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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 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 subsections on discussions held within the Council regarding the proper interpretation and implementation of the Articles governing the Council's primary responsibility for the maintenance of international peace and security.

During the period under review, and similar to previous periods, the Council adopted 47 per cent of its resolutions (27 out of 57 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 2021, while the Council did not determine the existence of any new threats to international peace and security, it 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), Yemen and the former Yugoslavia constituted threats to regional and/or 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 the need to combat threats to international peace and security caused by terrorist acts. 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. The Council also expressed grave concern that Al-Shabaab continued to pose a serious threat to the peace, security and stability of Somalia and the region, in particular through its increased use of improvised explosive devices and exploitation of the licit financial system, and condemned the supply of weapons and ammunition to and through Somalia in violation of the arms embargo, especially when they reached Al-Shabaab and affiliates linked to the Islamic State in Iraq and the Levant (ISIL/Da'esh) and when they undermined the sovereignty and territorial integrity of Somalia, as a serious threat to peace and stability in the region. In addition, the Council recognized that the threat posed by Al-Shabaab to peace, security and stability in Somalia and the region went beyond the group's conventional military action and asymmetric warfare, expressing in that regard serious concern at the ability of Al-Shabaab to generate revenue. In relation to the

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situation in West Africa, the Council recalled that terrorism in all its forms and manifestations constituted a threat to international peace and security. Similarly, in relation to the cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security, the Council recognized the increasing threat posed to peace and security in Africa by terrorism and violent extremism conducive to terrorism, especially in the most affected regions of the Sahel, the Lake Chad basin and the Horn of Africa, and emphasized that the presence of terrorism and violent extremism conducive to terrorism could, inter alia, exacerbate conflicts. The Council also reiterated its concern regarding the evolving threats to peace, security and stability in parts of Africa posed by, among other things, protracted armed conflicts, proliferation and illicit trafficking of small arms and light weapons, terrorism and violent extremism conducive to terrorism, transnational organized crime and trafficking, illicit exploitation of natural resources, maritime insecurity and unconstitutional change of government, as well as regarding factors such as economic and social disparities and pandemics or epidemics such as those caused by outbreaks of the coronavirus disease (COVID-19) and the Ebola virus disease.

Under thematic items, in 2021 the Council reaffirmed its determination made in 2020 that the unprecedented extent of the COVID-19 pandemic was likely to endanger the maintenance of international peace and security. As in past practice, the Council also 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. In connection with threats to international peace and security caused by terrorist acts, the Council also reaffirmed that the illicit proceeds of drug trafficking in Afghanistan were a source of financing for terrorist groups and non-State actors that threatened regional and international security. Throughout 2021, 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, organized crime, pandemics and climate change, including the linkages between terrorism and climate change. During the reporting period, the Council also addressed threats to international peace and security in relation to activities carried out in cyberspace.

As described in section II below, in 2021 the Council adopted no decisions calling for compliance with provisional measures that might have been of relevance for the interpretation and application of Article 40 of the Charter, nor were there any discussions of relevance for the interpretation and application of Article 40.

As covered in section III, in the period under review the Council renewed the existing measures concerning the Central African Republic, Libya, Mali, Somalia, South Sudan, the Sudan and Yemen, as well as those concerning the Taliban and associated individuals and entities and ISIL/Da'esh and Al-Qaida and associates. In addition to renewing the existing measures concerning the Democratic Republic of the Congo, the Council expanded the listing criteria to individuals and entities involved in planning, directing, sponsoring or participating in attacks against medical personnel or humanitarian personnel. No changes were made to the measures concerning the Democratic People's Republic of Korea, Guinea-Bissau, Iraq, Lebanon or the Sudan. As far as judicial measures were concerned, no action was taken in 2021.

As described in section IV, the Council reiterated authorizations granted prior to 2021 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

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Republic, the Democratic Republic of the Congo, Lebanon, Libya, Mali, Somalia, and the Sudan and South Sudan (including Abyei). 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 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 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 and 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 military operation in Bosnia and Herzegovina (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 defence.

As described in sections V to VIII, in the context of peacekeeping, during the period under review the Council called upon Member States to contribute troops and other assets, including aerial force enablers, while Member States called for deepening interaction and consultation by the Council with troop- and police-contributing countries. 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, Council members discussed the impact of counter-terrorism measures and sanctions on the provision of humanitarian assistance. As covered in section X, consistent with past practice, Article 51, as well as the principle of individual and/or collective self-defence, were cited abundantly in communications addressed to the Council, as well as in its discussions concerning the Israeli-Palestinian conflict.

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

### Article 39

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

### Note

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

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

During the period under review, the Council did not determine the existence of any breach of the peace, act of aggression or new threat to international peace and security.

#### Continuing threats

In 2021, the Council continued to monitor the evolution of existing and emerging conflicts and situations and to determine, reaffirm and recognize the existence of continuing threats. The relevant provisions of decisions in which the Council referred to continuing threats to peace and security concerning country- or region-specific or thematic items during the period under review are set out in tables 1 and 2, respectively.

In that regard, the Council determined that, in and of themselves, the situations in Afghanistan, the

Central African Republic, the Democratic Republic of the Congo, Lebanon, Libya, Mali, Somalia, the Sudan and South Sudan, including the Abyei area and along the border between the Sudan and South Sudan, Yemen and the region of the former Yugoslavia continued to pose threats to international peace and security and/or threats to international peace and security in the respective regions.<sup>1</sup> In connection with the Middle East, and specifically concerning the situation in the Syrian Arab Republic, the Council determined that the devastating humanitarian situation in the country continued to constitute a threat to peace and security in the region.<sup>2</sup>

In addition, in relation to Africa and the situation in Libya, the Council expressed grave concern over the exploitation of the situation in Libya by terrorist and violent groups and reaffirmed the need to combat, in accordance with international law, including the Charter, threats to international peace and security caused by terrorist acts.<sup>3</sup>

In connection with the item entitled “Peace consolidation in West Africa”, the Council reaffirmed

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<sup>1</sup> Resolutions 2611 (2021), fifth preambular paragraph, and 2615 (2021), penultimate preambular paragraph (Afghanistan); 2575 (2021), last preambular paragraph, 2606 (2021), last preambular paragraph, and 2609 (2021), last preambular paragraph (Abyei); 2566 (2021), penultimate preambular paragraph, and 2588 (2021), penultimate preambular paragraph, and 2605 (2021), (penultimate preambular paragraph) (Central African Republic); 2582 (2021), penultimate preambular paragraph and 2612 (2021), penultimate preambular paragraph (Democratic Republic of the Congo); 2591 (2021), last preambular paragraph (Lebanon); 2570 (2021), last preambular paragraph, 2571 (2021), penultimate preambular paragraph, and 2595 (2021), second preambular paragraph, and 2599 (2021), second preambular paragraph (Libya); 2584 (2021), penultimate preambular paragraph, and 2590 (2021), penultimate preambular paragraph (Mali); 2563 (2021), second preambular paragraph, 2568 (2021) and, penultimate preambular paragraph, 2607 (2021), penultimate preambular paragraph, and 2614 (2021), second preambular paragraph (Somalia); 2562 (2021), seventh preambular paragraph (Sudan); 2567 (2021), penultimate preambular paragraph, and 2577 (2021), penultimate preambular paragraph (South Sudan); 2564 (2021), penultimate preambular paragraph (Yemen), and 2604 (2021), first preambular paragraph (former Yugoslavia).

<sup>2</sup> Resolution 2585 (2021), fourth preambular paragraph.

<sup>3</sup> Resolution 2570 (2021), seventh preambular paragraph.

that terrorism in all its forms and manifestations constituted a threat to international peace and security and further reaffirmed the need for all States to prevent and combat it by all means, in accordance with the Charter and in compliance with other obligations under international law, including international human rights law, international refugee law and international humanitarian law.<sup>4</sup>

With respect to the situation in Somalia, the Council determined 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 constitute a threat to international peace and security in the region.<sup>5</sup> 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 and exploitation of the licit financial system, and condemned the supply of weapons and ammunition to and through Somalia in violation of the arms embargo, especially when they reached Al-Shabaab and affiliates linked to the Islamic State in Iraq and the Levant (ISIL/Da'esh) and when they undermined the sovereignty and territorial integrity of Somalia, as a serious threat to peace and stability in the region.<sup>6</sup> The Council further recognized that the threat posed by Al-Shabaab to peace, security and stability in Somalia and the region went beyond the group's conventional military action and asymmetric warfare, expressing in that regard serious concern at Al-Shabaab's ability to generate revenue.<sup>7</sup>

In 2021, several decisions adopted in connection with thematic items also contained references to threats to international peace and security.

With respect to the item entitled "Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security", the Council reiterated its concern regarding the evolving threats to peace, security and stability in parts of Africa posed by, among other things, protracted armed conflicts, proliferation and illicit trafficking of small arms and light weapons, terrorism and violent extremism conducive to terrorism, transnational organized crime and trafficking, illicit exploitation of natural resources,

maritime insecurity and unconstitutional change of government, as well as regarding factors such as economic and social disparities and outbreaks of pandemics or epidemics such as COVID-19 and Ebola.<sup>8</sup> The Council expressed its determination to enhance the effectiveness of the overall effort to respond to threats to international peace and security on a global level. The Council further recognized the increasing threat posed to peace and security in Africa by terrorism and violent extremism conducive to terrorism, especially in the most affected regions of the Sahel, the Lake Chad basin and the Horn of Africa, and emphasized that the presence of terrorism and violent extremism conducive to terrorism could, inter alia, exacerbate conflicts.<sup>9</sup>

In relation to the item entitled "Maintenance of international peace and security", the Council reaffirmed its determination made in 2020 that the unprecedented extent of the COVID-19 pandemic was likely to endanger the maintenance of international peace and security.<sup>10</sup> In relation to the same item, the Council expressed grave concern that the illicit transfer and destabilizing accumulation and misuse of small arms and light weapons in many regions of the world continued to pose threats to international peace and security.<sup>11</sup>

In connection with the item entitled "Non-proliferation/Democratic People's Republic of Korea", the Council determined that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, continued to constitute a threat to international peace and security.<sup>12</sup>

With regard to the item entitled "Threats to international peace and security", the Council recalled that ISIL/Da'esh continued to constitute 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.<sup>13</sup>

<sup>4</sup> S/PRST/2021/3, tenth paragraph.

<sup>5</sup> Resolution 2608 (2021), penultimate preambular paragraph.

<sup>6</sup> Resolution 2607 (2021), seventh and eighth preambular paragraphs.

<sup>7</sup> Ibid., tenth preambular paragraph.

<sup>8</sup> S/PRST/2021/21, eighth paragraph.

<sup>9</sup> Ibid., thirty-second paragraph.

<sup>10</sup> Resolution 2565 (2021), last preambular paragraph.

<sup>11</sup> Resolution 2616 (2021), second preambular paragraph.

<sup>12</sup> Resolution 2569 (2021), penultimate preambular paragraph.

<sup>13</sup> Resolution 2597 (2021), third preambular paragraph.



In connection with the item entitled “Threats to international peace and security caused by terrorist acts”, the Council reaffirmed that terrorism in all forms and manifestations continued to constitute one of the most serious threats to international peace and security.<sup>14</sup> The Council also recalled its resolution 2396 (2017) in which it expressed concern with the continued threat posed to international peace and security by ISIL/Da’esh, Al-Qaida and associated individuals, groups, undertakings and entities and reaffirmed its resolve to address all aspects of that

threat, including terrorist acts perpetrated by foreign terrorist fighters.<sup>15</sup> In connection with the same item, the Council also determined that the situation in Afghanistan continued to constitute a threat to international peace and security.<sup>16</sup> The Council further acknowledged that the illicit proceeds of drug trafficking in Afghanistan were a source of financing for terrorist groups and non-State actors that threatened regional and international security.<sup>17</sup>

<sup>14</sup> S/PRST/2021/1, third paragraph, and resolutions 2610 (2021) and 2617 (2021), second preambular paragraph.

<sup>15</sup> Resolution 2610 (2021), forty-third preambular paragraph.

<sup>16</sup> Resolutions 2611 (2021) and 2615 (2021), penultimate preambular paragraph.

<sup>17</sup> Resolution 2611 (2021), fifth preambular paragraph.

Table 1

**Decisions in which the Council referred to continuing threats to the peace, by region and country, 2021**

<i>Decision and date</i>	<i>Provision</i>
<b>Africa</b>	
<b>The situation in the Central African Republic</b>	
Resolution 2566 (2021) 12 March 2021	Determining that the situation in the Central African Republic continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)  <i>See also resolutions 2588 (2021) and 2605 (2021) (penultimate preambular paragraph)</i>
<b>The situation concerning the Democratic Republic of the Congo</b>	
Resolution 2582 (2021) 29 June 2021	Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)  <i>See also resolution 2612 (2021) (penultimate preambular paragraph)</i>
<b>The situation in Libya</b>	
Resolution 2570 (2021) 16 April 2021	Recalling its determination in its resolution 2213 (2015) that the situation in Libya continues to constitute a threat to international peace and security (last preambular paragraph)  <i>See also resolutions 2595 (2021) and 2599 (2021) (second preambular paragraph)</i>
Resolution 2571 (2021) 16 April 2021	Determining that the situation in Libya continues to constitute a threat to international peace and security (penultimate preambular paragraph)
<b>The situation in Mali</b>	
Resolution 2584 (2021) 29 June 2021	Determining that the situation in Mali continues to constitute a threat to international peace and security (penultimate preambular paragraph)
Resolution 2590 (2021) 30 August 2021	Determining that the situation in Mali continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)
<b>Reports of the Secretary-General on the Sudan and South Sudan</b>	
Resolution 2562 (2021) 11 February 2021	Determining that the situation in the Sudan continues to constitute a threat to international peace and security in the region (seventh preambular paragraph)
Resolution 2567 (2021) 12 March 2021	Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)  <i>See also resolution 2577 (2021) (penultimate preambular paragraph)</i>

<i>Decision and date</i>	<i>Provision</i>
Resolution <a href="#">2575 (2021)</a> 11 May 2021	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 (last preambular paragraph)  <i>See also resolutions <a href="#">2606 (2021)</a> and <a href="#">2609 (2021)</a> (last preambular paragraph)</i>
<b>The situation in Somalia</b>	
Resolution <a href="#">2563 (2021)</a> 25 February 2021	Determining that the situation in Somalia continues to constitute a threat to international peace and security (second preambular paragraph)  <i>See also resolution <a href="#">2614 (2021)</a> (penultimate preambular paragraph)</i>
Resolution <a href="#">2568 (2021)</a> 12 March 2021	Determining that the situation in Somalia continues to constitute a threat to regional and international peace and security (penultimate preambular paragraph)  <i>See also resolution <a href="#">2607 (2021)</a> (penultimate preambular paragraph)</i>
Resolution <a href="#">2607 (2021)</a> 15 November 2021	Condemning the supply of weapons and ammunition to and through Somalia in violation of the arms embargo, especially when they reach Al-Shabaab and affiliates linked to ISIL/Da'esh, and when they undermine the sovereignty and territorial integrity of Somalia, as a serious threat to peace and stability in the region, and further condemning continued illegal supply of weapons, ammunition and improvised explosive device components from Yemen to Somalia (seventh preambular paragraph)  Condemning Al-Shabaab's terrorist 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 its increased use of improvised explosive devices and exploitation of the licit financial system, and further expressing grave concern at the continued presence in Somalia of affiliates linked to ISIL/Da'esh (eighth preambular paragraph)  Recognizing that the threat posed by Al-Shabaab to peace, security and stability in Somalia and the region goes beyond the group's conventional military action and asymmetric warfare, expressing serious concern at Al-Shabaab's ability to generate revenue as documented in the final report of the Panel of Experts on Somalia ( <a href="#">S/2021/849</a> ), welcoming the Federal Government of Somalia's efforts to strengthen the Somali financial sector to identify and monitor money-laundering risks and combat terrorist financing, noting the steps set out by the Federal Government of Somalia in the Somalia transition plan on institutional capacity-building, which seek to develop these capabilities, noting the importance of financial services in enabling Somalia's economic future, further welcoming efforts by the Federal Government of Somalia, the United Nations Office on Drugs and Crime and the Panel to develop a plan to disrupt Al-Shabaab finances, and urging engagement from the Federal Government of Somalia, federal member states, Somali financial institutions, the private sector and the international community to support this process (tenth preambular paragraph)
Resolution <a href="#">2608 (2021)</a> 3 December 2021	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)
<b>Peace consolidation in West Africa</b>	
<a href="#">S/PRST/2021/3</a> 3 February 2021	The Security Council reaffirms that terrorism in all its forms and manifestations constitutes a threat to international peace and security and further reaffirms the need for all States to prevent and combat it by all means, in accordance with the Charter of the United Nations and in compliance with other obligations under international law, including international human rights law, international refugee law and international humanitarian law (tenth paragraph)

## Repertoire of the Practice of the Security Council, 2021

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*Decision and date*

*Provision*

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### Europe

#### The situation in Bosnia and Herzegovina

Resolution [2604 \(2021\)](#)  
3 November 2021

Determining that the situation in the region of the former Yugoslavia continues to constitute a threat to international peace and security (first preambular paragraph)

### Middle East

#### The situation in the Middle East

Resolution [2564 \(2021\)](#)  
25 February 2021

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

Resolution [2585 \(2021\)](#)  
9 July 2021

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

Resolution [2591 \(2021\)](#)  
30 August 2021

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

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Table 2

### Decisions in which the Council referred to continuing threats to the peace, by thematic issue, in 2021

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*Decision and date*

*Provision*

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#### Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security

[S/PRST/2021/21](#)  
28 October 2021

The Security Council reiterates its concern regarding the evolving threats to peace, security and stability in parts of Africa posed by, among others, protracted armed conflicts, proliferation and illicit trafficking of small arms and light weapons, terrorism and violent extremism conducive to terrorism, transnational organized crime and trafficking, illicit exploitation of natural resources, maritime insecurity, unconstitutional change of government, as well as regarding factors such as economic and social disparities, pandemics or epidemics such as COVID-19 and Ebola outbreaks. The Security Council remains determined to enhance the effectiveness of the overall effort to respond to the threats to international peace and security on a global level in accordance with the Charter of the United Nations and other obligations of States under the international law (eighth paragraph)

The Security Council recognizes the increasing threat posed to peace and security in Africa by terrorism and violent extremism conducive to terrorism, especially in the most affected regions of the Sahel, the Lake Chad basin and the Horn of Africa. The Security Council emphasizes that the presence of terrorism and violent extremism conducive to terrorism may exacerbate conflicts, and contribute to undermining affected States, specifically their security, stability, governance, social and economic development. The Security Council underlines the importance of prompt and effective implementation of its resolutions related to the fight against terrorism, all sanctions measures against designated individuals, groups, undertakings and entities associated with ISIL/Da'esh, Al-Qaida and their affiliates and reaffirms the importance of addressing the underlying conditions conducive to the spread of terrorism and violent extremism conducive to terrorism in Africa, including by ensuring national recovery and reconstruction, enhancing good governance and facilitating socioeconomic development in Africa, including through job creation, promotion of entrepreneurship and providing social services such as education and health for the promotion of the well-being of their people (thirty-second paragraph)

#### Maintenance of international peace and security

Resolution [2565 \(2021\)](#)  
26 February 2021

Considering that the unprecedented extent of the COVID-19 pandemic is likely to endanger the maintenance of international peace and security (last preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
Resolution <a href="#">2616 (2021)</a> 22 December 2021	Gravely concerned that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons in many regions of the world continue to pose threats to international peace and security, cause significant loss of life, contribute to instability and insecurity and continue to undermine the effectiveness of the Security Council in discharging its primary responsibility for the maintenance of international peace and security (second preambular paragraph)
<b>Non-proliferation/Democratic People's Republic of Korea</b>	
Resolution <a href="#">2569 (2021)</a> 26 March 2021	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)
<b>Threats to international peace and security</b>	
Resolution <a href="#">2597 (2021)</a> 17 September 2021	Recalling that ISIL/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)
<b>Threats to international peace and security caused by terrorist acts</b>	
<a href="#">S/PRST/2021/1</a> 12 January 2021	The Security Council reaffirms that terrorism in all forms and manifestations continues to constitute one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed (third paragraph)
Resolution <a href="#">2610 (2021)</a> 17 December 2021	Reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever, wherever and by whomsoever committed, and reiterating its unequivocal condemnation of ISIL/Da'esh, Al-Qaida and associated individuals, groups, undertakings and entities for ongoing and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims, destruction of property, and greatly undermining stability (second preambular paragraph)  Recognizing that terrorism poses a threat to international peace and security and that countering this threat requires collective efforts on national, regional and international levels on the basis of respect for international law and the Charter of the United Nations (third preambular paragraph)  <i>See also resolution <a href="#">2617 (2021)</a> (third preambular paragraph)</i>  Recalling its resolution <a href="#">2396 (2017)</a> expressing concern with the continued threat posed to international peace and security by ISIL/Da'esh, Al-Qaida and associated individuals, groups, undertakings and entities, and reaffirming its resolve to address all aspects of that threat, including terrorist acts perpetrated by foreign terrorist fighters (forty-third preambular paragraph)
Resolution <a href="#">2611 (2021)</a> 17 December 2021	Reiterating its support for the fight against illicit production and trafficking of drugs from, and chemical precursors to, Afghanistan, acknowledging that illicit proceeds of the drug trafficking in Afghanistan are a source of financing for terrorist groups and non-State actors that threatens regional and international security, and recognizing the threats that terrorist groups and non-State actors involved in narcotics trade, and illicit exploitation of natural resources, continue to pose to the security and stability of Afghanistan (fifth preambular paragraph)  Determining that the situation in Afghanistan continues to constitute 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)

<i>Decision and date</i>	<i>Provision</i>
Resolution <a href="#">2615 (2021)</a> 22 December 2021	Determining that the situation in Afghanistan continues to constitute a threat to international peace and security (penultimate preambular paragraph)
Resolution <a href="#">2617 (2021)</a> 30 December 2021	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 and by whomsoever committed, and remaining determined to contribute further to enhancing the effectiveness of the overall effort to fight this scourge on a global level (second preambular paragraph)

## B. Discussions relating to Article 39

During the period under review, no explicit references to Article 39 were made during the deliberations of the Council. However, several issues regarding the interpretation of Article 39 and the determination of threats to international peace and security arose during discussions at meetings and open videoconferences in relation to both thematic and country- and region-specific items, as described below.

Marked by the continuing impact of the COVID-19 pandemic, many of the discussions among Council members in 2021 focused on the linkages between health crises and security. In that regard, Council members addressed the potential for pandemics to threaten international peace and security and the implementation of resolution [2532 \(2020\)](#) on the COVID-19 pandemic at open videoconferences held in connection with the item entitled “Maintenance of international peace and security” (case 1).

In addition to pandemics, climate change was another area of focus for the Council in 2021, with an increase in dedicated discussions and references to climate change as a threat to international peace and security in connection with the item entitled “Maintenance of international peace and security” (cases 3 and 4). In connection with the same item, Council members held a high-level open videoconference on 29 June to address the threats to international peace and security in relation to activities in cyberspace (case 2).

In 2021, the Council also continued to address the threats to international peace and security considered by the Council in the past, including those posed by terrorism and the activities of terrorist groups,<sup>18</sup> the proliferation of weapons of mass

destruction, including nuclear weapons,<sup>19</sup> as well as acquisition of those weapons by terrorist groups,<sup>20</sup> the illicit transfer and misuse of small arms and light

Minister for Foreign Affairs and Defence of Ireland, Cabinet Secretary for Foreign Affairs of Kenya, Norway, Minister of State in the Ministry of Foreign Affairs and Foreign Trade of Saint Vincent and the Grenadines, Niger, Argentina, Australia, Egypt, El Salvador, Georgia, Guatemala, Israel, Japan, Libya, Malaysia, Morocco, Nigeria, Pakistan, Portugal, Romania, Saudi Arabia, South Africa and Syrian Arab Republic); [S/2021/140](#) (Under-Secretary-General of the Office of Counter-Terrorism, China, Estonia, Ireland, Norway and Saint Vincent and the Grenadines); and [S/PV.8839](#) (Under-Secretary-General of the Office of Counter-Terrorism, Executive Director of the Counter-Terrorism Committee Executive Directorate, India, Tunisia, Norway and Ireland); and in connection with the item entitled “Briefings by Chairs of Subsidiary Bodies of the Security Council”, [S/PV.8915](#) (Mexico (on behalf of the Chairs of the Committee pursuant to resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#) concerning Islamic State in Iraq and the Levant (Da’esh), Al-Qaida and associated individuals, groups, undertakings and entities, the Committee established pursuant to resolution [1373 \(2001\)](#) concerning counter-terrorism and the Committee established pursuant to resolution [1540 \(2004\)](#)), Norway (in her capacity as Chair of the Committee pursuant to resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#) concerning Islamic State in Iraq and the Levant (Da’esh), Al-Qaida and associated individuals, groups, undertakings and entities), Kenya, Viet Nam, China, Tunisia, Ireland and Saint Vincent and the Grenadines).

<sup>19</sup> See, for example, in connection with the item entitled “Non-proliferation of weapons of mass destruction”, [S/PV.8865](#) (Saint Vincent and the Grenadines (also on behalf of Kenya, Niger and Tunisia), France and South Africa); and in connection with the item entitled “Briefings by Chairs of Subsidiary Bodies of the Security Council”, [S/PV.8915](#) (Kenya, Viet Nam, China and Tunisia).

<sup>20</sup> See, for example, in connection with the item entitled “Non-proliferation of weapons of mass destruction”, [S/2021/325](#) (Estonia, India and Tunisia).

<sup>18</sup> See, for example, in connection with the item entitled “Threats to international peace and security caused by terrorist acts”, [S/2021/48](#) (Under-Secretary-General of the Office of Counter-Terrorism, Minister for Foreign Affairs, Migration and Tunisians Abroad of Tunisia,

weapons,<sup>21</sup> sexual violence in conflict<sup>22</sup> and illegal activities in the maritime environment, including piracy and organized crime at sea.<sup>23</sup>

With respect to other matters related to the maritime environment, including climate change, environmental degradation, maritime pollution and illegal, unreported and unregulated fishing, States expressed divergent views as to whether these constituted threats to regional or international peace and security and whether they should be considered as within the Council's competence.<sup>24</sup>

In 2021, the Council also continued to discuss threats to regional or international peace and security stemming from specific conflicts and situations. For example, Council members and other Member States discussed the threats posed by instability, terrorism and drug trafficking in Afghanistan,<sup>25</sup> the threat posed by the presence of foreign fighters and mercenaries in Libya,<sup>26</sup> the threat posed by the proliferation and use of

weapons of mass destruction, including chemical weapons, in the Syrian Arab Republic<sup>27</sup> and the Palestinian-Israeli conflict.<sup>28</sup>

In addition, at a meeting held on 8 July under the item entitled "Peace and security in Africa", the Council considered the issue of the Grand Ethiopian Renaissance Dam with regard to water usage, security and energy in Egypt, Ethiopia, the Sudan and the wider Horn of Africa.<sup>29</sup>

### Case 1 Maintenance of international peace and security

On 17 February, Security Council members held a high-level open videoconference in connection with the item entitled "Maintenance of international peace and security",<sup>30</sup> focused on the implementation of resolution 2532 (2020) on the COVID-19 pandemic. During the videoconference, Council members heard introductory remarks by the Secretary-General and briefings by the Executive Director of the United Nations Children's Fund, the Chief Executive Officer of the Global Vaccine Alliance and the Secretary General of the International Federation of Red Cross and Red Crescent Societies. In addition, written statements in connection with the videoconference were submitted by 25 Member States and the European Union.

During the videoconference, some participants addressed the COVID-19 pandemic as a threat to international peace and security. The Chief Executive Officer of the Global Vaccine Alliance underscored that the pandemic was more than a global health crisis, stating that it was a significant challenge to international peace and security that could be

<sup>21</sup> See, for example, in connection with the item entitled "Small arms", [S/PV.8874](#) (Tunisia, France, Ireland, Saint Vincent and the Grenadines, China and Niger); and [S/PV.8909](#) (Minister for Foreign Affairs of Mexico, India, Tunisia, Ireland, Hungary, Switzerland and Germany).

<sup>22</sup> See, in connection with the item entitled "Women and peace and security", [S/2021/375](#) (India, Chile, El Salvador, Iraq, Netherlands, Special Representative for Women, Peace and Security of the North Atlantic Treaty Organization, Slovenia and Turkey).

<sup>23</sup> See, in connection with the item entitled "Maintenance of international peace and security", [S/2021/722](#) (Executive Director of the United Nations Office on Drugs and Crime, Minister for Foreign Affairs and Cooperation of the Niger, Minister for Foreign Affairs of Norway, Secretary of State for Defence of the United Kingdom, Minister of Finance and Economic Planning of Saint Vincent and the Grenadines, China, Tunisia, joint statement by Argentina, Brazil, Cabo Verde, Gabon, Ghana, Senegal, South Africa and Uruguay (members of the zone of peace and cooperation of the South Atlantic), Israel, Poland and Ukraine).

<sup>24</sup> See [S/2021/722](#) (Brazil, joint statement by Argentina, Brazil, Cabo Verde, Gabon, Ghana, Senegal, South Africa and Uruguay (members of the zone of peace and cooperation of the South Atlantic), European Union and Germany).

<sup>25</sup> See, for example, in connection with the item entitled "The situation in Afghanistan", [S/2021/601](#) (Minister for Foreign Affairs and Defence of Ireland, Islamic Republic of Iran and Kyrgyzstan); and [S/PV.8908](#) (Kenya (also on behalf of Niger, Saint Vincent and the Grenadines and Tunisia), India, Mexico and Islamic Republic of Iran).

<sup>26</sup> See, for example, in connection with the item entitled "The situation in Libya", [S/2021/498](#) (Special Envoy of the Secretary-General on Libya and Head of the United Nations Support Mission in Libya, India and Tunisia).

<sup>27</sup> See, for example, in connection with the item entitled "The situation in the Middle East", [S/2021/22](#) (High Representative for Disarmament Affairs, Estonia, Niger, Saint Vincent and the Grenadines and United Kingdom); [S/2021/109](#) (Estonia, Niger, Tunisia, United Kingdom and United States); [S/2021/446](#) (Ireland, Kenya, Niger, Tunisia and United Kingdom); [S/PV.8830](#) (United Kingdom, Saint Vincent and the Grenadines and Kenya); and [S/PV.8849](#) (United States, Tunisia, Kenya and Syrian Arab Republic).

<sup>28</sup> See, for example, in connection with the item entitled "The situation in the Middle East, including the Palestinian question", [S/2021/480](#) (Minister for Foreign Affairs, Migration and Tunisians Abroad of Tunisia, Egypt, Plurinational State of Bolivia, Brazil, Indonesia, Islamic Republic of Iran and Bolivarian Republic of Venezuela).

<sup>29</sup> See [S/PV.8816](#). For further details on the discussion, see part V, sect. I, case 5.

<sup>30</sup> See [S/2021/157](#).

addressed only through multilateral cooperation. The Cabinet Secretary for Foreign Affairs of Kenya and the representative of the Niger recognized, respectively, the COVID-19 pandemic as an acute and a genuine threat to international peace and security. The Cabinet Secretary for Foreign Affairs of Kenya also said that the COVID-19 pandemic was indeed more than a health crisis, describing it as an existential challenge to global human and economic development and noting that it had strained humanitarian aid flows and exposed vulnerable groups, such as women and children in conflict areas, to further risks. The delegation of Sweden recalled that with the adoption of resolution [2532 \(2020\)](#), the Council had recognized the unprecedented challenges posed to international peace and security by the COVID-19 pandemic. The delegation emphasized that efforts aimed at maintaining peace and security should be included in the broader global pandemic response. The delegation of Switzerland underscored that COVID-19 continued to have an impact on international peace and security. The representative of Turkey said that the COVID-19 crisis had been devastating for millions of people across the world, with far-reaching implications for international peace and security. The representative of Brazil acknowledged that the pandemic had had an impact on global peace and underscored that his country was pleased to see the Council rise to the occasion and fulfil its constitutional authority of preserving international peace and security when it was called upon to do so.

Some delegations expressed their views on the way the COVID-19 pandemic had exacerbated or could exacerbate conflicts or other threats to international peace and security. The Minister for Foreign Affairs of Mexico underscored that the pandemic was reversing, or had reversed, the development and peacebuilding gains made by the international community and could heighten instability and exacerbate conflict. The representative of Ecuador highlighted the devastating impact of the COVID-19 pandemic and pointed out that pandemics exacerbated crisis conditions on the ground, undermining peace, stability and security. The delegation of Belgium noted that the pandemic had highlighted challenges around the world and had exacerbated the inequality, fragility and human cost of conflict. The delegation further emphasized that the COVID-19 pandemic was a crisis on all fronts, including a security crisis. The delegation of Ukraine noted that the COVID-19 pandemic continued to pose substantive risks to international peace and security and had explicitly shown how dramatically the newly emerging challenge could complicate efforts to address long-lasting threats, in particular violations of

international law and bloody conflicts. The Minister for Foreign Affairs and Defence of Ireland said that the COVID-19 pandemic had highlighted the vulnerabilities of all societies to unforeseen threats. He noted that humankind was at a crossroads and how it travelled from there would have far-reaching implications for peace and security. The Federal Minister for Foreign Affairs of Germany pointed out that COVID-19 was placing massive strains on every country's health-care, social, economic and security infrastructures and noted that protecting people and societies in conflict and crisis settings from the impacts of the pandemic was not just an urgent health and socioeconomic matter but an essential element of maintaining international peace and security. The representative of the Russian Federation lamented that the global COVID-19 outbreak had not spared States in a situation of armed conflict, adding that the pandemic threatened to further aggravate the already dire humanitarian consequences in those contexts. He was convinced, however, that amid a coronavirus outbreak the threat of the deterioration of the humanitarian situation in armed conflicts should be considered in the context of the specific country situations before the Council.

Some participants also deliberated on how the lack of equitable access to vaccines could pose a threat to international peace and security. The Minister for Foreign Affairs of Mexico pointed out that ensuring equitable and fair access to vaccines for all countries was undoubtedly the main challenge faced by the international community and, if not resolved, it was also the main threat to the security of humankind and the standing of multilateral action. The delegation of Belgium expressed concerns about the implications of inequitable access to the COVID-19 vaccine for global peace and stability in an already fragile environment. The delegation of Peru deemed that considering the COVID-19 vaccine as a global public good, as had been repeatedly requested by the Secretary-General, the World Health Organization and Peru, among many others, would help to overcome the serious crisis caused by the global pandemic and safeguard international peace and security. The delegation warned that failing to do so could create conditions conducive to future threats to international peace and security.

## **Case 2 Maintenance of international peace and security**

On 29 June, Security Council members held a high-level open videoconference in connection with the item entitled "Maintenance of international peace

and security”,<sup>31</sup> focused on cybersecurity. In statements made during or submitted in connection with the videoconference, Member States<sup>32</sup> determined that cyberoperations, cyberthreats and other malicious acts in cyberspace threatened, challenged or posed risks to international peace and security. The delegation of Latvia underscored that alongside vastly positive effects of the application of information and communications technology (ICT), Latvia was increasingly concerned about the implications of malicious and disruptive use of ICT for international peace, security, stability and human rights. The representative of Belgium noted that risks stemming from malicious activities in cyberspace were indeed growing and their impact on international peace and security was more detrimental than ever.

Some Member States expressed concern about cyberattacks perpetrated by non-State actors. On that note, the delegations of Egypt and Peru highlighted the threat to international peace and security posed by malicious use of ICT by terrorist groups, criminal organizations and other non-State actors. The delegation of Qatar stressed that the misuse of cyberspace and ICT by governmental and non-governmental actors posed a threat to national security and affected regional and international peace and security and international relations, adding that terrorist groups were using emerging digital technologies to enhance their capabilities to commit crimes. The delegation of Slovenia noted that malicious purposes in the use of ICT by State or non-State actors could undermine trust between Governments with negative implications, leading to destabilization of international peace and security.

Member States also addressed threats to international peace and security in the context of State and State-sponsored cyberactivities. The representative of Australia, while taking note of the significant progress made towards promoting international peace and stability in cyberspace, recalled that a small number of State and State-sponsored actors increasingly flouted international law and norms, despite the clear expectations set by the international community, threatening international peace and stability. The delegation of Canada pointed out that States did not always respect the framework of responsible State behaviour in cyberspace, with some States allowing cybercriminals to operate with

impunity from their territory and others using proxies or purposely engaging in malicious cyberactivity that went against the framework. Canada had joined international partners in calling out and responding to such behaviour and the threat it posed to international peace and security. The delegation of Czechia expressed the view that the expansion of State-sponsored mass surveillance techniques through ICT, partial or complete Internet shutdowns and extensive content censorship raised serious human rights concerns. In that context, determined action to protect citizens from the arbitrary and unlawful exercise of State power in cyberspace was essential and those trends, coupled with the potential risks associated with the introduction of artificial intelligence into various facets of life, raised new security challenges and could ultimately degrade the ability to maintain international peace and security. In a joint statement submitted on behalf of the five Nordic countries, the delegation of Denmark highlighted interrelated trends that posed threats to international peace and security, including State-sponsored disruptive cyberattacks. The delegation of Germany asserted that international peace and security was coming under pressure from different sides, including by State-sponsored malicious cyberactivities for the purpose of espionage, sabotage, disinformation and destabilization or financial gain, which were damaging both international trust and cooperative mechanisms of conflict mitigation and thereby threatening security worldwide.

Multiple Member States discussed malicious activities in cyberspace that could pose threats to international peace and security, with a focus on those targeting critical infrastructure. The Minister for Foreign Affairs and Defence of Ireland indicated that malicious cyberactivity, including crippling ransomware attacks, cybercrime, intellectual property theft and the spread of disinformation and hate, as well as targeting of critical infrastructure, had surged in recent years and expressed grave concern about the threat it posed to international peace and security. The representative of Tunisia also expressed concern regarding the significant increase in recent years of malicious activities in cyberspace that could pose a serious threat to international peace and security, especially when critical infrastructures were targeted. The delegation of Germany underscored that cyberattacks, including those conducted against critical infrastructure, could constitute a threat to international peace and security and recalled that attacks on critical infrastructure in Europe and North America and cyberattacks used as a vehicle for extortion were on the rise. The representative of Indonesia emphasized that malicious cyberactivities by State and non-State actors,

<sup>31</sup> See [S/2021/621](#).

<sup>32</sup> Ireland, Norway, Tunisia, Canada, Czechia, Denmark (on behalf of the five Nordic countries), Georgia, Liechtenstein, Malta, New Zealand, Pakistan, Peru, Senegal, South Africa, Switzerland and Ukraine.



in particular those aimed at critical infrastructure, could jeopardize national stability as well as international peace and security. The delegation of Morocco noted that the current context marked by the COVID-19 pandemic had exponentially and irreversibly increased exposure and vulnerability to cyberattacks and threats, including ones targeted at critical infrastructure. The delegation pointed out that such malicious operations, beyond threatening State sovereignty, had the unfortunate potential of heightening the risk of conflicts in cyberspace and causing considerable human and material damage, which was in turn likely to undermine the structure of international peace and security and present cyberattacks as a major emerging threat. The representative of Pakistan underscored that the hostile use of cybertechnologies was fast approaching the stage where it could constitute a breach of peace or a threat to international peace and security. The representative noted that the misuse and unregulated use of ICT could lead to serious implications for international peace and security in the event of a cyberattack launched on critical infrastructure. The representative of Slovakia said that the disruption of the functioning of critical infrastructure could cause serious consequences, adding that malicious cyberactivities against vital sectors and services had destabilizing effects and might ultimately threaten international peace and security. The delegation of Thailand emphasized that the uses of ICT by States and non-State actors, including terrorists for malicious purposes such as attacks on critical civilian infrastructure, not only undermined international peace and security but also affected the safety of people. The delegation of Ukraine recalled that cyberoperations against major critical infrastructure facilities and the energy, transport, oil and gas sectors were challenges and threats to international peace and security. The delegation of Turkey emphasized that malicious cyberactivities targeting critical infrastructure, terrorism, digital espionage, fraud, online child abuse and exploitation and misuse of personal data were among current threats that also posed a risk to international peace and security.

Some participants referred to cyberattacks against health-care and medical facilities as a threat to international peace and security. The delegation of Chile underscored that malicious ICT activities by persistent threat actors, including States and other actors, could pose a significant risk to international security and stability. Specifically, the delegation asserted that malicious activity against critical infrastructure that provided services domestically, regionally or globally, had become increasingly

serious, including malicious activity affecting critical information infrastructure, infrastructure providing essential services to the public, the technical infrastructure essential to the general availability or integrity of the Internet and health sector entities. The delegation of Czechia, focusing on present and emerging cyberthreats to international peace and security, took note of an alarming increase in malicious ICT activities directed against critical infrastructure delivering essential services to the public, including those targeting medical facilities, water, energy, sanitation, electoral infrastructure and the general availability of the Internet. The delegation also noted that the growing number of cyberattacks disrupting provision of health care had resulted in further loss of life, undermined the collective ability to respond to COVID-19 and ultimately threatened international peace and stability. In a joint statement submitted on behalf of the five Nordic countries, the delegation of Denmark emphasized the need for States to take action against the increasingly serious and destabilizing effects of cybercrime originating from their territory, recalling that recent ransomware attacks against the fuel supply in the United States, hospitals in Ireland and food production in Brazil, the United States and Australia had illustrated that the consequences of cybercrime had become a national security concern with possible effects on international peace and security. The delegation added that the increasing conflation of State and non-State groups further complicated the threat. The delegation of the United Arab Emirates took note of an increased trend in malicious cyberoperations targeting medical facilities, including organizations dedicated to research and vaccine development to combat COVID-19, as well as other severe incidents affecting the telecommunications, banking and public sectors and oil and natural gas installations. The delegation argued that such malicious cyberactivity against the Middle East region's critical infrastructure had the potential to spark a conflict in an already tense environment and posed a threat to international peace and security.

### **Case 3 Maintenance of international peace and security**

On 23 September, at the initiative of Ireland,<sup>33</sup> which held the presidency for the month, the Security Council held a high-level open debate under the item entitled "Maintenance of international peace and security" and the sub-item entitled "Climate and

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<sup>33</sup> A concept note was circulated by a letter dated 9 September (S/2021/782).

security”.<sup>34</sup> The Council heard briefings by the Secretary-General and the Chief Operating Officer of the Mogadishu-based Elman Peace and Human Rights Centre.

Some participants considered climate change itself a threat or challenge to international peace and security.<sup>35</sup> Among them, the Minister for Europe and Foreign Affairs of France stressed that the fight for the climate, far from being only environmental, was also a fight for peace and security.<sup>36</sup> The Minister for Foreign Affairs of Mexico noted that since the beginning of the COVID-19 pandemic, it had become clear that threats to international peace and security were genuinely multidimensional and one threat that was increasingly relevant was climate change. He asserted that it was undeniable that the effects of climate change could exacerbate, and were exacerbating, existing conflicts, as could be seen in regions such as the Sahel and the Horn of Africa, and were having severe impacts on many countries. The Minister for Foreign Affairs, Migration and Tunisians Abroad of Tunisia pointed out that threats to international, peace and security were no longer limited to the conventional threats of geostrategic tensions, arms races and conflicts in several regions and the world was confronted with many emerging challenges that targeted the necessities of life on the planet and future generations. He emphasized that climate change, along with environmental disasters and health pandemics, such as the COVID-19 pandemic and natural disasters, which were becoming more frequent and severe, constituted the biggest challenges to countries, individually and collectively. He added that the extent to which climate change exacerbated elements of fragility and instability, which in turn raised tensions and prolonged many conflicts, especially on the African continent, could no longer be overlooked. The Minister of State for the Commonwealth and Development, the United Nations and South Asia of the United Kingdom noted that the climate crisis was posing an existential threat, not just to the environment but to common security. The Minister for Foreign Affairs, Education and Sport of Liechtenstein similarly underscored that climate change was not just an intensifying factor but the most significant threat to common security and called on the Council to embrace a human security paradigm, which

allowed for a perspective in which climate change itself was a cause of insecurity.<sup>37</sup>

Other participants deliberated on the implications or consequences that climate change had for international peace and security. In that regard, the Chief Operating Officer of the Elman Peace and Human Rights Centre said in her briefing that, as climate change and other environmental crises gathered pace, they were touching every aspect of life, and world international peace and security was no exception.<sup>38</sup> The Minister for Foreign Affairs of Norway referred to climate change as a threat multiplier, recalling that the Council had expressed concern that the adverse effects of climate change could constitute a risk to international peace and security. The Taoiseach of Ireland noted the Council’s mandate to consider threats to international peace and security and stressed the need to move past theoretical debates and respond to the reality that climate change was exacerbating conflict globally. The Head of the Delegation of the European Union to the United Nations pointed out that heat extremes and intense rainfall, flooding and droughts would accelerate and deepen ongoing or latent vulnerabilities and instability.<sup>39</sup> He added that those developments could become new conflict drivers and that they would have severe consequences on the climate-and-security nexus, representing different types of challenges to human and State security and undermining global peace. The delegations of Latvia and Switzerland underscored that the consequences of climate change for international peace and security were profound. The delegation of Malta asserted that climate change was the most serious existential threat facing the planet and that it had direct and indirect implications for international security and stability. The delegation pointed out that the effects of climate change on global and regional security were already being felt in several parts of the world. The delegation of Spain recalled that during a previous meeting of the Council on the topic, it had been clear that not every State viewed similarly the urgent need to address the challenges related to climate change as a threat to international security. The delegation indicated that nonetheless there was clear scientific evidence on the impact of global warming leading to the loss of human lives and economic resources as well as to population displacement and social destabilization, added to which was the vicious circle in which armed conflicts, environmental degradation and humanitarian

<sup>34</sup> See [S/PV.8864](#). See also [S/2021/815](#).

<sup>35</sup> See [S/PV.8864](#) (Minister for Foreign Affairs of Mexico); and [S/2021/815](#) (Morocco and Group of Friends on Climate and Security).

<sup>36</sup> See [S/PV.8864](#).

<sup>37</sup> See [S/2021/815](#).

<sup>38</sup> See [S/PV.8864](#).

<sup>39</sup> See [S/2021/815](#).

emergencies mutually reinforced one another. The Secretary of State of the United States said that at almost any place where threats to international peace and security were seen, climate change was making things less peaceful and less secure, making it even more difficult to respond.<sup>40</sup> He added that by agreeing that the issue belonged in the Council, a clear message would be sent to the international community of the serious implications that climate change had for collective security.

Several Member States challenged the notions that climate change constituted a threat to or negatively affected international peace and security. The representative of the Russian Federation expressed the view that persistent and insistent attempts to advance the premise of climate change as a threat to international peace and security in the Council at all costs introduced a completely unnecessary political component to an already complicated and sensitive discussion. The representative of the Islamic Republic of Iran stated that climate change was essentially related to sustainable development rather than a matter of international peace and security, since the direct correlation between climate change and security had not been proved.<sup>41</sup> The Vice-Minister, Secretary (West) of the Ministry of External Affairs of India, while acknowledging that climate change had affected the lives of people and exacerbated conflict, stressed that to view conflicts in poorer parts of the world through the prism of climate change would serve only to present a lopsided narrative, when the reasons for the conflict were to be found elsewhere.<sup>42</sup> She recalled that the report of the Intergovernmental Panel on Climate Change had clearly stated that the effect of climate variability on violence was contested and pointed out that while climate change could enhance conflict, it could not be determined as a reason for it. Taking note of the adverse effects of climate change on States' economies, she underlined the need to be conscious about looking at climate change as a risk to their social stability or as an issue of peace and security.

On 13 December, the Council held a meeting under the same item<sup>43</sup> to vote on a draft resolution in relation to climate and security sponsored by 113 Member States.<sup>44</sup> In

the draft resolution, the Council, *inter alia*, recognized that there was a strong nexus between peace and security and acknowledged that the adverse effects of climate change could potentially lead to social tension and exacerbate, prolong or contribute to the risk of future conflicts and instability and pose a key risk to global peace, security and stability.<sup>45</sup> The Council also expressed deep concern in the draft resolution that the impacts of climate change on small island developing States could have implications for international peace and security.<sup>46</sup> The Council failed to adopt the draft resolution, however, owing to the veto of a permanent member of the Council, namely, the Russian Federation.<sup>47</sup> Before the vote, the representative of the Russian Federation emphasized that positioning climate change as a threat to international security diverted the attention of the Council from genuine, deep-rooted causes of conflict in the countries concerning which the Council was seized.<sup>48</sup> The representative of India, explaining his delegation's vote against the draft resolution, underscored that its attempt to link climate with security really sought to obfuscate the lack of progress on critical issues under the United Nations Framework Convention on Climate Change. He wondered what could be done collectively under the proposed draft resolution that could not be achieved under the Framework Convention process, and why a Council resolution was needed to take action on climate change when there were commitments already in place on concrete climate action. The representative of India further asserted that there was no real requirement for

Equatorial Guinea, Estonia, Fiji, Finland, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Namibia, Nauru, Netherlands, New Zealand, Niger, Nigeria, North Macedonia, Norway, Palau, Panama, Papua New Guinea, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Spain, Sudan, Sweden, Switzerland, Timor-Leste, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay and Vanuatu.

<sup>45</sup> [S/2021/990](#), ninth and tenth preambular paragraphs.

<sup>46</sup> *Ibid.*, fourteenth preambular paragraph.

<sup>47</sup> The draft resolution received 12 votes in favour (Estonia, France, Ireland, Kenya, Mexico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia, United Kingdom, United States and Viet Nam), two against (India and Russian Federation) and one abstention (China). For more information, see part I, sect. 34.

<sup>48</sup> See [S/PV.8926](#).

<sup>40</sup> See [S/PV.8864](#).

<sup>41</sup> See [S/2021/815](#).

<sup>42</sup> See [S/PV.8864](#).

<sup>43</sup> See [S/PV.8926](#).

<sup>44</sup> Afghanistan, Albania, Andorra, Antigua and Barbuda, Armenia, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Cabo Verde, Canada, Chad, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechia, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador,

the draft resolution except for the purpose of bringing climate change under the ambit of the Council, the reason for which was so that decisions could be taken without the involvement of most developing countries and without recognizing consensus in the name of preserving international peace and security. The representative of China explained that his country had abstained because the draft had not addressed a number of issues, including that the transmission mechanism from climate change to security risks was far from clear.

Other Council members expressed regret that the draft resolution could not be adopted because it had been vetoed. Among them, the representative of Ireland asserted that climate change was compounding insecurity and increasing instability, which was a real and present threat to the maintenance of international peace and security. The representative of Norway recalled that it had been 10 years since the Council had first acknowledged climate change as an emerging risk factor for global peace and security. The representative of Tunisia expressed conviction that phenomena such as climate change posed a threat to collective security and therefore should not be overlooked by the Council. The representative of Estonia stressed that the effects of climate change posed a clear and serious threat to international peace, security and stability and, in some cases, even to the existence of States.

#### **Case 4 Maintenance of international peace and security**

On 9 December, at the initiative of the Niger,<sup>49</sup> which held the presidency for the month, the Security Council held a high-level open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Security in the context of terrorism and climate change.”<sup>50</sup>

During the debate, several Member States determined that terrorism<sup>51</sup> and climate change<sup>52</sup> constituted threats to international peace and security. Specifically on the issue of climate change, the representative of France noted that the debate provided

another opportunity to emphasize that the fight against climate change was an environmental one as well as a fight for international peace and security, which was why it was appropriate for the Council to address threats linked to climate change.<sup>53</sup> The representative of the United Kingdom underscored that the climate crisis posed an existential threat, not only to the environment but also to common security. The representative of Guatemala emphasized that it was necessary to address the issue as a threat to international peace and security without delay and for the Council to make the discussion of measures to prevent climate change from becoming a threat to international peace and security a high priority.<sup>54</sup> The representative of the Republic of Korea said that climate change would increasingly pose a threat to global peace and security and emphasized that the Council, as the primary organ responsible for maintaining global peace and security, needed to be more involved in the issue. The representative of Luxembourg stated that given the undeniable link between the adverse effects of climate change and international peace and security, it was essential that the Council, peacekeeping missions and special political missions considered the security implications of climate change in their analyses and actions. The representative of Albania emphasized that there was an urgent need to increase efforts and to take concrete action to address climate change and climate-related risks in the context of international peace and security. The representative of Uzbekistan emphasized that addressing climate change was one of the important prerequisites for maintaining international peace and security.

Many speakers considered the link between terrorism and climate change in the context of international peace and security. On that note, the President of the Niger stated that the choice of the theme for the debate had been an expression of his country’s desire to see the Council establish the clear nexus that existed between peace and international security, on the one hand, and the fight against terrorism and the effects of climate change, on the other.<sup>55</sup> The representative of Tunisia pointed out that there was no doubt that climate change represented one of the major factors that deepened fragility and threatened stability, sometimes leading to the outbreak of conflict, fuelling tensions and violence and contributing to protracted and complicated conflicts, especially on the African continent. The representative of Japan underscored that in conflict-prone areas, human insecurity, exacerbated by such impacts of

<sup>49</sup> A concept note was circulated by a letter dated 30 November (S/2021/988).

<sup>50</sup> See S/PV.8923 and S/PV.8923 (Resumption 1). See also S/2021/1026.

<sup>51</sup> See S/PV.8923 (President of Estonia, India, Tunisia, Islamic Republic of Iran and Japan); and S/PV.8923 (Resumption 1) (Egypt, Malta, Qatar, Guatemala, Burkina Faso, Nigeria, Bahrain and Bolivarian Republic of Venezuela).

<sup>52</sup> See S/PV.8923 (President of Estonia, United States and Tunisia); and S/PV.8923 (Resumption 1) (Malta, Germany, Italy, Burkina Faso, Nigeria and Fiji).

<sup>53</sup> See S/PV.8923.

<sup>54</sup> See S/PV.8923 (Resumption 1).

<sup>55</sup> See S/PV.8923.

climate change as environmental degradation and natural disasters, became a multiplier of risk of violent conflict. He added that terrorism and climate change both posed a serious threat to human security. The representative of Egypt stated that, given that climate change was widely recognized as a threat multiplier and a driver of conflict that affected the peace and stability of several regions globally, it was important to address the increasing connection between terrorism, climate change and security.<sup>56</sup> He said that both terrorism and climate change were transboundary key global challenges and that the interlinkage between the adverse effects of climate change and environmental degradation, on the one hand, and the conditions conducive to terrorism and extremism, on the other hand, was evident. He added that the nexus between climate change-related repercussions such as water scarcity, rising sea levels, desertification, land degradation and biodiversity loss and other conditions conducive to terrorism, including poverty and unemployment, provided fertile ground for recruitment and radicalization by terrorist groups. Recalling that Africa was facing unprecedented pressure owing to various extreme weather events related to climate change, he stressed that the recent rise in terrorist activities in different regions of the continent could be considered a vivid example of how terrorist organizations could exploit climate change-induced challenges to expand their activities and operations. The representative of Malta, underscoring that the threats posed by terrorism and climate change were multidimensional and threatened international peace and security, emphasized that they required a concerted global response. She added that climate change was a threat multiplier and that terrorist activity, especially in the Sahel region, could also be linked to climatic factors. In addition, when climate change was compounded with sustained population growth, floods or droughts could have an adverse impact on natural resources, thereby exacerbating competition over dwindling resources and often leading to unrest and, eventually, a vacuum for terrorist groups to exploit, which in turn could also contribute to further environmental degradation.

The representative of Italy said that the adverse effects of climate change were posing a serious threat to international peace and security and stressed the need to redouble efforts to heighten the Council's attention to the climate-security nexus and its implications with regard to terrorism. In that regard, he indicated that climate change was a threat multiplier that had negative environmental and economic

impacts, which aggravated existing social vulnerabilities and exacerbated internal conflicts. He added that such phenomena, even when not directly linked to international terrorism, contributed to creating fertile ground for violent extremism. The representative of Poland stated that climate change threatened the stability of many regions of the world, adding that it would increasingly exacerbate conflicts over natural resources, opening the way for the infiltration of vulnerable populations by terrorist organizations. The representative of Sri Lanka cautioned that the scourge of terrorism would be a persistent threat to global peace and security as long as its feeders and threat multipliers were not addressed, pointing out that climate change had established itself as one of the greatest threat multipliers. He stated that the interplay between climate change and terrorism was a critical dimension of the climate-security nexus, consisting of a cyclical and complex relationship wherein natural disasters exacerbated existing structural and social vulnerabilities and added pressure to the already tenuous relationship between resources and civil unrest. The representative of Nigeria stated that terrorism and climate change were both among the greatest threats to international peace and security and that both phenomena were capable of triggering violent conflict and insecurity, especially in communities with pre-existing tensions, weak governance and other socioeconomic challenges. He highlighted the adverse effects of climate change on communities, including loss of livelihoods, hunger, poverty, inequality and migration, which could often prompt clashes over resources that could create an enabling environment for terrorist groups to recruit and spread their extremist ideology. Given the Council's important role in maintaining international peace and security and its noteworthy efforts in combating global terrorism, he said that the meeting was an opportunity to give the highest priority to climate action and seek holistic responses to the threats that both climate change and terrorism posed to international peace and security, and suggested several ways in which that could be achieved. The representative of El Salvador said that the challenges posed by climate change and its adverse impacts generated higher rates of vulnerability and instability in the population. She warned that the situation, if not dealt with in a timely manner, could translate into violence and social and political instability, which were conducive to the development and strengthening of terrorist groups, which represented a risk to international peace and security. The representative of Ukraine underscored that the fight against terrorism and an efficient response to climate-related security risks were indispensable

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<sup>56</sup> See [S/PV.8923 \(Resumption 1\)](#).

prerequisites for the maintenance of international peace and security. The representative of Morocco stated that with regard to the various environmental issues resulting from climate change, there was an increasingly clear causality between climate change and rising levels of violence and instability and the spread of the scourge of terrorism in certain regions. He added that in several regions, climate change was a threat multiplier, as it exacerbated vulnerabilities owing to a scarcity of resources. He further noted that the lack of economic resources as a result of the loss of traditional livelihoods had created fertile ground for recruitment by terrorist and armed groups, and it was therefore vital that the international community act wherever climate change posed a threat to international peace and security by creating conflict situations or security issues.

Some Member States argued that climate change did not constitute a threat to international peace and security. The representative of the Islamic Republic of Iran stated that while terrorism as a serious criminal offence constituted a serious threat to international

peace and security, climate change was essentially a development issue, and indicated that there was no scientific evidence establishing a direct link between climate change and international peace and security.<sup>57</sup> He noted, however, that in certain conflict situations, the impacts of climate change might create an environment conducive to terrorist groups exploiting the situation and recruiting vulnerable people for their sinister terrorist purposes. The representative of the Bolivarian Republic of Venezuela, while agreeing that in situations of armed conflict or post-conflict the adverse effects of climate change could represent an additional threat with the potential to further exacerbate the situation on the ground, expressed concern over attempts to securitize such a sensitive issue by having it addressed by the Council, which had a clear mandate to ensure prompt and effective action by the United Nations in cases that threatened international peace and security.<sup>58</sup>

<sup>57</sup> See [S/PV.8923](#).

<sup>58</sup> See [S/PV.8923 \(Resumption 1\)](#).

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

### Article 40

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

### Note

Section II covers the practice of the Council in relation to Article 40 of the Charter, regarding provisional measures to prevent an aggravation of the situation. During the period under review, the Council did not impose any measures pursuant to Article 40 of the Charter. There was also no explicit reference to Article 40 made during the deliberations of the Council, nor was there any discussion of constitutional significance on its interpretation. Similarly, there was no explicit reference to Article 40 in any of the communications of the Council.

## 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 the decisions and deliberations of the Council related to the imposition of measures not involving the use of force, pursuant to Article 41 of the Charter. During the period under review, the Council explicitly referred to Article 41 in the preamble of resolution [2569 \(2021\)](#) in connection with the Democratic People's Republic of Korea. In 2021, the Council imposed no judicial measures under Article 41 of the Charter.<sup>59</sup> Article 41 was referenced explicitly in one communication of the Council, namely in the final report on the work of the Panel of Experts on Libya established pursuant to resolution [1973 \(2011\)](#).<sup>60</sup>

The present section is divided into two subsections. Subsection A contains an outline of the decisions in which the Council imposed, modified or terminated 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 2021 and is also organized under two headings, each highlighting the salient issues that were raised in connection with Article 41 with regard to thematic or country-specific items.

### A. Decisions relating to Article 41

#### Decisions on thematic issues relating to Article 41

In 2021, the Council adopted five decisions on issues of a thematic nature concerning sanctions measures and their implementation, four of which were adopted under the item entitled “Threats to international peace and security caused by terrorist acts”<sup>61</sup> and one of which was adopted under the item entitled “Maintenance of international peace and security”.<sup>62</sup>

In resolution [2610 \(2021\)](#), adopted under the item entitled “Threats to international peace and security caused by terrorist acts”, the Council emphasized that sanctions were an important tool under the Charter in the maintenance and restoration of international peace and security, including in support of countering terrorism.<sup>63</sup> It further stressed that the measures

imposed by resolution [2610 \(2021\)](#) were not intended to have adverse humanitarian consequences for civilian populations.<sup>64</sup> Condemning the frequent recent terrorist attacks perpetrated by the Islamic State in Iraq and the Levant (ISIL/Da'esh around the world, as well as the continued gross, systematic and widespread abuses of human rights and violations of international law by ISIL/Da'esh, the Council recognized the need for sanctions to reflect current threats and, in that regard, recalled paragraph 7 of resolution [2249 \(2015\)](#).<sup>65</sup>

In resolution [2611 \(2021\)](#), adopted under the same item, the Council reiterated the need to ensure that the sanctions regime pursuant to resolution [1988 \(2011\)](#) contributed effectively to ongoing efforts to bring about sustainable and inclusive peace, stability and security in Afghanistan and noted the importance of sanctions review when appropriate.<sup>66</sup>

In resolution [2615 \(2021\)](#), also adopted under the same item, the Council decided that humanitarian assistance and other activities that supported basic human needs in Afghanistan were not a violation of paragraph 1 (a) of resolution [2255 \(2015\)](#) and that the processing and payment of funds, other financial assets or economic resources and the provision of goods and services necessary to ensure the timely delivery of such assistance or to support such activities were permitted, strongly encouraged providers relying on that paragraph to use reasonable efforts to minimize the accrual of any benefits, whether as a result of direct provision or diversion, to individuals or entities designated on the sanctions list established pursuant to resolution [1988 \(2011\)](#), and further decided to review the implementation of the provision after a period of one year.<sup>67</sup>

In resolution [2617 \(2021\)](#), also adopted under the same item, the Council encouraged the Counter-Terrorism Committee Executive Directorate to pursue close cooperation with the Financial Action Task Force to advance effective implementation of counter-terrorist financing recommendations, including in particular on recommendation 6 concerning the targeted financial sanctions related to terrorism and terrorist financing.<sup>68</sup>

In connection with the item entitled “Maintenance of international peace and security”, the Council adopted resolution [2616 \(2021\)](#), in which it recognized the importance of building Member States’

<sup>59</sup> For information on the activity of the Council regarding matters pertaining to the International Residual Mechanism for Criminal Tribunals, see part IX, sect. IV.

<sup>60</sup> See [S/2021/229](#), [S/2021/229/Corr.1](#), [S/2021/229/Corr.2](#) and [S/2021/229/Corr.3](#).

<sup>61</sup> For more information on the item, see part I, sect. 28.

<sup>62</sup> For more information on the item, see part I, sect. 34.

<sup>63</sup> Resolution [2610 \(2021\)](#), sixteenth preambular paragraph.

<sup>64</sup> *Ibid.*, seventeenth preambular paragraph.

<sup>65</sup> *Ibid.*, twentieth preambular paragraph.

<sup>66</sup> Resolution [2611 \(2021\)](#), seventh preambular paragraph.

<sup>67</sup> Resolution [2615 \(2021\)](#), para. 1.

<sup>68</sup> Resolution [2617 \(2021\)](#), para. 31.

capacities to enable them to gather information on all aspects of networks that used false documentation to evade inspections and facilitate breaches of Council-mandated sanctions, including information on suspected traffickers and trafficking routes, suspected illicit financial transactions and brokering activities for, or diversion of, arms and related materiel of all types.<sup>69</sup> The Council also acknowledged the value of the guidance provided by sanctions committees, including through non-binding guidelines, to Member States for complying with provisions and obligations under the respective resolutions that had imposed sanctions.<sup>70</sup> By the same resolution, the Council encouraged regional land, air and maritime cooperation, as applicable, to detect and prevent violations of Council-mandated arms embargoes, as well as to report cases of violations in a timely manner to the corresponding sanctions committees.<sup>71</sup> The Council also affirmed its resolve to designate, where appropriate and under applicable sanctions regimes, those individuals who had been involved in activities prohibited by Council-mandated embargoes.<sup>72</sup>

#### **Decisions on country- and region-specific issues relating to Article 41**

During the period under review, as set out below, the Council renewed the existing measures concerning the Central African Republic, Libya, Mali, Somalia, South Sudan, the Sudan and Yemen, as well as those concerning the Taliban and associated individuals and entities and ISIL/Da'esh and Al-Qaida and associates. In addition to renewing the existing measures concerning the Democratic Republic of the Congo, the Council expanded the listing criteria to individuals and entities involved in planning, directing, sponsoring or participating in attacks against medical personnel or humanitarian personnel. No changes were made to the measures concerning Iraq, Lebanon, the Democratic People's Republic of Korea and Guinea-Bissau.

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.

Decisions adopted by the Council on the establishment and history of each of the sanctions regimes are covered in previous supplements.

The categories of sanctions measures used in the present subsection, such as arms embargo, asset freeze or travel ban, are for clarification purposes only and are not intended to serve as legal definitions of the measures. In addition, developments in the sanctions measures imposed by the Council during the period under review are categorized according to the following main actions taken by the Council: "establishment",<sup>73</sup> "modification",<sup>74</sup> "extension",<sup>75</sup> "limited extension"<sup>76</sup> or "termination".<sup>77</sup>

The sanctions regimes are discussed below in the order of their establishment.<sup>78</sup> Each of the following subsections consists of a narrative section describing the most significant developments in 2021 and a table presenting all relevant provisions of Council decisions concerning changes to a sanctions regime, according to the categories outlined above. Tables 3 and 4 provide an overview of relevant decisions adopted in 2021 by which the Council established sanctions measures or modified ones it had previously imposed.

<sup>73</sup> An action by the Council is categorized as an "establishment" when a sanctions measure is initially imposed by the Council.

<sup>74</sup> 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.

<sup>75</sup> An action by the Council is categorized as an "extension" when the sanctions measure concerned is not modified or terminated and the Council extends or restates the measure without specifying an end date.

<sup>76</sup> An action by the Council is categorized as a "limited extension" when the sanctions measure concerned is extended for a specific period of time, including a date upon which the measure will terminate unless further extended by the Council.

<sup>77</sup> An action by the Council is categorized as a "termination" when the Council ends the specific sanctions measure. However, if only an element of the measure is terminated, but other elements of that measure remain, the action will be categorized as a modification of the measure.

<sup>78</sup> For background and past practice, see previous supplements.

<sup>69</sup> Resolution 2616 (2021), tenth preambular paragraph.

<sup>70</sup> *Ibid.*, seventeenth preambular paragraph.

<sup>71</sup> *Ibid.*, para. 7.

<sup>72</sup> *Ibid.*, para. 9.



Table 3  
**Overview of country- and region-specific decisions establishing or modifying measures pursuant to Article 41, in place or imposed in 2021**

<i>Sanctions regime</i>	<i>Resolutions by which measures were established or subsequently modified</i>		<i>Resolutions adopted in 2021</i>
Somalia	733 (1992)	2036 (2012)	2607 (2021)
	1356 (2001)	2060 (2012)	2608 (2021)
	1425 (2002)	2093 (2013)	
	1725 (2006)	2111 (2013)	
	1744 (2007)	2125 (2013)	
	1772 (2007)	2142 (2014)	
	1816 (2008)	2182 (2014)	
	1844 (2008)	2184 (2014)	
	1846 (2008)	2244 (2015)	
	1851 (2008)	2246 (2015)	
	1872 (2009)	2316 (2016)	
	1897 (2009)	2317 (2016)	
	1907 (2009)	2383 (2017)	
	1916 (2010)	2385 (2017)	
	1950 (2010)	2444 (2018)	
	1964 (2010)	2498 (2019)	
	1972 (2011)	2551 (2020)	
	2002 (2011)	2554 (2020)	
	2023 (2011)		
	ISIL/Da'esh and Al-Qaida and associated individuals and entities	1267 (1999)	2161 (2014)
1333 (2000)		2170 (2014)	
1388 (2002)		2178 (2014)	
1390 (2002)		2199 (2015)	
1452 (2002)		2253 (2015)	
1735 (2006)		2347 (2017)	
1904 (2009)		2349 (2017)	
1989 (2011)		2368 (2017)	
2083 (2012)			
Taliban and associated individuals and entities	1988 (2011)	2255 (2015)	2611 (2021)
	2082 (2012)	2501 (2019)	2615 (2021)
	2160 (2014)	2557 (2020)	
Iraq	661 (1990)	1723 (2006)	None
	687 (1991)	1790 (2007)	
	707 (1991)	1859 (2008)	
	1483 (2003)	1905 (2009)	
	1546 (2004)	1956 (2010)	
	1637 (2005)	1957 (2010)	
Democratic Republic of the Congo	1493 (2003)	1896 (2009)	2582 (2021)
	1552 (2004)	1952 (2010)	
	1596 (2005)	2136 (2014)	
	1616 (2005)	2147 (2014)	
	1649 (2005)	2198 (2015)	
	1671 (2006)	2211 (2015)	
	1698 (2006)	2293 (2016)	
	1768 (2007)	2360 (2017)	
	1771 (2007)	2424 (2018)	
	1799 (2008)	2478 (2019)	
	1807 (2008)	2528 (2020)	
	1857 (2008)		

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

<i>Sanctions regime</i>	<i>Resolutions by which measures were established or subsequently modified</i>		<i>Resolutions adopted in 2021</i>
Sudan	1556 (2004)	2200 (2015)	2562 (2021)
	1591 (2005)	2265 (2016)	
	1672 (2006)	2340 (2017)	
	1945 (2010)	2400 (2018)	
	2035 (2012)	2455 (2019)	
	2138 (2014)	2508 (2020)	
Lebanon	1636 (2005)		None
Democratic People's Republic of Korea	1718 (2006)	2321 (2016)	None
	1874 (2009)	2356 (2017)	
	2087 (2013)	2371 (2017)	
	2094 (2013)	2375 (2017)	
	2270 (2016)	2397 (2017)	
Libya	1970 (2011)	2238 (2015)	2570 (2021)
	1973 (2011)	2259 (2015)	2571 (2021)
	2009 (2011)	2278 (2016)	2578 (2021)
	2016 (2011)	2292 (2016)	
	2040 (2012)	2362 (2017)	
	2095 (2013)	2441 (2018)	
	2146 (2014)	2509 (2020)	
	2174 (2014)	2510 (2020)	
	2208 (2015)	2526 (2020)	
	2213 (2015)	2542 (2020)	
Guinea-Bissau	2048 (2012)	2203 (2015)	None
	2157 (2014)		
Central African Republic	2127 (2013)	2339 (2017)	2588 (2021)
	2134 (2014)	2399 (2018)	
	2196 (2015)	2488 (2019)	
	2217 (2015)	2507 (2020)	
	2262 (2016)	2536 (2020)	
Yemen	2140 (2014)	2216 (2015)	2564 (2021)
	2204 (2015)	2511 (2020)	
South Sudan	2206 (2015)	2290 (2016)	2577 (2021)
	2241 (2015)	2353 (2017)	
	2252 (2015)	2418 (2018)	
	2271 (2016)	2428 (2018)	
	2280 (2016)	2521 (2020)	
Mali	2374 (2017)	2484 (2019)	2590 (2021)
	2432 (2018)	2541 (2020)	

Table 4  
Overview of measures pursuant to Article 41, in place or imposed in 2021

<i>Sanctions regime</i>	<i>Type of measure</i>																					
	<i>Arms embargo</i>	<i>Asset freeze</i>	<i>Travel ban or restrictions</i>	<i>Ban on arms exports by target State</i>	<i>Ban/restrictions on workers abroad</i>	<i>Ban on improvised explosive device components</i>	<i>Business restrictions</i>	<i>Charcoal ban</i>	<i>Diplomatic/overseas representation restrictions</i>	<i>Embargo on natural resources</i>	<i>Financial restrictions</i>	<i>Luxury goods embargo</i>	<i>Natural gas embargo/restrictions</i>	<i>Non-proliferation measures</i>	<i>Oil/petroleum and petroleum products embargo/restriction</i>	<i>Prohibition on bunkering services/port entry</i>	<i>Public financial support for trade restrictions</i>	<i>Restrictions on ballistic missiles</i>	<i>Sectoral ban</i>	<i>Specialized teaching and technical cooperation restrictions</i>	<i>Transport and aviation sanctions</i>	<i>Trade ban on cultural goods</i>
Somalia	X	X	X			X		X														
Taliban	X	X	X																			
ISIL/Da'esh and Al-Qaida	X	X	X																			
Iraq	X	X																				
Democratic Republic of the Congo	X	X	X																			X
Sudan	X	X	X																			
Lebanon <sup>a</sup>		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																			

<sup>a</sup> Pursuant to paragraph 15 of resolution 1701 (2006), the Council decided, inter alia, that States should take the necessary measures to prevent, by their nationals or from their territories or using their flag vessels or aircraft, the sale or supply of arms and related materiel to any entity or individual in Lebanon other than those authorized by the Government of Lebanon or by the United Nations Interim Force in Lebanon. In 2021, by resolution 2591 (2021), 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) and to include in his reporting an enhanced annex on the implementation of the arms embargo.

## Somalia

In 2021, the Council adopted resolution 2607 (2021), by which it reaffirmed and recalled the existing sanctions measures on Somalia and reaffirmed the partial lifting of the arms embargo and the humanitarian exemption to the assets freeze without specifying an expiry date. By the same resolution, the Council also renewed and expanded the maritime interdiction of charcoal and of weapons or military equipment by including components of improvised explosive devices until 15 November 2022. It also reaffirmed the ban on components of improvised explosive devices, first imposed by the Council by resolution 2498 (2019). Table 5 provides an overview of the changes to the measures authorized by the Council in 2021.

The Council reaffirmed the arms embargo initially imposed by the Council in paragraph 5 of resolution 733 (1992) and paragraphs 1 and 2 of resolution 1425 (2002)<sup>79</sup> and the specific exemptions to the measure,<sup>80</sup> renewed the partial lifting of the arms embargo on the Somali security forces without specifying an expiry date<sup>81</sup> and outlined the procedures for requests for exemptions or notification to the Committee pursuant to resolution 751 (1992).<sup>82</sup> 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).<sup>83</sup> The Council further decided to renew and expand the provisions set out in paragraph 15 of resolution 2182 (2014) until 15 November 2022 and authorized Member States, acting nationally or through voluntary multinational naval partnerships such as the Combined Maritime Forces, in cooperation with the Federal Government of Somalia, and further to the Government's notification to the Secretary-General and the Secretary-General's subsequent notification to all Member States, to inspect, without undue delay, in Somali territorial waters and on the high seas off the coast of Somalia, extending to and including the Arabian sea and the Persian Gulf, vessels bound to or from Somalia that they had reasonable grounds to believe

were in violation of the arms embargo on Somalia, the charcoal ban and the ban on improvised explosive device components.<sup>84</sup> Recalling its decisions in resolution 1844 (2008), by which the Council imposed targeted sanctions, and in resolutions 2002 (2011) and 2093 (2013), by which the Council expanded the listing criteria, the Council reaffirmed that 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 humanitarian assistance.<sup>85</sup>

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 improvised explosive devices in its attacks, the Council decided that all States were to prevent the direct or indirect sale, supply or transfer of the items in part I of annex C to resolution 2607 (2021) to Somalia 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 a significant risk they might be used, in the manufacture in Somalia of improvised explosive devices. The items in annex C to resolution 2607 (2021) included explosive materials, explosives precursors, explosive-related equipment and related technology.<sup>86</sup> The Council further decided to renew the implementation measures related to the ban on components of improvised explosive devices.<sup>87</sup> While noting that the security situation in Somalia continued to necessitate the measures, including strict

<sup>84</sup> *Ibid.*, para. 5.

<sup>85</sup> *Ibid.*, paras. 35 and 37.

<sup>86</sup> *Ibid.*, eighth preambular paragraph and para. 9.

<sup>87</sup> The Council decided that where an item in part I of annex C was directly or indirectly sold, supplied or transferred to Somalia, the State concerned was to notify the Committee pursuant to resolution 751 (1992) concerning Somalia no more than 15 working days after the sale, supply or transfer had taken place and stressed the importance that notifications should contain all relevant information (resolution 2607 (2021), para. 10). The Council also called on Member States to undertake appropriate measures to promote the exercise of vigilance by their nationals, as well as individuals and entities subject to their jurisdiction, that were 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 of Experts on Somalia regarding suspicious purchases of or enquiries into these chemicals by individuals in Somalia and to ensure that the Federal Government of Somalia and the federal member states were provided with adequate financial and technical assistance to establish appropriate safeguards for the storage and distribution of materials (*ibid.*, para. 11).

<sup>79</sup> Resolution 2607 (2021), para. 20.

<sup>80</sup> *Ibid.*, para. 21.

<sup>81</sup> *Ibid.*, para. 34. The Council further provided that weapons and military equipment sold or supplied in accordance with the exemption in paragraph 21 were not to 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 the Somali security sector institution to which it was originally sold or supplied, or the selling or supplying State or international, regional or subregional organization (*ibid.*, para. 22). See also resolution 2608 (2021), para. 16.

<sup>82</sup> Resolution 2607 (2021), paras. 23–33.

<sup>83</sup> *Ibid.*, para. 6.

controls on the movement of arms, the Council affirmed that it would keep the situation in Somalia under constant review and that it would be prepared to review the appropriateness of the measures contained in resolution 2607 (2021), including any modification, possible benchmarks, suspension or lifting of the measures.<sup>88</sup> The Council requested the Secretary-General to provide to the Council, no later than

<sup>88</sup> Resolution 2607 (2021), twentieth preambular paragraph.

15 September 2022, and following completion of a technical assessment of Somalia's weapons and ammunition management capability, recommendations to improve that capability further and to articulate options for clear, well-identified and realistic benchmarks that could serve in guiding the Council in its review of the arms embargo measures.<sup>89</sup>

<sup>89</sup> *Ibid.*, para. 42.

Table 5  
Changes to the measures imposed pursuant to Article 41 concerning Somalia in 2021

Provision relating to sanctions measures	Resolution establishing measures	Resolutions adopted during the review period (paragraph)	
		2607 (2021)	2608 (2021)
Arms embargo	733 (1992), para. 5 1425 (2002), paras. 1–2 1844 (2008), para. 7	Extension (20, 22) Exemption (21, 34) Extension (35)	Exemption (16)
Asset freeze	1844 (2008), para. 3	Extension (35) Exemption (37)	
Ban on improvised explosive device components	2498 (2019), para. 26	Extension (9)	
Charcoal ban	2036 (2012), para. 22	Extension (6)	
Travel ban	1844 (2008), para. 1	Extension (35)	

#### Taliban and associated individuals and entities

In 2021, the Council adopted resolution 2611 (2021), 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 (2011).<sup>90</sup> The Council also decided to actively review the measures

<sup>90</sup> Resolution 2611 (2021), 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.

outlined in the resolution and to consider adjustments to support peace and stability in Afghanistan.<sup>91</sup>

By resolution 2615 (2021), adopted five days later, the Council decided that humanitarian assistance and other activities that supported basic human needs in Afghanistan were not a violation of paragraph 1 (a) of resolution 2255 (2015) and that the processing and payment of funds, other financial assets or economic resources, and the provision of goods and services necessary to ensure the timely delivery of such assistance or to support such activities were permitted, and further decided to review the implementation of the provision after one year.<sup>92</sup> Table 6 provides an overview of the changes to the measures during the period under review.

<sup>91</sup> Resolution 2611 (2021), para. 4. For further information on the situation in Afghanistan, see part I, sect. 14.

<sup>92</sup> Resolution 2615 (2021), para. 1.

Table 6

**Changes to the measures imposed pursuant to Article 41 concerning the Taliban and associated individuals and entities in 2021**

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolutions adopted during the review period (paragraph)</i>	
		<i>2611 (2021)</i>	<i>2615 (2021)</i>
Arms embargo	1333 (2000), para. 5	Extension (1)	
Asset freeze	1267 (1999), para. 4 (b)	Extension (1)	Exemption (1)
Travel ban	1390 (2002), para. 2 (b)	Extension (1)	

**ISIL/Da'esh and Al-Qaida and associated individuals and entities**

During the year under review, the Council adopted resolution 2610 (2021), by which it reaffirmed the arms embargo, asset freeze and travel ban with respect to ISIL/Da'esh, Al-Qaida and associated individuals, groups, undertakings and entities,<sup>93</sup> as well as the exemptions to the asset freeze and the travel ban.<sup>94</sup> The Council also reaffirmed the criteria for inclusion in the ISIL/Da'esh and Al-Qaida sanctions list.<sup>95</sup> Table 7 provides an overview of the changes to the measures in 2021.

By the same resolution, the Council expressed increasing concern about the lack of implementation of resolutions 1267 (1999), 1989 (2011), 2199 (2015) and 2253 (2015), including the insufficient level of reporting by Member States to the Committee on the measures they had taken to comply with its provisions, called upon Member States to take the necessary measures to fulfil their obligation under paragraph 12 of resolution 2199 (2015) to report to the Committee interdictions in their territory of any petroleum, petroleum products, modular refineries and related material being transferred to or from ISIL/Da'esh,

Al-Qaida or Al-Nusrah Front, and called upon Member States to report also such interdictions of antiquities, as well as the outcome of proceedings brought against individuals and entities as a result of any such activity.<sup>96</sup> The Council further reaffirmed its decision in resolution 2396 (2017) that Member States were to require that airlines operating in their territories provide advance passenger information in order to detect the departure from their territories, or attempted travel to, entry into or transit through their territories, by means of civil aircraft, of foreign terrorist fighters and individuals designated by the Committee.<sup>97</sup> The Council also reaffirmed its decision in the same resolution that Member States were to develop the capability to collect, process and analyse passenger name records data to ensure that such data were shared with all their competent authorities, with full respect for human rights and fundamental freedoms, for the purpose of preventing, detecting and investigating terrorist offences and related travel.<sup>98</sup> The Council also decided to review the measures set out in the resolution with a view to their possible further strengthening in 30 months or sooner.<sup>99</sup>

<sup>96</sup> Ibid., para. 16.

<sup>97</sup> Ibid., para. 37.

<sup>98</sup> Ibid., para. 38.

<sup>99</sup> Ibid., para. 107.

<sup>93</sup> Resolution 2610 (2021), paras. 1, 5–9, 13, 22 and 24.

<sup>94</sup> Ibid., paras. 1 (b), 6, 10 and 83–84.

<sup>95</sup> Ibid., paras. 2–4.

Table 7

**Changes to the measures imposed pursuant to Article 41 concerning ISIL/Da'esh and Al-Qaida and associates in 2021**

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolution adopted during the review period (paragraph) 2610 (2021)</i>
Arms embargo	1333 (2000), para. 5	Extension (1, 1 (c))
Asset freeze	1267 (1999), para. 4 (b)	Extension (1, 1 (a), 5–9, 13, 22, 24) Exemption (6, 10, 83, 84 (a)–(b))
Travel ban or restrictions	1390 (2002), para. 2 (b)	Extension (1, 1 (b)) Exemption (1 (b), 10, 83)

## Iraq

In 2021, the Council adopted no new resolutions concerning the remaining sanctions measures on Iraq, consisting of an arms embargo, with exemptions, and an asset freeze on senior officials, State bodies, corporations and agencies of the former Iraqi regime. Pursuant to resolution 1483 (2003), the Committee established pursuant to resolution 1518 (2003) continued to oversee the implementation of the asset freeze and maintain the lists of individuals and entities.<sup>100</sup>

## Democratic Republic of the Congo

In 2021, the Council adopted resolution 2582 (2021), 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, as well as the exemptions to said measures, until 1 July 2022.<sup>101</sup> The Council further decided that the sanctions measures it had renewed by resolution 2582 (2021) would also apply to individuals and entities as

<sup>100</sup> For information on the Committee established pursuant to resolution 1518 (2003), see part IX, sect. I.B.

<sup>101</sup> Resolution 2582 (2021), para. 1.

designated by the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo responsible for planning, directing, sponsoring or participating in attacks against medical personnel or humanitarian personnel.<sup>102</sup> Table 8 provides an overview of the changes to the measures during the period under review.

In addition, in resolution 2612 (2021), by which the Council renewed the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the Council recalled that it was prepared to impose targeted sanctions under paragraph 7 (d) and (e) of resolution 2293 (2016) regarding, inter alia, human rights violations or abuses or violations of international humanitarian law.<sup>103</sup> The Council also demanded that all armed groups cease immediately all forms of violence and other destabilizing activities and the illegal exploitation and trafficking of natural resources, and recalled in that regard that the 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).<sup>104</sup>

<sup>102</sup> Ibid., para. 3.

<sup>103</sup> Resolution 2612 (2021), para. 5.

<sup>104</sup> Ibid., para. 13.

**Table 8**  
**Changes to the measures imposed pursuant to Article 41 concerning the Democratic Republic of the Congo in 2021**

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolution adopted during the review period (paragraph) 2582 (2021)</i>
Arms embargo	1493 (2003), para. 20	Limited extension (1) Exemption (1)
Asset freeze	1596 (2005), para. 15	Limited extension (1) Exemption (1)
Travel ban or restrictions	1596 (2005), para. 13	Limited extension (1) Exemption (1)
Transportation and aviation sanctions measures	1807 (2008), paras. 6, 8	Limited extension (1)

## Sudan

During the period under review, the Council adopted no new resolutions modifying the sanctions measures on the Sudan. However, by resolution 2562 (2021) the Council extended the mandate of the Panel of Experts on the Sudan, recalled the arms embargo, asset freeze, travel ban measures and designation criteria established by previous resolutions and also reaffirmed the related

exemptions.<sup>105</sup> The Council further expressed its intention to regularly review the measures on Darfur in the light of the evolving situation on the ground and reports of the Panel of Experts.<sup>106</sup> In that regard, it requested the

<sup>105</sup> Resolution 2562 (2021), para. 1–2.

<sup>106</sup> Ibid., para. 4. For information on the Committee established pursuant to resolution 1591 (2005) concerning the Sudan and the Panel of Experts on the Sudan, see part IX, sect. I.B.

Secretary-General to conduct a review of the situation in Darfur, including compliance with the measures on Darfur as recalled in paragraph 1 of the resolution, and further requested the Secretary-General to provide to the Council, by 31 July 2021, a report containing recommendations for clear and well-identified key benchmarks that could serve in guiding the Council to review the measures on Darfur.<sup>107</sup> The Council also expressed its intention to establish clear and well-identified key benchmarks no later than 15 September 2021, with readiness to consider adjusting measures renewed in paragraph 1 to respond to the situation in Darfur.

### Lebanon

In 2021, the Council made no modifications to the sanctions measures established pursuant to resolution 1636 (2005), consisting of an asset freeze and a travel ban imposed on individuals designated by the International Independent Investigation Commission or the Government of Lebanon as being suspected of involvement in the 14 February 2005 terrorist bombing in Beirut that killed the former Lebanese Prime Minister, Rafiq Hariri, and 22 others.<sup>108</sup>

### Democratic People's Republic of Korea

During the period under review, the Council made no modifications to the sanctions measures concerning the Democratic People's Republic of Korea. The Committee established pursuant to resolution 1718 (2006) continued to oversee the implementation of the asset freeze, arms embargo, travel ban and other restrictions previously imposed by the Council in resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017) and 2397 (2017). By resolution 2569 (2021), acting under Article 41 of Chapter VII of the Charter, the Council extended until 30 April 2022 the mandate of the Panel of Experts established pursuant to resolution 1874 (2009) to support the Committee.<sup>109</sup>

<sup>107</sup> Resolution 2562 (2021), para. 5. See, in that regard, the report of the Secretary-General (S/2021/696).

<sup>108</sup> Resolution 1636 (2005), fourth preambular paragraph and para. 3. For information on the Committee established pursuant to resolution 1656 (2005), see part IX, sect. I.B.

<sup>109</sup> Resolution 2569 (2021), para. 1. For information on the Committee established pursuant to resolution 1718 (2006) and the Panel of Experts established pursuant to resolution 1874 (2009), see part IX, sect. I.B.

### Libya

In 2021, the Council adopted three resolutions with respect to the sanctions measures concerning Libya, namely, resolutions 2570 (2021), 2571 (2021) and 2578 (2021).<sup>110</sup> Table 9 provides an overview of the changes to the measures during the period under review.

In resolution 2570 (2021), the Council welcomed the interim Presidency Council and the interim Government of National Unity as the Government of Libya charged with leading the country up to national elections on 24 December 2021<sup>111</sup> and reaffirmed its intention to ensure that assets frozen pursuant to paragraph 17 of resolution 1970 (2011) would at a later stage be made available to and for the benefit of the Libyan people.<sup>112</sup> The Council recalled its decision that all Member States were to comply with the arms embargo, demanded full compliance including by all Member States with the arms embargo imposed under resolution 1970 (2011), as modified by subsequent resolutions, including by ceasing all support for and withdrawing all armed mercenary personnel, and demanded that all Member States not intervene in the conflict or take measures that exacerbated it.<sup>113</sup> It also recalled its decision that individuals or entities engaging in or providing support for acts that threatened the peace, stability or security of Libya or that obstructed or undermined the successful completion of its political transition, could be designated by the Committee for the travel ban and asset freeze measures and stressed that the Committee would consider the designation of individuals or entities who breached the arms embargo, violated the ceasefire or obstructed the successful completion of Libya's political transition.<sup>114</sup>

By resolution 2571 (2021), the Council extended until 30 July 2022 the authorizations provided and the measures imposed by resolution 2146 (2014), as amended by paragraph 2 of resolutions 2441 (2018) and 2509 (2020), to prevent the illicit export of petroleum, including crude oil and refined petroleum products, from Libya.<sup>115</sup> In addition, the Council renewed the arms embargo, travel ban and asset freeze measures.<sup>116</sup> The Council further reaffirmed its

<sup>110</sup> For information on the Committee established pursuant to resolution 1970 (2011) concerning Libya and the Panel of Experts, see part IX, sect. I.B.

<sup>111</sup> Resolution 2570 (2021), para. 1.

<sup>112</sup> Ibid., para. 9.

<sup>113</sup> Ibid., para. 13.

<sup>114</sup> Ibid., para. 14.

<sup>115</sup> Resolution 2571 (2021), para. 2.

<sup>116</sup> Ibid., paras. 5, 9 and 11.



intention to ensure that assets frozen pursuant to paragraph 17 of resolution 1970 (2011) would at a later stage be made available to and for the benefit of the Libyan people.<sup>117</sup> The Council also affirmed its readiness, *inter alia*, to review the appropriateness of the measures contained in the resolution, including their strengthening, modification, suspension or lifting,

<sup>117</sup> *Ibid.*, para. 10.

as might be needed at any time in the light of developments in Libya.<sup>118</sup>

In resolution 2578 (2021), the Council 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 implementation of the resolution.<sup>119</sup>

<sup>118</sup> *Ibid.*, para. 16.

<sup>119</sup> Resolution 2578 (2021), paras. 1–2.

Table 9  
Changes to the measures imposed pursuant to Article 41 concerning Libya in 2021

Provision relating to sanctions measures	Resolution establishing measures	Resolutions adopted during the review period (paragraph)	
		2570 (2021)	2571 (2021)
Arms embargo	1970 (2011), para. 9	Extension (13)	Extension (5)
Asset freeze	1970 (2011), para. 17		Extension (11)
Ban on arms exports by target State	1970 (2011), para. 10		
Business restrictions	1973 (2011), para. 21		
Financial restrictions	2146 (2014), para. 10 (d)		Limited extension (2)
Oil/petroleum embargo/restriction	2146 (2014), para. 10 (a), 10 (c)–(d)		Limited extension (2)
Prohibition on bunkering services	2146 (2014), para. 10 (c)		Limited extension (2)
Travel ban or restrictions	1970 (2011), para. 15		Extension (9, 11)

### Guinea-Bissau

During the period under review, the sanctions regime for Guinea-Bissau, consisting of a travel ban, continued to remain in force, without undergoing any modifications.<sup>120</sup>

### Central African Republic

In 2021, the Council adopted resolution 2588 (2021), by which it extended until 31 July 2022 the arms embargo, asset freeze and travel ban measures

<sup>120</sup> For more information on the Committee established pursuant to resolution 2048 (2012) concerning Guinea-Bissau, see part IX, sect. I.B

concerning the Central African Republic<sup>121</sup> and renewed the related exemptions to those measures.<sup>122</sup> Table 10 provides an overview of the changes to the measures during the period under review.

The Council further requested the Secretary-General, in close consultation with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), including the Mine Action Service, and the Panel of Experts, to conduct, no later than 15 June 2022, an assessment on the progress achieved by the Central African Republic authorities on the key benchmarks on the arms embargo established by the Council in its presidential

<sup>121</sup> Resolution 2588 (2021), paras. 1 and 3–4. For information on the Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic and the Panel of Experts, see part IX, sect. I.B.

<sup>122</sup> Resolution 2588 (2021), paras. 1 (a)–(i) and 4.

statement dated 9 April 2019.<sup>123</sup> The Council also affirmed that it would keep the situation in the Central African Republic under continuous review and be prepared to review the appropriateness of the measures contained in the resolution, at any time as might be necessary, in the light of the evolution of the security situation in the country, the progress achieved in relation to the security sector reform process, the disarmament, demobilization, reintegration and repatriation process and the management of weapons and ammunition.<sup>124</sup>

Pursuant to the request of the Council in paragraph 13 of resolution 2588 (2021), the Secretary-General, in a letter to the President of the Council dated 15 June,<sup>125</sup> provided an update on the progress

achieved by the authorities of the Central African Republic on the key benchmarks established by the Council in the presidential statement of 9 April 2019.

In addition, in the context of the renewal of the mandate of MINUSCA, in resolution 2605 (2021) the Council recalled that individuals or entities that undermined peace and stability in the Central African Republic could be listed for targeted measures pursuant to resolution 2588 (2021).<sup>126</sup> It also recalled that 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, could be a basis for sanction designations pursuant to resolution 2588 (2021).<sup>127</sup>

<sup>123</sup> Ibid., para. 13; see also S/PRST/2019/3.

<sup>124</sup> Resolution 2588 (2021), para. 14.

<sup>125</sup> S/2021/573.

<sup>126</sup> Resolution 2605 (2021), para. 4.

<sup>127</sup> Ibid., para. 22.

Table 10

**Changes to the measures imposed pursuant to Article 41 concerning the Central African Republic in 2021**

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolution adopted during the review period (paragraph) 2588 (2021)</i>
Arms embargo	2127 (2013), para. 54	Limited extension (1, 3) Exemption (1 (a)–(i))
Asset freeze	2134 (2014), paras. 32, 34	Limited extension (4) Exemption (4)
Travel ban or restrictions	2134 (2014), para. 30	Limited extension (4) Exemption (4)

**Yemen**

In 2021, the Council adopted resolution 2564 (2021), by which it extended the asset freeze and travel ban established pursuant to resolution 2140 (2014) concerning Yemen, as well as the relevant exemptions to those measures, until 28 February 2022 and reaffirmed the arms embargo as set out in resolution 2216 (2015).<sup>128</sup> By the same resolution, the Council also reaffirmed the designation criteria set out in prior resolutions<sup>129</sup> and decided that the individual listed in the annex to the resolution would be subject to the asset freeze and travel ban established pursuant to resolutions 2140 (2014) and 2216 (2015).<sup>130</sup> Table 11 provides an overview of the changes to the measures during the period under review.

Emphasizing the importance of facilitating humanitarian assistance, the Council reaffirmed its decision that the Committee established pursuant to resolution 2140 (2014) could, on a case-by-case basis, exempt any activity from the sanctions measures imposed by the Council in resolutions 2140 (2014) and 2216 (2015) if the Committee determined that such an exemption was necessary to facilitate the work of the United Nations and other humanitarian organizations in Yemen or for any other purpose consistent with the objectives of those resolutions.<sup>131</sup> The Council also reaffirmed its intention 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.<sup>132</sup>

<sup>128</sup> Resolution 2564 (2021), para. 2.

<sup>129</sup> Ibid., paras. 6–8.

<sup>130</sup> Ibid., para. 3.

<sup>131</sup> Ibid., para. 4.

<sup>132</sup> Ibid., para. 15.

Table 11  
Changes to the measures imposed pursuant to Article 41 concerning Yemen in 2021

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolution adopted during the review period (paragraph) 2564 (2021)</i>
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)

### South Sudan

In 2021, the Council adopted resolution 2577 (2021), by which it renewed the arms embargo, asset freeze and travel ban established pursuant to resolutions 2206 (2015) and 2428 (2018) concerning South Sudan, as well as the relevant exemptions to those measures, until 31 May 2022.<sup>133</sup> By the same resolution, the Council also reaffirmed the designation criteria set out in resolution 2206 (2015).<sup>134</sup> Table 12 provides an overview of the changes to the measures during the period under review.

The Council also requested the Secretary-General, in close consultation with the United Nations Mission in South Sudan (UNMISS) and the Panel of Experts on South Sudan, to conduct, no later than 15 April 2022, an assessment of progress achieved on the key benchmarks established in paragraph 2 of resolution 2577 (2021).<sup>135</sup> The Council further expressed its readiness to review the arms embargo

measures in the light of progress achieved on the set of benchmarks and decided to keep the measures renewed in paragraph 11 of resolution 2577 (2021) concerning the assets freeze and travel ban under continuous review in the light of progress achieved implementing all provisions of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan and developments related to human rights violations and abuses.<sup>136</sup>

In addition, in the context of the renewal of the mandate of UNMISS, in resolution 2567 (2021) the Council expressed its intention to consider all appropriate measures against those who had taken actions that undermined the peace, stability and security of South Sudan and specifically underscored that individuals or entities that were responsible or complicit in attacks against UNMISS personnel and premises and any humanitarian personnel could meet the designation criteria.<sup>137</sup>

<sup>133</sup> Resolution 2577 (2021), paras. 1 and 11.

<sup>134</sup> Ibid., para. 14.

<sup>135</sup> Ibid., para. 4.

<sup>136</sup> Ibid., paras. 2 and 12.

<sup>137</sup> Resolution 2567 (2021), para. 16.

Table 12  
Changes to the measures imposed pursuant to Article 41 concerning South Sudan in 2021

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolution adopted during the review period (paragraph) 2577 (2021)</i>
Arms embargo	2428 (2018), para. 4	Limited extension (1) Exemption (1)
Asset freeze	2206 (2015), paras. 12, 14	Limited extension (11) Exemption (11)
Travel ban or restrictions	2206 (2015), para. 9	Limited extension (11) Exemption (11)

## Mali

In 2021, the Council adopted resolution [2590 \(2021\)](#), by which it renewed the asset freeze and the travel ban established pursuant to resolution [2374 \(2017\)](#), as well as the relevant exemptions to those measures, until 31 August 2022.<sup>138</sup> By the same resolution, the Council reaffirmed that those measures should apply to individuals and entities as designated by the Committee established pursuant to resolution [2374 \(2017\)](#), as set forth in paragraphs 8 and 9 of that resolution, including for involvement in planning, directing or committing acts in Mali that violated international humanitarian law, which could include attacks against medical personnel or humanitarian personnel.<sup>139</sup> Table 13 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 Multidimensional Integrated

Stabilization Mission in Mali (MINUSMA), in resolution [2584 \(2021\)](#) the Council stressed that individuals or entities placed on the Mali sanctions list were not to benefit from any financial, operational or logistical 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 \(2017\)](#).<sup>140</sup> The Council further recalled its readiness to respond with measures pursuant to resolution [2374 \(2017\)](#) should the Malian parties engage in hostilities in violation of the Agreement on Peace and Reconciliation in Mali, take actions that obstruct, or that obstruct by prolonged delay, or that threaten the implementation of the Agreement.<sup>141</sup>

<sup>140</sup> Resolution [2584 \(2021\)](#), para. 6.

<sup>141</sup> *Ibid.*, para. 3. The resolution defined the Malian parties as the Government of Mali and the Plateforme and Coordination armed groups. For more details concerning the situation in Mali, see part I, sect. 11.

<sup>138</sup> Resolution [2590 \(2021\)](#), para. 1.

<sup>139</sup> *Ibid.*, para. 2.

Table 13

### Changes to the measures imposed pursuant to Article 41 concerning Mali in 2021

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolution adopted during the review period (paragraph) 2590 (2021)</i>
Asset freeze	<a href="#">2374 (2017)</a> , para. 4	Limited extension (1) Exemption (1)
Travel ban or restrictions	<a href="#">2374 (2017)</a> , para. 1	Limited extension (1) Exemption (1)

## B. Discussions relating to Article 41

The present subsection covers the discussions in the Council regarding the use of sanctions and other measures pursuant to Article 41 of the Charter. In 2021, no explicit reference to Article 41 was made in Council meetings or in open videoconferences held by Council members.

During the reporting period, the use of sanctions was discussed by Council and non-Council members in deliberations in relation to both thematic and country- or region-specific items. For example, during an open videoconference held on 14 April in connection with the item entitled “Women and peace and security” on the topic “Sexual violence in conflict”, participants discussed the inclusion of conflict-related sexual violence as a stand-alone designation criterion in Council-mandated sanctions regimes (case 5). At a meeting held on 16 July under the item entitled

“Protection of civilians in armed conflict” and the sub-item “Preserving humanitarian space”, speakers deliberated on the impact of sanctions on humanitarian operations (case 7). With respect to country-specific situations, Council members discussed the conditions for the review, modification or lifting of sanctions, with a focus on the arms embargo measures, in the context of the situation in South Sudan (case 6). In addition, Council members presented their positions on the adjustments to the arms embargo imposed on the Central African Republic (case 8). Furthermore, speakers discussed the Somalia sanctions regime (case 9) and the implementation of sanctions measures in the context of Libya (case 10). Council members also discussed the addition of a humanitarian exemption to the assets freeze imposed on Afghanistan (case 11).

**Case 5**  
**Women and peace and security**

On 14 April, Security Council members held an open videoconference in connection with the item entitled “Women and peace and security”<sup>142</sup> on the topic of “sexual violence in conflict”, at which the Council heard briefings by, inter alia, the Special Representative of the Secretary-General on Sexual Violence in Conflict and a Nobel Peace Prize laureate, Denis Mukwege. In her briefing, the Special Representative of the Secretary-General noted that the report of the Secretary-General on conflict-related sexual violence,<sup>143</sup> which covered the year 2020, listed 52 parties credibly suspected of committing or being responsible for patterns of sexual violence in situations of which the Council was seized.<sup>144</sup> In that context, she stated that sanctions, if applied in a timely and consistent manner, could change the calculus of parties that operated on the assumption that rape was cost free, or even profitable, in the political economy of war in which women were trafficked, traded and sold. Also briefing Council members, the Nobel Peace Prize laureate, Denis Mukwege, reiterated his call to the international community and all States to draw a red line against the use of rape and sexual violence as a weapon of war and to punish the perpetrators and instigators of those odious crimes with blacklists, economic, financial and political sanctions and legal proceedings.

During the discussion that ensued, Council members presented their views on the use of sanctions in cases of conflict-related sexual violence. The representative of Estonia expressed support for the designation and use of sexual violence as a stand-alone criterion for sanctions and for briefings by the Special Representative of the Secretary-General to sanctions committees. According to the representative of India, sanctions regimes and other targeted measures by the Council needed to be strengthened in order to utilize their full potential to advance women’s protection from sexual violence in situations of armed conflict, including by listing individuals and entities involved in conflict-related sexual violence against women. The representative of Ireland held the view that it was necessary to examine the use of targeted sanctions, specifically the designation criteria of conflict-related sexual violence and the listing of sanctioned individuals. She noted that the Council needed to bring together its work on sanctions and gender more systematically, while also underlining that sanctions

were not the only tools of the Council for seeking accountability. The representative of Kenya stressed that sexual and gender-based violence should be incorporated as a separate listing criterion with concurrent targeted sanctions against specific perpetrators in the mandates and sanctions regimes that did not have such language. According to the representative of Mexico, the Council had the obligation to make use of all the resources at its disposal to prevent and address the scourge of sexual violence in conflict and in that regard she noted that it was essential that the sanctions committees continued to incorporate sexual violence as a criterion for imposing sanctions on perpetrators. She cautioned, however, that those measures would remain limited in scope if they were not strengthened through cooperation and information-sharing with other bodies, such as the Informal Expert Group on Women and Peace and Security and the Working Group on Children and Armed Conflict. The representative of Norway stressed that protection against conflict-related sexual violence must remain a key priority for the Council and the Council must make use of all means at its disposal. She further stated that sexual violence as a stand-alone designation criterion for sanctions must be applied when applicable and should be a criterion in more sanctions regimes. In that respect, the representative of Norway welcomed the recent decision by the Committee established pursuant to resolution [2140 \(2014\)](#) to list individuals on the basis of sexual violence. Similarly, the representative of the United Kingdom noted that resolution [2564 \(2021\)](#), by which the Council had imposed sanctions against Sultan Zabin, had demonstrated that the international community could and would take action against perpetrators of torture and sexual violence in conflict. The representative of Tunisia stressed that it was essential to put in place and strengthen robust national legal and judicial measures, as well as targeted United Nations sanctions that reflected the seriousness of conflict-related sexual violence crimes.

In their written statements, several delegations of non-Council members also called upon the Council to include conflict-related sexual violence as a criterion for the imposition of sanctions.<sup>145</sup> Furthermore, the representative of Albania submitted that if her country was elected to the Council for the 2022–2023 term, it would work closely with all like-minded countries to support the incorporation of sexual violence as a stand-alone designation criterion in United Nations sanctions

<sup>142</sup> See [S/2021/375](#).

<sup>143</sup> [S/2021/312](#).

<sup>144</sup> See [S/2021/375](#).

<sup>145</sup> Argentina, Canada, Costa Rica, Denmark (on behalf of the five Nordic countries), European Union, Liechtenstein, Luxembourg, Slovakia and Slovenia.

regimes. The delegation of Argentina presented the view that sexual violence was a crime of the utmost gravity that had to be combated within legal frameworks and the use of available tools and mechanisms, including the sanctions regimes of the Council. The representative of Costa Rica encouraged referring sexual violence crimes to the International Criminal Court and noted that sanctions and judicial accountability measures must work together. Recalling that there had been no listings in any sanctions committee solely for the crime of sexual violence, the delegation of Germany asked why, when all the necessary information was available, action was not taken more often. The representative of South Africa commended the progress that the Council was making on increasingly listing and designating for targeted sanctions perpetrators of sexual violence in conflict, as evidenced by the recent listings of implicated parties in the Central African Republic and Yemen. The representative of Ukraine expressed full support for the Secretary-General's recommendation to continue to incorporate sexual violence as a stand-alone designation criterion for sanctions, including when it was used as a tool of reprisal against women in public and political life.

#### **Case 6 Reports of the Secretary-General on the Sudan and South Sudan**

On 21 June, the Security Council held a meeting under the item entitled "Reports of the Secretary-General on the Sudan and South Sudan",<sup>146</sup> at which it heard a briefing by the Special Representative of the Secretary-General for South Sudan and Head of the United Nations Mission in South Sudan (UNMISS). During the discussion, speakers presented their views on the South Sudan sanctions regime, with a focus on the arms embargo measures and the related benchmarks laid out in resolution [2577 \(2021\)](#).

The representative of Viet Nam reiterated his country's position that Council sanctions should be only a temporary tool for promoting conditions conducive to the maintenance of international peace and security in special situations and that they should be lifted as soon as the conditions were met. He also called on the Government of South Sudan and relevant parties to fully implement relevant Council resolutions, including resolution [2577 \(2021\)](#), with a view to moving towards the lifting of sanctions measures. According to the representative of China, the Council should respond to the appeal of the African Union as

soon as possible by lifting the sanctions against South Sudan and sending a positive message.

The representative of the Russian Federation held the view that as the situation normalized in South Sudan, the Council would need to conduct a review of the current sanctions regime in force against the country. She also expressed the expectation that, with a view to easing the arms embargo, the South Sudanese authorities would manage to make significant progress in fulfilling the benchmarks established by resolution [2577 \(2021\)](#).

The representative of the United States called on officials in South Sudan to work together with the Council on achieving the benchmarks set out in resolution [2577 \(2021\)](#), so that the Council could consider appropriate adjustments to the sanctions regime. The representative of Ireland stated that the pace of progress in South Sudan should be greatly accelerated, including on the benchmarks incorporated into the sanctions regime in May 2021, setting out steps for the potential future lifting of the arms embargo. The representative of France recalled that in May when the sanctions regime was renewed, France had stated that it had been prepared to review the arms embargo measures. She noted that the Council had set clear conditions in that respect that had to be realized by the Government of South Sudan, with the support of UNMISS.

The representative of the United Kingdom urged the authorities of South Sudan to take action to guarantee the safety of those delivering life-saving assistance and hold perpetrators to account. He further stated that if the authorities failed to do so, the Council needed to consider new sanctions listings. Welcoming the fact that the Council had recently renewed the arms embargo, the sanctions regime and the mandate of the Panel of Experts on South Sudan, the representative of the United Kingdom encouraged the Government of South Sudan to take forward tasks on the arms embargo benchmarks, including the establishment of the necessary unified forces with a genuinely unified command.

With regard to the benchmarks, the representative of South Sudan asserted that all Council members knew that South Sudan was not happy with the embargo, adding that UNMISS and the Special Representative of the Secretary-General would have been the best situated to negotiate the benchmarks.

<sup>146</sup> See [S/PV.8801](#).

**Case 7**  
**Protection of civilians in armed conflict**

On 16 July, at the initiative of France, which held the presidency for the month,<sup>147</sup> the Security Council held a ministerial-level meeting under the item entitled “Protection of civilians in armed conflict” and the sub-item “Preserving humanitarian space”.<sup>148</sup> Discussing the need for greater respect for international humanitarian law, the Deputy Secretary-General asserted that the Council had the power to impose sanctions when there were no other remedies. She added that counter-terrorism measures should include clear provisions to preserve humanitarian space. She noted that the Council had included humanitarian exemptions in its Somalia sanctions regime and said that the Secretary-General urged others to emulate those good practices. Also briefing the Council, the Director-General of the International Committee of the Red Cross stated that the growing negative impact of sanctions and counter-terrorism measures on humanitarian aid was an issue of concern. In that regard, he said that the Council should carve out humanitarian exemptions in sanctions regimes, as it had in the case of Somalia. In addition, in her briefing the Delegate Director for Advocacy at Action against Hunger asserted that the Council continued to adopt resolutions while failing to take into account the potentially harmful and extremely serious consequences that they might have for humanitarian activities and humanitarian and medical workers, citing in that regard certain counter-terrorism measures and sanctions regimes. She noted that donors’ interpretation of sanctions regimes and counter-terrorism measures were threatening the operations of humanitarian organizations. In that context, one of the most striking examples involved the obligatory screening of those who benefited from humanitarian organizations’ work, which was an absolute red line for those organizations as it compromised their ability to provide impartial aid based solely on need. She therefore called on the Council to adopt a systematic humanitarian exemption, thereby excluding impartial humanitarian work from the scope of sanctions and counter-terrorism measures.

During the discussion, the Minister for Europe and Foreign Affairs of France stressed that the Council should continue to strive to better incorporate the concerns of the humanitarian organizations into the texts it adopted. In that regard, he noted that the recent review of the sanctions regime concerning the

Democratic Republic of the Congo had led to considerable progress without undermining the usefulness of the regime, and added that the same approach could be extended to other regimes. He further stated that the Council must punish more frequently the perpetrators of and those who orchestrated attacks on humanitarian and medical workers, thereby targeting with sanctions those responsible for crimes against humanitarian workers. According to the Minister for Foreign Affairs of Mexico, widespread sanctions and counter-terrorism measures had a negative impact on the delivery of humanitarian assistance. He added that it was essential to understand in greater detail the scope of sanctions, especially in terms of unintended consequences. The potential consequences had a so-called “chilling effect” and inhibited humanitarian action and it was essential that measures be taken to mitigate such impacts. Recognizing the progress achieved through resolution [2582 \(2021\)](#) on the Democratic Republic of the Congo, the Minister acknowledged that the sanctions approved by the Council against individuals who attacked medical or humanitarian personnel could be deterrents.

The Cabinet Secretary for Foreign Affairs of Kenya noted that although the Council had made efforts to minimize the impact of its counter-terrorism and sanctions resolutions on humanitarian action, tensions persisted. The representative of the United States said that the Council must make sure that policies addressing humanitarian assistance, sanctions and counter-terrorism issues were not conflicting, but instead were mutually reinforcing and did not compromise security. She added that the United States supported discussions on how to facilitate humanitarian assistance in contexts where there were applicable Council sanctions, while seeking to ensure that Member States were fully complying with their international obligations under international humanitarian law. The representative of India noted that sanctioning individuals and entities perpetrating serious violations of international humanitarian law, especially attacks on humanitarian and medical personnel, was an effective tool for the Council to check and cease violations. The representative of the United Kingdom stressed the importance of strengthening the use of sanctions while ensuring that sanctions and counter-terrorism measures did not themselves hinder the delivery of humanitarian assistance.

According to the representative of Estonia, resolution [2417 \(2018\)](#) gave the Council the possibility of considering sanctions measures to hold individuals or entities accountable for obstructing the delivery or

<sup>147</sup> A concept note was circulated by a letter dated 1 July ([S/2021/618](#)).

<sup>148</sup> See [S/PV.8822](#).

distribution of humanitarian assistance. The representative of Ireland asserted that the Council had a role to play in improving the protections for humanitarian actors by including designation criteria for those who obstructed or harmed humanitarian activity and actors and by providing for appropriate exemptions for humanitarian work.

The representative of Saint Vincent and the Grenadines stated that sanctions and counter-terrorism measures must not restrict the ability of humanitarian workers to undertake relief efforts. She noted that there was in fact greater need for more systematic monitoring and reporting on the impact of sanctions regimes on humanitarian action, adding that efforts to systematize reporting could be undertaken by the Secretariat. The representative of Norway held the view that sanctions, as vital tools to address threats to international peace and security, could serve as a deterrent and help safeguard the humanitarian space when they were directed at those who violated international humanitarian law. She added, however, that concerns raised by humanitarians about the unintended negative impact of counter-terrorism measures and sanctions must be taken into consideration and underscored that legal frameworks should include necessary safeguards and exemptions to ensure that measures did not impede the ability of humanitarian organizations to operate in line with their humanitarian mandate and international humanitarian law. During the meeting, some Council members<sup>149</sup> also mentioned the impact of unilateral sanctions on humanitarian activities.

### Case 8 The situation in the Central African Republic

At a meeting held on 29 July under the item entitled “The situation in the Central African Republic”,<sup>150</sup> the Security Council adopted, with one abstention, resolution [2588 \(2021\)](#) concerning the sanctions measures on the Central African Republic.<sup>151</sup> By the resolution, the Council renewed the sanctions measures imposed on the Central African Republic for one additional year.<sup>152</sup> In addition to the existing exemptions, the Council also decided that the arms embargo should no longer apply to supplies of mortars

with a calibre of 60 mm and 82 mm ammunition specially designed for such weapons, and provision of related assistance, to the Central African Republic security forces, including State civilian law enforcement institutions, and intended solely for support of or use in the Central African Republic process of security sector reform.<sup>153</sup>

Following the vote, several Council members expressed divergent views on the adjustments to the sanctions measures imposed on the Central African Republic.<sup>154</sup> Explaining his country’s abstention, the representative of China noted that against the backdrop of successfully held elections in the Central African Republic since December 2020 and the improved security situation, there was a growing disconnect between Council sanctions and the evolving situation on the ground. He recalled that when the Council had imposed the arms embargo and other sanctions on the Central African Republic, the intention had been to help the country to restore national stability and normal social order. He added that the arms embargo had increasingly become an obstacle hampering the efforts of the Government of the Central African Republic to strengthen its security capabilities. According to the representative of China, the lifting of the arms embargo concerned the sovereignty and security of the Central African Republic and was not only the aspiration of the people of the Central African Republic but also a common desire of the countries of the region. While taking note of the efforts made by France as the penholder to strive for unanimous adoption of the resolution, the representative of China asserted that the text had failed to fully respect the wish of the Government of the Central African Republic for the lifting of the arms embargo. He indicated that China’s constructive input had not been taken on board, which was why his country had had to abstain. He reiterated that the Council should fully lift the sanctions against the Central African Republic at an early date in the light of the changes in the situation.

The representative of the United States called on the authorities of the Central African Republic to focus on credible security sector reform and ensure that the relaxation of the arms embargo provided in resolution [2588 \(2021\)](#) did not endanger the personnel of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, United Nations staff, humanitarian workers or Central African civilians.

<sup>149</sup> Niger, China and Russian Federation.

<sup>150</sup> See [S/PV.8828](#).

<sup>151</sup> The draft resolution received 14 votes in favour (Estonia, France, India, Ireland, Kenya, Mexico, Niger, Norway, Russian Federation, Saint Vincent and the Grenadines, Tunisia, United Kingdom, United States, Viet Nam) and one abstention (China).

<sup>152</sup> Resolution [2588 \(2021\)](#), paras. 1 and 3–4.

<sup>153</sup> *Ibid.*, para. 1 (g).

<sup>154</sup> See [S/PV.8828](#).



Expressing support for resolution [2588 \(2021\)](#), the representative of the United Kingdom underlined that the objective of the arms embargo was to prevent armed groups that continued to perpetrate violence in the Central African Republic from accessing weaponry. She noted that the United Kingdom's support for the resolution did not detract from its continued belief that a technical renewal would have been the appropriate course of action at the time. She expressed disappointment over the insistence of one or two Council members on the inclusion of the exemptions on mortars. While welcoming the progress made towards delivering on the benchmarks that the Council had set in April 2019, the representative of the United Kingdom underscored that those benchmarks for the lifting of the arms embargo had not yet been met. She therefore urged the authorities to accelerate their efforts to meet the benchmarks and to take full responsibility for ensuring effective storage and management of weapons and ammunition. Similarly, the representative of Norway stated that her country had voted in favour of resolution [2588 \(2021\)](#) because Norway believed it was crucial to preserve the sanctions regime concerning the Central African Republic. She added, however, that Norway was not in favour of easing the arms embargo at that point in time. She recalled that, as set out by the Secretary-General in his letter dated 15 June,<sup>155</sup> the authorities of the Central African Republic had made insufficient progress on the benchmarks established by the Council to assess the relevance of the arms embargo.

Explaining his vote, the representative of the Russian Federation said that his delegation supported the adoption of resolution [2588 \(2021\)](#) and noted that the Council had responded to the legitimate request of the authorities of the Central African Republic to further ease sanctions.<sup>156</sup> He added that the simplified procedure stipulated in the resolution for the supply of 60 mm and 82 mm mortars for the needs of the Armed Forces of the Central African Republic was another step in providing support to Central Africans. The arms embargo, imposed in the initial stages of the conflict, now complicated efforts to rearm the security forces of the Central African Republic, which bore the primary responsibility for ensuring the safety of citizens, and he encouraged Bangui to continue working to achieve the benchmarks of the arms embargo review so that, in a year, the Council would have every reason to lift it.

In his explanation of vote, the representative of Kenya expressed appreciation for the compromise by the penholder and Council members and his view that

<sup>155</sup> [S/2021/573](#).

<sup>156</sup> See [S/PV.8828](#).

resolution [2588 \(2021\)](#) was an improvement on the preceding one in re-equipping the security forces of the Central African Republic to ensure the effective discharge of their duties. He reaffirmed Kenya's intention to continue supporting the voice of the Central African Republic, the International Conference on the Great Lakes Region and the Economic Community of Central African States and ensuring that it was heard by the Council. In conclusion, he called on the Central African Republic to redouble its efforts to achieve the benchmarks in order to further strengthen the case for an expeditious lifting of the arms embargo.

### **Case 9** **The situation in Somalia**

At a meeting held on 15 November under the item entitled "The situation in Somalia",<sup>157</sup> the Security Council adopted resolution [2607 \(2021\)](#) concerning the Somalia sanctions regime, with two abstentions.<sup>158</sup> Following the adoption of the resolution, some Council members and the representative of Somalia expressed regret that it was the third consecutive year that the Council had displayed a lack of consensus on the Somalia sanctions regime.

The representative of the Russian Federation expressed disagreement with the retention of paragraphs on Djibouti and Eritrea in the resolution, noting that the sanctions against Eritrea had been lifted by the Council in 2018 and that the current state of relations between Djibouti and Asmara posed no threat to international peace and security.<sup>159</sup> She further noted that those provisions were outdated and had nothing to do with the Somalia sanctions regime, adding that it would be regrettable if their preservation in the resolution were to serve the bilateral aims of individual Council members or to pressure those they disliked. In addition, she expressed disagreement over the wording of paragraph 38, which compelled panels of experts to promote gender issues in all mandate areas without taking country specificities into account.

The representative of China said that his country had always maintained that the Council should give due consideration to the latest developments in the country concerned when adopting sanctions. He further affirmed that since Somalia had demonstrated its

<sup>157</sup> See [S/PV.8905](#). For more information about the situation in Somalia, see part I, sect. 2.

<sup>158</sup> The draft resolution received 13 votes in favour (Estonia, France, India, Ireland, Kenya, Mexico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia, United Kingdom, United States, Viet Nam) and 2 abstentions (China, Russian Federation).

<sup>159</sup> See [S/PV.8905](#).

willingness and determination to independently assume responsibility for security and take ownership of its own destiny, the Council should have gradually modified the arms embargo measures, as requested by the Government of Somalia. In that context, the representative of China regretted that resolution 2607 (2021) was not adequately adjusted to reflect those objectives and failed to effectively address the concerns of the Government of Somalia. Moreover, the text reflected an expansion through new mandates, which was inconsistent with the general direction of lifting the arms embargo on Somalia. Noting that it was the third consecutive year in which the Council had been unable to reach consensus on a resolution to extend sanctions measures against Somalia, the representative of China expressed hope that all Council members could and would make their best efforts to achieve consensus in the future.

The representative of Somalia took the floor to appeal to the Council to lift the sanctions imposed on Somalia since 1992, noting that the arms embargo in Somalia was one of the longest United Nations sanctions regimes, with the widest mandate. He underscored that sanctions were a tool rather than an end and that they should be directed not against the Federal Government of Somalia, but rather against the terrorist group Al-Shabaab, which was a threat to peace and security in Somalia. The representative of Somalia further stated that in order to achieve success and avoid unintended consequences, the implementation of sanctions should be regularly assessed and modified to achieve the objective of defeating Al-Shabaab and restricting its financing and illegal flow of arms into Somalia.

#### **Case 10** **The situation in Libya**

On 24 November, the Security Council held a meeting under the item entitled “The situation in Libya”,<sup>160</sup> during which several speakers discussed the sanctions regime imposed on Libya. At the meeting, the Council also adopted a presidential statement in which it, inter alia, recalled that individuals or entities who threatened the peace, stability or security of Libya or obstructed or undermined the successful completion of its political transition, including by obstructing or undermining the elections, could be designated for its sanctions.<sup>161</sup>

During the discussion, some Council members noted that sanctions could be used against actors that

undermined the electoral process in Libya.<sup>162</sup> The representative of the United Kingdom stressed that the Council should not hesitate to use all the tools available, including sanctions, against those who attempted to undermine the electoral process in Libya. Similarly, the representative of the United States reminded those who would interfere with Libya’s elections or stoke violence that the Council could impose sanctions on anyone – Libyan or otherwise – who obstructed or undermined the elections as planned for in the Libyan Political Dialogue Forum road map. He further added that the Council must target election spoilers to promote accountability. In a similar vein, the representative of France urged all actors to extend their full support for the electoral process led by the High National Elections Commission and to commit to accepting the election results, adding that France would strongly condemn any attempts to disrupt the election process or to call into question its results. In that regard, he recalled that the sanctions committee could designate any individual or entity that hindered the electoral process.

Several Council members<sup>163</sup> also emphasized the importance of strictly implementing the arms embargo on Libya. In that connection, the representative of the Niger condemned any acts of foreign interference and violations of the arms embargo and the relevant Council resolutions by some actors involved in the crisis in Libya. According to the representative of India, continued violations of the arms embargo were alarming, as repeatedly reported by the Panel of Experts on Libya.

Some speakers also discussed the asset freeze measures imposed on Libya. The representative of China stated that in the implementation of Council sanctions against Libya caution must be exercised to avoid negative impacts on the country’s economy and the well-being of the people. He further said that the Council should actively explore effective ways to use Libya’s frozen assets for the country’s reconstruction and respond in an appropriate manner to Libya’s legitimate concerns with regard to its losses as a result of the freezing of the assets. The representative of Kenya recalled that all of Libya’s frozen assets were to be preserved and eventually returned to, and for the benefit of, the people of Libya. He therefore emphasized the need to consider appropriate reviews in that respect and encouraged the implementation of the sanctions, in liaison with the authorities of Libya, and welcomed relevant discussions in that regard.

<sup>160</sup> See S/PV.8912.

<sup>161</sup> S/PRST/2021/24, seventh paragraph.

<sup>162</sup> See S/PV.8912.

<sup>163</sup> Saint Vincent and the Grenadines, Tunisia, France, Viet Nam and Mexico.

The representative of Libya called on the Council and the sanctions committee to work to fulfil their obligations and promises to preserve the Libyan assets and warn all countries not to touch them or seize them under any justification, which was in clear violation of the resolutions of the Council.

**Case 11**  
**Threats to international peace and security**  
**caused by terrorist acts**

At a meeting held on 22 December under the item entitled “Threats to international peace and security caused by terrorist acts”,<sup>164</sup> acting under Chapter VII, the Security Council unanimously adopted resolution [2615 \(2021\)](#), in which it decided, inter alia, that humanitarian assistance and other activities that supported basic human needs in Afghanistan were not a violation of paragraph 1 (a) of resolution [2255 \(2015\)](#) and that the processing and payment of funds, other financial assets or economic resources and the provision of goods and services necessary to ensure the timely delivery of such assistance or to support such activities were permitted.<sup>165</sup>

Prior to the vote, the representative of the United States stressed that the Council had a critical role to play in helping to address the suffering of the Afghan people and provide reassurance to United Nations and non-governmental organization implementers who were working hard to tackle the worsening humanitarian crisis in Afghanistan.<sup>166</sup> In that context, he expressed full understanding that some donors, aid organizations and financial institutions were still hesitant to deliver humanitarian assistance and undertake other activities to meet basic human needs in Afghanistan owing to the risks associated with providing direct or indirect benefits to United Nations-listed individuals who at that moment controlled certain ministries, and said that they had rightly assessed that the provision of such assistance could run afoul of United Nations sanctions against members of the Taliban and associated persons and entities. He added that through the draft resolution proposed by the United States, the Council could decide to exempt humanitarian assistance to enable more life-saving aid and other activities to meet the basic human needs of the people of Afghanistan. Specifically, the draft resolution provided an exemption from the Council’s asset freeze against listed members of the Taliban and associated entities solely for the provision of

humanitarian assistance and other activities that supported basic human needs in Afghanistan, which the Council would review in one year. He further noted that the humanitarian exception was to facilitate aid to the people of Afghanistan and was not a blank check for any organization to disregard its international obligations.

Following the vote, several Council members expressed their views on the humanitarian exemption proposed for the sanctions regime targeting the Taliban. The representative of the United States stated that the carve-out in the resolution covered urgently needed humanitarian assistance and other activities that supported basic human needs in Afghanistan. He noted that the adoption of the resolution highlighted how United Nations sanctions regimes could be flexible and adjusted to address urgent issues, such as humanitarian crises, while remaining viable tools to address threats to international security. According to the representative of Ireland, the resolution provided a much-needed and unequivocal exemption to the sanctions imposed under resolution [1988 \(2011\)](#) concerning the Taliban sanctions regime, adding that it would facilitate and accelerate the provision of vital life-saving and life-sustaining humanitarian assistance to Afghanistan. She noted, however, that the one-year timeline for the review of the humanitarian exemption was not intended in any way as one year of licence to the Taliban. The exemption was to provide support immediately to the people of Afghanistan, who were in dire need, nothing more.

The representative of China affirmed that the sanctions imposed by the Council targeted only certain individuals and entities, not the Afghan people at large. He further asserted that as long as the appropriate actions of the Council helped to clarify doubts and facilitate the delivery of humanitarian assistance to Afghanistan in a timely, smooth and unfettered manner, China would certainly consider them favourably. Highlighting that the original draft resolution had not facilitated the delivery of humanitarian assistance but had instead added to the obstacles, the representative of China was pleased that the final text incorporated the views of the Chinese side and clarified some key issues. He noted that the resolution explicitly stated that its intention was to provide clarity to ensure the continued provision of assistance in the future, that humanitarian assistance and other activities that supported basic humanitarian needs in Afghanistan were not in violation of the sanctions resolutions of the Council and that all related financial activities and the provision of goods and services were permitted. According to the representative of China, in the face of

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<sup>164</sup> See [S/PV.8941](#).

<sup>165</sup> Resolution [2615 \(2021\)](#), para. 1.

<sup>166</sup> See [S/PV.8941](#). For more information on the situation in Afghanistan, see part I, sect. 14.

fundamental changes in Afghanistan's domestic situation, the Council should seriously reconsider the existing sanctions regime against the Afghan Taliban so as to prevent any negative impact on Afghanistan's economic and social development. According to the representative of the Russian Federation, with the adopted resolution humanitarian agents and donors could continue to provide assistance without fearing restrictions and humanitarian assistance could flow through all channels to Afghanistan. For the Russian Federation, she added, that had been obvious even before. She noted, however, that even a shadow of a doubt could have led to limiting the volume of assistance and to additional suffering for the people of Afghanistan.

Several Council members emphasized the importance of preventing the diversion of funds intended for humanitarian assistance towards the Taliban or their misuse. In explaining his vote, the representative of India stated that the Council should oversee the delivery of humanitarian assistance and guard against the diversion of funds, since any diversion or misuse could be counterproductive. In that regard, he welcomed the provision in the resolution that called for a review of the implementation of the humanitarian carve-out after one year. The representative of France similarly stressed that the Council had a responsibility to ensure that humanitarian assistance would be delivered to those in need in accordance with humanitarian principles and without any diversion towards the Taliban, adding that the idea was not to restrict or condition humanitarian

assistance, but rather to be sensible in the light of decades of armed combat and Taliban collusion with Al-Qaida. She emphasized that the Council could not let the Taliban profit from the suffering of the people of Afghanistan. For that reason, it was the view of France that the removal of the time limit for humanitarian exemptions in the negotiated text had been a mistake, and so the provision for the review of the resolution one year after adoption was critical. In that connection, the representative of France indicated that the Council should review its decision on the basis of the situation on the ground. She also clarified that the humanitarian exemption excluded development activities and covered only humanitarian assistance and other activities to meet basic human needs.

The representative of Estonia affirmed that by adopting the resolution the Council had stressed that the accrual of any benefits to individuals or entities designated by the Committee established pursuant to resolution 1988 (2011), whether as a result of direct provision or diversion, must be avoided. The mechanisms therein were established just for that – to guarantee that any exemptions would not benefit those under sanctions but would instead help aid reach those most in need, namely, the Afghan people. In her explanation of the vote, the representative of the United Kingdom asserted that the resolution would help to save lives by ensuring that the sanctions regime established under resolution 1988 (2011) posed no obstacle to the provision of humanitarian assistance and other activities that supported basic human needs in Afghanistan.

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

##### *Article 42*

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

##### **Note**

Section IV covers the practice of the Council in relation to Article 42 of the Charter, regarding the authorization of the use of force by peacekeeping

operations and multinational forces, as well as interventions by regional organizations.<sup>167</sup>

During the year under review, the Council authorized the use of force under Chapter VII of the Charter with regard to the maintenance or restoration of international peace and security by several peacekeeping missions and multinational forces, in Bosnia and Herzegovina, the Central African Republic, the Democratic Republic of the Congo, Lebanon, Libya, Mali, Somalia and the Sudan and

<sup>167</sup> The Council's authorization of the use of force by regional organizations is covered in part VIII. The authorization of the use of force by peacekeeping operations is covered in part X in the context of the mandates of peacekeeping operations.

South Sudan (including Abyei).<sup>168</sup> In 2021, the communications of the Council contained no explicit references to Article 42.

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

### A. Decisions relating to Article 42

During the reporting period, the Council made no explicit reference to Article 42 of the Charter in its decisions. That notwithstanding, the Council adopted several resolutions under Chapter VII of the Charter by which it authorized peacekeeping missions and multinational forces, including those deployed by regional organizations, to use “all necessary measures” or “all necessary means”, or to take “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. For more information on the specific mandates of each field mission, see part X of the present Supplement.

In 2021, the Council reiterated its authorization to use force in relation to various situations and disputes. In Africa, in relation to the situation in the Central African Republic, the Council renewed the authorization to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to take “all necessary means” to carry out its mandate within its capabilities and areas of deployment<sup>169</sup> and to the French armed forces to use “all the means” to provide operational support to the Mission when under serious threat.<sup>170</sup>

Consistent with past practice in connection with the situation in the Democratic Republic of the Congo, the Council authorized the United Nations Stabilization Mission in the Democratic Republic of the Congo to take “all necessary measures” to carry out its mandate.<sup>171</sup>

With regard to the flows of arms and related materiel transferred to or from Libya in violation of the arms embargo, the Council extended the authorizations

first granted in paragraphs 4 and 8 of resolution 2292 (2016) to Member States, acting nationally or through regional organizations, to use “all measures commensurate to the specific circumstances” when conducting inspections of vessels and seizing 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”.<sup>172</sup> Furthermore, in connection with smuggling of migrants into, through and from Libyan territory, the Council renewed the authorizations granted in paragraphs 7 to 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 as being used for such activities. The Council also reaffirmed paragraph 11 of resolution 2240 (2015), in which it had 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 and obligations of Member States under international law.<sup>173</sup>

Regarding the situation in Mali, the Council, as it had in previous years, authorized the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to take “all necessary means” to carry out its mandate<sup>174</sup> and French forces, within the limits of their capacities, also to use “all necessary means” until the end of the mandate of MINUSMA to intervene in support of the Mission when under imminent and serious threat upon request of the Secretary-General.<sup>175</sup> Moreover, the Council requested MINUSMA to continue to carry out its mandate with a “proactive, robust, flexible and agile posture”.<sup>176</sup>

In connection with the situation in Somalia, the Council decided that the African Union Mission in Somalia would be authorized to take “all necessary measures”, in full compliance with participating States’ obligations under international humanitarian and

<sup>168</sup> For more information on the mandates of peacekeeping operations, see part X, sect. I.

<sup>169</sup> Resolution 2605 (2021), para. 33.

<sup>170</sup> *Ibid.*, para. 56.

<sup>171</sup> Resolution 2612 (2021), para. 27.

<sup>172</sup> Resolution 2578 (2021), para. 1.

<sup>173</sup> Resolution 2598 (2021), para. 2.

<sup>174</sup> Resolution 2584 (2021), para. 20.

<sup>175</sup> *Ibid.*, para. 43.

<sup>176</sup> *Ibid.*, para. 23.

human rights law and respect for the sovereignty, territorial integrity, political independence and unity of Somalia, to carry out its mandate.<sup>177</sup> In addition, the Council renewed, for a period of three months, the authorizations granted by paragraph 14 of resolution [2554 \(2020\)](#) to States and regional organizations cooperating with Somali 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.<sup>178</sup>

In connection with the situation in Abyei, the Council recalled that the mandate of the United Nations Interim Security Force for Abyei to protect civilians, 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.<sup>179</sup>

With regard to the situation in South Sudan, the Council reiterated the authorizations to the United Nations Mission in South Sudan to use “all necessary means” to perform its mandated tasks.<sup>180</sup>

In Europe, with regard to the situation in Bosnia and Herzegovina, the Council renewed its authorization to Member States, under the European Union Force military operation in Bosnia and Herzegovina (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 General Framework Agreement for Peace in Bosnia and Herzegovina.<sup>181</sup> The Council also authorized Member States, at the request of either EUFOR-Althea or NATO, to take “all necessary measures” in defence of EUFOR-Althea or the NATO presence, respectively, and recognized the right of both EUFOR-Althea and the NATO presence to take “all necessary measures” to defend themselves from attack or threat of attack.<sup>182</sup> The Council further authorized Member States, acting in accordance with annex 1-A of the Agreement for Peace, to take “all necessary measures” to ensure compliance with the rules and procedures governing

command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic.<sup>183</sup>

In the Middle East, in connection with the situation in Lebanon, the Council underlined the necessity that the United Nations Interim Force in Lebanon (UNIFIL) had at its disposal “all necessary means” and equipment to carry out its mandate.<sup>184</sup> It also recalled its authorization to 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, to ensure the security and freedom of movement of United Nations personnel and humanitarian workers and to protect civilians under imminent threat of physical violence.<sup>185</sup>

## B. Discussions 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 or open videoconferences held by Council members. The Council did, however, continue to discuss matters relating to the authorization of the use of force by peacekeeping missions.

For example, at the videoconference held on 19 April in connection with the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”<sup>186</sup> the Minister for Foreign Affairs of China noted that the Council must make good use of United Nations peacekeeping operations, uphold the principles of impartiality and respect the wishes and choices of the people of the countries involved, and added that enforcement operations must be authorized by the Council. In a similar vein, the representative of the Russian Federation underscored that priority should be given to settling disputes by peaceful means, with any coercive measures having to be duly authorized by the Council.

During the open videoconference held on 24 May in connection with the item entitled “United Nations peacekeeping operations”,<sup>187</sup> the representative of

<sup>177</sup> Resolutions [2563 \(2021\)](#), para. 1, [2568 \(2021\)](#), para. 11 and [2614 \(2021\)](#), para. 1.

<sup>178</sup> Resolution [2608 \(2021\)](#), para. 14.

<sup>179</sup> Resolution [2609 \(2021\)](#), para. 14.

<sup>180</sup> Resolution [2567 \(2021\)](#), para. 3.

<sup>181</sup> Resolution [2604 \(2021\)](#), para. 3.

<sup>182</sup> *Ibid.*, para. 4.

<sup>183</sup> *Ibid.*, para. 5.

<sup>184</sup> Resolution [2591 \(2021\)](#), twenty-sixth preambular paragraph.

<sup>185</sup> *Ibid.*, para. 22. See also, *ibid.*, twenty-eighth preambular paragraph.

<sup>186</sup> See [S/2021/394](#).

<sup>187</sup> See [S/2021/501](#).

India underscored that the Council needed to authorize carefully thought-out mandates for peacekeepers in close consultation with troop-contributing countries, since the protection of peacekeepers was as important as the protection of civilians. He further held the view that peacekeeping missions could not be a long-term response to what were fundamentally political problems and that it was for the Council to address such issues rather than burden peacekeeping missions beyond their mandate.

In the context of the videoconference held on 29 June in connection with the item entitled “Maintenance of international peace and security”,<sup>188</sup> the representative of Liechtenstein reflected that one of the landmark achievements of the Charter was the prohibition on the use of force and noted in that regard that the use of force was prohibited except when authorized by the Council under Chapter VII or carried out in self-defence under Article 51 of the Charter.

In his statement submitted in the context of the meeting held on 9 September in connection with the item entitled “United Nations peacekeeping operations”,<sup>189</sup> the representative of Ecuador asserted<sup>190</sup> that the success of peacekeeping operations should be based on respect for principles such as consent of the parties, impartiality and non-use of force, except in self-defence and in defence of a mandate authorized by the Council.

At an open debate held on 9 December in connection with the item entitled “Maintenance of international peace and security”,<sup>191</sup> the representative of Sri Lanka<sup>192</sup> noted that the principle of non-intervention by the United Nations in domestic affairs did not prejudice action taken by the Council under Chapter VII. He further asserted that the ban on the use of force allowed for only two exceptions: self-defence and military action taken to combat threats to, and breaches of, the peace as authorized by the Council under Chapter VII. He concluded that the content of the Charter seemed to favour security, especially the collective coercive type found in Chapter VII, over the law.

A more salient deliberation on the use of force by peacekeeping operations in carrying out their protection of civilians mandates took place in the context of a videoconference held in connection with

the item entitled “Protection of civilians in armed conflict” (case 12).

### **Case 12 Protection of civilians in armed conflict**

On 25 May, Security Council members held an open videoconference in connection with the item entitled “Protection of civilians in armed conflict”,<sup>193</sup> during which they heard briefings by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the President of the International Committee of the Red Cross and the Director of the Afghanistan Research and Evaluation Unit. In addition to Council members who spoke during the videoconference, delegations of 40 non-Council members and the European Union submitted statements in writing.

During the discussion, several Council members expressed their views on the authorization of the use of force by peacekeeping operations in the protection of civilians in armed conflict. The representative of India held the view that the Council’s intervention should favour the provisions of Chapter VI of the Charter to those of Chapter VII, adding that the use of force should be the measure of last resort when all diplomatic and political efforts had failed to protect civilians. According to the representative of Saint Vincent and the Grenadines, who spoke also on behalf of the three African members of the Council, Kenya, the Niger and Tunisia, efforts to enhance compliance within peacekeeping operations and national security forces must occur alongside the use of force to secure peace.

In their written statements, several non-Council members also presented their views on the use of force by peacekeeping missions in discharging their protection of civilians mandates. In that context, the representative of Argentina noted that the use of force to respond to threats of physical violence against civilians must be authorized in accordance with the applicable legal obligations, with the mandate established by the Council and with the specific rules of engagement and intervention of each mission. The representative of Brazil commended the efforts by United Nations peacekeepers in implementing protection of civilians mandates despite the additional challenges brought about by COVID-19 and reiterated the need to ensure that those mandates, when authorized, were sufficiently clear, so that peacekeepers understood precisely what was expected of them. According to the representative of Cyprus, improving

<sup>188</sup> See [S/2021/621](#).

<sup>189</sup> See [S/PV.8851](#).

<sup>190</sup> See [S/2021/783](#).

<sup>191</sup> See [S/PV.8923](#) and [S/PV.8923 \(Resumption 1\)](#). See also [S/2021/1026](#).

<sup>192</sup> See [S/PV.8923 \(Resumption 1\)](#).

<sup>193</sup> See [S/2021/505](#).

the protection of civilians by the Council should focus, among other pillars, on upholding the prohibition of the use of force and on ensuring that peacekeeping operations could effectively protect civilians. The representative of Indonesia submitted that the comprehensive approach to protecting civilians, with local communities as part of that strategy, complemented the use of force and merited recognition for the essential role of peacekeepers in sustaining peace on the ground. The representative of Pakistan stated that counter-terrorism measures did not justify setting aside the limitations of Articles 2 (4) and 51 of the Charter on the non-use of force. He further noted that Council resolutions on counter-terrorism did not authorize the use of force on the territory of other

States without the Council's express authorization, and neither did they justify compromising the requirement for proportionality in the use of force. According to the representative of Slovakia, in addition to the authorization of the use of force to protect civilians, as a unique feature of United Nations peacekeeping, the unarmed approach to the protection of civilians through dialogue with parties to armed conflicts, training, monitoring and community policing highlighted the local ownership of the protection of civilians. In that regard, Slovakia recognized the progress made in the unarmed approach to the protection of civilians in Mali, South Sudan and the Central African Republic.

## V. Consideration of Articles 43 to 45 of the Charter

### Article 43

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

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

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

### Article 44

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

### Article 45

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

### Note

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

No agreements under Article 43 were ever concluded, however, and in the absence of such agreements there is therefore no practice in application of Article 43. The United Nations has developed practical arrangements to carry out military operations in the absence of such agreements. In that context, the Council authorizes peacekeeping forces (under the command and control of the Secretary-General and assembled pursuant to ad hoc agreements entered into by the United Nations and Member States) and national or regional forces (under national or regional command



and control) to conduct military action. Peacekeeping operations, as well as their mandates, are covered in detail in part X of the present Supplement.

Articles 44 and 45 of the Charter contain explicit references to Article 43 and are therefore intimately linked. As with Article 43, there is no prior practice in the application of Articles 44 and 45. Nonetheless, the Council has developed, through its decisions, a practice by which to (a) call upon Member States to contribute armed forces, assistance and facilities, including rights of passage, (b) consult with Member States contributing troops for United Nations peacekeeping activities and (c) call on Member States to contribute military air assets in the context of peacekeeping. Some of those decisions are also featured in section VII of the present part, which relates to Article 48, to the extent that they concern action required to carry out decisions of the Council regarding 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, 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). While the Council did not engage in any constitutional discussion concerning Articles 43 and 45 during the reporting period, some speakers at the Council's meetings addressed the need to provide additional troops and military equipment to peacekeeping operations to ensure effective mandate implementation. Throughout 2021, the Council also adopted decisions in which it emphasized, and held meetings and videoconferences at which participants deliberated upon, the importance of consulting troop- and police-contributing countries on issues pertaining to the mandates of peacekeeping operations. Set out below is an overview of the practice of the Council during 2021 concerning the need for Member States to contribute, support and provide 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 2021, the Council made no explicit reference to Article 43 or Article 45 in its decisions or discussions, but it did call upon Member States to contribute, support and provide assistance to peacekeeping operations. In resolution [2568 \(2021\)](#), adopted on 12 March, the Council reiterated its call for new donors to provide support for AMISOM through the provision of additional funding for troop stipends, equipment and technical assistance.<sup>194</sup> In order to strengthen the Mission's operational capabilities, fill gaps in resource requirements and enhance its force protection to carry out its mandated tasks, the Council encouraged Member States to support the African Union in mobilizing the required resources and equipment, including through uncaveated financial contributions to the AMISOM trust fund based on deliverable recommendations set out in the equipment review.<sup>195</sup>

In resolution [2584 \(2021\)](#), adopted on 29 June, expressing its full support for the continuation of the implementation of the MINUSMA adaptation plan, the Council encouraged Member States to contribute to the plan by providing the capabilities needed for its success, particularly air assets, and urged Member States to provide to MINUSMA troops and police with adequate capabilities, predeployment and, where appropriate, in situ training, and equipment, including enablers specific to the operating environment.<sup>196</sup> The Council also noted the potential adverse effects on mandate implementation of national caveats that had not been declared and accepted by the Secretary-General prior to deployment and called on Members States to declare all national caveats, provide troops and police with the minimum of declared caveats and fully and effectively implement the provisions of the memorandums of understanding signed with the United Nations.<sup>197</sup>

By resolution [2605 \(2021\)](#), adopted on 12 November, the Council reiterated its concern at the continuing lack of key capabilities for MINUSCA and the need to fill gaps, as well as the importance of current and future troop- and police-contributing countries providing troops and police with adequate

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<sup>194</sup> Resolution [2568 \(2021\)](#), para. 24 (a).

<sup>195</sup> *Ibid.*, para. 15.

<sup>196</sup> Resolution [2584 \(2021\)](#), paras. 25 and 46.

<sup>197</sup> *Ibid.*, para. 46.

capabilities, equipment and predeployment training to enhance the capacity of MINUSCA to operate effectively in an increasingly complex security environment.<sup>198</sup> Recognizing that the effective implementation of peacekeeping mandates was the responsibility of all stakeholders and contingent upon several critical factors, including adequate resources, training and equipment, the Council urged Member States to provide troops and police that had adequate capabilities and mindset, predeployment and, where appropriate, in situ training, and equipment, including enablers specific to the operating environment.<sup>199</sup> The Council called on Member States to declare all national caveats prior to the contingent's deployment, provide troops and police with the minimum of declared caveats and fully and effectively implement the provisions of the memorandums of understanding signed with the United Nations.<sup>200</sup>

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, in connection with the situation in the Central African Republic, at an open videoconference held on 24 February,<sup>201</sup> the representative of India expressed support for the Secretary-General's recommendation to increase the MINUSCA troop ceiling. The representative of the Niger, speaking also on behalf of Kenya, Saint Vincent and the Grenadines and Tunisia, similarly expressed support for the Secretary-General's recommendation to strengthen the capacity of MINUSCA through adjusting its troops and police forces and providing it with adequate equipment to enable it to guarantee the security of civilians and peacekeepers and ensure the maintenance of law and order. The representative of Mexico took note of the Secretary-General's proposal and stated that it deserved to be studied in depth. The representative of the United States underscored that when considering the Secretary-General's request for more troops and police, the United Nations should ensure that any reinforcements were identified and deployed according to the Organization's own best practices.

The need for providing peacekeeping operations with adequate troops and equipment was also raised at meetings and open videoconferences held in connection with the item entitled "United Nations peacekeeping operations". In that regard, at an open

videoconference held on 24 May focused on improving the safety and security of peacekeepers,<sup>202</sup> the Under-Secretary-General for Peacekeeping Operations stressed the need for coordinated action by Member States, including members of the Council, in line with resolution 2518 (2020), to better address continuing gaps and shortcomings that persisted in the field. On that note, he underlined, *inter alia*, the importance of deploying uniformed personnel without caveats, particularly undeclared caveats, and explained that such caveats undermined the safety and security of United Nations peacekeepers and the performance of operations. The Under-Secretary-General also called for the provision of adequate equipment, particularly armed and utility helicopters, aeromedical aviation resources, quick-reaction companies, forward medical teams, equipment to counter improvised explosive devices, including mine-protected vehicles, as well as jammers and aerial-intelligence, surveillance and reconnaissance capabilities. The Under-Secretary-General for Operational Support recalled continuously seeking support from Member States to deploy the right capabilities, including armed and utility helicopters, aeromedical aviation resources, mine-protected vehicles and intelligence, surveillance and reconnaissance capabilities. He further noted that the required capabilities to support the safety and security of United Nations peacekeepers could be deployed by troop- and police-contributing countries under a memorandum of understanding, a letter of assist or on a bilateral basis between Member States. He expressed readiness to work with Member States flexibly to promote triangular partnerships on training, as well as co-deployments, in order to help troop- and police-contributing countries deploy units with strengthened capabilities and appropriate equipment. Numerous Member States, in their statements delivered during or submitted in connection with the videoconference, emphasized the importance of providing peacekeeping operations with adequate equipment,<sup>203</sup> including air assets, such as unmanned aerial vehicles,<sup>204</sup> in order to ensure the safety and security of peacekeepers and their ability to respond to various threats and attacks. The delegation of Belgium indicated that improvised explosive devices were among the main threats against peacekeepers and emphasized in that regard that peacekeeping missions' capabilities should be adapted to specific high-risk operational contexts by ensuring that missions were provided with adequate and high-tech equipment, including equipment to counter

<sup>198</sup> Resolution 2605 (2021), para. 39.

<sup>199</sup> *Ibid.*, para. 40.

<sup>200</sup> *Ibid.*

<sup>201</sup> See S/2021/187.

<sup>202</sup> See S/2021/501.

<sup>203</sup> Estonia, Mexico, Tunisia, Belgium, Denmark, El Salvador, Italy, Lebanon, Malta and Pakistan.

<sup>204</sup> Estonia, Viet Nam and Belgium.

improvised explosive devices and dispose of explosive ordnance, and modern technologies, such as unarmed aerial systems, mine-protected vehicles, armoured personnel carriers and signal blocking devices. The representative of Pakistan underscored the need to address the gaps between mandates and resources, stressing that expectations outstripped resources, exposing peacekeepers to undue risks. The representative added that inadequate equipment had a direct bearing on the likelihood of casualties among peacekeepers and indicated that the remedy lied in a two-pronged approach: devising clear, focused and achievable mandates on the one hand and allocating adequate budgetary resources and equipment on the other. The representative of Portugal recalled that having appropriate equipment and making use of technological developments were some of the aspects that were vital for peacekeepers to be able to identify and assess threats and take appropriate measures to improve their situational awareness. Some Member States focused specifically on the need to provide missions with adequate medical and casualty evacuation equipment, in particular helicopters and other air assets.<sup>205</sup>

At a meeting held on 18 August under the item entitled “United Nations peacekeeping operations” and the sub-item entitled “Protecting the protectors: technology and peacekeeping”,<sup>206</sup> the representative of China stated that the use of new technologies in peacekeeping operations needed relevant support and guarantees to facilitate the effective use of new technological equipment in such operations. He added that the list of contingent-owned equipment of troop- and police-contributing countries should be updated in a timely manner and that cost effectiveness should also be taken fully into consideration to ensure proper planning. In that regard, he emphasized that Member States should pay their peacekeeping contributions in full and on time, while reimbursement for the equipment and personnel of troop- and police-contributing countries should be provided in a timely manner to ensure that peacekeeping operations could make full use of new technologies. The representative of Kenya said that troop- and police-contributing countries should be encouraged to deploy with essential equipment, for which the United Nations should be ready to reimburse accordingly. He added that countries that had the means to support such operations gratis, through the Secretariat, were encouraged to do so. In their statements submitted in

connection with the meeting,<sup>207</sup> some Member States<sup>208</sup> underscored the need for the provision of adequate equipment as part of efforts to advance the use of technology in peacekeeping operations. The delegation of Guatemala underscored that based on feedback from the field, the use of communication equipment in different peacekeeping missions was not balanced and equal and noted that some missions lacked adequate equipment to carry out effective communication. The delegation of South Africa noted instances where missions were underequipped, with major gaps in both equipment and training, and thus faced serious threats from armed groups, criminals and terrorists, many of whom had access to sophisticated weapons and technology. The delegation emphasized that it was therefore important that deployed uniformed personnel were well equipped with appropriate and properly fitting equipment for the threat environment.

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

During the period under review, the Council adopted five decisions relevant to the need to consult troop- and police-contributing countries on matters pertaining to peacekeeping.

On 29 June and 21 December, respectively, the Council adopted resolutions [2581 \(2021\)](#) and [2613 \(2021\)](#) in connection with the situation in the Middle East. In those resolutions, the Council emphasized the importance of the Council and troop-contributing countries having access to reports and information related to the redeployment configuration of the United Nations Disengagement Observer Force (UNDOF) and reinforced that such information assisted the Council with evaluating, mandating and reviewing UNDOF and with effective consultation with troop-contributing countries.<sup>209</sup> The Council also urged for prompt reporting by the Secretary-General to the Council and troop-contributing countries of any actions that impeded the ability of UNDOF to fulfil its mandate.<sup>210</sup>

In resolution [2584 \(2021\)](#), adopted on 29 June concerning the situation in Mali, the Council requested the Secretary-General to ensure that troop-contributing countries received sufficient information relevant to up-to-date tactics, techniques and procedures in

<sup>207</sup> See [S/2021/732](#).

<sup>208</sup> Ecuador, Kazakhstan, Poland and Republic of Korea.

<sup>209</sup> Resolutions [2581 \(2021\)](#) and [2613 \(2021\)](#), thirteenth preambular paragraph.

<sup>210</sup> Resolutions [2581 \(2021\)](#) and [2613 \(2021\)](#), para. 6.

<sup>205</sup> India, United Kingdom, Guatemala and Portugal.

<sup>206</sup> See [S/PV.8838](#). See also [S/2021/732](#).

reducing troops casualties in an asymmetric environment before deploying to Mali.<sup>211</sup>

In resolution [2591 \(2021\)](#), adopted on 30 August in connection with the situation in the Middle East, the Council welcomed the report of the Secretary-General on the assessment of the continued relevance of the resources and options of the United Nations Interim Force in Lebanon (UNIFIL) for improving the efficiency and effectiveness between UNIFIL and the Office of the United Nations Special Coordinator for Lebanon and requested the Secretary-General to continue the implementation of his detailed plan, with timelines and specific modalities, in full and close consultation with the parties, including Lebanon, the troop-contributing countries and the members of the Council, to implement recommendations and further requested him to periodically update the Council on that process.<sup>212</sup>

In resolution [2594 \(2021\)](#), adopted on 9 September under the item entitled “United Nations peacekeeping operations”, the Council recognized that the effective implementation of peacekeeping mandates was the responsibility of all stakeholders and welcomed further engagement and dialogue between the United Nations, troop- and police-contributing countries and other relevant stakeholders to improve performance and inform decisions regarding mandate design.<sup>213</sup>

During 2021, no explicit references to Article 44 were made during discussions of the Council. Nonetheless, several Member States highlighted the importance of cooperation and consultation by the Council with troop- and police-contributing countries, including on matters pertaining to the formulation and implementation of mandates, in connection with the annual open debate on the working methods of the Council held on 16 June under the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)”.<sup>214</sup> The delegation of Cyprus proposed that Member States hosting United

Nations peacekeeping operations should have a chance to offer their perspective before the Council during discussions on mandate renewal and be included in troop-contributing country meetings.<sup>215</sup>

The importance of consulting with troop- and police-contributing countries on matters relating to the mandates of peacekeeping operations also continued to be discussed at meetings and open videoconferences held under the item entitled “United Nations peacekeeping operations”. In that regard, in statements submitted in connection with an open videoconference held on 24 May focused on improving the safety and security of peacekeepers,<sup>216</sup> several Member States underlined the importance of coordination among the Council, the Secretariat and troop- and police-contributing countries in ensuring the safety and security of peacekeepers.<sup>217</sup>

In statements delivered during or submitted in connection with a meeting held on 18 August under the item entitled “United Nations peacekeeping operations” and the sub-item entitled “Protecting the protectors: technology and peacekeeping”, several Council members and other Member States addressed the need for consulting troop- and police-contributing countries, including as part of triangular partnerships, in the context of integrating modern technologies and associated training and equipment in peacekeeping operations.<sup>218</sup> The representative of Saint Vincent and the Grenadines emphasized that it was crucial for all stakeholders, including troop- and police-contributing countries, Member States and the Secretariat, to work closely together to provide each mission with adequate resources, as well as clear, focused and actionable mandates to ensure that peacekeepers were able to discharge their duties safely and efficiently.<sup>219</sup> She added that enhanced triangular cooperation was essential for implementing resolutions [2436 \(2018\)](#) and [2518 \(2020\)](#), as well as other relevant outcomes that addressed peacekeeping performance and bolstered the safety and security of peacekeepers. The representative of Brazil warned that technological advancement was often a double-edged sword and indicated that the use of unmanned aircraft by peacekeeping operations merited close attention by all involved stakeholders, including the Secretariat, field missions, host nations

<sup>211</sup> Resolution [2584 \(2021\)](#), para. 48.

<sup>212</sup> Resolution [2591 \(2021\)](#), para. 8.

<sup>213</sup> Resolution [2594 \(2021\)](#), tenth preambular paragraph.

<sup>214</sup> See [S/PV.8798](#) (China); and [S/2021/572](#) (Brazil, Egypt, El Salvador, Guatemala, New Zealand (also on behalf of 35 Member States previously elected as members of the Security Council: Angola, Australia, Belgium, Bolivia (Plurinational State of), Chad, Chile, Colombia, Côte d’Ivoire, Dominican Republic, Egypt, Equatorial Guinea, Ethiopia, Germany, Guatemala, Indonesia, Italy, Jordan, Kazakhstan, Kuwait, Lebanon, Lithuania, Luxembourg, Malaysia, Netherlands, Nigeria, Peru, Poland, Rwanda, Republic of Korea, Senegal, Spain, South Africa, Sweden and Uruguay), Republic of Korea and Slovakia).

<sup>215</sup> See [S/2021/572](#).

<sup>216</sup> See [S/2021/501](#).

<sup>217</sup> China, Saint Vincent and the Grenadines, Bangladesh, Ethiopia, Lebanon, Malta, Nepal and Ukraine.

<sup>218</sup> See [S/PV.8838](#) (United States and China); and [S/2021/732](#) (Bangladesh, Japan, Nepal, Poland and Ukraine).

<sup>219</sup> See [S/PV.8838](#).

and troop- and police-contributing countries, both in the light of its legitimate possibilities and the potential added risks that the mishandling of new technologies could bring about.<sup>220</sup> Other participants similarly touched upon the need to ensure cooperation with troop- and police-contributing countries in ensuring the safety and security of peacekeepers. The representative of the Russian Federation recalled that crimes committed against peacekeepers, the investigation of such crimes and accountability for those responsible required special attention, and in that regard underlined the importance of cooperation from the host country, troop- and police-contributing countries and the Secretariat, which all needed to work in harmony and good faith and with the necessary level of transparency.<sup>221</sup> He expressed the view that resolution 2589 (2021), adopted that day, had removed some of the existing gaps in that area. The delegation of Guatemala commended the measures taken to improve the analysis of security initiatives, by making informed and timely decisions about the activities to be carried out and how to manage the risks faced by personnel.<sup>222</sup>

<sup>220</sup> See [S/2021/732](#).

<sup>221</sup> See [S/PV.8838](#).

<sup>222</sup> See [S/2021/732](#).

The delegation further emphasized that that information must be transferred to the troop- and police-contributing countries promptly. The representative of the Islamic Republic of Iran emphasized that the policy formulation and decision-making process in all stages of peacekeeping operations, including with respect to protecting the peacekeeping forces, must be conducted with the active participation of troop- and police-contributing countries.

At a meeting held on 8 September under the same item and the sub-item entitled “United Nations transitions”,<sup>223</sup> the representative of Saint Vincent and the Grenadines underscored that regular triangular cooperation among the Council, the Secretariat and troop- and police-contributing countries was essential to ensure that all drawdowns and transitions were strategically sound. Several Member States<sup>224</sup> that submitted written statements in connection with the meeting similarly emphasized the importance of consulting troop- and police-contributing countries when making changes to the mandates of peacekeeping missions or planning peacekeeping transitions.

<sup>223</sup> See [S/PV.8851](#). See also [S/2021/783](#).

<sup>224</sup> See [S/2021/783](#) (Colombia, Ecuador and El Salvador).

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

### Article 46

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

### Article 47

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

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

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

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

### Note

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

During the period under review, the Council did not explicitly refer to either Article 46 or Article 47 in any of its decisions. Articles 46 and 47 were also not referred to in any of the Council's discussions.

In a letter dated 10 December addressed to the President of the Council, the representative of Estonia transmitted an assessment of the Council's work during the presidency of Estonia in June 2021,<sup>225</sup> in which

<sup>225</sup> See [S/2021/1032](#), annex.

reference was made to two videoconferences held by the Military Staff Committee on 11 and 25 June.

As customary, the annual report of the Council to the General Assembly issued during the reporting period made reference to the activities of the Military Staff Committee.<sup>226</sup>

<sup>226</sup> See [A/76/2](#), part IV. For further details on the annual report, see part IV, sect. I.F.

## 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 is focused 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 2021, 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 of the present Supplement.

During the period under review, the Council did not explicitly invoke Article 48 in any of its decisions. The Council, however, adopted resolutions and 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 present 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 2021, no explicit references to Article 48 were made in communications to the Council nor was there any discussion held in relation to the interpretation or application of that Article.

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

In 2021, the Council adopted no decisions concerning judicial measures taken under Article 41. The Council, however, adopted a number of decisions under Article 41 concerning sanctions, in which it frequently requested or stressed the importance of specific measures being implemented by all Member States or all States, as well as regional organizations. The Council requested the countries specifically targeted by 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 international, regional and subregional organizations, to ensure cooperation with the Panel of Experts on the Central African Republic and the safety of its members.<sup>227</sup> It further urged all Member States and all relevant United Nations bodies to ensure unhindered access, in particular to persons, documents and sites in order for the Panel to execute its mandate, and recalled the value of information-sharing between the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the Panel of Experts.<sup>228</sup> The Council also requested the authorities of the Central African Republic to report, by 15 June 2022, to the Committee established pursuant to resolution [2127 \(2013\)](#) concerning the Central African Republic on the progress achieved regarding security sector reform, the disarmament, demobilization, reintegration and repatriation process and the management of weapons and ammunition.<sup>229</sup> In addition, the Council decided that all Member States were to 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.<sup>230</sup>

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 established pursuant to resolution [1874 \(2009\)](#), in particular by supplying any information at their disposal on the implementation of the measures imposed by the Council in its relevant resolutions.<sup>231</sup>

With regard to the situation concerning the Democratic Republic of the Congo, the Council called for enhanced cooperation between all States, particularly those in the region, and the Group of Experts on the Democratic Republic of the Congo.<sup>232</sup> The Council also called for enhanced cooperation between all States, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the Group of Experts, 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 and reiterated its demand that all parties and all States ensure the safety of its members and its support staff and

unhindered and immediate access, in particular to persons, documents and sites the Group of Experts deemed relevant to the execution of its mandate.<sup>233</sup>

In connection with the situation in Lebanon, the Council recalled paragraph 15 of resolution [1701 \(2006\)](#) according to which all States were to 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.<sup>234</sup>

In relation to the situation in Libya, with regard to the arms embargo the Council recalled its decision that all Member States were to ensure full compliance with the arms embargo.<sup>235</sup> Concerning the other sanctions measures, the Council called upon Member States, particularly those in which designated individuals and entities were based, as well as those in which their assets frozen under the measures were suspected to be present, to report to the Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya on the actions taken to implement effectively the travel ban and asset freeze measures in relation to all individuals on the sanctions list.<sup>236</sup> It also reiterated that all States were to take the necessary measures to prevent entry into or transit through their territories of all persons designated by the Committee and called upon the Government of Libya to enhance cooperation and information-sharing with other States in that regard.<sup>237</sup> The Council urged all States, relevant United Nations bodies, including the United Nations Support Mission in Libya (UNSMIL), and other interested parties, to cooperate fully with the Committee and the Panel of Experts on Libya, in particular by supplying any information at their disposal on the implementation of the measures decided in the relevant resolutions, in particular incidents of non-compliance, and called on UNSMIL and the Government of Libya to support the Panel's investigatory work inside Libya, including by sharing information, facilitating transit and granting access to weapons storage facilities.<sup>238</sup> The Council also called upon all parties and all States to ensure the safety of the Panel's members and further called upon all parties and all States, including Libya and countries of the

<sup>227</sup> Resolution [2588 \(2021\)](#), para. 9.

<sup>228</sup> *Ibid.*, para. 10.

<sup>229</sup> *Ibid.*, para. 12.

<sup>230</sup> *Ibid.*, para. 1.

<sup>231</sup> Resolution [2569 \(2021\)](#), para. 6.

<sup>232</sup> Resolution [2582 \(2021\)](#), para. 6.

<sup>233</sup> Resolution [2612 \(2021\)](#), para. 39.

<sup>234</sup> Resolution [2591 \(2021\)](#), para. 21.

<sup>235</sup> Resolutions [2570 \(2021\)](#), para. 13, and [2571 \(2021\)](#), para. 5.

<sup>236</sup> Resolution [2571 \(2021\)](#), para. 8.

<sup>237</sup> *Ibid.*, para. 9.

<sup>238</sup> *Ibid.*, para. 14.

region, to provide unhindered and immediate access, in particular to persons, documents and sites that the Panel deemed relevant to the execution of its mandate.<sup>239</sup>

Concerning the situation in Somalia, the Council recalled that Member States were called upon 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 that were involved in the sale, supply, or transfer of explosive precursors and materials to Somalia that may be used in the manufacture of improvised explosive devices.<sup>240</sup> The Council called upon the Federal Government of Somalia to continue working with Somali financial authorities, private sector financial institutions and the international community to identify, assess and mitigate money-laundering and terrorist financing risks, improve compliance and strengthen supervision and enforcement and requested the Federal Government of Somalia, the United Nations Office on Drugs and Crime and the Panel of Experts on Somalia to continue exchanging information about Al-Shabaab's finances and to continue working with stakeholders to develop a plan to disrupt Al-Shabaab's finances and exploitation of the licit financial system.<sup>241</sup> The Council also requested the Federal Government of Somalia to strengthen cooperation and coordination with other Member States, particularly in the region, and with international partners to prevent and counter the financing of terrorism and to submit an update on specific actions taken in that regard.<sup>242</sup> The Council reaffirmed that all States were to implement a general and complete embargo on all deliveries of weapons and military equipment to Somalia, including prohibiting the financing of all acquisitions and deliveries of weapons and military equipment and the direct or indirect supply of technical advice, financial and other assistance and training related to military activities, until the Council decided otherwise.<sup>243</sup> Noting the increase in improvised explosive device attacks undertaken by Al-Shabaab, the Council decided that all States were to prevent the direct or indirect sale, supply or transfer of the items specified in part I of annex C to resolution 2607 (2021) to Somalia 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 a significant risk they might be used, in the manufacture in Somalia of improvised explosive devices.<sup>244</sup> The Council reiterated its request for Member States to assist the Panel of Experts in its investigations and for the Federal Government of Somalia, federal member states, the African Union Mission in Somalia and partners to share information with the Panel of Experts regarding conduct or activities, in particular Al-Shabaab's activities, where covered by listing criteria.<sup>245</sup> In connection with anti-piracy measures, the Council called upon the Somali authorities to make all efforts to bring to justice those who were using Somali territory to plan, facilitate or undertake criminal acts of piracy and armed robbery at sea, and called upon all States to take appropriate actions under their existing domestic law, or develop legislative processes, to prevent the illicit financing of acts of piracy and the laundering of its proceeds.<sup>246</sup> The Council called upon all States to cooperate fully with the Panel of Experts on Somalia, including on information-sharing regarding possible violations of the arms embargo or the total ban on the export of charcoal from Somalia.<sup>247</sup>

With regard to the situation in South Sudan, in relation to the arms embargo, the Council strongly urged all Member States to take urgent action to identify and prevent arms shipments within their territory in violation of the measures contained in resolution 2577 (2021).<sup>248</sup> The Council called upon all Member States, in particular States neighbouring South Sudan, to inspect, in accordance with their national authorities and legislation and consistent with international law, all cargo to South Sudan, in their territory, including seaports and airports, if the State concerned had information providing reasonable grounds to believe the cargo contained items of which the supply, sale or transfer was prohibited, and decided that all Member States were to seize and dispose of such items upon discovery.<sup>249</sup> The Council called upon all parties and all Member States, especially those neighbouring South Sudan, as well as international, regional and subregional organizations, to ensure cooperation with the Panel of Experts on South Sudan and urged all Member States involved to ensure the safety of the members of the Panel and unhindered

<sup>239</sup> Ibid., para. 15.

<sup>240</sup> Resolution 2592 (2021), twenty-first preambular paragraph.

<sup>241</sup> Resolution 2607 (2021), para. 2.

<sup>242</sup> Ibid., para. 3.

<sup>243</sup> Ibid., para. 20.

<sup>244</sup> Ibid., para. 9.

<sup>245</sup> Ibid., para. 35.

<sup>246</sup> Resolution 2608 (2021), paras. 7 and 17.

<sup>247</sup> Ibid., para. 10.

<sup>248</sup> Resolution 2577 (2021), para. 7.

<sup>249</sup> Ibid., paras. 8–9.



access, in particular to persons, documents and sites, in order for the Panel to execute its mandate.<sup>250</sup>

In relation to the situation in Yemen, recalling the provisions of paragraph 14 of resolution 2216 (2015), the Council called upon all Member States and other actors to comply with their obligations under the targeted arms embargo.<sup>251</sup> Furthermore, 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 on Yemen and further 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.<sup>252</sup>

With respect to measures adopted under Article 41 for the purpose of preventing and suppressing the financing of terrorism, the Council recalled its decision in resolution 1373 (2001) that all Member States were to ensure that any person who participated in the financing, planning or perpetration of terrorist acts or in support of terrorist acts was brought to justice and reiterated the obligations of Member States relevant to the prevention and suppression of the financing of terrorism, including those set forth in resolutions 1373 (2001), 2178 (2014) and 2462 (2019).<sup>253</sup> The Council also encouraged all Member States to more actively submit to the Committee listing requests of individuals and entities supporting Islamic State in Iraq and the Levant (ISIL/Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities.<sup>254</sup>

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

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

With respect to the situation in Abyei, the Council reiterated its demand for the Governments of the Sudan and South Sudan to provide full support for the United Nations Interim Security Force for Abyei

(UNISFA) in the implementation of its mandate, specifically the deployment of UNISFA personnel, including by removing any obstacles that hindered its work to protect civilians in Abyei.<sup>255</sup> The Council also urged the two Governments and the local communities to take all necessary steps to ensure that Abyei was effectively demilitarized and to extend full cooperation to UNISFA in that regard.<sup>256</sup> The Council further urged the two Governments to facilitate basing arrangements for UNISFA in the mission area, including Athony airport, and requested Member States and all parties to continue to take all appropriate measures to ensure the safety, security and freedom of movement of UNISFA personnel with unhindered and immediate access throughout Abyei.<sup>257</sup> The Council also called upon all Member States, in particular the Sudan and South Sudan, to provide for the free, unhindered and expeditious movement, to and from Abyei and throughout the Safe Demilitarized Border Zone, of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles, aircraft and spare parts, that were for the exclusive and official use of UNISFA.<sup>258</sup>

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 MINUSCA, in particular by ensuring its 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.<sup>259</sup> 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 Republic of all personnel, as well as equipment, provisions, supplies and other goods that were for the exclusive and official use of MINUSCA.<sup>260</sup>

In connection with the situation concerning the Democratic Republic of the Congo, 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 and encouraged all parties to work together to enhance the safety and security of MONUSCO personnel.<sup>261</sup>

<sup>250</sup> Ibid., para. 19.

<sup>251</sup> Resolution 2564 (2021), eighteenth preambular paragraph.

<sup>252</sup> Ibid., para. 12.

<sup>253</sup> S/PRST/2021/1, eighth and ninth paragraphs. For more information, see sect. III.A above.

<sup>254</sup> Resolution 2610 (2021), para. 14.

<sup>255</sup> Resolution 2575 (2021), para. 4, and resolution 2609 (2021), para. 7.

<sup>256</sup> Resolution 2575 (2021), para. 5.

<sup>257</sup> Resolution 2609 (2021), paras. 8–9.

<sup>258</sup> Ibid., para. 24.

<sup>259</sup> Resolution 2605 (2021), para. 50.

<sup>260</sup> Ibid., para. 51.

<sup>261</sup> Resolution 2612 (2021), seventeenth preambular paragraph.

With regard to the situation in Lebanon, the Council called upon all parties to respect the cessation of hostilities, prevent any violation of the Blue Line and respect it in its entirety, and to cooperate fully with UNIFIL.<sup>262</sup> The Council 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 in all its operations and its access to the Blue Line in all its parts was fully respected and unimpeded, in conformity with its mandate and its rules of engagement.<sup>263</sup> The Council also called on the Government of Lebanon to facilitate prompt and full access requested by UNIFIL, including to all relevant locations north of the Blue Line related to the discovery of tunnels crossing the Blue Line which UNIFIL had reported as a violation of resolution 1701 (2006).<sup>264</sup> The Council reaffirmed its call 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.<sup>265</sup> The Council also urged the Government of Israel to expedite the withdrawal of its army from northern Ghajar without further delay in coordination with UNIFIL.<sup>266</sup>

In connection with the situation in Mali, the Council called upon Member States, especially those in the region, to ensure the free, unhindered and expeditious movement to and from Mali of all personnel, as well as equipment, provisions, supplies and other goods, that were for the exclusive and official use of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), in order to facilitate the timely and cost-effective

delivery of the logistical supply of MINUSMA.<sup>267</sup> The Council also urged all parties in Mali to cooperate fully with the Special Representative of the Secretary-General for Mali and MINUSMA in the implementation of the Agreement on Peace and Reconciliation in Mali, as well as to ensure the safety, security and freedom of movement of MINUSMA personnel with unhindered and immediate access throughout the territory of Mali.<sup>268</sup>

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, by deploying naval vessels, arms and military aircraft, providing basing and logistical support for counter-piracy forces and seizing and disposing of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there were reasonable grounds for suspecting such use.<sup>269</sup>

In connection with the situation in South Sudan, the Council strongly condemned the continued obstruction of the United Nations Mission in South Sudan (UNMISS) by the Government of South Sudan and opposition groups, including restrictions on freedom of movement, assault on UNMISS personnel and constraints on the Mission's operations.<sup>270</sup> The Council also demanded that the Government of South Sudan comply with the obligations set out in the status-of-forces agreement between the Government of South Sudan and the United Nations and immediately cease obstructing UNMISS in the performance of its mandate.<sup>271</sup>

<sup>262</sup> Resolution 2591 (2021), para. 12.

<sup>263</sup> Ibid., paras. 15–16.

<sup>264</sup> Ibid., para. 16.

<sup>265</sup> Ibid., para. 20.

<sup>266</sup> Ibid., para. 19.

<sup>267</sup> Resolution 2584 (2021), para. 49.

<sup>268</sup> Ibid., para. 8.

<sup>269</sup> Resolution 2608 (2021), para. 12.

<sup>270</sup> Resolution 2567 (2021), nineteenth preambular paragraph.

<sup>271</sup> Ibid., para. 8.

## VIII. Mutual assistance pursuant to Article 49 of the Charter

### Article 49

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

### Note

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

During the period under review, the Council did not explicitly invoke Article 49 in any of its decisions.

However, in its decisions adopted in 2021 the Council called upon Member States to cooperate with each other or assist specific States in the implementation of measures imposed under Chapter VII of the Charter. The present section is divided into two subsections. Subsection A covers decisions in which the Council urged cooperation among Member States with respect to measures under Article 41. Subsection B covers decisions in which the Council requested mutual assistance in relation to measures under Article 42.

In 2021, there was no constitutional discussion in the Council relating to the interpretation or application of Article 49 of the Charter. No reference to Article 49 was made in the communications received by the Council.

### **A. Decisions in which the Security Council requested mutual assistance in the implementation of measures under Article 41 of the Charter**

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

For example, with regard to the situation concerning the Democratic Republic of the Congo, the Council called for enhanced cooperation between all States, particularly those in the region, and the Group of Experts on the Democratic Republic of the Congo.<sup>272</sup>

In connection with the situation in Libya, the Council called upon the Government of Libya to improve the implementation of the arms embargo and upon all Member States to cooperate in such efforts.<sup>273</sup> The Council further called upon the Government of Libya to enhance cooperation and information-sharing with other States with regard to measures taken to prevent entry into or transit through their territories of all persons designated by the Committee established

<sup>272</sup> Resolution 2582 (2021), para. 6.

<sup>273</sup> Resolution 2571 (2021), para. 7.

pursuant to resolution 1970 (2011) concerning Libya.<sup>274</sup>

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.<sup>275</sup>

Concerning the situation in South Sudan, the Council decided that all Member States were to cooperate in efforts to seize and dispose of items for which the supply, sale or transfer was prohibited by paragraph 4 of resolution 2428 (2018).<sup>276</sup>

### **B. Decisions in which the Security Council requested mutual assistance in the implementation of measures under Article 42 of the Charter**

During the period under review, the Council also adopted several resolutions in which it requested cooperation among Member States in carrying out measures under Article 42 of the Charter, under which the use of force is authorized. 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 called upon Member States to urgently assist the Lebanese Armed Forces as needed to enable them to perform their duties in line with resolution 1701 (2006).<sup>277</sup>

With respect to the situation in Libya and the question of migration, the Council reiterated its calls made in previous resolutions to "all flag States involved" to cooperate in efforts aimed at inspecting vessels suspected of being used for migrant smuggling or human trafficking from Libya.<sup>278</sup> The Council also reiterated previous resolutions that called upon Member States, acting nationally or through regional organizations, including the European Union, to

<sup>274</sup> *Ibid.*, para. 9.

<sup>275</sup> Resolution 2607 (2021), para. 3.

<sup>276</sup> Resolution 2577 (2021), para. 9.

<sup>277</sup> Resolution 2591 (2021), twenty-ninth preambular paragraph.

<sup>278</sup> Resolution 2598 (2021), para. 2. See also resolution 2240 (2015), para. 9.

cooperate with the Government of National Unity 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.<sup>279</sup>

Concerning the situation in Somalia and efforts aimed at countering and suppressing acts of piracy and armed robbery off the coast of Somalia, the Council encouraged Member States to continue to cooperate with Somali authorities in the fight against piracy and

armed robbery at sea, without impeding the exercise of high seas freedoms or other navigational rights and freedoms by ships of any State, and called upon Member States to assist Somalia to strengthen maritime capacity in Somalia.<sup>280</sup> The Council recognized the need for Member States, international and regional organizations and other appropriate partners to exchange evidence and information for anti-piracy law enforcement purposes with a view to ensuring effective arrest, prosecution of suspected and imprisonment of convicted pirates and key figures of criminal networks involved in piracy.<sup>281</sup>

<sup>279</sup> Resolution 2598 (2021), para. 2. See also resolutions 2240 (2015), 2312 (2016) and 2380 (2017), paras. 2–3.

<sup>280</sup> Resolution 2608 (2021), paras. 3 and 7.

<sup>281</sup> *Ibid.*, para. 10.

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

### Article 50

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

### Note

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

During the period under review, the Council continued its practice of imposing targeted instead of comprehensive economic sanctions, thereby minimizing the unintended adverse impact on third States.<sup>282</sup> In 2021, 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.

While Article 50 was not explicitly mentioned at any meeting of the Council or during the open videoconferences held by Council members during 2021, some references made by Council members and

other speakers to the consequences of sanctions during meetings were of relevance for the interpretation and application of Article 50.

For example, at a meeting held on 16 July under the item entitled “Protection of civilians in armed conflict”,<sup>283</sup> the Minister for Foreign Affairs of Mexico addressed the effect of widespread sanctions and counter-terrorism measures on humanitarian action and stated that it was clear that those measures had a negative impact on the delivery of humanitarian assistance and that it was therefore essential to understand in greater detail the scope of sanctions, especially in terms of unintended consequences. At the same meeting, the representative of Norway noted that the concerns raised by humanitarians about unintended negative impacts of counter-terrorism measures and sanctions must be taken into consideration. She added that legal frameworks should include necessary safeguards and exemptions to ensure that sanctions and counter-terrorism measures did not impede the ability of humanitarian organizations to operate.

Similar references to the unintended consequences of sanctions measures were also made at several other meetings and videoconferences held in connection with a broad range of items, including “Threats to international peace and security caused by terrorist acts”,<sup>284</sup> and “The situation in Somalia”.<sup>285</sup>

<sup>283</sup> See [S/PV.8822](#).

<sup>284</sup> See, for example, [S/2021/48](#) (Ireland); [S/PV.8839](#) (Norway); and [S/PV.8941](#) (China).

<sup>285</sup> See, for example, [S/PV.8905](#) (Somalia).

<sup>282</sup> For more information on sanctions measures, see sect. III above.

## 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 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. Discussions relating to Article 51

In 2021, Article 51 of the Charter was explicitly invoked 12 times during the deliberations of the Council at three Council meetings<sup>286</sup> and at six open videoconferences held by Council members.<sup>287</sup>

<sup>286</sup> See [S/PV.8805](#) (Mexico), in connection with the item entitled “The situation in the Middle East”; [S/PV.8909](#) (Islamic Republic of Iran), in connection with the item entitled “Small arms”; and [S/PV.8910](#) (Mexico), in connection with the item entitled “The situation concerning Iraq”.

<sup>287</sup> See [S/2021/48](#) (Mexico and Saudi Arabia (on behalf of the Organization of the Islamic Conference)), in connection with the item entitled “Threats to international peace and security caused by terrorist acts”; [S/2021/152](#) (Mexico), in connection with the item entitled “The situation concerning Iraq”; [S/2021/265](#) (Mexico and Syrian Arab Republic), in connection with the item entitled “The situation in the Middle East

Moreover, the right of self-defence was discussed at several meetings of the Council and open videoconferences held by Council members in relation to several thematic and country- and region-specific items on its agenda.

### Discussions on thematic items

On 12 January, Council members held a high-level open videoconference in connection with the item entitled “Threats to international peace and security caused by terrorist acts”,<sup>288</sup> focused on international cooperation in combating terrorism 20 years after the adoption of resolution [1373 \(2001\)](#). In a statement submitted in connection with the videoconference, the representative of Mexico underscored that the international community must make better use of the available multilateral instruments and mechanisms to address the ever-changing transnational threat posed by terrorism. He added, however, that there was also concern about the overreach involved in invoking, out of context, Article 51 of the Charter in the fight against terrorism. The delegation of Saudi Arabia, in a statement submitted on behalf of the Organization of Islamic Cooperation, underlined the need to distinguish between terrorism and the exercise of the legitimate right of people to resist foreign occupation, with the distinction being duly observed in international law, international humanitarian law, Article 51 of the Charter and General Assembly resolution [46/51](#), which had endorsed that position.

On 7 May, Council members held a high-level open videoconference in connection with the item entitled “Maintenance of international peace and security”,<sup>289</sup> focused on upholding multilateralism and the United Nations-centred international system. During the videoconference, the Minister for Foreign Affairs of Mexico suggested that, pending reform of the Council, measures to make the Council more transparent must be considered and recalled, as an example, the proposal by Mexico to discuss the letters in which the right to legitimate self-defence was invoked in the light of Article 51 of the Charter and on

(Syrian Arab Republic)”; [S/2021/456](#) (Mexico) and [S/2021/621](#) (Japan and Liechtenstein), in connection with the item entitled “Maintenance of international peace and security”; and [S/2021/505](#) (Pakistan), in connection with the item entitled “Protection of civilians in armed conflict”.

<sup>288</sup> See [S/2021/48](#).

<sup>289</sup> See [S/2021/456](#).

which the Council seemed to take no action. At another high-level open videoconference, held on 29 June in connection with the same item,<sup>290</sup> focused on cybersecurity, the Ambassador for United Nations Affairs and Cyber Policy of the Ministry of Foreign Affairs of Japan expressed Japan's view that when a cyberoperation constituted an armed attack under Article 51 of the Charter, States could exercise the inherent right of individual or collective self-defence recognized under that Article. The representative of Liechtenstein underscored that one of the landmark achievements of the Charter was the prohibition on the use of force except when authorized by the Council under Chapter VII or carried out in self-defence under Article 51 of the Charter. The representative noted, however, that Article 51 was increasingly being invoked as the legal basis for the use of force without the necessary legal justifications and emphasized that there was a substantive risk of that trend extending to cyberspace with the development of new technologies and State capabilities. He further stressed the need to ensure that cyberspace did not facilitate unjustified self-defence operations and that invoking Article 51 pre-emptively required evidence of the imminence of an armed attack, as well as proof of necessity and proportionality of measures taken in response.

In a statement submitted for an open videoconference held on 25 May in connection with the item "Protection of civilians in armed conflict",<sup>291</sup> the representative of Pakistan emphasized that counter-terrorism measures did not justify setting aside the limitations of Articles 2 (4) and 51 of the Charter on the non-use of force. He further stressed that the Council's resolutions on counter-terrorism did not authorize the use of force on the territory of other States without the Council's express authorization, and nor did they justify compromising the requirement for proportionality in the use of force.

At a meeting held on 22 November under the item entitled "Small arms"<sup>292</sup> and the sub-item entitled "The impact of the diversion and trafficking of arms on peace and security", the representative of the Islamic Republic of Iran emphasized that in all efforts to combat the illicit trade in small arms and light weapons, the right of each State to manufacture, export, import and retain such weapons must be fully respected.<sup>293</sup> He stated that that was among the requirements of exercising the inherent right to self-

defence reaffirmed in Article 51 of the Charter. In a written statement submitted in connection with the meeting, the delegation of Egypt stressed that international efforts to combat illegal trafficking in small arms and light weapons should not interfere with the right of States to meet their national security requirements and the legitimate right of self-defence.<sup>294</sup>

#### **Discussions on country- and region-specific items**

Council members and other Member States also addressed matters relevant to the interpretation and application of Article 51 and the right to self-defence in relation to a number of country- and region-specific items. In that regard, Member States deliberated on the right to self-defence of Israel and Palestine at several meetings and open videoconferences in connection with the item entitled "The situation in the Middle East, including the Palestinian question" (case 13). In addition, at an open videoconference held on 16 February in connection with the item entitled "The situation concerning Iraq",<sup>295</sup> the representative of Mexico expressed his country's concern about the abuse of invocations of Article 51 of the Charter in the context of the fight against terrorism. He added that that practice ran the risk of de facto broadening the exceptions to the general prohibition of the use of force, as contained in Article 2 (4), of the Charter, an irregularity that should not be accepted. At a meeting held under the same item on 23 November,<sup>296</sup> the representative of Mexico again reiterated Mexico's deep concern over the abuse of the invocation of Article 51 of the Charter in the context of the fight against terrorism. In addition to the practice running the risk of de facto broadening the exceptions to the general prohibition of the use of force, as enshrined in Article 2 (4) of the Charter and in the unwavering jurisprudence of the International Court of Justice, he added that the practice was also an aberration that could not be accepted and one that undermined Iraq's sovereignty and territorial integrity.

At an open videoconference held on 15 March in connection with the item "The situation in the Middle East",<sup>297</sup> focused on the Syrian Arab Republic, the representative of Mexico reiterated Mexico's concern about certain States abusively invoking Article 51 of the Charter to justify the use force without the authorization of the Council. The representative of the Syrian Arab Republic said that the Governments of

<sup>290</sup> See [S/2021/621](#).

<sup>291</sup> See [S/2021/505](#).

<sup>292</sup> See [S/PV.8909](#) and [S/PV/8909 \(Resumption 1\)](#). See also [S/2021/966](#).

<sup>293</sup> See [S/PV.8909](#).

<sup>294</sup> See [S/2021/966](#).

<sup>295</sup> See [S/2021/152](#).

<sup>296</sup> See [S/PV.8910](#).

<sup>297</sup> See [S/2021/265](#).

some countries, mainly the United States, the United Kingdom and France, had used terrorists as an excuse to form an illegal international coalition to combat terrorism based on a distorted interpretation of Article 51 of the Charter. At a meeting held on 25 June under the same item,<sup>298</sup> the representative of Mexico reiterated his country's concern about the abuse by some States of Article 51 of the Charter, which they invoked to justify the use of force in the Syrian Arab Republic, going beyond the terms of that provision so as to circumvent obtaining the express authorization of the Council.

**Case 13**  
**The situation in the Middle East, including the Palestinian question**

On 16 May, Security Council members held a high-level open videoconference in connection with the item entitled "The situation in the Middle East, including the Palestinian question"<sup>299</sup> to address the escalation of violence and hostilities in Gaza. During the videoconference, Council members heard briefings by the Secretary-General and the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, both of whom called for an immediate de-escalation and a return to negotiations and for the parties to observe and respect international law and international humanitarian law and end all violence against civilians.

In statements delivered during or submitted in connection with the videoconference condemning the firing of rockets from Gaza into Israel by Hamas and other militant groups, several Council members and other delegations<sup>300</sup> recognized the right of Israel to self-defence and at the same time called on Israel to ensure compliance with international humanitarian law, including the principle of proportionality, when exercising its right to self-defence. The representative of Australia condemned the relentless and indiscriminate firing of rockets into Israel by Hamas and emphasized that Israel unquestionably had the right to defend itself and its people in accordance with international law and that, equally, the Palestinian people must be able to live peacefully. The representative of the Niger said that while Israel had a right to self-protection and self-defence, the Palestinians

must also be recognized as having the same right, having suffered occupation and the effects of rampant colonization for more than 54 years. The representative of Saint Vincent and the Grenadines underscored that international law against the targeting of civilians must be upheld and that those responsible for breaches of the said law should be held accountable for their crimes. She added that the right to self-defence could not cloak the wrongs of a party that had fired the first shots and was using military capabilities far beyond that of the weaker party and stressed that the Council and international law were the Palestinians' only protection.

The representative of Israel underscored that the Council could choose to unequivocally condemn Hamas's indiscriminate and unprovoked attacks, which threatened Israelis and Palestinians alike, and to support Israel's heroic efforts to defend itself and dismantle Hamas's infrastructure of terror while doing everything to minimize the number of casualties on both sides. The Minister for Foreign Affairs and Expatriates of the State of Palestine wondered what the Palestinian people were entitled to do in order to resist Israeli policies and defend themselves, questioning whether violence was considered terrorism when committed by Palestinians and self-defence when committed by Israel. The representative of the Islamic Republic of Iran underscored that under the existing United States Administration, decisions were made to further shield the Israeli regime and justify Israel's crimes with the so-called legitimate right of Israel to defend itself and deny the inherent rights of the oppressed Palestinians, including their right to self-defence. He further stressed that Palestinians were under an unlawful occupation and blockade by the Israeli regime and they therefore had an inherent right to self-defence. The representative of the Syrian Arab Republic said that it was a disgrace for the United States and certain European countries, on the pretext of self-defence, to condemn Palestinian attacks against Israel before condemning Israeli attacks against Palestinians.

At an open debate held on 28 July under the same item,<sup>301</sup> the representative of Estonia said that it was essential that the parties continue to respect the ceasefire and do their utmost to avoid further violence.<sup>302</sup> Stressing that the launching of incendiary balloons towards Israel was unacceptable, he further highlighted Israel's right to defend itself, while ensuring the safety and protection of the civilian population. In written statements submitted in connection with the debate,<sup>303</sup> the representative of Costa Rica acknowledged Israel's legitimate security concerns

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<sup>298</sup> See [S/PV.8805](#).

<sup>299</sup> See [S/2021/480](#).

<sup>300</sup> Minister for Foreign Affairs of Norway, Minister for Foreign Affairs and Defence of Ireland, Estonia, United Kingdom, France, Brazil, European Union and Iceland.

<sup>301</sup> See [S/PV.8826](#). See also [S/2021/685](#).

<sup>302</sup> See [S/PV.8826](#).

<sup>303</sup> See [S/2021/685](#).

and the Head of the Delegation of the European Union to the United Nations acknowledged its right to defend itself, while both stressed the need for self-defence to be exercised in a proportionate manner and in accordance with international humanitarian law. The representative of the Islamic Republic of Iran reiterated that the unwavering support for Israel from the United States was against the inherent rights of the oppressed Palestinians, including their right to self-defence. The representative of Turkey, expressing dismay that some Member States had fallen into the trap of portraying the developments in Gaza as a mutual escalation and recalling that 278 Palestinians had been killed in May as a result of Israeli attacks on Gaza, stressed that the right to self-defence did not give *carte blanche* for the excessive, disproportionate and indiscriminate use of force on civilians and civilian targets. The delegation of Ukraine expressed concern at new instances of violence caused again by Hamas from the territory of Gaza and reiterated that Israel had the right to defend itself from attacks.

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

In 2021, Article 51 of the Charter was explicitly referenced in 17 communications from Member States addressed to the President of the Council or circulated as a document of the Council. Those communications concerned a variety of disputes and situations. A complete list of letters from Member States containing explicit references to Article 51 is provided in table 14 below. Explicit references to Article 51 were also found in the report of the Secretary-General on the implementation of resolution [2522 \(2020\)](#) concerning the mandate of the United Nations Assistance Mission for Iraq,<sup>304</sup> the final report of the Panel of Experts on Yemen<sup>305</sup> and the letter from the representative of Mexico to the Secretary-General and the President of the Council transmitting the Chair's summary of the Arria-formula meeting convened by Mexico on the theme "Upholding the collective security system of the Charter of the United Nations: the use of force in international law, non-State actors and legitimate self-defence", held on 24 February.<sup>306</sup>

In addition, references to the principle of self-defence continued to be found in other communications from several Member States. In that regard, the Islamic Republic of Iran submitted various

communications in which it reserved the country's inherent right to self-defence to respond decisively to any threat, aggressive measure or wrongful act perpetrated by the Israeli regime.<sup>307</sup> In another communication, the Islamic Republic of Iran expressed the country's determination to protect its people and vital interests and respond decisively to any threat or use of force against its security, sovereignty and territorial integrity, in conformity with its inherent right to self-defence, and in the light of "continued threats by the Israeli regime" against the Islamic Republic of Iran, including the recent "provocative statement by the Defense Minister of that regime 'to have a military option on the table'".<sup>308</sup> Several communications submitted by Azerbaijan referred to a series of counteroffensive operations undertaken in the exercise of the inherent right of self-defence with respect to the activities of Armenia.<sup>309</sup> In another communication, Azerbaijan recalled its report submitted to the Secretary-General in 2008, in which it was pointed out that once Azerbaijan had concluded that a peaceful settlement, based on the withdrawal by Armenia from Nagorny Karabakh and surrounding areas, was unattainable, it was entitled to terminate the ceasefire and resume the exercise of self-defence.<sup>310</sup> Israel submitted a communication calling upon the international community to unequivocally condemn the indiscriminate attacks by terrorist groups in the Gaza Strip against Israeli civilians and population centres and to support Israel's fundamental right to self-defence.<sup>311</sup> Subsequently, the State of Palestine submitted a communication claiming that what Israel was seeking to defend was its illegal occupation, insisting on its control of Palestinian land and Palestinian lives and, if possible, their very erasure, including of Palestinian children.<sup>312</sup> The communication further deemed that this "distorted narrative of self-defence" effectively gave Israel permission to carry on with its crimes. Similarly, in a subsequent communication, the State of Palestine again denounced Israel's defamatory allegations and illegal actions as justified on security and "self-defence" pretexts without recourse for the victims.<sup>313</sup> In response to a letter dated 28 April from the representative of Azerbaijan transmitting a joint communiqué of the Group of Non-Aligned States

<sup>307</sup> See [S/2021/103](#), [S/2021/872](#) and [S/2021/1059](#).

<sup>308</sup> See [S/2021/72](#).

<sup>309</sup> See [S/2021/269](#), [S/2021/345](#), [S/2021/421](#), [S/2021/441](#) and [S/2021/472](#).

<sup>310</sup> See [S/2021/39](#).

<sup>311</sup> See [S/2021/463](#).

<sup>312</sup> See [S/2021/466](#).

<sup>313</sup> See [S/2021/904](#).

<sup>304</sup> [S/2021/120](#).

<sup>305</sup> [S/2021/79](#).

<sup>306</sup> [S/2021/247](#).



Parties to the Treaty on the Non-Proliferation of Nuclear Weapons of 23 April,<sup>314</sup> the United Kingdom submitted a communication stating that it had not lowered its threshold for the possible use of nuclear weapons, recalling that the country had consistently stated that it would consider using its nuclear weapons only in extreme circumstances of self-defence, including the defence of its North Atlantic Treaty Organization allies.<sup>315</sup> The United Kingdom added it would remain deliberately ambiguous about precisely when, how and at what scale it would contemplate the use of nuclear weapons. South Africa addressed communications to the President of the Council transmitting letters from the Secretary-General of the Frente Popular para la Liberación de Saguía el-Hamra ye de Río de Oro (Frente POLISARIO) addressed to the Secretary-General of the United Nations, alleging acts of aggression by Morocco and reporting on the measures taken by Frente POLISARIO to engage the Moroccan forces in self-defence.<sup>316</sup> The Russian

Federation submitted a communication in connection with the implementation of resolution 2231 (2015), expressing strong opposition to the assessments of the defensive needs of the Islamic Republic of Iran as “self-proclaimed”, since they were dismissive of its legitimate right to self-defence and violated the principle of common and indivisible security enshrined in outcome documents of the review conferences of the Treaty on the Non-Proliferation of Nuclear Weapons adopted by consensus.<sup>317</sup>

Moreover, the reports of the Secretary-General on the implementation of resolution 2522 (2020),<sup>318</sup> the implementation of resolution 1701 (2006)<sup>319</sup> and the situation concerning Western Sahara<sup>320</sup> contained references to the right to self-defence of Turkey, Israel and Frente POLISARIO, respectively.

<sup>317</sup> See S/2021/216.

<sup>318</sup> S/2021/426.

<sup>319</sup> S/2021/650.

<sup>320</sup> S/2021/843.

<sup>314</sup> See S/2021/413.

<sup>315</sup> See S/2021/561.

<sup>316</sup> See S/2021/741 and S/2021/980.

Table 14

**Communications from Member States containing explicit references to Article 51 of the Charter in 2021**

<i>Document symbol</i>	<i>Document title</i>
<a href="#">S/2021/83</a>	Letter dated 26 January 2021 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
<a href="#">S/2021/202</a>	Letter dated 27 February 2021 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council
<a href="#">S/2021/209</a>	Letter dated 19 March 2021 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General
<a href="#">S/2021/223</a>	Identical letters dated 4 March 2021 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council
<a href="#">S/2021/257</a>	Letter dated 12 March 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council
<a href="#">S/2021/285</a>	Identical letters dated 22 March 2021 from the Permanent Representative of Qatar to the United Nations addressed to the Secretary-General and the President of the Security Council
<a href="#">S/2021/493</a>	Identical letters dated 21 May 2021 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council
<a href="#">S/2021/496</a>	Letter dated 24 May 2021 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
<a href="#">S/2021/510</a>	Letter dated 27 May 2021 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council
<a href="#">S/2021/614</a>	Letter dated 29 June 2021 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

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

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<i>Document symbol</i>	<i>Document title</i>
<a href="#">S/2021/620</a>	Identical letters dated 1 July 2021 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council
<a href="#">S/2021/623</a>	Letter dated 2 July 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council
<a href="#">S/2021/669</a>	Letter dated 20 July 2021 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General
<a href="#">S/2021/684</a>	Letter dated 27 July 2021 from the Permanent Representative of Greece to the United Nations addressed to the Secretary-General
<a href="#">S/2021/693</a>	Letter dated 29 July 2021 from the Permanent Representative of Armenia to the United Nations addressed to the President of the Security Council
<a href="#">S/2021/736</a>	Letter dated 18 August 2021 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General
<a href="#">S/2021/790</a>	Identical letters dated 14 September 2021 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General and the President of the Security Council

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