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Part VII

Actions with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression (Chapter VII of the Charter)

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Introductory note

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

During the period under review, as in previous periods, the Council adopted an average of 50 per cent of its resolutions explicitly under Chapter VII of the Charter. Of the 77 resolutions adopted by the Council in 2016, 42 were adopted "acting under Chapter VII of the Charter" (approximately 54 per cent), while in 2017, 29 of the 61 resolutions (approximately 47 per cent) were adopted under the same terms. Most of those resolutions concerned the mandates of United Nations and regional peacekeeping missions or multinational forces, and the imposition, extension, modification or termination of sanctions measures.

In 2016 and 2017, as featured in section I, the Security Council considered the potential for acquisition of chemical weapons by non-state actors as a new threat to international peace and security in the context of the situation in Libya and further affirmed that several other situations continued to constitute threats to regional and/or international peace and security, namely, the situations in Bosnia and Herzegovina, the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Lebanon, Liberia, Mali, Somalia, the Sudan and South Sudan, Syria and Yemen. Moreover, the Council frequently reaffirmed that terrorism "in all forms and manifestations", and particularly the activities of

terrorist groups such as the Islamic State of Iraq and the Levant (ISIL), constituted one of the most serious threats to international peace and security. The Council also classified the dispute between Djibouti and Eritrea, the trafficking, production and consumption of illicit drugs in Afghanistan, piracy and armed robbery at sea off the coast of Somalia, the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery and illicit transfer, and the destabilizing accumulation and misuse of small arms and light weapons in many regions of the world, as continuing threats to international peace and security.

As featured in section II, the Council continued to adopt measures to prevent the aggravation of the situations in Mali and South Sudan, which were of relevance for the interpretation and application of Article 40 of the Charter.

As covered in section III, the Council imposed new measures under Article 41 in connection with the situation in Mali, and significantly expanded the scope of existing measures against the Democratic People's Republic of Korea. It renewed the sanctions measures concerning Somalia and Eritrea, ISIL (Da'esh) and Al-Qaida and associates, the Democratic Republic of the Congo, the Sudan, Libya, the Central African Republic, Yemen and South Sudan and made modifications to some of the measures concerning Somalia and Eritrea, ISIL (Da'esh) and Al-Qaida and associates, Libya and the Central African Republic. No changes were made to the measures concerning the Taliban and associated individuals and entities, Iraq, Lebanon, and Guinea-Bissau. The Council terminated the remaining measures against Liberia and Côte d'Ivoire. Moreover, the sanctions regime on the Islamic Republic of Iran was terminated during the reporting period upon the receipt of the report from the International Atomic Energy Agency confirming that the Islamic Republic of Iran had taken the actions specified in the Joint Comprehensive Plan of Action (JCPOA). As far as judicial measures were concerned, no action was taken in 2016 and 2017. The tribunal for the former Yugoslavia continued to function in parallel with the International Residual Mechanism for the Criminal Tribunals. The tribunal for the former Yugoslavia closed definitively on 31 December 2017.

As described in section IV, the Council authorized United Nations peacekeeping missions and multinational forces to use force under Chapter VII of the Charter, relating to the maintenance or restoration of international peace and security by several peacekeeping missions and multinational forces in Bosnia and Herzegovina, the Central African Republic,

Côte d'Ivoire, the Democratic Republic of the Congo, Haiti, Lebanon, Libya, Mali, the Sudan (including Darfur and Abyei areas), South Sudan and Somalia. During the period under review, the Council authorized the use of force for the newly established United Nations Mission for Justice Support in Haiti (MINUJUSTH), which was established following the expiration of the final mandate extension of the United Nations Stabilization Mission in Haiti (MINUSTAH). The Council renewed the authorization to use force in discharge of the mandate of protection of civilians to the United Nations Interim Force in Lebanon (UNIFIL), the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the United Nations Operation in Côte d'Ivoire (UNOCI), the United Nations Organization Mission in the Democratic Republic of the Congo (MONUSCO) and the African Union Mission in Somalia (AMISOM). Moreover, the Council reauthorized the French Forces in the Central African Republic, Côte d'Ivoire and Mali to take "all necessary measures" to support MINUSCA, UNOCI and MINUSMA, respectively, in discharge of the mandated tasks. With respect to the situation in Libya, the Council reiterated its authorization to Member States to take "all necessary measures" when confronting migrant smugglers as well as in carrying out the inspection of vessels in the implementation of the arms embargo. Consistent with past practice, the Council clarified the scope of the authorization to use force by the African Union and the United Nations Hybrid Operation in Darfur (UNAMID), the United Nations Mission in South Sudan (UNMISS) and the United Nations Interim Security Force for Abyei (UNISFA) to include taking "all necessary measures" to protect civilians.

As described in sections V to VIII, in the context of peacekeeping, the Council called upon Member States to contribute troops and other assets, including aerial force enablers while Member States continued to call for greater interaction and enhanced consultations with troop- and police-contributing countries during the period under review. The Council also frequently requested compliance by States and non-state actors with its decisions adopted under Chapter VII, as well as cooperation between them in implementation of measures contained therein. Finally, during the period under review – as covered in section X – the principle of individual and/or collective self-defence as well as Article 51 of the Charter were referenced in numerous communications received by the President of the Council leading to deliberations on the scope and interpretation of the right to self-defence under a wide range of agenda items.

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

Article 39

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

Note

This section concerns the practice of the Security Council with regard to the determination of the existence of a threat to the peace, breach of the peace, or act of aggression in accordance with Article 39 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 sub-sections. Sub-section A provides an overview of the relevant decisions of the Council in relation to the determination of a “threat to the peace”, be it new or continuing, and sub-section 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 sub-section A.

A. Decisions of the Security Council relating to Article 39

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

1. New threats

During the period under review, the Council determined in resolution [2298 \(2016\)](#) that “the potential for acquisition by non-State actors of chemical weapons in Libya”

represented a threat to international peace and security,¹ further to the Council's pronouncement in 2014 about the threat posed by "unsecured arms and ammunition in Libya and their proliferation" to the stability of the country and the region.² Consequently, by resolution [2298 \(2016\)](#), the Council authorized Member States to acquire, control, transport, transfer and destroy the chemical weapons in the Libyan territory to ensure the elimination of Libya's chemical weapons stockpile in the soonest and safest manner.³

2. Continuing threats

During the period under review, the Council determined that the situations in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Lebanon, Liberia, Mali, Somalia, the Sudan and South Sudan, Syria and Yemen continued to pose threats to international peace and security and/or threats to peace and security "in the region".

In Africa, in connection with the situation in Mali, the Council condemned the activities of terrorist organizations operating in the country, including the recently-formed Jama'at Nusrat al-Islam wal-Muslimin (Group for the Support of Islam and Muslims), the Islamic State in Greater Sahara and Ansaroul Islam, stating that they constituted a threat to peace and security "in the region and beyond". The Council also reaffirmed the existence of such threat in relation to the situation in Mali and the activities of terrorist organizations in the country and the Sahel region in general under the item "Peace and security in Africa". With regard to the situation in Somalia, the Council determined that piracy and armed robbery at sea off the Somali coast, as well as the activity of pirate groups in Somalia, constituted important factors exacerbating the threat to peace and security in the region posed by the situation in the country. Moreover, the Council expressed concern over both the continued threat to the peace and stability of the country and the region posed by Al-Shabaab, as well as the growing threat of ISIL affiliates. It further determined that the dispute between Djibouti and Eritrea continued to constitute a threat to international peace and security. The Council also condemned the flows of weapons and ammunition supplies to and through Somalia and to Eritrea that violated the respective arms embargos, as posing a serious threat to peace and stability in the region. In relation to the situation in the Sudan and South Sudan,

¹ Resolution [2298 \(2016\)](#), eight preambular paragraph.

² For further information on the threat to international peace and security posed by the transfer of arms and ammunition to terrorist groups in Libya, see part VII, sect. I of the 19th Supplement (2014-2015).

³ Resolution [2298 \(2016\)](#), para. 3.

the Council also reaffirmed that the current situation in Abyei and along the border between the Sudan and South Sudan continued to constitute a serious threat to international peace and security.

In Asia, regarding the situation in Afghanistan, the Council continued to recognize the “threat to the international community” posed by the production, trafficking and consumption of illicit drugs. The Council also recognized, in connection with the situation in Iraq, as it had done in the past, that terrorism posed a threat to international peace and security.

Finally, concerning the Middle East, the Council determined that the “severity of the devastating humanitarian situation in Syria” continued to constitute a threat to peace and security in the region.

During the period 2016 and 2017, the decisions adopted in connection with thematic items made reference to similar threats to international peace and security as those identified in country-specific and regional situations. Most notably, the Council frequently reaffirmed that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constituted a threat to international peace and security. It further recognized the need to increase coordination of efforts at national, regional, subregional and international levels to strengthen a global response to this threat. The Council also continued to make similar determinations under the items “Maintenance of international peace and security” and “Non-proliferation/the Democratic People’s Republic of Korea”. With respect to the latter, the Council expressed its “gravest concern” at the series of ballistic missile tests carried out by the Democratic People’s Republic of Korea between July and December 2017, and the danger they had posed to international peace and security in the region and beyond. The Council further determined that the actions of the Democratic People’s Republic of Korea were not just a threat to the region, but to “all UN Member States”.

Under the item “Threats to international peace and security”, the Council recalled that ISIL constituted a “global threat to international peace and security”. Regarding the item “Threats to international peace and security caused by terrorist acts”, the Council continued to recognize that terrorism in all forms and manifestations constituted “one of the most serious threats to international peace and security”. More specifically, the Council recalled the threat to international peace and security posed by foreign terrorist fighters and reaffirmed that attacks against civil aviation, like any act of international terrorism, constituted a threat to international peace and security. The Council also affirmed that the illicit transfer,

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.

For further details on the above, see tables 2 and 3 below containing the relevant provisions of the decisions, be it country- or region-specific or thematic, relating to the determination by the Council of continuing threats to peace and security during the period under review. The provisions below are organized alphabetically per continent and per agenda item.

Table 2

Decisions by country- or region-specific agenda item in which the Council referred to continuing threats to the peace in 2016-2017

<i>Decision and date</i>	<i>Provision</i>
Africa	
Peace and security in Africa	
Resolution 2359 (2017) 21 June 2017	Recalling that the situation in Mali constitutes a threat to international peace and security, and that the activities in Mali and in the Sahel region of terrorist organizations constitute a threat to peace and security in the region and beyond (twenty-first preambular paragraph)
Resolution 2391 (2017) 8 December 2017	Noting that the activities of terrorist organizations, including those benefiting from transnational organized crime, in the Sahel region constitute a threat to international peace and security (twenty-first preambular paragraph)
The situation in the Central African Republic	
Resolution 2262 (2016) 27 January 2016	Determining that the situation in the Central African Republic continues to constitute a threat to international peace and security (twenty-eight preambular paragraph)
	See also resolution 2264 (2016) (third preambular paragraph), resolution 2281 (2016) (sixth preambular paragraph) and resolution 2301 (2017) (thirty-eight preambular paragraph)
The situation concerning the Democratic Republic of the Congo	
Resolution 2277 (2016) 30 March 2016	Determining that the situation in the DRC continues to constitute a threat to international peace and security in the region (thirty-first preambular paragraph)
	See also resolution 2293 (2016) (twenty-sixth preambular paragraph), resolution 2348 (2017) (twenty-ninth preambular paragraph) and resolution 2360 (2017) (thirtieth preambular paragraph)
The situation in Côte d'Ivoire	
Resolution 2260 (2016) 20 January 2016	Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region (fifth preambular paragraph)
The situation in Liberia	

<i>Decision and date</i>	<i>Provision</i>
Resolution 2308 (2016) 14 September 2016	Determining that the situation in Liberia continues to constitute a threat to international peace and security in the region (eight preambular paragraph)

The situation in Libya

Resolution [2273 \(2016\)](#)
15 March 2016

Recalling its determination in resolution [2213 \(2015\)](#) that the situation in Libya continues to constitute a threat to international peace and security (eleventh preambular paragraph)

See also resolution [2291 \(2016\)](#) (fourteenth preambular paragraph), resolution [2323 \(2016\)](#) (nineteenth preambular paragraph) and resolution [2376 \(2017\)](#) (twenty-fourth preambular paragraph)

Resolution [2278 \(2016\)](#)
31 March 2016

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

See also resolution [2362 \(2017\)](#) (fifteenth preambular paragraph)

The situation in Mali

Resolution [2295 \(2016\)](#)
29 June 2016

Strongly condemning the activities in Mali and in the Sahel region of terrorist organisations, including Al-Qaida in the Islamic Maghreb (AQIM), Al Mourabitoune, Ansar Eddine, and their affiliates such as the Front de Libération du Macina (FLM), which continue to operate in Mali and constitute a threat to peace and security in the region and beyond, and human rights abuses and violence against civilians, notably women and children, committed in Mali and in the region by terrorist groups (fifteenth preambular paragraph)

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

See also resolution [2364 \(2017\)](#) (fortieth preambular paragraph) and resolution [2374 \(2017\)](#) (twenty-eight preambular paragraph)

Resolution [2364 \(2017\)](#)
29 June 2017

Strongly condemning the activities in Mali and in the Sahel region of terrorist organisations, including MUJAO, Al-Qaida in the Islamic Maghreb (AQIM), Al Mourabitoune, Ansar Eddine, and associated individuals and groups such as Jama'at Nusrat al-Islam wal-Muslimin (Group for the Support of Islam and Muslims) and Islamic State in Greater Sahara and Ansaroul Islam, which continue to operate in Mali and constitute a threat to peace and security in the region and beyond, and human rights abuses and violence against civilians, notably women and children, committed in Mali and in the region by terrorist groups (seventeenth preambular paragraph)

See also resolution [2374 \(2017\)](#) (fourteenth preambular paragraph)

The situation in Somalia

Resolution [2289 \(2016\)](#)
27 May 2016

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

See also resolution [2297 \(2016\)](#) (seventeenth preambular paragraph), resolution [2355 \(2017\)](#) (fourth preambular paragraph), resolution [2372 \(2017\)](#) (nineteenth preambular paragraph)

Resolution [2316 \(2016\)](#)
10 November 2016

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 (thirty-fourth preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
	See also resolution 2383 (2017) (thirty-fourth preambular paragraph)
Resolution 2317 (2016) 10 November 2016	Expressing concern that Al-Shabaab continues to pose a serious threat to the peace and stability of Somalia and the region (fifth preambular paragraph) Determining that the situation in Somalia, as well as the dispute between Djibouti and Eritrea, continues to constitute a threat to international peace and security in the region (nineteenth preambular paragraph) See also resolution 2385 (2017) (twentieth preambular paragraph)
Resolution 2385 (2017) 14 November 2017	Condemning any flows of weapons and ammunition supplies to and through Somalia in violation of the arms embargo on Somalia, including when they undermine the sovereignty and territorial integrity of Somalia, and to Eritrea in violation of the arms embargo on Eritrea, as a serious threat to peace and stability in the region (fourth preambular paragraph) Expressing concern that Al-Shabaab continues to pose a serious threat to the peace and stability of Somalia and the region, and expressing concern at the emergence of, and growing threat of, affiliates of ISIL (also known as Da'esh) (fifth preambular paragraph)
<hr/> Reports of the Secretary-General on the Sudan and South Sudan	
Resolution 2265 (2016) 10 February 2016	Determining that the situation in Sudan continues to constitute a threat to international peace and security in the region (twenty-second preambular paragraph) See also resolution 2296 (2016) (thirty-first preambular paragraph), resolution 2340 (2017) (twenty-fourth preambular paragraph) and resolution 2363 (2017) (twenty-second preambular paragraph)
Resolution 2271 (2016) 2 March 2016	Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region (second preambular paragraph) See also resolution 2280 (2016) (second preambular paragraph), resolution 2290 (2016) (thirty-first preambular paragraph), resolution 2302 (2016) (second preambular paragraph), resolution 2304 (2016) (eleventh preambular paragraph), resolution 2326 (2016) (second preambular paragraph), resolution 2327 (2016) (thirtieth preambular paragraph), resolution 2353 (2017) (second preambular paragraph) and resolution 2392 (2017) (second preambular paragraph)
Resolution 2287 (2016) 12 May 2016	Recognizing that the current situation in Abyei and along the border between the Sudan and South Sudan continues to constitute a serious threat to international peace and security (twenty-eight preambular paragraph) See also resolution 2318 (2016) (twenty-eight preambular paragraph), resolution 2352 (2017) (twenty-eight preambular paragraph) and resolution 2386 (2017) (twenty-ninth preambular paragraph)
Resolution 2340 (2017)	Urging all armed groups engaged in conflict in the Jebel Marra area, including the Sudan Liberation Army-Abdul Wahid (SLA/AW) to join the AU-led peace negotiations, as a first step towards a comprehensive and sustainable peace agreement, and recalling its willingness to consider targeted sanctions against individuals or entities who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, or violate the measures implemented by Member States in accordance with relevant resolutions (tenth preambular paragraph)

Decision and date *Provision*

Asia

The situation in Afghanistan

Resolution [2274 \(2016\)](#)
15 March 2016

Encouraging the international community and regional partners to further effectively support Afghan-led sustained efforts to address drug production and trafficking in a balanced and integrated approach, including through the JCMB's working group on counter-narcotics as well as regional initiatives, and recognizing the threat posed by the production, trade and trafficking of illicit drugs to international peace and stability in different regions of the world, and the important role played by the United Nations Office on Drugs and Crime (UNODC) in this regard (thirty-first preambular paragraph) See also para. 44

Resolution [2344 \(2017\)](#)
17 March 2017

Calls upon States to strengthen international and regional cooperation to counter the threat to the international community posed by the production, trafficking, and consumption of illicit drugs originating in Afghanistan which significantly contribute to the financial resources of the Taliban and its associates, in accordance with the principle of common and shared responsibility in addressing the drug problem of Afghanistan, including through cooperation against the trafficking in illicit drugs and precursor chemicals, appreciates the work of the Paris Pact initiative and its "Paris-Moscow" process, as well as the efforts of the Shanghai Cooperation Organization (SCO), underlines the importance of border management cooperation, and welcomes the intensified cooperation of the relevant United Nations institutions with the OSCE, the CSTO, and the Central Asian Regional Information and Coordination Centre for combating the illicit trafficking of narcotic drugs, psychotropic substances and their precursors (CARICC) in this regard (twenty-sixth preambular paragraph)

The situation concerning Iraq

Resolution [2299 \(2016\)](#)
25 June 2016

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, including the Charter of the United Nations, and in this context, welcoming the efforts of the Government of Iraq and its partners to counter ISIL (Da'esh), hold it accountable for its abuses, and return stability throughout the country, and also welcoming the Government of Iraq's successes in liberation from ISIL (Da'esh) of Sinjar, Bayji, Ramadi, Hit, and most recently Fallujah, marking a major step in the continuing international effort to defeat ISIL (Da'esh) (tenth preambular paragraph)

See also resolution [2367 \(2017\)](#) (tenth preambular paragraph)

Europe

The situation in Bosnia and Herzegovina

Resolution [2315 \(2016\)](#)
8 November 2016

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

See also resolution [2384 \(2017\)](#) (twentieth preambular paragraph)

Middle East

<i>Decision and date</i>	<i>Provision</i>
The situation in the Middle East	
Resolution 2332 (2016) 21 December 2016	Determining that the deteriorating humanitarian situation in Syria continues to constitute a threat to peace and security in the region (twenty-sixth preambular paragraph)
Resolution 2342 (2017) 23 February 2017	Determining that the situation in Yemen continues to constitute a threat to international peace and security (thirteenth preambular paragraph)
Resolution 2373 (2017) 30 August 2017	Determining that the situation in Lebanon continues to constitute a threat to international peace and security (twenty-third preambular paragraph)
Resolution 2393 (2017) 19 December 2017	Determining that the severity of the devastating humanitarian situation in Syria continues to constitute a threat to peace and security in the region (twenty-seventh preambular paragraph)

Table 3

Decisions by thematic agenda item in which the Council referred to continuing threats to the peace in 2016 and 2017

<i>Decision and date</i>	<i>Provision</i>
Non-proliferation of weapons of mass destruction	
Resolution 2325 (2016) 15 September 2016	Reaffirming that the proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security (second preambular paragraph) Recognizing the need to enhance coordination of efforts at national, regional, subregional and international levels, as appropriate, in order to strengthen a global response to the serious challenge and threat to international peace and security posed by the proliferation of weapons of mass destruction and their means of delivery (eleventh preambular paragraph)
Non-proliferation/Democratic People's Republic of Korea	
S/PRST/2017/16 29 August 2017	The Security Council further condemns the DPRK for its outrageous actions and demands that the DPRK immediately cease all such actions. The Security Council stresses that these DPRK actions are not just a threat to the region, but to all UN Member States (second paragraph)
Resolution 2270 (2016) 2 March 2016	Reaffirming that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security (second preambular paragraph) See also resolution 2321 (2016) (second preambular paragraph (second preambular paragraph)), resolution 2371 (2017) (second preambular paragraph), resolution 2375 (2017) (second preambular paragraph) and resolution 2379 (2017) (second preambular paragraph) Expressing gravest concern at the nuclear test conducted by the Democratic People's Republic of Korea ("the DPRK") on 6 January 2016 in violation of resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013), and at the challenge such a test constitutes to the Treaty on Non-Proliferation of Nuclear Weapons ("the NPT") and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond (third preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
	See also resolution 2321 (2016) (third preambular paragraph), resolution 2356 (2017) (fifth preambular paragraph), resolution 2356 (2017) (fifth preambular paragraph), resolution 2371 (2017) (ninth preambular paragraph), resolution 2375 (2017) (fifth preambular paragraph) and resolution 2397 (2017) (sixth preambular paragraph)
Resolution 2371 (2017) 5 August 2017	Expressing its gravest concern at the July 3 and July 28 of 2017 ballistic missile tests by the Democratic People's Republic of Korea ("the DPRK"), which the DPRK has stated were tests of intercontinental ballistic missiles, in violation of resolutions 1718 (2006) , 1874 (2009) , 2087 (2013) , 2094 (2013) , 2270 (2016) , 2321 (2016) , and 2356 (2017) , and at the challenge such tests constitute to the Treaty on Non-Proliferation of Nuclear Weapons ("the NPT") and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger they pose to peace and stability in the region and beyond (third preambular paragraph)
Resolution 2375 (2017) 11 September 2017	Expressing its gravest concern at the nuclear test by the Democratic People's Republic of Korea ("the DPRK") on September 2, 2017 in violation of resolutions 1718 (2006) , 1874 (2009) , 2087 (2013) , 2094 (2013) , 2270 (2016) , 2321 (2016) , 2356 (2017) and 2371 (2017) and at the challenge such a test constitutes to the Treaty on Non-Proliferation of Nuclear Weapons ("the NPT") and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond (third preambular paragraph)
Resolution 2397 (2017) 22 December 2017	Expressing its gravest concern at the ballistic missile launch by the Democratic People's Republic of Korea ("the DPRK") on 28 November 2017 in violation of resolutions 1718 (2006) , 1874 (2009) , 2087 (2013) , 2094 (2013) , 2270 (2016) , 2321 (2016) , 2356 (2017) , 2371 (2017) and 2375 (2017) and at the challenge such a test constitutes to the Treaty on Non-Proliferation of Nuclear Weapons ("the NPT") and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons, and the danger it poses to peace and stability in the region and beyond (third preambular paragraph)
Resolution 2276 (2016) 24 March 2016	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 (seventh preambular paragraph) See also resolution 2345 (2017) (seventh preambular paragraph)

Threats to international peace and security

Resolution 2379 (2017) 21 September 2017	Recalling that the Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) constitutes a global threat to international peace and security through its terrorist acts, its violent extremist ideology, its continued gross, systematic and widespread attacks directed against civilians, its violations of international humanitarian law and abuses of human rights, particularly those committed against women and children, and including those motivated by religious or ethnic grounds, and its recruitment and training of foreign terrorist fighters whose threat affects all regions and Member States (third preambular paragraph)
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Threats to international peace and security caused by terrorist acts

S/PRST/2016/6 11 May 2016	The Security Council, consistent with its primary responsibility for the maintenance of international peace and security, in accordance with the Charter of the United Nations, further recalls that countering violent extremism, which can be conducive to terrorism, including preventing radicalization, recruitment, and mobilization of individuals into terrorist groups and becoming Foreign Terrorist Fighters (FTFs) is an essential element of addressing the threat to international peace and security posed by Foreign Terrorist Fighters, as underlined in resolution 2178 (2014), and in this regard, takes note of the Secretary General's Plan of Action to prevent violent extremism, and further notes that the General Assembly has welcomed the initiative by the Secretary-General and took note of said Plan, which will be
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<i>Decision and date</i>	<i>Provision</i>
	subject to further consideration during the United Nations Global Counter-Terrorism Strategy review in June 2016, as well as in other relevant forums (ninth paragraph)
Resolution 2322 (2016) 12 December 2016	Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever, wherever, and by whomsoever committed (third preambular paragraph) See also resolution 2347 (2017) (fourth preambular paragraph) and resolution 2354 (2017) (fourth preambular paragraph)
Resolution 2309 (2016) 22 September 2016	Reaffirming that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever, wherever and by whomsoever committed, and remaining determined to contribute further to enhancing the effectiveness of the overall effort to fight this scourge on a global level (first preambular paragraph) See also resolution 2341 (2017) (fourth preambular paragraph), resolution 2370 (2017) (fourth preambular paragraph), resolution 2395 (2017) (second and twenty ninth preambular paragraph) and resolution 2396 (2017) (second preambular paragraph) Reaffirming that terrorist attacks against civil aviation, like any act of international terrorism, constitute a threat to international peace and security, and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever, wherever, and by whomsoever committed, and reaffirming the need to combat by all means threats to international peace and security caused by terrorist acts, in accordance with the Charter of the United Nations and other international law, in particular international human rights law, international refugee law, and international humanitarian law (ninth preambular paragraph)
Resolution 2341 (2017) 13 February 2017	Reaffirming 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, including international human rights law and international humanitarian law, and the Charter of the United Nations (fifth preambular paragraph) See also resolution 2368 (2017) (third preambular paragraph), resolution 2395 (2017) (third preambular paragraph) and resolution 2396 (2017) (third preambular paragraph)
Resolution 2370 (2017) 2 August 2017	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, causes 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 (seventh preambular paragraph)
<hr/> Maintenance of international peace and security	
Resolution 2310 (2016) 23 September 2016	Reaffirming that proliferation of weapons of mass destruction, and their means of delivery, constitutes a threat to international peace and security (fourth preambular paragraph)

B. Discussion relating to Article 39

During the period under review, several issues regarding the interpretation of Article 39 and the determination of a threat to international peace and security arose during the Council's debates. Explicit references to Article 39 were made on two occasions during the Council's deliberations. Firstly, at the 7857th meeting, on 10 January 2017, under the item "Maintenance of international peace and security", the representative of the Democratic People's Republic of Korea asserted that Article 39 could not serve as grounds for sanctions resolutions.⁴ Secondly, at the 7947th meeting of the Council held on 23 May 2017, in relation to the item entitled "United Nations peacekeeping operations", the Head of Mission and Force Commander of the United Nations Disengagement Observer Force (UNDOF) expressed the view that an expanded understanding of what constituted a threat to peace, as defined in Article 39, had led to a fourth principle of peacekeeping, in addition to the traditional three, namely consent, impartiality, and non-use of force except for in legitimate defense. In his view, the new principle encompassed the protection of civil populations, human rights and humanitarian operations.⁵

During 2016 and 2017, the Council continued to discuss threats to international peace and security considered by the Council in the past such as terrorism, piracy and the proliferation of weapons of mass destruction and the potential for their acquisition by terrorist groups, as well as more specifically the threats posed by terrorist organizations, particularly ISIL (Da'esh), Boko Haram, Al-Qaida and Al-Shabaab and foreign terrorist fighters.⁶ During the period under review, the Council discussed again, as it had done since 2014, the situation of human rights in the Democratic People's Republic of Korea and its potential to threaten regional and international peace and security.⁷

In addition, during the period under review the Council addressed other threats to global peace and security, such as water scarcity and climate change under the item entitled "Maintenance of international peace and security", as described in case 1. Under the same

⁴ [S/PV.7857](#), p. 106. See also case 1 below.

⁵ [S/PV.7947](#), p. 5.

⁶ See under the item entitled "Maintenance of international peace and security", [S/PV.7621](#), [S/PV.7776](#), [S/PV.7857](#), and [S/PV.7886](#), Non-proliferation of weapons of mass destruction, [S/PV.7758](#), [S/PV.7837](#), [S/PV.7985](#) and [S/PV.8053](#), "Peace consolidation in West Africa", [S/PV.7675](#), and Threats to international peace and security caused by terrorist acts" [S/PV.7670](#), [S/PV.7831](#), [S/PV.7882](#), and [S/PV.8017](#).

⁷ See [S/PV.7830](#) and [S/PV.8130](#).

item, the Council also focused on the question of human trafficking and whether it constituted a threat to international peace and security, as elaborated in case 2.

During 2016 and 2017, the Council discussed in numerous meetings the threat to international peace and security posed by the increased nuclear activity of the Democratic People's Republic of Korea as featured in case 3. Moreover, the Council discussed the potential threat posed by the human rights situation in Myanmar, in particular in connection with the Rohingya minority, to regional and international peace and security as presented in case 4.⁸

Case 1

Maintenance of international peace and security

On 22 November 2016, the Council held its 7818th meeting. During this meeting and at the initiative of the Senegalese Presidency,⁹ the Council considered for the first time the sub-item entitled “Water, peace and security”.¹⁰ The representative of the Russian Federation stated that natural resources were, in and of themselves, neutral in nature, and thus their presence or their scarcity could not, a priori, be regarded as an underlying reason for conflicts and for creating a threat to peace and security.¹¹ The representative of Brazil emphasized that water scarcity was “primarily a sustainable development challenge” and, while noting it could contribute to conflict and instability under some circumstances, it did not necessarily represent a threat to international peace and security.¹² The representative of Botswana recalled that water scarcity, exacerbated by climate change, could threaten international peace and security in the future.¹³ The representative of Costa Rica, echoing this statement, underscored that it was necessary to create institutional and legal structures to address the issue or water would become a threat to international peace and security.¹⁴ Other speakers opined that competition over water could lead to conflicts, thereby becoming a threat to

⁸ For further information on the activity of the Council under this item during 2016-2017, see part I. sect. 20. See also for further background part VI, sects. I.B and II.C.

⁹ Letter dated 14 November 2016 from the Permanent Representative of Senegal to the United Nations addressed to the Secretary-General ([S/2016/969](#)).

¹⁰ At the initiative of Senegal, members of the Council held an Arria-formula meeting on 22 April 2016 on “Water, peace and security”.

¹¹ [S/PV.7818](#), p. 21.

¹² *Ibid.*, pp. 29-30.

¹³ *Ibid.*, p. 61.

¹⁴ *Ibid.*, p. 62.

international peace and security.¹⁵ With respect to the shrinking of Lake Chad, the representative of Angola opined that the situation had the potential to result in crisis and conflict, as well as a real threat to regional and international peace and security.¹⁶ Moreover, the representative of the United Kingdom pointed out that it was important to have a broad enough definition of the threats to international peace and security — not so as to encroach on the responsibilities of other parts of the United Nations system, but to join up with them.¹⁷ Finally, the representative of Egypt stated that the theme of water as a source of achieving international peace and security or as a threat to the latter required sustained attention.¹⁸

On 20 December 2017, the Council held its 8144th meeting to discuss complex and contemporary challenges to international peace and security further to the concept note circulated with the letter dated 1 December 2017 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General ([S/2017/1016](#)). During the debate, the representatives of the Republic of Maldives and Sweden asserted that climate change posed a security threat on its own.¹⁹ The representative of Ukraine stated that the agenda of the Council had expanded considerably owing to the close interlinkage between threats to international peace and security and such challenges as human rights, development and climate change.²⁰ The Secretary-General opined that climate change was a threat multiplier and the representative of the United Kingdom stated climate change could aggravate existing threats to international peace and security.²¹ The representative of France asserted that epidemics or climate change sometimes had very real effects on the stability of countries and could threaten the security of an entire region.²² The representative of Botswana, albeit not referring to climate change explicitly, pointed out that environmental challenges, among other growing trends of interconnected instability and insecurity, posed a serious threat to international peace and security.²³ The representative of Brazil called for the Council to “be cautious in avoiding attempts to securitize the development agenda” and, in this vein, noted that climate change, international migration, population growth, food insecurity and other

¹⁵ *Ibid.*, p. 12 (Malaysia) and p. 67 (Haiti).

¹⁶ *Ibid.*, p. 18.

¹⁷ *Ibid.*, p. 19.

¹⁸ *Ibid.*, p. 24.

¹⁹ [S/PV.8144](#), pp. 7-8 (Sweden) and p. 63 (Maldives).

²⁰ *Ibid.*, pp. 5-6.

²¹ *Ibid.*, p. 2 (Secretary-General) and p. 10 (United Kingdom).

²² *Ibid.*, p. 11.

²³ *Ibid.*, p. 54.

sustainable development issues did not constitute threats to international peace and security, nor were they root causes of conflict per se.²⁴

Case 2

Maintenance of international peace and security

At the 7847th meeting held on 20 December 2016, the Council conducted an open debate under the sub-item “Trafficking in persons in conflict situations”, at which it considered the report of the Secretary-General on the implementation of measures to counter trafficking in persons.²⁵ During the meeting, the President of Spain and the representative of Japan asserted that human trafficking in conflict and terrorism-related situations represented a threat to international peace and security.²⁶ The representative of Uruguay stated that trafficking was “a threat to all of society and affects the well-being of communities and the security of nations” and that it was increasingly linked to armed conflicts and threats to international peace and security”.²⁷ Similarly, the representative of France noted that trafficking in persons in conflict situations was “too often considered as separate from the threats to international peace and security” and that “those practices [were] part and parcel of the strategies of such terrorist groups as Da’esh and Boko Haram, and indeed [were] a threat to international peace and security”.²⁸ In this context, the representative of Kazakhstan underscored the view that human trafficking was a critical component of the financial flows of terrorist groups and money laundering by organized crime networks, which posed a threat to international peace and security.²⁹

At the Council’s 7898th ministerial-level meeting held on 15 March 2017, multiple speakers asserted that human trafficking represented a threat to international peace and security.³⁰ The representative of Japan stated that trafficking in persons, as well as the use of trafficked children as combatants in armed conflict, showed how violations of human rights

²⁴ *Ibid.*, p. 39.

²⁵ Report of the Secretary-General on the implementation of measures to counter trafficking in persons ([S/2016/949](#)).

²⁶ [S/PV.7847](#), p. 10 (Spain) and p. 14 (Japan).

²⁷ *Ibid.*, pp. 16-17.

²⁸ *Ibid.*, p. 19.

²⁹ *Ibid.*, p. 70.

³⁰ [S/PV.7898](#), p. 13 (Ukraine), p. 50 (Cambodia), p. 53 (Albania), p. 64 (United Arab Emirates), p. 69 (Greece) and p. 74 (Côte d’Ivoire)

and dignity could become threats to international peace and security.³¹ The representative of France emphasized the dramatic illustration of the links that existed between threats to international peace and security and human trafficking, as illustrated by the actions of ISIL (Da'esh) and Boko Haram.³² The representative of Italy opined that the proceeds of trafficking were financing terrorism, compounding the threat to international peace and security.³³ Echoing this view, the representatives of Egypt and South Africa agreed that trafficking was closely related to other crimes, such as terrorism and illicit arms trade, which posed a threat to international peace and security.³⁴ By contrast, the representative of Brazil reaffirmed that, although often related to armed conflict and terrorism, there were no “automatic linkages” between those phenomena and human trafficking, and the latter also occurred in situations that did not pose threats to international peace and security.³⁵

Finally, at the 8111th meeting on 21 November 2017, the Council again discussed trafficking in persons in conflict situations and addressed the subsequent report of the Secretary-General on the implementation of measures to counter trafficking in persons.³⁶ The representative of Ukraine asserted that, since the channels used by terrorist organizations to smuggle arms were often also used for human trafficking and were sustaining their activities, they should be treated as a major threat to international security.³⁷ Similarly, the representatives of France and the Sudan agreed that trafficking posed a threat to international peace and security.³⁸ While the representative of South Africa stated that human trafficking constituted such a threat by financially sustaining terrorism,³⁹ the representative of Brazil reaffirmed the two were not necessarily linked and trafficking also occurred in situations that did not threaten international peace and security.⁴⁰

³¹ *Ibid.*, p. 18.

³² *Ibid.*, p. 8 (France).

³³ *Ibid.*, p. 20.

³⁴ *Ibid.*, p. 22 (Egypt) and p. 51 (South Africa).

³⁵ *Ibid.*, p. 34.

³⁶ Report of the Secretary-General on trafficking in persons in armed conflict pursuant to Security Council resolution [2331 \(2016\) \(S/2017/939\)](#).

³⁷ [S/PV.8111, p. 11](#).

³⁸ *Ibid.*, p. 13 (France) and p. 53 (Sudan).

³⁹ *Ibid.*, p. 45.

⁴⁰ *Ibid.*, p. 34.

Case 3

Non-proliferation/Democratic People's Republic of Korea

During the period under review, the Council frequently discussed the respective nuclear and ballistic missile tests conducted by the democratic People's Republic of Korea under the item entitled "Non-proliferation/Democratic People's Republic of Korea". For example, at its 7638th meeting held on 2 March 2016, the Council unanimously adopted resolution [2270 \(2016\)](#), condemning the nuclear and ballistic tests conducted by the Democratic People's Republic of Korea on 6 January and 7 February 2016.⁴¹ During the deliberations that followed, the representative of the United States stated that the nuclear proliferation program of the Democratic People's Republic of Korea not only caused suffering to its own people, but also posed an extraordinary and growing threat to peace and security on the peninsula, in the region and the world.⁴² The representative of France called the tests a "flagrant violation" of Security Council resolutions, as well as a threat to international and regional peace and security.⁴³

At the 7821st meeting on 30 November 2016, the Council unanimously adopted resolution [2321 \(2016\)](#), which condemned the nuclear test by the Democratic People's Republic of Korea that was conducted on 9 September 2016.⁴⁴ The Secretary General opined that the nuclear activities of the country posed an ever growing threat to regional security.⁴⁵ Several other speakers concurred with this view, maintaining that the nuclear development of the Democratic People's Republic of Korea posed a threat to regional or international peace and security.⁴⁶

At its 8019th meeting held on 5 August 2017, the Council adopted resolution [2371 \(2017\)](#), condemning the intercontinental ballistic missile tests by the Democratic People's Republic of Korea that were conducted on 3 and 28 July 2017.⁴⁷ During the meeting, numerous speakers determined that the nuclear activities of the Country were threats to

⁴¹ Resolution [2270 \(2016\)](#), para. 1.

⁴² [S/PV.7638](#), p.3 (United States)

⁴³ *Ibid.*, p. 6.

⁴⁴ Resolution [2321 \(2016\)](#), para. 1.

⁴⁵ [S/PV.7821](#), p. 2.

⁴⁶ *Ibid.*, p. 3 (United States), p. 8 (New Zealand), pp. 8-9 (Uruguay), p. 12 (France) and p. 13 (Angola).

⁴⁷ Resolution [2371 \(2017\)](#), para. 1.

regional and international peace and security.⁴⁸ The representative of the United States asserted that human rights violations went “hand in hand” with threats to international peace and security.⁴⁹

On 29 November 2017, at its 8118th meeting held to address another missile launch conducted on the same day by the Democratic People’s Republic of Korea, which had landed in Japan’s exclusive economic zone, the representative of Japan noted the range of the nuclear ballistic launch, calling it “abundantly clear” that the nuclear proliferation of the Democratic People’s Republic of Korea was not merely a regional threat but a global threat to all Member States.⁵⁰ This view was echoed by other speakers, who identified the continued ballistic missile tests as threats to international peace and security.⁵¹

Further to the letter dated on 1 December 2017 from the Permanent Representative of Japan to the United Nations addressed to the Secretary General ([S/2017/1038](#)), the Council held its 8137th meeting on 15 December 2017. During the meeting, the Minister for Foreign Affairs of Japan asserted that the Democratic People’s Republic of Korea posed a clear global threat to all Member States.⁵² The representative of Senegal stated that the most recent intercontinental ballistic missile test conducted by the Democratic People’s Republic of Korea on 28 November 2017 posed a serious threat not only to the people of the peninsula and the region, but also to the safety of air navigation in that part of the world.⁵³ Several other Council members also reaffirmed that the situation in the Korean peninsula was a threat to international peace and security.⁵⁴ Countering these claims, the representative of the Democratic People’s Republic of Korea declared that his state did not pose a threat to any country or region as long as the interests of the Democratic People’s Republic of Korea were not infringed upon. He reiterated that his country’s nuclear force was devoted solely to its mission as a “self-defensive deterrent”. He also referred to the United States- Republic of

⁴⁸ [S/PV.8019](#), p. 4 (France), p. 5 (Uruguay), p. 7 (Senegal), p. 9 (Italy), p. 10 (Ethiopia), p. 12 (Egypt) and p. 12 (Republic of Korea).

⁴⁹ *Ibid.*, p. 2.

⁵⁰ [S/PV.8118](#), p. 6.

⁵¹ *Ibid.*, p. 7 (United Kingdom), p. 7-8 (Egypt), p. 8 (Sweden), p. 9 (Ukraine), p. 15 (France), p. 16 (Uruguay) and p. 17 (Italy).

⁵² [S/PV.8137](#), p. 3.

⁵³ *Ibid.*, p. 17.

⁵⁴ *Ibid.*, p. 5 and p. 23 (United States), p. 6 (Sweden), p. 9 (United Kingdom), p. 9-10 (Egypt), p. 12 (France), p. 13 (Ethiopia), p. 16 (Uruguay), and p. 18 (Italy).

Korea joint military exercises, which he deemed, had seriously threatened the peace and security of the Korean peninsula, the region and the world.⁵⁵

Case 4

The situation in Myanmar

At the 8060th meeting on 28 September 2017, the first after eight years under this item, the representative of Senegal expressed appreciation for the holding of the meeting on the growing threat to international peace and security.⁵⁶ The representative of Kazakhstan voiced a fear that the “inter-ethnic and interreligious strife” together with the refugee problem in the region, could foster terrorism and become a source of threat to regional and international peace and security.⁵⁷ The representative of Bangladesh affirmed that the “state of volatility” constituted a larger threat to the regional peace and security and a major security concern for the international community.⁵⁸

Similarly, at the 8133rd meeting of the Council held under this item on 12 December 2017, the representative of Egypt opined that the abuses against the Rohingya minority, together with other humanitarian, political, security and social challenges in Myanmar, continued to threaten regional peace and security “in that part of the world”.⁵⁹ The representative of Uruguay asserted that there was a “close link” between human rights violations and the creation of conflicts and their ability to turn into threats to international peace and security.⁶⁰

⁵⁵ Ibid., p. 22-23. The Council addressed the threat posed by the nuclear activities of the Democratic People’s Republic of Korea at several other meetings under the item ([S/PV.7932](#), [S/PV.7958](#), [S/PV.7996](#), [S/PV.8039](#) and [S/PV.8151](#)).

⁵⁶ [S/PV.8060](#), p. 7.

⁵⁷ Ibid., p. 13.

⁵⁸ Ibid., p. 23.

⁵⁹ [S/PV.8133](#), pp. 10-11.

⁶⁰ Ibid., p. 17.

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

Article 40

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

Note

This section covers the practice of the Security Council in relation to Article 40 of the Charter, regarding provisional measures to prevent an aggravation of the situation. During the review period, there was no explicit reference to Article 40 of the Charter 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. With regard to the decisions of the Council, sub-section A below features those decisions of relevance for the interpretation and application of Article 40 of the Charter.

A. Decisions of the Security Council relating to Article 40

During the period under review, the Council did not adopt any decision explicitly citing Article 40 of the Charter. This notwithstanding, the Council demanded and urged the implementation of a series of measures in relation to the situations in Mali and South Sudan, which were of relevance for the interpretation and application of this provision.

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

As in the previous biennium, during the period 2016 and 2017, a series of measures were adopted with a view to ensuring the cessation of hostilities and implementation of the various successive ceasefire agreements of 2014 and 2015 in relation to the situation in Mali, including the re-authorizing the use of force by the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and the French Forces.⁶¹ This was done simultaneously with the adoption of measures under Chapter VII of the Charter. Moreover, the Council expressed its readiness to consider targeted sanctions against those who obstructed or threatened the implementation of the Agreement on Peace and Reconciliation in Mali, attacked and took actions to threaten MINUSMA and other international presences, and those who provided support to such attacks and actions.⁶² The Council also issued presidential statement [S/PRST/2016/16](#), urging the signatories to the Agreement to strictly adhere to the ceasefire and reiterated its intention to consider measures under Article 41 in the event of failure to abide, as shown in table 4 below.

Table 4

Provisions of decisions calling upon the parties to comply with provisional measures and Council action in the event of failure to comply

<i>Type of measure</i>	<i>Provision</i>
The situation in Mali (resolution 2295 (2016) of 29 June 2016)	
Council action in the event of failure to comply	Expresses its readiness to consider targeted sanctions against those who take actions to obstruct or threaten the implementation of the Agreement, those who resume hostilities and violate the ceasefire, those who attack and take actions to threaten MINUSMA and other international presences, as well as those who provide support to such attacks and actions (para. 4)
Cessation of hostilities	Demands that all armed groups in Mali put aside their arms, cease hostilities, reject the recourse to violence, cut off all ties with terrorist organisations, take concrete steps to enhance their cooperation and coordination with the Government of Mali to eliminate the terrorist threat, and recognize, without conditions, the unity and territorial integrity of the Malian State, within the framework of the Agreement (para. 5)
The situation in Mali (S/PRST/2016/16 of 3 November 2016)	
Cessation of hostilities	The Security Council strongly condemns the repeated violations of the ceasefire arrangements by the Plateforme and Coordination armed groups in and around Kidal over the last months,

⁶¹ Resolution [2290 \(2016\)](#), para. 5. For more information on the authorization to use force under Article 42 of the Charter, see sect. IV below.

⁶² For further information, see part VII, sect. III and part IX, sect. I.B.

<i>Type of measure</i>	<i>Provision</i>
	which threaten the viability of the Agreement on Peace and Reconciliation in Mali. The Security Council urges the signatory armed groups to cease hostilities immediately, to strictly adhere to the ceasefire arrangements and to resume dialogue without delay for the implementation of the Agreement (first paragraph)
Council action in the event of failure to comply	The Security Council urges the Government of Mali, the Plateforme and Coordination armed groups to fully and sincerely maintain their commitments under the Agreement. The Security Council recalls its readiness to consider targeted sanctions against those who take actions to obstruct the implementation of the Agreement as well as those who resume hostilities and violate the ceasefire, as expressed in its resolution 2295 (2016) (second paragraph)

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

Article 41

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

Note

Section III covers decisions of the Security Council imposing measures not involving the use of force, pursuant to Article 41 of the Charter. During the period under review, the Council imposed new measures, under Chapter VII, in relation to the situation in Mali.

The Council further terminated the remaining measures against Côte d'Ivoire, on 28 April 2016, and those pertaining to Liberia, on 25 May 2016. In addition, as envisaged in resolution [2231 \(2015\)](#), the sanctions regime on the Islamic Republic of Iran was terminated on 16 January 2016, upon the receipt of the report from the International Atomic Energy Agency confirming that the Islamic Republic of Iran had taken the actions specified in paragraphs 15.1–15.11 of Annex V of the Joint Comprehensive Plan of Action (JCPOA), also known as Implementation Day.⁶³

During the review period, the Council explicitly referred to Article 41 in the preamble of resolutions [2270 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) and [2397 \(2017\)](#) in relation to the sanctions measures concerning the Democratic People's Republic of Korea as well as resolutions [2271 \(2016\)](#), [2280 \(2016\)](#), [2290 \(2016\)](#) and [2353 \(2017\)](#) in relation to South Sudan.

During the period under review, no judicial measures were imposed under Article 41 of the Charter. This notwithstanding, as featured in part IX, the Tribunal for the former Yugoslavia continued to function in parallel with the International Residual Mechanism for Criminal Tribunals.

⁶³ [S/2016/57](#). For further details on the meetings held under 2231 format subsequent to the termination of the sanctions measures in relation to the Islamic Republic of Iran during the period under review, please see part I, sect. 37. B.

This section is divided into two sub-sections. Sub-section A outlines the decisions of the Security Council imposing, modifying or terminating measures under Article 41 of the Charter. It is organized under two main headings, dealing with decisions on issues of a thematic and country-specific nature. Sub-section B covers the Council's deliberations during the review period and is also organized under two headings, each highlighting the salient issues that were raised in the deliberations of the Council in connection with Article 41 of the Charter, either in connection with thematic items or in the context of country-specific items.

A. Decisions of the Security Council relating to Article 41

1. Decisions of a thematic nature relating to Article 41

The Security Council adopted numerous decisions on issues of a thematic nature concerning sanctions measures and their implementation. The decisions were adopted in relation to a variety of items of the Council's agenda, including "Maintenance of international peace and security",⁶⁴ "Peace and security in Africa",⁶⁵ "Threats to international peace and security",⁶⁶ and "Threats to international peace and security caused by terrorist acts".⁶⁷

During the period 2016 and 2017, the Council continued to emphasize sanctions as an important tool under the Charter of the United Nations in the maintenance of international peace and security, including in support of countering terrorism, and stressed in this regard the need for robust implementation.⁶⁸ It reiterated its readiness to further sanction Al-Qaida and other listed entities and individuals.⁶⁹

During the period under review, the Council expressed the intention to consider targeted sanctions for individuals and entities involved in the trafficking in persons in areas affected by armed conflict, and in sexual violence in conflict.⁷⁰ It called upon Member States to inspect, on the high sea off the coast of Libya, unflagged vessels used or suspected to be used by organized criminal enterprises for migrant smuggling or human trafficking from Libya.⁷¹ It further encouraged Member States to provide the Counter-Terrorism Committee Executive Directorate and the Analytical Support and Sanctions Monitoring Team with

⁶⁴ See for example resolutions [2331 \(2016\)](#), [2347 \(2017\)](#), [2388 \(2017\)](#) and [S/PRST/2017/24](#).

⁶⁵ See for example resolutions [2349 \(2017\)](#), [2359 \(2017\)](#) and [2391 \(2017\)](#).

⁶⁶ See for example resolution [2379 \(2017\)](#).

⁶⁷ See for example resolutions [2322 \(2016\)](#), [2368 \(2017\)](#), [2370 \(2017\)](#), [2395 \(2017\)](#), [2396 \(2017\)](#).

⁶⁸ Resolutions [2368 \(2017\)](#), sixteenth preambular paragraph.

⁶⁹ Resolution [2359 \(2017\)](#), fifth preambular paragraph.

⁷⁰ Resolutions [2331 \(2016\)](#), paras. 12 and 13, [2368 \(2017\)](#), para. 15 and [2388 \(2017\)](#), para. 27

⁷¹ Resolution [2380 \(2017\)](#), para. 5.

relevant information pertaining to linkages between human trafficking and terrorist financing.⁷²

During the review period, the Council renewed its call upon Member States to take appropriate steps to prevent and counter the illicit trade and trafficking in cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance originating from a context of armed conflict and encouraged Member States to propose listings of individuals and entities involved in such activities to the Committee.⁷³

2. Country-specific decisions relating to Article 41

During the period 2016 and 2017, the Council terminated the sanctions measures against Côte d'Ivoire and Liberia (see subsections (g) and (e) below) and imposed new sanctions measures in relation to the situation in Mali (see subsection (p) below). It expanded significantly the scope of existing measures against the Democratic People's Republic of Korea and introduced a series of new measures to curtail the country's prohibited nuclear and ballistic missiles capabilities and activities (see subsection (j)).

During the period under review, the Council renewed the measures concerning Somalia and Eritrea, ISIL (Da'esh) and Al-Qaida and associates, the Democratic Republic of the Congo, the Sudan, Libya, the Central African Republic, Yemen and South Sudan. The Council also made modifications to the sanctions regimes concerning Somalia and Eritrea, ISIL (Da'esh) and Al-Qaida and associates, Libya and the Central African Republic, as further detailed in subsections (a), (c), (k) and (m) below. For the first time, sexual and gender-based violence became a designation criterion for sanctions in relation to the Central African Republic and no changes were made to the measures concerning the Taliban and associated individuals and entities, Iraq, Lebanon, and Guinea-Bissau (see sections (b), (d), (i), and (l) below).

In connection with the situation in South Sudan, on 12 August 2016, by resolution [2304 \(2016\)](#) the Council decided that, if in the context of the prescribed reporting in paragraph 16 of the resolution, the Secretary-General reported political or operational impediments to operationalizing the Regional Protection Force or obstructions to the United Nations Mission in South Sudan by the Transitional Government of National Unity, it would

⁷² Resolution [2388 \(2017\)](#), para. 9.

⁷³ *Ibid.*, paras. 8 and 10. See resolution [1483 \(2003\)](#), para. 7

consider “appropriate measures”, including an arms embargo as described in the draft resolution included in Annex (see subsection (o)).

The coverage in this sub-section of developments in each of the sanctions regimes does not include reference to the subsidiary bodies of the Council tasked with their implementation. The decisions of the Council relating to those subsidiary bodies are described in detail in part IX, section I. B. Moreover, this sub-section uses categories of sanctions measures such as arms embargo, assets freeze, or travel ban for clarification purposes only. These categories are not intended to serve as legal definitions of the measures. Furthermore, developments in the sanctions measures imposed by the Council during the period under review are categorised according to the following main actions taken by the Council: “establishment”,⁷⁴ “modification”,⁷⁵ “extension”,⁷⁶ “limited extension”⁷⁷ or “termination”.⁷⁸

Sub-sections (a) to (p) below consist of a narrative section describing the most significant developments in 2016 and 2017, and a table including all relevant provisions of Council decisions concerning developments in each of the sanctions regimes existing during the period under review, according to the categories outlined above (the provisions are indicated by a numerical value corresponding to the relevant operative paragraph of the Council’s resolution). In addition, tables 5 and 6 below provide an overview of relevant decisions adopted during 2016 and 2017 establishing or modifying sanctions measures imposed by the Council in relation to all existing regimes.

⁷⁴ A sanctions measure is categorised below as “established” when it is initially imposed by the Council.

⁷⁵ When an additional element to the measure is introduced, it is categorised as a modification. A measure is thus “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 (c) elements of the measure are modified.

⁷⁶ An action of the Council is categorised below as “extended” when the sanctions measure concerned is not modified or terminated and the Council extends or restates the measure without specifying an end date.

⁷⁷ An action by the Council is categorised 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.

⁷⁸ An action by the Council is categorised below as “terminated” when the Council ends the specific sanctions measure. However, if only an element of the measure is terminated, but other measures or elements of that measure remain, this action will be categorised as a modification of the measure.

Table 5
Overview of country-specific decisions imposing measures pursuant to Article 41 that were in place in 2016-2017

<i>Measures taken in connection with</i>	<i>Sanctions measures</i>															
	<i>Somali a and Eritrea</i>	<i>Taliban and associa ted individ uals and entities</i>	<i>ISIL (Da'esh) & Al-Qaida and associated individuals and entities</i>	<i>Iraq</i>	<i>Liberia</i>	<i>Democrati c Republic of the Congo</i>	<i>Côte d'Ivoire</i>	<i>Sudan</i>	<i>Lebanon</i>	<i>Democratic People's Republic of Korea</i>	<i>Libya</i>	<i>Guinea -Bissau</i>	<i>Central African Republic</i>	<i>Yemen</i>	<i>South Sudan</i>	<i>Mali⁷⁹</i>
Resolution establishing measures and selected resolutions subsequently modifying the measures	733 (1992); 1356 (2001); 1425 (2002); 1725 (2006); 1744 (2007); 1772 (2007); 1816 (2008); 1844 (2008); 1846 (2008); 1851 (2008); 1872 (2009); 1897 (2009);	1988 (2011); 2082 (2012); 2160 (2014); 2255 (2015)	1267 (1999); 1333 (2000); 1388 (2002); 1390 (2002); 1452 (2002); 1735 (2006); 1904 (2009); 1989 (2011); 2083 (2012); 2161 (2014); 2170 (2014); 2178 (2014);	661 (1990); 687 (1991); 707 (1991); 1483 (2003); 1546 (2004); 1637 (2005); 1723 (2006); 1790 (2007); 1859 (2008); 1905 (2009); 1956 (2010); 1957 (2010)	788 (1992); 1521 (2003); 1532 (2004); 1579 (2004);16 (2005); 1647 (2005); 1683 (2006); 1688 (2006); 1731 (2006); 1753 (2007); 1792 (2007)	1493 (2003); 1552 (2004); 1596 (2005); 1616 (2005); 1649 (2005); 1671 (2006); 1698 (2006); 1768 (2007); 1771 (2007); 1689 (2006); 1799 (2008); 1807 (2008); 1857 (2008);	1572 (2004); 1643 (2005); 1727 (2006); 1782 (2007); 1842 (2008); 1893 (2009); 1946 (2010); 1975 (2011); 1980 (2011); 2045 (2012); 2101 (2013); 2153 (2014);2	1556 (2004); 1591 (2005); 1672 (2006); 1945 (2010); 2035 (2012); 2138 (2014); 2200 (2015)	1636 (2005); 1701 (2006)	1718 (2006); 1874 (2009); 2087 (2013); 2094 (2013); 2141 (2014); 2207 (2015)	1970 (2011); 1973 (2011); 2009 (2011); 2016 (2011); 2095 (2013); 2146 (2014); 2174 (2014); 2208 (2015); 2213 (2015); 2238 (2015); 2259 (2015)	2048 (2012); 2157 (2014); 2186 (2014); 2203 (2015)	2127 (2013); 2134 (2014); S/PRST/ 2014/28; 2196 (2015); 2217 (2015)	2140 (2014); 2204 (2015); 2216 (2015)	2206 (2015); 2241 (2015); 2252 (2015)	2374 (2017)

⁷⁹ Imposition of new measures pursuant to resolution [2374 \(2017\)](#) of 5 September 2017.

1907 (2009);	2199 (2015);	1854 (2008);	1896 (2009);	219 (2015)												
1916 (2010);	2253 (2015)	1903 (2009);	1952 (2010);													
1950 (2010);		1961 (2010);	2136 (2014);													
1964 (2010);		2025 (2011);	2147 (2014);													
1972 (2011);		2079 (2012);	2198 (2015);													
2002 (2011);		2128 (2013);	2211 (2015)													
2023 (2011);		2188 (2014);														
2036 (2012);		2237 (2015)														
2060 (2012);																
2093 (2013);																
2111 (2013);																
2125 (2013);																
2142 (2014);																
2182 (2014);																
2184 (2014);																
2244 (2015);																
2246 (2015)																
<i>Resolutions adopted in 2016-2017</i>	2316 (2016);	No resolutions adopted	2347 (2017);	No resolutions adopted	2288 (2016)	2293 (2016);	2283 (2016)	2265 (2016);	No resolutions adopted	2270 (2016);	2278 (2016);	No resolutions adopted	2262 (2016);	2266 (2016);	2271 (2016);	2374 (2017)
	2317 (2016);		2349 (2017)			2360 (2017)		2340 (2017)		2321 (2016);	2292 (2016);2		2339 (2017)	2342 (2017)	2280 (2016);	2290
	2383									2356	357					

(2017): 2385 (2017)	2368 (2017)	(2017): 2371 (2017): 2375 (2017): 2397 (2017)	(2017): 2362 (2017)	(2016): 2353 (2017)
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Table 6
Overview of measures imposed pursuant to Article 41 or in place in 2016-2017

<i>Measures taken in connection with</i>	<i>Somalia and Eritrea</i>	<i>Taliban</i>	<i>ISIL (Da'esh) and Al-Qaida</i>	<i>Iraq</i>	<i>Liberia</i>	<i>Democratic Republic of the Congo</i>	<i>Côte d'Ivoire</i>	<i>Sudan</i>	<i>Lebanon</i>	<i>Democratic People's Republic of Korea</i>	<i>Libya</i>	<i>Guinea-Bissau</i>	<i>Central African Republic</i>	<i>Yemen</i>	<i>South Sudan</i>	<i>Mali⁸⁰</i>
<i>Arms embargo</i>	X	X	X	X	X	X	X	X	X	X	X		X	X		
<i>Travel ban or restrictions</i>	X	X	X			X	X	X	X	X	X	X	X	X	X	X
<i>Assets freeze</i>	X	X	X	X		X	X	X	X	X	X		X	X	X	X
<i>Ban on arms exports by target state</i>										X	X					
<i>Ban/restriction on workers abroad</i>										X						
<i>Business restrictions</i>	X (Eritrea)										X					
<i>Charcoal ban</i>	X															
<i>Diplomatic / overseas representation restrictions</i>										X						

⁸⁰ Imposition of new measures pursuant to resolution [2374 \(2017\)](#) of 5 September 2017.

<i>Embargo on natural resources</i>		X		X	
<i>Financial restrictions</i>	X (Eritrea)			X	X
<i>Luxury goods embargo</i>				X	
<i>Natural gas embargo/restriction</i>				X	
<i>Non-proliferation measures</i>				X	
<i>Oil/petroleum and petroleum products embargo/restriction</i>				X	X ⁸¹
<i>Prohibition on bunkering services</i>				X	X
<i>Public financial support for trade restrictions</i>				X	
<i>Restrictions on ballistic missiles</i>				X	

⁸¹ Measures in relation to attempts to illicitly export petroleum. See resolution [2146 \(2014\)](#), para. 10 and 12.

<i>Sectoral ban</i>			X
<i>Specialized teaching and technical cooperatio n restrictions</i>			X
<i>Transport and aviation sanctions</i>			X
<i>Trade ban on cultural goods</i>	X		

(a) Somalia and Eritrea

During the period under review, the Security Council adopted resolutions [2316 \(2016\)](#), [2317 \(2016\)](#), [2383 \(2017\)](#) and [2385 \(2017\)](#) related to the sanctions measures imposed by the Council concerning Somalia and Eritrea.⁸² The resolutions either extended or modified three sanctions measures concerning Somalia, namely the assets freeze, the arms embargo, and the charcoal ban. Table 7 provides an overview of the changes to the measures authorized by the Council during 2016 and 2017.

On 9 November 2016, by resolution [2316 \(2016\)](#), the Council reiterated the exemption to the arms embargo concerning the supplies of weapons and military equipment or the provision of assistance destined for the sole use of Member States, international, regional, and subregional organizations authorized to fight against piracy and armed robbery at sea off the coast of Somalia.⁸³ This exemption was again reiterated by resolution [2383 \(2017\)](#).⁸⁴

Immediately thereafter, on 11 November 2016, by resolution [2317 \(2016\)](#), the Council reaffirmed the arms embargo on Somalia and on Eritrea whilst reiterating the exemptions to the measures concerning the deliveries of weapons, ammunition or military equipment or the provision of advice, assistance or training, intended solely for the development of the Somali National Security Forces, to provide security for the Somali people, as well as the entry into Somali ports for temporary visits of vessels carrying arms and related materiel for defensive purposes.⁸⁵ The arms embargo and the exemptions outlined above were again reaffirmed by resolution [2385 \(2017\)](#), on 14 November 2017.⁸⁶ Furthermore, by resolutions [2317 \(2016\)](#) and [2385 \(2017\)](#), the Council reiterated that the assets freeze should not be applied to the payment of funds, other financial assets or economic resources necessary for the timely delivery of humanitarian assistance.⁸⁷ Also by resolutions [2317 \(2016\)](#) and [2385 \(2017\)](#), the Council reaffirmed the ban on the import and export of Somali charcoal,⁸⁸ at the same time as it renewed its authorization for Member States to inspect vessels (and to seize and dispose of any prohibited items) bound to or from

⁸² For more information on the Committee established pursuant to resolution [751 \(1992\)](#) and [1907 \(2009\)](#) concerning Somalia and Eritrea, see part IX, sect. I. B.

⁸³ Resolution [2316 \(2016\)](#), paras. 14 and 16.

⁸⁴ Resolution [2383 \(2017\)](#), para. 16.

⁸⁵ Resolution [2317 \(2016\)](#), paras. 1, 2, 3 and 16.

⁸⁶ Resolution [2385 \(2017\)](#), paras. 1, 2, 3 and 19.

⁸⁷ Resolutions [2317 \(2016\)](#), para. 28; and [2385 \(2017\)](#), para. 33.

⁸⁸ Resolutions [2317 \(2016\)](#), paras. 22 and 25; and [2385 \(2017\)](#), paras. 26 and 29.

Somalia, where there were grounds to believe that the vessels were carrying charcoal, weapons or military equipment to Somalia or to individuals or entities designated by the relevant Committee in Somali territorial waters and on the high seas off the coast of Somalia.⁸⁹

⁸⁹ Resolution [2317 \(2016\)](#), para. 25; resolution [2385 \(2017\)](#), para. 29.

Table 7
Changes to the measures imposed pursuant to Article 41 in connection with Somalia and Eritrea, 2016-2017

<i>Provisions related to sanctions measures</i>	<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period (paragraph)</i>			
		<i>2316 (2016)</i>	<i>2317 (2016)</i>	<i>2383 (2017)</i>	<i>2385 (2017)</i>
Arms embargo	<i>733 (1992)</i> , para. 5	Exemption, 16	Extension (1) Limited extension (25) Exemption (2, 3)	Exemption, 16	Extension (1) Limited extension (29) Exemption (2, 3)
Arms embargo (Eritrea)	<i>1907 (2009)</i> , paras. 5 and 6		Extension (16)		Extension (19)
Assets freeze	<i>1844 (2008)</i> , para. 3		Exemption (28)		Exemption (33)
Charcoal ban	<i>2036 (2012)</i> , para. 22		Extension (22) Limited extension (25)		Extension (26) Limited extension (29)

(b) The Taliban and associated individuals and entities

During the period under review, the Council adopted six resolutions concerning the Analytical Support and Sanctions Monitoring Team established pursuant to resolution [1526 \(2004\)](#),⁹⁰ and one affecting the Committee established pursuant to resolution [1988 \(2011\)](#).⁹¹ It did not, however, adopt any new resolutions concerning the sanctions measures on the Taliban and other individuals, groups, undertakings and entities associated with the Taliban constituting a threat to peace, stability and security of Afghanistan, as designated by the Committee. The relevant Committee continued to oversee the implementation of the assets freeze, arms embargo and travel ban or restriction as previously imposed by resolutions [1267 \(1999\)](#), [1333 \(2000\)](#) and [1390 \(2002\)](#), respectively.

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

During the period under review, the Council adopted five resolutions [2331 \(2016\)](#), [2347 \(2017\)](#), [2349 \(2017\)](#), [2368 \(2017\)](#) and [2396 \(2017\)](#) concerning the sanctions measures on ISIL (Da'esh) and Al-Qaida and associates. As mentioned above, the Council also adopted six resolutions concerning the Analytical Support and Sanctions Monitoring Team established pursuant to resolution [1526 \(2004\)](#),⁹² and five resolutions affecting the Committee established pursuant to resolutions [1267 \(1999\)](#).⁹³ Table 8 provides an overview of the changes to the measures during the period under review.⁹⁴

On 20 December 2016, by resolution [2331 \(2016\)](#), the Council condemned all acts of trafficking, in particular the sale or trade in person by terrorists groups, including the trafficking in Yazidis and other persons belonging to religious and ethnic minorities by the ISIL (Da'esh). Recognizing the importance of collecting evidence to hold accountable those responsible, the Council expressed its intention to consider targeted sanctions for individuals and entities involved in such acts.⁹⁵

⁹⁰ Resolutions [2331 \(2016\)](#), [2342 \(2017\)](#), [2347 \(2017\)](#), [2368 \(2017\)](#), [2370 \(2017\)](#) and [2388 \(2017\)](#). For more information on the Analytical Support and Sanctions Monitoring established pursuant to resolution [1526 \(2004\)](#), see part IX, sect. I.B.

⁹¹ Resolution [2325 \(2016\)](#). For further details, see part IX, sect. I.B.

⁹² Resolutions [2331 \(2016\)](#), [2342 \(2017\)](#), [2347 \(2017\)](#), [2368 \(2017\)](#), [2370 \(2017\)](#) and [2388 \(2017\)](#).

⁹³ Resolutions [2325 \(2016\)](#), [2347 \(2017\)](#), [2349 \(2017\)](#), [2368 \(2017\)](#) and [2370 \(2017\)](#).

⁹⁴ Resolutions [2331 \(2016\)](#) and [2396 \(2017\)](#) are not included in the table because no changes to any measures were made. The Council expressed its intention to consider additional targeted sanctions in resolution [2331 \(2016\)](#).

⁹⁵ Resolution [2331 \(2016\)](#), paras. 11 and 12.

On 24 March 2017, by resolution [2347 \(2017\)](#), the Council recalled the assets freeze on ISIL and individuals, groups, entities or undertakings associated with ISIL (Da'esh) or Al-Qaida and requested Member States to prevent and counter the illicit trade and trafficking of cultural property originating from a context of armed conflict, in particular items illegally removed from Iraq since 6 August 1990 and Syria since 15 March 2011.⁹⁶ It also reiterated that any engagement in trade involving ISIL, Al-Nusra Front and all other individuals, groups, undertakings and entities associated with Al-Qaida could constitute financial support and could lead to further listings by the Committee.⁹⁷ In this resolution, the Council also encouraged Member States to propose listings of ISIL, Al-Qaida and associates involved in the illicit trade in cultural property, which met the designation criteria set forth in resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#), to be considered by the Committee.⁹⁸

On 20 July 2017, by resolution [2368 \(2017\)](#), the Council decided to renew the arms embargo, assets freeze and travel ban with respect to ISIL (Da'esh), Al-Qaida, and associated individuals, groups, undertakings and entities,⁹⁹ as well as the exemptions to the assets freeze and the travel ban.¹⁰⁰ The Council further recalled the criteria for inclusion in the ISIL (Da'esh) and Al-Qaida Sanctions List contained in prior resolutions whilst reaffirming its intention to consider targeted sanctions for individuals and entities associated with ISIL (Da'esh) or Al-Qaida involved in trafficking in persons in areas affected by armed conflict and in sexual violence in conflict, and expanded the designation criteria to individuals and entities engaged in financing, supporting, facilitating acts or activities, including in petroleum and antiquities trade-related activities, with ISIL (Da'esh), Al-Qaida and associates.¹⁰¹

By the same resolution, the Council also expanded, the assets freeze to include trade in petroleum products, natural resources, chemical or agricultural products, weapons, or antiquities, kidnapping for ransom, and the proceeds of other crimes including, trafficking in persons, extortion and bank robbery.¹⁰² The Council further called upon Member States to supervise the money value transfer systems and detect and prevent the physical cross-border movement of currency to support terrorism in accordance with relevant Financial Action

⁹⁶ Resolution [2347 \(2017\)](#), para. 8.

⁹⁷ *Ibid.*, para. 2.

⁹⁸ *Ibid.*, para. 10.

⁹⁹ Resolution [2368 \(2017\)](#), paras. 1, 5, 6, 7, 8, 9, 13, 20, 22, 80 and 81.

¹⁰⁰ *Ibid.*, paras. 1(b), 6, 10, 80 and 81.

¹⁰¹ *Ibid.*, paras. 2, 3, 4, 14, 15, 50 and 61.

¹⁰² *Ibid.*, para. 7.

Task Force recommendations and international standards as well as to protect non-profit organizations from terrorist abuse.¹⁰³

In this resolution, the Council decided to review the measures with a view to their possible further strengthening in 18 months.¹⁰⁴

On 21 December 2017, by resolution [2396 \(2017\)](#), the Council decided that Member States should require airlines operating in their territories to provide advance passenger information systems, in furtherance of resolution [2178 \(2014\)](#) and the standard established by the International Civil Aviation Organization as of 23 October 2017, to detect the departure from their territories, or attempted travel to, entry into, or transit through their territories of foreign terrorist fighters and individuals designated by the Committee.¹⁰⁵

¹⁰³ Ibid., para. 22.

¹⁰⁴ Ibid., para 104.

¹⁰⁵ Resolution [2396 \(2017\)](#), para. 11. See also resolution [2178 \(2014\)](#), para. 8. See for further detail, part VII, sect. III.A.2(c), 19th Supplement (2014-2015).

Table 8

Changes to the measures imposed pursuant to Article 41 in connection with ISIL (Da'esh) and Al-Qaida and associates in 2016-2017

<i>Provisions related to sanctions measures</i>	<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period (paragraph)</i>		
		<u>2347 (2017)</u>	<u>2349 (2017)</u>	<u>2368 (2017)</u>
Arms embargo	<u>1333 (2000)</u> , para. 5			Extension (1, 1(c))
Assets freeze	<u>1267 (1999)</u> , para. 4(b)	Extension (8)	Extension (6)	Extension (1, 1(a), 5, 6, 7, 8, 9, 13) Modification (7, 20, 22) Exemption (6, 10, 80, 81, 81(a) and (b))
Trade ban on cultural goods	<u>2199 (2015)</u> , para. 17 ¹⁰⁶	Modification (8)		
Travel ban or restrictions	<u>1390 (2002)</u> , para. 2(b)			Extension (1, 1(b)) Exemption (1(b), 10,80)

¹⁰⁶ See resolution [1483 \(2003\)](#), para. 7, by which the Council decided that that all Member States should take appropriate steps to facilitate the safe return to Iraqi institutions of Iraqi cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from the Iraq since the adoption of resolution [661 \(1990\)](#) of 6 August 1990, including by establishing a prohibition on trade in or transfer of such items suspected of illegally removed from Iraq.

(d) Iraq

During the period 2016 and 2017, the Council did not adopt any new resolution concerning the remaining sanctions measures on Iraq consisting of an arms embargo (with exemptions) and an asset freeze on former Iraqi regime and senior officials, state bodies, corporations and agencies. Pursuant to resolution [1483 \(2003\)](#), the relevant Committee continued to oversee the implementation of the assets freeze and to maintain the lists of individuals and entities.

(e) Liberia

During the period under review, the Council adopted resolution [2288 \(2016\)](#) concerning the arms embargo on Liberia.¹⁰⁷ Table 9 provides an overview of the changes to the measure during the period under review.

Upon its determination that the ceasefire in Liberia was being fully respected and maintained, and significant progress had been made in establishing and maintaining stability in Liberia and the subregion,¹⁰⁸ on 25 May 2016, by resolution [2288 \(2016\)](#), the Council terminated, with immediate effect, the arms embargo previously imposed by resolution [1521 \(2003\)](#).

Table 9
Changes to the measures imposed pursuant to Article 41 in connection with Liberia, 2016-2017

<i>Provisions related to sanctions measures</i>	<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period (paragraph)</i>
Arms embargo	1521 (2003) , para. 2	2288 (2016) Termination (1)

(f) Democratic Republic of the Congo

During the period under review, the Council adopted resolutions [2293 \(2016\)](#) and [2360 \(2017\)](#) affecting the sanctions measures on the Democratic Republic of Congo, consisting of an arms embargo, a travel ban, an assets freeze, and an embargo on natural

¹⁰⁷ For more information on the Committee established pursuant to resolution [1521 \(2003\)](#) concerning Liberia and the mandate of the Panel of Experts, see , part IX, sect. I.B.

¹⁰⁸ Resolution [2288 \(2016\)](#), eleventh preambular paragraph and para. 1.

resources.¹⁰⁹ Table 10 provides an overview of the changes to the measures during the period under review.

The Council renewed twice the sanctions measures in place, namely, the arms embargo, assets freeze and travel ban, first until 1 July 2017 by resolution [2293 \(2016\)](#), and subsequently until 1 July 2018 by resolution [2360 \(2017\)](#).¹¹⁰ In addition, the Council reaffirmed the provisions of prior resolutions concerning the embargo on natural resources, including wildlife.¹¹¹ The Council reaffirmed the designation criteria contained in prior resolutions as designated by the Committee for engaging in or providing support for acts that undermined the peace, stability or security of the Democratic Republic of the Congo,¹¹² and included “planning, directing, sponsoring or participating in attacks against MONUSCO peacekeepers or United Nations personnel, including members of the Group of Experts”.¹¹³ The Council also reaffirmed the exemptions contained in previous resolutions, whilst adding to the exemptions other sales and/or supply of arms and related materiel or provision of assistance or personnel approved in advance by the Committee, by resolution [2293 \(2016\)](#).¹¹⁴ In this resolution, the Council also recalled the exemptions to the travel ban as per resolutions [1807 \(2007\)](#) and [2078 \(2014\)](#).¹¹⁵

Table 10

Changes to the measures imposed pursuant to Article 41 in connection with the Democratic Republic of Congo, 2016-2017

<i>Provisions related to sanctions measures</i>	<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period (paragraph)</i>	
		2293 (2016)	2360 (2017)
Arms embargo	1493 (2003) , para. 20	Limited extension (1) Exemption (1, 2, 3 (a), (b) (c), (d))	Limited extension (1) Exemption (1)

¹⁰⁹ During the review period, the Council adopted four resolutions concerning the Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of Congo or Groups of Experts, namely resolutions [2277 \(2016\)](#), [2293 \(2016\)](#), [2348 \(2017\)](#) and [2360 \(2017\)](#). See for further details, part IX, sect. I.B.

¹¹⁰ Resolutions [2293 \(2016\)](#), paras. 1 and 5, and [2360 \(2017\)](#), para. 1.

¹¹¹ Resolutions [2293 \(2016\)](#), para. 29, and [2360 \(2017\)](#), para. 26.

¹¹² Resolutions [2293 \(2016\)](#), para. 7, and [2360 \(2017\)](#), para. 2.

¹¹³ Resolution [2360 \(2017\)](#), para. 3.

¹¹⁴ Resolution [2293 \(2016\)](#), para. 3(d).

¹¹⁵ *Ibid.*, para. 6. See resolutions [1807 \(2008\)](#), para. 9 and [2078 \(2014\)](#), para. 10.

Assets freeze	1596 (2005) , para. 15	Limited extension (5) Exemption (5)	Limited extension (1) Exemption (1)
Travel ban	1596 (2005) , para. 13	Limited extension (5) Exemption (5, 6)	Limited extension (1) Exemption (1)
Embargo on natural resources	1649 (2005) , para 16	Extension (25, 28, 29)	Extension (22, 25, 26)

(g) Côte d'Ivoire

During the period under review, the Security Council adopted one resolution related to the sanctions measures concerning Côte d'Ivoire.¹¹⁶ Table 11 provides an overview of the changes to the measures authorized by the Council during 2016 and 2017.

By resolution [2283 \(2016\)](#), the Council terminated the three remaining sanctions measures on Côte d'Ivoire, namely, arms embargo, assets freeze and travel ban, considering the progress achieved in the stabilization of the country and the successful conduct of the presidential election of 25 October 2015.¹¹⁷

Table 11
Changes to the measures imposed pursuant to Article 41 in connection with Côte d'Ivoire, 2016-2017

<i>Provisions related to sanctions measures</i>	<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period (paragraph)</i>
		2283 (2016)
Arms embargo	1572 (2004) , para. 7	Termination (1)
Assets freeze	1572 (2004) , para. 11	Termination (1)
Travel ban	1572 (2004) , para. 9	Termination (1)

(h) Sudan

During the period under review, the Council adopted two resolutions, namely resolutions [2265 \(2016\)](#) and [2340 \(2017\)](#), concerning the sanctions measures on the Sudan.¹¹⁸ Table 12 provides an overview of the changes to the measures during 2016 and 2017.

¹¹⁶ For further information on the Committee established pursuant to [resolution 1572 \(2004\)](#) concerning Côte d'Ivoire, see part IX, sect. I.B.

¹¹⁷ Resolution [2283 \(2016\)](#), seventh preambular paragraph and para. 1.

¹¹⁸ During the review period, the Council adopted three resolutions concerning the Committee established pursuant to resolution [1591 \(2005\)](#) concerning the Sudan, namely resolutions [2265 \(2016\)](#), [2340 \(2017\)](#) and [2363 \(2017\)](#). For more information concerning the Committee see part IX, sect. I.B.

In both resolutions, the Council continued to express concern that certain items were converted for military purpose and transferred to Darfur, including technical assistance and support, as well as weapons systems and materiel, which could be used by the government to support military aircraft in violation of the arms embargo measures against all non-governmental entities and individuals as imposed by resolution [1556 \(2004\)](#) and [1591 \(2005\)](#).¹¹⁹ In resolutions [2265 \(2016\)](#) and [2340 \(2017\)](#), the Council recalled the Government of Sudan's obligations pursuant to the arms embargo established in prior resolutions and called upon the Government of the Sudan to address the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons in Darfur, as well as to ensure the safe and effective management, storage and security of stockpiles, and the collection and/or destruction of surplus, seized, unmarked, or illicitly held weapons and ammunition.¹²⁰

By the same resolutions, the Council reiterated the obligations of all States concerning the travel ban established by resolution [1591 \(2005\)](#) and called upon the Government of Sudan to enhance cooperation and information sharing with other States in that regard.¹²¹ Whilst acknowledging an overall reduction in violence, in resolution [2340 \(2017\)](#) the Council urged the Government to investigate and bring perpetrators to justice, taking into account the findings of the 2014, 2015 and 2016 final reports of the Panel of Experts, and the Secretary-General's report ([S/2016/1109](#)), and expressed its intention to impose targeted sanctions on individuals and entities who plan, sponsor or participate in attacks against civilians as well as personnel of the United Nations-African mission in Darfur (UNAMID).¹²²

Table 12

Changes to the measures imposed pursuant to Article 41 in connection with Sudan, 2016-2017

<i>Provisions related to sanctions measures</i>	<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period (paragraph)</i>	
		2265 (2016)	2340 (2017)
Arms embargo	1556 (2004) , paras. 7, 8	Extension (7)	Extension (9)
Assets freeze	1591 (2005) , para. 3(e)		
Travel ban or restrictions	1591 (2005) , para. 3(d)	Extension (12)	Extension (14)

¹¹⁹ Resolutions [2265 \(2016\)](#), paras. 6 and 9; resolution [2340 \(2017\)](#), paras. 8 and 11.

¹²⁰ Resolutions [2265 \(2016\)](#), paras. 7 and 8; resolution [2340 \(2017\)](#), paras. 9 and 10.

¹²¹ Resolutions [2265 \(2016\)](#), para. 12; resolution [2340 \(2017\)](#), paras. 14.

¹²² Resolution [2340 \(2017\)](#), fifth preambular paragraph and paras. 18, 20 and 21.

(i) Lebanon

During the period under review, the Council did not make any modifications to the sanctions measures concerning Lebanon established pursuant to resolution [1636 \(2005\)](#), consisting of an arms embargo, an assets freeze and a travel ban.

(j) Democratic People's Republic of Korea

During the period under review, the Council adopted seven resolutions concerning the sanctions measures on the Democratic People's Republic of Korea,¹²³ six of which served to strengthen the measures in response to the increased nuclear testing and ballistic missile launching activity over the period under review.¹²⁴ Table 13 provides an overview of the changes to the measures during 2016 and 2017.

On 2 March 2016, by resolution [2270 \(2016\)](#) and against the background of a fourth nuclear test conducted by the Democratic People's Republic of Korea on 6 January 2016, the Council decided to expand the sanctions measures against the country. Whilst reaffirming non-proliferation measures established in prior resolutions, the Council expanded them to include any items determined by the State concerned to contribute to the Democratic People's Republic of Korea's ballistic missile or weapons of mass destruction programs or to the development of the operational capabilities of its armed forces.¹²⁵ Similarly, the measures relating to the arms embargo,¹²⁶ the assets freeze,¹²⁷ the financial restrictions,¹²⁸ the travel ban,¹²⁹ and the embargo on luxury goods¹³⁰ were all expanded in terms of scope and individuals and entities affected. Moreover, the Council strengthened the restrictions on diplomats and overseas representations, authorizing Member States to expel the diplomats or government representatives working on behalf or at the direction of a designated individual or entity of the Democratic People's Republic of Korea, or of an individual or entities assisting in the evasion of sanctions or violating the provisions of prior resolutions.¹³¹

¹²³ Resolutions [2270 \(2016\)](#), [2276 \(2016\)](#), [2321 \(2016\)](#), [2356 \(2017\)](#), [2371 \(2017\)](#), [2375 \(2017\)](#) and [2397 \(2017\)](#).

¹²⁴ For more information on the Sanctions Committee concerning the Democratic People's Republic of Korea, see part IX, sect. I.

¹²⁵ Resolution [2270 \(2016\)](#), paras. 8, 8 (a), 8 (b), 17, 24, 25, 27.

¹²⁶ *Ibid.*, paras. 6, 7, 8, 8 (a), 8 (b), 25 and 27.

¹²⁷ *Ibid.*, paras. 10, 12, 23, 25, 32, 37 and 47.

¹²⁸ *Ibid.*, paras. 15, 33, 34, 35 and 37.

¹²⁹ *Ibid.*, paras. 7, 11, 13, 14 and 15.

¹³⁰ *Ibid.*, paras. 25 and 39.

¹³¹ *Ibid.*, para. 13.

By resolution [2270 \(2016\)](#), the Council also determined that Member States should prevent specialized teaching or training of nationals of disciplines that could contribute to the “proliferation sensitive nuclear activities or the development of nuclear weapon delivery systems” of the Democratic People’s Republic of Korea.¹³² The Council further decided that Member States should prohibit their nationals and those in their territories from leasing or chartering flagged vessels or aircraft, or providing crew services to the Democratic People’s Republic of Korea.¹³³ In addition, the Council decided that the Democratic People’s Republic of Korea should not supply, sell or transfer, coal, iron, and iron ore, as well as gold, titanium ore, vanadium ore, and rare earth minerals, and that all States should prohibit the procurement of such material from the Democratic People’s Republic of Korea, thereby expanding the scope of the embargo on natural resources.¹³⁴

On 30 November 2016, following a fifth nuclear test by the Democratic People’s Republic of Korea on 9 September 2016, the Council expanded further the sanctions measures on the country in a new resolution. By resolution [2321 \(2016\)](#), the Council expanded the arms embargo to cover additional items,¹³⁵ as well as the embargo on luxury goods.¹³⁶ The Council also expanded the embargo on natural resources originating in the Democratic People’s Republic of Korea, by, inter alia, adding copper, nickel, silver and zinc to the list of the minerals banned from the sale or procurement from the Democratic People’s Republic of Korea.¹³⁷ The Council tightened the restrictions on diplomatic and overseas representation of the Democratic People’s Republic of Korea by, inter alia, requiring Member States to reduce the number of staff at the country’s diplomatic missions and consular posts, restricting their entry or transit, and limiting to one the number of bank accounts per diplomatic mission, and consular post, and to one per accredited diplomat and consular officer at banks in their territory.¹³⁸ The Council further banned the Democratic People’s Republic of Korea from using real property in Member States’ territories for purposes other than diplomatic or consular activities.¹³⁹ Moreover, the Council authorized Member States to expel from their

¹³² Ibid., para. 17.

¹³³ Ibid., para. 19.

¹³⁴ Ibid., paras. 29 and 30.

¹³⁵ Resolution [2321 \(2016\)](#), paras. 4 and 7.

¹³⁶ Ibid., paras. 5 and 7.

¹³⁷ Ibid., paras. 26 and 28.

¹³⁸ Ibid., paras. 14 and 16

¹³⁹ Ibid., paras. 14, 15, 16 and 18.

territories individuals working on behalf of or at the direction of a bank or financial institution of the Democratic People's Republic of Korea.¹⁴⁰

By resolution [2321 \(2016\)](#), the Council also decided that the Democratic People's Republic of Korea should not supply, sell or transfer from its territory statues, and that all States should prohibit the procurement of such items from the country.¹⁴¹ Similarly, the Council decided that all Member States should prevent the direct or indirect supply, sale or transfer to the Democratic People's Republic of Korea, of new helicopters and vessels.¹⁴²

On 2 June 2017, by resolution [2356 \(2017\)](#), whilst recalling and reaffirming most existing measures, the Council added new individuals and entities to the list of individuals and entities affected by the assets freeze and travel ban in place since resolution [1718 \(2006\)](#).¹⁴³

Thereafter, on 5 August 2017, the Council adopted resolution [2371 \(2017\)](#) reaffirming and further expanding the sanctions measures in place against the Democratic People's Republic of Korea. As in past resolutions during the review period, whilst reaffirming most of the measures in place, the Council expanded the arms embargo to include designated additional conventional arms-related items, materials, equipment, goods, and technology. The Council also expanded the assets freeze as well as the travel ban to include additional designated individuals and entities.¹⁴⁴ The Council further added lead and lead ore to its list of natural resources embargo, banning the sale and procurement of such items from the Democratic People's Republic of Korea and detailed the implementation procedure relating to the ban on coal, iron and iron ore as introduced by resolution [2270 \(2016\)](#).¹⁴⁵ Furthermore, the Council expanded the financial restrictions by deciding that States should prohibit the opening of new joint ventures or cooperative entities with the entities or individuals of the Democratic People's Republic of Korea, or expanding existing joint ventures, unless approved by the Committee.¹⁴⁶ The Council also clarified that the financial restrictions imposed by resolution [1718 \(2006\)](#) also applied to the clearing of funds through all Member States' territories.¹⁴⁷

Moreover, expressing concern over the foreign export earnings of the nationals of the Democratic People's Republic of Korea working in other States, the Council decided that all

¹⁴⁰ Ibid., para. 33.

¹⁴¹ Ibid., para. 29.

¹⁴² Ibid., para. 30.

¹⁴³ Resolution [2356 \(2017\)](#), para. 3.

¹⁴⁴ Resolution [2371 \(2017\)](#), paras. 3 and 5.

¹⁴⁵ Ibid., paras. 8 and 10.

¹⁴⁶ Ibid., para. 12.

¹⁴⁷ Ibid., para. 13.

Member States should restrict the issuance of new work authorizations for the nationals of the country from the date of the adoption of the resolution, unless it was required for the delivery of humanitarian assistance or denuclearization, as approved by the Committee, on a case-by-case basis.¹⁴⁸ In addition, the Council decided to prohibit the supply, sale or transfer of seafood, including fish, crustaceans, molluscs, and other aquatic invertebrates in all forms.¹⁴⁹

On 11 September 2017, the Council adopted resolution [2375 \(2017\)](#) following a sixth nuclear test by the Democratic People's Republic of Korea. In this resolution, the Council reaffirmed and expanded some of the measures, including the scope of the arms embargo, as well as the individuals and entities affected by the assets freeze and the travel ban.¹⁵⁰

The Council in this resolution also introduced three new measures relating to the energy sector, namely, a full ban on the supply, sale or transfer of all condensates and natural gas liquids to the Democratic People's Republic of Korea, a limit on the amount of all refined petroleum products supplied, sold or transferred, and a restriction on the annual amount of crude oil supplied, sold or transferred to the country.¹⁵¹ Moreover, the Council in this resolution, expanded the reach of some of the sanctions measures, by (i) prohibiting the sale and procurement from the Democratic People's Republic of Korea of textiles as defined in the resolution,¹⁵² (ii) expanding the restriction by Member States on work authorizations for the nationals of the Democratic People's Republic of Korea,¹⁵³ and (iii) prohibiting the opening, maintenance, and operation of all joint ventures or cooperative entities, new and existing, with the entities or individuals of the Democratic People's Republic of Korea.¹⁵⁴

On 22 December 2017, the Council adopted resolution [2397 \(2017\)](#) strengthening the measures targeting the energy sector of the Democratic People's Republic of Korea,¹⁵⁵ the restrictions on work authorizations for its nationals,¹⁵⁶ the assets freeze and the travel ban,¹⁵⁷ and the implementation measures on the embargo on natural resources as well other prohibited items.¹⁵⁸ By this same resolution, the Council further expanded the sectors of the

¹⁴⁸ Ibid., para. 11.

¹⁴⁹ Ibid., para. 9.

¹⁵⁰ Resolution [2375 \(2017\)](#), paras. 3, 4 and 5.

¹⁵¹ Ibid., paras. 13, 14 and 15.

¹⁵² Ibid., para. 16.

¹⁵³ Ibid., para. 17.

¹⁵⁴ Ibid., para. 18.

¹⁵⁵ Resolution [2397 \(2017\)](#), paras. 4 and 5.

¹⁵⁶ Ibid., para. 8.

¹⁵⁷ Ibid., para. 3.

¹⁵⁸ Ibid., para. 9.

economy of the Democratic People's Republic of Korea subject to sanctions, namely, food and agricultural products, machinery, electric equipment, earth and stone, including magnesite and magnesia, wood, and vessels, as well as industrial machinery, transportation vehicles, and iron, steel, and other metals.¹⁵⁹

The Council also affirmed that it would keep the actions of the Democratic People's Republic of Korea under continuous review and expressed its determination to take further significant measures in the event of a further nuclear test or a launch of an intercontinental ballistic missile system capable of reaching intercontinental ranges or contributing to the development of a ballistic missile system capable of such ranges. In that case, the Council would take action to restrict further the export of petroleum to the Democratic People's Republic of Korea.¹⁶⁰

¹⁵⁹ Ibid., para. 6 and 7.

¹⁶⁰ Ibid., para. 28.

Table 13

Changes to the measures imposed pursuant to Article 41 in connection with the Democratic People's Republic of Korea in 2016-2017

<i>Provisions related to sanctions measures</i>	<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period (paragraph)</i>					
		<u>2270 (2016)</u>	<u>2321 (2016)</u>	<u>2356 (2017)</u>	<u>2371 (2017)</u>	<u>2375 (2017)</u>	<u>2397 (2017)</u>
Arms embargo	<u>1718 (2006)</u> , paras. 8 (a), 8 (a)(i) and (c)	Extension (5) Modification (6, 7, 8, 25, 27) Exemption (8, 8(a), (b))	Modification (4, 7)	Extension (3)	Modification (5)	Modification (4, 5)	
Assets freeze	<u>1718 (2006)</u> , para. 8 (d)	Modification (10, 12, 23, 25, 32, 37, 47) Exemption (32)	Extension (41) Modification (3)	Modification (3)	Modification (3, 4) Exemption (26)	Modification (3)	Modification (3)
Ban on arms exports by target state	<u>1718 (2006)</u> , para. 8 (b)	Extension (9) Modification (7, 8, 25, 27) Exemption (8, 8 (a), (b))	Modification (4, 7)	Extension (3)	Modification (5)	Modification (4, 5)	
Ban/restriction on workers abroad	<u>2371 (2017)</u> , para. 11				Establishment	Modification (17) Exemptions (17)	Modification (8) Exemption (8)
Diplomatic or overseas representation restrictions	<u>2094 (2013)</u> , para. 24	Modification (13) Exemption (13)	Modification (14, 15, 16, 18)				
Embargo on natural resources	<u>2270 (2016)</u> , para. 29 and 30	Established (29, 30) Exemption (29 (a), (b))	Modification (26, 28) Exemption (26 (a), (b))		Modification (8, 10) Exemption (8, 10)		Modification (6, 7) Exemption (6, 7, 16)
Financial restrictions	<u>1695 (2006)</u> , para. 4	Extension (33) Modification (15, 34, 35, 37) Exemption (33, 35)	Modification (16, 18, 31, 35) Exemption (31)		Modification (12, 13, 14) Exemption (12)	Modification (18) Exemption (18)	

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Luxury goods embargo	1718 (2006) , paras. 8 (a) and 8 (a)(iii)	Modification (25, 39)	Modification (5, 7)	Extension (3)	Modification (5)	Modification (5)	
Natural gas embargo/restriction	2375 (2017) , para. 13					Established	
Non-proliferation measures	1718 (2006) , paras. 6, 7, 8 (a), 8 (a)(ii) and 8 (c)	Extension (2, 3, 4, 5) Modification (8, 17, 25, 27) Exemption (8 (a), 8 (b))	Extension (2) Modification (4, 7, 10, 11, 37) Exemption (11 (a), (b))	Extension (2, 3)	Extension (2) Modification (5)	Extension (2) Modification (4, 5)	Extension (2)
Oil/petroleum and petroleum products embargo/restriction	2375 (2017) , para. 14 and 15					Establishment, Exemption (14, 15)	Modification (4, 5) Exemption (4, 5)
Prohibition of bunkering services	1874 (2009) , para. 17	Modification (31)	Modification (20)				
Public financial support for trade restrictions	1874 (2009) , para. 20	Extension (36)	Modification (22, 32) Exemption (32)				Extension (11) Exemption (11)
Restrictions on ballistic missiles	1695 (2006) , paras 2, 3 and 4	Extension (2, 4, 5) Modification (8, 25, 27) Exemption (8, 8 (a), 8(b), 31)	Extension (2) Modification (4, 7, 37)	Extension (2, 3)	Extension (2) Modification (5)	Extension (2) Modification (5)	Extension (2)
Sectoral ban	2321 (2016) , para. 29 and 30		Establishment Exemption (29, 30)		Modification (9) Exemption (9)	Modification (16) Exemption (16)	Modification (6, 7, 14) Exemption (6, 7, 14)
Specialized teaching and technical	2270 (2016) , para. 17	Establishment	Modification (10)				

cooperation restrictions							
Transportation and aviation sanctions measures	2270 (2016) , para. 19 and 20	Establishment Exemption (19, 20)	Modification (8, 9) Exemption (8, 9)				
Travel ban or restrictions	1718 (2006) , para. 8 (e)	Modification (7, 11, 13, 14, 15) Exemption (13, 14)	Modification (3, 33) Exemption (33)	Modification (3)	Modification (3)	Modification (3)	Modification (3)

(k) Libya

During the period under review, the Security Council adopted four resolutions related to the sanctions measures concerning Libya,¹⁶¹ two of which modified the sanctions measures in place. Table 14 provides an overview of the changes to the measures during the period under review.¹⁶²

On 31 March 2016, by resolution [2278 \(2016\)](#), the Council extended until 31 July 2017 the measures introduced by resolution [2146 \(2014\)](#) to curtail the attempts to illicitly export crude oil from Libya, namely, the restriction on financial transactions, the prohibition of loading, transportation or discharge and the prohibition of bunkering services.¹⁶³

On 29 June 2017, by resolution [2362 \(2017\)](#), whilst extending again the measures mentioned above until 15 November 2018, the Council also expanded the scope of such measures to include vessels loading, transporting, or discharging petroleum, including crude oil and refined petroleum products, illicitly exported or attempted to be exported from Libya.¹⁶⁴ In addition, the Council reaffirmed that the travel ban and assets freeze would be applied to individuals and entities designated by the Committee for engaging in acts threatening the peace and security of Libya, or obstructing or undermining the successful completion of its political transition. In addition, it decided that individuals and entities engaged in planning, directing, sponsoring, or participating in attacks against United Nations personnel, including members of the Panel of Experts, would be also subject to both measures.¹⁶⁵

In both resolutions, the Council expressed its readiness to consider reviewing, at the request of the Government of National Accord, the arms embargo and the assets freeze, when appropriate.¹⁶⁶

¹⁶¹ Resolutions [2278 \(2016\)](#), [2292 \(2016\)](#), [2357 \(2017\)](#) and [2362 \(2017\)](#).

¹⁶² Resolutions [2292 \(2016\)](#) and [2357 \(2017\)](#) are not included in the table because they do not extend or modify the sanctions measures concerning Libya.

¹⁶³ Resolution [2278 \(2016\)](#), para. 1. See also resolution [2146 \(2014\)](#), para. 10.

¹⁶⁴ Resolution [2362 \(2017\)](#), para. 2.

¹⁶⁵ *Ibid.*, para. 11.

¹⁶⁶ Resolutions [2278 \(2016\)](#), paras. 7, 11 and 16 and [2362 \(2017\)](#), paras. 7 and 12. See in this regard, case 9 below, in relation to the item entitled “The situation in Libya”.

Table 14
Changes to the measures imposed pursuant to Article 41 in connection with Libya, 2016-2017

<i>Provisions related to sanctions measures</i>	<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period (paragraph)</i>	
		<u>2278 (2016)</u>	<u>2362 (2017)</u>
Arms embargo	<u>1970 (2011)</u> , para. 9	Exemption (7)	Exemption (7)
Assets freeze	<u>1970 (2011)</u> , para. 17		Modified (11) Exemption (11)
Ban on arms exports by target state	<u>1970 (2011)</u> , para. 10		
Business restrictions	<u>1973 (2011)</u> , para. 21		
Financial restrictions	<u>2146 (2014)</u> , para. 10 (d)	Limited extension (1)	Limited extension (2)
Oil/petroleum embargo/restriction ¹⁶⁷	<u>2146 (2014)</u> , para. 10 (a), (c), (d)	Limited extension (1)	Limited extension (2) Modification (2)
Prohibition on bunkering services	<u>2146 (2014)</u> , para. 10 (c)	Limited extension (1) Exemption (1)	Limited extension (2) Modification (2)
Transportation and aviation sanctions measures	<u>1973 (2011)</u> , para. 6,17,18		
Travel ban or restrictions	<u>1970 (2011)</u> , para. 15		Extension (11) Exemption (11)

(1) Guinea-Bissau

During 2016 and 2017, the sanctions regime for Guinea-Bissau, consisting of a travel ban, continued to remain in force, but did not undergo any modifications.¹⁶⁸ By resolution [2267 \(2016\)](#), the Council decided to review the sanctions measures seven months from the adoption of the resolution in September 2016.¹⁶⁹ By resolution [2343 \(2017\)](#), the Council reiterated its decision to review the sanctions measures in September 2017.¹⁷⁰

¹⁶⁷ Measures in relation to attempts to illicitly export petroleum.

¹⁶⁸ For more information on the Sanctions Committee established pursuant to resolution [2048 \(2012\)](#) concerning Guinea-Bissau, see part IX, sect. I.B.

¹⁶⁹ Resolution [2267 \(2016\)](#), para 20.

¹⁷⁰ Resolution [2343 \(2017\)](#), para 23.

(m) Central African Republic

The Security Council adopted resolutions [2262 \(2016\)](#), [2301 \(2016\)](#) and [2339 \(2017\)](#) relating to the sanctions measures concerning the Central African Republic in 2016 and 2017.¹⁷¹ Table 15 provides an overview of the changes to the measures during the period under review.¹⁷²

On 27 January 2016, by resolution [2262 \(2016\)](#), the Council extended until 31 January 2017 all three sanctions measures concerning the Central African Republic established in prior resolutions, namely, an arms embargo, a travel ban and an assets freeze.¹⁷³ By this resolution, the Council also included additional exemptions to the arms embargo,¹⁷⁴ and emphasized, with regard to the travel ban, that individuals who knowingly facilitate the travel of a listed individual in violation of the travel ban could be determined to have met the designation criteria.¹⁷⁵

On 27 January 2017, by resolution [2339 \(2017\)](#), the Council again extended the sanctions measures until 31 January 2018.¹⁷⁶ In the resolution, the Council also expanded the designation criteria for the assets freeze and travel ban to include individuals and entities involved in planning, directing or committing acts involving sexual and gender-based violence in the Central African Republic.¹⁷⁷

Table 15
Changes to the measures imposed pursuant to Article 41 in connection with Central African Republic, 2016-2017

<i>Provisions related to sanctions measures</i>	<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period (paragraph)</i>	
		2262 (2016)	2339 (2017)
Arms embargo	2127 (2013) , para. 54	Limited extension (1) Exemption (1(a) to (h))	Limited extension (1) Exemption (1(a) to (h))
Assets freeze	2134 (2014) , paras. 32, 34	Limited extension (8) Exemption (9, 9 (a) to (c), 10, 11)	Limited extension (12) Exemption (13, 13 (a) to (c), 14, 15)

¹⁷¹ For more information on the Committee established pursuant to resolution [2127 \(2013\)](#) concerning the Central African Republic, see part IX, sect. I.B.

¹⁷² Resolution [2301 \(2016\)](#) is not included in the table because it did not extend or modify the sanctions measures concerning the Central African Republic.

¹⁷³ Resolution [2262 \(2016\)](#), paras. 1, 5 and 8.

¹⁷⁴ *Ibid.*, paras. 1 (b) and 1 (c).

¹⁷⁵ *Ibid.*, para. 7.

¹⁷⁶ Resolution [2339 \(2017\)](#), paras. 1, 5 and 12.

¹⁷⁷ *Ibid.*, para. 17 (c).

Travel ban or restrictions	2134 (2014) , para. 30	Limited extension (5) Exemption (5, 6, 6 (a) to (c))	Limited extension (5) Exemptions (5, 10 (a) to (c))
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(n) Yemen

During the period under review, the Security Council adopted two resolutions relating to the sanctions measures concerning Yemen.¹⁷⁸ Table 16 provides an overview of the changes to the measures during the period under review.

By resolutions [2266 \(2016\)](#), and [2342 \(2017\)](#), the Council extended the arms embargo, assets freeze and travel ban as well as the relevant exemptions to those measures, until 26 February 2017 and 26 February 2018, respectively.¹⁷⁹ The Council also reaffirmed the designation criteria of prior resolutions as well as its intention to keep the situation in Yemen under continuous review and its readiness to review the “appropriateness of the measures” in light of developments in the country.¹⁸⁰

Table 16
Changes to the measures imposed pursuant to Article 41 in connection with Yemen, 2016-2017

<i>Provisions related to sanctions measures</i>	<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period (paragraph)</i>	
		2266 (2016)	2342 (2017)
Arms embargo	2216 (2015) , paras. 14-16	Limited extension (2)	Limited extension (2)
Assets freeze	2140 (2014) , paras. 11, 13	Limited extension (2) Exemption (2)	Limited extension (2) Exemption (2)
Travel ban or restrictions	2140 (2014) , para. 15	Limited extension (2) Exemption (2)	Limited extension (2) Exemption (2)

¹⁷⁸ For more information on the Committee established pursuant to resolution [2140 \(2014\)](#) concerning Yemen, see part IX, sect. I.B.

¹⁷⁹ Resolutions [2266 \(2016\)](#) and [2342 \(2017\)](#), para. 2.

¹⁸⁰ Resolutions [2266 \(2016\)](#), and [2342 \(2017\)](#), para. 12.

(o) South Sudan

During the period under review, the Security Council adopted six resolutions concerning the sanctions measures on South Sudan, consisting of an assets freeze and a travel ban.¹⁸¹ Table 17 provides an overview of the changes to the measures during the period under review.¹⁸²

By resolutions [2271 \(2016\)](#), and [2280 \(2016\)](#), the Council extended the assets freeze and the travel ban, as well as the relevant exemptions, until 15 April 2016 and 1 June 2016, respectively.

Amidst concerns about the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, on 31 May 2016, the Council adopted resolution [2290 \(2016\)](#), renewing again the sanctions measures in place, this time until 31 May 2017.¹⁸³ The Council in this resolution also reaffirmed the designation criteria as laid out in resolution [2206 \(2015\)](#),¹⁸⁴ and expressed its intent to review the situation at 90-day intervals from the adoption of the resolution and to adjust the measures in light of the progress achieved in the peace, accountability and reconciliation process and the implementation of the Agreement and the parties' commitments.¹⁸⁵

Subsequently, by resolution [2304 \(2016\)](#), in the context of the mandate renewal of the United Nations Mission in the Republic of South Sudan (UNMISS),¹⁸⁶ the Council decided that it would consider imposing an arms embargo in the event of reports by the Secretary-General of political or operational impediments to operationalizing the Regional Protection Force or obstructions to UNMISS in the performance of its mandate.¹⁸⁷ The measures of arms embargo were described in a draft resolution included in Annex to resolution [2304 \(2016\)](#).

By resolution [2327 \(2016\)](#), the Council affirmed its intention to consider appropriate measures to address the evolving situation in South Sudan, including those described in the

¹⁸¹ Resolutions [2271 \(2016\)](#), [2280\(2016\)](#), [2290 \(2016\)](#), [2304 \(2016\)](#), [2327 \(2016\)](#) and [2353 \(2017\)](#). For more information on the Committee established pursuant to resolution [2206 \(2015\)](#) concerning South Sudan, see part IX, sect. I.B.

¹⁸² Resolutions [2304 \(2016\)](#) and [2327 \(2016\)](#) are not included in the table because they do not contain provisions extending or modifying the sanctions measures.

¹⁸³ Resolution [2290 \(2016\)](#), paras. 6 and 7. See for background on the situation in South Sudan, part I, sect. 11.

¹⁸⁴ Resolution [2290 \(2016\)](#), paras. 8, 9 and 10.

¹⁸⁵ *Ibid.*, paras. 6, 15 and 16.

¹⁸⁶ For further information on the mandate of UNMISS, see part X, sect. I.

¹⁸⁷ Resolution [2304 \(2016\)](#), paras. 16 and 17.

Annex of resolution [2304 \(2016\)](#).¹⁸⁸ The Council further expressed its intention to consider “all appropriate measures” against those that undermine the peace, stability and security of South Sudan.¹⁸⁹

By resolution [2353 \(2017\)](#), the Council extended the assets freeze and travel ban for another year until 31 May 2018, without reference to any further measures.¹⁹⁰

Table 17
Changes to the measures imposed pursuant to Article 41 in connection with the South Sudan, 2016-2017

<i>Provisions related to sanctions measures</i>	<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period (paragraph)</i>			
		2271 (2016)	2280 (2016)	2290 (2016)	2353 (2017)
Assets freeze	2206 (2015) , para. 12, 14	Limited extension (1) Exemption (1)	Limited extension (1) Exemption (1)	Limited extension (7) Exemption (7)	Limited extension (1) Exemption (1)
Travel ban or restrictions	2206 (2015) , para. 9	Limited extension (1) Exemption (1)	Limited extension (1) Exemption (1)	Limited extension (7) Exemption (7)	Limited extension (1) Exemption (1)

(p) Mali

During the period under review, the Security Council established new sanctions measures, an assets freeze and a travel ban, in connection with the situation in Mali.¹⁹¹ Table 18 provides an overview of the measures established during the period under review.

During 2016 and 2017, the Council repeatedly expressed its readiness to consider targeted sanctions against those who (i) took actions to obstruct or threaten the implementation

¹⁸⁸ Resolution [2327 \(2016\)](#), para. 10.

¹⁸⁹ *Ibid.*, para. 3.

¹⁹⁰ Resolution [2353 \(2017\)](#), para. 1.

¹⁹¹ For further background on the situation in Mali, see part I, sect. 15. For further information concerning the establishment of the Committee, see part IX, sect. I.B.

of the Agreement on Peace and Reconciliation in Mali, (ii) resumed hostilities and violated the ceasefire, (iii) attacked and took actions to threaten the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and other international presences, and (iv) provided support to such attacks and actions.¹⁹²

On 5 September 2017, by resolution [2374 \(2017\)](#), acting under Chapter VII of the Charter, the Council decided to establish, for an initial period of one year, an assets freeze and a travel ban against individuals and entities designated as responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threatened the peace, security, or stability of Mali.¹⁹³ The Council also established a Committee to monitor the implementation of the measures, as well as a Panel of Experts, for an initial period of 13 months, mandated to support the work of the Committee.¹⁹⁴

In the resolution, the Council further specified the actions or policies that threatened the peace, security, or stability of Mali, such as engaging in hostilities in violation of the Agreement, involvement in attacks against the Malian Security and Defense Forces, MINUSMA peacekeepers and UN personnel or international security presences, obstructing the delivery of humanitarian assistance or the use of recruitment of children.¹⁹⁵

The Council also elaborated in the resolution on the exemptions to the measures. Regarding the travel ban, for example, the Council decided that an entry or transit would be exempted from the travel ban if it was (i) justified for humanitarian need, including religious obligation, (ii) necessary for the fulfilment of judicial purpose or (iii) determined by the Committee as being able to further the objectives of peace and national reconciliation in Mali and stability in the region.¹⁹⁶ With regard to the assets freeze, the Council decided that the assets freeze would not apply to the funds or economic resources determined by the Member States to be (a) necessary for basic expenses or extraordinary expenses, as approved by the Committee, (b) the subject of a lien or judgement entering into effect prior to the resolution, and (c) determined

¹⁹² Resolution [2295 \(2016\)](#), para. 4, [S/PRST/2016/16](#), second paragraph, and resolution [2364 \(2017\)](#), para. 4.

¹⁹³ Resolution [2374 \(2017\)](#), paras. 1, 4 and 8.

¹⁹⁴ *Ibid.*, paras. 9 and 11. For more information on the Committee and the Panel of Experts, see part IX, sect. I. B.

¹⁹⁵ *Ibid.*, para. 8.

¹⁹⁶ *Ibid.*, para. 2.

by the Committee to further the objectives of peace and national reconciliation in Mali and stability in the region.¹⁹⁷

¹⁹⁷ Ibid., para. 5.

Table 18

Measures imposed pursuant to Article 41 in connection with Mali, 2016-2017

<i>Provisions related to sanctions measures</i>	<i>Resolution(s) establishing measures</i>	<i>Resolution(s) adopted during the period (paragraph)</i>
Assets freeze	2374 (2017) , para. 4	2374 (2017) Establishment Exemption (5 (a) to (d), 6, 7)
Travel ban or restrictions	2374 (2017) , para. 1	Establishment Exemption (2 (a) to (c))

B. Discussion relating to Article 41

The present subsection covers the discussions in the Council regarding the use of sanctions and other measures pursuant to Article 41 of the Charter. This subsection consists of two headings covering thematic as well as country- and region-specific issues.

During the period under review, although Article 41 was only explicitly referred to on a few occasions in the context of Council meetings,¹⁹⁸ the use of sanctions was widely discussed by Council and non-Council members in deliberations both in relation to thematic and country or region-specific items.¹⁹⁹ Under thematic agenda items, the Council discussed the use of sanctions as a policy tool in connection with (i) the maintenance of international peace and security broadly, as described in case 5, (ii) countering sexual violence as illustrated in case 6, (iii) combatting human trafficking as featured in case 7, and (iv) countering nuclear proliferation in the Democratic People’s Republic of Korea as outlined in case 8. Furthermore, in the context of country- and region-specific items, the Council also deliberated on the use of sanctions with respect to (i) the situation in Libya and its repercussions on the Government of Libya and the political process (case 9), (ii) the situation in South Sudan and in particular the effectiveness of new measures with a view to preventing further violence (case 10), and (iii) the conflict in the Syrian Arab Republic in response to the use of chemical weapons (case 11).

¹⁹⁸ [S/PV. 7620](#), p. 11 (United Kingdom), p. 12 (Japan), p. 21 (Bolivarian Republic of Venezuela); ; [S/PV. 8053](#), p. 7 (Kazakhstan); [S/PV. 8018](#), P. 4 (United Kingdom) and p. 17 (Egypt); [S/PV. 8151](#), p. 6 (Ethiopia).

¹⁹⁹ In addition to the case studies featured below, see also, for example, [S/PV. 7740](#) and [S/PV. 8038](#) (“Implementation of the note by the President of the Security Council (S/2017/507)”), [S/PV.7925](#) (“The situation in Somalia”), [S/PV. 7857](#), [S/PV. 7938](#) and [S/PV.8114](#) (“Maintenance of international peace and security”), and [S/PV.7917](#), [S/PV.8040](#) and [S/PV.8062](#) (“The situation in Mali”).

1. *Discussions of a thematic nature*

Case 5

General issues relating to sanctions

At the 7620th meeting, on 11 February 2016, the Council held an open debate on the working methods of the subsidiary organs of the Security Council. During the meeting, the representative of Japan underscored that sanctions, being “non-military measures stipulated in Article 41 of the Charter” were neither a punishment nor an objective, but an important tool that the Council should use as part of a broader strategy to resolve conflicts.²⁰⁰ Several speakers concurred with this statement, asserting that sanctions could not be effective when used in isolation.²⁰¹ Some speakers asserted that sanctions could be useful at, inter alia, reducing the capacity of relevant parties to do harm,²⁰² and preventing conflicts.²⁰³ Others recalled cases where the imposition of sanctions was successful at achieving various objectives, particularly restricting the development of nuclear weapons in the Islamic Republic of Iran,²⁰⁴ and helping end the apartheid regime in South Africa.²⁰⁵ The representative of Egypt described the sanctions regime as “one of the most important tools at the disposal of the Organization” at realizing the purposes and principles of the Charter.²⁰⁶ Referring to Article 41, the representative of the United Kingdom emphasized the need for better implementation of sanctions to continue to support the maintenance of international peace and security.²⁰⁷

By contrast, the representative of China stated that the Council should “refrain from the threat or use of sanctions” and instead rely on measures under Chapter VI of the Charter, such as mediation.²⁰⁸ The representative of the Bolivarian Republic of Venezuela noted further that the Charter stipulated that certain actions could be taken before military action to avert threats to international peace and security but that it did not mention sanctions, only a set of measures as

²⁰⁰ [S/PV.7620](#), p. 12.

²⁰¹ *Ibid.*, p. 2 (Sweden), p. 9 (New Zealand) and p. 14 (Spain).

²⁰² *Ibid.*, p. 8 (New Zealand),

²⁰³ *Ibid.*, p. 10 (United Kingdom) and p. 16 (United States).

²⁰⁴ *Ibid.*, p. 6 (France), pp. 10-11 (United Kingdom) and p. 16 (United States).

²⁰⁵ *Ibid.*, p. 2 (Sweden), p. 6 (France), p. 16 (United States) and p. 21 (Bolivarian Republic of Venezuela).

²⁰⁶ *Ibid.*, p. 19.

²⁰⁷ *Ibid.*, p. 11.

²⁰⁸ *Ibid.*, p. 5.

set out in Article 41.²⁰⁹ Numerous speakers acknowledged the risk of unintended consequences of sanctions.²¹⁰ In particular, regarding sanctions involving natural resources, the representative of Chile warned that many people relied on those for survival,²¹¹ while others stressed that the use of such sanctions infringed on state sovereignty.²¹² The representative of the United Kingdom stated that the current approach was working, since no third-party State had appealed for assistance relating to the unintended consequences since 2003.²¹³

Many speakers underlined the importance of having clear criteria for modification, suspension and termination of sanctions based on changing circumstances,²¹⁴ with some adding that the procedures and criteria for lifting should be communicated openly to affected states.²¹⁵ Another condition of sanctions identified by speakers was targeting and making a clear differentiation between States and armed groups.²¹⁶

Several speakers advocated for briefings of the committees to be delivered to the Council at public meetings to allow for greater transparency,²¹⁷ while the representative of the Russian Federation stated that such approach could in fact negatively impact their work.²¹⁸ Others stressed the need for increased dialogue with Member States affected by sanctions and neighboring countries, including during Council meetings,²¹⁹ visits of Chairs to the regions,²²⁰ and close cooperation between Chairs and penholders of relevant countries.²²¹ Concerning the importance of due process, some speakers expressed support for strengthening the mandate of

²⁰⁹ Ibid., p. 21.

²¹⁰ Ibid., p. 4 (Chile), p. 8 (New Zealand), p. 11 (United Kingdom), p. 14 (Spain), p. 15 (Uruguay), p. 18 (Malaysia), p. 21 (Bolivarian Republic of Venezuela) and p. 24 (Islamic Republic of Iran).

²¹¹ Ibid., p. 4 (Chile).

²¹² Ibid., p. 22 (Bolivarian Republic of Venezuela) and p. 27 (Sudan).

²¹³ Ibid., p. 11.

²¹⁴ Ibid., p. 2 (Sweden), pp. 4-5 (Chile), p. 10 (Senegal), p. 15 (Uruguay), pp. 19-20 (Egypt), p. 22 (Bolivarian Republic of Venezuela), p. 24 (Islamic Republic of Iran) and p. 27 (Eritrea).

²¹⁵ Ibid., p. 15 (Uruguay) and p. 22 (Bolivarian Republic of Venezuela).

²¹⁶ Ibid., p. 2 (Sweden), p. 6 (France), p. 11 (United Kingdom), p. 16 (United States), p. 21 (Bolivarian Republic of Venezuela) and p. 25 (Libya).

²¹⁷ Ibid., p. 3 (Sweden), pp. 3-4 (Chile), p. 5 (China), p. 9 (New Zealand), p. 10 (Senegal), p. 14 (Spain), pp. 16-17 (United States), p. 18 (Malaysia), p. 19 (Ukraine) and p. 20 (Egypt).

²¹⁸ Ibid., p. 13.

²¹⁹ Ibid., p. 3 (Sweden), p. 4 (Chile), p. 5 (China), p. 7 (France), p. 7 (Angola), p. 10 (Senegal), p. 14 (Spain), p. 15 (Uruguay), p. 17 (United States), p. 17 (Malaysia), p. 19 (Ukraine), p. 20 (Egypt), pp. 22 (Bolivarian Republic of Venezuela), p. 26 (Libya), p. 26 (Sudan), p. 27 (Eritrea) and p. 30 (Central African Republic).

²²⁰ Ibid., p. 2 (Sweden), p. 4 (Chile), p. 7 (France), p. 17 (United States), p. 20 (Egypt), p. 27 (Sudan) and p. 29 (Côte d'Ivoire).

²²¹ Ibid., p. 2 (Sweden), p. 10 (Senegal), p. 15 (Spain), p. 15 (Uruguay), p. 19 (Ukraine) and p. 20 (Egypt).

the Office of the Ombudsperson and extending it to all committees.²²² The representative of Sweden observed that committees could play a “critical role” in the development of transparent procedures and provisions for due process. The representative of Chile warned that a lack of due process might undermine the legitimacy of the sanctions and hamper their implementation.²²³ The representative of Senegal believed that the Office of Ombudsperson should be institutionalized to ensure its independence with respect to the committees and the Council.²²⁴ On the contrary, the representative of the Russian Federation cautioned that broadening the Ombudsperson’s power was dangerous and reiterated the opposition to the creation of “additional bureaucratic layers”.²²⁵

At the 8018th meeting, held on 3 August 2017, several speakers reiterated that sanctions were not an end in itself and should rather be part of an overall political strategy.²²⁶ The representative of the Plurinational State of Bolivia underlined that sanctions should not be imposed “preventively” in the absence of threats to international peace and security.²²⁷

During the meeting, some speakers emphasized that sanctions should be limited in duration with clear objectives and criteria for termination.²²⁸ Other speakers underlined the importance of periodic review in the improvement of sanctions design and implementation.²²⁹ The representative of Sweden added that the Council should also conduct periodic reviews of listed individuals and entities in all sanctions regimes to ensure that information was up-to-date.²³⁰ Some speakers underscored the importance of cooperation with regional and sub-regional organizations and with the countries in the region.²³¹ The representatives of Kazakhstan and Ethiopia warned against politicizing sanctions and allowing double standards in their design

²²² Ibid., p. 2 (Sweden), p. 4 (Chile), p. 15 (Uruguay), and p. 22 (Bolivarian Republic of Venezuela).

²²³ Ibid., p. 4.

²²⁴ Ibid., p.10.

²²⁵ Ibid., p. 13.

²²⁶ [S/PV.8018](#), p. 6 (China), p. 7 (Ethiopia), pp. 7-8 (Russian Federation) p. 9 (Plurinational State of Bolivia) and p. 15 (Italy).

²²⁷ Ibid., p. 10.

²²⁸ Ibid., p. 5 (Kazakhstan), p. 6 (China) p. 7 (Ethiopia), p. 8 (Russian Federation) and p. 17 (Japan).

²²⁹ Ibid., p. 5 (Kazakhstan), p. 6 (China), p. 7 (Ethiopia), p. 8 (Russian Federation), p. 9 (Ukraine), p. 10 (Plurinational State of Bolivia), p. 11 (Uruguay), p. 15 (Italy), p. 16 (Sweden) and p. 17 (Japan).

²³⁰ Ibid., p. 16.

²³¹ Ibid., p. 7 (Ethiopia), p. 9 (Ukraine), p. 11 (Uruguay) and p. 13 (Senegal).

and implementation.²³² The representative of the Russian Federation expressed concern over using restrictive measures to overthrow “objectionable regimes”, which in his view was unacceptable.²³³

With regard to implementation, the representative of the United Kingdom reiterated that sanctions agreed at the Council were legally binding Chapter VII obligations.²³⁴ Several speakers underscored the importance of information-sharing and cooperation, in particular the capacity-building on the part of Member States to ensure effective implementation.²³⁵ In that regard, the representative of Kazakhstan maintained that States should be assisted in upgrading their legal procedures and enacting new domestic legislation in keeping with United Nations standards.²³⁶ He stated that lack of awareness and absence of dialogue with the affected Member States could potentially erode the credibility of sanctions and result in reluctance to implement them.²³⁷

Case 6 **Women and peace and security**

On 2 June 2016, the Council held its 7704th to discuss human trafficking in situations of conflict-related sexual violence. The Council was briefed by the Special Representative of the Secretary-General on Sexual Violence in Conflict, who focused on the problem of trafficking of girls and women by armed groups and the resulting income flows accruing to such organizations. He maintained that, since such groups were beyond the reach of judicial deterrence, the priority should be to divest them of resources and degrade their capacity to communicate, travel, trade and do harm, and that through sanctions infrastructure, it was possible to raise the cost of their crimes.²³⁸ The representative of the Bolivarian Republic of Venezuela expressed support for the imposition of “exemplary” sanctions against all those who instigated or were responsible for the crime of sexual violence.²³⁹ The representative of Thailand argued for strengthening of the

²³² Ibid., p. 5 (Kazakhstan) and p. 7 (Ethiopia)

²³³ Ibid., p. 8.

²³⁴ Ibid., p. 4.

²³⁵ Ibid., p. 4 (United Kingdom), pp. 5-6 (Kazakhstan), p. 11 (Uruguay), p. 13 (Senegal), p. 17 (Japan) and p. 18 (Egypt).

²³⁶ Ibid., p. 6.

²³⁷ Ibid., p. 5.

²³⁸ [S/PV.7704](#), p. 4.

²³⁹ Ibid., p. 23.

regime of targeted sanctions against perpetrators of conflict-related sexual violence and human trafficking.²⁴⁰ In a similar vein, the representatives of Ireland and Argentina opined that sanctions were one of the available means that the international community could pursue to respond to conflict-related sexual violence and human trafficking, respectively.²⁴¹ The representative of Spain asserted that qualified professionals involved in administering hormones to and sterilizing women who were then victims of trafficking should be subject to sanctions.²⁴²

The representative of the United States underscored that the Committee pursuant to resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#) was a “vital tool” to punish the perpetrators of sexual violence, as anyone financing ISIL (Da’esh) and other terrorist groups in connection with sexual violence was eligible for designation.²⁴³ In this regard, the representative of France observed that further work was needed to identify individuals and entities who, through their involvement in trafficking for sexual violence, financed terrorist groups, including through the activities of the sanctions committees.²⁴⁴ In addition, some speakers suggested refining the designation criteria to include conflict-related sexual violence,²⁴⁵ and trafficking.²⁴⁶ The representative of Kazakhstan stated that some recommendations of the high-level review of the United Nations sanctions ([S/2015/432](#), annex) adopted in June 2015 could serve to improve the impact of sanctions against individuals and entities involved in trafficking for the purposes of sexual violence.²⁴⁷ Some speakers also expressed support more generally for including the issues of conflict-related sexual violence and human trafficking in the work of sanctions committees,²⁴⁸ and for the role of the International Criminal Court in countering such crimes.²⁴⁹

On 15 May 2017, the Council focused its discussion on sexual violence in conflict at its 7938th meeting held under the same item. Many speakers reiterated their support for sanctions

²⁴⁰ Ibid., p. 50.

²⁴¹ Ibid., p. 44 (Ireland) and pp. 57-58 (Argentina).

²⁴² Ibid., p. 12.

²⁴³ Ibid., p. 10.

²⁴⁴ Ibid., p. 30.

²⁴⁵ Ibid., p. 32 (Germany), p. 33 (Hungary), p. 41 (Luxembourg), p. 45 (Lithuania) and p. 49 (India).

²⁴⁶ Ibid., p. 29 (New Zealand), p. 35 (Lichtenstein) and p. 37 (European Union).

²⁴⁷ Ibid., p. 42.

²⁴⁸ Ibid., p. 18 (Uruguay), p. 24 (Bolivarian Republic of Venezuela).

²⁴⁹ Ibid., p. 16 (Japan), p. 18 (Uruguay), p. 35 (Lichtenstein), p. 37 (European Union), p. 41 (Luxembourg), p. 43 (Estonia), p. 45 (Lithuania), p. 47 (Portugal), pp. 57-58 (Argentina) and p. 62 (Switzerland).

against perpetrators of conflict-related sexual violence,²⁵⁰ and for sexual violence in conflict to continue to be included as a designation criterion for sanctions.²⁵¹ The representatives of the European Union and Germany also argued for inclusion of human rights abuses as another criterion for sanctions imposition.²⁵² Similarly, the Vice-Minister for Foreign Affairs of Uruguay opined that the Council should ensure that the theme of sexual violence was addressed in all relevant sanctions committees and that names of the alleged perpetrators were “systematically included” on sanctions lists.²⁵³ The representative of Spain asserted that the way to improve implementation of resolutions on conflict-related sexual violence was to make good use of the specialized expertise of the committees’ panels of experts.²⁵⁴ In contrast, the representative of the Islamic Republic of Iran stated that sanctions, as a form of collective punishment, flagrantly and indiscriminately violated the basic human rights of all citizens, particularly women.²⁵⁵ Several speakers recalled the important role of the International Criminal Court in fighting impunity for conflict-related sexual violence,²⁵⁶ with the representatives of Plurinational State of Bolivia and Guatemala maintaining that the Court was the most appropriate mechanism and progressive framework for combatting such crimes.²⁵⁷

Case 7 **Maintenance of international peace and security**

At the 7847th meeting on 20 December 2016, the Security Council held an open debate at the ministerial level in relation to the trafficking in persons in conflict situations. The Council heard the Secretary-General’s briefing further to his report on the implementation of measures to counter trafficking in persons ([S/2016/949](#)) as requested by the presidential statement of 16

²⁵⁰ [S/PV.7938](#), pp. 9-10 (Uruguay), pp. 10-11 (Sweden), p. 31 (Rwanda), p. 47 (Bangladesh), p. 48-49 (Argentina), p. 53 (Lithuania), p. 61 (Belgium) and p. 69 (Bolivarian Republic of Venezuela).

²⁵¹ *Ibid.*, p. 25 (Italy), p. 26 (Kazakhstan), p. 30 (Switzerland), p. 35 (European Union), p. 44 (Guatemala), p. 56 (Costa Rica) and p. 57 (Germany).

²⁵² *Ibid.*, p. 35 (European Union) and p. 57 (Germany).

²⁵³ *Ibid.*, pp. 9-10.

²⁵⁴ *Ibid.*, p. 28.

²⁵⁵ *Ibid.*, p. 34.

²⁵⁶ *Ibid.*, p. 5 (Under-Secretary-General and Acting Special Representative of the Secretary-General on Sexual Violence in Conflict and Special Adviser to the Secretary-General on the Prevention of Genocide), p. 9 (Uruguay), p. 14 (France), p. 25 (Italy), p. 28 (Spain), p. 33 (Lichtenstein), p. 37 (Brazil), pp. 48-49 (Argentina), p. 53 (Lithuania), p. 56 (Costa Rica), p. 62 (Republic of Korea), p. 64 (Albania), p. 65 (Netherlands), p. 80 (Maldives) and p. 82 (Sierra Leone).

²⁵⁷ *Ibid.*, p. 22 (Bolivia) and p. 44 (Guatemala).

December 2015 ([S/PRST/2015/25](#)). At the meeting, the Council unanimously adopted resolution [2331 \(2016\)](#), explicitly expressing its intention to consider targeted sanctions against individuals and entities involved in trafficking in persons in areas affected by armed conflict and in sexual violence in conflict and to integrate the issue of trafficking in persons in areas affected by armed conflict and sexual violence in conflict into the work of the relevant sanctions committees.²⁵⁸

Addressing the links between armed conflict, sexual violence and terrorist financing, the representative of the Bolivarian Republic of Venezuela expressed support for the application of “exemplary” sanctions to all instigators and perpetrators of sexual violence to ensure effective accountability.²⁵⁹ In a similar vein, the representative of Hungary expressed support for the inclusion of perpetrators of trafficking in persons in “United Nations and unilateral sanctions”.²⁶⁰ Other speakers underscored the need to utilize the existing tools and mechanisms, including sanctions regimes, to combat human trafficking and counter terrorist financing.²⁶¹ In that regard, several speakers underlined the importance of information-sharing across the United Nations, encouraging briefings by the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict to the sanctions committees on identified trafficking patterns and perpetrators.²⁶² Furthermore, the representative of Montenegro maintained that every Member State needed to “play its part” in updating the list of designated individuals and entities engaged in trafficking activities.²⁶³ The representative of Chile added that the groups of experts of the sanctions committees should include human trafficking in their reports to their respective committees to facilitate the implementation of resolution [2331 \(2016\)](#).²⁶⁴

²⁵⁸ Resolution [2331 \(2016\)](#), para. 12. During the review period, resolutions [2312 \(2016\)](#), [2380 \(2017\)](#) and [2388 \(2017\)](#) were also adopted in relation to the Council’s authorization of measures to combat migrant smugglers and human traffickers. However, none of the measures authorized was within the framework of sanctions measures under the Article 41.

²⁵⁹ [S/PV.7847](#), p. 16.

²⁶⁰ *Ibid.*, p. 35.

²⁶¹ *Ibid.*, p. 14 (Japan), p. 20 (Malaysia), p. 21 (New Zealand), p. 38 (India), and p. 47 (Romania).

²⁶² *Ibid.*, p. 25 (United States), p. 36 (Italy), and pp. 58-59 (Luxembourg).

²⁶³ *Ibid.*, p. 69.

²⁶⁴ *Ibid.*, p. 77.

Case 8
Non-proliferation/Democratic People's Republic of Korea

During the period under review, the Security Council held 14 meetings under this item and adopted eight resolutions, imposing progressively stronger sanctions measures against the Democratic People's Republic of Korea.²⁶⁵

At the 8137th meeting, on 15 December 2017, the Council, at the initiative of Japan, held a high-level meeting under this item. As described in the concept note, issued ahead of the meeting, the focus of the targeted discussion was twofold, namely, the threats and challenges posed by the Democratic People's Republic of Korea to international peace and security and the ways and means to maximize pressure to change the course of action of the country towards the denuclearization of the Korean peninsula.²⁶⁶ During the meeting, the Ministers for Foreign Affairs of Japan and Ukraine, as well as the representative of France, expressed support for additional measures against the regime to curb its nuclear and missile programmes.²⁶⁷ Some speakers recalled that sanctions were a means, not an end, and underlined the importance of the political component in efforts aimed at resolving the situation.²⁶⁸ Moreover, the representatives of France and Italy stated that sanctions could serve as lever to enable dialogue, which in their view was the condition for a political solution.²⁶⁹

The representative of Senegal noted the failure of sanctions measures so far to change the behaviour of the Government of the Democratic People's Republic of Korea, calling instead for an open and frank dialogue and return to the Six-Party Talks.²⁷⁰ Similarly, the representative of Egypt warned against imposing additional sanctions without clear political prospects for a solution to the crisis and, in this regard, welcomed the visit to Pyongyang by the Under-Secretary-General for Political Affairs, which was the first of its kind by a senior United Nations official since 2010.²⁷¹

²⁶⁵ For details on these meetings, including participants, speakers and outcome documents, see part I, sect. 37.C.

²⁶⁶ [S/2017/1038](#), pp. 2-3.

²⁶⁷ [S/PV.8137](#), p. 4 (Japan), p. 7 (Ukraine) and p. 13 (France).

²⁶⁸ *Ibid.*, p. 11 (China), pp. 14-15 (Russian Federation) and p. 19 (Plurinational State of Bolivia).

²⁶⁹ *Ibid.*, p. 13 (France) and p. 18 (Italy).

²⁷⁰ *Ibid.*, pp. 16-17.

²⁷¹ *Ibid.*, p. 10.

Some speakers underlined the need for the full implementation of the existing sanctions measures,²⁷² and stressed the need for increased cooperation and information-sharing and improved capacity-building.²⁷³ In addition, the representative of Italy considered it crucial to submit national implementation reports on time because the delay in turning sanctions provisions into national legislation could create opportunities for evasion.²⁷⁴

Finally, several speakers expressed concerns over the potential or existing negative consequences of sanctions on the population in the Democratic People's Republic of Korea²⁷⁵ and advised that the humanitarian exemptions provided for under the sanctions regime be upheld.²⁷⁶

On 22 December 2017, the Council held its 8151st meeting in the context of which it unanimously adopted resolution [2397 \(2017\)](#).²⁷⁷ The representative of Sweden described the sanctions against the Democratic People's Republic of Korea as the "most rigorous sanctions regime" ever imposed on the country and noted that resolution [2397 \(2017\)](#) strengthened those measures further.²⁷⁸ Speakers commended the Council's unity in this matter.²⁷⁹ In addition, the new resolution was praised for increasing the constraints on the resources available to the Democratic People's Republic of Korea to develop illicit nuclear and ballistic missile programmes.²⁸⁰ The representative of Italy noted the renewed commitment expressed in the resolution [2397 \(2017\)](#) to avoiding unintended humanitarian consequences.²⁸¹

The representative of the Plurinational State of Bolivia expressed concern, however, over the possible humanitarian consequences that the sanctions could have on the civilian population, particularly with regard to workers outside the Democratic People's Republic of Korea facing deportation, and the likely human rights violations of migrant workers.²⁸² Similarly, the

²⁷² Ibid., p. 4 (Japan), P. 5 (United States), p. 6 (Sweden), p. 7 (Ukraine), p. 9 (United Kingdom), pp. 12-13 (France), p. 14 (Egypt), p. 17 (Uruguay), p. 18 (Italy), and p. 21 (Republic of Korea).

²⁷³ Ibid., p. 4 (Japan), p. 6 (Sweden) and p. 9 (United Kingdom), pp. 18-19 (Italy).

²⁷⁴ Ibid., pp. 18-19.

²⁷⁵ Ibid., p. 11 (China), p. 6 (Sweden), p. 14 (Ethiopia), p. 15 (Russian Federation), p. 17 (Uruguay), p. 19 (Italy) and p.19 (Plurinational State of Bolivia).

²⁷⁶ Ibid., pp. 6-7 (Sweden) and p. 19 (Italy).

²⁷⁷ For further information on the details of the sanctions measures on the Democratic People's Republic of Korea, see part VII, sect. III.

²⁷⁸ [S/PV.8151](#), p. 8.

²⁷⁹ Ibid., p. 2 (United States), p. 6 (France), pp. 6-7 (Ethiopia), p. 8 (Sweden), p. 9 (Ukraine).

²⁸⁰ Ibid., p. 3 (United States), pp. 3-4 (United Kingdom), p. 5 (Senegal), p. 6 (France), p. 7 (Italy) and p. 12 (Japan).

²⁸¹ Ibid., p. 7.

²⁸² Ibid., p. 9.

representative of the Russian Federation stressed that sanctions-based measures should not apply to the activities of diplomatic missions in the Democratic People’s Republic of Korea, the projects undertaken with the regime, restrictions on Korean civilian aircrafts, or the provision of the relevant spare parts.²⁸³

Some speakers opined that strengthened sanctions could put greater pressure on the regime to change its current policy and return to negotiations,²⁸⁴ whilst others reiterated that sanctions should be part of a comprehensive political strategy.²⁸⁵ The representative of Egypt called for a “comprehensive settlement” so that the current “vicious cycle” of non-compliance by the Democratic People’s Republic of Korea and the Council imposing further sanctions with no clear political solution could be broken.²⁸⁶

Citing paragraph 28 of resolution [2397 \(2017\)](#), the representative of Japan reiterated that the Council would keep the situation under continuous review, and take action to restrict further the export to the Democratic People’s Republic of Korea of petroleum if it continued to be engaged in further nuclear activities or a launch of a ballistic missile system.²⁸⁷

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

Case 9 **The situation in Libya**

At the 7661st meeting on 31 March 2016, following the adoption of resolution [2278 \(2016\)](#) which extended the sanctions regime on Libya,²⁸⁸ the representative of Libya expressed surprise at the Council’s “unfortunate refusal” to respond to the request that the Investment Authority be enabled to manage its resources within the framework of the assets freeze. He found the refusal contradictory to the expressed willingness to help the Libyan people and

²⁸³ Ibid., p. 11.

²⁸⁴ Ibid., p. 6 (France), p. 6 (Ethiopia) and p. 7 (Italy).

²⁸⁵ Ibid., p. 5 (Senegal), p. 8 (Sweden), p. 9 (Plurinational State of Bolivia), p. 10. (China), p. 11 (Russian Federation) and p. 13 (Republic of Korea).

²⁸⁶ Ibid., p. 5.

²⁸⁷ Ibid., p. 12.

²⁸⁸ For further information on the sanctions measures concerning Libya, see part VII, sect. III.A(k); for more information on the situation in Libya, see part I, sect. 14.

protect its resources by the Council members and maintained that the “disparity between deeds and words” would harm the Council’s credibility in the eyes of the Libyan people.²⁸⁹

Similarly, at the 7988th meeting on 29 June 2017, the representative of Libya expressed his country’s “deepest regret and huge disappointment” that resolution [2362 \(2017\)](#) adopted at that meeting had again ignored the request for the amendment of the assets freeze measures related to the Libyan Investment Authority²⁹⁰ and he recalled the repeated requests made by the Libyan government to amend the sanctions regime in order to avoid the continuous depreciation, since 2011, of the frozen assets of the Libyan Investment Authority.²⁹¹ He noted that despite the recommendation in the report of the Panel of Experts on Libya ([S/2016/209](#)) to explicitly “allow and encourage the reinvestment of assets frozen” the Council had not taken any steps to amend the sanctions regime. In that connection, he called attention to the fact that that resolution [2362 \(2017\)](#) was adopted under a silence procedure during a holiday without consulting the permanent mission of Libya and with no regard to the requests to amend the sanctions regime. He reiterated the request to amend the sanctions regime to allow the regime to attain its goal of protecting and preserving the frozen assets of the Libyan people.²⁹²

During the same meeting, the representative of the United Kingdom took note of the “legitimate” concern of the Government of National Accord regarding the risk of depreciation of the assets frozen under sanctions and agreed that further work needed to be done on that issue. He noted, however, that Libya’s resources had to be protected and preserved for the benefit of the Libyan people.²⁹³

With regard to the arms embargo, the representative of Egypt reiterated the importance of lifting the embargo on the supply of arms to the Libyan national army, given that the national army was the only entity with the mandate to counter terrorism in Libya.²⁹⁴ In this connection, the representative of the United Kingdom encouraged the Council to take a supportive approach to arms embargo exemption requests in order to provide essential assistance to the humanitarian and stabilization efforts.²⁹⁵

²⁸⁹ [S/PV.7661](#), p. 2.

²⁹⁰ [S/PV.7988](#), p. 3.

²⁹¹ *Ibid.*, pp. 3-5.

²⁹² *Ibid.*, p. 4.

²⁹³ *Ibid.*, p. 2.

²⁹⁴ *Ibid.*, p. 2.

²⁹⁵ *Ibid.*, p. 3.

At the 8032nd meeting on 28 August 2017, the representative of Libya drew attention once again to the management of frozen Libyan assets and stated that it made no sense to try to justify the loss of Libya’s frozen assets by connecting them to political differences and divisions. He reiterated that the Libyan Government had not asked for the assets freeze to be lifted, but to find a particular formula that would help it to protect and preserve the funds and investments, even as they remained frozen.²⁹⁶

Case 10 **Reports of the Secretary-General on the Sudan and South Sudan**

At the 7850th meeting, on 23 December 2106, the Council failed to adopt draft resolution [S/2016/1085](#) due to an insufficient number of affirmative votes.²⁹⁷ The draft resolution would have established an arms embargo on South Sudan.²⁹⁸ Further to the vote, the representative of the United States, as the penholder of the draft resolution, mentioned that whilst not the “panacea” the draft resolution would have made it impossible for the Government of South Sudan to continue to use the precious resources at its disposal to buy heavy weapons armaments, thereby significantly reducing arms sales to a “fellow United Nations Member State that, instead of feeding its people, is amping and arming up for a conflict” increasingly ethnic in nature.²⁹⁹ The representatives of Spain, and France held that the proposed sanctions measures were necessary for protecting civilians and responding to the security and humanitarian situation, with the latter adding that they could also facilitate the political process.³⁰⁰ Some speakers expressed the view that the arms embargo could stop the proliferation of weapons and reduce the ability of the parties to continue fueling the conflict.³⁰¹ The representative of Ukraine claimed that the arms embargo was not a punishment but a prerequisite and a tool for peace.³⁰²

²⁹⁶ [S/PV. 8032](#), p. 9.

²⁹⁷ [S/PV. 7850](#), p. 2.

²⁹⁸ For further information on the meeting, see part I, sect. 11.

²⁹⁹ [S/PV. 7850](#), p. 3.

³⁰⁰ *Ibid.*, p. 4 (France) and p. 11 (Spain).

³⁰¹ *Ibid.*, p. 7 (Ukraine), p.11 (Uruguay) and p. 11 (New Zealand).

³⁰² *Ibid.*, p. 7.

Noting the political will demonstrated by the Government, some speakers found it counterproductive at that stage to impose further sanctions.³⁰³ Some of these speakers called upon the Council to take a “prudent” action to avoid further complicating the situation, and to refocus its attention on the decision by President Kiir to launch a national inclusive dialogue, and encourage the Government to move forward on that path.³⁰⁴ The representative of Egypt pointed out that resorting to threats of sanctions had proven ineffective at ending crises in the Sudan or improving the situation of civilians in South Sudan.³⁰⁵ Acknowledging the mediation efforts by regional organizations, some speakers supported the position of the Intergovernmental Authority on Development (IGAD) against imposition of an arms embargo or targeted sanctions on South Sudan, arguing that sanctions would be ineffective.³⁰⁶ The representatives of the Bolivarian Republic of Venezuela and the Russian Federation stated that imposing specific sanctions on one of the signatories to the peace agreement was counterproductive to its full implementation and would not facilitate the political process.³⁰⁷ Moreover, the representative of the Bolivarian Republic of Venezuela expressed reservations about the overall effectiveness of an arms embargo as a tool for putting an end to the illicit flow of weapons, adding that there was no link between sanctions and the political strategy to resolve the crisis.³⁰⁸

Reiterating the efforts of the Government to implement the relevant resolutions, the representative of South Sudan stated that the imposition of sanctions would further weaken the Government and strengthen the militant and armed groups, therefore aggravating matters.³⁰⁹

At the 7906th meeting, on 23 July 2017, the question of imposing additional sanctions measures was raised again with some speakers reiterating their support for targeted sanctions as one of the tools to respond to the situation in South Sudan.³¹⁰ In contrast, the representatives of Egypt and South Sudan stated that further sanctions could only worsen the situation.³¹¹ The

³⁰³ Ibid., pp. 5-6 (China), p. 6 (Russian Federation), p. 7 (Japan), p. 8 (Malaysia), p. 9 (Bolivarian Republic of Venezuela), and p. 10 (Angola).

³⁰⁴ Ibid., pp. 5-6 (China) and p. 10 (Angola).

³⁰⁵ Ibid., p. 8.

³⁰⁶ Ibid., pp. 5-6 (China), p. 6 (Russian Federation), p. 8 (Malaysia), p. 8 (Egypt), p. 9 (Bolivarian Republic of Venezuela), and p. 10 (Angola)

³⁰⁷ Ibid., p. 6 (Russian Federation) and p. 9 (Bolivarian Republic of Venezuela).

³⁰⁸ Ibid., p. 9.

³⁰⁹ Ibid., p. 12.

³¹⁰ [S/PV.7906](#), p. 8 (United Kingdom), , pp. 14-15 (United States), pp. 15-16 (France), and p. 19 (Ukraine).

³¹¹ Ibid., p. 10 (Egypt) and p. 24 (South Sudan).

representative of Egypt added that it was vital to avoid a collapse of the country's state institutions and that the sanctions-based approaches in this case were unwise.³¹² The representative of the Russian Federation asserted that the lasting peace in South Sudan would not depend on the arms embargo but rather on targeted measures to disarm the population and to demobilize and reintegrate combatants.³¹³

At the 7930th meeting, on 25 April 2017, the representative of the United Kingdom affirmed that an arms embargo would prevent “further devastation and re-arming” during the upcoming rainy season.³¹⁴ The representatives of France and the United States, advocated for applying targeted sanctions on perpetrators of violations of human rights and international humanitarian law,³¹⁵ while the representative of the Russian Federation argued that the disarmament, demobilization and reintegration measures, rather than sanctions, would contribute to establishing lasting peace. He recalled the views expressed by the countries of the region that additional restrictions on Juba were counterproductive.³¹⁶

At the 7950th meeting, on 24 May 2017, while the representatives of the United States and the United Kingdom reiterated their support for additional measures to halt the violence,³¹⁷ the representatives of the Russian Federation and South Sudan again advocated against such measures.³¹⁸

Case 11 **The situation in the Middle East**

At the 7893rd meeting, on 28 February 2017, in relation to the conflict in the Syrian Arab Republic under the agenda item entitled “The situation in the Middle East”, the Council failed to adopt draft resolution [S/2017/172](#) due to the negative vote of two permanent members.³¹⁹ The draft resolution would have imposed an assets freeze and a travel ban on individuals designated

³¹² Ibid., p. 10.

³¹³ Ibid., p. 18.

³¹⁴ [S/PV.7930](#), p. 6.

³¹⁵ Ibid., p. 10 (France) and p.20 (United States).

³¹⁶ Ibid., p. 15.

³¹⁷ [S/PV. 7950](#), p. 5 (United States) and p. 7 (United Kingdom).

³¹⁸ Ibid., p. 13 (Russian Federation) and p. 17 (South Sudan).

³¹⁹ For further detail on the votes, see part I, sect. 24.

by the Committee as, inter alia, responsible for, engaged in or otherwise involved in the use, transfer, acquisition, proliferation, development, manufacture or production of chemical weapons in the Syrian Arab Republic as well as an embargo of chlorine and materials used to deliver chemicals weapons and an embargo on helicopters or related materiel.³²⁰ The draft resolution would have also established, in accordance with rule 28 of the Provisional rules of procedure, a committee to monitor implementation of the measures imposed in the draft resolution.³²¹

After the vote, the representative of the United Kingdom recalled resolution [2118 \(2013\)](#), according to which any use of chemical weapons by anyone in the Syrian Arab Republic would lead to the imposition of measures under Chapter VII of the Charter. He further stated that the draft resolution was a response to an impartial and factual report by the Joint Investigative Mechanism.³²² The representative of Italy explained the reasons behind the vote and referred to the draft resolution as a “meaningful follow-up” to the work of the Joint Investigative Mechanism.³²³ In reference to the Joint Investigative Mechanism, the representative of France stated that the Council had enough information to take the necessary measures and shoulder its responsibility.³²⁴ Several speakers deemed the draft resolution important because it introduced measures to hold accountable those responsible for the use of chemical weapons in the country.³²⁵ In this regard, the representative of Ukraine expressed concern at the inability of the Council to address breaches of the Chemical Weapons Convention which would lead to further impunity.³²⁶

In disagreement, several speakers questioned the credibility of the reports of the Joint Investigative Mechanism, upon which the proposed sanctions measures were founded.³²⁷ The representative of the Russian Federation criticized the reports for their “questionable” information and lack of convincing facts as well as the disregard for the widespread use of toxic

³²⁰ [S/2017/172](#), paras. 15, 16, 17, 21, 23 and 25.

³²¹ *Ibid.*, para. 13.

³²² [S/PV.7893](#), p. 5.

³²³ *Ibid.*, p. 10.

³²⁴ *Ibid.*, p. 15.

³²⁵ *Ibid.*, p. 8 (Japan), p. 9 (Uruguay), p. 10 (Italy), p. 14 (Sweden), p. 15 (Senegal), and p. 15 (France).

³²⁶ *Ibid.*, p. 16.

³²⁷ *Ibid.*, p. 7 (Russian Federation), p. 11 (Plurinational State of Bolivia), p. 12 (Egypt), p. 13 (Ethiopia) and p.16 (Syrian Arab Republic).

substance by Al-Nusra Front as well as numerous opposition groups.³²⁸ The representative of the Syrian Arab Republic argued further that the reports drew from “false” and “fabricated” eyewitness accounts of members of terrorist groups and denied having used such chemical weapons, in particular chlorine.³²⁹ Based on the unconvincing findings, the representative of the Russian Federation concluded that there was no indication that the Syrian Arab Republic had violated the Chemical Weapons Convention or resolution [2118 \(2013\)](#) and further criticized the sanctions envisioned in the draft resolution for being a “carbon copy” of those imposed on other countries.³³⁰

With regard specifically to the proposed sanctions, the representative of the Russian Federation found that the majority of the banned items listed in the annex of the draft resolution had nothing to do with the Chemical Weapons Convention and argued that the exports embargo would adversely affect Syria’s economy, while the embargo on helicopters would also undermine its counter-terrorism efforts.³³¹ The representative of the Plurinational State of Bolivia noted that the names of the people and companies mentioned in the draft resolution had not been provided by the Joint Investigative Mechanism and asserted, therefore, that the list violated the right to due process.³³² In the same vein, the representative of Ethiopia suggested that the list needed “further clarification and investigation” to determine the specific individuals and entities responsible for the use of chemical weapons in the Syrian Arab Republic.³³³ This view was echoed by the representative of Kazakhstan, who deemed the work of the Joint Investigative Mechanism necessary to provide a basis for punitive decisions.³³⁴ The representative of Egypt observed that the draft resolution did not follow the usual steps by which a sanctions list was generated, which involved first establishing a sanctions committee and then designating those for sanctions based on relevant evidence. Therefore, he considered the list “pre-identified” and lacking evidence.³³⁵

³²⁸ Ibid., p. 7.

³²⁹ Ibid., p. 16.

³³⁰ Ibid., p. 7.

³³¹ Ibid., p. 8.

³³² Ibid., p. 11.

³³³ Ibid., p. 13.

³³⁴ Ibid., p. 14.

³³⁵ Ibid., p. 12.

Several speakers expressed concern over the timing of the sanctions and its negative impact on the ongoing peace process.³³⁶ The representative of China emphasized that the investigations on the use of chemical weapons were still ongoing and it was too early to reach a final conclusion.³³⁷ Similarly, the representative of the Plurinational State of Bolivia pointed out that the draft resolution and its proposed sanctions would threaten the then-current ceasefire and the peace process conducted under the auspices of the United Nations.³³⁸ In response, the representative of Japan underlined that “it is not a question whether the timing is good or not” to ensure accountability for the use of chemical weapons.³³⁹

³³⁶ Ibid., p. 8 (Russian Federation), p. 9 (China) and p. 11 (Plurinational State of Bolivia).

³³⁷ Ibid., p. 9.

³³⁸ Ibid., p. 11.

³³⁹ Ibid., pp. 8-9.

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

Article 42

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

Note

This section covers the practice of the Security Council in relation to Article 42 of the Charter, regarding the authorization of the use of force by peacekeeping operations and multinational forces, as well as interventions by regional organizations.³⁴⁰

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

This section is divided into two sub-sections. Sub-section A outlines decisions of the Council authorizing the use of force under Chapter VII of the Charter and sub-section B covers discussions of the Council of relevance for Article 42.

A. Decisions of the Security Council relating to Article 42

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

³⁴⁰ The Council's authorization of the use of force by regional organizations is covered in part VIII. The authorization of the use of force by peacekeeping operations is covered in part X in the context of mandates of peacekeeping operations.

Chapter VII of the Charter authorizing peacekeeping missions and multinational forces, including those deployed by regional organizations, to use “all necessary measures” or “all necessary means” for the maintenance or restoration of international peace and security.³⁴¹

During the period under review, by resolution [2350 \(2017\)](#) of 13 April 2017, the Council authorized the use of force for the newly established United Nations Mission for Justice Support in Haiti (MINUJUSTH).³⁴² By the resolution, the Council authorized the new mission to use “all necessary means to carry out its mandate” and “to protect civilians under imminent threat of physical violence, within its capabilities and areas of deployment, as needed”.³⁴³

In 2016 and 2017, the Council reiterated its authorization to use force in relation to various situations and disputes. By regions, in the Middle East and in connection with the situation in Lebanon, the Council renewed its authorization to the United Nations Interim Force in Lebanon or UNIFIL (UNIFIL) “to take all necessary action” to oppose any forceful attempts to prevent it from discharging its mandate to protect United Nations personnel and civilian population from physical violence.³⁴⁴

Regarding Africa and in relation to the situation in the Central African Republic, the Council renewed the authorization to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) to take “all necessary means” to discharge its mandate,³⁴⁵ and to the French forces to use “all necessary means” to provide operational support to the mission.³⁴⁶

Concerning the situation in Côte d’Ivoire, by resolution [2284 \(2016\)](#), the Council extended the mandate of the United Nations Operation in Côte d’Ivoire (UNOCI) for a final period of 14 months until 30 June 2017,³⁴⁷ reiterating the authorization to use “all necessary

³⁴¹ See previous Supplements for more information on the authorization to use force by the Security Council with respect to the mandates of the missions referred to below and established prior to the period under review.

³⁴² Resolution [2350 \(2017\)](#), para. 5. For more information on the mandate of MINUJUSTH, see part X, sect. I.

³⁴³ *Ibid.*, paras. 12 and 13.

³⁴⁴ Resolution [2373 \(2017\)](#), para. 14.

³⁴⁵ Resolutions [2281 \(2016\)](#), para. 2; [2301 \(2016\)](#), para. 32; and [2387 \(2017\)](#), para. 41.

³⁴⁶ Resolutions [2301 \(2016\)](#), para. 56; and [2387 \(2017\)](#), para. 65.

³⁴⁷ Resolution [2284 \(2016\)](#), para. 14. For a detailed overview of the mandate of UNOCI and the withdrawal plan of the Secretary-General, see part X, sect. I.

means” to accomplish its mandate,³⁴⁸ and further extending the authorization to the French forces to support the mission “within the limits of their deployment and their capabilities”.³⁴⁹

Regarding the situation in the Democratic Republic of the Congo, the Council reiterated its authorization to the United Nations Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to take “all necessary measures” to accomplish its mandate,³⁵⁰ including neutralizing armed groups through the Intervention Brigade.³⁵¹ The Council also recalled the significance of the manner in which such measures would need to be taken, namely, in strict compliance with international law and in accordance with the human rights due diligence policy concerning United Nations-support to non-United Nations forces.³⁵² Moreover, the Council called upon the troop- and police-contributing countries to take “all necessary measures” to discharge the mission’s mandate.³⁵³

With respect to the flows of arms and related materiel transferred to or from Libya in violation of the arms embargo, the Council extended the authorization to Member States, acting nationally or through regional organizations, to use “all measures commensurate to the specific circumstances” when conducting inspections of vessels and seizing items in the course of such inspections, emphasizing that the inspections should be carried out in compliance with international humanitarian law and international human rights law and “without causing undue delay to or undue interference with the exercise of freedom of navigation”.³⁵⁴ Furthermore, in connection with migrant smuggling into, through and from the Libyan territory, the Council renewed the authorizations granted in paragraphs 7, 8, 9 and 10 of resolution [2240 \(2015\)](#), to Member States, acting nationally or through regional organizations, that were engaged in the fight against migrant smuggling and human trafficking, to use “all measures commensurate to the specific circumstances” in confronting migrant smugglers or human traffickers in 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

³⁴⁸ Ibid., para. 16.

³⁴⁹ Ibid., para. 25.

³⁵⁰ Resolutions [2277 \(2016\)](#), para. 34; and [2348 \(2017\)](#), para. 33.

³⁵¹ For background on the Intervention Brigade, see part VII of 18th Supplement (2013-13).

³⁵² Resolution [2277 \(2016\)](#), para. 35(i)(d); and resolution [2348 \(2017\)](#), para. 34(d).

³⁵³ [S/PRST/2016/18](#), twelfth paragraph.

³⁵⁴ Resolution [2292 \(2016\)](#), paras. 4 and 8.

such vessels that were confirmed to be used for such activities.³⁵⁵ The Council also clarified that the authorization to use force applied only when confronting migrant smugglers and human traffickers on the high seas off the Libyan coast.³⁵⁶

Regarding the situation in Mali, the Council reiterated the authorization for the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to take “all necessary means” to carry out its mandate,³⁵⁷ and the French forces also to use “all necessary means” in support of the mission when under imminent and serious threat and upon request of the Secretary-General.³⁵⁸ Moreover, the Council requested MINUSMA to adopt a “more proactive and robust posture” in discharging mandated tasks.³⁵⁹

In connection with the situation in Somalia, the Council reiterated the authorization for the African Union Mission (AMISOM), to take all measures necessary to carry out its mandate,³⁶⁰ and to conduct targeted offensive operations against Al Shabaab and other armed opposition groups as one of the mission’s priority tasks.³⁶¹ In addition, by resolution [2316 \(2016\)](#) the Council renewed, for a period of 12 months, the authorization to use “all necessary means” granted by resolution [1846 \(2008\)](#) to States and regional organizations cooperating with Somali authorities to repress acts of piracy and armed robbery at sea off the coast of Somalia.³⁶²

With regard to the situation in the Sudan and South Sudan, the Council extended the authorization to United Nations Mission in the Republic of South Sudan (UNMISS) to use “all necessary means” to carry out its tasks.³⁶³ Furthermore, by resolution 2304 (2016) of 12 August 2016, the Council increased the force levels of UNMISS by establishing the Regional Protection Force,³⁶⁴ and authorized the Regional Protection Force to use “all necessary means, including

³⁵⁵ Resolutions [2312 \(2016\)](#), para. 7, and [2380 \(2015\)](#), para. 7.

³⁵⁶ Resolutions [2312 \(2016\)](#), para. 8; and [2380 \(2015\)](#), para. 7.

³⁵⁷ Resolutions [2295 \(2016\)](#), para. 17; and [2364 \(2017\)](#), para. 18.

³⁵⁸ Resolutions [2295 \(2016\)](#), para. 35; and [2364 \(2017\)](#), para. 37.

³⁵⁹ Resolutions [2295 \(2016\)](#), para. 18; and [2364 \(2017\)](#), para. 19.

³⁶⁰ Resolutions [2289 \(2016\)](#), para. 1; [2297 \(2016\)](#), para. 4; [2355 \(2017\)](#), para. 1; and [2372 \(2017\)](#), para. 6.

³⁶¹ Resolutions [2297 \(2016\)](#), para. 6(a); and [2372 \(2017\)](#), para. 8(e).

³⁶² Resolution [2316 \(2016\)](#), para. 14.

³⁶³ Resolutions [2302 \(2016\)](#), para. 1; [2304 \(2016\)](#), paras. 4 and 5; [2326 \(2016\)](#) para. 2; [2327 \(2016\)](#), para. 11; and [2392 \(2017\)](#), para. 1.

³⁶⁴ Resolution [2304 \(2016\)](#), para. 8. For more information on the mandate of the Regional Protection Force, see part X, sect. I.

undertaking robust action where necessary and actively patrolling”.³⁶⁵ During the period under review, the Council also clarified – as it had done in previous years – the scope of the authorization to use force by the African Union-United Nations Hybrid Operation in Darfur (UNAMID), UNMISS and the United Nations Interim Security Force for Abyei (UNISFA) under Chapter VII of the Charter. In this regard, the Council underscored that, in all three Missions, the protection of civilians’ mandate included taking all necessary measures, steps or action, or using all necessary means, to protect civilians under imminent threat of physical violence, irrespective of the source of such violence,³⁶⁶ as well as United Nations personnel.³⁶⁷

In Europe, in relation to the situation in Bosnia and Herzegovina, the Council renewed its authorization to Member States, under the European Union Force-Althea and the North Atlantic Treaty Organization presence, to take “all necessary measures” in carrying out their mandate.³⁶⁸

For further information on the specific mandates of each of the United Nations peacekeeping operations, see part X of this Supplement.

B. Discussion relating to Article 42

During the period under review, the Council did not explicitly invoke Article 42 of the Charter at its deliberations. Nonetheless, Council members discussed the scope and extent of the authorization to use force in the context of both region- and country-specific as well as thematic items. Whilst some speakers demanded absolute adherence to the basic principles of peacekeeping, others advocated for a more “robust” mandate for peace operations, as illustrated by the discussions under the following items entitled “United Nations peacekeeping operations” (case 12), “Protection of civilians in armed conflict” (case 13) and “The situation in Mali” (case 14).

³⁶⁵ Resolutions [2304 \(2017\)](#), para. 10. See also [2326 \(2016\)](#), para. 2; and [2327 \(2016\)](#), para. 9.

³⁶⁶ In connection with UNISFA, resolutions [2287 \(2016\)](#), para. 9; [2318 \(2016\)](#), para. 9; and [2352 \(2017\)](#), para. 11; and [2386 \(2017\)](#), para. 11; in connection with UNAMID, resolutions [2296 \(2016\)](#), para. 5; and in connection with UNMISS, resolutions [2304 \(2016\)](#), para. 5; and [2327 \(2016\)](#), para. 11.

³⁶⁷ In connection with UNAMID, resolutions [2296 \(2016\)](#), para. 5; and [2363 \(2017\)](#), para. 37; and in connection with UNMISS, resolutions [2304 \(2016\)](#), para. 5; and [2327 \(2016\)](#), para. 11.

³⁶⁸ Resolutions [2315 \(2016\)](#), paras. 5, 6 and 7; and [2384 \(2017\)](#), paras. 5, 6 and 7.

Case 12

United Nations peacekeeping operations

At the 7918th meeting on 6 April 2017, the Secretary-General briefed the Security Council on the peacekeeping operations review and pointed out that there was no “one-size-fits-all” strategy for peacekeeping operations. He also noted that while some missions had “straightforward mandates” focusing on separating warring parties, others had more “robust” mandates to protect civilians and deal with multiple armed groups.³⁶⁹ In a similar vein, the representative of Ukraine stated that in conflict areas where the security situation changed swiftly and dramatically, the mandates should contain provisions permitting the use of force in circumstances of direct threat to its personnel or civilians, including terrorist threats.³⁷⁰

By contrast, the representative of the Russian Federation emphasized the need to respect the principles of peacekeeping, including the consent of the host country, impartiality and the non-use of force except in self-defense and to implement the mandate. He also cautioned against the “flexible interpretation” of mandates depending on the conditions on the ground and warned about attempts to “artificially politicize” the activity of peacekeepers.³⁷¹ He warned that under no circumstances should Blue Helmets become party to a conflict or join those parties.³⁷² The representative of China stated that it was key to abide by the basic principles of peacekeeping operations, which formed the “cornerstone” of peacekeeping operations and retained an irreplaceable guiding role.³⁷³

The representative of Uruguay opined that lasting peace was not achieved nor maintained through military interventions but through political means.³⁷⁴ Similarly, the representative of the United Kingdom asserted that military operations could “only create space for the political process to progress” and recalled the need for peacekeeping operations to address the political as well as the security challenges to sustain peace.³⁷⁵

³⁶⁹ [S/PV.7918](#), p. 3.

³⁷⁰ *Ibid.*, p. 16.

³⁷¹ *Ibid.*, p. 8.

³⁷² *Ibid.*

³⁷³ *Ibid.*, p. 12.

³⁷⁴ *Ibid.*, p. 6.

³⁷⁵ *Ibid.*, p. 6 (Uruguay) and p. 10 (United Kingdom).

At the 7947th meeting held, on 23 May 2017, the Council was briefed by the Force Commanders of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), the United Nations Disengagement Observer Force (UNDOF), the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and the United Nations Mission in Liberia (UNMIL) in addition to the Under-Secretary-General for Peacekeeping Operations. The Force Commander of MONUSCO mentioned that “the question of the use of force” needed to be looked at because interpretations by contingents on the ground differed when it came to self-defence or the defence of the mandate.³⁷⁶ The Force Commander of MINUSCA noted the changes in peacekeeping missions facing increasingly complex and chaotic conflicts and rising levels of violence, observing that the move towards more robust mandates was inevitable. He added that this new approach was situated between peacekeeping and peace enforcement, with the main goal of giving the peacekeeping missions concerned the necessary operational credibility to better protect civilians and to ensure the adequate delivery of its mandate but regretted that it had fallen short of expectations.³⁷⁷ He further underscored the need to revisit the rules of engagement to enable strong offensive operations so as to be able to properly protect populations and ensure that missions have the freedom to maneuver and support their actions, clarifying that it did not give missions the license to abuse force but rather to help them make better use of their weapons.³⁷⁸

The Head of UNDOF emphasized that, although the nature of peacekeeping operations was evolving, with new challenges emerging, the core principles of peacekeeping remained constant.³⁷⁹ Further to the briefings, the representatives of China and the Russian Federation recalled the importance of adhering to the basic principles of peacekeeping.³⁸⁰ The representatives of China further highlighted the need to respect the sovereignty of the host state. The representative of the Russian Federation emphasized that it was unacceptable to use the concept of protection of civilians as a pretext to use force by peacekeepers against the host

³⁷⁶ [S/PV.7947](#), p. 4.

³⁷⁷ *Ibid.*, p. 7.

³⁷⁸ *Ibid.*, p. 8.

³⁷⁹ *Ibid.*, p. 5.

³⁸⁰ *Ibid.*, p. 17 (China) and p. 23 (Russian Federation).

state.³⁸¹ The Under-Secretary-General for Peacekeeping Operations asserted that using robust force was not enough, and that it should be accompanied by similarly robust efforts in the political arena.³⁸²

Case 13

Protection of civilians in armed conflict

On 19 January 2016, the Council held its 7606th meeting to consider the eleventh report of the Secretary-General on the protection of civilians in armed conflict.³⁸³ During the debate, the Senior Humanitarian Policy Advisor of Oxfam stated that, in the face of threat to civilians, peacekeepers must be allowed to “act and use force if need be”.³⁸⁴ Similarly, the representative of Belgium asserted that Blue Helmets had a duty to intervene when civilians were at risk, using force if necessary, and the representative of Holy See called for the use of “legitimate force” to stop atrocities and war crimes.³⁸⁵ The representatives of Australia and Austria expressed support for the deployment of missions with robust and proactive mandates to protect civilians, respectively, including the use of force.³⁸⁶ The representative of France recalled the success stories in Mali and the Central African Republic, where deployment of robust mandates helped stabilize the country and restore the rule of law, and avoid mass atrocities, respectively.³⁸⁷ In a similar vein, the representative of South Africa stated that the Force Intervention Brigade of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo was a “credible example” of the success that can be achieved through the use of force against those who obstruct the peace.³⁸⁸ The representative of the European Union asserted that different levels of threat must be met with the appropriate and commensurate use of force, as necessary.³⁸⁹

³⁸¹ *Ibid.*, p. 17 (China) and p. 23 (Russian Federation).

³⁸² *Ibid.*, p. 26.

³⁸³ [S/2015/453](#).

³⁸⁴ [S/PV.7606](#), p. 7.

³⁸⁵ *Ibid.*, pp. 46-47 (Belgium) and p. 54 (Holy See).

³⁸⁶ *Ibid.*, pp. 45-46 (Australia) and, p. 69 (Austria).

³⁸⁷ *Ibid.*, p. 15.

³⁸⁸ *Ibid.*, pp. 61-62.

³⁸⁹ *Ibid.*, p. 57.

By contrast, the representatives of the Russian Federation reiterated the importance of adherence to the basic principles of peacekeeping and criticized their flexible interpretation depending on changing conditions.³⁹⁰ The representative of Pakistan opined that the fundamental principles were not an impediment to “protection-of-civilians mandates”, and that the use of force in defence of those mandates was an integral part of those principles.³⁹¹ He added that protecting civilians was possible with robust deterrence and without resort to the actual use of force, as exemplified by the action by Pakistani troops in the African Union-United Nations Hybrid Operation in Darfur.³⁹² The representative of Brazil argued that force should only be used as a last resort, noting that the international community had a right to expect full accountability from those to whom authority was given to resort to force. The representative of Peru emphasized that any use of force during peacekeeping operations should be strictly preventive and tactical in nature.³⁹³ The representatives of Egypt and Rwanda criticized the lack of clarity regarding the scope of the use of force to protect civilians and the representatives of Thailand and Indonesia argued in favour of the code of conduct and explicitly identified protocols regarding the use of force, respectively.³⁹⁴

On 10 June 2016, the Council held its 7711th meeting to discuss a subsequent report of the Secretary-General on the protection of civilians in armed conflict.³⁹⁵ During the high-level meeting, the Vice-Minister for Foreign Affairs of Uruguay noted that protecting civilians did not only mean the use of force as response to the imminent danger of violence.³⁹⁶ The representative of Benin, noting the genuine limits on the use of force, opined that “soft-power” methods could be much more effective in certain cases and that passive use of force could add to the deterrent function.³⁹⁷ The representative of India stated that the use of force should be accompanied by “efforts of a robust political nature”.³⁹⁸ Some speakers added that, if authorized, force could only be used as a last resort.³⁹⁹ Others highlighted the need to adhere to the traditional principles of

³⁹⁰ Ibid., p. 29.

³⁹¹ Ibid., p. 53.

³⁹² Ibid., pp. 53-54.

³⁹³ Ibid., p. 33 (Brazil) and pp. 86-87 (Peru).

³⁹⁴ Ibid., p. 24 (Egypt), p. 31 (Rwanda), p. 34 (Thailand) and p. 59 (Indonesia).

³⁹⁵ [S/2016/447](#).

³⁹⁶ [S/PV.7711](#), p.15.

³⁹⁷ Ibid., p. 39.

³⁹⁸ Ibid., p. 52.

³⁹⁹ Ibid., p. 46 (Argentina), p. 55 (Brazil), p. 56 (Guatemala) and p. 81 (Indonesia).

peacekeeping.⁴⁰⁰ Specifically, the representatives of the Russian Federation and Brazil expressed concerns about the interpretation of those principles,⁴⁰¹ whilst the representative of Pakistan argued that they were compatible with protecting civilians.⁴⁰² Furthermore, the representatives of India and Pakistan cautioned against the risks posed by robust mandates, including the effect on the neutrality of peacekeepers.⁴⁰³

By contrast, several speakers argued in favor of robust mandates.⁴⁰⁴ The representative of Chad expressed support for a “more proactive commitment” to protection of civilians, including, in extreme cases, the use of force.⁴⁰⁵ Some speakers clarified that the use of force should be “commensurate” with the situation on the ground.⁴⁰⁶ The representative of the African Union argued in favour of modern and effective peacekeeping that would involve searching the right balance between the traditional principles of peacekeeping and the need for increased use of force as well as reviewing the limits of peacekeeping including fighting against terrorist groups.⁴⁰⁷ The representative of Rwanda addressed the significance of preparedness by the peacekeepers to use force to protect civilians in accordance with the Kigali Principles on the Protection of Civilians. He also underscored the need for a “synchronized understanding of the use of force” by the Council, the Secretariat and troop- and police-contributing countries.⁴⁰⁸ Similarly, the representative of the United States expressed support for the Kigali Principles and mentioned that they called for troop-contributing countries to empower the military commander of a peacekeeping contingent to make decisions on whether to use force to protect civilians.⁴⁰⁹

⁴⁰⁰ Ibid., p. 26 (Russian Federation), p. 64 (Italy), p. 77 (Morocco), p. 81 (Indonesia) and p. 92 (Turkey).

⁴⁰¹ Ibid., p. 26 (Russian Federation) and p. 55 (Brazil).

⁴⁰² Ibid., p. 59.

⁴⁰³ Ibid., p. 52 (India) and p. 59 (Pakistan).

⁴⁰⁴ Ibid., p. 8 (France), p. 10 (Senegal), p. 15 (Ukraine) and p. 69 (African Union).

⁴⁰⁵ Ibid., p. 32.

⁴⁰⁶ Ibid., p. 32 (Chad) and p. 65 (European Union).

⁴⁰⁷ Ibid., pp. 69-70.

⁴⁰⁸ Ibid., p. 45.

⁴⁰⁹ Ibid., p. 13.

Case 14 The situation in Mali

At the 7727th meeting, on 29 June 2016, the Council adopted resolution [2295 \(2016\)](#), extending the authorization to use force by the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and further authorizing the Mission to adopt a more “proactive and robust” approach when discharging its mandate.⁴¹⁰ During the discussion that ensued, the members of the Council addressed the limits of the authorization of the use of force by the Council, as well as the interpretation of the new robust mandate. The representative of the Russian Federation expressed reservations with regard to the text of the resolution and, in particular, at the vague references to the level of asymmetric threats that would justify the use of force. He further affirmed his country’s position that despite the flexibility of the text, the peacekeepers were subject to the principles of peacekeeping and that the use of force should only be considered if a serious threat had been assessed.⁴¹¹ The representative of Uruguay added that the proactive nature of a peacekeeping operation should not lead to preventive actions or attacks when it came to fighting terrorism and that peacekeeping operations were not the right tool to conduct offensive counter-terrorist operations.⁴¹²

The representatives of the United States and Spain commended the adoption of a more proactive and robust mandate giving peacekeepers an ability to anticipate, deter and counter asymmetric threats.⁴¹³ The representative of New Zealand also expressed support for the mandate enabling “robust action” and stressed that troops should be enabled to take proactive defense.⁴¹⁴ The representative of the United Kingdom explained that the robust mandate authorized for MINUSMA was fully in line with the principles of peacekeeping and was to take action in self-defence and defence of the mandate.⁴¹⁵

⁴¹⁰ Resolution [2295 \(2016\)](#), paras. 17-18.

⁴¹¹ [S/PV.7727](#), p. 3.

⁴¹² *Ibid.*, pp. 3-4.

⁴¹³ *Ibid.*, p. 5 (United States) p. 6 (Spain) and p. 7 (France).

⁴¹⁴ *Ibid.*, p. 6.

⁴¹⁵ *Ibid.*, p. 7.

Section 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

Article 43 of the Charter provides that 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 were conceived to be entered into by the Council and Member States to regulate the numbers and types of troops, their readiness and location and the nature of facilities to be provided.

However, agreements under Article 43 were never concluded 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.

Articles 44 and 45 of the Charter make explicit reference to Article 43 and are therefore intimately linked. This notwithstanding, the Council has developed, through its decisions, practice to (i) call on Member States to contribute armed forces, assistance and facilities, including rights of passage, (ii) consult with Member States contributing troops for United Nations peacekeeping activities and (iii) call on Member States to contribute military air assets in the context of peacekeeping. Some of these decisions of the Council are also featured in section VII below in relation to Article 48 to the extent that they concern action required to carry out decisions of the Council for the maintenance of international peace and security.

During the period under review, the Council continued to pay close attention to the challenges faced by peacekeeping operations in delivering their respective mandates. In this regard, the Council adopted several decisions urging Member States to deliver military assistance to the operations. The Council did not, however, engage in any constitutional discussion concerning Articles 43 and 45 during the reporting period. By contrast, there were numerous explicit references to Article 44 during the deliberations of the Council. Featured below is an overview of the practice of the Security Council during 2016 and 2017 concerning the need for Member States' contribution, support and assistance to peacekeeping operations,

including contributing military air assets (sub-section A), and consultation with troop and police contributing countries (sub-section B).

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

During the period under review, the Council did not explicitly refer to Article 43 or Article 45 in any of its decisions or discussions. This notwithstanding, the Council adopted several resolutions calling upon Member States to provide military support in terms of both personnel and equipment, including military air assets, to existing peacekeeping operations in Mali, Somalia and Sudan and South Sudan. In addition, the Council, by resolution [2378 \(2017\)](#) adopted under the item entitled "United Nations peacekeeping operations" on 20 September 2017, stressed the need to "enhance the overall effectiveness and efficiency of United Nations peacekeeping operations" by, inter alia, increasing pledges by Member States of force enablers and rapid deployment of units.⁴¹⁶

With respect to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), by resolution [2295 \(2016\)](#) of 29 June 2016, the Council urged Member States to contribute troops and police with adequate capabilities as well as equipment, including enablers, specific to the operating environment.⁴¹⁷ The Council reiterated the request on 21 June, 29 June and 8 December 2017,⁴¹⁸ also calling upon Member States to rapidly deploy the quick reaction force and the aviation unit supporting it.⁴¹⁹

In relation to the African Union Mission to Somalia (AMISOM), by resolution [2297 \(2016\)](#) of 7 July 2016, the Council requested the African Union to generate specialised units specified in the annex,⁴²⁰ and underscored the need to source force enablers and multipliers, particularly the aviation unit of up to 12 military helicopters, either from the Mission's existing troop-contributing countries or from other Member States.⁴²¹ On 30 August 2017, by resolution

⁴¹⁶ Resolution [2378 \(2017\)](#), para. 11.

⁴¹⁷ Resolution [2295 \(2016\)](#), para. 30.

⁴¹⁸ Resolution [2359 \(2017\)](#), thirteenth preambular paragraph; resolution [2364 \(2017\)](#), thirty-ninth preambular paragraph and para. 32; and resolution [2391 \(2017\)](#), sixteenth preambular paragraph.

⁴¹⁹ Resolution [2364 \(2017\)](#), thirty-ninth preambular paragraph.

⁴²⁰ Resolution [2297 \(2016\)](#), para. 10.

⁴²¹ *Ibid.*, para. 11.

[2372 \(2017\)](#), the Council made a similar call, while also welcoming the deployment of three helicopters by Kenya and urging the African Union to generate the remaining force enablers.⁴²²

Finally, regarding the United Nations Mission in South Sudan (UNMISS), by resolution [2304 \(2016\)](#) of 12 August 2016, the Council urged Member States in the region to expedite contributions of “rapidly deployable troops” to ensure prompt deployment of the newly established Regional Protection Force.⁴²³

During 2016 and 2017, there were no explicit references to Articles 43 and 45 in the communications of the Council. In the letter dated 3 March 2016 addressed to the Secretary-General, which contained the terms of reference for the Council’s mission to Mali, Guinea-Bissau and Senegal, the Council did, however, call upon the Secretary-General, MINUSMA’s troop- and police-contributing countries and other bilateral donors to “continue their efforts to ensure that MINUSMA contingents [had] the necessary equipment and training to fulfil their mandate”.⁴²⁴

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

During the period under review, the Council adopted multiple decisions reaffirming the importance of strengthening the triangular cooperation and consultations between the Council, the Secretariat and troop- and police-contributing countries.⁴²⁵

Concerning the United Nations Disengagement Observer Force (UNDOF), the Council repeatedly affirmed in its decisions that troop- and police-contributing countries should have access to reports and information related to UNDOF’s current temporary configuration,⁴²⁶ and actions that impeded its ability to fulfil the mandate.⁴²⁷ Regarding the United Nations Stabilization Mission In Haiti (MINUSTAH), the Council requested the Secretary-General to fully report in a timely manner to the troop- and police-contributing countries and the Council on

⁴²² Resolution [2372 \(2017\)](#), para. 13

⁴²³ Resolution [2304 \(2016\)](#), para. 13. For more information on the mandate of the Regional Protection Force, see part X; and for the authorization of the use of force by the component, see part VII, sect. IV.

⁴²⁴ [S/2016/215](#), Annex, para. 16.

⁴²⁵ [S/PRST/2016/8](#), thirteenth paragraph; [S/PRST/2017/27](#), nineteenth paragraph; and resolutions [2378 \(2017\)](#), para. 12; and [2382 \(2017\)](#), eighteenth preambular paragraph.

⁴²⁶ Resolutions [2294 \(2016\)](#), twelfth preambular paragraph; and [2330 \(2016\)](#), twelfth preambular paragraph.

⁴²⁷ Resolutions [2294 \(2016\)](#), para. 5; and [2330 \(2016\)](#), para. 5.

the military and police components, such as concepts of operations and rules of engagement.⁴²⁸

In relation to UNMISS, the Council also recalled its request upon the Secretary-General to continue consulting with troop- and police-contributing countries to execute effectively its mandate.⁴²⁹

During 2016 and 2017, there were no explicit references to Article 44 in the communications of the Council. In a letter dated 26 May 2016 addressed to the President of the Security Council, Finland expressed concern over the formality and lack of dialogue of the meetings with troop- and police-contributing countries, force commanders and police commissioners.⁴³⁰ By virtue of the note by the President of the Security Council issued on 30 August 2017, the Council underscored the importance of consultations with troop- and police-contributing countries and addressed multiple procedural issues concerning the consultations.⁴³¹

Article 44 of the Charter was explicitly referred to in the context of numerous thematic debates under the items entitled “Maintenance of international peace and security” and “United Nations peacekeeping operations”, as featured in cases 15 and 16 below. In addition, under the item entitled “Protection of civilians in armed conflict”, the Council also deliberated on the need to consult with troop- and police-contributing countries on two occasions, with multiple speakers underscoring the critical role of such dialogue in effectively fulfilling the protection of civilians mandates.⁴³² On 19 July 2016, the Council held its 7740th meeting under the item entitled “Implementation of the note by the President of the Security Council (S/2010/507)”. Among other topics, the Council also discussed the issue of consultations with the troop- and police-contributing countries in the context of the working methods of the Council, with many speakers noting the importance of close interaction between the Council and the contributors.⁴³³

⁴²⁸ Resolution [2313 \(2016\)](#), para. 35.

⁴²⁹ Resolution [2327 \(2016\)](#), para. 33.

⁴³⁰ [S/2016/506](#), p. 24.

⁴³¹ [S/2017/507](#), Annex, paras. 89-91. For further details, see part II.

⁴³² [S/PV.7606](#), p. 4 (Deputy Secretary-General), p. 21 (New Zealand), p. 26 (Plurinational State of Bolivia), p. 34 (Thailand), p. 36 (India), p. 37 (Sweden), p. 65 (Chile), p. 72 (Morocco), p. 74 (Netherlands), p. 79 (Bangladesh) and p. 86 (Peru); and [S/PV.7711](#), pp. 7-8 (France), p. 18 (Spain), p. 21 (New Zealand), p. 25 (Egypt), p. 28 (Malaysia), p. 33 (Chad), p. 41 (Netherlands), p. 42 (Nigeria), p. 43 (Bangladesh), p. 46 (Argentina), p. 50 (Thailand), p. 52 (India), p. 53 (Mexico), p. 56 (Guatemala), p. 58 (Switzerland), p. 59 (Pakistan), p. 63 (Poland), p. 77 (Morocco) and pp. 80-81 (Indonesia).

⁴³³ [S/PV.7740](#), p. 4 (Egypt), p. 9 (New Zealand), p. 12 (China), p. 16 (Argentina), p. 18 (Brazil), pp. 19-20 (Pakistan), p. 22 (India), pp. 22-23 (Hungary), p. 23 (Italy), p. 26 (Romania), pp. 35-36 (Indonesia), p. 37 (South Africa), p. 38 (Kazakhstan) and p. 40 (Turkey).

Case 15

Maintenance of international peace and security

On 15 February 2016, at the 7621st meeting, a high-level meeting, of the Council, the representative of India complained about the lack of consultation between the Council and the troop- contributing countries “despite Article 44 of the Charter” which, he maintained, “explicitly require[d] the Council to invite Member States contributing troops that [were] not members of the Council to participate in the decisions of the Council”.⁴³⁴

Subsequently, at the 7802nd meeting on 7 November 2016, also held at the ministerial level, the representative of India made a similar remark regarding the adoption of resolution [2304 \(2016\)](#), which revised the mandate of the United Nations Mission in South Sudan and established the Regional Protection Force, stating that the resolution was adopted with little agreement within the Council itself, little groundwork with the host Government and “without effective consultations” with the troop- and police-contributing countries that had to implement the resolution.⁴³⁵ At the same meeting, the Minister for Foreign Affairs of Ukraine underscored the importance of providing the troop-contributing countries with “comprehensive, sufficient and timely information on the security situation on the ground”.⁴³⁶ Numerous speakers expressed support for the strengthening of the cooperation, consultations and information exchanges with troop- and police-contributing countries, including in the context of formulation and review of the mandates.⁴³⁷

Case 16

United Nations peacekeeping operations

At the 7642nd and 7643rd meetings of the Council held consecutively on 10 and 11 March 2016, respectively, the Council addressed allegations of sexual exploitation by troops at

⁴³⁴ [S/PV.7621](#), pp. 36-37.

⁴³⁵ [S/PV.7802](#), pp. 39-40.

⁴³⁶ *Ibid.*, p. 14.

⁴³⁷ *Ibid.*, p. 13 (Senegal), p. 14 (Ukraine), p. 19 (Spain), pp. 23-24 (Angola), p. 27 (France), p. 30 (Russian Federation), pp. 31-32 (Bolivarian Republic of Venezuela), p. 33 (United Kingdom), p. 38 (Democratic Republic of the Congo), pp. 40-41 (Pakistan), p. 42 (Guatemala), pp. 44-45 (Thailand, on behalf of the Association of Southeast Asian Nations), p. 50 (Belgium), p. 52 (Indonesia), p. 53 (Bangladesh), p. 61 (Paraguay) and p. 74 (Turkey).

peacekeeping missions. The representative of the Bolivarian Republic of Venezuela, at both meetings, emphasized the need to implement Article 44 of the Charter, arguing that it established a requirement to invite troop-contributing countries to participate in the decision-making process concerning the deployment of troops in peacekeeping operations.⁴³⁸

Subsequently, at the 7808th meeting on 10 November 2016, the Council focused on the issue of police commissioners at peacekeeping missions. The representative of the Bolivarian Republic of Venezuela once again explicitly referred to Article 44, expressing support for the ongoing dialogue between the Security Council and the countries that contributed contingents related to all activities in peacekeeping operations.⁴³⁹ During the meeting, the representative of China also advocated for strengthening such communication, and the representative of the Russian Federation suggested that the best venue for consultations of that nature were the Working Group on Peacekeeping Operations and the General Assembly's Special Committee on Peacekeeping Operations.⁴⁴⁰

⁴³⁸ [S/PV.7642](#), p. 15; and [S/PV.7643](#), p. 8.

⁴³⁹ [S/PV.7808](#), p. 12.

⁴⁴⁰ *Ibid.*, p. 20 (China) and p. 21 (Russian Federation).

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

Article 46

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

Article 47

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

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

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

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

Note

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

During the period under review, the Council did not explicitly refer to either Article 46 or 47 in any of its decisions or discussions. In addition, the Military Staff Committee was not mentioned in any of the decisions of the Council or its deliberations. As it is customary, the Annual Reports of the Security Council made reference to the Military Staff Committee and to its activities during the reporting period.⁴⁴¹

⁴⁴¹ See [A/71/2](#), part IV; and [A/72/2](#), part IV.

Section VII – Action required from Member States under Article 48 of the Charter

Article 48

- 1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.*
- 2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.*

Note

This section covers the practice of the Council in relation to Article 48 of the Charter, regarding the obligation of all or some Member States to carry out 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. Therefore, the present section focuses on the types of obligations imposed on Member States in accordance with Article 48, and on the range of addressees designated by the Council to implement, or comply with, decisions adopted.

Whilst Article 48 relates to requests to Member States to carry out action of the Council, during the 2016 and 2017 period, as in previous periods, the Council addressed some of its pleas to “all parties” or “other interested 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 addressed also “regional and subregional organizations” signalling the importance of regional and subregional organizations in tackling disputes and situations before the Council. Further information on the engagement of regional arrangements in the maintenance of international peace and security is provided in part VIII.

During the period under review, the Council did not explicitly invoke Article 48 in any of its decisions. Nonetheless, the Council adopted resolutions and issued presidential statements which underlined the obligation of Member States to comply with the measures imposed, under Chapter VII of the Charter, in accordance with Article 48. This section is divided into two sub-sections. Sub-section A covers decisions of the Council requiring Member States to carry out

action in relation to measures under Article 41. Sub-section B covers decisions of the Council requiring Member States to carry out action in relation to measures under Article 42. During the biennium under review, no references to Article 48 were found in communications to the Council nor were there any discussions held in relation to the interpretation or application of that Article.

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

During the period under review and in relation to decisions adopted pursuant to Article 41 concerning sanctions, the Council frequently requested indistinctively “Member States” or “States” to fully implement specific measures,⁴⁴² and to cooperate with the relevant sanctions committees, panels of experts and/or monitoring groups.⁴⁴³ As elaborated further below, and consistent with prior practice, the Council also addressed non-state actors to comply with or collaborate with measures imposed pursuant to Article 41.

In connection with the sanctions against terrorist suspects, the Council also urged Member States to “move vigorously and decisively” to freeze assets and resources of individuals, groups, undertakings and entities listed on the ISIL (Da’esh) and Al-Qaida Sanctions List,⁴⁴⁴ to “identify and propose for listing” new entries,⁴⁴⁵ and to “provide reasons for submitting their delisting requests”.⁴⁴⁶ Moreover, the Council reiterated the obligations of Member States to prevent travel to or through their territories of individuals suspected of foreign terrorist fighter-related activities described in resolution [2178 \(2014\)](#).⁴⁴⁷ The Council further decided that, in order to detect departure from or entry into or transit through their territories by means of civil aircraft of individuals designated by the Committee established pursuant to resolutions [1267 \(1999\)](#), [1989 \(2011\)](#) and [2253 \(2015\)](#), Member States should require the airlines operating in their territories to provide advance passenger information to the appropriate national authorities,

⁴⁴² Resolutions [2262 \(2016\)](#), para. 30; [2293 \(2016\)](#), para. 27; [2317 \(2016\)](#), para. 22; [2321 \(2016\)](#), para. 38; [2339 \(2017\)](#), para. 36; [2371 \(2017\)](#), para. 19; [2374 \(2017\)](#), para. 17; [2375 \(2017\)](#), para. 20; [2385 \(2017\)](#), para. 26; [2397 \(2017\)](#), para. 18.

⁴⁴³ Resolutions [2317 \(2016\)](#), para. 37; [2339 \(2017\)](#), para. 11; [2362 \(2017\)](#), para. 15; [2385 \(2017\)](#), paras. 15 and 45.

⁴⁴⁴ Resolution [2349 \(2017\)](#), para. 6.

⁴⁴⁵ Resolution [2368 \(2017\)](#), para. 27.

⁴⁴⁶ *Ibid.*, para. 73.

⁴⁴⁷ *Ibid.*, thirty-seven preambular paragraph.

and report on any such travel or attempted travel to the Committee,⁴⁴⁸ or by sharing this information with the State of residence or nationality, or the countries of return, transit or relocation and relevant international organizations.⁴⁴⁹ The Council also called upon Member States to “take the necessary measures” to report to the Committee interdictions in their territories of any petroleum, petroleum products, modular refineries, and related material specified being transferred to or from ISIL (Da’esh) or Al-Nusra Front, and of antiquities and outcomes of proceedings brought against individuals and entities as a result of such activities.⁴⁵⁰ Finally, the Council urged Member States to provide all relevant, including confidential, information to the Ombudsperson.⁴⁵¹

With regard to the non-proliferation regime and sanctions overseen by the Committee established pursuant to resolution [1540 \(2004\)](#), the Council urged States, as well as “relevant international, regional and subregional organizations”, in line with paragraph 2 of Article 48, to inform the Committee of “areas in which they [were] able to provide assistance”, as well as their ongoing assistance programmes relevant to resolution [1540 \(2004\)](#).⁴⁵²

In relation to the sanctions regime against the Democratic People’s Republic of Korea, the Council called upon all Member States to inspect vessels they suspected of carrying items the supply, sale, transfer or export of which were prohibited by the relevant resolutions,⁴⁵³ and further decided that Member States should seize and dispose of such items.⁴⁵⁴ Moreover, the Council requested all Member States to reduce the number of staff at their diplomatic missions and consular posts at the Democratic People’s Republic of Korea.⁴⁵⁵

During the reporting period, the Council, in its decisions, continued to address governments of individual States when making requests to comply with measures adopted in relation to Article 41. In this regard, with respect to the situation in Libya, the Council urged the Government of National Accord to “improve the implementation of the arms embargo”⁴⁵⁶ and to

⁴⁴⁸ Resolution [2368 \(2017\)](#), para. 35.

⁴⁴⁹ Resolution [2396 \(2017\)](#), para. 11.

⁴⁵⁰ Resolution [2368 \(2017\)](#), para. 16.

⁴⁵¹ *Ibid.*, para. 66. For further details on sanctions measures, see part VII, section III.

⁴⁵² Resolution [2325 \(2016\)](#), para. 19.

⁴⁵³ Resolution [2375 \(2017\)](#), para. 7.

⁴⁵⁴ Resolutions [2321 \(2016\)](#), para. 40; [2371 \(2017\)](#), para. 21; [2375 \(2017\)](#), para. 22.

⁴⁵⁵ Resolution [2321 \(2016\)](#), para. 14.

⁴⁵⁶ Resolutions [2278 \(2016\)](#), para. 10; and [2362 \(2017\)](#), para. 10.

support and share information with the Panel of Experts.⁴⁵⁷ Concerning the situation in Somalia, the Council requested the Federal Government of Somalia to “take the necessary measures” to prevent the export of charcoal from Somalia,⁴⁵⁸ and to cooperate with the Somalia and Eritrea Monitoring Group and share with the body the information relating to the activities of Al-Shabaab.⁴⁵⁹

Furthermore, the Council, as it did in previous years, made requests on actors other than States to cooperate with the relevant Committees and Panels of Experts to implement specific measures adopted in relation to Article 41. For example, the Council requested “other interested parties” with respect to the situation in Libya,⁴⁶⁰ and “all parties” with regard to the situations in the Central African Republic⁴⁶¹ and Mali,⁴⁶² to cooperate with the relevant Committees and Panels. With respect to South Sudan, the Council, in addition to “Member States” and “all parties”, made a similar request to “international, regional and subregional organizations”, in accordance with Article 48 (2).⁴⁶³

Regarding decisions adopted in accordance with Article 41 in relation to judicial measures, the Council urged the Malian authorities to continue to cooperate with the International Criminal Court (ICC) in holding perpetrators of violations and abuses of human rights and violations of international humanitarian law, including those involving sexual violence.⁴⁶⁴ With respect to the situation in the Democratic Republic of Congo, the Council similarly requested the Government to cooperate with the International Criminal Court in holding the perpetrators of war crimes and crimes against humanity to account.⁴⁶⁵

⁴⁵⁷ Resolutions [2278 \(2016\)](#), para. 14; and [2362 \(2017\)](#), para. 15.

⁴⁵⁸ Resolutions [2317 \(2016\)](#), para. 22; and [2385 \(2017\)](#), para. 26.

⁴⁵⁹ Resolution [2317 \(2016\)](#), para. 37; and [2385 \(2017\)](#), paras. 15 and 45.

⁴⁶⁰ Resolutions [2278 \(2016\)](#), para. 14; and [2362 \(2017\)](#), para. 15.

⁴⁶¹ Resolution [2339 \(2017\)](#), para. 11.

⁴⁶² Resolution [2374 \(2017\)](#), para. 3.

⁴⁶³ Resolution [2327 \(2016\)](#), para. 18.

⁴⁶⁴ Resolutions [2295 \(2016\)](#), para. 36; and [2364 \(2017\)](#), para. 38.

⁴⁶⁵ Resolutions [2293 \(2016\)](#), para. 16; and [2360 \(2017\)](#), para. 13.

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

During the period under review, the Council urged, called upon and requested action by a particular Member State, a designated group of Member States and/or all Member States in relation to measures adopted under Article 42 of the Charter. For example, with respect to the situation in Mali, the Council urged Member States to provide troops and police as well as military equipment in order for the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to fulfil its mandate.⁴⁶⁶ In relation to the situation in Somalia, the Council reiterated its call for “new donors” to financially assist the African Union Mission to Somalia and underlined the African Union’s call for its members to provide such support.⁴⁶⁷ Concerning the situation in Libya, the Council also called upon Member States to inspect unflagged vessels that they had reasonable grounds to believe had been, were being, or imminently would be used for migrant smuggling or human trafficking from Libya.⁴⁶⁸ In addition, during the period under review, by virtue of presidential statement [S/PRST/2016/4](#), the Council called upon “States in the region” of the Gulf of Guinea “to cooperate, as appropriate, on the prosecution of suspected pirates” and upon “all States in the region and all relevant stakeholders to intensify their efforts to secure the safe and immediate release of all seafarers held hostage”.⁴⁶⁹

As in previous periods, the Council made frequent requests upon States and other non-state actors to cooperate with peacekeeping operations to ensure the fulfilment of their respective Chapter VII mandates. In this regard, the Council called upon “all Member States”, in particular Sudan and South Sudan to ensure the free, unhindered and expeditious movement to and from Abyei of all personnel and equipment for the exclusive use of the United Nations Interim Security Force for Abyei.⁴⁷⁰ The Council also demanded that the Transitional Government of National Unity of South Sudan “immediately cease obstructing the United Nations Mission in

⁴⁶⁶ Resolutions [2295 \(2016\)](#), para. 30; [2359 \(2017\)](#), thirteenth preambular paragraph; and [2391 \(2017\)](#), sixteenth preambular paragraph; and [S/PRST/2016/16](#), tenth paragraph. For more information on decisions of the Council calling upon Member States to provide military contributions to peacekeeping operations in line with Articles 43 and 45 of the Charter, see part VII, sect. V.

⁴⁶⁷ Resolutions [2297 \(2016\)](#), para. 21; and [2372 \(2017\)](#), para. 31.

⁴⁶⁸ Resolutions [2312 \(2016\)](#), para. 6; and [2380 \(2017\)](#), para. 6.

⁴⁶⁹ [S/PRST/2016/4](#), fifth paragraph.

⁴⁷⁰ Resolutions [2287 \(2016\)](#), para. 19, [2318 \(2016\)](#), para. 20, [2352 \(2017\)](#), para. 23; and [2386 \(2017\)](#), para. 23.

South Sudan in the performance of its mandate”,⁴⁷¹ and that “all parties in Darfur”, in addition to the Government of Sudan, remove obstacles and ensure the freedom of movement and security of the African Union - United Nations Hybrid Operation in Darfur.⁴⁷² In relation to the situations in the Central African Republic and in Mali, the Council urged “all parties” to cooperate fully with the deployment and activities of United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and MINUSMA,⁴⁷³ as well as “Member States, especially those in the region”, to ensure freedom of movement of personnel and equipment of MINUSCA and MINUSMA.⁴⁷⁴ With respect to the situations in the Democratic Republic of the Congo, Lebanon and Libya, the Council urged “all parties” to cooperate with and ensure the freedom of movement of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the United Nations Interim Force in Lebanon, and the United Nations Support Mission in Libya.⁴⁷⁵ Similarly concerning Côte d’Ivoire, the Council urged “all parties” to cooperate with the operations of the United Nations Operation in Côte d’Ivoire as well as the French Forces by ensuring their safety, security and freedom of movement with unhindered and immediate access throughout the territory of Côte d’Ivoire to enable them to fully carry out their mandates.⁴⁷⁶

⁴⁷¹ Resolution [2327 \(2016\)](#), para. 2.

⁴⁷² Resolutions [2296 \(2016\)](#), paras. 5 and 19; [2363 \(2017\)](#), twenty-first preambular paragraph and paras. 6 (iii) and 38.

⁴⁷³ Resolutions [2295 \(2016\)](#), para. 6; [2301 \(2016\)](#), para. 51 and [2364 \(2017\)](#), para. 6.

⁴⁷⁴ Resolutions [2295 \(2016\)](#), para. 33; [2301 \(2016\)](#), para. 52 and [2364 \(2017\)](#), para. 35.

⁴⁷⁵ Resolutions [2273 \(2016\)](#), ninth preambular paragraph; [2291 \(2016\)](#), thirteenth preambular paragraph; [2305 \(2016\)](#), para. 8; [2323 \(2016\)](#), seventeenth preambular paragraph; [2373 \(2017\)](#), fourteenth preambular paragraph and para. 10; and [2376 \(2017\)](#), nineteenth preambular paragraph.

⁴⁷⁶ Resolution [2284 \(2016\)](#), para. 26.

Section VIII – Mutual assistance by Member States 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

This section covers the practice of the Security Council in relation to Article 49 of the Charter concerning mutual assistance among Member States in carrying out the measures decided upon by the Council. The section consists of one sub-section covering decisions of the Council relating to mutual assistance in the implementation of measures adopted by the Council under Chapter VII of the Charter.

During the period under review, the Council did not explicitly invoke Article 49 in any of its decisions. This notwithstanding, the Council adopted resolutions and issued presidential statements which called upon Member States to cooperate with each other or assist specific States in the implementation of measures imposed under Chapter VII of the Charter. This section is divided into two sub-sections. Sub-section A covers decisions of the Council urging cooperation among Member States with respect to measures under Article 41. Sub-section B covers decisions of the Council requesting mutual assistance in relation to measures under Article 42.

In 2016 and 2017, as in previous periods, there was no constitutional discussion in the Council relating to the interpretation or application of Article 49 of the Charter. In addition, no reference to Article 49 was found in the communications received by the Council.

A. Decisions of the Council requiring 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 Council's addressees of its calls

for mutual assistance ranged from individual Member States, particularly concerned States, to “all Member States” as well as regional and subregional organizations. The types of assistance requested from Member States varied greatly, from requests to share information among each other and provision of technical assistance to those urging cooperation in carrying out various inspections.

For example, in connection with the situation in the Central African Republic, the Council urged all Member States to cooperate in efforts aimed at implementation of the arms embargo,⁴⁷⁷ and on the authorities of the Central African Republic to share information with other Member States relating to the documents of individuals against whom a travel ban had been issued through the INTERPOL database.⁴⁷⁸

In relation to the Democratic People’s Republic of Korea, the Council called upon all Member States to cooperate with each other in implementing the relevant resolutions, particularly with respect to “inspecting, detecting and seizing items the transfer of which [was] prohibited by these resolutions”,⁴⁷⁹ as well as in inspecting vessels believed to be carrying such items.⁴⁸⁰

Concerning the situation in Libya, the Council similarly called upon all Member States to cooperate in efforts aimed at the implementation of the arms embargo,⁴⁸¹ and upon Member States and regional organizations to assist the Government of National Accord upon its request in strengthening the infrastructure and mechanisms necessary to implement the embargo.⁴⁸²

The Council also urged cooperation among Member States in fulfilling their obligations arising from the non-proliferation and counter-terrorism regimes. With regards to the former, it encouraged States to contribute funds “to assist in implementing their obligations under resolution [1540 \(2004\)](#), including for implementing projects in response to assistance requests submitted directly by States to the Committee”.⁴⁸³ In relation to counter-terrorism efforts, the Council underscored that Member States were to afford one another “the greatest measure of assistance” with respect to criminal investigations and proceedings relating to the financing or

⁴⁷⁷ Resolutions [2262 \(2016\)](#), para.2. [2339 \(2017\)](#), para. 2

⁴⁷⁸ Resolution [2339 \(2017\)](#), para. 8.

⁴⁷⁹ Resolutions [2321 \(2016\)](#), para. 38; [2371 \(2017\)](#), para. 19; [2375 \(2017\)](#), para. 20; and [2397 \(2017\)](#), para. 18.

⁴⁸⁰ Resolution [2375 \(2017\)](#), para. 8.

⁴⁸¹ Resolution [2362 \(2017\)](#), para. 10.

⁴⁸² Resolutions [2278 \(2016\)](#), para. 9; and [2362 \(2017\)](#), para. 9.

⁴⁸³ Resolution [2325 \(2016\)](#), para. 21.

supporting terrorist acts, including through assistance in obtaining evidence, and urged “full coordination” in such investigations and proceedings, particularly with the most concerned States where, or against whose citizens, terrorist acts were committed.⁴⁸⁴ Moreover, the Council urged Member States to exchange information to prevent the movement of terrorists,⁴⁸⁵ including by prompt notification of travel of individuals they suspected of being terrorists to all countries where such individuals held citizenship,⁴⁸⁶ and by sharing such information,⁴⁸⁷ as well as information on fraudulent, counterfeit, stolen and lost passports and other travel documents of suspects,⁴⁸⁸ with INTERPOL. Finally, the Council urged Member States to share information concerning the identity of foreign terrorist fighters.⁴⁸⁹ The Council also called upon Member States to help build the capacity of other Member States to address the threat posed by foreign terrorist fighter returnees and relocators and their accompanying family members,⁴⁹⁰ and upon Member States and international, regional and subregional entities to assist other Member States by providing technical assistance, resources and capacity building in implementing capabilities such as passenger name record (PNR) and biometric data.⁴⁹¹

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

During the period under review, the Council also adopted several resolutions requesting cooperation among Member States with or without peacekeeping operations in carrying out measures under Article 42 of the Charter authorizing the use of force. The types of assistance requested in this regard ranged from sharing information and capacity-building to deter various criminal acts to those calling upon Member States to coordinate among each other to deter such acts.

⁴⁸⁴ Resolutions [2368 \(2017\)](#), para. 12; and [2396 \(2017\)](#), para. 23.

⁴⁸⁵ Resolution [2395 \(2017\)](#), fifteenth preambular paragraph.

⁴⁸⁶ Resolution [2396 \(2017\)](#), paras. 3 and 11.

⁴⁸⁷ *Ibid.*, para. 3.

⁴⁸⁸ Resolution [2368 \(2017\)](#), para. 31.

⁴⁸⁹ *Ibid.*, para. 40.

⁴⁹⁰ Resolution [2396 \(2017\)](#), para. 25.

⁴⁹¹ *Ibid.*, paras. 12 and 15.

For example, concerning the situation in Lebanon, the Council called upon Member States to assist the Lebanese Armed Forces as needed to perform its duties in line with resolution [1701 \(2006\)](#).⁴⁹²

With respect to the situation in Libya, the Council called upon Member States “acting nationally or through regional organizations” to cooperate and share information with the Government of National Accord and with each other to assist Libya in building capacity to secure its borders and to “prevent, investigate and prosecute acts of smuggling of migrants and human trafficking”.⁴⁹³ Moreover, the Council urged Member States and regional organizations whose naval vessels and aircrafts operated on the high seas and airspace off the coast of Libya to be “vigilant for acts of migrant smuggling and human trafficking”, and in this regard also encouraged them to “increase and coordinate their efforts to deter acts of migrant smuggling and human trafficking, in cooperation with Libya”.⁴⁹⁴

In relation to the situation in Somalia, the Council called upon Member States to support the Federal Government of Somalia’s efforts in facilitating the Somali National Army’s participation in joint operations with the African Union Mission to Somalia.⁴⁹⁵

Finally, the Council urged Member States to assist States in the region of the Gulf of Guinea in improving their maritime infrastructure in order to strengthen their capacity to carry out joint maritime operations aimed at countering piracy and armed robbery at sea.⁴⁹⁶ The Council further called upon all States in the region to “intensify their efforts to secure the safe and immediate release of all seafarers held hostage in or around the Gulf of Guinea”.⁴⁹⁷

⁴⁹² Resolution [2373 \(2017\)](#), twenty-second preambular paragraph.

⁴⁹³ Resolutions [2312 \(2016\)](#), paras. 2 and 3; [2380 \(2017\)](#), para. 2

⁴⁹⁴ Resolution [2312 \(2016\)](#), para. 4.

⁴⁹⁵ Resolution [2275 \(2016\)](#), para. 14.

⁴⁹⁶ [S/PRST/2016/4](#), nineteenth paragraph.

⁴⁹⁷ *Ibid.*, fifth paragraph.

Section 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

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

During the period under review, the Council continued its practice of imposing targeted instead of comprehensive economic sanctions, thereby minimizing the unintended adverse impact on third States.⁴⁹⁸ None of the Security 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. This notwithstanding, the Council adopted decisions that may be deemed of relevance for the interpretation and application of Article 50 of the Charter. For example, on 9 November 2016, in its resolution [2316 \(2016\)](#) concerning the situation in Somalia, the Council requested cooperating States to take appropriate steps to ensure that the authorized activities to combat piracy and armed robbery at sea off the coast of Somalia did not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State.⁴⁹⁹ The Council reiterated the aforementioned request in its resolution [2383 \(2017\)](#) of 7 November 2017.⁵⁰⁰

While Article 50 of the Charter was not explicitly mentioned in any meeting of the Council, some Council members made reference to the impact of sanctions during meetings of

⁴⁹⁸ For more information related to sanctions measures, see part VII, sect. III.

⁴⁹⁹ Resolution [2316 \(2016\)](#), para. 17.

⁵⁰⁰ Resolution [2383 \(2017\)](#), para. 17.

the Council of relevance for the interpretation and application of Article 50. Most of such references were made in the context of two thematic meetings under the item entitled “General issues relating to sanctions”, as featured in case 17 below.

During the period under review, there was only one explicit reference to Article 50 of the Charter in the communications of the Council. The reference was made in a letter dated 2 February 2016 from the Permanent Representative of the Bolivarian Republic of Venezuela addressed to the Secretary-General, which included the concept note for the 7620th meeting of the Council under the item entitled “General issues relating to sanctions”. The concept note recommended that issues concerning sanctions be discussed at the meeting, including the unintended economic impact of sanctions, stating that “in line with Article 50 of the Charter of the United Nations”, the Security Council should consider the effect of sectoral sanctions on the legitimate trade of natural resources and the impact on the legitimate sources of livelihood of artisanal communities and to develop, if necessary, specific assistance for those affected.⁵⁰¹

The letter dated 22 December 2017 from the Permanent Representative of Egypt to the President of the Security Council, which included an annex entitled “Improving sanctions regimes: reflection by Egypt”, whilst not explicitly referring to Article 50, summarized a series of points made by members of the Council, including that sanctions must be implemented with a view to minimizing their impact on the civilian population or socioeconomic development and third countries affected by the implementation of such measures.⁵⁰²

Case 17

General issues relating to sanctions

On 11 February 2016, the Council held its 7620th meeting to discuss, at the initiative of the Bolivarian Republic of Venezuela, the working methods of its subsidiary organs.⁵⁰³ The concept note circulated ahead of the meeting included for discussion the unintended economic impact of sanctions.⁵⁰⁴ During the meeting, the representatives of Chile and Senegal underscored

⁵⁰¹ [S/2016/102](#), p. 4.

⁵⁰² [S/2017/1098](#), p. 5.

⁵⁰³ [S/2016/102](#).

⁵⁰⁴ *Ibid.*, p. 4.

the importance of closer dialogue between the committees and the states affected by sanctions as well as neighbouring states.⁵⁰⁵ Similarly, the representative of the Islamic Republic of Iran asserted that committees should be “vigilant” of the negative economic effects sanctions could have on third parties.⁵⁰⁶ On the other hand, the representative of the United Kingdom assured that the approach of targeted sanctions was “working” as no third-party state had requested assistance due to unintended consequences of sanctions since 2003.⁵⁰⁷

At the 8018th meeting held on 3 August 2017 under the sub-item entitled “Enhancing the effectiveness of United Nations sanctions”, the representatives of Kazakhstan and China reminded that efforts must be made to minimize the negative socioeconomic impact on innocent populations and third-party countries.⁵⁰⁸ The representatives of Ukraine and the Plurinational State of Bolivia favoured targeted and selective sanctions, respectively, as a way of striking a balance between the desired outcome and possible unintended socioeconomic and humanitarian consequences on third states.⁵⁰⁹

⁵⁰⁵ [S/PV.7620](#), p. 4 (Chile) and p. 10 (Senegal)

⁵⁰⁶ *Ibid.*, p. 24.

⁵⁰⁷ *Ibid.*, p. 11.

⁵⁰⁸ [S/PV.8018](#), p. 5 (Kazakhstan) and p. 6 (China).

⁵⁰⁹ *Ibid.*, p. 8 (Ukraine) and p. 10 (Plurinational State of Bolivia).

Section X – The 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

This section 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 sub-sections. Sub-section A covers the discussions of the Council of relevance to the interpretation and application of Article 51 and sub-section B covers references to Article 51 and the right to self-defence in communications addressed to the Security Council. The Council did not refer to Article 51 of the Charter or the right of self-defence in its decisions during the reporting period.

A. Discussion relating to Article 51

During 2016 and 2017, explicit references to Article 51 of the Charter as well as to the right of self-defence were made at numerous meetings of the Council in relation to a broad range of both thematic and country- and region-specific items of its agenda. However, no discussion of constitutional significance of Article 51 arose during the reporting period.

1. Discussion under thematic items

During the reporting period, speakers referred both to Article 51 explicitly, as well as to the right of self-defence, at multiple Council meetings under thematic items in relation to various situations.

At the 7621st high-level debate, on 15 February 2016, under the item entitled “Maintenance of international peace and security”, the representative of the Islamic Republic of Iran stressed that “Article 51 of the Charter [was] restrictive” and should not be rewritten or reinterpreted,⁵¹⁰ while the representative of the Syrian Arab Republic criticized some Member States for “distorting” the provisions of Article 51 as well as using combatting Da’esh as a “pretext” for their military intervention in his country.⁵¹¹ During other meetings of the Council under the same item, several speakers made reference to the principle of self-defence. The representative of Burundi regretted the accusations against his country’s Government Forces for the attacks on armed groups were “without any regard to either its right of self-defence or the aggressive nature of the assailants”.⁵¹² The representative of the Democratic People’s Republic of Korea claimed that the ballistic missile launches conducted by his State were part of its legitimate right to self-defence provided for in the Charter.⁵¹³ The representatives of Azerbaijan and Armenia expressed divergent views on the right to self-defence of the people of Nagorno-Karabakh.⁵¹⁴ The representative of Egypt emphasized the importance of “striking a balance between humanitarian considerations and considerations related to the legitimate use of mines for self-defence”.⁵¹⁵

Some references to Article 51 and the right to self-defence were also made at meetings under the item entitled “Non-proliferation”. At the 7739th meeting on 18 July 2016, the Council focused on the report of the Secretary-General on the implementation of Security Council resolution [2231 \(2015\) \(S/2016/589\)](#). During the meeting, the representative of the Russian Federation regretted that the report had not mentioned his delegation’s initiative to develop a standard form for applications of transfers to the Islamic Republic of Iran of conventional

⁵¹⁰ [S/PV.7621](#), p. 34.

⁵¹¹ *Ibid.*, p. 40.

⁵¹² [S/PV.7653](#), p. 32.

⁵¹³ [S/PV.7857](#), pp. 106-107.

⁵¹⁴ [S/PV.7886](#), p. 47 (Azerbaijan) and p. 53 (Armenia).

⁵¹⁵ [S/PV.7966](#), p. 18.

weapons under the seven categories of the United Nations Register of Conventional Arms. He further claimed that the opponents of the proposal adopted a free interpretation of the resolution for their own political ends, which in turn impeded the Islamic Republic of Iran from fully exercising its rights as a State Member of the United Nations to self-defence, in accordance with Article 51 of the Charter of the United Nations.⁵¹⁶ During the same meeting, the representative of New Zealand acknowledged the right of the Islamic Republic of Iran to self-defence, but stressed that its leaders could not pretend that the “intemperate indeed ridiculous” actions of the Revolutionary Guards were not their responsibility.⁵¹⁷

Explicit reference to Article 51 was also made at the 7740th meeting, on 19 July 2016, held under the item “Implementation of the note by the President of the Security Council ([S/2010/507](#))” by the representative of Brazil. He suggested that the working methods of the Council could be improved by, inter alia, developing procedures of “follow-ups” to communications submitted to the Council in relation to Article 51.⁵¹⁸

In the context of the item “Threats to international peace and security”, at the 7882nd meeting on 13 February 2017, the representative of the Syrian Arab Republic once again criticized the intervention by some States in his country under the pretext of fighting Da’esh, which he determined to violate Article 51 of the Charter and the sovereignty of his country.⁵¹⁹ The representative of Brazil again noted an increase in communications from Member States submitted to the Council under Article 51 of the Charter, which in his view sought to “justify resorting to military action in the context of counter-terrorism, usually ex post facto”.⁵²⁰ He further reiterated his recommendation for “follow-up” to such communications and for an assessment in order to ensure the obligations laid out in the Charter were being fulfilled.⁵²¹

Finally, at the 8137th meeting on 15 December 2017 under the item “Non-proliferation/Democratic People’s Republic of Korea”, the representative of the Democratic People’s Republic of Korea stated that the country’s nuclear force was devoted solely to its mission as a self-defensive deterrent, and was fully in line with Article 51 of the Charter of the

⁵¹⁶ [S/PV.7739](#), p. 10.

⁵¹⁷ *Ibid.*, p. 14.

⁵¹⁸ [S/PV.7740](#), p. 18.

⁵¹⁹ [S/PV.7882](#), pp. 46-47.

⁵²⁰ *Ibid.*, p. 49.

⁵²¹ *Ibid.*

United Nations, which stipulated “the right of the exercise of self-defensive measures to be taken by an individual United Nations State Member”.⁵²²

2. *Discussion under country- and region-specific items*

During the period under review, several explicit references to Article 51 as well as references to the right of self-defence were made with respect to the situations in South Sudan, the Syrian Arab Republic and Iraq, the conflict between Yemen and Saudi Arabia, and the Israeli-Palestinian conflict, at the meetings held under country- and region-specific items.

At the 7906th meeting on 23 March 2017, under the item entitled “Reports of the Secretary-General on the Sudan and South Sudan”, the representative of South Sudan rejected the claims that South Sudanese forces had been targeting civilians, and maintained that the State had exercised its right to self-defense when attacked by negative forces and criminal elements, which, he claimed, was consistent with international law, including Article 51.⁵²³ On 20 July 2017, at the 8008th meeting under the same item, the representative of the United Kingdom asserted that the violence occurring in South Sudan, including the offensive in the town of Pagak, was not self-defense.⁵²⁴

At the 7822nd, 7825th and 7834th meetings under the item “The situation in the Middle East”, the representative of the Bolivarian Republic of Venezuela determined that the Government of the Syrian Arab Republic had a legitimate right to defend its sovereignty and territorial integrity against terrorism.⁵²⁵ Further and in relation to the military operations in the Syrian Arab Republic, on 7 April 2017, during the 7919th meeting of the Council under the item “The situation in the Middle East”, the representative of the Plurinational State of Bolivia recalled the words of the former Secretary-General Ban Ki-Moon, who had stated that the use of force was lawful only when in exercise of self-defense under Article 51 or when approved by the Council.⁵²⁶

References to Article 51 in relation to the situation in the Syrian Arab Republic were also made at meetings under the item “The situation in the Middle East, including the Palestinian

⁵²² [S/PV.8137](#), p. 22.

⁵²³ [S/PV.7906](#), p. 23.

⁵²⁴ [S/PV.8008](#), p. 6.

⁵²⁵ [S/PV.7822](#), p. 20; [S/PV.7825](#), p. 9; and [S/PV.7834](#), p. 15.

⁵²⁶ [S/PV.7919](#), pp. 3-4.

question”. At the 7929th meeting on 20 April 2017, the representative of Turkey expressed the view that Operation Euphrates Shield of the Free Syrian Army co-led by his delegation was carried out in line with Article 51 of the Charter and succeeded in eliminating Da’esh from northern Syria.⁵²⁷ Another explicit reference to Article 51 under the item was made by the representative of Brazil at the 8072nd meeting, on 18 October 2017, who again acknowledged increasing volume of communications from Member States invoking Article 51 to justify the use of military action for counter-terrorism purposes, adding that such letters should contain sufficient information on attacks in the exercise of self-defence, and suggesting listing them on the Council’s website to enhance transparency.⁵²⁸

In relation to the Israeli-Palestinian conflict, at the 7673rd meeting held on 18 April 2016 under the item entitled “The situation in the Middle East, including the Palestinian question”, the representatives of the Bolivarian Republic of Venezuela and Malaysia discussed the activities of the Israeli forces allegedly conducted in self-defence. The representative of the Bolivarian Republic of Venezuela considered the response “disproportionate”,⁵²⁹ whilst the representative of Malaysia stated that what the Israeli army treated as an act of self-defence was in fact “murder”.⁵³⁰ During the 8072nd meeting, the representative of Peru recognized the right of Israel to self-defence “in accordance with the principles of proportionality and lawfulness”.⁵³¹

Finally, in response to the alleged missile launches from the territory of Yemen towards Saudi Arabia, at the 7797th meeting of the Council on 31 October 2016 under the item entitled “The situation in the Middle East”, the representative of the United States stressed that every country had a right to defend itself and that her delegation remained fully committed to the security of Saudi Arabia.⁵³²

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

During the period under review, Article 51 was explicitly referred to in multiple communications addressed to the President of the Council or the Secretary-General. In these

⁵²⁷ [S/PV.7929](#), p. 58.

⁵²⁸ [S/PV.8072](#), p. 30.

⁵²⁹ [S/PV.7673](#), p. 17.

⁵³⁰ *Ibid.*, pp. 20-21.

⁵³¹ [S/PV.8072](#), p. 33.

⁵³² [S/PV.7797](#), p. 17.

communications, Member States informed the Council of actions carried out in individual or collective self-defence, declared an intention to consider possible future action invoking their individual right to self-defence, or, in some cases, rejected such declarations by other States. The complete list of letters from Member States containing explicit references to Article 51 is featured in table 19 below.

References to the principle of self-defence were also found in numerous other communications from various Member States, such as (i) the Democratic People's Republic of Korea⁵³³ and the Islamic Republic of Iran⁵³⁴ claiming the right to nuclear development for the purposes of self-defence, (ii) Armenia⁵³⁵ and Azerbaijan⁵³⁶ concerning Nagorno-Karabakh, (iii) Turkey expressing its commitment to take all necessary measures for its self-defence against terrorist organizations in Iraq,⁵³⁷ and declaring its right to self-defence regarding the alleged violations of its airspace by the Russian Federation,⁵³⁸ (iv) South Sudan in relation to the procurement of ordinary arms for self-defence,⁵³⁹ and (v) the Syrian Arab Republic claiming self-defence with respect to the conflict with Israel,⁵⁴⁰ as well as terrorist attacks by ISIL.⁵⁴¹

Article 51 of the Charter was also explicitly referenced in the report of the Monitoring Group on Somalia and Eritrea pursuant to resolution [2244 \(2015\)](#), transmitting Eritrea's view of

⁵³³ For example, letters dated 4 April 2016 ([S/2016/324](#)), 2 December 2016 ([S/2016/1023](#)), 15 February 2017 ([S/2017/139](#)) and 14 July 2017 ([S/2017/610](#)) from the representative of the Democratic People's Republic of Korea to the Secretary-General.

⁵³⁴ For example, identical letters dated 23 March 2016 from the representative of the Islamic Republic of Iran to the Secretary-General and the President of the Security Council ([S/2016/279](#)); and letter dated 9 March 2017 from the representative of the Islamic Republic of Iran to the President of the Security Council ([S/2017/205](#)).

⁵³⁵ For example, letters dated 8 March 2016 ([S/2016/231](#)) and 21 April 2016 ([S/2016/371](#)) from the representative of Armenia to the Secretary-General.

⁵³⁶ For example, letters dated 22 April 2016 ([S/2016/375](#)) and 10 April 2017 ([S/2017/316](#)) from the representative of Azerbaijan to the Secretary-General.

⁵³⁷ For example, letter dated 16 November 2016 from the representative of Turkey to the President of the Security Council ([S/2016/973](#)).

⁵³⁸ For example, letter dated 15 February 2016 from the representative of Turkey to the President of the Security Council ([S/2016/148](#)).

⁵³⁹ Note verbale dated 4 May 2017 from the Permanent Mission of South Sudan to the President of the Security Council ([S/2017/398](#)).

⁵⁴⁰ For example, identical letters dated 17 March 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the Secretary-General and the President of the Security Council ([S/2017/227](#)).

⁵⁴¹ For example, identical letters dated 30 March 2017 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the Secretary-General and the President of the Security Council ([S/2017/267](#)).

the arms embargo as an “obstacle to its exercise of its right of individual or collective self-defence under Article 51 of the Charter”.⁵⁴²

Table 19

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

<i>Date</i>	<i>Document symbol</i>	<i>Document title</i>
11 January 2016	S/2016/34	Letter dated 11 January 2016 from the Permanent Representative of Denmark to the United Nations addressed to the President of the Security Council
21 January 2016	S/2016/63	Letter dated 21 January 2016 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General
10 February 2016	S/2016/132	Letter dated 10 February from the Chargé d'affaires a.i. of the Permanent Mission of the Netherlands addressed to the President of the Security Council
19 February 2016	S/2016/163	Letter dated 19 February 2016 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
23 February 2016	S/2016/174	Identical letters dated 23 February 2016 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
30 March 2016	S/2016/294	Identical letters dated 30 March 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

⁵⁴² Annex to the letter dated 7 October 2016 from the Chair of the Security Council Committee pursuant to resolutions [751 \(1992\)](#) and [1907 \(2009\)](#) concerning Somalia and Eritrea to the President of the Security Council ([S/2016/920](#)).

<i>Date</i>	<i>Document symbol</i>	<i>Document title</i>
3 June 2016	S/2016/513	Letter dated 3 June 2016 from the Permanent Representative of Norway to the United Nations addressed to the President of the Security Council
7 June 2016	S/2016/523	Letter dated 7 June 2016 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council
24 August 2016	S/2016/739	Letter dated 24 August 2016 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
29 September 2016	S/2016/820	Identical letters dated 29 September 2016 from the Permanent Representative of the Syrian Arab Republic addressed to the Secretary-General and the President of the Security Council
15 October 2016	S/2016/869	Letter dated 15 October 2016 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council
17 October 2016	S/2016/870	Identical letters dated 17 October 2016 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council
8 February 2017	S/2017/124	Letter dated 8 February 2017 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the President of the Security Council
24 March 2017	S/2017/256	Letter dated 24 March 2017 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
7 April 2017	S/2017/303	Letter dated 7 April 2017 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the Secretary-General
25 April 2017	S/2017/350	Identical letters dated 25 April 2017 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General and the President of the Security Council

<i>Date</i>	<i>Document symbol</i>	<i>Document title</i>
27 May 2017	S/2017/456	Letter dated 27 May 2017 from the Permanent Representative of Egypt to the United Nations addressed to the President of the Security Council
12 July 2017	S/2017/605	Letter dated 12 July 2017 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
22 December 2017	S/2017/1133	Identical letters dated 22 December 2017 from the Permanent Representative of Saudi Arabia to the United Nations addressed to the Secretary-General and the President of the Security Council
