continues to constitute a threat to international peace and security (penultimate preambular paragraph)

Threats to international peace and security

Resolution [2482 \(2019\)](#)
19 July 2019 Calls upon Member States to enhance coordination of efforts at all levels in order to strengthen a global response to linkages between international terrorism and organized crime, whether domestic or transnational, which constitute a serious challenge and a threat to international security (para. 1)

Calls upon Member States to strengthen their efforts as well as international and regional cooperation to counter the threat to the international community posed by the illicit cultivation, production, trafficking, and consumption of narcotic drugs and psychotropic substances, which can significantly contribute to the financial resources of terrorist groups, and to act in accordance with the principle of common and shared responsibility in addressing and countering the world drug problem, including through cooperation against the trafficking in illicit drugs and precursor chemicals, also underlining the importance of border management cooperation, and welcomes in this context the continued efforts of the UNODC (para. 4)

Resolution [2490 \(2019\)](#)
20 September 2019 Recalling that the Islamic State in Iraq and the Levant (ISIL, also known as Da’esh) constitutes a global threat to international peace and security through its terrorist acts, its violent extremist ideology, its continued gross, systematic and widespread attacks directed against civilians, its violations of international humanitarian law and abuses of human rights, particularly those committed against women and children, and including those motivated by religious or ethnic grounds, and its recruitment and training of foreign terrorist fighters whose threat affects all regions and Member States (third preambular paragraph)

Threats to international peace and security caused by terrorist acts

Resolution [2462 \(2019\)](#)
28 March 2019 Reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever, wherever and by whomsoever committed (second preambular paragraph)

B. Discussion relating to Article 39

During the period under review, while no explicit references to Article 39 were made in meetings of the Council, several issues regarding the interpretation of Article 39 and the determination of threats to international peace and security arose during the deliberations of the Council.

In 2019, the Council discussed threats to international peace and security in the context of several country- or region-specific situations and conflicts. In that regard, the Council deliberated on whether the situation in the Bolivarian Republic of Venezuela posed a threat to regional or

international peace and security at four meetings held under the item entitled “The situation in the Bolivarian Republic of Venezuela” (see case 1).

On 16 September 2019, the Council heard a briefing on the situation in Yemen and discussed the attack on the ARAMCO oil facilities in Saudi Arabia of 14 September 2019 under the item entitled “The situation in the Middle East”.¹⁶ At that meeting, the speakers unanimously condemned the attack, claimed by Ansar Allah. The representative of the United Kingdom stated that it was a clear threat to regional and international peace and security and an effort to disrupt global oil supplies. The representative of Poland similarly indicated that incidents such as the attack in question posed a direct threat to the global energy supply as well as to the broader security and stability of the Middle East. The representative of Côte d’Ivoire acknowledged that the attacks were likely to undermine regional security and stability, and the representative of Peru said they put regional and world security at high risk.¹⁷

On 11 December 2019, under the item entitled “Non-proliferation/Democratic People’s Republic of Korea”, the Council met to address the threat to regional and international peace and security posed by the nuclear activities of the Democratic People’s Republic of Korea.¹⁸ The meeting was held in response to the launch of missiles carried out by the country on 28 November 2019. During the meeting, the representatives of the Dominican Republic and Peru stated that the ballistic-missile programme and launches, respectively, of the Democratic People’s Republic of Korea were a serious threat to international peace and security.¹⁹ The representative of the United Kingdom similarly asserted that international peace and security were under threat, owing to the Democratic People’s Republic of Korea’s unabated development of ballistic-missile and nuclear-weapon technology. The representative of the United States believed that the ballistic missile tests undermined regional security and stability. The representative of France said that the launches demonstrated the willingness of the Democratic People’s Republic of Korea to develop its missile arsenal, violated the decisions of the Council and undermined regional stability and security and international peace and security. The representative of Côte d’Ivoire condemned the repeated

¹⁶ [S/PV.8619](#).

¹⁷ *Ibid.*, Côte d’Ivoire and Peru.

¹⁸ [S/PV.8682](#).

¹⁹ *Ibid.*, Dominican Republic and Peru.

military exercises, which he said constituted serious breaches of international security and undermined the efforts of the international community to ensure peace and a peaceful coexistence among the countries of the region. The representative of Kuwait regretted that the progress on the Korean peninsula was being threatened as talks had begun to grind to a halt and ballistic missile attacks had returned, accompanied by inflammatory statements, including threats of conducting further provocative missile attacks that would in his view jeopardize regional and international peace and security.

Consistent with past practice, the Council continued to discuss the threats to international peace and security in the context of the Israeli-Palestinian conflict in its meetings under the item entitled “The situation in the Middle East, including the Palestinian question”.²⁰

As in previous years, in 2019 the Council on multiple occasions addressed the existential nature of traditional and contemporary threats to international peace and security at its thematic meetings. In that regard, on 25 January 2019, the Council held a discussion on the threat that climate change posed to international peace and security, under the item entitled “Maintenance of international peace and security” (see case 2).

Under the same item, on 5 February 2019 the Council held a meeting under the subitem entitled “Transnational organized crime at sea as a threat to international peace and security”.²¹ Various speakers at the meeting acknowledged the existence of a threat to international peace and security posed by transnational crime at sea.²² Many deliberated upon the nature of transnational crime at sea, as well as specific crimes and recent developments, at varying relevance to the interpretation of Article 39. The Executive Director of the United Nations Office on Drugs and Crime (UNODC) briefed the Council on crimes occurring at sea in different parts of the world, including the trafficking of drugs, smuggling of migrants and terrorist materials, piracy and armed robbery, kidnap for ransom and illegal fishing, which threatened international peace and security. The representative of China noted that pirate attacks and armed robbery occurred frequently; maritime trafficking in arms, drugs and persons continued undebated; and illegal funds flowed into

²⁰ See, for example, [S/PV.8449](#); [S/PV.8583](#); and [S/PV.8648](#).

²¹ [S/PV.8547](#). The Council had before it a concept note annexed to a letter dated 31 January 2019 from the representative of Equatorial Guinea to the Secretary-General ([S/2019/98](#)).

²² [S/PV.8457](#), Executive Secretary of the Gulf of Guinea Commission; Dominican Republic; Indonesia; Kuwait; South Africa; Senegal; and Italy.

terrorist organizations, extremist forces and criminal groups, exacerbating national and regional instability and threatening international peace and security. The representative of Sri Lanka addressed the vulnerability of ungoverned undersea cables. In his view, given that more than 80 per cent of internet traffic was transferred using undersea cables and the internet connectivity was inextricably linked to the economies of most countries, the seabed was becoming a tangle of ungoverned undersea cables, presenting a new threat to international peace and security. In this regard, he noted his country's endorsement to the recommendations put forward by UNODC to address that new threat in order to support all States, namely, classifying submarine cables as critical communications infrastructure and/or critical national infrastructure, developing a national action plan for resilience in addressing the protection of submarine cables, enhancing the legal treatment of submarine cables in line with public international law and encouraging States to designate a lead agency on the protection of submarine cables. Under the item entitled "Threats to international peace and security", on 4 February 2019, the Council discussed the threat to international peace and security posed by mercenarism in Africa during a ministerial-level meeting.²³ At that meeting, several speakers recognized the activities or the use of mercenaries as a threat to regional or international peace and security or peace and security in Africa.²⁴ The Minister for Foreign Affairs of Côte d'Ivoire further elaborated that mercenarism was an old and widespread practice characterized by the formation of armed groups comprising large and extremely well-armed combat forces ready to fight on behalf of the highest bidder, thereby posing a lasting threat to the peace and stability of states and regions. The President of Equatorial Guinea stated that mercenary activities had been devastating and constantly leading to major challenges, such as obstacles to the self-determination of peoples, and that the negative consequences of that phenomenon were indicative of the danger and threat that mercenary activities posed to the peace and security of the continent. The representative of the Sudan said that mercenaries sought to perpetuate conflicts, fragile conditions and weak Governments, and were therefore one of the greatest threats to maintaining peace and security.

²³ [S/PV.8456](#). The Council had before it a concept note annexed to a letter dated 31 January 2019 from the representative of Equatorial Guinea to the Secretary-General ([S/2019/97](#)).

²⁴ [S/PV.8456](#), Côte d'Ivoire; China; France; South Africa; and Djibouti.

Under the same item, on 9 July 2019, and prior to adopting resolution [2482 \(2019\)](#) later that month, the Council considered the linkages between international terrorism and organized crime, and reaffirmed that, whether domestic or transnational, these constituted a serious challenge and a threat to international security (see case 3).²⁵

On 27 February 2019, the Council met under the item entitled “Cooperation between the United Nations and regional and subregional organizations” and the subitem “Silencing the guns in Africa”.²⁶ At that meeting, the Council unanimously adopted resolution [2457 \(2019\)](#), by which it expressed grave concern that the illicit trade, destabilizing accumulation and misuse of small arms and light weapons in many regions of the world, including Africa, continued to pose threats to international peace and security, caused significant loss of life and contributed to instability and insecurity.²⁷ During the debate, the representative of Japan said that small arms and light weapons were a force multiplier of instability that exacerbated and prolonged conflict. He stressed that small arms and light weapons were the greatest common factor among various types of security threats on the African continent.²⁸ Similarly, the representative of Mexico stated that conventional weapons accounted for the largest number of deaths and victims around the world, perpetuated armed conflicts and noted that their uncontrolled proliferation in various regions of the world posed a threat to international peace and security. The representative of Djibouti, regretting that light weapons were readily available, said that they triggered and perpetuated violent conflicts and that they constituted a threat to international peace and security. The representative of the Islamic Republic of Iran underscored that one of the sources of the occurrence, exacerbation and prolongation of conflicts in Africa was certainly the illicit manufacture, transfer and circulation of arms, particularly small arms and light weapons, along with their excessive accumulation and uncontrolled proliferation. He further explained that this had a wide range of humanitarian and socioeconomic consequences and posed a serious threat to peace, security, stability and sustainable development in various parts of Africa. The representative of Ghana opined that the illicit

²⁵ Resolution [2482 \(2019\)](#), para. 1.

²⁶ [S/PV.8473](#). The Council had before it a concept note annexed to a letter dated 13 February 2019 from the Chargé d'affaires a.i. of the Permanent Mission of Equatorial Guinea to the United Nations addressed to the Secretary-General ([S/2019/169](#)).

²⁷ Resolution [2457 \(2019\)](#), seventh preambular paragraph.

²⁸ [S/PV.8473](#).

manufacture and trade in small arms and light weapons was perhaps one of the biggest threats to peace and security in Africa.

Throughout 2019, the Council continued to address on numerous occasions the threats to international peace and security it had discussed in the past, including those posed by terrorism, the activities of terrorist organizations and the problem of foreign terrorist fighters,²⁹ and the proliferation of weapons of mass destruction.³⁰

Case 1

The situation in the Bolivarian Republic of Venezuela

On 26 January 2019, at its 8452nd meeting, the Council discussed the events in the Bolivarian Republic of Venezuela, including the large-scale protests which culminated with the self-proclamation of Juan Guaidó as the interim President of the country on 23 January 2019. During the meeting, the Council voted on the provisional agenda for the meeting entitled “The situation in the Bolivarian Republic of Venezuela”.³¹ Prior to the vote, the representative of the Russian Federation requested the floor and expressed the view that the internal situation in Venezuela was not an item on the agenda of the Council, that no external threats were arising from it and that it did not represent a threat to peace and security. He said that if anything did represent such threat, it was the “shameless and aggressive actions of the United States and its allies aimed at ousting the legitimately elected president of Venezuela”.³² After the vote, by which the provisional agenda was adopted,³³ the representative of China made similar remarks, underscoring that the situation in Venezuela was a domestic matter that did not constitute a threat to international peace and security and stressing that China was opposed to adding it to the agenda of the Council. The

²⁹ Under the item entitled “Threats to international peace and security caused by terrorist acts”, see, for example, [S/PV.8460](#); [S/PV.8496](#); and [S/PV.8605](#); and under the item entitled “Briefings by Chairs of subsidiary bodies of the Security Council”, see [S/PV.8528](#).

³⁰ Under the item entitled “Non-proliferation”, see, for example, [S/PV.8500](#) and [S/PV.8564](#); under the item entitled “Non-proliferation of weapons of mass destruction”, see [S/PV.8487](#); and under the item entitled “Non-proliferation”, see [S/PV.8695](#).

³¹ For more information on the agenda, see part II, sect. II.

³² [S/PV.8452](#).

³³ *In favour*: Belgium, Dominican Republic, France, Germany, Kuwait, Peru, Poland, United Kingdom, United States; *Against*: China, Equatorial Guinea, Russian Federation, South Africa; *Abstaining*: Côte d’Ivoire, Indonesia.

representative of Nicaragua also stressed that the situation in Venezuela did not pose a threat to international peace and security, and the representative of Saint Vincent and the Grenadines said Venezuela represented no danger to international peace and security even though its Government had been subjected to a “systemic campaign of aggression”.³⁴ The representative of Cuba stated that the main threat to peace and security in Latin America and the Caribbean was “the bullying of the Bolivarian Republic of Venezuela by the United States and its allies”. Echoing these statements, the representative of the Plurinational State of Bolivia underscored that Venezuela in no way constituted a threat to either the region or the world; on the contrary, the aggressions of which Venezuela had been on the receiving end were what constituted a threat to international peace and security.

Other speakers deliberated on the ways in which the situation in Venezuela could threaten international peace and security. Speaking before the vote, the Secretary of State of the United States focused on the humanitarian situation in Venezuela, including the fact that three million Venezuelans had been forced to flee the country, flooding the region and threatening international peace and security. After the vote, other speakers agreed that the situation in Venezuela deserved consideration by the Council. The representative of Canada wondered how there could be any doubt that the movement of more than three million refugees constituted a threat to international peace and security. The representative of Peru noted with alarm that the rupture of the constitutional order in Venezuela had given way to a serious political, economic and humanitarian crisis, which represented a threat to regional peace and security. The representative of Poland stated that the delegation supported the request by the United States and other countries for the briefing because they believed that the scale of the Venezuelan migration and the humanitarian crisis – both resulting from the “oppressive regime of Nicolas Maduro” – had an undeniable impact and tremendous consequences on the situation in neighboring Latin American countries, and that the situation de facto posed a threat to the stability and security of the region. The representative of Colombia stated that the “dictatorship in Venezuela” had posed a threat to peace, security and stability in the region, while running contrary to international law, in particular inter-American law.

³⁴ [S/PV.8452](#), Nicaragua and Saint Vincent and the Grenadines.

The representative of Germany drew on the briefing delivered earlier at the meeting by the Under-Secretary-General for Political and Peacebuilding Affairs, including the reports of the violent deaths, which he said must be subject to independent and impartial investigations. He reasoned that given the massive violations of human rights and the threats to international peace and security, it was right that the Council discussed the issue. The representative of Kuwait said that the Council had a fundamental role to play in implementing preventive diplomacy in order to prevent conflicts and address crises at an early stage, should there be any signs of a situation leading to a threat to international peace and security. The representative of Belgium affirmed that it was clear that the Council had the responsibility to address the situation in Venezuela which constituted a threat to international peace and security. The representative of Argentina emphasized that the Council could not remain indifferent in the face of this tragedy which was a threat to international peace and security because of its tragic consequences, particularly for the Venezuelan people and the region. The representative of Honduras said that notwithstanding Chapter VIII of the Charter regarding regional arrangements relating to the maintenance of international peace and security, the Council had the responsibility to respond to threats to international peace and security. She added that since all the region and its peoples were impacted by the protracted crises in Venezuela and the deterioration with regard to the rule of law, stability, security and elemental guarantees and freedoms, they requested the Council to urgently and diligently attend to this matter. The representative of Brazil stated that it was crucial that the Council address the situation in Venezuela not only because it could pose real and immediate risks to the peace and security in Latin America and the Caribbean, but because it was a situation that demanded collective and urgent action.

The following month, on 26 February 2019, the Council held its 8472nd meeting under the item entitled “The situation in the Bolivarian Republic of Venezuela”. During the meeting, the representative of Peru stated that the “continuation of the illegitimate regime in and of itself” represented an unprecedented threat to the peace, security, freedom and prosperity of the entire region.³⁵ The representatives of Argentina, Canada and Guatemala, invited under rule 37 of the provisional rules of procedure of the Council, echoed this statement, agreeing that “Maduro and his

³⁵ [S/PV.8472](#).

illegitimate regime in power” represented an unprecedented threat to the security and peace of the entire region.³⁶

The representative of Belgium affirmed that the situation in Venezuela was a clear threat to the stability of the region. The representative of the Dominican Republic underscored that the high cost incurred by flows of impoverished people, which could threaten the stability of host countries and the region, could not be ignored. The representative of Kuwait shared the concern about the humanitarian situation in Venezuela which had caused the displacement of hundreds of thousands of Venezuelans to neighboring states, adding it had been a tremendous challenge for host countries to provide safe and secure shelter to those people, constituting a threat to regional security and stability.

The representative of South Africa stated that while his delegation did not believe the situation in Venezuela posed a threat to international peace and security, the efforts of the Council in confronting the situation should be framed by Chapter VI of the Charter. The representative of Germany said he disagreed with South Africa, stressing that the situation in Venezuela belonged on the agenda of the Council and it was a threat to international peace and security for two reasons. Firstly, because there were 3.4 million refugees across the border now living in the border areas of Brazil, Colombia and Ecuador, affecting the stability, wealth and conditions of those countries. Secondly, because human rights were not solely an internal affair, but rather “a common standard of achievements for all peoples and all nations”, quoting the Universal Declaration of Human Rights. The representative of the United Kingdom stated that he agreed with the representative of Germany and added that the “actions of the Maduro regime” had led to an economic collapse which threatened the peace and security of the region.

The representative of the Russian Federation stated that the topic of the meeting should have been “Threats to international peace and security” given the threats to Venezuela posed by a number of States, and that rather than the situation in Venezuela, the situation surrounding Venezuela should have been discussed. The representative of the Bolivarian Republic of Venezuela stressed that when powerful countries and other countries that were subordinate thereto organized aggression against the sovereignty of a free people, such as Venezuela, then the issue was

³⁶ Ibid., Argentina, Guatemala and Canada.

undoubtedly a threat to the peace and security of the region, which in turn could affect international peace and security. The representative of the Plurinational State of Bolivia said that the situation that Venezuela was experiencing demanded the attention of the Council not because the country constituted a threat to international peace and security, but because the actions that had been taken against Venezuela indeed posed a very serious threat to peace and stability within the region.

Case 2

Maintenance of international peace and security

On 25 January 2019, the Council held its 8451st meeting, a high-level open debate, under the above item at the initiative of the Dominican Republic, which held the presidency for the month.³⁷ The Council considered the sub-item entitled “Addressing the impacts of climate-related disasters on international peace and security”. At the outset of the meeting, the Council heard the briefings of the Under-Secretary-General for Political and Peacebuilding Affairs; the Administrator of the United Nations Development Programme; the Chief Scientist of the World Meteorological Organization; and a Research Assistant at the Environmental Security Program of the Stimson Center.

In her briefing to the Council, the Under-Secretary-General for Political and Peacebuilding Affairs said that she was encouraged by the holding of the debate, which signaled the willingness to establish a shared understanding of the impact of climate-related security risks on international peace and security. She also stated that major armies and businesses had long recognized the need to prepare for climate-related risks, rightfully perceiving climate change as a threat multiplier, and stressed the need to not “lag behind”.³⁸ The Administrator of the United Nations Development Programme appealed to all participants to consider how the world now viewed climate risk and how it was assessing the threat that it posed to the future not only of economies but also of human and national security. The Research Assistant at the Environmental Security Program of the Stimson Center stated that the Council should adopt a draft resolution that formally recognized climate

³⁷ The Council had before it a concept note annexed to a letter dated 2 January 2019 from the representative of the Dominican Republic to the Secretary-General ([S/2019/1](#)).

³⁸ [S/PV.8451](#).

change as a threat to international peace and security. She regretted that it had been 10 years since its first debate on the issue and no such resolution had been adopted, and stressed that climate change was a security threat both in its direct impacts and as a threat multiplier.

Council members addressed the impact of climate change on international peace and security to varying degrees. The Minister for Foreign Affairs of Germany affirmed that climate change was increasingly becoming a threat to international peace and security and the debate about its policy consequences belonged in the Council. He added that it should become routine for the Council to take the link between climate and security into account in conflict situations. The representative of China stated that climate change was a major challenge that affected the future and destiny of humankind, inducing natural disasters, wreaking havoc in many parts of the world and posing grave threats to food security, water resources, the ecological environment, energy, human life and property. He added that those issues had become disruptive factors in certain regions, undermining peace and stability. The representative of Peru emphasized that it was important to address climate-related risks to human security, which had the potential to lead to humanitarian crises, conflicts and disasters that could pose threats to international peace and security. The Minister for Foreign Affairs of the Dominican Republic emphasized that the attention to the link between the environment and security was consistent with the efforts of the international community to build an institutional architecture that responded to the multiple challenges posed by environmental degradation. He also said that the nexus between climate change and security had been addressed sporadically in the Council and noted a renewed interest in the issue. He added that with regard to the link between the environment and security, the Council had already set precedents by accepting that environmental change and degradation were risk factors in several conflict-prone areas and that the negative effects of climate change could contribute to destabilization. In this connection, he said that the Council had to be equipped with the tools necessary to systematically assess the relationship between the effects of the climate change and conventional risks. By contrast, the representative of the Russian Federation deemed it excessive, and even counterproductive, to consider climate change in the Council. While acknowledging that the climate was indeed changing, he stated that climate change was not a universal challenge in the context of international security. The representative of South Africa pointed out that as evidence-

based studies had shown, it was often difficult to determine a direct causal nexus between climate change and natural disasters on the one hand, and threats to international peace and security on the other. He further explained that in specific circumstances it could be an exacerbating factor or a threat multiplier, to more direct and specific root causes of conflict.

Other speakers spoke also about climate change as a threat multiplier responsible for the exacerbation of conflicts. The representative of Mexico said that the indirect effects of climate change on populations constituted a threat to international peace and security and were risks factors with regard to the emergence and the exacerbation of conflicts. Similarly, the representative of Morocco, highlighting the threat-multiplier aspect of climate change, stated that it was essential to address the negative impacts of climate change not only because of their direct impact on food security, but also because they posed a threat to international peace and security. The representative of Liechtenstein noted that Member States had become increasingly aware of the fact that climate change was the driver of insecurity and a threat multiplier for conflict, as well as a threat to collective security, and although there were other United Nations organs with the competence to address climate change, it was essential that the Council address the international and transnational threat that climate change posed to peace and security. The representative of New Zealand stated that climate change was not a future challenge to be endlessly discussed but a real and immediate threat, recalling the statement of the Secretary-General that climate change was the defining issue of our time and a threat to livelihoods, well-being and international peace and security.

The representative of the European Union stated that climate change acted as a threat multiplier for conflicts over increasingly scarce resources and for instability and international and internal displacement. The representative of Latvia said that climate change was one of the greatest challenges of our time and that it undoubtedly affected geopolitical stability and security, while acting as a threat multiplier, especially for the most vulnerable regions – in some cases reinforcing conflicts. The representative of Trinidad and Tobago said that as a threat multiplier, climate change applied additional stress on limited resources, social and economic pressures and the adaptive capacity of fragile ecosystems, which could lead to scarcity, population displacement and conflict. The Minister for Foreign Affairs of Indonesia recalled that security threats of climate change were indisputable and, in places which have no capacity to adapt, potential security threats became real

security threats. The representative of Ireland underlined that climate-related disasters were a major threat that would continue to occur, and the Council had to respond to their impacts. He further referred to a body of research that had demonstrated the links among climate change, conflict and displacement and characterized climate change as a threat multiplier, observing that while the impact of climate-related disasters on international peace and security varied across regions and States, a global response was the only way to address the threat. The representative of the Republic of Korea indicated that, whereas in countries such as small developing States climate change itself posed the most significant threat to security, elsewhere it was becoming increasingly clear that climate change, interacting with other factors, was creating and pushing regional instability into full-blown conflicts and humanitarian crises. To prevent climate crises from further spiraling into threats to peace and security, he added that international cooperation and support for vulnerable countries were crucial.

The Minister for Foreign Affairs of Haiti said that it was essential that the international community recognize the significance of climate-related disasters for international peace and security and the importance of implementing a common action plan to counter the threats they posed. The representative of Norway said that the relationship between climate change and security was complex and while climate change was seldom a cause of conflict, it worked as a threat multiplier. The representative of Japan said that attention must be paid to the fact that peace and security, development, human rights and humanitarian elements were interlinked and that climate risks, including disasters, which could act as a threat multiplier, were increasing in the least developed countries. The representative of Italy noted that hurricanes, droughts, sea-level rise and extreme weather conditions could be considered new forms of natural hybrid threats to global security due to their devastating effects on access to water and food, health conditions and socioeconomic development. The representative of Finland similarly noted that the threat that climate change and climate-related disasters posed to international peace and security was real. He further underscored that climate change affected food and water security and multiplied risks related to conflicts and forced migration.

Other speakers assessed climate change itself as a threat to international peace and security. The Minister for Foreign Affairs of Maldives pointed out that hunger and displacement were

leading to conflicts and entire nations sinking under water and wondered what a greater security threat than that was. He stressed that countries on the front line of impact, such as the Maldives, could not wait, and added: “we cannot wait until we all agree with the facts on the ground: that climate change is a threat to international peace and security”. The representative of Saint Vincent and the Grenadines said that the climate threat was unique, unprecedented, urgent and often difficult to deal with. But she added that this was no reason to “sweep it under the rug”. She noted though that the rise of climate change as the existential threat of “our era” had not replaced the persistent peril of armed conflicts and cautioned against presenting a false choice among those issues and to deal with them all, no matter how inconvenient climate-related security would be. The representative of Uruguay stressed that it was timely to reaffirm that climate change posed a real threat to the present and near future of humankind and, as such, international peace and security was also affected. The representative of the Sudan said that, in addition to armed conflicts and international terrorism, the list of fundamental threats posed to international peace and security in today’s world now also included threats caused by climate and environmental changes, which represented an additional driver of the factors threatening international peace and security. The representative of Romania stressed that climate change not only exacerbated threats to international peace and security but itself was a threat to international peace and security. The representative of Tuvalu similarly asserted that climate change was a global threat to peace and security. The representative of Mauritius emphasized that climate change was a complex threat to the peace, stability and sustainability, contributing to political violence and undermining the capacities of Governments. He noted that the potential of climate-related migration and displacement to cause conflict and pose a threat to international peace and security could not be overstated.

Some speakers proposed action by the Council. The representative of Chile emphasized it was essential to develop analytical skills within the United Nations system to allow for swift evaluation of possible climate-related threats to international peace and security, while providing the Council with useful information on those threats and helping States develop and implement action plans to tackle them. The representative of Nauru, who spoke on behalf of the Pacific Islands Forum member States, suggested that the appointment of a special representative of the Secretary-General on climate and security was a critical next step to prepare for the security implications of

climate change, whose functions would include, inter alia, keeping the Secretary-General and the Council informed about emerging climate risks that threatened international peace and security and monitoring potential tipping points at the climate-security nexus. The representative of Barbados, who spoke on behalf of the 14 member States of the Caribbean Community, supported the call for the appointment of a special representative on climate and security as well as the Intergovernmental Panel on Climate Change and the United Nations Office for Disaster Risk Reduction to brief the Security Council on climate change security threats resulting from natural disasters. She said that the Council should place emphasis on addressing the full gamut of the risks that climate change posed to peace and security and that understanding how climate change threatened peace and security and drove conflicts needed to be improved across the United Nations system. Similarly, the representative of Belize, speaking on behalf of the Alliance of Small Island States, stated that it had become increasingly necessary for the Council to have a more comprehensive understanding of the international peace and security risks arising from climate change and climate-related disasters, to be in a position to act appropriately.

The representative of Brazil pointed out that linking security issues to the environmental agenda or natural disasters risked mistakenly assuming that any environmental stress would lead to social unrest, armed conflict and, eventually, a threat to international peace and security. He stressed that there was no direct cause-and-effect relationship between a natural disaster and the outbreak of conflict. The representative of the Islamic Republic of Iran also questioned the competence and technical capacity of the Council to address the issue of climate change. He further opined that the insistence of the Council on delving into issues that were not proven to threaten international peace and security, while not having been able to fully address certain serious conflicts, was incomprehensible.

Case 3

Threats to international peace and security

On 9 July 2019, the Council held its 8569th meeting under the above item and under the sub-item entitled “Linkages between international terrorism and organized crime” at the initiative of

Peru, who held the presidency for the month.³⁹ At the outset of the meeting, the Council heard the briefings of the Executive Director of the United Nations Office on Drugs and Crime (UNODC); the Executive Director of the Counter-Terrorism Committee Executive Directorate (CTED); and an International Consultant from the United Nations Interregional Crime and Justice Research Institute.

The Executive Director of UNODC appreciated the continued attention of the Council to the threats to international peace and security posed by terrorism and organized crime. He observed that they had differing objectives and added that terrorist tactics could be employed by organized criminal groups while terrorists raised funds through criminal activities.⁴⁰ The international consultant from the United Nations Interregional Crime and Justice Research Institute stressed that the linkages that existed between terrorism and organized crime were not independent security threats per se; rather, the ties that had developed between them exacerbated the security environment.

Several speakers recognized the linkages between international terrorism and organized crime as a threat to international peace and security.⁴¹ The representative of China noted a mutual collusion and infiltration between terrorism and organized crime, explaining that terrorist organizations were using organized crime for financing and organized criminal groups resorting to extreme measures or committing terrorist activities, all of which posed a serious threat to international peace and security.

The representative of Kuwait added that the working methods of terrorist groups were becoming more diversified and that they were financing their operations through transnational organized crime in certain regions, including by trafficking in drugs, arms, humans and migrants, illegal trafficking in natural resources and kidnapping for ransom. He further stated that the phenomenon of terrorism was linked to transnational organized crime regardless of the differences in methodologies and goals and that they both constituted a threat to international peace and security. The representative of Côte d'Ivoire added that the exacerbation of the two phenomena,

³⁹ The Council had before it a concept note annexed to a letter dated 27 June 2019 from the representative of Peru to the Secretary-General (S/2019/537).

⁴⁰ S/PV.8569.

⁴¹ Ibid., Peru, Côte d'Ivoire, Kuwait, Slovenia and Armenia.

particularly acute in West Africa, showed that despite their different natures and modes of operation, they fed each other when the conditions were right, and both were a serious threat to international peace and security. Similarly, the representative of India stated that while the nature of the relationship between terrorist and criminal groups could vary according to a variety of factors, they both relied on strategic recourse to unsanctioned and illegitimate use of violence to undermine governance and development and both led to destabilizing established State structures, thereby undermining and threatening international peace and security.

The representative of Australia affirmed that the link between terrorist groups and transnational, serious and organized crime presented a complex and evolving threat to international peace and security. He further recalled the examples of international terrorist groups using sophisticated criminal activities to enhance and fund their operations and evade detection, in particular through kidnapping for ransom, money-laundering, drug-trafficking, encryption and cybercrime. The representative of Nigeria stated that, while the existence of militant groups and organized criminal gangs was not a new phenomenon, in recent times their manifestation and intricate linkages had been of growing concern at national, regional and international levels and, more importantly, their convergence had become an urgent threat to international peace and security. The representative of Morocco noted the existence of linkages between cross-border crime, armed groups, separatist movements, terrorist groups and traffickers of all kinds in Africa and added that drug and arms traffickers had joined the ranks of terrorist groups such as Al-Qaida and its branch in the Islamic Maghreb and entities affiliated with Da'esh. He said that all of those criminal networks were interlinked and fueled one another further as they became more global, thereby increasing their capacity to destabilize and undermine territorial integrity of States, which he considered to undoubtedly be a threat to peace and security not only in Africa, especially the Sahel-Maghreb area, but throughout the entire world.

The representative of Mexico, while recognizing that both international terrorism and organized crime endangered peace and security, underlined the need to differentiate between them, which is why there were two different legal frameworks each with its own institutional scaffolding. He further stressed that generalizations about the scope of the link between the two phenomena were neither valid nor timely, nor were generalizations about the responses required to prevent,

combat and mitigate their effects. The representative of Colombia stated by contrast that terrorism, as a threat to international peace and security, as well as transnational organized crime, which constantly threatened the security of States, had been perceived in the past as differentiated criminal phenomena unrelated to each other, but over years they had developed close links forming a criminal alliance that could affect any State.

The representative of Norway, speaking on behalf of the Nordic countries, recalled that both terrorism and organized crime threatened international peace and security, and the representative of Azerbaijan stated that terrorism and related criminal activities continued to represent a serious threat to international peace and security. The representative of Trinidad and Tobago underscored that, in the Caribbean, transnational organized crime and its attendant cross-border activities had evolved into a major threat to regional security.

On 19 July 2019, at its 8582nd meeting held under the same item, the Council unanimously adopted resolution [2482 \(2019\)](#), which recognized the linkages between international terrorism and organized crime, whether domestic or transnational, as a serious challenge and a threat to international security.⁴² At the meeting, the Minister for Foreign Affairs of Peru stated that with the resolution, the international community had a new tool to respond to that major challenge and threat to international security, in keeping with the obligations of States under international law, in particular international humanitarian law, international human rights law and refugee law.⁴³ The representative of the Russian Federation emphasized that the resolution should not be seen in and of itself as the end result of the work in that area. He added that the nature of the threat was changing rapidly, and the Council would have to revisit the issue of the nexus between terrorism and criminal activity.

C. References to Article 39 in communications addressed to the Security Council

During the period under review, two letters from the Permanent Representative of the Bolivarian Republic of Venezuela addressed to the President of the Security Council contained explicit references to Article 39 of the Charter. In his letter dated 20 September 2019, the

⁴² Resolution [2482 \(2019\)](#), para. 1.

⁴³ [S/PV.8582](#).

representative of the Bolivarian Republic of Venezuela deemed “reckless” and “wholly unfounded” the accusations by the Government of the United States and the Government of Colombia that Venezuela was a threat to peace and security. According to the letter, the accusation violated international law because the United States Government had no authority to call Venezuela a threat that warranted the use of military force and that such authority was exclusive to the Security Council, as established in Article 39 of the Charter of the United Nations.⁴⁴ Furthermore, in his letter dated 3 October 2019, the Permanent Representative of the Bolivarian Republic of Venezuela emphasized that the ability to determine the truth of the facts was an essential element in guaranteeing the maintenance of international peace and security, and that it was an attribution vested in the Security Council under Article 39 of the Charter.⁴⁵

⁴⁴ [S/2019/765](#).

⁴⁵ [S/2019/792](#).

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

Article 40

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

Note

Section II covers the practice of the Security Council in relation to Article 40 of the Charter, regarding provisional measures to prevent an aggravation of the situation. Whilst Article 40 suggests that provisional measures to prevent the aggravation of a conflict would be adopted prior to the imposition of measures under Chapter VII (Articles 41 and 42), the practice of the Council reflects a more flexible interpretation of that provision. Given the prolonged and rapidly changing nature of conflicts dealt with by the Council, provisional measures have been imposed in parallel to the adoption of measures under Articles 41 and 42 of the Charter.

During the period under review, no explicit reference to Article 40 of the Charter was made in the Council's decisions or during its deliberations, nor was there any discussion of constitutional significance on its interpretation. Similarly, there was no explicit reference to Article 40 in any of the communications of the Council.

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

Article 41

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

Note

Section III covers decisions of the Security Council imposing measures not involving the use of force, pursuant to Article 41 of the Charter. In 2019, the Council, under Chapter VII, imposed a new ban on components that could be used in the manufacture in Somalia of improvised explosive devices (IEDs) and modified the arms embargo on the Central African Republic. During the review period, the Council explicitly referred to Article 41 in the preamble of resolution [2464 \(2019\)](#) in connection with the Democratic People's Republic of Korea.⁴⁶ In addition, no judicial measures were imposed under Article 41 of the Charter.⁴⁷

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

A. Decisions of the Security Council relating to Article 41

(i) Decisions on thematic issues relating to Article 41

⁴⁶ Resolution [2464 \(2019\)](#), final preambular paragraph.

⁴⁷ For information on the activity of the Council regarding issues pertaining to the International Residual Mechanism for Criminal Tribunals, see part IX, sect. IV.

The Security Council adopted a number of decisions on issues of a thematic nature concerning sanctions measures and their implementation under the following items: (a) “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”; (b) “Threats to international peace and security caused by terrorist acts”; (c) “Women and peace and security”; and (d) “Threats to international peace and security”.

In resolution [2457 \(2019\)](#), adopted under the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”, the Council noted the resolutions adopted and sanctions measures taken to support the prevention of illegal exploitation of natural resources, so-called “conflict minerals”, as well as diamonds, cobalt, charcoal and wildlife from fueling armed conflicts, and encouraged the member states of the African Union to promote the transparent and lawful management of natural resources, including the adoption of government revenue targets to finance development, sustainable regulatory and customs frameworks, and responsible mineral sourcing supply chain due diligence.⁴⁸ The Council also underlined the need for effective implementation of relevant arms control and disarmament instruments and regimes as well as arm embargoes that it had imposed, welcomed efforts to assist Member States as well as intergovernmental, regional and subregional organizations such as the African Union in capacity-building to prevent and address the illicit trade in, and destabilizing accumulation and misuse of, small arms and light weapons, and encouraged African states to safeguard national stockpiles of weapons to prevent their illicit diversion.⁴⁹

In resolution [2462 \(2019\)](#), adopted under the item entitled “Threats to international peace and security caused by terrorist acts”, the Council reaffirmed that sanctions were an important tool under the Charter of the United Nations in the maintenance and restoration of international peace and security, including in countering terrorism and terrorism financing.⁵⁰ The Council underscored the need to ensure that all Member States were in full compliance with the measures imposed by resolution [2368 \(2017\)](#), and urged all States to participate actively in implementing and updating the Islamic State in Iraq and the Levant (ISIL, also known as Da’esh) and Al-Qaida Sanctions List by

⁴⁸ Resolution [2457 \(2019\)](#), ninth preambular paragraph.

⁴⁹ *Ibid.*, para. 13.

⁵⁰ Resolution [2462 \(2019\)](#), sixteenth preambular paragraph.

considering including individuals and entities involved in the financing of terrorism.⁵¹ The Council called on States to invest resources in the implementation of sanctions regimes pursuant to resolutions [1373 \(2001\)](#), [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#), and in the seizure of funds in the course of investigations.⁵² The Council also encouraged Member States to improve efforts and take decisive action to identify cases of trafficking in persons and in cultural property that finance terrorism with a view to holding those responsible accountable.⁵³ The Council further mandated its subsidiary bodies to undertake specific tasks related to countering the financing of terrorism.⁵⁴ Under the same item, the Council adopted resolution [2501 \(2019\)](#), reiterating the need to ensure that the sanctions regime imposed by resolution [1988 \(2011\)](#) contributed effectively to ongoing efforts to advance reconciliation to bring about peace, stability, and security in Afghanistan.⁵⁵

By resolution [2467 \(2019\)](#), adopted under the item entitled “Women and peace and security”, the Council reiterated its intention, when adopting or renewing targeted sanctions in situations of armed conflict, to consider including designation criteria pertaining to acts of rape and other forms of sexual violence and urged existing sanctions committees to apply targeted sanctions against those who perpetrated and directed sexual violence in conflict, where it was within the scope of the relevant criteria for designation and consistent with resolution [2467 \(2019\)](#) and other relevant resolutions.⁵⁶ In that connection, the Council called upon all peacekeeping and other relevant United Nations missions and United Nations entities to share with relevant sanctions committees all pertinent information about sexual violence.⁵⁷ The Council also encouraged the Secretary-General to ensure that expert groups of sanctions committees include members with dedicated sexual violence and gender expertise and to include information on incidents, patterns, trends and perpetrators of sexual violence in conflict and post-conflict situations in their reports and recommendations to committees.⁵⁸ Under the same item, the Council adopted resolution [2493 \(2019\)](#), requesting the Secretary-General to include in his next annual report on the implementation

⁵¹ Ibid., paras. 9 and 12.

⁵² Ibid., para. 13.

⁵³ Ibid., para. 25.

⁵⁴ Ibid., para. 35. For more information, see part IX, sect. I, subsections 1(b) and 2(a).

⁵⁵ Resolution [2501 \(2019\)](#), seventh preambular paragraph.

⁵⁶ Resolution [2467 \(2019\)](#), para. 10.

⁵⁷ Ibid., para. 12.

⁵⁸ Ibid., para. 11.

of resolution [1325 \(2000\)](#) and its subsequent resolutions an assessment of the progress and commitments made on dedicated gender expertise in the expert groups of sanctions committees.⁵⁹

By resolution [2482 \(2019\)](#), adopted under the item entitled “Threats to international peace and security”, the Council encouraged all States to continue efforts to end the illicit trade in natural resources and to hold those complicit in the illicit trade accountable, as part of broader efforts to ensure that the illicit trade in natural resources was not benefiting sanctioned entities, terrorist groups, armed groups or criminal networks.⁶⁰

(ii) Decisions on country-specific issues relating to Article 41

During the period under review, the Council renewed the existing measures concerning the Central African Republic, the Democratic Republic of the Congo, Mali, Somalia, South Sudan, the Taliban and associated individuals and entities, and Yemen.⁶¹ In addition, the Council imposed a new ban on components that could be used in the manufacture in Somalia of improvised explosive devices (IEDs) and modified the arms embargo on the Central African Republic (see case 7). No changes were made to the measures concerning ISIL (Da’esh) and Al-Qaida and associates, Iraq, the Democratic People’s Republic of Korea, Guinea-Bissau, Lebanon, Libya and the Sudan.

The present subsection concerning the developments in each of the sanctions regimes does not include reference to the subsidiary bodies of the Council responsible for their implementation. The decisions of the Council relating to the subsidiary bodies are described in detail in part IX, section I.B. The decision(s) on the establishment and history of each of the sanctions regimes are covered in previous Supplements of the *Repertoire*.

The categories of sanctions measures used in the present subsection, such as arms embargoes, asset freezes or travel bans, are for clarification purposes only, and are not intended to serve as legal definitions of the measures. In addition, developments in the sanctions measures imposed by the Council during the period under review are categorized according to the following

⁵⁹ Resolution [2493 \(2019\)](#), para. 10 (c).

⁶⁰ Resolution [2482 \(2019\)](#), para. 14.

⁶¹ The arms embargo concerning Yemen remained unchanged, see sect. III.A(ii)(1).

main actions taken by the Council: “establishment”,⁶² “modification”,⁶³ “extension”,⁶⁴ “limited extension”⁶⁵ or “termination”.⁶⁶

The sanctions regimes are discussed below in the order of their establishment. Each of the following subsections consists of a narrative section describing the most significant developments in 2019 and a table including all relevant provisions of Council decisions concerning changes to a sanctions regime, according to the categories outlined above (a number indicates the corresponding paragraph of the Council resolution). Tables 3 and 4 provide an overview of relevant decisions adopted in 2019 by which the Council established, or modified sanctions measures it had previously imposed.

⁶²An action by the Council is categorized as an “establishment” when a sanctions measure is initially imposed by the Council.

⁶³ When a change is introduced to the measure, it is categorized as a “modification”. A measure is modified when (a) elements of the measure are terminated or newly introduced, (b) information on designated individuals or entities is modified, (c) exemptions to the measure are introduced, modified or terminated and (d) elements of the measure are otherwise modified.

⁶⁴ An action of the Council is categorized as an “extension” when the sanctions measure concerned is not modified or terminated and the Council extends or restates the measure without specifying an end date.

⁶⁵An action by the Council is categorized as a “limited extension” when the sanctions measure concerned is extended for a specific period of time, including a date upon which the measure will terminate unless further extended by the Council.

⁶⁶ An action by the Council is categorized as a “termination” when the Council ends the specific sanctions measure. However, if only an element of the measure is terminated, but other measures or elements of that measure remain, the action will be categorized as a modification of the measure.

Table 3
Overview of country-specific decisions on measures pursuant to Article 41, in place or imposed, 2019

<i>Sanctions regime</i>	<i>Resolutions by which measures were established or subsequently modified</i>		<i>Resolutions adopted in 2019</i>
<i>Somalia</i>	733 (1992)	2002 (2011)	
	1356 (2001)	2023 (2011)	
	1425 (2002)	2036 (2012)	
	1725 (2006)	2060 (2012)	
	1744 (2007)	2093 (2013)	
	1772 (2007)	2111 (2013)	
	1816 (2008)	2125 (2013)	
	1844 (2008)	2142 (2014)	
	1846 (2008)	2182 (2014)	2498 (2019)
	1851 (2008)	2184 (2014)	2500 (2019)
	1872 (2009)	2244 (2015)	
	1897 (2009)	2246 (2015)	
	1907 (2009)	2316 (2016)	
	1916 (2010)	2317 (2016)	
	1950 (2010)	2383 (2017)	
	1964 (2010)	2385 (2017)	
1972 (2011)	2444 (2018)		
<i>ISIL (Da'esh) & Al-Qaida and associated individuals and entities</i>	1267 (1999)	2161 (2014)	
	1333 (2000)	2170 (2014)	
	1388 (2002)	2178 (2014)	
	1390 (2002)	2199 (2015)	
	1452 (2002)	2253 (2015)	None
	1735 (2006)	2347 (2017)	
	1904 (2009)	2349 (2017)	
	1989 (2011)	2368 (2017)	
	2083 (2012)		
<i>Taliban and associated individuals and entities</i>	1988 (2011)	2160 (2014)	
	2082 (2012)	2255 (2015)	2501 (2019)
<i>Iraq</i>	661 (1990)	1723 (2006)	
	687 (1991)	1790 (2007)	
	707 (1991)	1859 (2008)	
	1483 (2003)	1905 (2009)	None
	1546 (2004)	1956 (2010)	
	1637 (2005)	1957 (2010)	
<i>Democratic Republic of the Congo</i>	1493 (2003)	1857 (2008)	
	1552 (2004)	1896 (2009)	
	1596 (2005)	1952 (2010)	
	1616 (2005)	2136 (2014)	
	1649 (2005)	2147 (2014)	2463 (2019)
	1671 (2006)	2198 (2015)	2478 (2019)
	1698 (2006)	2211 (2015)	2502 (2019)
	1768 (2007)	2293 (2016)	
	1771 (2007)	2360 (2017)	
	1799 (2008)	2424 (2018)	
1807 (2008)			

<i>Sanctions regime</i>	<i>Resolutions by which measures were established or subsequently modified</i>		<i>Resolutions adopted in 2019</i>
<i>Sudan</i>	1556 (2004)	2138 (2014)	2455 (2019)
	1591 (2005)	2200 (2015)	
	1672 (2006)	2265 (2016)	
	1945 (2010)	2340 (2017)	
	2035 (2012)	2400 (2018)	
<i>Lebanon</i>	1636 (2005)		None
<i>Democratic People's Republic of Korea</i>	1718 (2006)	2270 (2016)	None
	1874 (2009)	2321 (2016)	
	2087 (2013)	2356 (2017)	
	2094 (2013)	2371 (2017)	
		2375 (2017) 2397 (2017)	
<i>Libya</i>	1970 (2011)	2238 (2015)	2473 (2019) 2486 (2019)
	1973 (2011)	2259 (2015)	
	2009 (2011)	2278 (2016)	
	2016 (2011)	2292 (2016)	
	2040 (2012)	2357 (2017)	
	2095 (2013)	2362 (2017) 2420 (2018)	
	2146 (2014)	2441 (2018)	
	2174 (2014)		
	2208 (2015)		
	2213 (2015)		
<i>Guinea-Bissau</i>	2048 (2012)		None
<i>Central African Republic</i>	2127 (2013)	2262 (2016)	2454 (2019) 2488 (2019)
	2134 (2014)	2339 (2017)	
	2196 (2015)	2399 (2018)	
	2217 (2015)		
<i>Yemen</i>	2140 (2014)	2266 (2016)	2456 (2019)
	2204 (2015)	2342 (2017)	
	2216 (2015)	2402 (2018)	
<i>South Sudan</i>	2206 (2015)	2290 (2016)	2471 (2019)
	2241 (2015)	2353 (2017)	
	2252 (2015)	2418 (2018)	
	2271 (2016)	2428 (2018)	
	2280 (2016)		
<i>Mali</i>	2374 (2017)	2432 (2018)	2484 (2019)

Table 4
Overview of measures pursuant to Article 41, in place or imposed, 2019

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

^a Pursuant to paragraph 15 of resolution [1701 \(2006\)](#) the Council decided, inter alia, that States should take the necessary measures to prevent, by their nationals or from their territories or using their flag vessels or aircraft, the sale or supply of arms and related materiel to any entity or individual in Lebanon other than those authorized by the Government of Lebanon or by the United Nations Interim Force in Lebanon (UNIFIL). In 2019, by resolution [2485 \(2019\)](#) the Council recalled paragraph 15 of resolution [1701 \(2006\)](#), and requested the Secretary-General to continue to report to the Council on the implementation of resolution [1701 \(2006\)](#), including an enhanced annex on the implementation of the arms embargo.

(a) Somalia

In 2019, the Security Council adopted resolution [2498 \(2019\)](#), by which it reaffirmed and recalled the existing sanctions measures, renewed for one year the partial lifting of the arms embargo, the exemptions related to humanitarian aid and the authorization for maritime interdiction of arms imports and charcoal exports, and imposed a ban on components that could be used in the manufacture in Somalia of improvised explosive devices (IEDs). Table 5 provides an overview of the changes to the measures authorized by the Council in 2019.

The Council reaffirmed the arms embargo initially imposed by paragraph 5 of resolution [733 \(1992\)](#) and paragraphs 1 and 2 of resolution [1425 \(2002\)](#),⁶⁷ as well as the specific exceptions to it,⁶⁸ renewed the partial lifting of the arms embargo on the Somali security forces until 15 November 2020,⁶⁹ and outlined the procedures for advance requests for approval and notifications to the Committee.⁷⁰ The Council also reaffirmed the ban on the import and export of Somali charcoal as set out in paragraph 22 of resolution [2036 \(2012\)](#) and paragraphs 11 to 21 of resolution [2182 \(2014\)](#), and decided to renew until 15 November 2020 the authorization for Member States to inspect vessels and to seize and dispose of any prohibited items bound to or from Somalia, where there were grounds to believe that the vessels were in violation of the charcoal ban and arms embargo as set out in paragraph 15 of resolution [2182 \(2014\)](#).⁷¹ Recalling its resolutions which imposed targeted sanctions, the Council decided that until 15 November 2020 the asset freeze measure should not be applied to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance to Somalia.⁷²

Expressing grave concern that Al-Shabaab continued to pose a serious threat to the peace, security and stability of Somalia and the region and noting the group's increased use of IEDs in their attacks, the Council decided that all States should prevent the direct or indirect sale, supply or

⁶⁷ Resolution [2498 \(2019\)](#), para. 6. For information on the Committee pursuant to resolution [751 \(1992\)](#) and the Panel of Experts on Somalia, see part IX, sect. I.B.

⁶⁸ Resolution [2498 \(2019\)](#), para. 19.

⁶⁹ *Ibid.*, para. 9. The Council further provided that weapons and military equipment sold or supplied solely for the development of the Somali National Security Forces or Somali security sector institutions other than those of the Federal Government (in accordance with para. 9) would not be resold to, transferred to, or made available for use by any individual or entity not in the service of the Somali National Security Forces or Somali security sector institution (*ibid.*, para. 7).

⁷⁰ Resolution [2498 \(2019\)](#), paras. 10 - 17.

⁷¹ *Ibid.*, para. 23.

⁷² *Ibid.*, paras. 20 and 22.

transfer to Somalia of the items in part I of Annex C to resolution [2498 \(2019\)](#) from their territories or by their nationals outside their territories, or using their flag vessels or aircraft if there was sufficient evidence to demonstrate that the item(s) would be used, or that there was a significant risk they could be used, in the manufacture in Somalia of IEDs.⁷³ The Council called on Member States to undertake appropriate measures to promote vigilance by their nationals as well as individuals and firms subject to their jurisdiction involved in the sale, supply, or transfer of explosive precursors and materials to Somalia that could be used in the manufacture of IEDs, including items in part II of Annex C to the same resolution.⁷⁴

Table 5
Changes to the measures imposed pursuant to Article 41 concerning Somalia, 2019

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i> 2498 (2019)
Arms embargo	733 (1992) , para. 5 1425 (2002) , paras. 1 and 2	Extension (6) Exemption (9, 19)
Asset freeze	1844 (2008) , para. 3	Extension (20) Exemption (22)
Charcoal ban	2036 (2012) , para. 22	Extension (23) Limited extension (23)
IED components ban	2498 (2019) , para. 26	Establishment (26)
Travel ban	1844 (2008) , para. 1	Extension (20)

(b) Taliban and associated individuals and entities

In 2019, the Council adopted resolution [2501 \(2019\)](#), by which it reaffirmed the asset freeze, travel ban and arms embargo measures with respect to individuals and entities designated prior to the date of adoption of resolution [1988 \(2011\)](#) as the Taliban, as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan as designated by the Committee established pursuant to resolution [1988](#)

⁷³ Ibid., fourth preambular paragraph and para. 26. Items in Annex C to resolution [2498 \(2019\)](#) included explosive materials, explosives precursors, explosive-related equipment, and related technology. For items in part I of Annex C directly or indirectly sold, supplied or transferred to Somalia, the Council decided that the State should notify the Committee of the sale, supply or transfer, *ibid.*, para. 27.

⁷⁴ Resolution [2498 \(2019\)](#), para. 28.

[\(2011\)](#).⁷⁵ Table 6 provides an overview of the changes to the measures during the period under review.

Table 6
Changes to the measures imposed pursuant to Article 41 concerning the Taliban and associated individuals and entities, 2019

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph 2501 (2019))</i>
Arms embargo	1333 (2000) , para. 5	Extension (1)
Asset freeze	1267 (1999) , para. 4(b)	Extension (1)
Travel ban	1390 (2002) , para. 2(b)	Extension (1)

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

During the period under review, the Council did not make any modifications to the sanctions measures on ISIL (Da’esh) and Al-Qaida and associates. By resolution [2462 \(2019\)](#), the Council stressed the need for robust implementation of the measures outlined in paragraph 1 of resolution [2368 \(2017\)](#) and urged all States to participate actively in implementing and updating the ISIL (Da’esh) and Al-Qaida Sanctions List and to consider including, when submitting new listing requests, individuals and entities involved in the financing of terrorism.⁷⁶

(d) Iraq

In 2019, the Council did not adopt any new resolutions concerning the remaining sanctions measures on Iraq, consisting of an arms embargo, with exemptions, and an asset freeze on senior officials, State bodies, corporations and agencies of the former Iraqi regime. Pursuant to resolution [1483 \(2003\)](#), the relevant Committee continued to oversee the implementation of the asset freeze and maintain the lists of individuals and entities.⁷⁷

⁷⁵ Resolution [2501 \(2019\)](#), para. 1. For information on the Committee established pursuant to resolution 1988 (2011) and the Analytical Support and Sanctions Monitoring Team, see part IX, sect. I.B.

⁷⁶ Resolution [2462 \(2019\)](#), para. 12. See for more detail, sect. A(i). For information on the Committee pursuant to resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#) and the Analytical Support and Sanctions Monitoring Team, see part IX, sect. I.B.

⁷⁷ For information on the Committee, see part IX, sect. I.B.

(e) Democratic Republic of the Congo

In 2019, the Council adopted resolution [2478 \(2019\)](#), by which it renewed the sanctions measures on the Democratic Republic of the Congo, comprising an arms embargo, a travel ban, an asset freeze and restrictions on transportation and aviation, including related exemptions until 1 July 2020.⁷⁸ Table 7 provides an overview of the changes to the measures during the period under review.

In addition, by resolutions [2463 \(2019\)](#) and [2502 \(2019\)](#), which extended the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), the Council recalled that it was prepared to impose targeted sanctions under paragraph 7 (d) and (e) of resolution [2293 \(2016\)](#) (asset freeze and travel ban) regarding, inter alia, human rights violations or abuses or violations of international humanitarian law and demanded that all armed groups cease immediately all forms of violence, including violations and abuses against children, the use of civilians as human shields and other destabilizing activities, the illegal exploitation and trafficking of natural resources, also recalling that recruitment and use of children in armed conflict in the Democratic Republic of the Congo could lead to sanctions under paragraph 7 (d) of resolution [2293 \(2016\)](#).⁷⁹

Table 7
Changes to the measures imposed pursuant to Article 41 concerning the Democratic Republic of the Congo, 2019

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i> <i>2478 (2019)</i>
Arms embargo	1493 (2003) , para. 20	Limited extension (1) Exemption (1)
Asset freeze	1596 (2005) , para. 15	Limited extension (1) Exemption (1)
Travel ban or restrictions	1596 (2005) , para. 13	Limited extension (1) Exemption (1)
Transportation and aviation sanctions measures	1807 (2008) , para. 6 and 8	Limited extension (1)

⁷⁸ Resolution [2478 \(2019\)](#), para. 1. For more information on the Committee established pursuant to resolution [1533 \(2004\)](#) and the Group of Experts established pursuant to resolution [1533 \(2004\)](#), see part IX sect. I.B.

⁷⁹ Resolution [2463 \(2019\)](#), fifteenth preambular paragraph and para 11 and resolution [2502 \(2019\)](#), paras. 5 and 13.

(f) Sudan

During the period under review, the Council did not adopt any new resolution modifying the sanctions measures in place in relation to the Sudan. However, in resolution [2455 \(2019\)](#), extending the mandate of the Panel of Experts on the Sudan, the Council recalled the arms embargo, asset freeze and travel ban measures and designation criteria established by previous resolutions and reaffirmed the related exemptions.⁸⁰ The Council expressed its intent to regularly review the measures on Darfur, in light of the evolving situation on the ground and the reports submitted by the Panel of Experts and further expressed its intent to establish clear, well identified, and measurable key benchmarks that could serve in guiding the Council to review measures on the Government of Sudan.⁸¹

(g) Lebanon

During the period under review, the Council did not make any modifications to the sanctions measures established pursuant to resolution [1636 \(2005\)](#), consisting of an asset freeze and a travel ban, which were to be imposed on individuals designated by the International Independent Investigation Commission or the Government of Lebanon, as suspected of involvement in the 14 February 2005 terrorist bombing in Beirut, Lebanon that killed former Lebanese Prime Minister Rafiq Hariri and 22 others.⁸²

(h) Democratic People's Republic of Korea

During the period under review, the Council did not make any modifications to the sanctions measures concerning the Democratic People's Republic of Korea. The relevant Committee continued to oversee the implementation of the asset freeze, arms embargo, travel ban, and other restrictions previously imposed by resolutions [1718 \(2006\)](#), [1874 \(2009\)](#), [2087 \(2013\)](#), [2094 \(2013\)](#), [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#), and [2397 \(2017\)](#). By resolution

⁸⁰ Resolution [2455 \(2019\)](#), para. 1.

⁸¹ *Ibid.*, paras. 3 and 4. For information on the Committee established pursuant to resolution [1591 \(2005\)](#) and the Panel of Experts on the Sudan, see part IX, sect. I.B.

⁸² Resolution [1636 \(2005\)](#), fourth preambular paragraph and para. 3. For information on the Committee established pursuant to resolution [1636 \(2005\)](#), see part IX, sect. I.B.

[2464 \(2019\)](#), the mandate of the Panel of Experts established pursuant to resolution [1874 \(2009\)](#) supporting the Committee was extended until 24 April 2020.⁸³

(i) Libya

During the period under review, the Council did not adopt any new resolution modifying the sanctions measures concerning Libya.⁸⁴ However, by resolution [2473 \(2019\)](#), it extended the authorizations concerning the implementation of the arms embargo on the high seas off the coast of Libya for a further period of 12 months and requested the Secretary-General to report within 11 months on its implementation.⁸⁵ In addition, by resolution [2486 \(2019\)](#), which renewed the mandate of the United Nations Support Mission in Libya (UNSMIL), the Council underscored the importance of ensuring that existing sanctions measures were fully implemented and that violations were reported to the Committee established pursuant to resolution [1970 \(2011\)](#) and recalled that individuals or entities engaging in, or providing support for, acts that threaten the peace, stability or security of Libya could be designated for targeted sanctions, pursuant to resolution [2441 \(2018\)](#).⁸⁶ The Council also recalled its decision that all Members States should comply with the arms embargo, in line with resolution [2441 \(2018\)](#) and all of its previous resolutions.⁸⁷

(j) Guinea-Bissau

During the period under review, the sanctions regime for Guinea-Bissau continued to remain in force, but did not undergo any modifications.⁸⁸ In resolution [2458 \(2019\)](#), the Council expressed its readiness to take additional measures to respond to the further worsening of the situation in Guinea Bissau.⁸⁹ The Council also decided to review the sanctions measures within seven months from the date of adoption of the resolution in the light of the expectations regarding the conduct of legislative and presidential elections in 2019, and requested the Secretary-General to submit a report

⁸³ Resolution [2464 \(2019\)](#) para. 1. For information on the Committee pursuant to resolution [1718 \(2006\)](#) and the Panel of Experts established pursuant to resolution [1874 \(2009\)](#), see part IX, sect. I.B.

⁸⁴ For information on the Committee established pursuant to resolution [1970 \(2011\)](#) and the Panel of Experts established pursuant to resolution [1973 \(2011\)](#), see part IX, sect. I.B.

⁸⁵ Resolution [2473 \(2019\)](#), paras. 1 and 2.

⁸⁶ Resolution [2486 \(2019\)](#), para. 4.

⁸⁷ *Ibid.*, twentieth preambular paragraph.

⁸⁸ For more information on the Committee established pursuant to resolution [2048 \(2012\)](#), see part IX, sect. I.B.

⁸⁹ Resolution [2458 \(2019\)](#), para. 31.

and recommendations on, inter alia, the continuation of the sanctions regime in the post-elections environment.⁹⁰

(k) Central African Republic

During the period under review, the Council adopted two resolutions and a presidential statement related to the sanctions measures concerning the Central African Republic.⁹¹ Table 8 provides an overview of the changes to the measures during the period under review.⁹²

By resolution [2454 \(2019\)](#), the Council extended until 31 January 2020 the sanctions measures concerning the Central African Republic as well as related exemptions and reaffirmed that the travel ban and asset freeze would apply to individuals and entities as designated by the Committee.⁹³ The Council expressed its intention to establish, no later than 30 April 2019, clear and well identified key benchmarks regarding the reform of the security sector, the disarmament, demobilization, reintegration and repatriation process, and the management of weapons and ammunition, that could serve in guiding the review of the arms embargo measures on the Government of the Central African Republic.⁹⁴ The Council further expressed its intention to review, by 30 September 2019, the arms embargo measures on the Government of the Central African Republic in light of an assessment to be conducted by the Secretary-General on the progress achieved on the key benchmarks which were subsequently established by the Council in its presidential statement of 9 April 2019.⁹⁵

By resolution [2488 \(2019\)](#), the Council took note, inter alia, of the signing of the Agreement on Peace and Reconciliation in the Central African Republic in Bangui on 6 February 2019 and of the Secretary-General's assessment report.⁹⁶ By this resolution, the Council decided to adjust the arms

⁹⁰ Ibid., paras. 31, 32 and 33. The Secretary-General's report was submitted to the Council on 28 August 2019 ([S/2019/696](#)).

⁹¹ Resolutions [2454 \(2019\)](#) and [2488 \(2019\)](#) and [S/PRST/2019/3](#). For information on the Committee established pursuant to resolution [2127 \(2013\)](#) and the Panel of Experts on the Central African Republic, see part IX, sect. I.B.

⁹² [S/PRST/2019/3](#) is not included in the table since it does not contain provisions extending or modifying the sanctions measures.

⁹³ Resolution [2454 \(2019\)](#), paras. 1 and 2.

⁹⁴ Ibid., para. 9.

⁹⁵ Ibid., para. 10. See [S/PRST/2019/3](#). In a letter to the President of the Security Council dated 31 December 2019, the Secretary-General provided an update on the progress achieved on the key benchmarks established in the presidential statement of 9 April 2019 ([S/2019/1008](#)).

⁹⁶ Resolution [2488 \(2019\)](#), third and fifth preambular paragraphs. See also [S/2019/609](#).

embargo by expanding the categories of items that were not subject to the embargo and by requiring a notification to instead of an approval by the Committee for the use of certain supplies.⁹⁷ The Council also modified the reporting and notification requirements to the Committee.⁹⁸ In addition, the Council decided that arms and other related lethal equipment sold or supplied to the security forces of the Central African Republic solely for their development could not be resold to, transferred to, or made available for use by, any individual or entity not in the service of either the security forces or the selling or supplying Member State.⁹⁹

In addition, by resolution [2499 \(2019\)](#), the Council recalled that individuals or entities that undermined peace and stability could be listed for targeted measures pursuant to resolution [2454 \(2019\)](#) as well as those committing acts of incitement to violence, in particular on an ethnic or religious basis, and then engaging in or providing support for acts that undermined the peace, stability or security of the Central African Republic.¹⁰⁰

Table 8
Changes to the measures imposed pursuant to Article 41 concerning the Central African Republic, 2019

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i>	
		2454 (2019)	2488 (2019)
Arms embargo	2127 (2013) , para. 54	Limited extension (1)	Modification (2)
		Exemption (1)	Exemption (2)
Asset freeze	2134 (2014) , paras. 32, 34	Limited extension (1)	
		Exemption (1)	
Travel ban or restrictions	2134 (2014) , para. 30	Limited extension (1)	
		Exemption (1)	

(I) Yemen

⁹⁷ Resolution [2488 \(2019\)](#), paras. 2 (d), (f) (g), (h), and (i).

⁹⁸ *Ibid.*, paras. 3 to 4.

⁹⁹ *Ibid.*, para. 5.

¹⁰⁰ Resolution [2499 \(2019\)](#), paras. 5 and 21.

In 2019, the Council adopted resolution [2456 \(2019\)](#), extending the asset freeze and travel ban, as well as the relevant exemptions to those measures, until 26 February 2020.¹⁰¹ By the same resolution, the Council reaffirmed the arms embargo as set out in resolution [2216 \(2015\)](#), as well as the designation criteria set out in prior resolutions and expressed its intent to keep the situation in Yemen under continuous review and its readiness to review the appropriateness of the sanctions measures in the light of developments in the country.¹⁰² Table 9 provides an overview of the changes to the measures during the period under review.

Table 9
Changes to the measures imposed pursuant to Article 41 concerning Yemen, 2019

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i>
		2456 (2019)
Arms embargo	2216 (2015) , paras. 14-16	Extension (2)
Asset freeze	2140 (2014) , paras. 11, 13	Limited extension (2) Exemption (2)
Travel ban or restrictions	2140 (2014) , para. 15	Limited extension (2) Exemption (2)

(m) South Sudan

In 2019, the Council adopted resolution [2471 \(2019\)](#), which renewed the arms embargo, asset freeze and travel ban, as well as the relevant exemptions to those measures, until 31 May 2020.¹⁰³ Table 10 provides an overview of the changes to the measures during the period under review.

In the context of the renewal of the mandate of the United Nations Mission in South Sudan (UNMISS), in resolution [2459 \(2019\)](#) the Council expressed its intention to consider all appropriate measures against those who took actions that undermined the peace, stability, and security of South Sudan and specifically underscored that individuals or entities that were responsible or complicit in, directly or indirectly, attacks against UNMISS personnel and premises and any humanitarian

¹⁰¹ Resolution [2456 \(2019\)](#), para. 2.

¹⁰² *Ibid.*, paras. 2, 3, 4 and 12. For information on the Committee established pursuant to resolution [2140 \(2014\)](#) and the Panel of Experts on Yemen, see part IX, sect. I.B.

¹⁰³ Resolution [2471 \(2019\)](#), paras. 1 and 2.

personnel, could meet the designation criteria.¹⁰⁴ In a presidential statement issued on 8 October 2019, the Council stressed that actions which threatened the peace, security or stability of South Sudan could be subject to sanctions under resolutions [2206 \(2015\)](#) and [2428 \(2018\)](#) and affirmed its readiness to adjust the measures contained therein in light of the implementation by parties to the conflict of, inter alia, the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan signed in 2018.¹⁰⁵

Table 10
Changes to the measures imposed pursuant to Article 41 concerning South Sudan, 2019

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i> <i>2471 (2019)</i>
Asset freeze	2206 (2015) , paras. 12, 14	Limited extension (1) Exemption (1)
Travel ban or restrictions	2206 (2015) , para. 9	Limited extension (1) Exemption (1)
Arms embargo	2428 (2018) , para. 4	Limited extension (2) Exemption (2)

(n) Mali

In 2019, the Council adopted resolution [2484 \(2019\)](#), which extended the asset freeze and travel ban as well as the relevant exemptions to those measures, until 31 August 2020.¹⁰⁶ By the same resolution, the Council reaffirmed the designation criteria established in resolution [2374 \(2017\)](#) and its intent to keep the situation in Mali under continuous review.¹⁰⁷ Table 11 provides an overview of the changes to the measures during the period under review.¹⁰⁸

In addition, in resolution [2480 \(2019\)](#), related to the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali, the Council stressed that individuals or entities placed on the sanctions list should not benefit from any financial, operational or logistical

¹⁰⁴ Resolution [2459 \(2019\)](#), para. 3.

¹⁰⁵ [S/PRST/2019/11](#), fifteenth paragraph. For information on the Committee established pursuant to resolution [2206 \(2015\)](#) and the Panel of Experts on South Sudan, see part IX, sect. I.B.

¹⁰⁶ Resolution [2484 \(2019\)](#), para. 1.

¹⁰⁷ *Ibid.*, paras. 2 and 5.

¹⁰⁸ Resolution [2480 \(2019\)](#) is not included in the table since it does not contain provisions extending or modifying the sanctions measures. For information on the Committee established pursuant to resolution [2374 \(2017\)](#) and the Panel of Experts established pursuant to resolution [2374 \(2017\)](#), see part IX, sect. I.B.

support from United Nations entities deployed in Mali, until their removal from the list and without prejudice to the exemptions set by paragraphs 2, 5, 6 and 7 of resolution [2374 \(2017\)](#).¹⁰⁹

Table 11
Changes to the measures imposed pursuant to Article 41 concerning Mali, 2019

<i>Provisions relating to sanctions measures</i>	<i>Resolutions establishing measures</i>	<i>Resolutions adopted during the period (paragraph)</i>
		2484 (2019)
Asset freeze	2374 (2017) , para. 4	Limited extension (1) Exemption (1)
Travel ban or restrictions	2374 (2017) , para. 1	Limited extension (1) Exemption (1)

B. Discussion relating to Article 41

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

During the period under review, Article 41 was explicitly referred to on three occasions at Council meetings. On 10 April 2019, at the 8506th meeting held under the item entitled “The situation in the Bolivarian Republic of Venezuela”, the representative of Venezuela recalled the responsibility of the Council for the maintenance of international peace and security and inquired as to the legal basis in international law and under the Charter of the United Nations for the United States and the United Kingdom to impose “economic destruction” on Venezuela without express authorization of the Security Council. He also inquired whether those measures were in line with those provided for under Article 41.¹¹⁰ On 2 August 2019, at the 8591st meeting held under the item entitled “Children and armed conflict”, the representative of Venezuela once again recalled Article 41 of the Charter, this time in connection with Venezuela’s denunciation of the announcement by the President of the United States that he was considering imposing a naval

¹⁰⁹ Resolution [2480 \(2019\)](#), para. 3.

¹¹⁰ See [S/PV.8506](#).

blockade and quarantine against Venezuela.¹¹¹ On 28 October 2019, at the 8648th meeting held under the item entitled “The situation in the Middle East, including the Palestinian question”, the representative of Kuwait stated that the Council had tools available, including the imposition of sanctions under Article 41, which might ensure that Israel respects and implements relevant Council resolutions.¹¹²

The use of sanctions was widely discussed by Council and non-Council members in deliberations in relation to both thematic and country- or region-specific items during 2019. For example, on 1 April 2019, the Council convened its 8499th meeting under the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security” and the sub-item entitled “International humanitarian law” and was briefed on, among other subjects, the impact of sanctions and counter-terrorism measures on humanitarian action and practical measures States could take to minimize that impact.¹¹³ The representative of Belgium urged the Council to prohibit measures within the framework of combating terrorism that impeded the work of humanitarian organizations. He further stressed that it was essential to take into account the potentially adverse effects on the humanitarian situation of the policies it adopted against terrorist groups operating in war zones, as well as sanctions measures that could have a negative impact on carrying out humanitarian work in specific contexts. The representative of China stated that the Council should work on preventing sanctions from adversely affecting humanitarian relief operations. The representative of Germany welcomed the discussion on the impact of counter-terrorism laws as well as the consequences of sanctions on humanitarian work.

The Council also discussed the need for gender expertise in sanctions expert groups under the thematic item entitled “Women and peace and security” (see case 4). In addition, discussions in the Council addressed the possibility of lifting sanctions on the Sudan (see case 5), as well as the conditions for review, modification or lifting of sanctions in the context of the renewal of the sanctions measures on South Sudan (see case 6) and the easing of the arms embargo on the Central African Republic (see case 7).

Case 4

¹¹¹ See [S/PV.8591](#).

¹¹² See [S/PV.8648](#).

¹¹³ [S/PV.8499](#).

Women and peace and security

On 23 April 2019, at the initiative of Germany which held the presidency for the month,¹¹⁴ the Council convened its 8514th meeting under the above-referenced item and under the sub-item entitled “Sexual violence in conflict”.¹¹⁵

During the meeting, the Council considered the latest report of the Secretary-General on conflict-related sexual violence.¹¹⁶ During the discussion, several speakers expressed support for dedicated gender expertise in expert groups supporting sanctions committees.¹¹⁷ The representative of Côte d’Ivoire stressed that the presence of experts on sexual violence issues within sanctions committees would help to better identify the perpetrators of sexual violence and prompt action provided for by international legislation in that area. He stressed that the persistence of gender-based sexual violence was less a matter of the existence of normative frameworks than of the effective implementation of sanctions against perpetrators of sexual crimes. The representative of the Dominican Republic said that it was vital that gender experts be mandated to the sanctions committees and that the Special Representative on Sexual Violence in Conflict regularly reported to them.

The representative of Hungary said that there was a necessity to involve more experts in international monitoring committees, United Nations fact-finding missions and Security Council sanctions committees to prevent and avoid impunity for those who committed sexual violence in conflict to discourage such crimes. The representative of Canada expressed support for survivor-centred efforts to more systematically document and report sexual violence in armed conflict and post-conflict situations. In this regard, he urged the Secretary-General to ensure that gender and sexual violence expertise was included in international procedures, such as sanctions committees. He also repeated the call on the Council to systematically and explicitly incorporate and apply sexual violence as a designation criterion in United Nations sanction regimes. The representative of Norway called for the systematic use of gender expertise in United Nations operations also stressing the need for resolutions, mandates and sanctions to address conflict-related sexual violence.

¹¹⁴ The Council had before it a concept note annexed to a letter dated 11 April 2019 from the representative of Germany to the Secretary-General ([S/2019/313](#)).

¹¹⁵ [S/PV.8514](#).

¹¹⁶ [S/2019/280](#).

¹¹⁷ [S/PV.8514](#), Côte d’Ivoire, Dominican Republic, Hungary, Canada and Costa Rica.

The representative of Qatar said that the Special Representative of the Secretary-General on Sexual Violence in Conflict and expert groups should consistently brief and give information on individuals or entities responsible for perpetrating sexual violence to sanctions committees, encourage Member States to list them and recommend targeted sanctions. Highlighting that the use of sanctions in cases of sexual violence in the context of armed conflict and terrorism should be consistent, the representative of Costa Rica stressed that for this to be effective, relevant sanctions committees should deploy sexual and gender-based violence specialists as part of their investigative work, recommending measures applied under international law to target all those involved in financing, planning or supporting groups with connections to acts of sexual violence.

The representative of Rwanda said that relevant sanctions committees should work closely with the Office of the Special Representative on Sexual Violence in Conflict in order to regularly appraise cases of sexual violence.

Case 5

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

At its 8446th meeting of the Council on 17 January 2019, the Security Council heard a briefing from the Permanent Representative of Poland in her capacity as Chair of the Committee established pursuant to resolution [1591 \(2005\)](#) concerning the Sudan, on the work of the Committee covering the period from 4 October 2018 to 17 January 2019.¹¹⁸ Speaking in her national capacity, the representative of Poland noted that sanctions were not punishment, but a policy tool aimed at changing behaviour and making it constructive, and that they should be subjected to regular reviews, in order to best reflect the dynamics on the ground. In that regard, she recalled her recommendation, following her visit to the Sudan in April 2018,¹¹⁹ that the Council pursue its intention, as expressed in paragraph 3 of resolution [2400 \(2018\)](#), to review the measures on Darfur in the light of the evolving situation on the ground. As part of that review, the Council could consider setting solutions-oriented parameters of the eventual termination of the measures in the long term, which might serve as a vehicle for positive change in the Sudan.¹²⁰

¹¹⁸ [S/PV.8446](#).

¹¹⁹ See [S/PV.8287](#).

¹²⁰ The Chair briefed on her visit on 14 June 2018 (see [S/PV.8446](#)).

In the discussion, the representative of Indonesia said that sanctions measures and applications must be periodically evaluated, including against the backdrop of the latest situation on the ground, adding that economic development should also be considered in the context of the efficacy of sanctions. The representative of China said that the Council should review the sanctions on the Sudan in a timely manner and make adjustments in light of the latest developments, with a view to the eventual lifting of the sanctions. The representative of Kuwait said that as the security situation in Darfur was stabilizing, with the exception of some combat operations near Jebel Marra, the time had come for the Council to review the sanctions regime in accordance with resolution [2400 \(2018\)](#), with the aim of lifting it gradually and in a manner that would enhance the Government's ability to enforce its authority throughout all of its territories. He added that Kuwait had hoped that the review would have taken place within a year of the adoption of resolution [2400 \(2018\)](#).

Welcoming the recommendation of the Chair of the Committee, the representative of South Africa said that the Council should respond to the progress on the ground in normalizing the situation in Darfur, which had driven the drawdown of the contingent numbers in the African Union-United Nations Hybrid Operation in Darfur (UNAMID). He stated that it was important that the Council be able to recognize and acknowledge that progress had been made, thanks to the measures imposed in resolution [1591 \(2005\)](#) and that the Council should be able to relax some of the sanctions. The representative of Equatorial Guinea said that it was necessary to review the sanctions in parallel to the withdrawal process for UNAMID.

The representative of the Russian Federation said that the positive developments observed in Darfur suggested that the sanctions had already served their purpose and that concrete parameters for lifting them were long overdue. He pointed out that the previous Chair of the Committee had made the recommendation that easing the sanctions regime should go hand in hand with withdrawing the Blue Helmets.

While noting that the decreasing financial and logistical support from South Sudan to Darfuri rebels was encouraging, the representative of the United States expressed concerns over reports of growing support from Libyan groups to Darfuri armed groups. He added that reported defiance of the arms embargo by all armed groups and the Government of the Sudan underscored the need for greater attention to the implementation of the arms embargo. The representative of

France said that the sanctions regime remained a key instrument during the transitional phase, during which the Council was to remain particularly vigilant. The representative of Germany saw a necessity to uphold the sanctions regime and maintain the work of the Panel of Experts.

The representative of the United Kingdom expressed support for the recommendations to the Committee made by the Special Representative of the Secretary-General for Sexual Violence in Conflict, which included that any future benchmarking process for the possible lifting of targeted sanctions include the provisions related to sexual violence in resolution [2429 \(2018\)](#) and the prevention and accountability measures required under resolutions [1960 \(2010\)](#) and [2106 \(2013\)](#).

The representative of the Sudan urged that the Council review the sanctions imposed on Darfur, given the fact that all reports submitted by the Secretary-General and the Panel of Experts during the period under review confirmed the continued improvement of the situation in Darfur.

Case 6

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

At its 8536th meeting, on 30 May 2019, the Security Council adopted resolution [2471 \(2019\)](#) renewing the sanctions measures on South Sudan with five abstentions.¹²¹ Following the vote, several Council members expressed regret about the lack of consensus in adopting the resolution.¹²²

The representative of the United States noted in support of the resolution that since the strengthening of the sanctions regime and the imposition of an arms embargo, the warring parties had signed the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, and there had been widespread adherence to the ceasefire. While remaining concerned about delays in implementing key provisions of the peace agreement and ongoing violence against civilians, he said that it could not be denied that some initial progress towards peace had taken place immediately following the action of the Council on sanctions 10 months prior. He added that there were undoubtedly many factors besides a strengthened sanctions regime that contributed to that turn of events, stating that he counted on the region to maintain pressure on the parties to implement the peace agreement and to uphold the United Nations arms embargo to prevent the flow of weapons

¹²¹ *In favour*: Belgium, Dominican Republic, France, Germany, Indonesia, Kuwait, Peru, Poland, United Kingdom, United States; *Against*: None; *Abstained*: China, Côte d'Ivoire, Equatorial Guinea, Russian Federation, South Africa.

¹²² [S/PV.8536](#), United States, Poland, Kuwait and United Kingdom.

into South Sudan, which would further destabilize the country and the region. The representative of Poland explained her support to the resolution because it was important to maintain the sanctions regime. In this regard, she saw the significant reduction of violence across the country, especially violence against civilians, and believed that was a direct effect of the arms embargo. She explained her country's belief that it was the responsibility of the Council to continue to stem and control the flow of arms into the territory of South Sudan, and by doing so steadily reduce the violence and brutality against innocent civilians. The representative of Belgium, explaining his country's support for the resolution, said that the sanctions regime continued to be part of the measures that were needed to contribute to the stabilization of South Sudan and that prematurely lifting the arms embargo could have negative consequences, in particular for the protection of civilians. The representative of France mentioned that the sanctions regime was a tool to support the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan and deprive the parties to the conflict of the means to commit violence. The representative of the United Kingdom stated that sanctions offered a form of accountability and sent a message that heinous acts of violence would not be tolerated by the international community. On the arms embargo, he noted that with the peace deal only recently extended, for the Council to allow an unhindered flow of arms into the country would be irresponsible and risked fuelling further violence. The representative of Indonesia expressed hope that the technical extension of the sanctions regime would provide a space for the South Sudanese parties to instil confidence and work together.

Some of the delegations which abstained did not share the view that progress in the political process in South Sudan was due to the strengthening of sanctions.¹²³ The representative of South Africa stated that the sanctions imposed on South Sudan were not timely given the complex political process and that sanctions should be used to encourage progress in the political process and not as a punitive measure. He added that a volatile political process should be safeguarded and free from external pressure. The representative of Côte d'Ivoire and the representative of the Russian Federation ascribed the recent signing of the Revitalized Agreement to the continued engagement of various, in particular regional, actors in South Sudan. The representative of the Russian Federation spoke against the automatic extension of sanctions and urged for basing decisions on the situation

¹²³ Ibid., South Africa, Côte d'Ivoire, Russian Federation and Equatorial Guinea.

on the ground in every such case. He added that the arms embargo had prevented the region from giving flexible support to the settlement with the help of its own security initiatives. The representative of Equatorial Guinea explained his delegation's position in that extending the embargo and adopting further sanctions were not the right steps to motivate those involved to continue their efforts towards achieving peace. While supporting the sanctions in some aspects, he argued that the Council must know when to impose them and when not to and to give the political stakeholders in South Sudan an opportunity to continue their efforts to achieve peace through peaceful means and dialogue. He also drew attention to the fact that arms embargoes were often to the detriment of Governments, and eventually led to a situation in which the armed groups were better armed and equipped than the Government forces. The representative of China noted that his country still did not support the arms embargo imposed on South Sudan and expressed hope that the Council would make timely adjustments to the relevant measures in the light of the changes in the situation on the ground in South Sudan.

The representative of Germany questioned the rationale of easing the sanctions regime and arms embargo given the volatile political process. Similarly, in the context of a situation being brought under control, the representative of the Dominican Republic questioned the need to make a change, rather than waiting for it to be further consolidated.

Case 7

The situation in the Central African Republic

At its 8617th meeting under the item entitled "The situation in the Central African Republic" on 12 September 2019, the Security Council unanimously adopted resolution [2488 \(2019\)](#) by which it decided to adjust the arms embargo measures imposed on the Central African Republic.¹²⁴ Several Council members welcomed the unanimous adoption of the resolution.¹²⁵ As the penholder, the representative of France noted that the draft resolution reflected the balance in the positions taken by Council members. The representative of the United Kingdom stated that the resolution streamlined the process through which the Government of the Central African Republic

¹²⁴ [S/PV.8617](#).

¹²⁵ *Ibid.*, France, Côte d' Ivoire, speaking also on behalf of Equatorial Guinea and South Africa, United Kingdom, United States, Indonesia, Poland and Germany.

could acquire arms and equipment and it was a clear message of support for the Government's progress in the areas of weapons management, security sector reform and disarmament, demobilization and reintegration.

The representative of Côte d'Ivoire, speaking also on behalf of Equatorial Guinea and South Africa, welcomed the unanimous adoption of resolution [2488 \(2019\)](#), which eased the arms embargo imposed on the Government of the Central African Republic. He commended the penholder on ensuring that the commitment of the members of the Council vis-à-vis the Central African Government was respected with regard to the easing of the arms embargo in the light of the progress achieved, which he said would be a powerful driver in speeding up the re-establishment of State authority throughout the entire country. The representative of China said that the adoption of resolution [2488 \(2019\)](#) would help strengthen the Central African Republic in terms of peace, security and capacity-building and help promote peace and stability in the country. The representative of Peru said that with the adoption of resolution [2488 \(2019\)](#) the Government of the Central African Republic could continue to benefit from the arms embargo exemptions and receive support from its partners to strengthen the capacity of its national defence and security forces. In that regard, the representative of the United Kingdom urged the Government to make use of the exemption process to ensure that the forces of the Central African Republic were equipped with the weapons and material they needed.

Recognizing the progress made by the Government of the Central African Republic in the implementation of the five benchmarks set by the Council in the presidential statement dated 9 April 2019,¹²⁶ the representative of the United States pledged to continue bilateral support to help the Government achieve the key benchmarks.¹²⁷ The representative of Germany also acknowledged the Central African Republic's work and progress on the benchmarks, especially given the relatively short time since April, underlining that the Government's work was part of an ongoing process and encouraged the authorities to continue efforts in making further progress. The representative of Indonesia said that the adoption of resolution [2488 \(2019\)](#) was the culmination of the Government's efforts and progress made in the implementation of the key benchmarks. He

¹²⁶ [S/PRST/2019/3](#), seventh paragraph.

¹²⁷ [S/PV.8617](#).

added that sanctions were not the end but the means to achieving collective goals and should be used in line with the real situation on the ground.

The representative of Belgium also welcomed the easing of the arms embargo but noted that the recent outbreaks of violence in the Central African Republic showed that the sanctions regime remained relevant. The representative of the United States recognized that armed groups continued to violate the arms embargo with impunity and urged the region to end the arms trafficking that undermined the national security of the Central African Republic. The representative of the United Kingdom stressed that it was vital to ensure that weapons intended for the security forces did not fall into the hands of armed groups, and called on regional States and regional organizations to fully enforce the terms of the arms embargo and curb the flow of illicit weapons and ammunition. The representative of Poland emphasized that the current regime already allowed a controlled delivery of weapons to the national security forces and said that ensuring real diligence and transparency in the area of arms management was key, in particular with regard to compliance with international humanitarian and human rights standards.

Also noting the positive progress made by the Government in the implementation of the assessment criteria for the arms embargo, the representative of China expressed his support for the Government's wishes for the early lifting of sanctions and the arms embargo against the Central African Republic. The representative of the Russian Federation urged all Council members to consider the expectations of the Central African Republic authorities for deeper modifications to the arms embargo. He stated the intent to revisit the issue during the next review of sanctions relating to the Central African Republic and expressed hope that the Council would consider a more substantive adjustment to the arms embargo that would fully reflect the interests of strengthening Government security structures, expanding State institutions and safeguarding security, law and order throughout the whole country.

At the end of the meeting, the representative of the Central African Republic recognized that the adjusted arms embargo measures would provide support for the Government's efforts at security sector reform and extending State authority and would allow her country's security and defence forces to be trained, equipped and armed. Nonetheless, she expressed her country's hope for the total lifting of the arms embargo given that it had put the Central African Republic at a disadvantage

in terms of supply of weapons, ammunition and logistical resources compared to the armed groups who continued to receive them on a significant scale.

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

Article 42

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

Note

Section IV covers the practice of the Security Council in relation to Article 42 of the Charter, regarding the authorization of the use of force by peacekeeping operations and multinational forces, as well as interventions by regional organizations.¹²⁸

During the period under review, the Council authorized the use of force under Chapter VII of the Charter with respect to the maintenance or restoration of international peace and security by several peacekeeping missions and multinational forces in Bosnia and Herzegovina, the Central African Republic, the Democratic Republic of the Congo, Haiti, Lebanon, Libya, Mali, Somalia, the Sudan (including Abyei and Darfur) and South Sudan.¹²⁹

This section is divided into three subsections. Subsection A outlines decisions of the Council authorizing the use of force under Chapter VII of the Charter. Subsection B covers discussions of the Council of relevance for Article 42. Subsection C provides an overview of the communications addressed to the Security Council containing references to Article 42 of the Charter.

A. Decisions of the Security Council relating to Article 42

During the reporting period, the Council made no explicit reference to Article 42 of the Charter in its decisions. This notwithstanding, the Council adopted several resolutions under

¹²⁸ The Council's authorization of the use of force by regional organizations is covered in part VIII. The authorization of the use of force by peacekeeping operations is covered in part X in the context of mandates of peacekeeping operations.

¹²⁹ For more information on the mandates of peacekeeping operations, see part X, sect. I.

Chapter VII of the Charter by which it authorized peacekeeping missions and multinational forces, including those deployed by regional organizations, to use “all necessary measures”, “all necessary means” or “all necessary action(s)” for the maintenance or restoration of international peace and security.

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

In 2019, the Council reiterated its authorization to use force in relation to various situations and disputes. In Africa and in relation to the situation in the Central African Republic, the Council renewed the authorization to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) to take “all necessary means” to carry out its mandate within its capabilities and areas of deployment,¹³⁰ and to the French forces to use “all the means” to provide operational support to MINUSCA when under serious threat.¹³¹

Regarding the situation in the Democratic Republic of the Congo, the Council, consistent with previous years, authorized the United Nations Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to take “all necessary measures” to carry out its mandate.¹³²

With respect to the flows of arms and related materiel transferred to or from Libya in violation of the arms embargo, the Council extended the authorizations first granted by paragraphs 4 and 8 of resolution [2292 \(2016\)](#) to Member States, acting nationally or through regional organizations, to use “all measures commensurate to the specific circumstances” when conducting inspections of vessels and seizing of items in the course of such inspections, emphasizing that the inspections should be carried out in compliance with international humanitarian law and international human rights law and “without causing undue delay to or undue interference with the exercise of freedom of navigation”.¹³³ Furthermore, in connection with migrant smuggling into, through and from the Libyan territory, the Council renewed the authorizations granted in paragraphs

¹³⁰ Resolution [2499 \(2019\)](#), para. 31.

¹³¹ *Ibid.*, para. 52.

¹³² Resolutions [2463 \(2019\)](#), para. 28; and [2502 \(2019\)](#), para. 27.

¹³³ Resolution [2473 \(2019\)](#), para. 1.

7, 8, 9 and 10 of resolution [2240 \(2015\)](#) to Member States, acting nationally or through regional organizations, engaged in the fight against migrant smuggling and human trafficking, to use “all measures commensurate to the specific circumstances” in confronting migrant smugglers or human traffickers when carrying out inspections of vessels on the high seas off the coast of Libya that they had reasonable grounds to suspect were being used for migrant smuggling or human trafficking and to seize such vessels that were confirmed to be used for such activities.¹³⁴ The Council also reaffirmed paragraph 11 of resolution [2240 \(2015\)](#), which clarified that the authorization to use force applied only when confronting migrant smugglers and human traffickers on the high seas off the Libyan coast, and should not affect the rights or obligations or responsibilities of Member States under international law.¹³⁵

Regarding the situation in Mali, the Council, as it did in previous years, authorized the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to take “all necessary means” to carry out its mandate,¹³⁶ and the French forces, within the limits of their capacities, also to use “all necessary means until the end of MINUSMA’s mandate” to intervene in support of the mission when under imminent and serious threat and upon request of the Secretary-General.¹³⁷ Moreover, the Council requested MINUSMA to carry out its mandate with a “proactive and robust posture”.¹³⁸

In connection with the situation in Somalia, the Council decided that the African Union Mission would be authorized to take “all necessary measures”, in full compliance with participating states’ obligations under international humanitarian and human rights law and respect for Somalia’s sovereignty, territorial integrity, political independence and unity, to carry out its mandate.¹³⁹ In addition, the Council renewed, for a period of 12 months, the authorizations granted by paragraph 14 of resolution [2442 \(2018\)](#) to States and regional organizations cooperating with Somali

¹³⁴ Resolution [2491 \(2019\)](#), para. 2.

¹³⁵ *Ibid.*

¹³⁶ Resolution [2480 \(2019\)](#), para. 19.

¹³⁷ *Ibid.*, para. 42.

¹³⁸ *Ibid.*, para. 22.

¹³⁹ Resolution [2472 \(2019\)](#), para. 8.

authorities to repress acts of piracy and armed robbery at sea off the coast of Somalia for which advance notification had been provided by Somali authorities to the Secretary-General.¹⁴⁰

In connection with the situation in Abyei, the Council recalled the protection-of-civilians mandate of the United Nations Interim Security Force for Abyei (UNISFA), as set out in paragraph 3 of resolution [1990 \(2011\)](#) included taking the “necessary actions” to protect civilians under imminent threat of physical violence, irrespective of its source, and in that regard underlined that peacekeepers were authorized to use “all necessary means”, including force when required, in order to protect civilians under threat of physical violence.¹⁴¹

In relation to the situation in Darfur, the Council decided that the African Union-United Nations Hybrid Operation in Darfur (UNAMID) would continue to implement its mandate as set out in resolution [2429 \(2018\)](#).¹⁴²

With regard to the situation in South Sudan, the Council reiterated the authorizations to the United Nations Mission in the Republic of South Sudan (UNMISS) to use “all necessary means” to perform the mandated tasks, as well as to its Regional Protection Force to use “all necessary means, including undertaking robust action where necessary and actively patrolling”, to accomplish its mandate.¹⁴³ The Council further stressed that this mandate included authority to use “all necessary means” to accomplish the mandated tasks of UNMISS, particularly the protection of civilians, and that such actions included, within UNMISS’s capacity and areas of deployment, defending protection of civilians sites, including by extending weapons free zones to protection of civilians sites where appropriate, addressing threats to the sites, searching individuals attempting to enter the sites, and seizing weapons from those inside or attempting to enter the sites, removing from and denying entry of armed actors to the protection of civilians sites.¹⁴⁴

¹⁴⁰ Resolution [2500 \(2019\)](#), para. 14.

¹⁴¹ Resolutions [2469 \(2019\)](#), para. 12; and [2497 \(2019\)](#), para. 13.

¹⁴² Resolutions [2479 \(2019\)](#), para. 2; and [2495 \(2019\)](#), para. 3. See also resolution [2429 \(2018\)](#), paras. 15 and 48.

¹⁴³ Resolution [2459 \(2019\)](#), paras. 7 and 10.

¹⁴⁴ *Ibid.*, para. 14.

In the Americas, concerning the situation in Haiti, the Council reiterated the authorization to the United Nations Stabilization Mission in Haiti to use “all necessary means” to carry out its mandate to support and develop the Haitian National Police.¹⁴⁵

In Europe, in relation to the situation in Bosnia and Herzegovina, the Council renewed its authorization to Member States, under the European Union Force-Althea (EUFOR Althea) and the North Atlantic Treaty Organization (NATO) presence, 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 at the request of either EUFOR Althea or NATO, to take “all necessary measures” in the defense of their presence; and further recognized the right of both EUFOR-Althea and NATO to take all necessary measures to defend themselves from attack or threat of attack.¹⁴⁶

In the Middle East, in connection with the situation in Lebanon, the Council recalled its authorization to the United Nations Interim Force in Lebanon (UNIFIL) to take “all necessary action” in areas of deployment of its forces, to ensure that its area of operations was not utilized for hostile activities, to resist attempts by forceful means to prevent it from discharging its duties, to protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel and humanitarian workers, and to protect civilians under imminent threat of physical violence.¹⁴⁷

B. Discussion relating to Article 42

During the period under review, no explicit references to Article 42 of the Charter were made at the meetings of the Council, but the Council continued to discuss issues relating to the authorization of the use of force by peacekeeping missions in carrying out protection-of-civilians mandates, particularly under the item entitled “Protection of civilians in armed conflict” (see case 8).

In addition, at the 8521st meeting held on 7 May 2019 under the item entitled “United Nations peacekeeping operations”, the representative of the Russian Federation stated that peacekeepers’ effectiveness depended not only on their training, but also on the way in which the

¹⁴⁵ Resolution [2466 \(2019\)](#), para. 9.

¹⁴⁶ Resolution [2496 \(2019\)](#), paras. 5 and 6.

¹⁴⁷ Resolution [2485 \(2019\)](#), para. 20.

Council formulated its missions' mandates. In that regard, he said he was alarmed by the excessive enthusiasm for so-called "robust mandates" and stressed that the right to use force increased security risks for Blue Helmets themselves, turning them into targets and even parties to conflicts.¹⁴⁸ He further recalled the official note circulated by the Russian Federation in September 2018, in which the country had rejected the linking of human rights issues to the protection of civilians since the latter involved the use of force ("all necessary means") based on Chapter VII.¹⁴⁹ He added that there could be no question of monitoring human rights with the use of force.¹⁵⁰ At the same meeting, the representative of the Bolivarian Republic of Venezuela stressed that respect for the basic principles of peacekeeping – the consent of parties, impartiality and the non-use of force, except in self-defence and defence of the mandate – was necessary for the success of operations, in particular those with protection-of-civilians mandates. The representative of Nepal said that the mandates and the peacekeepers' capacities must be continuously aligned in view of evolving ground realities, with the Secretariat deploying mobile training support teams of experienced peacekeepers from troop- and police-contributing countries, as may be necessary, to provide training on the mission-specific mandates, rules of engagement and the use of force.

Case 8

Protection of civilians in armed conflict

On 23 May 2019, the Council held its 8534th meeting under the item entitled "Protection of civilians in armed conflict" at the initiative of Indonesia, which held the presidency for the month.¹⁵¹ During the meeting, the representative of France said that his country was committed to ensuring that the protection of humanitarian and health personnel was integrated into military operations starting at the planning stage, and added that the use of force could be authorized to protect them from hostile acts.¹⁵² The representative of the European Union stressed that protection of civilians must be at the core of peacekeeping mandates. He further underscored that peacekeepers

¹⁴⁸ [S/PV.8521](#).

¹⁴⁹ See letter dated 31 August 2018 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General ([S/2018/815](#)).

¹⁵⁰ [S/PV.8521](#).

¹⁵¹ The Council had before it a concept note annexed to a letter dated 8 May 2019 from the representative of Indonesia to the Secretary-General ([S/2019/385](#)).

¹⁵² [S/PV.8534](#).

must protect civilians and be able and prepared to use force when civilians were under threat of physical violence, consistent with clear mandates, while operations must be equipped with necessary tools in that regard.

The representative of Argentina said that it was essential that the protection of civilians during peacekeeping operations took place within a framework of respect for the purposes and principles of the Charter. He added that it was necessary to strengthen protection activities in the mandates of peacekeeping operations and to ensure that they had the necessary resources. He also said that the use of force in response to threats of physical violence against civilians must be authorized in accordance with the applicable legal obligations, the mandate established by the Council and the specific rules of confrontation and engagement of each mission. He concluded that the use of unarmed strategies to protect civilians in peacekeeping operations were valuable instruments that could help promote the pursuit of peaceful solutions. The representative of Guatemala stressed that the protection of civilians in peacekeeping operations must be carried out in accordance with missions' mandates and applied to all prevention activities and responses to acts of violence against civilians, including the use of force as a last resort when necessary. The representative of Brazil similarly stated that force should be used only as a last resort.

The representative of Cuba emphasized that the Council must fulfill its vital responsibility to maintain international peace and security by encouraging respect for international law and the peaceful settlement of disputes. He further stressed that the Council must refrain from supporting military ventures and from resorting to the threat of use of force to resolve conflicts. He also warned that peace operations with robust mandates that allowed for proactive use of force had not always ensured a safer environment and that flexible application or reinterpretation of peacekeeping principles had increased the risk of threats and attacks against United Nations personnel and had affected their integrity, credibility and neutrality.

C. References to Article 42 in communications addressed to the Security Council

During the period under review, one communication addressed to the Security Council made explicit reference to Article 42 of the Charter. In a letter dated 6 August 2019 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council, the delegation drew to the attention of the Council “several

dangerous actions” that undermined the peace and security of Venezuela and the Latin American and Caribbean region, namely the threat by the United States of the imminent imposition of an illegal naval blockade and a quarantine against Venezuela; the hostile and illegal incursions by United States military aircraft within the flight information region of Venezuela; and the illegal incursion of a United States military ship into the jurisdictional waters of Venezuela. The letter further characterized a naval blockade as a means of force established in Chapter VII of the Charter, citing Article 42 specifically, and questioned when the Council approved such actions.¹⁵³

V. Consideration of Articles 43 to 45 of the Charter

Article 43

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

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

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

Article 44

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

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined

¹⁵³ [S/2019/641](#).

international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Note

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

No agreements under Article 43 were ever concluded, however, and in the absence of such agreements, there is therefore no practice in application of Article 43. The United Nations has developed practical arrangements to carry out military operations in the absence of such agreements. In that context, the Council authorises peacekeeping forces (under the command and control of the Secretary-General and assembled pursuant to ad hoc agreements entered into by the United Nations and Member States), and national or regional forces (under national or regional command and control) to conduct military action. Peacekeeping operations, as well as their mandates, are covered in detail in part X of the present Supplement.

Articles 44 and 45 of the Charter make explicit reference to Article 43 and are therefore intimately linked. As with Article 43, there is no practice in application of Articles 44 and 45. This notwithstanding, the Council has developed, through its decisions, practice by which to (a) call on Member States to contribute armed forces, assistance and facilities, including rights of passage, (b) consult with Member States contributing troops for United Nations peacekeeping activities, and (c) call on Member States to contribute military air assets in the context of peacekeeping. Some of these decisions of the Council are also featured in section VII below in relation to Article 48 to the extent that they concern action required to carry out decisions of the Council for the maintenance of international peace and security.

During the period under review, the Council in its decisions called for the provision of troops and other military assistance, including air assets, as well as funding, to the African Union Mission to Somalia (AMISOM), the United Nations Multidimensional Integrated Stabilization

Mission in the Central African Republic (MINUSCA) and the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). The Council did not, however, engage in any constitutional discussion concerning Articles 43 and 45 during the reporting period. Throughout 2019, the Council also adopted decisions in which it emphasized, and held meetings deliberating upon, the importance of consulting troop- and police-contributing countries on issues pertaining to the mandates of peacekeeping operations. Set out below is an overview of the practice of the Security Council during 2019 concerning the need for Member States' contribution, support and assistance to peacekeeping operations (subsection A) and the need for consultation with troop and police contributing countries (subsection B).

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

In 2019, the Council did not explicitly refer to Article 43 or Article 45 in any of its decisions or discussions. Nevertheless, in its decisions the Council did call for Member States' contribution, support and assistance to peacekeeping operations. By resolutions [2469 \(2019\)](#) and [2497 \(2019\)](#), the Council urged the Governments of the Sudan and South Sudan to facilitate basing arrangements for the United Nations Interim Security Force for Abyei in the Mission area, including Athony airport, and to provide flight clearances and logistical support.¹⁵⁴

By resolution [2472 \(2019\)](#) of 31 May 2019, the Council called for new donors to provide support for AMISOM through the provision of additional funding for troop stipends, equipment and technical assistance.¹⁵⁵

By resolution [2480 \(2019\)](#) adopted on 28 June 2019, the Council urged Member States to provide MINUSMA with troops and police with adequate capabilities, as well as equipment, including enablers specific to the operating environment. The Council also noted the potential adverse effects on mandate implementation of national caveats which had not been declared and accepted by the Secretary-General prior to deployment, calling on Members States to provide troops with the minimum of declared caveats to MINUSMA.¹⁵⁶

By resolution [2499 \(2019\)](#) of 15 November 2019, the Council reiterated its concern at the continuing lack of capabilities for MINUSCA and the need to fill gaps, in particular in the field of

¹⁵⁴ Resolutions [2469 \(2019\)](#), para. 7; and [2497 \(2019\)](#), para. 8.

¹⁵⁵ Resolution [2472 \(2019\)](#), para. 22 (a).

¹⁵⁶ Resolution [2480 \(2019\)](#), para. 45.

military helicopters, as well as the importance of current and future troop- and police-contributing countries providing troops and police with adequate capabilities, equipment and predeployment training to enhance the capacity of MINUSCA to operate effectively.¹⁵⁷

During the period under review, several discussions of the Council touched upon the importance of providing peacekeeping operations with adequate troops and equipment, including military air assets. For example, at the 8612th meeting on 9 September 2019 under the item entitled “United Nations peacekeeping operations”, the Under-Secretary-General for Peace Operations underscored that technology such as unarmed unmanned aerial vehicles, sense-and-want systems and remote sensors had become necessities for uniformed personnel. He said he looked forward to continuing to work with troop- and police-contributing countries, as well as willing partners, to address those gaps and ensure full operational readiness, and expressed support for innovative solutions such as equipment-contributing countries and joint deployments. He also stressed the need for troop- and police-contributing countries to come equipped with vehicles that could withstand impact from improvised explosive devices, including mine-protected armoured personnel carriers, and in the context of MINUSMA noted a requirement of an additional 80 vehicles of that kind.¹⁵⁸ The representative of China stressed that the international community should provide greater peacekeeping capacity-building support to troop-contributing countries that were developing countries, while troop-contributing countries should ensure that peacekeepers were adequately trained, equipped and resourced. The representative of the United States stated that peacekeeping was a shared responsibility that came with shared costs and it was the responsibility of all Member States to step up their efforts to make sure peacekeepers were well-trained and well-equipped. The representative of Equatorial Guinea underscored the need for peacekeeping troops and police to have the best possible training and equipment, and the representative of Senegal stated that training and capacity-building to provide peacekeeping operations with well-trained and adequately equipped troops were a fundamental aspect.¹⁵⁹ The representative of Italy similarly emphasized the need to continue to provide peacekeeping operations with the best troops, first-rate equipment and appropriate enablers. Taking note of the number of fatalities of peacekeepers since 2013, the representative of Bangladesh stressed the need for improvements on a range of issues, including

¹⁵⁷ Resolution [2499 \(2019\)](#), para. 36.

¹⁵⁸ [S/PV.8612](#).

¹⁵⁹ *Ibid.*, Equatorial Guinea and Senegal.

rapid deployment and unimpeded access for troops. The representative of Pakistan underscored that even the best training and equipment could not be expected to deliver in the face of unrealistic expectations, and that it was imperative that all assets be available for utilization as the on-the-ground situation warranted.

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

During the period under review, the Council adopted two decisions relevant to the importance of the need to consult troop- and police-contributing countries in issues pertaining to peacekeeping. By resolutions [2477 \(2019\)](#) and [2503 \(2019\)](#) adopted on 26 June and 19 December 2019, respectively, in relation to the situation in the Middle East, the Council emphasized the importance of Security Council and troop-contributing countries having access to reports and information related to United Nations Disengagement Observer Force (UNDOF)'s redeployment configuration and reinforced that such information assisted the Council with evaluating, mandating and reviewing UNDOF and with effective consultation with troop-contributing countries.¹⁶⁰ By resolution [2480 \(2019\)](#) adopted on 28 June 2019 on the situation in Mali, the Council requested the Secretary-General to ensure troop-contributing countries received sufficient information relevant to up-to-date tactics, techniques and procedures in reducing troops casualties in an asymmetric environment before deploying to Mali.¹⁶¹

During 2019, no explicit references to Article 44 were made during discussions of the Council. This notwithstanding, the importance of consulting with troop- and police-contributing countries on issues relating to the mandates of peacekeeping operations continued to be discussed under the item entitled "United Nations peacekeeping operations", particularly at the 8570th meeting at which the Council focused specifically on triangular cooperation between the Secretariat, troop- and police-contributing countries and the Council (see case 9). Several speakers at a subsequent meeting under the same item also stressed the importance of triangular cooperation.¹⁶²

In addition, consistent with recent practice, several speakers addressed the issue of consultation with troop- and police-contributing countries at the annual debate on the working

¹⁶⁰ Resolutions [2477 \(2019\)](#), thirteenth preambular paragraph; and [2503 \(2019\)](#), thirteenth preambular paragraph.

¹⁶¹ Resolution [2480 \(2019\)](#), para. 47.

¹⁶² [S/PV.8612](#), Russian Federation, Bangladesh and Tanzania.

methods of the Council held on 6 June 2019 under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”.¹⁶³ The representatives of France, the United Kingdom and China recalled that they always consulted or ensured the participation of troop-contributing countries in their work at the Council.¹⁶⁴ The representative of Italy stated that in reviewing the mandates of peacekeeping operations, due consideration should be given to the views of troop- and police-contributing countries, which was key to nurturing trust between them and Council members. The representative of Brazil noted that more should be done to enhance the consultations with troop- and police-contributing countries and that their views should have a bearing on the formation, review and drawdown of peacekeeping operations and the mandates of special political missions. He regretted that the mechanism for consultations in place had not yet had the desired impact on the deliberations of the Council. Several representatives stated that consultations with troop- and police-contributing countries were essential for peacekeeping operations to be effective and successful.¹⁶⁵ The representative of Guatemala expressed appreciation for section VIII of the annex to the note by the President of 30 August 2017 (known as note 507), which was indicative of the importance of consultation among the Council, the Secretariat and troop- and police-contributing countries,¹⁶⁶ and was a valuable contribution to enhancing the capacity of the Council to take appropriate, effective and timely decisions in the discharge of its responsibilities.¹⁶⁷ The representative of Egypt similarly recalled paragraph 91 of note 507, stressing that consultation between the Council and troop-contributing States should be improved. The representative of Turkey, recognizing transparency as especially important for the mandates of peacekeeping operations and sanctions regimes, underscored that the Council must cooperate more closely with troop- and police-contributing countries.¹⁶⁸ The representative of Costa Rica opined that the practice of regular consultations with troop- and police-contributing countries should be institutionalized. The representative of Argentina called on the Working Group on Peacekeeping Operations to continue holding regular and predictable meetings with troop-contributing countries on relevant issues.

¹⁶³ [S/PV.8539](#).

¹⁶⁴ *Ibid.*, France, United Kingdom and China.

¹⁶⁵ *Ibid.*, Canada, Slovenia, Morocco and India.

¹⁶⁶ [S/2017/507](#).

¹⁶⁷ [S/PV.8539](#).

¹⁶⁸ [S/PV.8539](#).

Case 9

United Nations peacekeeping operations

At the 8570th meeting of the Council held on 10 July 2019 under the above item, the Council for the first time considered the subitem entitled “Strengthening triangular cooperation” at the initiative of Peru, which held the presidency for the month.¹⁶⁹ The Under-Secretary-General for Peace Operations briefed the Council on ways to strengthen, sharpen and re-energize the approach to the triangular dialogue and cooperation among the Council, troop- and police-contributing countries and the Secretariat. He noted that strong triangular cooperation was crucial to enhancing peacekeeping operations. He said that mandates could benefit strongly from the perspectives and experiences of troop and police contributors present on the ground in order to make them more focused, adapted and achievable. He elaborated on a number of mechanisms to facilitate consultations among the three stakeholders, including the formal and informal consultations of the Council with troop- and police-contributing countries, the Working Group on Peacekeeping Operations, the Military Staff Committee and the General Assembly’s Special Committee on Peacekeeping Operations.¹⁷⁰

The Force Commander of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) stated that he had close interaction and dialogue with troop-contributing countries through their national representatives in order to provide information, get their opinions and create and guide confidence among the troop-contributing nations. He added that as a Force Commander, he could contribute to ensuring that the triangle had as good an understanding as possible of the situation within the Mission and that the troop contributors got candid and relevant information directly to their capitals.

The Senior Fellow at the Brian Urquhart Center for Peace Operations of the International Peace Institute said that triangular cooperation was at the crossroads of the work of the Council, including when taking decisions, creating peacekeeping operations or considering mission

¹⁶⁹ The Council had before it a concept note annexed to a letter dated 27 June 2019 from the representative of Peru to the Secretary-General ([S/2019/538](#)).

¹⁷⁰ [S/PV.8570](#). For more information on the subsidiary bodies of the Security Council, see part IX; on the Military Staff Committee, see sect. VI below; and on the relationship between the Security Council and the Special Committee on Peacekeeping Operations, see part IV, sect. I.G.

drawdown or closure, and stressed that at each of those stages, the Council must engage in some form of dialogue with the Secretariat and troop- and police-contributing countries. She further emphasized that that dialogue must be strengthened and should even be a basic principle in an Organization where those who mandated, paid and contributed personnel were not the same. She made a number of suggestions pertaining to strengthening of triangular cooperation. She suggested that ten troop- and police-contributors could be considered a good number to allow for a focused discussion, and while some flexibility would be required adjusting the exact number of attendees, the meetings should not turn in yet another forum where no one was willing to talk openly and informally about real issues. She further recommended that the consultations should be held before the renewal of mandates, before and after a major strategic review conducted by the Secretariat and when a major mission-related crisis occurred. She underscored that the idea would be that views and concerns expressed by troop- and police-contributing countries would be taken into account by the penholder, thus shaping the way a mandate was conceived. She added that the meetings should be held at the start of the process initiated by the penholder to renew a mandate and immediately after the advance copy of the report of the Secretary-General was shared with the main contributors. She also proposed that these meetings could be strengthened by holding a parallel discussion of a purely military nature within the informal setting of the Military Staff Committee, to which key contributors not serving in the Council could be invited.

The representative of Côte d'Ivoire, speaking on behalf of the three African Council members,¹⁷¹ said that promoting effective triangular cooperation among the Council, as the body responsible for mandating peace missions, the Secretariat, as the body responsible for planning and managing those missions, and, importantly, the troop- and police-contributing countries, as the countries implementing those mandates, remained one of the priorities for United Nations peacekeeping operations. He emphasized that the nature of mandates was of paramount importance to all actors in peacekeeping and in that regard, it was important to recognize the importance of consultation with, and the full involvement of, troop-contributing countries and peace coordination committees throughout the duration of peacekeeping operations, including in the development of mandates. He also suggested that the Working Group on Peacekeeping Operations could play a

¹⁷¹ Côte d'Ivoire, Equatorial Guinea and South Africa.

monitoring and evaluation role in following up on the commitments made by the Council regarding triangular cooperation in its resolutions on peacekeeping operations.

The representative of the Dominican Republic stressed that it was imperative to recognize the essential roles that the Council, the Secretariat and troop- and police-contributing countries played in entrusting, planning, managing and executing peacekeeping operations, which was why triangular cooperation needed to be strengthened to promote collaboration, cooperation and mutual trust. He noted the continued lack of timely information and effective dialogue among the three parties and called for a balance between formal and informal consultations with efficient format and timely interactions, as well as for consultations in situations of transition from peacekeeping operation to a peacebuilding one and in cases of a reduction or withdrawal. He said that it was important that the triangular dialogues be conducted in a participatory and inclusive manner paying greater attention to the concerns expressed by the troop- and police-contributing countries and bearing in mind their knowledge of the existing realities on the ground. He also underscored the importance of troop- and police-contributors receiving updated and regular information from the Secretariat and of rapid responses from the Secretariat to their requests for information.

The representative of France stressed that triangular cooperation, in the form of regular consultations, was necessary at all stages of the life cycle of a peacekeeping operation. She also said that troop- and police-contributors had a lot to contribute in terms of the planning, decision-making and effective deployment of operations and added that the information and lessons they had were very useful in drawing up as well as adjusting mandates. She said that sustained dialogue among the Council, troop-contributing countries and the Secretariat was essential for the effective management of missions.

The representative of France joined other speakers in noting many tools to ensure smooth functioning of triangular cooperation, including a number of meeting formats within the Council that allowed for interaction with troop-contributing countries and the Secretariat, and the Special Committee on Peacekeeping Operations (C-34), which provided an opportunity for all peacekeeping stakeholders to speak, as well as meetings with troop- and police-contributing countries organized by the Secretariat. Regarding the Working Group on Peacekeeping Operations, the representative of Kuwait recalled that its meetings were held with the participation of troop-contributing countries and on an equal footing with Council members, which made it one of the

most inclusive tools of the Council for working with troop-contributing countries. He also noted the cooperation of the Working Group with the Special Committee on Peacekeeping Operations, which provided the Council with the opportunity to take into account the concerns of troop and police contributors. He stressed that consultations must not be limited to formal meetings, but also encompass informal consultations of penholders with troop-contributing countries and host States. The representative of the United States similarly focused on the existing forums of consultations between the three stakeholders, including the Working Group, and encouraged more troop-contributing States to make greater use of those forums by attending and participating in the discussions. The representative of Poland opined that, while the informal meetings between the Council and the contributors were already well-established and utilized, the pre-meetings organized by penholders also served the purpose of sharing concerns and perspectives and allowed for a genuine and frank exchange of views ahead of mandate renewals. She suggested it would be worth extending such discussions as preparatory meetings to all mandate renewals. On the Working Group on Peacekeeping Operations, she noted its ability to adjust discussions to the current needs. The representative of Bangladesh stated that the Working Group on Peacekeeping Operations needed to be utilized for more in-depth discussions of common concerns, and it could play a catalytic role in further institutionalizing triangular cooperation by regular and systematic engagement of troop- and police-contributing countries and the Secretariat.

The representative of Indonesia focused on the quadrilateral consultations among the host nations, the Council, troop- and police-contributing countries and the Secretariat, within which the parties could discuss the larger picture of political strategy and priorities.

The representative of China noted that strengthening triangular cooperation among the Council, troop- and police-contributing countries and the Secretariat was crucial to enhancing the effectiveness of peacekeeping operations. He said that Council meetings with troop- and police-contributing countries should be better utilized to promote more comprehensive and in-depth discussions and proposed that the role of the Council's Working Group on Peacekeeping Operations be better leveraged to serve as channel of communication among the three actors. He further stressed that the penholders should strengthen communication with the troop- and police-contributing countries in the process of drafting relevant draft resolutions on peacekeeping operations. The representative of Belgium similarly encouraged the penholders to take into account

the considerations expressed by contributors when drafting resolutions for mandate renewals, and the troop- and police-contributors to participate in the meetings of the Working Group on Peacekeeping Operations, including small and medium sized contributors.

The representative of the Russian Federation emphasized that triangular cooperation played a significant and defining role in the practical effectiveness of United Nations peacekeeping as it brought together the key players involved in setting tasks, planning, managing and carrying out peacekeeping operations. He said that the key platform of the United Nations system for implementing such cooperation was the C-34. He advocated for putting into practice the proposals for promoting triangular cooperation in the reports of the C-34, underlining that peacekeeping mandates and the conceptual know-how of the Secretariat should correlate with the opinions of troop- and police-contributing countries and host States.

The representative of the United Kingdom, while recognizing the importance in value of views from the ground and the need to seek the perspectives of troop- and police-contributing countries, pointed out that no single contributor had the monopoly on the truth of what was happening on the ground. Therefore, he stated that the Council needed to make sure that the views of the Special Representatives and Special Envoy of the Secretary-General, Force Commanders and all other relevant analyses were also considered.

The representative of Ethiopia emphasized the need to see greater involvement on the part of troop- and police-contributing countries in the mandating process. He regretted that it was still the Secretariat and the resolution penholders and not those involved on the ground that presented analyses of the political, security and humanitarian situations for missions. He noted that the lack of participation in the process of mandate preparation and renewal negatively affected performance and damaged trust among the Council, troop-contributing countries and the Secretariat. For successful operations, it was necessary for the Council to institutionalize regular consultations with the stakeholders. He stressed that such discussions should not be confined to formal talks in New York and that there should be field-level informal discussions that could address shortfalls in information flows and institutional arrangements. In this regard, he said that penholders should make it a priority to consult with troop-contributing countries in good faith and not overlook institutional arrangements.

The representative of Rwanda echoed most speakers in saying that sustained, meaningful consultations with troop-contributing countries at all stages of planning and decision-making processes were critical to the success of any United Nations peacekeeping operation. This meant that the Council could not work in isolation from the implementers of its resolutions and mandates. He suggested that meetings should be informal in the sense that they promote a frank, transparent and constructive dialogue and held in formats that allowed for the discussion of both operational and political decisions. The representative of Bangladesh stated that despite a clear division of responsibilities among the three parties of the triangle, there were significant interlinkages and interplay among their work. Therefore, meaningful cooperation and consultations among them were crucial to drafting clearly defined, realistic and achievable mandates. He opined that the objective of strengthening triangular cooperation should be primarily about overcoming the so-called Christmas-tree mandate dilemma. The representative of Pakistan said that there was a need to institutionalize triangular cooperation as a framework to engage troop- and police-contributing countries and the Secretariat early in the process. He added that formal meetings needed to be revitalized to maximize their benefits through the provision of relevant information to troop- and police-contributing countries in a timely manner to ensure substantive and meaningful dialogue ahead of mandate renewals.

The representative of Egypt noted the continued absence of a strategic dimension in the ongoing consultations between the Council, the Secretariat and troop- and police-contributing countries that would make the troop contributors real partners in efforts to ensure that peacekeeping operations met their strategic objectives. He said that the current format of the consultations in accordance with resolution [1353 \(2001\)](#) did not rise to the desired level of triangular cooperation. The representative of Uruguay similarly noted a shared perception among the Council, the Secretariat and troop- and police-contributing countries that the current consultations fell short of expectations and had yet to reach their full potential.

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

Article 46

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

Article 47

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

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

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

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

Note

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

During the period under review, the Council did not explicitly refer to either Article 46 or Article 47 in any of its decisions. Article 46 was also not referred to in any of the discussions of the Council. This notwithstanding, at the 8570th meeting on 10 July 2019 under the item entitled “United Nations peacekeeping operations” and the sub-item entitled “Strengthening triangular cooperation”, at the initiative of the Presidency of Peru,¹⁷² several speakers referred to the role of the Military Staff Committee in facilitating triangular consultations among the Council, the Secretariat and troop- and police-contributing countries.¹⁷³ The representative of the Russian Federation said that the potential of the Military Staff Committee remained underestimated and that pursuant to Article 47 of the Charter, the Committee should be called upon to advise and assist the Council on all questions relating to the military requirements of the Council.¹⁷⁴ He added that it was logical to consider more closely ways of utilizing the analytical capacities and practical assistance that the Committee could provide. He pointed to the usefulness of the practice of conducting country visits to United Nations missions, following up with a report with recommendations for the Council and inviting military representatives of the elected Council members to take part in the meetings of the Military Staff Committee. He further deemed it important that the authority of the Military Staff Committee be reconfirmed, and the Secretariat provide it with all the necessary assistance in its activities involving the maintenance of international peace and security.

During the same meeting, the Under-Secretary-General for Peace Operations noted a number of mechanisms to facilitate triangular dialogue and cooperation, including the formal and informal consultations of the Council with troop- and police-contributing countries, the Working Group on Peacekeeping Operations and the Military Staff Committee. Another briefer at the meeting, a senior fellow at the Brian Urquhart Center for Peace Operations of the International Peace Institute, suggested that the triangular consultations should be held at the expert level attended by political and military experts as such discussions were fundamentally political and military. She added that at times, when stakes were higher, those meetings could be held at a more senior level in order to enable effective decisions. As suggested by resolution [1353 \(2001\)](#), such meetings could be strengthened by holding a parallel discussion of a purely military nature within

¹⁷² The Council had before it a concept note annexed to a letter dated 27 June 2019 from the representative of Peru to the Secretary-General ([S/2019/538](#)).

¹⁷³ For more information, see sect. V.B, case 9 above.

¹⁷⁴ [S/PV.8570](#).

the informal setting of the Military Staff Committee, to which key contributors not serving the Council could be invited. The representative of Belgium recognized some merit in spurring an enhanced dialogue on increasingly technical and military issues in order to allow horizontal dialogue among the experts of the respective contributors. In that regard, he indicated that consideration should be given to the role that the Military Staff Committee should play in a triangular structure.

As customary, the annual report of the Council to the General Assembly issued during the reporting period referred to the activities of the Military Staff Committee.¹⁷⁵

¹⁷⁵ See [A/73/2](#), part IV.

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

Article 48

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

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

Note

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

While Article 48 relates to requests to Member States to carry out action decided upon by the Council, during 2019, as in previous periods, the Council also addressed some of its pleas to “actors” or “parties”, reflecting the intra-State and increasingly complex nature of many contemporary conflicts dealt with by the Council. In its requests to carry out actions, the Council also addressed “regional and subregional organizations”, signalling the importance of such entities in tackling disputes and situations before the Council. Additional information on the engagement of regional arrangements in the maintenance of international peace and security is provided in part VIII.

During the period under review, the Council did not explicitly invoke Article 48 in any of its decisions. The Council, however, adopted resolutions and issued presidential statements in which it underlined the obligation of Member States and other entities concerned to comply with the measures imposed under Chapter VII of the Charter pursuant to Article 48. The section is divided into two subsections. Subsection A covers decisions of the Council requiring Member States to

carry out actions in relation to measures under Article 41. Subsection B covers decisions of the Council requiring Member States to carry out action in relation to measures under Article 42. During 2019, no references to Article 48 were found in communications to the Council nor was there any discussion held in relation to the interpretation or application of that Article.

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

In 2019, regarding decisions adopted in accordance with Article 41 in connection with judicial measures, the Council called upon all the authorities in Bosnia and Herzegovina to fully cooperate with the International Residual Mechanism for Criminal Tribunals.¹⁷⁶

In relation to decisions adopted pursuant to Article 41 concerning sanctions, the Council frequently requested, or stressed the importance for, “all Member States or “all States” as well as “regional organizations” to implement specific measures. The Council also requested the specific countries targeted with the measures to carry out the actions required.

In relation to the situation in the Central African Republic, the Council urged “all parties” and “all Member States”, as well as “regional and subregional organizations”, to ensure cooperation with the Panel of Experts and the safety of its members,¹⁷⁷ it urged “all Member States” to ensure unhindered access;¹⁷⁸ and it recalled that “all Member States” should continue to take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Central African Republic of arms and related materiel of all types.¹⁷⁹ The Council also requested, the Central African Republic authorities to report, by 30 June 2019, to the Committee established pursuant to resolution [2127 \(2013\)](#) on the progress achieved on established benchmarks,¹⁸⁰ and to allow the Panel of Experts and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic access to exempted arms and related lethal equipment.¹⁸¹

¹⁷⁶ Resolution [2496 \(2019\)](#), para. 1.

¹⁷⁷ Resolution [2454 \(2019\)](#), para. 6.

¹⁷⁸ *Ibid.*, para. 7.

¹⁷⁹ Resolution [2488 \(2019\)](#), para. 1.

¹⁸⁰ *Ibid.*, fifth preambular paragraph; and [S/PRST/2019/3](#), penultimate paragraph.

¹⁸¹ Resolution [2488 \(2019\)](#), para. 8.

Concerning the situation in the Democratic People’s Republic of Korea, the Council urged “all States”, “relevant United Nations bodies” and “other interested parties” to cooperate fully with the Committee established pursuant to resolution [1718 \(2006\)](#) and the Panel of Experts.¹⁸²

With respect to the situation concerning the Democratic Republic of the Congo, the Council called for enhanced cooperation between all States, particularly those in the region, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the Group of Experts, and encouraged “all parties” and “all States” to ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control.¹⁸³

In connection with the situation in Lebanon, the Council recalled paragraph 15 of resolution [1701 \(2006\)](#) according to which “all States” should take the necessary measures to prevent, by their nationals or from their territories or using flag vessels or aircraft, the sale or supply of arms and related materiel to any entity or individual in Lebanon other than those authorized by the Government of Lebanon or the United Nations Interim Force in Lebanon.¹⁸⁴

With regard to the situation in Libya, the Council called for full compliance with the arms embargo by “all Member States”, in line with resolution [2441 \(2018\)](#) and its previous resolutions on the embargo.¹⁸⁵

Concerning the situation in Somalia, the Council requested the Federal Government of Somalia to strengthen cooperation and coordination with other Member States to prevent and counter the financing of terrorism, and requested the Federal Government to submit an update on concrete actions taken in that regard.¹⁸⁶ The Council called upon “Member States” to undertake 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 involved in the sale, supply, or transfer of explosive precursors and materials to Somalia that could be used in the manufacture of improvised explosive devices, to keep records of transactions and share information with the Federal Government of Somalia, the Committee and the Panel regarding suspicious purchases of or enquiries into these chemicals by individuals in Somalia.¹⁸⁷ The Council also urged

¹⁸² Resolution [2464 \(2019\)](#), para. 5.

¹⁸³ Resolution [2463 \(2019\)](#), para. 40.

¹⁸⁴ Resolution [2485 \(2019\)](#), para. 19.

¹⁸⁵ Resolution [2486 \(2019\)](#), twenty-first preambular paragraph.

¹⁸⁶ Resolution [2498 \(2019\)](#), para. 2.

¹⁸⁷ *Ibid.*, para. 28.

the Federal Government of Somalia to cooperate with the Panel of Experts to facilitate interviews of suspected members of Al-Shabaab and the Islamic State in Iraq and the Levant held in custody, and reiterated the importance of cooperation between the Panel and the Federal Government of Somalia, including by assisting in investigations and providing access to armouries and military storage facilities.¹⁸⁸

Also regarding Somalia, in connection with the anti-piracy measures, the Council called upon “all States” to cooperate fully with the Panel of Experts on Somalia, including through sharing information regarding possible violations of the arms embargo or charcoal ban. The Council renewed its call upon “States” and “regional organizations” that were able to do so to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular by deploying naval vessels, arms, and military aircraft and by providing basing and logistical support for counter-piracy forces.¹⁸⁹

With respect to the situation in South Sudan, the Council urged “all parties” and “Member States”, as well as “international, regional and subregional organizations” to ensure cooperation with the Panel of Experts and further urged all Member States involved to ensure the safety of the members of the Panel of Experts and unhindered access.¹⁹⁰

In relation to the situation in Yemen, the Council urged “all parties” and “all Member States”, as well as “international, regional and subregional organizations”, to ensure cooperation with the Panel of Experts and urged all Member States involved to ensure the safety of the members of the Panel and unhindered access, in particular to persons, documents and sites, in order for the Panel to execute its mandate.¹⁹¹

With respect to measures adopted under Article 41 and for the purpose of countering terrorism and terrorism financing, the Council reaffirmed and emphasized its decisions in resolutions [1373 \(2001\)](#) and [2178 \(2014\)](#) that “all States” should prevent and suppress the financing of terrorist acts and refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, that “all Member States” should criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories

¹⁸⁸ Ibid., paras. 30 and 31.

¹⁸⁹ Resolution [2500 \(2019\)](#), paras. 11 and 12.

¹⁹⁰ Resolution [2459 \(2019\)](#), para. 22.

¹⁹¹ Resolution [2456 \(2019\)](#), para. 8.

with the intention that the funds should be used in order to carry out terrorist acts; and that “all Member States” should establish serious criminal offenses regarding the travel, recruitment, and financing of foreign terrorist fighters.¹⁹² The Council further urged “all States” to participate actively in implementing and updating the ISIL (Da’esh) & Al-Qaida Sanctions List and to consider including, when submitting new listing requests, individuals and entities involved in the financing of terrorism.¹⁹³

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

During the period under review, the Council urged, called upon and requested action by a particular Member State, a designated group of Member States, all Member States, all parties, and, on one occasion, the African Union, in relation to measures adopted under Article 42 of the Charter.

With respect to the situation in Abyei, the Council called upon “all Member States”, in particular Sudan and South Sudan, to ensure the free, unhindered and expeditious movement, to and from Abyei and throughout the Safe Demilitarized Border Zone (SDBZ), of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles, aircraft, and spare parts, which were for the exclusive and official use of the United Nations Interim Security Force for Abyei (UNISFA).¹⁹⁴ The Council also called upon the Governments to facilitate travel from within Sudan and South Sudan to and from Abyei and to fully adhere to their obligations under the Status of Forces Agreements.¹⁹⁵

Concerning the situation in the Central African Republic, the Council urged “all parties” in the country to cooperate fully with the deployment and activities of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), in particular by ensuring the safety, security and freedom of movement with unhindered and immediate access throughout the territory of the Central African Republic to enable MINUSCA to carry out fully its mandate. The Council also called upon “Member States”, especially those in the region, to ensure the free, unhindered and expeditious movement to and from the Central African

¹⁹² Resolution [2462 \(2019\)](#), paras. 1 and 2.

¹⁹³ *Ibid.*, paras. 9 and 12 For more information, see sect. III.A above.

¹⁹⁴ Resolution [2469 \(2019\)](#), para. 22; and [2497 \(2019\)](#), para. 22.

¹⁹⁵ Resolutions [2469 \(2019\)](#), para. 7; and [2497 \(2019\)](#), para. 7.

Republic of all personnel, as well as equipment, provision, supplies and other goods, including vehicles and spare parts, which were for the exclusive and official use of MINUSCA.¹⁹⁶

In connection with the situation concerning the Democratic Republic of the Congo, the Council called on the Government of the Democratic Republic of the Congo to take further military action in accordance with international law and in coordination and with the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to end the threat posed by domestic and foreign armed groups operating in the eastern part of the country.¹⁹⁷ The Council reiterated its call on “all parties” to cooperate fully with MONUSCO and to remain committed to the full and objective implementation of the Mission’s mandate.¹⁹⁸

In relation to the question concerning Haiti, the Council called upon the Government of Haiti to continue facilitating the mandate and functioning of the United Nations Mission for Justice Support in Haiti.¹⁹⁹

With regard to the situation in Lebanon, the Council called upon “all parties” to prevent the violation of the Blue Line and respect it in its entirety and to cooperate fully with the United Nations and its Interim Force in Lebanon (UNIFIL). The Council further urged all parties to abide scrupulously by their obligation to respect the safety of UNIFIL and other United Nations personnel; and to ensure that the freedom of movement of UNIFIL and UNIFIL’s access to the Blue Line in all its parts was fully respected and unimpeded, in conformity with its mandate and its rules of engagement. The Council also called on the Government of Lebanon to facilitate UNIFIL’s access in line with resolution [1701 \(2006\)](#); and on “all States” to fully support and respect the establishment between the Blue Line and the Litani River of an area free of any armed personnel, assets and weapons other than those of the Government of Lebanon and UNIFIL.²⁰⁰

In connection with the situation in Mali, stressing the importance of providing the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) with the necessary performance capacities to fulfil its mandate while ensuring the best possible level of safety and security for its personnel, the Council urged Member States to provide troops and police that had adequate capabilities, and equipment, including enablers, specific to the operating environment, and

¹⁹⁶ Resolution [2499 \(2019\)](#), paras. 47 and 48.

¹⁹⁷ Resolution [2463 \(2019\)](#), para. 15.

¹⁹⁸ *Ibid.*, twenty-ninth preambular paragraph.

¹⁹⁹ Resolution [2466 \(2019\)](#), para. 8.

²⁰⁰ Resolution [2485 \(2019\)](#), paras. 11, 14, 15 and 18.

called on Member States to provide troops with the minimum of declared caveats.²⁰¹ The Council urged “all parties” in Mali to ensure the safety, security and freedom of movement of the personnel of MINUSMA, and also called upon “Member States”, especially those in the region, to ensure the free, unhindered and expeditious movement to and from Mali of all personnel, equipment, provisions, supplies and other goods which were for the exclusive and official use of MINUSMA.²⁰²

In connection with the situation in South Sudan, the Council demanded that the Government of the Republic of South Sudan and opposition groups cease obstruction of the United Nations Mission in South Sudan (UNMISS).²⁰³ The Council further demanded that the Government of South Sudan comply with the obligations set out in the Status of Forces Agreement (SOFA) between the Government of South Sudan and the United Nations, and immediately cease obstructing UNMISS in the performance of its mandate. The Council also called on the Government of South Sudan to take action, to deter, and to hold those responsible to account for any hostile or other actions that impeded UNMISS and to guarantee UNMISS unimpeded access to United Nations premises per the SOFA.²⁰⁴

²⁰¹ Resolution [2480 \(2019\)](#), paras. 44 and 45.

²⁰² *Ibid.*, paras. 8 and 52.

²⁰³ [S/PRST/2019/11](#), eighth paragraph.

²⁰⁴ Resolution [2459 \(2019\)](#), paras. 2 and 12.

VIII. Mutual assistance pursuant to Article 49 of the Charter

Article 49

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

Note

Section VIII covers the practice of the Security Council in relation to Article 49 of the Charter, concerning mutual assistance among Member States in carrying out the measures decided upon by the Council.

During the period under review, the Council did not explicitly invoke Article 49 in any of its decisions. However, the Council in its decisions in 2019 called upon Member States to cooperate with each other or assist specific States in the implementation of measures imposed under Chapter VII of the Charter. This section is divided into two subsections. Subsection A covers decisions of the Council urging cooperation among Member States with respect to measures under Article 41. Subsection B covers decisions of the Council requesting mutual assistance in relation to measures under Article 42.

In 2019, as in previous periods, there was no constitutional discussion in the Council relating to the interpretation or application of Article 49 of the Charter. No references to Article 49 were found in the communications received by the Council.

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

During the period under review, the Council called upon Member States to enhance their cooperation in implementing specific sanctions measures. The addressees of the calls of the Council for mutual assistance ranged from individual Member States, particularly concerned and neighbouring States, to all Member States, as well as regional and subregional organizations.

For example, in connection with the situation in the Central African Republic, the Council called on the Central African Republic authorities and the authorities of neighbouring States to

cooperate at the regional level to investigate and combat transnational criminal networks and armed groups involved in arms trafficking and called for the reactivation of joint bilateral commissions between them to address cross-border issues, especially issues related to arms trafficking.²⁰⁵

Regarding the situation concerning the Democratic Republic of the Congo, the Council called for enhanced cooperation between all States, particularly those in the region, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the Group of Experts.²⁰⁶

With respect to the situation in Somalia, the Council requested the Federal Government of Somalia to strengthen cooperation and coordination with other Member States, particularly other Member States in the region, and with international partners to prevent and counter the financing of terrorism, including compliance with resolutions [1373 \(2001\)](#), [2178 \(2014\)](#), and [2462 \(2019\)](#), and relevant domestic and international law.²⁰⁷

With respect to measures adopted under Article 41 for the purpose of countering terrorism and terrorism financing, the Council called on Member States to strengthen international cooperation to prevent and counter the financing of terrorism, including by ensuring the effective exchange of relevant information; ensuring that their financial intelligence units served as the central agency for the receipt of suspicious transaction reports and other information relevant to money laundering, predicate offences and terrorist financing; enhancing cross-border cooperation among and between customs and tax authorities and improving the coordination of international police and customs operations; and improving the quality of the information shared internationally between financial intelligence units on the financing of foreign terrorist fighters by fully implementing Financial Action Task Force standards in that regard.²⁰⁸

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

During the period under review, the Council also adopted several resolutions in which it requested cooperation among Member States in carrying out measures under Article 42 of the

²⁰⁵ Resolution [2488 \(2019\)](#), para. 9.

²⁰⁶ Resolution [2463 \(2019\)](#), para. 40.

²⁰⁷ Resolution [2498 \(2019\)](#), para. 2.

²⁰⁸ Resolution [2462 \(2019\)](#), para. 28.

Charter authorizing the use of force. The types of assistance requested included sharing information and capacity-building to deter various criminal acts and coordination among Member States to deter such acts.

For example, concerning the situation in Lebanon, the Council continued to call upon Member States to assist the Lebanese Armed Forces as needed to enable them to perform their duties in line with resolution [1701 \(2006\)](#).²⁰⁹

With respect to the situation in Libya and the question of migration, the Council reiterated its calls made in previous resolutions upon “all flag States involved“ to cooperate in efforts aimed at inspecting vessels suspected of being used for migrant smuggling or human trafficking from Libya.²¹⁰ The Council also reiterated previous resolutions which it called upon Member States acting nationally or through regional organizations, including the European Union to cooperate with the Government of National Accord and with each other, including by sharing information to assist Libya in building capacity to secure its borders and to prevent, investigate and prosecute acts of smuggling of migrants and human trafficking through its territory and in its territorial sea.²¹¹

²⁰⁹ Resolution [2485 \(2019\)](#), penultimate preambular paragraph.

²¹⁰ Resolution [2491 \(2019\)](#), para. 1. See also resolution [2240 \(2015\)](#), para. 9.

²¹¹ Resolution [2491 \(2019\)](#), para. 2. See also resolutions [2240 \(2015\)](#), paras. 1 and 2; [2312 \(2016\)](#), paras. 2 and 3; and [2380 \(2017\)](#), paras. 2 and 3.

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

Article 50

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

Note

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

During the period under review, the Council continued its practice of imposing targeted instead of comprehensive economic sanctions, thereby minimizing the unintended adverse impact on third States.²¹² None of the Council-mandated sanctions committees received formal requests for assistance under Article 50 of the Charter.

The Council did not explicitly invoke Article 50 of the Charter in any of its decisions during the reporting period. However, during the period under review the Council adopted resolution [2462 \(2019\)](#) by which the Council urged States, when designing and applying measures to counter the financing of terrorism, to take into account the potential effect of those measures on exclusively humanitarian activities.²¹³

While Article 50 of the Charter was not explicitly mentioned at any meeting of the Council, some references made by speakers to the consequences of sanctions during the 8496th meeting under the item entitled “Threats to international peace and security” on 28 March 2019 were of relevance for the interpretation and application of Article 50 (see case 10).

²¹² For more information on sanctions measures, see sect. III above.

²¹³ Resolution [2462 \(2019\)](#), para. 24.

Case 10

Threats to international peace and security caused by terrorist acts

At its 8496th meeting under the item entitled “Threats to international peace and security” on 28 March 2019, the Council considered the subitem entitled “Preventing and combating the financing of terrorism” at the initiative of France, which held the presidency for the month.²¹⁴ During the meeting, the Council unanimously adopted resolution [2462 \(2019\)](#) referenced above, on countering the financing of terrorism and terrorism financing. During the debate, several speakers addressed the need to take into account the negative consequences that the counter-terrorist activities, including sanctions, could have on the provision of humanitarian assistance. The Minister for Foreign Affairs of France welcomed the balance in the text between the objective of better combatting the financing of terrorism and the ability of humanitarian actors to carry out their mission in proper conditions without hinderance to their activities.²¹⁵ The representative of Poland said that one should not turn a blind eye to the unintended consequences of sanctions, which could have an effect on humanitarian actions. The representative of Belgium similarly acknowledged the potentially harmful effects of counter-terrorism policy on the work of humanitarian organizations and stated that mitigation measures should be taken to prevent the possible negative consequences, stressing the need to prioritize the implementation of the new resolution. The representative of South Africa highlighted the importance of undertaking the fight against terrorism in a manner that did not have a negative impact on the provision of humanitarian aid and medical assistance, and welcomed the efforts made by France in providing these assurances in the resolution. The representative of the Holy See underscored that the Council needed to ensure that counter-terrorism measures did not limit or inhibit the capacity of non-governmental and charitable organizations to provide humanitarian aid to vulnerable groups or persons. The representative of Liechtenstein encouraged the Council to issue consistent guidance to States to avoid unintended consequences in the implementation of its resolutions and to adopt a more coherent approach to ensure that humanitarian actors were given the necessary space to operate.

²¹⁴ The Council had before it a concept note annexed to letter dated 14 March 2019 from the representative of France to the Secretary-General ([S/2019/239](#)).

²¹⁵ [S/PV.8496](#).

The representative of Norway stressed the need to take into consideration the concerns raised by humanitarian actors about the unintended negative impact that measures to prevent and counter terrorism financing could have on their ability to address humanitarian needs. The representative of Germany also addressed the concerns of some humanitarian organizations, including the International Committee of the Red Cross, about the possible negative consequences of resolution [2462 \(2019\)](#) on their work. He noted that it was impossible to provide humanitarian assistance without money and that financial transactions were needed to buy food and medicine; thus, it was paramount to not erect barriers to humanitarian assistance by restricting the access of humanitarian personnel to funds in conflict regions. He said that he believed that the resolution would strike the necessary balance by promoting effective counter-terrorism measures on the one hand and a safe space for principled humanitarian action on the other. The representative of the Dominican Republic similarly underscored the need to work together to find a formula that ensured that the implementation of measures to prevent and suppress terrorism financing did not end up negatively affecting the excellent work that non-profit and non-governmental organizations did.

The Permanent Observer of the International Committee of the Red Cross to the United Nations expressed concern about the growing impact that counter-terrorism measures could have on impartial humanitarian action. Acknowledging States' legitimate concerns and their need to take necessary measures to ensure security and eliminate terrorism, he stressed that certain measures, most notably counter-terrorism legislation and sanctions, could criminalize and restrict humanitarian action, jeopardizing their ability to cross front lines in order to deliver humanitarian assistance in areas controlled by armed groups and individuals designated as terrorists.

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

Article 51

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

Note

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

A. Discussion relating to Article 51

In 2019, Article 51 of the Charter was explicitly invoked four times during the deliberations of the Council, as described in the two sub-sections below.²¹⁶ Moreover, the right of self-defence was discussed at several meetings of the Council in relation to a number of thematic and country- and region-specific items of its agenda.

²¹⁶ See [S/PV.8449](#), Islamic Republic of Iran; [S/PV.8539](#), Mexico; [S/PV.8564](#), Islamic Republic of Iran; and [S/PV.8645](#), Syrian Arab Republic.

Discussion on thematic items

At the 8539th meeting held on 6 June 2019 under the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”, the representative of Mexico noted the ongoing invocations by some Member States of Article 51 of the Charter of the United Nations with regard to using military means to address threats to international peace and security, especially from non-State actors. He expressed concern that the practice, coupled with the ambiguous language of some recent Security Council resolutions, increased the risk of broadening in practice the exceptions to the general prohibition on the use of force in paragraph 4 of Article 2.²¹⁷

At the 8564th meeting on 26 June 2019, held under the item entitled “Non-proliferation”, the representative of the Islamic Republic of Iran informed the Council that in regard to the “United States spy drone”,²¹⁸ his country had acted in self-defence, in accordance with Article 51 of the Charter of the United Nations and in full conformity with international law.²¹⁹

At the 8600th meeting held under the item entitled “Maintenance of international peace and security” on 20 August 2019, the representative of the United Kingdom recalled that the Islamic Republic of Iran had a legitimate role in the Middle East and recognized that it had a right to self-defence. However, she said that the way it pursued its national interests contributed to several regional problems.²²⁰ The representative of Bahrain stated that “Iran-backed coup militias” continued to place obstacles before the Government of Yemen and threatened Saudi Arabia. He also condemned the attack against Saudi oil facilities by the Houthi militias and expressed support for the measures taken by Saudi Arabia to defend its security and interest. The representative of the Islamic Republic of Iran said that in order to secure its borders, his country would vigorously exercise its inherent right to self-defence. The representative of Israel recalled that Tehran was succeeding only in one key respect — bringing Israel closer to its Arab neighbours. He recalled that at the Warsaw summit in February, Arab Foreign Ministers had stood alongside Israel against the “regime that hijacked Iran” and had asserted Israel’s right to defend itself.

²¹⁷ [S/PV.8539](#).

²¹⁸ See letter dated 20 June 2019 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General ([S/2019/512](#)). See also table 13 below.

²¹⁹ [S/PV.8564](#).

²²⁰ [S/PV.8600](#).

Discussion on country- and region-specific items

During the period under review, discussions relevant to the interpretation and application of Article 51, as well as to the right of self-defence, took place in the context of the Israeli-Palestinian conflict. In particular, many speakers discussed the aforementioned concepts at two meetings held under the item entitled “The situation in the Middle East, including the Palestinian question” on 22 January and 26 March 2019 (see case 11). At the meeting held on the 22 January 2019, the representative of the Islamic Republic of Iran explicitly referred to Article 51 in stressing that all countries in the region had an inherent right to defend themselves against any armed attack by Israel, and no one could deny or suspend that right. He added that they would decide how and when to exercise it.²²¹

At the 8645th meeting held on 24 October 2019 under the item entitled “The situation in the Middle East”, in connection with Operation Peace Spring launched by Turkey in northeastern Syria on 9 October 2019,²²² the representative of the Syrian Arab Republic stated that it was “not that surprising that in its aggression [against Syria], the Turkish regime invoked Article 51 of the Charter”. He argued that it echoed the approach taken by its North Atlantic Treaty Organization allies, who had invoked that article to justify direct military intervention, invasion and the undermining of the sovereignty, security and stability of a number of States Members of the United Nations. He said that this had been the case when the “so-called international coalition was established, an illegitimate coalition whose crimes and puppet militias [had] paved the way for the Turkish aggression”.²²³ The representative of the Syrian Arab Republic added that it was strange that “this magical article” should be invoked by some to justify waging wars and military aggression on countries members of the United Nations without any consideration for the mandate of the Council for the maintenance of international peace and security, and suggested that the Council held a meeting with representatives of the Office of Legal Affairs to clarify this important article of the Charter. He further condemned the “Turkish aggression” in the strongest terms and rejected its attempts to justify its actions on the pretext of self-defence or counter-terrorism. At the same meeting, the representative of Turkey said that his country reserved its right to self-defence

²²¹ [S/PV.8449](#).

²²² See letter dated 9 October 2019 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council ([S/2019/804](#)).

²²³ [S/PV.8645](#).

against terrorist elements that may have remained in the Operation Peace Spring area, and assured that Turkey's fight against terrorism would always be in accordance with international humanitarian law.

Case 11

The situation in the Middle East, including the Palestinian question

On 22 January 2019, the Council held its 8449th meeting under the above-referenced item. At the meeting, the representative of the United States condemned the launching of a rocket from the Syrian Arab Republic towards Israel and called on the Islamic Republic of Iran to withdraw all forces from Syria while reaffirming Israel's right to self-defence.²²⁴ The representative of Equatorial Guinea urged the Israeli security forces, in cases where they were exercising their inalienable right to self-defence, to take into account their obligations under international humanitarian law and international human rights law and avoid actions that made it more difficult to resume dialogue. Expressing concern over the increase in violence in the West Bank, the representative of the United Kingdom voiced her full support for Israel's right to defend itself, but also urged the Israeli security forces to refrain from the use of excessive force against unarmed civilians. On a similar note, the representative of Argentina, while recognizing the right of Israel to exercise legitimate self-defence, and without prejudice to that right, recalled the need for Israel's actions to be compatible with international humanitarian law and to take into account the principles of distinction between civilians and combatants, proportionality and military necessity in terms of the use of force.

The representative of the Syrian Arab Republic stated that although Israel's aggression against his country and "multifaceted support for terrorist organizations" had not been condemned, and there had been no calls by the Council to ensure accountability owing to the positions of the United States, Britain and France, which were "partners and supporters of Israel and its aggression", Syria would exercise its legitimate right to self-defence and work to regaining the occupied Syrian Golan by all possible means. The representative of the Islamic Republic of Iran, recalling Article 51 of the Charter, stressed that all countries in the region had an inherent right to defend themselves against any armed attack by Israel.

²²⁴ [S/PV.8449](#).

During a subsequent meeting held on 26 March 2019 under the same item, the representative of the United States strongly condemned the rocket attack on Israel from the Gaza Strip and reaffirmed Israel's right to defend itself.²²⁵ Also strongly condemning the rocket attack, the representative of Poland, while recognizing Israel's right to defend itself, called on all sides to exercise maximum restraint in order to avert any escalation, which could potentially lead to a full-scale war in the Gaza Strip.

The representative of Peru stressed that, in accordance with international humanitarian law, the legitimacy of Israel's defence depended on its compliance with the principles of proportionality and caution and called on all stakeholders to adopt the necessary measures to prevent acts of violence and the loss of life. The representative of the United Kingdom, while not taking away "one iota" from Israel's right to self-defence and not undermining nor opposing the fact that Hamas operatives exploited protests at the Gaza perimeter fence, voiced concern over the volume of live fire that had been used resulting in injuries and fatalities and stated that the cycle of violence served no one's interests.

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

In 2019, Article 51 was explicitly invoked 15 times in 12 communications from Member States addressed to the President of the Council or circulated as a document of the Security Council. These communications concerned a variety of disputes and situations. The complete list of letters from Member States containing explicit references to Article 51 is featured in table 12 below.

In addition, references to the principle of self-defence were found in other communications from several Member States. The Islamic Republic of Iran submitted various communications emphasizing that if war was imposed on it, it would vigorously exercise its inherent right to self-defence in order to defend its nation and to secure its interests;²²⁶ stating that the downing of a United States unmanned aerial aircraft system which was "deep within Iranian airspace", was in full conformity with Iran's inherent right to self-defence;²²⁷ expressing support for the inherent right of

²²⁵ [S/PV.8489](#).

²²⁶ See letter dated 17 May 2019 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General ([S/2019/413](#)).

²²⁷ See letter dated 9 August 2019 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2019/652](#)).

all regional countries “attached by the Zionist regime” to self-defence against any violation of their sovereignty and territorial integrity or any imminent or attempted attack by the Israeli “regime”;²²⁸ and recalling an inherent right of Yemen in defending itself against the “aggression” by Saudi Arabia.²²⁹ Israel also submitted various communications calling upon the Council to condemn terrorism against Israel and support the fundamental right of Israel to self-defence.²³⁰ Libya also submitted one communication transmitting a letter from the Presidency Council of the Government of National Accord to the Special Representative of the Secretary-General for Libya regarding his briefing to the Council on 29 July 2019, in which the Government of National Accord stressed that it had done no more than exercise its legitimate self-defence in connection with the alleged surprise attack on Tripoli by General Haftar.²³¹ Pakistan submitted communications reaffirming its resolve to defend itself against any act of aggression by India,²³² reserving the right to take appropriate action in self-defence in that regard,²³³ and, subsequently, informing the Council that in exercise of its right to self-defence, the Pakistan Air Force had shot down two Indian aircraft and captured an Indian pilot, who had been immediately repatriated.²³⁴ Qatar submitted a communication reiterating that it would take the measures required to defend its borders, airspace, maritime space and national security.²³⁵ Saudi Arabia submitted one communication in connection with the attack against the Aramco oil facilities in the country, affirming Saudi Arabia’s capability and resolve to defend its land and people and to forcefully respond to the “aggressions”.²³⁶ Tunisia transmitted a Declaration of the Council of the League of Arab States, in which the participants had stressed that Saudi Arabia

²²⁸ See letter dated 6 September 2019 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2019/714](#)).

²²⁹ See letter dated 2 October 2019 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2019/785](#)).

²³⁰ See identical letters dated 4 May 2019 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2019/369](#)).

²³¹ See letter dated 5 August 2019 from the Chargé d’affaires a.i. of the Permanent Mission of Libya to the United Nations addressed to the President of the Security Council ([S/2019/631](#)).

²³² See letter dated 22 February 2019 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council ([S/2019/172](#)).

²³³ See letter dated 26 February 2019 from the Permanent Representative of Pakistan to the United Nations addressed to the Secretary-General ([S/2019/182](#)).

²³⁴ See letter dated 13 August 2019 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council ([S/2019/654](#)).

²³⁵ See identical letters dated 7 February 2019 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2019/121](#)).

²³⁶ See identical letters dated 18 September 2019 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General and the President of the Security Council ([S/2019/758](#)).

had a right under the Charter of the United Nations to defend its own territory.²³⁷ Turkey submitted a communication emphasizing its entitlement to exercise its inherent right of self-defence emanating from the Charter in response to threats to its national security.²³⁸ The United States also submitted a communication informing the Council that it had taken action in self-defence following a threat to a United States Navy vessel by forces of the Islamic Republic of Iran.²³⁹ Yemen submitted one communication reserving its right to defend its security and territorial integrity as guaranteed by the Charter of the United Nations and international law and to confront the military insurrection backed by the United Arab Emirates.²⁴⁰

Table 12
Communications from Member States containing explicit references to Article 51 of the Charter, 2019

<i>Document symbol</i>	<i>Document title</i>
S/2019/81	Letter dated 25 January 2019 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
S/2019/148	Letter dated 15 February 2019 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
S/2019/241	Letter dated 15 March 2019 from the Chargé d'affaires a.i. of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2019/512	Letter dated 20 June 2019 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General
S/2019/573	Letter dated 16 July 2019 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council

²³⁷ See letter dated 18 June 2019 from the Chargé d'affaires a.i. of the Permanent Mission of Tunisia to the United Nations addressed to the President of the Security Council ([S/2019/504](#)).

²³⁸ See letter dated 18 December 2019 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council ([S/2019/958](#)).

²³⁹ See letter dated 1 August 2019 from the Chargé d'affaires a.i. of the United States Mission to the United Nations addressed to the President of the Security Council ([S/2019/624](#)).

²⁴⁰ See letter dated 30 September 2019 from the Permanent Representative of Yemen to the United Nations addressed to the President of the Security Council ([S/2019/778](#)).

<i>Document symbol</i>	<i>Document title</i>
S/2019/723	Letter dated 6 September 2019 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
S/2019/765	Letter dated 20 September 2019 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council
S/2019/791	Letter dated 2 October 2019 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
S/2019/792	Letter dated 3 October 2019 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council
S/2019/804	Letter dated 9 October 2019 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
S/2019/818	Identical letters dated 14 October 2019 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2019/1003	Letter dated 27 December 2019 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General
