
Part VII

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

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Introductory note

Part VII of the present Supplement deals with action taken by the Security Council with respect to threats to the peace, breaches of the peace or acts of aggression, within the framework of Chapter VII of the Charter of the United Nations, including Articles 39 to 51. This part is divided into 10 sections, each focusing on selected material to highlight the interpretation and application of the provisions of Chapter VII of the Charter by the Council in its deliberations and decisions.

Sections I to IV cover material related to Articles 39 to 42, which regulate the power of the Council to determine threats to international peace and security and to take the appropriate action in response to those threats, including the imposition of sanctions measures or the authorization of the use of force. Sections V and VI focus on Articles 43 to 47, regarding the command and deployment of military forces. Sections VII and VIII address, respectively, the obligations of Member States under Articles 48 and 49, while sections IX and X address, respectively, the practice of the Council with regard to Articles 50 and 51.

The sections contain subsections on discussions held within the Council regarding the proper interpretation and implementation of the Articles governing the Council's primary responsibility for the maintenance of international peace and security. As described in further detail in part II of the present Supplement, during the year 2020, the work of the Council was significantly affected by the coronavirus disease (COVID-19) pandemic. Faced with the absence of meetings in the Security Council Chamber as of March 2020, Council members initiated the practice of holding videoconferences, and, as at 14 July, the Council had developed a hybrid model, alternating in-person meetings with videoconferences. Part VII of the present Supplement therefore features discussions of constitutional relevance to Chapter VII of the Charter held in the context of both meetings and videoconferences.

During the period under review, and similar to previous periods, the Council adopted 45.6 per cent of its resolutions (26 out of 57 resolutions) explicitly under Chapter VII of the Charter. Most of those resolutions concerned the mandates of United Nations and regional peacekeeping missions or multinational forces, and the imposition, extension, modification or termination of sanctions measures.

As discussed in section I, while the Council did not determine the existence of new threats to international peace and security or acts of aggression in 2020, it considered that the unprecedented extent of the COVID-19 pandemic was likely to endanger the maintenance of international peace and security. Throughout the reporting period, the Council also reaffirmed that the situations in Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Lebanon, Libya, Mali, Somalia, the Sudan and South Sudan (including Abyei), and Yemen continued to constitute threats to regional and/or international peace and security. In connection with the situation in the Syrian Arab Republic, the Council maintained its determination that the devastating humanitarian situation in the country continued to constitute a threat to peace and security in the region.

With regard to specific countries and regions, the Council recalled in its decisions past determinations of threats to international peace and security of significance in those situations. For example, in relation to Libya, the Council reaffirmed its determination that terrorism, in all forms and manifestations, constituted one of the most serious threats to peace and security. In connection with the situation in Somalia, the Council reiterated that incidents of piracy and armed robbery at sea off the coast of Somalia, as well as the activity of pirate groups in Somalia, were an important factor exacerbating the situation in Somalia, which

continued to pose a threat to international peace and security. The Council further expressed concern regarding the threat to the peace, security and stability of Somalia and the region posed by Al-Shabaab, including through its increased use of improvised explosive devices, and condemned the supply of weapons and ammunition supplies to and through Somalia as a serious threat to peace and stability in the region.

Consistent with its past practice, the Council continued to reaffirm in its decisions under thematic items that terrorism, terrorist groups and the proliferation of weapons of mass destruction, as well as their means of delivery, continued to constitute threats to international peace and security. In 2020, the Council continued to discuss conventional threats to international peace and security, including terrorism, the proliferation of conventional weapons and weapons of mass destruction, illicit trade, the destabilizing accumulation and misuse of small arms and light weapons and organized crime. Consistent with practice in preceding years, climate change as a threat to international peace and security was also discussed during the review period. The Council also addressed the link between environmental degradation and peace and security, the potential for the COVID-19 pandemic to become a threat to international peace and security or to exacerbate other security threats and the issue of conflict-related sexual violence as a threat to international peace and security.

The Council did not issue any provisional measures under Article 40 of the Charter during 2020.

As covered in section III, during the period under review, the Council renewed the existing sanctions measures concerning the Central African Republic, the Democratic Republic of the Congo, Libya, Mali, Somalia, South Sudan, Yemen, and the Taliban and associated individuals and entities. The Council modified the list of exemptions to the arms embargo on the Central African Republic as well as certain provisions regarding exemptions to the measures concerning the arms embargo on Somalia. Regarding the sanctions measures concerning Libya, the Council modified the designation period of vessels designated pursuant to resolution [2146 \(2014\)](#) from 90 days to one year. No changes were made to the measures concerning the Democratic People's Republic of Korea, Guinea-Bissau, Iraq, Lebanon or the Sudan, nor to those concerning Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) and Al-Qaida and associates. As far as judicial measures were concerned, no action was taken in 2020.

As described in section IV, the Council reiterated authorizations granted prior to 2020 to United Nations peacekeeping missions and multinational forces to use force under Chapter VII of the Charter, with regard to the maintenance or restoration of international peace and security in Bosnia and Herzegovina, the Central African Republic, the Democratic Republic of the Congo, Lebanon, Libya, Mali, Somalia, the Sudan and South Sudan (including Abyei and Darfur). In that regard, the Council renewed the authorization on the use of force to discharge the protection-of-civilians mandate of the United Nations Interim Security Force for Abyei, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the United Nations Organization Mission in the Democratic Republic of the Congo, the United Nations Interim Force in Lebanon, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), the African Union Mission in Somalia and the United Nations Mission in South Sudan. Moreover, the Council reiterated the authorization granted to the French forces in the Central African Republic and Mali to take "all necessary measures" to support MINUSCA and MINUSMA, respectively, in fulfilling the mandated tasks. With regard to the situation in Somalia, the Council also extended the authorization to States and regional organizations cooperating with the Somali

authorities to repress acts of piracy and armed robbery at sea off the coast of Somalia. In relation to the situation in Libya, the Council renewed its authorization to Member States to take “all measures commensurate to the specific circumstances” when confronting migrant smugglers and when carrying out the inspection of vessels in the implementation of the arms embargo. With regard to the situation in Bosnia and Herzegovina, the Council renewed its authorization to Member States acting under the European Union military operation in Bosnia and Herzegovina (EUFOR-Althea) and the North Atlantic Treaty Organization (NATO) presence, to take “all necessary measures” to effect the implementation of and ensure compliance with the General Framework Agreement for Peace in Bosnia and Herzegovina, the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with regard to all civilian and military air traffic and, at the request of either EUFOR-Althea or NATO, to take “all necessary measures” in their defence.

As described in sections V to VIII, in the context of peacekeeping, 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. In addition, the Council frequently requested compliance with its decisions adopted under Chapter VII by States and non-State actors alike, as well as by regional and subregional organizations. As covered in section X, communications addressed to the Council containing explicit mentions of Article 51 continued to increase in 2020, and the principle of individual and/or collective self-defence was also cited abundantly in communications as well as in the discussions of the Council.

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

Article 39

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

Note

Section I concerns the practice of the Council with regard to the determination of the existence of a threat to the peace, breach of the peace or act of aggression in accordance with Article 39 of the Charter. It provides information regarding the determination of the existence of a threat by the Council and examines instances in which a threat was debated. The section is divided into three subsections. Subsection A provides an overview of the decisions of the Council relating to the determination of a “threat to the peace”. Subsection B contains a series of case studies describing some of the arguments advanced during the Council’s deliberations in connection with the determination of a threat in accordance with Article 39 of the Charter and the adoption of some of the resolutions mentioned in subsection A. Subsection C contains an outline of the references to Article 39 of the Charter found in communications addressed to the Council in 2020.

A. Decisions relating to Article 39

During the period under review, the Council did not determine the existence of any breach of the peace, act of aggression or new threat to international peace and security. This notwithstanding, in resolution [2532 \(2020\)](#), the Council considered that the unprecedented extent of the COVID-19 pandemic was likely to endanger the maintenance of international peace and security.¹

Continuing threats

In 2020, the Council continued to monitor the evolution of existing and emerging conflicts and situations and to determine, reaffirm and recognize the existence of continuing threats. The relevant provisions of decisions in which the Council referred to

continuing threats to peace and security during the period under review are set out in tables 1 and 2, respectively.

In that regard, the Council determined that, in and of themselves, the situations in Afghanistan, the Central African Republic, the Democratic Republic of the Congo, Lebanon, Libya, Mali, Somalia, the Sudan and South Sudan, including the Abyei area and along the border between the Sudan and South Sudan, and Yemen continued to pose threats to international peace and security and/or threats to international peace and security in the respective regions.

In addition, in Asia, with regard to the situation in Afghanistan, the Council expressed its deep concern about the threat posed by terrorism to Afghanistan and the region. In connection with the Middle East and specifically concerning the situation in the Syrian Arab Republic, the Council determined that the devastating humanitarian situation in the country continued to pose a threat to peace and security in the region.

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

In Africa, and specifically in connection with the situation in Guinea-Bissau, the Council reiterated its call upon the authorities of Guinea-Bissau to implement and review national legislations and mechanisms to combat transnational organized crime, including drug trafficking, trafficking in persons and money-laundering, which threatened security and stability in Guinea-Bissau and in the subregion.² Concerning the situation in Somalia, the Council condemned Al-Shabaab attacks in Somalia and beyond, expressing grave concern that Al-Shabaab continued to pose a serious threat to the peace, security and stability of Somalia and the region, particularly through its increased use of improvised explosive devices. To that end, the Council recognized that the threat posed by Al-Shabaab to peace, security and stability in Somalia and the region went beyond the group’s conventional military action and asymmetric warfare. The Council also determined that the incidents of piracy and armed robbery at sea off the coast of Somalia, as well as the activity of pirate groups in Somalia, were an important factor exacerbating the situation in Somalia, which

¹ Resolution [2532 \(2020\)](#), last preambular paragraph.

² Resolution [2512 \(2020\)](#), para. 20.

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

Under the item entitled “Peace and security in Africa”, the Council expressed its concern, strongly condemned terrorism in all forms and manifestations and noted the increasing threat posed to peace and security in Africa by terrorism, especially in the most affected regions of the Sahel, in particular the area where the three borders of Mali, the Niger and Burkina Faso met, the Lake Chad basin and the Horn of Africa.

In 2020, several decisions adopted in connection with thematic items also contained references to threats to international peace and security.

In connection with the item entitled “Non-proliferation/Democratic People’s Republic of Korea”, the Council determined that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, continued to constitute a threat to international peace and security.³

With regard to the item entitled “Threats to international peace and security”, the Council recalled that ISIL (Da’esh) constituted a global threat to international peace and security through its terrorist acts, its violent extremist ideology, its continued gross, systematic and widespread attacks directed against civilians, its violations of international humanitarian

law and abuses of human rights, particularly those committed against women and children, and including those motivated by religious or ethnic grounds, and its recruitment and training of foreign terrorist fighters whose threat affected all regions and Member States.⁴ Under the item entitled “Cooperation between the United Nations and regional and subregional organizations in maintaining international peace and security”, the Council expressed concern at the growing threat to peace and security posed by terrorism and violent extremism as and when conducive to terrorism on the African continent, and reaffirmed that terrorism in all forms and manifestations constituted one of the most serious threats to international peace and security.⁵ The Council also reaffirmed, under the item entitled “Threats to international peace and security caused by terrorist acts”, the need to combat by all means, in accordance with the Charter and international law, including applicable international human rights law, international refugee law and international humanitarian law, threats to international peace and security caused by terrorist acts, and stressed in that regard the important role the United Nations played in leading and coordinating that effort.⁶

⁴ Resolution 2544 (2020), third preambular paragraph.

⁵ S/PRST/2020/11, seventh paragraph.

⁶ Resolution 2560 (2020), seventh preambular paragraph.

³ Resolution 2515 (2020), seventh preambular paragraph.

Table 1

Decisions in which the Council referred to continuing threats to the peace, by region and country, in 2020

<i>Decision and date</i>	<i>Provision</i>
Africa	
The situation in the Central African Republic	
Resolution 2507 (2020) 31 January 2020	Determining that the situation in the Central African Republic continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)
	<i>See also resolutions 2536 (2020) and 2552 (2020) (penultimate preambular paragraphs)</i>
The situation concerning the Democratic Republic of the Congo	
Resolution 2556 (2020) 18 December 2020	Determining that the situation in the Democratic Republic of the Congo continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)
The situation in Libya	
Resolution 2509 (2020) 11 February 2020	Determining that the situation in Libya continues to constitute a threat to international peace and security (penultimate preambular paragraph)

<i>Decision and date</i>	<i>Provision</i>
Resolution 2510 (2020) 12 February 2020	Recalling its determination in its resolution 2213 (2015) that the situation in Libya continues to constitute a threat to international peace and security (last preambular paragraph) <i>See also resolution 2542 (2020) (last preambular paragraph)</i>
The situation in Mali	
Resolution 2541 (2020) 31 August 2020	Determining that the situation in Mali continues to constitute a threat to international peace and security (penultimate preambular paragraph)
Reports of the Secretary-General on the Sudan and South Sudan	
Resolution 2508 (2020) 11 February 2020	Determining that the situation in the Sudan continues to constitute a threat to international peace and security (second preambular paragraph) <i>See also resolution 2517 (2020) (penultimate preambular paragraph)</i>
Resolution 2514 (2020) 12 March 2020	Determining that the situation in South Sudan continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)
Resolution 2550 (2020) 12 November 2020	Recognizing that the current situation in Abyei and along the border between the Sudan and South Sudan continues to constitute a threat to international peace and security (last preambular paragraph)
The situation in Somalia	
Resolution 2551 (2020) 12 November 2020	<p>Condemning Al-Shabaab attacks in Somalia and beyond, expressing grave concern that Al-Shabaab continues to pose a serious threat to the peace, security and stability of Somalia and the region, particularly through its increased use of improvised explosive devices, and further expressing grave concern at the continued presence in Somalia of affiliates linked to Islamic State in Iraq and the Levant (ISIL, also known as Da'esh) (sixth preambular paragraph)</p> <p>Condemning the supply of weapons and ammunition supplies to and through Somalia in violation of the arms embargo, especially when they reach Al-Shabaab and affiliates linked to ISIL, and when they undermine the sovereignty and territorial integrity of Somalia, as a serious threat to peace and stability in the region, and further condemning continued illegal supply of weapons, ammunition and improvised explosive device components from Yemen to Somalia (tenth preambular paragraph)</p> <p>Recognizing that the threat posed by Al-Shabaab to peace, security and stability in Somalia and the region goes beyond the group's conventional military action and asymmetric warfare, expressing serious concern at Al-Shabaab's ability to generate revenue as documented in the final report of the Panel of Experts on Somalia (S/2020/949), welcoming the Federal Government of Somalia's efforts to strengthen the Somali financial sector to identify and monitor money laundering risks and combat terrorist financing, noting the steps set out by the Federal Government of Somalia in the Somalia transition plan on institutional capacity-building, which seek to develop these capabilities, noting the importance of financial services in enabling Somalia's economic future, further welcoming efforts by the Federal Government of Somalia, the United Nations Office on Drugs and Crime and the Panel to develop a plan to disrupt Al-Shabaab finances, and urging engagement from the Federal Government of Somalia, federal member states, Somali financial institutions, the private sector and the international community to support this process (eleventh preambular paragraph)</p> <p>Determining that the situation in Somalia continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)</p>
Resolution 2554 (2020) 4 December 2020	Determining that the incidents of piracy and armed robbery at sea off the coast of Somalia, as well as the activity of pirate groups in Somalia, are an important factor exacerbating the situation in Somalia, which continues to constitute a threat to international peace and security in the region (penultimate preambular paragraph)

Peace and security in Africa

[S/PRST/2020/5](#)

11 March 2020

The Security Council expresses its concern at and strongly condemns terrorism in all forms and manifestations and notes the increasing threat posed to peace and security in Africa by terrorism, especially in the most affected regions of the Sahel, in particular the area of three borders (Mali - Niger-Burkina Faso), the Lake Chad basin and the Horn of Africa and expresses serious concern regarding the undermining impact of such attacks on peace and security in Africa (first paragraph)

Asia

The situation in Afghanistan

Resolution [2543 \(2020\)](#)

15 September 2020

Further expressing its deep concern about the threat posed by terrorism to Afghanistan and the region, expressing serious concern over the continuing presence of Al-Qaida, Islamic State in Iraq and the Levant (ISIL) as well as other international terrorist organizations and their affiliated groups in Afghanistan, condemning in the strongest terms all terrorist activity and all terrorist attacks, and reaffirming the importance of ensuring that the territory of Afghanistan should not be used by Al-Qaida, ISIL or other international terrorist groups to threaten or attack any other country, and that neither the Taliban nor any other Afghan group or individual should support terrorists operating on the territory of any country (ninth preambular paragraph)

Expressing concern over the cultivation, production, trade and trafficking of illicit drugs in Afghanistan which continue to pose a threat to peace and stability in the region and beyond, calling upon States to strengthen international and regional cooperation to counter this threat and recognizing the important role of the United Nations Office on Drugs and Crime in this context (penultimate preambular paragraph)

Resolution [2557 \(2020\)](#)

18 December 2020

Recognizing that, notwithstanding accelerated efforts to make progress towards reconciliation, the situation in Afghanistan remains a threat to international peace and security, and reaffirming the need to combat this threat by all means, in accordance with the Charter of the United Nations and international law, including applicable human rights, refugee and humanitarian law, stressing in this regard the important role the United Nations plays in this effort (penultimate preambular paragraph)

Europe

The situation in Bosnia and Herzegovina

Resolution [2549 \(2020\)](#)

5 November 2020

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

Middle East

The situation in the Middle East

Resolution [2504 \(2020\)](#)

10 January 2020

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

See also resolution [2533 \(2020\)](#) (penultimate preambular paragraph)

Resolution [2511 \(2020\)](#)

25 February 2020

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

Resolution [2539 \(2020\)](#)

28 August 2020

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

Table 2

Decisions in which the Council referred to continuing threats to the peace, by thematic issue, in 2020

<i>Decision and date</i>	<i>Provision</i>
Non-proliferation/Democratic People's Republic of Korea	
Resolution 2515 (2020) 30 March 2020	Determining that proliferation of nuclear, chemical, and biological weapons, as well as their means of delivery, continues to constitute a threat to international peace and security (penultimate preambular paragraph)
Threats to international peace and security	
Resolution 2544 (2020) 18 September 2020	Recalling that 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)
Cooperation between the United Nations and regional and subregional organizations	
S/PRST/2020/11 4 December 2020	The Security Council expresses concern at the growing threat to peace and security posed by terrorism and violent extremism as and when conducive to terrorism on the African continent. The Security Council reaffirms that terrorism in all forms and manifestations constitutes one of the most serious threats to international peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomever committed, and remains determined to contribute further to enhancing the effectiveness of the overall effort to fight this scourge on a global level in accordance with the Charter of the United Nations and other obligations of States under international human rights law, international refugee law and international humanitarian law (seventh paragraph)

B. Discussions relating to Article 39

During the period under review, there were three explicit references to Article 39 made during the deliberations of the Security Council.⁷ Furthermore, several issues regarding the interpretation of Article 39 and the determination of threats to international peace and security arose during the deliberations of the Council on thematic items.

Marked by the impact of the COVID-19 pandemic, many of the discussions among Council members in 2020 focused on the linkages between health crises and security. Council members held a high-level open videoconference on 2 July focusing specifically on the implications of COVID-19. As described in case 1, participants discussed the link between health emergencies, including pandemics, and threats to international peace and security. Similarly, on 12 August, in connection with the item entitled “Peacebuilding and sustaining peace”, Council members focused on pandemics and the challenges of

sustaining peace (see case 2). On 3 November, in connection with the item entitled “Peacebuilding and sustaining peace”, Council members held an open videoconference focused on contemporary drivers of conflict and insecurity during which health crises were explored as drivers of conflict and threats to international peace and security (see case 3).

In addition to pandemics, climate change was another area of focus in 2020, which resulted in an increase in dedicated discussions and references to climate change as a threat to international peace and security. On 24 July, Council members held an open videoconference, in connection with the item entitled “Maintenance of international peace and security”, focused specifically on climate and security.⁸ In connection with the same item, on 17 September, Council members and other Member States addressed the issue of the humanitarian effects of environmental degradation and peace and security in the context of an open videoconference.⁹

⁷ See [S/PV.8699 \(Resumption 1\)](#) (Trinidad and Tobago) and [S/2020/1090](#) (Ireland and Portugal).

⁸ See [S/2020/751](#).

⁹ See [S/2020/929](#).

In addition to health crises and climate change, Council members discussed other potential threats. At an open videoconference held on 17 July, in connection with the item entitled “Women and peace and security”,¹⁰ participants discussed conflict-related sexual violence no longer as a side effect of conflict but as a threat to international peace and security. On 18 December, Council members held an open videoconference in connection with the item entitled “The promotion and strengthening of the rule of law in the maintenance of international peace and security”¹¹ during which the President of the International Court of Justice noted that the Council had increasingly used international law as a parameter to identify threats to international peace and security. At the videoconference, some participants¹² suggested that non-compliance with Court decisions could threaten international peace and security.

As in previous years, Council members also continued to hold discussions on other threats to international peace and security, such as terrorism and the activities of terrorist organizations,¹³ linkages between terrorism and organized crime,¹⁴ the illicit transfer and accumulation of small arms and light weapons¹⁵ and the proliferation of weapons of mass destruction.¹⁶

In 2020, the Council also discussed threats to international peace and security in the context of country- or region-specific situations and conflicts. In connection with the situation in the Bolivarian Republic of Venezuela, Council members and other Member States deliberated on whether the circumstances affecting the country constituted a threat to international peace and security.¹⁷ In addition, during various meetings and videoconferences in 2020, Council members considered the plans by Israel to annex parts of the West Bank and their potential ramifications for regional and

international peace and security in connection with the item entitled “The situation in the Middle East, including the Palestinian question” (see case 4).

Case 1

Maintenance of international peace and security

During a high-level open videoconference held on 2 July under the item entitled “Maintenance of international peace and security”¹⁸ that focused on the implications of COVID-19, at the initiative of Germany, which held the presidency for the month,¹⁹ Council members heard briefings by the Secretary-General and the President of the International Committee of the Red Cross. All Council members delivered statements during the videoconference, and delegations of various non-Council members submitted written statements.²⁰

The Minister for Europe and Foreign Affairs of France stated that he was pleased that, at the initiative of Tunisia and France, the Council had effectively addressed the threat to international peace and security caused by the COVID-19 pandemic through resolution [2532 \(2020\)](#), which had been adopted the day before, on 1 July. The Minister for Foreign Affairs of Tunisia stated that the COVID-19 pandemic had reversed assumptions about the world order, demonstrating that the hierarchy of global security threats was changing rapidly. He underscored that, with the commemoration of the seventy-fifth anniversary of the founding of the United Nations, it was important to recognize that humanity was witnessing new types of threats to international peace and security, emanating not only from pandemics but also from climate change and cybercriminality. The representative of the Dominican Republic indicated that the potential and unprecedented magnitude of the COVID-19 outbreak constituted a threat to international peace and security and could critically harm human security across the world. The

¹⁰ See [S/2020/727](#).

¹¹ See [S/2020/1286](#).

¹² Germany, Belgium, South Africa and Bangladesh.

¹³ Under the item entitled “Threats to international peace and security caused by terrorist acts”, see [S/PV.8716](#) and [S/2020/836](#); and in connection with the item entitled “Briefings by Chairs of subsidiary bodies of the Security Council”, see [S/2020/1143](#).

¹⁴ Under the item entitled “Threats to international peace and security caused by terrorist acts”, see [S/2020/791](#).

¹⁵ Under the item entitled “Small arms”, see [S/PV.8713](#).

¹⁶ Under the item entitled “Non-proliferation”, see [S/2020/1324](#); under the item entitled “Briefings by Chairs of subsidiary bodies of the Security Council”, see [S/2020/1143](#); and under the item “The situation in the Middle East” (concerning the use of chemical weapons in the Syrian Arab Republic), see, for example, [S/2020/902](#), [S/PV.8764](#), [S/2020/1088](#) and [S/2020/1202](#).

¹⁷ See [S/2020/435](#).

¹⁸ See [S/2020/663](#).

¹⁹ The Council had before it a concept note annexed to a letter dated 22 June 2020 ([S/2020/571](#)).

²⁰ The following delegations and entities submitted written statements in connection with the videoconference: Afghanistan, Armenia, Azerbaijan, Bahrain, Bangladesh, Canada, Chile, Costa Rica, Cuba, Cyprus, Denmark (also on behalf of Finland, Iceland, Norway and Sweden), Ecuador, El Salvador, Georgia, Guatemala, India, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liechtenstein, Malaysia, Malta, Mexico, Morocco, Myanmar, Netherlands, Nigeria, Pakistan, Portugal, Qatar, Republic of Korea (on behalf of the Group of Friends of Solidarity for Global Health Security), Saudi Arabia, Sierra Leone, Slovakia, Slovenia, Spain, Switzerland, Turkey, Ukraine, United Arab Emirates, Venezuela (Bolivarian Republic of) and European Union.

representative of the United States stated that, as the last few months had been spent adapting lives and working methods to stopping the spread of the virus, the videoconference was an opportune time to reflect on what had been learned, discuss the ongoing threat that health emergencies pose to international security and reflect on how the obligations to protect the most vulnerable communities could be fulfilled.

The representative of Bahrain indicated that the health crisis posed a threat to international peace and security and had an impact on the least developed countries and the most vulnerable groups, especially those affected by conflicts. He further underscored that the unprecedented scope of the impact of the COVID-19 pandemic on the world threatened international peace and security, as the Council had affirmed in its resolution 2532 (2020). The representative of Kuwait welcomed the adoption of resolution 2532 (2020) on the global health crisis, which he believed constituted a threat to international peace and security.

The delegation of Qatar was pleased that the discussion was taking place as the Council strived to fulfil its responsibility by addressing the pandemic and its impact on international peace and security. The delegation further recalled that the discussion was not without precedent, as the Council had previously taken action when global health risks had undermined the stability of the affected countries and regions, for example in resolution 1308 (2000), which constituted the first Council resolution on a health issue as well as the first Council resolution on the impact of HIV/AIDS, and resolution 2177 (2014), which had determined that Ebola was a threat to world security. The representative of Armenia recognized that global health risks could undermine peace and security, in particular in regions already affected by conflicts and humanitarian crises, and also recalled resolution 2177 (2014), which had referred to the unprecedented extent of the Ebola outbreak in Africa as constituting a threat to international peace and security. The delegation of Canada also recalled the Council's responses to HIV/AIDS and Ebola and emphasized that the COVID-19 pandemic was a multifaceted threat that had significant international peace and security consequences, with sweeping implications for the Council. The delegation further emphasized that the Council must focus more attention on global health security, and that additional briefings on the implications of global health security challenges on international peace and security should be considered. The delegation of Mexico recalled that in recent years, the Council had explored various aspects of emerging challenges to international peace and security, including the health crises caused by

HIV/AIDS and the Ebola virus disease, including its determination in 2014 that the Ebola outbreak in West Africa constituted a threat to international peace and security. Among the elements that had led to that determination had been such considerations as the rapid spread of the virus and its mortality rate, the inability of health systems to react in a timely manner and the negative socioeconomic impacts and peacekeeping challenges in the region. The representative of the Netherlands also referred to the determination by the Council in resolution 2177 (2014) that the Ebola outbreak had constituted a threat to international peace and security by undermining the stability of the most-affected countries and that it could possibly lead to further instances of civil unrest, social tensions and the deterioration of the political and security climate. He indicated that it was therefore hard to understand why the Council had not been able to come earlier to a similar conclusion on the much more far-reaching coronavirus. The representative of Pakistan similarly recalled that the Council had pronounced in resolution 2177 (2014) that pandemics constituted a grave threat to international peace and security and that pandemics not only undermined the political, social and economic stability of the most-affected countries, but also vitiated the overall security environment, becoming drivers of instability in the concerned regions and beyond. The representative of Saudi Arabia pointed out that the pandemic posed a threat no less formidable than the security challenges that imperilled international peace and security.

The representative of Denmark, also on behalf of Finland, Iceland, Norway and Sweden, stated that the COVID-19 pandemic posed a threat to the maintenance of international peace and security, explaining that the socioeconomic fallout of the crisis exacerbated the root causes as well as the consequences of conflict, and that the root causes of conflict also increased the risk of pandemics. The delegation of the Republic of Korea, on behalf of the Group of Friends of Solidarity for Global Health Security, similarly indicated that the COVID-19 pandemic posed a significant threat to the maintenance of international peace and security and global health security. The delegation of El Salvador also recognized that the COVID-19 pandemic was an unprecedented health, social and economic challenge, as well as a threat to international peace and security, which required innovative and supportive responses from all Members and relevant actors of the Organization. The representative of Nigeria suggested that, because pandemics were infectious diseases that could kill millions of people and cause trillions of dollars in economic damage in countries, regions and the world, they could become a threat to international peace and

security. The delegation of Italy underscored that global health was a fundamental precondition for peace, stability and prosperity, and noted that, besides its tragic impact on public health and the profound repercussions on human rights and socioeconomic conditions at the global level, the COVID-19 pandemic had seriously exacerbated ongoing threats to the maintenance of international peace and security. The representative of Lebanon expressed concern that the COVID-19 pandemic had spared no one and had acted as a catalyst in many countries and regions of the world, aggravating their situations and, thus, threatening peace and security.

The representative of Liechtenstein recognized that the holding of the debate was an important contribution to a much-needed effort in the Council to broaden its security paradigm, which had proven insufficient to embrace the full spectrum of security dimensions that determined current international relations and domestic policy and to deliver on the expectation of the membership that the Council act preventively against threats to international peace and security. He argued that the thematic agendas of the Council were an essential contribution towards implementing its mandate, and that they must include global health emergencies such as the COVID-19 pandemic. The representative of Spain underscored that the open videoconference had come at an exceptional time during the efforts to overcome a global pandemic that had multidimensional effects. The representative pointed out that the impact of the pandemic had increased the risk of tension, conflict and division, and called upon the Council to play a key role in taking the decisions necessary to lay the foundations for a better future, free of conflicts and threats to peace and security. He also urged that United Nations peacekeeping missions be equipped with the material and human resources, especially with regard to adequate protection officers, necessary to provide agile support to local communities in responding to health threats.

The representative of Kenya suggested that existing fragility and conflict situations were some of the triggers that could transform a health crisis into a security threat. The pandemic's impact in fragile and conflict-affected countries, for example in the Sahel, the Horn of Africa and other regions that were in protracted conflict situations, was proof that pandemics could be an evolving threat to peace. The delegation of Malta underscored that the world had had to contend with a threat that went beyond the conservative awareness of what was understood by threats to security. The world had been rudely awakened by the fact that pandemics could give rise to grave security and economic concerns

that were as equally widespread and devastating as any other commonly perceived major threat.

The delegation of Ukraine noted that, while there was no consensus as to how much pandemics constituted an immediate threat to international peace and security, there was hardly anyone who would sincerely question the existence of a correlation between severe health crises and a deterioration of the security environment. Even though a health crisis would not necessarily trigger a security crisis, the delegation argued that it would be an exacerbating factor in any security crisis. The delegation further underscored that while it remained to be determined whether the COVID-19 pandemic constituted a threat to international peace and security, not many other events could reshape and shake up people's lives on a global scale, and noted that the impact and consequences of a global pandemic were akin to a world war or a natural disaster of biblical proportions. From that perspective, a virus that could wipe out a large proportion of humankind, cause severe fluctuations in the global economy, overwhelm national health-care systems, disrupt the provision of services by national Governments, sow the seeds for civil unrest and aggravate existing security challenges definitely deserved attention as a potential threat to international peace and security. The delegation of Cyprus argued that, notwithstanding the clear primacy that should be afforded to "hard" security issues by the Council, factors beyond hard security that had become existential could not be overlooked. That fact compelled an adaptation to the nature of threats and the embracing of a more comprehensive concept of security.

The representative of the Bolivarian Republic of Venezuela argued that in a world already shaken by armed conflicts, including those of a protracted nature, as well as by the threats posed by terrorism and climate change, among others, the human crisis resulting from the COVID-19 pandemic represented an unprecedented challenge to the international system and, potentially, to the maintenance of international peace and security. The representative of Cuba noted that the pandemic posed a threat to sustainable development owing to its severe impact on the economy, trade and societies in general.

Case 2

Peacebuilding and sustaining peace

On 12 August, at the initiative of Indonesia, which held the presidency for the month,²¹ Council members held a high-level open videoconference in

²¹ The Council had before it a concept note annexed to a letter dated 30 July 2020 ([S/2020/765](#)).

connection with the item entitled “Peacebuilding and sustaining peace” focusing on pandemics and the challenges of sustaining peace.²² At the videoconference, Council members were briefed by the Secretary-General, former Secretary-General Ban Ki-moon and the Director of the Center on International Cooperation of New York University. All Council members spoke. In addition, 36 Member States,²³ as well as the delegation of the European Union and the Chair of the Peacebuilding Commission, submitted written statements.

The Director of the Center on International Cooperation of New York University emphasized that socioeconomic problems could become international threats to peace and security if they were not addressed, and the way to get them addressed and to raise their profile was to raise them in political and security terms as well as in developmental terms. She added that, while the Council often referred to issues such as pandemics as non-traditional issues, they were not really non-traditional: if one were to ask the world’s military agencies, most of them had planned for years for the impact of pandemics as potential security risks.

Some Council members acknowledged the unprecedented impact and challenges posed by the pandemic. The representative of Tunisia asserted that the pandemic caused by COVID-19 was a massive global crisis and an unprecedented challenge that posed a significant threat to international peace and security and entailed a health catastrophe, a profound economic downturn and a serious risk of instability. He further recalled that, together with France, Tunisia had initiated resolution [2532 \(2020\)](#), adopted on 1 July, in which the Council stated that the unprecedented extent of the COVID-19 pandemic was likely to endanger the maintenance of international peace and security. Similarly, the representative of France referred to the pandemic as an unprecedented crisis. The representative of the United Kingdom acknowledged that the pandemic presented a crisis of unprecedented scope and complexity, which had triggered health, humanitarian, economic, social, development, political

and security challenges with both immediate and long-term ramifications. The representative of the Niger stated that given the non-traditional nature of the pandemic as a threat to peace and security, thinking outside the box and transforming the approach to peacekeeping could yield positive results. While some Member States considered that the pandemic aggravated existing crises, others affirmed that the pandemic constituted a threat to international peace and security. The representatives of Azerbaijan and Romania referred to the recognition in resolution [2532 \(2020\)](#) that the COVID-19 pandemic was likely to endanger international peace and security. The representative of Costa Rica noted that COVID-19 had had an impact on all sectors of society, creating multiple crises that threatened peace and stability. He further underscored that even though the Council had not recognized the new COVID-19 pandemic as a threat to international peace and security – which did not mean that it was not – the Council needed to ensure that the pandemic did not pose yet another threat to peace processes and undermine the gains already made.

The representative of Nigeria emphasized that the crisis created by the pandemic went beyond the immediate health impact and that issues such as food insecurity, job losses and deepening inequality could intensify pre-existing challenges to the social structure in countries, with the most vulnerable populations becoming more disproportionately affected. He added that in some situations, those issues created new threats to international peace and security, particularly when they took place across sensitive regional boundaries. The delegation of Guatemala underscored that pandemics could not be addressed solely as a health issue. Beyond its immediate health and humanitarian impact, COVID-19 risked deepening pre-existing social, economic and political fissures. The delegation added that the pandemic was leading to an increase in social violence and conflict, was a threat to the achievements made in the area of international peace and security and exacerbated existing grievances and inequalities, affecting in particular the most vulnerable in conflict-affected areas. The delegation of Italy stressed that in addition to its severe impact on public health, human rights and socioeconomic conditions, the pandemic had aggravated existing threats to the maintenance of international peace and security and hampered the delivery of humanitarian aid.

In addition, given its global impact, some Member States advocated for comprehensive and joint responses to the crisis. The representative of Liechtenstein stressed that in addressing the pandemic, the Council was taking an important but insufficient

²² See [S/2020/799](#).

²³ The delegations of the following countries submitted written statements: Australia, Azerbaijan, Bangladesh, Brazil, Chile, Colombia, Costa Rica, Denmark (also on behalf of Finland, Iceland, Norway and Sweden), Ecuador, El Salvador, Georgia, Guatemala, India, Ireland, Italy, Japan, Kenya, Kyrgyzstan, Liechtenstein, Malta, Mexico, Morocco, Netherlands, Nigeria, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Slovakia, Slovenia, Spain, Switzerland, Thailand and United Arab Emirates.

step to revise the paradigm of peace and security, which had proved inadequate to deliver on the expectation of the membership that the Council act comprehensively and preventively against all threats to international peace and security. The representative of Qatar argued that COVID-19 was a global threat that was not confined to a single country and as such could not be addressed without a joint international effort. The delegation of Chile underscored that it was essential to work towards peacebuilding and sustaining peace in areas at risk, to appropriately tackle emerging threats and preserve the gains made through years of international efforts and United Nations presence on the ground and to lay the foundation for solid and comprehensive post-pandemic recovery, including preventing associated risks to international peace and security.

Case 3

Peacebuilding and sustaining peace

On 3 November, at the initiative of Saint Vincent and the Grenadines, which held the presidency for the month,²⁴ Council members held a high-level open videoconference in connection with the item entitled “Peacebuilding and sustaining peace” focused on contemporary drivers of conflict and insecurity.²⁵ At the videoconference, Council members heard briefings by the Deputy Secretary-General, the Chief Executive Officer of the African Union Development Agency, the Vice Chancellor of the University of the West Indies and the President of the Economic and Social Council. All Council members spoke during the videoconference. In addition, 38 delegations from non-Council members²⁶ and the European Union submitted their statements in writing.

During the videoconference, the Council heard briefings that addressed the linkages between peace, development and security as well as the impact of COVID-19 and climate on security. The Deputy Secretary-General noted that COVID-19 continued to exacerbate the risks and drivers of conflict and exposed

vulnerable people to new threats in pre-existing humanitarian crises. She also stated that the climate emergency was a major driver of inequality, insecurity and conflict and noted the links between climate and security challenges in the Sahel, the Lake Chad region, the Middle East and elsewhere. She added that in some cases, the climate crisis threatened the very existence of nations. The Chief Executive Officer of the African Union Development Agency stated that peace, security and development were inextricably interlinked. The President of the Economic and Social Council referred to climate change as an existential threat.

Some Council members and other participants focused on public health and pandemics as contemporary drivers of conflict and insecurity. The Minister for Foreign Affairs of Tunisia noted that while the efforts of the United Nations had spared humankind a new world war and successfully restored peace and stability in many regions, the world today continued to face numerous challenges and threats to security, peace and stability. In this regard, he identified the global spread of epidemics as a threat to humankind as a whole. He underscored that COVID-19 stood as the best evidence of the danger that new threats and challenges could potentially pose to international security, peace and stability. The Minister of State in the Federal Foreign Office of Germany noted that the COVID-19 pandemic was a multidimensional challenge likely to increase insecurity and undermine peacebuilding efforts in conflict-affected countries and countries in transition, which endangered the maintenance of international peace and security. The delegation of Chile underscored that the multidimensional crisis caused by COVID-19 revealed the importance of institutional and multilateral preparedness in responding coherently to new global challenges and threats. The delegation of the European Union underscored that the COVID-19 pandemic and its potential implications were a tragic reminder of what constituted a threat to collective security, and added that, in the past, the Council had dealt with health crises with great potential impact for the security of fragile communities, such as the HIV/AIDS epidemic in 2000 or the Ebola outbreak in 2014, by declaring that the spread of the virus was a “threat to international peace and security”.

Council members and other participants also identified climate change as a threat to international peace and security, or as a factor exacerbating other threats to international peace and security, and encouraged its consideration by the Council. The Minister of State in the Federal Foreign Office of Germany stated that climate change was undoubtedly

²⁴ The Council had before it a concept note annexed to a letter dated 30 October 2020 (S/2020/1064).

²⁵ S/2020/1090.

²⁶ The delegations of the following countries submitted written statements: Azerbaijan, Brazil, Cabo Verde, Canada, Chile, Colombia, Cuba, Denmark (also on behalf of Finland, Iceland, Norway and Sweden), Ecuador, El Salvador, Eritrea, Georgia, Guatemala, India, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Liechtenstein, Malta, Mexico, Morocco, Namibia, Netherlands, Nigeria, Peru, Philippines, Poland, Portugal, Qatar, Singapore, Slovakia, Slovenia, Sudan, Switzerland, Ukraine and United Arab Emirates.

one of the most relevant threats to stability and security in our time. The Minister of State for the Commonwealth, the United Nations and South Asia of the United Kingdom, while identifying exclusion as a key contemporary driver of conflict, stated that the strains placed on societies grappling with public health emergencies or the impact of climate change could exacerbate threats. Specifically, he noted that climate change created structural conditions that multiplied conflict risks in countries around the world. The representative of the Dominican Republic described climate change as an unconventional threat to international peace and security with profound implications for everyone without exception. He added that the relationship between climate and security was undeniable and so too were the links among climate, development and security. The representative of Kenya affirmed that climate change constituted an existential threat among small island and developing States, as it touched on the very existence of statehood and territory. The representative of France stated that it was time for the international community to adopt a preventive approach to climate change by anticipating the humanitarian consequences of environmental disasters and called upon the Secretary-General to present, every two years, an assessment of the threats to international peace and security posed by climate change. The delegation of the European Union affirmed that in addition to pandemics, climate change and environmental degradation exacerbated situations of fragility and vulnerability. The representative of Ecuador stated that climate change was one of the greatest challenges because it affected the ability of all countries to achieve the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, including Goal 16, on peace, justice and strong institutions.

The representative of Portugal emphasized that climate change was not only a sustainable development issue but also a security issue, and it was at the intersection between those areas where the threats exacerbated each other. The delegation of Canada acknowledged that the ways in which climate change exacerbated conflict drivers and increased vulnerability was only beginning to be understood. The delegation of Guatemala stated that climate change and security had an intrinsically symbiotic relationship where one threat exacerbated the other; therefore, meeting the challenge of climate change required thorough consideration by all members of the Council, permanent and non-permanent.

By contrast, some Council members and other Member States questioned the linkage between climate

change and global instability as well as the competence of the Council to address climate change. The Deputy Minister for Foreign Affairs of the Russian Federation delivered a statement on behalf of his country's Minister for Foreign Affairs that stated that his country did not view climate change as a universal factor underlying conflict and global instability. Instead, the Minister proposed that its impact on the socioeconomic and political situations in a number of countries and regions must be viewed on a case-by-case basis. The delegation of Colombia stressed that the General Assembly, as a universal body providing for a comprehensive and inclusive approach that took into account the intrinsic links between climate change and social and economic issues, was the proper context for debating and taking decisions relating to the causes and impacts of climate change. Similarly, the delegation of Peru considered it necessary for the Council to strengthen and systematize its coordination with the United Nations system, especially with those bodies directly involved in preventing and mitigating the negative effects of climate change. The delegation stressed further that such coordination should take into account the competencies and mandates of the various entities of the system while promoting favourable synergies to address both the particular needs of and the risk, crisis or conflict situations faced by various Member States, and that, from the Council's perspective, this implied having timely information on the impact of climate change, regarding both the situations on the Council's agenda and those where it was necessary to act preventively to maintain international peace and security.

Case 4

The situation in the Middle East, including the Palestinian question

During various meetings and open videoconferences over the course of 2020, Council members and other Member States considered the Israeli annexation plans of parts of the West Bank and their potential ramifications for regional and international peace and security. On 21 January, the Council held its 8706th meeting under the item entitled "The situation in the Middle East, including the Palestinian question".²⁷ In her briefing, the Under-Secretary-General for Political and Peacebuilding Affairs reported that the beginning of 2020 had witnessed the continued expansion of settlement activity and the threat of annexation of parts of the West Bank. She further described annexation plans for the Jordan Valley and stressed that the annexation of some or all of Area C, if implemented, would deal a

²⁷ See [S/PV.8706](#).

devastating blow to the potential for reviving negotiations, advancing regional peace and the essence of the two-State solution. The representative of Tunisia underscored that the ongoing unilateral Israeli measures could lead only to an escalation of tensions and the exacerbation of violence, thereby threatening regional and international security and stability. The representative of Indonesia emphasized the urgent need to reverse the prevailing negative trends in the Israeli-Palestinian conflict, which escalate the threats to achieving durable peace and security in the region. The representative of the Dominican Republic said that the conflict between Israel and Palestine was one whose undeniable regional ramifications continued to heighten threats to international peace and security. The representative of Jordan stressed the need to make every effort to seek calm and reduce tensions in order to avoid any further threat to the security and stability of the region.

At an open videoconference held on 20 May,²⁸ the Special Coordinator for the Middle East Peace Process, in his briefing to the Council, stated that the continuing threat of annexation by Israel of parts of the West Bank would constitute a most serious violation of international law, deal a devastating blow to the two-State solution, close the door to a renewal of negotiations and threaten efforts to advance regional peace and broader efforts aimed at maintaining international peace and security. The representative of France stated that annexation was not in the interest of the Palestinians, the Israelis, the Europeans or the international community, and that the implementation of such a unilateral step would further threaten regional stability. The representative of South Africa expressed regret that no action had been taken to stop the building of settlements on illegally occupied land, the confiscation and destruction of Palestinian land and property, the illegal blockade of Gaza and the annexation of territory illegally acquired through the use of force. He emphasized that all of those actions were violations of international law and a threat to the maintenance of international peace and security, and no collective measures had been taken towards the prevention or removal of the threats to peace facing the Palestinian people. He stressed that the dangerous prospect of Israel continuing with its unilateral actions and the annexation of large parts of the occupied West Bank and the Jordan Valley not only showed belligerence, but also threatened efforts to advance regional peace.

At a high-level open videoconference on 24 June,²⁹ the Secretary-General of the League of Arab States, in his briefing to the Council, emphasized that it was the

duty and responsibility of the Council to address any situation that threatened international peace and security and that the possible move by the Government of Israel to annex parts of the occupied Palestinian territory, if implemented, would constitute a serious threat to regional stability, with broader ramifications for international security. Similar concerns were expressed by the representative of Estonia, who stated that the unilateral annexation of parts of the occupied West Bank would undermine the prospects of a negotiated two-State solution and threaten the stability of the region, while the delegation of the Niger expressed the worry that the annexation, if carried out, would constitute a serious violation of international law and a grave threat to international peace and security. The Minister for Foreign Affairs of Tunisia emphasized that the intended Israeli annexation represented a grave violation of international law and yet another aggression against the legitimate rights of the Palestinian people. He added that it constituted a serious threat to any efforts to advance peace, and would have extremely dangerous repercussions on the entire situation in the region. The Minister for Foreign Affairs of Indonesia stated that the official declaration of annexation in May had created a justification for the Council to take swift action under the Charter, and questioned why the Council waited for the annexation to happen in order to assume its functions. He argued that no matter who posed a threat to international peace and security, they should be held accountable before the Council. The representative of the Syrian Arab Republic noted that Israel refused to commit to Council resolutions because of the support it received from some Member States, especially the United States, which contributed to prolonging the occupation, increasing the number of grave violations of international law, augmenting acts of aggression and threatening regional and international peace and security.

At an open videoconference held on 21 July,³⁰ several delegations³¹ also identified the potential annexation of part of the West Bank as a threat to regional and/or international peace and security or to the region's stability. The Chair of the Committee on the Exercise of the Inalienable Rights of the Palestinian People recalled that annexation represented a serious threat to the two-State solution and threatened global peace and security. The delegation of Jordan stressed that all those who wanted an end to the conflict must act to prevent annexation, adding that the achievement of a just and lasting peace that met all legitimate rights of the Palestinian people was a strategic Jordanian, Palestinian and Arab choice. The

²⁸ See [S/2020/430](#).

²⁹ See [S/2020/596](#).

³⁰ See [S/2020/736](#).

³¹ Estonia, Tunisia, Azerbaijan (on behalf of the Movement of Non-Aligned Countries), Bahrain, Ireland and Namibia.

delegation further underscored that any other scenario was a threat to peace and to all in the region.

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

During the period under review, two letters from the representative of the Bolivarian Republic of Venezuela addressed to the President of the Council contained explicit references to Article 39 of the Charter. In his letter dated 3 April,³² the representative alerted the President of the Council to the “dangerous actions” being taken by the Government of the United States, which threatened the peace and security of the Bolivarian Republic of Venezuela and the entire region. His country requested that the Council take strong action by declaring the “warmongering policy” of the United States and Colombia against the Bolivarian Republic of Venezuela to be a threat to the maintenance of international peace and security and, in accordance with Article 39 of the Charter, urge those Governments to end their policy of aggression against his country in order to prevent the escalation of tensions in the region. In his letter dated 13 May,³³ the representative of the Bolivarian Republic of Venezuela stated that armed groups of mercenaries and terrorists organized, trained, financed and protected by the Governments of Colombia and the United States had entered his country’s territory illegally with the stated aim of perpetrating criminal acts

against its people. The representative further declared that in the light of the gravity of the reported events and the dangerous escalation of the aggression against his country, the Bolivarian Republic of Venezuela would soon be bringing its case before the appropriate international judicial bodies. In that regard, he stated that his country had asked the President of the Council to initiate the steps necessary for the Council to hold discussions to: (a) recognize that the aggression perpetrated by the Governments of Colombia and the United States against the Bolivarian Republic of Venezuela on 3 and 4 May 2020 had been an armed attack that had threatened the peace and security of his nation and the region; and (b) issue a clear statement condemning and prohibiting the use or threat of use of force in all its forms and manifestations against the Bolivarian Republic of Venezuela, in accordance with the powers conferred upon the Council under Article 39 of the Charter.

In addition, an explicit reference to Article 39 was included in a concept note for the open videoconference that took place on 3 November under the item entitled “Peacebuilding and sustaining peace”,³⁴ in which Saint Vincent and the Grenadines, which held the presidency for the month, invited Council members to share their views on, inter alia, whether pandemics, environmental challenges (including climate change) and underdevelopment were matters that should be seriously considered in the context of Article 39 of the Charter.

³² S/2020/277.

³³ S/2020/399.

³⁴ See S/2020/1064.

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

Article 40

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

Note

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

During the period under review, the Council did not impose any measures pursuant to Article 40 of the Charter. There was also no explicit reference to Article 40 made during the deliberations of the Council, nor

was there any discussion of constitutional significance on its interpretation. Similarly, there was no explicit reference to Article 40 in any of the communications of the Council.

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

Article 41

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

Note

Section III covers decisions and deliberations of the Council related to the imposition of measures not involving the use of force, pursuant to Article 41 of the Charter. During the period under review, the Council explicitly referred to Article 41 in the preamble of resolution 2515 (2020) in connection with the Democratic People's Republic of Korea. In 2020, the Council did not impose any judicial measure under Article 41 of the Charter.³⁵

The present section is divided into two subsections. Subsection A contains an outline of the decisions in which the Council imposed, modified or terminated measures under Article 41 of the Charter. It is organized under two main headings, dealing with decisions on issues of a thematic and country-specific nature. Subsection B covers the deliberations of the Council during 2020 and is also organized under two headings, each highlighting the salient issues that were raised in connection with Article 41, with regard to thematic items or country-specific items.

A. Decisions relating to Article 41

Decisions on thematic issues relating to Article 41

In 2020, the Council adopted two decisions on issues of a thematic nature concerning sanctions measures and their implementation, both under the

agenda item entitled "Threats to international peace and security caused by terrorist acts".³⁶

In resolution 2557 (2020), the Council reiterated the need to ensure that the sanctions regime established pursuant to resolution 1988 (2011) contributed effectively to ongoing efforts to advance reconciliation to bring about peace, stability and security in Afghanistan, including the importance of the sanctions review in full accordance with resolution 2513 (2020).³⁷

In resolution 2560 (2020), the Council emphasized that sanctions were an important tool under the Charter in the maintenance and restoration of international peace and security, including in support of countering terrorism.³⁸ The Council also continued to encourage all Member States to more actively submit to the Committee listing requests of individuals, groups, undertakings and entities that met listing criteria in paragraph 2 of resolution 2368 (2017), to submit to the Committee additional identifying and other information set out in paragraph 85 of resolution 2368 (2017) in order to keep the ISIL (Da'esh) and Al-Qaida sanctions list reliable and up-to-date, and to make use of the provisions regarding available exemptions to the measures in paragraph 1 (a) and 81 (a) of resolution 2368 (2017).³⁹

Decisions on country-specific issues relating to Article 41

During the period under review, as set out below, the Council renewed the existing measures concerning the Central African Republic, the Democratic Republic of the Congo, Libya, Mali, Somalia, South Sudan and Yemen, as well as those concerning the Taliban and associated individuals and entities. In addition, the Council introduced modification to the measures concerning the Central African Republic and Libya. With regard to Somalia, for the first time, the Council renewed the humanitarian exemption to the assets freeze and the partial lifting of the arms embargo without specifying an

³⁵ For information on the activity of the Council regarding issues pertaining to the International Residual Mechanism for Criminal Tribunals, see part IX, sect. IV.

³⁶ For more information on this agenda item, see part I, sect. 29.

³⁷ Resolution 2557 (2020), seventh preambular paragraph.

³⁸ Resolution 2560 (2020), fourth preambular paragraph.

³⁹ Ibid., para. 1.

expiry date. No changes were made to the measures concerning ISIL (Da'esh) and Al-Qaida and associates, nor to those concerning the Democratic People's Republic of Korea, Guinea-Bissau, Iraq, Lebanon and the Sudan.

The present subsection concerning the developments in each of the sanctions regimes does not include references to the subsidiary bodies of the Council responsible for their implementation. The decisions of the Council relating to the subsidiary bodies are described in detail in part IX, section I.B. Decisions adopted by the Council on the establishment and history of each of the sanctions regimes are covered in previous supplements.

The categories of sanctions measures used in the present subsection, such as arms embargoes, asset freezes or travel bans, are for clarification purposes only, and are not intended to serve as legal definitions of the measures. In addition, developments in the sanctions measures imposed by the Council during the period under review are categorized according to the following main actions taken by the Council: "establishment",⁴⁰ "modification",⁴¹ "extension",⁴² "limited extension"⁴³ or "termination".⁴⁴

⁴⁰ An action by the Council is categorized as an "establishment" when a sanctions measure is initially imposed by the Council.

⁴¹ When a change is introduced to the measure, it is categorized as a "modification". A measure is modified when: (a) elements of the measure are terminated or newly introduced; (b) information on designated

The sanctions regimes are discussed below in the order of their establishment. Each of the following subsections consists of a narrative section describing the most significant developments in 2020 and a table including all relevant provisions of Council decisions concerning changes to a sanctions regime, according to the categories outlined above (a number indicates the corresponding paragraph of the Council resolution). Tables 3 and 4 provide an overview of relevant decisions adopted in 2020 by which the Council established or modified sanctions measures it had previously imposed.

individuals or entities is modified; or (c) elements of the measure are otherwise modified. A measure is also modified when exemptions are introduced, modified or terminated. In such instances, a separate category, "exemption", is used in the tables included below.

⁴² An action by the Council is categorized as an "extension" when the sanctions measure concerned is not modified or terminated and the Council extends or restates the measure without specifying an end date.

⁴³ An action by the Council is categorized as a "limited extension" when the sanctions measure concerned is extended for a specific period of time, including a date upon which the measure will terminate unless further extended by the Council.

⁴⁴ An action by the Council is categorized as a "termination" when the Council ends the specific sanctions measure. However, if only an element of the measure is terminated, but other elements of that measure remain, the action will be categorized as a modification of the measure.

Table 3
Overview of country-specific decisions establishing or modifying measures pursuant to Article 41, in place or imposed, in 2020

<i>Sanctions regime</i>	<i>Resolutions by which measures were established or subsequently modified</i>		<i>Resolutions adopted in 2020</i>
Somalia	733 (1992)	2023 (2011)	2551 (2020)
	1356 (2001)	2036 (2012)	2554 (2020)
	1425 (2002)	2060 (2012)	
	1725 (2006)	2093 (2013)	
	1744 (2007)	2111 (2013)	
	1772 (2007)	2125 (2013)	
	1816 (2008)	2142 (2014)	
	1844 (2008)	2182 (2014)	
	1846 (2008)	2184 (2014)	
	1851 (2008)	2244 (2015)	
	1872 (2009)	2246 (2015)	
	1897 (2009)	2316 (2016)	
	1907 (2009)	2317 (2016)	
	1916 (2010)	2383 (2017)	
	1950 (2010)	2385 (2017)	
	1964 (2010)	2444 (2018)	
	1972 (2011)	2498 (2019)	
	2002 (2011)		

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<i>Sanctions regime</i>	<i>Resolutions by which measures were established or subsequently modified</i>		<i>Resolutions adopted in 2020</i>
ISIL (Da'esh) and Al-Qaida and associated individuals and entities	1267 (1999) 1333 (2000) 1388 (2002) 1390 (2002) 1452 (2002) 1735 (2006) 1904 (2009) 1989 (2011) 2083 (2012)	2161 (2014) 2170 (2014) 2178 (2014) 2199 (2015) 2253 (2015) 2347 (2017) 2349 (2017) 2368 (2017)	None
Taliban and associated individuals and entities	1988 (2011) 2082 (2012) 2160 (2014)	2255 (2015) 2501 (2019)	2557 (2020)
Iraq	661 (1990) 687 (1991) 707 (1991) 1483 (2003) 1546 (2004) 1637 (2005)	1723 (2006) 1790 (2007) 1859 (2008) 1905 (2009) 1956 (2010) 1957 (2010)	None
Democratic Republic of the Congo	1493 (2003) 1552 (2004) 1596 (2005) 1616 (2005) 1649 (2005) 1671 (2006) 1698 (2006) 1768 (2007) 1771 (2007) 1799 (2008) 1807 (2008)	1857 (2008) 1896 (2009) 1952 (2010) 2136 (2014) 2147 (2014) 2198 (2015) 2211 (2015) 2293 (2016) 2360 (2017) 2424 (2018) 2478 (2019)	2528 (2020) 2556 (2020)
Sudan	1556 (2004) 1591 (2005) 1672 (2006) 1945 (2010) 2035 (2012) 2138 (2014)	2200 (2015) 2265 (2016) 2340 (2017) 2400 (2018) 2455 (2019)	2508 (2020)
Lebanon	1636 (2005)		None
Democratic People's Republic of Korea	1718 (2006) 1874 (2009) 2087 (2013) 2094 (2013)	2270 (2016) 2321 (2016) 2356 (2017) 2371 (2017) 2375 (2017) 2397 (2017)	None

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

<i>Sanctions regime</i>	<i>Resolutions by which measures were established or subsequently modified</i>		<i>Resolutions adopted in 2020</i>
Libya	1970 (2011)	2208 (2015)	2509 (2020)
	1973 (2011)	2213 (2015)	2510 (2020)
	2009 (2011)	2238 (2015)	2526 (2020)
	2016 (2011)	2259 (2015)	2542 (2020)
	2040 (2012)	2278 (2016)	
	2095 (2013)	2292 (2016)	
	2146 (2014)	2362 (2017)	
	2174 (2014)	2441 (2018)	
Guinea-Bissau	2048 (2012)	2203 (2015)	2512 (2020)
	2157 (2014)		
Central African Republic	2127 (2013)	2262 (2016)	2507 (2020)
	2134 (2014)	2339 (2017)	2536 (2020)
	2196 (2015)	2399 (2018)	2552 (2020)
	2217 (2015)	2488 (2019)	
Yemen	2140 (2014)		2511 (2020)
	2204 (2015)		
	2216 (2015)		
South Sudan	2206 (2015)	2290 (2016)	2514 (2020)
	2241 (2015)	2353 (2017)	2521 (2020)
	2252 (2015)	2418 (2018)	
	2271 (2016)	2428 (2018)	
	2280 (2016)		
Mali	2374 (2017)		2531 (2020)
	2432 (2018)		2541 (2020)

Table 4
Overview of measures pursuant to Article 41, in place or imposed, in 2020

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

^a Pursuant to paragraph 15 of resolution 1701 (2006), the Council decided, inter alia, that States should take the necessary measures to prevent, by their nationals or from their territories or using their flag vessels or aircraft, the sale or supply of arms and related materiel to any entity or individual in Lebanon other than those authorized by the Government of Lebanon or by the United Nations Interim Force in Lebanon. In 2020, in resolution 2539 (2020), the Council recalled paragraph 15 of resolution 1701 (2006) and requested the Secretary-General to continue to report to the Council on the implementation of resolution 1701 (2006), including an enhanced annex on the implementation of the arms embargo.

Somalia

In 2020, the Council adopted resolution 2551 (2020), by which it reaffirmed and recalled the existing sanctions measures on Somalia. The Council also renewed the humanitarian exemption to the assets freeze and the partial lifting of the arms embargo for the first time without specifying an expiry date.⁴⁵ By the same resolution, the Council also renewed the maritime interdiction of charcoal and weapons or military equipment and reaffirmed the ban on components of improvised explosive devices and added to the list of components, first imposed by resolution 2498 (2019).⁴⁶ Table 5 provides an overview of the changes to the measures authorized by the Council in 2020.

The Council reaffirmed the arms embargo initially imposed by paragraph 5 of resolution 733 (1992) and paragraphs 1 and 2 of resolution 1425 (2002),⁴⁷ and the specific exceptions to the measure,⁴⁸ renewed the partial lifting of the arms embargo on the Somali security forces without specifying an expiry date,⁴⁹ and outlined the procedures for requests for exemptions or notifications to the Committee pursuant to resolution 751 (1992) concerning Somalia.⁵⁰ The Council also reaffirmed the ban on the import and export of Somali charcoal as set out in paragraph 22 of resolution 2036 (2012) and paragraphs 11 to 21 of resolution 2182 (2014), and decided to renew until 15 November 2021 the authorization for Member States to inspect vessels and to seize and dispose of any prohibited items bound to or from Somalia, where there were grounds to believe that the vessels were in violation of the charcoal ban and arms embargo, as set out in paragraph 15 of resolution 2182 (2014).⁵¹ Recalling its decisions in resolution 1844 (2008), which imposed targeted sanctions, and in resolutions 2002 (2011) and 2093 (2013), which expanded the listing criteria, the Council decided, for the first time without specifying an expiry date, that the asset freeze measure should not be applied to the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance.⁵²

Expressing grave concern that Al-Shabaab continued to pose a serious threat to the peace, security and stability of Somalia and the region, and noting the increase in improvised explosive device attacks by the group, the Council decided that all States should prevent the direct or indirect sale, supply or transfer of the items in part I of annex C to resolution 2551 (2020) to Somalia from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, if there was sufficient evidence to demonstrate that the item(s) would be used, or a significant risk they might be used, in the manufacture in Somalia of improvised explosive devices.⁵³ The items in annex C to resolution 2551 (2020) include explosive materials, explosives precursors, explosive-related equipment and related technology. The Council further decided to renew the implementation measures related to the ban on components of improvised explosive devices.⁵⁴ While noting that the security situation in Somalia continued to necessitate the measures, including strict controls on the movement of arms, the Council affirmed that it would keep the situation in Somalia under constant review and that it would be prepared to review the appropriateness of the measures contained in resolution 2551 (2020), including any modification, possible benchmarks, suspension or lifting of the measures.⁵⁵ The Council also requested the Secretary-General to provide to the Council, no later than 15 September 2021, a technical assessment of the weapons and ammunition management capability of Somalia and recommendations to improve it further.⁵⁶

⁵³ Ibid., sixth and tenth preambular paragraphs and para. 26.

⁵⁴ The Council decided that where an item in part I of annex C was directly or indirectly sold, supplied or transferred to Somalia, the State should notify the Committee no more than 15 working days after the sale, supply or transfer took place, and stressed the importance that notifications should contain all relevant information (ibid., para. 27). The Council also called upon Member States to undertake appropriate measures to promote the exercise of vigilance by their nationals, as well as individuals and entities subject to their jurisdiction, that are involved in the sale, supply or transfer of explosive precursors and materials to Somalia that may be used in the manufacture of improvised explosive devices to keep records of transactions and share information with the Federal Government of Somalia, the Committee and the Panel of Experts on Somalia regarding suspicious purchases of or enquiries into these chemicals by individuals in Somalia, and to ensure that the Federal Government of Somalia and the federal member states of Somalia were provided with adequate financial and technical assistance to establish appropriate safeguards for the storage and distribution of materials (ibid., para. 28).

⁵⁵ Resolution 2551 (2020), fourth preambular paragraph.

⁵⁶ Ibid., para. 35.

⁴⁵ For background and past practice, see previous supplements.

⁴⁶ See resolution 2551 (2020), annex C.

⁴⁷ Ibid., para. 6.

⁴⁸ Ibid., para. 19.

⁴⁹ Ibid., para. 9. The Council further provided that weapons and military equipment sold or supplied solely for the development of the Somali National Security Forces or Somali security sector institutions other than those of the Federal Government of Somalia (in accordance with para. 9) would not be resold to, transferred to or made available for use by any individual or entity not in the service of the Somali National Security Forces or Somali security sector institution (ibid., para. 7).

⁵⁰ Resolution 2551 (2020), paras. 10–17.

⁵¹ Ibid., para. 23.

⁵² Ibid., paras. 20 and 22.

Table 5
Changes to the measures imposed pursuant to Article 41 concerning Somalia in 2020

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolution adopted during the review period (paragraph) 2551 (2020)</i>
Arms embargo	733 (1992), para. 5 1425 (2002), paras. 1–2	Extension (6) Exemption (9, 19)
Asset freeze	1844 (2008), para. 3	Extension (20) Exemption (22)
Charcoal ban	2036 (2012), para. 22	Extension (23)
Ban on improvised explosive device components	2498 (2019), para. 26	Extension (26)
Travel ban or restrictions	1844 (2008), para. 1	Extension (20)

Taliban and associated individuals and entities

In 2020, the Council adopted resolution 2557 (2020), by which it reaffirmed the asset freeze, travel ban and arms embargo measures with regard to individuals and entities designated prior to the date of adoption of resolution 1988 (2011) as the Taliban, as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of

Afghanistan as designated by the Committee established pursuant to resolution 1988 (2011).⁵⁷ Table 6 provides an overview of the changes to the measures during the period under review.

⁵⁷ Resolution 2557 (2020), para. 1. For information on the Committee established pursuant to resolution 1988 (2011) and the Analytical Support and Sanctions Monitoring Team, see part IX, sect. I.B.

Table 6
Changes to the measures imposed pursuant to Article 41 concerning the Taliban and associated individuals and entities in 2020

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolution adopted during the review period (paragraph) 2557 (2020)</i>
Arms embargo	1333 (2000), para. 5	Extension (1)
Asset freeze	1267 (1999), para. 4 (b)	Extension (1)
Travel ban or restrictions	1390 (2002), para. 2 (b)	Extension (1)

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

During the period under review, the Council did not make any modifications to the sanctions measures on ISIL (Da'esh) and Al-Qaida and associates. In resolution 2560 (2020), the Council continued to encourage all Member States to more actively submit to the relevant Committee listing requests of individuals, groups, undertakings and entities that met the listing criteria in paragraph 2 of resolution 2368 (2017), to submit to the Committee additional identifying and other information set out in paragraph 85 of resolution 2368 (2017) in order to keep the ISIL (Da'esh) and Al-Qaida sanctions list reliable and up-to-date and to make use of the provisions

regarding available exemptions to the measures in paragraphs 1 (a) and 81 (a) of resolution 2368 (2017).⁵⁸

⁵⁸ Resolution 2560 (2020), para. 1. For more information, see the subsection entitled "Decisions on thematic issues relating to Article 41" in the present section. For information on the Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities and the Analytical Support and Sanctions Monitoring Team, see part IX, sect. I.B.

Iraq

In 2020, the Council did not adopt any new resolutions concerning the remaining sanctions measures on Iraq, consisting of an arms embargo, with exemptions, and an asset freeze on senior officials, State bodies, corporations and agencies of the former Iraqi regime. Pursuant to resolution 1483 (2003), the Committee established pursuant to resolution 1518 (2003) continued to oversee the implementation of the asset freeze and maintain the lists of individuals and entities.⁵⁹

Democratic Republic of the Congo

In 2020, the Council adopted resolution 2528 (2020), by which it renewed the sanctions measures on the Democratic Republic of the Congo, comprising an arms embargo, a travel ban, an asset freeze and restrictions on transportation and aviation, as well as the exemptions to said measures, until 1 July 2021.⁶⁰

⁵⁹ For information on the Committee established pursuant to resolution 1518 (2003), see part IX, sect. I.B.

⁶⁰ Resolution 2528 (2020), para. 1.

Table 7 provides an overview of the changes to the measures during the period under review.

In addition, in resolution 2556 (2020), by which the Council renewed the mandate of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, the Council recalled that it was prepared to impose targeted sanctions under paragraph 7 (d) and (e) of resolution 2293 (2016), regarding, inter alia, human rights violations or abuses or violations of international humanitarian law.⁶¹ The Council also demanded that all armed groups cease immediately all forms of violence and other destabilizing activities and the illegal exploitation and trafficking of natural resources, and recalled that the recruitment and use of children in armed conflict in the Democratic Republic of the Congo could lead to sanctions under paragraph 7 (d) of resolution 2293 (2016).⁶²

⁶¹ Resolution 2556 (2020), para. 5.

⁶² Ibid., para. 13.

Table 7

Changes to the measures imposed pursuant to Article 41 concerning the Democratic Republic of the Congo in 2020

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolution adopted during the review period (paragraph) 2528 (2020)</i>
Arms embargo	1493 (2003), para. 20	Limited extension (1) Exemption (1)
Asset freeze	1596 (2005), para. 15	Limited extension (1) Exemption (1)
Travel ban or restrictions	1596 (2005), para. 13	Limited extension (1) Exemption (1)
Transportation and aviation control measures	1807 (2008), paras. 6 and 8	Limited extension (1)

Sudan

During the period under review, the Council did not adopt any new resolution modifying sanctions measures on the Sudan. However, by resolution 2508 (2020), the Council extended the mandate of the Panel of Experts on the Sudan, recalled the arms embargo, asset freeze and travel ban measures and designation criteria established by previous resolutions and also reaffirmed the related exemptions.⁶³ The Council expressed its intent to regularly review the measures on Darfur, in the light of the evolving situation on the ground, while

taking note of the reports submitted by the Chair of the Committee, the Panel of Experts and relevant resolutions. The Council further expressed its intent to establish clear, well identified and measurable key benchmarks that could serve in guiding the Council to review measures on the Government of the Sudan.⁶⁴

⁶³ Resolution 2508 (2020), para. 1.

⁶⁴ Ibid., paras. 3–4. For information on the Committee established pursuant to resolution 1591 (2005) concerning the Sudan and the Panel of Experts on the Sudan, see part IX, sect. I.B.

Lebanon

In 2020, the Council did not make any modifications to the sanctions measures established pursuant to resolution 1636 (2005), consisting of an asset freeze and a travel ban, which were to be imposed on individuals designated by the International Independent Investigation Commission or the Government of Lebanon as suspected of involvement in the 14 February 2005 terrorist bombing in Beirut, Lebanon that killed the former Prime Minister of Lebanon, Rafic Hariri, and 22 others.⁶⁵

Democratic People's Republic of Korea

During the period under review, the Council did not make any modifications to the sanctions measures concerning the Democratic People's Republic of Korea. The Committee established pursuant to resolution 1718 (2006) continued to oversee the implementation of the asset freeze, arms embargo, travel ban and other restrictions previously imposed by resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017), 2375 (2017) and 2397 (2017). By resolution 2515 (2020), the Council extended until 30 April 2021 the mandate of the Panel of Experts established pursuant to resolution 1874 (2009) to support the Committee.⁶⁶

Libya

In 2020, the Council adopted one resolution modifying the sanctions measures concerning Libya.⁶⁷ Table 8 provides an overview of the changes to the measures during the period under review.

By resolution 2509 (2020), the Council extended until 30 April 2021 the authorizations provided and the measures imposed by resolution 2146 (2014), as amended by paragraph 2 of resolution 2441 (2018), to prevent the illicit export of petroleum, including crude oil and refined petroleum products, from Libya, and modified the designation period for vessels to be one year, instead of 90 days as provided for in paragraph 11

of resolution 2146 (2014).⁶⁸ In addition, the Council renewed the arms embargo, travel ban and asset freeze measures.⁶⁹ The Council also affirmed its readiness to, inter alia, review the appropriateness of the measures contained in the resolution, including their strengthening, modification, suspension or lifting, as may be needed, at any time in the light of developments in Libya.⁷⁰

By resolution 2526 (2020), the Council extended the authorizations concerning the implementation of the arms embargo on the high seas off the coast of Libya for a further period of 12 months and requested the Secretary-General to report within 11 months on its implementation.⁷¹

In addition, in resolution 2510 (2020), the Council endorsed the conclusions of the Berlin Conference on Libya⁷² and reaffirmed its intention to ensure that assets frozen pursuant to paragraph 17 of resolution 1970 (2011) should at a later stage be made available to and for the benefit of the Libyan people. It also recalled its decision that individuals or entities engaging in, or providing support for, acts that threatened the peace, stability or security of Libya might be designated by the Committee established pursuant to resolution 1970 (2011) for the travel ban and asset freeze measures specified in resolution 1970 (2011), as modified by subsequent resolutions. The Council also stressed that the Committee should consider the designation of individuals or entities who breached the arms embargo or the ceasefire, once agreed. The Council recalled the commitments made at the Berlin Conference to abide by the arms embargo and demanded full compliance, including by all Member States, with the arms embargo imposed under resolution 1970 (2011), as modified by subsequent resolutions, including by ceasing all support for and withdrawing all armed mercenary personnel, and demanded all Member States not to intervene in the conflict or take measures that exacerbated the conflict.⁷³

Furthermore, in resolution 2542 (2020), the Council recalled its decision that all Member States should comply with the arms embargo. It demanded full compliance, including by all Member States, with the arms embargo imposed under resolution 1970 (2011), as modified by subsequent resolutions, including by ceasing all support for and withdrawing all armed mercenary personnel. The Council also demanded all Member States not to intervene in the

⁶⁵ Resolution 1636 (2005), fourth preambular paragraph and para. 3. For information on the Committee established pursuant to resolution 1636 (2005), see part IX, sect. I.B.

⁶⁶ Resolution 2515 (2020) para. 1. For information on the Committee established pursuant to resolution 1718 (2006) and the Panel of Experts established pursuant to resolution 1874 (2009), see part IX, sect. I.B.

⁶⁷ Resolution 2509 (2020). For information on the Committee established pursuant to resolution 1970 (2011) concerning Libya and the Panel of Experts established pursuant to resolution 1973 (2011), see part IX, sect. I.B.

⁶⁸ Resolution 2509 (2020), para. 2.

⁶⁹ Ibid., paras. 6 and 9–10.

⁷⁰ Ibid., para. 15.

⁷¹ Resolution 2526 (2020), paras. 1–2.

⁷² See S/2020/63.

⁷³ Resolution 2510 (2020), paras. 2 and 8–10.

conflict or take measures that exacerbated the conflict. In addition, the Council welcomed efforts by the Panel of Experts on Libya to investigate violations of the arms embargo, further welcomed the cooperation between the relevant United Nations bodies, including the United Nations Support Mission in Libya

(UNSMIL), and other interested parties and the Panel of Experts, and noted its intention to hold those who violated the arms embargo accountable through its sanctions committee.⁷⁴

⁷⁴ Resolution 2542 (2020), para. 7.

Table 8
Changes to the measures imposed pursuant to Article 41 concerning Libya in 2020

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolution adopted during the review period (paragraph) 2509 (2020)</i>
Arms embargo	1970 (2011), para. 9	Extension (6)
Asset freeze	1970 (2011), para. 17	
Ban on arms exports by target State	1970 (2011), para. 10	
Business restrictions	1973 (2011), para. 21	
Financial restrictions	2146 (2014), para. 10 (d)	Limited extension (2)
Oil/petroleum embargo/restriction	2146 (2014), para. 10 (a) and (c)–(d)	Limited extension (2) Modification (2)
Prohibition on bunkering services/port entry	2146 (2014), para. 10 (c)	Limited extension (2)
Travel ban or restrictions	1970 (2011), para. 15	Extension (9)

Guinea-Bissau

During the period under review, the sanctions regime for Guinea-Bissau continued to remain in force, without undergoing any modifications.⁷⁵ In resolution 2512 (2020), the Council requested the Secretary-General to submit a report within five months of the adoption of the resolution to the Committee established pursuant to resolution 2048 (2012) concerning Guinea-Bissau on the progress made regarding the stabilization of Guinea-Bissau and the restoration of constitutional order, giving recommendations on the sanctions regime that included, but were not limited to, its continuation, adjustment or suspension, and on prospective delisting, in accordance with paragraph 12 of resolution 2048 (2012).⁷⁶ In the same resolution, the Council decided to review the sanctions measures established pursuant to resolution 2048 (2012) six months from the adoption of the resolution, and consider appropriate, concrete measures including, but not limited to, their continuation, adjustment or suspension, and on prospective delisting, in accordance with paragraph 12 of resolution 2048 (2012).⁷⁷

⁷⁵ For more information on the Committee established pursuant to resolution 2048 (2012) concerning Guinea-Bissau, see part IX, sect. I.B.

⁷⁶ Resolution 2512 (2020), para. 25. See also S/2020/818.

⁷⁷ Resolution 2512 (2020), para. 26.

Central African Republic

During the period under review, the Council adopted two resolutions related to the sanctions measures concerning the Central African Republic.⁷⁸ Table 9 provides an overview of the changes to the measures during the period under review.

By resolution 2507 (2020), the Council extended until 31 July 2020 the sanctions measures established pursuant to resolutions 2127 (2013) and 2134 (2014) as well as related exemptions, and reaffirmed that the travel ban and asset freeze would apply to individuals and entities as designated by the Committee.⁷⁹ The Council also decided to adjust the list of exemptions to the arms embargo by expanding it to include supplies of unarmed ground military vehicles and ground military vehicles mounted with weapons with a calibre of 14.5 mm or less, as notified in advance to the Committee.⁸⁰ The Council further requested the Secretary-General, in close consultation with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), including the Mine Action

⁷⁸ Resolutions 2507 (2020) and 2536 (2020). For information on the Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic and the Panel of Experts, see part IX, sect. I.B.

⁷⁹ Resolution 2507 (2020), paras. 3–4.

⁸⁰ Ibid., para. 1 (g).

Service, and the Panel of Experts, to conduct, no later than 30 June 2020, an assessment on the progress achieved by the authorities of the Central African Republic on the key benchmarks on the arms embargo established in the Council's presidential statement dated 9 April 2019.⁸¹ The Council also affirmed that it would keep the situation in the Central African Republic under continuous review and be prepared to review the appropriateness of the measures contained in resolution 2507 (2020) at any time as may be necessary, in the light of the evolution of the security situation in the country and of the progress achieved in relation to the security sector reform process, the disarmament, demobilization, reintegration and repatriation process and the management of weapons and ammunition, including in relation to the report and assessment requested in paragraphs 12 and 13 of resolution 2507 (2020).⁸²

Further to the request of the Council in paragraph 13 of resolution 2507 (2020), the Secretary-General, in a letter to the President of the Council dated 29 June, provided an update on the progress achieved by the Central African Republic authorities on the key benchmarks established in the presidential statement of 9 April 2019.⁸³

By resolution 2536 (2020), the Council extended the arms embargo, travel ban and asset freeze measures, as well as related exemptions, until 31 July 2021.⁸⁴ The Council also decided to further adjust the existing exemptions to the arms embargo by expanding the categories of items to include spare parts of unarmed ground military vehicles and ground military vehicles mounted with weapons with a calibre of 14.5 mm or less, and rocket-propelled grenades and ammunition specially designed for such weapons, as well as the provision of

related assistance.⁸⁵ The Council also requested the Central African Republic authorities to report, by 15 June 2021, to the Committee on the progress achieved regarding the security sector reform, the disarmament, demobilization, reintegration and repatriation process and the management of weapons and ammunition, and requested the Secretary-General, in close consultation with MINUSCA, including the Mine Action Service, and the Panel of Experts, to conduct, no later than 15 June 2021, an assessment on the progress achieved by the authorities of the Central African Republic on the key benchmarks.⁸⁶ It further affirmed that it would keep the situation in the Central African Republic under continuous review and be prepared to review the appropriateness of the measures contained in resolution 2536 (2020), at any time as may be necessary, in the light of the evolution of the security situation in the country and of the progress achieved in relation to the security sector reform process, the disarmament, demobilization, reintegration and repatriation process and the management of weapons and ammunition.⁸⁷

In addition, in resolution 2552 (2020), the Council recalled that individuals or entities that undermined peace and stability in the Central African Republic could be listed for targeted measures pursuant to resolution 2536 (2020).⁸⁸ It also recalled that committing acts of incitement to violence, in particular on an ethnic or religious basis, and then engaging in or providing support for acts that undermined the peace, stability or security of the Central African Republic, could be a basis for sanctions designations pursuant to resolution 2536 (2020).⁸⁹

⁸⁵ Ibid., para. 1 (g).

⁸⁶ Ibid., paras. 12–13.

⁸⁷ Ibid., para. 14.

⁸⁸ Resolution 2552 (2020), para. 4.

⁸⁹ Ibid., para. 20.

⁸¹ Ibid., para. 13. See also S/PRST/2019/3.

⁸² Resolution 2507 (2020), para. 14.

⁸³ See S/2020/622.

⁸⁴ Resolution 2536 (2020), paras. 1 and 4.

Table 9

Changes to the measures imposed pursuant to Article 41 concerning the Central African Republic in 2020

Provision relating to sanctions measures	Resolution establishing measures	Resolutions adopted during the review period (paragraph)	
		2507 (2020)	2536 (2020)
Arms embargo	2127 (2013), para. 54	Limited extension (1) Exemption (1)	Limited extension (1) Exemption (1)
Asset freeze	2134 (2014), paras. 32 and 34	Limited extension (4) Exemption (4)	Limited extension (4) Exemption (4)
Travel ban or restrictions	2134 (2014), para. 30	Limited extension (4) Exemption (4)	Limited extension (4) Exemption (4)

Yemen

In 2020, the Council adopted resolution 2511 (2020), by which it extended the asset freeze and travel ban established pursuant to resolution 2140 (2014) concerning Yemen, as well as the relevant exemptions to those measures, until 26 February 2021.⁹⁰ By the same resolution, the Council reaffirmed the arms embargo as set out in resolution 2216 (2015) and further elaborated the designation criteria set out in resolutions 2140 (2014) and 2216 (2015). The Council also affirmed that sexual violence in armed conflict, or the recruitment or use of children in armed conflict in violation of international law, could constitute an act as specified in paragraph 18 (c) of resolution 2140 (2014), and therefore constitute a sanctionable act of engaging in or providing support for acts that threatened the peace, security or stability of Yemen.⁹¹ Emphasizing

the importance of humanitarian assistance, the Council also decided that the Committee established pursuant to resolution 2140 (2014) might, on a case-by-case basis, exempt any activity from the sanctions measures imposed by the Council in resolutions 2140 (2014) and 2216 (2015) if the Committee determined that such an exemption was necessary to facilitate the work of the United Nations and other humanitarian organizations in Yemen or for any other purpose consistent with the objectives of those resolutions.⁹² The Council also reaffirmed its intention to keep the situation in Yemen under continuous review and its readiness to review the appropriateness of the sanctions measures contained in resolution 2511 (2020), including their strengthening, modification, suspension or lifting, as may be needed at any time in the light of developments in the country.⁹³ Table 10 provides an overview of the changes to the measures during the period under review.

⁹⁰ Resolution 2511 (2020), para. 2.

⁹¹ Ibid., paras. 4–6.

⁹² Ibid., para. 3.

⁹³ Ibid., para. 13.

Table 10
Changes to the measures imposed pursuant to Article 41 concerning Yemen in 2020

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolution adopted during the review period (paragraph) 2511 (2020)</i>
Arms embargo	2216 (2015), paras. 14–16	Extension (2) Exemption (3)
Asset freeze	2140 (2014), paras. 11 and 13	Limited extension (2) Exemption (2, 3)
Travel ban or restrictions	2140 (2014), para. 15	Limited extension (2) Exemption (2, 3)

South Sudan

In 2020, the Council adopted resolution 2521 (2020), by which it renewed the arms embargo, asset freeze and travel ban established pursuant to resolutions 2206 (2015) and 2428 (2018) concerning South Sudan, as well as the relevant exemptions to those measures, until 31 May 2021.⁹⁴ Table 11 provides an overview of the changes to the measures during the period under review.

Further to paragraph 5 of resolution 2521 (2020), the Secretary-General submitted a report⁹⁵ to the Council

concerning benchmarks to assess the arms embargo measures according to progress on the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan.

In the context of the renewal of the mandate of the United Nations Mission in South Sudan (UNMISS), in resolution 2514 (2020), the Council expressed its intention to consider all appropriate measures against those who took actions that undermined the peace, stability and security of South Sudan, and specifically underscored that individuals or entities that were responsible or complicit in, or had engaged in, directly or indirectly, attacks against UNMISS personnel and premises and any humanitarian personnel could meet the designation criteria.⁹⁶

⁹⁴ Resolution 2521 (2020), paras. 3 and 11.

⁹⁵ See S/2020/1067. See also the letter dated 16 December 2020 from the President of the Council (S/2020/1277), requesting the Secretary-General to conduct a desk review and consultations and to report to the Council with recommendations on benchmarks to assess the arms embargo measures by 31 March 2021.

⁹⁶ Resolution 2514 (2020), para. 3.

Table 11

Changes to the measures imposed pursuant to Article 41 concerning South Sudan in 2020

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolution adopted during the review period (paragraph) 2521 (2020)</i>
Arms embargo	2428 (2018), para. 4	Limited extension (3) Exemption (3)
Asset freeze	2206 (2015), paras. 12 and 14	Limited extension (11) Exemption (11)
Travel ban or restrictions	2206 (2015), para. 9	Limited extension (11) Exemption (11)

Mali

In 2020, the Council adopted two resolutions related to the sanctions measures established pursuant to resolution 2374 (2017) concerning Mali.⁹⁷ In resolution 2531 (2020), the Council stressed that individuals or entities placed on the Mali sanctions list should not benefit from any financial, operational or logistical support from United Nations entities

deployed in Mali until their removal from the list and without prejudice to the exemptions set by paragraphs 2, 5, 6 and 7 of resolution 2374 (2017).⁹⁸ By resolution 2541 (2020), the Council extended the asset freeze and travel ban, as well as the relevant exemptions to those measures, until 31 August 2021.⁹⁹ Table 12 provides an overview of the changes to the measures during the period under review.

⁹⁷ Resolutions 2531 (2020) and 2541 (2020).

⁹⁸ Resolution 2531 (2020), para. 5.

⁹⁹ Resolution 2541 (2020), para. 1.

Table 12

Changes to the measures imposed pursuant to Article 41 concerning Mali in 2020

<i>Provision relating to sanctions measures</i>	<i>Resolution establishing measures</i>	<i>Resolution adopted during the review period (paragraph) 2541 (2020)</i>
Asset freeze	2374 (2017), para. 4	Limited extension (1) Exemption (1)
Travel ban or restrictions	2374 (2017), para. 1	Limited extension (1) Exemption (1)

B. Discussions relating to Article 41

The present subsection covers the discussions in the Council regarding the use of sanctions and other measures pursuant to Article 41 of the Charter.

During the period under review, Article 41 of the Charter was explicitly referred to on three occasions at Council meetings and open videoconferences. At the 8699th meeting of the Council, held on 10 January under the item entitled “Maintenance of international peace and security”,¹⁰⁰ the representative of Canada stated that the measures contemplated in Article 41 were by no means comprehensive. He added that instead, the form and scope of potential non-military

measures were left to the Council to determine. During an open videoconference held on 20 May on the situation in the Bolivarian Republic of Venezuela,¹⁰¹ the representative of the Bolivarian Republic of Venezuela said that coercion was coupled with a fresh peril, namely, the threat of the use of military force against five Iranian tankers en route to his country. He noted that if the threat materialized, it would constitute an actual armed attack against a civilian Iranian vessel and against the Venezuelan people as a whole. He stressed that a naval blockade was an act of war under international law, particularly if not authorized by the Council on the basis of Article 41 of the Charter or applied pursuant to the right of self-defence. During an

¹⁰⁰ See S/PV.8699 (Resumption 1).

¹⁰¹ See S/2020/435.

open videoconference held on 27 May on the protection of civilians in armed conflict,¹⁰² the representative of the United Arab Emirates emphasized that too often, Council resolutions, including those imposing measures under Article 41 of the Charter, were ignored by non-State actors. She urged the Council to tailor and apply the range of tools at its disposal to address effectively the growing threat to civilians posed by non-State actors, and to ensure their compliance.

The use of sanctions was discussed by Council and non-Council members in deliberations in relation to both thematic and country- or region-specific items during 2020. For example, during a high-level open videoconference on 17 July in connection with the item entitled “Women and peace and security”, focused on conflict-related sexual violence,¹⁰³ Council members heard briefings on, inter alia, the use of targeted sanctions to leverage behavioural change in response to sexual violence. Observing that no perpetrator had ever been targeted by sanctions for acts of sexual violence, the Minister for Foreign Affairs and Defence of Belgium questioned the point of the Council’s intentions if those intentions were not translated into concrete action to the benefit of survivors. Similarly, the Federal Minister for Foreign Affairs of Germany stated that sanctions could and must play a greater role in ending sexual violence. The delegation of Ireland welcomed the recent progress linking conflict-related sexual violence with the work of specific sanctions committees, and expressed strong support for efforts to bolster the use of conflict-related sexual violence as a criterion for imposing sanctions and for greater alignment across thematic and country-specific sanctions regimes. The delegation emphasized that for such criteria to be effective in ensuring compliance and accountability, they must be clearly articulated, consistent and credible and must result in actual listings. The representative of Estonia also welcomed the inclusion of sexual violence as a designation criterion and supported its application in practice. The Minister for International Relations and Cooperation of South Africa noted that measures taken to ensure accountability from perpetrators of sexual violence, such as prohibiting States listed for violations from participating in United Nations peace operations and making sexual violence a designation criterion in sanctions regimes, should continue to be implemented consistently across all country situations. The delegation of Mexico called upon the Council to consider, where relevant, the adoption of sanctions

targeting the perpetrators listed in the annex to the report of the Secretary-General on conflict-related sexual violence.¹⁰⁴ The representative of Kenya stated that the Council and its secretariat had an important role to play when it came to monitoring compliance with its own resolutions and acting upon breaches of the same, including listing suspected perpetrators and enacting sanctions, but noted that there were concerns in the manner in which the secretariat had been reporting on suspected cases, arguing that in many occasions, the relevant offices in the secretariat had presented cases of suspected sexual and other violations against women and children as facts without proper investigations.

In addition, during discussions in connection with the item entitled “The situation in the Central African Republic”, Council members addressed the easing of the arms embargo (see case 5). Council members also addressed the goals of the sanctions measures, in particular the arms embargo, in the context of the situation in Libya, and their role in potentially ending the conflict (see case 6). Furthermore, Council members addressed the conditions for the review, modification or lifting of sanctions in the context of the situation in South Sudan in their explanation of votes submitted in writing in accordance with the procedures agreed upon further to the outbreak of the COVID-19 pandemic (see case 7).¹⁰⁵ They also discussed the use of sanctions in the context of national reconstruction and the building of long-term stability with regard to the situation in Somalia (see case 8).

Discussion on country-specific issues relating to Article 41

Case 5 The situation in the Central African Republic

At its 8712th meeting, held on 31 January under the item entitled “The situation in the Central African Republic”,¹⁰⁶ the Council adopted resolution [2507 \(2020\)](#), with two abstentions.¹⁰⁷ By resolution [2507 \(2020\)](#), the Council renewed until 31 July 2020 the sanctions measures concerning the Central African

¹⁰⁴ See [S/2020/487](#).

¹⁰⁵ For information on the procedures and working methods developed during the COVID-19 pandemic, see part II.

¹⁰⁶ See [S/PV.8712](#).

¹⁰⁷ The draft resolution received 13 votes in favour (Belgium, Dominican Republic, Estonia, France, Germany, Indonesia, Niger, Saint Vincent and the Grenadines, South Africa, Tunisia, United Kingdom, United States and Viet Nam) and 2 abstentions (China and Russian Federation).

¹⁰² See [S/2020/465](#).

¹⁰³ See [S/2020/727](#).

Republic and the related exemptions, and decided to adjust the arms embargo.¹⁰⁸

Following the adoption of resolution [2507 \(2020\)](#), some Council members expressed regret about the lack of consensus in adopting the resolution.¹⁰⁹ In that regard, the representative of Germany stated that it was regrettable that the Council could not send a signal of unity to the Central African Republic. The representative of Estonia noted that the Council should not be divided on the issue of restricting the illegal flow of weapons to a country that was suffering from warfare and violence but should instead unite in finding ways to assist in stopping massacres. This notwithstanding, most Council members welcomed the renewal of sanctions measures with the adoption of resolution [2507 \(2020\)](#), and noted that the arms embargo was an important element in paving the way towards stability, peace and development. Furthermore, the representative of the Niger, who spoke also on behalf of South Africa and Tunisia, stressed that the sanctions regime was not an objective in itself, but rather a commitment to the transition of the Central African Republic towards peace and stability. The representative of Saint Vincent and the Grenadines considered resolution [2507 \(2020\)](#) to be robust enough to help combat the proliferation of illicit small arms and light weapons, while providing some flexibility to the legitimate authorities of the country, which had faced operational and logistical difficulties.

In explaining his country's abstention, the representative of the Russian Federation expressed appreciation for the efforts of the penholder, but noted that not all arguments were taken into account in the drafting of the text of the resolution. He further explained that his delegation had advocated for a greater easing of the arms embargo and, unfortunately, neither the official appeal from Bangui nor the position of the Russian Federation were duly considered. The representative of the Russian Federation added that while the arms embargo might have played a positive role in the early stages, it was now effectively an obstacle to the rearming of the national army and security forces, while the saboteurs of the peace process among the armed groups remained unhindered in replenishing their stockpiles of weapons through smuggling. He welcomed the adjustments to the arms embargo on certain categories of armed vehicles but recalled that the legitimate authorities of the Central African Republic had urged the Council to fully lift the arms embargo. His delegation was determined to

further review the Council's sanctions with a view to their easing and, ultimately, their full lifting. In contrast, the representative of the United States expressed the hope that the extension of the arms embargo, assets freeze and travel ban would keep necessary pressure on the armed groups that continued to undermine peace and security in the Central African Republic. While noting that the members of the Council differed with regard to the technical elements most appropriate for an effective sanctions regime, the issues to highlight in Council resolutions and even sometimes on how to characterize recent developments in the Central African Republic, the representative stated that all members were engaged on the matter because they wanted to see peace and security in the Central African Republic and elevate the interests of its people. In connection with the position expressed by the Russian Federation, she affirmed that Council members should be seeking to de-escalate tensions and build confidence among political actors, rather than spreading false narratives. She hoped that the Russian Federation would work cooperatively with the United States and other friends of the Central African Republic to support the strengthening of State institutions in a transparent and coordinated way, and to ensure that the 2020 elections were free and fair. The representative of China, whose delegation had abstained together with the Russian Federation, noted that China had always believed that sanctions were not an end in themselves but rather a means to an end, which was to help the Central African Republic restore national stability and a normal social order at an early date, adding that the Council should base its actions on the actual situation on the ground in the Central African Republic and lift the arms embargo sanction measures as soon as possible. The representative added that resolution [2507 \(2020\)](#) failed to fully respect the wishes of the Government of the Central African Republic regarding the lifting of the arms embargo, nor did it reflect the constructive ideas of some Council members.

The representative of Saint Vincent and the Grenadines, while taking note of the repeated calls of the Central African Republic for a complete lifting of the arms component of the sanctions measures and agreeing that there was some merit to that request, said that her delegation did not believe that the time was ripe for a complete lifting of the arms measures, as there still remained some shortcomings with regard to weapons and ammunition management in the country. The representative of Germany stressed that there remained a lot of work to be done given the instability, violence and continuing attacks on civilians in the Central African Republic. He added that Germany

¹⁰⁸ Resolution [2507 \(2020\)](#), paras. 1 and 3–4.

¹⁰⁹ See [S/PV.8712](#) (France, Germany, Estonia and United Kingdom).

remained convinced that the sanctions regime, including the arms embargo, was an important element to accompany the Government on its way towards stability, peace and development.

At its 8750th meeting, held on 28 July,¹¹⁰ the Council unanimously adopted resolution [2536 \(2020\)](#), renewing the sanctions measures as well as all related exemptions until 31 July 2021, and added further modifications to the arms embargo.

Speaking after the vote, the representatives of France, the United States (speaking also on behalf of Germany, Estonia and Belgium), the United Kingdom and the Niger welcomed the unanimous adoption of the resolution. The representative of France, penholder of the resolution, underlined that unity was crucial to the Council's support to the Central African Republic at a time marked by the implementation of the peace agreement, preparations for the presidential and legislative elections in 2020 and 2021 and the fight against the coronavirus disease pandemic. France had therefore chosen to adopt a pragmatic approach and strived to play the role of constructive facilitator. He also explained that his delegation had taken the lead in proposing that the members of the Council work towards a further, limited easing of the arms embargo to meet a specific need of the Central African security forces based on a realistic analysis of the security situation in the country.

The representative of the Russian Federation noted the work of the French sponsors of the resolution, who succeeded in securing the support of all Council members. He added that it was achieved not least by the decision to respond to Bangui's legitimate demands for the further easing of the sanctions regime. He added that the simplified procedure for supplying grenade launchers for the needs of the Central African Republic was another small step in support of the Central African people. This notwithstanding, he recalled that the authorities of the Central African Republic were calling on the Council to fully lift the arms embargo. In this regard, he called upon those authorities to continue to meet the benchmarks for the review of the arms embargo so that the Council had every reason to lift it in a year's time.

While noting his country's vote in favour of the resolution, the representative of China expressed his country's belief that, overall, the political and security situation in the Central African Republic was improving, and commended the efforts of all parties in the Central African Republic in implementing the benchmarks for the arms embargo assessment. He also

stressed his country's support for the Government of the Central African Republic in continuing to meet those benchmarks, and for the Council in continuing to respond positively to the reasonable needs of the Government so as to lift the arms embargo as soon as possible.

Citing concerns with the easing of the arms embargo, the representatives of the United States (speaking also on behalf of Germany, Estonia and Belgium), the United Kingdom and the Dominican Republic urged the Government of the Central African Republic to ensure the effective management of its arms to prevent proliferation. Specifically, the representatives of the United States and the United Kingdom expressed the concern that without better management and tracking of the weapons brought into the Central African Republic, the changes in the sanctions regime would significantly increase the risk of the proliferation of rocket-propelled grenades, both within the Central African Republic and the wider region.

The representatives of the United States (speaking also on behalf of Germany, Estonia and Belgium), the Dominican Republic and the United Kingdom also expressed support for the Council's decision to return to an annual cycle of renewing the Central African Republic sanctions regime, adding that it would give the authorities of the Central African Republic more time to achieve progress and implement the benchmarks.

Case 6 **The situation in Libya**

During an open videoconference held on 19 May under the item entitled "The situation in Libya",¹¹¹ Council members heard a briefing by the Acting Special Representative of the Secretary-General and Head of UNSMIL, and by the Chair of the Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya on the work of the Committee covering the period from 30 January to 19 May 2020. In his statement, the Chair noted that the primary responsibility to implement sanctions measures rested with Member States, and that the Committee was committed to facilitating the implementation of these measures and sought to contribute to promoting peace and stability in Libya.

The representative of China noted that sanctions should be used properly and effectively and always serve the political settlement of relevant issues. He stressed that under the current circumstances in Libya,

¹¹⁰ See [S/PV.8750](#).

¹¹¹ See [S/2020/421](#).

it was important to strictly enforce the arms embargo and refrain from a military intervention or any other action that could aggravate the conflict. The representative of Viet Nam reiterated his country's position that sanctions measures must be correctly and properly targeted at individuals and entities that threatened peace and security in Libya without negatively affecting the livelihoods of the common people of Libya, and urged all parties inside and outside of the country to strengthen their commitment to and actions towards implementing the arms embargo. Also on the issue of arms embargo implementation, the representative of Estonia emphasized that unless the flagrant violations of the sanctions regime and the involvement of outside actors stopped, Libya would not stand a chance with regard to achieving peace. The representative of Libya called upon the countries concerned, especially those that were responsible for the manufacture or origin of the weapons that were used in violation of the arms embargo, to provide his Government and the sanctions committee with documents certifying the end users and to explain how the weapons fell into the hands of those who subverted legitimacy and violated Council resolutions.

During an open videoconference held on 19 November,¹¹² Council members heard a briefing by the Acting Special Representative of the Secretary-General and Head of UNSMIL on the situation in Libya following the signing of a countrywide permanent ceasefire agreement. Reporting that military cargo flights and other intense cargo aircraft activity continued to be monitored, the Acting Special Representative requested the Council's support with regard to enforcing relevant resolutions pertaining to the arms embargo. Following the briefing, most Council members¹¹³ called upon all countries to fully adhere to the sanctions regime and in particular to the arms embargo. In this regard, the representative of Germany called for the international community to respect the aspirations of Libyans to cease all fighting, which included full adherence to the arms embargo, and also underscored the need for the immediate and complete withdrawal of all foreign troops, fighters and mercenaries from Libya. He also stressed that full adherence to the arms embargo would remain key to supporting the political process. The delegation of the Dominican Republic expressed profound concern at, among other things, the constant violations of the arms

embargo, describing the violations as a constant threat to the protection and well-being of the Libyan people. The representative of the Russian Federation expressed concern about the reports of continuing violations of the arms embargo, adding that supplies of weapons and the introduction of mercenaries fuelled the conflict in Libya. He called for an end to this, especially because any provocations could disrupt the current ceasefire. He added that the weapons that had continued to flow into Libya since 2011 created conditions that could spread the threat of terrorism throughout the entire African continent. The representative of Saint Vincent and the Grenadines urged all parties to fulfil their obligations and strictly comply with the arms embargo so as not to undermine the political process in Libya. The representative of South Africa welcomed the efforts of the Committee established pursuant to resolution 1970 (2011) to ensure that the arms embargo was respected in order to reduce the possibility of fuelling further conflict. The United Kingdom noted that where members of the international community continued to flagrantly flout international law and block progress made by the Libyans and the United Nations, the Council must be ready to take firm action, including by imposing sanctions.

Case 7 **Reports of the Secretary-General on the Sudan and South Sudan**

During an open videoconference held on 29 May under the item entitled "Reports of the Secretary-General on the Sudan and South Sudan",¹¹⁴ the President of the Council announced the adoption of resolution 2521 (2020) in accordance with the written procedure agreed upon by Council members in response to the impact of the COVID-19 pandemic.¹¹⁵ The vote on the resolution included three abstentions.¹¹⁶ By the resolution, the Council decided to renew the arms embargo and targeted sanctions for South Sudan until 31 May 2021.¹¹⁷

In accordance with the procedures agreed upon by Council members in response to the impact of the COVID-19 pandemic,¹¹⁸ some Council members

¹¹² See [S/2020/1129](#).

¹¹³ United Kingdom, Germany, Indonesia (also on behalf of Viet Nam), Belgium, Tunisia, China, France, South Africa, Russian Federation and Saint Vincent and the Grenadines.

¹¹⁴ See [S/2020/462](#).

¹¹⁵ For information on the procedures and working methods developed during the COVID-19 pandemic, see part II.

¹¹⁶ The draft resolution received 12 votes in favour (Belgium, Dominican Republic, Estonia, France, Germany, Indonesia, Niger, Saint Vincent and the Grenadines, Tunisia, United Kingdom, United States and Viet Nam) and 3 abstentions (China, Russian Federation and South Africa). See also [S/2020/469](#).

¹¹⁷ Resolution 2521 (2020), paras. 3 and 11.

¹¹⁸ See [S/2020/253](#).

submitted their explanation of vote in written form.¹¹⁹ The delegation of the United States noted that renewing the sanctions measures created space for peace to thrive in South Sudan by reducing the flow of weapons to one of Africa's deadliest conflicts and encouraging critical reforms. Its statement added that resolution 2521 (2020) recognized positive steps taken by the leaders of South Sudan to advance the peace process. The delegation noted that challenges and risks remained on the country's path to peace, the situation on the ground was volatile and the lifting of sanctions measures at that sensitive turning point would have removed an important incentive for the formerly warring parties to refrain from leading the country back into widespread conflict. The delegation of the Niger explained that the vote in favour of the resolution had been guided, in part, by the provisions of paragraph 4 of the resolution providing for the possibility of reviews in a bid to lifting the sanction measures early, which was the ultimate goal of the Council. In that regard, the delegation reiterated its full support to the peace process in South Sudan and hoped to see the peace gains further consolidated for an early lifting of the sanctions in their entirety. Similarly, the representative of Saint Vincent and the Grenadines noted that her delegation had voted in favour of resolution 2521 (2020), as it set in motion the sanctions review process while sending a positive message to the South Sudanese leaders that the international community continued to support the country in its nation-building efforts. She also noted that her delegation remained steadfast in its principled position that sanctions regimes should be continually reviewed and amended, adding that her delegation looked forward to the sanctions review process later during the year, with the hope that the measures would be relaxed. The representative of Viet Nam acknowledged that the resolution recognized the achievements made by the South Sudanese parties and that it also set out a clear and specific road map for the review of the sanctions, particularly the arms embargo, which provided good ground for guiding the future work of the Council. In addition, he expressed his country's hope that the adoption of the resolution would contribute to long-term peace and stability in South Sudan.

The three Council members who abstained on the draft resolution did not share the view that the situation in South Sudan required the application of sanctions. The representative of China noted that, considering that the political process towards peace in South Sudan had recently made significant progress and that the

security situation in the country had also greatly improved, the Council should have sent positive messages, including setting a clear timetable for the lifting of the sanctions measures. Similarly, the delegation of the Russian Federation explained that the proposed text of the resolution did not reflect the reality on the ground, as the current situation in South Sudan saw a sustainable trend towards stabilization. The delegation stated that it was regional mediators, and not sanctions, that played the key role, adding that at some point the arms embargo had not let the countries of the region support the peace process with their own security initiatives. In addition, the delegation expressed that it was very disappointing that amid calls from South Sudan and Ethiopia for the lifting, or at least easing, of the arms embargo, the penholders had only offered to review it by the end of the year, and emphasized in that regard that a review of Council sanctions was not a concession, but an integral part of the restrictions imposed by the Council. Furthermore, the delegation of the Russian Federation argued that it was inappropriate to make a decision whether or not to review sanctions based on the dynamics of the human rights situation in South Sudan, and expressed worry at the attempts to portray the issues of economic management in the country as a risk to the peace, stability and security of South Sudan and as a basis for listing.

The delegation of South Africa noted that South Sudanese leaders had made a commitment to building their State and had requested the Council to remove any punitive measures that could be a hindrance towards their goal. The delegation further explained that South Africa had abstained on the renewal of the sanctions because it remained convinced that the situation in South Sudan did not necessitate the application of sanctions, in line with the assessment by the African Union and the Intergovernmental Authority on Development.

Case 8 The situation in Somalia

At its 8755th meeting, held on 12 November under the item entitled "The situation in Somalia",¹²⁰ the Council adopted resolution 2551 (2020), renewing the sanctions measures on Somalia. The vote on the resolution included two abstentions.¹²¹ Following the

¹¹⁹ See [S/2020/469](#).

¹²⁰ See [S/PV.8775](#).

¹²¹ The draft resolution received 13 votes in favour (Belgium, Dominican Republic, Estonia, France, Germany, Indonesia, Niger, Saint Vincent and the Grenadines, South Africa, Tunisia, United Kingdom, United States and Viet Nam) and 2 abstentions (China and Russian Federation).

adoption of the resolution, some Council members¹²² and the representative of Somalia expressed regret about the lack of consensus in the Council.

The representative of the United States noted that the authorities in resolution 2551 (2020) were an important part of the United Nations arms embargo, which every Council member had committed to upholding in the interest of securing peace and stability both in Somalia and in the broader region. The representative of the United Kingdom stated that the sanctions regime was a central part of the international efforts to help Somalia build its long-term security and stability and address the threat posed by terrorist organizations, such as Al-Shabaab.

The representative of the Russian Federation noted the amendments, included at the request of Somalia, aimed at streamlining the arms embargo. She expressed the hope that these would contribute to normalizing the situation and to reducing the terrorist threat, primarily from Al-Shabaab. The representative of China expressed regret that his country's proposal for the Council to explore benchmarks for assessing the appropriateness of lifting the arms embargo had not been taken on board in the resolution. He also noted that Somalia was at a critical stage in its national reconstruction, as preparations for the general elections were proceeding steadily and the progress observed in

the implementation of its transition plan continued, although the country's security situation remained challenging. He added that the mandate renewal had provided an opportunity that should have been used to update the relevant sanctions measures in the light of the developments on the ground to help Somalia build greater security capacity in the service of the reconstruction process. Instead, the current embargo had been a serious impediment to the enhanced security capacity of the Federal Government of Somalia, and resolution 2551 (2020) had failed to duly respond to the strong desire of that Government to have the arms embargo lifted.

The representative of Somalia stressed the importance of identifying clearly defined benchmarks for the full lifting of the sanctions on Somalia, and also welcomed the new addition to the fourth preambular paragraph, in which the Council planned to keep sanctions under constant review in order to assess their appropriateness, including modifications, the identification of possible benchmarks and the suspension or the lifting of measures. Furthermore, the representative welcomed paragraph 35 of resolution 2551 (2020), in which the Council called upon the Secretary-General to conduct a technical assessment of the weapons and ammunition management programme of Somalia in 2021, with a view to identifying benchmarks for the full lifting of the arms embargo.

¹²² Russian Federation and United Kingdom.

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

Article 42

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

Note

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

operations and multinational forces, as well as interventions by regional organizations.¹²³

During the period under review, the Council authorized the use of force under Chapter VII of the Charter with regard to the maintenance or restoration of international peace and security by several peacekeeping missions and multinational forces in Bosnia and Herzegovina, the Central African Republic, the Democratic Republic of the Congo, Lebanon, Libya, Mali, Somalia, the Sudan and South Sudan (including Abyei and Darfur).¹²⁴

¹²³ 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.

¹²⁴ For more information on the mandates of peacekeeping operations, see part X, sect. I.

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

A. Decisions relating to Article 42

During the reporting period, the Council made no explicit reference to Article 42 of the Charter in its decisions. Nonetheless, the Council adopted several resolutions under Chapter VII of the Charter by which it authorized peacekeeping missions and multinational forces, including those deployed by regional organizations, to use “all necessary measures” or “all necessary means”, or to take “all necessary action(s)” for the maintenance or restoration of international peace and security.

For information on the authorization of the use of force of missions in the past, including some of the missions covered below, see previous Supplements. For further information on the specific mandates of each field mission, see part X of the present Supplement.

In 2020, the Council reiterated its authorization to use force in relation to various situations and disputes. In Africa, in relation to the situation in the Central African Republic, the Council renewed the authorization to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to take “all necessary means” to carry out its mandate within its capabilities and areas of deployment,¹²⁵ and to the French forces to use “all the means” to provide operational support to the Mission when under serious threat.¹²⁶

Consistent with past practice in connection with the situation in the Democratic Republic of the Congo, the Council authorized the United Nations Stabilization Mission in the Democratic Republic of the Congo to take “all necessary measures” to carry out its mandate.¹²⁷

With regard to the flows of arms and related materiel transferred to or from Libya in violation of the arms embargo, the Council extended the authorizations first granted in paragraphs 4 and 8 of resolution 2292 (2016) to Member States, acting nationally or through regional organizations, to use “all measures

commensurate to the specific circumstances” when conducting inspections of vessels and seizing 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”.¹²⁸ Furthermore, in connection with the smuggling of migrants into, through and from the Libyan territory, the Council renewed the authorizations granted in paragraphs 7 to 10 of resolution 2240 (2015) to Member States, acting nationally or through regional organizations, engaged in the fight against migrant smuggling and human trafficking, to use “all measures commensurate to the specific circumstances” in confronting migrant smugglers or human traffickers when carrying out inspections of vessels on the high seas off the coast of Libya that they had reasonable grounds to suspect were being used for migrant smuggling or human trafficking and to seize such vessels that were confirmed to be used for such activities.¹²⁹ The Council also reaffirmed paragraph 11 of resolution 2240 (2015), in which it had clarified that the authorization to use force applied only when confronting migrant smugglers and human traffickers on the high seas off the Libyan coast and should not affect the rights and obligations of Member States under international law.¹³⁰

With regard to the situation in Mali, the Council, as it had in previous years, authorized the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) to use “all necessary means” to carry out its mandate,¹³¹ and French forces, within the limits of their capacities, also to use “all necessary means” until the end of the mandate of MINUSMA to intervene in support of the Mission when under imminent and serious threat at the request of the Secretary-General.¹³² Moreover, the Council requested MINUSMA to carry out its mandate with a “proactive, robust, flexible and agile posture”.¹³³

In connection with the situation in Somalia, the Council decided that the African Union Mission in Somalia would be authorized to take “all necessary measures”, in full compliance with participating States’ obligations under international humanitarian and human rights law, and respect for the sovereignty, territorial integrity, political independence and unity of

¹²⁵ Resolution 2552 (2020), para. 30.

¹²⁶ Ibid., para. 52.

¹²⁷ Resolution 2556 (2020), para. 27.

¹²⁸ Resolution 2526 (2020), para. 1.

¹²⁹ Resolution 2546 (2020), para. 2.

¹³⁰ Ibid.

¹³¹ Resolution 2531 (2020), para. 18.

¹³² Ibid., para. 41.

¹³³ Ibid., para. 21.

Somalia, to carry out its mandate.¹³⁴ In addition, the Council renewed, for a period of 12 months, the authorizations granted by paragraph 14 of resolution 2500 (2019) to States and regional organizations cooperating with Somali authorities to repress acts of piracy and armed robbery at sea off the coast of Somalia for which advance notification has been provided by Somali authorities to the Secretary-General.¹³⁵

In connection with the situation in Abyei, the Council underscored that the mandate of the United Nations Interim Security Force for Abyei to protect civilians, as set out in paragraph 3 of resolution 1990 (2011), included taking the “necessary actions” to protect civilians under imminent threat of physical violence, irrespective of its source, and in that regard underlined that peacekeepers were authorized to use “all necessary means”, including force, when required, in order to protect civilians under threat of physical violence.¹³⁶

In relation to the situation in Darfur, the Council decided to extend the mandate of the African Union-United Nations Hybrid Operation in Darfur, as contained in resolution 2495 (2019), until 31 December 2020.¹³⁷

With regard to the situation in South Sudan, the Council reiterated the authorizations to the United Nations Mission in South Sudan (UNMISS) to use “all necessary means” to perform its mandated tasks.¹³⁸ The Council also decided that the mandate of UNMISS would include the responsibility of providing a secure environment in and around Juba and in other parts of South Sudan as necessary, and authorized UNMISS to use all necessary means, including undertaking robust action where necessary and actively patrolling to facilitate the conditions for safe and free movement into, out of, and around Juba, including through protecting the means of ingress and egress from the city and major lines of communication and transport within Juba; protecting the airport to ensure it remained operational and protecting key facilities in Juba essential to the well-being of the people of Juba; and promptly and effectively engaging any actor that was credibly found to be preparing attacks, or engaging in attacks, against United Nations protection of civilians sites, other United Nations premises, United Nations personnel, international and national

humanitarian actors, or civilians.¹³⁹ The Council further stressed that this mandate included the authority to use “all necessary means” to accomplish the mandated tasks of UNMISS, particularly the protection of civilians, and that such actions included, within the Mission’s capacity and areas of deployment, defending protection of civilians sites, including by extending weapons-free zones to UNMISS protection of civilians sites where appropriate, addressing threats to the sites, searching individuals attempting to enter the sites, seizing weapons from those inside or attempting to enter the sites and removing from and denying entry to armed actors to the protection of civilians sites.¹⁴⁰

In Europe, in relation to the situation in Bosnia and Herzegovina, the Council renewed its authorization to Member States, under the European Union military operation in Bosnia and Herzegovina (EUFOR-Althea) and the North Atlantic Treaty Organization (NATO) presence, to take “all necessary measures” to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the General Framework Agreement for Peace in Bosnia and Herzegovina.¹⁴¹ The Council also authorized Member States to take “all necessary measures”, at the request of either EUFOR-Althea or NATO, in defence of the EUFOR-Althea or NATO presence, respectively; and recognized the right of both EUFOR-Althea and NATO to take “all necessary measures” to defend themselves from attack or threat of attack.¹⁴²

In the Middle East, in connection with the situation in Lebanon, the Council recalled its authorization to the United Nations Interim Force in Lebanon to take “all necessary action” in areas of deployment of its forces to ensure that its area of operations was not utilized for hostile activities; resist attempts by forceful means to prevent it from discharging its duties; protect United Nations personnel, facilities, installations and equipment; ensure the security and freedom of movement of United Nations personnel and humanitarian workers; and protect civilians under imminent threat of physical violence.¹⁴³

B. Discussions relating to Article 42

During the period under review, no explicit references to Article 42 of the Charter were made at the

¹³⁴ Resolution 2520 (2020), para. 10.

¹³⁵ Resolution 2554 (2020), para. 14.

¹³⁶ Resolution 2550 (2020), para. 12.

¹³⁷ Resolution 2525 (2020), para. 1. See also resolutions 2495 (2019), para. 3, and 2429 (2018), paras. 15 and 48.

¹³⁸ Resolution 2514 (2020), para. 8.

¹³⁹ Ibid., para. 10.

¹⁴⁰ Ibid., para. 14.

¹⁴¹ Resolution 2549 (2020), para. 5.

¹⁴² Ibid., para. 6.

¹⁴³ Resolution 2539 (2020), para. 21.

meetings or open videoconferences of the Council. The Council did, however, continue to discuss issues relating to the authorization of the use of force by peacekeeping missions in carrying out protection of civilians mandates. In that regard, at a high-level open videoconference held on 7 July under the item entitled “United Nations peacekeeping operations”, which focused on peace operations and human rights,¹⁴⁴ the representative of the Russian Federation underscored that no matter how peacekeeping reform proceeded in the future, what should stand at the core of that process was respect for the sovereignty of host countries, compliance with the Charter and adherence to the basic principles of peacekeeping: the consent of the parties, impartiality and the non-use of force except in self-defence and defence of the mandate. Similarly, the representative of Viet Nam, with regard to the role of host countries, stressed that peace operations must be carried out in accordance with the basic principles of political impartiality, consent of the parties and non-use of force except in self-defence and defence of the mandate. He added that the promotion and protection of human rights remained primary responsibilities of host countries and therefore peace operations should support the host countries in

undertaking those responsibilities with a constructive approach based on the aforementioned principles and an awareness of the economic, social and cultural context of local societies. The representative of Brazil argued that when it came to advancing human rights, the use of force must never be used except as a last resort. He further underlined that the overuse of force under the pretext of protecting human rights could compromise the credibility and legitimacy of peacekeeping missions and damage the fundamental principles of peacekeeping. He noted that peacekeeping operations should, above all, make full use of peaceful measures, such as strengthening cooperation within civil-military coordination cells and human rights components in order to establish links with the local population, gather information and understand and respond to the community’s main threats and concerns. The delegation of India underscored the need for United Nations personnel engaged in peace operations to be adequately trained and prepared to respond appropriately to human rights violations and abuses in accordance with their mandate and their competence, stressing that the use of force must be employed in accordance with necessity and proportionality and, above all, without endangering the cardinal principle of impartiality.

¹⁴⁴ See [S/2020/674](#).

V. Consideration of Articles 43 to 45 of the Charter

Article 43

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

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

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

Article 44

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

Article 45

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

Note

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

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

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

During the period under review, in its decisions, the Council called for the provision of troops and other military assistance, including air assets, to the African Union Mission in Somalia (AMISOM), the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). While the Council did not engage in any constitutional discussion concerning Articles 43 and 45 during the reporting

period, some speakers at the Council's meetings addressed the need to provide additional troops and military equipment to peacekeeping operations to ensure effective mandate implementation. Throughout 2020, the Council also adopted decisions in which it emphasized, and held meetings and videoconferences at which participants deliberated upon, the importance of consulting troop- and police-contributing countries on issues pertaining to the mandates of peacekeeping operations. Set out below is an overview of the practice of the Council during 2020 concerning the need for Member States to contribute, support and provide assistance to peacekeeping operations (subsection A) and the need for consultation with troop and police contributing countries (subsection B).

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

In 2020, the Council made no explicit reference to Article 43 or Article 45 in its decisions or discussions, but did call upon Member States to contribute, support and provide assistance to peacekeeping operations. In resolution [2520 \(2020\)](#), adopted on 29 May, the Council reiterated its call for new donors to provide support for AMISOM through the provision of additional funding for troop stipends, equipment and technical assistance.¹⁴⁵ In order to strengthen the Mission's operational capabilities, fill gaps in resource requirements and enhance its force protection to carry out its mandated tasks, the Council further encouraged Member States to support the African Union in mobilizing the required resources and equipment, including through financial contributions that did not include caveats, to the United Nations trust fund in support of AMISOM based on deliverable recommendations set out in the equipment review.¹⁴⁶

In resolution [2531 \(2020\)](#), adopted on 29 June, the Council expressed its full support to the continuation of the implementation of the MINUSMA adaptation plan and encouraged Member States to contribute to the plan by providing the capabilities needed for its success, particularly air assets, and further urged Member States to provide troops and police with adequate capabilities, as well as equipment, including enablers specific to the operating environment, to MINUSMA.¹⁴⁷ The Council also noted the potential adverse effects on mandate

¹⁴⁵ Resolution [2520 \(2020\)](#), para. 24 (a).

¹⁴⁶ *Ibid.*, para. 15.

¹⁴⁷ Resolution [2531 \(2020\)](#), paras. 23 and 44.

implementation of national caveats that had not been declared and accepted by the Secretary-General prior to deployment, calling on Member States to provide troops with the minimum of declared caveats to MINUSMA.¹⁴⁸ In a presidential statement dated 15 October, the Council again called upon Member States to consider additional contributions to MINUSMA to provide the key assets, capabilities and troops needed for better protection of civilians.¹⁴⁹

In resolution [2552 \(2020\)](#) of 12 November, the Council reiterated its concern at the continuing lack of key capabilities for MINUSMA and the need to fill gaps, in particular in the field of military helicopters, as well as the importance of current and future troop- and police-contributing countries providing troops and police with adequate capabilities, equipment and predeployment training in order to enhance the capacity of MINUSMA to operate effectively.¹⁵⁰

During the period under review, several discussions of the Council touched upon the importance of providing peacekeeping operations with adequate troops and equipment, including military air assets. For example, at the 8703rd meeting held on 15 January under the item entitled “The situation in Mali”,¹⁵¹ the Under-Secretary-General for Peace Operations reported that the increased focus by MINUSMA on central Mali had required it to divert key capabilities, such as air assets, its quick reaction force and intelligence, surveillance and reconnaissance assets, from Gao to Mopti, and that it was not feasible for MINUSMA to implement its additional strategic priority in central Mali without additional resources. Attempting to do so had resulted in dangerous gaps in areas in northern Mali where the Mission’s presence was critical and urgently needed. Noting that obtaining the required capabilities would be challenging, he nevertheless insisted that it was indispensable for MINUSMA to deliver on its mandate and that it was an integral part of efforts to further enhance the Mission’s performance. In that regard, he called upon all partners to support the implementation and help the Secretariat mobilize the required resources and capabilities to ensure that MINUSMA remained fit for purpose. The representative of the United States stressed the need to ensure that MINUSMA received high-performing troop and police contingents. She expressed concern over reports of training and capability shortfalls, undeclared caveats and commanders unwilling to take risks or comply with orders, and cautioned that such

challenges, especially in a Mission as complex and dangerous as MINUSMA, hindered the Mission, increased the risk of both peacekeeper and civilian casualties and supported a narrative of peacekeeping ineffectiveness. The representative of Saint Vincent and the Grenadines underscored that the Mission’s challenges in the north were understandable given the conditions on the ground, adding that the mobility challenge could be resolved through the deployment of air assets necessary to facilitate operations.

At an open videoconference held on 4 June in connection with United Nations peacekeeping operations,¹⁵² the Force Commander of MINUSMA emphasized that its operations should have the means, or capabilities, for their proper execution, such as aircraft and specialized units. Recalling that the recent force generation conference of 19 May had been a milestone, he stressed that to fully realize the adaptation concept, MINUSMA still required additional utility and armed helicopter units. He added that it was essential that the Mission received the resources required to allow infrastructural changes and additional air operations. The representative of Belgium expressed support for the force adaptation plan of MINUSMA on the basis of the general principles that had been shared with Member States. Having heard reports that some critical assets, including air assets and intelligence capacity, remained unavailable, he noted that those assets were key to the success of the adaptation plan. The representative of Germany stated that the force adaptation plan was indispensable for further improving the operational efficiency of MINUSMA, and recalled that the recent force generation conference had demonstrated that there was strong support for the plan and that more pledges for certain critical capabilities, in particular helicopters, were needed. The representative of the United States, also referring to the Mission’s force adaptation plan, emphasized that its success depended on getting the right troop-contributing countries for the job, and the recent force generation conference had been a positive step in that direction. She added that the United States continued to encourage Member States to pledge more highly specialized units, as well as the necessary enablers, such as helicopters, medical capabilities and intelligence, surveillance and reconnaissance assets.

At a high-level open videoconference held on 11 June, in connection with the situation in Mali,¹⁵³ the Secretary-General underscored that the MINUSMA adaptation plan remained a viable proposal for a more

¹⁴⁸ Ibid., para. 44.

¹⁴⁹ [S/PRST/2020/10](#), fifth paragraph.

¹⁵⁰ Resolution [2552 \(2020\)](#), para. 35.

¹⁵¹ See [S/PV.8703](#).

¹⁵² See [S/2020/514](#).

¹⁵³ See [S/2020/541](#).

agile, mobile and flexible operation, with tailored units and enhanced capabilities – most important among them additional air mobility. He was encouraged by the pledges made during the recent MINUSMA force generation conference by troop-contributing countries in May to deploy additional specialized capabilities to the Mission, stressing that in an increasingly challenging security environment, additional air assets were urgently needed to enable the Mission to continue ensuring the implementation of its mandate. In that regard, he reiterated his call upon Member States to support the plan when considering contributions and the Mission's budget, in keeping with their commitments under the Action for Peacekeeping framework. The Minister for Europe and Foreign Affairs of France stated that the adaptation plan, which he invited all Member States to support, should further improve the Mission's capabilities. The Minister for Defence of Estonia underscored that in order to increase the Mission's ability to provide security and protect the local population, its adaptation plan should focus on increasing the mobility and flexibility of the Mission. Adding that the Mission's early warning systems should also be strengthened in order to be better prepared for the protection of both civilians and the peacekeepers themselves, he highlighted the responsibility and willingness of the troop-contributing countries to ensure that their troops had adequate training, equipment and capabilities specific to the operating environment in Mali as the key to success. The representative of the United States stressed that the Council must continue to increase the Mission's efficiency and effectiveness by supporting the Force Commander's force adaptation plan and improving troop and police quality throughout the Mission. Commending the Force Commander's efforts to maximize troop capabilities through the development of the adaptation plan, he called upon Member States that had those capabilities to consider providing them to MINUSMA.

At an open videoconference held on 14 September in connection with United Nations peacekeeping operations,¹⁵⁴ the Under-Secretary-General for Peace Operations reported that across the four large multidimensional missions, major force transformation processes had been conducted to shift mission postures and presence in order to strengthen strategic flexibility and operational adaptation. That transformation process, accompanied by a concerted whole-of-mission approach that combined the comparative advantages of uniformed personnel with civilian components, had been fundamental to

improving mission performance with regard to the protection of civilians. He stressed that all that would not have been possible without the continued support of Member States, and urged troop- and police-contributing countries to continue to come forward with pledges. He further underlined the importance of having the right equipment in the right place at the right time, with the right know-how, and added that contingent-owned equipment was key in that regard. With regard to MINUSMA, he thanked the Member States that had made specialized capability pledges to the Mission and encouraged others to do the same. Commenting on mission performance, the representative of the Dominican Republic stressed the need to share intelligence and to reduce gaps in essential equipment, which would translate into greater security and staff performance. The representative of Estonia stated that his country expected the strengthening of the comprehensive performance assessment system and predeployment visits to continue. He added that in Mali, for example, there was a need for increasingly mobile, flexible and robust troop postures and stronger early warning systems, and those relied on ensuring that the troops deployed not only had adequate training and equipment, but also had the capabilities necessary to fulfil their mandate. The representative of France underscored that in order to perform well, peacekeeping operations should be capable of adapting to changes on the ground, which required the development of rapid deployment battalions, as had been done in the Democratic Republic of the Congo, in order to react as quickly as possible to increased tensions. That also involved improving equipment, filling capacity gaps, improving casualty evacuation procedures and adapting deployments on the ground, as seen in the Central African Republic and Mali in the context of the adaptation plan for MINUSMA. The representative of the United States stated that her country recognized that missions should have the necessary resources and capabilities to fully carry out their mandated tasks in complex, fragile environments, and while robust training and equipment were necessary, they were not sufficient alone to improve performance. They needed to be backed by a commitment to the mission and sustained by a culture of performance and accountability.

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

During the period under review, the Council adopted four decisions concerning the need to consult troop- and police-contributing countries on issues

¹⁵⁴ See [S/2020/911](#).

pertaining to peacekeeping. On 30 March, the Council adopted resolution [2518 \(2020\)](#) in connection with United Nations peacekeeping operations. In the resolution, the Council called upon all Member States hosting peacekeeping operations to promptly investigate and effectively prosecute those responsible for attacks on United Nations personnel, and to keep the relevant troop- and police-contributing countries informed of the progress of such investigations and prosecutions.¹⁵⁵

On 29 June and 18 December, respectively, the Council adopted resolutions [2530 \(2020\)](#) and [2555 \(2020\)](#) in connection with the situation in the Middle East. In those resolutions, the Council emphasized the importance of the Council and troop-contributing countries having access to reports and information related to the redeployment configuration of the United Nations Disengagement Observer Force (UNDOF), and reinforced that such information assisted the Council with evaluating, mandating and reviewing UNDOF and with effective consultation with troop-contributing countries.¹⁵⁶

In resolution [2531 \(2020\)](#), adopted on 29 June in connection with the situation in Mali, the Council requested the Secretary-General to ensure that troop-contributing countries received sufficient information relevant to up-to-date tactics, techniques and procedures in reducing troop casualties in an asymmetric environment before deploying to Mali.¹⁵⁷

In resolution [2539 \(2020\)](#), adopted on 28 August in connection with the situation in the Middle East, the Council requested the Secretary-General to elaborate a detailed plan, with timelines and specific modalities, in full and close consultation with the parties, including Lebanon, the troop-contributing countries and the members of the Council, to implement the recommendations in his report on the assessment of the continued relevance of the United Nations Interim Force in Lebanon (UNIFIL) resources and options for improving the efficiency and effectiveness between UNIFIL and the Office of the United Nations Special Coordinator for Lebanon.¹⁵⁸

During 2020, there were no explicit references made to Article 44 during the discussions of the Council. Nonetheless, consistent with recent practice, at the open videoconference on the working methods of

the Council held on 15 May in connection with the item entitled “Implementation of the note by the President of the Security Council (S/2017/507)”,¹⁵⁹ some participants¹⁶⁰ addressed the issue of cooperation and consultation of the Council with troop- and police-contributing countries.

In addition, the importance of consulting troop- and police-contributing countries on issues relating to the mandates of peacekeeping operations continued to be discussed in connection with the item entitled “United Nations peacekeeping operations”. At a high-level open videoconference held on 7 July, focused on peace operations and human rights,¹⁶¹ the delegation of Tunisia suggested that Council members could reflect on how to mobilize more financial resources and better trained and more skilled personnel for peace operations in order to ensure higher performance on the human rights component, and noted that cooperation with troop- and police-contributing countries was important in that regard. The delegation of Argentina considered it a priority to continue the discussions and periodic meetings of Council members with troop- and police-contributing countries, and encouraged the Council to continue working to achieve a constructive, transparent and inclusive dialogue among States and other stakeholders so as to continue to bring its best efforts to the societies and nations where the Organization was deployed. The representative of Nepal emphasized the centrality of human rights in United Nations peace operations and called upon troop- and police-contributing countries, host countries, the United Nations and other international partners to work in unison to ensure the protection and promotion of the human rights of civilians in peace operations. The delegation of Peru highlighted the need for troop-contributing countries to have up-to-date and accurate information on the expectations, challenges and specific requirements of a given operation. The delegation of Spain underscored the need to pool efforts in three crucial areas: first, the Council, which was responsible for developing and adopting the mandate; second, troop- and police-contributing countries, which were responsible for the appropriate training and selection of the forces to be deployed; and, third, the Secretariat, which developed concepts and established policies, which were periodically reviewed in the light of lessons learned.

¹⁵⁵ Resolution [2518 \(2020\)](#), para. 3.

¹⁵⁶ Resolutions [2530 \(2020\)](#), thirteenth preambular paragraph, and [2555 \(2020\)](#), thirteenth preambular paragraph.

¹⁵⁷ Resolution [2531 \(2020\)](#), para. 46.

¹⁵⁸ Resolution [2539 \(2020\)](#), para. 8. See also [S/2020/473](#).

¹⁵⁹ See [S/2020/418](#).

¹⁶⁰ Executive Director of Security Council Report, Viet Nam (on behalf of the 10 elected members of the Security Council), France, Argentina, Brazil, Cyprus, Egypt, Guatemala, Morocco, Nigeria, Philippines, Slovakia, Turkey and United Arab Emirates.

¹⁶¹ See [S/2020/674](#).

At a subsequent open videoconference held in connection with the item entitled “United Nations peacekeeping operations” on 14 September,¹⁶² the representative of China stated that it was imperative to strengthen partnerships in peacekeeping operations and, in that regard, emphasized the need for the Council, the Secretariat, financial contributors and troop- and police-contributing countries to strengthen their communication and carry out in-depth discussions through existing mechanisms, such as meetings with troop- and police-contributing countries and Council peacekeeping working groups, in order to create synergy for peacekeeping reforms. The representative of the Russian Federation underscored that any changes related to troop rotations should be implemented in close cooperation with troop-contributing countries. She also noted that her country considered it extremely important to take into account the views of the host States and troop-contributing countries when considering issues concerning the extension of mandates, and to consult them when preparing recommendations for assessment reports on the effectiveness of the work of peacekeeping missions. She further stressed the need to further improve the trilateral cooperation among the Council, troop- and police-contributing countries and the Secretariat in order to strengthen the spirit of partnership, cooperation and mutual trust.

In addition, during the period under review, Council members and other participants at Council meetings and videoconferences stressed the need for

¹⁶² See [S/2020/911](#).

the Council to listen to the views of troop- and police-contributing countries to UNISFA¹⁶³ and UNIFIL.¹⁶⁴ With regard to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), at the 8778th meeting, held on 7 December,¹⁶⁵ the representative of France noted that discussions were being held among contributing countries and the Secretariat, which was expected to facilitate the prompt enactment of the decisions taken by the Council. The representative of Indonesia emphasized that the multispectral challenges that the Democratic Republic of the Congo was facing required close cooperation from all stakeholders. She added that her country continued to call for more robust consultation with neighbours and regional organizations, as well as with the troop- and police-contributing countries to MONUSCO. The representative of the Russian Federation said that any decisions regarding the configuration of MONUSCO, including the Intervention Brigade, should take into account the situation on the ground and thoroughly consider the priorities of Kinshasa and the troop-contributing countries. In a similar vein, the representative of China underscored that any plan for the reform of MONUSCO and its Intervention Brigade should be adequately communicated to the troop- and police-contributing countries and be carried out at a steady pace.

¹⁶³ See [S/2020/351](#) (China and Viet Nam).

¹⁶⁴ See [S/2020/857](#) (China and Indonesia) for the explanations of vote on the draft resolution contained in [S/2020/844](#).

¹⁶⁵ See [S/PV.8778](#).

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

Article 46

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

Article 47

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

2. *The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the*

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

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

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

Note

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

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

As is customary, the annual report of the Council to the General Assembly issued during the reporting period made reference to the activities of the Military Staff Committee.¹⁶⁶

¹⁶⁶ See [A/75/2](#), part IV.

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

Article 48

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

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

Note

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

While Article 48 relates to requests to Member States to carry out action decided upon by the Council, during 2020, as in previous periods, the Council also addressed some of its pleas to “actors” or “parties”, reflecting the intra-State and increasingly complex nature of many contemporary conflicts dealt with by the Council. In its requests to carry out actions, the Council also addressed “regional and subregional organizations”, signalling the importance of such entities in tackling disputes and situations before the Council. Additional information on the engagement of regional arrangements in the maintenance of

international peace and security is provided in part VIII of the present Supplement.

During the period under review, the Council did not explicitly invoke Article 48 in any of its decisions. The Council, however, adopted resolutions and issued presidential statements in which it underlined the obligation of Member States and other entities concerned to comply with the measures imposed under Chapter VII of the Charter pursuant to Article 48. The section is divided into two subsections. Subsection A covers decisions of the Council requiring Member States to carry out action in relation to measures under Article 41. Subsection B covers decisions of the Council requiring Member States to carry out action in relation to measures under Article 42. During 2020, no references to Article 48 were found in communications to the Council, nor was there any discussion held in relation to the interpretation or application of that Article.

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

In 2020, the Council adopted a number of decisions regarding measures adopted in accordance with Article 41. With regard to judicial measures adopted under that article, the Council continued to urge all States, especially States in which fugitives were suspected of being at large, to render all necessary assistance to the International Residual Mechanism for Criminal Tribunals, in particular to achieve the arrest and surrender of all remaining fugitives indicted by the International Criminal Tribunal for Rwanda as soon as possible.¹⁶⁷ Noting

¹⁶⁷ Resolution [2529 \(2020\)](#), para. 3.

with concern that the Mechanism faced problems in the relocation of acquitted persons and convicted persons who had completed serving their sentence, the Council emphasized the importance of finding expeditious and durable solutions to those problems, including as part of a reconciliation process, and in that regard reiterated its call upon all States to cooperate with and render all necessary assistance to the Mechanism.¹⁶⁸ The Council also called upon all the authorities in Bosnia and Herzegovina to fully cooperate with the Mechanism.¹⁶⁹

With regard to decisions adopted under Article 41 concerning sanctions, the Council frequently requested or stressed the importance of specific measures being implemented by all Member States or all States, as well as regional organizations. The Council requested the countries specifically targeted by the measures to carry out the actions required.

In relation to the situation in the Central African Republic, the Council urged all parties and all Member States, as well as regional and subregional organizations, to ensure cooperation with the Panel of Experts on the Central African Republic and the safety of its members.¹⁷⁰ It urged all Member States and all relevant United Nations bodies to ensure unhindered access, in particular to persons, documents and sites, in order for the Panel of Experts to execute its mandate, and recalled the value of information-sharing between the Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) and the Panel of Experts.¹⁷¹ The Council also requested the Central African Republic authorities to report, by 30 June 2020 and 15 June 2021, respectively, to the Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic on the progress achieved regarding security sector reform, the disarmament, demobilization, reintegration and repatriation process and the management of weapons and ammunition.¹⁷² The Council recalled that all Member States were to continue to take the necessary measures to prevent the direct or indirect supply, sale or transfer to the Central African Republic of arms and related materiel of all types.¹⁷³

Concerning the situation in the Democratic People's Republic of Korea, the Council urged all States, relevant United Nations bodies and other

interested parties to cooperate fully with the Committee established pursuant to resolution 1718 (2006) and the Panel of Experts established pursuant to resolution 1874 (2009), in particular by supplying any information at their disposal on the implementation of the measures imposed by the relevant resolutions.¹⁷⁴

With regard to the situation concerning the Democratic Republic of the Congo, the Council called for enhanced cooperation between all States, particularly those in the region, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the Group of Experts on the Democratic Republic of the Congo established pursuant to resolution 1533 (2004), encouraged all parties and all States to ensure cooperation with the Group of Experts by individuals and entities within their jurisdiction or under their control, and reiterated its demand that all parties and all States ensure the safety of its members and its support staff and ensure unhindered and immediate access, in particular to persons, documents and sites that the Group of Experts deemed relevant to the execution of its mandate.¹⁷⁵

In connection with the situation in Lebanon, the Council recalled paragraph 15 of resolution 1701 (2006), according to which all States were to take the necessary measures to prevent, by their nationals or from their territories or using flag vessels or aircraft, the sale or supply of arms and related materiel to any entity or individual in Lebanon other than those authorized by the Government of Lebanon or the United Nations Interim Force in Lebanon (UNIFIL).¹⁷⁶

In relation to the situation in Libya, with regard to the arms embargo, the Council called upon all Member States to ensure full compliance with the arms embargo.¹⁷⁷ It also called upon the Government of National Accord to improve the implementation of the arms embargo, as soon as it exercised oversight.¹⁷⁸ Concerning other sanctions measures, the Council called upon Member States, particularly those in which designated individuals and entities were based, as well as those in which their assets frozen under the measures were suspected to be present, to report to the Committee established pursuant to resolution 1970 (2011) concerning Libya on the actions taken to implement effectively the travel ban and asset freeze

¹⁶⁸ Ibid., para. 4.

¹⁶⁹ Resolution 2549 (2020), para. 1.

¹⁷⁰ Resolutions 2507 (2020), para. 9, and 2536 (2020), para. 9.

¹⁷¹ Resolutions 2507 (2020), para. 10, and 2536 (2020), para. 10.

¹⁷² Resolutions 2507 (2020), para. 12, and 2536 (2020), para. 12.

¹⁷³ Resolutions 2507 (2020), para. 1, and 2536 (2020), para. 1.

¹⁷⁴ Resolution 2515 (2020), para. 5.

¹⁷⁵ Resolution 2556 (2020), para. 39.

¹⁷⁶ Resolution 2539 (2020), para. 20.

¹⁷⁷ Resolutions 2509 (2020), para. 6, 2510 (2020), para. 10, and 2542 (2020), penultimate preambular paragraph and para. 7.

¹⁷⁸ Resolution 2509 (2020), para. 7.

measures in relation to all individuals on the sanctions list.¹⁷⁹ The Council further urged all States, relevant United Nations bodies, including the United Nations Support Mission in Libya (UNSMIL), and other interested parties, to cooperate fully with the Committee and the Panel of Experts on Libya, in particular by supplying any information at their disposal on the implementation of the measures decided in the relevant resolutions, in particular incidents of non-compliance. The Council called upon UNSMIL and the Government of National Accord to support the Panel's investigatory work inside Libya, including by sharing information, facilitating transit and granting access to weapons storage facilities.¹⁸⁰ The Council also called upon all parties and all States to ensure the safety of the members of the Panel of Experts, and further called upon all parties and all States, including Libya and countries of the region, to provide unhindered and immediate access, in particular to persons, documents and sites that the Panel deemed relevant to the execution of its mandate.¹⁸¹

Concerning the situation in Somalia, the Council called upon the Federal Government of Somalia to continue working with Somali financial authorities, private sector financial institutions and the international community to identify, assess and mitigate money-laundering and terrorist financing risks, improve compliance and strengthen supervision and enforcement, and requested the Federal Government of Somalia, the United Nations Office on Drugs and Crime and the Panel of Experts on Somalia to continue exchanging information about Al-Shabaab's finances and to continue working with stakeholders to develop a plan to disrupt Al-Shabaab's finances.¹⁸² The Council also requested the Federal Government of Somalia to strengthen cooperation and coordination with other Member States and international partners to prevent and counter the financing of terrorism, and to submit an update on specific actions taken in that regard.¹⁸³ The Council reaffirmed that all States were to implement a general and complete embargo on all deliveries of weapons and military equipment to Somalia, including by prohibiting the financing of all acquisitions and deliveries of weapons and military equipment and the direct or indirect supply of technical advice, financial and other assistance, and training related to military activities, until the Council decided otherwise.¹⁸⁴ Noting the increase in improvised

explosive devices attacks undertaken by Al-Shabaab, the Council further decided that all States were to prevent the direct or indirect sale, supply or transfer of the items specified in annex C to the resolution to Somalia from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, if there was sufficient evidence to demonstrate that the item(s) would be used, or a significant risk they could be used, in the manufacture in Somalia of improvised explosive devices.¹⁸⁵ The Council reiterated its request for Member States to assist the Panel of Experts in its investigations, and for the Federal Government of Somalia, federal member states and partners to share information with the Panel of Experts regarding Al-Shabaab activities, especially where covered by listing criteria.¹⁸⁶ In connection with anti-piracy measures, the Council called upon the Somali authorities to make all efforts to bring to justice those using Somali territory to plan, facilitate or undertake criminal acts of piracy and armed robbery at sea, and upon all States to take appropriate actions under their existing domestic law, or develop legislative processes, to prevent the illicit financing of acts of piracy and the laundering of its proceeds.¹⁸⁷ The Council also called upon all States to cooperate fully with the Panel of Experts, including on information-sharing regarding possible violations of the arms embargo or the total ban on the export of charcoal from Somalia.¹⁸⁸ The Council renewed its call upon States and regional organizations that were able to do so to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular by deploying naval vessels, arms and military aircraft and by providing basing and logistical support for counter-piracy forces.¹⁸⁹

With regard to the situation in South Sudan, the Council urged all parties and Member States, emphasizing, on one occasion, Member States neighbouring South Sudan, and international, regional and subregional organizations, to ensure cooperation with the Panel of Experts on South Sudan, and further urged all Member States involved to ensure the safety of the members of the Panel of Experts and unhindered access, in particular to persons, documents and sites, in order for the Panel to execute its mandate.¹⁹⁰ Concerning the arms embargo, the Council, underscoring that arms shipments in violation of the

¹⁷⁹ Ibid., para. 8.

¹⁸⁰ Ibid., para. 13.

¹⁸¹ Ibid., para. 14.

¹⁸² Resolution 2551 (2020), para. 1.

¹⁸³ Ibid., para. 2.

¹⁸⁴ Ibid., para. 6.

¹⁸⁵ Ibid., para. 26.

¹⁸⁶ Ibid., para. 20.

¹⁸⁷ Resolution 2554 (2020), paras. 7 and 17.

¹⁸⁸ Ibid., para. 10.

¹⁸⁹ Ibid., para. 12.

¹⁹⁰ Resolutions 2514 (2020), para. 24, and 2521 (2020), para. 20.

measures contained in the resolution risked fuelling conflict and contributing to further instability, strongly urged all Member States to take urgent action to identify and prevent such shipments within their territory.¹⁹¹ The Council further called upon all Member States, in particular States neighbouring South Sudan, to inspect, in accordance with their national authorities and legislation and consistent with international law, all cargo to South Sudan in their territory, including seaports and airports, if the State concerned had information providing reasonable grounds to believe the cargo contained items of which the supply, sale or transfer was prohibited, and decided that all Member States were to seize and dispose of such items upon discovery.¹⁹²

In relation to the situation in Yemen, recalling the provisions of paragraph 14 of resolution 2216 (2015), the Council called upon all Member States and other actors to comply with the targeted arms embargo imposed therein.¹⁹³ The Council further urged all parties, all Member States and international, regional and subregional organizations to ensure cooperation with the Panel of Experts on Yemen, and urged all Member States involved to ensure the safety of the members of the Panel and unhindered access, in particular to persons, documents and sites.¹⁹⁴

With regard to measures adopted under Article 41 for the purpose of preventing and suppressing the financing of terrorism, the Council noted with grave concern that terrorists and terrorist groups, including in Africa, raised, moved and transferred funds through a variety of means, and recalled the relevant obligations on all Member States in that regard, including those in resolutions 1373 (2001) and 2178 (2014).¹⁹⁵ The Council also continued to encourage all Member States to more actively submit to the Committee listing requests of individuals, groups, undertakings and entities that met the listing criteria contained in paragraph 2 of resolution 2368 (2017) and to submit additional identifying and other information set out in paragraph 85 of that same resolution.¹⁹⁶

¹⁹¹ Resolution 2521 (2020), para. 7.

¹⁹² Ibid., paras. 8 and 9.

¹⁹³ Resolution 2511 (2020), twelfth preambular paragraph.

¹⁹⁴ Ibid., para. 10.

¹⁹⁵ S/PRST/2020/5, fifteenth paragraph. For more information, see sect. III.A.

¹⁹⁶ Resolution 2560 (2020), para. 1.

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

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

With regard to the situation in Abyei, the Council called upon all Member States, in particular the Sudan and South Sudan, to provide for the free, unhindered and expeditious movement, to and from Abyei and throughout the Safe Demilitarized Border Zone, of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles, aircraft and spare parts, which were for the exclusive and official use of the United Nations Interim Security Force for Abyei (UNISFA).¹⁹⁷ Expressing disappointment that the Governments of the Sudan and South Sudan continued to obstruct the full implementation of the mission's mandate, the Council demanded that the two countries provide full support to UNISFA in the deployment of its personnel, including by promptly issuing visas without prejudice to their nationalities.¹⁹⁸ The Council also urged the Governments to facilitate basing arrangements for UNISFA in the mission area, including Athony airport, and to provide necessary flight clearances, and called upon all parties to fully adhere to their obligations under the status-of-forces agreements.¹⁹⁹

Concerning the situation in the Central African Republic, the Council urged all parties in the country to cooperate fully with the deployment and activities of MINUSCA, in particular by ensuring safety, security and freedom of movement with unhindered and immediate access throughout the territory of the Central African Republic to enable MINUSCA to carry out fully its mandate.²⁰⁰ The Council also called upon Member States, especially those in the region, to ensure the free, unhindered and expeditious movement to and from the Central African Republic of all personnel, as well as equipment, provisions, supplies and other goods that were for the exclusive and official use of MINUSCA.²⁰¹

In connection with the situation concerning the Democratic Republic of the Congo, the Council

¹⁹⁷ Resolution 2550 (2020), para. 21.

¹⁹⁸ Ibid., para. 7.

¹⁹⁹ Ibid., para. 8.

²⁰⁰ Resolution 2552 (2020), para. 47.

²⁰¹ Ibid., para. 48.

reiterated its call upon all parties to cooperate fully with MONUSCO and to remain committed to the full and objective implementation of the Mission's mandate, and encouraged all parties to work together to enhance the safety and security of MONUSCO personnel.²⁰²

With regard to the situation in Lebanon, the Council called upon all parties to respect the cessation of hostilities, prevent the violation of the Blue Line and respect it in its entirety and to cooperate fully with the United Nations and UNIFIL.²⁰³ The Council further urged all parties to abide scrupulously by their obligation to respect the safety of UNIFIL and other United Nations personnel, and to ensure that the freedom of movement of UNIFIL and its access to the Blue Line in all its parts was fully respected and unimpeded, in conformity with its mandate and its rules of engagement.²⁰⁴ The Council also called upon the Government of Lebanon to facilitate prompt and full access requested by UNIFIL, including all relevant locations north of the Blue Line related to the discovery of tunnels crossing the Blue Line which UNIFIL reported as a violation of resolution 1701 (2006).²⁰⁵ The Council further called upon all States to fully support and respect the establishment between the Blue Line and the Litani River of an area free of any armed personnel, assets and weapons other than those of the Government of Lebanon and UNIFIL.²⁰⁶ The Council also urged the Government of Israel to expedite the withdrawal of its army from northern Ghajar without further delay, in coordination with UNIFIL.²⁰⁷

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

logistical supply of MINUSMA.²⁰⁸ The Council also urged all parties in Mali to cooperate fully with the Special Representative of the Secretary-General and MINUSMA in the implementation of the Agreement on Peace and Reconciliation in Mali, as well as to ensure the safety, security and freedom of movement of MINUSMA personnel with unhindered and immediate access throughout the territory of Mali.²⁰⁹

The Council renewed its call upon States and regional organizations that were able to do so to take part in the fight against piracy and armed robbery at sea off the coast of Somalia by deploying naval vessels, arms and military aircraft, by providing basing and logistical support for counter-piracy forces and by seizing and disposing of boats, vessels, arms and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there were reasonable grounds for suspecting such use.²¹⁰

In connection with the situation in South Sudan, the Council demanded that all relevant actors, particularly the Government of South Sudan, the South Sudan People's Defence Forces, the South Sudan National Police Service, the National Security Service, the Sudan People's Liberation Army in Opposition and the National Salvation Front, end all obstructions towards the United Nations Mission in South Sudan (UNMISS).²¹¹ The Council also demanded that the Government of South Sudan comply with the obligations set out in the status-of-forces agreement between the Government of South Sudan and the United Nations, and immediately cease obstructing UNMISS in the performance of its mandate.²¹² The Council called upon the Government of South Sudan to take action, to deter and to hold those responsible to account for any hostile or other actions that impeded UNMISS and to guarantee UNMISS unimpeded access to United Nations premises in accordance with the status-of-forces agreement.²¹³

²⁰² Resolution 2556 (2020), seventeenth preambular paragraph.

²⁰³ Resolution 2539 (2020), para. 11.

²⁰⁴ Ibid., paras. 14 and 15.

²⁰⁵ Ibid., para. 15.

²⁰⁶ Ibid., para. 19.

²⁰⁷ Ibid., para. 18.

²⁰⁸ Resolution 2531 (2020), para. 50.

²⁰⁹ Ibid., para. 7.

²¹⁰ Resolution 2554 (2020), para. 12.

²¹¹ Resolution 2514 (2020), eighteenth preambular paragraph.

²¹² Ibid., para. 2.

²¹³ Ibid., paras. 2 and 12.

VIII. Mutual assistance pursuant to Article 49 of the Charter

Article 49

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

Note

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

During the period under review, the Council did not explicitly invoke Article 49 in any of its decisions. However, in its decisions in 2020, the Council called upon Member States to cooperate with each other or assist specific States in the implementation of measures imposed under Chapter VII of the Charter. The present section is divided into two subsections. Subsection A covers decisions in which the Council urged cooperation among Member States with regard to measures under Article 41. Subsection B covers decisions in which the Council requested mutual assistance in relation to measures under Article 42.

In 2020, as in previous periods, there was no constitutional discussion in the Council relating to the interpretation or application of Article 49 of the Charter. No reference to Article 49 was found in the communications received by the Council.

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

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

For example, with regard to the situation concerning the Democratic Republic of the Congo, the

Council called for enhanced cooperation between all States, particularly those in the region, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the Group of Experts on the Democratic Republic of the Congo established pursuant to resolution [1533 \(2004\)](#).²¹⁴

In connection with the situation in Libya, the Council called upon the Government of National Accord to improve the implementation of the arms embargo, and upon all Member States to cooperate in such efforts.²¹⁵ The Council further called upon the Government of National Accord to enhance cooperation and information-sharing with other States with regard to measures taken to prevent entry into or transit through their territories of all persons as designated by the Committee established pursuant to resolution [1970 \(2011\)](#) concerning Libya.²¹⁶

With regard to the situation in Somalia, the Council requested the Federal Government of Somalia to strengthen cooperation and coordination with other Member States, particularly other Member States in the region, and with international partners to prevent and counter the financing of terrorism, which included compliance with resolution [1373 \(2001\)](#), resolution [2178 \(2014\)](#), resolution [2462 \(2019\)](#) and relevant domestic and international law.²¹⁷

Concerning the situation in South Sudan, the Council decided that all Member States were to cooperate in efforts to seize and dispose of items for which the supply, sale or transfer was prohibited by paragraph 4 of resolution [2428 \(2018\)](#).²¹⁸

Regarding judicial measures adopted in accordance with Article 41, the Council urged all States, especially States in which fugitives were suspected of being at large, to intensify their cooperation with and render all necessary assistance to the International Residual Mechanism for Criminal Tribunals, in particular to achieve the arrest and surrender of all remaining fugitives indicted by the International Criminal Tribunal for Rwanda as soon as possible.²¹⁹

²¹⁴ Resolution [2556 \(2020\)](#), para. 39.

²¹⁵ Resolution [2509 \(2020\)](#), para. 7.

²¹⁶ Ibid., para. 9.

²¹⁷ Resolution [2551 \(2020\)](#), para. 2.

²¹⁸ Resolution [2521 \(2020\)](#), para. 9.

²¹⁹ Resolution [2529 \(2020\)](#), para. 3.

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

During the period under review, the Council also adopted several resolutions in which it requested cooperation among Member States in carrying out measures under Article 42 of the Charter, under which the use of force is authorized. The types of assistance requested included sharing information and capacity-building to deter various criminal acts, and coordination among Member States to deter such acts.

For example, concerning the situation in Lebanon, the Council continued to call upon Member States to assist the Lebanese Armed Forces as needed to enable them to perform their duties in line with resolution 1701 (2006).²²⁰

With regard to the situation in Libya and the question of migration, the Council reiterated its calls made in previous resolutions upon “all flag States involved” to cooperate in efforts aimed at inspecting vessels suspected of being used for migrant smuggling or human trafficking from Libya.²²¹ The Council also reiterated previous resolutions which called upon

Member States acting nationally or through regional organizations, including the European Union, to cooperate with the Government of National Accord and with each other, including by sharing information to assist Libya in building capacity to secure its borders and to prevent, investigate and prosecute acts of smuggling of migrants and human trafficking through its territory and in its territorial sea.²²²

Concerning the situation in Somalia and efforts aimed at countering and suppressing acts of piracy and armed robbery off the coast of Somalia, the Council encouraged Member States to continue to cooperate with Somali authorities in the fight against piracy and armed robbery at sea, without impeding the exercise of high seas freedoms or other navigational rights and freedoms by ships of any State, and called upon Member States to assist Somalia in strengthening maritime capacity in Somalia.²²³ The Council further recognized the need for Member States, international and regional organizations and other appropriate partners to exchange evidence and information for anti-piracy law enforcement purposes with a view to ensuring the effective arrest, prosecution of suspected, and imprisonment of convicted pirates and key figures of criminal networks involved in piracy.²²⁴

²²⁰ Resolution 2539 (2020), penultimate preambular paragraph.

²²¹ Resolution 2546 (2020), para. 2. See also resolution 2240 (2015), para. 9.

²²² Resolution 2546 (2020), para. 2. See also resolutions 2240 (2015), paras. 2–3, 2312 (2016), paras. 2–3, and 2380 (2017), paras. 2–3.

²²³ Resolution 2554 (2020), paras. 3 and 7.

²²⁴ Ibid., para. 10.

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

Article 50

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

Note

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

During the period under review, the Council continued its practice of imposing targeted instead of comprehensive economic sanctions, thereby minimizing the unintended adverse impact on third States.²²⁵ None of the Council-mandated sanctions committees received formal requests for assistance under Article 50 of the Charter.

The Council did not explicitly invoke Article 50 of the Charter in any of its decisions during the reporting period. Article 50 of the Charter was also not explicitly mentioned at any meeting of the Council, nor was there any substantive discussion on the application or interpretation of the Article during the Council's deliberations.

²²⁵ For more information on sanctions measures, see sect. III.

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

Article 51

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

Note

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

A. Discussions relating to Article 51

In 2020, Article 51 of the Charter was explicitly invoked 10 times during the deliberations of the Council.²²⁶ Six of those references were made in the context of the high-level open debate held on 9 January under the item entitled “Maintenance of international peace and security” (see case 9).²²⁷ Moreover, the right of self-defence was discussed at several meetings of the Council in relation to a number of thematic and country- and region-specific items on its agenda.

²²⁶ See [S/PV.8699](#) (United States, Syrian Arab Republic, Liechtenstein, Islamic Republic of Iran and Mexico); [S/PV.8699 \(Resumption 2\)](#) (Austria); [S/PV.8706 \(Resumption 1\)](#) (Liechtenstein); [S/PV.8713](#) (Russian Federation); [S/PV.8738](#) (Syrian Arab Republic); and [S/2020/418](#) (Mexico).

²²⁷ See [S/PV.8699](#). The meeting was resumed on 10 January ([S/PV.8699 \(Resumption 1\)](#)) and 13 January ([S/PV.8699 \(Resumption 2\)](#)).

Discussion on thematic items

At the 8713th meeting of the Council held on 5 February under the item entitled “Small arms”,²²⁸ the representative of the Russian Federation cautioned that the report of the Secretary-General on small arms and light weapons contained several controversial points, in particular the idea of expanding the remit of the United Nations Register of Conventional Arms to include an eighth category of small arms and light weapons. When taking decisions on an eighth category, the representative recalled what he deemed the negative precedent of the use of the Register for unintended purposes, namely, to define the scope of arms embargoes. He said that in practice, that would significantly curtail the ability of States under sanctions not only to exercise the right of self-defence enshrined in Article 51 of the Charter, but also to simply conduct law enforcement activities. At the same meeting, the representative of Viet Nam expressed support for international efforts to prevent and combat the illicit trade in small arms and light weapons, but emphasized that such efforts should be made on the basis of international law and the Charter, including full respect for the sovereignty and territorial integrity of States and non-interference in their internal affairs, and should not negatively affect the legitimate right of self-defence of Member States.

At an open videoconference on 15 May, Council members discussed the working methods of the Council in connection with the item entitled “Implementation of the note by the President of the Security Council ([S/2017/507](#))”.²²⁹ The delegation of Mexico reiterated the need for greater transparency when it came to reports addressed to the Council invoking self-defence under Article 51 of the Charter. The delegation further emphasized that notifying the Council of such actions was an obligation, and it was in the interest of the entire membership to be informed, especially with regard to the use of force. The delegation recalled that Mexico had formally submitted a proposal for the consideration of this matter to the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, but that did not replace the need for greater transparency and effectiveness on the part of the Council. The delegation argued that the issue was becoming even more relevant in the light of the recent increase in invocations of Article 51 relating to actions

²²⁸ See [S/PV.8713](#). See also [S/2019/1011](#).

²²⁹ See [S/2020/418](#).

against non-State actors, in particular terrorists in a third State, and called upon the Council to ensure that the lawful order established by the Charter was upheld at all times.

Discussion on country- and region-specific items

Council members also addressed issues relevant to the interpretation and application of Article 51 and/or the right to self-defence in relation to country- and region-specific items. At its 8706th meeting on 22 January under the item entitled “The situation in the Middle East, including the Palestinian question”,²³⁰ the representative of Liechtenstein took note of an alarming trend of asserting the right to self-defence in accordance with Article 51 of the Charter as the legal basis for preventive military action without appropriate justification. He added that such justification would include at the very least evidence of the imminence of an armed attack, as well as of the necessity and the proportionality of measures taken in response, and warned that excessively expansive and unchecked interpretations of Article 51 undermined the international rules-based order and were an obstacle to the United Nations mandate to maintain international peace and security.

At the 8738th meeting on 28 February,²³¹ the representative of the United States expressed her country’s commitment to its North Atlantic Treaty Organization ally Turkey and its full support for Turkey in responding in self-defence to the unjustified attacks on Turkish observation posts that resulted in the deaths of Turkish forces, adding that “Russia and the Al-Assad regime” had violated the Astana ceasefire agreements on three separate occasions. The representative of the Syrian Arab Republic categorically rejected the claims of the “Turkish regime” that its aggression against his country was a form of self-defence, recalling that members of the Council were aware that the Special Committee on the Charter of the United Nations had ended its work and that the Mexican delegation had proposed a good idea, namely, not misusing or misinterpreting Article 51 of the Charter. The representative of Turkey reported that a Turkish military convoy had been targeted the day before by a series of air strikes for a duration of five hours. He explained that the radar tracks showed that the “[Syrian] regime and Russian aircraft” had been in formation flight during the time of the air strikes, adding that the logical conclusion was that the Turkish forces had been deliberately attacked. He further reported that the air strikes had continued despite the

warnings issued right after the very first attack and explained that, in self-defence, Turkish forces had responded in kind.

Case 9 Maintenance of international peace and security

At the 8699th meeting convened on 9 January, at the initiative of Viet Nam, which held the presidency for the month,²³² the Council held an open debate under the item entitled “Maintenance of international peace and security” and the sub-item entitled “Upholding the United Nations Charter”, marking the seventy-fifth anniversary of the Charter of the United Nations.²³³ During the meeting, several speakers explicitly referred to Article 51 of the Charter. The representative of the United States recalled the defensive military action undertaken by the United States against “Iranian threats” in direct response to an escalating series of armed attacks in recent months by the Islamic Republic of Iran and Iranian-supported militias on United States forces and interests in the region. She underscored that those attacks had been detailed in the letter submitted to the Council the day before, pursuant to Article 51 of the Charter, and that the decision had not been taken lightly.²³⁴ The representative of the Islamic Republic of Iran read a statement by his country’s Minister for Foreign Affairs, who underscored that his country’s action on 8 January against an air base in Iraq had been a measured and proportionate response to a “terrorist attack” in the exercise of his country’s inherent right to self-defence in accordance with Article 51 of the Charter. The representative of the United Kingdom, referring to the situation in the Middle East, recalled that her country’s Foreign Secretary, following his recent visit to Washington, D.C., had said that he recognized the danger and threat that the Islamic Republic of Iran posed to the Middle East, as well as the right to self-defence. At the same time, the United Kingdom wanted to see tensions de-escalated and find a diplomatic way through.

Several participants criticized the increasing volume of invocations of Article 51 by Member States to justify the use of force. In that regard, the representative of the Syrian Arab Republic expressed his country’s firm belief that the meeting should come

²³² The Council had before it a concept note annexed to a letter dated 31 December 2019 (S/2020/1).

²³³ See S/PV.8699. The meeting was resumed on 10 January (S/PV.8699 (Resumption 1)) and 13 January (S/PV.8699 (Resumption 2)).

²³⁴ See S/2020/20. For more information on communications submitted by Member States pursuant to Article 51, see table 13 of the present section.

²³⁰ See S/PV.8706 (Resumption 1).

²³¹ See S/PV.8738.

up with recommendations based on transparency, self-criticism and the definition of mistakes, so that specific threats could be dealt with seriously, at the forefront of which was, *inter alia*, the misuse of the Charter, particularly its Article 51. The representative of Liechtenstein recalled that the use of force was illegal, except when authorized by the Council or carried out in self-defence. In that regard, when invoking Article 51 preventively, States owed the international community a thorough justification, including evidence of the imminence of an external threat and the proportionality of measures to be taken in response. She added that excessively expansive and unchecked interpretations of Article 51 were a threat to the international rules-based order and an obstacle to the promotion of international peace and security. The representative of Mexico reiterated his country's concern about the continued invocation of Article 51 of the Charter by some States to address threats to international peace and security by military means, especially against non-State actors. He added that it was very worrisome that that practice ran the risk of the *de facto* broadening of the exceptions to the general prohibition on the use of force in an irregular manner and, given the importance and seriousness of the issues addressed in the notes that were sent to the Council under Article 51 and the lack of transparency with which they were processed, he stressed that it was necessary for the Council to review and modify its working methods in order to ensure full compliance with the Charter, especially when the inherent right of self-defence was invoked. The Prime Minister of Saint Vincent and the Grenadines stated that the treasured right to self-defence could not be exercised disproportionately or outside the boundaries of international law. The representative of South Africa noted that the Charter made very clear that the Council was the sole body that could authorize the use of force, and provided that States could act in self-defence, including confronting imminent threats, but that such threats needed to be credible, real and objectively verifiable for the use of force without Council authorization to be justifiable.

At the resumption of the meeting on 13 January,²³⁵ the representative of Austria emphasized that all States were to refrain from actions that were in violation of Article 2 (4) of the Charter, which prohibited the threat or use of force against the territorial integrity or political independence of any State, noting with concern the increasing number of cases in which armed force was applied unilaterally while invoking the inherent right of self-defence

pursuant to Article 51 of the Charter. He further stressed that those cases and the fact that other Member States did not publicly express their legal views on each and every case may not be interpreted as a new State practice or *opinio juris* that might lead to the erosion of Article 2 (4) of the Charter.

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

In 2020, Article 51 was explicitly invoked 23 times in 18 communications from Member States addressed to the President of the Council or circulated as a document of the Council. The communications concerned a variety of disputes and situations. A complete list of letters from Member States containing explicit references to Article 51 is featured in table 13. Explicit references to Article 51 of the Charter were also found in two reports of the Secretary-General on the implementation of resolution 2522 (2020) concerning the mandate of the United Nations Assistance Mission for Iraq,²³⁶ as well as in a letter from the Secretary-General addressed to the President of the Council in which the Secretary-General transmitted the report of the International Commission of Inquiry on Mali.²³⁷

In addition, references to the principle of self-defence continued to be found in other communications from several Member States. For example, the Islamic Republic of Iran submitted various communications in which it expressed the intention to take all measures in exercising its right to self-defence with regard to the armed attack in Baghdad in which Major General Soleimani had been killed. On 3 January, categorically rejecting all reasoning and references made by the officials of the United States to justify the criminal assassination of Major General Soleimani, the Islamic Republic of Iran reserved all of its rights under international law to take necessary measures, in particular in exercising its inherent right to self-defence.²³⁸ Subsequently, on 16 January, with reference to the identical letters dated 9 January submitted by Iraq,²³⁹ the Islamic Republic of

²³⁶ See [S/2020/792](#) and [S/2020/1099](#).

²³⁷ See [S/2020/1332](#).

²³⁸ See [S/2020/13](#).

²³⁹ See [S/2020/26](#). In that letter, Iraq stated that for Iraqi territory to be bombarded by the Islamic Republic of Iran on the pretext of self-defence under Article 51 of the Charter was unacceptable and constituted a breach of the sovereignty of Iraq and a violation of the principles of good-neighbourliness, the Charter and international law.

²³⁵ See [S/PV.8699 \(Resumption 2\)](#).

Iran informed the Council that its actions on 8 January had been a measured and proportionate response in exercising its inherent right to self-defence against an American air base from which the attack against Major General Soleimani had been launched.²⁴⁰ In addition, on 15 September, the Islamic Republic of Iran reiterated that it would not hesitate to exercise its inherent right to self-defence to protect its people, defend its sovereignty and territorial integrity and secure its national interests against any aggression.²⁴¹ Pakistan also submitted a communication transmitting a letter from its Minister for Foreign Affairs informing the Council that Pakistan would – consistent with its right to self-defence granted under the Charter – respond swiftly and effectively to “Indian aggression”.²⁴² Iraq also submitted a communication in which it called upon the Council to condemn the bombardment of Iraqi army positions and civilian installations by the United States, and emphasized that there was no basis in international law for using self-defence as a justification.²⁴³ The Bolivarian Republic of Venezuela submitted a communication denouncing the hostile and aggressive attitude of British-, Dutch-, French- and United States-flagged warships and the threat of the imposition of a naval blockade, which, under international law, was an act of war, particularly if not authorized by the Council on the basis of Article 41 of the Charter or applied pursuant to the inherent

right of self-defence.²⁴⁴ Armenia submitted several communications denouncing the alleged aggression by Azerbaijan and recalling its own inherent right to self-defence.²⁴⁵ Armenia also denounced the allegations by Turkey that the military actions of Azerbaijan could be justified as self-defence under international law.²⁴⁶ Azerbaijan also submitted several communications informing the Council of the series of countermeasures undertaken by the country in self-defence against the alleged attacks by Armenia, including the cross-border attacks and the aggression carried out on 27 September.²⁴⁷ Turkey submitted a communication regarding the hostilities between Armenia and Azerbaijan, asserting that Azerbaijan had been exercising its inherent right of self-defence, as the hostilities were taking place exclusively on its own sovereign territory.²⁴⁸ South Africa also submitted a communication transmitting a letter from the Secretary-General of Frente POLISARIO addressed to the President of the Council, in which the Secretary-General of Frente POLISARIO alleged an act of aggression by the Moroccan military forces and reported on the measures taken by Frente POLISARIO in self-defence and to protect civilians.²⁴⁹

²⁴⁴ See [S/2020/431](#). See also [S/2020/520](#).

²⁴⁵ See [S/2020/719](#), [S/2020/955](#) and [S/2020/1060](#).

²⁴⁶ See [S/2020/1187](#).

²⁴⁷ See [S/2020/732](#), [S/2020/948](#), [S/2020/956](#), [S/2020/965](#), [S/2020/973](#), [S/2020/977](#), [S/2020/1047](#) and [S/2020/1161](#).

²⁴⁸ See [S/2020/1024](#).

²⁴⁹ See [S/2020/1131](#).

²⁴⁰ See [S/2020/44](#).

²⁴¹ See [S/2020/905](#).

²⁴² See [S/2020/194](#).

²⁴³ See [S/2020/213](#).

Table 13
Communications from Member States containing explicit references to Article 51 of the Charter in 2020

<i>Document symbol</i>	<i>Document title</i>
S/2020/7	Identical letters dated 2 January 2020 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
S/2020/16	Letter dated 7 January 2020 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2020/19	Letter dated 8 January 2020 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2020/20	Letter dated 8 January 2020 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council
S/2020/26	Identical letters dated 9 January 2020 from the Permanent Representative of the Republic of Iraq to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2020/81	Letter dated 29 January 2020 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2020/130	Letter dated 19 February 2020 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council

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<i>Document symbol</i>	<i>Document title</i>
S/2020/277	Letter dated 3 April 2020 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the President of the Security Council
S/2020/399	Identical letters dated 13 May 2020 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General and the President of the Security Council
S/2020/675	Letter dated 8 July 2020 from the Permanent Representative of Saint Vincent and the Grenadines to the United Nations addressed to the President of the Security Council
S/2020/677	Letter dated 8 July 2020 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
S/2020/729	Letter dated 21 July 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General
S/2020/885	Letter dated 2 September 2020 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
S/2020/989	Letter dated 8 October 2020 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the President of the Security Council
S/2020/1117	Letter dated 16 November 2020 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
S/2020/1165	Letter dated 3 December 2020 from the Permanent Representative of Turkey to the United Nations addressed to the President of the Security Council
S/2020/1264	Letter dated 19 December 2020 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council
S/2020/1307	Letter dated 29 December 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General
